

AGENDA

PLANNING COMMISSION  
MAY 30, 2018  
10:00 A.M.

MARATHON GOV'T CENTER  
MARATHON, FL 33050

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMISSION:

Denise Werling, Chairman  
William Wiatt  
Teri Johnston  
Ron Miller  
Beth Ramsay-Vickrey

STAFF:

Emily Schemper, Acting Sr. Director of Planning and Environmental Resources  
Steve Williams, Assistant County Attorney  
Derek Howard, Assistant County Attorney  
Thomas Wright, Planning Commission Counsel  
Mike Roberts, Sr. Administrator, Environmental Resources  
Bradley Stein, Development Review Manager  
Tiffany Stankiewicz, Development Administrator  
Devin Rains, Principal Planner  
Cheryl Cioffari, Principal Planner  
Thomas Broadrick, Sr. Planner  
Barbara Bauman, Sr. Planner  
Janene Sclafani, Sr. Planner  
Devin Tolpin, Planner  
Matthew Restaino, Planner  
Ryan Vandenburg, Planner  
Barbara Valdes-Perez, Transportation Planner  
Ilze Aguila, Sr. Planning Commission Coordinator

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

-  
SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

-  
SWEARING OF COUNTY STAFF

CHANGES TO THE AGENDA

-  
APPROVAL OF MINUTES: April 25, 2018

-

-

-  
MEETING

Continued Items:

1. WAYNE AND KAREN HOWARD, VACANT LAND ON LAGOON DR., SUMMERLAND KEY, MILE MARKER 2 OCEAN SIDE: A PUBLIC HEARING

CONCERNING A REQUEST FOR A VARIANCE OF 15 FEET TO THE REQUIRED 25 FOOT PRIMARY FRONT YARD SETBACK, WHICH IS ADJACENT TO THE LAGOON DRIVE RIGHT-OF-WAY. APPROVAL OF THE VARIANCE WOULD RESULT IN A 10 FOOT PRIMARY FRONT YARD SETBACK. THE VARIANCE IS REQUESTED FOR THE DEVELOPMENT OF A PROPOSED SINGLE FAMILY RESIDENCE. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS LOT 4, BLOCK 2, SUMMERLAND COVE ISLES – BLOCK NO. 2 & 3 (PLAT BOOK 6, PAGE 67) MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00198932-000400. (FILE # 2017-015).

[2017-015 SR PC 05.30.18.pdf](#)

[2017-015 FILE - Howard.PDF](#)

[2017-015 Combined Plans.PDF](#)

2. BRADLEY M. LEVINE and MELISSA A. FRIEDMAN-LEVINE, 68 TARPON AVENUE, KEY LARGO FLORIDA: AN APPEAL, PURSUANT TO SECTION 102-185 OF THE MONROE COUNTY LAND DEVELOPMENT CODE, BY THE PROPERTY OWNERS TO THE PLANNING COMMISSION CONCERNING THE JUNE 9, 2017, DENIAL OF A REQUEST FOR AN EXEMPTION TO A SPECIAL VACATION RENTAL PERMIT. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS REVISED AMENDED PLAT OF RIVIERA VILLAGE PB2-80 KEY LARGO RESERVED TR 2 G57-181 OR395-170-171 OR449-968 OR806-608 OR1188-1256AFF OR1639-1604 OR2513-1453/54, HAVING REAL ESTATE NUMBERS 00511770-000000. (File 2017-095)

[2017-095 SR PC 05.30.18 w Attachments.pdf](#)

[2017-095 FILE - Levine.PDF](#)

[2017-095 Exhibit from Applicant Recvd 05.24.18.PDF](#)

[2017-095 Public Comment - PC.pdf](#)

3. FAMILY DOLLAR STORES OF FLORIDA, LLC, 105660 OVERSEAS HIGHWAY, KEY LARGO, MILE MARKER 105.5 BAY SIDE: A PUBLIC HEARING CONCERNING THE REQUEST FOR A 2APS ALCOHOLIC BEVERAGE USE PERMIT, WHICH WOULD ALLOW FOR BEER AND WINE, PACKAGE SALES FOR OFF PREMISES CONSUMPTION. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS LOTS 6 AND 12 AND THE SOUTHWESTERLY 67 FEET OF LOTS 5 AND 13, ALL IN BLOCK 15 SEXTON COVE ESTATES ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 30, MONROE COUNTY, FLORIDA; HAVING REAL ESTATE #00532701-042500. (FILE 2017-137)

[\04.25.18\2018-020 SR PC 04.25.2018 w attachment.pdf](#)

[\04.25.18\2018-020 File - J-Dao Sushi.PDF](#)

4. L.J. GATOR, L.C. DBA BOONDOCKS GRILLE & DRAFT HOUSE & MINIATURE GOLF, 27205 OVERSEAS HIGHWAY, RAMROD KEY: A PUBLIC HEARING CONCERNING A REQUEST FOR A SIGN VARIANCE TO MAXIMUM SIGN ALLOWANCES IN CHAPTER 142 OF THE MONROE COUNTY LAND DEVELOPMENT CODE (LDC). APPROVAL OF THE SIGN VARIANCE WOULD RESULT IN ONE (1) ADDITIONAL GROUND MOUNTED SIGN, FOR A TOTAL OF TWO (2) GROUND MOUNTED SIGNS TO BE LOCATED ON THE SUBJECT PROPERTY WITHIN THE SUBURBAN COMMERCIAL (SC) LAND USE DISTRICT. THE SIGN VARIANCE IS REQUESTED FOR A PROPOSED 116 SQUARE FEET GROUND MOUNTED SIGN HAVING TWO FACES FOR A TOTAL FACE AREA OF 232 SQUARE FEET, LOCATED ON A PARCEL COMMONLY KNOWN AS BOONDOCKS GRILLE & DRAFT HOUSE. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS PARCELS OF LAND IN SECTIONS 29 AND 32, TOWNSHIP 66 SOUTH, RANGE 29 EAST, RAMROD KEY, MONROE COUNTY, FLORIDA HAVING REAL ESTATE NUMBER 00114030-000500. (File 2018-026)

[2018-026 Supp Memo 2 to SR PC 05.30.18.pdf](#)

[2018-026 Supp Memo to SR PC 04.25.18.pdf](#)

[2018-026 SR PC 04.25.18.pdf](#)

[2018-026 File - Boondocks.PDF](#)

[2018-026 Public Comment.PDF](#)

[2018-026 Site Plan - Boondocks.pdf](#)

[2018-026 Recvd 04.26.18 Proposed Sign Dimensions.PDF](#)

5. SUMMERLAND KEY MARINA, 24326 OVERSEAS HIGHWAY, SUMMERLAND KEY, MILE MARKER 24.5 OCEAN SIDE: A PUBLIC HEARING CONCERNING A REQUEST FOR A VARIANCE OF 18 OFF-STREET PARKING SPACES FROM THE REQUIRED 35 OFF-STREET PARKING SPACES PURSUANT TO CHAPTER 114, ARTICLE III. APPROVAL OF THE VARIANCE WOULD RESULT IN A TOTAL OF 17 OFF-STREET PARKING SPACES ON THE SITE. THE VARIANCE IS REQUIRED FOR THE PROPOSED DEVELOPMENT OF FOUR (4) EMPLOYEE HOUSING UNITS ON A PROPERTY WITH AN EXISTING MARINA AND ONE (1) COMMERCIAL APARTMENT. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS LOTS 9, 10, 11, 12, AND 13, BLOCK 2, SUMMERLAND KEY COVE ADDITION 2 (PLAT BOOK 4, PAGE 100), SUMMERLAND KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00190830-000000. (File 2018-037).

[2018-037 SR PC 05.30.18.pdf](#)

[2018-037 FILE - Summerland.PDF](#)

[2018-037 Combined Plans.PDF](#)

[2018-037 Public Comment.PDF](#)

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New Items:

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6. A PUBLIC HEARING TO CONSIDER AND FINALIZE THE RANKING OF APPLICATIONS IN THE NON-RESIDENTIAL ALLOCATION SYSTEM FOR JANUARY 13, 2018, THROUGH APRIL 12, 2018, ROGO (Quarter 3, Year 26). ALLOCATION AWARDS WILL BE ALLOCATED FOR ALL UNINCORPORATED MONROE COUNTY.

Pursuant to Monroe County Code Section 138-53(e)(14), the Planning and Environmental Resources Department is providing a notification to the general public of the NROGO account balances. The balances are as follows:

NROGO YEAR 26 Balances Available for Quarter 3

NROGO Year 26 Balances Available for Quarter 3			
	ANNUAL NROGO	NROGO BANK	
NROGO Year 26 Balances Available for Quarter 3	Year 26 Annual Allocation Amount	Subarea Bank Accounts (rollover from Year 25)	Year 26 General (Joint) Bank Total
Big Pine Key and No Name Key subarea	2,390 SF	12,821 SF**	N/A
Upper Keys subarea	22,944 SF	41,135 SF*	547,979 SF*
Lower Keys subarea	21,749 SF		
Totals	47,083 SF	53,956 SF	547,979 SF*

\*The YR 26 Bank Totals includes 20,000 SF in reserves for the Upper and Lower Key. (Ord. 020-2013) (Ord. 030-2016)

\*\* Includes NROGO SF from expired allocation awards.

(File 2017-139)

[2017-139 SR PC 05.30.18 - NROGO.pdf](#)

7. A PUBLIC HEARING TO CONSIDER AND FINALIZE THE RANKING OF APPLICATIONS IN THE DWELLING UNIT ALLOCATION SYSTEM FOR JANUARY 13, 2018, THROUGH APRIL 12, 2018, ROGO (Quarter 3, Year 26). ALLOCATION AWARDS WILL BE ALLOCATED FOR ALL UNINCORPORATED MONROE COUNTY.

(File 2017-140)

[2017-140 SR PC 05.30.18 - ROGO.pdf](#)

8. MANLEY-DEBOER LUMBER COMPANY / COMO OIL COMPANY OF FLORIDA, 177 INDUSTRIAL ROAD, BIG PINE KEY, MILE MARKER 31 OCEAN SIDE: A PUBLIC HEARING CONCERNING A REQUEST FOR A MAJOR CONDITIONAL USE PERMIT FOR THE PROPOSED DEVELOPMENT OF A HEAVY INDUSTRIAL USE CONSISTING OF BULK PETROLEUM STORAGE IN THE FORM OF TWO 30,000-GALLON ABOVE-GROUND LIQUID PETROLEUM GAS TANKS AT THE EXISTING LUMBERYARD. THE SUBJECT PROPERTY IS LEGALLY DESCRIBED AS A PARCEL OF LAND IN SECTION 25, TOWNSHIP 66 SOUTH, RANGE 29 EAST, BIG PINE KEY, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00110830-000303.

(FILE # 2017-070)

[2017-070 SR PC 05.30.18 w Attachments.pdf](#)

[2017-070 FILE Manley DeBoer.PDF](#)

[2017-070 Revised Traffic Study May 2018 - Manley DeBoer.pdf](#)

[2017-070 Revised Combined Plans - Manley DeBoer.PDF](#)

9. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY LAND DEVELOPMENT CODE SECTION 139-1, AFFORDABLE AND EMPLOYEE HOUSING; ADMINISTRATION, TO SPECIFY THAT WHEN CALCULATING DENSITY, AFFORDABLE HOUSING DENSITY SHALL BE EXCLUDED FROM CALCULATIONS OF CUMULATIVE HOTEL/MOTEL DENSITY ON A PARCEL (OPERATING AS A DENSITY BONUS FOR THE DEVELOPMENT OF AFFORDABLE/EMPLOYEE HOUSING ON PROPERTIES WITH A HOTEL/MOTEL); PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR INCLUSION IN THE MONROE COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE.

(File 2017-075)

[2017-075 SR PC 05.30.18 w Exhibits.pdf](#)

[2017-075 FILE Longstock.PDF](#)

[2017-075 Public Comment - Longstock.PDF](#)

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

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

- BOARD DISCUSSION

- GROWTH MANAGEMENT COMMENTS

- RESOLUTIONS FOR SIGNATURE

- ADJOURNMENT 1:00PM



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Planning Commission  
Through: Emily Schemper, Senior Director of Planning & Environmental Resources  
From: Janene Sclafani, Senior Planner  
Date: April 4, 2018  
Subject: *Request for a Variance on a vacant parcel on Lagoon Drive, Lot 4, Block 2, Summerland Cove Isles (PB6-67), Summerland Key, Real Estate Number 00198932-000400 (File# 2017-015)*

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Meeting Date: April 25, 2018

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1 I REQUEST:

2  
3 The applicant is requesting a Variance of 15 feet to the required 25-foot primary front yard  
4 setback for a portion of the frontage along Lagoon Drive. Approval of the Variance would result  
5 in a primary front yard setback of 10 feet from the required 25 feet. The Variance is for the  
6 proposed development of a single family residence.  
7



8  
9  
10 *Subject Property (center, outlined in blue) with Land Use (Zoning) Districts, 2015 Aerial*

1 **II BACKGROUND INFORMATION:**

2  
3 **Address:** Vacant parcel on Lagoon Drive, Summerland Key, Mile Marker 24 (Ocean side)

4 **Legal Description:** LOT 4, BLOCK 2, SUMMERLAND COVE ISLES, according to the  
5 map or plat thereof, as recorded in Plat Book 6, Page 67, of the Public Records of Monroe  
6 County, Florida

7 **Real Estate (RE) Numbers:** 00198932-000400

8 **Property Owner/Applicant:** Wayne and Karen Howard

9 **Agent:** Christopher B. Waldera, P.A.

10 **Size of Site:** 7,364 square feet / 0.689 acres (based on Monroe County's Property Record  
11 Card)

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

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

14 **Tier Designation:** III (Infill Area)

15 **Flood Zone:** AE11

16 **Existing Uses:** Vacant Residential

17 **Existing Vegetation / Habitat:** Scarified

18 **Community Character of Immediate Vicinity:** Single family residential

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

21  
22 A review of County records yielded no relevant records.

23  
24 **IV REVIEW OF APPLICATION:**

25  
26 The applicant is requesting a Variance of 15 feet to the required 25-foot primary front yard  
27 setback. Pursuant to Monroe County Land Development Code (LDC) Section 102-186, the  
28 Planning Director is authorized to grant variances for the reduction of the front non-shoreline  
29 setback requirements by up to ten (10) feet. The variance requested exceeds ten (10) feet.  
30 LDC Section 102-187, the Planning Commission is authorized to grant front yard variances  
31 according to the standards of Section 102-187. The proposed variance would result in a  
32 primary front yard setback of 10 feet for frontage along the "T" portion of Lagoon Drive.  
33 The primary front yard setback for the main portion of frontage along Lagoon Drive would  
34 remain 25 feet.

35  
36 *Pursuant to LDC Section 102-187, a variance may only be granted if the applicant*  
37 *demonstrates that all of the following standards are met:*

38  
39 (1) *The applicant demonstrates a showing of good and sufficient cause:*

40  
41 The applicant states, "The Property fronts on Lagoon Drive which ends in a "T" shaped  
42 cul-de-sac which curves around the Northwesterly corner of the Property and terminates  
43 approximately 38 feet along the side lot from the front property line of the Property. The  
44 terminus of Lagoon Drive along this side lot is at the drive way entrance into the

1 neighboring lot, Lot 5, Block 2, of Summerland Cove Isles -Block 2 & 3. As a result, the  
2 Northerly boundary of the Property is subject to a 25 foot front yard setback along this 38  
3 feet of the side lot and the remaining 63 feet of the side lot is subject to a 10 foot setback.  
4 The applicant is requesting a variance from the 25 foot front yard setback along the first  
5 38 feet of the Northerly boundary line of the property to a 10 foot setback which is  
6 consistent with the setback for the remaining 63 feet of the Northerly boundary line of the  
7 property. The granting of the variance would allow the applicant to build a single family  
8 home that is consistent with the existing homes in the immediate neighborhood further  
9 enhancing the nature and character of the neighborhood and thereby maintaining and  
10 even enhancing the values of the adjacent and neighboring properties. Failing to grant the  
11 requested variance will result in the loss of approximately 400 square feet of living area  
12 in the proposed improvements.”

13  
14 *Upon review of developed lots with a similar configuration within the surrounding area,*  
15 *it appears they are nonconforming to the current setback requirements of the LDC.*  
16 *Therefore, staff agrees that the applicant has demonstrated good and sufficient cause for*  
17 *the requested variance. (It should be noted that staff has no data to either confirm or*  
18 *deny the applicant’s statement above that, construction of a single family home will*  
19 *contribute to “maintaining and even enhancing the values of the adjacent and*  
20 *neighboring properties.”)*

21  
22 **IN COMPLIANCE**

23  
24 (2) *Failure to grant the variance would result in exceptional hardship to the applicant:*

25  
26 LDC Section 101-1 defines “exceptional hardship” as “a burden on a property owner that  
27 substantially differs in kind or magnitude from the burden imposed on other similarly  
28 situated property owners. Financial difficulty/hardship does not qualify as exceptional  
29 hardship.”

30  
31 The applicant states, “Failure to grant the requested variance will result in exceptional  
32 hardship to the applicant in that the existing set back will result in the loss of  
33 approximately 400 square feet of living area in the proposed improvements. Attached  
34 hereto is the engineer’s preliminary drawing illustrating the loss of living space and the  
35 absence of 4 square comers that is evident in most other homes in the community.  
36 Compliance with the existing 25 foot setback requirement will require re-engineering  
37 existing house plans to adapt to the setback creating an odd shaped home compared with  
38 existing homes in the neighborhood. This odd shape will create an aesthetically  
39 unpleasing look inconsistent with the look of homes in the immediate vicinity of the  
40 Property. In addition, the failure to grant the requested variance will result in substantial  
41 additional costs for additional engineering work and construction costs imposing a  
42 financial hardship upon the applicant.”

43  
44 *Staff notes that similarly configured lots developed with single family residences have an*  
45 *average dwelling unit of 3,600 square feet, the applicant is requesting 2,700 square feet*

1           *which is less than the average. Therefore, staff agrees failure to grant the variance would*  
2           *result in exceptional hardship by not being able to develop an average size house.*

3  
4           IN COMPLIANCE

- 5  
6           (3) *Granting the variance will not result in increased public expenses, create a threat to*  
7           *public health and safety, create a public nuisance, or cause fraud or victimization of the*  
8           *public:*

9           The applicant states “Granting the variance will not result in increased public expenses.  
10           On the contrary, the additional 400 square feet of living space as a result of granting the  
11           variance will increase the overall taxable value of the Property which will create a benefit  
12           to the community. Granting the variance will not create a threat to public health and  
13           safety, a public nuisance or cause fraud or victimization of the public. The Property is  
14           located at the dead end of Lagoon Drive on Summerland Key. The requested variance is  
15           for a reduction of the setback for which is essentially a side lot line, not a front lot line.  
16           Lagoon Drive curves Northeasterly at the end of the road into the drive way of the  
17           neighboring property. That curve is approximately 38 feet from the front lot line of the  
18           Property and granting the variance to allow the building of a house set back 10 feet from  
19           the property line will not create any hazard to public safety. Furthermore, the pavement  
20           of Lagoon Drive is set back from the Property lot lines at all points as shown on the  
21           attached survey making the set back from the pavement of Lagoon Drive greater than the  
22           10 foot setback sought by the applicant.”

23  
24           *Staff does not anticipate that granting requested variance would result in increased*  
25           *public expenses, create a threat to public health and safety, create a public nuisance, or*  
26           *cause fraud or victimization of the public.*

27  
28           IN COMPLIANCE

- 29  
30           (4) *The property has unique or peculiar circumstances:*

31  
32           The applicant states, “There are unique or peculiar circumstances that apply to the  
33           Property which do not apply to other properties in the same zoning district. The Property  
34           is located at the terminus of Lagoon Drive where there is a "T" shaped cul-de-sac. The  
35           Northeasterly extension of the "T" shaped cul-de-sac curves along what is essentially a  
36           small portion of the front lot line and a portion of what is essentially the side lot line of  
37           the Property. The vast majority of the properties in the neighborhood are faced with only  
38           one front lot line set back, whereas the Property is subject to essentially two front lot line  
39           setbacks. There are three other homes in the immediate vicinity of the Property which  
40           have two front lot line setbacks. These are 840 Lagoon Drive, 860 Lagoon Drive and 869  
41           Lagoon Drive. All of these three properties have improvements built within the 25 foot  
42           setbacks. 860 and 869 Lagoon Drive both have improvements within the 25 foot setback  
43           along Isles Boulevard. 840 Lagoon Drive, which is immediately across the street from the  
44           Property, is similarly configured in that the Southwesterly extension of the "T" shaped  
45           cul-de-sac curves along what is essentially a small portion of the front lot line and a  
46           portion of what is essentially the side lot line of the Property. The home situated on that

1 property is not set back 25 feet from the Southwesterly extension of the "T" shaped cul-  
2 de-sac. On the contrary, the improvements on that lot appear to be set back no more than  
3 10 feet. The applicant is seeking a variance which is consistent with the improvements on  
4 each of the three aforementioned properties.”

5  
6 Pursuant to LDC Section 101-1, *Setback* means the area between a building or structure  
7 and the property line of the parcel of land on which the building or structure is located,  
8 unoccupied and unobstructed from the ground upward, except for fences or other  
9 development permitted in the area as provided for in this Land Development Code. In  
10 measuring a setback, the horizontal distance between the property line and the  
11 furthestmost projection of the building or structure shall be used. Further, the setback shall  
12 be measured at a right angle (90 degrees) from the property line.

13  
14 Pursuant to LDC Section 131-3 Applicability of Required Setbacks, a front yard is a  
15 required setback on a parcel of land that is located along the full length of the front  
16 property line of the parcel.

17  
18 *Staff notes that Lagoon Drive terminates in a “T” shape causing the primary front yard*  
19 *setback to run along the entire property line to the side yard. While this configuration is*  
20 *not unique to this property, the primary front yard setback was not applied in this manner*  
21 *to similarly configured properties which creates a unique or peculiar circumstance to*  
22 *this property.*

23  
24 IN COMPLIANCE

- 25  
26 (5) *Granting the variance will not give the applicant any special privilege denied other*  
27 *properties in the immediate vicinity:*

28  
29 The applicant states, “Granting the variance will not give the applicant any special  
30 privilege denied to other properties in the immediate neighborhood in terms of the  
31 provisions of the code or established development patterns. On the contrary, granting the  
32 variance will allow the applicant to build a home that is consistent with other homes in  
33 the neighborhood. The applicant is not seeking a variance of the front lot line set back  
34 that borders on Lagoon Drive, but will build a home in compliance with that set back  
35 consistent with the other homes on the street. The applicant is seeking a variance of the  
36 side lot line, so that the applicant can build a home that is consistent with the homes  
37 located at 840, 860 and 869 Lagoon Drive. Each of those properties have homes that have  
38 been built in compliance with a front lot line set back of 25 feet and a side lot line set  
39 back of much less than 25 feet. If the variance is denied, the home that would be built on  
40 the Property would be inconsistent with the homes located at 840, 860 and 869 Lagoon  
41 Drive and the applicant will receive disparate enforcement of the setback requirements.”

42  
43 *A search of County records did not yield any setback variance application or denials,*  
44 *therefore, staff does not anticipate the approval of the variance would grant the applicant*  
45 *any special privilege denied other properties in the immediate neighborhood in terms of*  
46 *the provisions of this chapter or established development patterns.*

1  
2 IN COMPLIANCE  
3

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

7 The applicant states, "The requested variance is not based upon disabilities, handicaps, or  
8 health of the applicant or the applicant's family."  
9

10 *Concerning the proposed development, granting the requested variances would not be*  
11 *based on disabilities, handicaps or health of the applicant or their family members.*  
12

13 IN COMPLIANCE  
14

- 15 (7) *Granting the variance is not based on the domestic difficulties of the applicant or his*  
16 *family:*  
17

18 The applicant states, "Granting of the variance is not based on the domestic difficulties  
19 on the applicant or the any of the applicant's family."  
20

21 *Concerning the proposed development, granting the requested variances would not be*  
22 *based on the domestic difficulties of the applicant or their family.*  
23

24 IN COMPLIANCE  
25

- 26 (8) *The variance is the minimum necessary to provide relief to the applicant:*  
27

28 The applicant states, "The variance is the minimum necessary to provide relief to the  
29 applicant. Reducing the 25 foot setback requirement for what is essentially a side lot line  
30 setback to 10 feet will provide the necessary relief to allow the applicant to build a home  
31 on the property that is consistent with the neighborhood."  
32

33 *Staff agrees that granting the variance is the minimum necessary for the proposed*  
34 *development as shown on the site plan in order to provide relief to the applicant.*  
35

36 IN COMPLIANCE  
37

38 V RECOMMENDATION:

39 Staff recommends **APPROVAL** of the requested variance to setbacks with the following  
40 conditions:  
41

- 42 1. This variance approval is based on the site plan by Stephen Lee Markey, P.E., of Slim  
43 Engineering, LLC, dated November 21, 2016, submitted with the Variance Application.  
44 Work not specified or deviations to the approved plans shall not be carried out without  
45 any required additional Planning & Environmental Resources Department approval.  
46  
47 2. This variance approval does not waive or reduce any other setback requirements, nor  
48 waive the setback parking requirements for any future development.  
49

- 1 VI PLANS REVIEWED:
- 2 A. Site Plan by Stephen Lee Markey, P.E. dated November 21, 2016
- 3 B. Boundary Survey by Robert E. Reece, PSM dated May 3, 2016

**File #:** 2017-015

**Owner's Name:** Howard, Wayne & Karen

**Applicant:** Howard, Wayne & Karen

**Agent:** Christopher B. Waldera

**Type of Application:** PC Variance

**Key:** Summerland Key

**RE:** 00198932.000400

APPLICATION  
MONROE COUNTY  
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT



**Variance Application to the Monroe County Planning Commission**

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

Planning Commission Variance Application Fee: \$1,610.00

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

Advertising Costs: \$245.00

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

**Date of Application:** 07 / 28 / 2017  
Month Day Year

**Applicant / Agent Authorized to Act for Property Owner:** (Agents must provide notarized authorization from all property owners.)

Christopher B. Waldera, P.A.

Applicant (Name of Person, Business or Organization)

Christopher B. Waldera

Name of Person Submitting this Application

5800 Overseas Highway, Suite 7, Marathon, Florida 33050

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

305-289-2223

Work Phone

Home Phone

Cell Phone

chris@cbwpa.com

Email Address

**Property Owner:** (Business/Corp must include documents showing who has legal authorized to sign.)

Wayne Howard and Karen Howard, husband and wife Wayne Howard

(Name/Entity)

Contact Person

31 South Bay Avenue, Amityville, NY 11701

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

516-318-1498

Work Phone

Home Phone

Cell Phone

WHoward8@aol.com

Email Address

**Legal Description of Property:**

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

2

Block

4

Lot

Sumerland Cove Isles

Subdivision

Summerland Key

Key

00198932-000400

Real Estate (RE) Number

Alternate Key Number

Lagoon Drive, Summerland Key, Florida 33042

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

24

Approximate Mile Marker

APPLICATION

Land Use District Designation(s): Residential
Present Land Use of the Property: Vacant Lot
Proposed Land Use of the Property: Single Family Residential Home
Total Land Area: 7365

Provide the standards required by the land development regulations: Corner lot with front yard setback of 25 feet on two sides (i.e., front yard setback of 25 feet, 100 off-street parking spaces, etc.)

Provide requested variance: Reduction of 15 feet of front yard setback along side of lot to 10 feet (i.e., reduction of 5ft for a front yard setback of 20 feet; reduction to 90 off-street parking spaces, etc.)

All of the following standards must be met in order to receive variance approval. Please describe how each standard will be met (as it relates to the property):

1. The applicant shall demonstrate a showing of good and sufficient cause for granting the variance: See attached sheet

2. Failure to grant the variance would result in exceptional hardship to the applicant: See attached sheet

Exceptional hardship means a burden on a property owner that substantially differs in kind or magnitude from the burden imposed on other similarly situated property owners in the same land use district as a result of adoption of the regulations.

3. Granting the variance will not result in increased public expenses, create a threat to public health and safety, create a public nuisance or cause fraud or victimization of the public: See attached sheet

4. Property has unique or peculiar circumstances, which apply to this property, but which do not apply to other properties in the same zoning district: See attached sheet

APPLICATION

5. Granting the variance will not give the applicant any special privilege denied other properties in the immediate neighborhood in terms of the provisions of the code or established development patterns:

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See Attached Sheet

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

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The requested variance is not based upon disabilities, handicaps or health of the applicant or the applicant's family.

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

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The granting of the variance is not based on the domestic difficulties of the applicant or any of the applicant's family.

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

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The variance is the minimum necessary to provide relief to the applicant. Reducing the 25 foot set back requirement for what is essentially a side lot

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line set back to 10 feet will provide the necessary releif to allow the applicant to build a home on the Property that is consistent with the neighborhood.

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The attached engineer's rendering of the proposed home's footprint shows the need for the reduction for the side lot set back to 10 feet.

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AGENT AUTHORIZATION FORM

Date of Authorization: 4 / 12 / 2017
Month Day Year

I hereby authorize CHRISTOPHER B. WALDEA be listed as authorized agent
(Print Name of Agent)

representing WAYNE + KAREN HOWARD for the application submission
(Print Name of Property Owner(s) the Applicant(s))

of Planning Commission Variance Application (Monroe City)
(List the Name and Type of applications for the authorization)

for the Property described as: (if in metes and bounds, attach legal description on separate sheet)

4 2 Summerland Cove Isles Summerland Key
Lot Block Subdivision Key (Island)

00198932-000400
Real Estate (RE) Number Alternate Key Number

Lagoon Drive Summerland Key FL 33042 24
Street Address (Street, City, State & Zip Code) Approximate Mile Marker

Authorized Agent Contact Information:

5800 Overseas Hwy Suite 7 Marathon FL 33050
Mailing Address (Street, City, State and Zip Code)

305 289 2223 CHRIS@CBWPA.COM
Work Phone Home Phone Cell Phone Email Address

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purposes stated. The undersigned understands the risks and liabilities involved in the granting of this agency and accepts full responsibility for any and all of the actions of the agent named herein related to the processing of the services requested, application(s) and/or the acquisition of approvals/permits for the aforementioned applicant. The applicant(s) hereby indemnifies and holds harmless Monroe County, its officers, agents and employees for any damage to applicant caused by its agent or arising from this agency authorization.

Note: Agents must provide a notarized authorization from ALL current property owners.

Signature of Property Owner: Wayne Howard Karen Howard

Printed Name of Property Owner: Wayne Howard Karen Howard

STATE OF FL COUNTY OF Monroe

Sworn to and subscribed before me this 12th day of April, 2017,

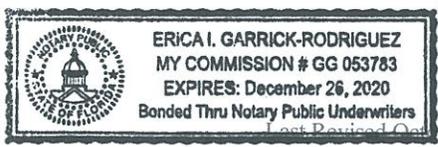
by Wayne Howard + Karen Howard, who is personally known to me OR produced
(Print Name of Person Making Statement)

DL as identification.
(Print Name of Person Making Statement)

Signature of Notary Public

ERICA I. GARRICK-RODRIGUEZ
Print, Type or Stamp Commissioned Name of Notary Public

My commission expires:



# NEW YORK STATE

*David J. Sweet*  
Commissioner of Motor Vehicles



## COMMERCIAL DRIVER LICENSE

ID: 643 152 300 CLASS B

HOWARD  
WAYNE, M  
31 S BAY AV  
AMITYVILLE NY 11701

DOB: 06-01-59  
SEX: M EYES: BL HT: 6-00  
E: P  
R: A3



ORGAN DONOR

ISSUED: 05-12-09 EXPIRES: 06-01-17 6E2L237B07

*Wayne Howard*

# NEW YORK STATE

DRIVER LICENSE

USA

*David Egan*  
Executive Deputy Commissioner of Motor Vehicles

ID 128 893 037

Class D

HOWARD  
KAREN, A  
31 S BAY AV  
AMITYVILLE, NY 11701

Sex F Height 5'-06" Eyes BRO

DOB 10/14/1966

Expires 10/14/2020

E NONE

R NONE

Issued 02/21/2017



Organ Donor



KAREN HOWARD  
EXCELSIOR



**Disclaimer**

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

By continuing into this site you assert that you have read and agree to the above statement.

**Summary**

Parcel ID 00198932-000400  
 Account # 1260941  
 Property ID 1260941  
 Millage Group 120C  
 Location Address VACANT LAN LAGOON DR, SUMMERLAND KEY  
 Legal Description BK 2 LT 4 SUMMERLAND COVE ISLES BLOCK NO 2 AND 3 SUMMERLAND KEY PB6-67 OR778-1146 OR1194-568/69 OR2623-797 OR2797-2010/11  
 (Note: Not to be used on legal documents)  
 Neighborhood 765  
 Property Class VACANT RES (0000)  
 Subdivision SUMMERLAND COVE ISLES BLK 2, 3  
 Sec/Twp/Rng 36/66/28  
 Affordable No  
 Housing



**Owner**

HOWARD WAYNE M AND KAREN A  
 31 S BAY AVE  
 AMITYVILLE NY 11701

**Valuation**

	2017	2016	2015	2014	2013	2012
+ Market Improvement Value	\$0	\$0	\$0	\$0	\$0	\$0
+ Market Misc Value	\$16,558	\$13,717	\$16,102	\$15,034	\$15,487	\$15,741
+ Market Land Value	\$235,648	\$140,518	\$195,985	\$153,460	\$138,669	\$125,726
= Just Market Value	\$252,206	\$154,235	\$212,087	\$168,494	\$154,156	\$141,467
= Total Assessed Value	\$252,206	\$154,235	\$185,343	\$168,494	\$151,290	\$137,537
- School Exempt Value	\$0	\$0	\$0	\$0	\$0	\$0
= School Taxable Value	\$252,206	\$154,235	\$212,087	\$168,494	\$154,156	\$141,467

**Land**

Land Use	Number of Units	Unit Type	Frontage	Depth
RESIDENTIAL CANAL UNPERMITTED (01CM)	7,364.00	Square Foot	0	0

**Yard Items**

Description	Year Built	Roll Year	Quantity	Units	Grade
RW2	1983	1984	1	168 SF	4
SEAWALL	1983	1984	1	225 SF	4
CONCRETE DOCK	1983	1984	1	480 SF	2
RW2	1983	1984	1	51 SF	4

**Sales**

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
5/10/2016	\$310,000	Warranty Deed		2797	2010	18 - Unqualified	Vacant
4/1/2013	\$100	Warranty Deed		2623	797	11 - Unqualified	Vacant
12/1/1978	\$4,600	Conversion Code		778	1146	Q - Qualified	Vacant

**Permits**

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
A11697	4/1/1984	12/1/1984	\$3,750	Residential	SEAWALL

**Photos**



Map



No data available for the following modules: Buildings, Commercial Buildings, Mobile Home Buildings, Exemptions, Sketches (click to enlarge).

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

Last Data Upload Data: 1/22/2018, 1:58:15 AM



Name THE CLOSING DEPARTMENT, INC.  
Address 3432 DUCK AVENUE  
KEY WEST, FL. 33040

Doc# 2076681 05/23/2016 11:13AM  
Filed & Recorded in Official Records of  
MONROE COUNTY AMY HEAVILIN

This Instrument Prepared by: DEBORAH CONDELLA  
Address: 3432 DUCK AVENUE  
KEY WEST, FL. 33040

05/23/2016 11:13AM  
DEED DOC STAMP CL: Krys \$2,170.00

\$310,000.00

Doc# 2076681  
Bk# 2/97 Pg# 2010

# Trustee's Deed

Wherever used herein, the term "party" shall include the heirs, personal representatives, successors and/or assigns of the respective parties hereto; the use of the singular shall include the plural, and the plural the singular; the use of any gender shall include all genders; and, if used, the term "note" shall include all the notes herein described if more than one

Made this 12<sup>th</sup> day of MAY A. D. 2016,

Between, **JOANNE T. HIGBEE, SUCCESSOR TRUSTEE OF THE JOHN J. TORI REVOCABLE TRUST AGREEMENT DATED NOVEMBER 26, 1991**

Whose address is 2810 Safe Harbor Drive, Tampa, Florida 33618  
of the County of , in the State of Florida, party of the first part, and

**WAYNE M. HOWARD and KAREN A. HOWARD, husband and wife**

Whose address is 31 S. Bay Avenue, Amityville, New York, 11701  
of the County of , in the State of New York, party of the second part,

Witnesseth, that the said party of the first part, for and in consideration of the sum of **TEN AND NO/100 (\$10.00) DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION** \_\_\_\_\_ Dollars to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part his heirs and assigns forever, the following described land, situate lying and being in the County of Monroe, State of Florida, to wit:

**Lot 4, Block 2, Summerland Cove Isles, Summerland Key, Florida, according to the Plat thereof, recorded in Plat Book 6, Page 67, of the Public Records of Monroe County, Florida.**

**GRANTOR(S) HEREIN WARRANT AND REPRESENT THAT THE LAND CONVEYED IN THIS WARRANTY DEED IS NOT HER HOMESTEAD, NOR THE HOMESTEAD OF ANY MEMBER OF HER FAMILY AS DEFINED BY THE LAWS OF THE STATE OF FLORIDA.**

**Property Appraiser's Parcel Identification Number: 00198932-000400  
Alternate Key Number: 1260941  
Property Address: Lot 4 Lagoon Drive, Summerland Key, Florida 33042**

**SUBJECT TO** taxes for the year 2016 and subsequent years.

**SUBJECT TO** easements, restrictions and reservations of record, but this reference thereto shall not operate to reimpose same.

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

In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Our Presence

Witnesses:

JOANNE T. HIGBEE, SUCCESSOR TRUSTEE OF  
THE JOHN J. TORI REVOCABLE TRUST  
AGREEMENT DATED NOVEMBER 26, 1991

#1 *Cynthia Bequette*  
Printed Name Cynthia Bequette

*Joanne T. Higbee, Trustee*  
JOANNE T. HIGBEE, as Successor Trustee

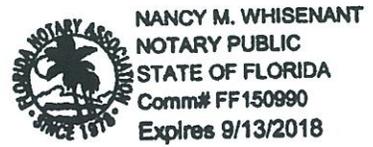
#2 *Olga Pina*  
Printed Name Olga Pina

State of Florida

County of Hillsborough

The foregoing instrument was acknowledged before me this May 10<sup>th</sup>, 2016, by JOANNE T. HIGBEE, Successor Trustee OF THE JOHN J. TORI REVOCABLE TRUST AGREEMENT DATED NOVEMBER 26, 1991, who has/have produced (personally known) as identification and who did (did not) take an oath.

*Nancy M. Whisenant*  
NOTARY PUBLIC  
SEAL:



CD-5506

MONROE COUNTY  
OFFICIAL RECORDS

## APPLICATION

**All of the following items must be included in order to have a complete application submission:**

(Please check the box as each required item is attached to the application.)

- Complete variance application (unaltered and unbound)
- Correct fee (check or money order payable to *Monroe County Planning & Environmental Resources*)
- Proof of ownership (i.e., Warranty Deed)
- Current Property Record Card(s) from the Monroe County Property Appraiser
- Location map
- Photograph(s) of site from adjacent roadway(s)
- Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor-sixteen (16) sets (at a minimum, survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage by land use district; and total acreage by habitat)
- Signed and Sealed Site Plan, prepared by a Florida registered architect, engineer or landscape architect-five (5) sets (drawn to a scale of 1 inch equals 20 feet, except where impractical and the Director of Planning authorizes a different scale). At a minimum, the site plan should include the following:
  - Date, north point and graphic scale
  - Boundary lines of site, including all property lines and mean high-water line
  
  - Land use district of site and any adjacent land use districts
  - Locations and dimensions of all existing and proposed structures and drives
  - Type of ground cover (i.e., concrete, asphalt, grass, rock)
  - Adjacent roadways
  - Setbacks as required by the land development regulations
  - Location and dimensions of all parking spaces (including handicap accessible, bicycle and scooter) and loading zones
- Typed name and address mailing labels of all property owners within a 300 foot radius of the property. This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 300 foot radius, each unit owner must be included.

**If applicable, the following item must be included in order to have a complete application submission:**

- Notarized Agent Authorization Letter

Is there a pending code enforcement proceeding involving all or a portion of this property?

Yes    No   Code Case file # \_\_\_\_\_ Describe the enforcement proceedings and if this application is being submitted to correct the violation: \_\_\_\_\_

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**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 administrative variance 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.

APPLICATION

Pursuant to Section 102-186 (i) of Monroe County Code, the applicant shall post the property of the proposed variance with a waterproof sign at least four (4) square feet in front surface area, which is so lettered as to be easily visible from all public streets and public ways abutting the property. The property shall remain posted for no less than thirty (30) calendar days beginning within five (5) working days of the date that the application is deemed to be in compliance by the Planning Director. For your convenience, the Department will provide you with a sample of the sign.

The applicant/owner hereby acknowledges and agrees that any staff discussions or negotiations about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

By signing this application, the owner of the subject property authorizes the Monroe County Planning & Environmental Resources staff to conduct all necessary site visits and inspections on the subject property.

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

Signature of Applicant: Wayne Howard  
Karen Howard Date: 7/29/2017

STATE OF New York

COUNTY OF Nassau

Sworn to and subscribed before me this 29<sup>th</sup> day of July, 2017,

by Wayne Howard and Karen Howard, who is personally known to me OR produced  
(PRINT NAME OF PERSON MAKING STATEMENT)

NYS Driver License as identification.  
(TYPE OF ID PRODUCED)

Esther Torres  
Signature of Notary Public, State of Florida New York

Esther Torres  
Print, Type or Stamp Commissioned Name of Notary Public  
My commission expires: 5/1/2018

**ESTHER TORRES**  
Notary Public - State of New York  
No. 01TO6145033  
Qualified in Nassau County  
My Commission Expires May 01, 2018

Send complete application package to:

**Monroe County Planning & Environmental Resources Department**  
**Marathon Government Center**  
**2798 Overseas Highway, Suite 400**  
**Marathon, FL 33050**

1. The subject property is described as Lot 4, Block 2, SUMMERLAND COVE ISLES - BLOCK NO. 2 & 3, a subdivision according to the Plat thereof recorded in Plat Book 6, Page 67, of the public records of Monroe County, Florida (the "Property"). The Property fronts on Lagoon Drive which ends in a "T" shaped cul-de-sac which curves around the Northwesterly corner of the Property and terminates approximately 38 feet along the side lot from the front property line of the Property. The terminus of Lagoon Drive along this side lot is at the drive way entrance into the neighboring lot, Lot 5, Block 2, of Summerland Cove Isles - Block 2 & 3. As a result, the Northerly boundary of the Property is subject to a 25 foot front yard set back along this 38 feet of the side lot and the remaining 63 feet of the side lot is subject to a 10 foot set back.

The applicant is requesting a variance from the 25 foot front yard set back along the first 38 feet of the Northerly boundary line of the property to a 10 foot set back which is consistent with the set back for the remaining 63 feet of the Northerly boundary line of the property. The granting of the variance would allow the applicant to build a single family home that is consistent with the existing homes in the immediate neighborhood further enhancing the nature and character of the neighborhood and thereby maintaining and even enhancing the values of the adjacent and neighboring properties. Failing to grant the requested variance will result in the loss of approximately 400 square feet of living area in the proposed improvements.

2. Failure to grant the requested variance will result in exceptional hardship to the applicant in that the existing set back will result in the loss of approximately 400 square feet of living area in the proposed improvements. Attached hereto is the engineer's preliminary drawing illustrating the loss of living space and the absence of 4 square corners that is evident in most other homes in the community. Compliance with the existing 25 foot set back requirement will require re-engineering existing house plans to adapt to the set back creating an odd shaped home compared with existing homes in the neighborhood. This odd shape will create an aesthetically unpleasing look inconsistent with the look of homes in the immediate vicinity of the Property. In addition, the failure to grant the requested variance will result in substantial additional costs for additional engineering work and construction costs imposing a financial hardship upon the applicant.
3. Granting the variance will not result in increased public expenses. On the contrary, the additional 400 square feet of living space as a result of granting the variance will increase the overall taxable value of the Property which will create a benefit to the community. Granting the variance will not create a threat to public health and safety, a public nuisance or cause fraud or victimization of the public. The Property is located at the dead end of Lagoon Drive on Summerland Key. The requested variance is for a reduction of the set back for which is essentially a side lot line, not a front lot line. Lagoon Drive curves Northeasterly at the end of the road into the drive way of the neighboring property. That curve is approximately 38 feet from the front lot line of the Property and granting the variance to allow the building of a house set back 10 feet from the property line will not create any hazard to public safety. Furthermore, the pavement

of Lagoon Drive is set back from the Property lot lines at all points as shown on the attached survey making the set back from the pavement of Lagoon Drive greater than the 10 foot set back sought by the applicant.

4. There are unique or peculiar circumstances that apply to the Property which do not apply to other properties in the same zoning district. The Property is located at the terminus of Lagoon Drive where there is a "T" shaped cul-de-sac. The Northeasterly extension of the "T" shaped cul-de-sac curves along what is essentially a small portion of the front lot line and a portion of what is essentially the side lot line of the Property. The vast majority of the properties in the neighborhood are faced with only one front lot line set back, whereas the Property is subject to essentially two front lot line set backs. There are three other homes in the immediate vicinity of the Property which have two front lot line set backs. These are 840 Lagoon Drive, 860 Lagoon Drive and 869 Lagoon Drive. All of these three properties have improvements built within the 25 foot set backs. 860 and 869 Lagoon Drive both have improvements within the 25 foot set back along Isles Boulevard. 840 Lagoon Drive, which is immediately across the street from the Property, is similarly configured in that the Southwesterly extension of the "T" shaped cul-de-sac curves along what is essentially a small portion of the front lot line and a portion of what is essentially the side lot line of the Property. The home situated on that property is not set back 25 feet from the Southwesterly extension of the "T" shaped cul-de-sac. On the contrary, the improvements on that lot appear to be set back no more than 10 feet. The applicant is seeking a variance which is consistent with the improvements on each of the three aforementioned properties.
5. Granting the variance will not give the applicant any special privilege denied to other properties in the immediate neighborhood in terms of the provisions of the code or established development patterns. On the contrary, granting the variance will allow the applicant to build a home that is consistent with other homes in the neighborhood. The applicant is not seeking a variance of the front lot line set back that borders on Lagoon Drive, but will build a home in compliance with that set back consistent with the other homes on the street. The applicant is seeking a variance of the side lot line, so that the applicant can build a home that is consistent with the homes located at 840, 860 and 869 Lagoon Drive. Each of those properties have homes that have been built in compliance with a front lot line set back of 25 feet and a side lot line set back of much less than 25 feet. If the variance is denied, the home that would be built on the Property would be inconsistent with the homes located at 840, 860 and 869 Lagoon Drive and the applicant will receive disparate enforcement of the set back requirements.

DANIEL DAVID N AND KAREN C  
200 EDGEHILL CIR  
LAFAYETTE, LA 70508-6373

SMUCLOVISKY GRISELLE  
3041 NE 39TH ST  
FORT LAUDERDALE, FL 33308

RUSSELL JAMES F SR ESTATE  
C/O RUSSELL MEREDITH P/R  
418 REIDS FERRY RD  
SUFFOLK, VA 23434-7143

GOSSETT JEFFREY R  
17655 PARKSHORE DR  
NORTHVILLE, MI 48168-8577

GLOECKNER DAVID H  
867 BAY DR  
SUMMERLAND KEY, FL 33042-4824

BRAUN MARCELYN Y  
488 GLASSBORO RD STE 1  
WOODBURY HEIGHTS, NJ 08097-1496

BELL JAMES A AND MARY F TRUST  
PO BOX 530  
KEY WEST, FL 33041-0530

VOGEL WAYNE A TRUST  
6626 BLAIN ST  
FREMONT, MI 49412-8048

PEPPERS PARADISE LLC  
928 GULF DR  
SUMMERLAND KEY, FL 33042-4838

~~CONFIDENTIAL DATA F.S. 119.07~~

HERSHEY WILLIAM AND ELENA  
400 N OCEAN DR  
HOLLYWOOD, FL 33019-1412

MACDOUGALL FAMILY TRUST  
C/O MACDOUGALL KIMBERLY ANN  
848 BAY AVE  
SUMMERLAND KEY, FL 33042-4824

CALLOWHILL CAROL J  
917 GULF DR  
SUMMERLAND KEY, FL 33042-4840

BERKLEY THOMAS D REV TRUST  
PO BOX 420845  
SUMMERLAND KEY, FL 33042-0845

OGLESBEE DIEDRICH D AND ABELINA D  
928 GULF DR  
SUMMERLAND KEY, FL 33042

NOBLITT NILES L AND NANCY Z  
934 FLAGSHIP DR  
SUMMERLAND KEY, FL 33042

MARTINEZ ROBERT D AND YAMILET  
17805 SW 54TH ST  
SOUTHWEST RANCHES, FL 33331-2317

KIERNY FAMILY TRUST  
858 BAY DR  
SUMMERLAND KEY, FL 33042-4824

PITSOULAKIS DESPINA S  
9949 Garibaldi AVE  
Temple City, CA 91780

CASE ALEASE W REVOCABLE TRUST  
953 FLAGSHIP DR  
SUMMERLAND KEY, FL 33042-4830

CAVE THERESA M LIVING TRUST THE  
861 FLAGSHIP DR  
SUMMERLAND KEY, FL 33042-4826

SHAW DENNIS E AND KATHLEEN A  
PO BOX 420074  
SUMMERLAND KEY, FL 33042-0074

HOLUM ROBERT D AND NANCY L  
954 FLAGSHIP DR  
SUMMERLAND KEY, FL 33042

GOMEZ EDUARDO AND ZAILY  
19454 NW 24TH PL  
PEMBROKE PINES, FL 33029-5372

JACKSON ALAN K  
PO BOX 970097  
BOCA RATON, FL 33497-0097

BUETEL BRIAN AND SONIA  
11339 HAWK HOLW  
LAKE WORTH, FL 33449-8424

RUDY WILLIAM L AND CHARLOTTE ROSS  
950 BAY DR  
SUMMERLAND KEY, FL 33042

CHERNAY JOSEPH E AND MARGARET L  
919 BAY DR  
SUMMERLAND KEY, FL 33042-4837

ZINK BRUCE AND TERESA  
3524 NEWPORT AVE  
ANNAPOLIS, MD 21403-4953

DIECKMANN GWEN A L/E  
961 LAGOON DR  
SUMMERLAND KEY, FL 33042-4834

MATHIS ROBERT M AND LYNETTE J  
7030 TOBOSA AVE  
ODESSA, TX 79765-3102

WILLIAMS LAWRENCE E  
650 Cruikshank  
Summerland Key, FL 33042

LIVINGSTONE EUGENIE K  
31381 AVENUE I  
BIG PINE KEY, FL 33043

BELL LYNN C  
931 LAGOON DR  
SUMMERLAND KEY, FL 33042-4834

PARK CONSTRUCTION MANAGEMENT INC  
17421 MARENGO RD  
UNION, IL 60180

TRUST NO KAF  
C/O FISHER ANN  
932 LAGOON DR  
SUMMERLAND KEY, FL 33042-4831

WORLEY RAY W AND NANCY E  
PO BOX 211  
LAKE PLACID, FL 33862-0211

HEETER PEGGY AND DAVID  
443 CARIBBEAN DR E  
SUMMERLAND KEY, FL 33042-4845

VETZEL RICHARD J  
6542 Seafairer DR  
Tampa, FL 33615

LEWIS JAMES A AND CATHERINE A  
847 BAY DR  
SUMMERLAND KEY, FL 33042-4824

FOSTER FREDERIC C  
55 PINE EDGE DR  
EAST MORICHES, NY 11940

WELLS KEN AND LAURIE  
818 BAY DR  
SUMMERLAND KEY, FL 33042-4824

BIELSKI ZDISLAW AND REGINA R/S  
4606 HICKORY WAY  
JOHNSBURG, IL 60051-8959

LAMON GUY B AND ROBIN M  
180 PATTY BOWKER RD  
TABERNACLE, NJ 08088-9350

DOISNEAU PAUL ROGER  
PO BOX 571  
NEEDHAM HEIGHTS, MA 02494-0011

SIMS JERRY A AND MARIA A  
855 GULF DR  
SUMMERLAND KEY, FL 33042

CZEPINSKI RICHARD M AND DENISE  
18907 MANOR SPRING CT  
TOMBALL, TX 77377-5888

RAWISZER ROBERT AND RAINA  
5086 MARINA CIR  
BOCA RATON, FL 33486-8553

RICKE LYNN C REV TRUST  
C/O RICKE LYNN C AND RICKE DIANE M TRUSTEES  
2063 SOMERSET LN  
WHEATON, IL 60187

STOKES JOHN WILLIAM P/R  
941 LAGOON DR  
SUMMERLAND KEY, FL 33042

~~HOWARD WAYNE M AND KAREN A  
31 S BAY AVE  
AMITYVILLE, NY 11701-4214~~

MATHIS ROBERT M AND LYNETTE J  
7030 TOBOSA AVE  
ODESSA, TX 79765-3102

POPA GABRIEL AND MARGARET  
8248 SW 1ST MNR  
CORAL SPRINGS, FL 33071-7500

1145 TRUST  
C/O JAMES KATHRYN M TRUSTEE  
PO BOX 420241  
SUMMERLAND KEY, FL 33042-0241

HORTA EVELIO  
790 SW 174TH TER  
PEMBROKE PINES, FL 33029-4212

CRAWFORD RAYMOND AND LINDA  
2801 NE 46TH ST  
LIGHTHOUSE POINT, FL 33064

LYDEN HELEN  
23000 SW 180th CT  
Miami, FL 33170

EGRET'S LANDING - SUMMERLAND LLC  
27 WINDSOR ISLE DR  
LONGWOOD, FL 32779-9755

BULLA JOSIP J  
866 GULF DR  
SUMMERLAND KEY, FL 33042-4823

ZIMMERMAN PAUL  
325 E SAN MARINO DR  
MIAMI BEACH, FL 33139



label size 1" x 2 5/8" compatible with Avery®5160/8160  
Étiquette de format 25 mm x 67 mm compatible avec Avery®5160/8160

SKIVER SHARLENE K REV TRUST AGREE  
939 BAY DR  
SUMMERLAND KEY, FL 33042

WOODARD DONALD R  
17110 FLINTROCK RD  
AUSTIN, TX 78738-1604

FAST FISH LLC  
160 GREENTREE DR STE 101  
DOVER, DE 19904-7620

HANNAN RICHARD AND LINDA D  
928 WATERLOO GENEVA RD  
WATERLOO, NY 13165-1262

WALKER GEORGE E AND LINDA L  
185 N STURBRIDGE RD  
CHARLTON, MA 01507-1715

STRAUSS RONALD AND DOREEN  
830 LAGOON DR  
SUMMERLAND KEY, FL 33042

STARK ANDREW AND TERESA  
22540 BENJAMIN ST  
SAINT CLAIR SHORES, MI 48081-2344

SKIVER RANDY J AND SHARLENE K  
939 BAY DR  
SUMMERLAND KEY, FL 33042-4837

GRASHA RONALD C  
1211 TALL PINE DR  
APOPKA, FL 32712-2586

JOHNSTON ROBERT AND CYD  
816 GULF DR  
SUMMERLAND KEY, FL 33042-4823

VAN DEN HANDEL WAYNE A AND NICOLA  
1140 KELSO BLVD  
WINDERMERE, FL 34786-7500

JRS REAL ESTATE LLC  
77 W GRANADA BLVD  
ORMOND BEACH, FL 32174

SUMMERLAND HOUSE LLC  
4219 HAWK ISLAND DR  
BRADENTON, FL 34208-9404

GOOD DORIS MAY PHILIP & FREDERICK W ETAL  
619 S WHITE HORSE PIKE  
AUDUBON, NJ 08106

WALKER JOY JOHNSON  
837 Bay DR  
Summerland Key, FL 33042

LEE C T TRUST  
9120 HOFFMAN FARM LN  
CINCINNATI, OH 45242-7314

GUARINO RICHARD AND MARGUERITE  
4134 BEDFORD ST  
DEARBORN HEIGHTS, MI 48125-3353

OLYNGER HENRY A JR  
5278 E 600 S  
GAS CITY, IN 46933-9551

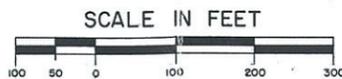


label size 1" x 2 5/8" compatible with Avery®5160/8160  
Étiquette de format 25 mm x 67 mm compatible avec Avery®5160/8160

# SUMMERLAND COVE ISLES — BLOCK NO. 2 & 3

A SUBDIVISION OF SUBMERGED LANDS IN SECTION 35 & 36, TOWNSHIP 66 SOUTH,  
RANGE 28 EAST, SUMMERLAND KEY, MONROE COUNTY, FLORIDA

SCALE: 1"=100'



MARCH 1971

PHILLIPS & TRICE SURVEYING  
1204 Simonton Street  
Key West, Florida

KNOW ALL MEN BY THESE PRESENT:  
That SUMMERLAND KEY COVE, INC., a Florida corporation, owner of the following described land has caused the attached plat entitled "SUMMERLAND COVE ISLES-BLOCK NO. 2 & 3", to be made.  
Description: A subdivision of lands in Sec. 35 and 36, Twp. 66 S., Rge. 28 E., Summerland Key, Monroe County, Florida and more particularly described as follows: Commence at the Northwest corner of Lot 19, Block 4, Summerland Key Cove-Addition No. 5 as recorded in Plat Book 5 at Page 40 of the Public Records of Monroe County, Florida; and run thence N 17° 31' 00" W, along the west boundary of the said Block 4 a distance of 462.35 feet to a point; thence run S 88° 31' 04" W, a distance of 363.13 feet to the Point of Beginning of the parcel of land herein described; thence continue S 88° 31' 04" W, 230.54 feet to a point; thence run S 46° 14' 56" W, 368.38 feet to a point, said point being the Northeast corner of Summerland Cove Isles-Block No. 1 as recorded in Plat Book 6 at Page 32 of the Public Records of Monroe County, Florida; thence run S 17° 31' 00" E, 1779.41 feet to the Southeast corner of the said Block No. 1; thence run N 62° 12' 02" E, 561.34 feet to a point; thence run N 17° 31' 00" W, 1776.62 feet back to the Point of Beginning; less and except, Isles Boulevard according to Summerland Cove Isles-Block No. 1, recorded in Plat Book 6 at Page 32 of the said Public Records; containing 24.4 acres, more or less.

The drives and roads, as shown, are hereby dedicated to the perpetual use of the public for proper purposes, reserving to the dedicators, their successors or assigns, the reversion or reversions thereof whenever discontinued by law. The canals as shown, are hereby dedicated to the perpetual use of the lot owners of this and all other subdivisions caused to be platted by Summerland Key Cove, Inc.

IN WITNESS WHEREOF SUMMERLAND KEY COVE, INC. has caused these presents to be signed in its corporate name by its President and its corporate seal to be hereunto affixed by its Secretary this

1<sup>st</sup> day of MARCH A.D. 1971

Witnessed by SUMMERLAND KEY COVE, INC.

Jean K. Diaker Edward Toppino President

Philip C. Toppino Secretary

STATE OF FLORIDA SS  
COUNTY OF MONROE  
I hereby certify that on this day personally appeared before me, the undersigned authority, Edward Toppino, President and Philip C. Toppino, Secretary of SUMMERLAND KEY COVE, INC., to me well known to be the persons described in and who executed the foregoing instrument and who acknowledged that they executed the same freely and voluntarily and affixed thereto the official seal of said corporation all by and with the authority of the Board of Directors and that it is the free act and deed of said corporation.

Witness my hand and official seal this 1<sup>st</sup> day of MARCH A.D. 1971  
My commission expires:

OCTOBER 24, 1973

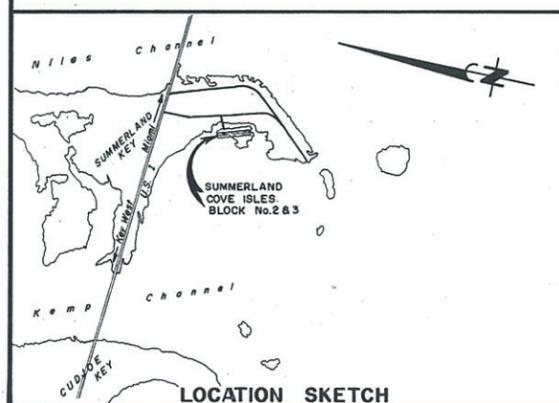
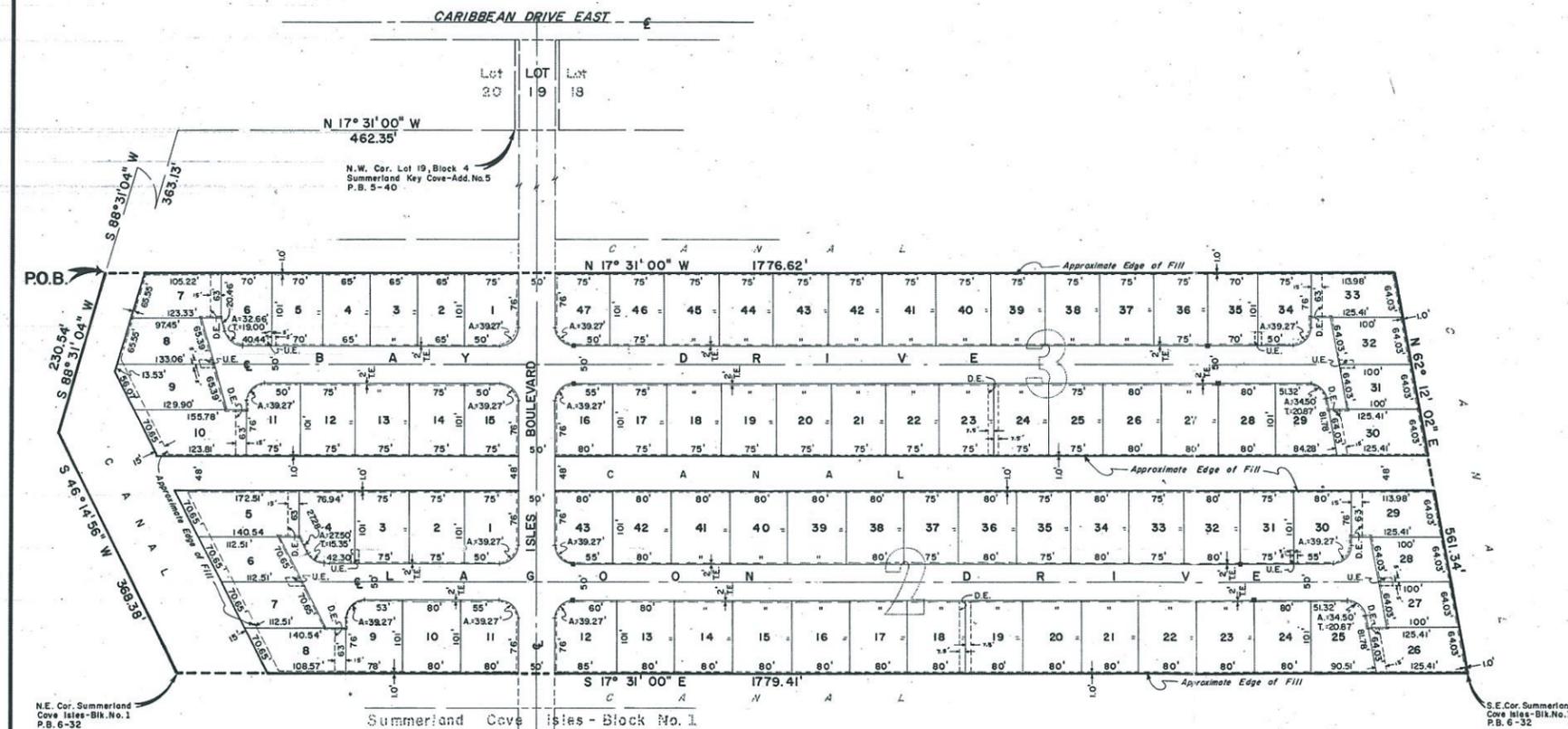
Joe M. Sica  
Notary Public  
State of Florida

This plat was approved by Resolution of the Board of County Commissioners of Monroe County, Florida this 13<sup>th</sup> day of APRIL A.D. 1971 and filed for record in Plat Book 6 at Page 67.

Basil R. Adams  
Clerk of the Circuit Court

Harry Harris  
Chairman of the Board

Book 6 Page 67

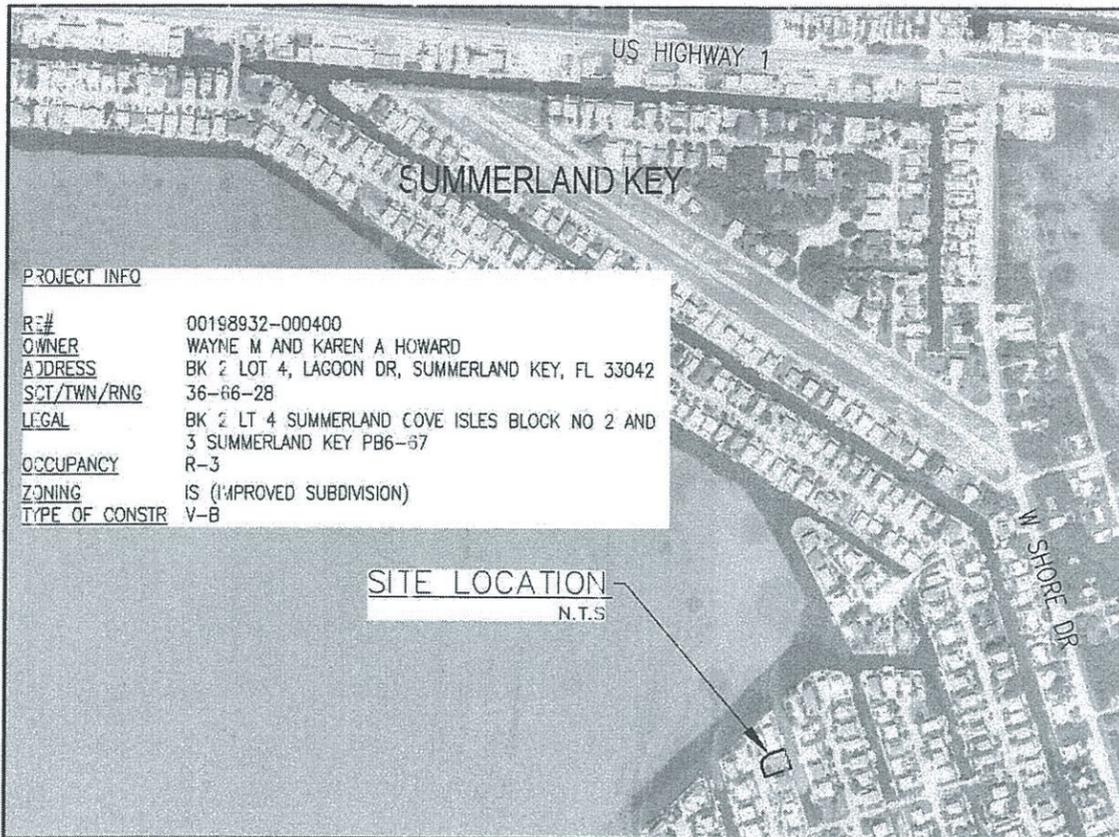


- SYMBOLS:
- 1. U.E. indicates 10' X 20' Utility Easement.
  - 2. D.E. indicates 15' wide Drainage Easement.
  - 3. " indicates P.R.M.
  - 4. T.E. indicates 2' wide Telephone Easement.

- SURVEYORS NOTES:
- 1. Telephone Easement granted for the construction of underground telephone facilities only.
  - 2. All block corner radii are 25 feet.

I HEREBY CERTIFY: that the attached plat entitled "SUMMERLAND COVE ISLES-BLOCK NO. 2 & 3" represented hereon meets the minimum requirements adopted by the Florida Society of Professional Land Surveyors and The Florida Land Title Association, and further that Permanent Reference Monuments were set in accordance with Section 7, Chapter 10275 (NO. 253), Laws of the State of Florida.

Jack M. Phillips L.S.  
Jack M. Phillips  
Fla. Reg. Cert. No. 1410



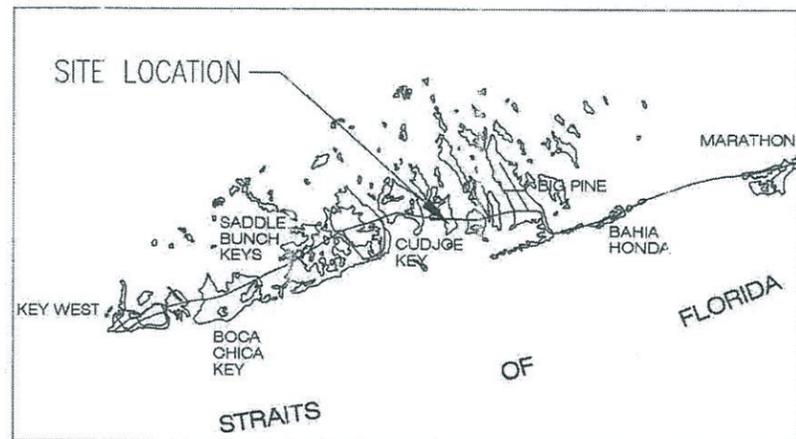
**PROJECT INFO**

R# 00198932-000400  
 OWNER WAYNE M AND KAREN A HOWARD  
 ADDRESS BK 2 LOT 4, LAGOON DR, SUMMERLAND KEY, FL 33042  
 SCT/TWN/RNG 36-86-28  
 LEGAL BK 2 LT 4 SUMMERLAND COVE ISLES BLOCK NO 2 AND 3 SUMMERLAND KEY PB6-87  
 OCCUPANCY R-3  
 ZONING IS (IMPROVED SUBDIVISION)  
 TYPE OF CONSTR V-B

SITE LOCATION  
N.T.S.

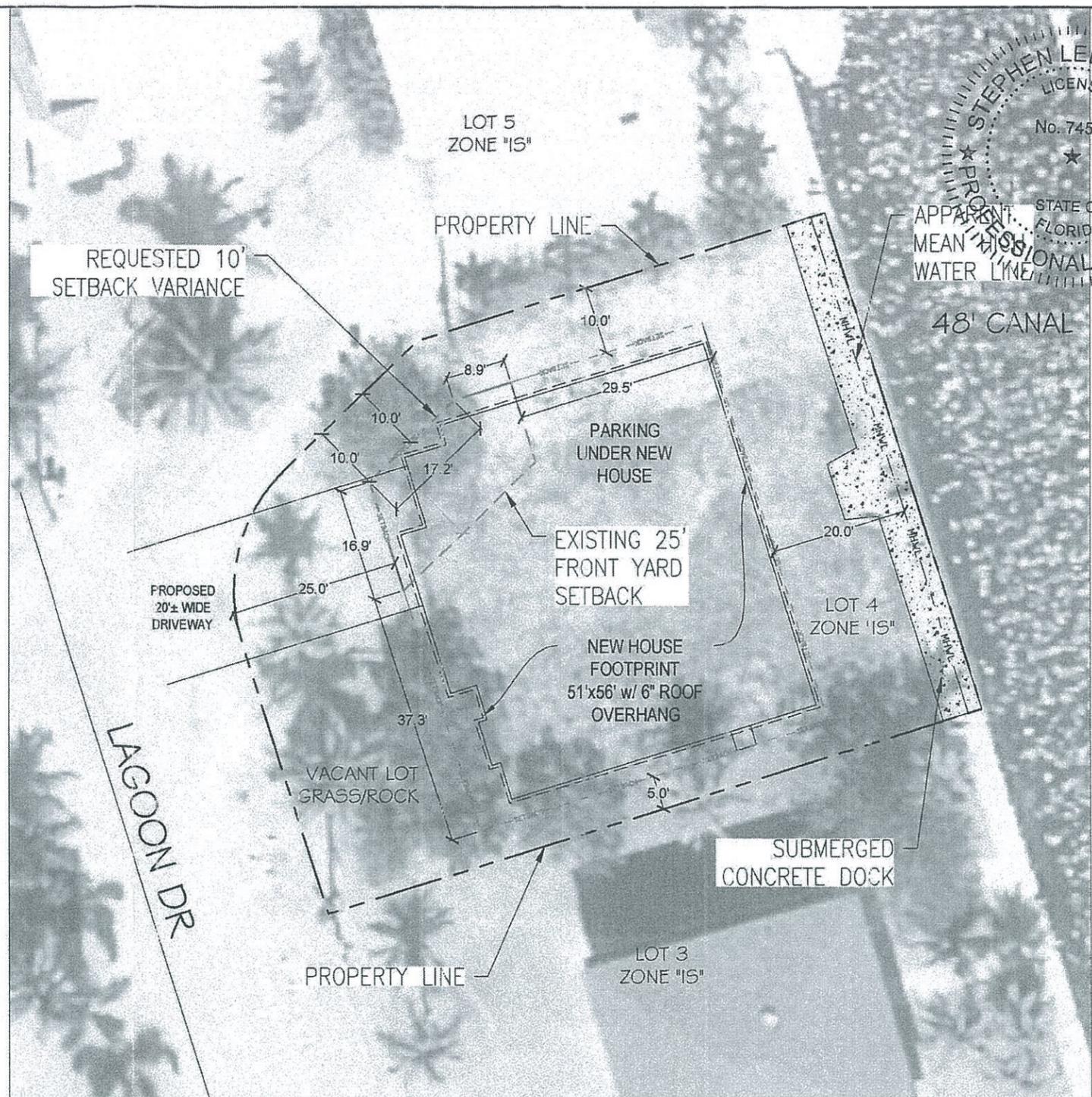
**SITE LOCATION MAP**

SCALE: N.T.S.



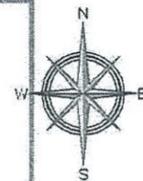
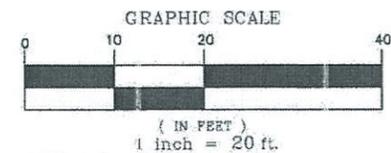
**REGIONAL LOCATION MAP**

SCALE: N.T.S.



**PROPOSED SETBACK VARIANCE PLAN**

SCALE: 1"=20'-0"



**NOTE:**  
 PROPOSED VARIANCE REQUEST WILL ESSENTIALLY EXTEND THE 10' SIDE YARD SETBACK AN ADDITIONAL 26' INTO WHAT IS CURRENTLY THE FRONT YARD SETBACK.

RECEIVED  
 JAN 23 2017  
 2017-015  
 MONROE CO. PLANNING DEPT

STEPHEN LEE MARKEY  
 LICENSE No. 74560  
 STATE OF FLORIDA  
 PROFESSIONAL ENGINEER  
 LICENSE NO. 74560  
 STATE OF FLORIDA

**Slim Engineering**  
 CIVIL ENGINEERING SERVICES  
 KEY WEST, FL  
 (305) 509-2647  
 CERTIFICATE OF AUTHORIZATION #30200

PROJECT NO:	16-43
SCALE:	AS NOTED
CAD FILE:	Howard Residence Foundation (11.2.17).dwg
SHEET SIZE:	ANSI B (11x17)

**HOWARD PROPERTY VARIANCE PROPOSAL**  
 BK 2 LOT 4, LAGOON DR, SUMMERLAND KEY, FL 33042

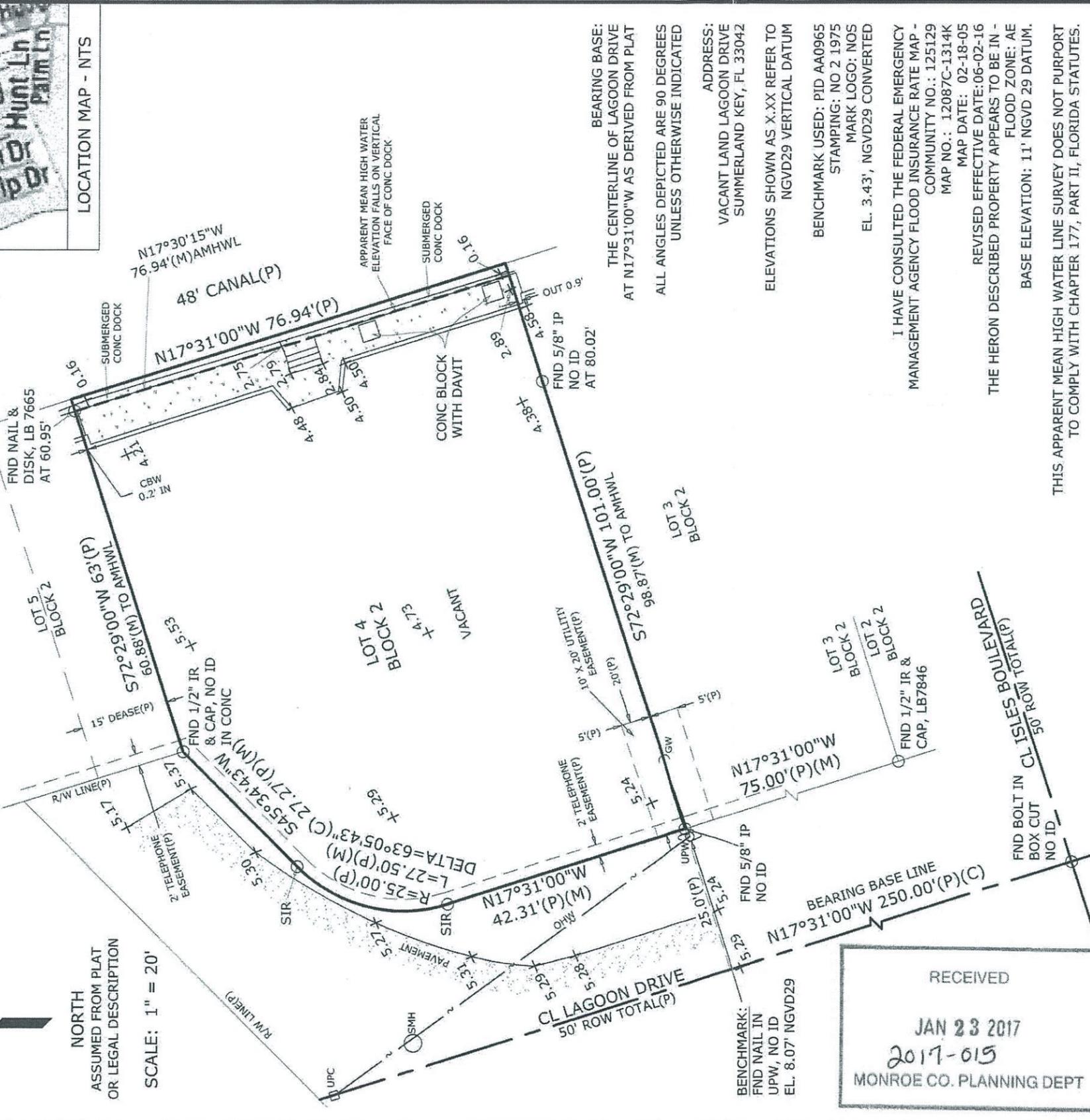
SHEET TITLE: PROPOSED SITE PLAN  
 SHEET NUMBER: C-1.0 SHEET 1 OF 1  
 DATE: NOVEMBER 21, 2016

# MAP OF BOUNDARY & TOPOGRAPHIC SURVEY

LOT 4, BLOCK 2  
 SUMMERLAND COVE ISLES  
 PLAT BOOK 6, PAGE 67  
 MONROE COUNTY, FLORIDA

NORTH  
 ASSUMED FROM PLAT  
 OR LEGAL DESCRIPTION

SCALE: 1" = 20'



LOCATION MAP - NTS

BEARING BASE:  
 THE CENTERLINE OF LAGOON DRIVE  
 AT N17°31'00"W AS DERIVED FROM PLAT

ALL ANGLES DEPICTED ARE 90 DEGREES  
 UNLESS OTHERWISE INDICATED

ADDRESS:  
 VACANT LAND LAGOON DRIVE  
 SUMMERLAND KEY, FL 33042

ELEVATIONS SHOWN AS X.XX REFER TO  
 NGVD29 VERTICAL DATUM

BENCHMARK USED: PID AA0965  
 STAMPING: NO 2 1975  
 MARK LOGO: NOS  
 EL. 3.43', NGVD29 CONVERTED

I HAVE CONSULTED THE FEDERAL EMERGENCY  
 MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP -  
 COMMUNITY NO.: 125129  
 MAP NO.: 12087C-1314K  
 MAP DATE: 02-18-05  
 REVISED EFFECTIVE DATE: 06-02-16  
 THE HERON DESCRIBED PROPERTY APPEARS TO BE IN -  
 FLOOD ZONE: AE  
 BASE ELEVATION: 11' NGVD 29 DATUM.

THIS APPARENT MEAN HIGH WATER LINE SURVEY DOES NOT PURPORT  
 TO COMPLY WITH CHAPTER 177, PART II, FLORIDA STATUTES.

## LEGAL DESCRIPTION -

Lot 4, Block 2, SUMMERLAND COVE ISLES, according to the Plat thereof, as recorded in Plat Book 6, Page 67, of the Public Records of Monroe County, Florida.

## CERTIFIED TO -

Wayne M. Howard and Karen A. Howard  
 The Closing Department, Inc.  
 Westcor Land Title Insurance Company

NOTE: THIS SURVEY WAS PERFORMED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE PARTIES LISTED HEREIN AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER. LIKEWISE, ANY REUSE OF THIS SURVEY FOR ANY PURPOSE OTHER THAN WHICH WAS ORIGINALLY INTENDED, WITHOUT THE WRITTEN PERMISSION OF THE UNDERSIGNED SURVEYOR & MAPPER, WILL BE DONE SO AT THE RISK OF THE REUSING PARTY AND WITHOUT ANY LIABILITY TO THE UNDERSIGNED SURVEYOR & MAPPER.

LEGAL DESCRIPTIONS HAVE BEEN FURNISHED BY THE CLIENT OR HIS/HER REPRESENTATIVE. PUBLIC RECORDS HAVE NOT BEEN RESEARCHED BY THE SURVEYOR TO DETERMINE THE ACCURACY OF THESE DESCRIPTIONS NOR HAVE ADJOINING PROPERTIES BEEN RESEARCHED TO DETERMINE OVERLAPS OR HIATUS. THIS SURVEY DOES NOT PURPORT TO SHOW OWNERSHIP OF WALLS OR FENCES ALONG PROPERTY LINES. ADDITIONS OR DELETIONS TO THIS SURVEY MAP BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

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

BO	= BLOW OUT	GL	= GROUND LEVEL	PRM	= PERMANENT REFERENCE MONUMENT
C	= CALCULATED	GW	= GUY WIRE	PT	= POINT OF TANGENT
C&G	= CONCRETE CURB & GUTTER	IP	= IRON PIPE	R	= RADIUS
CBW	= CONCRETE BLOCK WALL	IR	= IRON ROD	R/W	= RIGHT OF WAY LINE
CBRW	= CONCRETE BLOCK RETAINING WALL	L	= LOWER ENCLOSURE	R/W	= RIGHT OF WAY
CL	= CENTERLINE	LS	= LANDSCAPING	SCO	= SANITARY CLEAR-OUT
CLF	= CHAINLINK FENCE	M	= MEASURED	SHH	= SANITARY MANHOLE
CONC	= CONCRETE	AMHWL	= APPARENT MEAN HIGH WATER LINE	SIR	= SET 1/2" IR & CAP, LB7846
CVRD	= COVERED	MTLF	= METAL FENCE	TBM	= TIDAL BENCHMARK
D	= DEED	NAVD	= NORTH AMERICAN VERTICAL DATUM (1988)	TOB	= TOP OF BANK
DELTA	= DELTA ANGLE	NGVD	= NORTH AMERICAN VERTICAL DATUM (1929)	TOS	= TOP OF SLOPE
DEPT	= DEPTH	NTS	= NOT TO SCALE	T/S	= TRAFFIC SIGN
DIRT	= DRAINAGE MANHOLE	OHW	= OVERHEAD WIRES	URC	= UTILITY EASEMENT
EB	= ELEVATION	P	= PLAT	UPC	= CONCRETE UTILITY POLE
ELEV	= ELEVATED	P&M	= PLAT & MEASURED	UPW	= METAL UTILITY POLE
ENCL	= ENCLOSURE	PCC	= POINT OF CURVE	VB	= VIDEO BOX
FEE	= FINISHED FLOOR ELEVATION	PC	= POINT OF INTERSECTION	WD	= WOOD DECK
FL	= FENCE INSIDE	PK	= PARKER NAILON NAIL	WDF	= WOOD FENCE
FND	= FOUND	POB	= POINT OF BEGINNING	WM	= WOOD LANDING
FOL	= FENCE OUTSIDE	POC	= POINT OF COMMENCEMENT	WM	= WATER METER
				WV	= WATER VALVE



SCALE:	1" = 20'
FIELD WORK DATE	05/03/16
REVISION DATE	-/-
SHEET	1 OF 1
DRAWN BY:	KK
CHECKED BY:	RER
INVOICE #:	16042204

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 53-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. THIS SURVEY, WHEN SCHEDULE B HAS BEEN PROVIDED MEETS THE PROVISIONS OF FLORIDA ENGINEERING FORM 9, SUBPARAGRAPH 1(B) 1 (SETBACKS), 1(B) 3 (ENCROACHMENTS), & 1(B) 4 (EASEMENTS), SCHEDULE "B" HAS NOT BEEN PROVIDED.

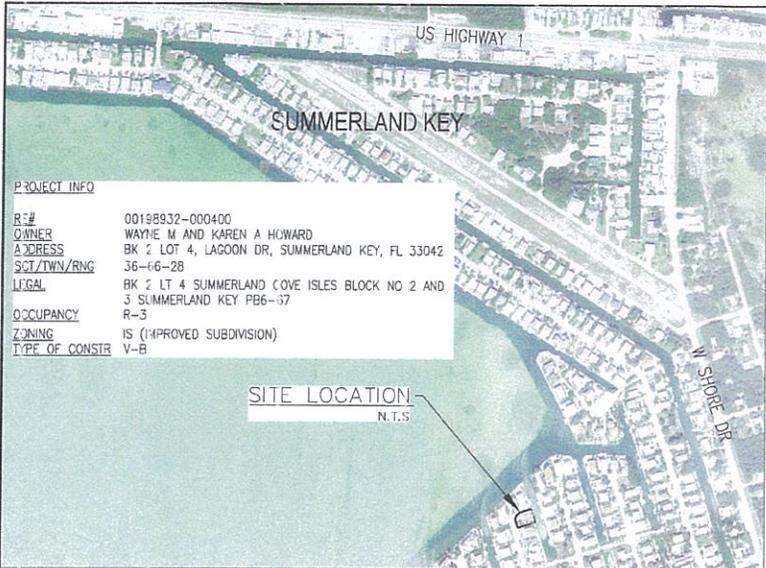
*Robert E. Reece*  
 SIGNED  
 ROBERT E. REECE, PS/M 5632, PROFESSIONAL SURVEYOR AND MAPPER

**REECE & ASSOCIATES**  
 PROFESSIONAL SURVEYOR AND MAPPER, LB 7846  
 127 INDUSTRIAL ROAD, BIG PINE KEY, FL 33043  
 OFFICE (305) 872 - 1348  
 FAX (305) 872 - 5622

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA SURVEYOR AND MAPPER

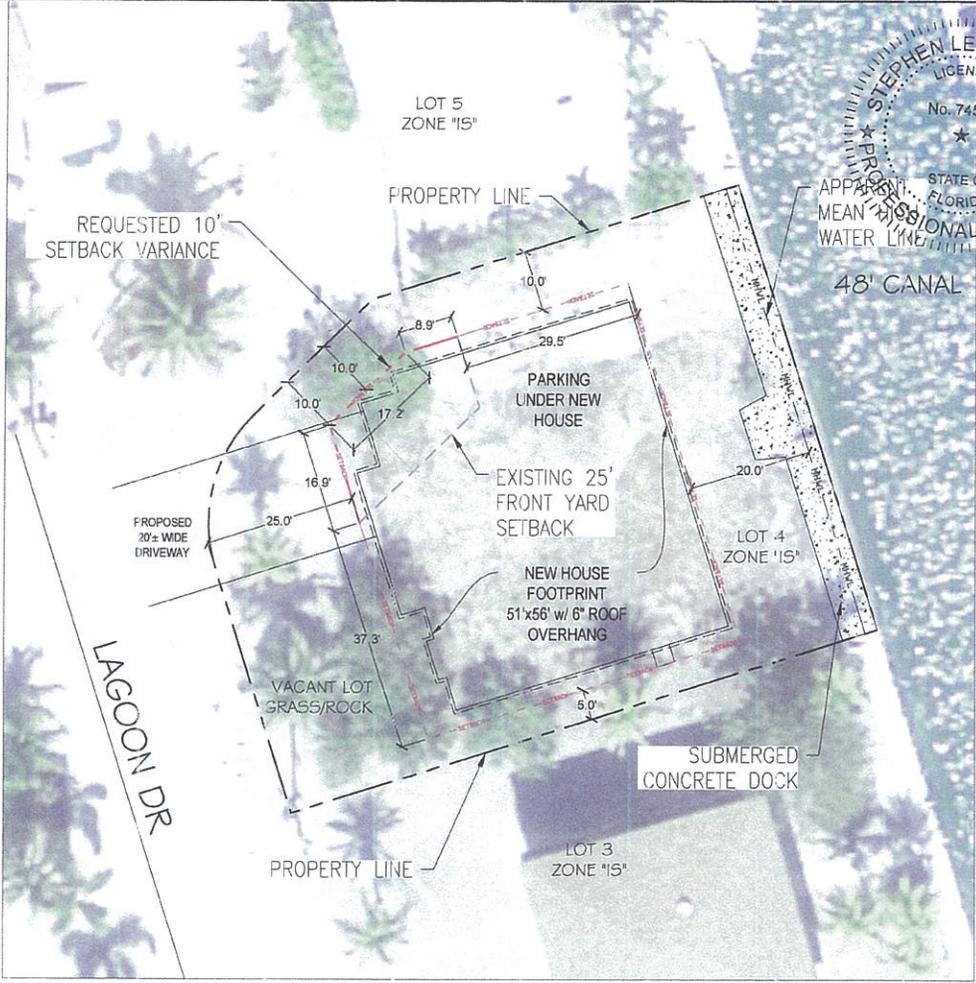
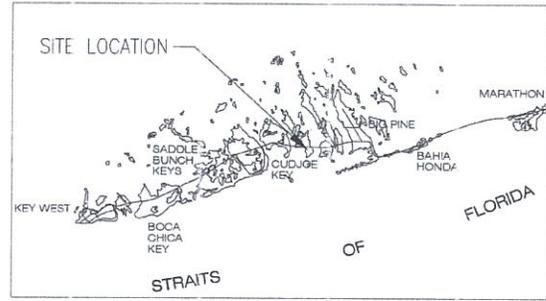
# **Additional Information added to File 2017-015**

**End of Additional File 2017-015**



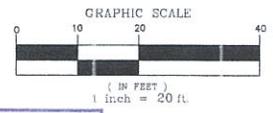
**SITE LOCATION MAP**

SCALE: N.T.S.



**PROPOSED SETBACK VARIANCE PLAN**

SCALE: 1"=20'-0"



**NOTE:**  
 PROPOSED VARIANCE REQUEST WILL ESSENTIALLY EXTEND THE 10' SIDE YARD SETBACK AN ADDITIONAL 26' INTO WHAT IS CURRENTLY THE FRONT YARD SETBACK.

RECEIVED  
**JAN 23 2017**  
 2017-015  
 MONROE CO. PLANNING DEPT



**Slim Engineering**  
 CIVIL ENGINEERING SERVICES  
 KEY WEST, FL  
 (305) 599-2647  
 CERTIFICATE OF AUTHORIZATION #3000

PROJECTING	1643	AS NOTED
SCALE		
REVISION		
DATE		
PROJECT	ANSI B (11x17)	

**HOWARD PROPERTY**  
**VARIANCE PROPOSAL**  
 BK 2 LOT 4, LAGOON DR.  
 SUMMERLAND KEY, FL 33042

SHEET TITLE:  
 PROPOSED SITE PLAN

SHEET NUMBER:  
**C-1.0**  
 SHEET 1 OF 1

DATE:  
 NOVEMBER 21, 2016





## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

**To:** Monroe County Planning Commission

**Through:** Emily Schemper, Acting Senior Director of Planning & Environmental Resources

**From:** Devin Rains, Principal Planner

**Date:** March 29, 2018

**Subject:** **Bradley M. Levine & Melissa A. Friedman-Levine, 68 Tarpon Avenue, Key Largo, Florida:** An appeal, pursuant to Section 102-185 of the Monroe County Land Development Code, by the property owners to the Planning Commission concerning the June 9, 2017, denial of a request for an Exemption to a Special Vacation Rental Permit. The subject property is legally described as Revised Amended Plat of Riviera Village PB2-80 Key Largo Reserved TR 2 G57-181 OR395-170-171 OR449-968 OR806-608 OR1188-1256AFF OR1639-1604 OR2513-1453/54, having real estate numbers 00511770-000000. (File # 2017-095)

---

**Meeting:** April 25, 2018

---

1 **I. DECISION BEING APPEALED:**

2 The appellants and subject property owners, Bradley M. Levine & Melissa A. Friedman-  
3 Levine (the "Appellants"), are appealing an administrative decision of the Senior Director of  
4 Planning & Environmental Resources dated June 9, 2017, in which the Planning &  
5 Environmental Resources Department was unable to approve the Owners' application for an  
6 Exemption to a Special Vacation Rental Permit pursuant to Section 134-1(b)(1) of the  
7 Monroe County Land Development Code (the "Code").  
8  
9



10 *Subject Property (outlined in blue) with Land Use Districts Overlaid (Aerial dated 2015)*

11 **II. BACKGROUND INFORMATION:**

12 **Location/Address:** 68 Tarpon Avenue, Key Largo, near Mile Marker 105.1 Oceanside

13 **Legal Description:** Tract 2, Revised Amended Plat of Riviera Village, according to the plat  
14 thereof as recorded in Plat Book 2 Page 80 of the Public Records of Monroe County, Florida

15 **Real Estate Number:** 00511770-000000

16 **Property Owner/Appellants:** Bradley M. Levine & Melissa A. Friedman-Levine

17 **Agent:** John Jabro Esq. and Cunningham Miller PA, specifically Lesley Rhyne Esq. and/or  
18 Robert K. Miller, Esq.

19 **Size of Site:** 21,300 square feet of residential waterfront and 0.20 acres submerged per the  
20 Property Appraiser's office Property Record Card

21 **Land Use Map (Zoning) District:** Improved Subdivision (IS)

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

23 **Tier Designation:** III – Infill Area

24 **Flood Zone:** AE-8 and AE-9

25 **Existing Uses:** Residential dwelling unit

26 **Existing Vegetation / Habitat:** Developed/disturbed

27 **Community Character of Immediate Vicinity:** surrounding uses are: to the north  
28 environmentally sensitive lands in the Native Area (NA) land use district; single-family  
29 residential to the east and southeast; Monroe County park to the south; and Florida Bay to the  
30 west.

31  
32 **III. RELEVANT PRIOR COUNTY ACTIONS:**

33 Building permit 15466, issued 2/15/1968 for "RES on piers".

34  
35 Building permit 90300717, issued 5/03/1990 for "CBS wall fence".

36  
37 2/23/2016, the County created Case # CE16020131 based on a complaint that the subject  
38 property was being used for short term vacation rentals without the required permits and  
39 licenses from the County.

40  
41 On December 20, 2016, the Department received the Appellants' request for an exemption to  
42 a Special Vacation Rental Permit (File VRE 16-14).

43  
44 By letter dated June 9, 2017, the Planning Director sent the Appellant notice that the  
45 Department was unable to approve the request for an exemption to a Special Vacation Rental  
46 Permit due to the subject property not qualifying for the exemption, pursuant to Monroe  
47 County Code Section 134-1(b)(1). The notice informed the Appellant that the Planning  
48 Director's decision may be appealed within 30 calendar days.

49  
50 On July 6, 2017, the Department received the Appellant's application for appeal to the  
51 Planning Commission.

52  
53 **IV. REVIEW OF APPLICATION:**

54 The review of the application is contained in the document "Appellee's Response to  
55 Appellants' Statement of Basis for Appeal to the Planning Commission" prepared by Derek

56 V. Howard, Esq., Assistant County Attorney, Monroe County Attorney's Office,  
57 incorporated herein by reference.  
58

59 **V. BASIS OF APPEAL:**

60 The Agent for the Appellant provided the Notice of Appeal and exhibits, which is included in  
61 the Planning Commission package.  
62

63 **VI. RECOMMENDATION:**

64 The decision by the Planning Director was based on the criteria provided in the Land  
65 Development Code and the findings of fact as presented in the document "Appellee's  
66 Response to Appellants' Statement of Basis for Appeal to the Planning Commission"  
67 prepared by Derek V. Howard, Esq., Assistant County Attorney, Monroe County Attorney's  
68 Office. Based on a review of all of the available information, staff recommends that the  
69 Planning Commission **UPHOLD** the decision of the Planning Director to not approve the  
70 Appellants' application for a vacation rental permit exemption pursuant to Code Section 134-  
71 1(b)(1).  
72

73 **VII. EXHIBITS:**

- 74 ■ **Attachment A** – File VRE 16-14, Appellants' application for Exemption to a Special  
75 Vacation Rental Permit
- 76 ■ **Attachment B** – Planning Director's decision dated June 9, 2017
- 77 ■ **Attachment C** – Monroe County Land Development Code Section 134-1, special  
78 vacation rental permit exemptions
- 79 ■ Incorporated by reference – "Appellee's Response to Appellants' Statement of Basis for  
80 Appeal to the Planning Commission" prepared by Derek V. Howard, Esq., Assistant  
81 County Attorney, Monroe County Attorney's Office.

APPLICATION  
MONROE COUNTY  
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT



Request for an EXEMPTION to a Special Vacation Rental Permit

pd: CK 2181

Vacation Rental Exemption Application Fee: \$180.00

Vacation rental means a dwelling unit that is rented, leased or assigned for tenancies of less than 28 days duration.

Vacation rentals may only be allowed in Land Use (Zoning) Districts which specifically indicate vacation rental uses as permitted uses in Monroe County Code Sections 130-74 through 130-103.

Within these districts, an owner or agent is required to obtain an annual special vacation rental permit for each dwelling unit prior to renting any dwelling unit as a vacation rental except as provided for under Monroe County Code Section 134-1(b).

Code Section 134-1(b) EXEMPTIONS: A vacation rental permit is not required for the following:

- (1) A vacation rental of a dwelling unit located within a controlled access, gated community with a homeowner's or property owner's association that expressly regulates or manages vacation rental uses; or
- (2) A vacation rental of a dwelling unit within a multifamily building located within a multifamily district, which has 24 hour on-site management or 24 hour on-site supervision. To meet these on-site management or supervision requirements, a designated individual must be physically located within the building or within 300 feet of the subject building and must be available at all times to respond to tenants' and neighbors' complaints.

Date of Application: 12 / 20 / 2016  
Month Day Year

**Applicant / Agent Authorized to Act for Property Owner:** (Agents must provide notarized authorization from all property owners.)

Brad Levine

Brad Levine

Applicant (Name of Person, Business or Organization)

Name of Person Submitting this Application

800 Hibiscus St. Boca Raton Fl 33486

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

954-461-8195

Brad.Levine@gmail.com

Work Phone

Home Phone

Cell Phone

Email Address

**Property Owner:** (Business/Corp must include documents showing who has legal authorization to sign.)

Bradley M Levine &

Melissa A. Friedman-Levine

Name/Entity

Contact Person

800 Hibiscus St. Boca Raton Fl 33486

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

954-461-8185

Brad.Levine@gmail.com

Work Phone

Home Phone

Cell Phone

Email Address

APPLICATION

Vacation Rental Management Entity:

Trish Osteen

Name/Entity

Contact Person

10 W End Rd, Key Largo FL 33037

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

305-394-8892

Work Phone

Cell Phone

Email Address

Legal Description of Property: (If in metes and bounds, attach legal description on separate sheet.)

see attached

Block

Lot

Subdivision

Key

00511770-000000

1631078

Real Estate (RE) Number

Alternate Key Number

68 Tarpon Ave Key Largo FL

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

Approximate Mile Marker

Land Use (Zoning) District:

IS

Future Land Use Designation:

All of the following items must be included in order to have a complete application submission:

(Please check the box as each required item is attached to the application.)

- Complete application for exemption to special vacation rental permit (unaltered and unbound);
- Correct fee (check or money order payable to Monroe County Planning & Environmental Resources);
- Proof of ownership (i.e., Warranty Deed);
- Current Property Record Card(s) from the Monroe County Property Appraiser;
- Location map; and
- Photograph(s) of residence from adjacent roadway(s).

In addition to the items above, all items from either Group A or Group B below must be included in order to have a complete application submission: (Please check the box as each required item is attached to the application.)

Group A -

- Proof that unit is located within a multifamily building located within a multifamily district (a multifamily building has units which share common entries or accesses to individual units); and
  - Proof of 24 hour on-site management or 24 hour on-site supervision (to meet these site management or supervision requirements, a designated individual must be physically located within the building or within 300 feet of the subject building and must be available at all times to respond to tenants' and neighbors' complaints).
- Or

Group B -

- Proof unit is located within a controlled access, gated community with a homeowner's or property owner's association that expressly regulates or manages vacation rental use.

APPLICATION

If applicable, the following item must be included in order to have a complete application submission:  
(Please check the box as each required item is attached to the application.)

- Notarized Agent Authorization Letter (note: authorization is needed from all owner(s) of the subject property).
- Documentation from property owner's association, condominium documents (rules & regulations), etc. identifying the rental of units is permitted and/or managed.

Note, approval of an exemption to a vacation rental permit, does not negate any State or County requirement for the property owner to apply for and maintain any registrations, licenses, or business tax for the unit.

Is there a pending code enforcement proceeding involving all or a portion of the parcel proposed for development?

Yes  No Code Case file # \_\_\_\_\_ Describe the enforcement proceedings and if this application is being submitted to correct the violation: \_\_\_\_\_

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

\* \* \* \* \*

See Page 4 for Signature and Notary Acknowledgement

APPLICATION

The applicant/owner hereby acknowledges and agrees that any staff discussions or negotiations about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

By signing this application, the owner of the subject property authorizes the Monroe County Planning & Environmental Resources staff to conduct all necessary site visits and inspections on the subject property.

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

Signature of Applicant: [Signature] Date: 12-21-16

STATE OF Florida

COUNTY OF Palm Beach.

Sworn to and subscribed before me this 21<sup>st</sup> day of December, 20 16.

by Bradley M Levine, who is personally known to me OR produced

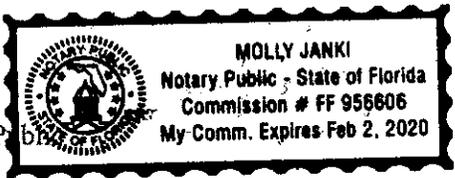
(PRINT NAME OF PERSON MAKING STATEMENT)

Florida Driver's License as identification.  
(TYPE OF ID PRODUCED)

[Signature]  
Signature of Notary Public

Molly Janki

Print, Type or Stamp Commissioned Name of Notary Public  
My commission expires: 2/2/2020



Send complete application package to:

Monroe County Planning & Environmental Resources Department  
Marathon Government Center  
2798 Overseas Highway, Suite 400  
Marathon, FL 33050

APPLICATION

The applicant/owner hereby acknowledges and agrees that any staff discussions or negotiations about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

By signing this application, the owner of the subject property authorizes the Monroe County Planning & Environmental Resources staff to conduct all necessary site visits and inspections on the subject property.

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

Signature of Applicant: [Handwritten Signature] Date: 12-21-16

STATE OF Florida

COUNTY OF Palm Beach

Sworn to and subscribed before me this 21<sup>st</sup> day of December, 2016;

by Melissa Friedman-Levine, who is personally known to me OR produced  
(PRINT NAME OF PERSON MAKING STATEMENT)

Florida Driver's License as identification.  
(TYPE OF ID PRODUCED)

[Handwritten Signature]  
Signature of Notary Public



Molly Janki  
Print, Type or Stamp Commissioned Name of Notary Public  
My commission expires: 2/2/2020

Send complete application package to:

Monroe County Planning & Environmental Resources Department  
Marathon Government Center  
2798 Overseas Highway, Suite 400  
Marathon, FL 33050

# Property Record Card -

Maps are now launching the new map application version.

Alternate Key: 1631078 Parcel ID: 00511770-000000

## Ownership Details

**Mailing Address:**  
LEVINE BRADLEY M  
800 HIBISCUS ST  
BOCA RATON, FL 33486-3540

**All Owners:**  
FRIEDMAN-LEVINE MELISSA A H/W, LEVINE BRADLEY M

## Property Details

**PC Code:** 01 - SINGLE FAMILY  
**Millage Group:** 500K  
**Affordable Housing:** No  
**Section-Township-**  
01-61-39  
**Range:**

**Property Location:** 68 TARPON AVE KEY LARGO  
**Subdivision:** RIVIERA VILLAGE REV & AMD  
**Legal Description:** REVISED AMENDED PLAT OF RIVIERA VILLAGE PB2-80 KEY LARGO RESERVED TR 2 G57-181 OR395-170/71 OR449-968 OR806-608 OR1188-1256AFF OR1639-1604 OR2513-1453/54

Click Map Image to open interactive viewer.

*legal description*



Brad Levine &lt;brad.levine@gmail.com&gt;

---

**Sunbiz.org Payment Receipt**

1 message

---

**donotreply@sunbiz.org** <donotreply@sunbiz.org>  
To: brad.levine@gmail.com

Wed, Sep 21, 2016 at 2:08 PM

Thank you for submitting your payment to **Florida Department of State, Division of Corporations**. This email will serve as confirmation that your payment was received by our office.  
Your filing will be posted on our website <http://www.sunbiz.org/> within 1-3 business days.

The transaction information is listed below:

**Receipt Number:** 3684070324  
**Transaction Date/Time:** 9/21/2016 1:08:10 PM  
**Card Number:** XXXX XXXX XXXX 2000  
**Card Type:** American Express  
**Approval Code:** 228228  
**Payment Amount:** \$87.50  
**Document Number:** NEW

Fl Keys HOA



[Main Menu](#) | [Update Profile](#) | [Logoff](#) | [Contact Us](#)

Logged in as **Levine, Bradley**

**Homeowner Association Reporting #**

**License Menu**

Select the function you wish to perform.  
Press "Back" to return to the main menu.

License Issued To:	<b>FLORIDA KEYS HOA INC</b>
License Status:	<b>Reported</b>
Originally Licensed On:	

**Functions**

[Remove This License From My Account](#)

**Back**

The State of Florida is an AA/EEO employer. Copyright 2007-2013 State of Florida. Privacy Statement

Under Florida law, email addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact the office by phone or by traditional mail. If you have any questions, please contact 850.487.1395. \*Pursuant to Section 455.275(1), Florida Statutes, effective October 1, 2012, licensees licensed under Chapter 455, F.S. must provide the Department with an email address if they have one. The emails provided may be used for official communication with the licensee. However email addresses are public record. If you do not wish to supply a personal address, please provide the Department with an email address which can be made available to the public. Please see our Chapter 455 page to determine if you are affected by this change.

Date of this notice: 09-22-2016

Employer Identification Number:  
81-3932007

Form: SS-4

Number of this notice: CP 575 A

For assistance you may call us at:  
1-800-829-4933

IF YOU WRITE, ATTACH THE  
STUB AT THE END OF THIS NOTICE.



FLORIDA KEYS HOA INC  
% BRAD LEVINE  
2001 W SAMPLE RD STE 402  
POMPANO BEACH, FL 33064

**WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER**

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 81-3932007. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

Based on the information received from you or your representative, you must file the following form(s) by the date(s) shown.

Form 1120H

04/15/2017

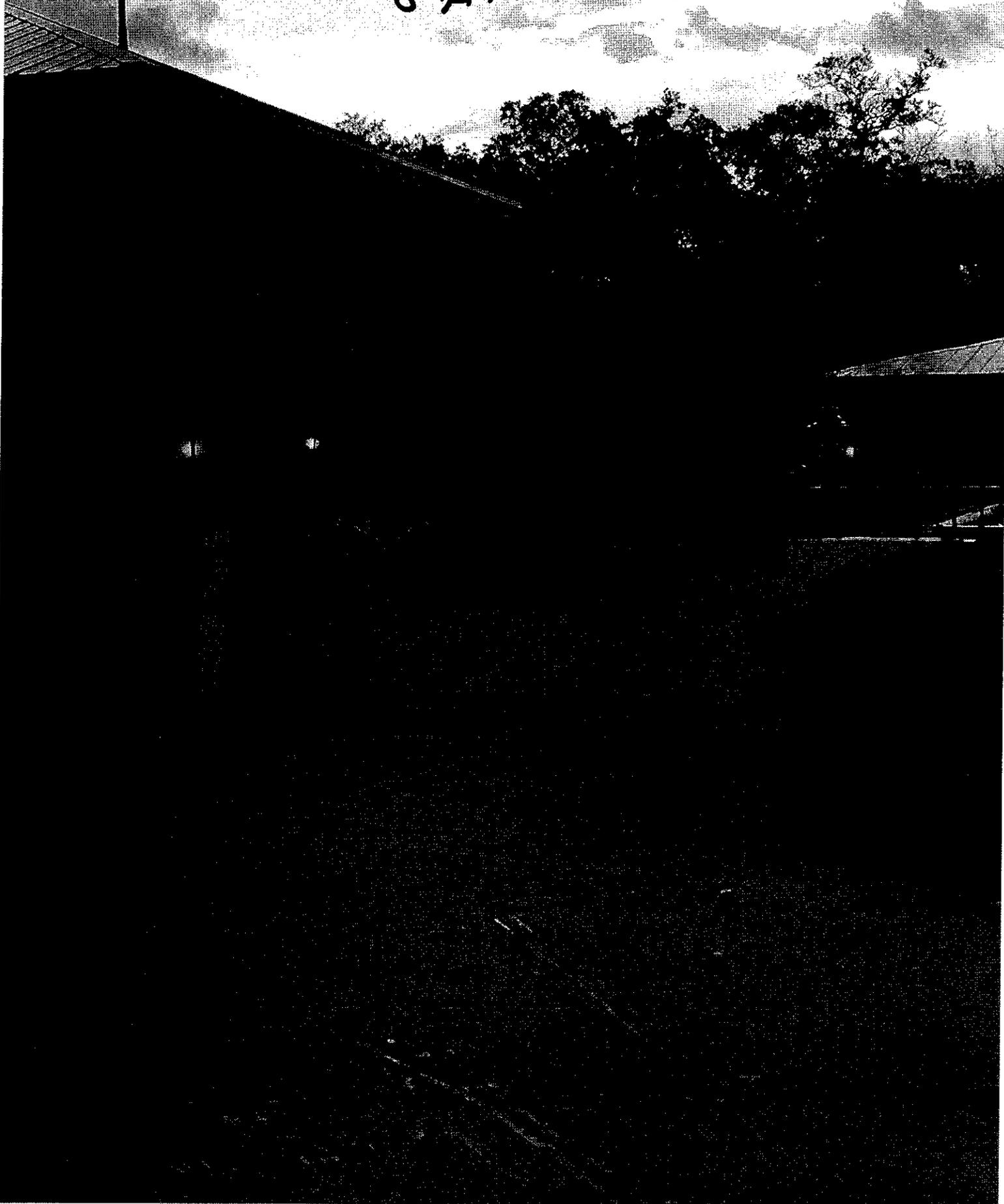
If you have questions about the form(s) or the due date(s) shown, you can call us at the phone number or write to us at the address shown at the top of this notice. If you need help in determining your annual accounting period (tax year), see Publication 538, *Accounting Periods and Methods*.

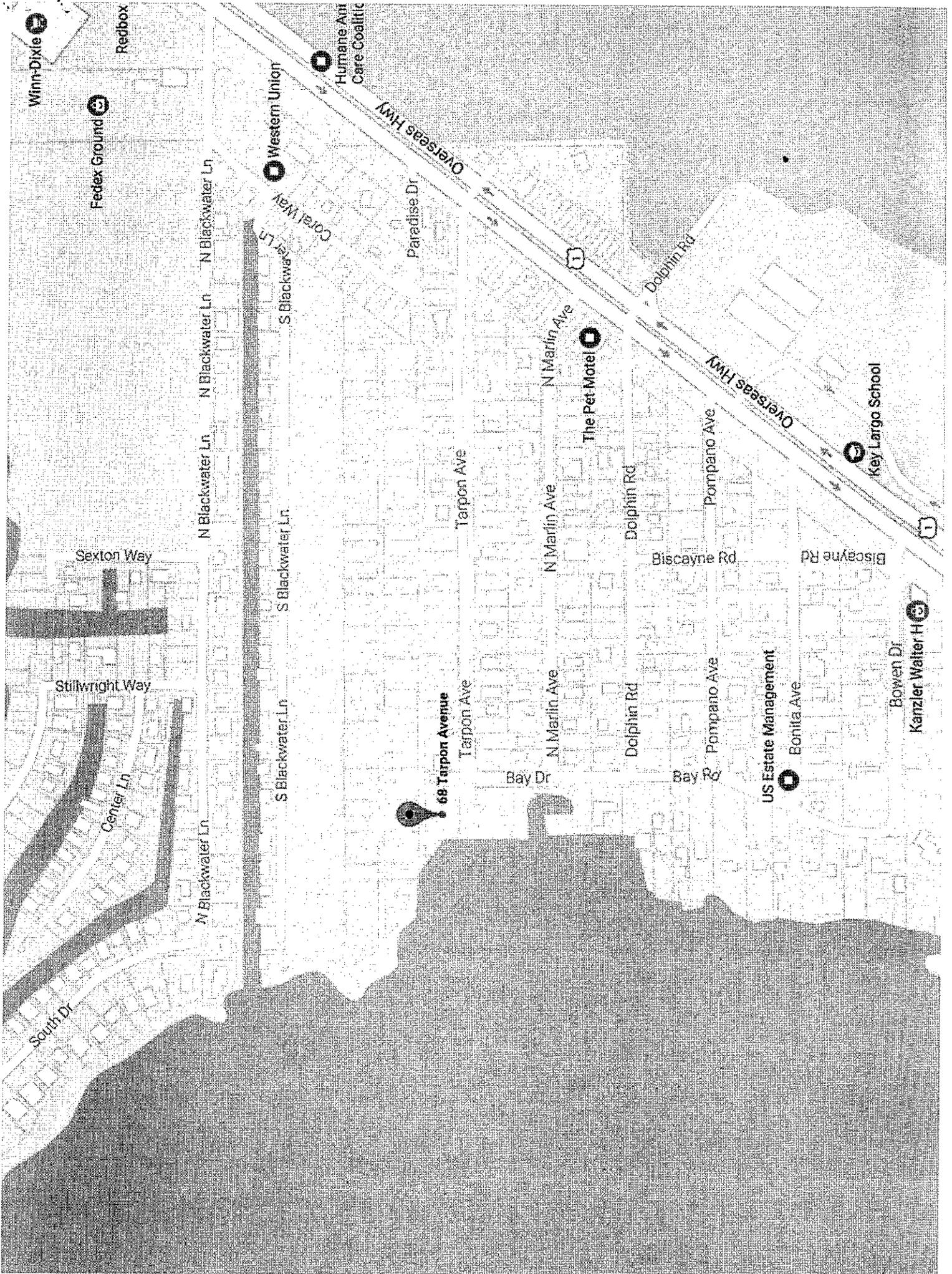
We assigned you a tax classification based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination of your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2004-1, 2004-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue). Note: Certain tax classification elections can be requested by filing Form 8832, *Entity Classification Election*. See Form 8832 and its instructions for additional information.

**IMPORTANT INFORMATION FOR S CORPORATION ELECTION:**

If you intend to elect to file your return as a small business corporation, an election to file a Form 1120-S must be made within certain timeframes and the corporation must meet certain tests. All of this information is included in the instructions for Form 2553, *Election by a Small Business Corporation*.

68 Tarpon -  
Gated Entrance





Winn-Dixie

Fedex Ground

Redbox

Western Union  
Humane Ant  
Care Coalitio

N Blackwater Ln

Coral Way  
S Blackwater Ln

Overseas Hwy

Paradise Dr

1

N Marlin Ave

The Pet Motel

Dolphin Rd

Pompano Ave

Key Largo School

1

Sexton Way

N Blackwater Ln

S Blackwater Ln

Tarpon Ave

N Marlin Ave

Dolphin Rd

Biscayne Rd

Biscayne Rd

Stillwright Way

N Blackwater Ln

S Blackwater Ln

68 Tarpon Avenue

Tarpon Ave

Bay Dr

N Marlin Ave

Dolphin Rd

Bay Rd

Pompano Ave

US Estate Management

Bonita Ave

Bowen Dr

Kanzler Walter H



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

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

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

The Offices of the Property Appraiser will be closed Friday the 23rd and Monday the 26th for the Christmas Holidays.

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

Alternate Key: 1631078 Parcel ID: 00511770-000000

**Ownership Details**

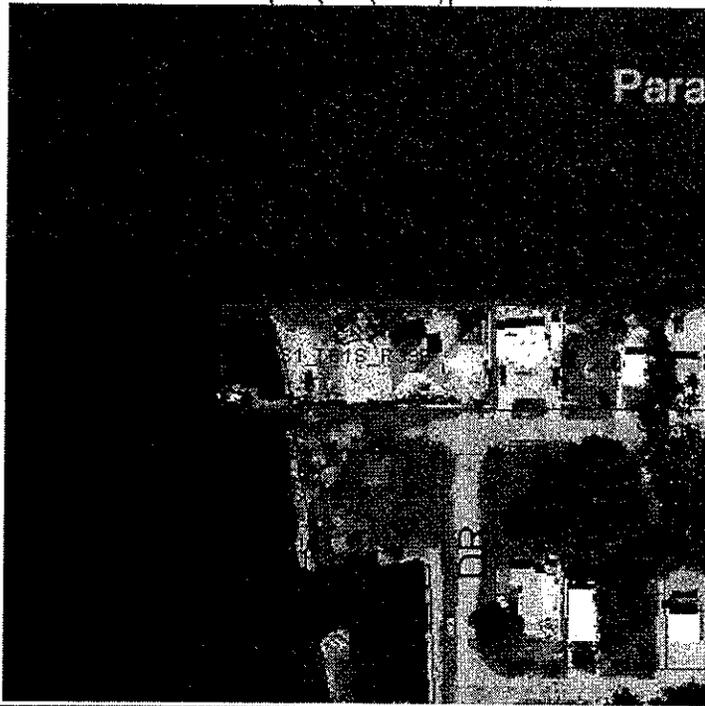
**Mailing Address:**  
LEVINE BRADLEY M  
800 HIBISCUS ST  
BOCA RATON, FL 33486-3540

**All Owners:**  
FRIEDMAN-LEVINE MELISSA A H/W, LEVINE BRADLEY M

**Property Details**

**PC Code:** 01 - SINGLE FAMILY  
**Millage Group:** 500K  
**Affordable Housing:** No  
**Section-Township-** 01-61-39  
**Range:**  
**Property Location:** 68 TARPON AVE KEY LARGO  
**Subdivision:** RIVIERA VILLAGE REV & AMD  
**Legal Description:** REVISED AMENDED PLAT OF RIVIERA VILLAGE PB2-80 KEY LARGO RESERVED TR 2 G57-181 OR395-170/71 OR449-968 OR806-608 OR1188-1256AFF OR1639-1604 OR2513-1453/54

**Click Map Image to open interactive viewer**



**Land Details**

Land Use Code	Frontage	Depth	Land Area
010W - RES WATERFRONT	0	0	21,230.00 SF
9500 - SUBMERGED			0.20 AC

**Building Summary**

Number of Buildings: 1  
 Number of Commercial Buildings: 0  
 Total Living Area: 1224  
 Year Built: 1968

**Building 1 Details**

Building Type R1  
 Effective Age 27  
 Year Built 1968  
 Functional Obs 0

Condition G  
 Perimeter 164  
 Special Arch 0  
 Economic Obs 0

Quality Grade 500  
 Depreciation % 33  
 Grnd Floor Area 1,224

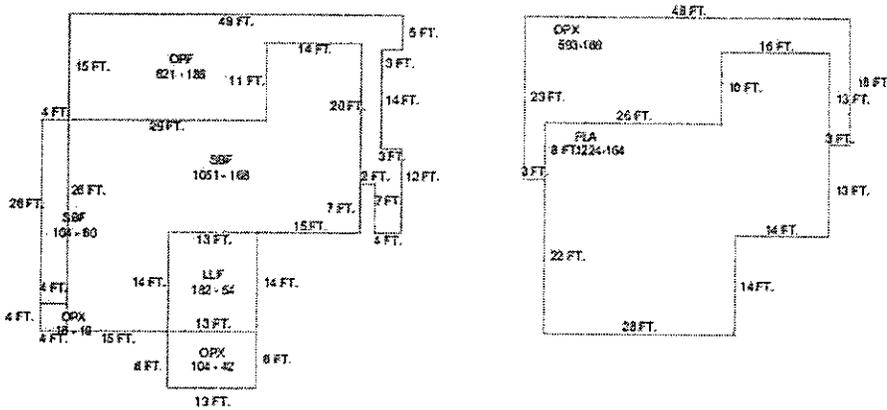
Inclusions: R1 includes 1 3-fixture bath and 1 kitchen.

Roof Type GABLE/HIP Roof Cover METAL  
 Heat 1 NONE Heat 2 NONE  
 Heat Src 1 NONE Heat Src 2 NONE

Foundation CONC PILINGS  
 Bedrooms 2

Extra Features:

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



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic A/C	Basement %	Finished Basement %	Area
0	OPX		1	2012				16
0	OPX		1	2012				104
0	LLF	5:C.B.S.	1	2012	Y			182
2	SBF	5:C.B.S.	1	1968				104
4	OPF		1	1968				621
5	SBF	5:C.B.S.	1	1968				1,051
6	FLA	5:C.B.S.	1	1968	N Y	0.00	0.00	1,224
7	OPX		1	1968		0.00	0.00	593

Misc Improvement Details

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

0	GR2:GARAGE	740 SF	0	0	2012	2013	3	60
0	PO4:RES POOL	480 SF	40	12	2012	2013	3	50
0	PT4:PATIO	850 SF	0	0	2012	2013	4	50
1	DK3:CONCRETE DOCK	240 SF	40	6	1980	1981	4	60
2	SW2:SEAWALL	80 SF	40	2	1980	1981	2	60
4	AP2:ASPHALT PAVING	720 SF	60	12	1975	1976	1	25
5	FN2:FENCES	1,500 SF	300	5	1990	2004	4	30
6	FN2:FENCES	240 SF	60	4	1990	2004	4	30
7	FN3:WROUGHT IRON	36 SF	36	1	1990	2004	4	60
8	FN3:WROUGHT IRON	60 SF	12	5	1990	2004	4	60
9	AP2:ASPHALT PAVING	120 SF	12	10	2003	2010	1	25

## Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	11302519	08/08/2011	07/25/2012	1		NEW POOL & DECK
	11304938	12/02/2011	07/25/2012	1		GARAGE
	11303033	09/07/2011	07/25/2012	1		INT/EXT REMODEL
	11301803	05/05/2011	12/22/2011	1		INT/EXT DEMOLITION

## 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
2016	153,067	102,513	1,057,592	1,313,172	1,130,252	0	1,313,172
2015	159,653	89,073	1,057,592	1,306,318	1,027,502	0	1,306,318
2014	148,556	78,587	1,038,008	1,265,151	934,093	0	1,265,151
2013	150,891	80,136	837,265	1,068,292	849,176	0	1,068,292
2012	124,213	11,778	568,339	704,330	704,330	0	704,330
2011	124,213	11,968	668,765	804,946	780,234	0	804,946
2010	186,859	12,145	510,300	709,304	709,304	0	709,304
2009	124,573	12,102	510,300	646,975	646,975	0	646,975
2008	155,716	12,780	616,613	785,109	785,109	0	785,109
2007	170,231	13,045	691,031	874,307	372,467	25,000	347,467
2006	177,901	12,717	691,031	881,649	363,382	25,000	338,382
2005	152,487	13,342	531,563	697,392	352,798	25,000	327,798
2004	142,321	14,122	430,566	587,009	342,522	25,000	317,522
2003	126,131	9,188	430,566	565,885	336,136	25,000	311,136
2002	144,955	9,563	260,820	415,338	328,258	25,000	303,258
2001	124,247	10,028	223,256	357,531	323,089	25,000	298,089
2000	124,247	3,371	201,994	329,612	313,679	25,000	288,679
1999	124,247	3,485	191,363	319,095	304,507	25,000	279,507
1998	122,176	3,562	191,363	317,101	299,712	25,000	274,712
1997	119,070	3,564	191,363	313,997	294,703	25,000	269,703
1996	119,070	3,672	191,363	314,105	286,120	25,000	261,120

1995	119,070	3,804	191,363	314,237	279,142	25,000	254,142
1994	119,070	3,896	148,838	271,804	271,804	25,000	246,804
1993	103,539	3,482	148,838	255,859	255,859	25,000	230,859
1992	103,539	3,598	148,838	255,975	255,975	0	255,975
1991	51,230	1,318	154,791	207,339	207,339	0	207,339
1990	51,230	1,350	143,735	196,315	196,315	0	196,315
1989	51,230	1,381	143,735	196,346	196,346	0	196,346
1988	29,007	0	90,366	119,373	119,373	0	119,373
1987	28,724	0	85,050	113,774	113,774	0	113,774
1986	28,889	0	85,050	113,939	113,939	0	113,939
1985	25,852	0	74,419	100,271	100,271	0	100,271
1984	24,133	0	74,419	98,552	98,552	0	98,552
1983	24,133	0	69,495	93,628	93,628	0	93,628
1982	24,495	0	69,495	93,990	93,990	0	93,990

## 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
4/8/2011	2513 / 1453	810,000	WD	03
2/1/1980	806 / 608	100,000	00	Q

This page has been visited 129,576 times.

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

This Document Prepared By AND  
upon recording return to:

HOWARD B. NADEL, ESQ.  
HOWARD B. NADEL, P.A.  
301 W. Hallandale Beach Blvd.  
Hallandale Beach, Florida 33009  
(954) 455-5100  
Parcel I.D. No.: 0051177000000016139  
File NO.: 210-1256

Doc# 1832065 04/18/2011 11:28AM  
Filed & Recorded in Official Records of  
MONROE COUNTY DANNY L. KOLHAGE

04/18/2011 11:28AM  
DEED DOC STAMP CL: DIONNE \$5,670.00

Doc# 1832065  
Bk# 2513 Pg# 1453

[Space Above This Line For Recording Data]

## WARRANTY DEED

THIS INDENTURE, made this 8<sup>th</sup> day of April, between **ELIZABETH GAYLE NYMAN a/k/a GAYLE A. NYMAN**, a single woman, whose address is 919 Mayflower Road, Sale Creek, TN 37373, **GRANTOR**, and **BRADLEY M. LEVINE and MELISSA A. FRIEDMAN-LEVINE**, husband and wife, whose address is 800 Hibiscus Street, Boca Raton, FL 33486, **GRANTEE**. ("GRANTOR/GRANTEE" refers to singular or plural as context requires)

**WITNESSETH** that GRANTOR, for and in consideration of the sum of TEN & NO/100 DOLLARS (\$10.00) 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 GRANTEE, and GRANTEE'S heirs and assigns forever, the following-described land situated in **MONROE** County, State of Florida to wit:

Tract 2, Revised Amended Plat of Riviera Village, according to the plat thereof as recorded in Plat Book 2, Page(s) 80, Public Records of Monroe County, Florida.

This conveyance is subject to the following:

1. Taxes and assessments for the year 2011 and subsequent years thereafter;
2. Subject to zoning and/or restrictions and prohibitions imposed by governmental authority;
3. Restrictions, easements and other matters appearing on the plat and/or common to the subdivision;

and the GRANTOR does hereby fully warrant the title to the land, and will defend the same against the 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:

Lynda B  
Witness Print Name: Lynda Boughan  
1<sup>st</sup> Witness as to Elizabeth Gayle Nyman a/k/a Gayle A. Nyman

Elizabeth Gayle Nyman a/k/a Gayle A. Nyman  
ELIZABETH GAYLE NYMAN a/k/a GAYLE

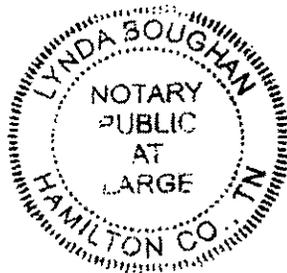
Gloria Jones  
Witness Print Name: Gloria Jones  
2<sup>nd</sup> Witness as to Elizabeth Gayle Nyman a/k/a Gayle A. Nyman

Doc# 1832065  
Bk# 2513 Pg# 1454

STATE OF TENNESSEE }  
COUNTY OF HAMILTON }

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of April, 2011 by **ELIZABETH GAYLE NYMAN a/k/a GAYLE A. NYMAN** who is personally known to me or who has produced her drivers licence as identification.

Lynda B  
Printed Name: Lynda Boughan  
NOTARY PUBLIC  
My Commission Expires: 3-3-15



MONROE COUNTY  
OFFICIAL RECORDS

# Document Index Detail



## General Information

Document #: 1832065  
 Book #: 2513  
 Book Type: OFFICIAL RECORDS  
 Consideration Amount: \$810,000.00  
 # of Pages: 2

Filed Date: 4/18/2011  
 Page #: 1453  
 Document Type: WARRANTY DEED  
 Case #:

## Grantor

NYMAN, GAYLE A  
 NYMAN, ELIZABETH GAYLE

## Grantee

FRIEDMAN LEVINE, MELISSAA  
 LEVINE, BRADLEY M

## Legal Description(s)

Land Description: TR 2  
 Plat Book: 2  
 Subdivision: REVISED AMDED PLAT OF RIVIERA VILLAGE  
 Lot List:

Parcel: 00511770000000016139  
 Plat Page: 80  
 Block:  
 Unit List:



# Florida Keys Homeowners Association (HOA)

## Association Membership

### By-Laws

#### Chapter 1 - Members.

Section 1. **Members.** All residents of this homeowners association who are 18 years of age or older are eligible to be members of this Corporation. All members of the Corporation may vote for and are eligible to be officers of the Corporation.

Section 2. **Annual HOA Meeting.** The membership shall elect a board of directors at the annual meeting to be held in the community at a time designated by the President of the Corporation. The membership and Board of Directors shall be notified not less than 15 days before the date of the annual meeting. Notice shall be given by posting the scheduled date, time, and place of the meeting in at least three prominent public locations in the community. The annual meeting shall be open to the public.

Section 3. **Regular HOA Meetings.** The HOA Board of Directors will meet annually or as noticed. These meetings shall be open to the public and shall be publicly noticed by posting the scheduled date, time and place of the meeting in at least two prominent, public locations in the Community.

Section 4. **Special HOA Meetings.** Special meetings of the membership may be called by or at the request of the Chair or any three Directors or by a petition of ten percent of the registered members. These meetings shall be public and shall be publicly noticed at least 15 days in advance by posting the date, time, place and purpose of the meeting in at least three prominent, public locations in the community. The members may not address any matter which is not stated in the public notice as the purpose of the meeting.

Section 5. **Quorum.** Three members of the HOA Board of Directors constitute a quorum for the transaction of business at any meeting of the Board. Majority affirmative votes are required for any action taken by the Board.

Section 6. **HOA Voting and Voting by Proxy.** All members are entitled to vote and shall have the right to do so in person or by an agent authorized by a written proxy

executed by the member filed with the Secretary of the Corporation. Such proxy shall be valid only if executed in favor of another member and no proxy shall be valid after the expiration of eleven months from the date of its execution.

Section 7. **Order of Business.** The order of business at all meetings of the members shall be as follows:

- A. Roll Call
- B. Proof of Notice of Meeting or Waiver of Notice
- C. Reading and Approval of Minutes of Preceding Meeting
- D. Reports of Directors
- E. Reports of Committees
- F. Unfinished Business
- G. New Business
- H. Election of Directors (if applicable)
- I. Adjournment

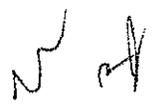
## **Chapter 2 - Board of Directors**

Section 1. **HOA Directors.** The number of directors shall be three. Directors shall be members of the Corporation and shall act on good faith charge of the members of the Corporation.

Section 2. **Term of Office.** The term of office for each director shall be for three years from the time of his or her election at the annual meeting until his or her successor has been elected and qualified. All officers are elected by and from the directors for one year terms. To allow for terms to expire each year, initially the directors' terms shall be as follows:

- 1. Director A - Term Expires Dec 31, 2017
- 2. Director B - Term Expires Dec 31, 2018
- 3. Director C - Term Expires Dec 31, 2019

Section 3. **Vacancies.** Except as otherwise provided, any vacancies occurring in the HOA Board of Directors, whether by resignation or removal, shall be filled by the



majority vote of the remaining Directors. In the event of the simultaneous resignation and/or removal of three or more Directors, the membership shall hold new elections to fill those vacant positions on the Board. Those Directors so elected will serve for the remaining portion of the unexpired term.

Section 4. **Removal of Directors.** Any Director may be removed by a majority of the members who vote on the issue providing that just cause has been established and whenever, in their judgement, the best interests of the Corporation would be served by doing so.

### **Chapter 3 - HOA and Election Voting Rules**

Section 1. **HOA Election Notice.** A notice of vacancies for expired terms of office for Board of Directors and a notice that an election shall be held shall be prepared and posted by the Secretary and shall contain the following:

1. Whether the election is general or special
2. Date of the election
3. Location of the meeting where the election will be held
4. Time of election meeting
5. Seats or office to be filled
6. A statement describing voter qualifications

Section 2. **Nominations.** Nominations for Board of Directors shall be open nomination from the floor at the annual membership meeting.

Section 3. **Ballots.** Ballots will be on plain white paper with a space for writing in the nominee's name and a blank square for marking a vote next to the nominee's name.

Section 4. **Voting Procedures.** Voting procedures are as follows:

1. The Secretary shall check for the member's name on the Master List of members. If the member's name appears on the master membership list, that person is deemed qualified to vote.
2. Qualified voters shall give his/her name to the Secretary and then write it on the blank list or membership roster.

3. Voters shall mark the ballot next to the name of the nominees they wish to vote for, as provided in

#### **Chapter 4 - Ballots.**

Section 1. **Voting will be by secret ballot.** Ballots will be marked in pen. After the ballot is marked, the voter will fold it and deposit it in the ballot box.

Section 2. **Tallying Procedures.** Before counting the ballots, the Secretary shall check to make sure that the number of member's names signed on the membership roster is equal to the number of ballots in the ballot box. The ballot box shall be opened in public. The ballots shall be tallied by the Secretary or a committee of judges selected from the membership and recorded by the Treasurer.

Section 3. **Certifying the Election.** The election shall be certified by the President and Vice-President of the Corporation. Nominees receiving the greatest number of the votes cast shall be considered elected Directors. For example. If two seats are to be filled, the top two vote getters are the newly elected directors. The Secretary shall post a copy of the report of election results in three public places the day after the election results are known. The notice shall include:

1. That the election has been certified by the President or Vice-President,
2. That the final results of the election, and
3. A list of the names of the new Directors.

#### **Chapter 5 - Officers**

Section 1. **Selection of Officers.** The Board of directors shall elect from among themselves the following officers; President, Secretary, and Treasurer. This shall be the first order of business of the first meeting of the Board of Directors following the elections of Directors at the annual meeting.

Section 2. **President.** The President is the principal executive office of the Corporation and shall, in general, supervise and control all of the business and affairs of the Corporation. He/She shall preside at all meetings of the Board of Directors. He/She

shall sign contracts or other instruments which the Board of Directors has authorized to be executed.

**Section 3. Secretary.**

The Secretary shall:

1. Keep a journal of proceedings of the Corporation, record all votes at meetings of the Corporation, and provide for the electronic recording of meetings of the Corporation when possible,
2. Provide for the standardization and maintenance of all forms, books, and records of the Corporation, and
3. Keep the Corporate seal and affix the seal to all contracts and instruments authorized to be executed by the Corporation.

**Section 4. Treasurer.**

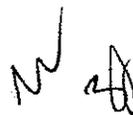
The Treasurer shall:

1. Manage, deposit, and invest all funds of the Corporation as directed by the Board of Directors,
2. Disburse money for all corporate obligations, and
3. Keep regular books or accounts of all corporate financial transactions, and provide for financial reports or audits as directed by the Board of Directors.

**Chapter 6 - Contracts, Checks, Deposits and Funds Finances**

**Section 1. Contracts.** The Board of Directors, at the direction of the membership, may authorize any officer or officers, agent or agents of the Corporation, in addition to the officers so authorized by these Bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or confined to specific instances as authorized by the Board of Directors.

**Section 2. Checks, Draft Signing Authority.** All checks, drafts, or orders for payment of money, notes or other evidence of indebtedness issued in the name of the Corporation and in such a manner as shall be determined from time to time by the



Board of Directors, shall be signed by the Treasurer and shall be countersigned by the President or Secretary of the Corporation.

Section 3. **Deposits.** All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies, or other depositories as the Board of Directors may select.

Section 4. **Gifts.** The Board of Directors may accept on behalf of the Corporation any contribution, gift, bequest, or device for any special purpose for the Corporation.

Section 5. **Grants.** No grant monies from the State, federal or other governmental entity shall be applied for without the majority vote approving such application at a meeting of the members of the Corporation.

Section 6. **Dues.** Dues may or may not be assessed by the Board of Directors, but may not exceed \$1000.00 per member per year.

Section 7. **Fiscal Year.** The fiscal year of the Corporation shall begin on the first day of January and end December 31.

## **Chapter 7 - Vacation Rental Requirements**

Section 1. Vacation Rental Units are short-term (7 to 28 nights) rentals of residential dwelling units. Every vacation rental unit must have one kitchen and at least one working telephone (Land line).

Section 2. Vacation rental units may have no more than two (2) persons per bedroom plus two (2) extra persons.

Section 3. Short-term rentals require to be an member in good standing with Florida Keys HOA. A non-refundable fee of \$100.00, and subsequent annual renewal fees of \$100.00.

Section 4. A Monroe County Business Tax Receipt by the County Tax Department, a license from the State of Florida Department of Business and Professional Regulation,

(DBPR) division of Hotels and Restaurants and Florida Department of Revenue Sales Tax identification certificate is required.

Section 5. An annual inspection is required by a licensed fire equipment supplier.

Section 6. All vehicles and trailers are required to be parked within the gated home. No vehicles may be used for overnight accommodations. Gate to the home should remain closed.

Section 7. Docked vessels may not extend beyond the property lines, may not be rafted together or create a navigation hazard. No vessels may be used for overnight accommodations.

Section 8. Tenants shall not unnecessarily make or cause a noise disturbance between the hours of 10:00pm and 7:00 am Sunday - Thursday and 11:30 and 7:00am Friday and Saturday with exception to the evening before a Federal holidays where times will be the same as Friday and Saturdays.

Section 9. All trash must be in covered containers (4 minimum) and may not be placed in the right of way except from 6:00 pm of the day prior to scheduled trash pickup, and removed from the right of way by the end of trash pickup day.

Section 10. The rental agreement shall contain the home address, phone number, manager's address and phone number, and the phone number of the rental unit. Either the property owner or property manager's contact number must be posted in the rental unit. The rental agreement must be agreed to by the principal renter.

Section 11. All tenants of vacation rental units are required to comply with MANDATORY EVACUATION at the posting of a hurricane warning.

Section 10. All advertisements of Vacation Rentals in any medium must contain the vacation rental HOA permit number (HPR) issued by Florida Key HOA.

Section 11. Florida Keys HOA, its officers directors or agents are not responsible for any accidents, injuries or illness that occurs while on a member home. Florida Keys

HOA is also not responsible for the loss of personal belongings or valuables of the guest. Florida Keys HOA does assume any RISK or LIABILITY arising from renters, or from changes in Federal, State, or Local laws.

Section 12. A property manager or their back up for the home must be available at all times the home is rented and must be physically no more than 30 minutes away in case of emergency.

### **Chapter 8 - Books and Records**

The Corporation shall keep correct and complete records of financial transactions and accounts, and shall also keep minutes of the proceedings of its Board of Directors. All books and records of the Corporation may be inspected by any member, or his/her agent or attorney, for any purpose at any reasonable time.

#### **Amendment to Bylaws**

The bylaws may be amended by an affirmative vote of two-thirds of the members voting at an annual meeting. The text of the proposed amendment must be included in the public notice announcing the time, date and place of the annual meeting.

#### **Adoption of Bylaws**

This is to certify that the above bylaws were adopted by the Board of Directors at a meeting on Sept 30, 2016.

  
\_\_\_\_\_  
President Bruce Levine

  
\_\_\_\_\_  
Secretary/Treasurer Melissa Levine

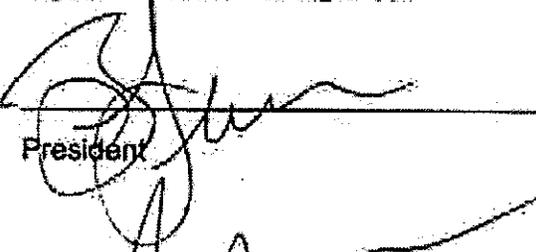
**Florida Keys Homeowners Association (HOA)**

**Association Resolution**

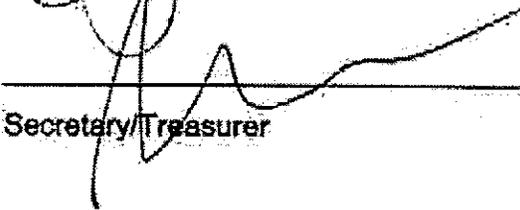
**122716.1**

**Chapter 1.1 List of Members.**

Bradley M. Levine and Melissa A. Friedman are members of the Florida Keys Homeowners Association (HOA) and their respective property located at 68 Tarpon Avenue, Key Largo is subject to the Florida Keys Homeowners Association (HOA) rules, regulations, and management.



\_\_\_\_\_  
President



\_\_\_\_\_  
Secretary/Treasurer

# County of Monroe

## Planning & Environmental Resources

### Department

2798 Overseas Highway, Suite 410

Marathon, FL 33050

Voice: (305) 289-2500

FAX: (305) 289-2536



## Board of County Commissioners

Mayor George Neugent, District 2

Mayor Pro Tem David Rice, Dist. 4

Heather Carruthers, District 3

Danny L. Kolhage, District 1

Sylvia J. Murphy, District 5

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

June 9, 2017

Brad Levine  
800 Hibiscus Street  
Boca Raton, FL 33486

**Subject:** *Request for an Exemption to a Special Vacation Rental Permit located at 68 Tarpon Avenue, Revised Amended Plat of Riviera Village (PB2-80), Key Largo, Florida, Real Estate #00511770-000000 (VRE-16-14)*

Dear Mr. Levine,

The Planning and Environmental Resources Department is in receipt of your application for an Exemption to the County's Special Vacation Rental Permit. The application is for an exemption pursuant to Monroe County Land Development Code (LDC) Section 134-1(b)(1), for properties in which the dwelling unit is located within a controlled access, gated community with a homeowner's or property owner's association that expressly regulates or manages vacation rental uses.

The subject property consists of one single-family detached dwelling unit and is located within the County's Improved Subdivision (IS) Land Use (Zoning) District. Pursuant to LDC Section 130-83(b), vacation rental use is prohibited in all IS Districts and subdistricts, except in:

- (1) IS-V districts (as set forth in section 130-84); and
- (2) In gated communities that have:
  - a. Controlled access; and
  - b. A homeowner's or property owner's association that expressly regulates or manages vacation rental uses.

Although the County LDC does not explicitly define "community," "controlled access," or "gated communities," the Planning Director has the "jurisdiction, authority and duties"... "to render interpretations of the Comprehensive Plan and the Land Development Code." pursuant to LDC Section 102-21(b)(2)h. To aid in the review of the requested Vacation Rental Exemption, various sources were consulted for definitions of the terms "community" and "gated community."

*A Planners Dictionary* (2004) APA Planning Advisory Service, 460pp:

- "Community" is defined as "A subarea of the city consisting of residential, institutional, and commercial uses sharing a common identity."

- “Gated community” is defined as “Residential areas that restrict access to normally public spaces. These are subdivisions of usually high-end houses located mostly in suburbs, but some more recently in inner-city areas. The type of gates can range from elaborate guard houses to similar electronic arms. Residents may enter by electronic cards, or remote control devices. Visitors must stop to be verified for entry; A residential neighborhood where accessibility is controlled by means of gate, guard, barrier or other similar improvement within or across a privately maintained right-of-way.”

*Black’s Law Dictionary* defines “Community” as “1. A neighborhood, vicinity, or locality. 2 A society or group of people with similar rights or interest. 3. Joint ownership, possession or participation.”

*Merriam-Webster Dictionary* ([www.merriam-webster.com/dictionary/community](http://www.merriam-webster.com/dictionary/community)) defines “Community” as “A unified body of individuals: a) the people with common interests living in a particular area; the area itself; b) an interacting population of various kinds of individuals (as species) in a common location; c) a group of people with a common characteristic or interest living together within a larger society”

*Oxford English Dictionary* ([en.oxforddictionaries.com/definition/community](http://en.oxforddictionaries.com/definition/community)) defines “Community” as “1) A group of people living in the same place or having a particular characteristic in common; 1.1) A group of people living together and practicing common ownership; 1.2) A particular area of place considered together with its inhabitants”

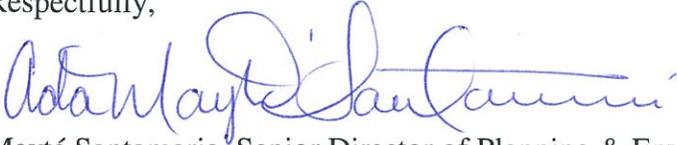
Based on the above definitions of “community” from generally and professionally accepted references, the County Land Development Code cannot be interpreted as permitting the vacation rental use of one single-family detached dwelling unit located on one lot or parcel in the IS District. Therefore, the Department is unable to approve the application at this time for the following reason:

1. Pursuant to LDC Section 130-83(b), vacation rental use is prohibited in all IS Districts and subdistricts, except in: (1) IS-V districts (as set forth in section 130-84); and (2) In gated communities that have: a. Controlled access; and b. A homeowner's or property owner's association that expressly regulates or manages vacation rental uses. The subject property, consisting of one single-family detached dwelling unit, does not meet the above definitions of “community” or “gated community” The terms “community” and “gated community” as used in LDC Sections 130-83(b) and 134-1(b)(1) cannot not apply to a single lot or parcel with one dwelling unit in the IS District.

You may appeal any decision, determination or interpretation made in this letter pursuant to Monroe County Code Section 102-185. A notice of appeal must be filed with the County Administrator, 1100 Simonton Street, Gato Building, Key West, FL 33040, within 30 calendar days from the date of this letter. In addition, please submit a copy of your notice of appeal to the Planning Commission Coordinator, Monroe County Planning and Environmental Resources Department, 2798 Overseas Highway, Suite 410, Marathon, Florida 33050.

If you have any questions regarding the contents of this letter, or if we may further assist you, please feel free to contact the Department's Marathon office at (305) 289-2500.

Respectfully,



Mayté Santamaria, Senior Director of Planning & Environmental Resources

**Chapter 134 MISCELLANEOUS RESTRICTIONS**

**ARTICLE I. IN GENERAL**

**Sec. 134-1. Vacation Rental Uses.**

(a) Special vacation rental permit.

An owner or agent is required to obtain an annual special vacation rental permit for each dwelling unit prior to renting any dwelling unit as a vacation rental, as defined in section 101-1, except as provided for under subsection (b) of this section. A special vacation rental permit is nontransferable between owners. A change of ownership of the vacation rental unit shall require the new owner or his agent to obtain a new vacation rental permit for the residential dwelling unit.

(b) Exemptions.

A vacation rental permit is not required for the following:

- (1) A vacation rental of a dwelling unit located within a controlled access, gated community with a homeowner's or property owner's association that expressly regulates or manages vacation rental uses; or
- (2) A vacation rental of a dwelling unit within a multifamily building located within a multifamily district, which has 24 hour on-site management or 24 hour on-site supervision that has received an exemption from the planning director. To meet these site management or supervision requirements, a designated individual must be physically located within the building or within 300 feet of the subject building and must be available at all times to respond to tenants' and neighbors' complaints. To obtain an exemption under the provisions of this section, the owner or agent must submit an application to the planning department in a form prescribed by the planning director.

\* \* \* \* \*

**File #:** **2017-095**

**Owner's Name:** Levine, Brad

**Applicant:** Levine, Brad

**Agent:** N/A

**Type of Application:** PC Appeal

**Key:** Key Largo

**RE:** 00511770.000000

**Additional Information added to File 2017-095**

**MONROE COUNTY, FLORIDA  
PLANNING COMMISSION**

**BRADLEY M. LEVINE and  
MELISSA A. FRIEDMAN-LEVINE,  
Husband and Wife,**

**Appellants,**

**v.**

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

**Appellee.**

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**APPELLEE'S RESPONSE TO APPELLANTS' STATEMENT  
OF BASIS FOR APPEAL TO THE PLANNING COMMISSION**

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**DEREK V. HOWARD, ESQ.  
Assistant County Attorney  
Attorney for Appellee  
Fla. Bar. NO. 0667641  
Monroe County Attorney's Office  
1111 12<sup>th</sup> Street, Suite 408  
Key West, Florida 33041  
(305) 292-3470  
howard-derek@monroecounty-fl.gov**

**TABLE OF CITATIONS**

*Atlantic Shores Resort LLC v. 507 South Street Corporation*,  
937 So.2d 1239 (Fla. 3<sup>rd</sup> DCA 2006).....7

*Austin v. State ex rel. Christian*,  
310 So.2d 289 (Fla.1975).....10

*Florida Dept. of Env'tl. Protection v. Contract Point Florida Parks, LLC*,  
986 So.2d 1260 (Fla. 2008).....9

*State v. Presidential Women's Ctr.*, 937 So.2d 114  
(Fla. 2006) .....9

Three Dog Night (American Rock Band) .....8

## **STATEMENT OF THE CASE**

On December 20, 2016, Appellants filed a Request for an Exemption to a Special Vacation Rental Permit (hereinafter “Request”). By letter dated June 9, 2017 (hereinafter “Letter of Denial”), Mayte Santamaria, in her capacity as the Senior Director of Planning & Environmental Resources Department for Monroe County, Florida, denied Appellants’ Request on the basis that the subject property, consisting of one single-family detached dwelling unit, is not located in a “gated community.” On July 6, 2017, Appellants thereafter filed an application for Administrative Appeal pursuant to Section 102-185 of the Land Development Code (“LDC”)

## **STATEMENT OF FACTS**

Pursuant to LDC Section 130-83(b), vacation rental use is prohibited in all Improved Subdivision (IS) Districts and subdistricts, except in:

- (1) IS-V districts (as set forth in section 130-84); and
- (2) In gated communities that have:
  - a. Controlled access; and
  - b. A homeowner's or property owner's association that expressly regulates or manages vacation rental uses.

With certain exceptions, any person operating a vacation rental must apply for a permit to do so. LDC Section 134-1(a) provides as follows:

An owner or agent is required to obtain an annual vacation rental permit for each dwelling unit prior to renting any dwelling unit as a vacation rental, as defined

in section 101-1, except as provided for under subsection (b) of this section. A special vacation rental permit is nontransferable between owners. A change of ownership of the vacation rental unit shall require the new owner or his agent to obtain a new vacation rental permit for the residential dwelling unit.

Appellants' application was for an exemption pursuant to Section 134-1(b)(1) which provides that a vacation rental permit is not required for "[a] vacation rental of a dwelling unit located within a controlled access, gated community with a homeowner's or property owner's association that expressly regulates or manages vacation rental uses."

The subject property consists of one single-family detached dwelling unit and is located within the County's IS district. As part of the application "proof unit is located within a controlled access, gated community with a homeowner's or property owner's association that expressly regulates or manages vacation rental use," the applicant submitted: (a) a Department of Business & Professional Regulation license issued to the Florida Keys HOA, Inc.;<sup>1</sup> (b) and IRS statement addressed to the Florida Keys HOA, Inc. and to the attention of Brad Levine; and (c) a photograph of the gated entrance. This "proof" showed that the only home behind the gates is owned by the Appellants. It is also undisputed that the only member of Florida Keys HOA, Inc. is the subject household.

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<sup>1</sup> The printout sheet of the DPBR webpage showed that the person logged on was Bradley Levine.

The County LDC does not explicitly define “community,” “controlled access,” or “gated communities.” To aid in the review of the requested Vacation Rental Exemption, the Planning Director relied on various sources for definitions of the terms “community” and “gated community.”

First, the Planning Director relied on *A Planners Dictionary* (2004) APA Planning Advisory Service, 460pp, which defines the terms as follows:

- “Community” is defined as “A subarea of the city consisting of residential, institutional, and commercial uses sharing a common identity.”
- “Gated community” is defined as “Residential areas that restrict access to normally public spaces. These are subdivisions of usually high-end houses located mostly in suburbs, but some more recently in inner-city areas. The type of gates can range from elaborate guard houses to similar electronic arms. Residents may enter by electronic cards, or remote control devices. Visitors must stop to be verified for entry; A residential neighborhood where accessibility is controlled by means of gate, guard, barrier or other similar improvement within or across a privately maintained right-of-way.”

Second, the Planning Director relied on *Black’s Law Dictionary*, which defines “Community” as “1. A neighborhood, vicinity, or locality. 2 A society or group of people with similar rights or interest. 3. Joint ownership, possession or participation.”

Third, the Planning Director relied on *Merriam-Webster Dictionary* ([www.merriam-webster.com/dictionary/community](http://www.merriam-webster.com/dictionary/community)), which defines “Community”

as “A unified body of individuals: a) the people with common interests living in a particular area; the area itself; b) an interacting population of various kinds of individuals (as species) in a common location; c) a group of people with a common characteristic or interest living together within a larger society.”

Finally, the Planning Director relied on the *Oxford English Dictionary* ([en.oxforddictionaries.com/definition/community](http://en.oxforddictionaries.com/definition/community)), which defines “Community” as “1) A group of people living in the same place or having a particular characteristic in common; 1.1) A group of people living together and practicing common ownership; 1.2) A particular area of place considered together with its inhabitants.”

On July 6, 2017, appellants filed their application for Administrative Appeal. Appellants subsequently filed a Request for Relief under the Florida Land Use and Environmental Dispute Resolution Act, Section 70.51, Florida Statutes, on or about October 6, 2017. As a result of the Section 70.51 request, this Administrative Appeal was held in abeyance. Following the required mediation on the Section 70.51 request, Special Magistrate David P. Kirwan rendered his Recommendation on November 21, 2017. The Recommendation found that “the denial of the special permit exception is not unreasonable and does not unfairly burden the use of the owner’s (i.e. Levine’s property)” and recommended that “the subject development order (i.e. denial of the special permit exception) remain

undisturbed.” The Recommendation was subsequently approved by the Monroe County Board of County Commissioners.

**THE PLANNING DIRECTOR’S INTERPRETATION  
MUST BE ACCORDED DEFERENCE**

Pursuant to LDC Section 102-21(b)(2)h, the Planning Director has the “jurisdiction, authority and duties . . . to render interpretations of the Comprehensive Plan and the Land Development Code.”

In resolving this appeal, it must be kept in mind that the Planning Director’s interpretation of “gated communities” is legally entitled to deference. In *Atlantic Shores Resort LLC v. 507 South Street Corporation*, 937 So.2d 1239 (Fla. 3<sup>rd</sup> DCA 2006), the Third District stated in pertinent part as follows:

An agency's interpretation of the guidelines that it is charged with administering is entitled to judicial deference, and should not be overturned as long as the interpretation is in the range of permissible interpretations. *See Paloumbis v. City of Miami Beach*, 840 So.2d 297, 298–99 (Fla. 3d DCA 2003) (explaining that “administrative interpretation is entitled to judicial deference as long as it is within the range of possible permissible interpretations”) (footnote omitted); *Bd. of Trustees of the Internal Improvement Trust Fund v. Levy*, 656 So.2d 1359, 1363 (Fla. 1st DCA 1995) (“If an agency's interpretation of its governing statutes is one of several permissible interpretations, it must be upheld, despite the existence of reasonable alternatives.”); *Metro. Dade County v. P.J. Birds, Inc.*, 654 So.2d 170, 175 (Fla. 3d DCA 1995) (explaining that a “reviewing court must defer to an agency's

interpretation of an operable statute as long as that interpretation is consistent with legislative intent and is supported by substantial competent evidence”) (quoting *Pub. Employees Relations Comm'n v. Dade County Police Benevolent Ass'n*, 467 So.2d 987, 988 (Fla.1985)).

Appellants provide no valid argument for why the Planning Director’s interpretation of the terms “community” and “gated community” is not within the range of permissible interpretations. The Planning Director’s interpretation is based on professionally-accepted reference sources, as well as common sense.

As the American rock band Three Dog Night sings, “one is the loneliest number that you’ll ever do.”<sup>2</sup> It can hardly be said that one equals a “community.”

### **THE PLANNING DIRECTOR’S INTERPRETATION DOES NOT VIOLATE RULES OF STATUTORY CONSTRUCTION**

Appellants’ reliance on the doctrine of *expressio unius est exclusio alterius*—the expression of one thing is the exclusion of the other—is wholly misplaced. The doctrine applies where a statute enumerates the things on which it is to operate. It is not a doctrine for defining terms. In this case, the doctrine would operate to guide the determination that the exception does not apply to “gated communities” with (a) uncontrolled access or (b) ones without an association that expressly regulates or manages vacation rental uses. It does not tell us what a “gated community” actually is.

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<sup>2</sup> True, “[t]wo can be as bad as one. It’s the loneliest number since the number one.” Three can be a crowd, but at least that starts looking like a community.

Appellants are not incorrect to note that the Florida Supreme Court has stated that governments are prohibited from inserting words or phrases into municipal ordinances to express intentions that do not appear on the face of the ordinance itself. This is, however, not what the Planning Director did. In contrast, the Planning Director exercised her statutory authority to define a word in the applicable provision.

**THE PLANNING DIRECTOR DID NOT IGNORE  
THE PLAIN LANGUAGE OF SECTIONS 130-83(B) AND 134-1(B)(1)**

Appellants essentially argue that the limitations provided for in (a) and (b) define what is “a gated community.” In other words—“a gated community” is one where there is “controlled access” and “a homeowner’s or property owner’s association that expressly regulates or manages vacation rental uses.” If the limitations were hypothetically omitted, it would still beg the question of what is “a gated community?” If Appellants’ argument is carried to its logical extension, then there could be no “gated communities” that have no associations regulating or managing vacation rental use. Clearly, there are such communities, making Appellants’ interpretation absurd. Construing the term “gated community” as proposed by Appellants would render the common understanding of the terms meaningless and would undermine the character of single-family neighborhoods within the IS districts. For this reason, it must be rejected. The caselaw is clear that statutes should not be interpreted “in a manner resulting in unreasonable,



of March, 2018: John A. Jabro, Esq., [jjabro@aol.com](mailto:jjabro@aol.com), [keyslegal@aol.com](mailto:keyslegal@aol.com), 90311 Overseas Highway, Suite B, Tavernier, Florida 33070, and Lesley Rhyne, Esq., [lrhyne@floridakeyslaw.com](mailto:lrhyne@floridakeyslaw.com) , [service@floridakeyslaw.com](mailto:service@floridakeyslaw.com), Cunningham Miller, P.A., 2975 Overseas Highway, Marathon, Florida 33050.

*/s/ Derek v. Howard*  
\_\_\_\_\_  
Derek V. Howard  
Assistant County Attorney

RIVIERA VILLAGE PROPERTY OWNERS ASSOCIATION, INC.  
P.O. BOX 692  
KEY LARGO, FL 33037

JANUARY 28, 2018

ILSE AGUILA  
MONROE COUNTY PLANNING &  
ENVIRONMENTAL RESOURCES DEPT.  
2798 OVERSEAS HIGHWAY, SUITE 400  
MARATHON, FL 33050



RE: BRADLEY M. LEVINE & MELISSA A. FRIEDMAN-LEVINE VS.  
MONROE COUNTY, FL DIV. OF PLANNING & ENVIRONMENTAL RESOURCES

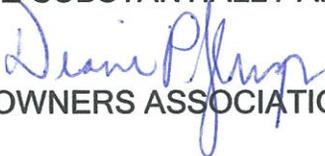
MS. AGUILA,

PLEASE SEE THE ATTACHED PETITION SIGNED BY RESIDENTS AND MEMBERS OF RIVIERA VILLAGE BOWEN'S ADDITION. OUR HOMEOWNERS PARK IS AN ADJACENT PROPERTY TO THE LEVINE PROPERTY.

BY SIGNING THE PETITION, NEIGHBORS IN OUR COMMUNITY ASK THAT THE PLANNING & ENVIRONMENTAL RESOURCES DEPT. DENY THE PETITION FOR RELIEF DATED OCTOBER 6, 2017 FILED BY THE LEVINE'S.

THIS PROPERTY WAS PURCHASED AND RENOVATED AS A MONEY MAKING VENTURE. WEEKLY TENANTS HAVE COME AND GONE YEAR AROUND VIRTUALLY EVERY WEEK OF THE YEAR DISRUPTING OUR NEIGHBORHOOD. THE LEVINE'S ALSO OWN AT LEAST ONE OTHER RENTAL PROPERTY IN THE KEYS WHICH ALSO RENTS WEEKLY. THESE PROPERTIES ARE A VERY LUCRATIVE BUSINESS FOR MR. AND MRS. LEVINE THAT I AM SURE THEY DON'T WANT TO LOSE.

ANOTHER CONCERN WE HAVE IS THAT IF THE LEVINE'S ARE ALLOWED TO DECLARE THEIR SINGLE FAMILY RESIDENCE TO BECOME A HOMEOWNER'S ASSOCIATION, BASED ON THEIR PROPERTY BEING FENCED AND GATED, THIS WILL OPEN THE DOOR FOR OTHER PROPERTIES IN OUR COMMUNITY AND THROUGHOUT KEY LARGO TO DO THE SAME. BY HAVING THESE COMMERCIAL TYPE BUSINESSES IN THE MIDDLE OF A QUIET RESIDENTIAL AREA OUR QUALITY OF LIFE WILL CHANGE SUBSTANTIALLY AND NOT FOR THE BETTER.

DIANE PFLUGER, PRESIDENT   
RIVIERA VILLAGE PROPERTY OWNERS ASSOCIATION, INC.

RIVIERA VILLAGE PROPERTY OWNERS ASSOCIATION, INC.

PETITION

TO DENY THE OWNERS, BRADLEY & MELISSA LEVINE OF 68 TARPON ROAD,  
TO DECLARE THEIR SINGLE FAMILY RESIDENCE A HOMEOWNERS ASSOCIATION  
FOR THE REASON OF BEING ALLOWED TO RENT WEEKLY THE ABOVE ADDRESS. KNOWN AS  
REQUEST FOR RELIEF PURSUANT YO SECTION 70.51 OF THE FLORIDA STATUES.  
AS AN ADJACENT PROPERTY, THE ASSOCIATION HAS CONCERN FOR THEIR MEMBERS AND  
OTHER ADJACENT

NEIGHBORS FOR AMOUNT OF NOISE, TRAFFIC, AND GENERAL DISRESPECT OF OTHERS  
SHOWN BY PREVIOUS WEEKLY TENANTS AT THE LEVINE PROPERTY.

THE OWNERS ARE NOT PRESENT WHILE THE PROPERTY IS OCCUPIED BY  
TENANTS AND THEREFORE HAVE NO CONTROL OVER THE TENANTS BEHAVIOR. ON A WEEKLY  
BASIS THE  
PROPERTY HAS BEEN OCCUPIED BY 12+ PEOPLE AND AT TIMES USED FOR EVENTS CATERING TO  
LARGE  
GROUPS OF APPROXIMATELY 50 OR MORE CAUSING DISRUPTION TO OTHER PROPERTY OWNERS  
QUALITY OF LIFE.

BY SIGNING BELOW, RESIDENTS OF RIVIERA VILLAGE/BOWENS ADDITION ASK THAT THE  
MONROE COUNTY, FL  
DIVISION OF PLANNING & ENVIRONMENTAL RESOURCES DENY THE PETITION FOR RELIEF DATED  
OCTOBER 6, 2017

NAME

ADDRESS

1. Debra Williams (DEBRA Williams) 6 Bowen Dr., Key Largo, FL 33037
2. Carol A. Gandy 47 N. Marlin Ave Key Largo, FL 33037
3. John Hill/one 35 Pompano Ave, Key Largo, FL 33037
4. Chris Gibbs 16 Pompano, Key Largo FL 33037
5. DAVE RIEDEL 28 Pompano Ave, Key Largo, FL 33037
6. Elena Rodrigue 8 N Marlin Ave Key Largo FL 33037
7. Suzanne Guyette 14 Bonita Ave. Key Largo FL 33037
8. Liaqui Soriano 10 Dolphin Rd " " "
9. Deborah Haller 38 Pompano Ave, Key Largo FL 33037
10. Elizabeth Rydel 28 Pompano Ave Key Largo FL 33037
11. Pat Wells 6 Bowen Dr. Key Largo FL 33037
12. Yorun Niam 46 Dolphin Rd KL 33037
13. Lynda Kolbenheyer 58 Tarpun Ave. KL. 33037
14. Margie Mitzgenmohr 26 N Marlin Ave KL 33037
15. Chris Pfluger 36 Pompano AV. KL, FL 33037

Kandy  
moore  
Chris Gibbs

RIVIERA VILLAGE PROPERTY OWNERS ASSOCIATION, INC.

PETITION

TO DENY THE OWNERS, BRADLEY & MELISSA LEVINE OF 68 TARPON ROAD,  
TO DECLARE THEIR SINGLE FAMILY RESIDENCE A HOMEOWNERS ASSOCIATION  
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MONROE COUNTY, FL  
DIVISION OF PLANNING & ENVIRONMENTAL RESOURCES DENY THE PETITION FOR RELIEF DATED  
OCTOBER 6, 2017

NAME	ADDRESS
1. <sup>BETE +</sup> DAVE RIEDER	28 POMPANO AVE, KEY LARGO, FL 33037 <sup>Arieder</sup>
2. <sup>REX</sup> JIM ROTHING	27 Pompano Ave, Key Largo
3. Jim Peterson	39 Tarpon 33037
4. JIM ROTHING	23 POMPANO AVE 33037
5. D. SLOWINSKI	34 POMPANO AVE 33037
6. Bill Garity	34 POMPANO AVE 33037
7.	
8.	
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11.	
12.	
13.	
14.	
15.	

**MONROE COUNTY, FLORIDA, PLANNING COMMISSION  
CASE NO:**

**BRADLEY M. LEVINE and  
MELISSA A. FRIEDMAN-LEVINE,  
Husband and Wife,**

**Appellants,**

**v.**

**MONROE COUNTY, FLORIDA, DIVISION OF PLANNING &  
ENVIRONMENTAL RESOURCES,  
a Florida municipality,**

**Appellee.**

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**APPELLANTS' STATEMENT OF BASIS FOR APPEAL  
TO THE MONROE COUNTY, FLORIDA, PLANNING  
COMMISSION**

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**JOHN A. JABRO, ESQ.  
Florida Bar No. 364452  
90311 Overseas Highway, Suite B  
Tavernier, Florida 33070  
(305) 852-9233**

**Email: [jjabro@aol.com](mailto:jjabro@aol.com); [keyslegal@aol.com](mailto:keyslegal@aol.com);**

**LESLEY RHYNE, ESQ.  
Florida Bar No. 866016  
Cunningham Miller, P.A.  
2975 Overseas Highway  
Marathon, Florida 33050  
(305) 743-9248**

**Email: [lrhyne@floridakeyslaw.com](mailto:lrhyne@floridakeyslaw.com); [service@floridakeyslaw.com](mailto:service@floridakeyslaw.com)  
Attorneys for Appellants**

**TABLE OF CITATIONS**

**Cases:**

*Daniels v. Florida Department of Health*, 898 So.2d 61 (Fla. 2005).....3

*Havoco of America, Ltd. v. Hill*, 790 So. 2d 1018 (Fla. 2001).....4

*James v. Department of Corrections*, 424 So.2d 826 (Fla. 1st DCA 1982)...4

*Mandelstam v. City Commission of the City of South Miami Beach*, 539 So.2d 1139 (Fla. 3d DCA 1988).....5

*Prewitt Management Corp. v. Nikolits*, 795 So. 2d 1001\_(Fla. 4th DCA 2001).....4

*Rinker Materials Corp. v. North Miami*, 286 So. 2d 552 (Fla. 1973).....3, 4

*Young v. Progressive Southeastern Ins. Co.*, 753 So. 2d 80 (Fla. 2000).....4

**Monroe County Code Sections**

Section 134-1(b)(1)

Section 130-83(b)

## **STATEMENT OF THE CASE**

On December 20, 2016, Appellants filed a Request For an Exemption to a Special Vacation Rental Permit (hereinafter the "Request"). A copy of the December 20, 2016 Request is attached as Exhibit A. By letter dated June 9, 2017 (hereinafter "Letter of Denial"), Mayte Santamaria, in her capacity as the Senior Director of Planning & Environmental Resources Department for Monroe County, Florida, denied Appellants' Request. A copy of the June 9, 2017 Letter of Denial is attached as Exhibit B.

Appellants, thereafter, filed a timely application for Administrative Appeal to which this Statement of Basis for Appeal to the Monroe County Planning Commission is attached.

## **STATEMENT OF THE FACTS**

Appellants' December 20, 2016 Request was based upon the facts that Appellants residential property, located at 68 Tarpon Road, Key Largo, Florida, met the requirements to be entitled to an exemption pursuant to Monroe County Land Development Code (hereinafter "LDC") Section 134-1(b)(1), as a "vacation rental of a dwelling unit located within a controlled access, gated community with a homeowner's or property owner's association that expressly regulates or manages vacation rental uses...."

In the June 9, 2017 Letter of Denial, Ms. Santamaria, apparently concedes that Appellants' Request is otherwise legally sufficient, that Appellants' property is in fact gated with controlled access and is governed by a property owner's association that expressly regulates or manages vacation rental uses. Ms. Santamaria then observed that the terms "community" and "gated community" are not explicitly defined in the LDC. In fact, only the term "gated community" appears in the "exception" provision of Section 134-1(b)(1).

Ms. Santamaria's concluded that, although not specified, enunciated by Monroe County or limited by the relevant code provisions, "[t]he terms 'community' and 'gated community' as used in LCD Sections 130-83(b) and 134-1(b)(1) cannot apply to a single lot or parcel with one dwelling unit in the IS District."

A review of the June 9, 2017 Letter of Denial reveals that Ms. Santamaria has misinterpreted the scope and legal effect of Sections 130-83(b) and 134-1(b)(1). The June 9, 2017 Letter of Denial wholly ignores the well-established rules of statutory construction, the clear and unambiguous language of Sections 130-83(b) and 134-1(b)(1), and the mandate that, because it is in derogation of the common law, Sections 130-

83(b) and 134-1(b)(1) are subject to strict construction in favor of the right of Appellants to the unrestricted use of their property.

#### RULES OF STATUTORY CONSTRUCTION IGNORED BY MONROE COUNTY

The Florida Supreme Court has specifically stated that municipal ordinances are subject to the same rules of construction as are state statutes. *Rinker Materials Corp. v. North Miami*, 286 So. 2d 552, 553 (Fla. 1973). As Florida Courts have consistently held the code section's plain and ordinary meaning must control. *Daniels v. Florida Department of Health*, 898 So.2d 61, 64 (Fla. 2005). Under the doctrine of *expressio unius est exclusio alterius*, the expression of one thing is the exclusion of the other. *See Havoco of America, Ltd. v. Hill*, 790 So. 2d 1018 (Fla. 2001); *Young v. Progressive Southeastern Ins. Co.*, 753 So. 2d 80 (Fla. 2000). That is, when a law expressly describes a situation where something should apply, an inference must be drawn that **what is not included by specific reference was intended to be omitted or excluded.** *Prewitt Management Corp. v. Nikolits*, 795 So. 2d 1001\_(Fla. 4th DCA 2001). "Where a statute enumerates the things on which it is to operate, it is ordinarily construed as excluding from its operation all those not expressly mentioned." *James v. Department of Corrections*, 424 So.2d 826, 827 (Fla. 1st DCA 1982).

Finally, the Florida Supreme Court has specifically stated that municipalities, such as Monroe County, are prohibited from inserting words or phrases into municipal ordinances to express intentions that do not appear on the face of the ordinance itself. Unless an omission was clearly inadvertent, the word employed by the legislative body in the ordinance must be given its plain and ordinary meaning. *Rinker Materials Corp. v. North Miami*, 286 So. 2d 552, 553-554 (Fla. 1973).

MONROE COUNTY IGNORES PLAIN LANGUAGE OF  
SECTIONS 130-83(B) AND 134-1(B)(1)

Contrary to the conclusion by Ms. Santamaria that “[t]he terms ‘community’ and ‘gated community’ as used in LCD Sections 130-83(b) and 134-1(b)(1) cannot apply to a single lot or parcel with one dwelling unit in the IS District,” it must be noted that the Board of County Commissioners specifically provided that the gated community must have a “homeowner’s or property owner’s association” both terms being singular possessive. Under the afore-cited rules of statutory construction, the Board of County Commissioners is presumed to have intended that, contrary to Ms. Santamaria’s erroneous conclusion, the terms “community” and “gated

community” as used in LCD Sections 130-83(b) and 134-1(b)(1) in fact apply to a single lot or parcel with one dwelling unit in the IS District.

**SECTIONS 130-83(B) AND 134-1(B)(1) MUST BE STRICTLY  
CONSTRUED IN FAVOR OF PROPERTY RIGHT OF APPELLANTS**

*In Mandelstam v. City Commission of the City of South Miami Beach*, 539 So.2d 1139, 1140 (Fla. 3d DCA 1988), the Court stated that “[z]oning laws are in derogation of the common law and, as a general rule, are subject to strict construction in favor of the right of a property owner to the unrestricted use of his property.” As the Third District Court of Appeals warned, “permitted uses must be interpreted broadly, prohibited uses strictly, so that doubts are resolved in the property owner’s favor.” *Id*

In the June 9, 2017 Letter of Denial, Ms. Santamaria’s erroneous interpretation is clearly contrary to Florida law.

**CONCLUSION**

Based upon the foregoing facts and the applicable case law, it is clear that the June 9, 2017 Letter of Denial is an erroneous interpretation of Sections 130-83(b) and 134-1(b)(1), and the denial of Appellants’ December 20, 2016 is contrary to Florida law. The Monroe County Planning Commission, in accord with Florida law, should grant Appellants’ Request

For an Exemption to a Special Vacation Rental Permit as permissible under Sections 130-83(b) and 134-1(b)(1).

Respectfully submitted by  
Attorneys for Appellants

/s/John A. Jabro, Esq.  
**JOHN A. JABRO, ESQ.**  
**Email: [jjabro@aol.com](mailto:jjabro@aol.com)**

/s/Lesley Rhyne, Esq.  
**LESLEY RHYNE, ESQ.**  
**Email: [lrhyne@floridakeyslaw.com](mailto:lrhyne@floridakeyslaw.com)**;

## **Aguila-Ilze**

---

**From:** Suzanne Guyette <sueguyette@icloud.com>  
**Sent:** Thursday, November 16, 2017 2:44 PM  
**To:** Aguila-Ilze  
**Cc:** Diane Pfluger  
**Subject:** 68 Tarpon Road

Dear Ms. Aguila:

We are residents of the Riviera Village neighborhood in Key Largo. We oppose the request of the Levines, owners of 68 Tarpon Road, that they be allowed to rent their property to vacationers on a weekly basis. Their property is immediately adjacent to our homeowners park and having a steady stream of different renters there would threaten the privacy and peace and quiet of our park. We have already been disturbed several times by music and loud partying at that address. Please do not set this precedent, which could open the door to other property owners trying to do the same thing.

Sincerely,

Suzanne Guyette and Bill Citara  
14 Bonita Avenue  
Key Largo

Sent from my iPhone

## **Aguila-Ilze**

---

**From:** Diane Pfluger <dianepfluger@aol.com>  
**Sent:** Saturday, November 04, 2017 4:34 PM  
**To:** Aguila-Ilze  
**Subject:** RE 00511780-000101 Levine

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good Afternoon Ms. Aguila,

I spoke with you last week regarding our associations opposition to Mr. and Mrs. Levine's "Request for Relief" response using their home as a vacation rental. Would the planning board accept a petition signed by residents in Riviera Village opposing the vacation rentals within our community by Mr. and Mrs. Levine?

Diane Pfluger, President  
Riviera Village Property Owners Association, Inc.

## Aguila-Ilze

---

**From:** Santamaria-Mayte  
**Sent:** Monday, November 13, 2017 9:23 AM  
**To:** Howard-Derek; Aguila-Ilze  
**Subject:** FW: 68 Tarpon Ave, Key Largo Bradley Levine Owner's request for Request relief

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**From:** Randy Whitesides [<mailto:randywhitesides@yahoo.com>]  
**Sent:** Monday, November 13, 2017 9:21 AM  
**To:** [bocdis2@monocony-fl.gv](mailto:bocdis2@monocony-fl.gv); Santamaria-Mayte; [wllam-tee@morecouty-fl.gv](mailto:wllam-tee@morecouty-fl.gv)  
**Cc:** Randy Whitesides; Stanley Garbutt Jr; Kevin Levan  
**Subject:** 68 Tarpon Ave, Key Largo Bradley Levine Owner's request for Request relief

RE: Owners' request for relief

### Notice to Contiguous Landowner

Bradley M. Levine & Melissa A. Friedman-Levine

68 Tarpon Rd

Key Largo, FL 33037

We received the Owner's request for relief, and read it with interest. It should be noted that the Owner's proposed use of Property stated address is stated to be 68 Tarpon Road, Key Largo, Florida, which is incorrect. We also find no license for a Vacation Rental Management Named Trish Osteen or business at 10 N End Rd, Key Largo, FL. The Application for Exemption misleads the County by attesting to Group B management.

It seems that the Owners primary basis for appeal is that their Residence met the requirements to be entitled to an exemption as a Vacation rental of a dwelling unit located within a Controlled access, gated community with a homeowner's or property association that expressly regulates or manages vacation rental uses...."

Their appeal is primarily based upon the fact that “Gated Community” s not expressly defined and therefor a gate at their driveway should qualify for the exemption as a Community. By their logic, any home with a screen door or a front door would qualify as a “Gated Community”.

We find this to be a most extreme and absurd argument, which could only be crafted by absentee owners and their attorneys with no interest in maintaining Community character.

The Riviera Village is a wonderful, ungated association. Located directly across from Key Largo Elementary school, it houses numerous families with Children. The Owners property is bordered on one side by State Owned Mangrove Lands, and on the other by the Homeowners Association Park.

It is our experience that the Levine’s DO NOT spend a significant portion of the year, do not claim the property as their primary residence, and despite previous denial for short term rental, the Levines’ apparently continue to Rent the Subject property in Violation of County Law. On at least one occasion, the property was rented for a wedding, and Cars were not only parked on private property in the surrounding community, but actually were parked in from of our driveway, preventing ingress and egress.

They also used the adjacent lot to park a number of cars without the property owner permission.

We do not see “the “Great Expense” spent to maximize the elements of the Levine Property that Insulate it from and limit or eliminate any noise or other intrusion....”. In fact, no permits have been issued on the subject property since 2011.

In the event that this exemption was approved, there would be no way to limit the number of short term rentals to “approximately 12 weeks a year”, as stated in the Request for Relief”. The relatively short term absences would almost certainly rapidly climb, using the owners figures of \$7,500.00 per week. The owners state that there is great demand for short term rentals in the Keys. This is a fact, but succumbing to the drive for Profits will certainly change the nature of our Rivera Village Community, and not for the better. The ordinances are specifically written to protect Communities like Rivera Village from mass short term rentals.

In conclusion, as the most affected Homeowner, we are absolutely NOT in favor of approving this Appeal. We, too, could make much more income by implementing short-term rentals, but bought the property with the full knowledge that they were not permitted, and that they would change the family nature of the neighborhood.

The applicant continues to rent the property as well during this time.

Randy Whitesides, Trustee

TarponKeysI  
66 Tarpon Ave  
Key Largo, FL 33037  
[Randyhitesides@yaoo.com](mailto:Randyhitesides@yaoo.com)

Randy Whitesides

Neptune Boat Lifts

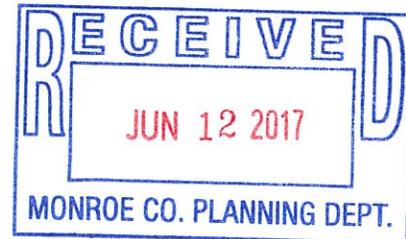
Neptune Atlantic Boat Lifts

[www.neptuneboatlifts.com](http://www.neptuneboatlifts.com)

Neptuneboatlifts.com

Keys 305 853-9400

Ft Lauderdale 954 524-3616



AGENT AUTHORIZATION

I hereby authorize CUNNINGHAM MILLER PA, specifically Lesley Rhyne Esq. and/or Robert K. Miller, Esq., to be listed as the authorized agent(s) for Bradley and Melissa A. Friedman-Levine for the purpose of our Request for an EXEMPTION to a Special Vacation Rental Permit. This authorization becomes effective on the date this affidavit is notarized, and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purpose stated.

The undersigned understands the liabilities involved in the granting of this agency and accepts full responsibility (thus hold Monroe County harmless) for any and all of the actions of the agent(s) named, related to the purpose stated.

*[Signature]*  
Bradley Levine

*[Signature]*  
Melissa A. Friedman-Levine

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 5th day of May, 2017 by **Bradley Levine and Melissa A. Friedman-Levine** who is personally known to me or has produced a \_\_\_\_\_ as identification.

[Notary Seal]

*[Signature]*  
Notary Public  
Print Name: ESTELLE MENDELSON  
My Commission Expires: 03/14/2021



AGENT AUTHORIZATION FORM

Date of Authorization: 7 / 10 / 2017  
Month Day Year

I hereby authorize John Jabro (Print Name of Agent) be listed as authorized agent

representing Bradley and Melissa Levine (Print Name of Property Owner(s) the Applicant(s)) for the application submission

of Appeal Levine vs. Monroe County (List the Name and Type of applications for the authorization)

for the Property described as: (if in metes and bounds, attach legal description on separate sheet)

Tract 2, Revised Amended Plat of Riveria Village according to the plat thereof  
Lot Block Subdivision Key (Island)  
as recorded in Plat Book 2, Page(s) 80, Public Records of Monroe County  
00511770 - 000000

Real Estate (RE) Number Alternate Key Number  
68 Tawpon Ave, Key Largo, FL 33037 105  
Street Address (Street, City, State & Zip Code) Approximate Mile Marker

Authorized Agent Contact Information:

90311 Overseas Hwy Suite B, Tavernier, FL 33070  
Mailing Address (Street, City, State and Zip Code)

305 852 9233 jjabro@aol.com  
Work Phone Home Phone Cell Phone Email Address

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purposes stated. The undersigned understands the risks and liabilities involved in the granting of this agency and accepts full responsibility for any and all of the actions of the agent named herein related to the processing of the services requested, application(s) and/or the acquisition of approvals/permits for the aforementioned applicant. The applicant(s) hereby indemnifies and holds harmless Monroe County, its officers, agents and employees for any damage to applicant caused by its agent or arising from this agency authorization.

Note: Agents must provide a notarized authorization from ALL current property owners.

Signature of Property Owner: [Signature]

Printed Name of Property Owner: Bradley Levine

STATE OF FLORIDA COUNTY OF Palm Beach

Sworn to and subscribed before me this 11 day of July, 2017,

by BRADLEY LEVINE, who is personally known to me OR produced (Print Name of Person Making Statement)

as identification.

(Type of ID Produced)  
Signature of Notary Public

ESTELLE MENDELSON  
Print, Type or Stamp Commissioned Name of Notary Public

My commission expires:



**End of Additional File 2017-095**

MONROE COUNTY, FLORIDA  
PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT



Appeal to the Planning Commission Application

PK CK 11503 \$1,500.00  
CK 11504 \$245.00

Application Fee: \$1500.00 (required)

Advertisement Fee:  
\$245.00 (required)

Surrounding Property Owner Notification Fee:  
\$3.00 per each property owner (only applicable if appeal affects specific and defined area)

Pursuant to Monroe County Code Section 102-185, the Planning Commission shall hear and decide upon appeals to administrative actions regarding provisions of the Land Development Code, excluding those related to floodplain management. Appeals regarding floodplain management provisions shall be heard and decided upon by the Board of County Commissioners.

Submittal Date: 7/10/2017

Appellant:

Brad Levine

Appellant (Name of Person, Business or Organization)

Contact Name

800 Hibiscus Street Boca Raton FL 33486

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

954 461 8185

Appellant Phone #

Brad.Levine@gmail.com

Appellant Email Address

Agent Authorized to Act for Appellant (if applicable):

John Jabro

Agent (Name of Person, Business or Organization)

Contact Name

90311 Overseas Hwy Tavernier FL 33037

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

305 852 9233

Agent Phone #

jjabro@aol.com

Agent Email Address

Decision being appealed:

Denial of request for exemption to a Special Vacation  
Rental Permit

Date of decision being appealed: June 9, 2017

Property Owner of Affected Property (if applicable):  Check Box if not applicable

Bradley M. Levine and Melissa A. Friedman - Levine

Property Owner (Name of Person, Business or Organization)

800 Hibiscus Street Boca Raton FL 33486

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

Legal Description of Affected Property (if applicable):  Check Box if not applicable

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

Tract 2, Revised Amended Plat of Riviera Village according to the plat thereof as recorded in Plat Book 2, Page(s) 80, Public Records of Monroe County

Real Estate (RE) Number / Parcel Id

68 Tarpon Ave Key Largo FL 33037

105

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

Approximate Mile Marker

Are there any pending codes violations on the property? Yes  No

If yes, please provide case number(s):

Appeals must be filed with the County Administrator within thirty (30) calendar days of the date of the decision. Failure to file such appeal shall constitute a waiver of any rights under the Land Development Code to appeal any interpretation or determination made by an administrative official.

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

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

- Completed application form
- Applicable fees (check or money order to Monroe County Planning & Environmental Resources)
- Full and unedited copy of the document(s) that provides the administrative decision being appealed
- Basis for the appeal in the nature of an initial brief and any evidence, including testimony, affidavits and the curriculum vitae of any expert witness that will be called (the brief must at a minimum state all grounds for the appeal, including but not limited to, the law being appealed and any facts necessary for interpretation of those laws)

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

- <sup>Attorney</sup> Agent Authorization form (required if application is submitted on behalf of another party)
- Proof of ownership (i.e. Warranty Deed) (required if appellant is owner of a specific property that is subject of the appeal)

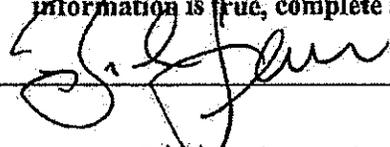
Property Record Card(s) from the Monroe County Property Appraiser (required if a specific property(s) is subject of the appeal)

If deemed necessary to complete a full review of the application, within reason, the Planning & Environmental Resources Department reserves the right to request additional information. Additional fees may apply pursuant to the approved fee schedule.

\* \* \* \* \*

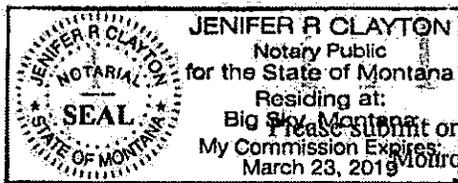
By signing this application, the Applicant certifies that he or she is a person who is familiar with the information contained in the application, and that to the best of his or her knowledge such information is true, complete and accurate.

Signature of Applicant: \_\_\_\_\_

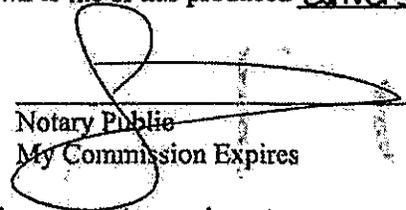


State of Florida, County of Monroe    State of Montana, County of Gallatin

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of July, by Brad Levine. He/she is personally known to me or has produced driver's license as identification.



Notary Public  
My Commission Expires



Please submit or send the application package to:  
Monroe County Administrator  
The Gato Building  
1100 Simonton Street, Key West, FL 33040

To facilitate and expedite the process, please submit or send a copy of the application package to:  
Planning Commissioner Coordinator  
Monroe County Planning & Environmental Resources Department  
2798 Overseas Highway, Suite 400, Marathon, FL 33050

Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decides to appeal any decision made by the Planning Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Note: A transcript made from recordings or other secondary means does not provide a sufficiently accurate record of all the speakers. Therefore, such "secondary" transcripts may not be accepted as a valid verbatim transcript.

# County of Monroe

## Planning & Environmental Resources

### Department

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



## Board of County Commissioners

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

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

June 9, 2017

Brad Levine  
800 Hibiscus Street  
Boca Raton, FL 33486

**Subject:** *Request for an Exemption to a Special Vacation Rental Permit located at 68 Tarpon Avenue, Revised Amended Plat of Riviera Village (PB2-80), Key Largo, Florida, Real Estate #00511770-000000 (VRE-16-14)*

Dear Mr. Levine,

The Planning and Environmental Resources Department is in receipt of your application for an Exemption to the County's Special Vacation Rental Permit. The application is for an exemption pursuant to Monroe County Land Development Code (LDC) Section 134-1(b)(1), for properties in which the dwelling unit is located within a controlled access, gated community with a homeowner's or property owner's association that expressly regulates or manages vacation rental uses.

The subject property consists of one single-family detached dwelling unit and is located within the County's Improved Subdivision (IS) Land Use (Zoning) District. Pursuant to LDC Section 130-83(b), vacation rental use is prohibited in all IS Districts and subdistricts, except in:

- (1) IS-V districts (as set forth in section 130-84); and
- (2) In gated communities that have:
  - a. Controlled access; and
  - b. A homeowner's or property owner's association that expressly regulates or manages vacation rental uses.

Although the County LDC does not explicitly define "community," "controlled access," or "gated communities," the Planning Director has the "jurisdiction, authority and duties"... "to render interpretations of the Comprehensive Plan and the Land Development Code." pursuant to LDC Section 102-21(b)(2)h. To aid in the review of the requested Vacation Rental Exemption, various sources were consulted for definitions of the terms "community" and "gated community."

*A Planners Dictionary* (2004) APA Planning Advisory Service, 460pp:

- "Community" is defined as "A subarea of the city consisting of residential, institutional, and commercial uses sharing a common identity."

- “Gated community” is defined as “Residential areas that restrict access to normally public spaces. These are subdivisions of usually high-end houses located mostly in suburbs, but some more recently in inner-city areas. The type of gates can range from elaborate guard houses to similar electronic arms. Residents may enter by electronic cards, or remote control devices. Visitors must stop to be verified for entry; A residential neighborhood where accessibility is controlled by means of gate, guard, barrier or other similar improvement within or across a privately maintained right-of-way.”

*Black’s Law Dictionary* defines “Community” as “1. A neighborhood, vicinity, or locality. 2 A society or group of people with similar rights or interest. 3. Joint ownership, possession or participation.”

*Merriam-Webster Dictionary* ([www.merriam-webster.com/dictionary/community](http://www.merriam-webster.com/dictionary/community)) defines “Community” as “A unified body of individuals: a) the people with common interests living in a particular area; the area itself; b) an interacting population of various kinds of individuals (as species) in a common location; c) a group of people with a common characteristic or interest living together within a larger society”

*Oxford English Dictionary* ([en.oxforddictionaries.com/definition/community](http://en.oxforddictionaries.com/definition/community)) defines “Community” as “1) A group of people living in the same place or having a particular characteristic in common; 1.1) A group of people living together and practicing common ownership; 1.2) A particular area of place considered together with its inhabitants”

Based on the above definitions of “community” from generally and professionally accepted references, the County Land Development Code cannot be interpreted as permitting the vacation rental use of one single-family detached dwelling unit located on one lot or parcel in the IS District. Therefore, the Department is unable to approve the application at this time for the following reason:

1. Pursuant to LDC Section 130-83(b), vacation rental use is prohibited in all IS Districts and subdistricts, except in: (1) IS-V districts (as set forth in section 130-84); and (2) In gated communities that have: a. Controlled access; and b. A homeowner's or property owner's association that expressly regulates or manages vacation rental uses. The subject property, consisting of one single-family detached dwelling unit, does not meet the above definitions of “community” or “gated community” The terms “community” and “gated community” as used in LDC Sections 130-83(b) and 134-1(b)(1) cannot not apply to a single lot or parcel with one dwelling unit in the IS District.

You may appeal any decision, determination or interpretation made in this letter pursuant to Monroe County Code Section 102-185. A notice of appeal must be filed with the County Administrator, 1100 Simonton Street, Gato Building, Key West, FL 33040, within 30 calendar days from the date of this letter. In addition, please submit a copy of your notice of appeal to the Planning Commission Coordinator, Monroe County Planning and Environmental Resources Department, 2798 Overseas Highway, Suite 410, Marathon, Florida 33050.

If you have any questions regarding the contents of this letter, or if we may further assist you, please feel free to contact the Department's Marathon office at (305) 289-2500.

Respectfully,

A handwritten signature in black ink, appearing to read "Mayté Santamaria". The signature is fluid and cursive, with a large initial "M" and "S".

Mayté Santamaria, Senior Director of Planning & Environmental Resources

**MONROE COUNTY, FLORIDA, PLANNING COMMISSION  
CASE NO:**

**BRADLEY M. LEVINE and  
MELISSA A. FRIEDMAN-LEVINE,  
Husband and Wife,**

**Appellants,**

**v.**

**MONROE COUNTY, FLORIDA, DIVISION OF PLANNING &  
ENVIRONMENTAL RESOURCES,  
a Florida municipality,**

**Appellee.**

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**APPELLANTS' STATEMENT OF BASIS FOR APPEAL  
TO THE MONROE COUNTY, FLORIDA, PLANNING  
COMMISSION**

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**JOHN A. JABRO, ESQ.  
Florida Bar No. 364452  
90311 Overseas Highway, Suite B  
Tavernier, Florida 33070  
(305) 852-9233  
Email: [jjabro@aol.com](mailto:jjabro@aol.com); [keyslegal@aol.com](mailto:keyslegal@aol.com);**

**LESLEY RHYNE, ESQ.  
Florida Bar No. 866016  
Cunningham Miller, P.A.  
2975 Overseas Highway  
Marathon, Florida 33050  
(305) 743-9248  
Email: [lrhyne@floridakeyslaw.com](mailto:lrhyne@floridakeyslaw.com); [service@floridakeyslaw.com](mailto:service@floridakeyslaw.com)  
Attorneys for Appellants**

**TABLE OF CITATIONS**

**Cases:**

*Daniels v. Florida Department of Health*, 898 So.2d 61 (Fla. 2005).....3

*Havoco of America, Ltd. v. Hill*, 790 So. 2d 1018 (Fla. 2001).....4

*James v. Department of Corrections*, 424 So.2d 826 (Fla. 1st DCA 1982)...4

*Mandelstam v. City Commission of the City of South Miami Beach*, 539 So.2d 1139 (Fla. 3d DCA 1988).....5

*Prewitt Management Corp. v. Nikolits*, 795 So. 2d 1001\_(Fla. 4th DCA 2001).....4

*Rinker Materials Corp. v. North Miami*, 286 So. 2d 552 (Fla. 1973).....3, 4

*Young v. Progressive Southeastern Ins. Co.*, 753 So. 2d 80 (Fla. 2000).....4

**Monroe County Code Sections**

Section 134-1(b)(1)

Section 130-83(b)

## **STATEMENT OF THE CASE**

On December 20, 2016, Appellants filed a Request For an Exemption to a Special Vacation Rental Permit (hereinafter the "Request"). A copy of the December 20, 2016 Request is attached as Exhibit A. By letter dated June 9, 2017 (hereinafter "Letter of Denial"), Mayte Santamaria, in her capacity as the Senior Director of Planning & Environmental Resources Department for Monroe County, Florida, denied Appellants' Request. A copy of the June 9, 2017 Letter of Denial is attached as Exhibit B.

Appellants, thereafter, filed a timely application for Administrative Appeal to which this Statement of Basis for Appeal to the Monroe County Planning Commission is attached.

## **STATEMENT OF THE FACTS**

Appellants' December 20, 2016 Request was based upon the facts that Appellants residential property, located at 68 Tarpon Road, Key Largo, Florida, met the requirements to be entitled to an exemption pursuant to Monroe County Land Development Code (hereinafter "LDC") Section 134-1(b)(1), as a "vacation rental of a dwelling unit located within a controlled access, gated community with a homeowner's or property owner's association that expressly regulates or manages vacation rental uses...."

In the June 9, 2017 Letter of Denial, Ms. Santamaria, apparently concedes that Appellants' Request is otherwise legally sufficient, that Appellants' property is in fact gated with controlled access and is governed by a property owner's association that expressly regulates or manages vacation rental uses. Ms. Santamaria then observed that the terms "community" and "gated community" are not explicitly defined in the LDC. In fact, only the term "gated community" appears in the "exception" provision of Section 134-1(b)(1).

Ms. Santamaria's concluded that, although not specified, enunciated by Monroe County or limited by the relevant code provisions, "[t]he terms 'community' and 'gated community' as used in LCD Sections 130-83(b) and 134-1(b)(1) cannot apply to a single lot or parcel with one dwelling unit in the IS District."

A review of the June 9, 2017 Letter of Denial reveals that Ms. Santamaria has misinterpreted the scope and legal effect of Sections 130-83(b) and 134-1(b)(1). The June 9, 2017 Letter of Denial wholly ignores the well-established rules of statutory construction, the clear and unambiguous language of Sections 130-83(b) and 134-1(b)(1), and the mandate that, because it is in derogation of the common law, Sections 130-

83(b) and 134-1(b)(1) are subject to strict construction in favor of the right of Appellants to the unrestricted use of their property.

#### RULES OF STATUTORY CONSTRUCTION IGNORED BY MONROE COUNTY

The Florida Supreme Court has specifically stated that municipal ordinances are subject to the same rules of construction as are state statutes. *Rinker Materials Corp. v. North Miami*, 286 So. 2d 552, 553 (Fla. 1973). As Florida Courts have consistently held the code section's plain and ordinary meaning must control. *Daniels v. Florida Department of Health*, 898 So.2d 61, 64 (Fla. 2005). Under the doctrine of *expressio unius est exclusio alterius*, the expression of one thing is the exclusion of the other. *See Havoco of America, Ltd. v. Hill*, 790 So. 2d 1018 (Fla. 2001); *Young v. Progressive Southeastern Ins. Co.*, 753 So. 2d 80 (Fla. 2000). That is, when a law expressly describes a situation where something should apply, an inference must be drawn that **what is not included by specific reference was intended to be omitted or excluded.** *Prewitt Management Corp. v. Nikolits*, 795 So. 2d 1001\_(Fla. 4th DCA 2001). "Where a statute enumerates the things on which it is to operate, it is ordinarily construed as excluding from its operation all those not expressly mentioned." *James v. Department of Corrections*, 424 So.2d 826, 827 (Fla. 1st DCA 1982).

Finally, the Florida Supreme Court has specifically stated that municipalities, such as Monroe County, are prohibited from inserting words or phrases into municipal ordinances to express intentions that do not appear on the face of the ordinance itself. Unless an omission was clearly inadvertent, the word employed by the legislative body in the ordinance must be given its plain and ordinary meaning. *Rinker Materials Corp. v. North Miami*, 286 So. 2d 552, 553-554 (Fla. 1973).

MONROE COUNTY IGNORES PLAIN LANGUAGE OF  
SECTIONS 130-83(B) AND 134-1(B)(1)

Contrary to the conclusion by Ms. Santamaria that “[t]he terms ‘community’ and ‘gated community’ as used in LCD Sections 130-83(b) and 134-1(b)(1) cannot apply to a single lot or parcel with one dwelling unit in the IS District,” it must be noted that the Board of County Commissioners specifically provided that the gated community must have a “homeowner’s or property owner’s association” both terms being singular possessive. Under the afore-cited rules of statutory construction, the Board of County Commissioners is presumed to have intended that, contrary to Ms. Santamaria’s erroneous conclusion, the terms “community” and “gated

community” as used in LCD Sections 130-83(b) and 134-1(b)(1) in fact apply to a single lot or parcel with one dwelling unit in the IS District.

**SECTIONS 130-83(B) AND 134-1(B)(1) MUST BE STRICTLY  
CONSTRUED IN FAVOR OF PROPERTY RIGHT OF APPELLANTS**

*In Mandelstam v. City Commission of the City of South Miami Beach*, 539 So.2d 1139, 1140 (Fla. 3d DCA 1988), the Court stated that “[z]oning laws are in derogation of the common law and, as a general rule, are subject to strict construction in favor of the right of a property owner to the unrestricted use of his property.” As the Third District Court of Appeals warned, “permitted uses must be interpreted broadly, prohibited uses strictly, so that doubts are resolved in the property owner’s favor.” *Id*

In the June 9, 2017 Letter of Denial, Ms. Santamaria’s erroneous interpretation is clearly contrary to Florida law.

**CONCLUSION**

Based upon the foregoing facts and the applicable case law, it is clear that the June 9, 2017 Letter of Denial is an erroneous interpretation of Sections 130-83(b) and 134-1(b)(1), and the denial of Appellants’ December 20, 2016 is contrary to Florida law. The Monroe County Planning Commission, in accord with Florida law, should grant Appellants’ Request

For an Exemption to a Special Vacation Rental Permit as permissible under Sections 130-83(b) and 134-1(b)(1).

Respectfully submitted by  
Attorneys for Appellants

/s/John A. Jabro, Esq.  
**JOHN A. JABRO, ESQ.**  
**Email: [jjabro@aol.com](mailto:jjabro@aol.com)**

/s/Lesley Rhyne, Esq.  
**LESLEY RHYNE, ESQ.**  
**Email: [lrhyne@floridakeyslaw.com](mailto:lrhyne@floridakeyslaw.com)**;

APPLICATION  
MONROE COUNTY  
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT



Request for an EXEMPTION to a Special Vacation Rental Permit

Vacation Rental Exemption Application Fee: \$180.00

Vacation rental means a dwelling unit that is rented, leased or assigned for tenancies of less than 28 days duration.

Vacation rentals may only be allowed in Land Use (Zoning) Districts which specifically indicate vacation rental uses as permitted uses in Monroe County Code Sections 130-74 through 130-103.

Within these districts, an owner or agent is required to obtain an annual special vacation rental permit for each dwelling unit prior to renting any dwelling unit as a vacation rental except as provided for under Monroe County Code Section 134-1(b).

Code Section 134-1(b) EXEMPTIONS: A vacation rental permit is not required for the following:

- (1) A vacation rental of a dwelling unit located within a controlled access, gated community with a homeowner's or property owner's association that expressly regulates or manages vacation rental uses; or
- (2) A vacation rental of a dwelling unit within a multifamily building located within a multifamily district, which has 24 hour on-site management or 24 hour on-site supervision. To meet these on-site management or supervision requirements, a designated individual must be physically located within the building or within 300 feet of the subject building and must be available at all times to respond to tenants' and neighbors' complaints.

Date of Application: 12 / 20 / 2016  
Month Day Year

Applicant / Agent Authorized to Act for Property Owner: (Agents must provide notarized authorization from all property owners.)

Brad Levine Brad Levine  
Applicant (Name of Person, Business or Organization) Name of Person Submitting this Application  
800 Hibiscus St. Boca Raton FL 33486  
Mailing Address (Street, City, State and Zip Code)

954-461-8195 Brad.Levine@gmail.com  
Work Phone Home Phone Cell Phone Email Address

Property Owner: (Business/Corp must include documents showing who has legal authorization to sign.)

Bradley M Levine & Melissa A. Friedman-Levine  
Name/Entity Contact Person  
800 Hibiscus St. Boca Raton FL 33486  
Mailing Address (Street, City, State and Zip Code)

954-461-8185 Brad.levine@gmail.com  
Work Phone Home Phone Cell Phone Email Address

APPLICATION

Vacation Rental Management Entity:

Trish Osteen

Name/Entity

Contact Person

10 N End Rd, Key Largo FL 33037

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

305-394-8892

Work Phone

Cell Phone

Email Address

Legal Description of Property: (If in metes and bounds, attach legal description on separate sheet.)

see attached

Block

Lot

Subdivision

Key

00511770-000000

1631078

Real Estate (RE) Number

Alternate Key Number

68 Tarpon Ave Key Largo FL

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

Approximate Mile Marker

Land Use (Zoning) District:

FS

Future Land Use Designation:

All of the following items must be included in order to have a complete application submission:

(Please check the box as each required item is attached to the application.)

- Complete application for exemption to special vacation rental permit (unaltered and unbound);
- Correct fee (check or money order payable to Monroe County Planning & Environmental Resources);
- Proof of ownership (i.e., Warranty Deed);
- Current Property Record Card(s) from the Monroe County Property Appraiser;
- Location map; and
- Photograph(s) of residence from adjacent roadway(s).

In addition to the items above, all items from either Group A or Group B below must be included in order to have a complete application submission: (Please check the box as each required item is attached to the application.)

Group A -

- Proof that unit is located within a multifamily building located within a multifamily district (a multifamily building has units which share common entries or accesses to individual units); and
- Proof of 24 hour on-site management or 24 hour on-site supervision (to meet these site management or supervision requirements, a designated individual must be physically located within the building or within 300 feet of the subject building and must be available at all times to respond to tenants' and neighbors' complaints).

Or

Group B -

- Proof unit is located within a controlled access, gated community with a homeowner's or property owner's association that expressly regulates or manages vacation rental use.

APPLICATION

If applicable, the following item must be included in order to have a complete application submission:  
(Please check the box as each required item is attached to the application.)

- Notarized Agent Authorization Letter (note: authorization is needed from all owner(s) of the subject property).
- Documentation from property owner's association, condominium documents (rules & regulations), etc. identifying the rental of units is permitted and/or managed.

Note, approval of an exemption to a vacation rental permit, does not negate any State or County requirement for the property owner to apply for and maintain any registrations, licenses, or business tax for the unit.

Is there a pending code enforcement proceeding involving all or a portion of the parcel proposed for development?

Yes  No Code Case file # \_\_\_\_\_ Describe the enforcement proceedings and if this application is being submitted to correct the violation: \_\_\_\_\_

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

\* \* \* \* \*

See Page 4 for Signature and Notary Acknowledgement

APPLICATION

The applicant/owner hereby acknowledges and agrees that any staff discussions or negotiations about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

By signing this application, the owner of the subject property authorizes the Monroe County Planning & Environmental Resources staff to conduct all necessary site visits and inspections on the subject property.

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

Signature of Applicant: [Signature] Date: 12-21-16

STATE OF Florida

COUNTY OF Palm Beach

Sworn to and subscribed before me this 21<sup>st</sup> day of December, 20 16.

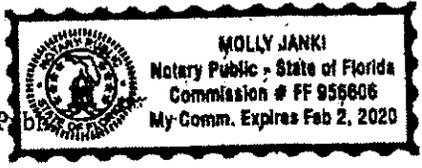
by Bradley M Levine, who is personally known to me OR produced

(PRINT NAME OF PERSON MAKING STATEMENT)

Florida Driver's License as identification.  
(TYPE OF ID PRODUCED)

[Signature]  
Signature of Notary Public

Molly Janke  
Print, Type or Stamp Commissioned Name of Notary Public  
My commission expires: 2/2/2020



Send complete application package to:

Monroe County Planning & Environmental Resources Department  
Marathon Government Center  
2798 Overseas Highway, Suite 400  
Marathon, FL 33050

APPLICATION

The applicant/owner hereby acknowledges and agrees that any staff discussions or negotiations about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

By signing this application, the owner of the subject property authorizes the Monroe County Planning & Environmental Resources staff to conduct all necessary site visits and inspections on the subject property.

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

Signature of Applicant: [Handwritten Signature] Date: 12-21-16

STATE OF Florida

COUNTY OF Palm Beach

Sworn to and subscribed before me this 21<sup>st</sup> day of December, 2016;

by Melissa Friedman - Levine, who is personally known to me OR produced

(PRINT NAME OF PERSON MAKING STATEMENT)

Florida Driver's License as identification.  
(TYPE OF ID PRODUCED)

M Janki  
Signature of Notary Public



Molly Janki  
Print, Type or Stamp Commissioned Name of Notary Public

My commission expires: 12/2020

Send complete application package to:

Monroe County Planning & Environmental Resources Department  
Marathon Government Center  
2798 Overseas Highway, Suite 400  
Marathon, FL 33050

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

Alternate Key: 1631078 Parcel ID: 00511770-000000

**Ownership Details**

Mailing Address:  
LEVINE BRADLEY M  
800 HIBISCUS ST  
BOCA RATON, FL 33486-3540

All Owners:  
FRIEDMAN-LEVINE MELISSA A HW, LEVINE BRADLEY M

**Property Details**

PC Code: 01 - SINGLE FAMILY  
Millage Group: 500K  
Affordable  
Housing: No  
Section-  
Township- 01-61-39  
Range:

Property  
Location: 68 TARPON AVE KEY LARGO  
Subdivision: RIVIERA VILLAGE REV & AMD  
Legal REVISED AMENDED PLAT OF RIVIERA VILLAGE PB2-80 KEY LARGO RESERVED TR 2 G57-181 OR395-170/71 OR449-  
Description: 968 OR806-608 OR1188-1256AFF OR1639-1604 OR2513-1453/54

Click Map Image to open interactive viewer.

*legal description*



Homeowner Association Reporting #

License Menu

Select the function you wish to perform.  
Press "Back" to return to the main menu.

License Issued To:	FLORIDA KEYS HOA INC
License Status:	Reported
Originally Licensed On:	

Functions

Remove This License From My Account

Back

The State of Florida is an AA/EEO employer. Copyright 2007-2013 State of Florida. Invariant Statement

Under Florida law, email addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this web site. Instead, contact the office by phone or by traditional mail. If you have any questions, please contact 850.487.1395. \*Pursuant to Section 455.275(1), Florida Statutes, effective October 1, 2012, licensees licensed under Chapter 455, F.S. must provide the Department with an email address if they have one. The emails provided may be used for official communication with the licensees. However, email addresses are public record. If you do not wish to supply a personal address, please provide the Department with an email address which can be made available to the public. Please see our Chapter 455 page to determine if you are affected by this change.



DEPARTMENT OF THE TREASURY  
INTERNAL REVENUE SERVICE  
CINCINNATI OH 45999-0023

Date of this notice: 09-22-2016

Employer Identification Number:  
81-3932007

Form: SS-4

Number of this notice: CP 575 A

For assistance you may call us at:  
1-800-829-4933

FLORIDA KEYS HOA INC  
% BRAD LEVINE  
2001 W SAMPLE RD STE 402  
POMPANO BEACH, FL 33064

IF YOU WRITE, ATTACH THE  
STUB AT THE END OF THIS NOTICE.

**WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER**

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 81-3932007. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

Based on the information received from you or your representative, you must file the following form(s) by the date(s) shown.

Form 1120H

04/15/2017

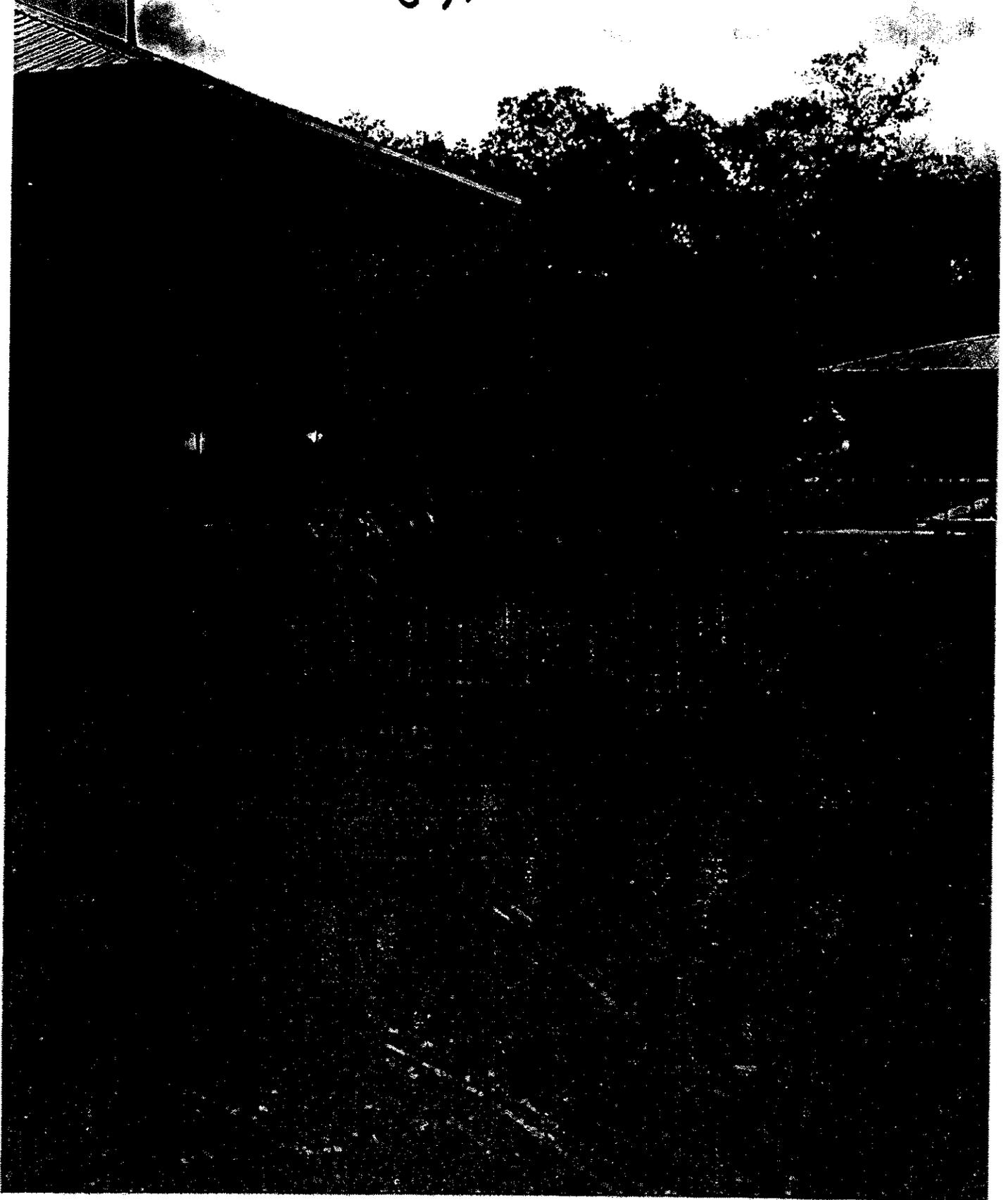
If you have questions about the form(s) or the due date(s) shown, you can call us at the phone number or write to us at the address shown at the top of this notice. If you need help in determining your annual accounting period (tax year), see Publication 538, *Accounting Periods and Methods*.

We assigned you a tax classification based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination of your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2004-1, 2004-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue). Note: Certain tax classification elections can be requested by filing Form 8832, *Entity Classification Election*. See Form 8832 and its instructions for additional information.

**IMPORTANT INFORMATION FOR S CORPORATION ELECTION:**

If you intend to elect to file your return as a small business corporation, an election to file a Form 1120-S must be made within certain timeframes and the corporation must meet certain tests. All of this information is included in the instructions for Form 2553, *Election by a Small Business Corporation*.

68 Tarpon -  
Gated Entrance



Winn-Dixie

Fedex Ground

Redbox

Western Union

Humane Air  
Care Coalition

Overseas Hwy

Sexton Way

Strawright Way

68 Terpan Avenue

The Pet Motel

Overseas Hwy

Key Largo School

Kanzler Walter H

US Estate Management



By Owner



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

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

Website tested on IE8, IE9, & Firefox.  
Requires Adobe Flash 10.0 or higher

The Offices of the Property Appraiser will be closed Friday the 23rd and Monday the 26th for the Christmas Holidays.

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

Alternate Key: 1631078 Parcel ID: 00511770-000000

**Ownership Details**

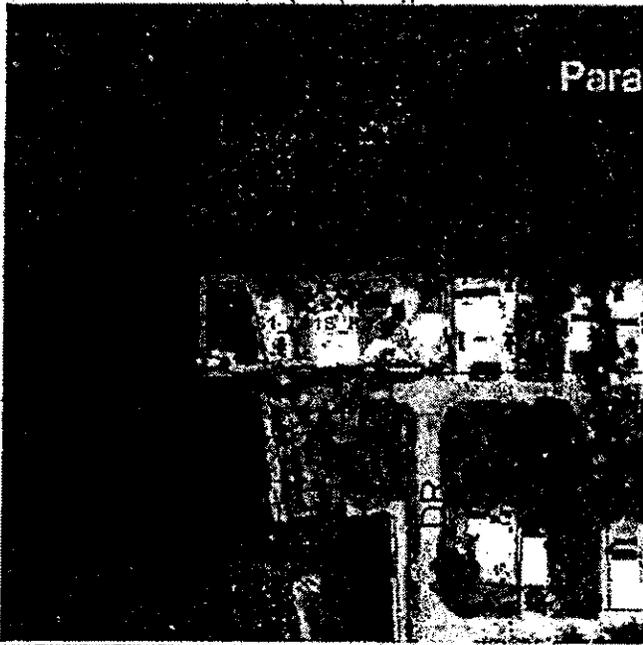
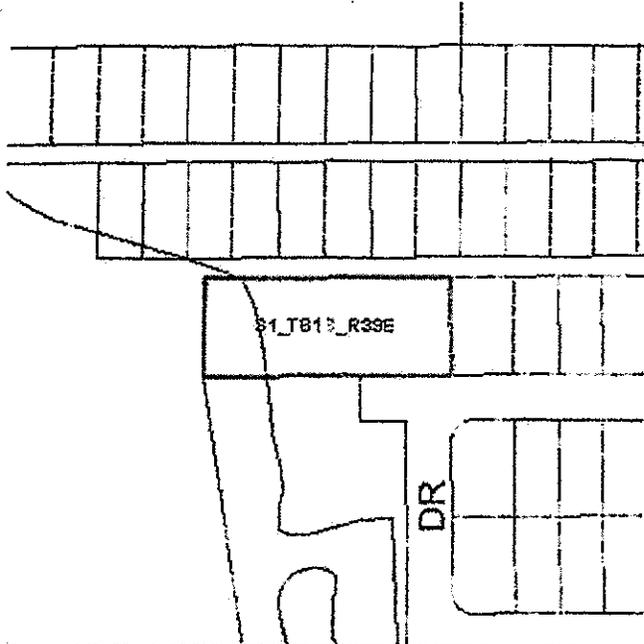
**Mailing Address:**  
LEVINE BRADLEY M  
800 HIBISCUS ST  
BOCA RATON, FL 33486-3540

**All Owners:**  
FRIEDMAN-LEVINE MELISSA A H/W, LEVINE BRADLEY M

**Property Details**

PC Code: 01 - SINGLE FAMILY  
Millage Group: 600K  
Affordable Housing: No  
Section-  
Township- 01-61-39  
Range:  
Property Location: 68 TARPON AVE KEY LARGO  
Subdivision: RIVIERA VILLAGE REV & AMD  
Legal REVISD AMENDED PLAT OF RIVIERA VILLAGE PB2-80 KEY LARGO RESERVED TR 2 G57-181 OR395-170/71 OR449-  
Description: 968 OR806-608 OR1188-1256AFF OR1639-1604 OR2513-1453/54

Click Map Image to open interactive viewer



**Land Details**

Land Use Code	Frontage	Depth	Land Area
010W - RES WATERFRONT	0	0	21,230.00 SF
9500 - SUBMERGED			0.20 AC

**Building Summary**

Number of Buildings: 1  
 Number of Commercial Buildings: 0  
 Total Living Area: 1224  
 Year Built: 1968

**Building 1 Details**

Building Type R1  
 Effective Age 27  
 Year Built 1968  
 Functional Obs 0

Condition G  
 Perimeter 164  
 Special Arch 0  
 Economic Obs 0

Quality Grade 500  
 Depreciation % 33  
 Grnd Floor Area 1,224

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

Roof Type GABLE/HIP  
 Heat 1 NONE  
 Heat Src 1 NONE

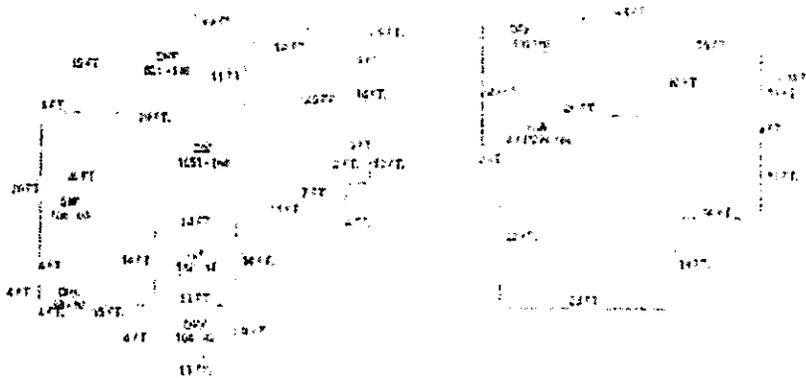
Roof Cover METAL  
 Heat 2 NONE  
 Heat Src 2 NONE

Foundation CONC PILINGS  
 Bedrooms 2

Extra Features:

2 Fix Bath 1  
 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
0	OPX		1	2012					15
0	OPX		1	2012					104
0	LLF	5:C.B.S.	1	2012		Y			182
2	SBF	5:C.B.S.	1	1968					104
4	OPF		1	1968					621
5	SBF	5:C.B.S.	1	1968					1,051
6	FLA	5:C.B.S.	1	1968	N	Y	0.00	0.00	1,224
7	OPX		1	1968			0.00	0.00	593

Misc Improvement Details

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

0	GR2:GARAGE	740 SF	0	0	2012	2013	3	60
0	PO4:RES POOL	480 SF	40	12	2012	2013	3	50
0	PT4:PATIO	850 SF	0	0	2012	2013	4	50
1	DK3:CONCRETE DOCK	240 SF	40	6	1980	1981	4	60
2	SW2:SEAWALL	80 SF	40	2	1980	1981	2	60
4	AP2:ASPHALT PAVING	720 SF	60	12	1975	1976	1	25
5	FN2:FENCES	1,500 SF	300	6	1990	2004	4	30
6	FN2:FENCES	240 SF	60	4	1990	2004	4	30
7	FN3:WROUGHT IRON	36 SF	36	1	1990	2004	4	60
8	FN3:WROUGHT IRON	60 SF	12	5	1990	2004	4	60
9	AP2:ASPHALT PAVING	120 SF	12	10	2003	2010	1	25

## Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	11302519	08/08/2011	07/25/2012	1		NEW POOL & DECK
	11304938	12/02/2011	07/25/2012	1		GARAGE
	11303033	09/07/2011	07/25/2012	1		INT/EXT REMODEL
	11301803	05/05/2011	12/22/2011	1		INT/EXT DEMOLITION

## 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
2016	153,067	102,513	1,057,592	1,313,172	1,130,252	0	1,313,172
2015	159,653	89,073	1,057,592	1,306,318	1,027,502	0	1,306,318
2014	148,556	78,587	1,038,008	1,265,151	934,093	0	1,265,151
2013	150,891	80,136	837,265	1,068,292	849,176	0	1,068,292
2012	124,213	11,778	568,339	704,330	704,330	0	704,330
2011	124,213	11,968	668,765	804,946	780,234	0	804,946
2010	186,859	12,145	510,300	709,304	709,304	0	709,304
2009	124,573	12,102	510,300	646,975	646,975	0	646,975
2008	155,716	12,780	618,613	785,109	785,109	0	785,109
2007	170,231	13,045	691,031	874,307	372,467	25,000	347,467
2006	177,901	12,717	691,031	881,649	363,382	25,000	338,382
2005	152,487	13,342	531,563	697,392	352,798	25,000	327,798
2004	142,321	14,122	430,566	587,009	342,522	25,000	317,522
2003	126,131	9,188	430,566	565,885	336,136	25,000	311,136
2002	144,955	9,563	260,820	415,338	328,258	25,000	303,258
2001	124,247	10,028	223,256	357,531	323,089	25,000	298,089
2000	124,247	3,371	201,994	329,612	313,679	25,000	288,679
1999	124,247	3,485	191,363	319,095	304,507	25,000	279,507
1998	122,176	3,562	191,363	317,101	289,712	25,000	274,712
1997	119,070	3,564	191,363	313,997	294,703	25,000	269,703
1996	119,070	3,672	191,363	314,105	286,120	25,000	261,120

## Property Search -- Monroe County Property Appraiser

1995	119,070	3,804	191,363	314,237	279,142	25,000	254,142
1994	119,070	3,896	148,838	271,804	271,804	25,000	246,804
1993	103,539	3,482	148,838	255,859	255,859	25,000	230,859
1992	103,539	3,598	148,838	255,975	255,975	0	255,975
1991	51,230	1,318	154,791	207,339	207,339	0	207,339
1990	51,230	1,350	143,735	196,315	196,315	0	196,315
1989	51,230	1,381	143,735	196,346	196,346	0	196,346
1988	29,007	0	90,366	119,373	119,373	0	119,373
1987	28,724	0	85,050	113,774	113,774	0	113,774
1986	28,889	0	85,050	113,939	113,939	0	113,939
1985	25,852	0	74,419	100,271	100,271	0	100,271
1984	24,133	0	74,419	98,552	98,552	0	98,552
1983	24,133	0	69,495	93,628	93,628	0	93,628
1982	24,495	0	69,495	93,990	93,990	0	93,990

## 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
4/8/2011	2513 / 1453	810,000	WD	03
2/1/1980	806 / 608	100,000	00	Q

This page has been visited 129,576 times.

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

This Document Prepared By AND  
upon recording return to:

Doc# 1832065 04/18/2011 11:28AM  
Filed & Recorded in Official Records of  
MONROE COUNTY DANNY L. KOLHAGE

HOWARD B. NADEL, ESQ.  
HOWARD B. NADEL, P.A.  
301 W. Hallandale Beach Blvd.  
Hallandale Beach, Florida 33009  
(954) 455-5100  
Parcel I.D. No.: 0051177000000016139  
File NO.: 210-1256

04/18/2011 11:28AM  
DEED DOC STAMP CL: DIONNE \$5,670.00

Doc# 1832065  
Bk# 2513 Pg# 1453

[Space Above This Line For Recording Data]

## WARRANTY DEED

THIS INDENTURE, made this 8<sup>th</sup> day of April, between ELIZABETH GAYLE NYMAN a/k/a GAYLE A. NYMAN, a single woman, whose address is 919 Mayflower Road, Sale Creek, TN 37373, GRANTOR, and BRADLEY M. LEVINE and MELISSA A. FRIEDMAN-LEVINE, husband and wife, whose address is 800 Hibiscus Street, Boca Raton, FL 33486, GRANTEE. ("GRANTOR/GRANTEE" refers to singular or plural as context requires)

WITNESSETH that GRANTOR, for and in consideration of the sum of TEN & NO/100 DOLLARS (\$10.00) 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 GRANTEE, and GRANTEE'S heirs and assigns forever, the following-described land situated in MONROE County, State of Florida to wit:

Tract 2, Revised Amended Plat of Riviera Village, according to the plat thereof as recorded in Plat Book 2, Page(s) 80, Public Records of Monroe County, Florida.

This conveyance is subject to the following:

1. Taxes and assessments for the year 2011 and subsequent years thereafter;
2. Subject to zoning and/or restrictions and prohibitions imposed by governmental authority;
3. Restrictions, easements and other matters appearing on the plat and/or common to the subdivision;

and the GRANTOR does hereby fully warrant the title to the land, and will defend the same against the 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:

Lynda B  
Witness Print Name: Lynda Boughan  
1<sup>st</sup> Witness as to Elizabeth Gayle Nyman a/k/a Gayle A. Nyman

Elizabeth Gayle Nyman <sup>MKA</sup> Elizabeth Gayle Nyman  
ELIZABETH GAYLE NYMAN a/k/a GAYLE

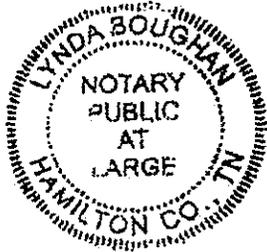
Doc# 1832065  
Bk# 2513 Pg# 1454

Gloria Jones  
Witness Print Name: Gloria Jones  
2<sup>nd</sup> Witness as to Elizabeth Gayle Nyman a/k/a Gayle A. Nyman

STATE OF TENNESSEE }  
COUNTY OF HAMILTON }

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of April, 2011 by **ELIZABETH GAYLE NYMAN a/k/a GAYLE A. NYMAN** who is personally known to me or who has produced her drivers licence as identification.

Lynda B  
Printed Name: Lynda Boughan  
NOTARY PUBLIC  
My Commission Expires: 3-3-15



MONROE COUNTY  
OFFICIAL RECORDS

### Document Index Detail

Print  

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#### General Information

Document #: 1832065  
Book #: 2513  
Book Type: OFFICIAL RECORDS  
Consideration Amount: \$810,000.00  
# of Pages: 2

Filed Date: 4/18/2011  
Page #: 1453  
Document Type: WARRANTY DEED  
Case #:

#### Grantor

NYMAN, GAYLE A  
NYMAN, ELIZABETH GAYLE

#### Grantee

FRIEDMAN LEVINE, MELISSA A  
LEVINE, BRADLEY M

#### Legal Description(s)

Land Description: TR 2  
Plat Book: 2  
Subdivision: REVISED AMDED PLAT OF RIVIERA VILLAGE  
Lot List:

Parcel: 00511770000000016139  
Plat Page: 80  
Block:  
Unit List:

[View Image](#)   [Close](#)

**Florida Keys Homeowners Association (HOA)**

**Association Membership**

**By-Laws**

**Chapter 1 - Members.**

**Section 1. Members.** All residents of this homeowners association who are 18 years of age or older are eligible to be members of this Corporation. All members of the Corporation may vote for and are eligible to be officers of the Corporation.

**Section 2. Annual HOA Meeting.** The membership shall elect a board of directors at the annual meeting to be held in the community at a time designated by the President of the Corporation. The membership and Board of Directors shall be notified not less than 15 days before the date of the annual meeting. Notice shall be given by posting the scheduled date, time, and place of the meeting in at least three prominent public locations in the community. The annual meeting shall be open to the public.

**Section 3. Regular HOA Meetings.** The HOA Board of Directors will meet annually or as noticed. These meetings shall be open to the public and shall be publicly noticed by posting the scheduled date, time and place of the meeting in at least two prominent, public locations in the Community.

**Section 4. Special HOA Meetings.** Special meetings of the membership may be called by or at the request of the Chair or any three Directors or by a petition of ten percent of the registered members. These meetings shall be public and shall be publicly noticed at least 15 days in advance by posting the date, time, place and purpose of the meeting in at least three prominent, public locations in the community. The members may not address any matter which is not stated in the public notice as the purpose of the meeting.

**Section 5. Quorum.** Three members of the HOA Board of Directors constitute a quorum for the transaction of business at any meeting of the Board. Majority affirmative votes are required for any action taken by the Board.

**Section 6. HOA Voting and Voting by Proxy.** All members are entitled to vote and shall have the right to do so in person or by an agent authorized by a written proxy

executed by the member filed with the Secretary of the Corporation. Such proxy shall be valid only if executed in favor of another member and no proxy shall be valid after the expiration of eleven months from the date of its execution.

**Section 7. Order of Business.** The order of business at all meetings of the members shall be as follows:

- A. Roll Call
- B. Proof of Notice of Meeting or Waiver of Notice
- C. Reading and Approval of Minutes of Preceding Meeting
- D. Reports of Directors
- E. Reports of Committees
- F. Unfinished Business
- G. New Business
- H. Election of Directors (if applicable)
- I. Adjournment

## **Chapter 2 - Board of Directors**

**Section 1. HOA Directors.** The number of directors shall be three. Directors shall be members of the Corporation and shall act on good faith charge of the members of the Corporation.

**Section 2. Term of Office.** The term of office for each director shall be for three years from the time of his or her election at the annual meeting until his or her successor has been elected and qualified. All officers are elected by and from the directors for one year terms. To allow for terms to expire each year, initially the directors' terms shall be as follows:

1. Director A - Term Expires Dec 31, 2017
2. Director B - Term Expires Dec 31, 2018
3. Director C - Term Expires Dec 31, 2019

**Section 3. Vacancies.** Except as otherwise provided, any vacancies occurring in the HOA Board of Directors, whether by resignation or removal, shall be filled by the

majority vote of the remaining Directors. In the event of the simultaneous resignation and/or removal of three or more Directors, the membership shall hold new elections to fill those vacant positions on the Board. Those Directors so elected will serve for the remaining portion of the unexpired term.

**Section 4. Removal of Directors.** Any Director may be removed by a majority of the members who vote on the issue providing that just cause has been established and whenever, in their judgement, the best interests of the Corporation would be served by doing so.

### **Chapter 3 - HOA and Election Voting Rules**

**Section 1. HOA Election Notice.** A notice of vacancies for expired terms of office for Board of Directors and a notice that an election shall be held shall be prepared and posted by the Secretary and shall contain the following:

1. Whether the election is general or special
2. Date of the election
3. Location of the meeting where the election will be held
4. Time of election meeting
5. Seats or office to be filled
6. A statement describing voter qualifications

**Section 2. Nominations.** Nominations for Board of Directors shall be open nomination from the floor at the annual membership meeting.

**Section 3. Ballots.** Ballots will be on plain white paper with a space for writing in the nominee's name and a blank square for marking a vote next to the nominee's name.

**Section 4. Voting Procedures.** Voting procedures are as follows:

1. The Secretary shall check for the member's name on the Master List of members. If the member's name appears on the master membership list, that person is deemed qualified to vote.
2. Qualified voters shall give his/her name to the Secretary and then write it on the blank list or membership roster.

3. Voters shall mark the ballot next to the name of the nominees they wish to vote for, as provided in

#### **Chapter 4 - Ballots.**

**Section 1. Voting will be by secret ballot.** Ballots will be marked in pen. After the ballot is marked, the voter will fold it and deposit it in the ballot box.

**Section 2. Tallying Procedures.** Before counting the ballots, the Secretary shall check to make sure that the number of member's names signed on the membership roster is equal to the number of ballots in the ballot box. The ballot box shall be opened in public. The ballots shall be tallied by the Secretary or a committee of judges selected from the membership and recorded by the Treasurer.

**Section 3. Certifying the Election.** The election shall be certified by the President and Vice-President of the Corporation. Nominees receiving the greatest number of the votes cast shall be considered elected Directors. For example, if two seats are to be filled, the top two vote getters are the newly elected directors. The Secretary shall post a copy of the report of election results in three public places the day after the election results are known. The notice shall include:

1. That the election has been certified by the President or Vice-President,
2. That the final results of the election, and
3. A list of the names of the new Directors.

#### **Chapter 5 - Officers**

**Section 1. Selection of Officers.** The Board of directors shall elect from among themselves the following officers; President, Secretary, and Treasurer. This shall be the first order of business of the first meeting of the Board of Directors following the elections of Directors at the annual meeting.

**Section 2. President.** The President is the principal executive officer of the Corporation and shall, in general, supervise and control all of the business and affairs of the Corporation. He/She shall preside at all meetings of the Board of Directors. He/She

shall sign contracts or other instruments which the Board of Directors has authorized to be executed.

**Section 3. Secretary.**

The Secretary shall:

1. Keep a journal of proceedings of the Corporation, record all votes at meetings of the Corporation, and provide for the electronic recording of meetings of the Corporation when possible,
2. Provide for the standardization and maintenance of all forms, books, and records of the Corporation, and
3. Keep the Corporate seal and affix the seal to all contracts and instruments authorized to be executed by the Corporation.

**Section 4. Treasurer.**

The Treasurer shall:

1. Manage, deposit, and invest all funds of the Corporation as directed by the Board of Directors,
2. Disburse money for all corporate obligations, and
3. Keep regular books or accounts of all corporate financial transactions, and provide for financial reports or audits as directed by the Board of Directors.

**Chapter 6 - Contracts, Checks, Deposits and Funds Finances**

**Section 1. Contracts.** The Board of Directors, at the direction of the membership, may authorize any officer or officers, agent or agents of the Corporation, in addition to the officers so authorized by these Bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or confined to specific instances as authorized by the Board of Directors.

**Section 2. Checks, Draft Signing Authority.** All checks, drafts, or orders for payment of money, notes or other evidence of indebtedness issued in the name of the Corporation and in such a manner as shall be determined from time to time by the

Board of Directors, shall be signed by the Treasurer and shall be countersigned by the President or Secretary of the Corporation.

Section 3. **Deposits.** All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies, or other depositories as the Board of Directors may select.

Section 4. **Gifts.** The Board of Directors may accept on behalf of the Corporation any contribution, gift, bequest, or device for any special purpose for the Corporation.

Section 5. **Grants.** No grant monies from the State, federal or other governmental entity shall be applied for without the majority vote approving such application at a meeting of the members of the Corporation.

Section 6. **Dues.** Dues may or may not be assessed by the Board of Directors, but may not exceed \$1000.00 per member per year.

Section 7. **Fiscal Year.** The fiscal year of the Corporation shall begin on the first day of January and end December 31.

#### **Chapter 7 - Vacation Rental Requirements**

Section 1. Vacation Rental Units are short-term (7 to 28 nights) rentals of residential dwelling units. Every vacation rental unit must have one kitchen and at least one working telephone (Land line).

Section 2. Vacation rental units may have no more than two (2) persons per bedroom plus two (2) extra persons.

Section 3. Short-term rentals require to be an member in good standing with Florida Keys HOA. A non-refundable fee of \$100.00, and subsequent annual renewal fees of \$100.00.

Section 4. A Monroe County Business Tax Receipt by the County Tax Department, a license from the State of Florida Department of Business and Professional Regulation,

(DBPR) division of Hotels and Restaurants and Florida Department of Revenue Sales Tax identification certificate is required.

Section 5. An annual inspection is required by a licensed fire equipment supplier.

Section 6. All vehicles and trailers are required to be parked within the gated home. No vehicles may be used for overnight accommodations. Gate to the home should remain closed.

Section 7. Docked vessels may not extend beyond the property lines, may not be rafted together or create a navigation hazard. No vessels may be used for overnight accommodations.

Section 8. Tenants shall not unnecessarily make or cause a noise disturbance between the hours of 10:00pm and 7:00 am Sunday - Thursday and 11:30 and 7:00am Friday and Saturday with exception to the evening before a Federal holidays where times will be the same as Friday and Saturdays.

Section 9. All trash must be in covered containers (4 minimum) and may not be placed in the right of way except from 6:00 pm of the day prior to scheduled trash pickup, and removed from the right of way by the end of trash pickup day.

Section 10. The rental agreement shall contain the home address, phone number, manager's address and phone number, and the phone number of the rental unit. Either the property owner or property manager's contact number must be posted in the rental unit. The rental agreement must be agreed to by the principal renter.

Section 11. All tenants of vacation rental units are required to comply with MANDATORY EVACUATION at the posting of a hurricane warning.

Section 10. All advertisements of Vacation Rentals in any medium must contain the vacation rental HOA permit number (HPR) issued by Florida Key HOA.

Section 11. Florida Keys HOA, its officers directors or agents are not responsible for any accidents, injuries or illness that occurs while on a member home. Florida Keys

HOA is also not responsible for the loss of personal belongings or valuables of the guest. Florida Keys HOA does assume any RISK or LIABILITY arising from renters, or from changes in Federal, State, or Local laws.

Section 12. A property manager or their back up for the home must be available at all times the home is rented and must be physically no more than 30 minutes away in case of emergency.

#### **Chapter 8 - Books and Records**

The Corporation shall keep correct and complete records of financial transactions and accounts, and shall also keep minutes of the proceedings of its Board of Directors. All books and records of the Corporation may be inspected by any member, or his/her agent or attorney, for any purpose at any reasonable time.

#### **Amendment to Bylaws**

The bylaws may be amended by an affirmative vote of two-thirds of the members voting at an annual meeting. The text of the proposed amendment must be included in the public notice announcing the time, date and place of the annual meeting.

#### **Adoption of Bylaws**

This is to certify that the above bylaws were adopted by the Board of Directors at a meeting on Sept 30, 2016.

\_\_\_\_\_  
President *[Signature]*

\_\_\_\_\_  
Secretary/Treasurer *[Signature]*

TARPON DREAMS  
800 Hibiscus Street  
Boca Raton, FL 33486

TD BANK  
AMERICA'S MOST CONVENIENT BANK  
88-1482/670

2181

12/20/2016

TO THE  
ORDER OF

Monroe County Planning

\$

\*\*180.00

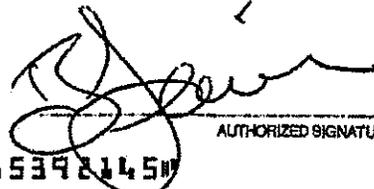
One hundred eighty and 00/100

DOLLARS

Monroe County Planning

FOR

For property 68 Tarpon Ave, Key Largo



AUTHORIZED SIGNATURE

⑈002181⑈ ⑆067014822⑆

4265392145⑈

TARPON DREAMS

2181

12/20/2016

Monroe County Planning

Application Fee

180.00

TD Bank - Tarpon Dreams

For property 68 Tarpon Ave, Key Largo

180.00

Details on Back  
Security Features Included

# County of Monroe

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



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

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

June 9, 2017

Brad Levine  
800 Hibiscus Street  
Boca Raton, FL 33486

**Subject:** *Request for an Exemption to a Special Vacation Rental Permit located at 68 Tarpon Avenue, Revised Amended Plat of Riviera Village (PB2-80), Key Largo, Florida, Real Estate #00511770-000000 (VRE-16-14)*

Dear Mr. Levine,

The Planning and Environmental Resources Department is in receipt of your application for an Exemption to the County's Special Vacation Rental Permit. The application is for an exemption pursuant to Monroe County Land Development Code (LDC) Section 134-1(b)(1), for properties in which the dwelling unit is located within a controlled access, gated community with a homeowner's or property owner's association that expressly regulates or manages vacation rental uses.

The subject property consists of one single-family detached dwelling unit and is located within the County's Improved Subdivision (IS) Land Use (Zoning) District. Pursuant to LDC Section 130-83(b), vacation rental use is prohibited in all IS Districts and subdistricts, except in:

- (1) IS-V districts (as set forth in section 130-84); and
- (2) In gated communities that have:
  - a. Controlled access; and
  - b. A homeowner's or property owner's association that expressly regulates or manages vacation rental uses.

Although the County LDC does not explicitly define "community," "controlled access," or "gated communities," the Planning Director has the "jurisdiction, authority and duties"... "to render interpretations of the Comprehensive Plan and the Land Development Code." pursuant to LDC Section 102-21(b)(2)h. To aid in the review of the requested Vacation Rental Exemption, various sources were consulted for definitions of the terms "community" and "gated community."

*A Planners Dictionary (2004) APA Planning Advisory Service, 460pp:*

- "Community" is defined as "A subarea of the city consisting of residential, institutional, and commercial uses sharing a common identity."

- “Gated community” is defined as “Residential areas that restrict access to normally public spaces. These are subdivisions of usually high-end houses located mostly in suburbs, but some more recently in inner-city areas. The type of gates can range from elaborate guard houses to similar electronic arms. Residents may enter by electronic cards, or remote control devices. Visitors must stop to be verified for entry; A residential neighborhood where accessibility is controlled by means of gate, guard, barrier or other similar improvement within or across a privately maintained right-of-way.”

*Black's Law Dictionary* defines “Community” as “1. A neighborhood, vicinity, or locality. 2 A society or group of people with similar rights or interest. 3. Joint ownership, possession or participation.”

*Merriam-Webster Dictionary* ([www.merriam-webster.com/dictionary/community](http://www.merriam-webster.com/dictionary/community)) defines “Community” as “A unified body of individuals: a) the people with common interests living in a particular area; the area itself; b) an interacting population of various kinds of individuals (as species) in a common location; c) a group of people with a common characteristic or interest living together within a larger society”

*Oxford English Dictionary* ([en.oxforddictionaries.com/definition/community](http://en.oxforddictionaries.com/definition/community)) defines “Community” as “1) A group of people living in the same place or having a particular characteristic in common; 1.1) A group of people living together and practicing common ownership; 1.2) A particular area of place considered together with its inhabitants”

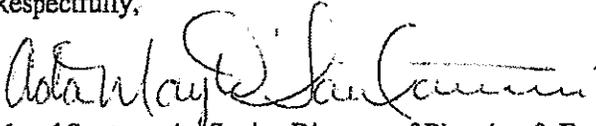
Based on the above definitions of “community” from generally and professionally accepted references, the County Land Development Code cannot be interpreted as permitting the vacation rental use of one single-family detached dwelling unit located on one lot or parcel in the IS District. Therefore, the Department is unable to approve the application at this time for the following reason:

1. Pursuant to LDC Section 130-83(b), vacation rental use is prohibited in all IS Districts and subdistricts, except in: (1) IS-V districts (as set forth in section 130-84); and (2) In gated communities that have: a. Controlled access; and b. A homeowner's or property owner's association that expressly regulates or manages vacation rental uses. The subject property, consisting of one single-family detached dwelling unit, does not meet the above definitions of “community” or “gated community” The terms “community” and “gated community” as used in LDC Sections 130-83(b) and 134-1(b)(1) cannot not apply to a single lot or parcel with one dwelling unit in the IS District.

You may appeal any decision, determination or interpretation made in this letter pursuant to Monroe County Code Section 102-185. A notice of appeal must be filed with the County Administrator, 1100 Simonton Street, Gato Building, Key West, FL 33040, within 30 calendar days from the date of this letter. In addition, please submit a copy of your notice of appeal to the Planning Commission Coordinator, Monroe County Planning and Environmental Resources Department, 2798 Overseas Highway, Suite 410, Marathon, Florida 33050.

If you have any questions regarding the contents of this letter, or if we may further assist you, please feel free to contact the Department's Marathon office at (305) 289-2500.

Respectfully,

A handwritten signature in cursive script, appearing to read "Mayté Santamaria".

Mayté Santamaria, Senior Director of Planning & Environmental Resources

Don Horton, C.B.O., C.R.C..

- Summary of Licenses & Education

Bachelor of Business Administration, Major in Construction Management  
Certified Building Official # 3478  
Certified Chief Building Code Analyst #827  
Certified Building Plans Examiner # 434  
Certified Building, Plumbing, Residential Electrical, Mechanical Inspector # 4107  
Graduate Texas A&M Fire College (oil/refinery fires) 1976/77  
ASFPM Certified Floodplain Manager # US-02-00516 (recently opted to become decertified.)  
[Above Certs. are recognized nationally and internationally]  
FACE Level I Certified Code Enforcement Officer #1949  
FACE Level II Certified Code Enforcement Officer # 1414  
FACE Level III Code Enforcement Officer # 687  
State of Florida Certified Residential Contractor # CRC 057947  
State of Florida Licensed Building Code Administrator #BU-993  
State of Florida Licensed Building Plan Examiner #PX-711  
State of Florida Licensed Building Inspector #BN-1619  
Graduate Emergency Medical Tech @ FKCC  
Certified Open-water, Deep-water, Equipment Tech, Stress Rescue Diver

- Summary of Work Experience

Currently co-owner of No Stress Property Management Inc.  
Served as Director of Building Services for Islamorada, Fl. From 2000 thru 2005  
Served as Building Official for Monroe County from 1998 thru 2000  
Served as Assistant Building Official for Monroe County from 1993 thru 1997  
Served as Sr. Inspector/Plan Examiner for Monroe County from 1990 thru 1993  
Sole Proprietor and Owner of Don Horton Construction from 1983-1990  
Co-Owner of Keys Construction Co. from 1978-1982, a specialty woodworking company  
Amoco Oil 1975 – 1978, Operator/Fire Fighter

- Personal Affiliations

Currently a member of the Finance and Procedure Board for Rotary District 6990  
Currently Assistant Governor for District 6990, Rotary International  
Past Member of Facilities Committee for TVM (Treasure Village Montessori)  
Past Board Member and member of the Founding Board of the Conch Classic on the Water Charity Golf Tournament  
Current Member of the Upper Keys Rotary Club [ Past-President]  
Past President of the Board of Directors of Leadership Monroe County  
Charter Member of Monroe County Chapter of the Southern Building Code Congress International  
Member of the Building Officials Association of Florida

Past Member of the Association of State Floodplain Managers, Inc.  
Member of International Code Council  
Past member of the Construction Licensing Officials Association of Florida  
Active Member of Upper Keys Rotary Club  
Former Board Member of Tavernier Volunteer Fire Department & Ambulance Corp.  
Former Member of Tavernier Volunteer Fire Department  
Former Member of Tavernier Volunteer Ambulance Corp.  
Former Member of Florida Roofing, Sheet Metal & Air Conditioning Contractors  
Past committee member of the Islamorada, Charter Review Committee, 2006  
Member of the Islamorada Chamber of Commerce

- Accomplishments

Recognized by the Florida League of Cities in the 2004 "City Innovation Showcase" for expedited permit reviews  
Had best city ISO rating in Monroe County while BO for Islamorada.  
Acknowledgment for assisting with the Building Performance Assessment Team [BPAT] report after damages due to Hurricane George. Published by FEMA March 1999  
Successfully instituted a "walk-thru" permitting procedure for Monroe County  
Set up postcard permitting procedure for Monroe County and Islamorada  
Developed a strong working relationship with the Florida Keys Contractors  
Graduate of Class VIII of Leadership Monroe County  
Recognized as Chapter Building Official of the Year for 1996 by the Fla. Keys Chapter of BOAF  
Built an efficient & effective Building Department during my tenure with Monroe County  
Developed a user friendly Building and Code Compliance Department for the newly Incorporated city of Islamorada  
Declared by Monroe County Court System as an expert witness in Construction, Municipal Permitting, and Codes  
Recognized by the Monroe County Planning Commission as an expert witness on permitting, construction, and local planning issues  
Declared as an expert witness in Federal Court Key West  
Paul Harris Fellow with Rotary International  
Familiar with several permitting software programs i.e.: M2SI aka [Ewacker], Pentamation, Alchemy, & SBCCI  
Can "Hold my own" with software such as, Word, Word Perfect, Publisher, Explorer, Outlook Express, Excel, Works, etc.

- Company History

In April of 2005 we (My wife Sheri and I) originally developed No Stress Property Management as a management company for high end private estates for part time residences in the Upper Keys. We currently manage 18 homes including a majority of Oceanfront and Bayfront Estates. Seeing a need for other professional management in the construction area we groomed the company to include project and construction

management, code consultation, and permit expediting. We brought our youngest daughter (Amie) onboard in 2007 to oversee office administration. We also have a network of Sub-Consultants that work with us from time to time.

▪ Recent Involvements, Projects, & Responsibilities

- 2012...Consultant and permit expert for the redevelopment of Mandalay Restaurant in Rock Harbour as well as agent for Morgan Ocean Sunrise LLC, an upscale resort,
- 2012...Currently involved as Construction Manager for reconstruction of five (5) private Estates in Islamorada.
- 2012...Consultant for Tavernier Towne future projects and ongoing issues,
- 2011...Project Manager for ongoing projects at Buttonwood Bay Condos
- 2011...Successfully argued and received 5-COP for Mandalay from County Planning Commission,
- 2011...Successfully argued and received Zoning Boundary Determination from Monroe County on Tavernier Towne.
- 2010, 2011...Past Project Manager for Little Conch Key Development (Walkers Island) 8 - SFR Unit Multi-Million Dollar Project
- Buttonwood Bay Condominium (Key Largo) – Multi Million Dollar Marina Reconstruction, Project Manager. Responsible for Bid, Bidder qualification, Bid review, Contract negotiations, permitting with ACOE, DEP, Local Government, & Construction.
- Beacon Reef Condominium (Islamorada) – 3 Million Dollar, Pool, pool deck, Ocean Promenade walkway, Seawall project. Responsible for Permitting, Project and Construction Management
- Obtained approval for a Conditional Use approval for Key Largo Montessori
- Responsible for several zoning changes for properties on Schooner Bay Rd.
- The Islands of Islamorada, 20 Single Family Residential Unit Project – Responsible for Permitting, Project Planning, Layout, Dock and Marina permitting and design.
- Ocanos of Islamorada – 100 Million Dollar reconstruction of “Holiday Isle” – Involved with Planning, Permitting, Development of schedules, Marina reconstruction.
- Tarpon Point (Islamorada) – 12 Unit Single Family Private Community. Responsible for all permitting and coordination’s with local, State, and Federal agencies. Consultation in achieving a change in the FEMA Flood Maps from VE to AE Flood zone.
- Tavernier Town Shopping Center (Key Largo) – Consultant on Expansion and development on Shopping Center site. Permit expediting.
- Island Grill – Responsible for obtaining Variances for setbacks, parking, landscape, etc.
- Key Largo Shopping Center – 2400 sq. ft commercial building. Responsible for plans development, bidding, permitting, construction management.
- 19 Pen Key Club, \$80,000.00 renovation of Single Family Residence, Responsible for plans development, Contractor Qualification, Bidding, Project and Construction management.
- Dooley Construction – Consultant on all permit and code issues. Dooley Construction is a local builder responsible for most multi-million dollar houses on “Millionaires Row” on Plantation Key.
- Paul Tudor Jones Residence – Responsible for all permitting on the multi-million dollar residential estate in conjunction with A.T.Franco and Associates.

David Cotton Residence – 2.5 Million Dollar residence on Plantation Key. Responsible for plans coordination and development, Contractor Qualification, Bidding, Permitting. Currently involved with several re-zoning and re-FLUM requests with the Village of Islamorada.

Currently involved as Project manager for 5 Residential knock-down and re-build projects each project far exceeding \$1,000,000.00.

Serve as consultant to several local Attorneys on Code Enforcement, Planning, and Building Department issues.

Served as consultant to Monroe County during interview process for new Building Official

Serve as consultant to several local Real Estate Companies and Title Companies on permit and inspection issues.

Code, Permitting, Planning Consultant to several Engineering and Architectural Firms, (Key Engineering, Siskind and Carlson, A. T. Franco and Associates, Paul Lin and Associates, Robert Barnes and Associates, David Wallace and Associates, Perez Engineering and Development.

Expert consultant to several local Attorneys  
Hershoff, Lupino, Yeagel LLC.  
John Jabro Esquire,  
Joe Miklas,  
Ton Wright,

- Personal

Resident of Plantation Key since 1978

Married to Sheri since 1972

Two grown daughters, both working professionals and residing in Islamorada

One Sixteen year old grandson [my fishing & golf partner]

I enjoy family, fishing, golf, and fine woodworking

Office Phone: 305-852-9607      Office Fax: 305-852-9609

E-mail: [nostressdon@bellsouth.net](mailto:nostressdon@bellsouth.net)

MONROE COUNTY  
Appellee

Appeal from Denial  
For an Exemption  
To Special Rental  
Permit

vs.

Bradley M. Levine and Melissa A. Friedman-Levine  
Appellant

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**NOTICE OF APPEARANCE AS ATTORNEY/AGENT**

YOU ARE HEREBY NOTIFIED that the undersigned are appearing as attorneys/agents for Bradley M. Levine and Melissa A. Friedman-Levine in the above referenced appeal. Any and all copies of pleading, motions and other papers should be served on the undersigned.

Dated this 5<sup>th</sup> day of July, 2017.

/s/John Jabro, Esq.

**JOHN JABRO, ESQ.**  
90311 Overseas Hwy Ste B  
Tavernier, Florida 33070  
Tel. (305) 852-0686  
Email: [jjabro@aol.com](mailto:jjabro@aol.com)  
FL Bar No. 364452

/s/Lesley Rhyne, Esq.

**CUNNINGHAM MILLER, P.A.**  
2975 Overseas Highway  
Marathon, Florida 33050  
Tel. (305) 743-9428  
Email: [lrhyne@floridakeyslaw.com](mailto:lrhyne@floridakeyslaw.com)  
FL Bar No. 866016

This Document Prepared By AND  
upon recording return to:

HOWARD B. NADEL, ESQ.  
HOWARD B. NADEL, P.A.  
301 W. Hallandale Beach Blvd.  
Hallandale Beach, Florida 33009  
(954) 455-5100  
Parcel I.D. No.: 00511770000000016139  
File NO.: 210-1256

Doc# 1832065 04/18/2011 11:28AM  
Filed & Recorded in Official Records of  
MONROE COUNTY DANNY L. KOLHAGE

04/18/2011 11:28AM  
DEED DOC STAMP CL: DIONNE \$5,670.00

Doc# 1832065  
Bk# 2513 Pg# 1453

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## WARRANTY DEED

THIS INDENTURE, made this 8<sup>th</sup> day of April, between **ELIZABETH GAYLE NYMAN a/k/a GAYLE A. NYMAN**, a single woman, whose address is 919 Mayflower Road, Sale Creek, TN 37373, **GRANTOR**, and **BRADLEY M. LEVINE and MELISSA A. FRIEDMAN-LEVINE**, husband and wife, whose address is 800 Hibiscus Street, Boca Raton, FL 33486, **GRANTEE**. ("GRANTOR/GRANTEE" refers to singular or plural as context requires)

**WITNESSETH** that GRANTOR, for and in consideration of the sum of TEN & NO/100 DOLLARS (\$10.00) 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 GRANTEE, and GRANTEE'S heirs and assigns forever, the following-described land situated in **MONROE** County, State of Florida to wit:

Tract 2, Revised Amended Plat of Riviera Village, according to the plat thereof as recorded in Plat Book 2, Page(s) 80, Public Records of Monroe County, Florida.

This conveyance is subject to the following:

1. Taxes and assessments for the year 2011 and subsequent years thereafter;
2. Subject to zoning and/or restrictions and prohibitions imposed by governmental authority;
3. Restrictions, easements and other matters appearing on the plat and/or common to the subdivision;

and the GRANTOR does hereby fully warrant the title to the land, and will defend the same against the 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:

Lynda B  
Witness Print Name: Lynda Boughan  
1<sup>st</sup> Witness as to Elizabeth Gayle Nyman a/k/a Gayle A. Nyman

Elizabeth Gayle Nyman a/k/a Gayle A. Nyman  
ELIZABETH GAYLE NYMAN a/k/a GAYLE

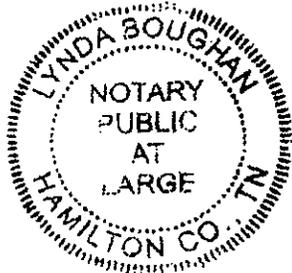
Doc# 1832065  
Bk# 2513 Pg# 1454

Gloria Jones  
Witness Print Name: Gloria Jones  
2<sup>nd</sup> Witness as to Elizabeth Gayle Nyman a/k/a Gayle A. Nyman

STATE OF TENNESSEE }  
COUNTY OF HAMILTON }

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of April, 2011 by **ELIZABETH GAYLE NYMAN a/k/a GAYLE A. NYMAN** who is personally known to me or who has produced her drivers licence as identification.

Lynda B  
Printed Name: Lynda Boughan  
NOTARY PUBLIC  
My Commission Expires: 3-3-15

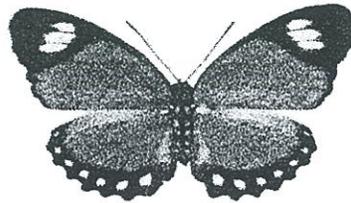


MONROE COUNTY  
OFFICIAL RECORDS

**RECEIVED**

MAY 24 2018

MONROE CO. PLANNING DEPT.

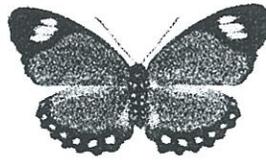


# **CASA de IVY**

68 tarpon Ave, key largo, florida 33037

Things you will need to know  
& follow .....

May 8, 2013



## **CASA de IVY**

68 tarpon Ave, key largo, florida 33037

Dear Guests,

Welcome to *CASA de IVY* and the Florida Keys.

We have tried to provide a warm home in a great location for your vacation. While in Key Largo consider snorkeling Pennekamp Marine Park, fish our warm tropical waters and explore the island. There is more than you might expect. We also have 2 National Parks within 30 miles of our home.

Enjoy, but please be safe. Finally, it is important to please take the time to read and review this document and the house house rules.

Warm Regards,

Melissa & Brad Levine

## CASA de IVY

### 11 THINGS TO FOLLOW - PLEASE READ and ... FOLLOW

1. The Feet ..... please take your shoes off & try to wipe your feet.
2. The Water ..... there is a lot of water - please use life vests & watch your kids. we got a lot of water.
3. The Stuff ..... try to be organized, please put stuff away.
4. The Salt ..... it tastes good, but destroys everything. Please hose down all the stuff you use outside.
5. The Environment ..... we are between 2 National Parks & 3 marine sanctuaries, please respect nature and do not litter. Do not go into the mangroves - this is very dangerous.
6. The House ..... please treat the home as if you owned it - use coasters, wash the dishes, clean up after yourself, re-stack beach chairs etc. Also, for your safety, there are the surveillance cameras on the outside of the house.
7. The Hook ..... watch the hooks, it will catch you just as quickly as it will catch a fish. If you are not going eat - throw the little guys back ( not your kids ;).
8. The Dock ..... no jumping from the dock, you will hit coral bottom & get hurt. Also no running, the dock is slippery and you will fall (either on or off the dock) & will get hurt.
9. The Sun, Fire & Fun .... wear sunscreen, even in the shade. keep the fire in the fire ring & not to big & remember to extinguish every night. have fun, but please be safe (don't be stupid) - you can prevent accidents.
10. The No ..... no smoking, no pets, no parking outside the gate, no keeping gate open, & no using the park.
11. The Luggage ..... The circular stairs are a tough climb with luggage - and hard on the walls and the body. try the outside stairs - it's a lot easier.
12. The Keys ..... Have a great time & enjoy the beautiful Florida Keys & remember - the owner does not accept liability for ANY accidents. PS.. don't forget to leave the keys in the Keys.

## Directions to *CASA de IVY* from Ft Laud Airport

68 Tarpon Ave, Key Largo Fl 33037

(mile marker 104.5)

telephone # at house: 305-647-6299

	3	<b>Fort Lauderdale-Hollywood International Airport</b> 100 Aviation Blvd, Fort Lauderdale, FL 33315-3319 85 miles - 1 hour 30 minutes	
	3	Keep right at the fork, follow signs for <b>I-595 W/I-95/Florida's Turnpike</b> and merge onto <b>I-595 W</b> About 4 mins	go 4.4 mi total 5.3 mi
	4	Take exit <b>8</b> for <b>Florida's Turnpike S</b> Partial toll road About 3 mins	go 2.1 mi total 7.4 mi
5		Merge onto <b>Florida's Turnpike/Ronald Reagan Turnpike</b> Toll road About 7 mins	go 7.3 mi total 14.8 mi
	6	Take the exit toward <b>Homestead</b> Toll road About 1 min	go 0.9 mi total 15.6 mi
7		Merge onto <b>Florida 821 Toll S/Homestead Extension of Florida's Turnpike</b> Partial toll road About 44 mins	go 46.4 mi total 62.0 mi
	8	Exit on the left onto <b>US-1 S/NE 1st Ave</b> toward <b>Key W</b> Continue to follow <b>US-1 S</b> Partial toll road About 28 mins	go 23.0 mi total 85.0 mi
	9	Turn right onto <b>Tarpon Ave</b> Destination will be on the right About 1 min	go 0.3 mi total 85.3 mi
		68 Tarpon Ave, Key Largo, FL 33037	

## CASA de IVY

68 Tarpon Ave, Key Largo Fl 33037 - (mile maker 104.5)  
telephone # at house: 305-647-6299

### Key Telephone Numbers

#### Property Manager

Trish O'Steen cell: 305-394-8892

#### Owner

Brad Levine cell: 954-461-8185  
email: brad\_levine@yahoo.com

#### Cleaning Service

Main in the Keys, Christina cell: 305-923-4658

#### Pest Control

Drew Pest Control office: 305-451-1849

#### Lawn Service

Juan Velizaroff Lawn service office: 305-451-0482

#### Pool Service

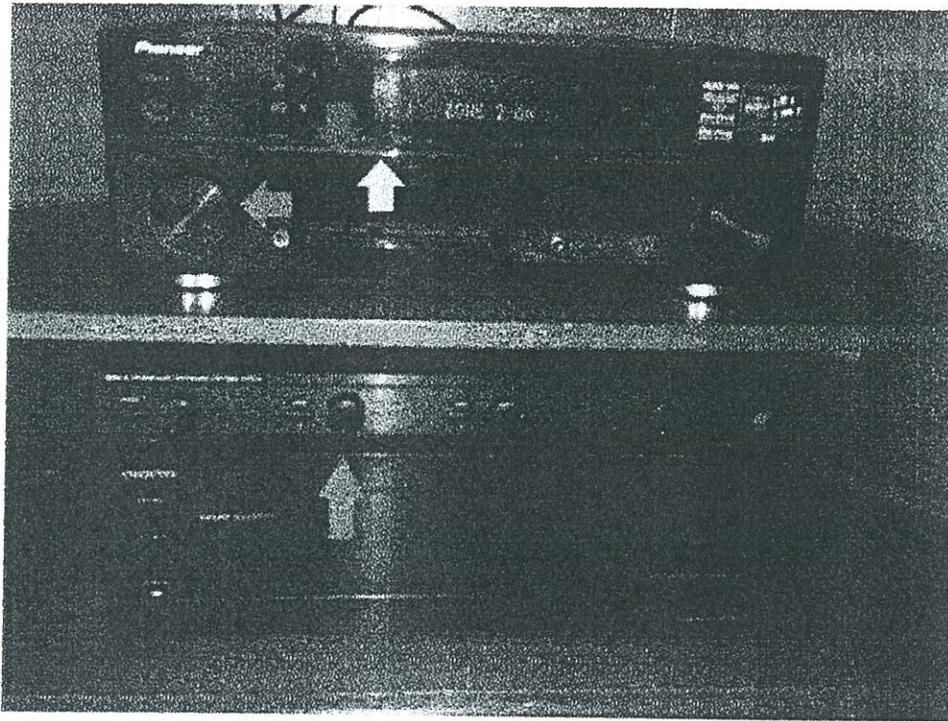
Castaway Pool Service office: 305-245-9955

#### Major Home Issues (my contractor)

John Osteen cell: 305:522-3575

#### Next Door Neighbor (white house behind Casa de Ivy)

~~Jacque & Ed Shipanik home: 305-731-6547~~



### TO select outside music

First press the zone two on/off button located in yellow  
Then press the multi zone input select button located in red. Now quickly with in a second or two. Turn the selection knob in green. right or left to the desired input. TUNER For radio, Ipod , TV , ect.

Finally turn the volume knob in blue to the right to turn up the volume for the labeled corresponding area. If a ipod or iphone is being used plug it into the USB plug on the bottom right side of the receiver

## CASA de IVY

### Layout of the House

- All the lights switches are labeled. Turn off when not using.
- Lights by front door, garage, gate & end of dock are on a photo sensor, and can not be turned off.
- Please turn off landscape lights before you go to bed at night.
- The garage, boat and owner closet by laundry room are locked and can not be used.
- The outside closet on the ground porch has beach toys, and fishing rods etc. Feel free to use, but please put back & wash off with fresh water after use.
- The kayak is under the dock. You are free to use this, but wear a life vest. Also when done, put kayak back under dock & tie to the cleat (**very important**), and then wash the kayak off with fresh water. Put paddles in the outside closet.
- All other items of the house should be self evident. Please treat with respect.

### Remotes & Stereos

- Dish Network. The receiver controls 2 tvs, so not every room has a receiver. The TVs have been programmed so the DISH remote will work the TVs.
- Living Room. The stereo controls surround sound, but this is not needed for watching TV. For listening to music, speaker A will control the inside. For outside, you will need Zone 2, and the amplifier turned on. The ipod adapter will be the only way to play music outside. You will see a speaker selector box which is labeled. Even though we don't have neighbors, people can hear. Keep the volume reasonable. The volume control for the outside speakers is on the speaker control box.
- Master Bedroom. There is a surround system in the room. Use the Philips remote.
- Help, is Not Available. I can try to help with the remotes, but will not always be available or capable of helping. Some might have to do without.

## CASA de IVY

### More Miscellaneous Things You Need to Know

**THE BOAT LAUNCH:** The park next to the house is private park and they are quite fussy on who uses it. The closest boat launch is about 1 minutes south on US1 from and is at the Caribbean Club. After you launch please bring your trailer back to the house and park it in the back of the house. There should be plenty of room.

**OUTSIDE LIGHTS:** The pool and backyard lights are controlled up stairs by the kitchen. Please turn these off when not using. The front porch, gate, end of the dock and garage lights are on a photocell and will come on at night and turn off at in the morning. You can not turn these off. They are for safety. I also have safety lights which have motion sensors on the side of the house.

**GARBAGE & RECYCLING** - they come at 6:30am

- recycling - put out Friday night for Saturday pickup
- garbage - put out Sunday night for Monday pickup
- garbage - put out Wednesday night for Thursday pick up

## CASA de IVY

### Restaurants We like (& hope you do too)

- Fish House (5 minutes from house) - a classic, good dinner
- Conch House (5 minutes) - shabby chic and good food
- Sundowners (2 minutes) - Bayside on water - good dinner
- Big Chill (2 minutes) - Bayside on water - nice lunch
- Rib Daddy's (2 minutes) - Good lunch
- Buzzard's Roost (2 minutes) - Oceanside, good lunches
- Upper Crust Pizza (deliver) - Its the keys (not NYC), ok
- Green Turtle (25 minutes - Islamorada) - a classic, excellent dinner
- Alabama Jacks (20 minutes on card sound) - a florida classic, bar food
- Mrs. Macs Kitchen (10 minutes) - good old fashion breakfast
- Senior Frijoles (2 minutes) - good Mexican

## The Story of CASA de IVY

We always loved the islands so, on a whim while driving for a romantic weekend to Little Palm Island, we decided to stop at the first real estate company we found. And before we knew it, we were told about this amazing property. It looked nothing like it does today, but it had such great views, was very private and was structurally sound. But you can't buy the first place you see. So over the next 3 months we proceeded to look at dozens of more homes, but nothing had the mojo like 68 tarpon. So after another 6 months of negotiating it was ours.

By this time, my sister's breast cancer, which had been in remission, came back. She never did make it down to the Keys. In her memory we have dedicated this house, CASA de IVY - Ivy's House. We have tried to make this place as wonderful as she would have liked it. One of the more wonderful things you might notice are the large amount of butterflies which are natural to the area. Ivy loved the butterfly. The alarm code 0824 is Ivy's birthday, and lock box is the year she was born. We know these don't have any real meaning to you, but they mean a lot to us. So, the fact that you are enjoying CASA de IVY, keeps her memory alive.

## CASA de IVY

### RENTAL RULES & LIMITATION OF LIABILITY

- Smoking: Smoking is NOT allowed in the house.
- Guests: People other than those in the Guest party set forth above may not stay overnight in the property. Any other person in the property is the sole responsibility of Guest.
- Liability: Owners are not responsible for any accidents, injuries or illness that occurs while on the premises or its facilities. The Owners are not responsible for the loss of personal belongings or valuables of the guest. By accepting this reservation, it is agreed that all guests are expressly assuming the risk of any harm arising from their use of the premises or others whom they invite to use the premise. The Owner and/or Owners agents **DO NOT ASSUME ANY LIABILITY** for accidents on or around the dock or house.
- In Good Order: Keep the property and all furnishings in good order.
- Use as intended: Only use appliances for their intended uses.
- Pets: Pets are NOT allowed.
- Parking: Vehicles are to be parked in the home's gated area and in designated parking areas only. Any illegally parked cars are subject to towing; applicable fines/towing fees are the sole responsibility of the vehicle owner.
- Housekeeping: There is no daily housekeeping service. While linens and bath towels are included in the unit, daily maid service is not included in the rental rate. We do not permit towels or linens to be taken from the units.
- Pool & Bay: Please careful watch children and those who do not know how to swim. Water is everywhere. There is no pool fence around the pool. The Bay bottom is very mucky and individual can sink into the mud. **USE EXTREME CAUTION. OWNER DOES NOT ACCEPT ANY LIABILITY.**
- Mangroves: Do not go into the mangroves. They are protected. Additionally, mangroves poise other dangers such as drowning and attack by crocodiles.
- Dock: The dock is often slippery and there are no railings. No jumping from the dock. **PLEASE USE EXTREME CAUTION WHEN USING THE DOCK.** The Owner and/or Owners agents **DO NOT ASSUME ANY LIABILITY** for accidents on or around the dock or house.
- Inclement weather & Hurricanes: No refunds will be given for inclement weather including hurricane. Hurricane warnings are the only exception. When a hurricane warning issued, I require evacuation **of the home and you must leave.** A credit will be given for days that are required by the owner to evacuate and can be to be used at a mutually agreed date.

**CASA de IVY**  
**DEPARTURE CHECKLIST**

1. Did you fresh water wash and put away anything on the beach & dock?  
**Salt destroys !**
2. Did you stack the beach chairs 3 high & close up the umbrellas?  
**We get strong winds !**
3. Dishes in the sink? Please put into the dishwasher and Run It.  
**Who wants ants ?**
4. Don't forget to lock all the doors. There are quite a few of them.  
**Did you really check all of them ?**
5. Are the all keys accounted for and put back (3 keys), and what about the gate openers (2 gate openers)?  
**Don't leave with them ! They call them Keys for a reason.**
6. Look under the beds?  
**You might be surprised !**
7. Save time, can you help start the laundry?  
**Please take sheets of the beds and start a load of laundry. And if really kind, do a load of towels the night before. This really helps !**
8. Did you sign the guest book?  
**We like to hear your kind words.**
9. The police often set up speed traps leaving the Keys. Really!  
**Drive safe !**

## Vacation Rental Policy Statement

With regard to any vacation rentals of Casa de Ivy, 68 Tarpon Avenue, Key Largo, Florida 33037, and in order to eliminate any adverse impact of any vacation rental on the neighboring residents, the following policies will apply:

1. Casa de Ivy will be rented as a vacation rental for less than 25 weeks a year. The minimum rental term will be seven (7) days. No events of any kind will be allowed on the property. No more than ten (10) people as short-term tenants will be allowed on the property. No more than five (5) vehicles will be allowed to park on the property with all vehicles parking to only occur inside the gate in the parking area directly adjacent to the garage. The Owners and Manager using direct observations and surveillance cameras located on the exterior areas of the property will monitor all of the preceding limitations for compliance.
2. Casa de Ivy will be advertised to target as prospective tenants multigenerational families as a vacation destination to allow the grandparents, parents, and children to vacation together. The idea is to have a home big enough and located in a desirable environment for all ages to enjoy together as families.
3. To insure that vacation rental tenants are suitable and from the target group, the Owners and/or Manager will utilize social media background investigations and require that prospective tenants submit references that will be confirmed by the Owners and/or Manager.
4. Every vacation rental tenant will be advised of the limitations of the Monroe County noise ordinance that shall be strictly monitored and enforced by the Owners and/or Manager.
5. Every neighbor or member of the community will be provided contact information so that any problem resulting from any vacation rental tenant can be reported telephonically to the Owners and/or Manager, twenty-four (24) hours per day, seven (7) days per week, and receive an immediate response.

Mandelstam v. City Com. of South Miami

Court of Appeal of Florida, Third District

November 1, 1988, Filed

Case No. 88-651

**Reporter**

539 So. 2d 1139 \*; 1988 Fla. App. LEXIS 4783 \*\*; 13 Fla. L. Weekly 2423

ROD and CAROL MANDELSTAM, VIOLET L. WILSON, and JOHN and VIRGINIA SHARP, Petitioners, v. THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, Respondent

**Subsequent History:** [\*\*1] Review Denied May 17, 1989.

**Prior History:** On Petition for Writ of Certiorari to the Appellate Division of the Circuit Court for Dade County, Robert P. Kaye, Steven D. Robinson, and Allen Kornblum, Judges.

**Counsel:** Fine Jacobson Schwartz Nash Block & England and Linda Ann Wells and Stanley B. Price, for Petitioners.

John R. Dellagloria, City Attorney, for Respondent.

**Judges:** Hubbart, Baskin, and Jorgenson, JJ.

**Opinion by:** JORGENSON

**Opinion**

[\*1139] Rod and Carol Mandelstam, Violet Wilson, and John and Virginia Sharp petition for a writ of certiorari from a decision of the Dade County Circuit Court, Appellate Division, which affirmed the denial of a special use permit by the City of South Miami. For the reasons which follow, we grant the writ of certiorari and quash the

decision below.

The Mandelstams, in late 1986, applied to the City of South Miami for a special use permit to build a children's gymnastics school on Red Road adjacent to Dante Fascell Park. The area is zoned RS-3 (single family residences). However, section 16-22-1 of the City of South Miami's Zoning Ordinance provides that in an RS-3 zone "schools, public and private," are permitted uses. Section 10-1-1.05 of the same ordinance provides [\*\*2] that "words and terms not defined herein shall be interpreted in accord with their normal dictionary meaning."

The City Commission of the City of South Miami unanimously denied the permit, stating that "private schools of this character" (emphasis added) were not permitted under the zoning ordinance. The Commission further stated that the requested use was a "commercial use" incompatible with the existing character of the surrounding neighborhood. The Commission also denied the permit on the ground that the Mandelstams failed to satisfy the requirements of the planned development section of the zoning ordinance.

The Mandelstams appealed to the Circuit Court of the Eleventh Judicial Circuit, Appellate Division, which held that the Mandelstams had satisfied all requirements of the planned development section. In affirming the City's denial of the special use permit, the appellate division relied upon Wadsworth v. Board of Adjustment of F\*1140] Bedminster Township, 11 N.J. Super. 502, 78 A.2d

619 (1951). The New Jersey court defined a school under the terms of a local zoning ordinance as an institution which is "purely academic" in character. [\*\*3] The Mandelstams then sought relief by petitioning this court for a writ of certiorari. <sup>1</sup>

We find that the circuit court departed from the essential requirements of the law when it inserted additional terms into the City of South Miami's zoning ordinance and defined the term "school," which was undefined in the ordinance, in derogation of its ordinary dictionary meaning. Courts and other governmental bodies are prohibited from inserting words or phrases into municipal ordinances to express intentions that do not appear. Rinker Materials Corp. v. City of North Miami, 286 So. 2d 552 (Fla. 1973). Nowhere does the City's code allow only those schools which are purely academic. <sup>2</sup> Neither the City of South Miami nor the circuit court could, therefore, narrow the scope of the code to deny the Mandelstams a permit.

Moreover, the circuit court, ignoring the directive of the City's code which required that undefined terms be given their normal dictionary meaning, specifically rejected Webster's definition [\*\*4] of a school as "any place of discipline or training," and "as a place where instruction is imparted to the young." New Webster's Encyclopedic Dictionary 751. See also The Random House Dictionary of the English Language 1278 (1966) ("a place, institution, or building where instruction is given"); The Oxford English Dictionary 212 (1933) ("an institution in which instruction of any kind is given . . . often with defining word indicating the special subject taught, as dancing, music, riding school"). <sup>3</sup>

The normal dictionary definitions of "school" encompass the Mandelstams' proposed gymnastics school.

Dissenting from the panel opinion of the circuit court, Judge Robinson stated that "permitted uses must be interpreted broadly, prohibited uses strictly, so that doubts are resolved in a property owner's favor." Mandelstam v. City Comm'n of the City of South Miami, Florida, No. 87-063 AP (Circuit Court of the Eleventh Judicial Circuit, Appellate Division, Jan. 11, 1988) (Robinson, J., dissenting). Zoning laws are in derogation of the common [\*\*5] law and, as a general rule, are subject to strict construction in favor of the right of a property owner to the unrestricted use of his property. City of Miami Beach v. 100 Lincoln Rd., Inc., 214 So.2d 39 (Fla. 3d DCA 1968). Strict construction of sections 10-1-1.05 and 16-22-1 of the South Miami Zoning Ordinance mandates the issuance of a special use permit to the Mandelstams.

We, therefore, grant the writ of certiorari and quash the decision of the circuit court with directions to enter an order directing the City of South Miami to grant the Mandelstams' special use permit.

Certiorari granted and cause remanded with directions.

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End of Document

<sup>1</sup> The City did not file a cross-petition to challenge that portion of the court's decision which found that the Mandelstams complied with all requirements of the code.

<sup>2</sup> Although the Mandelstams offered evidence that their proposed school would offer some academic training to preschoolers, such a showing was not required under the terms of the code.

<sup>3</sup> In his dissent from the panel opinion, Judge Robinson aptly noted that "obviously the city did not mean a school of fish."



## Definitions of "Community"

### Community [Dictionary.com]

1. a social group of any size whose members reside in a specific locality, share government, and often have a common cultural and historical heritage.
2. a locality inhabited by such a group.
3. a social, religious, occupational, or other group sharing common characteristics or interests and perceived or perceiving itself as distinct in some respect from the larger society within which it exists (usually preceded by *the*):
4. a group of associated nations sharing common interests or a common heritage: *the community of Western Europe*.
5. *Ecclesiastical*. a group of men or women leading a common life according to a rule.
6. *Ecology*. an assemblage of interacting populations occupying a given area.
7. joint possession, enjoyment, liability, etc.: *community of property*.
8. similar character; agreement; identity: *community of interests*.
9. **the community**, the public; society: *the needs of the community*.

### Definition of community [Webster's online]

- 1: a unified body of individuals: such as
- a : the people with common interests living in a particular area; *broadly* : the area itself
- the problems of a large *community*
  - b : a group of people with a common characteristic or interest living together within a larger society
  - a *community* of retired persons
  - a monastic *community*
  - c : a body of persons of common and especially professional interests scattered through a larger society
  - the academic *community*
  - the scientific *community*
  - d : a body of persons or nations having a common history or common social, economic, and political interests

- the international *community*
- e : a group linked by a common policy
- f : an interacting population of various kinds of individuals (such as species) in a common location
- g : state, commonwealth
- 2a : a social state or condition
- The school encourages a sense of *community* in its students.
- b : joint ownership or participation
- *community* of goods
- c : common character : likeness
- *community* of interests
- d : social activity : fellowship
- 3: society at large
- the interests of the *community*

### Community [OxfordEnglishDictionary.com]

- 1A group of people living in the same place or having a particular characteristic in common.  
*'Montreal's Italian community'*  
*'the gay community in London'*  
*'the scientific community'*

1.1 A group of people living together and practicing common ownership.  
*'a community of nuns'*

1.2 A particular area or place considered together with its inhabitants.  
*'a rural community'*  
*'local communities'*

1.3 A body of nations or states unified by common interests.  
*in names 'the European Community'*

2.2 Joint ownership or liability.  
*'the community of goods'*

### Community [RandomHouseDictionary.com]

A *community* is a social unit of any size that shares common values, or that is situated in a given geographical area (e.g. a village or town). It is a group of people who are connected by durable relations that extend beyond immediate genealogical ties, and who mutually define that relationship as important to their social identity and practice. Although communities are usually small, *community* may also refer to large groups,

such as national communities, international communities, and virtual communities.

## Definition of “Gated Community”

Gated Community [Wikipedia English.com The Free Encyclopedia]

In its modern form, a **gated community** (or **walled community**) is a form of residential community or housing estate containing strictly controlled entrances for pedestrians, bicycles, and automobiles, and often characterized by a closed perimeter of walls and fences. Gated communities usually consist of small residential streets and include various shared amenities. For smaller communities this may be only a park or other common area. For larger communities, it may be possible for residents to stay within the community for most daily activities.

Gated Community [Oxford English Dictionary]

- 
- A residential area with roads that have gates to control the movement of traffic and people into and out of the area.

## **Aguila-Ilze**

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**From:** Yeager Colleen <colyeager11@gmail.com>  
**Sent:** Friday, April 06, 2018 2:48 PM  
**To:** Aguila-Ilze; Diane Pfluger; colleen.yeager@invitationhomes.com  
**Subject:** LEVINE/68 TARPON AVE. Hearing April 25th

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To whom it may concern,

I am a full time resident residing at 23 Bay Road. I am unable to attend the hearing on April 25<sup>th</sup> as I will be traveling on business that week. I can send a representative if necessary. I have only resided in this neighborhood for a little under two years. One of the things that attracted me to this neighborhood was the fact that most of the residents are full time Keys neighbors. I understand the economic need for tourism in our home town; however, there are plenty of hotels, condos and other neighborhoods more suitable for weekly rentals.

My greatest concern is the screening of people staying in homes weekly and coming and going throughout our neighborhood. I have fluctuating hours due to travel for business. I walk my dog at night with little concern for my safety. I believe allowing weekly rentals would flood our now quiet neighborhood with unnecessary traffic and unknown tenants.

This is my third and final home since 2002 and again my attraction to this neighborhood was that it did not permit weekly rentals.

Please take in to consideration my letter and concerns during this hearing. I would appreciate your support. You can reach me via email or at the phone number listed below.

Thank you

Colleen Yeager  
23 Bay Road  
Key Largo, Fl 33037  
305-519-6661

## **Aguila-Ilze**

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**From:** Joe Brill <bubbajoe@comcast.net>  
**Sent:** Saturday, April 07, 2018 10:11 AM  
**To:** Aguila-Ilze  
**Subject:** 1 House Vacation Rentals

Please do not allow exemptions on vacation rentals for a single family house considering itself a gated community. This will spread throughout the lower keys like wildfire. A community is more than 1 house.

Joe Brill

Lower Keys Alliance

Sent from my iPhone

## **Aguila-Ilze**

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**From:** howard kolbenheyer <howiek56@bellsouth.net>  
**Sent:** Saturday, April 07, 2018 5:35 PM  
**To:** Aguila-Ilze  
**Subject:** Riviera village

As a homeowner in Riviera village I would like to voice my objection to the weekly rental of the Levine house on Tarpon Avenue. This would definitely change the character of the neighborhood. I urge you to not allow this. Thank you,  
Howard Kolbenheyer

Sent from my iPad

## Aguila-Ilze

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**From:** Donna Dietrich <dietrichphoto@hotmail.com>  
**Sent:** Tuesday, April 10, 2018 8:23 AM  
**To:** Aguila-Ilze  
**Subject:** hearing on 68 Tarpon/Levine

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Planning Commission:

I have been a homeowner in Riviera Village for 8 years. It is a community of families who, like myself, live and work in Monroe County year round.

We have long appreciated the peaceful, non commercial, nature of our neighborhood and wish to keep it this way. My neighbors who do rent out their homes do so within the guidelines, and ensure that their tenants understand the local rules.

There are 4 houses between my home and 68 Tarpon. I can see and hear much of what happens in that property, and sometimes have been kept awake by parties there. It is not a private entity. It is open to view, and earshot, of many of our homes, and our homeowners park.

Our homeowners association strives to keep the neighborhood a quiet, peaceful place for our residents, especially those who go to work early each morning. We abide by the rules set out by local government.

There is no reason that that the 68 Tarpon property should be an exception to these rules. My home and property is also completely fenced in yet I see no reason to ask for any different ruling because of this. I do not believe that an exception should be made for 68 Tarpon. The owners do not live in this community and only wish to make more money on their rental property and avoid the fines already imposed by Monroe County for their many violations.

The case is simply about profit for them while their neighbors want a peaceful, non commercial place to live.

Thank you for your consideration,  
Donna Dietrich

## Aguila-Ilze

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**From:** Becky Newman <becky.ann.newman@gmail.com>  
**Sent:** Monday, April 09, 2018 7:35 PM  
**To:** Aguila-Ilze  
**Subject:** RE : LEVINE/68 TARPON

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I am a resident/owner of Riveria Village in Key Largo & I am opposed to the Levine's proposal to be allowed to continue their weekly rentals at their property at 68 Tarpon Dr.

I am opposed to any weekly rentals in our neighborhood. We are mostly working people, who wish to continue the quiet enjoyment of our homes in our pleasant neighborhood.

I would like to see all the property owners abide by the 28+ rental period in unincorporated Monroe County, especially in my town & my neighborhood.

Best Regards,  
Becky Newman

## Aguila-Ilze

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**From:** Bill Hunter <billhunterkw@comcast.net>  
**Sent:** Monday, April 30, 2018 5:35 AM  
**To:** Aguila-Ilze  
**Subject:** FW: Vacation Rentals

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Bill Hunter <[billhunterkw@comcast.net](mailto:billhunterkw@comcast.net)>  
**Sent:** Monday, April 30, 2018 5:33 AM  
**To:** [Schemper-Emily@monroecounty-fl.gov](mailto:Schemper-Emily@monroecounty-fl.gov); 'mailto:Aguila-Ilze@monroecounty-fl.gov' <<mailto:Aguila-Ilze@monroecounty-fl.gov>>  
**Subject:** Vacation Rentals

Ms. Schemper,  
Planning Commissioners,

The Lower Keys Alliance represents quality of life interests of residents in the Lower Keys Livable CommuniKeys Plan (LCP) area. These six island groups are suburban and rural and primarily residential. There are suburban commercial businesses that serve the needs of our local areas and some tourist lodging, mostly for visitors that enjoy the low impact environmental tourism opportunities the area provides. The residents of these island groups live in harmony with what exists today, and they do not want tourism expanding into our residential neighborhoods.

The Levine appeal of the Planning Directors decision to deny a vacation rental exemption (File 2017-095) is the opportunity for us to weigh in on the side of the community character described in our LCP. Members of the Lower Keys Alliance view each of our island communities as having a distinct community character. In a few cases an island may have more than one community character within different neighborhoods on the island. Both what these communities share and how they differ is captured in our LCP. Nowhere is there expressed a desire for more tourist lodging, or for single family homes to be excluded from their residential communities for the purpose of vacation rental.

The community character of Improved Subdivisions where vacation rentals are appropriate is well described in MC Section 130-84, Improved Subdivision – Vacation Rental. The prohibition of vacation rentals in MC Section 130-83, Improved Subdivision is clear. The exception for gated communities within an improved subdivision is also clearly not applicable to the fencing and gating that occurs throughout our residential communities.

We encourage the Planning Commission deny this appeal and take this opportunity to request staff create the definitions required to assure our residential neighborhoods will not be carved into small spot zones of tourist lodging.

Thank you for your service to our communities,  
Bill Hunter  
For the Board of the Lower Keys Alliance

## **Aguila-Ilze**

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**From:** Red Hutchinson <red.hutchinson@gmail.com>  
**Sent:** Tuesday, May 08, 2018 6:46 AM  
**To:** Aguila-Ilze  
**Subject:** Levine Appeal-File 2017-095

Dear Chair and Members of the Planning Commission,

I write on behalf of the Cudjoe Gardens Property Owners Association. Cudjoe Gardens is a deed restricted community of 391 homes and properties. We treasure our quiet life style, and are grateful for the County's restriction on vacation rentals. I believe I am right when I say that many of our homeowners would not have bought here if they were at risk of having neighboring homes used for unrestricted vacation rentals.

Unless a subdivision is zoned IS-V or one is moving into a vacation-rental gated community, anyone buying into an Improved Subdivision has the right to expect to be free from neighboring homes used for weekly or daily vacation rentals.

The Planning Director was correct to apply the clear meaning of the ordinance regarding vacation rentals in Improved Subdivisions to the Levine property. The homeowners' attempt to manipulate the words of the ordinance should not be condoned.

We urge you to uphold the decision of the Planning Administrator and deny this appeal.

Very truly yours,  
Woody Hutchinson, President  
Cudjoe Gardens Property Owners Association

## Aguila-Ilze

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**From:** Lower Keys Alliance <lowerkeysalliance@gmail.com>  
**Sent:** Thursday, May 17, 2018 3:00 PM  
**To:** Aguila-Ilze  
**Subject:** Planning Commission File 2017-075 - Levine appeal  
**Attachments:** STR Ordinance 044-00.pdf

Planning Commissioners,

The board of the Lower Keys Alliance respectfully requests you uphold the Planning Directors decision to deny the Levine request for a vacation rental permit exemption.

There are ample references to community in the Comprehensive Plan, the Land Development Code and the Livable CommuniKeys Plans to decide the meaning of community in Monroe County.

The island communities within unincorporated Monroe have long established characters some of which consist of Improved Subdivisions that have homes with fences and gates.

In the two decades since the gated community exemption was put in place not once has a single-family home claimed community status.

In 1997, ordinance 004-1997 was approved to ***“...expressly clarify the prohibition of short term rentals (less than 28 days) of single family homes in Improved Subdivisions...” “...unless IS districts obtain a rezoning to a tourist housing subindicator district (IS-T) ...”***

To establish this new IS-T subdistrict ***‘standards, criteria and conditions...’*** had to be met, including,

***“The parcel to be designated IS-T must contain sufficient area to prevent spot zoning of individual parcels (i.e., rezonings should not result in spot-zoned IS-T districts or result in spot-zoned IS districts that are surrounded by IS-T districts). Unless the parcel to be rezoned contains the entire subdivision, there will be a rebuttable presumption that spot-zoning exists...)”***

Although the ‘gated – POA/HOA’ exception was included for Improved Subdivision in the 1997 ordinance, it is clear from the standards, criteria and conditions created at the same time for then IS-T and now IS-V, that merely gating a single-family home was never intended to provide an exception from the prohibition.

Thank you for considering the purpose of our residential communities when making your decision.

Bill Hunter

For the board of the Lower Keys Alliance

**ORDINANCE No.044 - 00**

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING THE REQUEST FILED BY THE PLANNING DEPARTMENT TO AMEND THE MONROE COUNTY LAND DEVELOPMENT REGULATIONS, SEC. 9.5-4, DEFINITIONS; SEC 9.5-241, OFFSHORE ISLAND DISTRICT; SEC. 9.5-242.5 IMPROVED SUBDIVISION-TOURIST HOUSING; AND SEC.9.5-534 VACATION RENTAL USES. THESE CHANGES CLARIFY WHERE AND HOW VACATION RENTALS MAY BE PERMITTED, REQUIRE A LICENSED VACATION RENTAL MANAGER FOR EACH UNIT, AND PROVIDE FOR ENHANCED ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE; AND DIRECTING THE CLERK OF THE BOARD TO FORWARD A CERTIFIED COPY OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS.

FILED FOR RECORD  
00 AUG 29 PM 4:38  
DANNY L. KOLHAGE  
CLK. CIR. C.  
MONROE COUNTY, FLA

**WHEREAS**, the Monroe County Board of Commissioners held a public hearing on June 14, 2000, conducted a review and consideration of the request filed by the Planning Department to amend the Monroe County Land Development Regulations, Sec. 95-4, Definitions; Sec.5-241, Offshore Island District; Sec. 9.5-242.5 Improved Subdivision Tourist Housing; and Sec.9.5-534 Vacation Rental Uses, and finds that the amendments will provide improvements for the implementation of the vacation rental regulations while continuing to offer protection to single family neighborhoods; and

**WHEREAS**, the Monroe County Board of County Commissioners on February 3, 1997 adopted Ordinance no. 004-1997, Vacation Rentals, which clarified the existing prohibition on short term rentals (less than 28 days) of single family homes within improved subdivisions and other residential districts and provided a process whereby vacation rentals could be allowed in some land use districts; and

**WHEREAS**, the Vacation Rental Ordinance became effective on December 4, 1998 after the DCA Final Order was issued; and

**WHEREAS**, the Board of County Commissioners requested the Planning Commission to review and recommend changes to the vacation rental requirements in the Land Development Regulations (LDR) in response to concerns raised at a November 1999 Commission meeting; and

**WHEREAS**, The Monroe County Planning Commission met on December 15, 1999, considered changes to the existing regulations based on responses to their request

for written public comments; and directed the planning department to prepare amendments to the Land Development Regulations; and

**WHEREAS**, the Planning Commission, during special meetings on March 1 and April 4, 2000 conducted public hearings in Marathon and Key Largo on the proposed amendments; and

**WHEREAS**, the Monroe County Planning Commission held a public hearing on April 12, 2000 and recommends the approval of the request.

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

**Section 1.** Section 09.5-4 of the Land Development Regulations shall read as follows:

**Sec. 9.5-4. Definitions.**

(V-5) *Vacation rental or unit* means an attached or detached dwelling unit that is rented, leased or assigned for tenancies of less than twenty-eight (28) days duration. Vacation rental use does not include hotels, motels, and RV spaces, which are specifically addressed in each district.

**Section 2.** Section 9.5-241 of the Land Development Regulations shall read as follows:

**Sec. 9.5-241. Offshore Island District.**

- (a) The following uses are permitted as of right in the Offshore Island District:
- (1) Detached residential dwellings;
  - (2) Camping, for the personal use of the owner of the property on a temporary basis;
  - (3) Beekeeping;
  - (4) Accessory uses; and
  - (5) Home occupations--Special use permit requiring a public hearing.
  - (6) Tourist housing uses which were established (and held valid state public lodging establishment licenses) prior to January 1, 1996. Vacation rental use, of a dwelling unit in existence as of January 1, 2000, if a special vacation rental permit is obtained under the regulations established in Sec. 9.5-534.

**Section 3.** Section 9.5-242.5 of the Land Development regulations shall read as follows:

**Sec. 9.5-242.5 Improved Subdivision District – Vacation Rental District**

In addition to the as of right and conditional uses listed above in 9.5-242, vacation rental uses are allowed as of right (subject to the regulations established in Code §9.5-534) in those Improved Subdivision – Vacation Rental Districts with the sub-indicator V (Vacation Rental).

A map amendment designating a contiguous parcel as IS-V may be approved, provided that the map amendment application (and subsequent building permit applications and special vacation rental permit applications) meet the following standards, criteria and conditions:

- (a) The IS-V designation is consistent with the 2010 Comprehensive Plan and there is no legitimate public purpose for maintaining the existing designation.
- (b) The IS-V designation allowing vacation rental use does not create additional trips or other adverse traffic impacts within the remainder of the subdivision or within any adjacent IS district;
- (c) The parcel to be designated IS-V must contain sufficient area to prevent spot-zoning of individual parcels (i.e., rezonings should not result in spot-zoned IS-V districts or result in spot-zoned IS districts that are surrounded by IS-V districts). Unless the parcel to be rezoned contains the entire subdivision there will be a rebuttable presumption that spot-zoning exists, but the Board of County Commissioners may rebut this presumption by making specific findings supported by competent, substantial evidence that:
  - i) the designation preserves, promotes and maintains the integrity of surrounding residential districts and overall zoning scheme or comprehensive plan for the future use of surrounding lands;
  - ii) does not result in a small area of IS-V within a district that prohibits vacation rentals;
  - iii) the lots or parcels to be designated IS-V are all physically contiguous and adjacent to one another and do not result in a narrow strip or isolate pockets or spots of land that are not designated IS-V, or which prohibit vacation rentals; and
  - iv) The IS-V designation is not placed in a vacuum or a spot on a lot-by-lot basis without regard to neighboring properties, but is a part of an overall area that allows vacation rentals or similar compatible uses.

- (d) In addition to the requirements contained in Code §9-5-377 (District Boundaries), an IS-V district shall be separated from any established residential district that does not allow tourist housing or vacation rental uses by no less than a class C bufferyard;
- (e) Vacation rental use is compatible with established land uses in the immediate vicinity of the parcel to be designated IS-V; and
- (f) Unless a map amendment is staff generated (i.e., initiated by Monroe County), an application for a map amendment to IS-V shall be authorized by the property owner(s) of all lots (or parcels) included within the area of the proposed map amendment.

**Section 4.** Section 9.5-534 of the Land Development regulations shall read as follows:

**Sec. 9.5-534 Vacation rental uses.**

- (a) *Special vacation rental permit.* An owner or agent is required to obtain an annual special vacation rental permit for each dwelling unit prior to renting any dwelling unit as a vacation rental, as defined in Code § 9.5-4 (V-5), except as provided for under Section 9.5-534(b). A special vacation rental permit is nontransferable between owners. A change of ownership of the vacation rental unit shall require the new owner or his agent to obtain a new vacation rental permit for the residential dwelling unit.
- (b) *Exemptions.* A vacation rental permit is not required for the following:
  - (1) A vacation rental of a dwelling unit located within a controlled access, gated community with a homeowner's or property owner's association that expressly regulates or manages vacation rental uses; or
  - (2) A vacation rental of a dwelling unit within a multifamily building located within a multi-family district, which has 24 hour on-site management or 24 hour on site supervision that has received an exemption from the planning director. To meet these site management or supervision requirements, a designated individual or individuals must be physically located within the building or within 300 feet of the subject building and must be available at all times to respond to tenants' and neighbors' complaints. To obtain an exemption under the provisions of this section, the owner or agent must submit an application to the planning department in a form prescribed by the planning director.
- (c) *Vacation rental manager license.* A vacation rental manager license is required from the county planning department for an individual to be a vacation rental manager under the provisions of this section. The vacation rental manager shall be: (i) the designated contact for responding to complaints made by neighbors

against vacation rental tenants; and (ii) responsible for maintaining the guest register, leases, and official complaint response records for a vacation rental unit as required by this section.

(d) *Permit, license and fees.*

- (1) Special vacation rental permits will be issued by the planning director, or designee, upon payment of a nonrefundable fee and submittal of a complete application in a form prescribed by the planning director in accordance with Section 9.5-534 (f).
- (2) Vacation rental manager licenses will be issued by the planning director, or designee, upon payment of a nonrefundable fee and submittal of a complete application to the planning department in a form prescribed by the planning director.
- (3) The annual fees for the special vacation rental permit and vacation rental manager license shall be established by resolution of the board of county commissioners.
- (4) A decision to approve or deny a special vacation rental permit can be appealed to the planning commission within (30) days pursuant to Code section 9.5-521.

(e) *Regulations.* All special vacation rental units, requiring a special vacation rental permit shall comply with the following regulations at all times:

- (1) No more than one motorized watercraft, including a jet ski or wave runner, shall be allowed at each vacation rental unit. The watercraft may be moored at either an existing on-site docking facility or stored on a trailer in an approved parking space.
- (2) Vehicles, watercraft and trailers shall not be placed on the street or in yards. All vehicles, watercraft and boat trailers must be parked or stored off-street in parking spaces specifically designated and approved in the special vacation rental permit. One vehicle parking space shall be required per bedroom or efficiency unit and one boat trailer space per vacation rental unit.
- (3) No boat docked at a vacation rental property shall be chartered to a person other than registered guests of the vacation rental unit or used for live-aboards, sleeping or overnight accommodations. In addition, recreation vehicles shall not be used for sleeping or overnight accommodations at the vacation rental unit.

- (4) Occupants shall be prohibited from making excessive or boisterous noise in or about any residential dwelling unit at all times. Noise, which is audible beyond the boundaries of the residential dwelling unit, shall be prohibited between the hours of 10:00 p.m. and 8:00 a.m. week days and 11:00 p.m. and 9:00 a.m. on weekends.
- (5) All trash and debris on the vacation rental property must be kept in covered trash containers. Each vacation rental unit must be equipped with at least four (4) covered trash containers for such purpose. Owners must post, and occupants must comply with, all trash and recycling schedules and requirements applicable to the vacation rental unit. Trash containers must not be placed by the street for pick-up until 6:00 p.m. the night before pick-up and must be removed from the area by the street by 6:00 p.m. the next day.
- (6) A Tenant(s) 's agreement to the forgoing rules and regulations must made a be part of each and every lease under Florida Statutes §509.01 for any vacation rental unit subject to the provisions of this section. These vacation rental regulations governing tenant conduct and use of the vacation rental unit shall be prominently posted within each dwelling unit subject to the provisions of this section along with the warning that violations of any of the vacation rental regulations constitutes a violation of Monroe County Code subject to fines or punishable as a second degree misdemeanor and is also grounds for immediate termination of the lease and eviction from the leased premises and criminal penalties under F.S. § 509.151 ("Defrauding an Innkeeper"), F.S. § 509.141 ("Ejection of Undesirable Guests"), F.S. § 509.142 ("Conduct on Premises) or F.S. § 509.143 (Disorderly Conduct on Premises, Arrest").
- (7) The owner or agent shall require a lease to be executed with each vacation rental use of the property and maintain a guest and vehicle register listing all vacation rental occupants' names, home addresses, telephone numbers, vehicle license plate and watercraft registration numbers. Each lease and this register shall be kept by the vacation rental manager and available for inspection by Monroe County code enforcement personnel during business hours.
- (8) Vacation rental units must be registered, licensed and meet all applicable state requirements contained in Florida Statutes Chapter 212 (Florida Tax & Revenue Act) and 509 (Public Lodging Establishments) as implemented by the Florida Administrative Code, as may be amended.
- (9) The vacation rental use must comply with all State of Florida Department of Health and State of Florida Department of Environmental Protection standards for wastewater treatment and disposal.

- (10) All vacation rental units shall have a vacation rental manager or managers, who has been issued a vacation rental manager license by the planning department as provided for in Section 9.5-534 (h). The vacation rental manager shall reside within and be licensed for that section of the County (upper, middle, and lower keys) where the vacation rental unit is located and be available twenty-four (24) hours per day, seven (7) days a week for the purpose of promptly responding to complaints regarding conduct or behavior of vacation rental occupants or alleged violations of this section. Any change in the vacation rental manager shall require written notification to the planning department and notification by certified return mail to property owners within three hundred (300) feet of the subject dwelling.
  - (11) Complaints to the vacation rental manager concerning violations by occupants of vacation rental units to this ordinance shall be responded to within one hour. The neighbor who made the complaint shall be contacted by telephone or in person and informed as to the results of the actions taken by the manager. A record shall be kept of the complaint and the manager's response for a period of at least three months after the incident, which shall be available for inspection by the Monroe County Code Enforcement Department during business hours.
  - (12) The name, address, and telephone number of the vacation rental manager(s), the telephone number of County code enforcement department and the number of the special vacation rental permit shall be posted and visible from the front property line of the vacation rental unit.
  - (13) The Tenants Agreement with the rules of conduct shall be posted in a conspicuous location in each vacation rental unit.
- (f) *Special vacation rental permit application.* A complete special vacation rental permit application shall include the following:
- (1) The complete legal description, street address, RE number and location of the vacation rental unit.
  - (2) Proof of ownership and the name, address and telephone number of each and every person or entity with an ownership interest in the dwelling unit.
  - (3) An approved Florida State Department of Health or Florida State Department of Environmental Protection inspection or certification of the adequacy of the sewage disposal system for use as a vacation rental unit.
  - (4) The gross square footage of the dwelling unit, location and number of rooms, bedrooms, bathrooms, kitchens, apartments, parking spaces and

any other information required to determine compliance with vacation rental requirements and compliance with this chapter.

- (5) A valid and current Florida Department of Revenue sales tax identification number under Florida Statutes Chapter 212 ( Florida Tax and Revenue Act) and a valid and current permit, license or approval under Florida Statutes Chapter 509 ( Public Lodging Establishments).
  - (6) The name, address, and telephone number of the vacation rental manager, including the vacation rental manager's license number.
  - (7) The applicant shall sign a written statement granting authorization to Monroe County code enforcement department to inspect the premises of the vacation rental unit prior to the issuance of the special vacation rental permit and at any other time after issuance of such permit, concerning compliance with the Monroe County Code Chapter 9.5 (i.e. the Land Development Regulations).
  - (8) The application shall bear the signature of all owner(s), all authorized agent(s) and authorized manager(s) of the owner(s).
  - (9) Any additional information required to determine compliance with the provisions of this section.
- (g) *Notification to adjacent neighbors and permit, approval, issuance and appeal.*
- (1) The applicant or agent shall send a "Notice of Vacation Rental Use Application" by certified return mail to all property owners located within three hundred (300) feet of the dwelling unit which is the subject of the special vacation rental permit application, not less than thirty (30) days prior to the date of approval of the application. The notice of application shall be in a form prescribed by the planning director or his designee and shall clearly state the name, address and day/evening telephone numbers of each and every vacation rental manager, agent, caretaker and owner of the dwelling unit; the number of the Monroe County code enforcement department; and a copy of the Tenants Agreement. Notice to the adjacent property owners must include the following statement:

"You have the right to appeal a decision to approve or deny this special vacation rental permit to the planning commission within thirty (30) days under Code section 9.5-521. You may have other rights that Monroe County cannot enforce. Review of a special vacation rental permit application by Monroe County will consider the existence of valid private deed restrictions, restrictive covenants or other restrictions of record which may prohibit the use of the dwelling unit for vacation rental

purposes. You may wish to consult an attorney concerning these private rights."

- (2) The applicant or agent shall provide proof to the planning department of submitting the "Notice of Vacation Rental Use Application." The special vacation rental permit shall not be issued until proof of this notification is provided and the special vacation rental permit has been approved by the planning director after completion of an on-site inspection of the subject dwelling unit by the code enforcement department. When approved by the planning director, the special vacation rental permit shall not be issued until thirty (30) days after the notices of application were sent to all property owners located within three-hundred (300) feet of the dwelling unit that is the subject of the permit.
- (h) *Fines or revocation of special vacation rental use permit.* A special vacation rental permit shall be revoked by the planning commission and/or fines levied by the code enforcement special master or a court of competent jurisdiction after a finding of a violation by the permit holder of this section, the special vacation rental permit or permit conditions or any material misrepresentation on the permit application, after the owner(s) is given notice and a hearing is held by the planning commission, code enforcement special master or a court of competent jurisdiction.
- (i) *Duration and renewal of special vacation rental use permit.* Special vacation rental use permits shall expire one (1) year after the date of their issuance, unless renewed within thirty days of their expiration date. Renewal of a special vacation use permit requires the owner or agent to submit an application in a form prescribed by the planning director to the planning department and payment of a nonrefundable fee, including proof of a current license and registration under Chapter 509 and Chapter 212, Florida Statutes.
- (j) *Vacation rental manager license application, issuance, renewal, fines, and revocation.*
  - (1) An individual shall submit an application for a vacation rental manager license in a form prescribed by the planning director accompanied with a payment of a nonrefundable fee. The license shall be issued for a period of one (1) year and renewable annually. The license shall be for only one specific section of the County (upper, middle, or lower keys) and no individual shall apply for or be issued more than one vacation rental manager license at a time.
  - (2) After notice is given to the vacation rental manager and a public hearing is held, a vacation rental manager license shall be revoked by the planning commission and/or fines levied by the code enforcement special master or court of competent jurisdiction upon a finding of: a total of two

or more “no responses” to complaints registered by the public concerning tenants not following the terms of the Tenants Agreement, during any single year of the vacation rental manager’s license; or two or more violations of this section which are pertinent to the duties and responsibilities of a vacation rental manager. A vacation rental manager license shall be revoked if the license holder is found in violation of any of the regulations in section 9.5-534(k)(1) through section 9.5-534(k)(3).

- (3) An individual who has had his license revoked shall not be eligible to resubmit an application for obtaining a new vacation rental manager license until two years after the date of revocation of his license.

(k) *Prohibitions, enforcement, and penalties.*

- (1) It shall be unlawful for any landlord, tenant, agent or other representative of a landowner to rent, lease, advertise or hold out for rent any dwelling unit for vacation rental use in any district where a vacation rental use is prohibited, except as otherwise exempted under this section.
- (2) It shall be unlawful for any landlord, tenant, agent or other representative of a landlord to rent, lease, advertise or hold out for rent any dwelling unit for a vacation rental use without a special vacation rental permit, except as otherwise exempted under this section.
- (3) After the effective date of this section, leases, subleases, assignments or any other occupancy agreements, for compensation for less than twenty-eight (28) days in duration:
  - (i) Shall not be entered into or renewed once they have expired or have terminated in any district in which tourist housing use is prohibited or in any district in which a vacation rental use is allowed unless a special vacation rental permit, building permit, inspection and certificate of occupancy for the vacation rental use (or for the conversion of an existing dwelling unit to vacation rental use) are first obtained; and
  - (ii) Any pre-existing vacation rental uses shall not be considered a lawful non-conforming use under section 9.5-143 and must be discontinued in any land use districts that prohibit vacation rental uses no later than thirty (30) days after the effective date of this section (May 12, 1999). Except that a vacation rental use that was established, and had obtained all of the required state and local permits and licenses, (a) prior to September 15, 1986 (b) or under any Code provisions that expressly allowed vacation retail uses, may remain pursuant to Code section 9.5-143.

- (4) Monroe Count code section 6.3-13 shall not bar code enforcement for new vacation rental violations occurring after the effective date of this section.
- (5) Prima facie evidence of vacation rental uses of a dwelling unit shall include (i) registration or licensing for short-term rental or transient rental use by the state under F.S. Chapters 212 (Florida Tax and Revenue Act) and 509 (Public Lodging Establishments), (ii) advertising or holding out a dwelling unit for vacation rental use, (iii) reservations, booking arrangements or more than one signed lease, sublease, assignment, or any other occupancy or agreement for compensation, trade, or other legal consideration addressing or overlapping any period of 28 days or less, or (iv) the use of an agent or other third person to make reservations or booking arrangements.
- (6) A violation of any of the regulations in section 9.5-534(k)(1) through section 9.5-534(k)(3) shall be punishable as a second degree misdemeanor and by a fine of up to five hundred dollars (\$500.00) per day, per unit, per violation. The Code enforcement department may also enforce the terms of this section by bringing a case before the special master pursuant to Code section 6.3-14, or by citation under Code section 6.3-11, F.S. § 162.21 (as may be amended), or 76-435 Laws of Florida (as may be amended). If a code enforcement citation is issued, the fine shall be two hundred fifty dollars (\$250) for the first offense and five hundred dollars (\$500.00) for each subsequent offense.
- (7) In addition to any other remedies available to Monroe County (including code enforcement pursuant to F.S. Chapter 162). Monroe County or any or other adversely affected party may enforce the terms of this section in law or equity. Any citizen of Monroe County may seek injunctive relief in a court of competent jurisdiction to prevent a violation of section 9.5-534 or to revoke a special vacation rental permit or vacation rental manager license, as set forth above. Attorney's fees and costs incurred in an action to enforce these regulations concerning vacation rental use(s) may be awarded to a substantially prevailing party at the discretion of the court.

**Section 5.** If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 6.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the said conflict.

**Section 7.** This ordinance is hereby transmitted to the state land planning agency to be reviewed for consistency with Chapter 163, Florida Statutes.

**Section 8.** This ordinance shall be filed in the Office of the Secretary of State, of the State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administrative Commission finding the amendment consistent with Chapter 380 of the Florida Statutes.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the 16<sup>th</sup> day of August, A.D., 2000.

Mayor Shirley Freeman	<u>yes</u>
Mayor Pro Tem George Nugent	<u>yes</u>
Commissioner Wilhelmina Harvey	<u>yes</u>
Commissioner Mary Kay Reich	<u>no</u>
Commissioner Nora Williams	<u>yes</u>

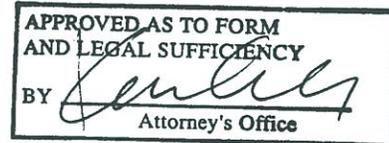
BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

BY Shirley Freeman  
Mayor/Chairperson



ATTEST: DANNY K. KOLHAGE, CLERK

Janella Hancock  
DEPUTY CLERK





P.O. Box 1197 • Tavernier, Florida 33070-1197  
(305) 852-3216 Fax: (305) 852-8240

## PROOF OF PUBLICATION

STATE OF FLORIDA  
COUNTY OF MONROE

Before the undersigned authority personally appeared JACKLYN HARDER who on oath, says that she is ASSOCIATE PUBLISHER of THE REPORTER, a weekly newspaper entitled to publish legal advertising published at Tavernier, Monroe County, Florida: that the attached copy of advertisement, being a LEGAL NOTICE in said newspaper in the issue of:

August 3, 2000

Affiant further says that THE REPORTER is a newspaper published at Tavernier, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in the said Monroe County, Florida, each week (on Thursday), and has been entered as second class mail matter at the Post Office in Tavernier, in said County of Monroe, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any firm, person, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper and that The Reporter is in full compliance with Chapter 50 of the Florida State Statutes on Legal and Official Advertisements.

  
Sworn to and subscribed before me this 10th day of August, 2000.

(SEAL) Anna M Hines  
Notary Public  
My Commission CC715804  
Expires March 31, 2002  


Notary

NO: 5181600  
NOTICE OF INTENTION TO CONSIDER ADOPTION OF COUNTY ORDINANCE NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN that on Wednesday, August 16, 2000, at 3:00 PM at the Key Largo Library, Tradewinds Shopping Center, Key Largo, Monroe County, Florida, the Board of County Commissioners of Monroe County, Florida, intends to consider the adoption of the following County ordinance:  
**AN ORDINANCE ABOLISHING THE DIVISION OF SOLID WASTE MANAGEMENT AND ASSIGNING ITS DUTIES AND FUNCTIONS TO THE DIVISION OF PUBLIC WORKS AND COMBINING THE DEPARTMENTS OF HUMAN RESOURCES AND OFFICE OF MANAGEMENT AND BUDGET INTO A NEW DEPARTMENT OF ADMINISTRATIVE SERVICES IN THE DIVISION OF MANAGEMENT SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE**  
Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decided to appeal any decision made by the Board with respect to any matter considered at such hearings or meetings, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.  
Copies of the above-referenced ordinance are available for review at various public libraries in Monroe County, Florida. Dated at Key West, Florida, this 31st day of July, 2000  
DANNY L. KOLHAGE, Clerk of the Circuit Court and ex officio Clerk of the Board of County Commissioners of Monroe County, Florida.  
PUBLISH: 8/3/00  
The Reporter  
Tavernier, FL 33070

FILED FOR RECORD  
00 SEP 13 PM 2:22  
DANNY L. KOLHAGE  
CLERK OF CIRCUIT COURT  
MONROE COUNTY, FLORIDA



## Danny L. Kolhage

BRANCH OFFICE  
3117 OVERSEAS HIGHWAY  
MARATHON, FLORIDA 33050  
TEL. (305) 289-6027  
FAX (305) 289-1745

CLERK OF THE CIRCUIT COURT  
MONROE COUNTY  
500 WHITEHEAD STREET  
KEY WEST, FLORIDA 33040  
TEL. (305) 292-3550  
FAX (305) 295-3660

BRANCH OFFICE  
88820 OVERSEAS HIGHWAY  
PLANTATION KEY, FLORIDA 33070  
TEL. (305) 852-7145  
FAX (305) 852-7146

August 30, 2000

Mrs. Liz Cloud, Chief  
Bureau of Administrative Code & Laws  
The Elliott Building  
401 S Monroe Street  
Tallahassee FL 32399-0250

Dear Mrs. Cloud,

Enclosed please find a certified copies of the following Ordinances:

**Ordinance No. 040-2000** amending Monroe County Code Sec. 13.5-5(d); in order to amend the park hours of Friendship Park; providing for severability; providing for the repeal of all ordinances inconsistent herewith; providing for incorporation into the Monroe County Code of Ordinances; and providing an effective date.

**Ordinance No. 041-2000** amending Sec. 2-1.1(a), Monroe County Code, in order to provide that the hearing officer may have served as counsel to the Planning Commission; providing for severability; providing for the repeal of all ordinances inconsistent herewith; providing for incorporation into the Monroe County Code of Ordinances; and providing an effective date.

**Ordinance No. 042-2000** in order to delete the parks in the municipality of Islamorada, Village of Islands from the Monroe County Code; providing for severability; providing for the repeal of all ordinances inconsistent herewith; providing for incorporation into the Monroe County Code of Ordinances; and providing an effective date.

**Ordinance No. 043-2000** abolishing the Division of Solid Waste Management and assigning its duties and functions to the Division of Public Works and combining the Departments of Human Resources and Office of Management and Budget into a new Department of Administrative Services in the Division of Management Services; providing for severability; providing for the repeal of all ordinances inconsistent herewith; providing for incorporation into the Monroe County Code of Ordinances; and providing an effective date.

**Ordinance No. 044-2000** approving the request filed by the Planning Department to amend the Monroe County Land Development Regulations, Sec. 9.5-4, definitions; Sec. 9.5-241, Offshore Island District; Sec. 9.5-242.5 Improved Subdivision-Tourist Housing; and Sec. 9.5-534 Vacation Rental Uses. These changes clarify where and how vacation rentals may be permitted, require a licensed vacation rental manager for each unit, and provide for enhanced enforcement; providing for severability; providing for the repeal of all ordinances inconsistent herewith; providing for incorporation into the Monroe County Code; and directing the Clerk of the Board to forward a certified copy of this Ordinance to the Florida Department of Community Affairs.

These Ordinances were adopted by the Monroe County Board of County Commissioners at a Regular Meeting in formal session on August 16, 2000. Please file for record.

Danny L. Kolhage  
Clerk to Circuit Court  
and ex officio Clerk to the  
Board of County Commissioners

by: Pamela G. Hancock

  
Deputy Clerk

Cc: Board of County Commissioners  
County Administrator 043-2000  
Growth Management 041 & 044-2000  
Administrative Services 043-2000

County Attorney  
Municipal Code 040 to 043-2000  
Public Works 040, 042 & 043-2000  
File

7099 3400 0005 9118 7876

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only: No Insurance Coverage Provided)

Article Sent To:  
*Ordinances 040-044-2000*

Postage	\$ 1.43
Certified Fee	1.40
Return Receipt Fee (Endorsement Required)	1.25
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$4.08</b>

**KEY WEST, FL**  
**AUG 30 2000**  
 11:35 AM

Name (Please Print Clearly): *Mrs. Liz Cloud, Chief*  
**Bureau of Administrative Code and Laws**  
 Street, Apt. No.; or PO Box No.: **The Elliott Building**  
 City, State, ZIP+4: **401 South Monroe Street Tallahassee, FL 32399-0250**

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
**Mrs. Liz Cloud, Chief**  
**Bureau of Administrative Code and Laws**  
**The Elliott Building**  
**401 South Monroe Street**  
**Tallahassee, FL 32399-0250**

4a. Article Number  
**7099 3400 0005 9118**

4b. Service Type  
 Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery  
**SEP 1 2000**

8. Addressee's Address (Only if requested and fee is paid)  
*Ordinances 040-044-2000*

5. Received By: (Print Name)  
 \_\_\_\_\_

Is your RETURN ADDRESS completed on the reverse side?

Thank you for using Return Receipt Service.

JM Receipt

DIVISIONS OF FLORIDA DEPARTMENT OF STATE  
Office of the Secretary  
Division of Administrative Services  
Division of Corporations  
Division of Cultural Affairs  
Division of Elections  
Division of Historical Resources  
Division of Library and Information Services  
Division of Licensing

MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE  
**Katherine Harris**  
Secretary of State  
DIVISION OF ELECTIONS

HISTORIC PRESERVATION BOARDS  
Historic Florida Keys Preservation Board  
Historic Palm Beach County Preservation Board  
Historic Pensacola Preservation Board  
Historic St. Augustine Preservation Board  
Historic Tallahassee Preservation Board  
Historic Tampa/Hillsborough County  
Preservation Board  
RINGLING MUSEUM OF ART

September 5, 2000

Honorable Danny L. Kolhage  
Clerk of the Circuit Court  
Monroe County  
500 Whitehead Street  
Key West, Florida 33040

Attention: Pam Hancock, Deputy Clerk

Dear Mr. Kolhage:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated August 30, 2000 and certified copies of Monroe County Ordinance Nos. 040-2000 through 044-2000, which were filed in this office on September 1, 2000.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mp

FILED FOR RECORD  
00 SEP -8 PM 2:11  
DANNY L. KOLHAGE  
CLK. CIR. C.  
MONROE COUNTY, FLA.

BUREAU OF ADMINISTRATIVE CODE

The Elliot Building • 401 South Monroe Street • Tallahassee, Florida 32399-0250 • (850) 488-8427  
FAX: (850) 488-7869 • WWW Address: <http://www.dos.state.fl.us> • E-Mail: [election@mail.dos.state.fl.us](mailto:election@mail.dos.state.fl.us)

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

In re: MONROE COUNTY LAND DEVELOPMENT  
REGULATIONS ADOPTED BY  
MONROE COUNTY ORDINANCE NO. 044-2000

FILED FOR RECORD  
00 OCT 16 PM 2:23  
DANNY L. KOLHAGE  
CLK. CIR. C.  
MONROE COUNTY, FLA.

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**FINAL ORDER**

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), *Fla. Stat.*, and § 380.0552(9), *Fla. Stat.* (1999), which require the Department to enter a final order approving or rejecting land development regulations adopted by Monroe County. This Final Order approves Monroe County Ordinance No. 044-2000 as set forth below.

**FINDINGS OF FACT**

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a unit of government within the Florida Keys Area.
2. On September 5, 2000, the Department received for review Monroe County Ordinance No. 044-2000 which was adopted by the Monroe County Board of County Commissioners on August 16, 2000 ("Ord. 044-2000"). Ord. 044-2000 pertains to vacation rentals amending Secs. 9.5-4, 9.5.241, 9.5.242.5 and 9.5-534 of the Monroe County Code ("Code").
3. Section 1 of Ord. 044-2000 amends Code Sec. 9.5-4 creating definition "(V-5) Vacation rental or unit." Section 2 of Ord. 044-2000 amends Code Sec. 9.5-241 allowing vacation rentals in the Offshore Island District (OS) if a special permit is obtained. Section 3 of Ord. 044-2000 creates Code Sec. 9.5.242.5 and sets forth conditions for allowing vacation rentals in the

**DCA Final Order No. DCA00-OR-294**

Improved Subdivision District - Vacation Rental District (IS-V). Section 4 of Ord. 044-2000 adds Code Sec. 9-534 entitled 'Vacation rental uses' and establishes application procedures, sets forth permitting and licensing requirements, establishes regulations and fees, establishes a duration period, and provides for prohibitions, enforcement and penalties. Section 5 of Ord. 044-2000 contains a severability provision; Section 6 contains a conflict provision; Section 7 requires transmittal of the ordinance to the Department for review; and Section 8 requires filing with the Florida Secretary of State Office.

4. Ord. 044-2000 is consistent with the County's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

1. The Department is required to approve or reject any and all land development regulations that are enacted, amended or rescinded by any unit of government in the Florida Keys Area of Critical State Concern within 60 days of receipt by the Department. §§ 380.05(6) and (11), *Fla. Stat.*, and § 380.0552(9), *Fla. Stat.* (1999).

2. Monroe County is a unit of government within the Florida Keys Area of Critical State Concern. § 380.0552, *Fla. Stat.* (1999) and Rule 28-29.002 (superseding Chapter 27F-8, *Fla. Admin. Code*) and Chapter 28-30, *Fla. Admin. Code*.

3. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), *Fla. Stat.* (1999). The regulations adopted by Ord. 044-2000 are land development regulations, as defined by statute.

4. All land development regulations enacted, amended or rescinded by Monroe County

**DCA Final Order No. DCA00-OR-294**

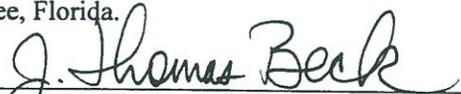
must be consistent with the Principles for Guiding Development (the "Principles"). § 380.0552(7), *Fla. Stat.*; see *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). In reviewing the land development regulations for consistency, the Principles shall be construed as a whole and no specific provision shall be construed or applied in isolation from the other provisions. § 380.0552(7), *Fla. Stat.* (1999).

5. The Department has reviewed all provisions of Ord. 044-2000 for consistency with the Principles and has determined that Ord. 044-2000 is consistent with the Principles as a whole. Ord. 044-2000 establishes stricter regulations regarding the siting and operation of vacation rentals and is in furtherance of paragraphs (a), (d), and (l) of the Principles. §§ 380.0552(7) (a), (d), and (l), *Fla. Stat.* (1999).

WHEREFORE, IT IS ORDERED that Ord. 044-2000 is found to be consistent with the Principles found at § 380.0552(7), *Fla. Stat.* (1999), as a whole, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

  
J. THOMAS BECK, DIRECTOR  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

**NOTICE OF ADMINISTRATIVE RIGHTS**

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS

**DCA Final Order No. DCA00-OR-294**

ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED,

**DCA Final Order No. DCA00-OR-294**

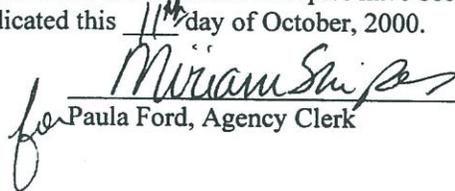
THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

**YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.**

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 11<sup>th</sup> day of October, 2000.

  
for Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Shirley Freeman  
Mayor of Monroe County  
500 Whitehead Street  
Key West, Florida 33040

Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040

Timothy J. McGarry, AICP  
Director, Growth Management Division  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

By Hand Delivery or Interagency Mail:

Michael McDaniel, Growth Management Administrator, DCA Tallahassee  
Rebecca Jetton, DCA Florida Keys Field Office  
Geoffrey T. Kirk, Assistant General Counsel, DCA Tallahassee

## Aguila-Ilze

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**From:** wylie39 <wylie39@garlic.com>  
**Sent:** Tuesday, May 29, 2018 7:39 PM  
**To:** Aguila-Ilze  
**Subject:** to: planning commission

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ilze Aguila and planning commission

I am dismayed at the possibility of the property at 68 Tarpon Ave, Key Largo FL 33037 owned by the Levines being given a waiver in the face of sensible rental regulations.

I have lived in Riviera Village since 2003. I bought this property because it was affordable, the neighborhood was mostly blue collar, it was quiet, and it was populated with long term residents.

The issuance of waivers is a direct threat to the stability that Riviera Village has provided the residents for 15 years. (and I believe 30 years before that)

Short term rentals, by their very nature, invite unmanaged trash and waste, an increase in traffic (of people unfamiliar with the area who have a tendency to drive too fast in an area populated with pets, children, people in wheelchairs) The 'long weekend rental' is a formula for loud parties as can be demonstrated by many examples at 68 Tarpon Ave, the property in question.

While I don't want to interfere with a person's ability to 'make a buck', this is not the right environment for that. Down the road by the Caribbean Club is an area that would be more appropriate.

A threat greater than the specific waiver for 68 Tarpon Ave is the obvious precedent that it will set. What will stop every house on the waterfront and the rest of the neighborhood from doing the same? Many houses on Tarpon are openly flaunting the regulations in place. And? The county does nothing.

You who sit on the Planning Commission must not JUST represent the money. You have a responsibility to those citizens who elected you, to protect them from this creeping pox.

Concerned Citizen

Christopher Gibbs  
16 Pompano Ave  
Key Largo, FL 33037

(530) 826 6685

## **Aguila-Ilze**

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**From:** Ann Rohrer <annrohrer@gmail.com>  
**Sent:** Tuesday, May 29, 2018 11:33 PM  
**To:** Aguila-Ilze  
**Subject:** Weekly Rentals

To the Planning Commission,

I have a home at 20 Bonita Ave in the Riviera Village neighborhood in Key Largo. We have a wonderful, family friendly residential neighborhood. We strive to keep the nature of the neighborhood the same it has always been. We do not want it to become a commercialized neighborhood. There are plenty of places for visitors to stay elsewhere in the Keys. Permitting weekly rentals in the area would seriously jeopardize the character of our neighborhood. Please do not allow this to happen.

Sincerely,  
Alan and Ann Rohrer



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

**To:** Monroe County Planning Commission  
**Through:** Emily Schemper, Acting Senior Director of Planning & Environmental Resources  
**From:** Devin Rains, Principal Planner  
**Date:** April 9, 2018  
**Subject:** *J-Dao, LLC, 91260 Overseas Highway, Tavernier, Mile Marker 91, Bay Side: a public hearing concerning the request for a 2COP Alcoholic Beverage Use Permit, which would allow for beer and wine for sale by the drink (consumption on premises) or in sealed containers for package sales. The subject property is commonly known as Tavernier Towne Shopping Center and is legally described as Part of Lot 15 and Part Government Lot 2, Sections 33 and 34, Township 62 South, Range 38 East, Key Largo, Monroe County, Florida, having Real Estate number 00089910-000100 (File 2018-020).*

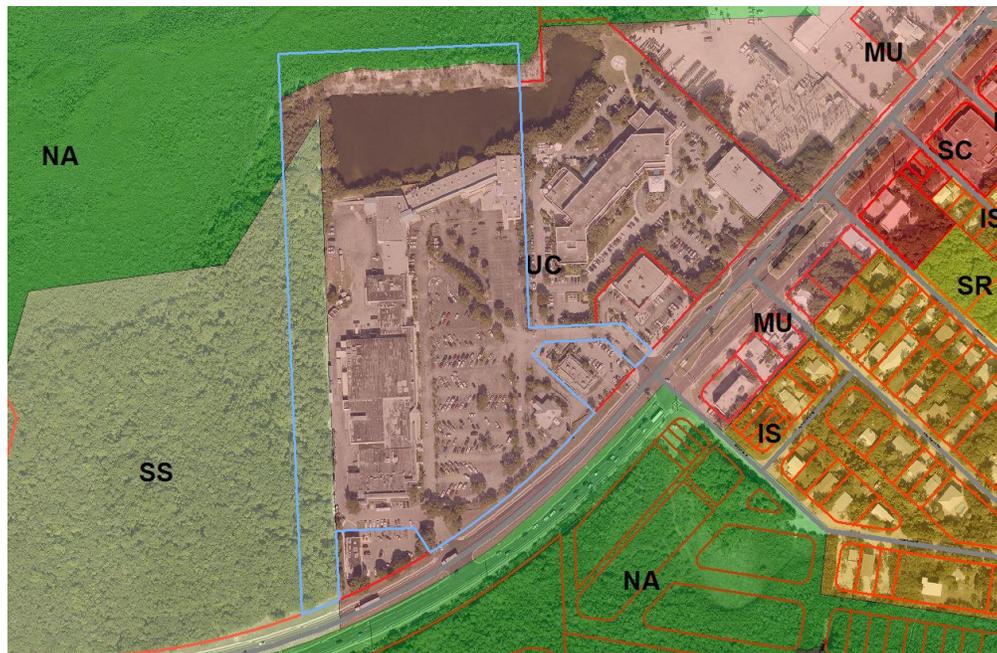
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**Meeting:** April 25, 2018

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1 **I REQUEST:**

2 The applicant, Thitari Thonubol - agent for J-Dao, LLC, doing business as J Dao Sushi Thai -  
3 requests approval of a 2COP alcoholic beverage special use permit, which would allow for beer  
4 and wine for sale by the drink (consumption on premises) or in sealed containers for package  
5 sales, for use at the J Dao Sushi Thai restaurant located on property at 91260 Overseas  
6 Highway, in the Tavernier Towne Shopping Center, Tavernier.



7 *Subject Property outlined in blue, with Land Use Districts Overlaid (Aerial dated 2015)*

1 **II BACKGROUND INFORMATION:**

2 **Location / Address:** 91260 Overseas Hwy, Tavernier, Mile Marker 91, bayside

3 **Legal Description:** Part of Lot 15 and Part Government Lot 2, Sections 33 and 34, Township  
4 62 South, Range 38 East, Key Largo, Monroe County, Florida

5 **Real Estate Number:** 00089910-000100

6 **Applicant/Agent:** Thitari Thonubol, agent for J-Dao, LLC, dba J Dao Sushi Thai

7 **Property Owner:** Puyanic Max D Trustee for Trust No. 201

8 **Size of Site:** 671,711 ft² (15.42 acres)

9 **Land Use District:** Urban Commercial (UC)

10 **Future Land Use Map (FLUM) Designation:** Mixed Use/Commercial (MC)

11 **Tier Designation:** III (infill area)

12 **Existing Use:** Commercial retail

13 **Existing Vegetation / Habitat:** Developed/scarified

14 **Community Character of Immediate Vicinity:** Mixed Use (Commercial Retail, Office,  
15 Restaurant, Hospital).

16 **Flood Zone:** AE – EL 9 / AE - EL 8

17  
18 **III RELEVANT PRIOR COUNTY ACTIONS:**

19 The existing site plan was approved under a major conditional use permit, last modified in 2003  
20 with the recording of Planning Commission Resolution No. P67-02. The major conditional use  
21 permit and site plan was also amended in 1998 with the recording of Resolution P5-98.  
22

23 **IV REVIEW OF APPLICATION:**

24 Pursuant to Section 3-6(e) of the Monroe County, Florida, Code of Ordinances (the “Code”), the  
25 Planning Commission shall give due consideration to the following factors as they may apply to  
26 the particular application prior to rendering its decision to grant or deny the requested permit:  
27

28 *(1) The effect of such use upon surrounding properties and the immediate neighborhood as*  
29 *represented by property owners within 500 feet of the premises.*  
30

31 The existing J Doa Sushi Thai restaurant is located in the Tavernier Town Shopping Center.  
32 The Tavernier Town Shopping Center includes commercial retail, office and restaurant uses.  
33 Surrounding properties within 500 feet of the restaurant premises include the developed  
34 property within the Tavernier Town Shopping Center, the hospital to the east and vacant  
35 land to the north and west.  
36

37 The following businesses on at the Tavernier Town Shopping Center and neighboring  
38 property have held an Alcoholic Beverage License:  
39

<i>Business Name/ Description</i>	<i>Business Type</i>	<i>License Type</i>	<i>License No.</i>	<i>Status</i>
B & B Theaters 91264 Overseas Hwy	Cinema	2COP	BEV5403168	Current, Active 3/31/2019

<i>Business Name/ Description</i>	<i>Business Type</i>	<i>License Type</i>	<i>License No.</i>	<i>Status</i>
CVS/Pharmacy 91410 Overseas Hwy	Pharmacy, Retail	2APS	BEV5401132	Current, Active 3/31/2019
The Pizza Ranch 91500 Overseas Hwy	Restaurant	2COP	BEV5401384	Null and Void
Dillon's Public House/Bill's Liquors 91200 Overseas Hwy	Bar	5COP	BEV5400235	Current, Active 3/31/2019
Great Wall Chinese Restaurant 91200 Overseas Hwy	Restaurant	2COP	BEV5401261	Current, Active 3/31/2019
Winn Dixie 91200 Overseas Hwy	Retail	2APS	BEV5400115	Current, Active 03/31/2019
Country Gulls Restaurant 91260 Overseas Hwy	Restaurant	2COP	BEV5402535	Closed, 03/31/2006
Dreyer Thomas Donald 91260 Overseas Hwy	Restaurant	2COP	BEV5400862	Closed, 03/31/2007
Paesano Italia Cucina 91260 Overseas Hwy	Restaurant	2COP	BEV5403381	Closed, 03/31/2015
Tasters Grille and Market 91252 Overseas Hwy	Restaurant, retail	2COP	BEV5403055	Null and Void, 03/31/2014

Staff found that historically, 2COP Alcoholic Beverage Licenses had been held by different restaurants at the applicant's location, 91260 Overseas Hwy, in the Tavernier Towne Shopping Center. The most recent license having been closed 03/31/2015.

Staff does not anticipate that approval of the requested 2COP Alcoholic Beverage Use Permit would have an adverse effect on surrounding properties or the immediate neighborhood.

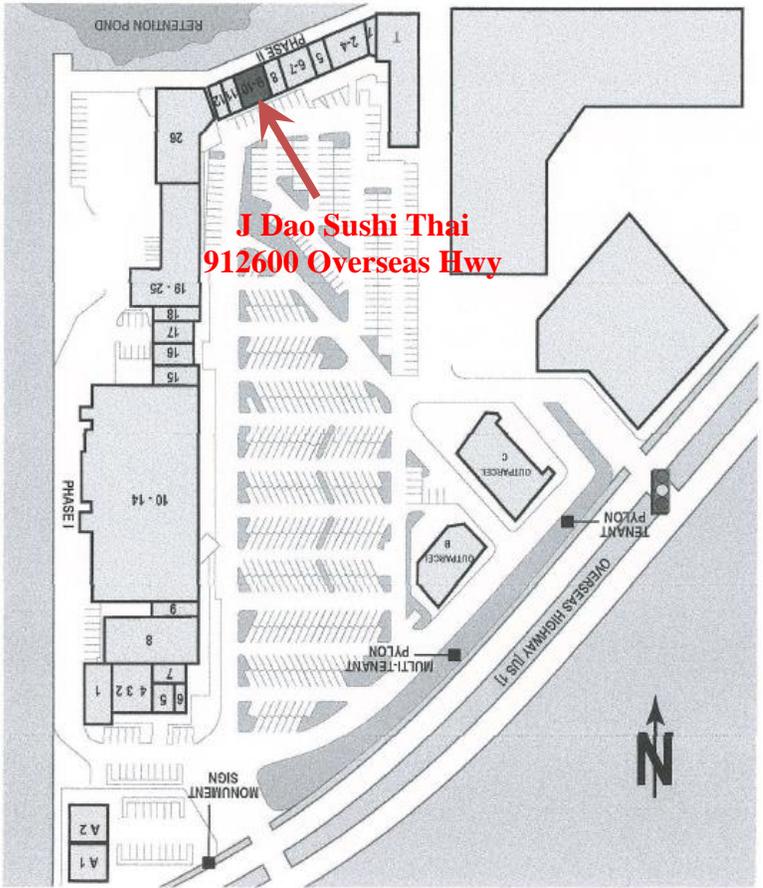
Please note that no members of the community, either in support or opposition to the application, contacted the Planning and Environmental Resources Department as of the date of this report.

**IN COMPLIANCE**

- (2) *The suitability of the premises in regard to its location, site characteristics and intended purpose. Lighting on the permitted premises shall be shuttered and shielded from surrounding properties, and construction of such permitted properties shall be soundproofed. In the event music and entertainment are permitted, the premises shall be air conditioned:*

1  
2  
3  
4  
5

The restaurant is located in the Tavernier Towne Shopping Center. Given the property's location within the Urban Commercial (UC) Land Use District, which permits commercial retail uses, the subject premises would be suitable.



*Subject Property showing location of restaurant (plan provided by applicant)*

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24

Lighting on the premises is subject to the County Land Development Code. If necessitated by a future substantial improvement or a change of use or expansion of use, any nonconforming lighting would have to be brought into compliance to the greatest extent practical pursuant to LDC Section 114-164. Any new outdoor lighting installed in the future would be subject to LDC Chapter 114, Article VI.

No music or entertainment is proposed by the applicant.

IN COMPLIANCE

*(3) Access, traffic generation, road capacities, and parking requirements:*

The Tavernier Towne Shopping Center is oriented towards the Overseas Hwy with two vehicular access point to U.S. 1. The site is developed under a major conditional use permit and at the time of the last site plan approval in 2003, it was found that the parking and road capacities were adequate for all uses on the site. No changes to access or parking are

1 proposed by the applicant as part of the subject application, and none would be required by  
2 the Land Development Code at this time. The proposed use is not anticipated to have an  
3 impact on traffic generation or road capacities due to the use being the same use as currently  
4 approved and allowed on the property.

5  
6 The application included a boundary survey that indicates the location of existing parking  
7 spaces. The site was designed to accommodate the existing commercial retail structure and  
8 its intended uses. The granting of a 2COP Alcohol Beverage Special Use Permit would not  
9 increase the parking requirements for the site.

10  
11 **IN COMPLIANCE**

12  
13 *(4) Demands upon utilities, community facilities and public services:*

14  
15 It is not anticipated that the approval of the requested 2COP alcohol beverage use permit  
16 would increase demands upon any utilities, community facilities or public services.

17  
18 *(5) Compliance with the county's restrictions or requirements and any valid regulations:*

19  
20 As of the date of this report, there are no any open code compliance cases related to the  
21 property.

22  
23 **V RECOMMENDATION:**

24  
25 Staff recommends APPROVAL to the Planning Commission of the requested 2COP Alcoholic  
26 Beverage Use Permit, which would allow for beer and wine for sale by the drink (consumption  
27 on premises) or in sealed containers for package sales, with the following conditions (however,  
28 valid objections from surrounding property owners at the public hearing may lead the Planning  
29 and Environmental Resources Department to reevaluate the recommendation or suggested  
30 conditions):

- 31  
32 1. Alcoholic Beverage Use Permits issued by virtue of Section 3-6 of the Monroe County Code  
33 shall be deemed to be a privilege running with the land. The sale of the real property that has  
34 been granted an Alcoholic Beverage Use Permit shall automatically vest the purchaser  
35 thereof with all rights and obligations originally granted or imposed to or on the applicant.  
36 Such privilege may not be separated from the fee simple interest in the realty.  
37  
38 2. Alcohol service sales and consumption shall occur only within areas allowed for such use  
39 and approved by the Monroe County Planning & Environmental Resources Department.  
40  
41 3. In the event that the holder's license by the Florida Department of Business and Professional  
42 Regulation (DBPR) expires and lapses, this Alcoholic Beverage Use Permit approval shall  
43 be null and void as of the date of the DBPR license expiration. Additional approval by the  
44 Planning Commission shall be required to renew the Alcoholic Beverage Use Permit.

45  
46 **VI ATTACHMENTS:**

47  
48 Attachment 1: Monroe County Code Section 3-6, Regulation and control over sale

**Monroe County Code – Chapter 3, Alcoholic Beverages****Sec. 3-6. - Regulation and control over sale [of alcoholic beverages].**

- (a) *Establishment of use permit procedure.* This section is designed and intended to provide for reasonable regulation and control over the sale of alcoholic beverages within the unincorporated areas of the county by establishing an alcoholic beverage use permit procedure and providing criteria to be used to ensure that all future proliferation of alcoholic beverage use enterprises within the unincorporated areas of the county be compatible with adjoining and surrounding land uses and the county's comprehensive plan, and that alcoholic beverage use permits not be granted where such uses will have an adverse impact upon the health, safety and welfare of the citizens and residents of the county. All persons, firms, partnerships or corporations who have received approval from the zoning board or board of county commissioners under the former provisions of section 19-218 of the Monroe County Code, as same heretofore existed, shall retain all rights and privileges heretofore granted under such section.
- (b) *New applicants for permit.* All persons desiring to sell alcoholic beverages upon any premises located within the unincorporated areas of the county and who desire to do so upon a premises not heretofore approved by the zoning board or board of county commissioners under the former section 19-218, shall obtain an alcoholic beverage use permit using the procedure outlined in subsection (d) of this section.
- (c) *Classifications.* Corresponding to those alcoholic beverage license classifications as heretofore and hereafter adopted by the state, alcoholic beverage use permits hereafter issued pursuant to this chapter shall be classified as follows:
- (1) 1APS: Beer, package only;
  - (2) 1COP: Beer, on-premises and package;
  - (3) 2APS: Beer and wine, package only;
  - (4) 2COP: Beer and wine, on-premises and package;
  - (5) 6COP: Beer, wine and liquor, on-premises and package;
  - (6) 6COP SRX: Restaurant, no package sales;
  - (7) 6COP SR: Restaurant, package sale;
  - (8) 6COP S: Motel, package sales;
  - (9) 6COP SBX: Bowling, no package sales;
  - (10) 6COP SPX: Boat, no package sales;
  - (11) 3BPS: Beer, wine and liquor, package sales only;
  - (12) 3M: Additional license for 6COP, over three bars; and
  - (13) 12RT: Racetrack, liquor, no package sales.
- (d) *Procedure.* The following procedure shall be followed on any application for an alcoholic beverage use permit hereafter made:
- (1) Applications for alcoholic beverage use permits shall be submitted to the director of planning in writing on forms provided by the director. Such applications must be signed by the owner of the real property for which the permit is requested. Lessees of the premises may apply for such permits, provided that proper authorization from the owner of the premises is given and the application for permit is cosigned by such owner.
  - (2) Upon receipt of a properly completed and executed application for an alcoholic beverage use permit stating the exact classification requested along with the necessary fee, the director of planning shall schedule a public hearing before the planning commission and shall advise the applicant of the date and place of the public hearing.
  - (3) Notice of the application and of the public hearing thereon shall be mailed by the director of planning to all owners of real property within a radius of 500 feet of the affected premises. In the case of a shopping center, the 500 feet shall be measured from the perimeter of the entire shopping center itself rather than from the individual unit for which approval is sought. Notice shall also be provided in a newspaper of general circulation in the manner prescribed in section 110-5. For the purposes of this section, the term "shopping center" means a contiguous group of individual units, in any combination, devoted to commercial retail low-intensity uses,

## Attachment 1

commercial retail medium-intensity uses, commercial retail high-intensity uses, and office uses, as those phrases are defined in section 101-1, with immediate off-street parking facilities, and originally planned and developed as a single project. The shopping center's single project status shall not be affected by the nature of the ownership of any of the individual office or commercial retail units, within the shopping center.

- (4) At the hearing before the planning commission, all persons wishing to speak for or against the application shall be heard. Recommendations or other input from the director of planning may also be heard prior to any decision by the planning commission.
- (e) *Criteria.* The planning commission shall give due consideration to the following factors as they may apply to the particular application prior to rendering its decision to grant or deny the requested permit:
  - (1) The effect of such use upon surrounding properties and the immediate neighborhood as represented by property owners within 500 feet of the premises. For the purposes of this section, the term "premises" means the entire project site of a shopping center;
  - (2) The suitability of the premises in regard to its location, site characteristics and intended purpose. Lighting on the permitted premises shall be shuttered and shielded from surrounding properties, and construction of such permitted properties shall be soundproofed. In the event music and entertainment are permitted, the premises shall be air conditioned;
  - (3) Access, traffic generation, road capacities, and parking requirements;
  - (4) Demands upon utilities, community facilities and public services; and
  - (5) Compliance with the county's restrictions or requirements and any valid regulations.
- (f) *Approval by planning commission.* The planning commission may grant approval based on reasonable conditions considering the criteria outlined herein.
- (g) *Where permitted.* Alcoholic beverage use permits may be granted in the following land use districts: urban commercial; suburban commercial; suburban residential where the site abuts U.S. 1; destination resort; mixed use; industrial and maritime industries. Notwithstanding the foregoing, alcoholic beverage sales may be permitted at restaurants, hotels, marinas and campgrounds regardless of the land use district in which they are located. Nothing contained herein shall exempt an applicant from obtaining a major or minor conditional use approval when such is otherwise required by the county development regulations in part II of this Code.
- (h) *Transferability.* Alcoholic beverage use permits issued by virtue of this section shall be deemed to be a privilege running with the land. The sale of the real property that has been granted an alcoholic beverage use permit shall automatically vest the purchaser thereof with all rights and obligations originally granted or imposed to or on the applicant. Such privilege may not be separated from the fee simple interest in the realty.
- (i) *Appeals.* All persons aggrieved by the actions of the planning commission in granting or denying requested alcoholic beverage permits may request an appeal hearing before a hearing officer under chapter 102, article VI, division 2 by filing the notice required by that article within 30 days after the date of the written decision of the planning commission.
- (j) *Successive applications.* Whenever any application for alcoholic beverage approval is denied for failure to meet the substantive requirements of these regulations, an application for alcoholic beverage approval for all or a portion of the same property shall not be considered for a period of two years unless a super-majority of the planning commission decides that the original decision was based on a material mistake of fact or that there exists changed conditions and new facts, not existing at the time of the original decision, that would justify entertaining a new application before the expiration of the two-year period. However, in the case of a shopping center, as defined in subsection (d)(3) of this section, this subsection shall only apply to the commercial retail unit within the shopping center for which approval was sought and not the entire shopping center site itself.

(Code 1979, § 19-218; Ord. No. 1-1973, § 1(art. XI, § 5); Ord. No. 5-1974, § 27; Ord. No. 20-1975, § 67; Ord. No. 29-1978, § 1; Ord. No. 5-1979, § 1; Ord. No. 17-1980, § 12; Ord. No. 4-1985, §§ 1, 2; Ord. No. 39-1986, § 2; Ord. No. 55-1987, §§ 1—3; Ord. No. 19-1993, § 14)

**File #:** 2018-020

**Owner's Name:** Puyanic Mad D Trustee for  
Trust No 201

**Applicant:** J-Dao, LLC

**Agent:** Thitari Thonubol

**Type of Application:** Alcoholic Beverage Use Permit

**Key:** Key Largo

**RE:** 00089910.000100

APPLICATION  
**MONROE COUNTY**  
 PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT **FEB 01 2018**



**Alcoholic Beverage Use Permit**

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

Alcoholic Beverage Use Permit Application Fee: \$1,260.00 ✓

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

Advertising Costs: \$245.00 ✓

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

**Date of Application:** 01 / 29 / 2018  
Month Day Year

**Applicant / Agent Authorized to Act for Property Owner:** (Agents must provide notarized authorization from all property owners.)

J-DAO LLC Thitani Thombol  
Applicant (Name of Person, Business or Organization) Name of Person Submitting this Application

91260 Overseas Hwy. Tavernier. FL. 33070  
Mailing Address (Street, City, State and Zip Code)

305-853-0664 305-484-2708 J-DAO018@yahoo.com  
Work Phone Home Phone Cell Phone Email Address

**Property Owner:** (Business/Corp must include documents showing who has legal authorized to sign.)

P Max D. Poyanic as Trustee / DAVID POYANIC  
(Name/Entity) Contact Person

30 West Mashta Ste. 400 Key Biscayne FL 33149  
Mailing Address (Street, City, State and Zip Code)

305-365-2600 DAVID@commadorealty.com  
Work Phone Home Phone Cell Phone Email Address

**Name of Lessee of Property:**

(If property is leased, applicant must submit a notarized statement from the owner approving the submittal of this application)

J-DAO LLC Thitani Thombol  
(Name/Entity) Contact Person

91260 Overseas Hwy. Tavernier. FL. 33070  
Mailing Address (Street, City, State and Zip Code)

305-853-0664 305-484-2708 J-DAO018@yahoo.com  
Work Phone Home Phone Cell Phone Email Address

APPLICATION

Legal Description of Property:

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

33/34.62.38 ISLAND ON KEY LARGO PT LOT 1 & PT GOVT LOT 2 & PT LOT 15

Block

Lot

Subdivision

Key

0089910-0001000

Real Estate (RE) Number

Alternate Key Number

91200 Overseas Hwy, Tavernier

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

Approximate Mile Marker

Land Use District Designation of Property: UC Total Land Area of Property: 526,686.00

Present Land Use of Property: Shopping Center.

Is lighting proposed: y/a Is the proposed lighting shuttered and shielded from surrounding properties: \_\_\_\_\_

Is event music and entertainment proposed on the Property (describe location and if location is within an air conditioned space): \_\_\_\_\_

Requested Type of Alcoholic Beverage: (Please check one)

- 1APS BEER, package only
1COP BEER, on premise and package
2APS BEER and WINE, package only
2COP BEER and WINE, on premise and package
6COP BEER, WINE and LIQUOR, on-premises and package
6COP SRX RESTAURANT, no package sales
6COP SR RESTAURANT, package sale
6COP S MOTEL, package sales
6COP SBX BOWLING, no package sales
6COP SPX BOAT, no package sales
3BPS BEER, WINE and LIQUOR, package sales only
3M ADDITIONAL LICENSE FOR 6COP, over three bars
5COP BEER, WINE and LIQUOR, on premise and package
5SRX RESTAURANT, no package sales
5SR RESTAURANT, package sales
5S HOTEL, package sales
5SPX EXCURSION BOAT, no package sales
11C PRIVATE CLUB; CABANA CLUB
12RT RACETRACK, LIQUOR, no package sales

Issued alcoholic beverage use permits shall be deemed to be a privilege running with the land. The sale of the real property that has been granted an alcoholic beverage use permit shall automatically vest the purchaser thereof with all rights and obligations originally granted or imposed to or on the applicant. Such privilege may not be separated from the fee simple interest in the realty.

## APPLICATION

**All of the following items must be included in order to have a complete application submission:**

(Please check the box as each required item is attached to the application.)

- Complete alcoholic beverage application (unaltered and unbound)
- Correct fee (check or money order payable to *Monroe County Planning & Environmental Resources*)
- Proof of ownership (i.e., Warranty Deed)
- Current Property Record Card(s) from the Monroe County Property Appraiser
- Location map
- Photograph(s) of site from adjacent roadway(s)
- Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor –four (4) sets or Signed and Sealed Site Plan, prepared by a Florida registered architect, engineer or landscape architect– four (4) sets (drawn to a scale of 1 inch equals 20 feet, except where impractical and the Director of Planning authorizes a different scale). At a minimum, the boundary survey or site plan should include the following:
  - Date, north point and graphic scale;
  - Boundary lines of site, including all property lines and mean high-water lines;
  - Locations and dimensions of all existing structures and drives;
  - Adjacent roadways;
  - Location and dimensions of all parking spaces (including handicap accessible, bicycle and scooter) and loading zones;
- Typed name and address mailing labels of all property owners within a 500 foot radius of the property. This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the case of a shopping center, the 500 feet shall be measured from the perimeter of the entire shopping center itself rather than from the individual unit for which approval is sought. In the event that a condominium development is within the 500 foot radius, each unit owner must be included;
- A certificate of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation or the Department of Agriculture and Consumer Services or the Department of Health or the Monroe County Health Department, stating that the place of business wherein the business is to be conducted meets all of the sanitary requirements of the state

**If applicable, the following items must be included in order to have a complete application submission:**

(Please check the box as each required item is attached to the application.)

- Notarized Agent Authorization Letter** (note: authorization is needed from all owner(s) of the subject property)
- Proposed site plan and/or building floor plans**
- Traffic Study, prepared by a licensed traffic engineer, and transportation fee of \$5,000 to cover the cost of experts hired by the Planning & Environmental Resources Department review the traffic study (any unused funds deposited will be returned upon permit approval).**

Is there a pending code enforcement proceeding involving all or a portion of the parcel proposed for development:

Yes  No Code Case file # \_\_\_\_\_ Describe the enforcement proceedings and if this application is being submitted to correct the violation: \_\_\_\_\_

---

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

APPLICATION

The applicant/owner hereby acknowledges and agrees that any staff discussions or negotiations about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

By signing this application, the owner of the subject property authorizes Monroe County Planning & Environmental Resources staff to conduct all necessary site visits and inspections on the subject property.

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

Signature of Applicant: [Signature] Date: 1/29/2018.

STATE OF Florida

COUNTY OF Monroe

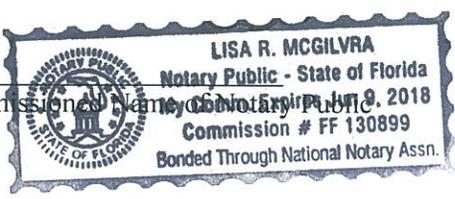
Sworn to and subscribed before me this 29 day of January, 2018,

by Thi tari Thonubol, who is personally known to me OR produced  
(PRINT NAME OF PERSON MAKING STATEMENT)

FLDLT514 as identification.  
(TYPE OF ID PRODUCED)  
[Signature]

Signature of Notary Public

Print, Type or Stamp Commission Name of Notary Public  
My commission expires:



Send complete application package to:

Monroe County Planning & Environmental Resources Department  
Marathon Government Center  
2798 Overseas Highway, Suite 400  
Marathon, FL 33050

AGENT AUTHORIZATION FORM



Date of Authorization: 1 / 10 / 2018  
Month Day Year

I hereby authorize Thitari Thonuboi  
(Print Name of Agent)

representing Max D. Puyanic as Trustee for Trust #201  
(Print Name of Property Owner(s) the Applicant(s)) for the application submission

of Beer and wine consumption on Premises (2COP)  
(List the Name and Type of applications for the authorization)

for the Property described as: (if in metes and bounds, attach legal description on separate sheet)

See attached

Lot Block Subdivision Key (Island)

Real Estate (RE) Number Alternate Key Number

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

Authorized Agent Contact Information:

91260 Overseas Hwy. Tavernier Fl, 33070  
Mailing Address (Street, City, State and Zip Code)

(3) 853-0664 (3) 484-2708 J-DAO 2018@yancoo.co  
Work Phone Home Phone Cell Phone Email Address

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purposes stated. The undersigned understands the risks and liabilities involved in the granting of this agency and accepts full responsibility for any and all of the actions of the agent named herein related to the processing of the services requested, application(s) and/or the acquisition of approvals/permits for the aforementioned applicant. The applicant(s) hereby indemnifies and holds harmless Monroe County, its officers, agents and employees for any damage to applicant caused by its agent or arising from this agency authorization.

Note: Agents must provide a notarized authorization from ALL current property owners.

Signature of Property Owner: [Signature]

Printed Name of Property Owner: David Puyanic, Power of Attorney

STATE OF Florida COUNTY OF

Sworn to and subscribed before me this 10 day of January, 2018.

by David Puyanic, who is personally known to me OR produced  
(Print Name of Person Making Statement)

as identification.  
(Type of ID Produced)



Signature of Notary Public  
My commission expires:

Print, Type or Stamp Commissioned Name of Notary Public

## Detail by Entity Name

Florida Limited Liability Company

J-DAO, LLC

### Filing Information

<b>Document Number</b>	L16000210264
<b>FEI/EIN Number</b>	NONE
<b>Date Filed</b>	11/16/2016
<b>Effective Date</b>	01/01/2017
<b>State</b>	FL
<b>Status</b>	ACTIVE
<b>Last Event</b>	LC AMENDMENT
<b>Event Date Filed</b>	11/28/2016
<b>Event Effective Date</b>	NONE

### Principal Address

91260 OVERSEAS HWY  
TAVERNIER, FL 33070

### Mailing Address

91260 OVERSEAS HWY  
TAVERNIER, FL 33070

### Registered Agent Name & Address

THONUBOL, THITARI  
13272 SW 144TH TER  
MIAMI, FL 33186

Name Changed: 11/28/2016

Address Changed: 11/28/2016

### Authorized Person(s) Detail

#### **Name & Address**

Title AMBR

THONUBOL, THITARI  
13272 SW 144TH TER.  
MIAMI 33186 AF

Title AMBR

JITKAWINROJ, KITTIPONG  
13531 SW 176TH TER.  
MIAMI, FL 33177

### Annual Reports

**No Annual Reports Filed**

### Document Images

[11/28/2016 -- LC Amendment](#)

[View image in PDF format](#)



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

Return to: Max D. Puyanik, Esq.  
51 SW 9 Street  
Miami, Florida 33130

MONROE COUNTY  
OFFICIAL RECORDS

FILE # 1 1 8 9 7 4 8  
BK# 1 6 4 3 PG# 1 8 0 0

This Instrument Prepared by:

Max D. Puyanik, Esq.  
51 SW 9 Street  
Miami, Florida 33130

RCD Jul 17 2000 12:01PM  
DANNY L KOLHAGE, CLERK

DEED DOC STAMPS 11200.00  
07/17/2000  
DEP CLK

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

WARRANTY DEED 3

THIS WARRANTY DEED made and executed the 7 day of July 2000 by Max D. Puyanik as Trustee for Trust #202 hereinafter referred to as the "Grantor" and Max D. Puyanik as Trustee for Trust #201, whose post office address is 51 SW 9th Street, Miami, Florida 33130 hereinafter referred to as the "Grantee".

WITNESSETH, That, the Grantor for and in consideration of the sum of Ten and NO/100 (\$10.00) Dollars and other good and valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, align, remise, release, convey, and confirm unto the grantee, all that certain land situate in Monroe County, Florida, viz:

Property described on Exhibit "A" attached hereto

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

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

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

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

*Mary Lou Coster*  
MARY LOU COSTER  
*Max D. Puyanik*  
Max D. PUYANIK

*Max D. Puyanik*  
Max D. Puyanik as Trustee  
For Trust #202

STATE OF FLORIDA  
) ss:  
COUNTY OF DADE )

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgements, personally appeared Max D. Puyanik to me know to be the person 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 7 day of July, 2000.

*Mary Lou Coster*  
Notary Public

My Commission Expires:



PHASE II:

PARCEL A:

A PARCEL OF LAND IN GOVERNMENT LOT 2, SECTION 33, TOWNSHIP 62 SOUTH, RANGE 38 EAST, KEY LARGO, MONROE COUNTY, FLORIDA, SAID PARCEL CONSISTING OF A PORTION OF PHASE II TAVERNIER TOWNE SHOPPING CENTER SAID PARCEL HEREINAFTER REFERRED TO AS PARCEL A, PHASE II, TAVERNIER TOWNE SHOPPING CENTER, SAID PARCEL A, PHASE II, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF THE SAID SECTION 33 WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD N° 5 (U.S. HIGHWAY N° 1) RUN NORTH 2 DEGREES 12 MINUTES 04 SECONDS WEST ALONG SAID EAST LINE OF SECTION 33 FOR 330.00 FEET; THENCE RUN SOUTH 87 DEGREES 47 MINUTES 56 SECONDS WEST PERPENDICULAR TO SAID EAST LINE OF SECTION 33 FOR 61.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL A, PHASE II, TAVERNIER TOWNE SHOPPING CENTER. FROM THE SAID POINT OF BEGINNING RUN ALONG THE NORTHERLY, NORTHEASTERLY AND NORTHERLY BOUNDS OF PHASE I TAVERNIER TOWNE SHOPPING CENTER FOR THE FOLLOWING THREE COURSES: (1) SOUTH 87 DEGREES 47 MINUTES 56 SECONDS WEST, 39.00 FEET; (2) NORTH 47 DEGREES 24 MINUTES 56 SECONDS WEST, 262.75 FEET; (3) SOUTH 87 DEGREES 47 MINUTES 56 SECONDS WEST, 90.73 FEET; THENCE RUN NORTH 2 DEGREES 12 MINUTES 04 SECONDS WEST; PARALLEL WITH THE SAID EAST LINE OF SECTION 33 FOR 462.23 FEET; THENCE RUN NORTH 87 DEGREES 47 MINUTES 56 SECONDS EAST FOR 316.21 FEET; THENCE RUN SOUTH 2 DEGREES 12 MINUTES 04 SECONDS EAST ALONG A LINE 61.00 FEET (AS MEASURED ALONG A PERPENDICULAR), EASTERLY OF AND PARALLEL WITH THE SAID EAST LINE OF SECTION 33 FOR 647.33 FEET TO THE POINT OF BEGINNING. CONTAIN 3.97 ACRES, MORE OR LESS.

PHASE II:

PARCEL B:

A PARCEL OF LAND IN GOVERNMENT LOT 2, SECTION 33, TOWNSHIP 62 SOUTH, RANGE 38 EAST, KEY LARGO, MONROE COUNTY, FLORIDA, SAID PARCEL CONSISTING OF A PORTION OF PHASE II TAVERNIER TOWNE SHOPPING CENTER, SAID PARCEL B, PHASE II, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EAST LINE OF THE SAID SECTION 33 WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD N° 5 (U.S. HIGHWAY N° 1) RUN NORTH 2 DEGREES 12 MINUTES 04 SECONDS WEST ALONG SAID EAST LINE OF SECTION 33 FOR 330.00 FEET; THENCE RUN SOUTH 87 DEGREES 47 MINUTES 56 SECONDS WEST PERPENDICULAR TO SAID EAST LINE OF SECTION 33 FOR 100.00 FEET; THENCE RUN NORTH 47 DEGREES 24 MINUTES 56 SECONDS WEST FOR 262.75 FEET; THENCE RUN SOUTH 87 DEGREES 47 MINUTES 56 SECONDS WEST FOR 90.73 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL B, PHASE II, TAVERNIER TOWNE SHOPPING CENTER, FROM THE SAID POINT OF BEGINNING, RUN ALONG THE NORTHERLY, EASTERLY, NORTHERLY, WESTERLY AND NORTHERLY BOUNDS OF PHASE I, TAVERNIER TOWNE SHOPPING CENTER FOR THE FOLLOWING FIVE COURSES: (1) SOUTH 87 DEGREES 47 MINUTES 56 SECONDS WEST, 157.18 FEET; (2) NORTH 2 DEGREES 12 MINUTES 04 SECONDS WEST, 9.20 FEET; (3) SOUTH 87 DEGREES 47 MINUTES 56 SECONDS WEST, 34.60 FEET; (4) SOUTH 2 DEGREES 12 MINUTES 04 SECONDS EAST, 9.20 FEET; (5) SOUTH 87 DEGREES 47 MINUTES 56 SECONDS WEST, 22.30 FEET TO THE NORTHWEST CORNER OF THE PREVIOUSLY MENTIONED PHASE I, TAVERNIER TOWNE SHOPPING CENTER; THENCE RUN NORTH 2 DEGREES 12 MINUTES 04 SECONDS WEST PARALLEL WITH SAID EAST LINE OF SECTION 33 AND ALONG A NORTHERLY PROLONGATION OF THE MOST WESTERLY LINE OF THE PREVIOUSLY MENTIONED PHASE I, TAVERNIER TOWNE SHOPPING CENTER FOR 462.23 FEET; THENCE NORTH 87 DEGREES 47 MINUTES 56 SECONDS EAST FOR 214.08 FEET; THENCE RUN SOUTH 2 DEGREES 12 MINUTES 04 SECONDS EAST ALONG A LINE PARALLEL WITH THE EAST LINE OF SECTION 33 FOR 462.23 FEET TO THE POINT OF BEGINNING. CONTAIN 2.27 ACRES, MORE OR LESS.

RAGEN TRACT

PARCEL 2:

A PARCEL OF LAND BEING A 100 FEET WIDE PORTION OF THOSE LANDS OF ROBERT E. REGAN ET AL, RECORDED IN OFFICIAL RECORD BOOK 494 AT PAGE 958 AND OFFICIAL RECORD BOOK 559 AT PAGE 1119 OF THE PUBLIC RECORDS OF MONROE COUNTY FLORIDA; ADJOINING AND CONTIGUOUS WITH PHASE II OF TAVERNIER TOWNE SHOPPING CENTER; AND LYING IN SECTION 33, TOWNSHIP 62 SOUTH, RANGE 38 EAST, KEY LARGO, MONROE COUNTY, FLORIDA.

SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE EASTERLY LINE OF SAID SECTION 33 WITH THE NORTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD N° 5 ( U.S. HIGHWAY N° 1), RUN THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE TO THE NORTHWEST, AND HAVING FOR ITS ELEMENTS A CENTRAL ANGLE 21 DEGREES 33 MINUTES 43 SECONDS AND A RADIUS OF 1860.08 FEET, FOR A DISTANCE OF 700 FEET TO THE INTERSECTION WITH THE DIVIDING LINE BETWEEN SAID LANDS OF ROBERT E. REGAN ET AL, AND PHASE I OF TAVERNIER TOWNE SHOPPING CENTER, RUN THENCE NORTH 2 DEGREES 12 MINUTES 04 SECONDS WEST FOR A DISTANCE OF 882 FEET ALONG SAID DIVIDING LINE TO AN INTERSECTION WITH THE DIVIDING LINE BETWEEN PHASE I AND PHASE II OF TAVERNIER TOWNE SHOPPING CENTER AND THE POINT OF BEGINNING OF THE HEREINDESCRIBED PARCEL; FROM SAID POINT OF BEGINNING, RUN THENCE SOUTH 87 DEGREES 47 MINUTES 56 SECONDS WEST FOR A DISTANCE OF 100 FEET; RUN THENCE NORTH 2 DEGREES 12 MINUTES 04 SECONDS WEST FOR A DISTANCE OF 562.23 FEET; RUN THENCE NORTH 87 DEGREES 47 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 630.29 FEET TO AN INTERSECTION WITH A NORTHERLY ESTENSION OF DIVIDING LINE BETWEEN PHASE II AND PHASE III OF TAVERNIER TOWNE SHOPPING CENTER; RUN THENCE SOUTH 2 DEGREES 12 MINUTES 04 SECONDS EAST FOR A DISTANCE OF 100 FEET ALONG SAID ESTENDED DIVIDING LINE TO THE NORTHEASTELY CORNER OF PHASE II OF TAVERNIER TOWNE SHOPPING CENTER; RUN THENCE SOUTH 87 DEGREES 47 MINUTES 56 SECONDS WEST FOR A DISTANCE OF 530.29 FEET ALONG THE DIVIDING LINE BETWEEN SAID LANDS OF ROBERT E. REGAN ET AL, AND PHASE II OF TAVERNIER TOWNE SHOPPING CENTER TO THE NORTHWESTERLY CORNER OF SAID PHASE II OF TAVERNIER TOWNE SHOPPING CENTER; RUN THENCE SOUTH 2 DEGREES 12 MINUTES 04 SECONDS EAST FOR A DISTANCE OF 462.23 FEET ALONG SAID DIVIDING LINE TO THE POINT OF BEGINNING. CONTAIN 2.52 ACRES, MORE OR LESS.



**Disclaimer**

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

By continuing into this site you assert that you have read and agree to the above statement.

**Summary**

Parcel ID 00089910-000100  
 Account # 1101796  
 Property ID 1101796  
 Millage Group 500P  
 Location 91200 OVERSEAS HWY , TAVERNIER  
 Address  
 Legal 33/34 62 38 ISLAND OF KEY LARGO PT LOT 1 & PT  
 Description GOVT LOT 2 & PT LOT 15 OR565-151 OR565-153  
 OR576-817 OR576-818 OR578-336 OR741-351  
 OR741-353 OR755-190 OR755-198 OR755-201  
 OR770-1183E (SHOP CTR LSE) OR815-107/09  
 OR815-1947/48E OR823-1833/34 OR835-249/51  
 OR840-1967/70E OR892-2389/90QC OR989-  
 611/12 OR989-626/27 OR1026-774 OR1162-  
 1424/29 OR1162-1430/32 OR1209-2083/84CT  
 OR1238-1536/37 OR1240-2437/39 OR1279-  
 533/34CT OR1501-918/20 OR1501-921/22  
 OR1501-923/25 OR1501-926/28 OR1501-932/33  
 OR1501-934/36 OR1501-937/39 OR1643-  
 1800/02 OR2202-2099EASEM  
 (Note: Not to be used on legal documents)  
 Neighborhood 10020  
 Property Class SHOPPING CENTER (1600)  
 Subdivision  
 Sec/Twp/Rng 33/62/38  
 Affordable No  
 Housing



**Owner**

PUYANIC MAX D TRUSTEE FOR TRUST NO 201  
30 W MASHTA DR STE 400  
KEY BISCAWAYNE FL 33149

**Valuation**

	2017	2016	2015	2014	2012
+ Market Improvement Value	\$12,917,870	\$0	\$0	\$0	\$0
+ Market Misc Value	\$377,676	\$0	\$0	\$0	\$0
+ Market Land Value	\$3,338,256	\$8,861,061	\$8,861,061	\$7,687,780	\$7,624,795
= Just Market Value	\$16,633,802	\$8,861,061	\$8,861,061	\$7,687,780	\$7,624,795
= Total Assessed Value	\$9,747,167	\$8,861,061	\$8,456,558	\$7,687,780	\$7,624,795
- School Exempt Value	\$0	\$0	\$0	\$0	\$0
= School Taxable Value	\$16,633,802	\$8,861,061	\$8,861,061	\$7,687,780	\$7,624,795

**Land**

Land Use	Number of Units	Unit Type	Frontage	Depth
COMMERCIAL HIGHWAY (100H)	526,686.00	Square Foot	0	0
HARDWOOD HAMMOCK (00HH)	3.29	Acreage	0	0
ENVIRONMENTALLY SENS (000X)	3.94	Acreage	0	0

**Commercial Buildings**

Style SHPING CNTR-COMTY-B / 16B  
 Gross Sq Ft 186,335  
 Finished Sq Ft 82,098  
 Perimeter 10,856  
 Stories 2

Interior Walls  
 Exterior Walls C.B.S. with 30% CUSTOM  
 Quality 350 ()  
 Roof Type FLAT OR SHED  
 Roof Material ROLLED COMPOS  
 Exterior Wall1 C.B.S.  
 Exterior Wall2 CUSTOM  
 Foundation CONC BLOCK  
 Interior Finish  
 Ground Floor Area  
 Floor Cover  
 Full Bathrooms 0  
 Half Bathrooms 0  
 Heating Type  
 Year Built 1978  
 Year Remodeled 0  
 Effective Year Built 1990  
 Condition AVERAGE

Style FINANC INSTITUT-B- / 23B  
 Gross Sq Ft 2,926  
 Finished Sq Ft 1,806  
 Perimiter 498  
 Stories 1  
 Interior Walls  
 Exterior Walls CUSTOM  
 Quality 350 ()  
 Roof Type GABLE/HIP  
 Roof Material METAL  
 Exterior Wall1 CUSTOM  
 Exterior Wall2  
 Foundation CONCRETE SLAB  
 Interior Finish  
 Ground Floor Area  
 Floor Cover  
 Full Bathrooms 0  
 Half Bathrooms 0  
 Heating Type  
 Year Built 2003  
 Year Remodeled 0  
 Effective Year Built 2010  
 Condition FAIR

Style MOVIE THEATERS / 32C  
 Gross Sq Ft 19,736  
 Finished Sq Ft 8,566  
 Perimiter 1,575  
 Stories 1  
 Interior Walls  
 Exterior Walls C.B.S.  
 Quality 350 ()  
 Roof Type FLAT OR SHED  
 Roof Material ROLLED COMPOS with 30% TAR & GRAVEL  
 Exterior Wall1 C.B.S.  
 Exterior Wall2  
 Foundation CONC PILINGS  
 Interior Finish  
 Ground Floor Area  
 Floor Cover  
 Full Bathrooms 0  
 Half Bathrooms 0  
 Heating Type  
 Year Built 2003  
 Year Remodeled 0  
 Effective Year Built 2005  
 Condition FAIR

Style SHOPPING CENTR-COMTY / 16C  
 Gross Sq Ft 30,676  
 Finished Sq Ft 12,247  
 Perimiter 2,748  
 Stories 1  
 Interior Walls  
 Exterior Walls C.B.S.  
 Quality 350 ()  
 Roof Type FLAT OR SHED

Roof Material ROLLED COMPOS  
 Exterior Wall1 C.B.S.  
 Exterior Wall2  
 Foundation CONC BLOCK  
 Interior Finish  
 Ground Floor Area  
 Floor Cover  
 Full Bathrooms 0  
 Half Bathrooms 0  
 Heating Type  
 Year Built 1981  
 Year Remodeled 0  
 Effective Year Built 1990  
 Condition AVERAGE

Style SHOPPING CENTR-COMTY / 16C  
 Gross Sq Ft 19,620  
 Finished Sq Ft 7,962  
 Perimeter 1,434  
 Stories 1  
 Interior Walls  
 Exterior Walls CONC BLOCK  
 Quality 350 ()  
 Roof Type FLAT OR SHED  
 Roof Material ROLLED COMPOS  
 Exterior Wall1 CONC BLOCK  
 Exterior Wall2  
 Foundation CONC BLOCK  
 Interior Finish  
 Ground Floor Area  
 Floor Cover  
 Full Bathrooms 0  
 Half Bathrooms 0  
 Heating Type  
 Year Built 1999  
 Year Remodeled 0  
 Effective Year Built 2000  
 Condition FAIR

**Yard Items**

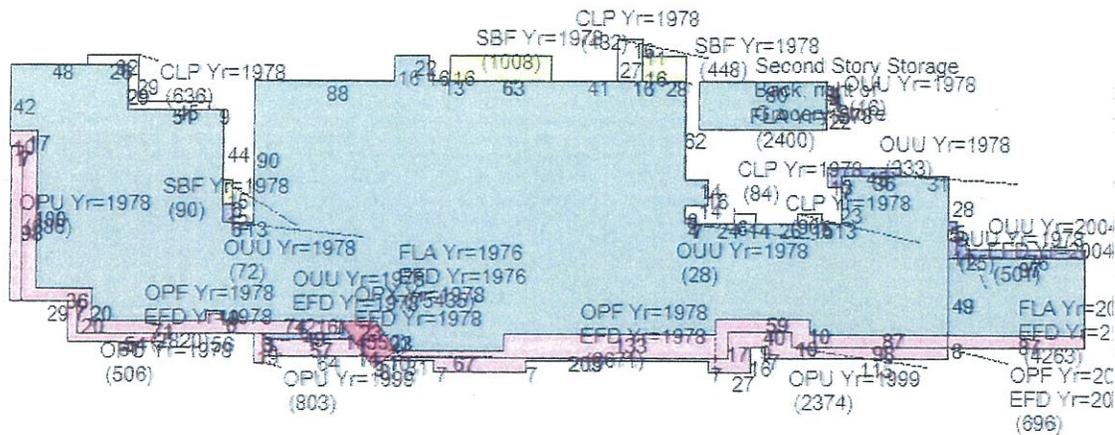
Description	Year Built	Roll Year	Quantity	Units	Grade
ASPHALT PAVING	1998	1997	1	19932 SF	2
PATIO	1978	1979	1	385 SF	2
FENCES	1978	1979	1	420 SF	3
ASPHALT PAVING	1979	1980	1	235683 SF	2
ASPHALT PAVING	1981	1982	1	51235 SF	2
CH LINK FENCE	1998	1999	1	2600 SF	1
WOOD DECK	2011	2012	1	895 SF	4
UTILITY BLDG	1980	1981	0	100 SF	4
CH LINK FENCE	1980	1981	0	525 SF	1
PATIO	1997	1998	0	144 SF	2
FENCES	1997	1998	0	180 SF	3
PATIO	1997	1998	1	375 SF	5
WROUGHT IRON	2003	2004	0	159 SF	2
RW2	2003	2004	0	190 SF	3
PATIO	2004	2005	1	1860 SF	2
PATIO	2004	2005	1	980 SF	2
FENCES	2005	2006	0	665 SF	3
PATIO	1978	1979	0	872 SF	2
PATIO	2003	2004	0	270 SF	2
PATIO	1997	1998	0	512 SF	2

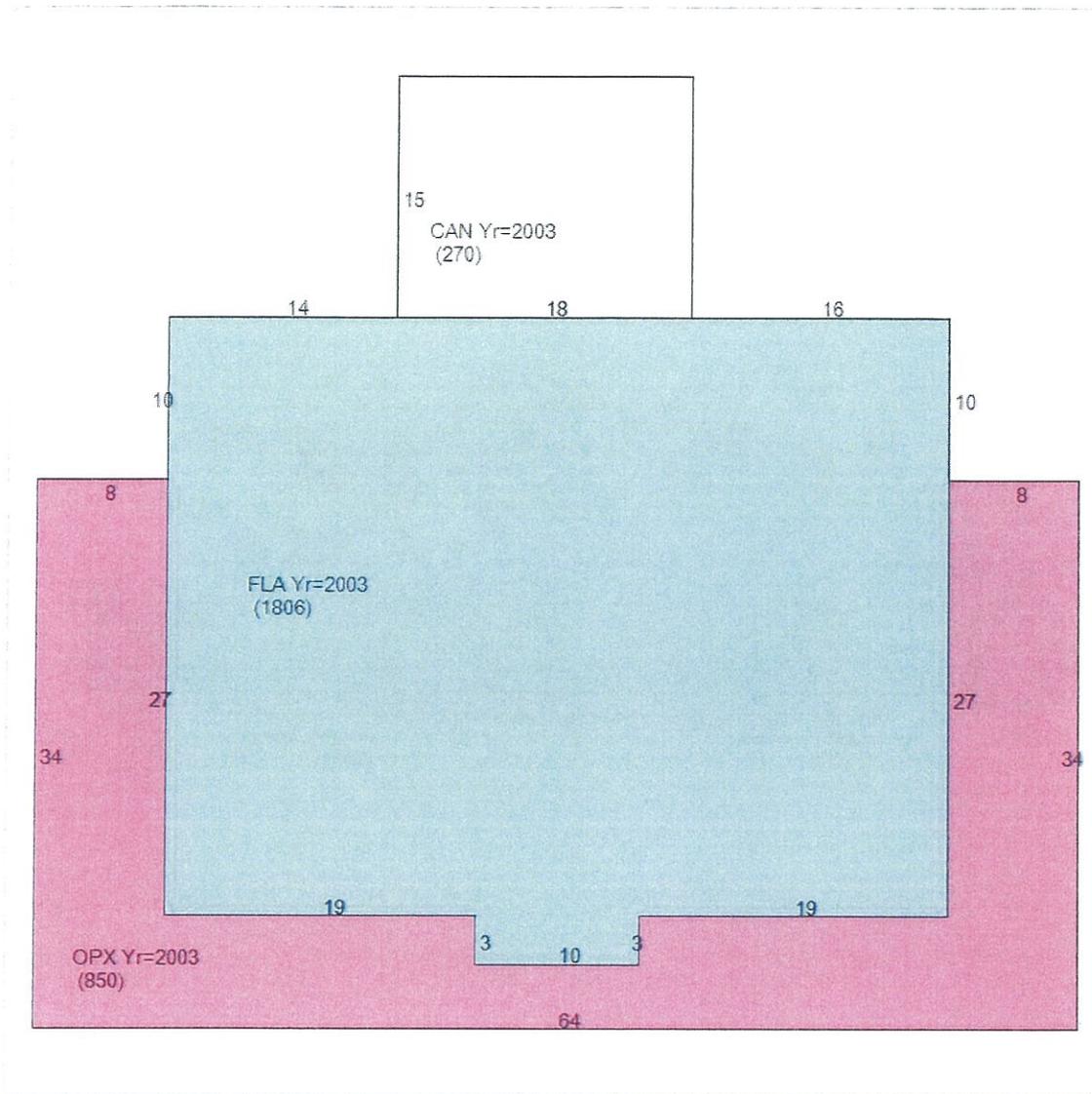
**Sales**

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
3/1/1991	\$4,050,000	Warranty Deed		1162	1424	M - Unqualified	Improved
3/1/1991	\$3,750,000	Warranty Deed		1162	1430	M - Unqualified	Improved
9/1/1987	\$4,425,000	Warranty Deed		1026	774	M - Unqualified	Improved
6/1/1981	\$3,714,700	Warranty Deed		835	249	M - Unqualified	Improved
2/1/1977	\$915,000	Conversion Code		LEA		Q - Qualified	Improved

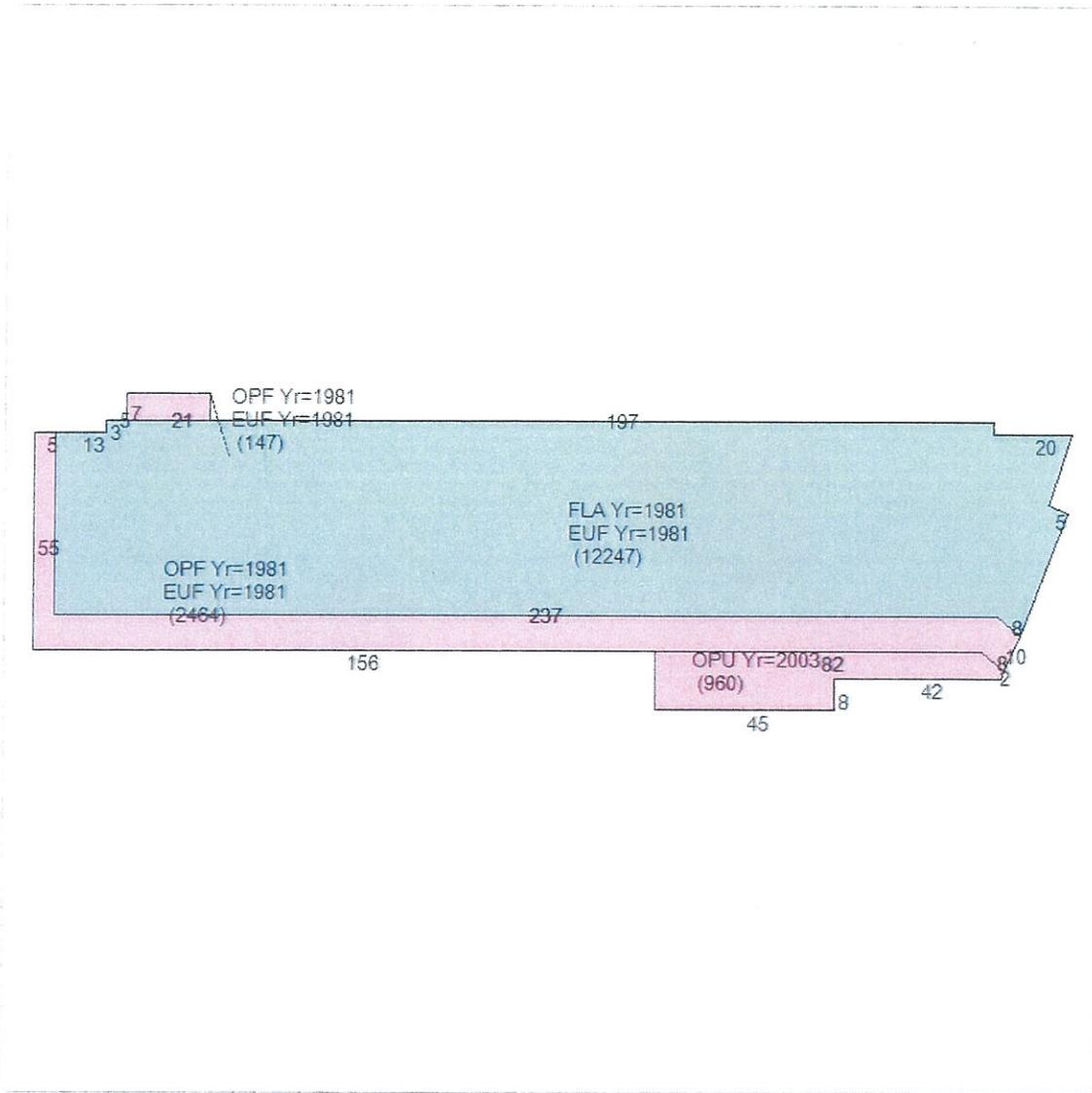
Permits						
Number	Date Issued	Date Completed	Amount	Permit Type		Notes
17304849	10/26/2017		\$5,903	Commercial		REPLACE 4-TON A/C UNIT (Hurricane IRMA)
16306239	10/24/2017		\$135,012	Commercial		INT/EXT REMODEL/REPAIR FOR NEW RESTAURANT
17300970	6/6/2017		\$15,000	Commercial		CONCRETE SLAB & GREASE TRAP
17300907	5/16/2017		\$10,000	Commercial		INT REMODEL/REPAIR
17301208	3/27/2017		\$2,500	Commercial		INSTALL FIRE ALARM
16306239	10/24/2016		\$135,012			REMODEL/REPAIR #12 INTERIOR/EXTERIOR. 1,565 INTERIOR. FOR NEW RESTAURANT.
16306240	10/24/2016		\$140,084			REMODEL/REPAIR INTERIOR/EXTERIOR OF #16. 1,200 SF INTERIOR. CHANGING FROM OFFICE SPACE TO RESTAURANT.
14304123	11/4/2014	5/4/2015	\$7,500			REPLACE 5 TON A/C UNIT
14304463	10/27/2014	2/10/2015	\$9,800			TENANT BUILDOUT TO MAKE VACANT SPACE FOR POPCORN STORE
14300179	1/28/2014		\$1	Commercial		REPLACE (2) 5 TON A/C UNIT
13302886	7/19/2013	8/14/2013	\$4,800	Commercial		AIR CONDITIONING
10304462	10/8/2010	1/31/2011	\$1	Commercial		INTERIOR REMODEL
10304077	8/27/2010	10/23/2011	\$1	Commercial		EXTERIOR WOOD DECK
07304415	11/8/2007	7/18/2008	\$1	Commercial		AC
07303401	8/27/2007	12/4/2007	\$1	Commercial		INTERIOR DEMOLITION
07301056	7/30/2007	12/4/2007	\$1	Commercial		INTERIOR RENOVATIONS (COUNTRY GULLS)
06304364	7/17/2006	9/19/2006	\$0	Commercial		REPLACE HVAC
5300711	4/22/2005	12/16/2005	\$1	Commercial		HANDICAP RAMP
04304796	12/6/2004	1/26/2005	\$0			ROOF REPAIRS
04302873	8/19/2004	1/26/2005	\$0	Commercial		INTERIOR REMODEL
04302873	8/19/2004	1/27/2005	\$0	Commercial		INTERIOR REMODEL-PIER 1
04303272	8/12/2004	12/4/2007	\$1	Commercial		INTERIOR DEMOLITION
04103541	8/10/2004	9/20/2004	\$0	Commercial		REPLACE A/C 2 -10 TON UNITS
04302618	6/24/2004	9/30/2004	\$1	Commercial		EXTERIOR PAINTING
3304060	10/2/2003	1/1/2004	\$1	Commercial		INTERIOR REMODEL
3303542	9/18/2003	1/1/2004	\$1	Commercial		INTERIOR REMODEL
3303826	8/25/2003	1/1/2004	\$1	Commercial		REM/REP 7.5 TON P/U
3302152	5/30/2003	7/25/2003	\$1	Commercial		FIRE ALARM SYSTEM
3300979	4/4/2003		\$1	Commercial		INT REMODEL/ANTHONY'S
2304406	2/6/2003	12/2/2003	\$1	Commercial		BANK BUILDING
2304138	10/3/2002	10/30/2003	\$1			FENCE
2303386	7/29/2002	1/1/2004	\$1	Commercial		REPLACE 15 TON UNIT
99302226	8/29/2001	4/19/2004	\$1	Commercial		THEATRE ADDITION
0032114	5/15/2000		\$1	Commercial		ROOF
0031826	4/28/2000	6/5/2000	\$1	Commercial		SEALCOAT PARKING LOT
0031799	4/27/2000		\$1	Commercial		BURGLAR FIRE ALARM
00301893	4/26/2000	6/12/2000	\$1	Commercial		PLUMBING
00300299	3/24/2000	5/31/2000	\$1	Commercial		INTERIOR REMODEL
0031118	2/8/2000	11/27/2000	\$1	Commercial		INT. REMODEL-DILLON'S
9831480	6/1/1998		\$1	Commercial		FENCE
9830133	2/26/1998	11/24/1998	\$1	Commercial		COM REMODEL INTERIOR
9732820	11/24/1997	11/24/1998	\$1	Commercial		EXTERIOR RENOVATION
9733340	11/4/1997	11/24/1998	\$100,000	Commercial		EXT. RENOVATIONS
953311	5/1/1995	11/1/1995	\$450,000	Commercial		BLOCKBUSTER VIDEO

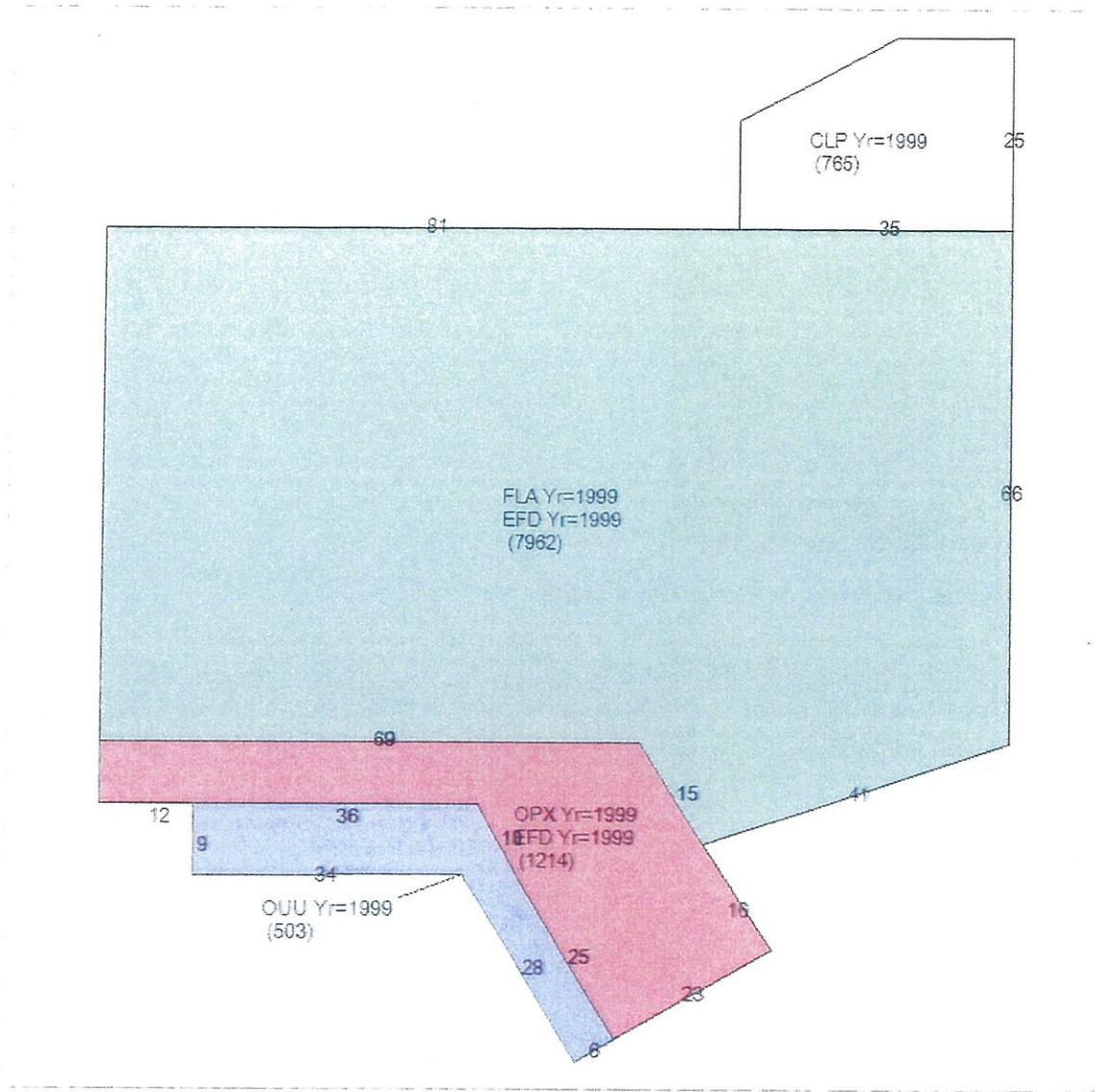
Sketches (click to enlarge)





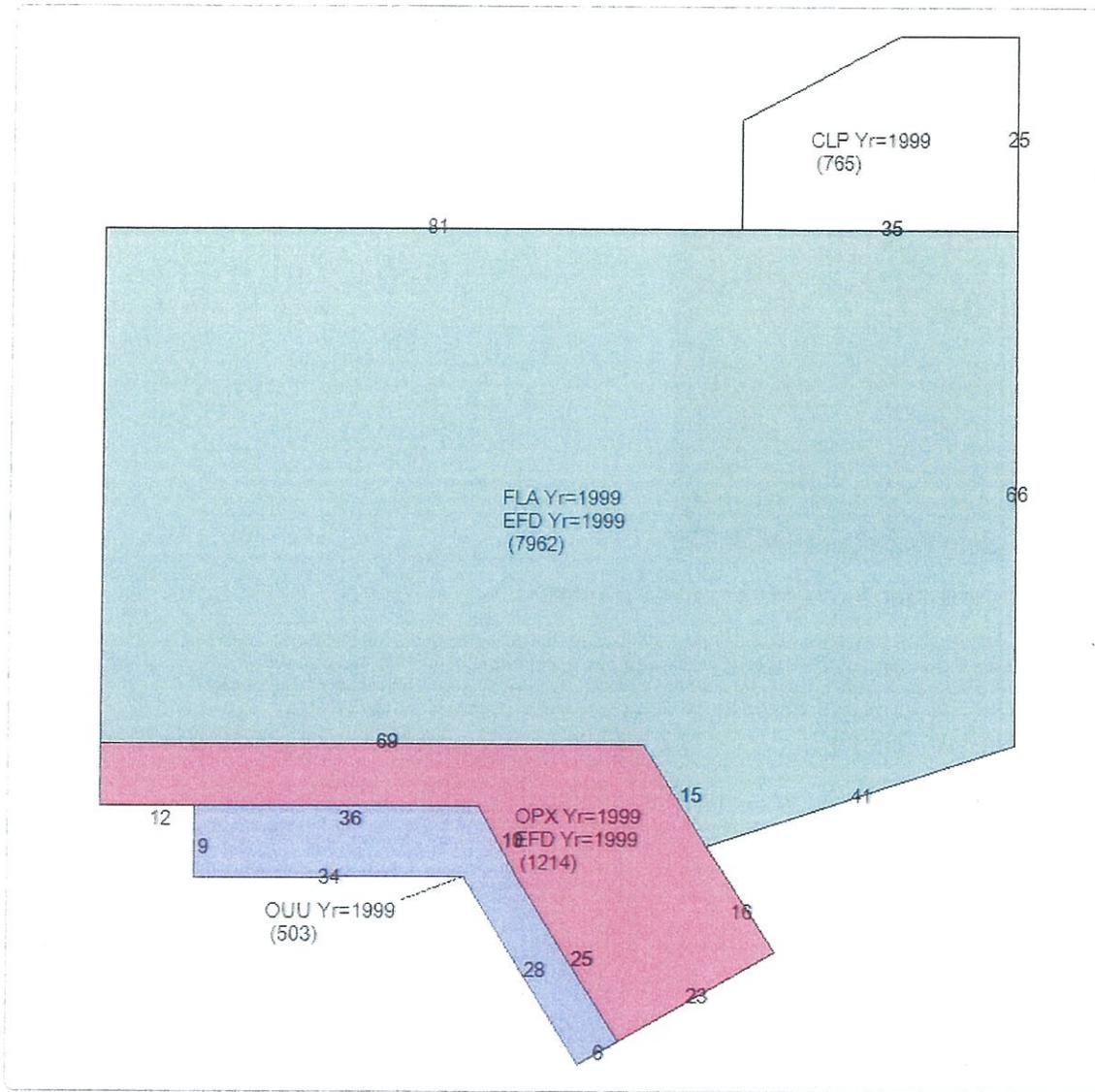






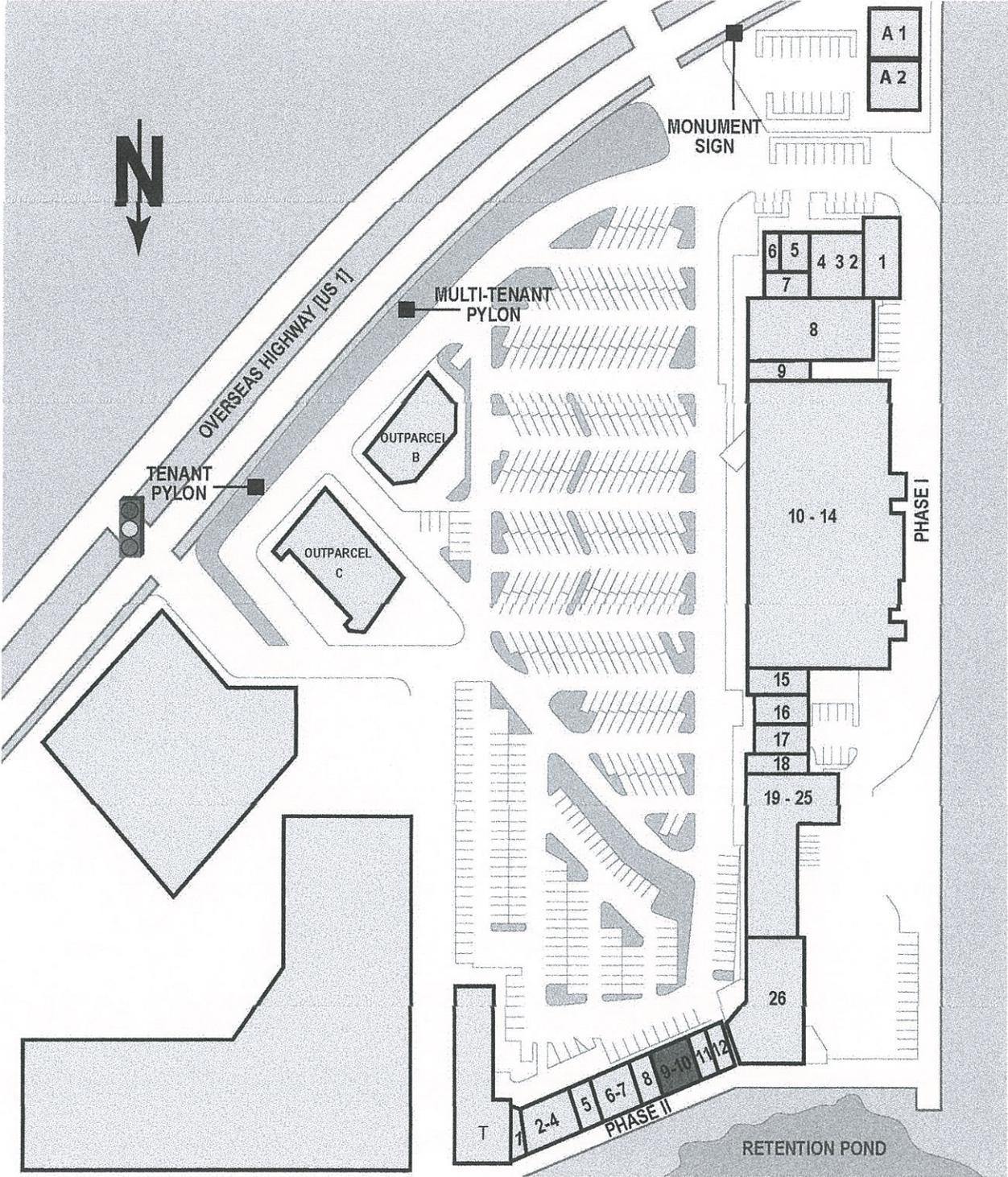
Photos





Photos







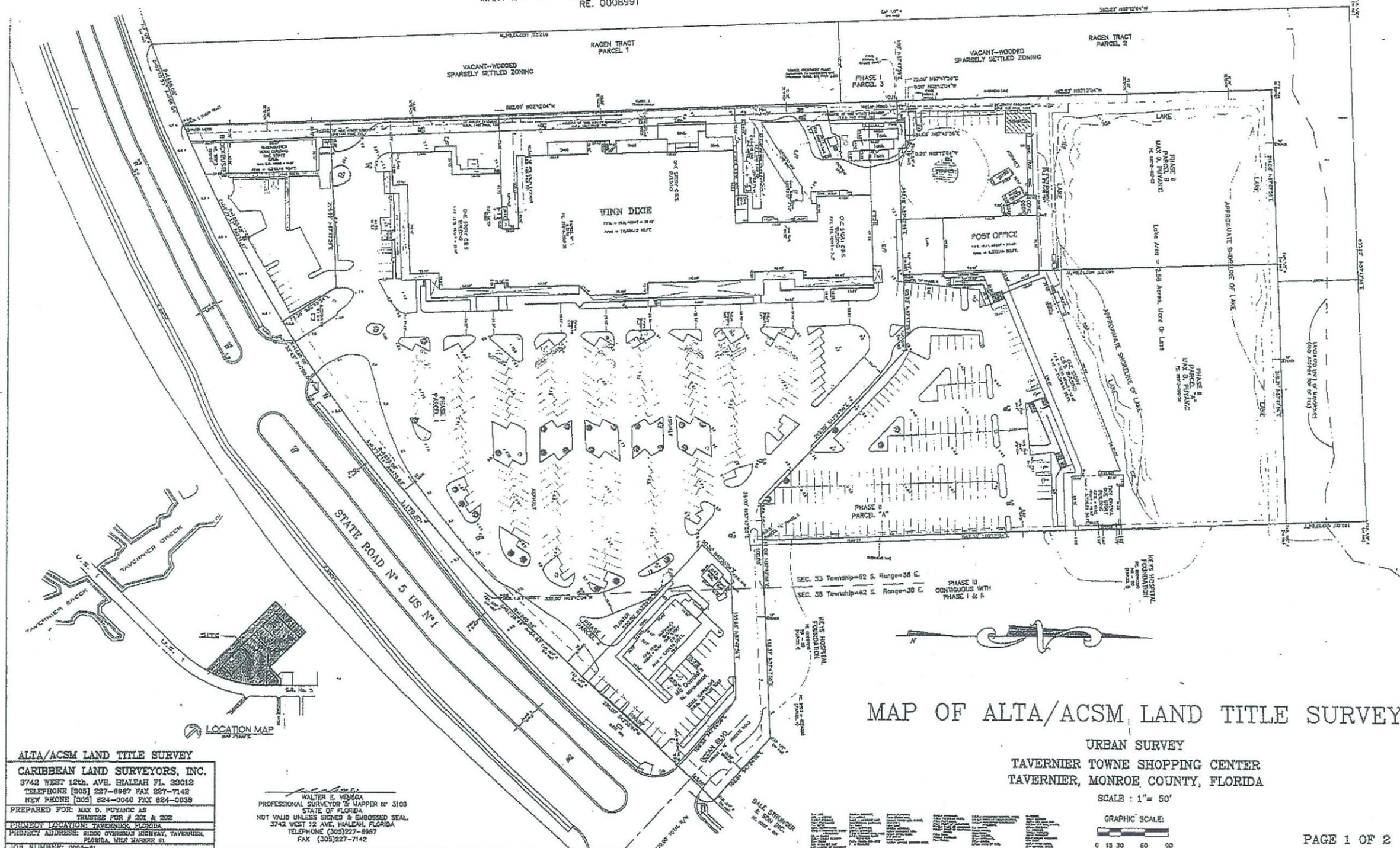
OCEAN BLVD

YIELD

US 1



MARY LOU RAGEN TRUSTEE & ROBERT G. RAGEN  
RE. 0008991



MAP OF ALTA/ACSM LAND TITLE SURVEY

URBAN SURVEY  
TAVERNIER TOWNE SHOPPING CENTER  
TAVERNIER, MONROE COUNTY, FLORIDA

SCALE: 1" = 50'



ALTA/ACSM LAND TITLE SURVEY  
CARIBBEAN LAND SURVEYORS, INC.  
3742 WEST 12th AVE. HIALEAH FL. 33012  
TELEPHONE (305) 227-8897 FAX 227-7142  
NEW PHONE (305) 824-0040 FAX 824-0039  
PREPARED FOR: MAX D. PUYANIC AS TRUSTEE FOR # 201 & 202  
PROJECT LOCATION: TAVERNIER, FLORIDA  
PROJECT ADDRESS: 5100 OVERSEAS HIGHWAY, TAVERNIER, FLORIDA, ZIP MARKER 81  
JOB NUMBER: 0055-01

WALTER E. VEJEDA  
PROFESSIONAL SURVEYOR & MAPPER No. 3103  
STATE OF FLORIDA  
NOT VALID UNLESS SIGNED & EMBOSSED SEAL  
3742 WEST 12 AVE, HIALEAH, FLORIDA  
TELEPHONE (305) 227-8897  
FAX (305) 227-7142

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

**DIVISION OF HOTELS AND RESTAURANTS  
2601 BLAIR STONE ROAD  
TALLAHASSEE FL 32399-1011**

850-487-1395

J DAO LLC  
J DAO SUSHI THAI  
91260 OVERSEAS HWY  
TAVERNIER FL 33070

Congratulations! With this license you become one of the nearly one million Floridians licensed by the Department of Business and Professional Regulation. Our professionals and businesses range from architects to yacht brokers, from boxers to barbeque restaurants, and they keep Florida's economy strong.

Every day we work to improve the way we do business in order to serve you better. For information about our services, please log onto [www.myfloridalicense.com](http://www.myfloridalicense.com). There you can find more information about our divisions and the regulations that impact you, subscribe to department newsletters and learn more about the Department's initiatives.

Our mission at the Department is: License Efficiently, Regulate Fairly. We constantly strive to serve you better so that you can serve your customers. Thank you for doing business in Florida, and congratulations on your new license!



DETACH HERE

RICK SCOTT, GOVERNOR

JONATHAN ZACHEM, SECRETARY

**STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION  
DIVISION OF HOTELS AND RESTAURANTS**

<b>LICENSE NUMBER</b>	
SEA5428338	NBR. OF SEATS: 60

The SEATING FOOD SERVICE (2010)  
Named below IS LICENSED  
Under the provisions of Chapter 509 FS.  
Expiration date: OCT 1, 2018



NON-TRANSFERABLE

J DAO LLC  
J DAO SUSHI THAI  
91260 OVERSEAS HWY  
TAVERNIER FL 33070



ISSUED: 11/08/2017

DISPLAY AS REQUIRED BY LAW

SEQ # L1711080000407

**Additional Information added to File 2018-020**

AGENT AUTHORIZATION FORM



Date of Authorization: 1 / 10 / 2018  
Month Day Year

I hereby authorize Thitari THONUBOI  
(Print Name of Agent)

representing Max D. Puyanic as Trustee for Trust #201  
(Print Name of Property Owner(s) the Applicant(s)) for the application submission

of Beer and wine consumption on Premises (2COP)  
(List the Name and Type of applications for the authorization)

for the Property described as: (if in metes and bounds, attach legal description on separate sheet)

See attached

Lot Block Subdivision Key (Island)

Real Estate (RE) Number Alternate Key Number

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

Authorized Agent Contact Information:

91260 OVERSEAS HWY. TAVERNIER FL, 33070  
Mailing Address (Street, City, State and Zip Code)

(3) 853-0664 (3) 484-2708 J-DAO 2018@yancoo.co  
Work Phone Home Phone Cell Phone Email Address

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purposes stated. The undersigned understands the risks and liabilities involved in the granting of this agency and accepts full responsibility for any and all of the actions of the agent named herein related to the processing of the services requested, application(s) and/or the acquisition of approvals/permits for the aforementioned applicant. The applicant(s) hereby indemnifies and holds harmless Monroe County, its officers, agents and employees for any damage to applicant caused by its agent or arising from this agency authorization.

Note: Agents must provide a notarized authorization from ALL current property owners.

Signature of Property Owner: [Signature]

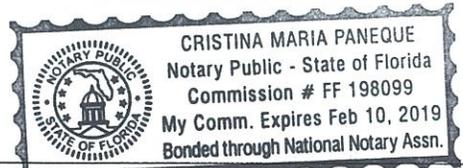
Printed Name of Property Owner: David Puyanic, Power of Attorney

STATE OF Florida COUNTY OF

Sworn to and subscribed before me this 10 day of January, 2018.

by David Puyanic, who is personally known to me OR produced  
(Print Name of Person Making Statement)

as identification.  
(Type of ID Produced)



Signature of Notary Public  
My commission expires:

Print, Type or Stamp Commissioned Name of Notary Public

BENNETT ROGER L  
PO BOX 601  
ISLAMORADA, FL 33036-0601-

BOALCH MARK D  
PO BOX 82  
TAVERNIER, FL 33070-0082-

BOARD OF TRUSTEES OF THE IITF  
3900 COMMONWEALTH BLVD , Unit  
MAIL STATION 115  
TALLAHASSEE, FL 32399-3000-

CHICO ENTERPRISES INC  
173 IROQUOIS ST  
TAVERNIER, FL 33070-2112-

CHP LLC  
PO BOX 678  
TAVERNIER, FL 33070-0678-

DALE STRINGER AND SON INC  
C/O CVS NO 3981-01/OCCUP EXP  
DEPT  
1 CVS DR  
WOONSOCKET, RI 02895-6195

DOT/ST.OF FL  
(STATE OF FLORIDA H/W)  
TALLAHASSEE, FL 32399-

FLORIDA KEYS ELECTRIC COOPERATIVE  
ASSOCIATION INC  
PO BOX 700377  
TAVERNIER, FL 33070-0377-

FORMAN ROBERT R AND JOYCE K  
1178 BRUNSON WAY  
THE VILLAGES, FL 32162-8725-

GORANSON MONICA R  
100 BROADWAY  
TAVERNIER, FL 33070-2550-

HARDING RALPH E AND FAYE E  
220 OCEAN BLVD  
TAVERNIER, FL 33070-2516-

HARTSING ROBERT A  
111 CORT LN  
TAVERNIER, FL 33070-3002-

HOOD RENTALS INC  
PO BOX 373006  
KEY LARGO, FL 33037-3006-

MARINERS HOSPITAL INC  
91500 OVERSEAS HWY  
TAVERNIER, FL 33070-2547-

MATHENY JOE D TRUSTEE  
355 INDIAN RIVER AVE  
TITUSVILLE, FL 32796-3574-

MONROE COUNTY COMPREHENSIVE  
PLAN LAND AUTHORITY  
1200 Truman AVE , Unit Ste 207  
Key West, FL 33040-7270

MURRAY STEPHEN R  
PO Box 646  
Islamorada, FL 33036-0646

NICHOLLS CHRISTINE  
PO BOX 584  
TAVERNIER, FL 33070-0584-

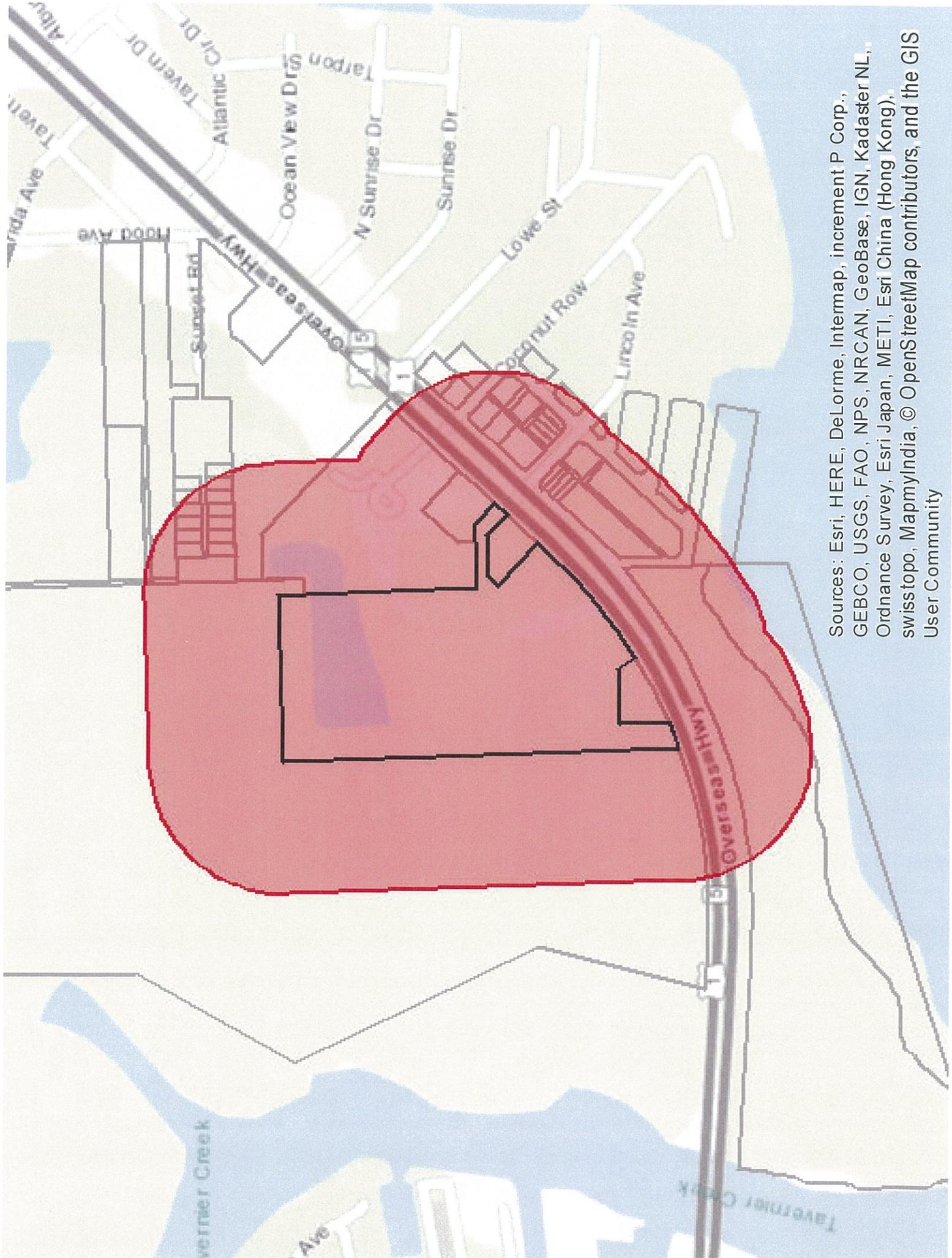
PUYANIC MAX D TRUSTEE FOR TRUST  
NO 201  
30 W MASHTA DR STE 400  
KEY BISCAVNE, FL 33149-2475-

RIGGS CHARLES D III T/C  
1804 PINE HILL DR  
SAFETY HARBOR, FL 34695-

SOUTHERNMOST VENTURES LLC  
7741 PALMETTO CT  
MIAMI, FL 33156-5201-

TAVERNIER MINI STORAGE INC  
PO BOX 373006  
KEY LARGO, FL 33037-3006-

TIITF  
C/O DEP , Unit MAIL STATION 115  
3900 COMMONWEALTH BLVD  
TALLAHASSEE, FL 32399



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

**End of Additional File 2018-020**



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

**To:** Monroe County Planning Commission  
**Through:** Emily Schemper, Acting Senior Director of Planning & Environmental Resources  
**From:** Devin Tolpin, Planner  
**Date:** May 4, 2018  
**Subject:** **Supplemental Memo to Staff Report dated April 6, 2018, regarding a request for a Sign Variance on property located at 27205 Overseas Highway, Ramrod Key, having Real Estate Number 00114030-000500, (File # 2018-026)**

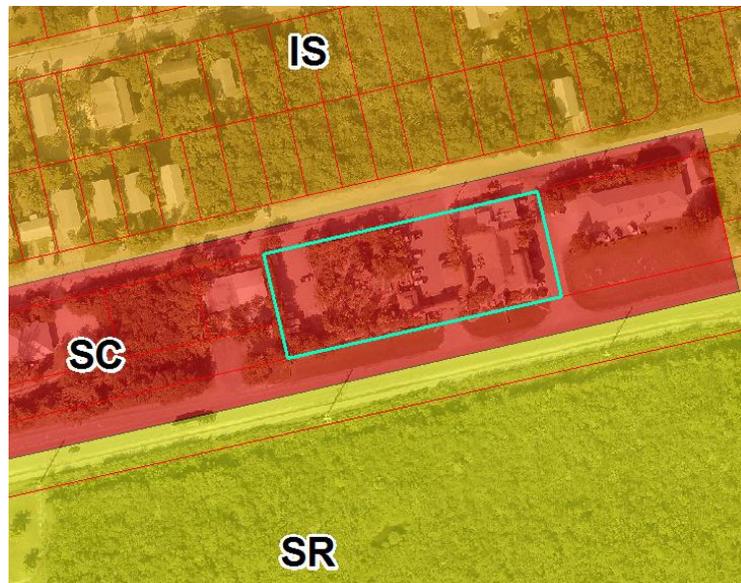
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**Meeting Date:** **May 30, 2018**

---

1 **I REQUEST:**

2 The applicant is requesting a Sign Variance to maximum sign allowances in Chapter 142 of the  
3 Monroe County Land Development Code (LDC). The sign variance is requested for an  
4 additional ground mounted sign to be located on the subject property. The additional sign is a  
5 double faced 232 square foot (116 square foot per face) ground mounted sign. The existing  
6 ground mounted sign will be modified to match the dimensions of the proposed sign (double  
7 faced 232 square foot sign, 116 square feet per face). The proposed variance would result in a  
8 total of two (2) ground mounted signs, one located at each entrance drive to serve each of the  
9 two uses on the site, with a total ground mounted sign face area of 464 square feet, fronting  
10 U.S.1., on the subject property, located at Boondocks Grille & Draft House, 27205 Overseas  
11 Highway, Ramrod Key.  
12  
13

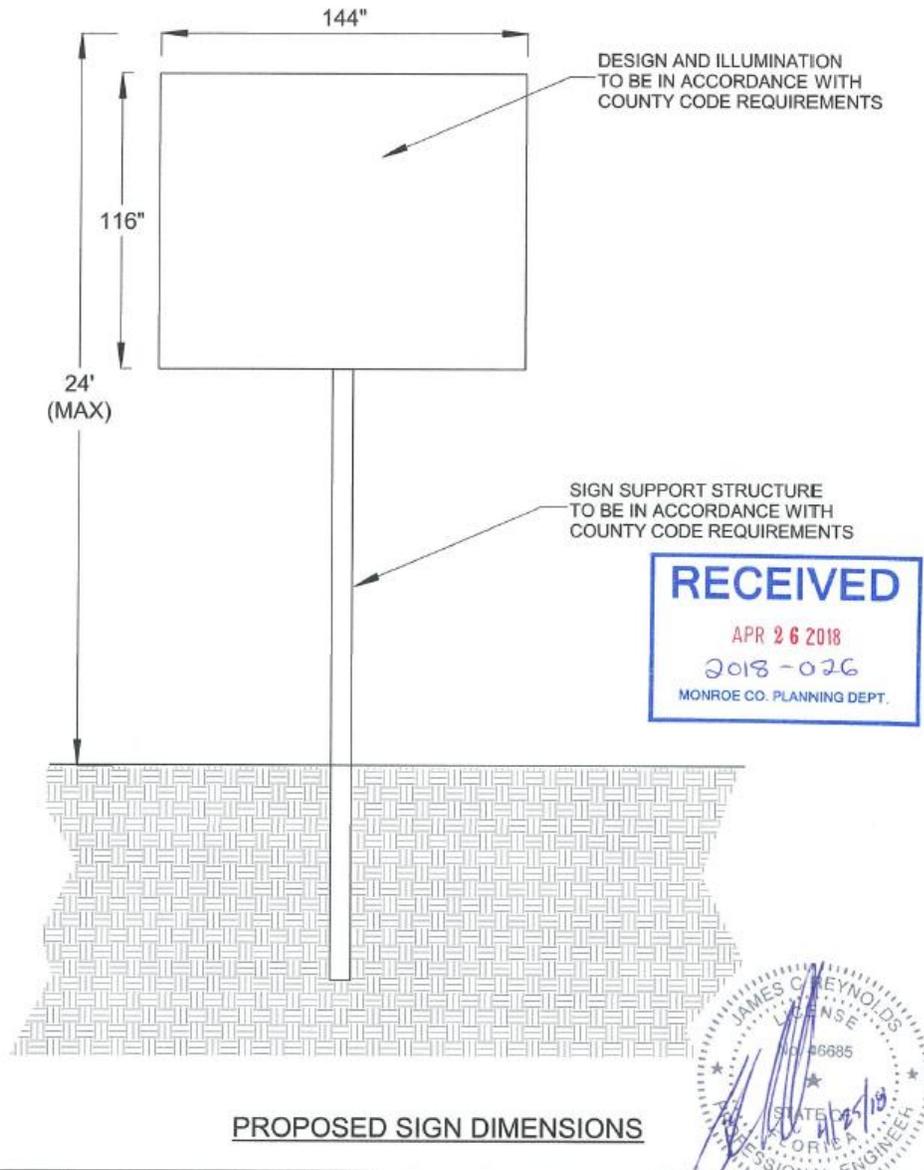


14 *Subject Property (outlined in blue) with Land Use (Zoning) Districts, 2015 Aerial*  
15

1 **ADDITIONAL INFORMATION:**

2 On February 7, 2018, the applicant submitted an application for the subject request for a Sign  
3 Variance to maximum sign allowances. The variance request was initially heard at the April  
4 25, 2018 Planning Commission hearing. At the hearing, it became clear that the intent of this  
5 application was to obtain a variance to maximum sign allowances only, without receiving  
6 approval for a specific sign. Staff was made aware that the sign labeled 'proposed sign' in the  
7 request for a sign variance application was not intended to be a representation of the actual  
8 proposed sign. The applicant requested a continuance to the May 30, 2018 meeting.  
9

10 On April 26, 2018 the applicant submitted a revised plan of the proposed ground mounted  
11 sign. A screenshot of the proposed sign is pictured below:  
12



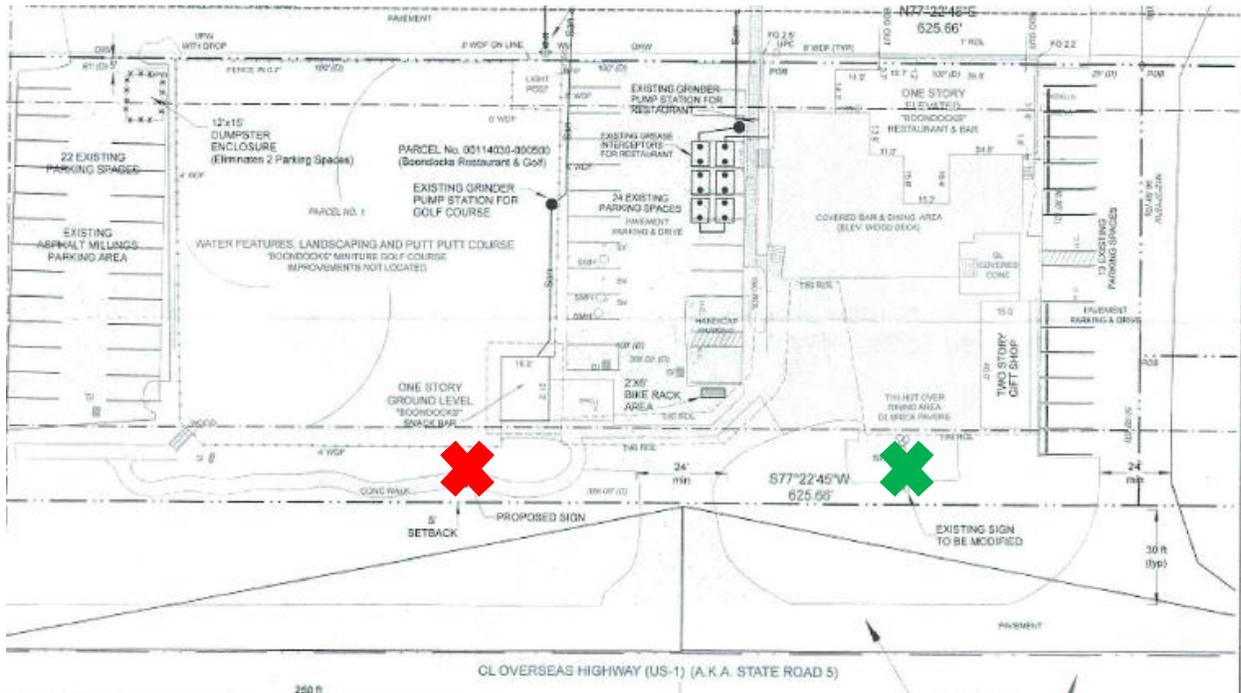
13  
14  
15

1 For reference, a photo of the existing ground mounted sign and the site plan indicating the location  
2 of the existing (green X) and proposed (red X) ground mounted signs are pictured below:  
3  
4



Existing ground mounted sign

5  
6  
7  
8



Proposed Site Plan

9  
10  
11

1 **II REVIEW OF APPLICATION:**

2 No changes have been made to the applicant's descriptions of how each of the standards  
3 necessary in order for approval of the requested variance are met, pursuant to LDC Section 142-  
4 6. No changes have been made to staff's review for compliance with these standards.

5  
6 Pursuant to LDC Section 142-2, *Ground-mounted sign* means any sign that is mounted on or  
7 supported by an upright or brace in or upon the ground, such upright or brace being directly  
8 attached in or upon the ground and independent of any other structure. Signs affixed to fences  
9 shall be considered ground-mounted signs.

10  
11 Pursuant to LDC Section 142-2, *Frontage, property* means the distance measured along a public  
12 or private right-of-way or easement including canals, shorelines and runways that affords  
13 vehicular access to the property between the points of intersection of the side lot lines with such  
14 right-of-way or easement. Where a street or highway is divided as occurs on Key Largo, a parcel  
15 of land in the median of the street or highway shall be considered to have a frontage on each  
16 side. All parcels that abut U.S.1 or County Road 905 shall be considered to have a frontage on  
17 such roads regardless of whether a curb cut exists. Also referred to as "property frontage."

18  
19 Pursuant to LDC Section 142-4(c)(1), within the Suburban Commercial (SC) Land Use District,  
20 every developed parcel of land with a commercial or other nonresidential use shall be allowed  
21 **one** illuminated or non-illuminated, ground-mounted sign of a height not more than 24 feet for  
22 each frontage as indicated in the following table:  
23

<i>Permitted Size of Nonresidential Signs per Property Frontage</i>		
<i>Street Frontage (Linear feet)</i>	<i>Maximum Area per Face (square feet)</i>	<i>Total Face Area (square feet)</i>
Frontage on U.S.1 or a frontage road adjacent to U.S.1		
1 ft. to 150 ft.	75 sq. ft.	150 sq. ft.
151 ft. to 300 ft.	100 sq. ft.	200 sq. ft.
Over 301 ft. or more	200 sq. ft.	400 sq. ft.

24  
25 Electric signs and illuminated signs shall be subject to the requirements and restrictions of the  
26 LDC.

27  
28 Pursuant to LDC Section 142-5(d)(4), Construction and Operation of signs:

- 29  
30 a. All electric signs shall require a permit and shall be Underwriter's Laboratory approved or  
31 certified by a sign electrician specialty contractor or master sign contractor, or an electrical  
32 contractor, that the sign meets the standards established by the National Electrical Code,  
33 current edition. All electric signs shall be erected and installed by an entity authorized to do  
34 so by Chapter 6 of the Monroe County Code, and shall be in conformance with the National  
35 Electrical Code, current edition. The provision of electrical power to a power source or  
36 connection of a sign to existing electrical service shall be by an entity authorized by Chapter  
37 6.  
38

- 1 b. Artificial light used to illuminate any sign from outside the boundaries of such sign shall be  
2 screened in a manner that prevents the light source from being visible from any right-of-way  
3 or adjacent property.  
4
- 5 c. Electronic message centers or automatic changing signs (ACS) shall comply with the  
6 following:
- 7 1. Lamps/bulbs in excess of nine (9) watts for incandescent bulbs (or its equivalent if CFL,  
8 LED, or other type of bulb) are prohibited in the ACS matrix;
  - 9 2. ACS lamps/bulbs shall be covered by lenses, filters, or sunscreens;
  - 10 3. ACS signs shall be equipped with an operational night dimming device; and
  - 11 4. Other than the scrolling of written messages or non-animated graphics, all operating modes  
12 that result in animation as defined in Section 142-3(b) are prohibited.

13 Pursuant to LDC Section 114-159, Outdoor Lighting:

14 No structure or land shall be developed, used or occupied unless all outdoor lighting conforms  
15 to the requirements of this article and the sea turtle protection provisions of Chapter 12, Article  
16 V, unless otherwise specified within this chapter [chapter 114].  
17  
18  
19  
20

21 **RECOMMENDATION:**

22 Staff recommends **APPROVAL** of the requested variance to maximum sign allowances, which  
23 would result in one (1) additional ground mounted sign on the subject property in the form of a  
24 double faced 232 square foot sign (116 square foot per face). The existing ground mounted sign  
25 will be modified to match the dimensions of the proposed sign (double faced 232 square foot  
26 sign, 116 square feet per face), which would result in a total of two (2) ground mounted signs,  
27 one located at each entrance drive to serve each of the two uses on the site, with a total ground  
28 mounted sign face area of 464 square feet, with the following conditions:  
29

- 30 1. The property owner must apply for and receive a building permit for the installation of the  
31 subject 232 square foot ground mounted sign.  
32
- 33 2. The property owner must apply for and receive a building permit for the proposed  
34 modifications to the existing ground mounted sign.  
35
- 36 3. This variance approval is based on the site plan by Jim Reynolds, PE dated 02/06/2018 and  
37 the sign dimension plan by Jim Reynolds, PE dated 4/25/2018 submitted with the Variance  
38 Application. Work not specified or deviations to the approved plans shall not be carried out  
39 without any required additional Planning & Environmental Resources Department approval.  
40
- 41 4. This variance approval does not waive or reduce any other sign allowances, nor waive the  
42 required sign allowances for any future development.  
43  
44  
45

- 1 III PLANS REVIEWED:
- 2 A. Site Plan by Jim Reynolds, PE dated 02/06/2018
- 3 B. Sign Dimension Plan by Jim Reynolds, PE dated 4/25/2018
- 4



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

**To:** Monroe County Planning Commission

**Through:** Emily Schemper, Acting Senior Director of Planning & Environmental Resources

**From:** Devin Tolpin, Planner

**Date:** April 17, 2018

**Subject:** **Supplemental Memo to Staff Report dated April 6, 2018**, regarding a request for a Sign Variance on property located at 27205 Overseas Highway, Ramrod Key, having Real Estate Number 00114030-000500, (File # 2018-026)

---

**Meeting Date:** April 25, 2018

---

1 Please note that following communication with the applicant, the subject sign of this  
2 Variance is proposed to be an illuminated ground mounted sign. All references to a non-  
3 illuminated sign within the staff report should be disregarded. The illuminated aspects of  
4 the proposed ground mounted sign shall be subject to the requirements and restrictions of  
5 the Monroe County Land Development Code and will be reviewed for compliance prior to  
6 issuance of a building permit.



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

**To:** Monroe County Planning Commission  
**Through:** Emily Schemper, Acting Senior Director of Planning & Environmental Resources  
**From:** Devin Tolpin, Planner  
**Date:** April 6, 2018  
**Subject:** *Request for a Sign Variance on property located at 27205 Overseas Highway, Ramrod Key, having Real Estate Number 00114030-000500, (File # 2018-026)*

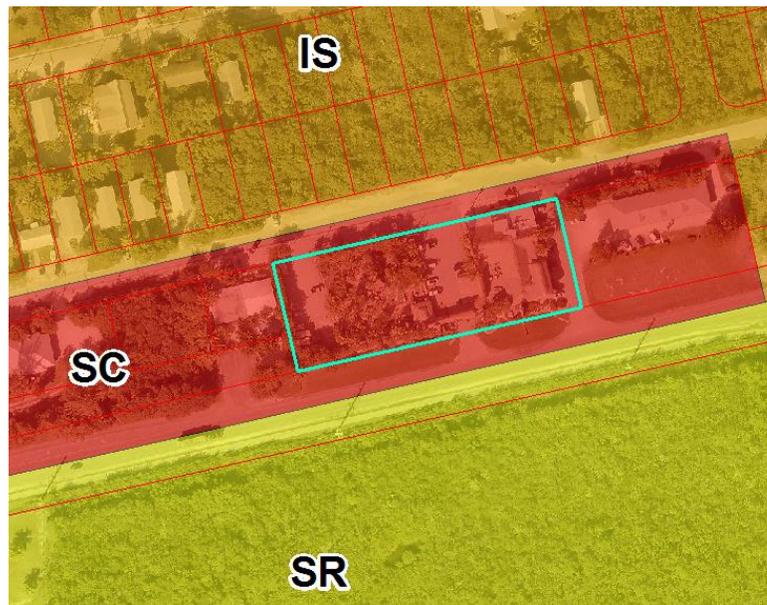
---

**Meeting Date:** April 25, 2018

---

1 **I REQUEST:**

2 The applicant is requesting a Sign Variance to maximum sign allowances in Chapter 142 of  
3 the Monroe County Land Development Code (LDC). The sign variance is requested for an  
4 additional ground mounted sign to be located on the subject property. The additional sign is a  
5 double faced 232 square foot (116 square foot per face) non-illuminated ground mounted sign.  
6 The existing ground mounted sign will be modified to match the dimensions of the proposed  
7 sign (double faced 232 square foot sign, 116 square feet per face). The proposed variance  
8 would result in a total of two (2) ground mounted signs with a total ground mounted sign face  
9 area of 464 square feet, fronting U.S.1., on the subject property, located at Boondocks Grille &  
10 Draft House, 27205 Overseas Highway, Ramrod Key.



13  
14 *Subject Property (outlined in blue) with Land Use (Zoning) Districts, 2015 Aerial*

1  
2 **II BACKGROUND INFORMATION:**  
3

4 **Location/Address:** 27205 Overseas Highway, Ramrod Key, Mile Marker 27.2

5 **Legal Description:** Parcels of land in Sections 29 and 32, Township 66 South, Range 29 East,  
6 Ramrod Key, Monroe County, Florida (legal description in metes and bounds is provided in  
7 the application/file)

8 **Real Estate (RE) Numbers:** 00114030-000500

9 **Property Owner/Applicant:** L.J. Gator, L.C. dba Boondocks Grille & Draft House &  
10 Miniature Golf

11 **Agent:** Jim Reynolds

12 **Size of Site:** 56,743 square feet per Monroe County Property Appraiser (MCPA)

13 **Land Use District:** Suburban Commercial (SC)

14 **Future Land Use Map (FLUM) Designation:** Mixed Use/Commercial (MC)

15 **Tier Designation:** III Infill Area

16 **Flood Zone:** AE-7

17 **Existing Use:** Mixed Use – Restaurant, Commercial Recreation

18 **Existing Vegetation/Habitat:** Scarified

19 **Community Character of Immediate Vicinity:** Commercial, Residential, Undeveloped Land  
20

21 **III RELEVANT PRIOR COUNTY ACTIONS:**  
22

23 On January 14, 1991 a building permit was issued (permit# 91102026) to construct a single  
24 325 square foot sign to be located on the front of the property. A site plan could not be located  
25 for this building permit.  
26

27 On July 18, 1991, the Planning Commission adopted Resolution No. 24-91 for approval of a  
28 2COP (beer and wine, on premises and package) alcoholic beverage use permit for the existing  
29 restaurant on the subject property.  
30

31 On March 19, 2002, a building permit was issued (permit# 02101077) for the installation of a  
32 218 square foot ground mounted sign to be located on the subject property for the restaurant  
33 known as Boondocks. According to the plan submitted, this sign was permitted to have a  
34 maximum height of 18 feet. It appears that this is the original permit for the existing ground  
35 mounted sign.  
36

37 On March 18, 2005, the Planning Director approved Development Order No. 01-05 approving  
38 an amendment to a deemed Minor CUP submitted by L.J. Gators, LLC for the construction of  
39 a miniature 18 hole golf course and a 300-square-foot golf equipment building and the  
40 construction of a gravel parking area.  
41

42 On September 12, 2006, the Planning Director approved a Minor Deviation to the Minor CUP  
43 for the construction of a covered walkway between the restaurant and the golf building and for  
44 ADA improvements.  
45

1 On May 24, 2007, the Planning Director approved a Minor Deviation to the Minor CUP to  
2 expand the restaurant, outdoor seating area and ADA improvements.

3  
4 On July 23, 2007, the Planning Director approved a Minor Deviation to the Minor CUP to  
5 expand the restaurant, outdoor seating area and ADA improvements.

6  
7 On September 13, 2007, the Planning Commission adopted Resolution No. P45-07 approving  
8 a Nonresidential Rate of Growth Ordinance (NROGO) allocation award for the 2,500-square-  
9 foot expansion of the restaurant.

10  
11 On October 21, 2017, The Planning Director approved a request for a Minor CUP for the  
12 proposed increase in restaurant seating and new parking lot on the adjacent parcel.

13  
14 On July 10, 2017, a building permit was issued (permit# 17102756) for the construction of a  
15 single 22 square foot wall mounted sign to be located above the entrance way of Boondocks  
16 Restaurant.

17  
18 **IV REVIEW OF APPLICATION:**

19  
20 Pursuant to LDC Section 142-2, *Ground-mounted sign* means any sign that is mounted on or  
21 supported by an upright or brace in or upon the ground, such upright or brace being directly  
22 attached in or upon the ground and independent of any other structure. Signs affixed to fences  
23 shall be considered ground-mounted signs.

24  
25 Pursuant to LDC Section 142-2, *Frontage, property* means the distance measured along a  
26 public or private right-of-way or easement including canals, shorelines and runways that  
27 affords vehicular access to the property between the points of intersection of the side lot lines  
28 with such right-of-way or easement. Where a street or highway is divided as occurs on Key  
29 Largo, a parcel of land in the median of the street or highway shall be considered to have a  
30 frontage on each side. All parcels that abut U.S.1 or County Road 905 shall be considered to  
31 have a frontage on such roads regardless of whether a curb cut exists. Also referred to as  
32 "property frontage."

33  
34 Pursuant to LDC Section 142-4(c)(1), within the Suburban Commercial (SC) Land Use  
35 District, every developed parcel of land with a commercial or other nonresidential use shall be  
36 allowed **one** illuminated or non-illuminated, ground-mounted sign of a height not more than  
37 24 feet for each frontage as indicated in the following table:

38

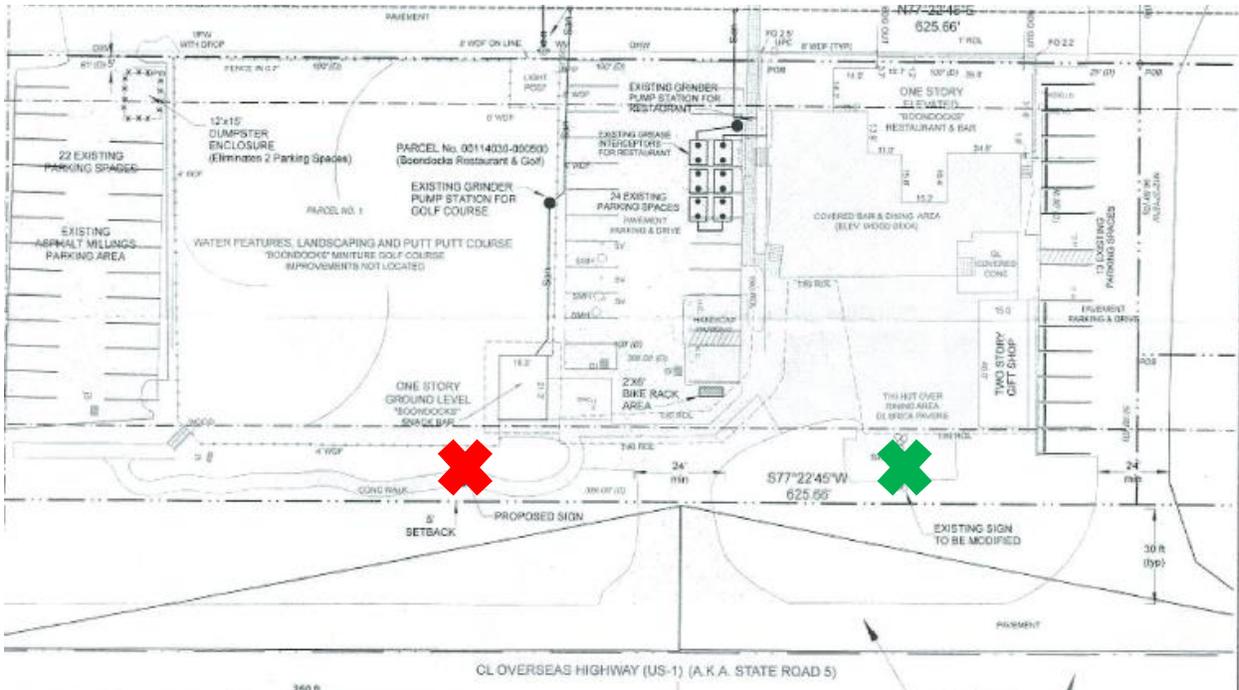
<i>Permitted Size of Nonresidential Signs per Property Frontage</i>		
<i>Street Frontage (Linear feet)</i>	<i>Maximum Area per Face (square feet)</i>	<i>Total Face Area (square feet)</i>
Frontage on U.S.1 or a frontage road adjacent to U.S.1		
1 ft. to 150 ft.	75 sq. ft.	150 sq. ft.
151 ft. to 300 ft.	100 sq. ft.	200 sq. ft.
Over 301 ft. or more	200 sq. ft.	400 sq. ft.

39

Pursuant to LDC Section 142-6(c), the Planning Commission is authorized to grant variances to LDC Chapter 142, Signs.

The applicant is requesting approval of a variance to maximum sign allowances set forth in LDC Chapter 142 in order to install an additional ground mounted sign in the form of a double faced 232 square foot (116 square foot per face) non-illuminated sign located on the subject property. The existing ground mounted sign will be modified to match the dimensions of the proposed sign (double faced 232 square foot sign, 116 square feet per face). The proposed variance would result in a total of two (2) ground mounted signs with a total ground mounted sign face area of 464 square feet, fronting U.S.1., on the subject property. The subject property also has a single 22 square foot wall mounted sign fronting a private roadway.

The site plan indicating the location of the existing (green X) and proposed (red X) ground mounted signs is pictured below:

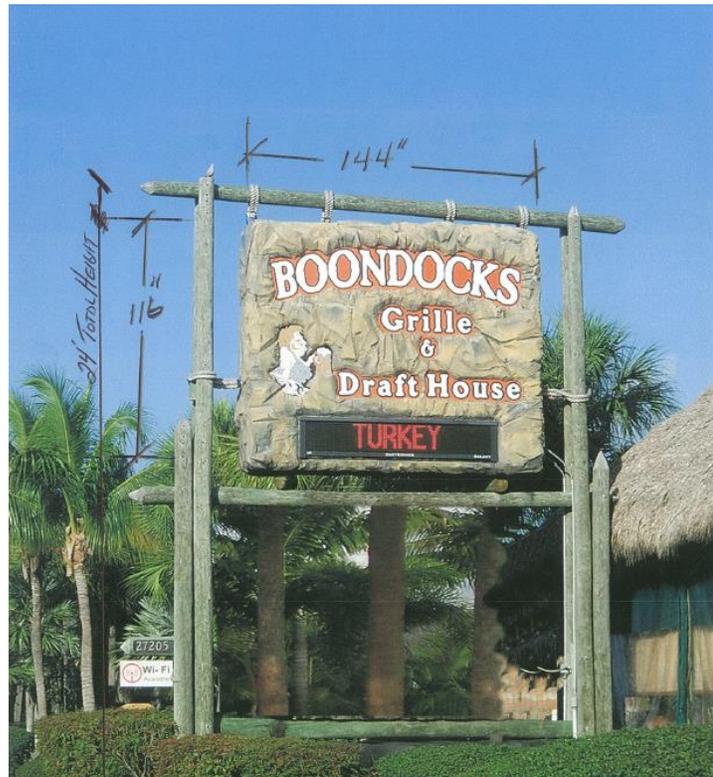


The existing and proposed ground mounted signs are pictured below:



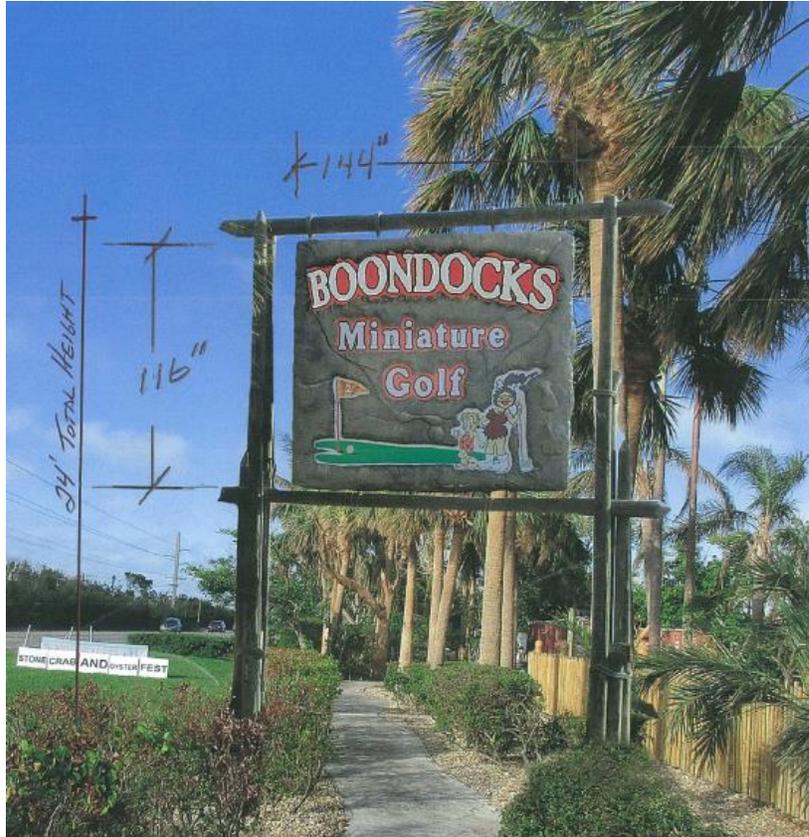
*Existing ground mounted sign*

1  
2  
3  
4



*Proposed modification of existing ground mounted sign*

5  
6  
7



***Proposed ground mounted sign***

Pursuant to LDC Section 142-6, a variance may only be granted if the applicant demonstrates that all of the following standards are met:

- a. *The literal interpretation and strict application of the signage provision and requirements of the code would cause undue and unnecessary hardship to the sign owner because of unique or unusual conditions pertaining to the specific building or parcel in question:*

The applicant states, "Two separate signs at each driveway of the two separate and distinct uses would promote safer traffic flow from the highway by clearly identifying the entrance to each one."

The mixed use site is situated along U.S.1 with approximately 386 linear feet of property frontage with two access drives. According to LDC Section 142-4(c)(1), the site is permitted a single illuminated or non-illuminated ground mounted sign with a maximum total face area of 400 square feet. Approval of this variance would result in the approval of a second ground mounted sign located approximately 145 feet from the existing ground mounted sign. Mixed use developments are not unusual within the county, but the diversity of the permitted uses (restaurant and commercial recreation) located on the same subject property is unusual. Strict application of the sign code limiting the subject property to a single ground-mounted sign would cause an undue and unnecessary hardship to the use of the building/structure in question because of the diverse nature of the two uses on site and

1 would not allow for improved business identification nor make it easier for the public to  
2 locate and identify their final destination on the subject property.

3  
4 IN COMPLIANCE

- 5  
6 b. *The granting of this variance would not be materially detrimental to the property owners  
7 in the immediate vicinity:*

8  
9 The applicant states, “Granting of the variance for a 2<sup>nd</sup> ground mounted sign would not  
10 increase traffic, nor would a 2<sup>nd</sup> sign adversely affect line of site to neighboring properties  
11 from the highway. Therefore, no materially detrimental effects to the owners in the  
12 immediate vicinity is anticipated.”

13  
14 Staff does not anticipate that granting the requested variance would be materially  
15 detrimental to the property owners in the immediate vicinity.

16  
17 IN COMPLIANCE

- 18  
19 c. *The unusual conditions applying to the specific property do not apply generally to other  
20 properties in the county:*

21  
22 The applicant states, “There are no other multi-use properties configured as this property  
23 is. It is a unique property in the County.”

24  
25 Mixed use developments are not unusual within the county, but the diversity of the  
26 permitted uses (restaurant and commercial recreation) located on the same subject property  
27 is unusual. The subject property is a 56,743 square foot mixed-use development composed  
28 of a restaurant and a miniature golf course that would each benefit from identifying  
29 signage. The property consists of 386 linear ft. of frontage along US1 with two access  
30 drives, one designated for each use of the property. Generally, parcels along US1 have a  
31 single access drive that would lead to a single principal structure or use of the property.  
32 The two driveways along US1 that direct access to each of the two uses of the subject  
33 property is an unusual condition that generally doesn’t apply to other properties in the  
34 County.

35  
36 IN COMPLIANCE

- 37  
38 d. *The granting of the variance will not be contrary to the general objective of the sign code  
39 of the moderating size, number, and obtrusive placement of signs and the reduction of  
40 clutter:*

41  
42 The applicant states, “Due to the relative large size of the parcel and highway frontage, the  
43 minimal increase in sign area is not contrary to the general objective of the sign code and  
44 will promote safer traffic flow from the highway”

45  
46 Pursuant to LDC Section 142-1, The purposes and intent of this chapter [Chapter 142,  
47 SIGNS], are to:

- 1 (4) Encourage signs that help to visually organize the activities of the county, and
- 2 lend order and meaning to business identification and make it easier for the public
- 3 to locate and identify their destinations;
- 4
- 5 (5) Regulate the size, number and location of signs so that their purpose can be
- 6 served without unduly interfering with motorists and causing unsafe conditions;
- 7
- 8 (8) Authorize the use of signs in commercial and industrial areas that are:
- 9 a. Compatible with their surroundings;
- 10 b. Appropriate to the type of activity to which they pertain;
- 11 c. An expression of the identity of the individual proprietors and the
- 12 community as a whole; and
- 13 d. Large enough to sufficiently convey a message about the owners or
- 14 occupants of a particular premises, the commodities, products or devices
- 15 available on such premises, or the business activities conducted on such
- 16 premises, yet small enough to prevent excessive, overpowering advertising
- 17 which would have a detrimental effect on the character and appearance of
- 18 commercial and industrial areas, or which could unduly distract the
- 19 motoring public, causing unsafe motoring conditions;
- 20

21 Based on the purposes and intent of Chapter 142 of the LDC, staff does not anticipate that

22 granting the requested variance would be contrary to the general objective of the sign code

23 of the moderating size, number, and obtrusive placement of signs and the reduction of

24 clutter.

25

26 IN COMPLIANCE

27

- 28 e. *The variance is not requested solely on the basis of economic hardship of the sign user:*
- 29

30 The applicant states, “The requested variance is not due at all on the basis of economic

31 hardship of the sign user, but will help promote safer access from the highway”

32

33 The applicant did not request the variance solely on the basis of economic hardship of the

34 sign user.

35

36 IN COMPLIANCE

37

- 38 f. *The variance shall be the minimum necessary to provide relief to the applicant:*
- 39

40 The applicant states, “The applicant only requests one additional sign for the 2<sup>nd</sup> use on the

41 premises with a minimal increase in sign face area (32 sf.)”

42

43 It should be noted that in lieu of the requested sign variance, pursuant to LDC Section 142-

44 4(c)(1)(i), every developed parcel of land with greater than one commercial or other

45 nonresidential use shall be allowed additional ground-mounted signage area if granted

46 Administrative Variance as outlined in Section 142-6. Pursuant to LDC Section 142-6(b)

47 The Planning Director is authorized to grant administrative variances to the maximum area

1 per face requirements set forth in Section 142-4(c)(1)i. for ground-mounted signs that  
2 accommodate more than a single user (i.e. tenant, business, organization).  
3

4 Pursuing an Administrative Variance would result in only a single ground mounted sign  
5 with a larger face area, which would not provide the relief the applicant is requesting.  
6 Concerning the proposed development, staff finds that the requested variance is the  
7 minimum necessary to provide relief to the applicant.  
8

9 **IN COMPLIANCE**

10  
11 g. *The variance shall not permit a sign expressly prohibited in section 142-3(b):*  
12

13 The applicant did not describe how this standard would be met.  
14

15 Staff has determined that the variance, if approved, will not permit a sign expressly  
16 prohibited in LDC Section 142-3(b).  
17

18 **IN COMPLIANCE**  
19  
20  
21

22 **V RECOMMENDATION:**  
23

24 Staff recommends **APPROVAL** of the requested variance to maximum sign allowances,  
25 which would result in one (1) additional ground mounted sign on the subject property in the  
26 form of a double faced 232 square foot (116 square foot per face) non-illuminated ground  
27 mounted sign. The existing ground mounted sign will be modified to match the dimensions of  
28 the proposed sign (double faced 232 square foot sign, 116 square feet per face), which would  
29 result in a total of two (2) ground mounted signs with a total ground mounted sign face area of  
30 464 square feet, with the following conditions:  
31

- 32 1. The property owner must apply for and receive a building permit for the installation of the  
33 subject 232 square foot ground mounted sign.  
34
- 35 2. The property owner must apply for and receive a building permit for the proposed  
36 modifications to the existing ground mounted sign.  
37
- 38 3. This variance approval is based on the site plan by Jim Reynolds, PE dated 02/06/2018,  
39 submitted with the Variance Application. Work not specified or deviations to the approved  
40 plans shall not be carried out without any required additional Planning & Environmental  
41 Resources Department approval.  
42
- 43 4. This variance approval does not waive or reduce any other sign allowances, nor waive the  
44 required sign allowances for any future development.  
45

46 **VI PLANS REVIEWED:**

- 47 A. Site Plan by Jim Reynolds, PE dated 02/06/2018

**File #:** 2018-026

**Owner's Name:** L.J. Gator, L.C.

**Applicant:** Reynold Engineering Services, Inc.

**Agent:** Jim Reynolds

**Type of Application:** Sign Variance

**Key:** Ramrod Key

**RE:** 00114030.000500

# County of Monroe

**Planning & Environmental Resources  
Department**

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



**Board of County Commissioners**

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

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

Date: 02.07.2018

Dear Applicant:

This is to acknowledge submittal of your application for Sign Variance  
Type of application

L.J. Gator, L.C to the Monroe County Planning Department.  
Project / Name

Agent: Jim Reynolds

Thank you.

Hejira

Planning Staff



APPLICATION

Land Use District Designation(s): SC

Present Land Use of the Property: Restaurant and Miniature Golf Amusement Park

Please describe why a variance to the sign regulations set forth in the Monroe County Code is required:

The developed parcel has 386' of highway frontage with two separate and distinct uses; a restaurant and a miniature golf amusement area. Each Use has its own driveway. Presently the two Uses are served with one ground mounted sign in front of the restaurant with a total area of 196 sf per face.

The Applicant desires to erect one additional ground mounted sign. There will then be one sign at each driveway of the different uses to clearly direct traffic to one use or the other and increase safety and traffic flow. Each sign will be 116 sf for a total of 232 sf which is an increase of 32 sf above the 200 sf allowed in the code. County code section 142-4(c)(1)a provides for one ground mounted sign of a height not to exceed 24 feet for each frontage. Section 142-4(c)(1)i provides that every developed parcel of land with greater than one commercial use shall be allowed additional ground mounted signage area if granted an administrative variance.

**A variance will be granted only if all of the following criteria are met. Please describe how each standard will be met:**

- 1. The literal interpretation and strict application of the signage provision and requirements of the code would cause undue and unnecessary hardship to the sign owner because of unique or unusual conditions pertaining to the specific building or parcel or property in question:

Two separate signs at each driveway of the the two separate and distinct uses would promote safer traffic flow from the highway by clearly identifying the entrance to each one.

- 2. The granting of this variance would not be materially detrimental to the property owners in the immediate vicinity:

Granting of the variance for a 2nd ground mounted sign would not increase traffic, nor would a 2nd sign adversely affect line of site to neighboring properties from the highway. Therefore, no materially detrimental affects to the owners in the immediate vicinity is anticipated.

- 3. The unusual conditions applying to the specific property do not apply generally to other properties in the county:

There are no other multi-use properties configured as this property is. It is a unique property in the County.

- 4. The granting of the variance will not be contrary to the general objective of the sign code of moderating the size, number and obtrusive placement of signs and the reduction of clutter:

Due to the relative large size of the parcel and highway frontage, the minimal increase in sign area is not contrary to the general objective of the sign code and will promote safer traffic flow from the highway.

APPLICATION

5. The variance is not requested solely on the basis of economic hardship of the sign user:

The requested variance is not due at all on the basis of economic hardship of the sign user, but will help promote safer access from the highway.

6. The variance shall be the minimum necessary to provide relief to the applicant:

The applicant only requests one additional sign for the 2nd Use on the premises with a minimal increase in sign face area (32 sf).

7. The variance shall not permit a sign expressly prohibited in section 142-3(b).

**All of the following items must be included in order to have a complete application submission:**

(Please check the box as each required item is attached to the application.)

- Complete variance application (unaltered and unbound)
- Correct fee (check or money order payable to *Monroe County Planning & Environmental Resources*)
- Proof of ownership (i.e., Warranty Deed)
- Current Property Record Card(s) from the Monroe County Property Appraiser
- Location map
- Photograph(s) of site from adjacent roadway(s)
- Photograph(s) of all existing signage
- Site Plan (drawn to a scale of 1 inch equals 20 feet, except where impractical and the Director of Planning authorizes a different scale)
- Detail of Sign(s) including:
  - Dimensional measurements of sign area (length, width and height)
  - Total height of structure (vertical distance measured from the top of the structure to the finished ground elevation of the site at the base of the sign)
  - Location of sign (distance from property lines/drives for ground-mounted and position on building for wall-mounted)
  - All text and images to be shown on sign (drawn to scale to illustrate the sign face)
- Typed name and address mailing labels of all property owners within a 600 radius of the property. This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 600 foot radius, each unit owner must be included.

**If applicable, the following items must be included in order to have a complete application submission:**

- Notarized Agent Authorization Letter

APPLICATION

Is there a pending code enforcement proceeding involving all or a portion of this property?

Yes  No Code Case file # \_\_\_\_\_ Describe the enforcement proceedings and if this application is being submitted to correct the violation: \_\_\_\_\_

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

\* \* \* \* \*

The applicant/owner hereby acknowledges and agrees that any staff discussions or negotiations about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

By signing this application, the owner of the subject property authorizes the Monroe County Planning & Environmental Resources staff to conduct all necessary site visits and inspections on the subject property.

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

Signature of Applicant: [Signature] Date: 1/29/18

STATE OF Florida

COUNTY OF Monroe

Sworn to and subscribed before me this 29<sup>th</sup> day of January, 2018,

by Larry Gardner, who is personally known to me OR produced  
(PRINT NAME OF PERSON MAKING STATEMENT)

\_\_\_\_\_ as identification.  
(TYPE OF ID PRODUCED)

[Signature]  
Signature of Notary Public, State of Florida



JoAnn Sipes

Print, Type or Stamp Commissioned Name of Notary Public  
My commission expires:

Send complete application package to:

Monroe County Planning & Environmental Resources Department  
Marathon Government Center  
2798 Overseas Highway, Suite 400  
Marathon, FL 33050

AGENT AUTHORIZATION FORM

Date of Authorization: 2 / 6 / 2018
Month Day Year

I hereby authorize James Reynolds, PE be listed as authorized agent
(Print Name of Agent)

representing L.J. Gators, L.C. for the application submission
(Print Name of Property Owner(s) the Applicant(s))

of Sign Varinace Application to the Monroe County Planning Commission
(List the Name and Type of applications for the authorization)

for the Property described as: (if in metes and bounds, attach legal description on separate sheet)

4 & 5 Ramrod Key PT Ramrod
Lot Block Subdivision Key (Island)
00114030-000-500 1143898
Real Estate (RE) Number Alternate Key Number
27205 Overseas Hwy, Ramrod Key, Fl. 33042 27
Street Address (Street, City, State & Zip Code) Approximate Mile Marker

Authorized Agent Contact Information:

22972 Overseas Hwy, Cudjoe key, Fl. 33042

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

305-745-1200 305-394-5987 Jim@Reynoldsenineeringservices.com
Work Phone Home Phone Cell Phone Email Address

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purposes stated. The undersigned understands the risks and liabilities involved in the granting of this agency and accepts full responsibility for any and all of the actions of the agent named herein related to the processing of the services requested, application(s) and/or the acquisition of approvals/permits for the aforementioned applicant. The applicant(s) hereby indemnifies and holds harmless Monroe County, its officers, agents and employees for any damage to applicant caused by its agent or arising from this agency authorization.

Note: Agents must provide a notarized authorization from ALL current property owners.

Signature of Property Owner: [Handwritten Signature]

Printed Name of Property Owner: Lanny Gardner

STATE OF Florida COUNTY OF Monroe

Sworn to and subscribed before me this 6th day of Feb, 2018,

by Lanny Gardner, who is personally known to me OR produced
(Print Name of Person Making Statement)

Drivers License as identification.
(Print Name of Person Making Statement)

Signature of Notary Public Teron Smith Type or Stamp Commissioned Name of Notary Public

My commission expires:



600 WHITEHEAD STREET, 2ND FLOOR  
KEY WEST, FLORIDA 33040

DEED DOC STAMPS 4637.50  
11/27/2001 *RP* DEP CLK

Property Appraisers Parcel Identification (Folio) Numbers:

**00114030-000500-296629**

Grantee SS #:

SPACE ABOVE THIS LINE FOR RECORDING DATA

**THIS WARRANTY DEED**, made the **15th** day of **November, A.D. 2001** by **TREASURE BAY, INC.** herein called the grantor, whose post office address is **1758 PINE CHANNEL DR., LITTLE TORCH KEY, FL. 33042**, to **L.J. GATORS, L.C.** whose post office address is **3389 SHERIDAN ST. # 105, HOLLYWOOD, FL. 33021**, hereinafter called the Grantee:

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

**WITNESSETH:** That the grantor, for and in consideration of the sum of **TEN AND 00/100'S (\$10.00)** Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in **MONROE County, State of Florida**, viz:

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF**

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

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

**AND**, the grantor hereby covenants with said grantee that the grantor is/are lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2000.

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

Signed, sealed and delivered in the presence of:

Signature *[Handwritten Signature]*  
Printed Signature Jillie Spottswood  
Signature *[Handwritten Signature]*  
Printed Signature ERICA N. HUGHES

**TREASURE BAY, INC.**

By: *[Handwritten Signature]*  
JERRY GRAY, President

**STATE OF FLORIDA  
COUNTY OF MONROE**

The foregoing instrument was acknowledged before me this **15th** day of **November, 2001** by **JERRY GRAY**, President of **TREASURE BAY, INC.** on behalf of the corporation. He/she is personally known to me or has produced 7/2 as identification.

**SEAL**

*[Handwritten Signature]*  
Notary Signature ERICA T. GARRICK  
Printed Notary Signature

My Commission Expires:



## EXHIBIT "A"

A parcel land on Ramrod Key, Monroe County, Florida, being more particularly described by metes and bounds as follows: COMMENCE at the intersection of the Easterly right of way boundary line of Coral Avenue as shown on Plat Book 4, page 161, in the Public Records of Monroe County, Florida, with the Southerly right of way boundary line of Old State Road 4-A and run thence Easterly along the said Southerly line of State Road 4-A a distance of 710.97 feet to the Point of Beginning; thence continue Easterly along the said Southerly line a distance of 100 feet to a point; thence Southerly at right angles 96.5 feet to a point on the Northerly right of way boundary line of US Highway No. 1; thence Westerly at right angles along the said Northerly line of US Highway No. 1 a distance of 100 feet to a Point; thence Northerly at right angles 96.5 feet, back to the Point of Beginning. (Also known as Parcel No. 5. US Highway # 1, Ramrod Key, Florida.)

### AND THE WESTERLY 25 FEET OF A PARCEL OF LAND DESCRIBED AS FOLLOWS:

A parcel of land on Ramrod Key, Monroe County, Florida, being more particularly described by metes and bounds as follows: COMMENCE at the intersection of the Easterly right of way boundary line of Coral Avenue as shown on Plat Book 4, page 161, in the Public Records of Monroe County, Florida, with the Southerly right of way boundary line of Old State Road 4-A and run thence Easterly along the said Southerly line of State Road 4-A a distance of 810.97 feet to the Point of Beginning; thence continue Easterly along the said Southerly line a distance of 100 feet to a Point; thence Southerly at right angles 96.5 feet to a Point on the Northerly right of way boundary line of US Highway No. 1; thence Westerly at right angles along the said Northerly line of US Highway No. 1; a distance of 100 feet to a point; thence Northerly at right angles 96.5 feet, back to the Point of Beginning. (Also known as Parcel #6, US Highway #1, Ramrod Key, Florida.)

### AND ALSO:

A parcel land on Ramrod Key, Monroe County, Florida, being more particularly described by metes and bounds as follows: COMMENCE at the intersection of the Easterly right of way boundary line of Coral Avenue as shown on Plat Book 4, page 161 of the Public Records of Monroe County, Florida, with the Southerly right of way boundary line of Old State Road 4-A and run thence Easterly along the said Southerly line of State Road 4-A a distance of 610.97 feet to the Point of Beginning; thence continue Easterly along the said Southerly line a distance of 100 feet to a point; thence Southerly at right angles 96.5 feet to a Point on the Northerly right of way boundary line of US Highway No. 1; thence Westerly at angles along the said Northerly line of US Highway No.1; a distance of 100 feet to a point; thence Northerly at right angles 96.5 feet, back to the Point of Beginning.

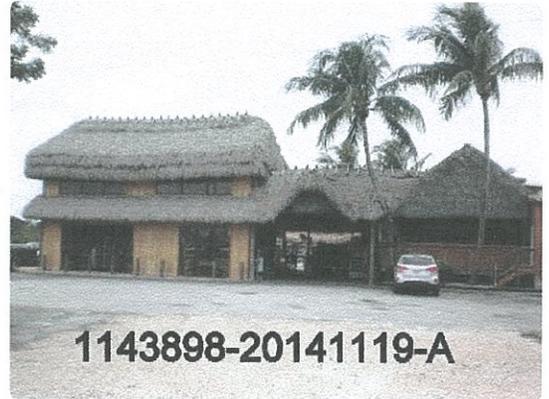
**Disclaimer**

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

By continuing into this site you assert that you have read and agree to the above statement.

**Summary**

Parcel ID 00114030-000500  
 Account # 1143898  
 Property ID 1143898  
 Millage Group 100H  
 Location 27205 OVERSEAS HWY , RAMROD KEY  
 Address  
 Legal 29 66 29 RAMROD KEY PT LOTS 4 & 5 (PARCELS3- 5 & W 25' PARCEL 6) OR230-518/19 OR470-431/32 OR596-764 OR603-152 OR658-47/48 OR688-270/273 OR691-767/768 OR696-530 OR696-528-529 OR764-666 OR794-1924 OR845-2064 OR1006-1166 OR1024-606 OR1098-1192/93DC/AFF OR1131-870R/S OR1266-540/41AFF OR1266-542/43 OR1302-1038/39 OR1302-1040Q/C OR1370-331/33 OR1371-1414/15Q/C OR1371-1416/17Q/C OR1414-364/66C OR1676-2056/60 OR1741-267/68 OR1971-2318 OR2147-2453  
 Description  
 (Note: Not to be used on legal documents)  
 Neighborhood 10050  
 Property Class RESTAURANT (2100)  
 Subdivision  
 Sec/Twp/Rng 29/66/29  
 Affordable No  
 Housing



**Owner**

L J GATORS LC  
 27205 OVERSEAS HWY  
 RAMROD KEY FL 33042

**Valuation**

	2017	2016	2015	2014
+ Market Improvement Value	\$549,915	\$699,285	\$718,378	\$447,323
+ Market Misc Value	\$147,472	\$159,077	\$143,408	\$161,963
+ Market Land Value	\$425,573	\$425,573	\$425,573	\$425,573
= Just Market Value	\$1,122,960	\$1,283,935	\$1,287,359	\$1,034,859
= Total Assessed Value	\$1,122,960	\$1,252,178	\$1,138,344	\$1,034,859
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$1,122,960	\$1,283,935	\$1,287,359	\$1,034,859

**Land**

Land Use	Number of Units	Unit Type	Frontage	Depth
COMMERCIAL HIGHWAY (100H)	56,743.00	Square Foot	0	0

**Commercial Buildings**

Style PATIO DINING / 21E  
 Gross Sq Ft 15,857  
 Finished Sq Ft 8,441  
 Perimeter 0  
 Stories 5  
 Interior Walls NONE  
 Exterior Walls NO VALUE  
 Quality 300 ()  
 Roof Type GABLE/HIP  
 Roof Material METAL  
 Exterior Wall1 NO VALUE  
 Exterior Wall2  
 Foundation WOOD PIERS  
 Interior Finish NONE  
 Ground Floor Area  
 Floor Cover SFT/HD WD  
 Full Bathrooms 0  
 Half Bathrooms 0  
 Heating Type  
 Year Built 1991

Year Remodeled 0  
 Effective Year Built 2005  
 Condition AVERAGE

Style RETAIL MIN INT / 11E  
 Gross Sq Ft 1,462  
 Finished Sq Ft 1,462  
 Perimeter 0  
 Stories 2  
 Interior Walls DRYWALL  
 Exterior Walls CUSTOM  
 Quality 300 ()  
 Roof Type GABLE/HIP  
 Roof Material WOOD SHINGLE  
 Exterior Wall1 CUSTOM  
 Exterior Wall2  
 Foundation  
 Interior Finish DRYWALL  
 Ground Floor Area  
 Floor Cover TERRAZZO  
 Full Bathrooms 0  
 Half Bathrooms 0  
 Heating Type  
 Year Built 2010  
 Year Remodeled 0  
 Effective Year Built 2010  
 Condition AVERAGE

**Yard Items**

Description	Year Built	Roll Year	Quantity	Units	Grade
WALL AIR COND	1986	1987	1	1 UT	2
UTILITY BLDG	1990	1991	1	64 SF	3
UTILITY BLDG	1990	1991	1	80 SF	2
PATIO	1995	1996	1	900 SF	2
BRICK PATIO	2002	2003	1	1950 SF	2
ASPHALT PAVING	1993	1994	1	16505 SF	2
BRICK PATIO	2006	2007	1	1890 SF	4
FENCES	1991	2009	1	600 SF	2
WATER FEATURE	2006	2007	1	5 UT	2
PATIO	2006	2007	1	4827 SF	3
FENCES	2006	2007	1	1700 SF	1
COMM ELEVATOR	2006	2007	1	1 UT	1

**Sales**

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
11/15/2001	\$662,500	Warranty Deed		1741	267	M - Unqualified	Improved
11/25/2000	\$500,000	Warranty Deed		1676	2056	M - Unqualified	Improved
9/1/1995	\$171,500	Quit Claim Deed		1371	1416	M - Unqualified	Improved
3/1/1986	\$75,000	Warranty Deed		1006	1166	M - Unqualified	Vacant
2/1/1977	\$8,500	Conversion Code		764	666	Q - Qualified	Vacant

**Permits**

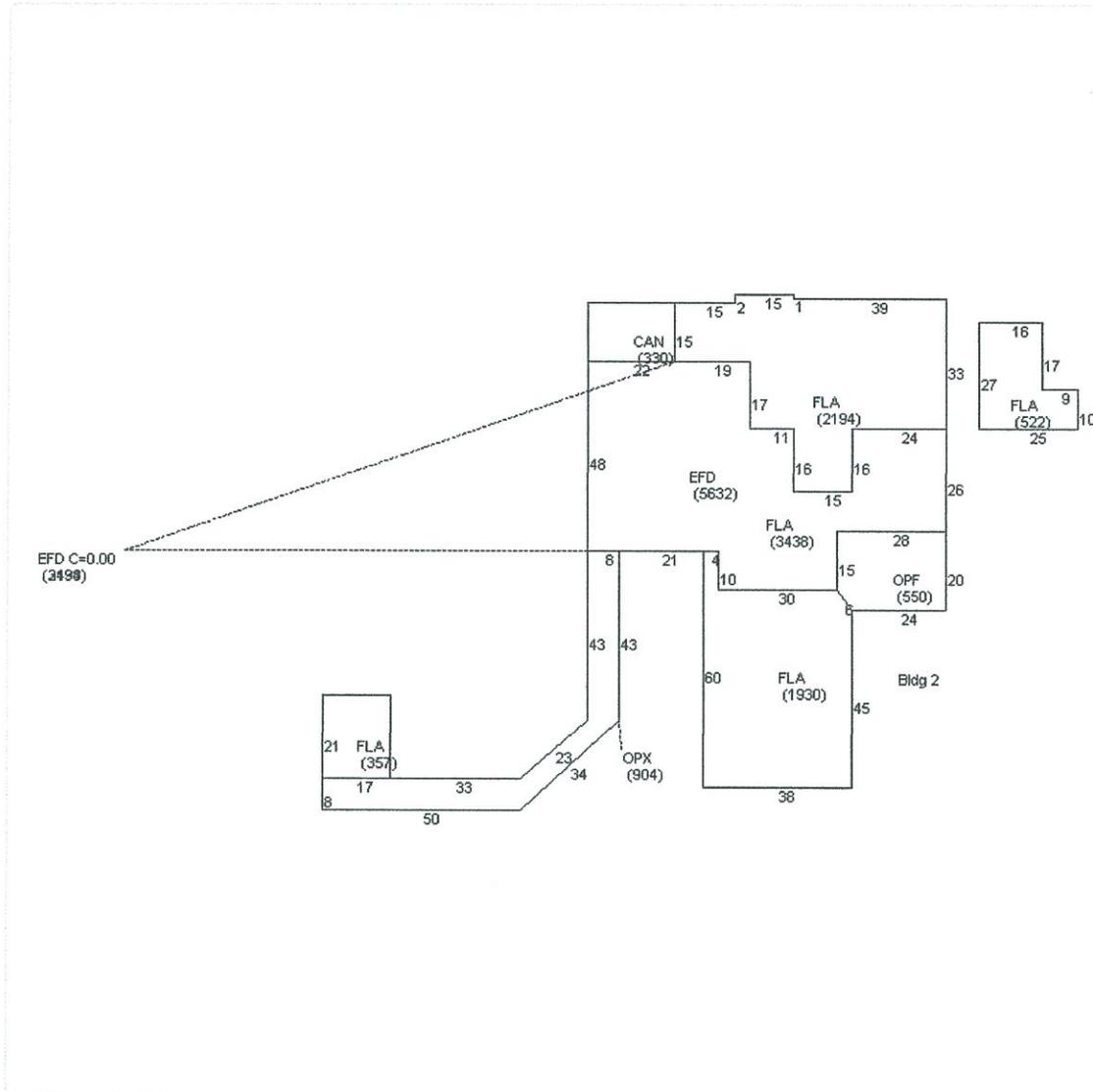
Number	Date Issued	Date Completed	Amount	Permit Type	Notes
13101945	5/16/2013	11/19/2014	\$2,700	Commercial	BURY 500 GALLON PROPANE TANK AND CONNECT TO EXISTING SYSTEM.
13100996	3/15/2013	11/19/2014	\$1,100	Commercial	RETHATCH TIKI AT MINI GOLF.
13100234	2/8/2013	11/19/2014	\$497	Commercial	customer owned burner into fire pit and run line ug to existing tank
11105362	5/8/2012	6/12/2014	\$11,484	Commercial	ATF PERMIT TO REPLACE EXISTING COOLER AND REFACE BAR
11105363	5/8/2012	6/12/2014	\$1,840	Commercial	COMPLETE WALK IN COOLER
11106009	12/19/2011	6/12/2014	\$3,000	Commercial	ASPHALT RECYCLE AND REPLACEMENT
06105398	5/15/2009	5/26/2011	\$6,460	Commercial	Commercial Building - new ROGO / "BOONDOCKS" - THATCHED ADDITON, SLAB, BATHROOMS, CHANGE OF USE - THATCHED EXPANSION TO RESTAURANT & PATIO / TO COMPLETE 10 X 20 FT CONCRETE SLAB / CHANGE OF USE FOR 750 SF OF GOLF COURSE TO SEATING
06106676	1/22/2008	12/31/2008	\$11,000	Commercial	WHEEL CHAIR LIFT
06106567	12/1/2006	12/29/2006	\$400	Commercial	EXTEND 6' WOOD FENCE BY 18 LF
06106271	11/13/2006	12/29/2006	\$15,000	Commercial	REPLACE KITCHEN EXHAUST HOOD, FIRE SUPPRESSION SYSTEM & GAS MANIFOLD PIPE
06105455	9/15/2006	12/29/2006	\$27,000	Commercial	EXTEND THATCH ROOF OVER OUTDOOR SEATING AREA & REPAIR EXISTING THATCHED ROOF
06105263	9/13/2006	12/29/2006	\$60,000	Commercial	COVERED WALKWAY
06101788	4/27/2006	12/29/2006	\$0	Commercial	100 SF OPEN AIR RETAIL SPACE
991781	7/1/1999	12/15/1999	\$27,000	Commercial	ROOFING
94100456	12/1/1995	11/1/1996	\$15,000	Commercial	ADDITION-COMMERCIAL

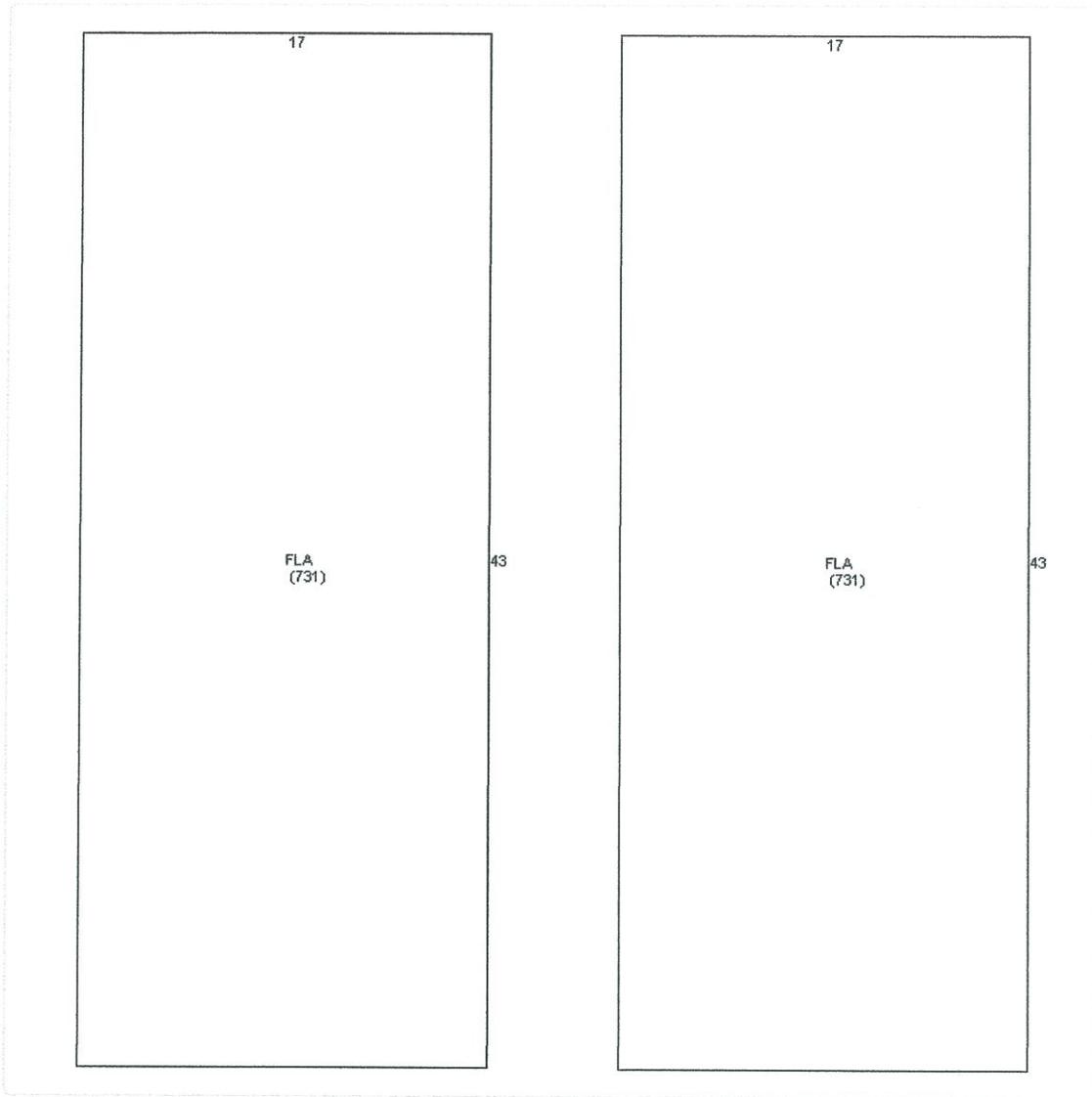
Number	Date Issued	Date Completed	Amount	Permit Type
95100392	5/1/1995	1/1/1996	\$3,000	Commercial
91103103	7/1/1991	8/1/1991	\$450	Commercial
90101393	1/1/1991	8/1/1991	\$12,000	Commercial
90101660	10/1/1990	12/1/1990	\$900	Commercial
89-2132	1/1/1989	8/1/1990	\$1	Commercial
A-16211	9/1/1986	8/1/1991	\$6,960	Commercial

Notes

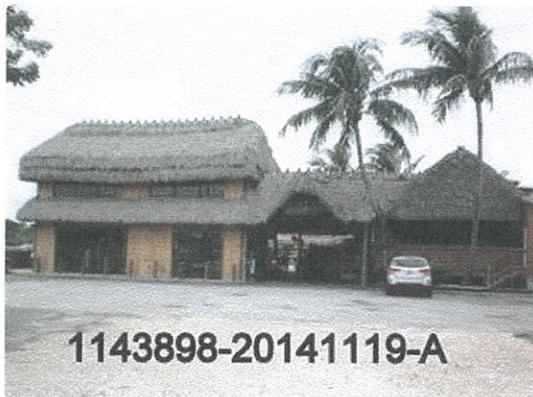
AFTER THE FACT ASPHALT  
 ATF BATHROOM IN EXISTING COMMERCIAL BUILDING / HANDICAP  
 THATCH ROOF (1169 SF) & NEW DECKING (1080 SF) - REATTACH RAMP & DEMO TO EXISTING  
 COMMERCIAL BLDG  
 DRAINFIELD  
 COMMERCIAL  
 COMMERCIAL BUILDING

Sketches (click to enlarge)





**Photos**



## Map



No data available for the following modules: Buildings, Mobile Home Buildings, Exemptions.

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Schneider  
Developed by  
The Schneider  
Corporation



**Overview**



**Legend**

-  Major Roads
-  Centerline
-  Hooks
-  Road Center
-  Rights of Way
-  Condo Building
-  Conservation Easement
-  Key Names
-  Subdivisions
-  Parcels

<b>Parcel ID</b> 00114030-000500	<b>Alternate ID</b> 1143898	<b>Owner Address</b> L J GATORS L C
<b>Sec/Twp/Rng</b> 29/66/29	<b>Class</b> RESTAURANT	27205 OVERSEAS HWY
<b>Property Address</b> 27205 OVERSEAS HWY RAMROD KEY		RAMROD KEY, FL 33042
<b>District</b> 100H		
<b>Brief Tax Description</b> 29 66 29 RAMROD KEY PT LOTS 4 & 5 (PARCELS3- 5 & W 25' PARCEL 6) OR230-518/19 OR470-431/32 OR596-764 OR603-152 OR658-47/48 OR688-270/273 OR691-767/768 OR696-530 OR696-528-529 OR764-666 OR794-1924 OR845-2064 OR1006-1166 OR1024-606 OR1098-1192/93DC/AFF OR1131-870R/S OR1266-540/41AFF OR1266-542/43 OR1302-1038/39 OR1302-1040Q/C OR1370-331/33 OR1371-1414/15Q/C OR1371-1416/17Q/C OR1414-364/66C OR1676-2056/60 OR1741-267/68 OR1971-2318 OR2147-2453		
<i>(Note: Not to be used on legal documents)</i>		

Date created: 2/6/2018  
Last Data Uploaded: 2/6/2018 7:03:02 AM

 Developed by  
The Schneider Corporation

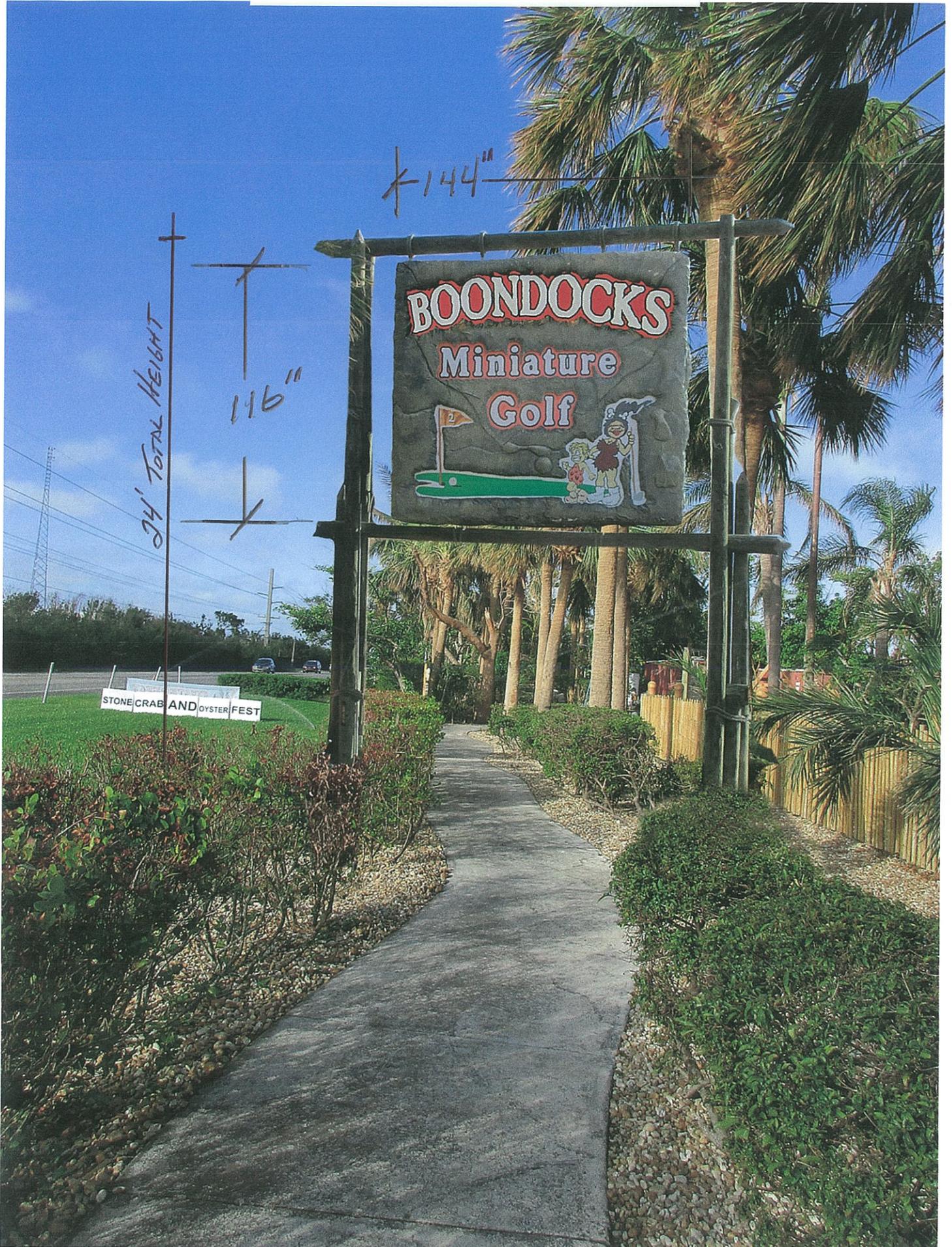


**PHOTOGRAPHS OF SITE FROM ADJACENT ROADWAY**

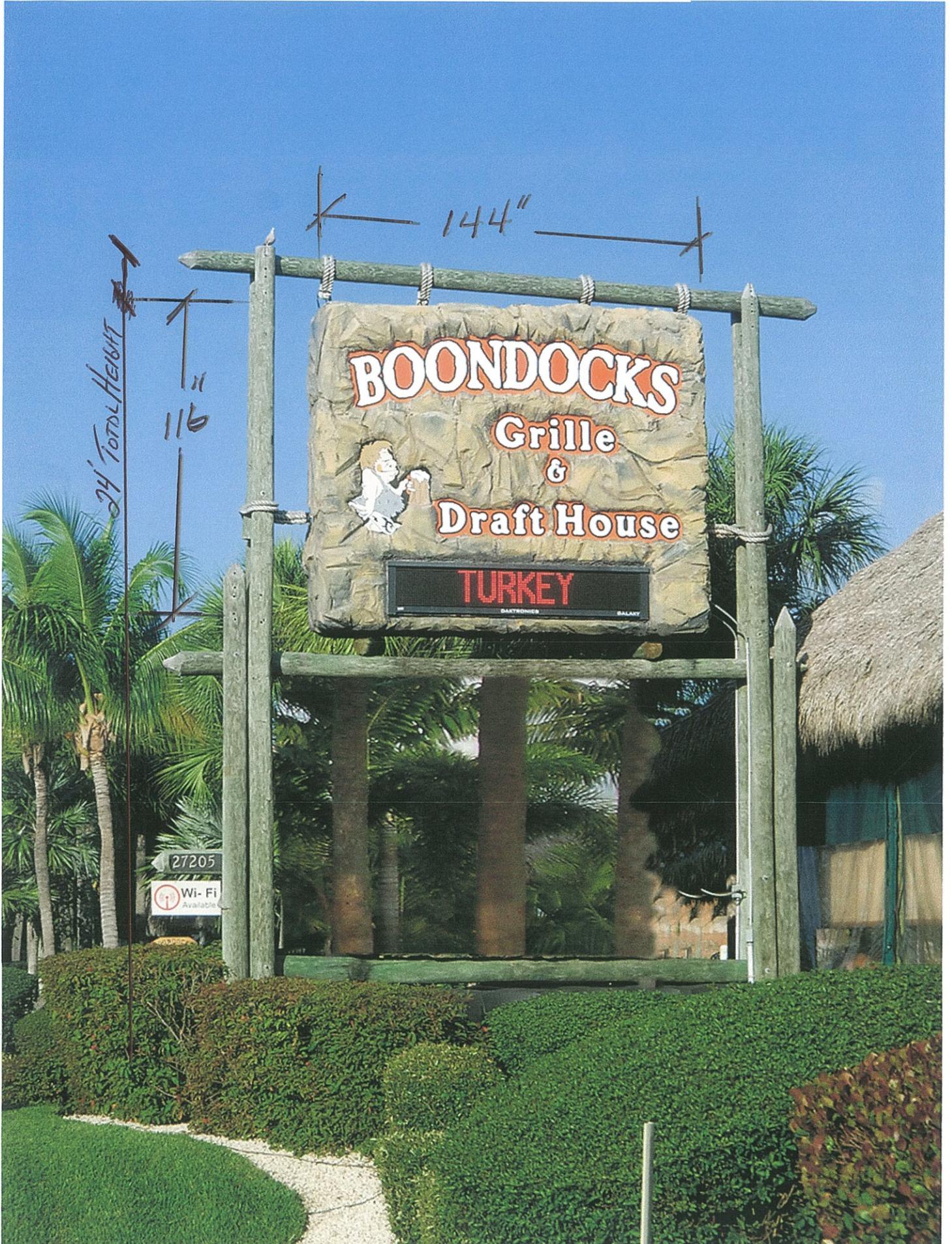
EXISTING SIGNAGE



# NEW MINIATURE GOLF SIGN



# MODIFIED RESTAURANT SIGN

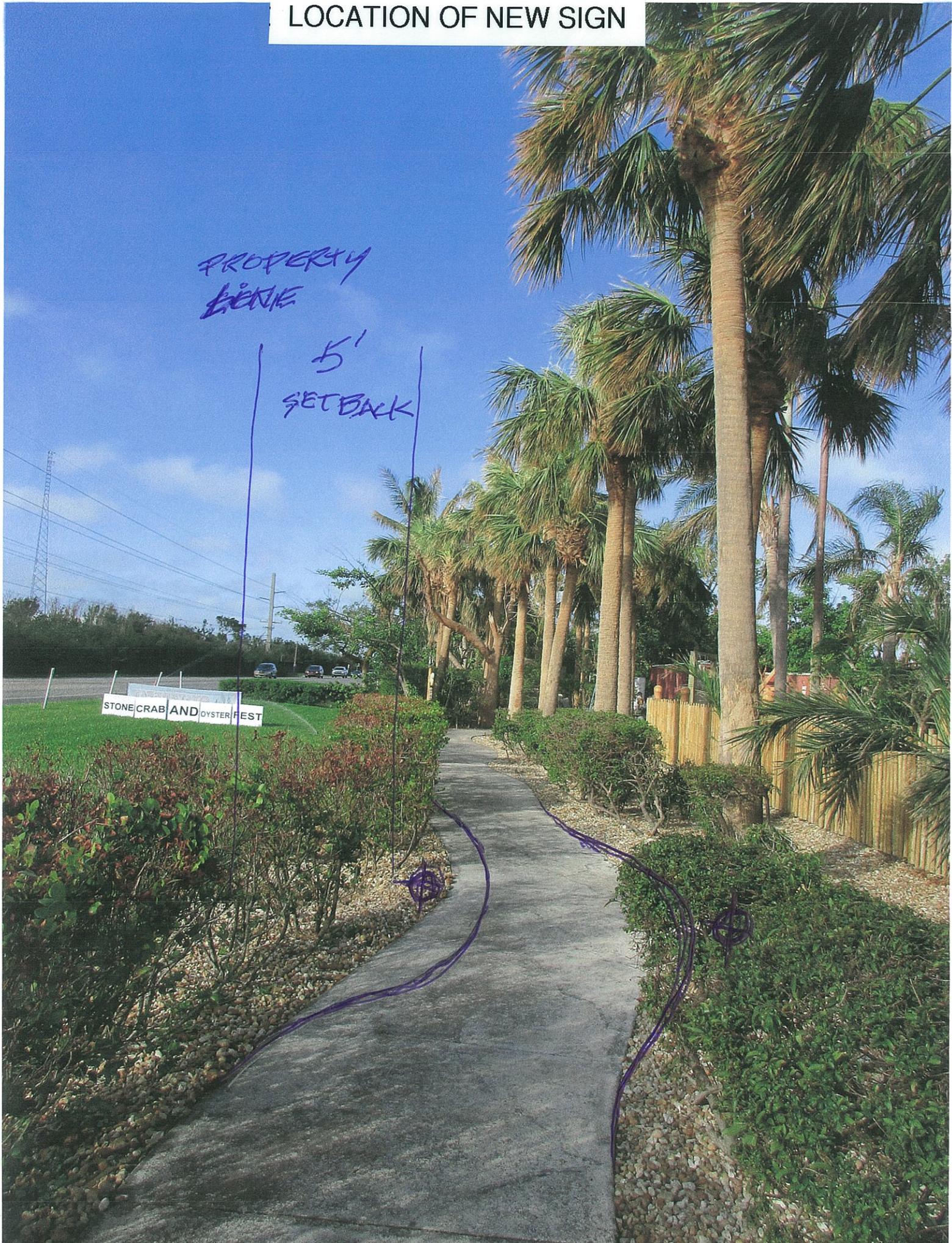


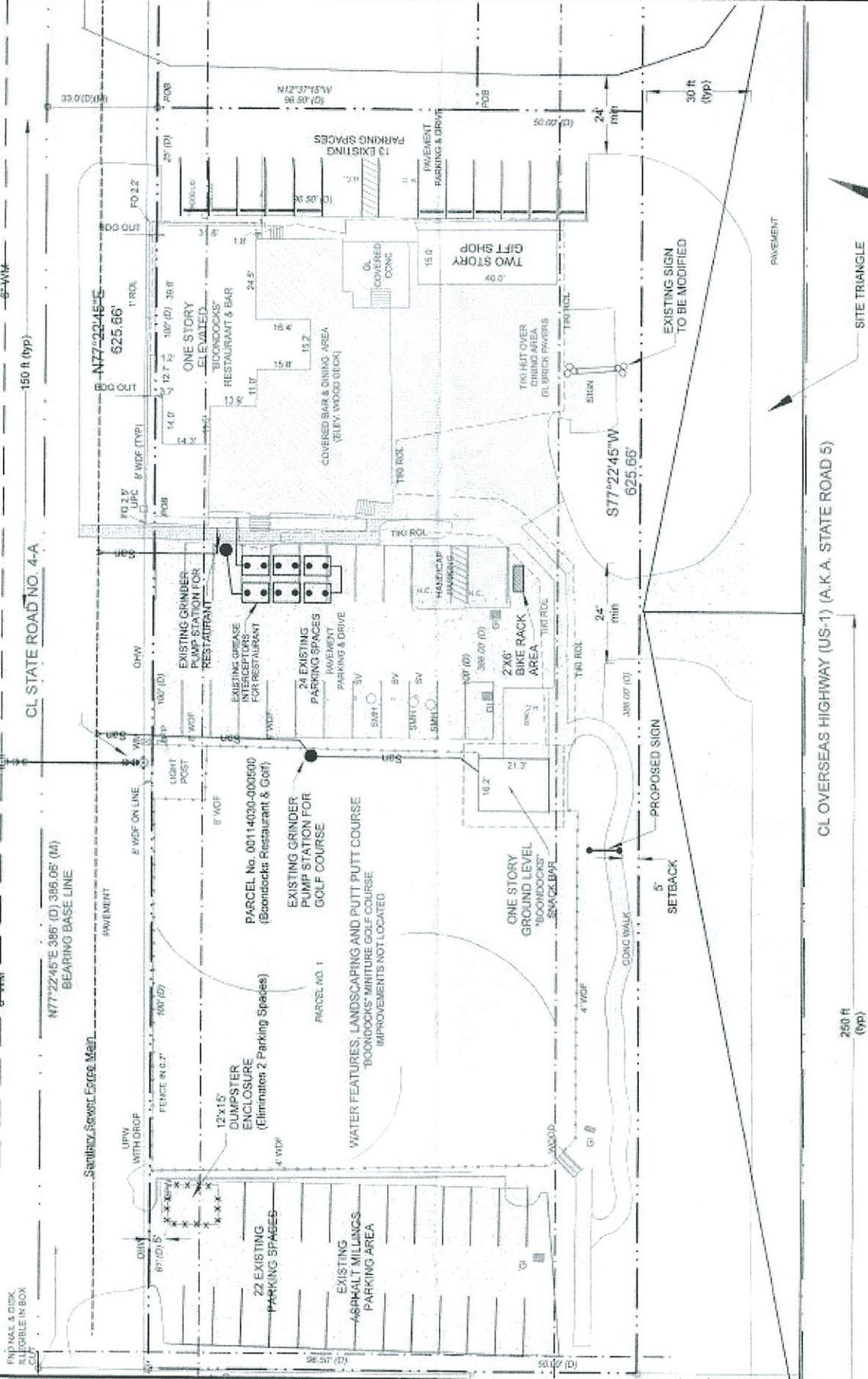
LOCATION OF NEW SIGN

PROPERTY  
LINE

5'  
SETBACK

STONE CRAB AND OYSTER FEST





**BOONDOCKS  
SITE PLAN**

CL OVERSEAS HIGHWAY (US-1) (A.K.A. STATE ROAD 5)

250 ft  
(typ)

30 ft  
(typ)



**RECEIVED**  
FEB 07 2018  
2018-036  
MARSHALL COUNTY PLANNING DEPT

**SIGN VARIANCE REQUEST**  
for  
Boondocks Grille & Draft House  
27205 Overseas Hwy, Ramrod Key, FL

Date: 2/6/2018  
Page: 1 of 1

Reynolds Engineering Services, Inc.  
James C. Reynolds, PE  
FL Lic. No. 46695

Reynolds Engineering Services, Inc.  
FL C.A. No. 26597  
22972 Overseas Highway  
Cudjoe Key, FL 33042  
jim@reynoldsen.com  
305-394-5987

Revisions:  
No. \_\_\_\_\_  
Date: \_\_\_\_\_  
Comments: \_\_\_\_\_

**Additional Information added to File 2018-026**

VERGARA ROLANDO  
27067 Angelfish RD  
Summerland Key, FL 33042-5307

BENEWAY CHARLES III AND MICHELLE  
27048 ANGELFISH RD  
SUMMERLAND KEY, FL 33042-5304-

BURNS ROBERT W AND ELIZABETH V  
29 ORIOLE DR  
EWING, NJ 08628-2707-

CASSEL NATILEENE W  
80 CORAL AVE  
SUMMERLAND KEY, FL 33042-5329-

COOK THOMAS JOHN  
P O BOX 430600  
BIG PINE KEY, FL 33043-

COUNTY OF MONROE  
1100 Simonton ST  
Key West, FL 33040-3110 \*  
\*\*\*\*EMAIL\*\*\*\*

CRUZ RENE A  
27063 OVERSEAS HWY  
SUMMERLAND KEY, FL 33042-5341-

D.C. MILLER CONSULTING INC  
147 KEY HAVEN RD  
KEY WEST, FL 33040-6212-

DIXON THOMAS A  
27188 DOLPHIN RD  
SUMMERLAND KEY, FL 33042-5348-

DORRIBO MAURICIO E  
27029 OLD STATE RD 4A  
RAMROD KEY, FL 33042-

DOT/ST.OF FL  
STATE ROAD DEPT OF FLORIDA  
TALLAHASSEE, FL 32399-

FLETCHER DAVID W  
27039 STATE RD 4A  
RAMROD KEY, FL 33042-

GARCIA CALIXTO ANTONIO AND  
AURELIA  
27038 ANGELFISH RD  
RAMROD KEY, FL 33042-5304-

GARDNER LANNY P  
27205 OVERSEAS HWY  
SUMMERLAND KEY, FL 33042-5344-

GRISSINGER REID ALLEN AND  
VANESSA  
27058 ANGELFISH RD  
SUMMERLAND KEY, FL 33042-5304-

HABITAT FOR HUMANITY OF K W AND  
LOWER FL KEYS INC  
PO Box 5872  
Key West, FL 33045-5872

HAGGARD ANDREW AND VIRGINIA  
26976 ANGELFISH RD  
RAMROD KEY, FL 33042-5330-

HERNANDEZ RAFAEL E  
3822 SW 6TH AVE  
CAPE CORAL, FL 33914-

HORN ROSEDMARLI R AND SANFORD  
LOUIS IV  
27019 OLD STATE RD 4A  
RAMROD KEY, FL 33042-

KAVANAGH AGNES M  
27049 OLD STATE ROAD 4A  
RAMROD KEY, FL 33042-5302-

UNDERWOOD WILLIAM J  
27037 Angelfish RD  
Summerland Key, FL 33042-5307

L J GATORS LLC  
27205 OVERSEAS HWY  
SUMMERLAND KEY, FL 33042-5344-

LE NOIR NICOLE  
79 CORAL AVE  
SUMMERLAND KEY, FL 33042-5303

LEE LARRY O  
103 OCEAN BAY DR  
KEY LARGO, FL 33037-2446-

LOPEZ JORGE  
44E 12TH AVE  
KEY WEST, FL 33040-5871-

LOWE EDWARD AND WANDA  
PO BOX 4604  
KEY WEST, FL 33041-4604-

LOWER KEYS RESORT LLC  
2532 ESTERO BLVD APT 102  
FORT MYERS BEACH, FL 33931-3336-

MCCALL JAMES REVOC LIVING TRUST  
AGREE 1/11/2011  
33 Indies RD  
Summerland Key, FL 33042-5409

MCCALL JAMES REVOCABLE LIVING  
TRUST AGREE 1/11/11  
PO BOX 420758  
SUMMERLAND KEY, FL 33042-0758-

MONROE COUNTY  
500 WHITEHEAD ST \*  
KEY WEST, FL 33040-  
\*\*\*\*EMAIL\*\*\*\*

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

ZIA TRUST INC CUSTODIAN FOR JOE  
SHORT IRA  
4131 CAMINO COYOTE STE A  
LAS CRUCES, NM 88011-3000-

TISON VERA  
4814 NW 34TH ST  
GAINESVILLE, FL 32605-1147-

MONROE COUNTY COMPREHENSIVE  
PLAN LAND AUTHORITY  
1200 Truman AVE , Unit Ste 207  
Key West, FL 33040-7270

MONTAGANO DAVID  
C/O BAYSHORE LANDSCAPE AND  
NURSERY  
PO BOX 430649  
BIG PINE KEY, FL 33043-0649

PAEZ HERIBERTO AND CARIDAD  
930 SOUTHARD ST  
KEY WEST, FL 33040-7176-

PAEZ HERIBERTO AND CARIDAD  
27180 ANGELFISH RD  
SUMMERLAND KEY, FL 33042-5305-

STATE OF FL DEPT OF  
TRANSPORTATION  
605 SUWANNEE ST  
TALLAHASSEE, FL 32399-0450-

THRELKELD JON E AND NEYSA M  
27139 ANGELFISH RD  
SUMMERLAND KEY, FL 33042-5306-

PARKINSON DEAN  
PO BOX 371937  
KEY LARGO, FL 33037-1937-

PISECCO CARLA R  
27018 ANGELFISH RD  
SUMMERLAND KEY, FL 33042-5304-

PP KEYS BREEZE LLC  
PO Box 420236  
Summerland Key, FL 33042-0236

RAMPERSAUD LILOWTIE  
PO BOX 420176  
SUMMERLAND KEY, FL 33042-0176-

RAMROD PROPERTY INVESTMENTS  
LLC  
27300 OVERSEAS HWY  
RAMROD KEY, FL 33042-

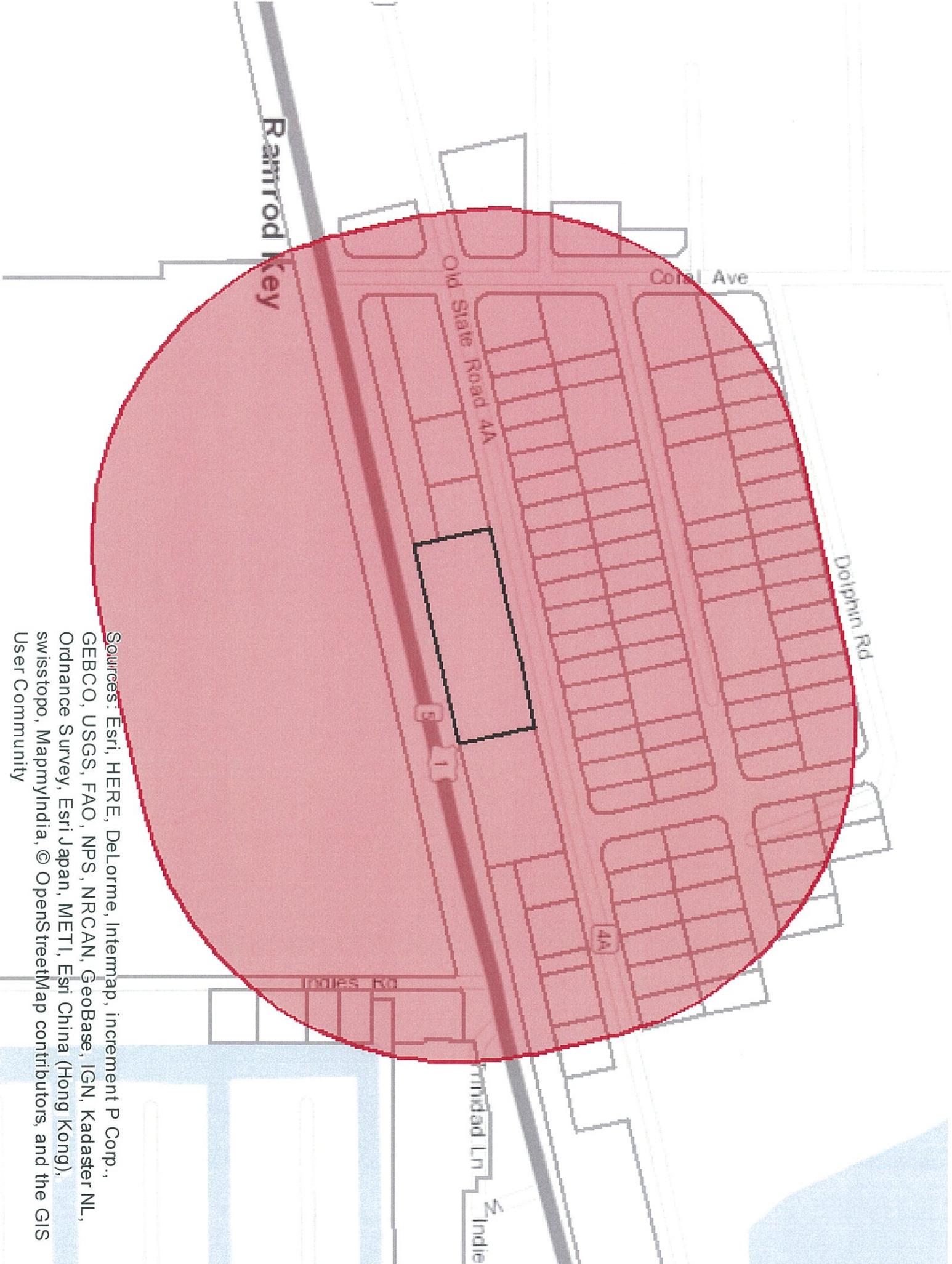
RAY PATRICIA A  
27213 Old State Road 4A  
Ramrod Key, FL 33042-5300

ROGERS ARTHUR A  
27036 DOLPHIN RD  
RAMROD KEY, FL 33042-

SHARPE JAMES E III AND BEATA K  
29141 CLOVER LN  
BIG PINE KEY, FL 33043-

SHEPHARD DAVID S AND JUDY A  
PO BOX 430141  
BIG PINE KEY, FL 33043-0141-

SR4A PROPERTIES INC  
27205 OVERSEAS HWY  
SUMMERLAND KEY, FL 33042-5344-



Sources: Esri, HERE, DeLorme, Intermop, increment P Corp.,  
GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL,  
Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong),  
swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS  
User Community

**End of Additional File 2018-026**

## Aguila-Ilze

---

**From:** Patty Ray <pattyray9@gmail.com>  
**Sent:** Wednesday, April 18, 2018 11:58 AM  
**To:** Aguila-Ilze  
**Subject:** Boondocks Sign Variance

Since I am unable to attend the meeting on April 25th, I am writing to object to the proposed sign to be located on Boondocks property.

It is not the sign itself, but the fact that it will be lighted that interferes with the use and enjoyment of my property.

Especially since Irma, my home is subjected to greatly increased light pollution. One of the primary reasons I bought my home, in the woods, away from heavily populated areas, was to enjoy stargazing from my rooftop deck. A lighted sign will create more light pollution and diminish my ability to enjoy the night sky.

Sincerely,

Patty Ray

## **Aguila-Ilze**

---

**From:** Gale Upmal <galeupmal@icloud.com>  
**Sent:** Wednesday, April 18, 2018 12:08 PM  
**To:** Aguila-Ilze  
**Subject:** Boondocks sign

Please. Please. No more lighted signs. We like our night stars.

Sent from my iPhone

## **Aguila-Ilze**

---

**From:** Kevin <27425rrk@gmail.com>  
**Sent:** Friday, April 20, 2018 11:49 AM  
**To:** Aguila-Ilze  
**Subject:** Boondocks Sign

Do we really need more signage for Boondocks? Especially an illuminated one?  
Can't miss the place as it is. And I'm sure after Boondocks gets their new sign, Looe Key Tiki will want a bigger one as well, so where will it end. Please consider our night sky, and light pollution. We moved here to get away from "Big City" lights.

Kevin T, Ramrod Key

## **Aguila-Ilze**

---

**From:** Michelle McCusker <mcmmdc@aol.com>  
**Sent:** Friday, April 27, 2018 10:36 PM  
**To:** Aguila-Ilze  
**Subject:** Boondocks sign

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please veto the Boondocks new sign application. This will only further diminish the natural beauty of Ramrod. The present sign is more than adequate to advertise the presence of the restaurant. Do we need to further damage the dark night sky on this island? There is no reason for a second sign to exist as the restaurant is not hidden off the main road or in need of further roadside blandishment.

Sincerely  
Michelle McCusker  
27395 St Lucie Ln  
Ramrod Key

## Aguila-Ilze

---

**From:** Jan Edelstein <jmeten@comcast.net>  
**Sent:** Sunday, May 06, 2018 9:05 PM  
**To:** Aguila-Ilze  
**Cc:** Williams-Steve; wolfe@marathonlaw.com  
**Subject:** L.J. Gators, LLC (Boondocks) Application for Variance  
**Attachments:** BoondocksVarianceLetter5.6.2018.pdf; PowerPoint Boondocks App. for Variance.pdf; Boondocks 2015-180 D.O. 02-17 Recorded (003).pdf

Good morning Ms. Aguila,

Would you please see that the members of the Planning Commission and appropriate staff receive the attached letter and two documents to which I refer in the letter.

I ask four procedural questions in this letter. I hope to have responses before the hearing.

Regards,

Jan M. Edelstein  
Cudjoe Key, FL  
208-720-0709

## Aguila-Ilze

---

**From:** dclundy36c@gmail.com  
**Sent:** Saturday, May 05, 2018 2:43 PM  
**To:** Aguila-Ilze  
**Subject:** Boondocks lighted sign variance - NO

Dear Ms. Aquila –

I'm contacting you in regards to the variance request of Boondocks at MM 27, for a 2<sup>nd</sup> large lighted sign.

As a fulltime resident on Ramrod for the past 15 years, I recommend that the request for variance be DENIED for the following reasons:

- Not needed. This business already has a large banner as well as a large lighted sign in place. The business has a large footprint and no other businesses nearby. Therefore, it is easy to see from the highway in both directions. It also has TWO entrances from U.S. 1; if customers miss the first entrance, they have a 2<sup>nd</sup> entrance to use. (I would be happy to provide photos, if helpful.)
- Not in keeping with the rural character of the area. A second lighted sign would render this business more in keeping with the character of Miami or Key Largo. NO ONE, in either direction for *at least* 20 miles, has signage (lighted and otherwise) as will this business if the variance is granted. Is this fair? Is it appropriate for the area?
- Not neighborhood friendly. Many on Ramrod are here so we can see the stars at night. This is increasingly difficult with the Irma damage AND the rapid pace of development on Ramrod bayside. We can't stop development but we can prevent an unnecessary source of light pollution, like a redundant sign for a local business.

Thank you for the opportunity to provide input. If you have questions, please don't hesitate to contact me.

Diane Lundy  
[Dclundy36c@gmail.com](mailto:Dclundy36c@gmail.com)

Jan M. Edelstein  
20920 5<sup>th</sup> Avenue West  
Cudjoe Key, FL 33042  
[jmeten@comcast.net](mailto:jmeten@comcast.net)  
208-720-0709

May 6, 2018

Monroe County Planning and Zoning Commission  
Marathon, Florida

VIA E-MAIL

Re: L.J. Gators, LLC (Boondocks)  
Application for Variance

Dear Chair and Commissioners:

I respectfully submit the following questions regarding your consideration of the L. J. Gators, LLC<sup>1</sup> (a/k/a Boondocks) application for variances from Mon. Cty. Code Sec. 142 Signs.

1. Does the continuation of the Boondocks hearing to May 30, 2018, reopen the matter for public comment?
2. Is further action needed to assure that my power point presentation to the Commission at its April hearing is included in the hearing record? For your convenience, I attach a pdf copy.
3. What provisions in the Code would allow the Commission to consider the aggregated Boondocks development parcel as more than one parcel?<sup>2</sup>
4. Rather than continuing the hearing, should the Application be returned to the Planning and Code Enforcement staffs for further investigation and evaluation, together with re-notice to the public?
  - a. Applicant incorrectly described the property, number of proposed signs, and size of sign area. Failed to provide engineered drawings. The Applicant's depiction of the Boondocks property and signage failed to show the entire property, the three signs proposed for the property, and the size of the signs proposed in this Application.

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<sup>1</sup> Application erroneously filed in the name of L.J. Gator, L.C. L. J. Gator, L.C. was organized in 10/26/01 by member Lanny Gardner. He changed the name to L.J. Gators, LLC, on April 2, 2012.

<sup>2</sup> During Commission discussion, one Commissioner opined that he would consider the parcel as more than one parcel because it was made up of so many parcels, thereby supporting an application for a second sign.

- i. The Legal Description in the Application filed February 7, 2018, denotes only the property upon which sits the golf course, restaurant and 25' of the Ramrod Plaza property.
  - ii. Please see the attached Development Order No. 02-17 signed October 31, 2017, approving:
    - 1. An increase in the restaurant seating from 210 to 290,
    - 2. A new 49-space paved parking lot on the aggregated property to the east, as a condition for the increase in restaurant seating, and
    - 3. A parking lot site-plan which includes "Proposed Ramrod Plaza Sign." (See Pg. 7 of Development Order No. 02-17.)
  - iii. Applicant failed to provide any dimensional drawings of the supporting structures the Applicant proposes. Instead, the Applicant provided a photo-shopped picture, showing the land in front of the golf course where the second sign is proposed, with a superimposed photo of the existing sign structure with a sign board. Someone has handwritten on the photo the proposed height of the structure (24') and size of the sign board (144" x 116"). Applicant then presents the sq. footage of the sign board as the amount of the variance, rather than the square footage enclosed by the structure. See LDC Sec. 142-5 (a)(1) regarding "measurement of sign area" which provides that the area including the supporting structure shall be "of an area equal to or less than the permitted sign area."
  - iv. Applicant failed to provide engineered structural drawings showing compliance with LDC Sec. 142-5(d)(3). Without such drawings, the Commission and the public is unable to accurately assess the visual impact of what is being proposed or its structural integrity.
- b. Staff Report incorrectly described the property and failed to point out that there will be three signs in the future if this variance is granted. The photos and staff remarks in the Staff report dated April 6, 2018, described Boondocks as it existed before the October 31, 2017 Development Order approving the addition of the 49-space parking lot. The report failed to depict for the Commission and the public, the current state of the aggregated property, nor did the staff take into consideration the functioning of the entire property and all three (3) proposed signs.
- c. Staff Report incorrectly described the extent of the expansion of signage.
- i. Sign Area: The Staff Report failed to correct, for the Commission and the public, the Applicant's erroneous calculation of the variance it seeks from the size limitation of 400 sq. ft. The Staff reported that the variance needed for the size of the two signs was only 64 sq. ft., the amount the proposed sign boards would exceed the 400 sq. ft. limitation. Staff failed to point out that Applicant had not provided sufficient information to determine the amount of the variance requested.
  - ii. Height: The Staff Report failed to advise the Commission and the public that the Applicant's proposal calls for increasing the permitted height of the existing sign

to 24'.<sup>3</sup> Presumably the staff believed that the supporting structure of the existing sign would remain at its current height, and that the proposed second sign would use the identical structure at the same height as the existing structure.

d. Possible Code Violations:

- i. The existing sign appears to be in violation of its permit in two regards.
  1. Sign Area: The Staff Report stated that Applicant's existing 2002 sign permit is for a maximum of 18' tall and a single faced sign of 218 square foot. The Monroe County summary of the permit says 'no electric in this permit.' Photos submitted with the Application show the existing sign to be two, two-sided boards suspended from an architectural timber frame structure, with another photo showing the electrified, illuminated reader board. It appears that the existing sign violates its 2002 permit in both size of sign area and illumination.
  2. Height: Mr. Gardner told the Commission that the new signs, including the supports, would be identical to the existing sign. Yet the Applicant's renderings of both the new and existing signs included in the application shows them as 24' tall. Either the existing sign violates its permit by being 6' taller than permitted, or the Applicant's statement that the new sign would be the same as the existing sign is misleading.
- ii. Unpermitted signs: Mr. Gardner also admitted to the Planning Commission that he maintained ground banners 'all the time' on the property. He acknowledged he did not have permits for them.

e. Post-April Hearing Changes to Application regarding Illumination and Structure:

- i. Illumination: In response to public comments about 'sky glow' from an illuminated sign, Mr. Gardner represented to the Commission that his sign would only have a reader board identical to the one in existence.<sup>4</sup> Nevertheless, following the hearing, the Applicant submitted a new drawing of the sign which called for "...illumination to be in accordance with County Code requirements" rather than depicting the reader board as currently exists. This writer submitted photographic evidence to the Commission that current County Code does not protect neighbors from 'sky glow.' It is now unclear what illumination the Applicant plans.
- ii. Structure: The sign rendering submitted after the April hearing shows a single center support at the base, eliminating the larger span of the architectural timber structure. It is now unclear what the Applicant proposes to build.
- iii. No Drawings: These changes highlight the Applicant's failure to provide engineered structural drawings of the proposed signs showing compliance with Sec. 142-5(d).

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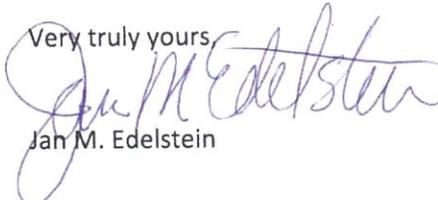
<sup>3</sup> This writer acknowledges that 24' is allowed under the current code for a single sign on a parcel with 300' or more of frontage. If the Commission were to consider this property as more than one parcel, then the maximum height and sign area allowed by the Code per parcel is considerably lessened.

<sup>4</sup> His application as filed and reported on by the staff was for an unilluminated sign. The staff advised the Commission of the change sometime before the hearing. No details of the illumination had been provided.

- f. Staff's conclusions of law are unsupported. The Staff Report cited no evidence to support its conclusions of law that:
- i. The Applicant's request to have two illuminated, 24 feet tall signs was the minimum necessary to help direct drivers to one driveway or the other, the hardship asserted by the Applicant. LDC Sec. 142-6(c)(2)f.
  - ii. The Applicant suffered undue hardship unique to its property due to the code limitation to one sign.<sup>5</sup> LDC Sec. 142-6(c)(2)a.
  - iii. The alleged "unusual conditions applying to the property do not apply generally to other properties in the unincorporated county." LDC Sec. 142-6(c)(2)c.
  - iv. The granting of the variance "will not be contrary to the general objective of [the Sign Ordinance] of moderating the size, number and obtrusive placement of signs and the reduction of clutter." LDC Sec. 142-6(c)(2)d.

By the close of its April, 2018 meeting, the Commission appeared poised to approve this variance. Such a decision, if allowed to stand, would not only conflict with the character of the Lower Keys as described in the Comprehensive Plan, but would also set a dangerous precedent. Variances should not be granted before full disclosure of the extent thereof to the public, and without evidence of compliance with all seven (7) of the standards required for a variance.

Very truly yours,



Jan M. Edelstein

JME

cc: Steve Williams, Esq.  
John J. Wolfe, Esq.  
Emily Schemper, Acting Senior Director of Planning & Environmental Resources

Attachments: 2

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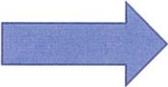
<sup>5</sup> Applicant does not alleges undue hardship. Applicant states only that having two separate signs "at each driveway...would promote safer traffic flow from the highway..."

# Boondocks' Application to Waive Single Sign Requirement

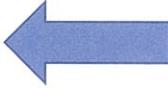


# Main Entrance Serves Golf and Bar/Restaurant Main Parking Area

Golf Hut



Bar  
Restaurant



## Entrance to Adjacent Office Strip provides access to Boondocks' Side Parking Area



Second Entrance

Undue or Unnecessary Hardship Due to Unique or Unusual  
Building or Parcel Conditions

SECOND SIGN



## One Sign is Typical for Multiple Uses or Entrances

Looe Key Resort  
Bar/Restaurant/Dive Trips/Motel



# One Sign is Typical for Two Entrances with Multiple Uses



BIG PINE KEY SHOPPING PLAZA

Second Entrance

Entrance with Sign



2. Granting of the variance would not be materially detrimental to the property owners in the immediate vicinity



Sea Base Camp, Summerland Key



Wynn Dixie Parking Lot, Big Pine Key

3<sup>rd</sup> Criteria- Unusual conditions that do not generally apply to other properties in the unincorporated county

4<sup>th</sup> Criteria

- 142-6(d) The granting of the variance will not be contrary to the general objective of this chapter of moderating the size, number and obtrusive placement of signs and the reduction of clutter.

- SIGN ORDINANCE – PURPOSES

Sec. 142-1 (1) Facilitate the implementation of goals, objectives and policies set forth in the comprehensive plan relating to sign control, community character and scenic resources and protection of areas from incompatible uses.

## Lower Keys Livable Community Plan Comprehensive Plan

- **Goal 1: Monroe County shall manage future growth to preserve the rural or low density community character, protect the natural environment of the Lower Keys ....**
- **Community character includes the cultural/traditional heritage, physical character, and scale of the businesses that serve the local community in the Lower Keys area.**

Surrounded by native area, treed single family homes,  
Boondocks fronts on Florida's only  
ALL-AMERICAN ROAD



## Sign Ordinance Should Be Enforced



- FLU GOAL 101: Monroe County shall manage future growth to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources.
- 
- Objective 101.5: Monroe County shall regulate future development and redevelopment to maintain and enhance the character of the community and protect natural resources by providing for the compatible distribution of land uses consistent with the designations shown on the Future Land Use Map.
- 
- Policy 105.1.2 Monroe County shall enforce the design guidelines established within the Livable CommuniKeys Plans and its land development regulations which ensure that future uses and development are compatible with scenic preservation and maintenance of the character of the casual island village atmosphere of the Florida Keys.
-



Doc# 2147638 12/18/2017 1:28PM  
Filed & Recorded in Official Records of  
MONROE COUNTY KEVIN MADOK

Doc# 2147638  
Blk# 2383 Pg# 800

**MONROE COUNTY, FLORIDA  
MINOR CONDITIONAL USE PERMIT  
DEVELOPMENT ORDER NO. 02-17**

A DEVELOPMENT ORDER APPROVING A REQUEST FOR A MINOR CONDITIONAL USE PERMIT FOR THE PROPOSED INCREASE FROM 210 TO 290 SEATS FOR THE EXISTING COMMERCIAL RETAIL RESTAURANT USE AND A NEW PARKING LOT AT RAMROD PLAZA ON PROPERTY LOCATED AT 27205 AND 27219 OVERSEAS HIGHWAY, RAMROD KEY AND LEGALLY DESCRIBED AS PARCELS OF LAND IN SECTIONS 29 AND 32, TOWNSHIP 66 SOUTH, RANGE 29 EAST, RAMROD KEY, AND PART OF FORMER STATE ROAD 5 RIGHT-OF-WAY (U.S. 1), MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS 00114030-000500 AND 00114030-000600.

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**WHEREAS**, during a meeting held on February 21, 2017, the Monroe County Development Review Committee (the "DRC") reviewed a request filed by Jim Reynolds on behalf of L.J. Gators, LLC, for a Minor Conditional Use Permit (the "Minor CUP") in accordance with Sections 110-69 and 130-93(b)(1) of the Monroe County Land Development Code (the "LDC"); and

**WHEREAS**, the subject property is located at 27205 and 27219 Overseas Highway, Ramrod Key, near U.S. 1 Mile Marker 27.2 gulf side, and is legally described as parcels of land in Sections 29 and 32, Township 66 South, Range 29 East, Ramrod Key, and part of former State Road 5 right-of-way (U.S. 1), Monroe County, Florida, having real estate numbers 00114030-000500 and 00114030-000600 (the "subject property"); and

**WHEREAS**, this application involves the increase from 210 to 290 seats for the existing commercial retail Boondocks restaurant and a new 49-space paved parking lot at Ramrod Plaza on the aggregated development site; and

**WHEREAS**, the DRC and the Chair of the DRC, the Monroe County Senior Director of Planning & Environmental Resources (the "Director"), reviewed the following documents and other information relevant to the request:

1. Request for a Minor CUP application (File # 2015-180) received by the Monroe County Planning & Environmental Resources Department (the "Department") on September 28, 2015; and
2. Site plan (sheet SP1 of 1) by James C. Reynolds, P.E., signed and sealed 11/17/2016.

3. Existing floor areas (sheet FP1 of 1) by James C. Reynolds, P.E., signed and sealed 11/17/2016.
4. Stormwater management plan (sheet C1 of 2) by James C. Reynolds, P.E., signed and sealed 11/17/2016.
5. Proposed drainage plan for Ramrod Plaza (sheet C2 of 2) by James C. Reynolds, P.E., signed and sealed 11/17/2016.
6. Landscape plan (sheet L1 of 1) by James C. Reynolds, P.E., signed and sealed on 11/17/2016.
7. Boundary Survey by Robert Edward Reece, Professional Surveyor and Mapper, dated 7/27/2015, revised 9/10/2015; and
8. Traffic Study, September 2015, updated November 2016, signed and sealed November 16, 2016 by Karl B. Peterson, P.E.; and
9. FDOT Letter of Coordination from Kristina Selstrom, dated July 28, 2016; and
10. Staff report prepared by Kevin Bond, AICP, Planning and Development Review Manager, dated February 3, 2017; and
11. Comments by the DRC and Department staff; and
12. Comments by the applicant; and
13. Comments from the public.

**WHEREAS**, based upon the information and documentation submitted, the Director made the following Findings of Fact:

1. The subject property is located within the Suburban Commercial (SC) Land Use (Zoning) District; and
2. The subject property is located within the Mixed Use/Commercial (MC) Future Land Use Map (FLUM) Category; and
3. The subject property is located within an area designated Tier III (infill area); and
4. Pursuant to LDC Section 110-69, the Director is authorized to render a development order approving an application for a Minor CUP in accordance with the standards provided in LDC Section 110-67; and
5. LDC Section 110-67 provides the standards applicable to all conditional uses. When considering applications for a conditional use permit, the Director shall consider the extent to which:
  - (a) The conditional use is consistent with the purposes, goals, objectives and policies of the Comprehensive Plan and this Land Development Code;
  - (b) The conditional use is consistent with the community character of the immediate vicinity of the parcel proposed for development;
  - (c) The design of the proposed development minimizes adverse effects, including visual impacts, of the proposed use on adjacent properties;
  - (d) The proposed use will have an adverse effect on the value of surrounding properties;
  - (e) The adequacy of public facilities and services;

- (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 improvements associated with the proposed development;
  - (g) The development will adversely affect a known archaeological, historical or cultural resource;
  - (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 Land Development Code authorizing such use and by all other applicable requirements; and
6. Development requiring a conditional use permit shall be consistent with the Monroe County Comprehensive Plan; and
7. Developments requiring a conditional use permit shall be consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; and

**WHEREAS**, the Director made the following Conclusions of Law:

1. The Minor CUP application is consistent with all of the provisions and intent of the Land Development Code of the Monroe County, Florida, Code of Ordinances; specifically:
  - a. The development is consistent with the purpose of the Suburban Commercial (SC) Land Use District; and
  - b. Following the execution of the conditions provided herein, the development shall meet all of the standards for a Minor CUP; and
2. The Minor CUP application is consistent with the provisions and intent of the Monroe County Year 2030 Comprehensive Plan; specifically:
  - a. The development is consistent with the purpose of the Mixed Use/Commercial (MC) FLUM Category; and
3. The development is consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; and

**WHEREAS**, at the DRC meeting on February 21, 2017, staff requested that the following conditions be met prior to the issuance of any development order approving the Minor CUP:

- a. Revise or submit an addendum to the traffic study to calculate the average daily trips for the retail and restaurant uses based on floor area, so that the intensity calculation (trips per 1,000 square feet of floor area) can be calculated and confirmed. The floor areas of the restaurant, retail and office uses shall be corrected in the traffic study to be consistent with the submitted plans.

- b. The floor areas discrepancies of the land uses between the traffic study and plans shall be corrected and resolved in order to determine the correct total floor area on the property, as in turn compliance with maximum FARs. The intensity category will be determined based on the requested revisions to the traffic study and the verified floor area for the commercial retail uses.
- c. Remove the encroaching parking area from the required secondary front yard setback on the plans.
- d. Revise the site plan to provide the required off-street parking calculations and the shared parking calculations, demonstrating compliance with LDC Section 114-67.
- e. Revise the site plan to indicate the required bicycle rack meets the bicycle parking rack criteria in LDC Section 114-71(c).
- f. Revise the site plan to indicate a single 11' x 55' loading/unloading space.
- g. Revise the Landscape Plan (Sheet L1 of 1) to comply with LDC Section 114-100 to the greatest extent practicable; and

**WHEREAS**, within six months of the February 21, 2017 DRC meeting, the Planning and Environmental Resources Department received:

- a. A revised traffic study and an addendum calculating and confirming the intensity of the restaurant and retail uses would be medium intensity at 88.04 trips per 1,000 square feet of nonresidential floor area; and
- b. Revised plans with floor areas corrected and consistent with the traffic study; and
- c. Revised plans removing setback encroachments, providing shared parking calculations, indicating the required bicycling parking and required loading / unloading space, and
- d. Revised landscape plans; and

**WHEREAS**, the Director has duly considered the recommendation of staff and the information and documentation submitted by the applicant; and

**WHEREAS**, the record established, the testimonies offered, and the evidence submitted, support the Findings of Fact and Conclusions of Law adopted;

**NOW THEREFORE, BE IT RESOLVED BY THE DIRECTOR OF PLANNING & ENVIRONMENTAL RESOURCES OF MONROE COUNTY, FLORIDA** that the request for a Minor Conditional Use Permit is hereby APPROVED, subject to the following conditions:

1. The existing curb cuts to Overseas Highway/U.S. 1 shall be brought into compliance with current FDOT standards. A Notice of Intent letter from FDOT for an access permit or an FDOT letter stating no additional improvements are necessary shall be required prior to issuance of a County building permit application related to the Minor CUP.
2. The drainage, utility, stormwater, landscaping and irrigation plans shall be formally approved by a building permit.

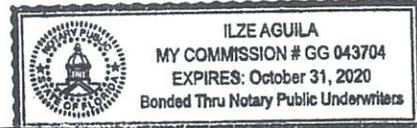
3. Prior to the issuance of the Certificate of Occupancy for the building, all required landscaping shall be formally approved by a Building Permit, planted and pass a final inspection by the County Biologist or his or her designee.
4. The scope of work has not been reviewed for compliance with Florida Building Code. Prior to the issuance of Building Permits, new development and structures shall be found in compliance by the Monroe County Building Department, Floodplain Administrator, and the Office of the Fire Marshal.

Date 10/31/17 Adan Mayte Santamaria  
Mayté Santamaria,  
Senior Director of Planning & Environmental Resources

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared Mayté Santamaria, to me known to be the person described in and who executed the foregoing instrument and she acknowledged before me the she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 31<sup>st</sup> day of October, 2017.

Ilze Aguilera



NOTARY PUBLIC, STATE OF FLORIDA

**NOTICE**

Section 110-73(a) of the Monroe County Land Development Code states that a conditional use approval shall not be transferred to a successive owner without notification to the Planning Director within 60 days of the transfer.

Pursuant to LDC Section 110-73(a)(2), all required building permits and certificates of occupancy and/or certificates of completion shall be procured within three (3) years of the date on which the minor conditional use approval is recorded and filed in the official records of Monroe County, or the minor conditional use approval shall become null and void with no further action required by the county. Approval time frames do not change with successive owners. Extensions of time to a minor conditional use approval may be granted only by the Planning Director for periods not to exceed one (1) year. Applications for extensions shall be made prior to the expiration dates. Extensions to expired minor conditional use approvals shall be accomplished only by re-application for the minor conditional uses. When a hearing officer has ordered a conditional use approval initially denied by the Planning Director, the Planning Director shall nonetheless have the authority to grant or deny a time extension under this section. If the Planning Director denies a time extension, the holder of the conditional use may request an appeal of that decision under LDC Chapter 102, Article VI by filing the notice required by that article within 30 days of the written denial of the Planning Director.

This instrument shall not take effect for 30 days following the date in which the document is signed by the Planning Director. During these 30 days, this instrument shall be subject to appeal as provided in LDC Section 102-185. Such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order. In addition, please be advised that this instrument shall not take effect for 45 days following its rendition to the Florida Department of Economic Opportunity. During these 45 days, the Florida Department of Economic Opportunity may appeal this instrument. Such an appeal stays the effectiveness of this instrument until the appeal is resolved by agreement or order.

If this development order is appealed under Monroe County Code or by the Florida Department of Economic Opportunity, the above time limits shall be tolled until the appeals are resolved.



## **Aguila-Ilze**

---

**From:** Bill and Mary <huntermarybill@bellsouth.net>  
**Sent:** Thursday, May 17, 2018 3:12 PM  
**To:** Aguila-Ilze  
**Subject:** Planning Commission File 2018-026 - Boondocks Sign

Planning Commissioners,

At your April meeting I expressed concern about variances and asked for detailed discussion about how the Boondocks application met all the criteria for a variance from code requirements.

I did so because in your January 2018 meeting you approved a variance for the Perry hotel on Stock Island. The request and the approval rationale is similar to Boondocks – two different uses on a property with two driveways.

In the Stock Island variance, the signs face Shrimp Road with little traffic destined for anywhere but the businesses in question.

In the Boondocks case the signs face US1 with considerable traffic and arguably setting precedent for other commercial parcels with multiple uses and entrances.

For the sake of both residents and other business owners who will be watching this closely it will be helpful to clearly understand how and when the limits imposed by the sign code can be overridden by a variance.

What characteristics of a parcel of property qualify it to be considered separate parcels for purposes of allowing multiple signs?

I look forward to your discussion.

Bill Hunter  
Sugarloaf

PS. Of all the businesses along US1 in the Lower Keys, Boondocks has the nicest landscaping on US1 frontage, hands down. They also provide a great service to the community by hosting political and benefit functions for the community. They are a great asset to our community.

BNDARY  
YARD  
TBACK

RAMROD SHORES MARINA SECTION  
PLAT BOOK 4, PAGE 161



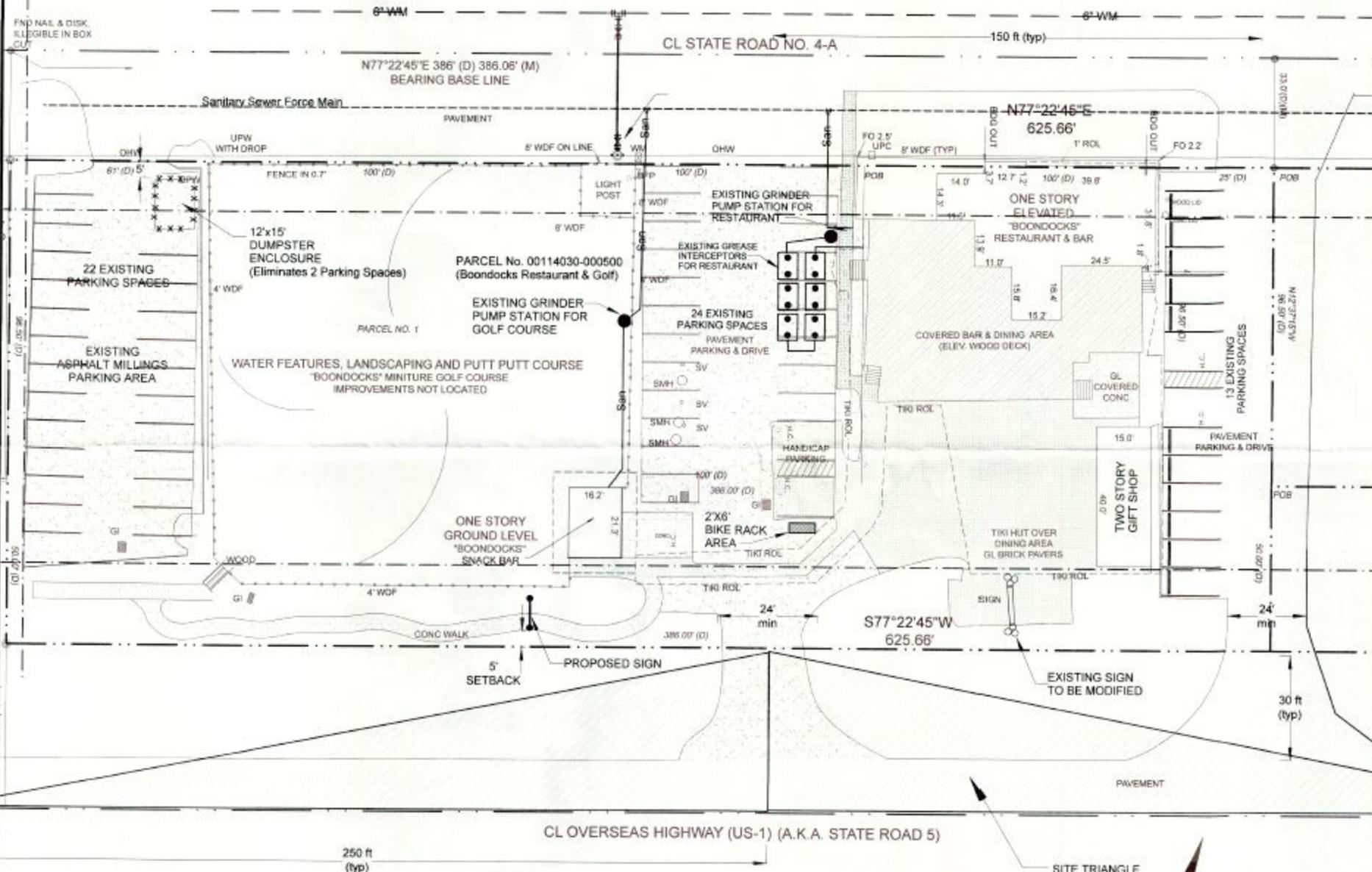
James C. Reynolds, PE  
Fl Lic. No. 46685

Reynolds Engineering Services, Inc.  
FL C.A. No. 26597  
22972 Overseas Highway  
Cudjoe Key, FL 33042  
Jim@ReynoldsEngineeringServices.com  
305-394-5987

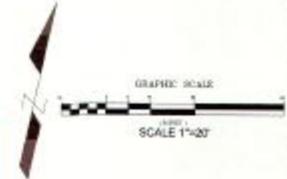
Revisions:  
No. \_\_\_\_\_  
Date: \_\_\_\_\_  
Comments: \_\_\_\_\_

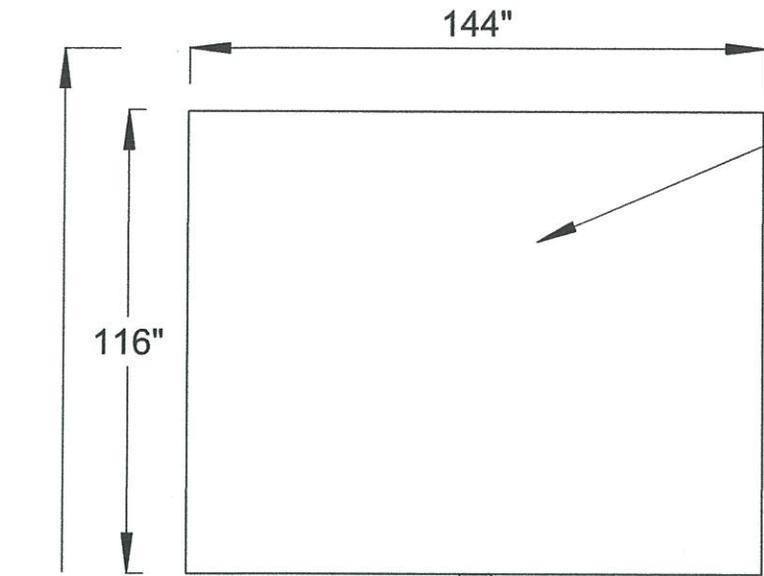
**SIGN VARIANCE REQUEST**  
for  
**Boondocks Grille & Draft House**  
27205 Overseas Hwy, Ramrod Key, Fl

Title: \_\_\_\_\_  
Date: 2/6/2018  
Page: 1 of 1



**BOONDOCKS  
SITE PLAN**

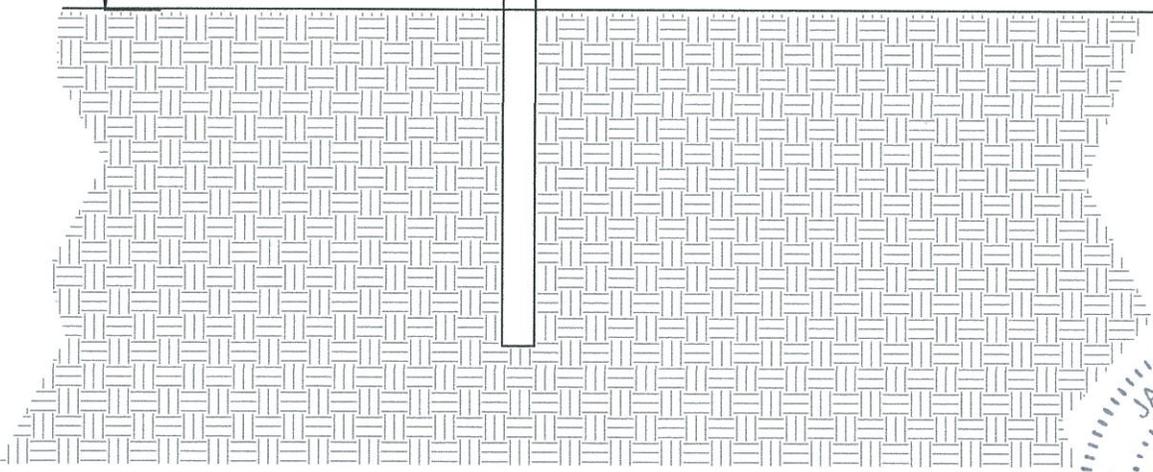




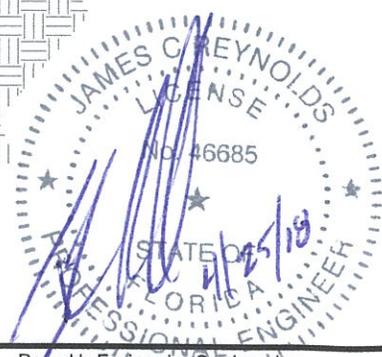
DESIGN AND ILLUMINATION  
TO BE IN ACCORDANCE WITH  
COUNTY CODE REQUIREMENTS

SIGN SUPPORT STRUCTURE  
TO BE IN ACCORDANCE WITH  
COUNTY CODE REQUIREMENTS

**RECEIVED**  
APR 26 2018  
2018-026  
MONROE CO. PLANNING DEPT.



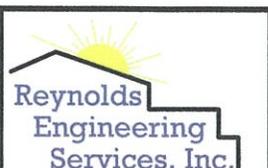
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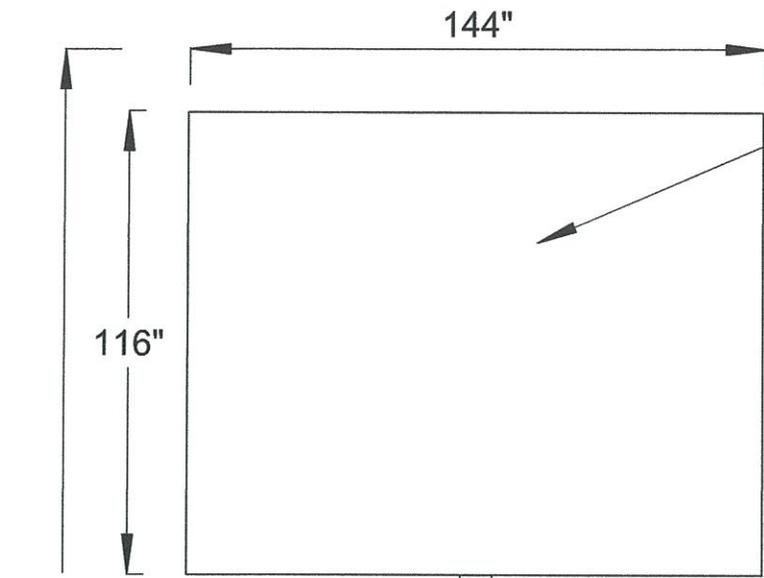
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4/25/2018

Page:  
1 of 2

Title:  
**BOONDOCKS GRILLE & DRAFTHOUSE  
SIGN VARIANCE**



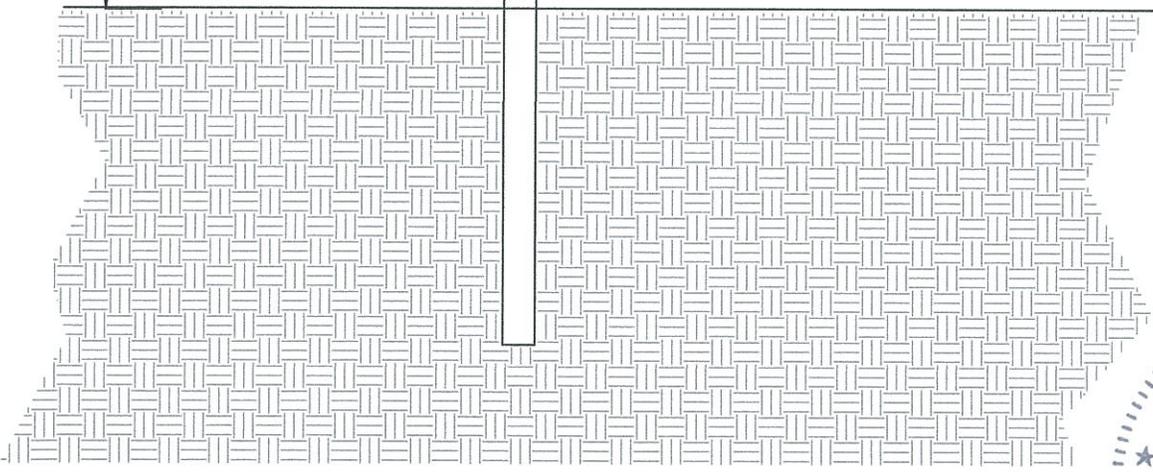
Reynolds Engineering Services, Inc.  
Fl. C.A. No. 26597  
24478 Overseas Highway  
Summerland Key, Fl. 33042  
305-394-5987  
Jim@Reynoldsengeeringsservices.com  
James C. Reynolds, PE  
Fla Lic. No. 46685



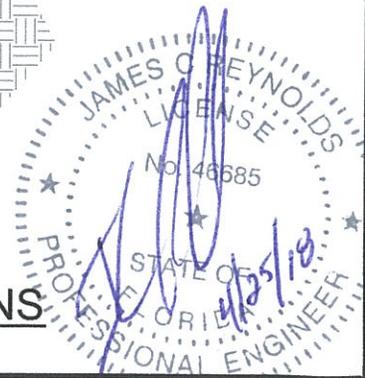
DESIGN AND ILLUMINATION  
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SIGN SUPPORT STRUCTURE  
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COUNTY CODE REQUIREMENTS

**RECEIVED**  
APR 26 2018  
2018-026  
MONROE CO. PLANNING DEPT.



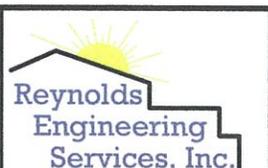
**EXISTING SIGN MODIFICATION DIMENSIONS**



Date:  
4/25/2018

Page:  
2 of 2

Title:  
**BOONDOCKS GRILLE & DRAFTHOUSE  
SIGN VARIANCE**



Reynolds Engineering Services, Inc.  
Fl. C.A. No. 26597  
2447B Overseas Highway  
Summerland Key, Fl. 33042  
305-394-5987  
Jim@Reynoldsengeeringsservices.com  
James C. Reynolds, PE  
Fla Lic. No. 46685



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

**To:** Monroe County Planning Commission  
**Through:** Emily Schemper, Acting Senior Director of Planning & Environmental Resources  
**From:** Janene Sclafani, Senior Planner  
**Date:** April 4, 2018  
**Subject:** *Request for a Variance on property located at 24326 Overseas Highway, Summerland Key, Real Estate Numbers 00190830-000000 (File# 2018-037)*

---

**Meeting Date:** **May 30, 2018**

---

1 **I REQUEST:**  
2

3 The applicant is requesting a Variance to the parking requirements in Chapter 114, Article III  
4 of the Monroe County Land Development Code (LDC). The request is for a reduction of 18  
5 off-street parking spaces from the required 35 off-street parking spaces. Approval of the  
6 Variance would result in a total of 17 off-street parking spaces. The Variance is for the  
7 proposed development of four (4) employee housing units on a property with an existing  
8 marina and one existing market rate unit.  
9



10 *Subject Property (center, outlined in blue) with Land Use (Zoning) Districts, 2015 Aerial*  
11  
12  
13  
14  
15  
16  
17  
18

1 **II BACKGROUND INFORMATION:**  
2

3 **Address:** 24326 Overseas Highway, Summerland Key, Mile Marker 24.5 (Ocean side)

4 **Legal Description:** Lots 9, 10, 11, 12, & 13, Block 2, Summerland Key Cove Addition 2,  
5 according to the map or plat thereof, as recorded in Plat Book 4, Page 100, of the Public  
6 Records of Monroe County, Florida

7 **Real Estate (RE) Numbers:** 00190830-000000

8 **Property Owner/Applicant:** Summerland Key Marina, LLC

9 **Agent:** Rick Milelli and Teresa Smith / Meridian Engineering, LLC

10 **Size of Site:** 30,000 square feet / 0.689 acres (based on Monroe County's Property Record  
11 Cards and the site plan)

12 **Land Use District:** Suburban Commercial (SC)

13 **Future Land Use Map (FLUM) Designation:** Mixed Use/Commercial (MC)

14 **Tier Designation:** III (Infill Area)

15 **Flood Zone:** AE-10

16 **Existing Uses:** Marina and one attached residential dwelling unit

17 **Existing Vegetation / Habitat:** Scarified

18 **Community Character of Immediate Vicinity:** Institutional, commercial, and single family  
19 residential across the canal.  
20

21 **III RELEVANT PRIOR COUNTY ACTIONS:**  
22

23 On July 30, 1990, Development Order #15-90 approving a Minor Conditional Use was  
24 signed by the Planning Director and recorded on September 28, 1990. The approval allowed  
25 the request by Sherman Marine to construct a 3,000 square foot addition to an existing  
26 commercial building located on lots 10-13. Lot 9 was later aggregated.  
27

28 On September 8, 2010, the Planning Commission approved Resolution No. P19-10, recorded  
29 on December 2, 2010, granting a variance request by Summerland Key Marina, LLC for a  
30 reduction of 15 feet from the required 25 foot front yard setback, a reduction of 10 feet from  
31 the required 10 foot side yard setback along the eastern property line, a reduction of 5 feet  
32 from the required 10 foot side yard setback along the western property line, a reduction of 10  
33 feet from the required 10 foot class C-bufferyard along the eastern property line, a reduction  
34 of 5 feet from the required 10 foot class C-bufferyard along the western property line, and a  
35 reduction of 16 off-street parking spaces from the required 33 off-street parking spaces.  
36

37 On September 8, 2010, the Planning Commission approved Resolution No. P20-10, recorded  
38 on December 2, 2010, granting a request by Summerland Key Marina, LLC for an  
39 Amendment to a Major Conditional Use Permit. The Amendment allowed for improvement  
40 of the existing marina building, construction of four (4) new employee housing units within  
41 the existing building, installation of one (1) boat rack, changing the commercial retail  
42 intensity from low to medium, modifying off-street parking area, installation of landscaping,  
43 and carrying out various other associated site improvements; this Amendment expired  
44 December 2, 2013.

1  
2 On April 5, 2018 the Acting Planning Director signed Development Review Committee  
3 Resolution No. 01-17, recommending to the Planning Commission approval of a request filed  
4 by Meridian Engineering, LLC on behalf of Summerland Key Marina, LLC for an  
5 Amendment to a Major Conditional Use Permit which would allow for the completion of the  
6 remaining development consisting of construction of four (4) new employee housing units  
7 located within the existing marina building, modification of the off-street parking area,  
8 installation of landscaping, and improvement of the existing marina building. A  
9 recommended condition of approval is that either compliance with the current parking  
10 requirements of the LDC, or a variance to the current parking requirements (i.e., this  
11 application) be granted prior to Planning Commission approval of the Amendment to the  
12 Major CUP.

13  
14 **IV REVIEW OF APPLICATION:**

15  
16 Pursuant to Monroe County Land Development Code (LDC) Chapter 102, Article VI,  
17 Division 1, variances to the off-street parking requirements set forth in LDC Chapter 114,  
18 Article III must be heard by the Planning Commission. The proposed variance would result  
19 in a total of 17 off-street parking spaces from the required 35.

20  
21 *Pursuant to LDC Section 102-187, a variance may only be granted if the applicant*  
22 *demonstrates that all of the following standards are met:*

23  
24 (1) *The applicant demonstrates a showing of good and sufficient cause:*

25  
26 The applicant states, “the Monroe County Code changed to require more parking.”

27  
28 On September 8, 2010, the Planning Commission approved Resolution No. P19-10,  
29 recorded on December 2, 2010, granting a variance request by Summerland Key Marina,  
30 LLC for a reduction of 16 off-street parking spaces from the required 33 off-street  
31 parking spaces in addition to setbacks. However, subsequent to the approval of that  
32 parking variance and the first CUP Amendment approval (both approved on September 8,  
33 2010 by the Planning Commission), the parking requirements for multifamily dwelling  
34 units have been amended from 1.5 to 2 spaces per each one-bedroom unit. This change in  
35 the LDC now requires the Applicant to obtain a new parking variance for the proposed  
36 project. Therefore, staff agrees that the applicant has demonstrated good and sufficient  
37 cause for the requested variance.

38  
39 **IN COMPLIANCE**

40  
41 (2) *Failure to grant the variance would result in exceptional hardship to the applicant:*

42  
43 LDC Section 101-1 defines “exceptional hardship” as “a burden on a property owner that  
44 substantially differs in kind or magnitude from the burden imposed on other similarly  
45 situated property owners. Financial difficulty/hardship does not qualify as exceptional  
46 hardship.”

1  
2 The applicant states, “the site is fully developed. There is no open area left for parking.”  
3

4 Staff notes that due to the development already located onsite and amendments to parking  
5 requirements, the applicant has provided parking to the maximum extent practicable. In  
6 addition, on September 8, 2010, the Planning Commission approved Resolution No. P19-  
7 10, recorded on December 2, 2010, granting a variance request by Summerland Key  
8 Marina, LLC for a reduction of 16 off-street parking spaces from the required 33 off-  
9 street parking. Without approval of the currently requested variance, the applicant cannot  
10 develop the affordable units previously approved, therefore, staff agrees failure to grant  
11 the variance would result in exceptional hardship.  
12

13 IN COMPLIANCE  
14

- 15 (3) *Granting the variance will not result in increased public expenses, create a threat to*  
16 *public health and safety, create a public nuisance, or cause fraud or victimization of the*  
17 *public:*  
18

19 The applicant states “granting the variance will not cause the aforementioned to occur.”  
20

21 Staff does not anticipate that granting the requested variance would result in increased  
22 public expenses, create a threat to public health and safety, create a public nuisance, or  
23 cause fraud or victimization of the public.  
24

25 IN COMPLIANCE  
26

- 27 (4) *The property has unique or peculiar circumstances, which apply to this property, but*  
28 *which do not apply to other properties in the same zoning district:*  
29

30 The applicant states, “Yes. The property has a storage facility that can be utilized for  
31 affordable housing.”  
32

33 Staff notes that the property previously received a variance to parking requirements and  
34 setbacks for the proposed development of affordable housing units, the proposed site plan  
35 is consistent with the previously approved site plan under Planning Commission  
36 Resolution No. P19-10. In addition, on September 21, 2011, the Board of County  
37 Commissioners approved Ordinance No. 013-2011, recorded on October 13, 2011,  
38 amending Monroe County Code Section 114-67(c) revising the minimum required  
39 number of off-street parking spaces for multifamily dwelling units from 1.5 per unit to  
40 the current standards.  
41

42  
43 IN COMPLIANCE  
44

1 (5) *Granting the variance will not give the applicant any special privilege denied other*  
2 *properties in the immediate neighborhood in terms of the provisions of this chapter or*  
3 *established development patterns:*

4  
5 The applicant states, “granting the variance will not give the applicant special privilege.”

6  
7 On September 30, 2015, the Planning Commission approved Resolution No. P20-15,  
8 granting a request by the neighboring property to the west, Mote Marine laboratory,  
9 located at 24244 Overseas Hwy, for a variance to the off-street parking requirements.

10  
11 Staff does not anticipate the approval of the variance would grant the applicant any  
12 special privilege denied other properties in the immediate neighborhood in terms of the  
13 provisions of this chapter or established development patterns.

14  
15 IN COMPLIANCE

16  
17 (6) *Granting the variance is not based on disabilities, handicaps or health of the applicant or*  
18 *members of his family:*

19  
20 The applicant states, “Granting of the requested variances are not based on disabilities,  
21 handicaps, or health of the applicant or family members.”

22  
23 Concerning the proposed development, granting the requested variances would not be  
24 based on disabilities, handicaps or health of the applicant or their family members.

25  
26 IN COMPLIANCE

27  
28 (7) *Granting the variance is not based on the domestic difficulties of the applicant or his*  
29 *family:*

30  
31 The applicant states, “Granting of the variance is not based on any domestic difficulties  
32 faced by the applicant.”

33  
34 Concerning the proposed development, granting the requested variances would not be  
35 based on the domestic difficulties of the applicant or their family.

36  
37 IN COMPLIANCE

38  
39 (8) *The variance is the minimum necessary to provide relief to the applicant:*

40  
41 The applicant states, “the requested variance is the minimum required.”

42  
43 As previously mentioned, due to the development already located onsite and amendments  
44 to parking requirements approved by BOCC Ordinance No. 013-2011, the applicant has  
45 provided parking to the maximum extent practicable. In addition, on September 8, 2010,  
46 the Planning Commission approved Resolution No. P19-10, granting a variance request

1 by Summerland Key Marina, LLC for a reduction of 16 off-street parking spaces from  
2 the required 33 off-street parking; the proposed site plan is consistent with the previously  
3 approved site plan. Therefore, staff agrees that granting the variance is the minimum  
4 necessary for the proposed development as shown on the site plan in order to provide  
5 relief to the applicant.

6  
7 IN COMPLIANCE

8  
9 **V RECOMMENDATION:**

10 Staff recommends **APPROVAL** of the requested variance to parking requirements with the  
11 following conditions:

- 12  
13 1. This variance approval is based on the site plan by Rick Milelli, P.E., of Meridian  
14 Engineering, LLC, dated March 13, 2017, submitted with the Variance Application.  
15 Work not specified or deviations to the approved plans shall not be carried out without  
16 any required additional Planning & Environmental Resources Department approval.  
17  
18 2. This variance approval does not waive or reduce any other parking requirements, nor  
19 waive the required parking requirements for any future development.  
20

21 **VI PLANS REVIEWED:**

- 22 A. Site Plan by Rick Milelli, P.E. dated March 13, 2017  
23 B. Boundary Survey by Robert E. Reece, PSM dated April 25, 2017

**File #:** 2018-037

**Owner's Name:** Summerland Key Marina, LLC

**Applicant:** Meridian Engineering, LLC

**Agent:** Rick Milelli & Teresa Smith

**Type of Application:** PC Variance

**Key:** Summerland Key

**RE:** 00190830.000000

# County of Monroe

**Planning & Environmental Resources  
Department**

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



**Board of County Commissioners**

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

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

Date: 02.16.18

Dear Applicant:

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

Summerland Key Marina to the Monroe County Planning Department.  
Project / Name

Agents: Rick Milelli, Teresa Smith

Thank you.

Planning Staff



APPLICATION

Land Use District Designation(s): SC

Present Land Use of the Property: Mixed Use Commercial

Proposed Land Use of the Property:

Total Land Area: 30,000

Provide the standards required by the land development regulations: 34 off-street parking (i.e., front yard setback of 25 feet, 100 off-street parking spaces, etc.)

Provide requested variance: 17 off-street parking (i.e., reduction of 5ft for a front yard setback of 20 feet; reduction to 90 off-street parking spaces, etc.)

All of the following standards must be met in order to receive variance approval. Please describe how each standard will be met (as it relates to the property):

1. The applicant shall demonstrate a showing of good and sufficient cause for granting the variance: The Monroe County code changed to require more parking

2. Failure to grant the variance would result in exceptional hardship to the applicant: The site is fully developed. There is no open area left for parking

Exceptional hardship means a burden on a property owner that substantially differs in kind or magnitude from the burden imposed on other similarly situated property owners in the same land use district as a result of adoption of the regulations.

3. Granting the variance will not result in increased public expenses, create a threat to public health and safety, create a public nuisance or cause fraud or victimization of the public: Granting variance will not cause the above to occur

4. Property has unique or peculiar circumstances, which apply to this property, but which do not apply to other properties in the same zoning district: Yes. Property has storage facility that can be utilized for affordable housing.

APPLICATION

- 5. Granting the variance will not give the applicant any special privilege denied other properties in the immediate neighborhood in terms of the provisions of the code or established development patterns:

Granting variance will not give applicant special privilege

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

Granting variance is not based on above

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

Granting variance is not based on above

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

Minimum variance ~~is~~ required.

## APPLICATION

**All of the following items must be included in order to have a complete application submission:**

(Please check the box as each required item is attached to the application.)

- Complete variance application (unaltered and unbound)
- Correct fee (check or money order payable to *Monroe County Planning & Environmental Resources*)
- Proof of ownership (i.e., Warranty Deed)
- Current Property Record Card(s) from the Monroe County Property Appraiser
- Location map
- Photograph(s) of site from adjacent roadway(s)
- Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor-sixteen (16) sets (at a minimum, survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage by land use district; and total acreage by habitat)
- Signed and Sealed Site Plan, prepared by a Florida registered architect, engineer or landscape architect-five (5) sets (drawn to a scale of 1 inch equals 20 feet, except where impractical and the Director of Planning authorizes a different scale). At a minimum, the site plan should include the following:
  - Date, north point and graphic scale
  - Boundary lines of site, including all property lines and mean high-water line
  
  - Land use district of site and any adjacent land use districts
  - Locations and dimensions of all existing and proposed structures and drives
  - Type of ground cover (i.e., concrete, asphalt, grass, rock)
  - Adjacent roadways
  - Setbacks as required by the land development regulations
  - Location and dimensions of all parking spaces (including handicap accessible, bicycle and scooter) and loading zones
- Typed name and address mailing labels of all property owners within a 600 foot radius of the property. This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 600 foot radius, each unit owner must be included.

**If applicable, the following item must be included in order to have a complete application submission:**

- Notarized Agent Authorization Letter

Is there a pending code enforcement proceeding involving all or a portion of this property?

Yes    No   Code Case file # \_\_\_\_\_ Describe the enforcement proceedings and if this

application is being submitted to correct the violation: \_\_\_\_\_

**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 administrative variance 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.

APPLICATION

Pursuant to Section 102-186 (i) of Monroe County Code, the applicant shall post the property of the proposed variance with a waterproof sign at least four (4) square feet in front surface area, which is so lettered as to be easily visible from all public streets and public ways abutting the property. The property shall remain posted for no less than thirty (30) calendar days beginning within five (5) working days of the date that the application is deemed to be in compliance by the Planning Director. For your convenience, the Department will provide you with a sample of the sign.

The applicant/owner hereby acknowledges and agrees that any staff discussions or negotiations about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

By signing this application, the owner of the subject property authorizes the Monroe County Planning & Environmental Resources staff to conduct all necessary site visits and inspections on the subject property.

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

Signature of Applicant: [Handwritten Signature] Date: 2/16/18

STATE OF FLORIDA

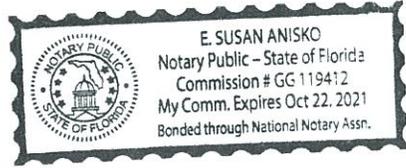
COUNTY OF MONROE

Sworn to and subscribed before me this 16<sup>th</sup> day of February, 2018,

by George Secchiaroli, who is personally known to me OR produced  
(PRINT NAME OF PERSON MAKING STATEMENT)

FLA Drivers Lic as identification.  
(TYPE OF ID PRODUCED)

[Handwritten Signature]  
Signature of Notary Public, State of Florida



Print, Type or Stamp Commissioned Name of Notary Public  
My commission expires:  
10/22/2021

Send complete application package to:

Monroe County Planning & Environmental Resources Department  
Marathon Government Center  
2798 Overseas Highway, Suite 400  
Marathon, FL 33050

AGENT AUTHORIZATION FORM

Date of Authorization: \_\_\_/\_\_\_/\_\_\_
Month Day Year

I hereby authorize Richard Milelli be listed as authorized agent
(Print Name of Agent)

representing Summerland Key Marina, LLC. for the application submission
(Print Name of Property Owner(s) the Applicant(s))

of Variance Application to the Monroe County Planning Commission
(List the Name and Type of applications for the authorization)

for the Property described as: (if in metes and bounds, attach legal description on separate sheet)

Table with 4 columns: Lot, Block, Subdivision, Key (Island). Row 1: 2, 9-13, Summerland Key Cove Addition #2, Summerland Key. Row 2: 00190830-000000, 1252751. Row 3: Real Estate (RE) Number, Alternate Key Number. Row 4: 24326 Overseas Highway, Summerland Key, FL 33042, 24.5. Row 5: Street Address (Street, City, State & Zip Code), Approximate Mile Marker.

Authorized Agent Contact Information:

Richard Milelli; Meridian Engineering, LLC; 201 Front St, Suite 203; Key West, FL 33040

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

(305)293-3263 305-481-0400 rmilleli@mefkeys.com
Work Phone Home Phone Cell Phone Email Address

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purposes stated. The undersigned understands the risks and liabilities involved in the granting of this agency and accepts full responsibility for any and all of the actions of the agent named herein related to the processing of the services requested, application(s) and/or the acquisition of approvals/permits for the aforementioned applicant. The applicant(s) hereby indemnifies and holds harmless Monroe County, its officers, agents and employees for any damage to applicant caused by its agent or arising from this agency authorization.

Note: Agents must provide a notarized authorization from ALL current property owners.

Signature of Property Owner: [Handwritten Signature]

Printed Name of Property Owner: George Secchiaroli

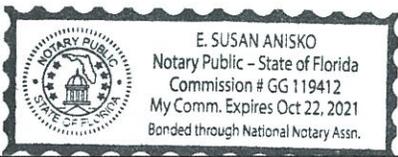
STATE OF FLORIDA COUNTY OF MONROE

Sworn to and subscribed before me this 16th day of February, 2018,

by George Secchiaroli, who is personally known to me OR produced
(Print Name of Person Making Statement)

FL Drivers License as identification.
(Type of ID Produced)

[Handwritten Signature]
Signature of Notary Public



Print, Type or Stamp Commissioned Name of Notary Public

My commission expires:

10/22/2021

AGENT AUTHORIZATION FORM

Date of Authorization: \_\_\_/\_\_\_/\_\_\_  
Month Day Year

I hereby authorize Teresa Smith be listed as authorized agent  
(Print Name of Agent)

representing Summerland Key Marina, LLC. for the application submission  
(Print Name of Property Owner(s) the Applicant(s))

of Variance Application to the Monroe County Planning Commission  
(List the Name and Type of applications for the authorization)

for the Property described as: (if in metes and bounds, attach legal description on separate sheet)

2 9-13 Summerland Key Cove Addition #2 Summerland Key  
Lot Block Subdivision Key (Island)  
00190830-000000 1252751

24326 Overseas Highway, Summerland Key, FL 33042 24.5  
Real Estate (RE) Number Alternate Key Number

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

Authorized Agent Contact Information:

Teresa Smith; Meridian Engineering, LLC; 201 Front St, Suite 203; Key West, FL 33040

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

(305)293-3263 305-481-0234 keyspermitting@gmail.com  
Work Phone Home Phone Cell Phone Email Address

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purposes stated. The undersigned understands the risks and liabilities involved in the granting of this agency and accepts full responsibility for any and all of the actions of the agent named herein related to the processing of the services requested, application(s) and/or the acquisition of approvals/permits for the aforementioned applicant. The applicant(s) hereby indemnifies and holds harmless Monroe County, its officers, agents and employees for any damage to applicant caused by its agent or arising from this agency authorization.

Note: Agents must provide a notarized authorization from ALL current property owners.

Signature of Property Owner: [Signature]

Printed Name of Property Owner: George Secchiaroli

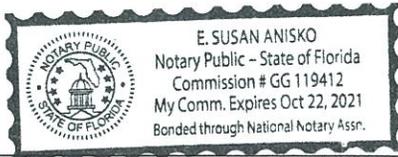
STATE OF FLORIDA COUNTY OF MONROE

Sworn to and subscribed before me this 16<sup>th</sup> day of February, 20 18,

by George Secchiaroli, who is personally known to me OR produced  
(Print Name of Person Making Statement)

FLA. DRIVERS Lic as identification.  
(Type of ID Produced)

[Signature]  
Signature of Notary Public



Print, Type or Stamp Commissioned Name of Notary Public

My commission expires:  
10/22/2021

copy

Doc# 1756211 08/24/2009 3:18PM  
Filed & Recorded in Official Records of  
MONROE COUNTY DANNY L. KOLHAGE

Prepared by and return to:

David R. Roy  
Attorney at Law  
David R. Roy, P.A.  
4209 N. Federal Highway  
Pompano Beach, FL 33064  
954-784-2961  
File Number: 09-DR-156  
Will Call No.:

08/24/2009 3:18PM  
DEED DOC STAMP CL: TRINA \$10,675.00

Doc# 1756211  
Bk# 2428 Pg# 1290

Parcel Identification No. 00190830-000000

\$1,525,000.00

[Space Above This Line For Recording Data]

## Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

**This Indenture** made this 20th day of August, 2009 between Interstate Enterprises Group, Inc., a Florida corporation whose post office address is 1016 Grand Court, Highland Beach, FL 33487 of the County of Palm Beach, State of Florida, grantor\*, and Summerland Key Marina, LLC, a Florida limited liability company, whose post office address is 11 Main Street, Suite 16, Southborough, MA, grantee\*,

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

**Lots 9, 10, 11, 12 and 13, Block 2, Addition #2, Summerland Key Cove, according to the Plat thereof, recorded in Plat Book 4, Page 100, of the Public Records of Monroe County, Florida.**

**a/k/a 24326 Overseas Hwy., Summerland Key, FL 33042**

**Subject to a Purchase Money First Mortgage executed in favor of the Grantor named herein in the principal sum of \$1,510,000.00.**

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

\* "Grantor" and "Grantee" are used for singular or plural, as context requires.

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

Signed, sealed and delivered in our presence:

*[Handwritten Signature]*  
\_\_\_\_\_  
Witness Name: \_\_\_\_\_  
*[Handwritten Signature]*  
\_\_\_\_\_  
Witness Name: *Alexis Gamejo*

Interstate Enterprises Group, Inc., a Florida corporation  
By: *[Handwritten Signature]*  
Kenneth Pierce, President

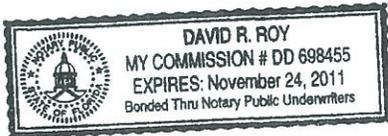
(Corporate Seal)

State of Florida  
County of Broward

The foregoing instrument was acknowledged before me this 20th day of August, 2009 by Kenneth Pierce, President of Interstate Enterprises Group, Inc., a Florida corporation, on behalf of the corporation. He  is personally known to me or  has produced a driver's license as identification.

[Notary Seal]

*[Handwritten Signature]*  
\_\_\_\_\_  
Notary Public  
Printed Name: DAVID R. ROY  
My Commission Expires: \_\_\_\_\_





**Disclaimer**

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

By continuing into this site you assert that you have read and agree to the above statement.

**Summary**

Parcel ID 00190830-000000  
 Account # 1252751  
 Property ID 1252751  
 Millage Group 120C  
 Location 24326 OVERSEAS HWY, SUMMERLAND KEY  
 Address  
 Legal BK 2 LT 9-10-11-12-13 SUMMERLAND KEY COVE ADDITION 2 PB4-100  
 Description SUMMERLAND KEY OR382-375 OR395-1029/30 OR462-964/65 OR533-664 OR677-664 OR784-916 OR791-1192 OR1046-1464 OR1068-1398 OR1096-1545 OR1237-685/ 696F/J OR1243-1071/72 OR1489-117 OR1714-1342/43 OR1775-928 OR1775-926C OR1775-929/930AFF OR1794-296 OR2428-1290/91 OR2542-1583/84 OR2789-684/87  
 (Note: Not to be used on legal documents)  
 Neighborhood 10050  
 Property Class STORE COMBO (1200)  
 Subdivision SUMMERLAND KEY COVE ADD #2  
 Sec/Twp/Rng 26/66/28  
 Affordable No  
 Housing



**Owner**

SUMMERLAND KEY MARINA LLC  
 24326 OVERSEAS HWY  
 SUMMERLAND KEY FL 33042

**Valuation**

	2017	2016	2015	2014
+ Market Improvement Value	\$0	\$0	\$0	\$0
+ Market Misc Value	\$0	\$0	\$0	\$0
+ Market Land Value	\$1,116,482	\$1,116,482	\$1,116,482	\$1,026,869
= Just Market Value	\$1,116,482	\$1,116,482	\$1,116,482	\$1,026,869
= Total Assessed Value	\$1,116,482	\$1,116,482	\$1,116,482	\$1,026,869
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$1,116,482	\$1,116,482	\$1,116,482	\$1,026,869

**Land**

Land Use	Number of Units	Unit Type	Frontage	Depth
COMM/HY/CANAL (10HC)	30,000.00	Square Foot	60	100

**Commercial Buildings**

Style 1 STY STORE-D / 11D  
 Gross Sq Ft 9,920  
 Finished Sq Ft 8,998  
 Perimiter 0  
 Stories 6  
 Interior Walls  
 Exterior Walls C.B.S.  
 Quality 350 ()  
 Roof Type  
 Roof Material  
 Exterior Wall1 C.B.S.  
 Exterior Wall2  
 Foundation  
 Interior Finish  
 Ground Floor Area  
 Floor Cover  
 Full Bathrooms 0  
 Half Bathrooms 0  
 Heating Type  
 Year Built 1968  
 Year Remodeled 0

Effective Year Built 1994  
Condition AVERAGE

**Yard Items**

Description	Year Built	Roll Year	Quantity	Units	Grade
RW2	1967	1968	1	426 SF	2
CONC DAVITS	1979	1980	1	2 UT	1
UTILITY BLDG	1979	1980	1	225 SF	4
PATIO	1979	1980	1	48 SF	2
BOAT RAMP	1979	1980	1	504 SF	2
PATIO	1979	1980	1	674 SF	2
SEAWALL	1989	1990	1	180 SF	4
CONCRETE DOCK	1989	1990	1	240 SF	4
CH LINK FENCE	1989	1990	1	900 SF	1
PATIO	1990	1991	1	424 SF	2
PATIO	1991	1992	1	126 SF	5
WOOD DECK	1993	1994	1	16 SF	3
RW2	1974	1975	1	200 SF	2
CONCRETE DOCK	1974	1975	1	240 SF	4
CONCRETE DOCK	1974	1975	1	400 SF	4
SEAWALL	1974	1975	1	400 SF	4
SEAWALL	1974	1975	1	90 SF	4

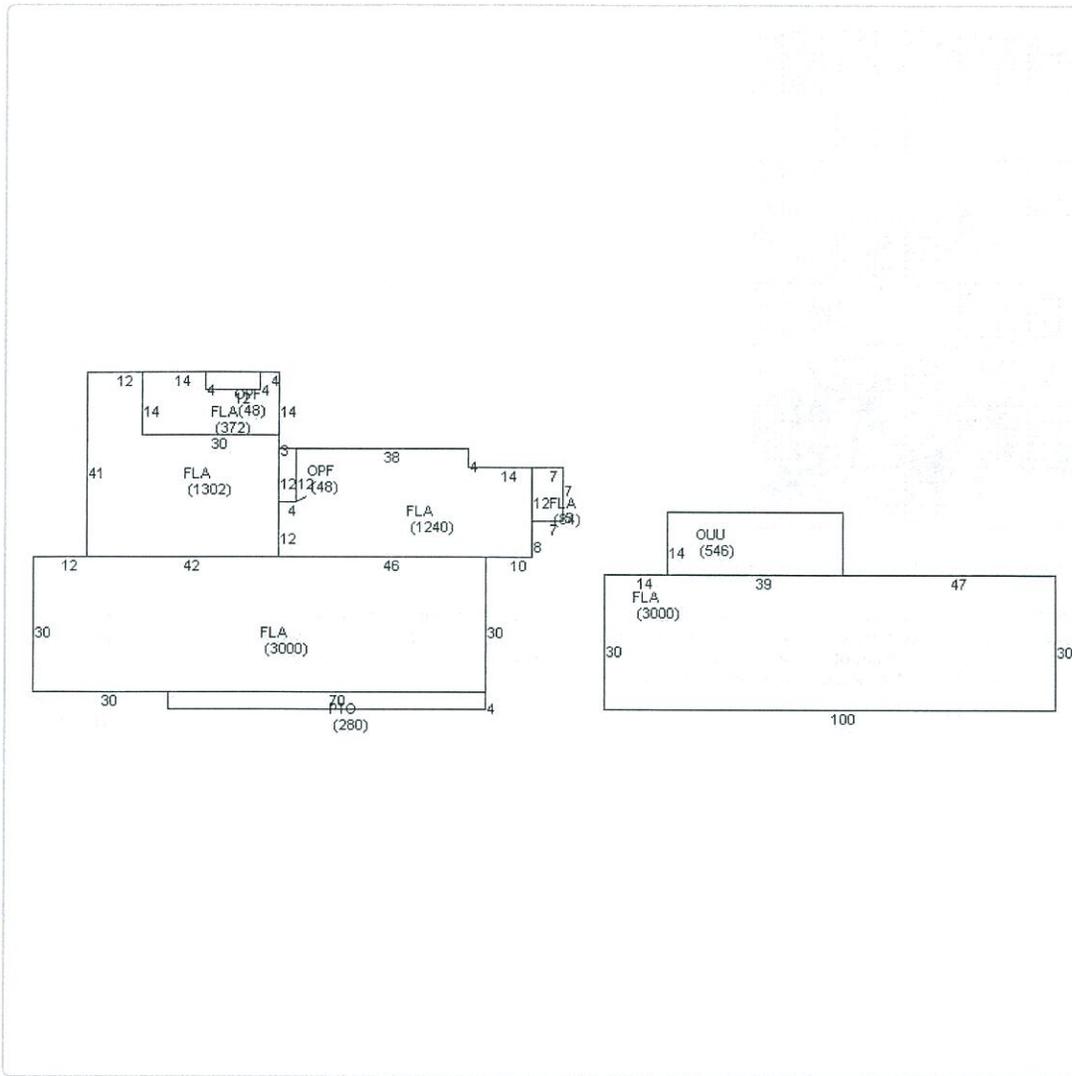
**Sales**

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
3/31/2016	\$100	Quit Claim Deed		2789	684	11 - Unqualified	Improved
11/17/2011	\$0	Quit Claim Deed		2542	1583	11 - Unqualified	Improved
8/20/2009	\$1,525,000	Warranty Deed		2428	1290	01 - Qualified	Improved
6/12/2002	\$650,000	Warranty Deed		1794	0296	Q - Qualified	Improved
3/15/2002	\$800,000	Warranty Deed		1775	0928	Q - Qualified	Improved
11/1/1997	\$950,000	Warranty Deed		1489	0117	S - Unqualified	Improved
3/1/1988	\$1	Warranty Deed		1046	1464	M - Unqualified	Improved

**Permits**

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
12101738	4/30/2012	11/20/2013	\$1,500	Commercial	INSTALLATION OF 8 RECEPTACLES
11106288	3/9/2012	11/20/2013	\$10,000	Commercial	INSTALL 2 WALLS AND 3K SF CEILING
11100418	3/4/2011	11/20/2013	\$100	Commercial	DEMO PLUMBING
10107401	1/6/2011	11/20/2013	\$35,000	Commercial	BOAT STORAGE RACKS
10101027	3/31/2010	5/11/2010	\$1,200	Commercial	BANNER ON BUILDING
09103717	1/25/2010	3/31/2010	\$2,200	Commercial	PLUMBING MISC
09103686	1/20/2010	3/31/2010	\$10,595	Commercial	ATF COMPLETE REMODEL
09103693	9/16/2009	3/31/2010	\$2,430	Commercial	MISC ELEC REPAIR
93-6209	6/1/1993	12/1/1993	\$950	Commercial	DECK ATF
91-2055	11/1/1991	12/1/1991	\$2,000	Commercial	ADDITION - COMMERCIAL
91-3606	10/1/1991	12/1/1991	\$7,500	Commercial	2 CANVAS AWNING
89-2735	1/1/1990	12/1/1990	\$12,000	Commercial	SEAWALL & DAVITS
89-1642	7/1/1989	11/1/1989	\$1,625	Commercial	CHAINLINK FENCE
89-0285	2/1/1989	11/1/1989	\$5,750	Commercial	CHAINLINK FENCE
A-13888	8/1/1985	12/1/1985	\$3,800	Commercial	INSTALL 2 BATHS

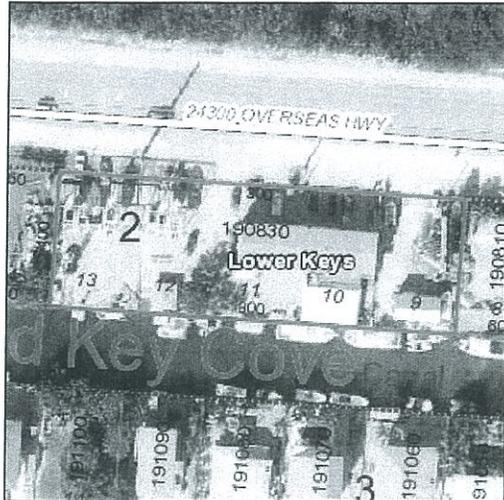
Sketches (click to enlarge)



Photos



Map



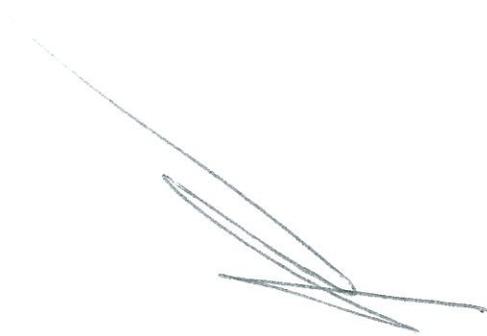
No data available for the following modules: Buildings, Mobile Home Buildings, Exemptions.

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

Last Data Upload Data: 2/15/2018, 6:15:36 AM



Developed by  
The Schneider  
Corporation

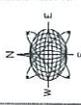


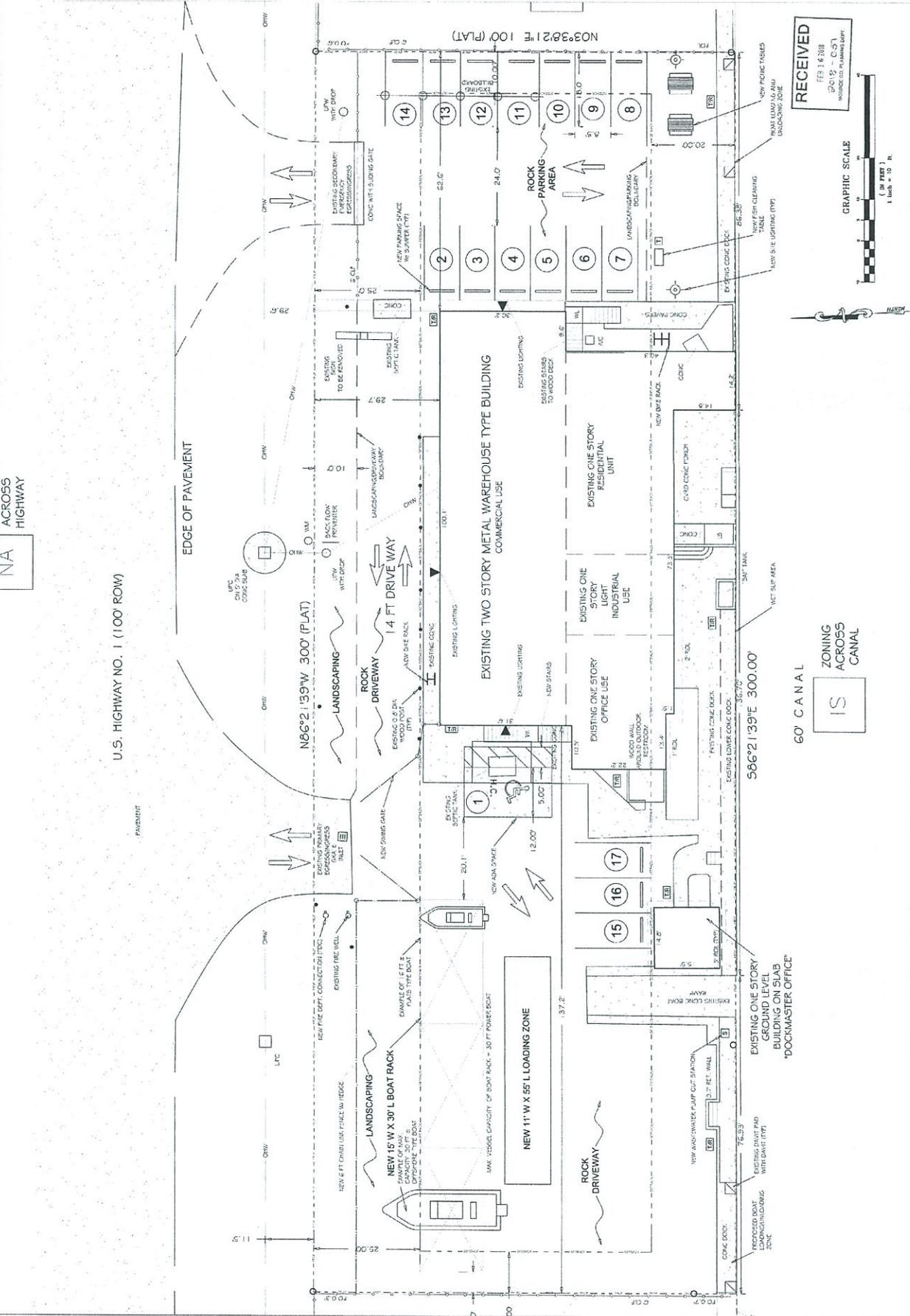




NA ACROSS HIGHWAY

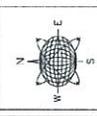
U.S. HIGHWAY NO. 1 (100' ROW)

				<b>SUMMERLAND MARINA</b> 2425 Overseas Highway SUMMERLAND KEY, FL		Checked By: Date: Project No: Scale: AS NOTED	Revised: Date: Project No: Scale: AS NOTED
Michael Engineering LLC 10000 W. Forest Park Road Atlanta, GA 30339 Tel: 404-488-1111 Fax: 404-488-1112 Email: info@michaeleng.com				Project No: Date: Scale: AS NOTED		Project No: Date: Scale: AS NOTED	



**RECEIVED**  
 FEB 16 2018  
 2:01 PM - C-37  
 PLANNING DEPT.

GRAPHIC SCALE  
 1 inch = 10' ft.



Medison Engineering LLC  
 5011 West Street, Suite 412  
 Jacksonville, Florida 32217  
 Phone: 904.241.1111  
 Fax: 904.241.1112  
 www.medison.com



OWNER: \_\_\_\_\_  
 ARCHITECT: \_\_\_\_\_  
 CONTRACTOR: \_\_\_\_\_  
 DATE: \_\_\_\_\_

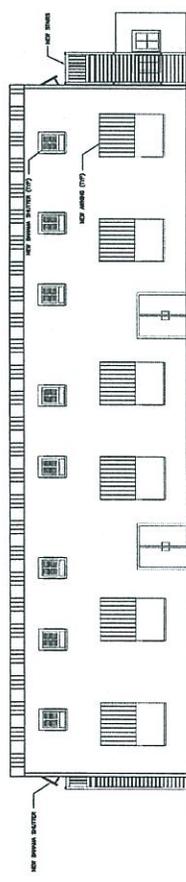
**SUMMERLAND MARINA**  
 24258 Overseas Highway  
 SUMMERLAND KEY, FL

PROJECT NO: \_\_\_\_\_  
 SCALE: AS NOTED  
 DRAWING TITLE: \_\_\_\_\_

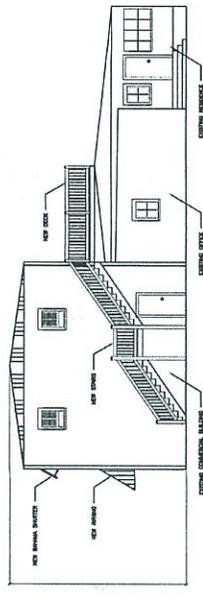
DATE: \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_  
 APPROVED BY: \_\_\_\_\_

DATE: MARCH 12, 2017  
**C-3.0**

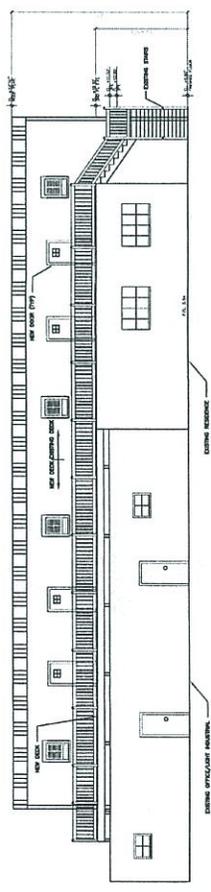
**RECEIVED**  
 FEB 16 2018  
 2-01, 6 - C-3.1  
 HONORABLE CLERK OF SUPERIOR COURT



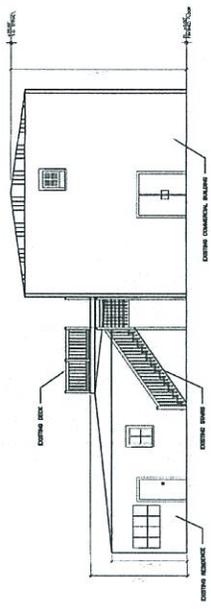
**FRONT ELEVATION (NORTH)**  
 Scale: 1" = 8'



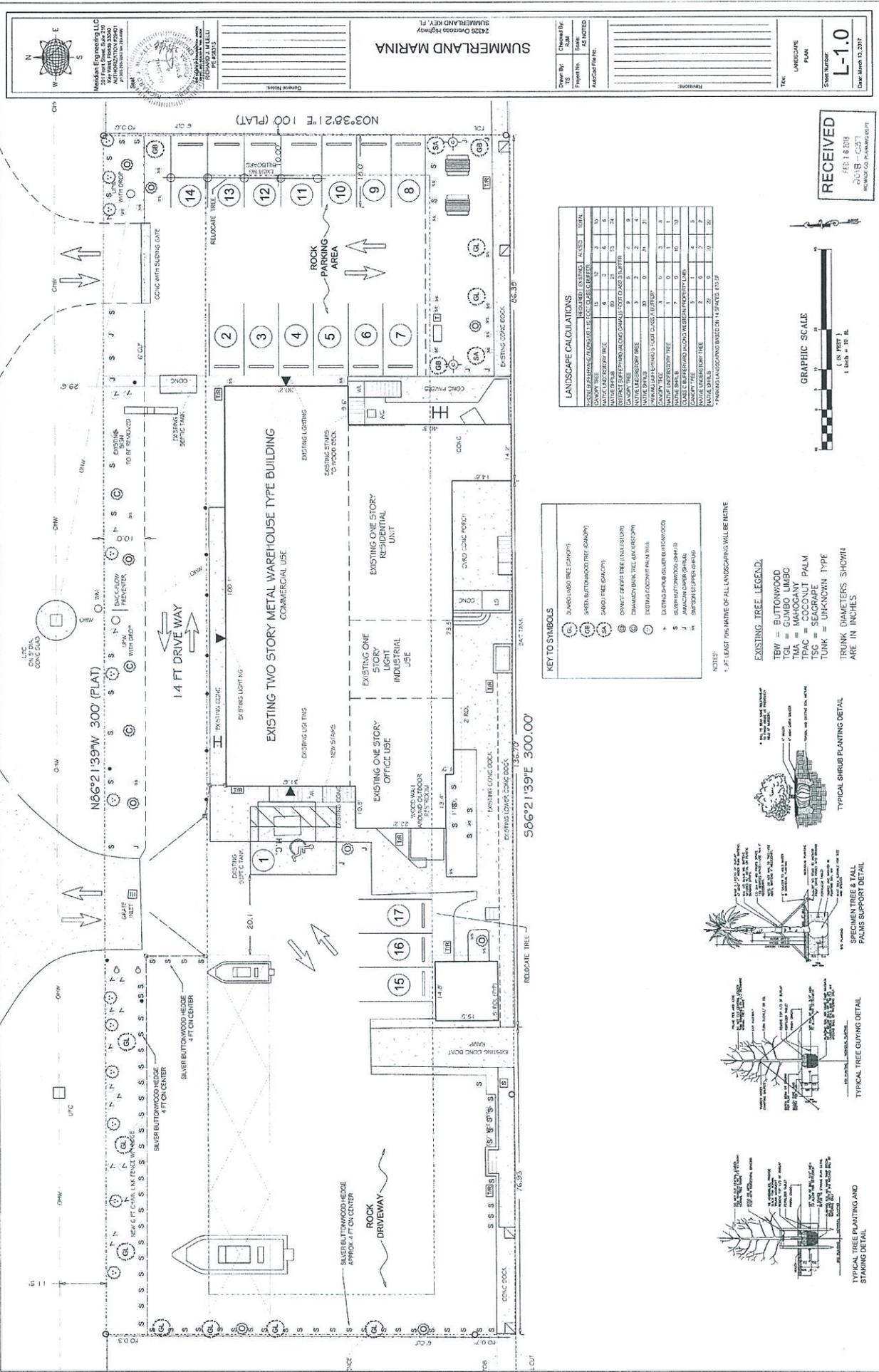
**SIDE ELEVATION (EAST)**  
 Scale: 1" = 8'



**REAR ELEVATION (SOUTH)**  
 Scale: 1" = 8'



**SIDE ELEVATION (WEST)**  
 Scale: 1" = 8'



Modica Engineering LLC  
 100 West Orange Street  
 Fort Lauderdale, FL 33304  
 Phone: 954.575.1111  
 Fax: 954.575.1112  
 www.modicaeng.com



Project Name: SUMMERLAND MARINA  
 Project No.:  
 Scale: AS NOTED  
 Revision:

Prepared By: [Blank]  
 Checked By: [Blank]  
 Date: March 13, 2017

**L-1.0**  
 LANDSCAPE PLAN  
 SHEET NUMBER: L-1.0  
 DATE: MARCH 13, 2017

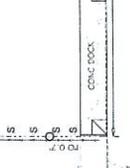
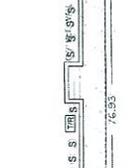
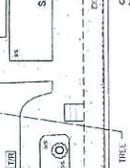
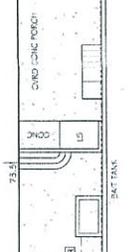
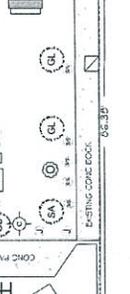
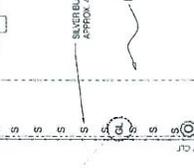
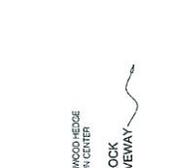
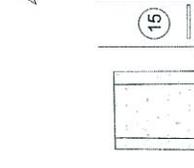
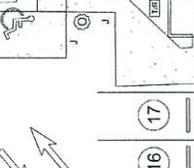
**LANDSCAPE CALCULATIONS**

DESCRIPTION	QUANTITY	RELOCATED	EXISTING	NEW	TOTAL
SHRUBS (BUTTERWOOD, LUMBO, TUNK, TPAC)	10	0	0	10	10
TREES (COCOA/PALM, SEAGRAPE, UNK-NOWN)	10	0	0	10	10
CONCRETE	10	0	0	10	10
PAVING	10	0	0	10	10
ROCK	10	0	0	10	10
WOOD	10	0	0	10	10
STEEL	10	0	0	10	10
GLASS	10	0	0	10	10
ALUMINUM	10	0	0	10	10
BRASS	10	0	0	10	10
STAINLESS STEEL	10	0	0	10	10
OTHER	10	0	0	10	10
<b>TOTAL</b>	<b>100</b>	<b>0</b>	<b>0</b>	<b>100</b>	<b>100</b>

NOTES:  
 1. AT LEAST ONE TREE OF ALL LANDSCAPING SHALL BE NATIVE

**KEY TO SYMBOLS**  
 (S) SHRUB (BUTTERWOOD)  
 (T) TREE (COCOA/PALM)  
 (C) CONCRETE  
 (P) PAVING  
 (R) ROCK  
 (W) WOOD  
 (S) STEEL  
 (G) GLASS  
 (A) ALUMINUM  
 (B) BRASS  
 (SS) STAINLESS STEEL  
 (O) OTHER

**EXISTING TREE LEGEND:**  
 BTW = BUTTERWOOD  
 LUMBO = LUMBO  
 TUNK = TUNK  
 TPAC = COCONUT PALM  
 TSC = SEAGRAPE  
 UNK = UNKNOWN TYPE  
 TRUNK DIAMETERS SHOWN ARE IN INCHES



**Additional Information added to File 2018-037**

AZCUY FRANK AND ADELE  
17074 SW 192ND ST  
MIAMI, FL 33187-5101

BOTSFORD BRIAN H  
24245 CARIBBEAN DR W  
SUMMERLAND KEY, FL 33042-4807

CAREY THOMAS AND SHIRLEY  
24337 CARIBBEAN DR W  
SUMMERLAND KEY, FL 33042-4806

COMSTOCK MELINDA A  
5596 MILLS RD  
CAMPBELL, NY 14821-9534

CROWDIS CHRIS AND MARAINNE  
PO BOX 893  
GULF BREEZE, FL 32562-0893

DEHAYS LARRY J  
18102 DEEP PASSAGE LN  
FORT MEYERS BEACH, FL 33931-2309

DILEO LUCIANNE  
17 OLD MILL RD  
NEW HOPE, PA 18938-1322

EDGINGTON MARGARET F L/E  
24327 CARIBBEAN DR W  
SUMMERLAND KEY, FL 33042-4806

FISHER LAVERNE B ESTATE  
C/O VERSAW RENEE L CO-P/R 206  
PINNACLE CT  
VALENCIA, PA 16059-2200

FLETCHER ROBERT A  
24235 CARIBBEAN DR  
SUMMERLAND KEY, FL 33042

HART PATRICK T  
24429 CARIBBEAN DR W  
SUMMERLAND KEY, FL 33042-4805

HON CHARLES AND BARBARA A  
PO BOX 490  
BUSHNELL, FL 33513-0029

KELLY THOMAS  
19141 Rocky RD  
Sugarloaf Key, FL 33042-3208

LIVINGSTON HOWARD M  
526 CARIBBEAN DR E  
SUMMERLAND KEY, FL 33042-4814

MARVEL THOMAS R AND JANE  
24246 CARIBBEAN DR W  
SUMMERLAND KEY, FL 33042

MC ALARNEY EDWARD J AND  
MARGARET ANN  
PO BOX 420644  
SUMMERLAND KEY, FL 33042-0644

MONROE COUNTY COMPREHENSIVE  
PLAN LAND AUTHORITY  
1200 Truman AVE , Unit Ste 207  
Key West, FL 33040-7270

MOONEY BLAIR C  
3402 W DAFFODIL DR  
BEVERLY HILLS, FL 34465-2271

MORETH JAN  
7-5-20C FUKASAWA  
SETAGAYA-KU, TOKYO 158-0081

MOTE MARINE LABORATORY INC  
1600 Ken Thompson PKWY  
Sarasota, FL 34236-1004

MULLER TOM U  
24318 W Caribbean DR  
Summerland Key, FL 33042-4808

118 PARTNERSHIP LTD  
PO BOX 421229  
SUMMERLAND KEY, FL 33042-1229

PEARL LEO AND LOIS  
9322 HARDING AVE  
EVANSTON, IL 60203-1321

PITSOULAKIS DESPINA S  
9949 Garibaldi AVE  
Temple City, CA 91780-1716

PITSOULAKIS DESPINA S  
12 PALFREY ST  
WATERTOWN, MA 02472-3460

PITSOULAKIS SPIRIDON E AND OLGA  
PO BOX 23282  
SAINT PETERSBURG, FL 33742-3282

PITSOULAKIS DESPINA S  
9949 Garibaldi AVE  
Temple City, CA 91780-1716

PIZZA PLACE SUMMERLAND LLC  
PO BOX 420529  
SUMMERLAND KEY, FL 33042-0529

PLAMBECK MARK AND ALICIA  
1100 ELDORADO RD  
NORFOLK, NE 68701-3079

REM RENTAL LLC  
1725 SW 24TH ST  
MIAMI, FL 33145-3831

RUTHERFORD JAMES J  
24419 CARIBBEAN DR W  
SUMMERLAND KEY, FL 33042-4805

SHARPE JAMES E AND BARBARA JO  
P O BOX 421203  
SUMMERLAND KEY, FL 33042

SHEPHARD DAVID AND JUDY  
29438 SARATOGA AVE  
BIG PINE KEY, FL 33043-3210

SIMPSON KURT A AND LINDA F  
24430 CARIBBEAN DR W  
SUMMERLAND KEY, FL 33042

SIMPSON KURT A AND LINDA F  
24430 CARIBBEAN DR W  
SUMMERLAND KEY, FL 33042-4809

SOUTHERN BELL TELEPHONE AND  
TELEGRAPH  
C/O BELLSOUTH  
TELECOMMUNICATIONS INC D/B/A A T  
& T FL PO BOX 7207

STEEN MONTY K AND SUSAN L  
216 WOODLAKE DR  
GALLATIN, TN 37066-4420

STEWART PATRICK  
1306 S PEMBROKE ST  
EFFINGHAM, IL 62401-3917

SUMMERLAND COVE LLC  
947 E Shore DR  
Summerland Key, FL 33042-4514

SUMMERLAND KEY MARINA LLC  
24326 OVERSEAS HWY  
SUMMERLAND KEY, FL 33042-4804

THONE MARK P  
24450 CARIBBEAN DR W  
SUMMERLAND KEY, FL 33042

TIITF  
C/O DEP 3900 COMMONWEALTH BLVD  
MAIL STATION 115  
TALLAHASSEE, FL 32399-3000

VANDEBRAKE RICHARD AND GLENDA  
24225 CARIBBEAN DR W  
SUMMERLAND KEY, FL 33042-4807

VAUGHAN DAVID E AND DONNA  
24215 CARIBBEAN DR W  
SUMMERLAND KEY, FL 33042-4807

WILLIAMS MARY KAY  
258 PALMER BLVD  
NORTH FORT MYERS, FL 33903-5605

WRIGHT JAMES W  
1220 SUGARLOAF BLVD  
SUMMERLAND KEY, FL 33042-3635

FUTO IRENE REVOCABLE TRUST  
AGREEMENT 2/14/2014  
670 S Lake Ridge AVE  
Decatur, IL 62521-2537

ALMEIDA PEDRO AND MARIA D REV LIV  
TR 5/31/2006  
3240 SW 97TH CT  
MIAMI, FL 33165-3055

KLINE ERNESTINE D REVOCABLE LIVING  
TRUST 7/31/2015  
19 FALLIGANT AVE  
SAVANNAH, GA 31410-1409

THOMMES SUSAN R REV LIV TR  
11/29/1995  
511 SAWYER DR  
SUMMERLAND KEY, FL 33042-4048

MICHAELSEN ALWIN AND GAIL JOINT  
REV TR 9/16/2012  
1890 S OCEAN DR APT 1604E  
HALLANDALE BEACH, FL 33009-7667

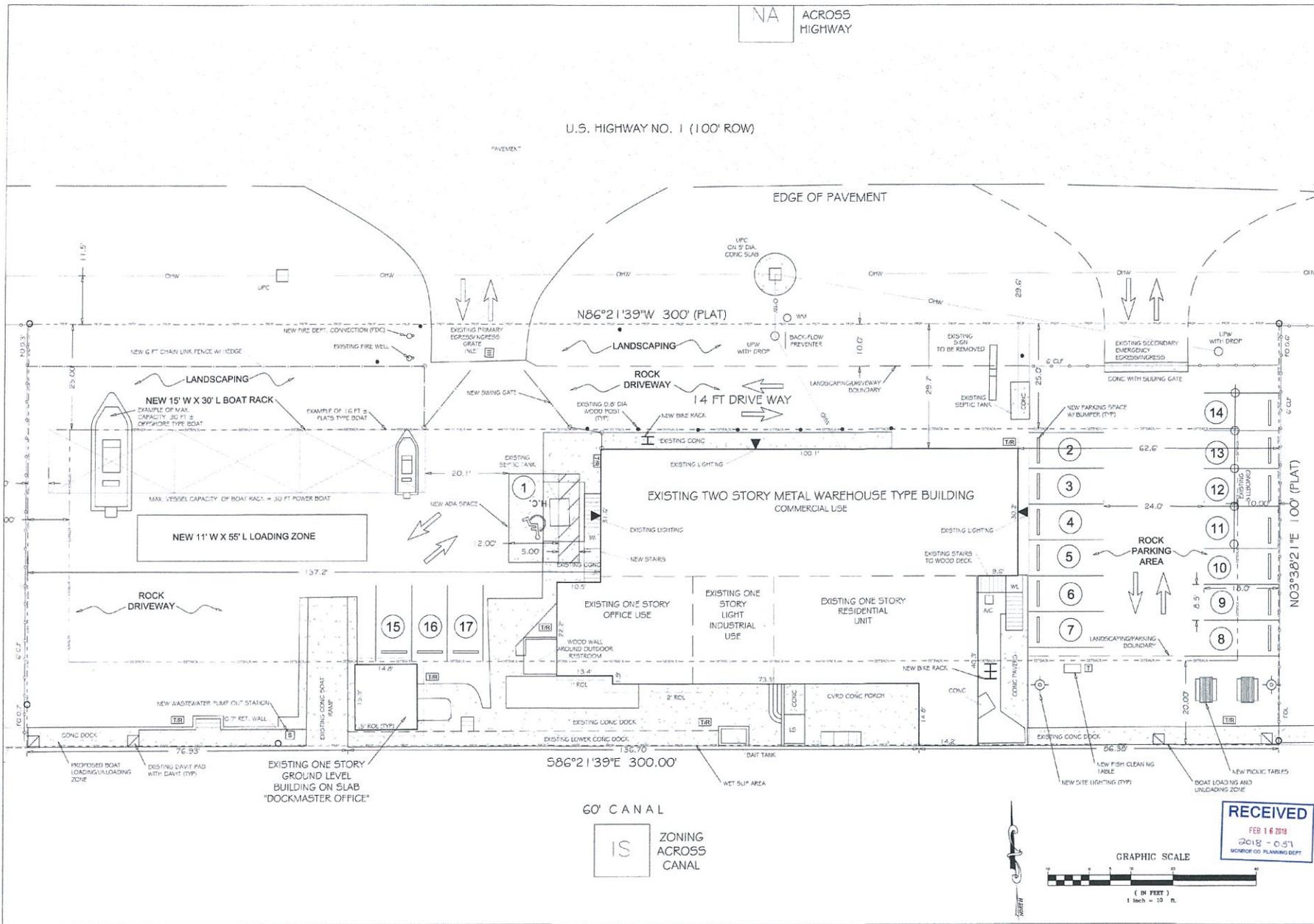
ALPERT MYRON I NON-EXEMPT MARITAL  
TRUST 9/10/2012  
3448 CIRCLE DR  
COMMERCE TOWNSHIP, MI 48382-1958

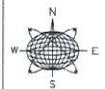
DORCHAK PAMELA K TR 6/25/01  
6285 COCOS DR  
FORT MYERS, FL 33908

KINGDON DEVELOPMENT #2 INC  
17 Kingfisher LN  
Key West, FL 33040-4376

**End of Additional File 2018-037**







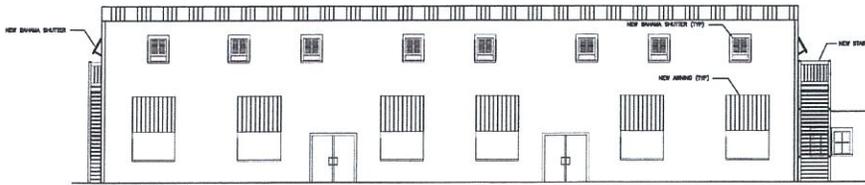
**Maidan Engineering LLC**  
 201 Front Street, Suite 210  
 Key West, Florida 33400  
 AUTHORIZATION #23461  
 ph 305.208.5203 fax 305.499.4999

Scale:  
  
 PE #55315

**SUMMERLAND MARINA**  
 2430 Overseas Highway  
 SUMMERLAND KEY, FL

Drawn By: IS      Checked By: JLM  
 Project No:      State: AS NOTED  
 AutoCad File No:      Date: March 13, 2017

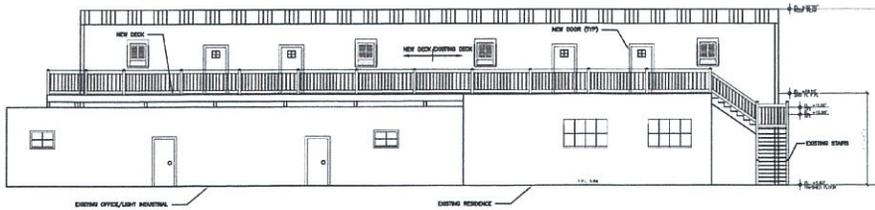
Site  
 PLAN (ENHANCED SCALE)  
**C-1.1**



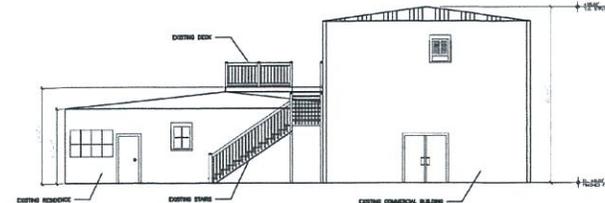
**FRONT ELEVATION (NORTH)**  
Scale: 1" = 8'



**SIDE ELEVATION (EAST)**  
Scale: 1" = 8'



**REAR ELEVATION (SOUTH)**  
Scale: 1" = 8'



**SIDE ELEVATION (WEST)**  
Scale: 1" = 8'



Merdian Engineering LLC  
201 First Street, Suite 210  
Key West, Florida 33540  
AUTHORIZATION #25849  
0-20-000000-0004-0001



General Notes:

**SUMMERLAND MARINA**  
24205 Overseas Highway  
SUMMERLAND KEY, FL

Drawn By: TS  
Checked By: RLM  
Project No.: AS NOTED  
Scale: AS NOTED  
AutoCad File No.:

Revisions:

Title:  
BUILDING  
ELEVATIONS

Sheet Number:  
**C-3.0**  
Date: March 15, 2017





**RECEIVED**

APR 23 2018

MONROE CO. PLANNING DEPT.

Item #6 Summerland Marina – PC Var  
Public Comment

April 18, 2018

24235 Caribbean Dr.  
Summerland Key, Florida 33042

Monroe County Planning  
2798 Overseas Highway Suite 400  
Marathon, Florida 33050

Attention: Ilza Aguila

Dear Planning Commission:

I am writing to object to Summerland Key Marina's (aka George Secchiaroli) plan for 4 affordable dwelling on the present site and variance of parking.

My objection has nothing to do with affordable housing but their/his lack of doing what has been promised, required and being a good neighbor to Summerland Key.

In their/his original proposal of 2010 to get the marina, storage racks etc. He proposed doing things required or good for the property, he has done very little/maybe none. Let me reiterate:

- \* according to Planning report of 9-8-2010 "the owner is required to clearly mark all parking spaces with wheel stops, bumper blocks or similar barriers" The only barriers are the 7 wood posts that were there when Sherman's owned on the North side of the building.
- \* a sign is supposed to be erected to direct delivery trucks to avoid the septic lid, no such signs exist.
- \* there are supposed to be designated areas for delivery, none exist.
- \* there is to be a bike rack, there is none
- \* report says, northeast access drive must be gated, then Planning said it would not have to be gated but not used except for emergency. It is used all the time.
- \* supposed to have button woods in front and to the West of storage racks. Not done
- \* by 2016 the owner was supposed to remove billboard, Irma removed it
- \* by county regulation all outside storage must have 6 foot fence, wall or shrub, none exists.

\* the county requires so much open space, 6,000 square feet, do not believe that exists.

\* over the past few weeks I have gone to observe the Marina and to make sure what I write is correct and on most days a truck, vehicle or on one occasion a dump trailer is parked in the Handicapped space but no Handicapped sticker or tag.

\* they proposed to add shrubs and fencing to give privacy to the surrounding properties, none has been provided. It seems it is required by law too. Actually if you view the picture on original 2010 request, the facility looked much better then than today.

#### Other concerns:

\* they have had live-aboards for years, as many as 3 and presently only 1, law says you must meet certain pump out requirements, have not seen any.

\* not sure the present septic system could accommodate 4 one bedroom apartments????

\* where they have a boat fork lift, there is not a finger dock, only a small platform that presently is on Mote Marine property. It is not in good repair. They often pull and put boats in with people in the boat, not a good safety factor. I wrote a letter objecting in 2010 to the development of a marina for that reason.

\* that area of the property has been used a lot for boat cleaning, boat bottom painting and paint removing, it is a mess and would suspect it would not pass EPA inspection.

\* since the marina has been here, 2010, our canal has gotten less clean and with gas, film or slime often on the surface. I have called frequently to bring this too the Coast Guards attention and I believe the marina is a strong factor.

\* the county indicated the original plan did not meet stormwater management requirements.

A personal complaint involves Hurricane Irma. They did not secure two large boats properly in the canal for the storm (known to be almost a Category 5) and they broke loose causing damage to my property and my neighbors and hit and were stopped by my other neighbor's appropriately secured boat. At no time did they contact said property owners about any damage and I tried to get info but to no avail.

Summerland Key is a good community and people here work to make it a better place, there were work parties after Irma to clean up US 1, Caribbean Dr. and other areas. Summerland Key Marina is not representative of this community and has not lived up to the county's standards and regulations, and/or Summerland Cove standards, and our expectations.

You may contact me at 305 745 2649 or [keysfletch@aol.com](mailto:keysfletch@aol.com).

Respectfully,

A handwritten signature in black ink that reads "Robert A. Fletcher". The signature is written in a cursive style with a prominent initial "R" and a long, sweeping underline.

Robert A. Fletcher

RECEIVED

APR 23 2018

MONROE CO. PLANNING DEPT.

4/19/18

Tom Muller MD  
24318 W Caribbean dr  
Summerland Key , Fl 33042

Monroe County Planning  
2798 Overseas Hwy. Suite 400  
Marathon, Fl 33050

Dear Planning Commission,

I am writing to object to Summerland Key Marinas plan for more parking and 4 dwelling units on the present site.

The current commercial activities on this site appear to have inadequate parking at this time often leading to dangerous parking close to US1. Adding further parking or housing at this location will not only add more congestion but create dangerous problems for egress/ingress to Hwy1 with the multiple vehicles which will be trying to park in an area that currently CANNOT accommodate the existing traffic. I have included aerial photos from earlier this month.

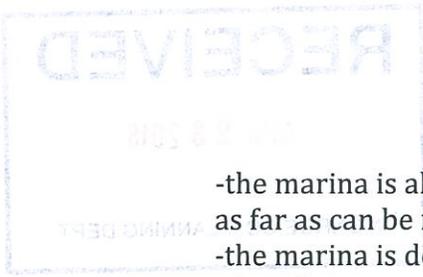
The current owner/business was supposed to do multiple things for the good of the property and neighbors and has done very little if any of these things which the Planning report of 9/8/2010 required. Some are noted below-

- The owner was required to mark all parking spaces and I see perhaps 6 or 7 marked with wood posts.
- No signage for delivery trucks to avoid septic or mark designated delivery locations
- No bike rack
- no fencing/wall/ shrubs as per county regulation for outside storage.
- inadequate open space as per county regulations

There are many other problems with marina which have been observed by neighbors

-the marina is moving boats in and out of the water with equipment and docks (if any) that appear in very poor repair and I am concerned about safety with these operations.

The lift is very loud and operates at all hours and past normal business hours creating disruption to the neighborhood and despite personal complaints from neighbors, no efforts appear to have occurred to mitigate this disruption of a quite residential family and retirement community in any way. This makes it difficult to sleep or enjoy our residence with this loud disruption at irregular hours.



-the marina is allowing live aboards and there is no pump out or sewer connections as far as can be identified

-the marina is doing bottom cleaning/paint removal and painting with no evidence of catch or retention area to prevent drainage into the adjacent canal.

These last two problems alone have caused in my opinion this area of Summerlands canal to be among the dirtiest of the whole island and I am afraid to allow my friends/children to swim here since they have complained before of itching , rashes and nausea.

Neighbors have notified the county and Coast guard of this slime/film and contamination without any evidence of fixing these potential health related problems.

We are unaware of any sewer hookups in place or if the septic can accommodate more hookups.

I worry a bacterial culture of the canal may show high levels of Coliform bacteria or other dangerous contaminants.

The county also indicated the original plan did not meet stormwater management requirements so runoff could also be contributing to this filth.

Summerland Key is our home and we all work daily to keep it clean and strive to improve the area and get along with our neighbors but this doesn't seem to be the case with this facility.

During the meeting 4/13/18 many neighbors complained to the manager (the owner was not present) and instead of cooperating multiple arguments developed and we were concerned a fight could have broken out prior to the manager leaving the meeting after verbal intervention with your staff.

In summary due to failure to comply with previous requirements and the outlined ongoing health concerns and operations, I strongly object to the addition of more parking or dwellings in this location and ask that the current marina operations be reviewed for health and safety concerns.

Sincerely,

T. Muller MD FACS

## Aguila-Ilze

---

**From:** Roberts-Michael  
**Sent:** Monday, April 23, 2018 3:37 PM  
**To:** Aguila-Ilze  
**Subject:** FW: summerland marina parking variance and dwellings- where would they possibly park???  
**Attachments:** wcPABZWwTAmZYhQ3TQWP4A.jpg

Here is another one.

*Michael Roberts, CEP; PWS  
Sr. Administrator / Environmental Resources  
Monroe County Planning & Environmental Resources  
(305) 289-2502*

**From:** Tom Muller [<mailto:tumuller@icloud.com>]  
**Sent:** Monday, April 23, 2018 3:35 PM  
**To:** District5\_planning  
**Cc:** Roberts-Michael; [neugent-michael@monroecounty-fl.gov](mailto:neugent-michael@monroecounty-fl.gov)  
**Subject:** summerland marina parking variance and dwellings- where would they possibly park???

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**Subject:** summerland marina parking variance and dwellings- where would they possibly park???



4/23/18

Monroe County Planning  
2798 Overseas Hwy. Suite 400  
Marathon, Fl. 33050



To Planning Commission,

I oppose the plan for Summerland Marina to add more parking and 4 housing units because with the current commercial activities there is not enough parking for current customers.

I am also concerned about the excessive noise at all hours from the marina, the live aboard boats with no pump out or sewer facilities, and the bottom stripping, cleaning, paint removal and painting with run off into the adjacent canal without any containment.

This is contributing to poor water quality and health concerns.

It is also clear that the previous planning report of 9/2010 has not been complied with and this is contributing to these problems in our neighborhood.

Sincerely,

Frank Futo

24328 W Caribbean Dr.  
Summerland Key, Fl. 33042

## Aguila-Ilze

---

**From:** margaret edgington <islandcandy46@gmail.com>  
**Sent:** Tuesday, May 22, 2018 11:22 AM  
**To:** Aguila-Ilze  
**Subject:** SUMMERLAND KEY MARINA, 24326 OVERSEAS HIGHWAY, SUMMERLAND KEY, M

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I wish to have this letter placed in the public comment for the item 5 SUMMERLAND KEY MARINA, 24326 OVERSEAS HIGHWAY, SUMMERLAND KEY, MILE MARKER 24.5 OCEAN SIDE

[the hearing is set for May 30, 2018](#)

Dear Michael Roberts, C.E.P., P.W.S. Sr. Administrator, Environmental Resources Roberts-michael@monroecounty-fl.gov

I am a retired school teacher in Monroe County and have lived in the Florida Keys for 32 years. I moved to the Florida Keys because of the natural beauty the keys have to offer and will not stand by and give no voice toward the abuse Summerland Key Marina has played and continues to play against the environment, wild life and canal waters which go directly into the Atlantic Ocean and a few miles from our beautiful reef.

This letter is concerning **Summerland Key Marina, 24326 Overseas Highway, Summerland Key, Mile Marker 24.5 Ocean Side.**

April 13, 2018, a community meeting was held at the site of this marina for a discussion with the residents for an amendment to a major conditional use permit. The requested approval is required for the development of four (4) affordable dwelling units. This notice was sent on County of Monroe letterhead with **Planning & Environmental Resources Department** as the heading and **Board of County Commissioners** as a second heading. Two representatives from the Planning & Environmental Resources where there on was Janene Sclafani and the other person did not give out his card or identify himself to me.

The subject of the meeting was not concerned with the amendment to a major conditional use permit or the request for the development of affordable dwelling units. The discussion centered around parking places and wanting the required 34 parking places to be reduced to 17 parking places. The affordable housing was changed to employee housing units. The residents brought up the fact that several people were already living on this property above the building in the building and on moored boats outside of the building. The representatives from the county claimed this was not their area of concern. At this time the buildings and most of the marine work done on this property is done next to the canal. They have hardly any easement from the water and no barriers to prevent the debri and chemicals from sanding the boats and painting the boats going into the canal waters. These water go directly into the Atlantic Ocean only a few miles from the reef. The housing they are requesting is on the second story of the main building which is in the air traffic of the Summerland Key Airport. Has anyone observed this property? At this time boats are everywhere and the people visiting and working at this location have to double park adjacent to the main hwy 1. This location has at least ten (10) businesses advertised on the internet and parking is necessary for each business plus for the customers.

24326 Overseas Hwy Summerland Key, FL, 33042

3059243344

All Keys Welding Inc Welders Welding Shops

**KEYS RENT A BOAT**

24326 Overseas Highway Summerland Key, FL, 33042

3059061386

Action Boat Rentals Bait And Tackle Shops Bait Shop Bait Shops Big Pine Key Boat Rentals

**KEYS MARINA**

24326 Overseas Hwy Summerland Key, FL, 33042

3057451011

Boat Marinas Floating Sea Cove Marina

**SEA TOW BIG PINES & LOWER KEYS**

24326 Overseas Hwy Summerland Key, FL, 33042

3057452070

Big Pine Key Park Lower Keys Marine Towing & Salvage Inc

**SUMMERLAND MARINA BOAT RENTALS**

24236 Overseas Highway Summerland Key, FL, 33042

3053943731

Action Boat Rentals Boat Club Boat Marinas Boat Ramps Boat Rental Charter

**Summerland Key Marina 24326 Overseas Highway Summerland Key, FL 33042 3054536650 rack storage, bottom cleaning & painting**

**Summerland Key Marina 24326 Overseas Highway Summerland Key, FL 33042 3058494498 Aqua Boat Rentals**

**Florida Keys Kayak Tours and Rentals 24326 Overseas Highway Summerland Key, FL 33042**

**6058720032 <[keys-kayak-canoe-tours.com](http://keys-kayak-canoe-tours.com)>**

**U.A. 1 Dive Center LLC , 24326 Overseas Highway Summerland Key, FL 33042 3053940463 <[us1dc.com](http://us1dc.com)>**

**Shelter Canvas – Florida Keys Boat Canvas, 24326 Overseas Highway Summerland Key, FL**

**33042 3053939502 <[sheltercanvas.com](http://sheltercanvas.com)>**

The application submitted to the County states taken from Taken from file# 2018-037 RE:

00190830.000000 Alternate Key Number: 1252751 address: 24326 Overseas Hwy; Summerland Key, FL 33042 Property: Store Combo

item 2. "The site is already overdeveloped there is no area left for parking". If they do not have enough parking for the businesses which already exist how do they expect to provide parking for four (4) rental units on this property?

Item 3. "Granting the variance will not result in ....., create a threat to public health and safety, create a public nuisance ....." This is not true they already have shown a threat to public health by using the canal like a sewage and are definitely a public nuisance to the residence adjacent to them.

Item 4. The marina states: " Property has storage facility that can be utilized for affordable housing. " This facility is within a tall second story building and is in the air traffic for Summerland Keys Airport.

Item 5. The marina states: "Granting variance will not give applicant special privilege." Not true, none of the other businesses double park encroaching the Overseas Hwy. They already have the privilege of not providing an easement from the canal the property borders which all of the businesses and homeowners have to provided.

Item 8. The marina states: "Minimum variance required". They are asking for a reduction of Thirty Four (34) parking places to Seventeen (17) parking places. That is far from being a minimum variance request.

The residents led the county representatives outside to show how the marina was abusing the environment on their property. One of the concerns was how they lift boats over the canal and sand the bottom, power wash the bottom and painting the bottoms of boats with no protection under the boat to collect the metals from the boat and other damaging debris which was being washed into the canal which leads to the Atlantic Ocean. Many other issues were brought up and the representatives again stated this was not their concern. The meeting did not go well for the residents and only enraged the people at the marina. They began to direct the outside flood lights at night onto the residential homes across from their property. One person set off bottle rockets directed toward the homeowner's boats and property. Those living there (and many people are living there) began to play loud music as another way to aggravate the residents across from this property. This continued until the next meeting which was to be held at the government building in Marathon Key on April 25, 2018.

Many residents arrived to this meeting with their concerns only to find out the meeting was cancelled and a new date was scheduled on May 30, 2018. The marina obviously was told of the cancellation because no one was there to represent them but the neighbors were not provided with this information. So the neighbors went to code enforcement located in this government building and discussed the violations which are occurring on this property. This was when your name came up and the code enforcement office felt you would be able to help stop the code violations which are going on at this marina. The residents would appreciate if you would stop this business from:

Firing bottle rocket fire works across the canal which land in the canal – showing the residents they did not like them speaking their concerns.

Hang large boats over the canal so all runoff water goes into the canal

Awning over canal so all runoff water goes into the canal

Double park cars on highway-giving hardly any easement

Boats and trailers everywhere on the property – like a junk yard

People already living there, why give them permission

Sand, paint power wash boats on a lift over the canal – using the canal as sewage

Working on boats in canal

Run boats with no one around in the canal and exhaust plus goes into the canal

Spear fish in the canal

Use out house on property to bath – no privacy shrubs or fencing for residents across the canal

No railing on porch going up stairs yet people live there.

Advertising signs a few feet from canal and on trailer a few feet from highway

Have a building on the canal – maybe a foot of easement – which should be torn down because it is in such bad shape – on big pine it would have been red tag

Has lowered property values for people living across the canal by \$100,000's

Do construction work on the main building with no visible permit sign

Have propane tank and other chemicals lying around close to the canal

Electric hook up to live aboard boat moored in a manmade canal

Electric outlets on north side of building have fallen away from building and lay on ground away from building

Most of the buildings and structures on this property allow for little or no easement from the canal or the road.

Has a barge on the sea wall

No permit on record for county septic connection

Boat are rafted two and three across the canal violating the riparian rights of the residents to have complete roadway access when boating

Residents riparian rights are also violated - ingress to and egress from the water, boating, swimming and fishing

A riparian owner's right to use the navigable waters abutting his or her property may not obstruct or unreasonably impede lawful navigation by others

The canal is a manmade canal no live aboard boats should be allowed – they never leave the site and there is no pump out station.

The property has not taken on the same architecture as the residential subdivision it is across from.

No business hours- people are roaming around 24/7

Bright lights all hours from trucks and cars picking people up from the property who came in by boat

Bright outside lights pointing toward the residential homes across the canal

No barriers to stop runoff water going into the canal

Building is in the air path of Summerland Key Airport

The housing units they want are in the air path of Summerland Key Airport

All of this can be documented with pictures because the residents are tired of this business turning what was once a beautiful canal into a water way of sewage. They are contaminating the waters which lead out to the reef in the Atlantic Ocean.

I would like someone to inspect this marina before they are given any more permission to violate the Florida Keys land, water, and wild life. Obviously they want to put in housing without having to go through normal channels with no intention to help out people but to make the property more economically valuable as they are taking away the value of the homes in the subdivision across from this property. They have taken away the riparian rights of the homeowners when double at time triple rafting boats across the canal. It is a privilege for them to use the canal waters which lead to the Atlantic waters and reef. This marina is abusing their privilege. I admit the last two weeks the marina has started to clean up but they are far from warranting any easement variances or parking space variances. They have over ten businesses advertised on the internet which require parking spaces for the business owners and their customers. One fourth of the property has boat storage racks and boats on trailers. They hardly have enough parking for 10 cars without parking one car in front of the other car and easing onto the highway. If someone would inspect this property it would be very clear housing is not appropriate and actually a marina of this type should be discouraged.

I hope something can be done before the May 30, 2018 meeting. I hope the commissioners will present this letter for me during the hearing for all to hear.

Sincerely Margaret Edgington <[islandcandy46@gmail.com](mailto:islandcandy46@gmail.com)>

Resident across from this marina

24327 Caribbean Dr. West

Summerland Key, Fl. 22042

Cc/Kevin Claridge, Director, Fl. Coastal office <[FloridaCoasts@dep.state.fl.us](mailto:FloridaCoasts@dep.state.fl.us)>, Keyslaststand, President: Mark Songer [info@keyslaststand.org](mailto:info@keyslaststand.org), Commission Denise Werling, Chairman [District1\\_planning@monroecounty-fl.gov](mailto:District1_planning@monroecounty-fl.gov), Commission Beth Ransay-Vickrey <[District2\\_planning@monroecounty-fl.gov](mailto:District2_planning@monroecounty-fl.gov)>, Commission Teri Johnston <[District3\\_planning@monroecounty-fl.gov](mailto:District3_planning@monroecounty-fl.gov)>, Commission William Wiatt <[District4\\_planning@monroecounty-fl.gov](mailto:District4_planning@monroecounty-fl.gov)>, Commission Ron Miller [District5\\_planning@monroecounty-fl](mailto:District5_planning@monroecounty-fl).



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

*We strive to be caring, professional and fair*

To: Monroe County Planning Commission

From: Emily Schemper, Acting Sr. Director of Planning and Environmental Resources  
Tiffany Stankiewicz, Development Administrator

Date: May 9, 2018

Subject: Non-Residential Floor Area Evaluation Report (NROGO)  
Quarter 3, Year 26 (January 13, 2018 through April 12, 2018)

---

#### Meeting Date: May 30, 2018

#### I BACKGROUND:

Monroe County Code, Chapter 138, Article III (Sections 138-47 through 138-55) establishes the Nonresidential Rate of Growth Ordinance (NROGO) and the procedure for allocating the non-residential floor area.

On June 9, 2006, the Federal Fish and Wildlife Service Incidental Take Permit (ITP) #TE083411-0 was issued to 1) Monroe County, Growth Management Division, 2) Florida Department of Transportation, and 3) Florida Department of Community Affairs for the Threatened and Endangered Species Incidental Take Permit (ITP) since the permittees have defined the geographic area covered by their Habitat Conservation Plan (HCP) on Big Pine/No Name Key. The ITP requires the Permittees to ensure that the take of the covered species is minimized and mitigated. The Permittees are responsible for meeting the terms and conditions of the ITP and implementing the HCP.

On March 15, 2006, the Board of County Commissioners adopted Ordinance 011-2006 to implement the Tier System, and subsequently, it was challenged by Florida Keys Citizens Coalition, Inc. and Protect Key West and the Florida Keys, Inc., d/b/a Last Stand. Thomas G. Pelham, Secretary, Department of Community Affairs signed the final order (Final Order DCA07-GM166 for DOAH Case No. 06-2449GM) deciding the challenge on September 26, 2007.

The Tier System made changes such as separate districts for allocation distribution, basis of scoring applications, and administrative relief. The districts are: A) Lower/Upper Keys and B) Big Pine/No Name Key for NROGO.

1 On September 21, 2012, the BOCC adopted Ordinance #021-2012, revising the NROGO allocation  
 2 scoring system regarding land dedications and Tier III properties containing wetlands adjacent to  
 3 Tier 1 properties. The ordinance became effective on December 31, 2012.  
 4

5 On April 17, 2013, the BOCC adopted Ordinance #019-2013, and Ordinance #020-2013, revising  
 6 the NROGO allocation system. The ordinance became effective on July 13, 2013. The amendments  
 7 adopted in April 2013, simplified the NROGO permit allocation system process by:

- 8 • allowing applicants to acquire NROGO awards in less time (up to 4 times a year vs. up to 2  
 9 times a year);
- 10 • increasing the maximum amount of de minimis expansion from 100 sq. ft. to 1,000 sq. ft. for  
 11 new and existing nonresidential developments with an allocation awarded by building permit  
 12 (no competition);
- 13 • commencing NROGO Year 22 (July 13, 2013), distributing the annual NROGO allocation  
 14 proportionately to each of the three ROGO subareas: Upper (239 sq. ft. X 96 DU = 22,944 sq.  
 15 ft.); Lower (239 sq. ft. X 91 DU = 21,749 sq. ft.); and Big Pine/No Name (239 sq. ft. X 10  
 16 DU = 2,390 sq. ft.);
- 17 • increasing the maximum amount of a NROGO allocation from 2,500 sq. ft. to 10,000 sq. ft.  
 18 per allocation period; and
- 19 • creating NROGO bank accounts to establish a codified mechanism to allocate nonresidential  
 20 floor area that went unused or unallocated in previous years or which has been reclaimed.  
 21

22 On April 13, 2016, the BOCC adopted Ordinance #005-2016, Monroe County Year 2030  
 23 Comprehensive Plan. The ordinance became effective on June 20, 2016. The updated  
 24 Comprehensive Plan in part revises NROGO.  
 25

26 On November 22, 2016, the BOCC adopted Ordinance #030-2016, to satisfy a Stipulated Settlement  
 27 Agreement regarding BOCC Ordinance 006-2016, which amended the Monroe County Land  
 28 Development Code (LDC) to be consistent with the Monroe County Year 2030 Comprehensive Plan.  
 29 The ordinance and LDC became effective on February 3, 2017.  
 30

31 **II. AMOUNT OF FLOOR AREA AVAILABLE**  
 32

33 Pursuant to Monroe County Code Section 138-53(e)(13), the Planning and Environmental Resources  
 34 Department is providing a notification of the NROGO account balances. The balances are as follows:  
 35

	ANNUAL NROGO	NROGO BANK	
NROGO Year 26	Year 26 Annual Allocation Amount	Subarea Bank Accounts (rollover from Year 25)	Year 26 General (Joint) Bank Total
Big Pine Key and No Name Key subarea	2,390 SF	12,821SF	N/A
Upper Keys subarea	22,944 SF	41,135	547,979 SF*
Lower Keys subarea	21,749 SF		
<b>Totals</b>	<b>47,083 SF</b>	<b>53,956 SF</b>	<b>547,979 SF*</b>

\*The YR 25 Bank Totals includes 20,000 SF in reserves for the Upper and Lower Keys. (Ord. 020-2013) (Ord. 030-2016)

\* Includes NROGO SF from expired allocation awards.

Please note, for the table above, square footage for de-minimis applications that are awarded through issuance of a building permit (no public hearing required) will be deducted from the annual NROGO allocation or the NROGO bank.

**III. AMOUNT OF FLOOR AREA REQUESTED:**

There is one applicant requesting commercial floor area for the Year 26 Quarter 3 allocation. The applicant is in the Upper Keys subarea, and there are no applicants in the Big Pine/No Name Key subarea or the Lower Keys subarea.

<b>NROGO YEAR 26 ANNUAL SQUARE FOOTAGE</b>			
	Lower Keys Subarea	Upper Keys Subarea	Big Pine/No Name Keys Subarea
<b>Quarter 1:</b> Square Feet Allocation Available	21,749	22,944	2,390
<b>Quarter 1:</b> Square Feet Awarded	0	0	0
<b>Quarter 2:</b> Square Feet Allocation Available	21,749	22,944	2,390
<b>Quarter 2:</b> Square Feet Awarded	0	0	0
<b>Quarter 3:</b> Square Feet Allocation Available	21,749	22,944	2,390
<b>Quarter 3:</b> Square Feet Requested*	8,976	0	0
<b>Quarter 4:</b> Square Feet Allocation Available	12,773	22,944	2,390
<b>Quarter 4:</b> Square Feet Requested TBD		0	0

**IV. EVALUATION AND RANKING:**

For the annual NROGO allocation, there were no applicants in the Upper Keys subarea with a request within the SF available for Quarter 3. There was an applicant in the Lower Keys subarea and no applicants in the Big Pine/No Name Key subarea for Quarter 3. For the NROGO bank, there were no applicants for Quarter 3.

**V. RECOMMENDATION:**

Based on the preceding information, the Sr. Director Planning & Environmental Resources recommends the following NROGO allocations of Year 26 Quarter 3 be awarded:

**NROGO YEAR 26 ANNUAL SQUARE FOOTAGE**

Lower Keys Subarea

- Permit number 18101789 for Waste Management Inc., ranked number one (1), requesting a total of 8,979 square feet of floor area

Upper Keys Subarea

- None

Big Pine Key and No Name Key Subarea

- None

No Applicants for the NROGO Bank



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

*We strive to be caring, professional and fair*

To: Planning Commission

Through: Emily Schemper, Acting Sr. Director of Planning and Environmental Resources

From: Tiffany Stankiewicz, Development Administrator

Date: May 8, 2018

Subject: Residential Dwelling Unit Evaluation Report for Quarter 3, Year 26  
(January 13, 2018 through April 12, 2018)

---

#### **Meeting Date: May 30, 2018**

1 This report has been prepared pursuant to the 2030 Comprehensive Plan Policy 101.6.4 and  
2 Section 138-28 of the Land Development Code (LDC). The proposed residential dwelling unit  
3 rankings attached to this report are for the third quarter of year twenty-six which covers the  
4 period January 13, 2018 through April 12, 2018.

#### **I) BACKGROUND INFORMATION:**

5  
6  
7  
8 On June 23, 1992, the Monroe County Board of County Commissioners (BOCC) adopted  
9 Ordinance #016-92, implementing the Residential Dwelling Unit Allocation System. The  
10 Ordinance became effective on July 13, 1992, and has been amended periodically.

11  
12 On March 15, 2006, the BOCC adopted Ordinance 009-2006 to implement the Tier System, and  
13 subsequently, it was challenged by Florida Keys Citizens Coalition, Inc. and Protect Key West  
14 and the Florida Keys, Inc., d/b/a Last Stand. Thomas G. Pelham, Secretary, Department of  
15 Community Affairs signed the final order deciding the challenge on September 26, 2007  
16 (amended Final Order issued January 2, 2008). The Rate of Growth Ordinance (ROGO) utilizing  
17 the Tier System and overlays, made changes such as subarea boundary districts for allocation  
18 distribution, basis of scoring applications, and administrative relief.

19  
20 On September 22, 2005, the Monroe County Board of Commissioners adopted Ordinance 025-  
21 2005 which revised the ROGO to utilize the Tier overlay as the basis for the competitive point  
22 system. The ordinance became effective on February 5, 2006.

23

1 On September 21, 2012, the BOCC adopted Ordinance #021-2012, revising the ROGO  
2 allocation scoring system regarding land dedications and Tier III properties containing wetlands  
3 adjacent to Tier 1 properties. The ordinance became effective on December 31, 2012.  
4

5 On April 13, 2016, the BOCC adopted Ordinance #005-2016, Monroe County Year 2030  
6 Comprehensive Plan. The ordinance became effective on June 20, 2016. The updated  
7 Comprehensive Plan in part revises ROGO. The new Comprehensive Plan provides for  
8 additional and revised scoring criteria which have been implemented as of July 13, 2016.  
9 Additionally, changes include making all Affordable Housing allocations available and  
10 establishing no more than one Tier I allocation every two years in the Big Pine Key and No  
11 Name Key Subarea. The Year 25 ROGO report will reflect these updates.  
12

13 On November 22, 2016, the BOCC adopted Ordinance #030-2016, to satisfy a Stipulated  
14 Settlement Agreement regarding BOCC Ordinance 006-2016, which amended the Monroe  
15 County Land Development Code to be consistent with the Monroe County Year 2030  
16 Comprehensive Plan. The ordinance and LDC became effective on February 3, 2017.  
17

18 The following background information regarding applications reviewed this quarter is divided  
19 into subarea districts: A) Lower Keys Subarea and Upper Keys Subarea and B) Big Pine Key  
20 and No Name Key Subarea.  
21

22 **A. Applications reviewed this quarter for Lower & Upper Keys Subareas:**  
23

	Market Rate	Affordable Housing
*Lower Keys	19	0
** Lower Keys (Adm. Relief)	0	0
***Upper Keys	28	0
****Upper Keys (Adm. Relief)	0	0
<b>TOTAL</b>	<b>47</b>	<b>0</b>

- 24  
25 \* 8 application rollovers or reapplications from previous quarters.  
26 \*\* 0 applications are rollovers or reapplications from previous quarters.  
27 \*\*\* 11 application rollovers or reapplications from previous quarters.  
28 \*\*\*\* 0 applications are rollovers or reapplications from previous quarters.  
29

30 **B. Big Pine Key and No Name Key Subarea:**  
31

- 32 1) In 1998, the Florida Department of Transportation, Monroe County, the Florida  
33 Department of Community Affairs, the U.S. Fish and Wildlife Service, and the  
34 Florida Fish and Wildlife Conservation Commission signed a Memorandum of  
35 Agreement to develop a Habitat Conservation Plan (HCP) for the Key Deer and  
36 other protected species in the project area.  
37  
38 2) The Livable Communikeys Program (LCP), Master Plan for Future Development  
39 of Big Pine Key and No Name Key was adopted on August 18, 2004 under  
40 Ordinance 029-2004. The LCP envisioned the issuance of 200 residential  
41 dwelling units over a 20-year period at a rate of approximately 10 units per year.

A minimum of twenty percent of the 10 units per year are to be set aside for affordable housing development. Below is a table tracking LCP allocations remaining at the conclusion of Quarter 2 Year 26.

Livable Communikeys Master Plan (LCP) 2003-2023						
	Beginning Balance	Allocated through Quarter 2 Year 26	Expired Allocations	BOCC Reservation	Balance of LCP Allocations *	Balance including Allocations
<b>Market Rate Allocations</b>	160	129	2	0	33	33
<b>Affordable Housing Allocations</b>	40	26	4	6	12	12
<b>Totals</b>	200	155	6	6	45	45

\* Means the total adjusted to account for expired allocation, reserved allocations and re-use of allocations.

- 1) The LCP Master Plan Action Item 3.2.6 limits allocation awards in Tier 1 to no more than five percent of all residential units permitted over the 20-year planning period (*i.e.*, a maximum of 10 units) or a total of  $H = 0.022$  (two percent of the total H), whichever results in the lower H. Development in Tier 1 is tracked from December 27, 2004, the effective date of the Livable CommuniKeys Plan that established the Tier System for Big Pine Key and No Name Key. (Ordinance 020-2009).
- 2) On June 9, 2006, the U.S. Fish and Wildlife Service issued a Threatened and Endangered Species Incidental Take Permit (ITP) to Monroe County (Growth Management Division), The Florida Department of Transportation, and The Florida Department of Community Affairs. The ITP allows the issuance of 200 new residential units through the year 2023.
- 3) The ITP (Federal ITP #TE083411-0) requires the Permittees (Monroe County, Growth Management Division, the Florida Department of Transportation, and the Florida Department of Community Affairs) to ensure that the take of the covered species is minimized and mitigated. The permittees are responsible for meeting the terms and conditions of the ITP and implementing the HCP.
- 4) The ITP provides specific development limitations on Big Pine Key and No Name Key, including, but not limited to:
  - The total impact of commercial, institutional (including public projects such as wastewater and roads), and residential development over the 20-year life of the HCP shall not exceed  $H=1.1$ .
  - For each H value unit of development, 3 H units of conservation lands shall be acquired, restored, and protected in perpetuity. Over the term of this permit, lands with a cumulative H value of 3.3 shall be acquired.
  - New residential development will be limited to a maximum of 200 dwelling units over the 20 year life of the HCP.
  - New residential development in Tier 1 areas will be limited to no more than 5% of all residential units permitted over the 20 year life of the HCP (no more than 10 units) or  $H=0.022$  whichever results in a lower H.

- No new development other than single-family residential and accessory uses will be permitted in Tier I areas.

As of December 31, 2017 the County has used 0.5533 H of the total 1.1 ‘H’ allowed, while 98% (3.2480 ‘H’) of the total 3.3 ‘H’ mitigation required by the HCP and ITP has been acquired

As noted above, the ITP allows development of 10 dwelling units or 0.022 H impact, whichever results in a lower H in Tier I areas on Big Pine Key and No Name Key. ROGO allocations and subsequent building permits for 4 dwelling units totaling 0.0074 H have been issued to date.

5) The 2030 Comprehensive Plan Policy 101.6.2 limits the annual maximum number of residential permit allocation that may be awarded in Tier 1 to no more than one every two years in the Big Pine Key/No Name Key Subarea.

6) **Applications reviewed this quarter for the Big Pine Key and No Name Key Subarea:**

	Market Rate	Affordable Housing
*Big Pine Key and No Name Key	30	0

\* 27 applications are rollovers or reapplications from previous quarters.

**II) ALLOCATION FACTORS:**

- A. Pursuant to Policy 101.3.2 the number of annual market rate allocations available is 126.
- B. Policy 101.3.2 make all affordable housing allocations available.
- C. Section 138-24(c) allows any unused portion of affordable housing allocations to be retained and rolled over into the next dwelling unit allocation year.
- D. Section 138-24(a)(3) allows the Planning Commission to amend the affordable housing proportions within income groups during any ROGO quarter.
- E. Section 138-27(h) limits administrative relief allocations per quarter. The number of allocations that may be awarded under administrative relief in any subarea quarter shall be no more than fifty percent (50%) of the total available market rate allocations.
- F. Section 138-24(a)(5) limits the number of allocation awards in Tier I. The annual number of allocation awards in Tier I shall be limited to no more than three (3) in the Upper Keys Subarea and no more than three (3) in the Lower Keys Subarea. The ITP limits Big Pine Key and No Name Key Subarea to ten (10) allocations over a twenty year period or H =0.0220 whichever is lower. Additionally, the 2030 Comprehensive Plan Policy 101.6.2 and Section 138-24(a)(5) limits the annual maximum number of residential permit allocation that may be awarded in Tier 1 shall be no more than one every two years in the

1  
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Big Pine Key/No Name Key Subarea. Below is a table tracking the Tier 1 allocations by Quarter/Year.

Tier 1 Award limits	Key (Island)	Permit Number	Allocation type	Quarter, Year	Real Estate Number	H-value	Permit Issue Date	Certificate of Occupancy (C/O) Date	Current Status	Tier 1 Allocations Update	
Limited to a maximum 10 or H= .022 whichever is lower over the life of the ITP. 2030 Comprehensive Plan Policy 101.6.2 limits allocation award to no more than one every two years.	Big Pine	95101813	Market Rate	Q3Y4 (1996)	00285550.000000	0.0028	6/1/2005	9/4/2012	C/O Issued	Big Pine/No Name Keys Subarea: Used 4 not including expirations (since 1996) out of a maximum potential of 10 or less depending on H allowance whichever comes first. Based on permits issued to properties in Tier 1 and pending permits with allocation awards the H total is .0074 (since Dec. 27, 2004).	
	Big Pine	96101622	Market Rate	Q2Y6 (1998)	00289510.000000	0.0022	5/1/2006	3/6/2008	C/O Issued		
	Big Pine	03102303	Adm. Relief	Q2Y16 (2008)	00289710.000000	0.0013	4/29/2008	8/4/2010	C/O Issued		
	Big Pine	97101361	Market Rate	Q1Y17 (2008)	00296820.000000	0.0011	12/16/2009	3/29/2012	C/O Issued		
	No Name	96101472 (Not used)	Market Rate	Q2Y19 (2011)	00319494.001300				Not Issued		Expired
	No Name	96101470	Market Rate	Q2Y20 (2012)	00319494.001000				Not Issued		Expired (7/22/2015)
	No Name	96101469	Market Rate	Q2Y20 (2012)	00319494.000900				Not Issued		Expired (7/22/2015)
	No Name	96101464	Market Rate	Q3Y20 (2012)	00319494.000500				Not Issued		Expired (7/22/2015)
	No Name	96101463	Market Rate	Q4Y20 (2012)	00319494.000400				Not Issued		Expired (7/22/2015)
	No Name	96101473	Market Rate	Q4Y20 (2012)	00319494.001400				Not Issued		Expired (7/22/2015)
	No Name	96101462	Market Rate	Q4Y21 (2013)	00319494.000300				Not Issued		Expired (1/30/2016)
	No Name	96101461	Market Rate	Q2Y22 (2014)	00319494.000200				Not Issued		Expired (1/30/2016)
	No Name	96101460	Market Rate	Q2Y22 (2014)	00319494.000100				Not Issued		Expired (1/30/2016)
	No Name	96101465	Market Rate	Q3Y22 (2014)	00319494.000600				Not Issued		Expired (1/30/2016)
	No Name	96101467	Market Rate	Q2Y24 (2016)	00319494.000700				Not Issued		Expired (9/5/2016)
	No Name	96101468	Market Rate	Q2Y24 (2016)	00319494.000800				Not Issued		Expired (9/5/2016)
No Name	96101471	Market Rate	Q2Y24 (2016)	00319494.001100				Not Issued	Expired (9/5/2016)		
						<b>0.0074</b>					
<b>Subarea Lower: Begin July 13, 2017-July 12, 2018 (Year 26)</b>											
Lower Keys maximum annual allocations in Tier 1 is limited to 3.										Lower Keys: Used 0 out of the 3 allowed in Year 26.	
<b>Subarea Upper: Begin July 13, 2017-July 12, 2018 (Year 26)</b>											
Upper Keys maximum annual allocations in Tier 1 is limited to 3.										Upper Keys: Used 0 out of the 3 allowed in Year 26.	

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Based on the Code, Comprehensive Plan, Livable CommuniKeys, Habitat Conservation Plan, and the Incidental Take Permit:

- 1) Within the Big Pine Key and No Name Key Subarea, new residential development in Tier 1 is limited to no more than five percent of all residential units permitted over the twenty year planning period (i.e., a maximum of 10 units) or H=0.0220, whichever results in a lower H over the life of the ITP (2003-2023) and no more than one allocation awarded every two years in Tier 1. A review of the H-impacts used to date (.0074), shows 0.0146 H remains available for Tier 1 (H limit of 0.0220 - 0.0074 H used = 0.0146).
- 2) Lower Keys Subarea has one Tier 1 allocations available in Year 26; and
- 3) Upper Keys Subarea has three Tier 1 allocations available in Year 26.

G. Item G5 in the ITP specifies, “New residential development in Tier 1 (Tiers defined in HCP, Table 2.7) areas is limited to no more than five percent of all residential units permitted over the 20-year life of the HCP (i.e., a maximum of 10 units) or a total H-0.0220, whichever results in a lower H.”

- 1 H. LCP, Action Item 3.2.6: Limits allocation awards in Tier I to no more than five percent  
 2 of all residential units permitted over the twenty year planning period (i.e., a maximum of  
 3 10 units) or a total H-0.0220 (two percent of the total H), whichever results in a lower H.  
 4  
 5 I. Monroe County Code Section 138-24(a)(4) Big Pine Key and No Name Key states:  
 6 All allocation awards on Big Pine Key and No Name Key are subject to the provisions of  
 7 the Incidental Take Permit and the Habitat Conservation Plan for the Florida Key Deer  
 8 and other covered species, which may affect ROGO allocations under this article.  
 9  
 10 J. Monroe County Code Section 138-25(h) Expiration of allocation award: Except as  
 11 provided for in this division, an allocation award shall expire when its corresponding  
 12 building permit is not picked up after sixty (60) days of notification by certified mail of  
 13 the award or, after issuance of the building permit, upon expiration of the permit or after  
 14 failure of the applicant to submit required plan revisions by the required date set for in  
 15 subsection (j).  
 16  
 17  
 18 K. The 2030 Comprehensive Plan allows a total of 126 Market Rate allocations per year and  
 19 makes all Affordable Housing Allocations available.  
 20

21 **Year 26 Allocation Allotment Breakdown by Quarter (July 13, 2017 –July 12, 2018)**  
 22

<b>Market Rate:</b>	MCC allotment by subarea	Qtr 1	Qtr 2	Qtr 3	Qtr 4
Lower Keys	57	14	14	14	15
Big Pine Key and No Name Key	8	2	2	2	2
Upper Keys	61	15	15	15	16
Total:	126	31	31	31	33
<b>Affordable Housing***:</b>					
Big Pine/No Name Keys	12*				
Lower/Upper Keys	568**				

23 Beginning balances

24 \*Big Pine Key and No Name Key Subarea affordable housing allocation breakdown into the two income categories are as follows: 1)  
 25 very low, low, & median income (4 allocations) and 2) moderate income (8 allocations); and

26 \*\*unincorporated Monroe County excluding the Big Pine and No Name Key Subarea affordable housing allocation breakdown into  
 27 the two income categories are as follows: 1) very low income, low income and median income (212) allocations and 2) moderate  
 28 (356) allocations.

29 \*\*\* The BOCC adopted the Monroe County 2030 Comprehensive Plan and Land Development Code which modified the availability  
 30 of Affordable Housing Allocations. All Affordable Housing allocations are available now.  
 31  
 32  
 33

Table below shows accounting of Affordable Housing Allocations reserved and rescinded for the balances reflected above:

	Big Pine		Lower/Upper	
<b>Balance as of November 14, 2017</b>	<b>18</b>	<b>(VL, L, Med 7) &amp; (Moderate 11)</b>	<b>562</b>	<b>(VL, L, Med 212) &amp; (Moderate 350)</b>
Lloyd Good RE: 00166976.011400: 6 AFH Allocations Expired April 8, 2016. Applications 06100131; 06100132; 06100132; 06100133; 06100134; & 06100136.	<b>0</b>		<b>6</b>	<b>(VL, L, Med 0) &amp; (Moderate 6)</b>
BOCC Resolution Resoulution 026-2018 approved January 17, 2018. Ginger Henderson 00111560-000000 3 VL, L, Med & 3 Mod. Total of 6 EMP on BPNN	<b>6</b>	<b>(VL, L, Med 3) &amp; (Moderate 3)</b>		
<b>Balance as of January 30, 2018</b>	<b>12</b>	<b>(VL, L, Med 4) &amp; (Moderate 8 )</b>	<b>568</b>	<b>(VL, L, Med 212) &amp; (Moderate 356)</b>
Allocated Qrt 1 Y 26	<b>0</b>		<b>0</b>	
Allocated Qrt 2 Y 26	<b>0</b>		<b>0</b>	
Allocated Qrt 3 Y 26	<b>0</b>		<b>0</b>	
<b>Balance as of April 26, 2018</b>	<b>12</b>	<b>(VL, L, Med 4) &amp; (Moderate 8 )</b>	<b>568</b>	<b>(VL, L, Med 212) &amp; (Moderate 356)</b>

L. Monroe County Code Section 138-26 allows the adjustment of residential ROGO allocations at the end of each quarterly allocation period of additions or subtractions to the basic allocation available by subarea such as the number of dwelling unit allocation awards that expired prior to the issuance of a corresponding building permit.

M. The 2030 Comprehensive Plan Policy 101.3.2 states: “The number of permits issued for residential dwelling units under the Rate of Growth Ordinance shall not exceed a total of 1,970 new allocations for the time period of July 13, 2013 through July 12, 2023, plus any available unused ROGO allocations from a previous ROGO year. A ROGO year means the twelve-month period beginning on July 13. Market rate allocations shall not to exceed 126 residential units per year. Unused allocations for market rate shall be available for Administrative Relief”.

Table shows Total Market Rate Allocations Unused ROGO Years 19-24 available for Administrative Relief								
Sub-Area	Unused Market Rate from Yr 19	Unused Market Rate from Yr 20	Unused Market Rate from Yr 21	Unused Market Rate from Yr 22	Unused Market Rate from Yr 23	Unused Market Rate from Yr 24	Unused Market Rate from Yr 25	Total Unused Market Rate Allocations
Lower Keys	11	44	14	20	6	0	0	95
Big Pine/No Name Key	0	0	0	0	0	0	0	0
Upper Keys	0	0	0	15	15	2	0	32
<b>Total Allocations</b>	<b>11</b>	<b>44</b>	<b>14</b>	<b>35</b>	<b>21</b>	<b>2</b>	<b>0</b>	<b>127</b>

Note: This table does not include all expired market allocations and may be revised to included expired allocation awards.

**III) EVALUATION AND RANKING:**

The evaluation of the allocation applications was performed by the Planning & Environmental Resources Department pursuant to Monroe County Code and Comprehensive Plan. Positive and negative points were granted in compliance with the evaluation criteria contained in Comprehensive Plan Policy 101.6.4 and Section 138-28 of the LDC for the Lower, Upper Keys, and Big Pine Key and No Name Key Subarea. An evaluation report has been provided in accordance with Monroe County Code Section 138-26.

1 Based on the total points scored, each allocation was ranked by subarea. If applications  
2 received identical scores, they were first ranked by date and time. Please note that any  
3 excess allocations approved must be deducted from the next quarterly allocation period  
4 pursuant to Monroe County Code Section 138-26(e).  
5

6 **IV) RECOMMENDATIONS:**  
7

8 **A. Market Rate Allocations Quarter 3, Year 26:**  
9

10 The number of applications in the Lower Keys, Big Pine Key and No Name Keys, and  
11 Upper Keys Subareas was greater than the quarterly allocation awards available. Per  
12 Section 138-26(b)(7) of the code, the rankings indicate which applications are within the  
13 quarterly allocation, and those applications whose rankings puts them outside the quarterly  
14 allocation. An additional page is attached which identifies the location of each proposed  
15 allocation by island and subdivision.  
16

17 **The Market Rate applications recommended for Quarter 3, Year 26 approval that  
18 are within the quarterly allocations are as follows:**  
19

20 Lower Keys: Applicants ranked 1 through 14.  
21

22 Lower Keys Administrative Relief: No Applicants.  
23

24 Big Pine Key/No Name Key: Applicant ranked 1 through 2 is recommended for  
25 allocation award subject to mitigation availability at the time of permitting.  
26

27 Upper Keys: Applicants ranked 1 through 15.  
28

29 Upper Keys Administrative Relief: No Applicants.  
30

31 **B. Affordable Housing Allocations for the Lower & Upper Keys Quarter 3, Year 26:**  
32

33 There are two affordable housing allocation categories: 1) very low, low, & median  
34 income and 2) moderate income. A total of 568 affordable housing allocations are  
35 available in the two categories 1) very low income, low income and median income (212  
36 allocations) and 2) moderate income (356 allocations). The Planning Commission may  
37 amend the ratio proportions for affordable housing during any ROGO quarter pursuant to  
38 Section 138-24(a)(3).  
39

40 There were zero (0) affordable housing applications submitted this quarter in the  
41 moderate income category and there were zero (0) affordable housing applications  
42 submitted this quarter in the very low, low & median income category.  
43

44 **C. Affordable Housing Allocations for the Big Pine Key and No Name Key Quarter 3,  
45 Year 26:**  
46

1           There are two affordable housing allocation categories: 1) very low, low, & median  
2           income and 2) moderate income. A total of 12 affordable housing allocations are  
3           available in the two categories 1) very low income, low income and median income (4  
4           allocations) and 2) moderate income (8 allocation). The Planning Commission may  
5           amend the ratio proportions for affordable housing during any ROGO quarter pursuant to  
6           Section138-24(a)(3).  
7  
8           There were zero (0) affordable housing applications submitted this quarter in the  
9           moderate income category and there were zero (0) affordable housing applications  
10          submitted this quarter in the very low, low & median income category.



## MEMORANDUM

### MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

To: Monroe County Planning Commission

Through: Emily Schemper, Senior Director of Planning & Environmental Resources

From: Janene Sclafani, Senior Planner  
Michael Roberts, CEP, PWS, Senior Administrator of Environmental Resources

Date: May 21, 2018

**Subject:** *Major Conditional Use Permit, Manley-DeBoer Lumber Company / Como Oil Company of Florida, 177 Industrial Road, Big Pine Key, mile marker 31 ocean side, Real Estate # 00110830-000303 (File # 2017-070)*

---

**Meeting:** May 30, 2018

---

1 I REQUEST:

2

3 The requested Major Conditional Use Permit is for the proposed development of a heavy

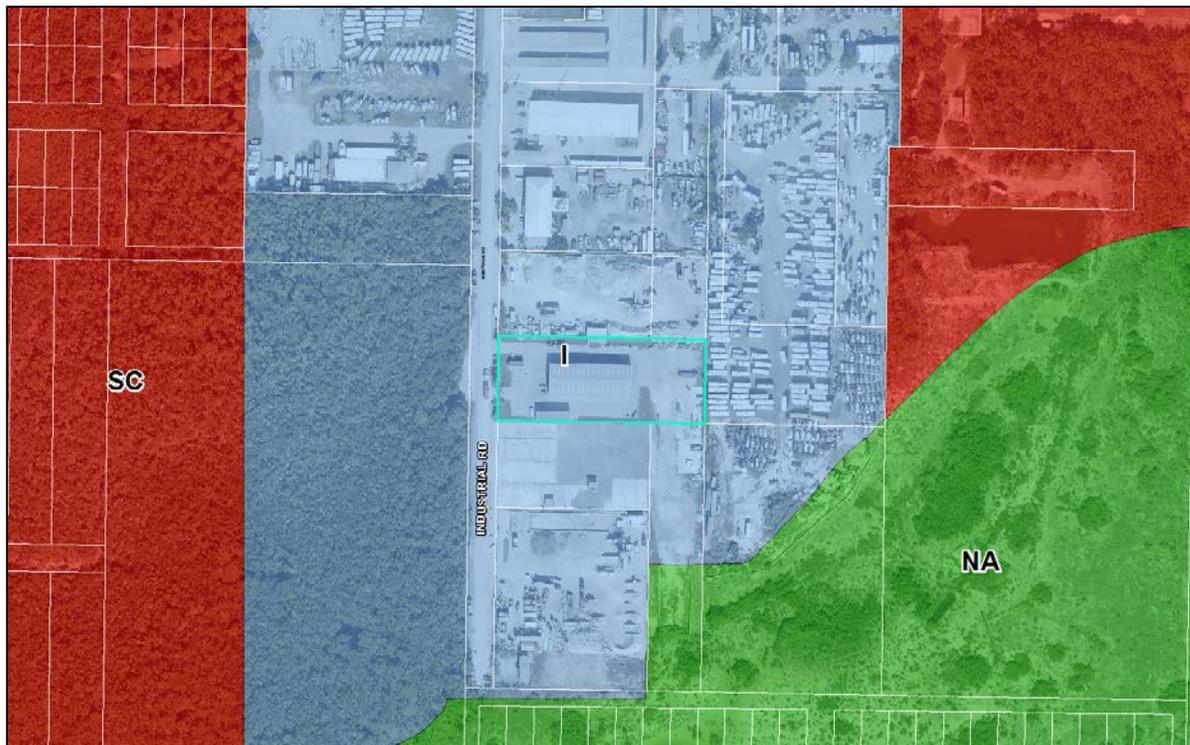
4 industrial use consisting of bulk petroleum storage in the form of two 30,000-gallon above-

5 ground liquid petroleum gas tanks at the existing lumberyard on property located in the

6 Industrial (I) Land Use (Zoning) District, pursuant to Section 130-82(c)(3) of the Monroe

7 County Land Development Code (LDC).

8



9  
10 *Subject Property (center, blue outline) with Land Use (Zoning) Districts (2015 Aerial)*

1 II BACKGROUND INFORMATION:  
2

3 **Location:** Manley-DeBoer Lumber Company near U.S. 1 mile marker 31 ocean side

4 **Address:** 177 Industrial Road, Big Pine Key

5 **Legal Description:** Parcel of land in Section 25, Township 66 South, Range 29 East, Big Pine  
6 Key, Monroe County, Florida (*see full legal description in the application*)

7 **Real Estate Number:** 00110830-000303

8 **Property Owner/Applicant:** Manley-De-Boer Lumber Company Limited Partnership

9 **Agent:** Donald Craig and Richard McChesney, The Spottswood Law Firm

10 **Size of Site:** 58,862 SF / 1.35 acres upland according to the proposed site plan

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

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

13 **Tier Designation:** Tier III Infill Area and Tier I Natural Area

14 **Existing/Historic Uses:** Existing lumberyard

15 **Existing Vegetation / Habitat:** Impervious surface, developed land

16 **Flood Zones:** AE-8

17 **Community Character of Immediate Vicinity:** Industrial and outdoor storage uses to the  
18 north, east and south; undeveloped hammock and pineland across Industrial Road to the west  
19

20 III RELEVANT PRIOR COUNTY ACTIONS:  
21

22 On May 5, 1986, the County issued Building Permit # A15312 for a 9,000-square-foot,  
23 60'x150', open pole barn for storage only with the remark "affidavit in file re: personal use  
24 and natural landscaping." Zoning was BU-3-X. Property dimensions were 155'x280' and did  
25 not include the 155'x100' parcel to the rear.  
26

27 On July 22, 2004, the County issued Building Permit # 04101820 to remodel 9,000 SF of  
28 existing warehouse and office (re-skin). Planning Department approved the enclosure of an  
29 existing pole barn. Planning approval notes stated:

30 "Original approval authorized storage only under Permit A15312. Change of use  
31 from storage to retail lumber was existing on the effective date of this code. All  
32 improvements are to be made as authorized in letter of understanding & are in  
33 compliance. Access to the office and parking has been improved to current ADA  
34 standards. Original permit required that the natural landscaping on site was to remain  
35 under original approval. No landscaping on site currently. Parking requirements for  
36 9000 sf lt. ind are 18 spaces. Applicant is proposing the use to be a drive through  
37 service. Sufficient area for parking exists around perimeter of property. Planning  
38 approval of sign 6 x 12 for a total of 72 sf on front of building 60 linear feet in length.  
39 No change in intensity, lumber retail use approved."

40 The approved site plan reflects the site conditions prior to Hurricane Irma in September 2017,  
41 and did not include the 155'x100' parcel to the rear.  
42

1 On August 11, 2017, the County issued Building Permit # 17104535 for two (2) outdoor  
2 storage areas for empty propane tanks on existing asphalt paving as an as-of-right use  
3 accessory to the principal lumber retail use.  
4

5 On January 10, 2018, the County issued Building Permit # 17105105 for demolition of a  
6 decommissioned concrete cistern located along the northern side property line.  
7

8 **IV REVIEW OF APPLICATION:**  
9

10 Section 110-67 of the Monroe County Land Development Code (LDC) provides the standards  
11 which are applicable to all conditional uses. When considering applications for a conditional  
12 use permit, the Planning Director and the Planning Commission shall consider the extent to  
13 which:  
14

15 (a) *The conditional use is consistent with the purposes, goals, objectives and policies of the*  
16 *Comprehensive Plan and this Land Development Code;*  
17

18 Policies from the *Monroe County Year 2030 Comprehensive Plan* that directly pertain to  
19 the proposed conditional use include:  
20

21 Policy 101.5.9: *The principal purpose of the Industrial (I) future land use category is*  
22 *to provide for the development of industrial, manufacturing, and warehouse and*  
23 *distribution uses. Other commercial, public, residential, and commercial fishing-*  
24 *related uses are also allowed. Residential uses are limited to employee housing or*  
25 *commercial apartments.*  
26

27 Policy 101.5.25: *Monroe County hereby adopts the following density and intensity*  
28 *standards for the future land use categories, which are shown on the FLUM and*  
29 *described in Policies 101.5.1 - 101.5.20 [§163.3177(6)(a)1.,F.S.].*  
30

Future Land Use Densities and Intensities				Minimum Open Space Ratio <sup>(c)</sup>
Future Land Use Category And Corresponding Zoning	Residential <sup>(1)</sup>		Nonresidential	
	Allocated Density <sup>(a)</sup> (per upland acre)	Maximum Net Density <sup>(a) (b)</sup> (per buildable acre)	Maximum Intensity (floor area ratio)	
Industrial (I) (I and MI zoning)	1 du 0 rooms/spaces	2 du N/A	0.25-0.60	0.20

31  
32  
33  
34 Policy 101.19.2: *The Community Master Plans shall be incorporated into the 2030*  
35 *Comprehensive Plan as a part of the plan and be implemented as part of the*  
36 *Comprehensive Plan. The following Community Master Plans have been completed in*  
37 *accordance with the principles outlined in this section and adopted by the Board of*  
38 *County Commissioners:*  
39

1           1. *The Master Plan for Future Development of Big Pine Key and No Name Key, dated*  
2           *August 2004 and adopted by the Board of County Commissioners on August 18,*  
3           *2004 is incorporated by reference into the 2010 Comprehensive Plan. The term*  
4           *Strategies in the Master Plan is equivalent to the term Objectives in the*  
5           *Comprehensive Plan and the term Action Item is equivalent to the term Policy; the*  
6           *meanings and requirements for implementation are synonymous. Adopted by*  
7           *Ordinance 029-2004. Amended by Ordinance 020-2009.*  
8

9           The Livable CommuniKeys Master Plan for Big Pine Key and No Name Key contain the  
10          following applicable action items:

11                            Action Item 2.1.1: *Continue to recognize the FLUM categories and land use districts*  
12                            *as the regulatory tool used for evaluating individual development proposals for*  
13                            *compliance with land development standards such as type of use, intensity of use, and*  
14                            *open space. This will promote orderly and safe development that is consistent with the*  
15                            *Comprehensive Plan and will protect the integrity and conformance status of existing*  
16                            *development.*  
17

18           IN COMPLIANCE  
19

20  
21          (b) *The conditional use is consistent with the community character of the immediate vicinity*  
22           *of the parcel proposed for development;*  
23

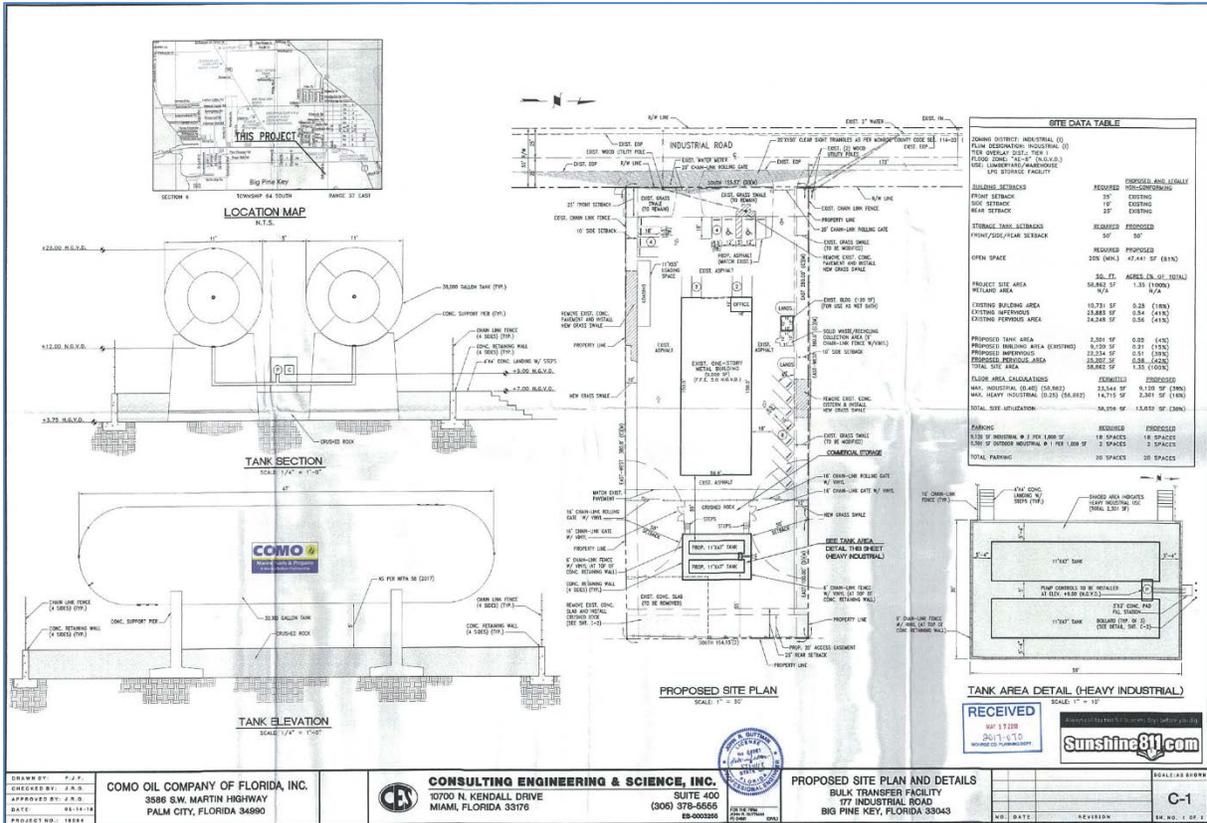
24           The subject property is a currently a retail lumber yard. The property is located in an  
25           industrial area near U.S. 1 Mile Marker 31 ocean side. The surrounding area within 600  
26           feet of the subject property is characterized by a variety of industrial and outdoor storage  
27           uses to the north, east and south. To the west of the subject property is undeveloped  
28           hammock and pinelands. The subject property is fully scarified and nearly all impervious  
29           surfaces. The proposed bulk petroleum storage is consistent with the I FLUM Category's  
30           purpose and intent, as well as the surrounding community character, assuming all aspects  
31           of the proposed development are found in compliance with the adopted County  
32           Comprehensive Plan and LDC.  
33

34           IN COMPLIANCE  
35

36          (c) *The design of the proposed development minimizes adverse effects, including visual*  
37           *impacts, of the proposed use on adjacent properties;*  
38

39           The design of the proposed development incorporates fencing and landscaping along the  
40           front and sides of the subject property. Many nonconforming aspects of the property, such  
41           as landscaping, off-street parking, stormwater management and open space would be  
42           brought into compliance. As such, the proposed use is anticipated to minimize any adverse  
43           impacts on adjacent properties. As a note, all the adjacent developed properties to the  
44           north, east and south have existing industrial uses, and the undeveloped hammock and  
45           pineland to the west is publicly owned and unlikely to be developed.  
46

47           IN COMPLIANCE



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(d) *The proposed use will have an adverse effect on the value of surrounding properties;*

There is no evidence indicating that the proposed development would have an adverse impact on the value of the surrounding properties.

IN COMPLIANCE

(e) *The adequacy of public facilities and services;*

1. *Transportation/Roadways:*

**Localized Impacts & Access Management:** Vehicular access to the site is proposed via the two existing driveways to Industrial Road, a County right-of-way. Access to U.S. 1 is provided via Industrial Road. No changes are proposed to the two existing driveways. The County Engineer reviewed the subject application and found that “the project does not impact any county maintained rights-of-way or propose to change site access; Engineering Department does not have any comments or concerns.” The County Engineer’s comments are attached as an exhibit to this memo.

**Level of Service (LOS):** The trip generation analysis in the submitted traffic study estimated the proposed development would generate 40 new daily vehicle trips. The total site with existing and proposed development would generate an estimated 96 daily vehicle trips. A Level 1 traffic study is required for development generating 11 to 249

1 gross daily trips, pursuant to LDC Section 114-200. The submitted Level 1 study  
2 concludes, “the proposed development will not have an adverse impact on the operating  
3 characteristics of Overseas Highway / U.S. 1 on Big Pine Key, nor will it inhibit the  
4 safe flow of traffic traveling through the area.” The proposed development is located  
5 with U.S. 1 Segment 10 Big Pine Key (mile markers 29.5-33.0), which was operating  
6 at LOS C (394 reserve trips) according to the 2015 U.S. 1 Arterial Travel Time and  
7 Delay Study.  
8

9 The County’s transportation consultant reviewed the Level 1 traffic study and their  
10 comments are attached as an exhibit to this memo. The applicant’s traffic engineer  
11 provided a response letter dated January 14, 2018. Updated plans received April 23,  
12 2018, which included a change to the circulation pattern for the access driveways, were  
13 reviewed by the County’s transportation consultant; while there were no additional  
14 comments from the County’s consultant, an updated Traffic Impact Study reflecting  
15 previous comments and associated responses submitted January 2018, as well as the  
16 new driveway circulation pattern, is required prior to approval of the conditional use  
17 permit.  
18

19 The County’s Engineering Department reviewed plans submitted May 12, 2017 for the  
20 proposed development and did not have any comments or concerns. A letter dated June  
21 12, 2017 from Judy Clarke of the Engineering Department is attached as an exhibit to  
22 this memo. Updated plans received April 23, 2018 were sent for review to the County’s  
23 Engineering Department and are awaiting comments. Any additional comments shall  
24 be addressed prior to approval of the conditional use permit.  
25

- 26 2. *Solid Waste*: The applicant submitted coordination letters dated May 8, 2017 and  
27 August 16, 2017 from the Monroe County Solid Waste Department.  
28
- 29 3. *Potable Water*: The applicant submitted a coordination letter dated May 16, 2018 from  
30 the Florida Keys Aqueduct Authority.  
31
- 32 4. *Sanitary Sewer*: The applicant submitted a request for a coordination letter dated May  
33 16, 2018 from the Florida Keys Aqueduct Authority.  
34
- 35 5. *Drainage/Stormwater*: There are no public stormwater management facilities servicing  
36 the area. The applicant has provided stormwater management and drainage plans that  
37 meet the stormwater quantity and quality criteria of the Land Development Code.  
38
- 39 6. *Schools*: Sufficient school classroom capacity is available to accommodate the  
40 proposed uses, according to the 2014-2015 Monroe County Public Facilities Capacity  
41 Assessment Report.  
42
- 43 7. *Recreation and Open Space*: Sufficient recreation and open space capacity is available  
44 to accommodate the proposed uses, according to the 2014-2015 Monroe County Public  
45 Facilities Capacity Assessment Report.  
46

1 8. *Emergency Management:* The Office of the Fire Marshal reviewed plans submitted  
2 with the application on May 12, 2017, and provided a letter dated May 22, 2017 with  
3 comments and concerns, which is attached as an exhibit to this memo. Updated plans  
4 received April 23, 2018 were sent for review to the Office of the Fire Marshal and are  
5 awaiting comments. Comments shall be addressed prior to approval of the conditional  
6 use permit.

7  
8 COMPLIANCE TO BE DETERMINED  
9

10 (f) *The applicant for conditional use approval has the financial and technical capacity to*  
11 *complete the development as proposed and has made adequate legal provision to*  
12 *guarantee the provision and development of any improvements associated with the*  
13 *proposed development;*

14  
15 There is no evidence to support or disprove the applicant's financial and technical capacity.

16  
17 IN COMPLIANCE  
18

19 (g) *The development will adversely affect a known archaeological, historical or cultural*  
20 *resource;*

21 The proposed development would not adversely affect a known archaeological, historical  
22 or cultural resource.

23  
24 IN COMPLIANCE  
25

26 (h) *Public access to public beaches and other waterfront areas is preserved as a part of the*  
27 *proposed development; and*

28  
29 The property is not adjacent to any public beaches or other waterfront areas. No public  
30 access is proposed or required to be preserved as part of the proposed development.

31  
32 IN COMPLIANCE  
33

34 (i) *The proposed use complies with all additional standards imposed on it by the particular*  
35 *provision of this Land Development Code authorizing such use and by all other applicable*  
36 *requirements.*

37  
38 1. Residential Rate of Growth Ordinance (ROGO) (LDC Chapter 138, Article II): *Not*  
39 *applicable.*

40  
41 No residential uses are existing or proposed.

42  
43 2. Nonresidential Rate of Growth Ordinance (NROGO) (LDC Chapter 138, Article III):  
44 *Not applicable.*

45  
46 No new nonresidential floor area is proposed.

1  
2 Please note that there are existing structures indicated on the submitted survey and  
3 plans that may qualify as nonresidential floor area, as defined in the LDC; however,  
4 there is no prior Letter of Development Rights Determination (LDRD) found for the  
5 subject property. Some of the existing structure may have been substantially damaged  
6 in Hurricane Irma. If any of these structures will be replaced, documentation that the  
7 floor area was lawfully established and exempt from NROGO will be needed. The  
8 property owner may wish to request a LDRD prior to repair or replacement of these  
9 structures.

- 10  
11 3. District Purpose (LDC Section 130-35): *In compliance, subject to approval of the*  
12 *requested Major CUP.*

13  
14 The subject property is located within the Industrial (I) Land Use (Zoning) District.  
15 The purpose of the I District is to establish areas that are suitable for the development  
16 of industrial, manufacturing, warehousing, and distribution uses.

- 17  
18 4. Permitted and Conditional Uses (LDC Section 130-82): *In compliance, subject to*  
19 *approval of the requested Major CUP and compliance with conditions of approval.*

20 The requested Major CUP is required for the proposed development of a heavy  
21 industrial use consisting of bulk petroleum storage in the form of two 30,000-gallon  
22 above-ground liquid petroleum gas tanks at the existing lumberyard. Pursuant to LDC  
23 Section 130-82(c)(3), heavy industrial uses are permitted as major conditional uses in  
24 the I District, provided that:

- 25  
26 a. All outside storage areas are screened from adjacent uses by a solid fence, wall or  
27 hedge at least six feet in height; and  
28 b. The parcel proposed for development is separated from any established residential  
29 use by a class F bufferyard.

30  
31 No outside storage areas are identified on the submitted plans, but outdoor storage for  
32 empty propane tanks was approved through Building Permit # 17104535. The site plan  
33 and survey indicates existing chain link fencing around the perimeter of the property,  
34 but may have been damaged in Hurricane Irma. If outdoor storage will continue, then  
35 the site plan should indicate these areas and the required six-foot-high solid fence, wall  
36 or hedge must be installed.

37  
38 There are no established residential uses abutting the property, so the Class F  
39 bufferyard is not required.

40  
41 Conditional uses, pursuant to LDC Chapter 110, Article III, are those uses that are  
42 generally compatible with the other land uses permitted in a land use district, but which  
43 require individual review of their location, design and configuration and the imposition  
44 of conditions in order to ensure the appropriateness of the use at a particular location.

45  
46 LDC Section 101-1 defines the following relevant terms:

1  
2 *Industrial use, heavy means* an industrial use with greater than average impacts on  
3 the environment and community and that is characterized by significant impacts on  
4 adjacent uses in terms of noise, hazards, emissions and/or odors, including but not  
5 limited to junkyards, salvage yards, solid waste disposal facilities/waste transfer  
6 stations, bulk petroleum storage, permanent concrete manufacturing facilities/ concrete  
7 batch plants and resource extraction.  
8

9 *Industrial use, light means* a use devoted to the manufacture, warehousing, assembly,  
10 packaging, processing, fabrication, indoor and outdoor storage, or distribution of goods  
11 and materials whether new or used and/or the substantial refinishing, repair and/or  
12 rebuilding of vehicles or vessels.  
13

- 14 5. Required Open Space (LDC Sections 130-157, 130-162 & 130-164): *Compliance to be*  
15 *determined.*  
16

17 The minimum required open space ratio (OSR) within the I District is 0.20 or 20%.  
18 According to the proposed site plan, the property consists of 58,862 square feet of  
19 upland area. Therefore, at least 11,772 square feet of the total upland area shall remain  
20 open space. The proposed site plan (sheet C-1) indicates there would be 45,830 square  
21 feet (0.78 OSR) of total open space. However, based on the amount of  
22 impervious/pervious areas listed in the site data table, the amount of open space  
23 provided would 28,320 square feet or 0.48 OSR. The open space/impervious/pervious  
24 areas should be verified and corrected, but open space appears to be in compliance.  
25

- 26 6. Land Use Intensities (LDC Chapter 130, Article V): *In compliance.*  
27

28 Residential Density Analysis  
29

30 No residential uses are existing or proposed.  
31

32 Nonresidential Floor Area Analysis  
33

34 According to Monroe County Property Appraiser records, 10,564 square feet of total  
35 nonresidential floor area exists in three buildings. The proposed heavy industrial use of  
36 the two above-ground LP tanks does not meet the definition of “floor area,” although  
37 the proposed site plan indicates 2,301 square feet of proposed floor area. Therefore, the  
38 nonresidential land use intensity of the subject property, pursuant to LDC Section 130-  
39 164, shall be in accordance with the following table:  
40

<i>Land Use District / Land Use</i>	<i>Maximum Floor Area Ratio (FAR)</i>	<i>Land Area (SF)</i>	<i>Maximum Floor Area (SF)</i>	<i>Existing/Proposed Floor Area (SF)</i>	<i>% Intensity Used</i>
<b>Industrial (I):</b>					
Light Industrial	0.40	58,862	23,544	10,564	44.9%
Heavy Industrial	0.25	58,862	14,715	0	0%
<b>Total:</b>				<b>10,564</b>	<b>44.9%</b>

1  
2 *Note: Existing floor area based on MCPA records. No prior LDRD found. Staff*  
3 *recommends owner request LDRD prior to demolition or redevelopment.*  
4

5 LDC Section 101-1 defines “*floor area*” as “the sum of the gross horizontal areas of  
6 each story of the principal building, measured from the exterior walls or from the  
7 centerline of party walls, including the floor area of accessory uses and of accessory  
8 buildings and structures.” Further, pursuant to LDC Section 138-47(a), the term  
9 “*nonresidential floor area*” does not include space occupied by residential uses.  
10

11 7. Required Setbacks (LDC Sections 118-12, 131-1 & 131-3): *In compliance.*

12 Pursuant to LDC Section 131-1, the required non-shoreline setbacks within the I Land  
13 Use District are:  
14  
15

<b>Summary of Required Non-Shoreline I District Setbacks per LDC Section 131-1</b>				
<i>Setback Type</i>	<i>Minimum Required (feet)</i>	<i>Existing Setback (feet)</i>	<i>Proposed Setback (feet)</i>	<i>In compliance? Y/N</i>
Primary Front Yard (along west property line)	25	~15	~280 to LP tanks	Y
Secondary Front Yard	15	N/A	N/A	N/A
Primary Side Yard (along north property line)	10	0	12 to parking; ~50 to LP tanks	Y
Secondary Side Yard (along south property line)	5	0	10 to parking; ~50 to LP tanks	Y
Rear Yard (along east property line)	25	137	55 to LP tanks	Y

16 There are existing nonconforming structures (buildings and paved areas) within  
17 required setbacks. Some existing structures are proposed to be removed, which would  
18 bring the existing development further into compliance with required setbacks. The  
19 proposed development of the LP tanks would be in compliance with required setbacks.  
20  
21

22 Pursuant to Code Section 101-1, *setback* means the area between a building or structure  
23 and the property line of the parcel of land on which the building or structure is located,  
24 unoccupied and unobstructed from the ground upward, except for fences or other  
25 development permitted in the area as provided for in this Land Development Code. In  
26 measuring a setback, the horizontal distance between the property line and the  
27 furthestmost projection of the building or structure shall be used. Further, the setback  
28 shall be measured at a right angle (90 degrees) from the property line.  
29

30 8. Shoreline Setback (LDC Section 118-12): *Not applicable.*

31  
32 9. Maximum Height (LDC Sections 101-1 & 131-2): *In compliance.*  
33

34 No structure or building shall be developed that exceeds a maximum height, as defined  
35 in LDC Section 101-1, of 35 feet, pursuant to LDC Section 131-2. According to the

1 tank section plan on sheet C-1, the height of the proposed LP tanks would be 16 feet  
2 from grade.

3  
4 Pursuant to LDC Section 101-1:

5  
6 *Height* means the vertical distance between grade and the highest part of any structure,  
7 including mechanical equipment, but excluding the following: chimneys; spires and/or  
8 steeples on structures used for institutional and/or public uses only; radio and/or  
9 television antenna, flagpoles; solar apparatus; utility poles and/or transmission towers;  
10 and certain antenna supporting structures with attached antenna and/or collocations as  
11 permitted in LDC Chapter 146. However, in no event shall any of the exclusions  
12 enumerated in this definition be construed to permit any habitable or usable space to  
13 exceed the applicable height limitations.

14  
15 *Grade* means the highest natural elevation of the ground surface, prior to construction,  
16 next to the proposed walls of a structure, or the crown or curb of the nearest road  
17 directly adjacent to the structure, whichever is higher. To confirm the natural elevation  
18 of the ground surface, prior to construction, the county shall utilize the Light Detection  
19 and Ranging (LiDAR) dataset for Monroe County prepared in 2007 and other best  
20 available data, including, but not limited to, pre-construction boundary surveys with  
21 elevations, pre-construction topographic surveys, elevation certificates and/or other  
22 optical remote sensing data.

23  
24 10. Surface Water Management Criteria (LDC Section 114-3): *In Compliance*

25  
26 The drainage plans submitted with the application (Sheet C-2, Consulting Engineering  
27 & Science, Inc.) meet the water quantity and quality criteria of Section 114-3.

28  
29 11. Wastewater Treatment Criteria (LDC Section 114-4): *Full compliance to be*  
30 *determined by FCAA and Building Department prior to the issuance of a building*  
31 *permit.*

32  
33 12. Fences (LDC Section 114-13): *Full compliance to be determined upon building permit*  
34 *application review.*

35  
36 The plans submitted depict existing chain link fencing, however no new fencing is  
37 depicted. New fencing, if any, must comply with the standards and design criteria of  
38 LDC Section 114-20.

39  
40 13. Floodplain Management (LDC Chapter 122): *Full compliance to be determined upon*  
41 *building permit application review.*

42  
43 All new structures must be designed to current floodplain management standards,  
44 pursuant to LDC Chapter 122. According to the submitted survey, the site is located  
45 within the AE-8 flood zone on the Federal Emergency Management Agency (FEMA)'s  
46 flood insurance rate maps.

1  
2 14. Energy Conservation Standards (LDC Section 114-45): *Full compliance to be*  
3 *determined upon building permit application review.*

4  
5 15. Potable Water Conservation Standards (LDC Section 114-46): *Full compliance to be*  
6 *determined by FCAA and Building Department prior to the issuance of a building*  
7 *permit.*

8  
9 16. Environmental Design Criteria and Mitigation Standards (LDC Sections 118-6, 118-7  
10 & 118-8): *In Compliance.*

11 The site is scarified and does not contain any native habitats.

12  
13  
14  
15 17. Required Off-Street Parking (LDC Section 114-67): *Not in compliance.*

16  
17 The proposed development would be subject to the required number of off-street  
18 parking spaces pursuant to LDC Section 114-67(c). The table below lists the number  
19 of parking spaces to be provided for each proposed use:  
20

<i>Specific Use Category</i>	<i>Required Parking Spaces</i>	<i>Quantity</i>	<i>Minimum Spaces Required</i>
Industrial Uses – Indoor	2.0 spaces per 1,000 sq. ft. of nonresidential floor area within building	8904 sf ( <i>minus office space located in the building</i> )	17.808
Industrial Uses – Outdoor	1.0 space per 1,000 sq. ft. of the parcel that is devoted to outdoor industrial use	2301	2.301
Office	3.0 spaces per 1,000 sq. ft. of nonresidential floor area within the building	216	0.648
<b>Total</b>			<b>20.757 = 21</b>

21  
22 The proposed site plan (sheet C-1) indicates 20 off-street parking spaces, including two  
23 (2) ADA accessible space. Required off-street parking shall be addressed prior to  
24 approval of the conditional use permit.

25  
26 Pursuant to LDC Section 114-67(f), the number and design of handicapped parking  
27 spaces shall be in accordance with the provisions of County Code Chapter 6, which  
28 incorporates by reference the Florida Building Code.  
29

1 Design and dimensional requirements of parking spaces and aisle widths are set forth  
2 in LDC Section 114-67(b). 45-degree parking spaces are 8.5 feet in width and 18 feet  
3 in length. The proposed parking spaces along the northern side meet the minimum  
4 dimensions. The minimum aisle width is 15 feet for one-way aisles with 45 degree  
5 angled parking. The one-way aisle along the northern parking spaces is 18 feet and  
6 meets the minimum dimension.

7  
8 Wheel stops are indicated pursuant to LDC Section 114-67(j), except for four spaces  
9 located to the front of the main lumberyard building.

10  
11 18. Required Loading/Unloading Spaces (LDC Section 114-69): *In compliance.*

12  
13 All nonresidential uses of over 100 square feet in floor area, involving the receipt and  
14 distribution by vehicles of materials and merchandise, shall provide for off-street  
15 loading. For all nonresidential uses with a gross floor area of 2,500 to 19,999 square  
16 feet, one (1) 11' x 55' loading and unloading space is required. The proposed plans  
17 indicate one 11' x55' loading space.

18  
19 19. Bicycle Parking (LDC Section 114-71): *Not required.*

20  
21  
22 20. Required Landscaping (LDC Chapter 114-108): *In compliance.*

23  
24 The proposed landscaping plan (Sheet LA:0-1 Mitchell Planning & Design, Inc.) is in  
25 compliance with the parking lot landscaping requirements based on the dimensions of  
26 the parking provided. However, as noted above, the provided parking is not consistent  
27 with the LDC and will require revision. The proposed Parking Lot landscaping may  
28 need revision once the parking comments are addressed.

29  
30 21. Scenic Corridor & Bufferyards (LDC Chapter 114-128): *Not Applicable*

31  
32 22. Outdoor Lighting (LDC Chapter 114, Article VI): *Full compliance to be determined*  
33 *upon building permit application review.*

34  
35 Insufficient detail was provided to determine if any outdoor lighting is proposed.  
36 Pursuant to LDC Section 114-164, when any change of use or expansion of a use  
37 occurs, the site shall come into compliance with the lighting requirements of LDC  
38 Chapter 114, Article VI to the greatest extent practicable, as approved by the Planning  
39 Director on a case-by-case basis. If illumination is desired or required for nonresidential  
40 development, site plans shall include photometric lighting plans pursuant to LDC  
41 Section 114-161.

42  
43 No structure or land shall be developed, used or occupied unless all outdoor lighting  
44 conforms to the requirements of LDC Chapter 114, Article VI and the sea turtle  
45 protection provisions of Chapter 12, Article V of the County Code of Ordinances,  
46 unless otherwise specified within the LDC.

1  
2 Outdoor lighting shall be designed, located and mounted at a maximum height of 18  
3 feet for noncutoff lights and 35 feet for cutoff lights, pursuant to LDC Section 114-160.  
4 All lighting shall be shielded so that light does not illuminate above 45° angled towards  
5 the ground. Outdoor lighting shall be designed and located such that the maximum  
6 illumination measured in footcandles at the property line shall not exceed 0.3  
7 footcandle for noncutoff lights and 1.5 footcandles for cutoff lights, pursuant to LDC  
8 Section 114-161.  
9

10 23. Signs (LDC Chapter 142): *Full compliance to be determined upon building permit*  
11 *application review.*

12  
13 24. Access Standards (LDC Chapter 114, Article VII): *In compliance.*

14  
15 The subject property has access to U.S. 1 via Industrial Road. Vehicular access to the  
16 site is proposed via the two existing driveways to Industrial Road, a County right-of-  
17 way. No changes are proposed to the two existing driveways. The County Engineer  
18 reviewed the subject application and found that “the project does not impact any county  
19 maintained rights-of-way or propose to change site access; Engineering Department  
20 does not have any comments or concerns.” The County Engineer’s comments are  
21 attached as an exhibit to this memo.  
22

23 A Level 1 traffic study was submitted as required for development generating 11 to 249  
24 trips per day, pursuant to LDC Section 114-200. The trip generation analysis in the  
25 submitted traffic study estimated the proposed development would generate 40 new  
26 daily vehicle trips. The total site with existing and proposed development would  
27 generate an estimated 96 daily vehicle trips. The submitted Level 1 study concludes,  
28 “the proposed development will not have an adverse impact on the operating  
29 characteristics of Overseas Highway / U.S. 1 on Big Pine Key, nor will it inhibit the  
30 safe flow of traffic traveling through the area.” The proposed development is located  
31 with U.S. 1 Segment 10 Big Pine Key (mile markers 29.5-33.0), which was operating  
32 at LOS C (394 reserve trips) according to the 2015 U.S. 1 Arterial Travel Time and  
33 Delay Study.  
34

35 The County’s transportation consultant reviewed the Level 1 traffic study and their  
36 comments are attached as an exhibit to this memo. The applicant’s traffic engineer  
37 provided a response letter dated January 14, 2018. Updated plans received April 23,  
38 2018 were reviewed by the County’s transportation consultant; while there were no  
39 additional comments, an updated Traffic Impact Study reflecting previous comments  
40 and associated responses submitted January 2018 and the new driveway configuration  
41 is required prior to approval of the conditional use permit..  
42

43 25. Recycling and Solid Waste Collection Areas (LDC Section 114-14): *In compliance.*

44  
45 Any nonresidential development shall make adequate provision for a solid  
46 waste/recycling collection area in accordance with the standards in LDC Section 114-

1 14. For nonresidential developments consisting of 5,001 to 15,000 square feet of floor  
2 area, a minimum collection area of 125 square feet is required.

3  
4 The plans indicate a collection area of 132 square feet and is screened by a 6' fence  
5 with vinyl. The collection area meets the setback, screening, enclosure design and  
6 location standards of LDC Section 114-21.

7  
8 26. Accessibility (Chapter 533, Florida Statutes): *Full compliance to be determined upon*  
9 *building permit application review.*

10  
11 27. Inclusionary Housing Requirements (LDC Section 139-1): *Not applicable.*

12  
13 28. Community Participation Meeting (LDC Section 110-3): *In compliance.*

14  
15 A community meeting was held on April 12, 2018 at the Marathon Government center,  
16 safety measures concerning explosions and odor was a concern from the public.

17  
18 IN COMPLIANCE

19  
20 V. RECOMMENDED ACTION:

21  
22 Staff recommends approval of the requested Major Conditional Use Permit with the following  
23 conditions:

24  
25 1. Staff recommends the following conditions of approval for the requested Major CUP:

- 26  
27 a. Prior to approval of the conditional use permit, the applicant shall provide updated  
28 plans showing compliance with the off-street parking requirements in Section 114-67;  
29  
30 b. Prior to approval of the conditional use permit, the applicant shall provide an updated  
31 Traffic Impact Study addressing all comments from the County's transportation  
32 consultant and including the proposed new driveway circulation pattern;  
33  
34 c. Prior to approval of the conditional use permit, the applicant shall update the proposed  
35 site plan with correct open space ratio calculations;  
36  
37 d. Prior to approval of the conditional use permit, the applicant shall address any  
38 additional comments received from the County's Engineering Department and/or the  
39 Office of the Fire Marshal, regarding the review of updated plans submitted 4.23.18;.  
40  
41 e. A photometric outdoor lighting plan is required pursuant to LDC Section 114-161 as  
42 part of the building permit review;  
43  
44 f. The drainage, utility, stormwater, landscaping and irrigation plans shall be formally  
45 approved by a building permit, planted, and pass a final inspection by the County  
46 Biologist or his or her designee;

- 1  
2 g. A major conditional use permit is not a final approval for certain development. The  
3 applicant shall obtain building permits for any improvement requiring such an  
4 approval;  
5  
6 h. The scope of work has not been reviewed for compliance with Florida Building Code.  
7 Prior to the issuance of Building Permits, new development and structures shall be  
8 found in compliance by the Monroe County Building Department, Floodplain  
9 Administrator, and the Office of the Fire Marshal; and  
10  
11 i. The Public Works Division shall review any proposed work within County public  
12 rights-of-way and the Division maintains the right to request revisions as it carries out  
13 its review of any application for an access permit. It is the responsibility of the applicant  
14 to obtain all required permits before starting work.  
15

16 VI. PLANS REVIEWED:

- 17  
18 ■ Map of Boundary & Topographic Survey by Robert E. Reece, P.S.M. of Reece &  
19 Associates, dated August 18, 2017.  
20 ■ Civil Plans for Como Oil Company of Florida, Inc., signed and sealed April 18, 2018 by  
21 John R. Guttman, Professional Engineer, including the following sheets:  
22 ○ C-1 (2 sheets) Proposed Site Plan and Details  
23 ○ C-2 Proposed Drainage Plan and Details  
24 ■ Proposed Landscape Plan and Notes, signed and sealed March 19, 2018 by Ladd B.  
25 Roberts, Registered Landscape Architect  
26

27 VII. ATTACHMENTS:

- 28  
29 1. County Engineer review letter dated 6/12/2017  
30 2. County Fire Marshal review letter dated 5/22/2017  
31 3. County transportation consultant review comments received 10/29/2017  
32 4. Applicant's traffic engineer response letter dated January 14, 2018.

**Engineering Department  
MEMORANDUM**

**To:** Kevin Bond, Development Review Manager  
Ilze Aguila, Sr. Planning Commission Coordinator

**From:** Judy Clarke 

**Date:** June 12, 2017

**Re:** Major Conditional Use – Manley DeBoer Lumber Co. File 2017-070

---

I have reviewed the file for this application dated May 12, 2017. The site has two existing paved access drives and the project does not impact any county maintained rights-of-way or propose to change site access; Engineering Department does not have any comments or concerns.

If you should have any questions or need any further information please feel free to contact me by telephone at 305-295-4329 or by email at [clarke-judith@monroecounty-fl.gov](mailto:clarke-judith@monroecounty-fl.gov).

Thank you.

# County of Monroe

## The Florida Keys

**OFFICE OF THE FIRE MARSHAL**

490 63<sup>rd</sup> Street Ocean  
Marathon, FL 33050  
305-289-6368 – Phone  
305-289-6369 – Fax

**BOARD OF COUNTY COMMISSIONERS**

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22 May, 2017

Donald Leland Craig, AICP, Land Use Director  
Spottswood, Spottswood, Spottswood, & Sterling, PPLC  
500 Fleming Street  
Key West, FL 33040

Re: Development Review File Number: 2017-070  
177 Industrial Road, Big Pine Key, FL

Mr. Craig,

The Monroe County Fire Marshal's Office has received the application package for Major Conditional Use for Manley – DeBoer Lumber Company (File No.: 2017-070).

A review of the proposed development with the installation of Liquid Propane storage tanks has been completed. The application review included the installation of two (2) 11' x 46' storage tanks with the combined capacity of 60,000 gallons.

Pertinent to the review, supported by the application:

1. Ingress and egress of cargo tank vehicles.
2. Construction of tank support structures.
3. Road surface.

Pertinent to the review, considerations which were not addressed in the application:

1. Storage of cylinders awaiting use, resale, or exchange;
  - a. Designated area for emergency or non-emergency product transfer or flaring.
2. Designated parking area for;
  - a. Cargo tank vehicles, propane transport,
  - b. Delivery trucks, "Bobtails".
3. Potential use of movable fuel storage tender.

Prior to receiving Fire Marshal approval, those considerations not addressed require appropriate answers.

Sincerely,

Craig Marston, Deputy Fire Marshal

Cc: James K. Callahan, Fire Chief  
Kevin Bond, Planning and Development Review Manager



# Como Oil LPG Storage

177 Industrial Road  
Big Pine Key, Florida

## TRAFFIC STUDY

prepared for:  
Como Keys LLC

**KBP** CONSULTING, INC.

April 2017

# Como Oil LPG Storage

177 Industrial Road

Big Pine Key, Florida

## Traffic Study

April 2017

*Prepared for:*  
Como Keys LLC

*Prepared by:*  
KBP Consulting, Inc.  
8400 N. University Drive, Suite 309  
Tamarac, Florida 33321  
Phone: (954) 560-7103



---

Karl B. Peterson, P.E.  
Florida Registration Number 49897  
KBP Consulting, Inc.  
8400 N. University Drive, Suite 309  
Tamarac, Florida 33321  
CA # 29939

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## INTRODUCTION

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Como Keys LLC is proposing to locate two 30,000 gallon liquefied petroleum gas (LPG) tanks at the existing Manley deBoer lumber yard which is on the east side of Industrial Road south of Overseas Highway / US 1 on Big Pine Key, Monroe County, Florida. More specifically, the site is located at 177 Industrial Road. The subject site consists of approximately 2.48 acres and is located near Mile Marker 31. A Project Location Map is presented in Figure 1 on the following page and a preliminary site plan for this project is included in Appendix A of this report.

KBP Consulting, Inc. has been retained by Como Keys LLC to conduct a traffic impact study for this project. This study addresses the anticipated trip generation characteristics of the project, the current operating conditions of the surrounding roadway network, the anticipated project traffic impacts along Overseas Highway / US 1 by mile marker, and site access.



**KBP**  
CONSULTING, INC.

### Project Location Map

**FIGURE 1**  
Como Oil LPG Storage  
Big Pine Key, Florida

## INVENTORY

---

### Existing Land Use and Access

As mentioned previously, the subject site is approximately 2.48 acres and is the site of the Manley deBoer lumber yard. The total building area associated with this use is approximately 10,575 square feet. Vehicular access to this site is provided by two (2) full access driveways on Industrial Road.

### Proposed Land Uses and Access

Two 30,000 gallon LPG tanks will be located on the east side of the site. These tanks will be utilized to dispense LPG to delivery vehicles that will service customers in the Lower and Middle Keys. (There will be no public access to these tanks, no retail services on site, and no exchanging / filling of LPG cylinders on site.) It is anticipated that once the site is fully operational, there will be one (1) bulk delivery of LPG to the site per week, there will be two (2) LPG delivery vehicles and two (2) drivers, one (1) service manager with a vehicle, and one on-site office manager. Deliveries and service activities will be conducted Monday through Friday (i.e. there will be no Saturday or Sunday deliveries and only emergency services will occur on weekends).

The existing lumber yard use and activities will remain unchanged as will the vehicular access to the site. As part of the traffic engineering analysis, the

- pls specify the dimensions of the LPG delivery vehicles.
- Pls provide supporting documents (e.g. AutoTurn output) to ensure that the turning maneuvers of the delivery vehicles can be accommodated within existing roadway width/ROW at Industrial Rd and Overseas Hwy/US 1 intersection.
- Pls provide information if flagger will be required to execute the truck maneuver at Industrial Rd/US1 intersection.
- If flagger is required, pls provide more information about any possible lane closure and the duration.

## EXISTING CONDITIONS

This section of the report addresses the existing roadway network in the study area, traffic conditions, and traffic signals.

### Existing Roadway Network

In the immediate area of the site, Overseas Highway / US 1 is a three-lane principal arterial roadway (one eastbound lane, one westbound lane and one center two-way left turn lane). Immediately east of Industrial Road, Overseas Highway / US 1 transitions to a two-lane roadway. The nearest signalized intersection is located approximately 2,700 feet to the west at Overseas Highway / US 1 and Key Deer Boulevard / Chapman Lane.

### Existing Traffic Conditions

The Florida Department of Transportation (FDOT) maintains two (2) traffic count stations within the immediate proximity of the project site. FDOT Count Station #900227 is located on Overseas Highway / US 1 approximately 1,200 feet northeast of the North Pine Channel Bridge near Mile Marker 29.5. FDOT Count Station #900016 is located on Overseas Highway / US 1 approximately 800 feet north of CR 940 (north leg) near Mile Marker 31. Traffic volumes recorded over the last (published) five (5) year period at these stations are summarized in Table 1. The data collected at these stations indicate that volumes have been increasing moderately during the previous five (5) years. Appendix B contains the historical traffic data obtained from FDOT.

Year	AADT	
	Station #900227	Station #900016
2015	18,496	20,400
2014	17,590	17,900
2013	16,848	17,800
2012	16,525	16,800
2011	16,409	16,900
2010	15,600	15,400

*Station #900227 - 1,200' Northeast of the North Pine Channel Bridge*  
*Station #900016 - 800' North of CR 940 (North Leg)*  
*Compiled by: KBP Consulting, Inc. (April 2017)*

what are the average historical annual growth rates at these two sites?

## TRIP GENERATION

---

The trip generation for this project was determined using the trip generation information published in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual (9<sup>th</sup> Edition)* for the existing light industrial use and a review of the proposed business operations for the proposed LPG tanks. Based upon this information, the daily, AM peak hour, and PM peak hour trip generation rates and data for the existing and proposed development are as follows:

### General Light Industrial – ITE Land Use #110

- ❑ Daily (wt. avg.) Trip Generation Rate:  $T = 5.26 (X)$   
*where  $T$  = number of trips and  $X$  = 1,000 square feet of gross floor area*
- ❑ AM Peak Hour Trip Generation Rate:  $T = 0.92 (X)$  (88% in / 12% out)
- ❑ PM Peak Hour Trip Generation Rate:  $T = 0.97 (X)$  (12% in / 88% out)

Given the lack of trip generation data for the proposed use (i.e. LPG storage tanks) at the site, a projection of traffic activity was developed consistent with the anticipated operations of the site as described in the "Inventory" section of this report. The anticipated operations of the site and the corresponding trip generation activity are summarized below:

- Bulk delivery of liquefied petroleum gas will occur once per week on a weekday. For the purposes of this analysis, this delivery is accounted for on a daily basis as one (1) inbound trip and one (1) outbound trip that will occur during the AM peak hour.
- There will be a total of four (4) employees assigned to this site for this operation. Of these employees, one (1) will be an office manager that will remain on site throughout the day while the other three (3) will be field personnel. Their trips will consist of four (4) inbound trips in the AM peak hour and four (4) outbound trips in the PM peak hour. And, for the office employee, we have assumed at least two (2) additional personal daily trips (1 inbound and 1 outbound) that will likely occur during the mid-day time period (i.e. lunch time).

pls show the trip generation rate values calculated from the Regression Equations. pls use the conservative value.

pls show the Tri Generation Category "Employees" in addition to "Gross Floor Area" as shown here.

While calculating the proposed trips, pls use the conservative vlaue.

ITE manual provides trip generation rates for the 'Employee' category. So, it is recommended to follow ITE guidelines and avoid any assumptions.

pls provide vehicle dimensions and supporting documents to ensure that the bulk LPG delivery trucks will be accommodated within existing ROW at Industrial Rd and Overseas Hwy/US 1 intersection.

- From time to time, there may be other deliveries to the site such as FedEx, UPS, and the USPS. To present a worst-case-scenario, it has been assumed that there will be two (2) deliveries per day (4 trips total) with one (1) delivery occurring in the AM peak hour and one (1) delivery occurring in the PM peak hour.
- Delivery and service vehicles will be dispatched to their customers throughout the Lower and Middle Keys. Once this operation is fully established, these vehicles will depart in the morning, typically return up to three (3) times per day for supplies and additional gas, and then return to the site at the end of the day. The total number of daily trips for these vehicles will be approximately 24 with three (3) outbound trips occurring in the AM peak hour and three (3) inbound trips occurring in the PM peak hour.

As noted previously, these trips will be occurring on weekdays only. Only emergency activities will occur on weekends. Table 2 below presents the trip generation analysis for the Como Oil LPG Storage project.

Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Existing</i>								
Light Industrial	10,575 SF	56	9	1	10	1	9	10
<i>Proposed</i>								
Light Industrial	10,575 SF	56	9	1	10	1	9	10
LPG Facility	2 Tanks							
- Bulk Gas Delivery		2	1	1	2	0	0	0
- Employees		10	4	0	4	0	4	4
- Misc. Deliveries		4	1	1	2	1	1	2
- Delivery / Service Trips		24	0	3	3	3	0	3
<b>Sub-Total</b>		<b>96</b>	<b>15</b>	<b>6</b>	<b>21</b>	<b>5</b>	<b>14</b>	<b>19</b>
<b>Difference (Proposed - Existing)</b>		<b>40</b>	<b>6</b>	<b>5</b>	<b>11</b>	<b>4</b>	<b>5</b>	<b>9</b>

Compiled by: KBP Consulting, Inc. (April 2017).  
Source: ITE Trip Generation Manual (9th Edition).

- Pls use 'Employee' category in addition to 'Gross Floor Area' while estimating the site generated trips.
- pls provide trip generation rate values developed from Regression Equations as well as the Weighted Average.
- Pls compare trip generation numbers - Employee vs Gross Floor Area and also Average rate vs Equation. pls use the most conservative value.

**EXISTING CONDITIONS**

---

This section of the report addresses the existing roadway network in the study area, traffic conditions, and traffic signals.

**Existing Roadway Network**

In the immediate area of the site, Overseas Highway / US 1 is a three-lane principal arterial roadway (one eastbound lane, one westbound lane and one center two-way left turn lane). Immediately east of Industrial Road, Overseas Highway / US 1 transitions to a two-lane roadway. The nearest signalized intersection is located approximately 2,700 feet to the west at Overseas Highway / US 1 and Key Deer Boulevard / Chapman Lane.

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<b>Table 1</b>		
<b>Como Oil LPG Storage</b>		
<b>Average Annual Daily Traffic (AADT)</b>		
<b>Industrial Road - Big Pine Key, Florida</b>		
<b>Year</b>	<b>AADT</b>	
	<b>Station #900227</b>	<b>Station #900016</b>
2015	18,496	20,400
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*Station #900227 - 1,200' Northeast of the North Pine Channel Bridge*

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## TRIP GENERATION

---

The trip generation for this project was determined using the trip generation information published in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual (9<sup>th</sup> Edition)* for the existing light industrial use and a review of the proposed business operations for the proposed LPG tanks. Based upon this information, the daily, AM peak hour, and PM peak hour trip generation rates and data for the existing and proposed development are as follows:

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- Delivery and service vehicles will be dispatched to their customers throughout the Lower and Middle Keys. Once this operation is fully established, these vehicles will depart in the morning, typically return up to three (3) times per day for supplies and additional gas, and then return to the site at the end of the day. The total number of daily trips for these vehicles will be approximately 24 with three (3) outbound trips occurring in the AM peak hour and three (3) inbound trips occurring in the PM peak hour.

As noted previously, these trips will be occurring on weekdays only. Only emergency activities will occur on weekends. Table 2 below presents the trip generation analysis for the Como Oil LPG Storage project.

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<b>Proposed</b>								
Light Industrial LPG Facility	10,575 SF 2 Tanks	56	9	1	10	1	9	10
- Bulk Gas Delivery		2	1	1	2	0	0	0
- Employees		10	4	0	4	0	4	4
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Compiled by: KBP Consulting, Inc. (April 2017).  
Source: ITE Trip Generation Manual (9th Edition).

may change based  
on the comments  
above...

---

As indicated in Table 2, the proposed Como Oil LPG Storage project at the Manley deBoer site is anticipated to generate 40 daily vehicle trips, 11 AM peak hour vehicle trips, and nine (9) PM peak hour vehicle trips. When considering the existing development on the site (which is to remain), the total site is expected to generate 96 daily vehicle trips, 21 AM peak hour trips, and 19 PM peak hour trips.

With a total of 96 gross daily vehicle trips, a Level 1 traffic study is required per the Monroe County Traffic Report Guidelines Manual.

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## TRIP DISTRIBUTION

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A trip distribution analysis was performed based on the nearby population areas (as documented in the Monroe County Traffic Report Guidelines Manual), the existing transportation network, and the location of the subject project. All of the project-related trips are anticipated to ultimately access Overseas Highway / US 1. Table 3 below summarizes the anticipated trip distribution for the Como Oil LPG Storage project.

<b>Table 3</b>	
<b>Como Oil LPG Storage</b>	
<b>Project Trip Distribution</b>	
<b>Industrial Road - Big Pine Key, Florida</b>	
<b>Direction</b>	<b>Distribution (%)</b>
North	0%
South	0%
East (US 1 North)	40%
West (US 1 South)	60%

*Source: KBP Consulting, Inc. (April 2017).*

## TRAFFIC IMPACT ANALYSES

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This section of the report is divided into two parts: 1) link analysis, and 2) Overseas Highway / US 1 impacts by mile marker.

### **Link Analysis**

The link analysis compares the maximum number of reserve trips on Overseas Highway / US 1 through Big Pine Key (per Monroe County's Level of Service and Reserve Capacity Table) with the project's traffic impacts. Based upon a 60% / 40% trip distribution, the project will add a maximum of 24 daily trips (60% of additional daily trips) to Segment Number 10 (Big Pine). According to Monroe County's Level of Service and Reserve Capacity Table (see Appendix C), Segment Number 10 has 394 trips of reserve capacity. Therefore, Overseas Highway / US1 through Big Pine Key has excess capacity to absorb the maximum impacts to be generated by the Como Oil LPG Storage project.

### **US 1 Impacts by Mile Marker**

For this project, it was assumed that the maximum trip length will be approximately 40 miles to the east and 30 miles to the west. The average trip length was assumed to be half of the maximum trip length; or 20 and 15 miles, respectively. Based upon these trip length assumptions, the Overseas Highway / US 1 segments identified in Monroe County's Traffic Report Guidelines, and the traffic assignment discussed previously, an estimate of the number of primary trips by segment on Overseas Highway / US 1 was performed. Table 4 summarizes the number of primary trips by segment on Overseas Highway / US 1 (Arterial Trip Assignment). As indicated in this table, this project will add approximately 40 daily trips.

**Table 4**  
**Como Oil LPG Storage**  
**Arterial Trip Assignment Summary (Overseas Highway / US 1)**  
**Industrial Road - Big Pine Key, Florida**

<b>Project:</b>	Como Oil LPG Storage	<b>US 1</b>
		<b>Mile Marker:</b> 31
<b>Location:</b>	Big Pine Key	<b>ITE</b>
		<b>Land Use</b>
		<b>Category:</b> 110
<b>Type of Development:</b>	Light Industrial LPG Tanks	<b>Daily Trip</b>
		<b>Generation</b>
		<b>Rate / Formula:</b> See Page 5
<b>Project Size:</b>	10,575 Square Feet of Light Industrial (Existing) 2 LPG Tanks	
<b>Average Trip Length:</b>	20 Miles East / 15 Miles West	

Total Daily Trips	Percent Primary Trips	US 1 Segment Number	Percent Directional Split	% Impact Based On Trip Length	Project Generated Daily Trips	2015 Reserve Capacity
		3	60%	0%	0	1,292
		4	60%	15%	4	2,497
		5	60%	30%	7	7,363
		6	60%	50%	12	2,650
		7	60%	65%	16	1,312
		8	60%	80%	19	2,323
		9	60%	95%	23	2,434
40	100%	10	60% / 40%	100%	24	394
		11	40%	70%	11	5,448
		12	40%	40%	6	2,703
		13	40%	40%	6	19,221
		14	40%	0%	0	3,286

Source: Monroe County.  
 Compiled by: KBP Consulting, Inc. (April 2017).

- Pls compare against most recent reserve capacity (year 2017), not 2015....

- Also pls add another column to show future build out year (2018) reserve capacity. Pls note, the 2018 reserve capacity can be calculated by applying the historical growth rate (negative value) on the 2017 reserve capacity. For example, if the 2015 reserve capacity is 394 veh/day and growth rate 2%, then the estimated 2018 reserve capacity will be around 371 veh/day.

## SUMMARY & CONCLUSIONS

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Based upon the results of the traffic analyses performed for the Como Oil LPG Storage project to be located near Mile Marker 31 on Big Pine Key, the proposed development will not have an adverse impact on the operating characteristics of Overseas Highway / US 1 on Big Pine Key, nor will it inhibit the safe flow of traffic traveling through the area.

- Pls add a paragraph to describe the truck maneuver at US 1 and Industrial Rd intersection. pls include flagger requirement to guide the truck movement, possibility of any lane closure, duration of operation etc

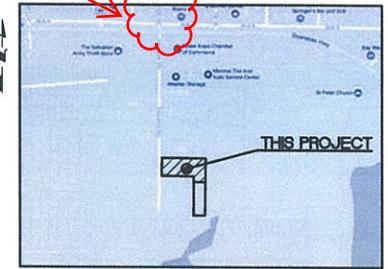
**APPENDIX A**  
**Como Oil LPG Storage**  
**Preliminary Site Plan**

pls provide the AutoTURN output to demonstrate how the LPG delivery trucks will maneuver at Industrial Rd and US 1 intersection.

SITE DATA TABLE			
ZONING DISTRICT: INDUSTRIAL (I)			
FLUM DESIGNATION: INDUSTRIAL (I)			
TIER OVERLAY DIST.: TIER 1			
FLOOD ZONE: "AC-B" (N.G.V.D.)			
USE: LUMBERYARD/WAREHOUSE			
<b>BUILDING SETBACKS</b>			
FRONT SETBACK	25'	EXISTING	
SIDE SETBACK	10'	EXISTING	
REAR SETBACK	25'	EXISTING	
<b>STORAGE TANK SETBACKS</b>			
FRONT/SIDE/REAR SETBACK	50'	PROPOSED	
<b>OPEN SPACE</b>			
	20X (MIN.)	EXISTING	
<b>SO. FT. ACRES (% OF TOTAL)</b>			
PROJECT SITE AREA	108,315 SF	2.48	(100%)
WETLAND AREA		N/A	
EXISTING BUILDING AREA	9,378 SF	0.21	(9%)
EXISTING IMPERVIOUS/PAVED AREA	87,589 SF	1.55	(62%)
EXISTING PERVIOUS AREA	40,726 SF	0.93	(38%)
PROPOSED BUILDING AREA	0 SF	0.00	(0%)
PROPOSED IMPERVIOUS/PAVED AREA	83,995 SF	1.93	(77%)
PROPOSED PERVIOUS AREA	24,320 SF	0.58	(23%)

**GENERAL NOTES**

- ELEVATIONS SHOWN REFER TO THE NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D.) OF 1929.
- HORIZONTAL AND VERTICAL CONTROL SHALL BE PROVIDED BY THE OWNER'S SURVEYOR. LAYOUT IS THE RESPONSIBILITY OF THE CONTRACTOR.
- IT IS THE INTENT OF THESE DRAWINGS TO BE IN ACCORDANCE WITH APPLICABLE CODES AND AUTHORITIES HAVING JURISDICTION. ANY DISCREPANCIES BETWEEN THESE DRAWINGS AND APPLICABLE CODES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ENGINEER.
- EXISTING UTILITIES SHOWN ARE BASED ON INFORMATION SUPPLIED BY OTHERS. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO MEET WITH ALL APPLICABLE UTILITY COMPANIES TO VERIFY ALL UNDERGROUND FACILITIES PRIOR TO THE START OF CONSTRUCTION. ALL TRENCH EXCAVATION SHALL PROCEED WITH EXTREME CAUTION AT ALL TIMES. IN THE EVENT THAT EXISTING UTILITIES ARE DAMAGED, IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO REPAIR OR REPLACE ALL SUCH DAMAGE.
- EXISTING GRADES WERE TAKEN FROM THE BEST AVAILABLE DATA AND MAY NOT ACCURATELY REFLECT PRESENT CONDITIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING HIMSELF WITH CURRENT SITE CONDITIONS, AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO STARTING WORK.
- BOUNDARY AND TOPOGRAPHIC DATA BASED UPON SURVEY PREPARED BY REECE & ASSOCIATES, BIG PINE KEY, FLORIDA, DATED 12/16/16.
- ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY NO.: 125129, MAP NO.: 12087C-1334A, MAP DATES: 02-18-05 AND REVISED EFFECTIVE DATE: 08-04-16; THE HEREIN DESCRIBED PROPERTY APPEARS TO BE IN FLOOD ZONE AE - BASE ELEVATION: 8' N.G.V.D. 29 DATUM.

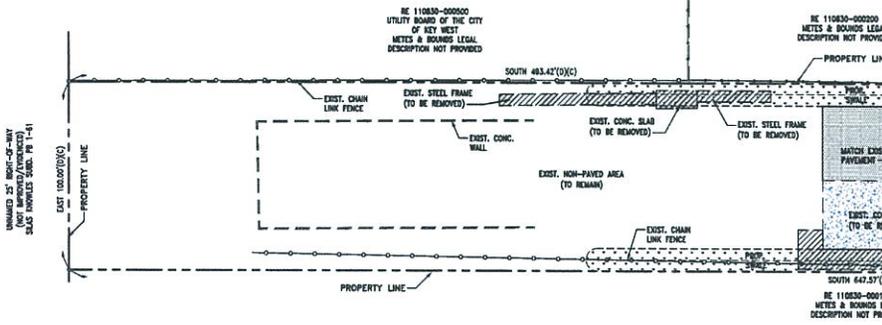
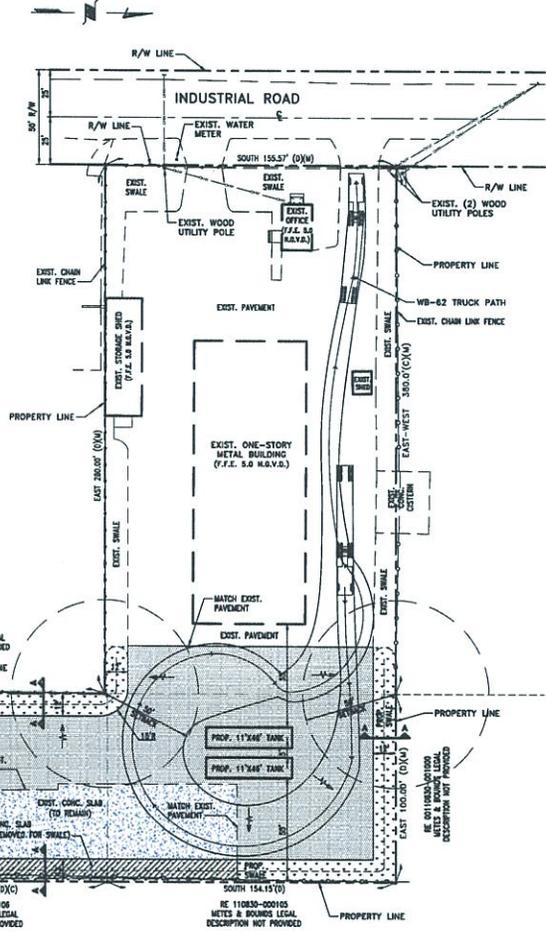


**LEGAL DESCRIPTION**

O.R. BOOK 2190, PAGE 2  
 A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 66 SOUTH, RANGE 29 EAST, ON BIG PINE KEY, MONROE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, BEAR EAST, 50 FEET; THENCE BEAR SOUTH 872.43 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN INTENDED TO BE DESCRIBED; FROM SAID POINT OF BEGINNING CONTINUE SOUTH 155.57 FEET, THENCE BEAR EAST 280 FEET, THENCE BEAR NORTH 150.57 FEET, THENCE BEAR WEST 280 FEET BACK TO THE POINT OF BEGINNING, CONTAINING 1.00 ACRES OF LAND.

O.R. BOOK 2195, PAGE 2425  
 PARCEL 10  
 A TRACT OF LAND IN A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 66 SOUTH, RANGE 29 EAST, ON BIG PINE KEY, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:  
 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 66 SOUTH, RANGE 29 EAST, BEAR EAST FOR A DISTANCE OF 872.43 FEET, TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREAFTER DESCRIBED;  
 FROM SAID POINT OF BEGINNING, BEAR EAST, FOR A DISTANCE OF 100.00 FEET; THENCE BEAR SOUTH, FOR A DISTANCE OF 104.15 FEET; THENCE BEAR WEST, FOR A DISTANCE OF 100.00 FEET; THENCE BEAR NORTH, FOR A DISTANCE OF 154.15 FEET BACK TO THE POINT OF BEGINNING.

AND  
 A TRACT OF LAND IN A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 66 SOUTH, RANGE 29 EAST, ON BIG PINE KEY, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:  
 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, T. 66 S., R. 29 E. BEAR EAST 330 FEET; THENCE BEAR SOUTH 628.58 FEET TO THE POINT OF BEGINNING OF THE LAND HEREAFTER DESCRIBED;  
 FROM SAID POINT OF BEGINNING, CONTINUE SOUTH 493.42 FEET; THENCE BEAR EAST 100.00 FEET; THENCE BEAR NORTH 488.42 FEET; THENCE BEAR WEST 100 FEET, BACK TO THE POINT OF BEGINNING.



**SITE PLAN**

SCALE: 1" = 30'

**LEGEND**

- NEW ASPHALTIC PAVEMENT
- NEW SODDED SHALE
- EXIST. CONCRETE

DRAWN BY: P.J.F.  
 CHECKED BY: J.R.D.  
 APPROVED BY: J.R.D.  
 DATE: 3-29-17  
 PROJECT NO.: 18886

**COMO OIL COMPANY OF FLORIDA, INC.**  
 3588 S.W. MARTIN HIGHWAY  
 PALM CITY, FLORIDA 34980



**CONSULTING ENGINEERING & SCIENCE, INC.**  
 10700 N. KENDALL DRIVE  
 MIAMI, FLORIDA 33178  
 SUITE 400  
 (305) 378-5555  
 ED-0000886

**SITE PLAN AND NOTES**  
 BULK TRANSFER FACILITY  
 177 INDUSTRIAL ROAD  
 BIG PINE KEY, FLORIDA 33043

PRELIMINARY - NOT FOR CONSTRUCTION

NO.	DATE	REVISION	SCALE: AS SHOWN
			C-1

# **APPENDIX B**

## **FDOT Historic Traffic Data**

FLORIDA DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION STATISTICS OFFICE  
2015 HISTORICAL AADT REPORT

COUNTY: 90 - MONROE

SITE: 0227 - SR-5/US-1,200' NE NORTH PINE CHANNEL BRG, MONROE CO

YEAR	AADT	DIRECTION 1		DIRECTION 2		*K FACTOR	D FACTOR	T FACTOR
2015	18496 C	N	9289	S	9207	9.50	52.80	6.50
2014	17590 C	N	8809	S	8781	9.50	53.00	8.40
2013	16848 C	N	8425	S	8423	9.50	54.10	8.20
2012	16525 C	N	8260	S	8265	9.50	54.10	8.30
2011	16409 C	N	8200	S	8209	9.50	53.60	8.40
2010	15600 F	N	7800	S	7800	10.44	53.42	7.30
2009	16293 C	N	8148	S	8145	10.44	53.42	7.30
2008	15862 C	N	7936	S	7926	10.56	52.00	7.60
2007	16665 C	N	8337	S	8328	10.12	52.76	8.10
2006	16772 C	N	8374	S	8398	10.41	53.27	8.50
2005	17003 C	N	8509	S	8494	10.60	52.60	7.50
2004	17597 C	N	8804	S	8793	10.40	51.80	6.50
2003	17591 C	N	8787	S	8804	10.30	56.30	2.50
2002	17388 C	N	8679	S	8709	10.10	52.30	11.90
2001	17544 C	N	8773	S	8771	10.10	53.20	2.50
2000	17482 C	N	8726	S	8756	9.70	52.20	3.00

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; F = FOURTH YEAR ESTIMATE  
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN  
\*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION  
 TRANSPORTATION STATISTICS OFFICE  
 2015 HISTORICAL AADT REPORT

COUNTY: 90 - MONROE

SITE: 0016 - SR 5/US-1, 800' N CR 940(NORTH LEG)

YEAR	AADT	DIRECTION 1		DIRECTION 2		*K FACTOR	D FACTOR	T FACTOR
2015	20400 C	N	9900	S	10500	9.50	54.30	7.20
2014	17900 C	N	8800	S	9100	9.50	55.20	9.20
2013	17800 C	N	8600	S	9200	9.50	54.80	9.30
2012	16800 C	N	8300	S	8500	9.50	55.00	8.60
2011	16900 C	N	8500	S	8400	9.50	55.10	8.70
2010	15400 C	N	7800	S	7600	10.26	56.84	9.10
2009	19600 C	N	9900	S	9700	10.23	56.56	8.30
2008	16300 C	N	8100	S	8200	10.45	54.98	10.90
2007	18200 C	N	8900	S	9300	10.00	55.10	11.30
2006	18700 C	N	9200	S	9500	10.08	55.69	9.80
2005	18800 C	N	9200	S	9600	10.40	55.70	9.30
2004	16000 C	N	8100	S	7900	10.00	56.00	8.60
2003	17500 C	N		S		10.10	56.30	9.30
2002	16700 C	N	8500	S	8200	10.00	54.20	6.10
2001	17100 C	N	8500	S	8600	10.00	55.90	8.90
2000	18200 C	N	9200	S	9000	9.90	54.80	4.50

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; F = FOURTH YEAR ESTIMATE  
 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN  
 \*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

# **APPENDIX C**

## **Monroe County Level of Service and Reserve Capacity Table**

### 2015 LEVEL OF SERVICE AND RESERVE CAPACITY

SEGMENT	LENGTH (miles)	FACILITY TYPE	POSTED SPEED		ADJ. FOR SIGNAL (mph)	ADJUSTED LOS C CRITERIA (mph)	MEDIAN TRAVEL SPEED (mph)	LOS	RESERVE SPEED (mph)	2015		2013	
			Limits (mph)	Average (mph)						MAXIMUM RESERVE	5% ALLOCATION	MAXIMUM RESERVE	5% ALLOCATION
										VOLUME (trips)	BELOW LOS C (trips)	VOLUME (trips)	BELOW LOS C (trips)
1 Stock Island (4.0 - 5.0)	1.10	4-L/D	30/45	39.3	N/A	22.0	32.9	B	10.9	1,986	N/A	2,022	N/A
2 Boca Chica (5.0- 9.0)	3.9	4-L/D	45/55	54.6	N/A	50.1	58.1	A	8.0	5,167	N/A	4,521	N/A
3 Big Coppitt (9.0- 10.5)	1.5	2-L/U	45/55	46.4	N/A	41.9	47.2	B	5.2	1,292	N/A	1,118	N/A
4 Saddlebunch (10.5- 16.5)	5.8	2-L/U	45/55	53.6	N/A	49.1	51.7	C	2.6	2,497	N/A	2,017	N/A
5 Sugarloaf (16.5- 20.5)	3.9	2-L/U	45	45.0	4.4	36.1	47.5	A	11.4	7,363	N/A	7,298	N/A
6 Cudjoe (20.5- 23.0)	2.5	2-L/U	45	45.0	N/A	40.5	46.9	A	6.4	2,650	N/A	3,105	N/A
7 Summerland (23.0- 25.0)	2.2	2-L/U	45	45.0	N/A	40.5	44.1	B	3.6	1,312	N/A	1,603	N/A
8 Ramrod (25.0- 27.5)	2.3	2-L/U	45	45.0	N/A	40.5	46.6	A	6.1	2,323	N/A	2,019	N/A
9 Torch (27.5- 29.5)	2.1	2-L/U	45	45.0	N/A	40.5	47.5	A	7.0	2,434	N/A	2,573	N/A
10 Big Pine (29.5- 33.0)	3.4	2-L/U	45	45.0	3.2	37.3	38.0	C	0.7	394	N/A	1,802	N/A
11 Bahia Honda (33.0- 40.0)	7.0	2-L/U (70%) 4-L/D (30%)	45/50/55	51.9	N/A	47.4	52.1	B	4.7	5,448	N/A	6,723	N/A
12 7-Mile Bridge (40.0- 47.0)	6.8	2-L/U	45/50/55	54.7	N/A	50.2	52.6	C	2.4	2,703	N/A	5,518	N/A
13 Marathon (47.0- 54.0)	7.3	2-L/U (13%) 4-L/D (87%)	35/45	42.1	N/A	22.0	37.9	A	15.9	19,221	N/A	16,683	N/A
14 Grassy (54.0- 60.5)	6.4	2-L/U	45/55	54.4	1.5	48.4	51.5	C	3.1	3,286	N/A	2,650	N/A
15 Duck (60.5- 63.0)	2.7	2-L/U	45/55	50.6	N/A	46.1	50.1	B	4.0	1,788	N/A	(1,207)	4
16 Long (63.0- 73.0)	9.9	2-L/U	40/45/50/55	49.7	N/A	45.2	48.8	B	3.6	5,902	N/A	3,771	N/A
17 L Matecumbe (73.0- 77.5)	4.5	2-L/U	50/55	54.1	N/A	49.6	48.4	D	-1.2	(894)	967	(447)	4
18 Tea Table (77.5- 79.5)	2.2	2-L/U	45/55	51.3	N/A	46.8	45.7	D	-1.1	(401)	459	(1,129)	4
19 U Matecumbe (79.5- 84.0)	4.1	2-L/U	30/40/45	40.8	N/A	36.3	38.5	C	2.2	1,494	N/A	(1,154)	3
20 Windley (84.0- 86.0)	1.9	2-L/U	30/40/45	41.2	N/A	36.7	37.9	C	1.2	378	N/A	220	N/A
21 Plantation (86.0- 91.5)	5.8	2-L/U	45	45.0	3.1	37.4	38.5	C	1.1	1,057	N/A	4,226	N/A
22 Tavernier (91.5- 99.5)	8.0	4-L/D	45/50	47.2	2.1	40.6	48.5	A	7.9	10,466	N/A	8,214	N/A
23 Key Largo (99.5- 106.0)	6.8	4-L/D	45	45.0	3.3	37.2	44.8	A	7.6	8,558	N/A	7,432	N/A
24 Cross (106.0- 112.5)	6.2	2-L/U	45/55	51.8	N/A	47.3	52.0	B	4.6	4,723	N/A	6,058	N/A
Overall	108.3					45.0	45.1	C	0.1	1,855			

## KBP CONSULTING, INC.

## MEMORANDUM

To: Donald Leland Craig, AICP  
Spottswood, Spottswood, Spottswood, and Sterling

From: Karl B. Peterson, P.E. 

Date: January 14, 2018

Subject: Como Oil LPG Storage  
Traffic Impact Study Comments

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Como Keys LLC is proposing to locate two 30,000 gallon liquefied petroleum gas (LPG) tanks at the existing Manley deBoer lumber yard which is on the east side of Industrial Road south of Overseas Highway / US 1 on Big Pine Key, Monroe County, Florida. More specifically, the site is located at 177 Industrial Road. The subject site consists of approximately 2.48 acres and is located near Mile Marker 31. A traffic impact study for this project was prepared in April 2017 and comments on this study were transmitted by Monroe County in December 2017. The following is our response to these comments.

**1. What are the average historical annual growth rates at these two sites?**

***Response:** The average annual growth rate of the two (2) count stations in close proximity to the site (Station #900227 and Station #900016) is 4.6%. Please note that this information is not required for a Level 1 traffic impact study; it has been provided purely for informational purposes only.*

**2. Pls show the trip generation rate values calculated from the Regression Equations. Pls use the conservative value.**

***Response:** (This comment was directed at the General Light Industrial land use.) A few things to consider with respect to this calculation. A 10,575 square foot light industrial site is very small in comparison with the typical size of the light industrial sites within the database. Additionally, the  $R^2$  values are in the 0.50 range which is an indication that the equations should be used with additional and extreme caution. And lastly, this component of the development program is not changing or being modified as a result of the proposed action. In other words, the existing light industrial use is the same as the proposed / future light industrial use. Upon further review of the calculations for this use, it is our opinion that the resulting trip generation characteristics are reasonably estimated.*

- 3. Pls show the Trip Generation Category “Employees” in addition to “Gross Floor Area” as shown here. While calculating the proposed trips, pls use the conservative value.**

*Response:* (This comment is directed at the light industrial use and the proposed LPG storage.) Generally speaking, the use of “employees” as an independent variable for an ITE trip generation calculation is not the preferred approach. While building areas and number of dwelling units, for example, are easily quantified, verified, and constant, the number of employees in a business / retail store / office is not. Hence, it is our opinion that the building area is the most appropriate independent variable for these calculations.

- 4. ITE Manual provides trip generation rates for the ‘Employee’ category. So, it is recommended to follow ITE guidelines and avoid any assumptions.**

*Response:* (This comment is directed at the operational descriptions of the proposed LPG Storage facility.) There appears to be some confusion here. The ITE Trip Generation Manual does not have a land use category associated with LPG storage facilities, or any use that approximates this proposed use. Hence, as is customary practice with specific, unique, and low-traffic generators, we have documented the daily operations of the facility as a means of projecting the traffic volumes and characteristics. The daily operations described in the report are based upon similar sites in south Florida and result in a reasonable estimate of the traffic volumes / patterns associated with this site.

- 5. Pls compare against most recent reserve capacity (year 2017), not 2015...**

*Response:* (This comment is directed at Table 4.) We have spoken with County staff and confirmed that the 2017 Level of Service and Reserve Capacity Table is not yet available for public use. According to staff, it is not likely to be available until March 2018.

- 6. Also pls add another column to show future build out year (2018) reserve capacity. Pls note, the 2018 reserve capacity can be calculated by applying the historical growth rate (negative value) on the 2017 reserve capacity. For example, if the 2015 reserve capacity is 394 veh/day and growth rate 2%, then the estimated 2018 reserve capacity will be around 371 veh/day.**

*Response:* The suggested approach is inconsistent with the Monroe County Traffic Report Guidelines Manual. Furthermore, Monroe County’s reserve capacity and Level of Service (LOS) report / table is a speed-based system as opposed to a volume-based system. As such, the suggested approach is incompatible with the underlying data, the resulting LOS, and the reported reserve capacity.

**File #:** **2017-070**

**Owner's Name:** Manley DeBoer Lumber Company

**Applicant:** Spottswood Law Firm

**Agent:** Donald L. Craig AICP

**Type of Application:** Major Conditional Use Permit

**Key:** Big Pine Key

**RE:** 00110830.000107  
00110830.000303

# County of Monroe

**Planning & Environmental Resources  
Department**

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



**Board of County Commissioners**

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

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

Date: 05.05.17  
Time: \_\_\_\_\_

Dear Applicant:

This is to acknowledge submittal of your application for Major Conditional Use Permit  
Type of application

Manley DeBoer Lumber Co. to the Monroe County Planning Department.  
Project / Name

Thank you.

  
\_\_\_\_\_

Planning Staff

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



**Request for a Major Conditional Use Permit**

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

Major Conditional Use Permit Application Fee: \$11,400.00

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

Advertising Costs: \$245.00

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

Traffic Study Review: \$5,000.00

Advertising and Noticing fees for a community meeting: \$245.00 plus \$3.00/SPON

**Date of Application:** 01 / 08 / 2018  
Month Day Year

**Applicant / Agent Authorized to Act for Property Owner:** (Agents must provide notarized authorization from all property owners.)

The Spottswood Law Firm, Donald Craig and/or Richard McChesney      Donald Craig and/or Richard McChesney  
 Applicant (Name of Person, Business or Organization)      Name of Person Submitting this Application

500 Fleming Street , Key West , Florida 33040  
 Mailing Address (Street, City, State and Zip Code)

305 924 0249/3052949556      305 924 0249      dcraig@spottswoodlaw.com and richard@spottswoodlaw.com  
 Work Phone      Home Phone      Cell Phone      Email Address

**Property Owner:** (Business/Corp must include documents showing who has legal authorized to sign.)

The Manley-DeBoer Lumber Company Ltd.      Mr. Erik DeBoer  
 (Name/Entity)      Contact Person

1109 Eaton Street, Key West, Florida 33040  
 Mailing Address (Street, City, State and Zip Code)

305 294 5900      305 304 5757      edeboer@bellsouth.net  
 Work Phone      Home Phone      Cell Phone      Email Address

**Legal Description of Property:**

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

See Attached Survey and Legal Description      Big Pine Key  
 Block      Lot      Subdivision      Key

00110830-000303      8788606  
 Real Estate (RE) Number      Alternate Key Number

177 Industrial Road, Big Pine Key Fl 33043      32  
 Street Address (Street, City, State & Zip Code)      Approximate Mile Marker

**APPLICATION**

**Land Use District Designation of Property:** Industrial

**Present Land Use of Property:** lumber yard

**Proposed Land Use of Property:** Light Industrial lumber yard and Heavy Industrial LPG Storage

**Total Area of Property:** 1.35 acres

**Total Upland Area within Property:** 1.35 acres

**If non-residential or commercial floor area is proposed, please provide:**

  x   Total number of non-residential buildings

2,301 Total non-residential floor area in square feet

**If residential dwelling units are proposed, please provide:**

  0   Total number of residential buildings

  0   Total number of market-rate units

  0   Total number of affordable units

  0   Total number of transient units (hotel, recreational vehicle and/or campground)

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

**Applicants requesting a Major Conditional Use Amendment shall provide for public participation through a community meeting.**

*Scheduling.* The applicant will coordinate with the Planning Director regarding the date, time and location of the proposed community meeting; however, all meetings are to be held on a weekday evening at a location close to the project site, between 45 and 120 days prior to the first of any public hearings required for development approval.

*Notice of Meeting.* The community meeting shall be noticed at least 15 days prior to the meeting date by advertisement in a Monroe County newspaper of general circulation, mailing of notice to surrounding property owners, and posting of the subject property.

*Noticing and Advertising Costs.* The applicant shall pay the cost of the public notice and advertising for the community meeting and provide proof of proper notice to the Planning Director.

The community meeting shall be facilitated by a representative from the Monroe County Planning & Environmental Resources Department and the applicant shall be present at the meeting.

**PROOF OF PROPER NOTICING ON THE COMMUNITY MEETING WILL BE REQUIRED.**

## APPLICATION

### All of the following items must be included in order to have a complete application submission:

(Please check the box as each required item is attached to the application.)

- Completed application form
- Correct fee (check or money order payable to *Monroe County Planning & Environmental Resources*)
- Proof of ownership (i.e., Warranty Deed)
- Current property record card(s) from the Monroe County Property Appraiser
- Photograph(s) of site from adjacent roadway
- Copy of the recorded conditional use permit and any previous modification approvals
- Copy of the most recently approved site plan
- Written description of project
- Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – 8 sets (at a minimum, survey should include elevations; all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage; and total acreage by habitat)
- Environmental Designation Survey (prepared in accordance with Monroe County Code §110-70 a).
- Community Impact Statement (prepared in accordance with Monroe County Code §110-70 b).
- Signed and Sealed Site Plan, prepared by a Florida registered architect, engineer or landscape architect– 8 sets (drawn to a scale of 1:10 or 1:20). At a minimum, the site plan should include the following:
  - L Date, north point and graphic scale
  - I Boundary lines of site, including all property lines and mean high-water lines shown in accordance with Florida Statutes
  - Γ All attributes from the boundary survey
  - Γ Future Land Use Map (FLUM) designation(s) of the site
  - Γ Land Use (Zoning) District designation(s) of site
  - Γ Tier designation(s) of the site
  - Flood zones pursuant to the Flood Insurance Rate Map
  - L Setback lines as required by the Land Development Code
  - I Locations and dimensions of all existing and proposed structures, including all paved areas and clear site triangles
  - Γ Size and type of buffer yards and parking lot landscaping areas, including the species and number of plants (*unless a separate landscape plan showing such is submitted*)
  - Γ Extent and area of wetlands, open space preservation areas and conservation easements
  - L Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any potential species that may use the site (*certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service*) (unless a separate landscape plan showing such is submitted)
  - I Location of fire hydrants or fire wells
  - I The location of public utilities, including location of the closest available water supply system or collection lines and the closest available wastewater collection system or collection lines (with wastewater system provider) or on-site system proposed to meet required County and State of Florida wastewater treatment standards
  - Γ A table providing the total land area of the site, the total buildable area of the site, the type and square footage of all nonresidential land uses, the type and number of all residential dwelling units, the amounts of impervious and pervious areas, and calculations for land use intensity, open space ratio, and off-street parking

## APPLICATION

- Landscape Plan by a Florida registered landscape architect – 8 sets (may be shown on the site plan; however, if a separate plan, drawn to a scale of 1:10 or 1:20). At a minimum, the landscaping plan should include the following:
  - Date, north point and graphic scale
  - Boundary lines of site, including all property lines and mean high-water lines shown in accordance with Florida Statutes
  - Locations and dimensions of all existing and proposed structures, including all paved areas
  - Open space preservation areas
  - Existing natural features
  - Size and type of buffer yards including the species, size and number of plants
  - Parking lot landscaping including the species, size and number of plants
  - Specimen trees, or threatened and endangered plants to be retained and those to be relocated or replaced
  - Transplantation plan (if required)
- Stormwater/ Surface Water Management Plan – 8 sets (including existing and proposed topography, all drainage structures, retention areas, drainage swales and existing and proposed permeable and impermeable areas)
- Building Floor Plans for all proposed structures and for any existing structures to be redeveloped – 8 sets (drawn at an appropriate standard architectural scale)
- Building Elevations for all proposed structures and for any existing structures to be modified – 8 sets (with the elevations of the following features referenced to NGVD: existing grade; finished grade; finished floor elevations (lowest supporting beam for V-zone development); roofline; and highest point of the structure)
- Traffic Study, prepared by a licensed traffic engineer
- Transportation fee of \$5,000 to cover the cost of experts hired by the Growth Management Division to review the traffic study (any unused funds deposited will be returned upon permit approval)
- Construction Management Plan, stating how impacts on near shore water and surrounding property will be managed (i.e. construction barriers, hay bales, flagging)
- Typed name and address mailing labels of all property owners within a 600 foot radius of the property. This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 600 foot radius, each unit owner must be included
- Radius report from Monroe County Property Appraiser supporting the required labels
- Proof of Coordination are required from the following:
  - Florida Keys Aqueduct Authority (FKAA)
  - Florida Keys Electric Cooperative (FKEC) or Keys Energy Services
  - Monroe County Office of the Fire Marshal
  - Monroe County Solid Waste Management
    - Florida Department of Health if wastewater flows are less than or equal to 5,000 gallons per day or
    - Florida Department of Environmental Protection if wastewater flows exceed 5,000 gallons per day

**If applicable, the following items must be included in order to have a complete application submission:**  
(Please check the box as each required item is attached to the application.)

- Notarized Agent Authorization
- Vegetation Survey or Wetland delineation
- Construction Phasing Plan

**APPLICATION**

Additional Proof of Coordination may be required for your project, please contact with the Planning & Environmental Resources Department to identify other agencies expected to review the project. Other agencies may include, but are not limited to:

- Key West Resort Utilities
- Key Largo Wastewater Treatment District (KLWTD)
- South Florida Water Management District (SFWMD)
- Florida Department of Transportation (FDOT)
- Florida Department of Environmental Protection (FDEP)
- Florida Department of State, Division of Historic Resources
- Florida Game and Freshwater Fish Commission (FGFFC)
- U.S. Army Corps of Engineers (ACOE)
- U.S. Fish and Wildlife Service (USFW)

Is there a pending code enforcement proceeding involving all or a portion of the parcel proposed for development?

Yes  No Code Case file # \_\_\_\_\_ Describe the enforcement proceedings and if this application is being submitted to correct the violation: \_\_\_\_\_

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

\* \* \* \* \*

The applicant/owner hereby acknowledges and agrees that any staff discussions or negotiations about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

APPLICATION

By signing this application, the owner of the subject property authorizes the Monroe County Planning & Environmental Resources staff to conduct all necessary site visits and inspections on the subject property.

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

Signature of Applicant: Erik de Boer Date: 1/9/2018

STATE OF Florida

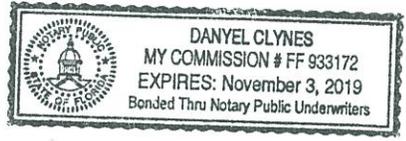
COUNTY OF Monroe

Sworn to and subscribed before me this 9<sup>th</sup> day of January, 20 18,

by Erik de Boer, who is personally known to me OR produced  
(PRINT NAME OF PERSON MAKING STATEMENT)

\_\_\_\_\_ as identification.  
(TYPE OF ID PRODUCED)

Danyl Clynes  
Signature of Notary Public



**Danyl Clynes**

Print, Type or Stamp Commissioned Name of Notary Public  
My commission expires:

Send complete application package to:

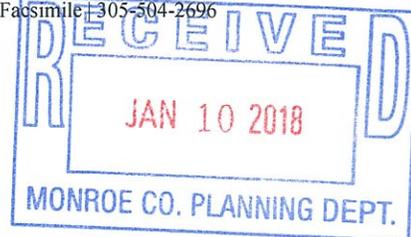
Monroe County Planning & Environmental Resources Department  
Marathon Government Center  
2798 Overseas Highway, Suite 400  
Marathon, FL 33050

**SPOTTSWOOD, SPOTTSWOOD, SPOTTSWOOD & STERLING, PLLC**

ATTORNEYS AND COUNSELORS AT LAW  
500 FLEMING STREET  
KEY WEST, FLORIDA 33040

JOHN M. SPOTTSWOOD, JR.  
ERICA H. STERLING  
CRISTINA L. SPOTTSWOOD  
WILLIAM B. SPOTTSWOOD, JR.  
RICHARD J. McCHESNEY

Telephone | 305-294-9556  
Facsimile | 305-504-2696



OF COUNSEL:

JOHN M. SPOTTSWOOD (1920 – 1975)  
ROBERT A. SPOTTSWOOD (of Counsel)  
WILLIAM B. SPOTTSWOOD (of Counsel)

January 9, 2018

SENT VIA FEDERAL EXPRESS

TRACKING #7711 7519 4205

Monroe County Planning Department  
Attention: Mr. Kevin Bond  
Marathon Government Center  
2798 Overseas Highway, Suite 400  
Marathon, FL 33050

Re: Como Keys, LLC – Industrial Road, Big Pine Key, FL 33043  
Vacant Land Located at Overseas  
Highway, Plantation Key, FL 33036  
File No. 378-16.00161 ED2D3

Dear Kevin,

I am following up relative to your recent conversations with Donald Craig regarding the above referenced matter. Enclosed in the originals, please find the original, signed and notarized Agent Authorization Form and the Request for a Major Conditional Use Permit. After your review, please contact Donald Craig directly with any questions which you may have. Mr. Craig's number is His number is (305)924-0249. Thank you.

Sincerely,

Danyel Clynes  
Paralegal &  
Real Estate Closer

/drc

Enclosures

Cc: Mr. Donald L. Craig (via email only)

AGENT AUTHORIZATION FORM

Date of Authorization: 01 / 08 / 2018
Month Day Year

I hereby authorize The Spottswood Law Firm, Donald Craig and/or Richard McChesney be listed as authorized agent
(Print Name of Agent)

representing The Manley-DeBoer Lumber Company Ltd. for the application submission
(Print Name of Property Owner(s) the Applicant(s))

of Major Conditional Use
(List the Name and Type of applications for the authorization)

for the Property described as: (if in metes and bounds, attach legal description on separate sheet)

Table with 2 columns: Property Description and Key/Marker Information. Includes fields for Lot, Block, Subdivision, Real Estate (RE) Number, Street Address, and Approximate Mile Marker.

Authorized Agent Contact Information:

500 Fleming Street, Key West, Florida 33040
Mailing Address (Street, City, State and Zip Code)

305 924 0249/305 294 9556 Home Phone 305 924 0249 Cell Phone drcraig@spottswoodlaw.com and richard@spottswoodlaw.com Email Address

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purposes stated. The undersigned understands the risks and liabilities involved in the granting of this agency and accepts full responsibility for any and all of the actions of the agent named herein related to the processing of the services requested, application(s) and/or the acquisition of approvals/permits for the aforementioned applicant. The applicant(s) hereby indemnifies and holds harmless Monroe County, its officers, agents and employees for any damage to applicant caused by its agent or arising from this agency authorization.

Note: Agents must provide a notarized authorization from ALL current property owners.

Signature of Property Owner: Erik DeBoer

Printed Name of Property Owner: Erik DeBoer

STATE OF Florida COUNTY OF MONROE

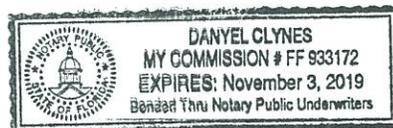
Sworn to and subscribed before me this 9th day of January, 2018

by Daniel Clynes, Erik DeBoer who is personally known to me OR produced
(Print Name of Person Making Statement)

(Type of ID Produced) as identification.

Signature of Notary Public: Daniel Clynes

My commission expires: 11/3/19



Print, Type or Stamp Commissioned Name of Notary Public

RECEIVED

MAY 12 2017

MONROE CO. PLANNING DEPT

# Como of the Keys /Manley DeBoer

Application for Major Conditional Use  
LPG Storage

May 2017

Spottswood, Spottswood, Spottswood and Sterling  
500 Fleming Street  
Key West, Florida

## Table of Contents

Introduction Letter  
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Building Permit History  
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Vegetative Conditions Report  
Site Plan/Surface Water Management Plan  
Landscape/Buffer Plan  
Elevations of Proposed Storage Tanks  
Traffic study  
Construction Management/Phasing  
Radius Report  
Coordination Letters

**SPOTTSWOOD, SPOTTSWOOD, SPOTTSWOOD & STERLING, PLLC**

ATTORNEYS AND COUNSELORS AT LAW

500 FLEMING STREET

KEY WEST, FLORIDA 33040

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RICHARD J. McCHESNEY

Telephone | 305-294-9556  
Facsimile | 305-504-2696

OF COUNSEL:

JOHN M. SPOTTSWOOD (1920 – 1975)  
ROBERT A. SPOTTSWOOD (of Counsel)  
WILLIAM B. SPOTTSWOOD (of Counsel)

May 2, 2017

Mr. Kevin Bond  
Planning and Development Review Manager  
Monroe County Planning Department  
2798 Overseas Highway  
Marathon, Florida 33050

Subject: Como Keys/Manley- DeBoer LPG Storage Facility

Dear Kevin:

Our firm represents the Manley-DeBoer lumber company which is entering a partnership with the Como Oil Company to propose the placement of two 30,000 gallon liquid petroleum gas tanks at the existing lumberyard at 177 Industrial Rd. on Big Pine Key.

The enclosed application for major conditional use contains all the required elements by County Code for review by the staff and the Planning Commission.

Briefly, the proposed facility is for storage only. There will be no on-site retail sales of gas. The sale of lumber will continue as presently. The two new tanks will be placed on a portion of the site that is little used. Trucks providing service to individual homes and businesses will arrive at the facility to fill their tanks, and return each day to park.

Thank you for considering this application.

Sincerely and respectfully,  
Donald Leland Craig AICP



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



RECEIVED  
**MAY 12 2017**  
MONROE CO. PLANNING DEPT

**Request for a Major Conditional Use Permit**

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

Major Conditional Use Permit Application Fee: \$11,400.00

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

Advertising Costs: \$245.00

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

Traffic Study Review: \$5,000.00

Advertising and Noticing fees for a community meeting: \$245.00 plus \$3.00/SPON

**Date of Application:** 05 / 05 / 2017  
Month Day Year

**Applicant / Agent Authorized to Act for Property Owner:** (Agents must provide notarized authorization from all property owners.)

Spottswood Law Firm Donald Leland Craig AICP  
Applicant (Name of Person, Business or Organization) Name of Person Submitting this Application

500 Fleming Street , Key West , Florida 33040  
Mailing Address (Street, City, State and Zip Code)

305 924 0249      970 453 1546      305 924 0249      dcraig@spottswoodlaw.com  
Work Phone                  Home Phone                  Cell Phone                  Email Address

**Property Owner:** (Business/Corp must include documents showing who has legal authorized to sign.)

Manley- DeBoer Lumber Company Mr. Erick DeBoer  
(Name/Entity) Contact Person

1109 Eaton Street, Key West, Florida 33040  
Mailing Address (Street, City, State and Zip Code)

305 294 5900                  305 304 5757  
Work Phone                  Home Phone                  Cell Phone                  Email Address

**Legal Description of Property:**

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

25 66 29 BIG PINE KEY PT NW 1/4 OF SW1/4 (1.48AC) OR995-1403 OR1390-1032  
Block                  Lot                  Subdivision                  Key

00110830-000107 & 0011830-000303                  8707282 & 8788606  
Real Estate (RE) Number                  Alternate Key Number

157 Industrial Road, Big Pine Key 33043                  MM32  
Street Address (Street, City, State & Zip Code)                  Approximate Mile Marker

**APPLICATION**

**Land Use District Designation of Property:** Industrial

**Present Land Use of Property:** lumber yard

**Proposed Land Use of Property:** lumber yard and LPG Storage

**Total Area of Property:** 2.36 acres

**Total Upland Area within Property:** approximately 2.0 acres

**If non-residential or commercial floor area is proposed, please provide:**

X  Total number of non-residential buildings    Two (2) 30,000 gallon LPG Tanks

0  Total non-residential floor area in square feet

**If residential dwelling units are proposed, please provide:**

0  Total number of residential buildings

0  Total number of market-rate units

0  Total number of affordable units

0  Total number of transient units (hotel, recreational vehicle and/or campground)

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

**Applicants requesting a Major Conditional Use Amendment shall provide for public participation through a community meeting.**

*Scheduling.* The applicant will coordinate with the Planning Director regarding the date, time and location of the proposed community meeting; however, all meetings are to be held on a weekday evening at a location close to the project site, between 45 and 120 days prior to the first of any public hearings required for development approval.

*Notice of Meeting.* The community meeting shall be noticed at least 15 days prior to the meeting date by advertisement in a Monroe County newspaper of general circulation, mailing of notice to surrounding property owners, and posting of the subject property.

*Noticing and Advertising Costs.* The applicant shall pay the cost of the public notice and advertising for the community meeting and provide proof of proper notice to the Planning Director.

The community meeting shall be facilitated by a representative from the Monroe County Planning & Environmental Resources Department and the applicant shall be present at the meeting.

**PROOF OF PROPER NOTICING ON THE COMMUNITY MEETING WILL BE REQUIRED.**

## APPLICATION

**All of the following items must be included in order to have a complete application submission:**

(Please check the box as each required item is attached to the application.)

- Completed application form
- Correct fee (check or money order payable to *Monroe County Planning & Environmental Resources*)
- Proof of ownership (i.e., Warranty Deed)
- Current property record card(s) from the Monroe County Property Appraiser
- Photograph(s) of site from adjacent roadway
- Copy of the recorded conditional use permit and any previous modification approvals
- Copy of the most recently approved site plan
- Written description of project
- Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – 8 sets (at a minimum, survey should include elevations; all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage; and total acreage by habitat)
- Environmental Designation Survey (prepared in accordance with Monroe County Code §110-70 a).
- Community Impact Statement (prepared in accordance with Monroe County Code §110-70 b).
- Signed and Sealed Site Plan, prepared by a Florida registered architect, engineer or landscape architect– 8 sets (drawn to a scale of 1:10 or 1:20). At a minimum, the site plan should include the following:
  - Date, north point and graphic scale
  - Boundary lines of site, including all property lines and mean high-water lines shown in accordance with Florida Statutes
  - All attributes from the boundary survey
  - Future Land Use Map (FLUM) designation(s) of the site
  - Land Use (Zoning) District designation(s) of site
  - Tier designation(s) of the site
  - Flood zones pursuant to the Flood Insurance Rate Map
  - Setback lines as required by the Land Development Code
  - Locations and dimensions of all existing and proposed structures, including all paved areas and clear site triangles
  - Size and type of buffer yards and parking lot landscaping areas, including the species and number of plants (*unless a separate landscape plan showing such is submitted*)
  - Extent and area of wetlands, open space preservation areas and conservation easements
  - Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any potential species that may use the site (*certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service*) (unless a separate landscape plan showing such is submitted)
  - Location of fire hydrants or fire wells
  - The location of public utilities, including location of the closest available water supply system or collection lines and the closest available wastewater collection system or collection lines (with wastewater system provider) or on-site system proposed to meet required County and State of Florida wastewater treatment standards
  - A table providing the total land area of the site, the total buildable area of the site, the type and square footage of all nonresidential land uses, the type and number of all residential dwelling units, the amounts of impervious and pervious areas, and calculations for land use intensity, open space ratio, and off-street parking

## APPLICATION

- Landscape Plan by a Florida registered landscape architect – 8 sets (may be shown on the site plan; however, if a separate plan, drawn to a scale of 1:10 or 1:20). At a minimum, the landscaping plan should include the following:
- Date, north point and graphic scale
  - Boundary lines of site, including all property lines and mean high-water lines shown in accordance with Florida Statutes
  - Locations and dimensions of all existing and proposed structures, including all paved areas
  - Open space preservation areas
  - Existing natural features
  - Size and type of buffer yards including the species, size and number of plants
  - Parking lot landscaping including the species, size and number of plants
  - Specimen trees, or threatened and endangered plants to be retained and those to be relocated or replaced
  - Transplantation plan (if required)
- Stormwater/ Surface Water Management Plan – 8 sets (including existing and proposed topography, all drainage structures, retention areas, drainage swales and existing and proposed permeable and impermeable areas)
- Building Floor Plans for all proposed structures and for any existing structures to be redeveloped – 8 sets (drawn at an appropriate standard architectural scale)
- Building Elevations for all proposed structures and for any existing structures to be modified – 8 sets (with the elevations of the following features referenced to NGVD: existing grade; finished grade; finished floor elevations (lowest supporting beam for V-zone development); roofline; and highest point of the structure)
- Traffic Study, prepared by a licensed traffic engineer
- Transportation fee of \$5,000 to cover the cost of experts hired by the Growth Management Division to review the traffic study (any unused funds deposited will be returned upon permit approval)
- Construction Management Plan, stating how impacts on near shore water and surrounding property will be managed (i.e. construction barriers, hay bales, flagging)
- Typed name and address mailing labels of all property owners within a 600 foot radius of the property. This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 600 foot radius, each unit owner must be included
- Radius report from Monroe County Property Appraiser supporting the required labels
- Proof of Coordination are required from the following:
- Florida Keys Aqueduct Authority (FKAA)
  - Florida Keys Electric Cooperative (FKEC) or Keys Energy Services
  - Monroe County Office of the Fire Marshal
  - Monroe County Solid Waste Management
  - Florida Department of Health if wastewater flows are less than or equal to 5,000 gallons per day or Florida Department of Environmental Protection if wastewater flows exceed 5,000 gallons per day

**If applicable, the following items must be included in order to have a complete application submission:**

(Please check the box as each required item is attached to the application.)

- Notarized Agent Authorization
- Vegetation Survey or Wetland delineation
- Construction Phasing Plan

**APPLICATION**

Additional Proof of Coordination may be required for your project, please contact with the Planning & Environmental Resources Department to identify other agencies expected to review the project. Other agencies may include, but are not limited to:

- Key West Resort Utilities
- Key Largo Wastewater Treatment District (KLWTD)
- South Florida Water Management District (SFWMD)
- Florida Department of Transportation (FDOT)
- Florida Department of Environmental Protection (FDEP)
- Florida Department of State, Division of Historic Resources
- Florida Game and Freshwater Fish Commission (FGFFC)
- U.S. Army Corps of Engineers (ACOE)
- U.S. Fish and Wildlife Service (USFW)

Is there a pending code enforcement proceeding involving all or a portion of the parcel proposed for development?

Yes    No   Code Case file # \_\_\_\_\_ Describe the enforcement proceedings and if this application is being submitted to correct the violation: \_\_\_\_\_

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

\*                    \*                    \*                    \*                    \*                    \*                    \*

The applicant/owner hereby acknowledges and agrees that any staff discussions or negotiations about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

**APPLICATION**

By signing this application, the owner of the subject property authorizes the Monroe County Planning & Environmental Resources staff to conduct all necessary site visits and inspections on the subject property.

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

Signature of Applicant: [Handwritten Signature]

Date: 5/3/17

STATE OF Colorado

COUNTY OF Summit

Sworn to and subscribed before me this 3 day of May, 2017,

by Donald Craig, who is personally known to me OR produced  
(PRINT NAME OF PERSON MAKING STATEMENT)

Colorado Drivers Lis as identification.  
(TYPE OF ID PRODUCED)

[Handwritten Signature]  
Signature of Notary Public



Dinah Langsjoen  
Print, Type or Stamp Commissioned Name of Notary Public  
My commission expires:

**Send complete application package to:**

**Monroe County Planning & Environmental Resources Department  
Marathon Government Center  
2798 Overseas Highway, Suite 400  
Marathon, FL 33050**

AGENT AUTHORIZATION FORM

Date of Authorization: 2 / 10 / 2017  
Month Day Year

I hereby authorize Donald Leland Craig, A.I.C.P.  
(Print Name of Agent) be listed as authorized agent  
representing Monkey-de-Boer Lumber Company Ltd.  
(Print Name of Property Owner(s) the Applicant(s))  
of \_\_\_\_\_  
(List the Name and Type of applications for the authorization)

for the Property described as: (if in metes and bounds, attach legal description on separate sheet)

Lot Block Subdivision Key (Island) 8788606  
00110830 - 000303 and 00110830 - 000107 \$ 8707282  
Real Estate (RE) Number Alternate Key Number  
177 Industrial Road 32  
Street Address (Street, City, State & Zip Code) Approximate Mile Marker

Authorized Agent Contact Information:

500 Fleming St. Key West, FL 33040  
Mailing Address (Street, City, State and Zip Code)  
305-294-9556 305-924-0249 dcraig@spottswood/law.com  
Work Phone Home Phone Cell Phone Email Address

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purposes stated. The undersigned understands the risks and liabilities involved in the granting of this agency and accepts full responsibility for any and all of the actions of the agent named herein related to the processing of the services requested, application(s) and/or the acquisition of approvals/permits for the aforementioned applicant. The applicant(s) hereby indemnifies and holds harmless Monroe County, its officers, agents and employees for any damage to applicant caused by its agent or arising from this agency authorization.

Note: Agents must provide a notarized authorization from ALL current property owners.

Signature of Property Owner: Erik de Boer  
Printed Name of Property Owner: Erik de Boer

STATE OF FLORIDA COUNTY OF MONROE

Sworn to and subscribed before me this 10 day of FEBRUARY, 2017,

by ERIK deBOER, who is personally known to me OR produced  
(Print Name of Person Making Statement)

\_\_\_\_\_ as identification.  
(Type of ID Produced)

Stacy A. Aguilar  
Signature of Notary Public

STACY A. AGUILAR  
MY COMMISSION # GG42590  
EXPIRES: December 06, 2020  
Print, Type or Stamp Commissioned Name of Notary Public

My commission expires:

## Project Description

The proposed project consists of adding two new 30,000 gallon liquid petroleum gas (LPG) storage tanks to a portion of the Manley-DeBoer lumber yard on Industrial Road on Big Pine Key South of US Highway 1.

The proposed new tanks will provide a facility to fill service trucks that will go to individual homes and businesses in the Lower Keys and Key West. These service trucks will park either at a facility in the city of Key West, or on site depending upon service route taken and time of day. The two 30,000 gallon tanks will be filled by a tanker truck coming from the mainland to the site. Depending upon demand, the truck from the mainland will come every two weeks to a month.

There will be no on site retail sales to individuals or businesses coming to the site.

The two new tanks will not be enclosed in a building but will be anchored to concrete slabs designed to accommodate the weight and the specified facility. The tanks and their equipment will be licensed by the state and meet all the requirements of the state as to setback from buildings and property lines as well as operation and maintenance of the facility. The two tanks will be surrounded by new asphalt or concrete in order to assure a stable driving surface for trucks and to direct storm water runoff to an improved storm water retention system.

The tanks will be located on a portion of the site that is entirely disturbed, but seldom used by the lumber yard operation at the site. The location of the tanks was chosen so that there would be free movement of both the larger delivery truck and the smaller service vehicles.

As dictated by the state and the Monroe County Fire Marshal, adequate firefighting capability will be maintained at the site.

Only a small portion of the 2+ acre site has any vegetation which is considered sensitive or protected by the Monroe County Land Development Regulations. This Southern portion of the site will not be disturbed during construction, nor used in any manner for the proposed new tank storage facility.

The Como Oil Company is very experienced in LPG gas storage and sales across much of the state of Florida, and brings this experience to the Florida Keys.

# Community Impact Statement

## Project Description

The proposed project consists of adding two new 30,000-gallon liquid petroleum gas (LPG) storage tanks to a portion of the Manley-DeBoer lumber yard on Industrial Road on Big Pine Key South of US Highway 1.

The proposed new tanks will provide a facility to fill service trucks that will go to individual homes and businesses in the Lower Keys and Key West. These service trucks will park either at a facility in the city of Key West, or on site depending upon service route taken and time of day. The two 30,000 gallon tanks will be filled by a tanker truck coming from the mainland to the site. Depending upon demand, the truck from the mainland will come every two weeks to a month.

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As dictated by the state and the Monroe County Fire Marshal, adequate firefighting capability will be maintained at the site.

Only a small portion of the 2+ acre site has any vegetation which is considered sensitive or protected by the Monroe County Land Development Regulations. This Southern portion of the site will not be disturbed during construction, nor used in any manner for the proposed new tank storage facility.

## Impact Assessment

There are no new buildings or commercial floor area nor residential units to be added to the property.

The parking demand is very low because there is no retail activity to be added to the site. No access by the public to the tanks will be allowed.

Due to the fact that storage tanks only are being proposed there is no impact on water demand, sewage disposal demand nor significant demand on electrical service. Because there is no residential component to the proposed project there is no demand for school services or for hurricane evacuation. The existing personnel already at the lumberyard are sufficient to maintain control and security for the storage tanks.

There will be no impact on solid waste facilities because there is no waste generated from the facility that requires disposal in a landfill or to be transferred to the mainland.

The traffic impacts from the facility are very minimal. There will be no negative affect on the service level of US Highway 1, nor industrial Road. Please see the attached traffic report which provides a detailed assessment of the traffic generated by the facility.

Proof of Ownership

This instrument prepared by or under the supervision of:

Name: Judith Kenney, Attorney  
Judith Kenney & Associates, P.A.  
Address: 777 Brickell Avenue, Suite 1070  
Miami, Florida 33131

Doc# 1572754 03/27/2006 1:08PM  
Filed & Recorded in Official Records of  
MONROE COUNTY DANNY L. KOLHAGE

03/27/2006 1:08PM  
DEED DOC STAMP CL: PW \$3,675.00

Doc# 1572754  
Bkn 2195 Pg# 2425

Alternate Key No. 8707282 and  
A portion of Alternate Key No. 8890931

### WARRANTY DEED

**THIS WARRANTY DEED** is made and entered into this 21st day of March, 2006, between Zachrist Inc., a Florida corporation (the "Grantor"), and Manley-De-Boer Lumber Company Limited Partnership, a Florida limited partnership (the "Grantee"), whose address is 1109 Eaton Street, Key West, Florida 33040.

### W I T N E S E T H:

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

See Exhibit A attached

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

### SUBJECT TO:

1. Taxes and assessments for the year 2006 and subsequent years.
2. All laws, ordinances, regulations, restrictions, prohibitions and other requirements imposed by governmental authority, including, but not limited to, all applicable building, zoning, land use and environmental ordinances and regulations.
3. Easements, conditions, restrictions, matters, limitations and reservations of record, without the intention of reimposing same.

**THE GRANTOR** hereby warrants the title to the Property and will defend the same against the lawful claims of all persons whomsoever.

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

Witnesses:

ZACHRIST INC.

Sign Name *Bobby L. Cherry*

Print Name BOBBY L. CHERRY

Sign Name *Carol A. Pett*

Print Name *Carol A. Pett*

By *Susan J. Kemp*  
Susan J. Kemp  
President

**STATE OF FLORIDA  
COUNTY OF MONROE**

15<sup>th</sup> The foregoing instrument was acknowledged before me this day of March, 2006, by Susan J. Kemp, President of Zachrist Inc., who is personally known to me and did not take an oath.

*Alicia Rodriguez*  
Notary Public

My Commission Expires:



EXHIBIT A  
LEGAL DESCRIPTION

PARCEL B

A tract of land in a part of the Northwest quarter of the Southwest quarter of Section 25, Township 66 South, Range 29 East, on Big Pine Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows:

Commencing at the Northwest corner of the Northwest quarter of the Southwest quarter of Section 25, Township 66 South, Range 29 East, bear East for a distance of 330 feet; thence bear South for a distance of 672.43 feet, to the Point of Beginning of the tract of land hereinafter described:

From said Point of Beginning, bear East, for a distance of 100.00 feet; thence bear South, for a distance of 154.15 feet; thence bear West, for a distance of 100.00 feet; thence bear North, for a distance of 154.15 feet back to the Point of Beginning.

AND

A tract of land in a part of the northwest quarter of the Southwest quarter of Section 25, Township 66 South, Range 29 East, on Big Pine Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows:

Commencing at the Northwest corner of the Northwest quarter of the Southwest quarter of Section 25, Township 66 South, Range 29 East, bear East 330 feet; thence bear South 826.58 feet to the Point of Beginning of the land hereinafter described:

From said Point of Beginning, continue South 493.42 feet; thence bear East 100.00 feet; thence bear North 493.42 feet; thence bear West 100 feet, back to the Point of Beginning.

MONROE COUNTY  
OFFICIAL RECORDS

This instrument prepared by or under  
the supervision of:

Name: Judith Kenney, Attorney  
Judith Kenney & Associates, P.A.  
Address: 777 Brickell Avenue, Suite 1070  
Miami, Florida 33131

(Space reserved for Clerk of Court)

Alternate Key No. 8707282 and  
A portion of Alternate Key No. 8890931

### WARRANTY DEED

**THIS WARRANTY DEED** is made and entered into this 21st day of March, 2006, between Zachrist Inc., a Florida corporation (the "Grantor"), and Manley-De-Boer Lumber Company Limited Partnership, a Florida limited partnership (the "Grantee"), whose address is 1109 Eaton Street, Key West, Florida 33040.

#### W I T N E S E T H:

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

See Exhibit A attached

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

#### SUBJECT TO:

1. Taxes and assessments for the year 2006 and subsequent years.
2. All laws, ordinances, regulations, restrictions, prohibitions and other requirements imposed by governmental authority, including, but not limited to, all applicable building, zoning, land use and environmental ordinances and regulations.
3. Easements, conditions, restrictions, matters, limitations and reservations of record, without the intention of reimposing same.

THE GRANTOR hereby warrants the title to the Property and will defend the same against the lawful claims of all persons whomsoever.

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

Witnesses:

ZACHRIST INC.

Sign Name Bobby L Cherry

Print Name BOBBY L CHERRY

Sign Name Carole A. Pettit

Print Name Carole A. Pettit

By: Susan J. Kemp  
Susan J. Kemp  
President

STATE OF FLORIDA  
COUNTY OF MONROE

15<sup>th</sup> The foregoing instrument was acknowledged before me this day of March, 2006, by Susan J. Kemp, President of Zachrist Inc., who is personally known to me and did not take an oath.

Alicia Rodriguez  
Notary Public

My Commission Expires:



F:\JK\KEMP\Zachrist Sale to Manley-De-Boer\DEED.doc  
#0325-066

EXHIBIT A  
LEGAL DESCRIPTION

PARCEL B

A tract of land in a part of the Northwest quarter of the Southwest quarter of Section 25, Township 66 South, Range 29 East, on Big Pine Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows:

Commencing at the Northwest corner of the Northwest quarter of the Southwest quarter of Section 25, Township 66 South, Range 29 East, bear East for a distance of 330 feet; thence bear South for a distance of 672.43 feet, to the Point of Beginning of the tract of land hereinafter described:

From said Point of Beginning, bear East, for a distance of 100.00 feet; thence bear South, for a distance of 154.15 feet; thence bear West, for a distance of 100.00 feet; thence bear North, for a distance of 154.15 feet back to the Point of Beginning.

AND

A tract of land in a part of the northwest quarter of the Southwest quarter of Section 25, Township 66 South, Range 29 East, on Big Pine Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows:

Commencing at the Northwest corner of the Northwest quarter of the Southwest quarter of Section 25, Township 66 South, Range 29 East, bear East 330 feet; thence bear South 826.58 feet to the Point of Beginning of the land hereinafter described:

From said Point of Beginning, continue South 493.42 feet; thence bear East 100.00 feet; thence bear North 493.42 feet; thence bear West 100 feet, back to the Point of Beginning.

Property Record Cards

 **Monroe County, FL**

**Summary**

Parcel ID 00110830-000107  
 Account # 8707282  
 Property ID 8707282  
 Millage Group 100H  
 Location INDUSTRIAL RD , BIG PINE KEY  
 Address  
 Legal 25 66 29 BIG PINE KEY PT NW 1/4 OF SW1/4 (1.48AC) OR995-1403 OR1390-1032  
 Description OR1672-527/29 OR2195-2425  
 (Note: Not to be used on legal documents)  
 Neighborhood 10050  
 Property LUMBER YARD (4300)  
 Class  
 Subdivision  
 Sec/Twp/Rng 25/66/29  
 Affordable No  
 Housing



**Owner**

MANLEY-DE-BOER LUMBER CO  
 1109 EATON ST  
 KEY WEST FL 33040

**Valuation**

	2016	2015	2014	2013
+ Market Improvement Value	\$0	\$0	\$0	\$0
+ Market Misc Value	\$29,956	\$26,048	\$23,680	\$0
+ Market Land Value	\$170,512	\$170,512	\$170,512	\$177,506
= Just Market Value	\$200,468	\$196,560	\$194,192	\$177,506
= Total Assessed Value	\$200,468	\$196,560	\$194,192	\$177,506
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$200,468	\$196,560	\$194,192	\$177,506

**Land**

Land Use	Number of Units	Unit Type	Frontage	Depth
COMMERCIAL DRY (100D)	1.36	Acreage	0	0
ENVIRONMENTALLY SENS (000X)	0.12	Acreage	0	0

**Yard Items**

Description	Year Built	Roll Year	Quantity	Units	Grade
PATIO	1982	1983	1	2700 SF	2
PATIO	1982	1983	1	4700 SF	2

**Sales**

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
3/15/2006	\$525,000	Warranty Deed		2195	2425	C - Unqualified	Vacant
12/20/2000	\$175,000	Warranty Deed		1672	527	M - Unqualified	Vacant
12/1/1986	\$80,000	Warranty Deed		995	1403	U - Unqualified	Vacant

**Photos**



No data available for the following modules: Buildings, Commercial Buildings, Mobile Home Buildings, Exemptions, Permits, Sketches (click to enlarge).

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

Last Data Upload: 5/3/2017 1:33:59 AM



 **Monroe County, FL**

**Summary**

Parcel ID 00110830-000303  
 Account # 8788606  
 Property ID 8788606  
 Millage Group 100H  
 Location 177 INDUSTRIAL RD , BIG PINE KEY  
 Address  
 Legal 25/66/29 BIG PINE KEY PT NW1/4 OF SW1/4 (A/K/A PART D) OR494-640 OR805-2085 OR910-1620 OR1030-1927 OR1607-2041/42Q/C OR2190-02/03 OR2190-05Q/C  
 Description (Note: Not to be used on legal documents)  
 Neighborhood 10050  
 Property Class LUMBER YARD (4300)  
 Subdivision  
 Sec/Twp/Rng 25/66/29  
 Affordable No  
 Housing



**Owner**

MANLEY-DEBOER LUMBER COMPANY LIMITED  
 PARTNERSHIP  
 1109 EATON ST  
 KEY WEST FL 33040

**Valuation**

	2016	2015	2014	2013
+ Market Improvement Value	\$544,772	\$553,429	\$564,144	\$545,545
+ Market Misc Value	\$53,344	\$48,776	\$46,303	\$48,457
+ Market Land Value	\$125,000	\$125,000	\$125,000	\$125,000
= Just Market Value	\$723,116	\$727,205	\$735,447	\$719,002
= Total Assessed Value	\$723,116	\$727,205	\$735,447	\$719,002
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$723,116	\$727,205	\$735,447	\$719,002

**Land**

Land Use	Number of Units	Unit Type	Frontage	Depth
COMMERCIAL DRY (100D)	1.00	Acreage	0	0

**Commercial Buildings**

Style OFFICE BLD-1 STORY / 17C  
 Gross Sq Ft 469  
 Finished Sq Ft 324  
 Perimeter 0  
 Stories 1  
 Interior Walls  
 Exterior Walls AB AVE WOOD SIDING with 6% MIN WOOD SIDING  
 Quality 250 (250)  
 Roof Type GABLE/HIP  
 Roof Material METAL  
 Exterior Wall1 AB AVE WOOD SIDING  
 Exterior Wall2 MIN WOOD SIDING  
 Foundation CONC BLOCK  
 Interior Finish  
 Ground Floor Area  
 Floor Cover PLYWD/PR BD  
 Full Bathrooms 0  
 Half Bathrooms 0  
 Heating Type  
 Year Built 1982  
 Year Remodeled 0  
 Effective Year Built 2001  
 Condition AVERAGE

Style LUMBER YARDS-D- / 43D  
 Gross Sq Ft 9,000  
 Finished Sq Ft 9,000  
 Perimiter 0  
 Stories 1  
 Interior Walls  
 Exterior Walls METAL SIDING  
 Quality 200 (200)  
 Roof Type GABLE/HIP  
 Roof Material METAL  
 Exterior Wall1 METAL SIDING  
 Exterior Wall2  
 Foundation CONCR FTR  
 Interior Finish  
 Ground Floor Area  
 Floor Cover CONC S/B GRND  
 Full Bathrooms 0  
 Half Bathrooms 0  
 Heating Type  
 Year Built 2005  
 Year Remodeled 0  
 Effective Year Built 2005  
 Condition AVERAGE

Style LUMBER YARDS-D- / 43D  
 Gross Sq Ft 1,240  
 Finished Sq Ft 1,240  
 Perimiter 0  
 Stories 1  
 Interior Walls  
 Exterior Walls METAL SIDING  
 Quality 150 (150)  
 Roof Type GABLE/HIP  
 Roof Material METAL  
 Exterior Wall1 METAL SIDING  
 Exterior Wall2  
 Foundation CONCRETE SLAB  
 Interior Finish  
 Ground Floor Area  
 Floor Cover CONC S/B GRND  
 Full Bathrooms 0  
 Half Bathrooms 0  
 Heating Type  
 Year Built 1982  
 Year Remodeled 0  
 Effective Year Built 1990  
 Condition AVERAGE

Style LUMBER YARDS-D- / 43D  
 Gross Sq Ft 1,240  
 Finished Sq Ft 1,240  
 Perimiter 0  
 Stories 1  
 Interior Walls  
 Exterior Walls METAL SIDING  
 Quality 150 (150)  
 Roof Type GABLE/HIP  
 Roof Material METAL  
 Exterior Wall1 METAL SIDING  
 Exterior Wall2  
 Foundation CONCRETE SLAB  
 Interior Finish  
 Ground Floor Area  
 Floor Cover CONC S/B GRND  
 Full Bathrooms 0  
 Half Bathrooms 0  
 Heating Type  
 Year Built 1982  
 Year Remodeled 0  
 Effective Year Built 1990  
 Condition POOR

**Yard Items**

Description	Year Built	Roll Year	Quantity	Units	Grade
WALL AIR COND	1985	1986	1	1 UT	3
UTILITY BLDG	1985	1986	1	120 SF	4
CISTERNS	1988	1989	1	22800 GAL	4
CH LINK FENCE	1981	1982	1	3738 SF	1
FENCES	1985	1986	1	553 SF	3
PATIO	2005	2006	1	12 SF	1
PATIO	2005	2006	1	24 SF	1
PATIO	2005	2006	1	60 SF	1
ASPHALT PAVING	2005	2006	1	20845 SF	2

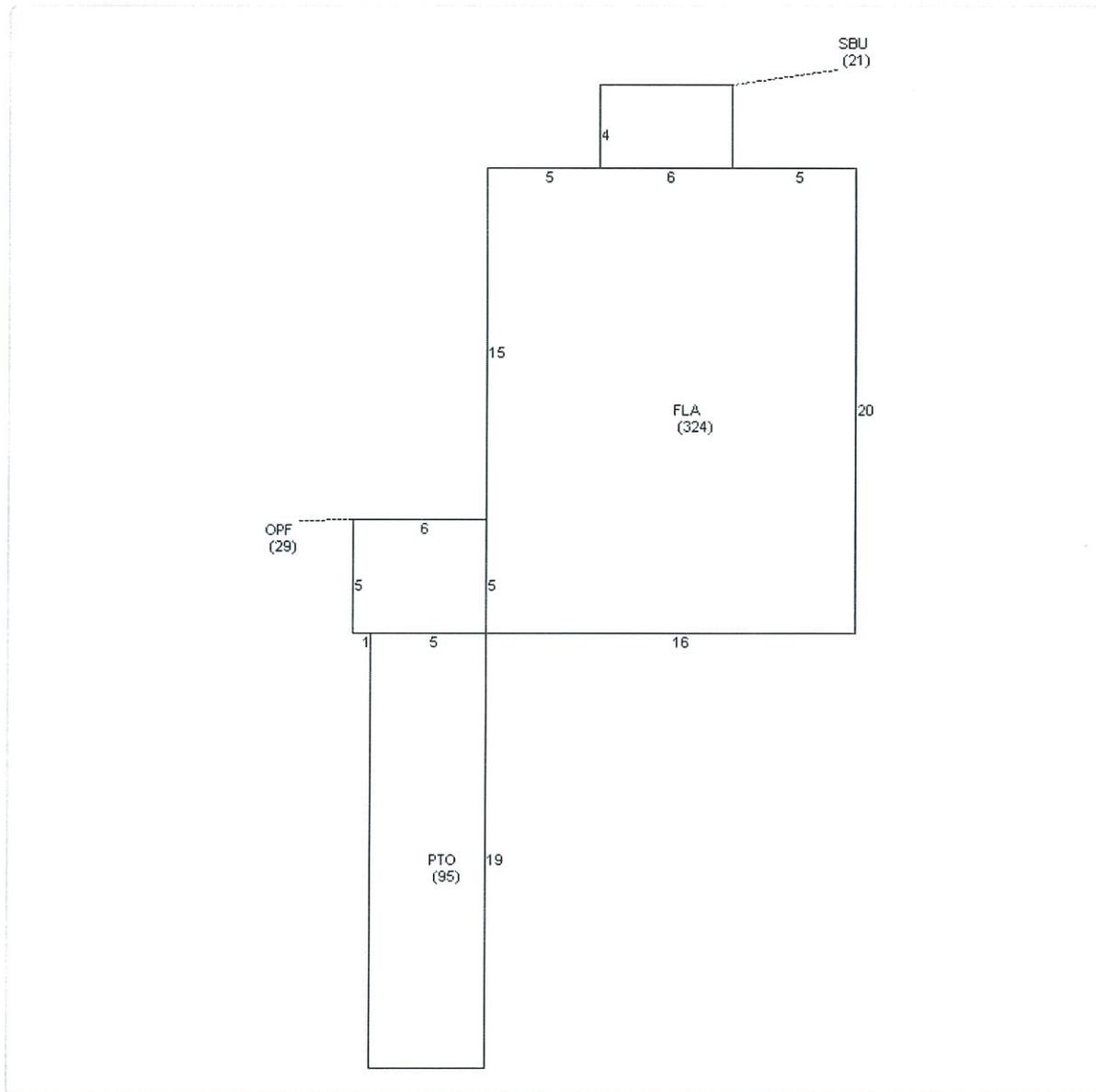
**Sales**

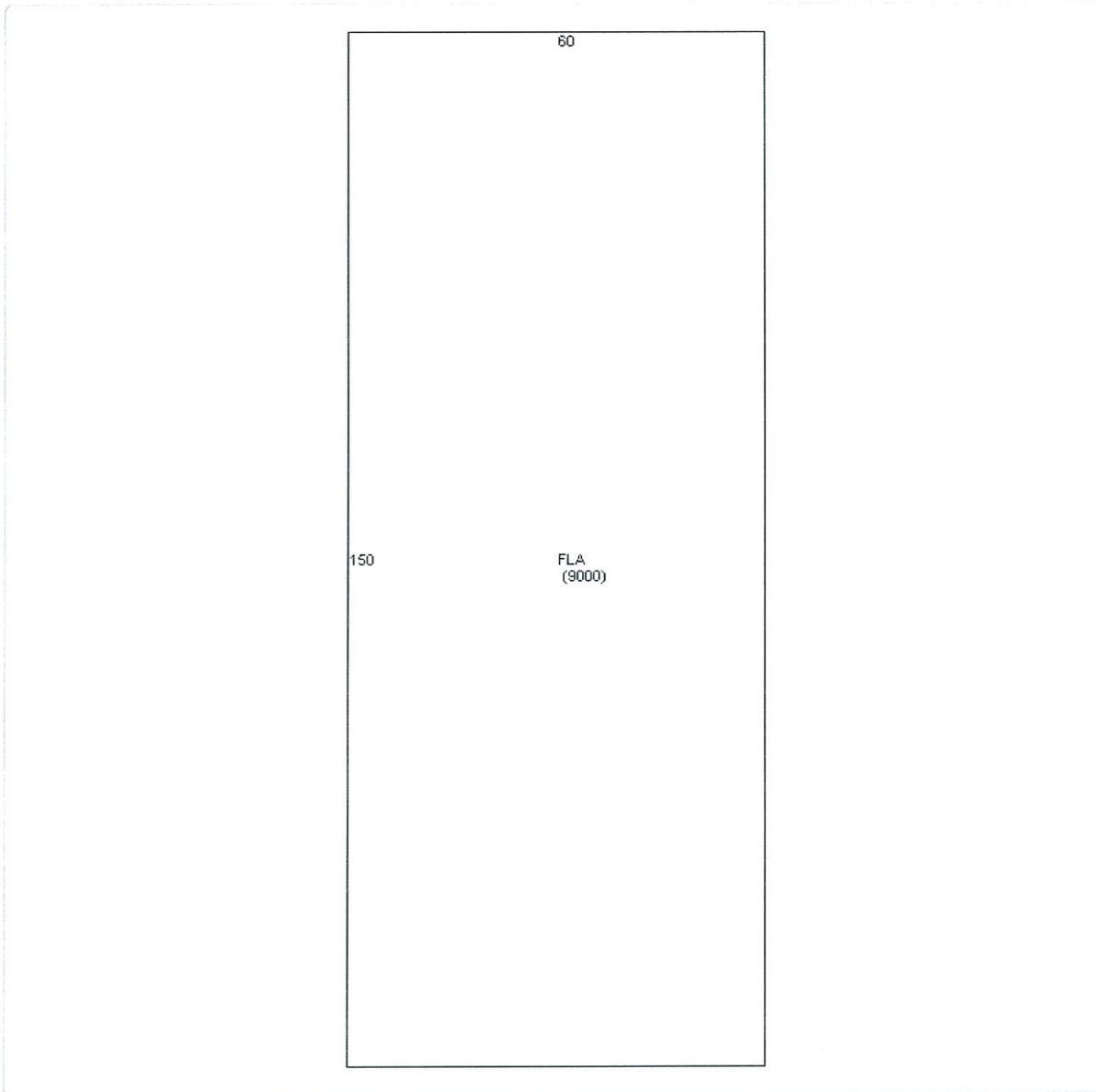
Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
2/9/2006	\$600,000	Warranty Deed		2190	2	Q - Qualified	Improved

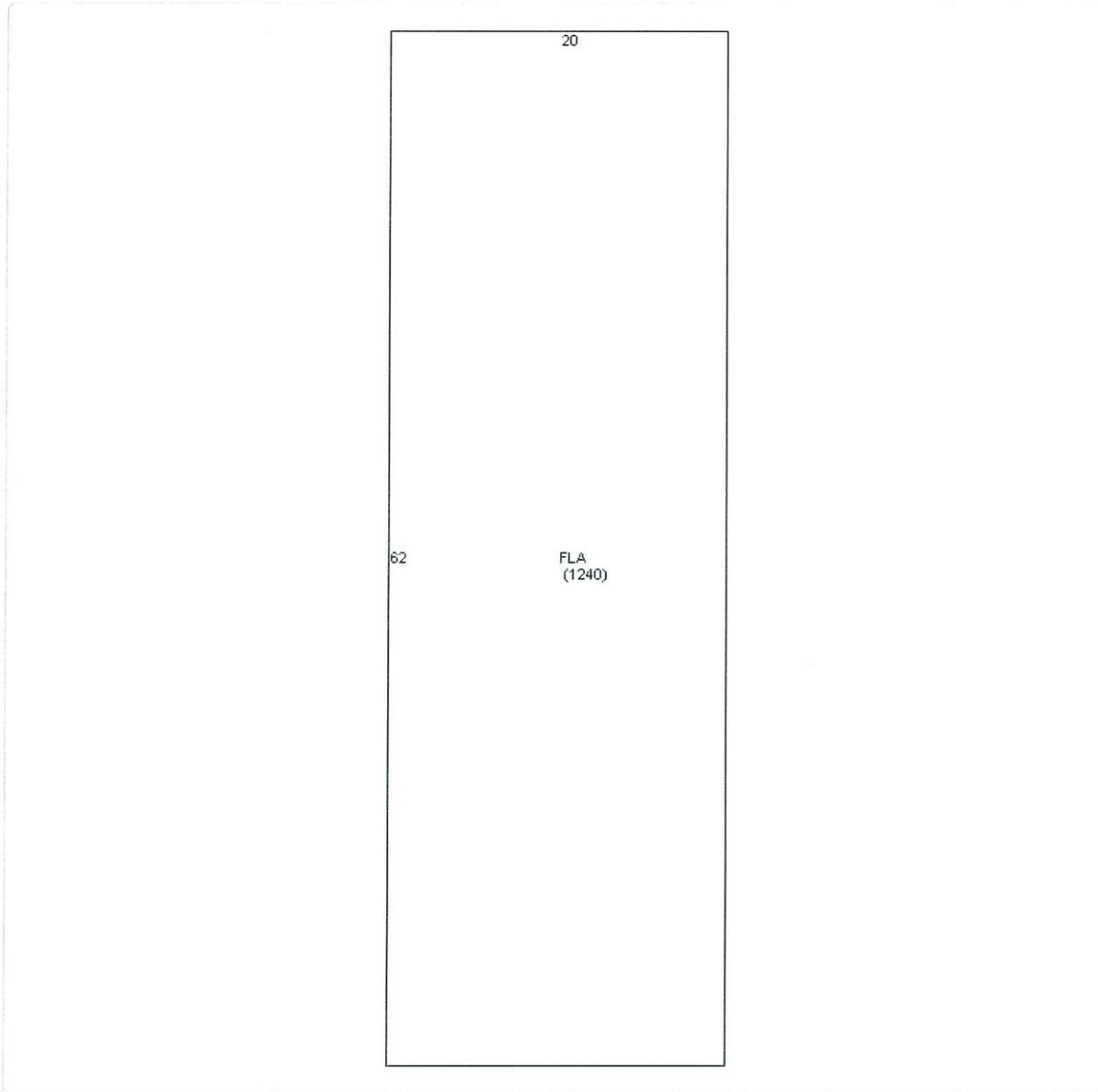
**Permits**

Number ↕	Date Issued ↕	Date Completed ↕	Amount ↕	Permit Type ↕	Notes ↕
04101820	7/22/2004	12/12/2006	\$285,000		COMMERCIAL REMODEL

**Sketches (click to enlarge)**







**Photos**



No data available for the following modules: Buildings, Mobile Home Buildings, Exemptions.

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

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**Developed by**  
The Schneider  
Corporation

## Site and Aerial Photographs









Industrial Rd

157 Industrial Rd

269 ft

© 2016 Google

Google earth

# Building Permit History

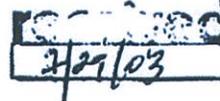
# County of Monroe

Department of Planning and  
Environmental Resources  
2786 Overseas Highway, Suite 400  
Marathon, Florida 33050  
Voice: (305) 289-2500  
FAX: (305) 289-2536



Board of County Commissioners  
Mayor Dixie M. Spehar, Dist. 1  
Mayor Pro Tem Murray Nelson, Dist. 5  
Comm. Charles "Sonny" McCoy, Dist. 3  
Comm. George Neugent, Dist. 2  
Comm. David P. Rice, Dist. 4

July 28, 2003



Mr. Don Craig  
PO Box 372  
Key West, FL 33041-0372

**SUBJECT: PRE-APPLICATION MEETING LETTER OF UNDERSTANDING for  
Manley-deBoer Lumber Company, 127 Industrial Road, Part of the N/W ¼ of the S/W ¼  
(AKA Part D) Big Pine Key, Florida RE# 00110830.000303.**

Dear Mr. Craig,

Pursuant to Section 9.5-43 of the Monroe County Code, this document shall constitute a letter of understanding. On July 18, 2003 a pre-application conference regarding the subject was held at the Monroe County Planning Department offices in Marathon.

Attendees of the meeting included Eric deBoer of Manley-deBoer Lumber Company, and Don Craig of the Craig Company (hereafter referred to as "the Applicant"; and Fred Gross, Lower Keys Island Planning Team Director, and Robert Will, Planner, (hereafter referred to as "Staff").

Materials presented for review prior to the meeting included:

- a) A pre-application request form;
- b) A written description of the proposed development;
- c) A property record card;
- d) Photo copy of an Auto-stak brochure showing the lumber racks to be installed;
- e) A boundary survey dated 10/10/90 showing the existing building (unsigned and unsealed);
- f) Photos showing the existing conditions of the site; and
- g) Plan diagrams of the Auto-stak system to be installed into the existing building by Auto-stak Systems Inc. dated 6/6/2003.

Items discussed at the meeting included the following:

1. The applicant is interested in repairing and enclosing an existing 9,000 square foot open-sided structure, reconfiguring the existing fencing on the property, and installing a rack system for storage of lumber and materials so that customers may park their vehicles immediately next to the supplies to load them. No site work is planned at this time, however the applicant may consider paving a portion of the site in the future.

# County of Monroe

2. The parcel is located at 127 Industrial Road on Big Pine Key and is described as part of the N/W ¼ of the S/W ¼ of Section 25 Township 66 Range 29 (AKA Part D) Big Pine Key, Florida RB# 00110830.000303. The land use district is Industrial (I) and the future land use designation is Industrial (I).
3. The applicant does not propose any change in use of the property. Currently the property is used to sell lumber and materials, the applicant proposes the same type of use. Because there is not a proposed change in use the applicant does not have to bring non-conformities into compliance per Section 9.5-145 and Section 9.5-146.
4. The applicant will be required to provide 2 handicapped parking spaces with paved access to the existing structure to meet the requirements set forth in Chapter 553, Florida Statutes.
5. The subject property is located in flood zone AE 8 (FIRM Panel 1537H). Enclosure of the existing 9,000 square foot structure must meet the standards set forth in MCC Sec. 9.5-317 (b)(2).
6. Building permits will be required for each of the proposed improvements to the property (repairing the roof, installing the fence, enclosing the sides of the structure, installing the rack system, and paving of the handicapped spaces).

Pursuant to Section 9.5-43 of the Monroe County Code, you are to rely on the representations set forth in this letter of understanding as accurate under the regulations currently in effect. However, the Planning Department acknowledges that all items required as a part of the application for development approval may not have been addressed at the July 18, 2003 meeting, and consequently reserves the right for additional department comment.

We trust that this information is of assistance. If you have any questions regarding the content of this letter or if we may be able to further assist you with your project, please feel free to contact our office at (305) 289-2500.

Sincerely,



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

**Cc: Ervin Higgs, Monroe County Property Appraiser**  
**Fred Gross, Lower Keys Island Planning Team Director**  
**Diane Bair, CFM, Flood Plain Administrator**  
**Julie Cheon, Biologist**  
**Robert Will, Planner**

# County of Monroe

Department of Planning and  
Environmental Resources  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050  
Voice: (305) 289-2500  
FAX: (305) 289-2536



Board of County Commissioners  
Mayor Dixie M. Spehar, Dist. 1  
Mayor Pro Tem Murray Nelson, Dist. 5  
Comm. Charles "Sonny" McCoy, Dist. 3  
Comm. George Neugent, Dist. 2  
Comm. David P. Rice, Dist. 4

August 13, 2003

Eric deBoer  
1109 Eaton St.  
Key West, FL 33040

RE: Follow up to Pre-application Conference letter

Dear Mr. deBoer,

This letter is a follow up to our pre-application conference that was held on July 18<sup>th</sup>, 2003. A letter of understanding was sent to your agent, Mr. Don Craig, dated July 28<sup>th</sup>, 2003 which outlined issues that were discussed during the meeting.

The business that you propose to purchase, Pinewoods Lumber Company, is located within the Industrial land use district. A lumber company falls under the definition of a Light Industrial use because it pertains to warehousing and sale of goods and materials and does not have greater than usual impacts on the environment and surrounding uses. A light industrial use is permitted as-of-right within the industrial land use district, and therefore is a conforming use and would not require a conditional use approval for any substantial improvements to the property.

Any development activity would require building permits and any non-conforming structures must be brought into conformity with current Monroe County Code if substantial improvement to the structures is planned. However, as stated in the letter of understanding dated July 28<sup>th</sup>, you are not proposing a change in the use of the property and therefore do not have to bring non-conformities into compliance per Section 9.5-145 and Section 9.5-146.

If you have any further questions do not hesitate to contact me at 289-2508.

Sincerely

Robert Will  
Monroe County Planning Department



STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**  
*"Dedicated to making Florida a better place to call home"*

JEB BUSH  
Governor

THADDEUS L. COHEN, AIA  
Secretary

July 30, 2004

Erik deBoer  
1109 Eaton Street  
Key West FL 33040

**Re: Permit No. 04-1-1820 (Commercial remodel & fence - Shepard)**

Dear Mr. deBoer:

The Department Field Office has received your request for a letter stating that the Department will not appeal the above permit. The Department will not appeal this building permit pursuant to Section 380.07, Florida Statutes. While the Department will not appeal this development order under its statutory authority, the development order is still subject to the local administrative appeal provisions.

This letter is not intended to constitute, and shall not be construed as constituting, a verification of compliance with the Comprehensive Plan and Land Development Regulations, and shall not be relied upon as a precedent or a waiver of rights regarding any other development order.

Sincerely,

  
Rebecca Jetton, Administrator  
Florida Keys Area of Critical State Concern

c: Monroe County Building Department

**2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100**

Phone: (850) 488-8466/Suncom 278-8466 FAX: (850) 921-0781/Suncom 291-0781

Internet address: <http://www.dca.state.fl.us>

**CRITICAL STATE CONCERN FIELD OFFICE**  
2796 Overseas Highway, Suite 212  
Marathon, FL 33050-2227  
(305) 289-2402

**COMMUNITY PLANNING**  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-2356

**EMERGENCY MANAGEMENT**  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 413-9969

**HOUSING & COMMUNITY DEVELOPMENT**  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(850) 488-7956

12/6/07

Monroe County Building Department

Dear Sirs:

Re: Property located at 157 Industrial Rd., Big Pine Key (RE Number 00110830-000303)

This letter is to confirm that on 2/9/06 my partners and I sold the above referenced property to Manley-deBoer Lumber Co. Limited Partnership. Please release all plans and permits for the property to them. Thank you for your help.

Best regards,



Brooks Thommes

Dec 6, 2007

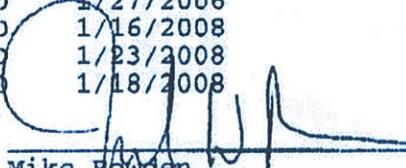
BPK



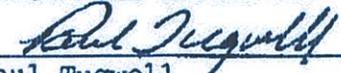
LETTER OF COMPLETION  
January 23, 2008

Permit No. 041-1820 for renovations of an existing warehouse & office; new signs & paving; and fencing located at 177 Industrial Road, Big Pine Key, Florida has been completed. The following inspections were required for this notice of completion:

INSPECTION TYPE	STATUS	DATE
FINAL BUILDING	PASSED	1/9/2008
FINAL ELECTRIC	PASSED	8/24/2004
FINAL PLUMBING	PASSED	1/27/2006
FIRE MARSHAL	PASSED	1/16/2008
FLOODPROOFING	PASSED	1/23/2008
FINAL PLANNING	PASSED	1/18/2008

  
Mike Bowden  
BUILDING INSPECTOR

WALTER JENKINS  
Walter Jenkins  
ELECTRICAL INSPECTOR

  
Paul Tugwell  
PLUMBING INSPECTOR

  
Joseph Paskalik  
BUILDING OFFICIAL

**MONROE COUNTY BUILDING DEPARTMENT  
BUILDING PERMIT**

*Renewal of permit  
revision "H" 12/11/07*

Date Applied: 04/21/2004 Prepared by: loweryb Date Issued: 07/22/2004 Permit No.: 04101820  
Permit Type: COMMERCIAL REMODEL

Section	Twshp.	Range	Re #	Resub 1	Resub 2	Mile Marker
25	66	29	0011083000	0303		029
Property Address					Land Use District	Reviewed by
25/66/29 BIG PINE KEY PT NW1/4 OF SW1/4					I P332	
Subdivision Name				Legal Address		
				25/66/29 BIG PINE KEY PT NW1/4		
Owner's Name / Address / Telephone			General Contractor			
MANLEY-DEBOER LUMBER COMPANY 1109 BATON ST KEY WEST FL 33040 3058722033			MANLEY-DEBOER INC 1109 BATON STREET KEY WEST, FL 33040 (305)294-2607 3853			
			Sub Contractor			
			SEE ATTACHED PAGE FOR SUBCONTRACTORS			
Construction	BFE	FFE	FLZ			
Approved Water Source			Flood Map Panel NO.	Flood Elevation Requirement		
			AE B			
# Units	Sq. Ft.	Valuation	Improvements			
COM	9000	0285000	COMMERCIAL			

**Schedule of Fees**

FEE DESCRIPTION	FEE AMT	AMT PAID	BALANCE DUE
EDUCATION FEE	24.00	24.00	0.00
ENVIRONMENTAL	80.00	80.00	0.00
FIRE MARSHAL	5,700.00	5,700.00	0.00
FLOODPLAIN REVIEW	40.00	40.00	0.00
INCOME FROM PERMITS	5,828.00	5,828.00	0.00
INCOME/PERMIT APPS	50.00	50.00	0.00
*** FEE TOTALS ***	11,722.00	11,722.00	0.00

177N INDUSTRIAL ROAD, BIG PINE KEY  
COMMERCIAL REMODEL  
\*\*\*\*\* NOTICE OF COMMENCEMENT REQUIRED \*\*\*\*\*  
PERMIT APPROVAL TO REMODEL 9000 S.F. OF EXISTING

\*\* MORE INFORMATION TO PRINT ADDITIONAL PAGE REQ'D

*[Handwritten signatures and initials]*

PLEASE READ THE REVERSE OF THIS DOCUMENT BEFORE YOU SIGN AS OWNER, CONTRACTOR OR AUTHORIZED AGENT.

SIGNATURE OF OWNER, CONTRACTOR OR AUTHORIZED AGENT

BY [Signature]  
BUILDING DEPARTMENT  
PERMITTEE

Permit #: 04101820

04/21/2004

Permit Type: COMMERCIAL REMODEL

Address: 25/66/29 BIG PINE KEY PT NW1/4 OF SW1/4

Owner: MANLEY-DEBOER LUMBER COMPANY

177N INDUSTRIAL ROAD, BIG PINE KEY

COMMERCIAL REMODEL

\*\*\*\*\* NOTICE OF COMMENCEMENT REQUIRED \*\*\*\*\*

PERMIT APPROVAL TO REMODEL 9000 S.F. OF EXISTING WAREHOUSE AND OFFICE (RE-SKIN).

RE-ROOF 9000 S.F. OF BUILDING.

INSTALL 100 L.F. CHAIN LINK FENCE 6' IN HEIGHT ON SIDES AND REAR OF BUILDING.

NO LAND CLEARING ALLOWED BY THIS PERMIT.

INSTALL NEW 72 S.F. SIGN.

PAVE 21,700 S.F. OF LOT.

PERMIT APPROVAL INCLUDES ELECTRICAL & MECHANICAL.

NO PLUMBING THIS PERMIT.

ALL DEBRIS TO BE REMOVED TO A LEGAL DUMPING SITE.

DEEMED DEVELOPMENT.

INSPECTIONS REQUIRED PER PERMIT CARD.

DCA DATE: 9/9/04

\*\*\*\*\*  
\*\*REVISION "A" 12-2-04

PERMIT APPROVAL TO PROVIDE AND INSTALL 4 HOSEBIBS ON SITE.

BARRY BARROSO FROM CERTIFIED LOWER KEYS PLUMBING SIGNING ONTO PERMIT AS THE PLUMBING CONTRACTOR

\*\*REVISION "A" ISSUE: 12-2-04

\*\*\*\*\*  
\*\* REVISION "B" 12/9/2004

342CY FILL FOR ASPHALT PAVING

SEE BIOLOGIST COMMENTS FOR ADDITIONAL CONDITIONS

INSPECTIONS REQUIRED

DEEMED NON-DEVELOPMENT

DCA 09/09/04

REVISION "B" ISSUED: 12/9/2004

\*\*\*\*\*  
REVISION "C" 12/30/2004

RELOCATE HANDICAP RAMP & HANDICAP PARKING PER

REVISION "C" PLANS.

ALL CONDITIONS OF ORIGINAL PERMIT APPLY.

SEE PLANNING REVIEW COMMENTS FOR ADDITIONAL

CONDITIONS TO REVIEW "C".

INSPECTIONS REQUIRED

DEEMED NON-DEVELOPMENT

DCA 09/09/04

REVISION "C" ISSUED 12/30/2004

\*\*\*\*\*  
REVISION 'D' MODIFY DOOR OPENINGS AS PER SEALED

PLANS IN FILE. DELETE (4) DOORS AND ADD (2)

PER PLANS.

NO OTHER WORK THIS PERMIT.

ORIGINAL CONDITIONS APPLY.

REVISION 'D' ISSUED: 02/23/05 (DP

\*\*\*\*\*  
REVISION "E" 5/25/05

ADD 36 CY OF FILL AT SWALE AS NOTED ON PLANS.

ALL CONDITIONS OF ORIGINAL PERMIT APPLY.

*12/11/07  
RW  
"H"*

INSPECTIONS REQUIRED.  
 NO OTHER WORK THIS PERMIT.  
 COST OF FILL: 1000.00  
 COST OF REVISION "E" FILL: 52.00  
 REVISION "E" ISSUED: 06/14/2005 MP

REVISION "F" 07/14/2005  
 REVISION APPROVAL TO RE-LOCATE SUB PANEL B, ADD  
 4 RECEPTACLES FEED FROM ABOVE, RE-LOCATE  
 6 CEILING LIGHTS AND DELETE 6 CEILING LIGHTS AS  
 PER PLANS IN FILE.

NO OTHER WORK ALLOWED ON THIS PERMIT.  
 ALL TRASH AND DEBRIS MUST BE REMOVED TO A LEGAL  
 DUMPSITE.

ALL CONDITIONS OF ORIGINAL PERMIT APPLY.  
 INSPECTIONS REQUIRED.

DEEMED NON-DEVELOPMENT.

DCA 09/09/2004

ESTIMATED TOTAL COST \$0.

COST OF REVISION 'F': \$254.00

REVISION "F" ISSUED: 08/24/2005 MP

\*\*\*\*\*

REVISION "G" 08/24/2005 MP

REVISION APPROVAL TO ADD ELECTRICAL OPERATIONS  
 TO (6) PREVIOUSLY PERMITTED ROLL-UP DOORS PER PLANS  
 IN FILE.

ESTIMATED COST OF REVISION "G": \$0

NO OTHER WORK ALLOWED ON THIS PERMIT.

ALL TRASH AND DEBRIS MUST BE REMOVED TO A LEGAL  
 DUMP SITE.

INSPECTIONS REQUIRED PER PERMIT CARD.

DEEMED NON-DEVELOPMENT

DCA: 09/09/04

REVISION "G" ISSUED: 9-1-05 ER

COST OF REVISION "G": \$302.00

\*\*REVISION "H" 12-11-07 ER\*\*

REVISION APPROVAL TO RENEW EXPIRED PERMIT FOR  
 INSPECTIONS PURPOSES AND CERIFICATE OF COMPLETION.

NO OTHER WORK ALLOWED ON THIS REVISION.

ALL CONDITIONS OF ORIGINAL PERMIT APPLY.

ESTIMATED TOTAL COST OF REVISION "H" IS \$0.

COST OF REVISION "H" IS \$107.

\*\*REVISION "H" ISSUED: 12-11-07 ER\*\*

ID	SUBCONTRACTORS BUSINESS NAME	STATE/COUNTY CERT #
05626	M.E.E., INC	EC 476

PLAN REVIEWS COMPLETED

MAR-BLDG	04/21/2004 allenj	L ** NO NOTES FOR THIS REVIEW **
PLAN	04/26/2004 lexs	P Planning Department approval to enclose an existing pole barn. Original approval authorized storage only under Permit A15312. (Copy in file) Change of use from storage to retail lumber was

existing on the effective date of this code. All improvements are to be made as authorized in Letter of Understanding & are compliance. Access to the office and parking has been improved to current ADA standards. Original permit required that the Natural landscaping on site was to remain under original approval. No landscaping on site currently. Parking requirements for 9000 sf lt. ind are 18 spaces. Applicant is proposing the use to be a drive through service. Sufficient area for parking exists around perimeter of property. Planning approval of sign 6 x 12 for a total of 72 sf on front of building 60 linear feet in length. No change in intensity, lumber retail use approved.

FEMA 05/12/2004 allenj P FLOODPROOF WAREHOUSE TO OR ABOVE 8' MSL. THE REQUIREMENTS PRIOR TO FINAL INSPECTION OR CO ARE:

1. FLOODPROOFING CERTIFICATE MUST BE SUBMITTED BY ENGINEER OF RECORD
2. FLOOD EMERGENCY OPERATION PLAN MUST BE PROVIDED INDICATING LOCATION OF PANELS, POSITION RESPONSIBLE FOR INSTALLATION.
3. INSPECTION BY COUNTY WITH PANELS IN PLACE AND VERIFYING LOCATION OF STORAGE.

MECH 05/18/2004 tugwellp P \*\* NO NOTES FOR THIS REVIEW \*\*

BIO 06/07/2004 trivetttd F BIO failed on 06/07/04 by AOT, Plan needs F&W letter. Brooks TRhommes notified.

S.I.-BLDG. 07/19/2004 loweryb L \*\* NO NOTES FOR THIS REVIEW \*\*

S.I.-BLDG. 07/21/2004 vanyop L \*\* NO NOTES FOR THIS REVIEW \*\*

MECH 07/21/2004 tugwellp N \*\* NO NOTES FOR THIS REVIEW \*\*

MAR-BLDG 07/22/2004 allenj L \*\* NO NOTES FOR THIS REVIEW \*\*

MAR-BLDG 12/02/2004 mayano L REVISION "A"

ABO 12/03/2004 allenj P \*\* NO NOTES FOR THIS REVIEW \*\*

ABO 12/06/2004 petersd L REVISION "A"

BIO 05/25/2005 trivetttd A BIO approval on 07/14/04 by AOT for new paving, fencing, new signs, renovations to warehouse.

- (1) Fill limited to 342 cu yds for slope to swale areas.
- (2) No land clear this permit.
- (3) Stormwater to be retained on site per swales on plan.
- (4) Open space of 20% must be maintained
- (5) Per conversation on 07/13/04 with Winston Hobgood of F&W a F&W letter is not required.
- (6) 2 native canopy street trees at least 8' in height are required on site.

MAR-BLDG 05/25/2005 williamc L REVISION "E" FILL  
 BIO 06/06/2005 vaserisj A BIO APPROVED 06/06/05 BY JV FOR; REV"E"  
 36 CU YDS FILL.

1) PERMIT ALLOWS 36 CU YDS OF FILL FOR SWALE MAINTENANCE.

2) NO LAND CLEAR THIS PERMIT.

3) STORMWATER TO BE RETAINED ON SITE PER EXISTING SWALE AREAS.

S.I.-BLDG. 06/08/2005 ramireze L Revision A  
 S.I.-BLDG. 06/09/2005 ramireze L revision "e" issued. Odalys Mayan  
 MAR-BLDG 07/14/2005 williamc L revision "e"  
 PLAN 07/15/2005 lexs P Revision C - Planning approval of revision to the handicap parking and ramp. All work as proposed in compliance with ADA code. The new ramp and parking will not affect the driveway aisle which will be greater than 24 feet. Ramp and parking existed in the setbacks and relocating will bring it into further compliance.

PLAN 08/11/2005 lexs P Planning approval of Revision F as per Plans in file.

EXAM 08/11/2005 kostich P \*\* NO NOTES FOR THIS REVIEW \*\*  
 FIRE 08/19/2005 allenj P Fire Marshall Approval subject to: Florida Building & Fire Prevention Codes N.F.P.A.1 Life Safety Code '101' and Monroe County & State Codes by AR on 04-07-04 with the following conditions:  
 1) S/D & fire extinguishers required;  
 2) Emergency lighting required;  
 3) Feasibility letter from FKA on fire hydrant. If hydrant not-feasible, a fire well shall be rfequired; and,  
 4) Final fire inspection prior to C.O.

FIRE 08/19/2005 kostich \*\* NO NOTES FOR THIS REVIEW \*\*  
 ELECT 08/19/2005 jenkinsw P \*\* NO NOTES FOR THIS REVIEW \*\*  
 ABO 08/22/2005 petersd P REVISION 'E' 06/08/05  
 PASSED PER JP  
 FINAL TO DAWN

ABO 08/22/2005 petersd P REVISION "F" PASSED PER WALTER CW  
 FINAL TO DAWN 8/22/05

S.I.-BLDG. 08/23/2005 partingm L \*\* NO NOTES FOR THIS REVIEW \*\*  
 S.I.-BLDG. 08/24/2005 partingm L Revision "F" issued 08/24/05 mp  
 EXAM 08/24/2005 kostich P \*\* NO NOTES FOR THIS REVIEW \*\*  
 MAR-BLDG 08/24/2005 williamc L REVISION "F"  
 MAR-BLDG 08/25/2005 williamc L REVISION "F"  
 ELECT 08/29/2005 williamc P PASSED PER WALTER 8/22/05  
 REVISION "F" CW

ABO 08/30/2005 petersd P passed per walter 08/29/05 rev 'g'  
 S.I.-BLDG. 08/30/2005 partingm L Revision "G"  
 S.I.-BLDG. 08/31/2005 ramireze L Revision "G"  
 MAR-BLDG 09/01/2005 williamc L REVISION "G"  
 MAR-BLDG 12/11/2007 williamc L \*\* NO NOTES FOR THIS REVIEW \*\*  
 S.I.-BLDG. 12/11/2007 ramireze L revision "h"

INSPECTIONS REQUIRED

MONROE COUNTY \*\*\*LIVE\*\*\*

Item 1 of 1

PERMIT RECEIPT

OPERATOR: ramireze  
COPY # : 1

Sec:25 Twp:66 Rng:29 Sub: Blk: Lot:  
RE: .....: 00110830000303

DATE ISSUED.....: 12/11/2007  
RECEIPT #.....: 107153  
REFERENCE ID # ...: 04101820

SITE ADDRESS .....: 25/66/29 BIG PINE KEY PT NW1/4  
SUBDIVISION .....:  
CITY .....:  
IMPACT AREA .....:

OWNER .....: MANLEY-DEBOER LUMBER COMPANY  
ADDRESS .....: 1109 EATON ST  
CITY/STATE/ZIP ...: KEY WEST, FL 33040

*Rev  
H*

RECEIVED FROM .....: MANLEY DEBOER INC  
CONTRACTOR .....: DEBOER, ERIK LIC # 03853  
COMPANY .....: MANLEY-DEBOER INC  
ADDRESS .....: 1109 EATON STREET  
CITY/STATE/ZIP ...: KEY WEST, FL 33040  
TELEPHONE .....: (305)294-2607

FEE ID	UNIT	QUANTITY	AMOUNT	PD-TO-DT	THIS REC	NEW BAL
B- C PLAN	FLAT RATE	1.00	150.00	150.00	0.00	0.00
B- F	FLAT RATE	2.00	50.00	50.00	0.00	0.00
B- 0 EDUC	FLAT RATE	6.00	10.00	8.00	2.00	0.00
B- 01 EDUC	FLAT RATE	1.00	2.00	2.00	0.00	0.00
B- 1C APPL	FLAT RATE	1.00	50.00	50.00	0.00	0.00
B- 3 BLDG	SQ FT	9,000.00	2200.00	2200.00	0.00	0.00
B- 7 FLATW	SQUARE FOOTAG	21,700.00	550.00	550.00	0.00	0.00
B- 8 FENCE	UNITS	872.00	225.00	225.00	0.00	0.00
B- REVIS-C	FLAT RATE	1.00	50.00	50.00	0.00	0.00
B- REVIS-D	FLAT RATE	1.00	100.00	100.00	0.00	0.00
B- REVIS-E	UNITS	1.00	50.00	50.00	0.00	0.00
B- REVIS-F	UNITS	1.00	50.00	50.00	0.00	0.00
B- REVIS-H	UNITS	1.00	50.00	0.00	50.00	0.00
B-21A FILL	CUBIC YARDS	36.00	60.00	60.00	0.00	0.00
B-21B FILL	FLAT RATE	1.00	80.00	80.00	0.00	0.00
B-27A SIGN	SQUARE FEET	72.00	60.00	60.00	0.00	0.00
E- 0 EDUC	FLAT RATE	3.00	6.00	6.00	0.00	0.00
E- 3A OUT	SQUARE FEET	9,247.00	930.00	930.00	0.00	0.00
E- 4A SERV	TEMP SERVICES	1.00	50.00	50.00	0.00	0.00
E- 4B SERV	SERVICES	1.00	50.00	50.00	0.00	0.00
E- 4J SUB	SERVICES	2.00	100.00	100.00	0.00	0.00
E- 5A MOTO	MOTORS	6.00	300.00	300.00	0.00	0.00
E- 9B A/C	SYSTEMS	1.00	50.00	50.00	0.00	0.00
E- REVIS-F	UNITS	1.00	200.00	200.00	0.00	0.00

FM FEE (COM UNITS	1.00	5700.00	5700.00	0.00	0.00
LDR FEMA FLAT RATE	1.00	40.00	40.00	0.00	0.00
M- 0 EDUC FLAT RATE	1.00	2.00	0.00	2.00	0.00
M- REVIS-H UNITS	1.00	50.00	0.00	50.00	0.00

MONROE COUNTY \*\*\*LIVE\*\*\*

Item 1 of 1

PERMIT RECEIPT

OPERATOR: ramireze  
COPY # : 1

Sec:25 Twp:66 Rng:29 Sub: Blk: Lot:  
RE: .....: 00110830000303

DATE ISSUED.....: 12/11/2007  
RECEIPT #.....: 107153  
REFERENCE ID # ...: 04101820

SITE ADDRESS .....: 25/66/29 BIG PINE KEY PT NW1/4  
SUBDIVISION .....:  
CITY .....:  
IMPACT AREA .....:

OWNER .....: MANLEY-DEBOER LUMBER COMPANY  
ADDRESS .....: 1109 EATON ST  
CITY/STATE/ZIP ...: KEY WEST, FL 33040

RECEIVED FROM ....: MANLEY DEBOER INC  
CONTRACTOR .....: DEBOER, ERIK LIC # 03853  
COMPANY .....: MANLEY-DEBOER INC  
ADDRESS .....: 1109 EATON STREET  
CITY/STATE/ZIP ...: KEY WEST, FL 33040  
TELEPHONE .....: (305)294-2607

FEE ID	UNIT	QUANTITY	AMOUNT	PD-TO-DT	THIS REC	NEW BAL
P- 0 EDUC	FLAT RATE	1.00	2.00	2.00	0.00	0.00
P- REVIS-A	FLAT RATE	1.00	50.00	50.00	0.00	0.00
R- 0 EDUC	FLAT RATE	1.00	2.00	2.00	0.00	0.00
R- 9A ROOF	SQUARE FEET	9,000.00	450.00	450.00	0.00	0.00
T- 1	FLAT RATE	1.00	3.00	0.00	3.00	0.00
TOTAL PERMIT :			507.00	504.00	3.00	0.00

\*NOTE\*: THIS RECEIPT HAS FEE CREDITS TOTALING: 52.00

METHOD OF PAYMENT	AMOUNT	NUMBER
CHECK	107.00	017575
TOTAL RECEIPT :	107.00	

VOICE ID	DESCRIPTION	VOICE ID	DESCRIPTION
=====	=====	=====	=====

MONROE COUNTY \*\*\*LIVE\*\*\*

Item 1 of 1

PERMIT RECEIPT

OPERATOR: vanyop  
COPY # : 1

Sec:25 Twp:66 Rng:29 Sub: Blk: Lot:  
RE: .....: 00110830000303

DATE ISSUED.....: 07/22/2004  
RECEIPT #.....: 61791  
REFERENCE ID # ...: 04101820

SITE ADDRESS .....: 25/66/29 BIG PINE KEY PT NW1/4  
SUBDIVISION .....:  
CITY .....:  
IMPACT AREA .....:

OWNER .....: SHEPHARD DAVID S & THOMMES  
ADDRESS .....: P O BOX 430141  
CITY/STATE/ZIP ...: BIG PINE KEY, FL 33043

RECEIVED FROM .....: ERIC DEBOER  
CONTRACTOR .....: DEBOER, ERIK LIC # 03853  
COMPANY .....: MANLEY-DEBOER INC  
ADDRESS .....: 1109 EATON STREET  
CITY/STATE/ZIP ...: KEY WEST, FL 33040  
TELEPHONE .....: (305)294-2607

FEE ID	UNIT	QUANTITY	AMOUNT	PD-TO-DT	THIS REC	NEW BAL
B- C PLAN	FLAT RATE	1.00	150.00	0.00	150.00	0.00
B- 0 EDUC	FLAT RATE	1.00	0.00	0.00	0.00	0.00
B- 01 EDUC	FLAT RATE	1.00	2.00	2.00	0.00	0.00
B- 1C APPL	FLAT RATE	1.00	50.00	50.00	0.00	0.00
B- 3 BLDG	SQ FT	9,000.00	2200.00	0.00	2200.00	0.00
B- 7 FLATW	SQUARE FOOTAG	21,700.00	550.00	0.00	550.00	0.00
B- 8 FENCE	UNITS	872.00	225.00	0.00	225.00	0.00
B-27A SIGN	SQUARE FEET	72.00	60.00	0.00	60.00	0.00
E- 0 EDUC	FLAT RATE	1.00	2.00	0.00	2.00	0.00
E- 3A OUT	SQUARE FEET	9,247.00	930.00	0.00	930.00	0.00
E- 4A SERV	TEMP SERVICES	1.00	50.00	0.00	50.00	0.00
E- 4B SERV	SERVICES	1.00	50.00	0.00	50.00	0.00
E- 4J SUB	SERVICES	2.00	100.00	0.00	100.00	0.00
E- 9B A/C	SYSTEMS	1.00	50.00	0.00	50.00	0.00
FM FEE (COM	FLAT RATE	1.00	5700.00	0.00	5700.00	0.00
LDR FEMA	FLAT RATE	1.00	40.00	0.00	40.00	0.00
R- 0 EDUC	FLAT RATE	1.00	2.00	0.00	2.00	0.00
R- 9A ROOF	SQUARE FEET	9,000.00	450.00	0.00	450.00	0.00
TOTAL PERMIT :			10611.00	52.00	10559.00	0.00

\*NOTE\*: THIS RECEIPT HAS FEE CREDITS TOTALING: 52.00

METHOD OF PAYMENT                      AMOUNT                      NUMBER

CHECK  
CASH

-----  
10500.59  
58.41  
=====

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18186 FSB  
-----

MONROE COUNTY \*\*\*LIVE\*\*\*

Item 1 of 1

PERMIT RECEIPT

OPERATOR: vanyop  
COPY # : 1

Sec:25 Twp:66 Rng:29 Sub: Blk: Lot:  
RE: .....: 00110830000303

DATE ISSUED.....: 07/22/2004  
RECEIPT #.....: 61791  
REFERENCE ID # ...: 04101820

SITE ADDRESS .....: 25/66/29 BIG PINE KEY PT NW1/4  
SUBDIVISION .....:  
CITY .....:  
IMPACT AREA .....

OWNER .....: SHEPHARD DAVID S & THOMMES  
ADDRESS .....: P O BOX 430141  
CITY/STATE/ZIP ...: BIG PINE KEY, FL 33043

RECEIVED FROM ....: ERIC DEBOER  
CONTRACTOR .....: DEBOER, ERIK LIC # 03853  
COMPANY .....: MANLEY-DEBOER INC  
ADDRESS .....: 1109 EATON STREET  
CITY/STATE/ZIP ...: KEY WEST, FL 33040  
TELEPHONE .....: (305)294-2607

FEE ID	UNIT	QUANTITY	AMOUNT	PD-TO-DT	THIS REC	NEW BAL
TOTAL RECEIPT :		10559.00				

# Property Survey



# Vegetative Conditions Report

# **EXISTING CONDITIONS REPORT**

*of*

**Two Lot Parcel – 177 Industrial Rd., Big Pine Key  
Parcel #s 00110830-000303 & 00110830-000107  
Monroe County, Florida  
Sec 25, Twn 66, Rge 29**

*for*

**Spottswood, Spottswood, Spottswood and Sterling  
Attn: Donald L. Craig, AICP – Land Use Director  
Key West, Florida**

**April 16, 2017**



**Conducted by:** Harry A. DeLashmutt, Biosurveys, Inc.  
794 26<sup>th</sup> Street  
Marathon, Florida 33050  
Phone – (305) 942-9221  
Email – hdelashmutt@comcast.net

## **Existing Vegetative Conditions**

### **Property Description / Introduction:**

The two tracts or platted lots are contiguous to one another and are currently used to support the Manley-DeBoer Lumberyard in an industrial area of Big Pine Key. The tract that fronts on Industrial Road (parcel # -000303) contains a large storage building and distribution office with several small storage sheds or racks along the sides. The area of this tract is 64,635 sf or 1.48 acres in size. The rear or east end of the tract connects to a long north-south oriented tract 100 feet wide by 647+/- feet long (parcel # -000107). This tract is mostly scarified and empty but with small side sheds and miscellaneous open storage. Concrete pads are present from past storage use. The southern end extends into a scrub mangrove wetland. It is evident that the use at this end was for bulk piled sand or gravel with concrete containment berms – four feet in height (see aerial photo attached). Both tracts of land have no significant vegetative habitat except the disturbed wetlands and mangroves at the far south end of parcel -000107. The elevation at that end drops to a point where it's low enough to wick subterranean moisture into the soils making them hydric and supportive of ground cover wetland indicator plants.

The front rights-of-way on Industrial Road contain native palms and understory trees that were planted as landscaping. Palms are the endangered Silver Palm and the Florida Thatch Palms. Saint Augustine grass is found as ground cover in this area and also planted on stormwater retention features in side setbacks of the -000303 parcel (see photos attached).

The two subject tracts are being considered for a use change and require this habitat assessment for development planning and site design. Monroe County GIS habitat overlay mapping identifies the uplands as “Developed Land” with the lower elevation one-third of the -000107 as “Saltmarsh” & “Mangrove” habitat. The Tier designation overlay map has parcel -000303 as Tier 3 and the parcel -000107 as Tier 1. The major use areas of both tracts can be properly classified as “Disturbed Land – 740.0” (Uplands) with the southerly one third of tract -000107 as “Disturbed with Salt Marsh – 740.3 and a small section beyond the use berm as “Scrub Mangrove - 620.0” vegetative habitat.

There are saltmarsh and mangrove wetlands found on the lower areas of parcel -000107. The Monroe County Protected Animal Species maps & the US Fish & Wildlife protected species mapping has focus layers showing potentially suitable habitat area for the Lower Keys Marsh Rabbit, Key Deer, Eastern Indigo Snake, Silver Rice Rat, Keys Tree Cactus, and the Schaus's Swallowtail Butterfly. A careful assessment of the tracts found no suitable critical habitat for any of these species except the Key Deer which is common to the area. This assessment particularly emphasized the identification of any such habitat and / or direct observation of these protected species. No suitable habitat or sign of species were found during this assessment.

### **Methods:**

The assessment is to establish the vegetative habitat type within the boundaries of the total parcel through the identification and quantification of combined plant species, soil types, elevation, and hydrology. All regulated and listed plants found on the parcel are to be identified by species, measured, marked, and mapped for any planned development so that there is no net loss of natural biomass. The tract or parcel was inspected for vegetation known as “regulated” and “listed” or

protected. All identification and field inventory of plants on this property referenced the publications - *Notes on Florida's Endangered and Threatened Plants* by Florida Department of Agriculture; *Native Trees and Shrubs of the Florida Keys* by Paul Scurlock; *Trees of Everglades National Park and the Florida Keys* by George Stevenson; and *Identification & Biology of Non-Native Plants in Florida's Natural Areas* by Langeland & Burks.



Habitat Classes Delineated on the Two Tracts – Aerial Photo from Google Earth 2013  
(Refer to Property Description Section Above for Habitat Code Description)

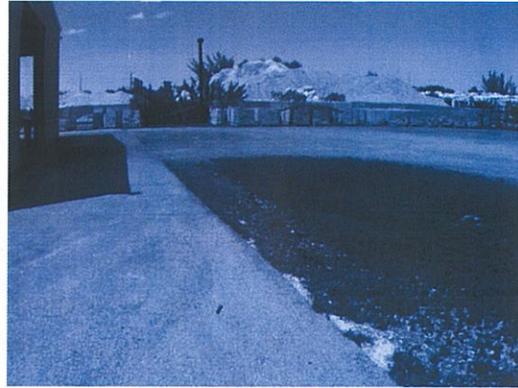
### **Vegetative Analysis of Property**

The two subject tracts of land are highly disturbed from development and storage activity as a lumberyard complex. There are no regulated trees or listed plants found on the properties. Native plants are rare for both tracts with the exception of the salt marsh habitat found on the lower or southerly one third of parcel -000107. In this wetland area the dominant plant species on the lower areas is Seashore Saltgrass (*Distichlis spicata*) with Seashore Dropseed (*Sporobolus virginicus* and Saltmeadow Cordgrass (*Spartina patens*) mixed as ground cover. Near the end of the tract is a berm or mound of earth that separates disturbed saltmarsh and scattered scrub mangroves. This habitat matches the surrounding saltmarsh areas which indicate no historical fill or scraping has occurred in the remaining tract area. There are no large trees or shrubs on the tract. Woody plant species are small Buttonwood and mangroves. The hydric soil plant indicators are abundant and are supported by wicking moisture in the soils along with standing surface water. Evidence of





Large Warehouse Bldg, & Fill Pad South Side-000303



Rear of Warehouse & N End of Tract 000107



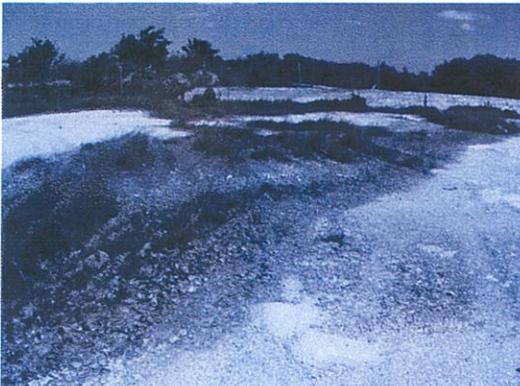
View to South - Tract 000107 Last Conc. Pad to Left



Typical Wetland Grasses Along Sides of Berms

**Protected or Imperiled Species:**

Due to the absence of understory and suitable forage there is no suitable habitat for the Schaus's Butterfly. There are no Tree Cacti found on or near the site and no suitable critical habitat found for the Marsh Rabbit or Silver Rice Rat. The Eastern Indigo snake prefers heavy ground cover habitat and the presence of prey species. Transiting Key Deer may forage temporarily in the marsh area but no long term cover habitat prevails on these scarified tracts. Human activity level is high and further disturbs the site for suitable wildlife forage. No signs of the listed species were noted.



Center Area of Storage Berms - South End 000107



Surrounding Saltmarsh Habitat to South End - Berm in Foregd.

**Plant Codes for This Vegetative Species List are:**

Protected (P); Invasive Exotic (IEX); Exotic (EX); Native plant codes are (N) followed by their status or value as a wetland indicator. FAC – Facultative; FACW – Facultative Wet; and OBL – Obligate. These three types of vegetation status form the basis of a unified statewide methodology for the delineation of wetlands to satisfy the mandate of Section 373.421 Florida Statutes and codified in 62.340, Florida Administrative Code – “Delineation of the Landward Extent of Wetlands and Surface Waters”.

**Vegetative Species List**

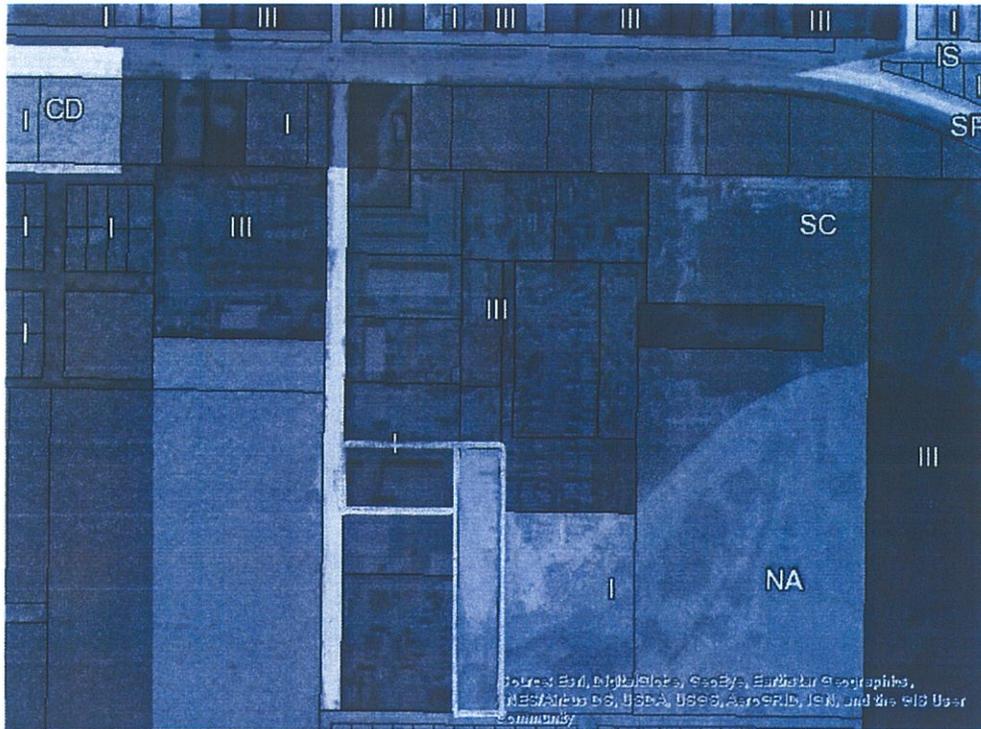
<b><u>Common Name</u></b>	<b><u>Scientific Name</u></b>	<b><u>Status</u></b>	<b><u>Notes</u></b>
Black Mangrove	<i>Avicennia germinans</i>	P	OBL
Green Buttonwood	<i>Conocarpus erectus</i>	N -	FACW
Glasswort	<i>Salicornia bigelovii</i>	OBL	
Heleiotrope	<i>Heliotropium polyphyllum</i>	FAC	
Hurricane Grass	<i>Fimbristylis spathacea</i>	FACW	
Marsh Aster	<i>Aster sabulatus</i>	OBL	
Red Mangrove	<i>Rhizophora mangle</i>	P	OBL
Saltmarsh Cordgrass	<i>Spartina patens</i>	FACW	
Saltwort	<i>Batis maritima</i>	OBL	
Samphire	<i>Bhutaparon vermiculare</i>	OBL	
Sea Daisy	<i>Borrchia frutescens</i>	OBL	
Sea Oxeye	<i>Borrchia arborescens</i>	OBL	
Sea Purslane	<i>Sesuvium portulacastrum</i>	FACW	
Seashore Saltgrass	<i>Distichlis spicata</i>	OBL	
Seashore Rush Grass	<i>Sporobolus virginicus</i>	OBL	
Small Fruited Beak Rush	<i>Rhynchospora microcarpa</i>	OBL	
Spike Rush	<i>Fimbristylis cymosa</i>	OBL	
White Mangrove	<i>Laguncularia racemosa</i>	P	OBL

**Invasive Exotic Plants:**

Brazilian Pepper	<i>Schinus terebinthifolius</i>	IEX Class I
St. Augustine Grass	<i>Stenotaphrum secundatum</i>	IEX Class III

**Note:**

The above inventory is primarily that of the vegetation found in the south 1/3 of Tract -000107. The upland area of this tract and -000303 is scarified of native woody vegetation and only light native ground cover grasses are present along with exotic grass that is kept mowed and groomed on sides and in the front office area of the existing lumberyard. Invasive exotic issues are insignificant and only small seedlings are found on the fence lines – intruding from adjacent properties. Jurisdictional wetlands extend to a line well below the last concrete pad based on hydric soils and indicator plants. Agencies permitting wetland development should be contacted for any determination prior to any use planning for the lower elevations of the eastern tract or -000107.



Monroe County GIS Mapping of Tracts – Tier Designation of Land Overlay

Note – Purple is Tier 3; Green Tier 1

(Recommended: That the Tier designation be amended to Tier 3 for the north 2/3 of Tract -000107)

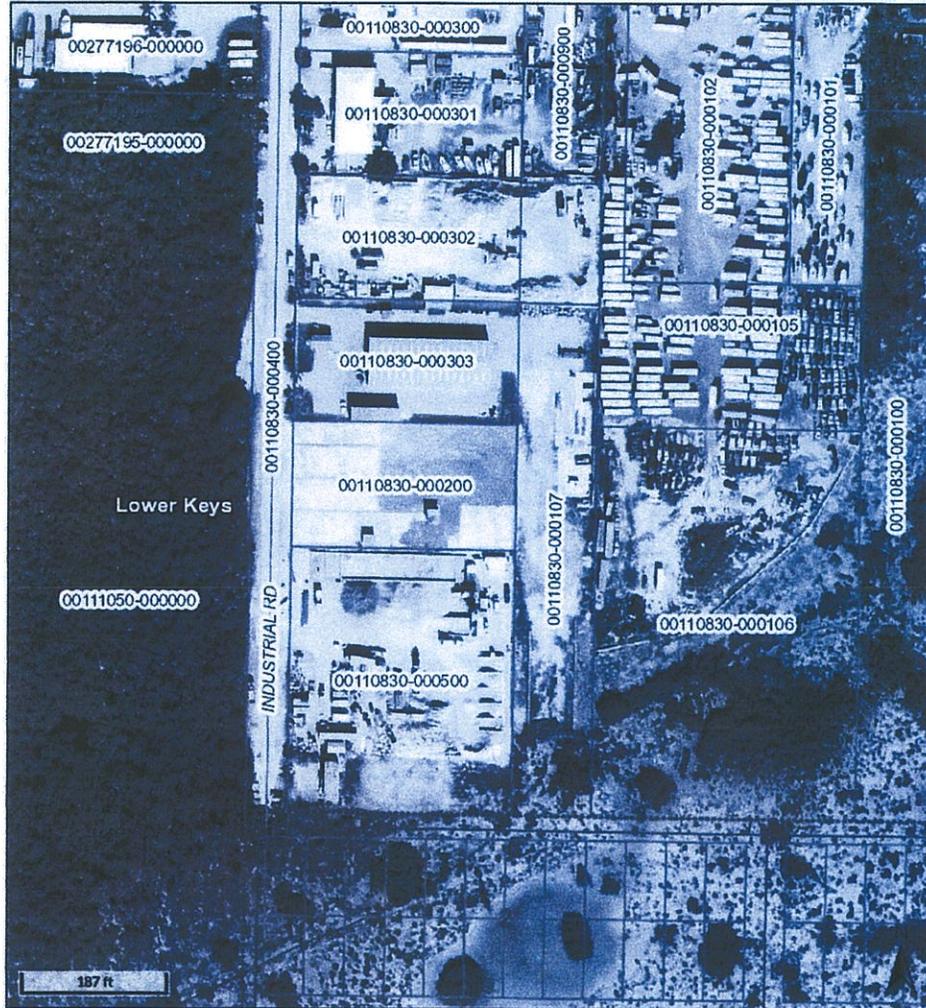
**Contacts:**

Please contact Harry DeLashmutt at (305) 942-9221 for any further analysis, recommendations or questions concerning this existing conditions site assessment and vegetative inventory. Contact the Monroe County biologist for specific requirements or permits necessary for any action dealing with the removal or disturbance of vegetation on this site.

Biological assessment report conducted by Harry DeLashmutt

Consulting Biologist April 16, 2017

Land data – Monroe County Land Appraiser’s Office is Appendix to this report – Next Page



**Overview**



**Legend**

-  Major Roads
-  Centerline
-  Hooks
-  Road Center
-  Rights of Way
-  Condo Building
-  Conservation Easement
-  Key Names
-  Subdivisions
-  Parcels

Date created: 4/6/2017  
 Last Data Uploaded: 4/6/2017 1:57:32 AM

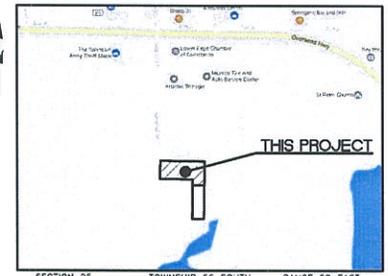
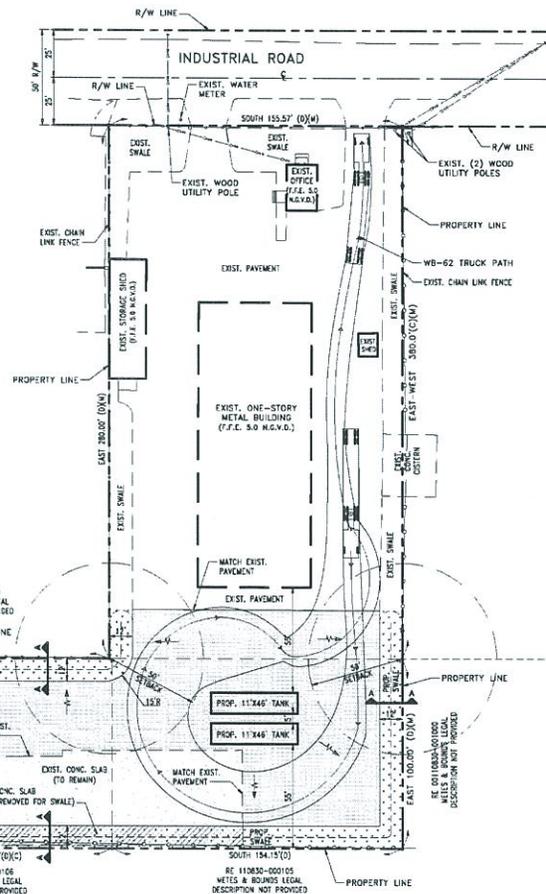
 Developed by  
 The Schneider Corporation

# Site Plan/Surface Water Management Plan

SITE DATA TABLE		
ZONING DISTRICT: INDUSTRIAL (I)		
FLUM DESIGNATION: INDUSTRIAL (I)		
TIER OVERLAY DIST.: TIER I		
FLOOD ZONE: "AC-B" (N.G.V.D.)		
USE: LUMBERYARD/WAREHOUSE		
<b>BUILDING SETBACKS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
FRONT SETBACK	25'	EXISTING
SIDE SETBACK	10'	EXISTING
REAR SETBACK	25'	EXISTING
<b>STORAGE TANK SETBACKS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
FRONT/SIDE/REAR SETBACK	50'	50'
<b>OPEN SPACE</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
	20% (MIN.)	EXISTING
	<b>SQ. FT.</b>	<b>ACRES (% OF TOTAL)</b>
PROJECT SITE AREA	108,315 SF	2.48 (100%)
WETLAND AREA	N/A	N/A
EXISTING BUILDING AREA	9,378 SF	0.21 (9%)
EXISTING IMPERVIOUS/PAVED AREA	87,589 SF	1.55 (62%)
EXISTING PERVIOUS AREA	40,726 SF	0.93 (38%)
PROPOSED BUILDING AREA	0 SF	0.00 (0%)
PROPOSED IMPERVIOUS/PAVED AREA	83,995 SF	1.93 (77%)
PROPOSED PERVIOUS AREA	24,320 SF	0.56 (23%)

### GENERAL NOTES

- ELEVATIONS SHOWN REFER TO THE NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D.) OF 1929.
- HORIZONTAL AND VERTICAL CONTROL SHALL BE PROVIDED BY THE OWNER'S SURVEYOR. LAYOUT IS THE RESPONSIBILITY OF THE CONTRACTOR.
- IT IS THE INTENT OF THESE DRAWINGS TO BE IN ACCORDANCE WITH APPLICABLE CODES AND AUTHORITIES HAVING JURISDICTION. ANY DISCREPANCIES BETWEEN THESE DRAWINGS AND APPLICABLE CODES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ENGINEER.
- EXISTING UTILITIES SHOWN ARE BASED ON INFORMATION SUPPLIED BY OTHERS. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO MEET WITH ALL APPLICABLE UTILITY COMPANIES TO VERIFY ALL UNDERGROUND FACILITIES PRIOR TO THE START OF CONSTRUCTION. ALL TRENCH EXCAVATION SHALL PROCEED WITH EXTREME CAUTION AT ALL TIMES. IN THE EVENT THAT EXISTING UTILITIES ARE DAMAGED, IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO REPAIR OR REPLACE ALL SUCH DAMAGE.
- EXISTING GRADES WERE TAKEN FROM THE BEST AVAILABLE DATA AND MAY NOT ACCURATELY REFLECT PRESENT CONDITIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING HIMSELF WITH CURRENT SITE CONDITIONS, AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO STARTING WORK.
- BOUNDARY AND TOPOGRAPHIC DATA BASED UPON SURVEY PREPARED BY REECE & ASSOCIATES, 8 G PINE KEY, FLORIDA, DATED 12/16/16.
- ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY NO. 125129, MAP NO. 12087C-1334K, MAP DATES 02-18-08 AND REVISED EFFECTIVE DATE, 08-04-16, THE HEREON DESCRIBED PROPERTY APPEARS TO BE IN FLOOD ZONE AE - BASE ELEVATION: 8' N.G.V.D., 29 DATUM.



### LOCATION MAP

N.T.S.  
REF: 00110830-000303/000107

### LEGAL DESCRIPTION

D.R. BOOK 2195, PAGE 2  
A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 66 SOUTH, RANGE 29 EAST, ON BIG PINE KEY, MONROE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, BEAR EAST, 50 FEET; THENCE SOUTH 872.43 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN INTENDED TO BE DESCRIBED; FROM SAID POINT OF BEGINNING CONTINUE SOUTH 155.27 FEET; THENCE BEAR EAST 280 FEET; THENCE BEAR NORTH 155.27 FEET; THENCE BEAR WEST 280 FEET; BACK TO THE POINT OF BEGINNING, CONTAINING 1.00 ACRES OF LAND.

D.R. BOOK 2195, PAGE 2425  
PARCELS B  
A TRACT OF LAND IN A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 66 SOUTH, RANGE 29 EAST, ON BIG PINE KEY, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:  
COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 66 SOUTH, RANGE 29 EAST, BEAR EAST FOR A DISTANCE OF 350 FEET; THENCE BEAR SOUTH FOR A DISTANCE OF 872.43 FEET; TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED;  
FROM SAID POINT OF BEGINNING, BEAR EAST, FOR A DISTANCE OF 100.00 FEET; THENCE BEAR SOUTH, FOR A DISTANCE OF 154.15 FEET; THENCE BEAR WEST, FOR A DISTANCE OF 100.00 FEET; THENCE BEAR NORTH, FOR A DISTANCE OF 154.15 FEET BACK TO THE POINT OF BEGINNING.

AND  
A TRACT OF LAND IN A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 66 SOUTH, RANGE 29 EAST, ON BIG PINE KEY, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:  
COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 66 SOUTH, RANGE 29 EAST, ON BIG PINE KEY, THENCE BEAR SOUTH 826.58 FEET TO THE POINT OF BEGINNING OF THE LAND HEREINAFTER DESCRIBED;  
FROM SAID POINT OF BEGINNING, CONTINUE SOUTH 493.42 FEET; THENCE BEAR EAST 100.00 FEET; THENCE BEAR NORTH 493.42 FEET; THENCE BEAR WEST 100 FEET, BACK TO THE POINT OF BEGINNING.

### SECTION A-A

N.T.S.

### SITE PLAN

SCALE: 1" = 30'

### LEGEND

- NEW ASPHALTIC PAVEMENT
- NEW SCODDED SWALE
- EXIST. CONCRETE

DRAWN BY: P.J.F.  
CHECKED BY: J.R.G.  
APPROVED BY: J.R.G.  
DATE: 2-09-17  
PROJECT NO.: 10084

**COMO OIL COMPANY OF FLORIDA, INC.**  
3686 S.W. MARTIN HIGHWAY  
PALM CITY, FLORIDA 34990



**CONSULTING ENGINEERING & SCIENCE, INC.**  
10700 N. KENDALL DRIVE SUITE 400  
MIAMI, FLORIDA 33176 (305) 378-5656  
EB-0003266

FOR THE FIRM  
PRINTED OUTLINE  
PL-2484 (04/14)

**SITE PLAN AND NOTES**  
BULK TRANSFER FACILITY  
T77 INDUSTRIAL ROAD  
BIG PINE KEY, FLORIDA 33043

PRELIMINARY - NOT FOR CONSTRUCTION

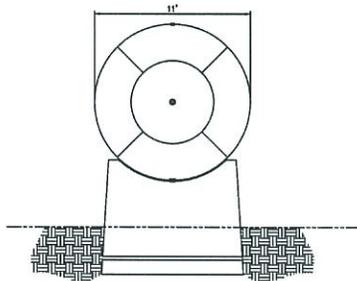
SCALE: AS SHOWN

C-1

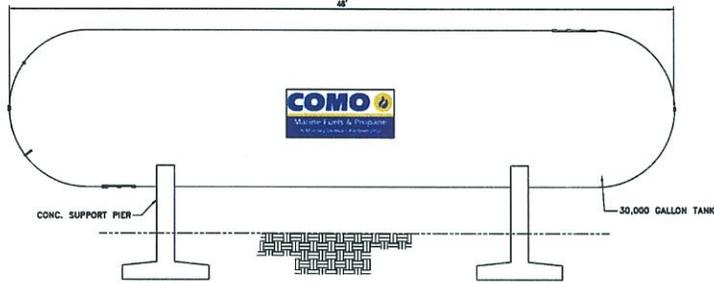
NO.	DATE	REVISION	SH. NO. 1 OF 1

Landscape/Buffer Plan

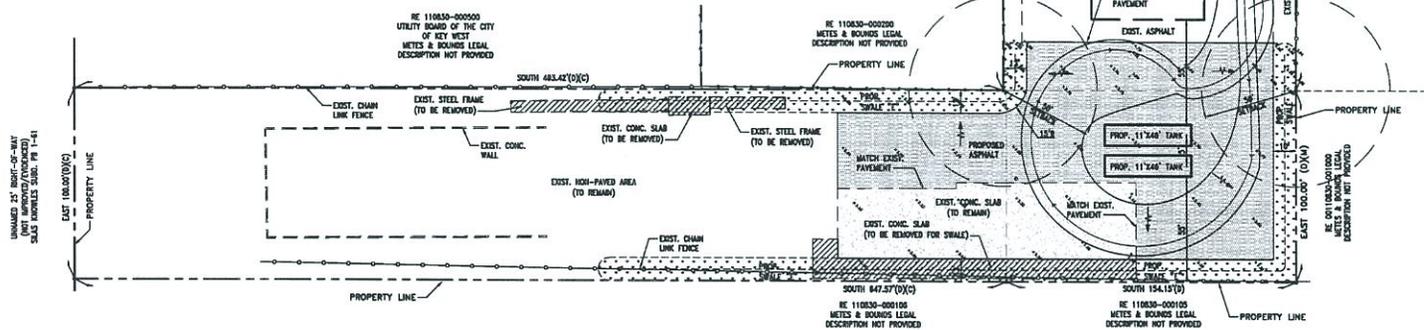
## Elevations of Proposed Storage Tanks



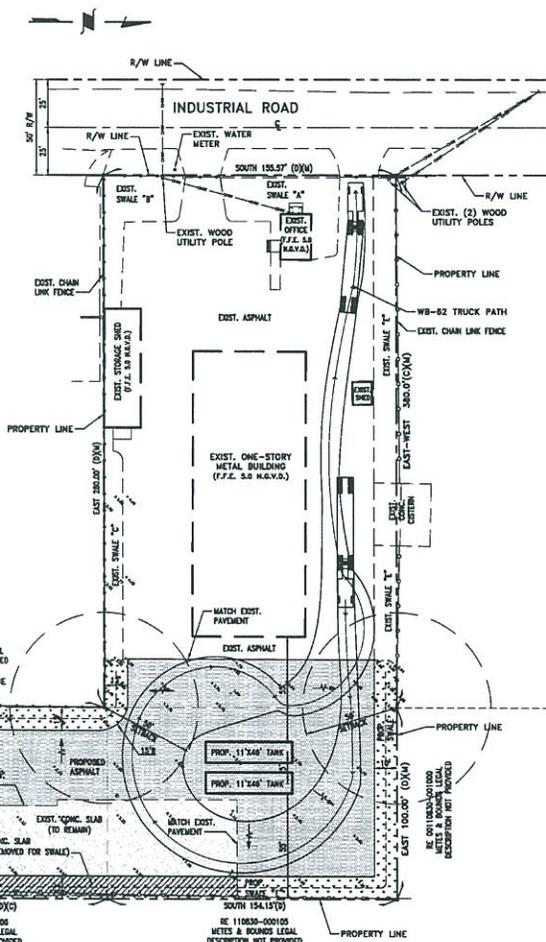
**TANK SECTION**  
SCALE: 1/4" = 1'-0"



**TANK ELEVATION**  
SCALE: 1/4" = 1'-0"



**PROPOSED SITE PLAN**  
SCALE: 1" = 30'



SITE DATA TABLE		
ZONING DISTRICT: INDUSTRIAL (I)		
FLUM DESIGNATION: INDUSTRIAL (I)		
FLOR OVERLAY DIST.: TIER 1		
FLOOD ZONE: "A-E" (N.G.V.D.)		
USE: LUMBERYARD/WAREHOUSE		
<b>BUILDING SETBACKS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
FRONT SETBACK	25'	EXISTING
SIDE SETBACK	10'	EXISTING
REAR SETBACK	25'	EXISTING
<b>STORAGE TANK SETBACKS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
FRONT/SIDE/REAR SETBACK	50'	50'
<b>OPEN SPACE</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
	20% (MIN.)	EXISTING
<b>PROJECT SITE AREA</b>	<b>SQ. FT.</b>	<b>ACRES (% OF TOTAL)</b>
WETLAND AREA	108,315 SF	2.48 (100%)
	N/A	N/A
EXISTING BUILDING AREA	9,578 SF	0.22 (9%)
EXISTING IMPERVIOUS/PAVED AREA	67,589 SF	1.55 (82%)
EXISTING PERVIOUS AREA	40,728 SF	0.93 (38%)
PROPOSED BUILDING AREA	0 SF	0.00 (0%)
PROPOSED IMPERVIOUS/PAVED AREA	83,890 SF	1.93 (77%)
PROPOSED PERVIOUS AREA	24,320 SF	0.58 (23%)

**LEGEND**

	NEW ASPHALT
	NEW SOUNDED SHALE
	EXIST. CONCRETE

DRAWN BY: P.J.F.  
CHECKED BY: J.R.O.  
APPROVED BY: J.R.O.  
DATE: 2-09-17  
PROJECT NO.: 18884

**COMO OIL COMPANY OF FLORIDA, INC.**  
3586 S.W. MARTIN HIGHWAY  
PALM CITY, FLORIDA 34890



**CONSULTING ENGINEERING & SCIENCE, INC.**  
10700 N. KENDALL DRIVE  
MIAMI, FLORIDA 33178  
SUITE 400  
(305) 378-5656  
EE-0002826

**PROPOSED SITE PLAN AND NOTES**  
BULK TRANSFER FACILITY  
177 INDUSTRIAL ROAD  
BIG PINE KEY, FLORIDA 33043

NO.	DATE	REVISION

SCALE: AS SHOWN  
**C-2**  
SH. NO. 4 OF 5

# Traffic Study

# Como Oil LPG Storage

177 Industrial Road  
Big Pine Key, Florida

## TRAFFIC STUDY

prepared for:  
**Como Keys LLC**

**KBP CONSULTING, INC.**

**April 2017**

# Como Oil LPG Storage

177 Industrial Road

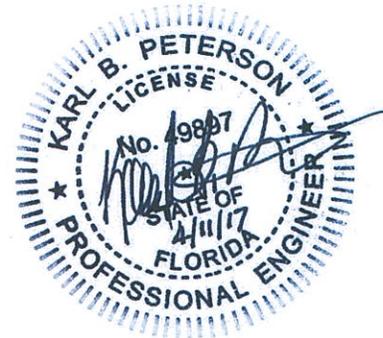
Big Pine Key, Florida

## Traffic Study

April 2017

*Prepared for:*  
Como Keys LLC

*Prepared by:*  
KBP Consulting, Inc.  
8400 N. University Drive, Suite 309  
Tamarac, Florida 33321  
Phone: (954) 560-7103



---

Karl B. Peterson, P.E.  
Florida Registration Number 49897  
KBP Consulting, Inc.  
8400 N. University Drive, Suite 309  
Tamarac, Florida 33321  
CA # 29939

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## INTRODUCTION

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Como Keys LLC is proposing to locate two 30,000 gallon liquefied petroleum gas (LPG) tanks at the existing Manley deBoer lumber yard which is on the east side of Industrial Road south of Overseas Highway / US 1 on Big Pine Key, Monroe County, Florida. More specifically, the site is located at 177 Industrial Road. The subject site consists of approximately 2.48 acres and is located near Mile Marker 31. A Project Location Map is presented in Figure 1 on the following page and a preliminary site plan for this project is included in Appendix A of this report.

KBP Consulting, Inc. has been retained by Como Keys LLC to conduct a traffic impact study for this project. This study addresses the anticipated trip generation characteristics of the project, the current operating conditions of the surrounding roadway network, the anticipated project traffic impacts along Overseas Highway / US 1 by mile marker, and site access.



**KBP**  
CONSULTING, INC.

### Project Location Map

**FIGURE 1**  
Como Oil LPG Storage  
Big Pine Key, Florida

## INVENTORY

---

### **Existing Land Use and Access**

As mentioned previously, the subject site is approximately 2.48 acres and is the site of the Manley deBoer lumber yard. The total building area associated with this use is approximately 10,575 square feet. Vehicular access to this site is provided by two (2) full access driveways on Industrial Road.

### **Proposed Land Uses and Access**

Two 30,000 gallon LPG tanks will be located on the east side of the site. These tanks will be utilized to dispense LPG to delivery vehicles that will service customers in the Lower and Middle Keys. (There will be no public access to these tanks, no retail services on site, and no exchanging / filling of LPG cylinders on site.) It is anticipated that once the site is fully operational, there will be one (1) bulk delivery of LPG to the site per week, there will be two (2) LPG delivery vehicles and two (2) drivers, one (1) service manager with a vehicle, and one on-site office manager. Deliveries and service activities will be conducted Monday through Friday (i.e. there will be no Saturday or Sunday deliveries and only emergency services will occur on weekends).

The existing lumber yard use and activities will remain unchanged as will the vehicular access to the site. And, for the purposes of performing this traffic impact analysis, the project is planned to be completed by the year 2018.

## EXISTING CONDITIONS

---

This section of the report addresses the existing roadway network in the study area, traffic conditions, and traffic signals.

### Existing Roadway Network

In the immediate area of the site, Overseas Highway / US 1 is a three-lane principal arterial roadway (one eastbound lane, one westbound lane and one center two-way left turn lane). Immediately east of Industrial Road, Overseas Highway / US 1 transitions to a two-lane roadway. The nearest signalized intersection is located approximately 2,700 feet to the west at Overseas Highway / US 1 and Key Deer Boulevard / Chapman Lane.

### Existing Traffic Conditions

The Florida Department of Transportation (FDOT) maintains two (2) traffic count stations within the immediate proximity of the project site. FDOT Count Station #900227 is located on Overseas Highway / US 1 approximately 1,200 feet northeast of the North Pine Channel Bridge near Mile Marker 29.5. FDOT Count Station #900016 is located on Overseas Highway / US 1 approximately 800 feet north of CR 940 (north leg) near Mile Marker 31. Traffic volumes recorded over the last (published) five (5) year period at these stations are summarized in Table 1. The data collected at these stations indicate that volumes have been increasing moderately during the previous five (5) years. Appendix B contains the historical traffic data obtained from FDOT.

<b>Table 1</b> <b>Como Oil LPG Storage</b> <b>Average Annual Daily Traffic (AADT)</b> <b>Industrial Road - Big Pine Key, Florida</b>		
Year	AADT	
	Station #900227	Station #900016
2015	18,496	20,400
2014	17,590	17,900
2013	16,848	17,800
2012	16,525	16,800
2011	16,409	16,900
2010	15,600	15,400

*Station #900227 - 1,200' Northeast of the North Pine Channel Bridge*

*Station #900016 - 800' North of CR 940 (North Leg)*

*Compiled by: KBP Consulting, Inc. (April 2017)*

## TRIP GENERATION

---

The trip generation for this project was determined using the trip generation information published in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual (9<sup>th</sup> Edition)* for the existing light industrial use and a review of the proposed business operations for the proposed LPG tanks. Based upon this information, the daily, AM peak hour, and PM peak hour trip generation rates and data for the existing and proposed development are as follows:

### General Light Industrial – ITE Land Use #110

- Daily (wt. avg.) Trip Generation Rate:  $T = 5.26 (X)$   
*where  $T$  = number of trips and  $X$  = 1,000 square feet of gross floor area*
- AM Peak Hour Trip Generation Rate:  $T = 0.92 (X)$  (88% in / 12% out)
- PM Peak Hour Trip Generation Rate:  $T = 0.97 (X)$  (12% in / 88% out)

Given the lack of trip generation data for the proposed use (i.e. LPG storage tanks) at the site, a projection of traffic activity was developed consistent with the anticipated operations of the site as described in the "Inventory" section of this report. The anticipated operations of the site and the corresponding trip generation activity are summarized below:

- Bulk delivery of liquefied petroleum gas will occur once per week on a weekday. For the purposes of this analysis, this delivery is accounted for on a daily basis as one (1) inbound trip and one (1) outbound trip that will occur during the AM peak hour.
- There will be a total of four (4) employees assigned to this site for this operation. Of these employees, one (1) will be an office manager that will remain on site throughout the day while the other three (3) will be field personnel. Their trips will consist of four (4) inbound trips in the AM peak hour and four (4) outbound trips in the PM peak hour. And, for the office employee, we have assumed at least two (2) additional personal daily trips (1 inbound and 1 outbound) that will likely occur during the mid-day time period (i.e. lunch time).

- From time to time, there may be other deliveries to the site such as FedEx, UPS, and the USPS. To present a worst-case-scenario, it has been assumed that there will be two (2) deliveries per day (4 trips total) with one (1) delivery occurring in the AM peak hour and one (1) delivery occurring in the PM peak hour.
- Delivery and service vehicles will be dispatched to their customers throughout the Lower and Middle Keys. Once this operation is fully established, these vehicles will depart in the morning, typically return up to three (3) times per day for supplies and additional gas, and then return to the site at the end of the day. The total number of daily trips for these vehicles will be approximately 24 with three (3) outbound trips occurring in the AM peak hour and three (3) inbound trips occurring in the PM peak hour.

As noted previously, these trips will be occurring on weekdays only. Only emergency activities will occur on weekends. Table 2 below presents the trip generation analysis for the Como Oil LPG Storage project.

Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Existing</i> Light Industrial	10,575 SF	56	9	1	10	1	9	10
<i>Proposed</i> Light Industrial LPG Facility - Bulk Gas Delivery - Employees - Misc. Deliveries - Delivery / Service Trips	10,575 SF 2 Tanks	56 2 10 4 24	9 1 4 1 0	1 1 0 1 3	10 2 4 2 3	1 0 0 1 3	9 0 4 1 0	10 0 4 2 3
<b>Sub-Total</b>		<b>96</b>	<b>15</b>	<b>6</b>	<b>21</b>	<b>5</b>	<b>14</b>	<b>19</b>
<b>Difference (Proposed - Existing)</b>		<b>40</b>	<b>6</b>	<b>5</b>	<b>11</b>	<b>4</b>	<b>5</b>	<b>9</b>

Compiled by: KBP Consulting, Inc. (April 2017).  
Source: ITE Trip Generation Manual (9th Edition).

---

## EXISTING CONDITIONS

---

This section of the report addresses the existing roadway network in the study area, traffic conditions, and traffic signals.

### Existing Roadway Network

In the immediate area of the site, Overseas Highway / US 1 is a three-lane principal arterial roadway (one eastbound lane, one westbound lane and one center two-way left turn lane). Immediately east of Industrial Road, Overseas Highway / US 1 transitions to a two-lane roadway. The nearest signalized intersection is located approximately 2,700 feet to the west at Overseas Highway / US 1 and Key Deer Boulevard / Chapman Lane.

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*Station #900227 - 1,200' Northeast of the North Pine Channel Bridge*

*Station #900016 - 800' North of CR 940 (North Leg)*

*Compiled by: KBP Consulting, Inc. (April 2017)*

---

## TRIP GENERATION

---

The trip generation for this project was determined using the trip generation information published in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual (9<sup>th</sup> Edition)* for the existing light industrial use and a review of the proposed business operations for the proposed LPG tanks. Based upon this information, the daily, AM peak hour, and PM peak hour trip generation rates and data for the existing and proposed development are as follows:

**General Light Industrial – ITE Land Use #110**

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*where  $T$  = number of trips and  $X$  = 1,000 square feet of gross floor area*
- AM Peak Hour Trip Generation Rate:  $T = 0.92 (X)$  (88% in / 12% out)
- PM Peak Hour Trip Generation Rate:  $T = 0.97 (X)$  (12% in / 88% out)

Given the lack of trip generation data for the proposed use (i.e. LPG storage tanks) at the site, a projection of traffic activity was developed consistent with the anticipated operations of the site as described in the "Inventory" section of this report. The anticipated operations of the site and the corresponding trip generation activity are summarized below:

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- There will be a total of four (4) employees assigned to this site for this operation. Of these employees, one (1) will be an office manager that will remain on site throughout the day while the other three (3) will be field personnel. Their trips will consist of four (4) inbound trips in the AM peak hour and four (4) outbound trips in the PM peak hour. And, for the office employee, we have assumed at least two (2) additional personal daily trips (1 inbound and 1 outbound) that will likely occur during the mid-day time period (i.e. lunch time).

- From time to time, there may be other deliveries to the site such as FedEx, UPS, and the USPS. To present a worst-case-scenario, it has been assumed that there will be two (2) deliveries per day (4 trips total) with one (1) delivery occurring in the AM peak hour and one (1) delivery occurring in the PM peak hour.
- Delivery and service vehicles will be dispatched to their customers throughout the Lower and Middle Keys. Once this operation is fully established, these vehicles will depart in the morning, typically return up to three (3) times per day for supplies and additional gas, and then return to the site at the end of the day. The total number of daily trips for these vehicles will be approximately 24 with three (3) outbound trips occurring in the AM peak hour and three (3) inbound trips occurring in the PM peak hour.

As noted previously, these trips will be occurring on weekdays only. Only emergency activities will occur on weekends. Table 2 below presents the trip generation analysis for the Como Oil LPG Storage project.

Table 2 Como Oil LPG Storage Trip Generation Analysis Industrial Road - Big Pine Key, Florida								
Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<b>Existing</b>								
Light Industrial	10,575 SF	56	9	1	10	1	9	10
<b>Proposed</b>								
Light Industrial LPG Facility	10,575 SF 2 Tanks	56	9	1	10	1	9	10
- Bulk Gas Delivery		2	1	1	2	0	0	0
- Employees		10	4	0	4	0	4	4
- Misc. Deliveries		4	1	1	2	1	1	2
- Delivery / Service Trips		24	0	3	3	3	0	3
<b>Sub-Total</b>		<b>96</b>	<b>15</b>	<b>6</b>	<b>21</b>	<b>5</b>	<b>14</b>	<b>19</b>
<b>Difference (Proposed - Existing)</b>		<b>40</b>	<b>6</b>	<b>5</b>	<b>11</b>	<b>4</b>	<b>5</b>	<b>9</b>

Compiled by: KBP Consulting, Inc. (April 2017).  
Source: ITE Trip Generation Manual (9th Edition).

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As indicated in Table 2, the proposed Como Oil LPG Storage project at the Manley deBoer site is anticipated to generate 40 daily vehicle trips, 11 AM peak hour vehicle trips, and nine (9) PM peak hour vehicle trips. When considering the existing development on the site (which is to remain), the total site is expected to generate 96 daily vehicle trips, 21 AM peak hour trips, and 19 PM peak hour trips.

With a total of 96 gross daily vehicle trips, a Level 1 traffic study is required per the Monroe County Traffic Report Guidelines Manual.

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## TRIP DISTRIBUTION

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A trip distribution analysis was performed based on the nearby population areas (as documented in the Monroe County Traffic Report Guidelines Manual), the existing transportation network, and the location of the subject project. All of the project-related trips are anticipated to ultimately access Overseas Highway / US 1. Table 3 below summarizes the anticipated trip distribution for the Como Oil LPG Storage project.

<b>Table 3</b>	
<b>Como Oil LPG Storage</b>	
<b>Project Trip Distribution</b>	
<b>Industrial Road - Big Pine Key, Florida</b>	
<b>Direction</b>	<b>Distribution (%)</b>
North	0%
South	0%
East (US 1 North)	40%
West (US 1 South)	60%

*Source: KBP Consulting, Inc. (April 2017).*

## TRAFFIC IMPACT ANALYSES

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This section of the report is divided into two parts: 1) link analysis, and 2) Overseas Highway / US 1 impacts by mile marker.

### **Link Analysis**

The link analysis compares the maximum number of reserve trips on Overseas Highway / US 1 through Big Pine Key (per Monroe County's Level of Service and Reserve Capacity Table) with the project's traffic impacts. Based upon a 60% / 40% trip distribution, the project will add a maximum of 24 daily trips (60% of additional daily trips) to Segment Number 10 (Big Pine). According to Monroe County's Level of Service and Reserve Capacity Table (see Appendix C), Segment Number 10 has 394 trips of reserve capacity. Therefore, Overseas Highway / US1 through Big Pine Key has excess capacity to absorb the maximum impacts to be generated by the Como Oil LPG Storage project.

### **US 1 Impacts by Mile Marker**

For this project, it was assumed that the maximum trip length will be approximately 40 miles to the east and 30 miles to the west. The average trip length was assumed to be half of the maximum trip length; or 20 and 15 miles, respectively. Based upon these trip length assumptions, the Overseas Highway / US 1 segments identified in Monroe County's Traffic Report Guidelines, and the traffic assignment discussed previously, an estimate of the number of primary trips by segment on Overseas Highway / US 1 was performed. Table 4 summarizes the number of primary trips by segment on Overseas Highway / US 1 (Arterial Trip Assignment). As indicated in this table, this project will add approximately 40 daily trips.

**Table 4**  
**Como Oil LPG Storage**  
**Arterial Trip Assignment Summary (Overseas Highway / US 1)**  
**Industrial Road - Big Pine Key, Florida**

<b>Project:</b>	Como Oil LPG Storage	<b>US 1</b>	<b>Mile Marker:</b> 31
<b>Location:</b>	Big Pine Key	<b>ITE</b>	
		<b>Land Use</b>	
		<b>Category:</b>	110
<b>Type of Development:</b>	Light Industrial LPG Tanks	<b>Daily Trip</b>	
		<b>Generation</b>	
		<b>Rate / Formula:</b>	See Page 5
<b>Project Size:</b>	10,575 Square Feet of Light Industrial (Existing) 2 LPG Tanks		
<b>Average Trip Length:</b>	20 Miles East / 15 Miles West		

Total Daily Trips	Percent Primary Trips	US 1 Segment Number	Percent Directional Split	% Impact Based On Trip Length	Project Generated Daily Trips	2015 Reserve Capacity
		3	60%	0%	0	1,292
		4	60%	15%	4	2,497
		5	60%	30%	7	7,363
		6	60%	50%	12	2,650
		7	60%	65%	16	1,312
		8	60%	80%	19	2,323
		9	60%	95%	23	2,434
40	100%	10	60% / 40%	100%	24	394
		11	40%	70%	11	5,448
		12	40%	40%	6	2,703
		13	40%	40%	6	19,221
		14	40%	0%	0	3,286

Source: Monroe County.  
 Compiled by: KBP Consulting, Inc. (April 2017).

## **SUMMARY & CONCLUSIONS**

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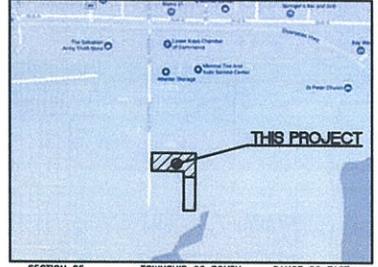
Based upon the results of the traffic analyses performed for the Como Oil LPG Storage project to be located near Mile Marker 31 on Big Pine Key, the proposed development will not have an adverse impact on the operating characteristics of Overseas Highway / US 1 on Big Pine Key, nor will it inhibit the safe flow of traffic traveling through the area.

**APPENDIX A**  
**Como Oil LPG Storage**  
**Preliminary Site Plan**

SITE DATA TABLE			
ZONING DISTRICT: INDUSTRIAL (I)			
FLUM DESIGNATION: INDUSTRIAL (I)			
TIER OVERLAY DIST.: TIER 1			
FLOOD ZONE: "AC-B" (N.G.V.D.)			
USE: LUMBERYARD/WAREHOUSE			
<b>BUILDING SETBACKS</b>			
FRONT SETBACK	25'	EXISTING	
SIDE SETBACK	10'	EXISTING	
REAR SETBACK	25'	EXISTING	
<b>STORAGE TANK SETBACKS</b>			
FRONT/SIDE/REAR SETBACK	50'	PROPOSED	
<b>OPEN SPACE</b>			
	20X (MIN.)	EXISTING	
<b>SO. FT. ACRES (% OF TOTAL)</b>			
PROJECT SITE AREA	108,315 SF	2.48	(100%)
WETLAND AREA	N/A		
EXISTING BUILDING AREA	9,378 SF	0.21	(9%)
EXISTING IMPERVIOUS/PAVED AREA	87,389 SF	1.55	(82%)
EXISTING PERVIOUS AREA	40,726 SF	0.93	(38%)
PROPOSED BUILDING AREA	0 SF	0.00	(0%)
PROPOSED IMPERVIOUS/PAVED AREA	83,895 SF	1.83	(77%)
PROPOSED PERVIOUS AREA	24,320 SF	0.58	(23%)

**GENERAL NOTES**

- ELEVATIONS SHOWN REFER TO THE NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D.) OF 1929.
- HORIZONTAL AND VERTICAL CONTROL SHALL BE PROVIDED BY THE OWNER'S SURVEYOR. LAYOUT IS THE RESPONSIBILITY OF THE CONTRACTOR.
- IT IS THE INTENT OF THESE DRAWINGS TO BE IN ACCORDANCE WITH APPLICABLE CODES AND AUTHORITIES HAVING JURISDICTION. ANY DISCREPANCIES BETWEEN THESE DRAWINGS AND APPLICABLE CODES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF THE ENGINEER.
- EXISTING UTILITIES SHOWN ARE BASED ON INFORMATION SUPPLIED BY OTHERS. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO MEET WITH ALL APPLICABLE UTILITY COMPANIES TO VERIFY ALL UNDERGROUND FACILITIES PRIOR TO THE START OF CONSTRUCTION. ALL TRENCH EXCAVATION SHALL PROCEED WITH EXTREME CAUTION AT ALL TIMES. IN THE EVENT THAT EXISTING UTILITIES ARE DAMAGED, IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO REPAIR OR REPLACE ALL SUCH DAMAGE.
- EXISTING GRADES WERE TAKEN FROM THE BEST AVAILABLE DATA AND MAY NOT ACCURATELY REFLECT PRESENT CONDITIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING HIMSELF WITH CURRENT SITE CONDITIONS, AND SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO STARTING WORK.
- BOUNDARY AND TOPOGRAPHIC DATA BASED UPON SURVEY PREPARED BY REECE & ASSOCIATES, BIG PINE KEY, FLORIDA, DATED 12/16/18.
- ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY NO.: 125129, MAP NO.: 12087C-1334K, MAP DATES: 02-18-05 AND REVISED EFFECTIVE DATE: 08-04-16; THE HEREIN DESCRIBED PROPERTY APPEARS TO BE IN FLOOD ZONE AE - BASE ELEVATION: 8' N.G.V.D. 29 DATUM.

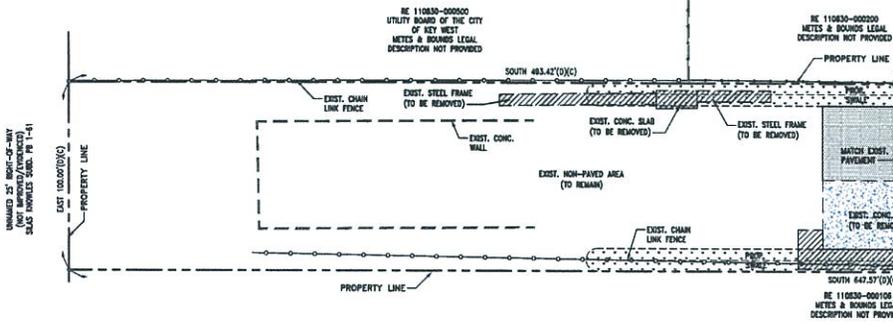
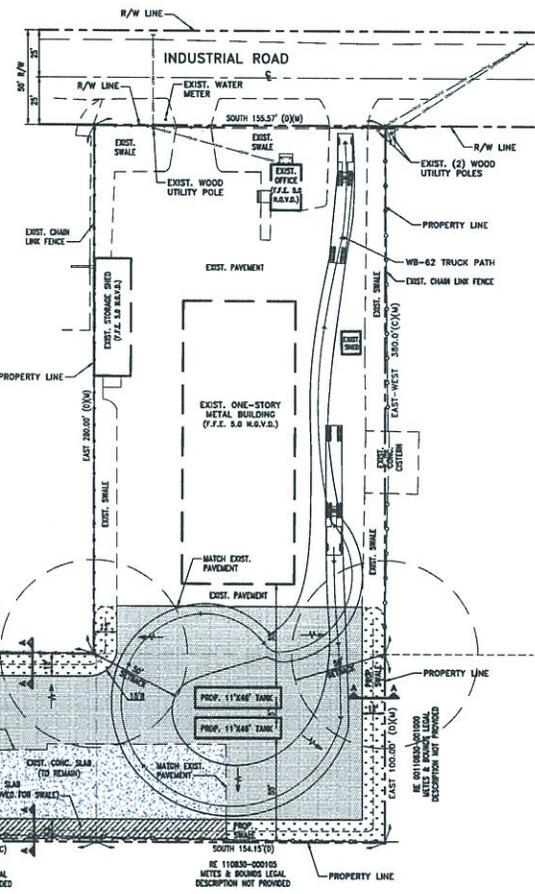


**LEGAL DESCRIPTION**

O.R. BOOK 2190, PAGE 2  
 A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 66 SOUTH, RANGE 28 EAST, ON BIG PINE KEY, MONROE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, BEAR EAST, 50 FEET; THENCE BEAR SOUTH 872.43 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN INTENDED TO BE DESCRIBED; FROM SAID POINT OF BEGINNING CONTINUE SOUTH 155.57 FEET, THENCE BEAR EAST 280 FEET, THENCE BEAR NORTH 150.57 FEET, THENCE BEAR WEST 280 FEET BACK TO THE POINT OF BEGINNING, CONTAINING 1.00 ACRES OF LAND.

O.R. BOOK 2195, PAGE 2425  
 PARCEL B  
 A TRACT OF LAND IN A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 66 SOUTH, RANGE 28 EAST, ON BIG PINE KEY, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:  
 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 66 SOUTH, RANGE 28 EAST, BEAR EAST FOR A DISTANCE OF 330 FEET; THENCE BEAR SOUTH FOR A DISTANCE OF 872.43 FEET; TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREAFTER DESCRIBED.  
 FROM SAID POINT OF BEGINNING, BEAR EAST, FOR A DISTANCE OF 100.00 FEET; THENCE BEAR SOUTH, FOR A DISTANCE OF 104.15 FEET; THENCE BEAR WEST, FOR A DISTANCE OF 100.00 FEET; THENCE BEAR NORTH, FOR A DISTANCE OF 154.15 FEET BACK TO THE POINT OF BEGINNING.  
 AND  
 A TRACT OF LAND IN A PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 66 SOUTH, RANGE 28 EAST, ON BIG PINE KEY, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:  
 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25, T. 66 S., R. 28 E., BEAR EAST 330 FEET; THENCE BEAR SOUTH 872.58 FEET TO THE POINT OF BEGINNING OF THE LAND HEREAFTER DESCRIBED;  
 FROM SAID POINT OF BEGINNING, CONTINUE SOUTH 493.42 FEET; THENCE BEAR EAST 100.00 FEET; THENCE BEAR NORTH 288.42 FEET; THENCE BEAR WEST 100 FEET, BACK TO THE POINT OF BEGINNING.

**SECTION A-A**  
N.T.S.



**SITE PLAN**  
SCALE: 1" = 30'

**LEGEND**

- NEW ASPHALTIC PAVEMENT
- NEW SODDED SHALE
- EXIST. CONCRETE

DRAWN BY: P.J.F. CHECKED BY: J.R.D. APPROVED BY: J.R.D. DATE: 3-29-17 PROJECT NO.: 18884	<b>COMO OIL COMPANY OF FLORIDA, INC.</b> 3588 S.W. MARTIN HIGHWAY PALM CITY, FLORIDA 34980	<b>CONSULTING ENGINEERING &amp; SCIENCE, INC.</b> 10700 N. KENDALL DRIVE MIAMI, FLORIDA 33178 SUITE 400 (305) 378-5555 ED-0002886	<b>SITE PLAN AND NOTES</b> BULK TRANSFER FACILITY 177 INDUSTRIAL ROAD BIG PINE KEY, FLORIDA 33043	PRELIMINARY - NOT FOR CONSTRUCTION SCALE: AS SHOWN NO. DATE REVISION C-1 SH. NO. 1 OF 1
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# **APPENDIX B**

## **FDOT Historic Traffic Data**

FLORIDA DEPARTMENT OF TRANSPORTATION  
 TRANSPORTATION STATISTICS OFFICE  
 2015 HISTORICAL AADT REPORT

COUNTY: 90 - MONROE

SITE: 0227 - SR-5/US-1,200' NE NORTH PINE CHANNEL BRG, MONROE CO

YEAR	AADT	DIRECTION 1		DIRECTION 2		*K FACTOR	D FACTOR	T FACTOR
2015	18496 C	N	9289	S	9207	9.50	52.80	6.50
2014	17590 C	N	8809	S	8781	9.50	53.00	8.40
2013	16848 C	N	8425	S	8423	9.50	54.10	8.20
2012	16525 C	N	8260	S	8265	9.50	54.10	8.30
2011	16409 C	N	8200	S	8209	9.50	53.60	8.40
2010	15600 F	N	7800	S	7800	10.44	53.42	7.30
2009	16293 C	N	8148	S	8145	10.44	53.42	7.30
2008	15862 C	N	7936	S	7926	10.56	52.00	7.60
2007	16665 C	N	8337	S	8328	10.12	52.76	8.10
2006	16772 C	N	8374	S	8398	10.41	53.27	8.50
2005	17003 C	N	8509	S	8494	10.60	52.60	7.50
2004	17597 C	N	8804	S	8793	10.40	51.80	6.50
2003	17591 C	N	8787	S	8804	10.30	56.30	2.50
2002	17388 C	N	8679	S	8709	10.10	52.30	11.90
2001	17544 C	N	8773	S	8771	10.10	53.20	2.50
2000	17482 C	N	8726	S	8756	9.70	52.20	3.00

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; F = FOURTH YEAR ESTIMATE  
 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN  
 \*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION  
 TRANSPORTATION STATISTICS OFFICE  
 2015 HISTORICAL AADT REPORT

COUNTY: 90 - MONROE

SITE: 0016 - SR 5/US-1, 800' N CR 940(NORTH LEG)

YEAR	AADT	DIRECTION 1		DIRECTION 2		*K FACTOR	D FACTOR	T FACTOR
2015	20400 C	N	9900	S	10500	9.50	54.30	7.20
2014	17900 C	N	8800	S	9100	9.50	55.20	9.20
2013	17800 C	N	8600	S	9200	9.50	54.80	9.30
2012	16800 C	N	8300	S	8500	9.50	55.00	8.60
2011	16900 C	N	8500	S	8400	9.50	55.10	8.70
2010	15400 C	N	7800	S	7600	10.26	56.84	9.10
2009	19600 C	N	9900	S	9700	10.23	56.56	8.30
2008	16300 C	N	8100	S	8200	10.45	54.98	10.90
2007	18200 C	N	8900	S	9300	10.00	55.10	11.30
2006	18700 C	N	9200	S	9500	10.08	55.69	9.80
2005	18800 C	N	9200	S	9600	10.40	55.70	9.30
2004	16000 C	N	8100	S	7900	10.00	56.00	8.60
2003	17500 C	N		S		10.10	56.30	9.30
2002	16700 C	N	8500	S	8200	10.00	54.20	6.10
2001	17100 C	N	8500	S	8600	10.00	55.90	8.90
2000	18200 C	N	9200	S	9000	9.90	54.80	4.50

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; F = FOURTH YEAR ESTIMATE  
 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN  
 \*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

# **APPENDIX C**

## **Monroe County Level of Service and Reserve Capacity Table**

### 2015 LEVEL OF SERVICE AND RESERVE CAPACITY

SEGMENT	LENGTH (miles)	FACILITY TYPE	POSTED SPEED		ADJ. FOR SIGNAL (mph)	ADJUSTED LOS C CRITERIA (mph)	MEDIAN TRAVEL SPEED (mph)	LOS	RESERVE SPEED (mph)	2015		2013	
			Limits (mph)	Average (mph)						MAXIMUM RESERVE	5% ALLOCATION	MAXIMUM RESERVE	5% ALLOCATION
										VOLUME (trips)	BELOW LOS C (trips)	VOLUME (trips)	BELOW LOS C (trips)
1 Stock Island (4.0 - 5.0)	1.10	4-L/D	30/45	39.3	N/A	22.0	32.9	B	10.9	1,986	N/A	2,022	N/A
2 Boca Chica (5.0- 9.0)	3.9	4-L/D	45/55	54.6	N/A	50.1	58.1	A	8.0	5,167	N/A	4,521	N/A
3 Big Coppitt (9.0- 10.5)	1.5	2-L/U	45/55	46.4	N/A	41.9	47.2	B	5.2	1,292	N/A	1,118	N/A
4 Saddlebunch (10.5- 16.5)	5.8	2-L/U	45/55	53.6	N/A	49.1	51.7	C	2.6	2,497	N/A	2,017	N/A
5 Sugarloaf (16.5- 20.5)	3.9	2-L/U	45	45.0	4.4	36.1	47.5	A	11.4	7,363	N/A	7,298	N/A
6 Cudjoe (20.5- 23.0)	2.5	2-L/U	45	45.0	N/A	40.5	46.9	A	6.4	2,650	N/A	3,105	N/A
7 Summerland (23.0- 25.0)	2.2	2-L/U	45	45.0	N/A	40.5	44.1	B	3.6	1,312	N/A	1,603	N/A
8 Ramrod (25.0- 27.5)	2.3	2-L/U	45	45.0	N/A	40.5	46.6	A	6.1	2,323	N/A	2,019	N/A
9 Torch (27.5- 29.5)	2.1	2-L/U	45	45.0	N/A	40.5	47.5	A	7.0	2,434	N/A	2,573	N/A
10 Big Pine (29.5- 33.0)	3.4	2-L/U	45	45.0	3.2	37.3	38.0	C	0.7	394	N/A	1,802	N/A
11 Bahia Honda (33.0- 40.0)	7.0	2-L/U (70%) 4-L/D (30%)	45/50/55	51.9	N/A	47.4	52.1	B	4.7	5,448	N/A	6,723	N/A
12 7-Mile Bridge (40.0- 47.0)	6.8	2-L/U	45/50/55	54.7	N/A	50.2	52.6	C	2.4	2,703	N/A	5,518	N/A
13 Marathon (47.0- 54.0)	7.3	2-L/U (13%) 4-L/D (87%)	35/45	42.1	N/A	22.0	37.9	A	15.9	19,221	N/A	16,683	N/A
14 Grassy (54.0- 60.5)	6.4	2-L/U	45/55	54.4	1.5	48.4	51.5	C	3.1	3,286	N/A	2,650	N/A
15 Duck (60.5- 63.0)	2.7	2-L/U	45/55	50.6	N/A	46.1	50.1	B	4.0	1,788	N/A	(1,207)	4
16 Long (63.0- 73.0)	9.9	2-L/U	40/45/50/55	49.7	N/A	45.2	48.8	B	3.6	5,902	N/A	3,771	N/A
17 L Matecumbe (73.0- 77.5)	4.5	2-L/U	50/55	54.1	N/A	49.6	48.4	D	-1.2	(894)	967	(447)	4
18 Tea Table (77.5- 79.5)	2.2	2-L/U	45/55	51.3	N/A	46.8	45.7	D	-1.1	(401)	459	(1,129)	4
19 U Matecumbe (79.5- 84.0)	4.1	2-L/U	30/40/45	40.8	N/A	36.3	38.5	C	2.2	1,494	N/A	(1,154)	3
20 Windley (84.0- 86.0)	1.9	2-L/U	30/40/45	41.2	N/A	36.7	37.9	C	1.2	378	N/A	220	N/A
21 Plantation (86.0- 91.5)	5.8	2-L/U	45	45.0	3.1	37.4	38.5	C	1.1	1,057	N/A	4,226	N/A
22 Tavernier (91.5- 99.5)	8.0	4-L/D	45/50	47.2	2.1	40.6	48.5	A	7.9	10,466	N/A	8,214	N/A
23 Key Largo (99.5- 106.0)	6.8	4-L/D	45	45.0	3.3	37.2	44.8	A	7.6	8,558	N/A	7,432	N/A
24 Cross (106.0- 112.5)	6.2	2-L/U	45/55	51.8	N/A	47.3	52.0	B	4.6	4,723	N/A	6,058	N/A
Overall	108.3					45.0	45.1	C	0.1	1,855			

## Construction Management/Phasing

## Construction Management Plan

The facility will be constructed at one time with the concrete foundations fabricated on site, and the tanks, which are prefabricated, to be transferred from the mainland and set in place. Necessary electrical improvements to run the pumps for the tanks will be completed on site. All work will be completed in one phase, inclusive of the new asphalt and concrete paving together with the revised and improved storm water drainage.

# Radius Report



RECHAR	AK	OwnerNameF
00111050-000000		1131555 BOARD OF TRUSTEES OF THE IITF
00110830-000400		8497318 COUNTY OF MONROE
00298020-000000		1370134 BD OF TRS OF THE INT IMP TR FUND OF THE
00298320-000000		1370436 PINEWOOD MEMORIAL CEMETERY INC
00298340-000000		1370452 BRADY JOHN H JR
00298530-000000		1370649 KEPNES MINNETTE
00298000-000000		1370118 BOARD OF TRUSTEES OF THE IITF
00297760-000000		1369870 BD OF TR OF THE INT IMP TR FD OF THE ST OF FL
00297740-000000		1369853 BD OF TR OF THE INT IMP TR FD OF THE ST OF FL
00298040-000000		1370151 BD OF TRS OF THE INT IMP TR FUND OF THE
00298150-000000		1370266 BRADY JOHN H JR
00297720-000000		1369837 TIITF
00297970-000000		1370088 BOARD OF TRUSTEES OF THE IITF
00297770-000000		1369888 BD OF TR OF THE INT IMP TR FD OF THE ST OF FL
00298100-000000		1370215 COCHRAN ROBERT M
00297790-000000		1369900 BD OF TR OF THE INT IMP TR FD OF THE ST OF FL
00297830-000000		1369942 THERRIEN FLORA M
00298440-000000		1370550 TIIF
00298920-000000		1371033 MORENO JACK AND EMMA
00297980-000000		1370096 BOARD OF TRUSTEES OF THE IITF
00297920-000000		1370037 COCHRAN MARK S AND DIANE J
00298450-000000		1370568 TIIF
00298540-000000		1370657 KEPNES MINNETTE
00297960-000000		1370070 PADILLA JOHN F III
00297950-000000		1370061 TIITF
00298230-000000		1370347 JAMES MARY P
00298500-000000		1370614 SASSAMAN HARRY J
00297750-000000		1369861 BD OF TR OF THE INT IMP TR FD OF THE ST OF FL
00298140-000000		1370258 BRADY JOHN H JR
00298290-000000		1370401 JAMES MARY P
00298860-000000		1370975 MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY
00298010-000000		1370126 SUAREZ ALBILIO A

00297730-000000	1369845	BD OF TR OF THE INT IMP TR FD OF THE ST OF FL
00298060-000000	1370177	PADILLA JUAN F
00298160-000000	1370274	BRADY JOHN H JR
00298480-000000	1370592	ALGIERS PAUL J
00298270-000000	1370380	JAMES MARY P
00298880-000000	1370991	MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY
00297900-000000	1370011	COCHRAN OMAR N AND BETTY
00297710-000000	1369829	TIITF
00298250-000000	1370363	JAMES MARY P
00298180-000000	1370291	MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY
00298470-000000	1370584	ALGIERS PAUL J
00298910-000000	1371025	MORENO JACK AND EMMA
00298120-000000	1370231	COCHRAN ROBERT M
00298130-000000	1370240	COCHRAN ROBERT M
00298360-000000	1370479	BRADY JOHN J JR
00298370-000000	1370487	BRADY JOHN H JR
00298070-000000	1370185	GIBSON JULIA
00297820-000000	1369934	BD OF TR OF THE INT IMP TR FD OF THE ST OF FL
00298200-000000	1370312	JAMES MARY P
00298310-000000	1370428	JAMES MARY P
00298930-000000	1371041	JAMES MARY P
00297990-000000	1370100	BOARD OF TRUSTEES OF THE IITF
00297910-000000	1370029	COCHRAN OMAR N AND BETTY
00298080-000000	1370193	GIBSON JULIA
00297810-000000	1369926	BD OF TR OF THE INT IMP TR FD OF THE ST OF FL
00298460-000000	1370576	ALGIERS PAUL J
00298900-000000	1371017	CALLEJA JOHN FRANCIS
00297940-000000	1370053	MOURINO WOLFGANG
00297930-000000	1370045	COCHRAN MARK S AND DIANE J
00298220-000000	1370339	JAMES MARY P
00298210-000000	1370321	JAMES MARY P
00110830-000104	8660936	KIEBER BOBBIE V
00110830-000101	8578792	KIEBER BOBBIE L

00110830-000102	8642717 KIEBER BOBBIE L
00110830-000103	8650906 KIEBER BOBBIE V
00110830-000105	8669810 KIEBER BOBBIE V
00110830-000300	1131296 LIVELY PROPERTIES LLC
00110830-000500	8497326 UTILITY BOARD OF THE CITY OF KEY WEST FL
00110830-000000	1131261 LIVELY PROPERTIES LLC
00110830-000108	8803222 MEMORIAL GARDENS CEMETERY OF THE FLORIDA KEYS LLC
00110830-000302	8788592 INDUSTRIAL STORAGE GROUP LLC
00277195-000000	1349208 MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY
00298490-000000	1370606 ALGIERS PAUL J
00298890-000000	1371009 CALLEJA JOHN FRANCIS
00298050-000000	1370169 PADILLA JUAN F
00297840-000000	1369951 THERRIEN FLORA M
00298280-000000	1370398 JAMES MARY P
00298300-000000	1370410 JAMES MARY P
00298730-000000	1370843 SCHARER L SCOTT
00298950-000000	1371068 SHANNAHAN NELLIE J
00298940-000000	1371050 DARLOW WARREN G EST
00298870-000000	1370983 MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY
00297700-000000	1369811 TIITF
00298190-000000	1370304 MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY
00298170-000000	1370282 BRADY JOHN H JR
00298110-000000	1370223 COCHRAN ROBERT M
00297780-000000	1369896 BD OF TR OF THE INT IMP TR FD OF THE ST OF FL
00298240-000000	1370355 JAMES MARY P
00298350-000000	1370461 BRADY JOHN H JR
00298510-000000	1370622 SASSAMAN HARRY J
00298970-000000	1371084 SHANNAHAN NELLIE J
00298960-000000	1371076 SHANNAHAN NELLIE J
00110830-000100	1131270 MEMORIAL GARDENS CEMETERY OF THE FLORIDA KEYS LLC
00277190-000000	1349194 TIITF/MARINE RESOURCES
00298030-000000	1370142 BD OF TRS OF THE INT IMP TR FUND OF THE
00298090-000000	1370207 GIBSON JULIA

00297800-000000	1369918	BD OF TR OF THE INT IMP TR FD OF THE ST OF FL
00298260-000000	1370371	JAMES MARY P
00298330-000000	1370444	PINEWOOD MEMORIAL CEMETERY INC
00298520-000000	1370631	SASSAMAN HARRY J
00110830-000600	8559577	MONROE COUNTY
00110830-000301	8788584	THOMMES BROOKS W REV LLIVING TRUST AG 11/29/95
00110830-001000	8890931	INDUSTRIAL STORAGE GROUP LLC
00110830-000107	8707282	MANLEY-DE-BOER LUMBER CO
00110830-000200	1131288	QUALITY ACQUISTION COMPANY LLC
00110830-000106	8669828	KIEBER BOBBIE V
00110830-000900	8890923	THOMMES BROOKS W AND SUSAN R
00277196-000000	8570368	SNELLINGER PAUL J AMD RST REVOCABLE LIV TR 6/29/12
00110830-000303	8788606	MANLEY-DEBOER LUMBER COMPANY LIMITED PARTNERSHIP

BillingAdd

3900 COMMONWEALTH BLVD , Unit MAIL STATION 115  
1100 Simonton ST  
3900 COMMONWEALTH BLVD MAIL STATION 115  
418 SIMONTON ST  
2225 SEA TURTLE LN  
C/O DEMOS ANGELO P  
3900 COMMONWEALTH BLVD , Unit MAIL STATION 115  
C/O FL DEPT OF ENV PRO DIV OF ST LANDS , Unit MAIL STATION 115  
C/O FL DEPT OF ENV PRO DIV OF ST LANDS  
3900 COMMONWEALTH BLVD MAIL STATION 115  
2225 SEA TURTLE LN  
C/O DEP  
3900 COMMONWEALTH BLVD , Unit MAIL STATION 115  
C/O FL DEPT OF ENV PRO DIV OF ST LANDS , Unit MAIL STATION 115  
2792 KENTUCKY ST  
C/O FL DEPT OF ENV PRO DIV OF ST LANDS , Unit MAIL STATION 115  
C/O DRAPER GEORGE H III P/R  
C/O DEP  
2920 RIVIERA DR  
3900 COMMONWEALTH BLVD , Unit MAIL STATION 115  
5621 RYAN WAY  
C/O DEP  
C/O DEMOS ANGELO P  
1623 LAS CANOAS RD  
C/O DEP , Unit MAIL STATION 115  
PO BOX 430198  
63 GEORGE ST  
C/O FL DEPT OF ENV PRO DIV OF ST LANDS , Unit MAIL STATION 115  
2225 SEA TURTLE LN  
PO BOX 430198  
1200 Truman AVE , Unit Ste 207  
333 S ROYAL POINCIANA BLVD APT 401

BillingA\_1

1 BISCAYNE TOWER STE 1910  
  
3900 COMMONWARLTH BLVD  
3900 COMMONEWALTH BLVD MAIL STATION 115  
  
3900 COMMONWEALTH BLVD  
  
3900 COMMONWEALTH BLVD  
  
3900 COMMONWEALTH BLVD  
PO BOX 422125  
3900 COMMONWEALTH BLVD MAIL STATION 115  
  
3900 COMMONWEALTH BLVD MAIL STATION 115  
1101 BRICKELL AVE STE 1700  
  
3900 COMMONWEALTH BLVD  
  
3900 COMMONWEALTH BLVD

C/O FL DEPT OF ENV PRO DIV OF ST LANDS  
427 W PUEBLO ST STE C  
2225 SEA TURTLE LN  
200C MAIN ST  
PO BOX 430198

1200 Truman AVE , Unit Ste 207  
2605 WILLIAMSBURG LN NW

C/O DEP  
PO BOX 430198

1200 Truman AVE , Unit Ste 207  
200C MAIN ST

2920 RIVIERA DR  
2792 KENTUCKY ST

2792 KENTUCKY ST  
2225 SEA TURTLE LN

2225 SEA TURTLE LN  
C/O MYRTLE TAYLOR

C/O FL DEPT OF ENV PRO DIV OF ST LANDS , Unit MAIL STATION 115  
PO BOX 430198

PO BOX 430198  
PO BOX 430198

3900 COMMONWEALTH BLVD , Unit MAIL STATION 115  
2605 WILLIAMSBURG LN NW

C/O MYRTLE TAYLOR

C/O FL DEPT OF ENV PRO DIV OF ST LANDS , Unit MAIL STATION 115  
200C MAIN ST

1404 PETRONIA ST  
P O BOX 012866

5621 RYAN WAY  
PO BOX 430198

PO BOX 430198  
77 INDUSTRIAL RD

PO BOX 431397

3900 COMMONWEALTH BLVD

3900 COMMONWEALTH BLVD

2405 NW 157TH ST  
3900 COMMONWEALTH BLVD

2405 NW 157TH ST  
3900 COMMONWEALTH BLVD

PO BOX 431397  
77 INDUSTRIAL RD  
77 INDUSTRIAL ROAD  
972 LAGOON DR  
PO BOX 6100  
972 LAGOON DR  
14 CYPRESS TER  
PO BOX 430725  
1200 TRUMAN AVE , Unit SUITE 207  
200C MAIN ST  
1404 PETRONIA ST  
427 W PUEBLO ST STE C  
C/O DRAPER GEORGE H III P/R  
PO BOX 430198  
PO BOX 430198  
28 ALLERTON ST  
ADDRESS UNKNOWN  
C/O LILES DEBORAH  
1200 Truman AVE , Unit Ste 207  
C/O DEP  
1200 Truman AVE , Unit Ste 207  
2225 SEA TURTLE LN  
2792 KENTUCKY ST  
C/O FL DEPT OF ENV PRO DIV ST LANDS , Unit MAIL STATION 115  
PO BOX 430198  
2225 SEA TURTLE LN  
63 GEORGE ST  
ADDRESS UNKNOWN  
ADDRESS UNKNOWN  
14 CYPRESS TER  
3900 COMMONWEALTH BLD  
3900 COMMONWEALTH BLVD MAIL STATION 115  
C/O MYRTLE TAYLOR

PO BOX 422125

7780 LEEWARD COVE CT

3900 COMMONWEALTH BLVD

3900 COMMONWEALTH BLVD

2405 NW 157TH ST

C/O FL DEPT OF ENV PRO DIV OF ST LANDS , Unit MAIL STATION 115  
PO BOX 430198  
418 SIMONTON ST  
63 GEORGE ST  
500 WHITEHEAD STREET  
PO BOX 430141  
PO BOX 430725  
1109 EATON ST  
C/O MCCOLLUM SUSAN  
77 INDUSTRIAL ROAD  
PO BOX 430141  
1619 SUNRISE DR  
1109 EATON ST

3900 COMMONWEALTH BLVD

3201 NW 72ND AVE

City	State	Country	FormattedL
TALLAHASSEE	FL		VACANT LAND
Key West	FL	UNITED STATES	VACANT LAND
TALLAHASSEE	FL		VACANT LAND
KEY WEST	FL		VACANT LAND
VERO BEACH	FL		VACANT LAND
MIAMI	FL		VACANT LAND
TALLAHASSEE	FL		VACANT LAND
TALLAHASSEE	FL		VACANT LAND
TALLAHASSEE	FL		VACANT LAND
TALLAHASSEE	FL		VACANT LAND
VERO BEACH	FL		VACANT LAND
TALLAHASSEE	FL		VACANT LAND
TALLAHASSEE	FL		VACANT LAND
TALLAHASSEE	FL		VACANT LAND
WEST PALM BEACH	FL		VACANT LAND
TALLAHASSEE	FL		VACANT LAND
KISSIMMEE	FL		VACANT LAND
TAHALLASSEE	FL		VACANT LAND
KEY WEST	FL		VACANT LAND
TALLAHASSEE	FL		VACANT LAND
FLOWERY BRANCH	GA		VACANT LAND
TALLAHASSEE	FL		VACANT LAND
MIAMI	FL		VACANT LAND
SANTA BARBARA	CA		VACANT LAND
TALLAHASSEE	FL		VACANT LAND
BIG PINE KEY	FL		VACANT LAND
SOUTH RIVER	NJ		VACANT LAND
TALLAHASSEE	FL		VACANT LAND
VERO BEACH	FL		VACANT LAND
BIG PINE KEY	FL		VACANT LAND
Key West	FL	UNITED STATES	VACANT LAND
MIAMI SPRINGS	FL		VACANT LAND

TALLAHASSEE	FL		VACANT LAND
SANTA BARBARA	CA		VACANT LAND
VERO BEACH	FL		VACANT LAND
STONEHAM	MA		VACANT LAND
BIG PINE KEY	FL		VACANT LAND
Key West	FL	UNITED STATES	VACANT LAND
CANTON	OH		VACANT LAND
TALLAHASSEE	FL		VACANT LAND
BIG PINE KEY	FL		VACANT LAND
Key West	FL	UNITED STATES	VACANT LAND
STONEHAM	MA		VACANT LAND
KEY WEST	FL		VACANT LAND
WEST PALM BEACH	FL		VACANT LAND
WEST PALM BEACH	FL		VACANT LAND
VERO BEACH	FL		VACANT LAND
VERO BEACH	FL		VACANT LAND
OPA LOCKA	FL		VACANT LAND
TALLAHASSEE	FL		VACANT LAND
BIG PINE KEY	FL		VACANT LAND
BIG PINE KEY	FL		VACANT LAND
BIG PINE KEY	FL		VACANT LAND
TALLAHASSEE	FL		VACANT LAND
CANTON	OH		VACANT LAND
OPA LOCKA	FL		VACANT LAND
TALLAHASSEE	FL		VACANT LAND
STONEHAM	MA		VACANT LAND
KEY WEST	FL		VACANT LAND
MIAMI	FL		VACANT LAND
FLOWERY BRANCH	GA		VACANT LAND
BIG PINE KEY	FL		VACANT LAND
BIG PINE KEY	FL		VACANT LAND
BIG PINE KEY	FL		VACANT LAND
BIG PINE KEY	FL		75 INDUSTRIAL RD

BIG PINE KEY	FL		75 INDUSTRIAL RD
BIG PINE KEY	FL		INDUSTRIAL DR
BIG PINE KEY	FL		75 INDUSTRIAL RD
SUMMERLAND KEY	FL		201 INDUSTRIAL RD D
KEY WEST	FL		197 INDUSTRIAL RD
SUMMERLAND KEY	FL		67 INDUSTRIAL RD
KEY WEST	FL		31140 OVERSEAS HWY
BIG PINE KEY	FL		157 INDUSTRIAL RD
KEY WEST	FL		VACANT LOT INDUSTRIAL RD
STONEHAM	MA		VACANT LAND
KEY WEST	FL		VACANT LAND
SANTA BARBARA	CA		VACANT LAND
KISSIMMEE	FL		VACANT LAND
BIG PINE KEY	FL		VACANT LAND
BIG PINE KEY	FL		VACANT LAND
BROOKLINE	MA		VACANT LAND
RAMROD KEY	FL		VACANT LAND
CUMMING	GA		VACANT LAND
Key West	FL	UNITED STATES	VACANT LAND
TALLAHASSEE	FL		VACANT LAND
Key West	FL	UNITED STATES	VACANT LAND
VERO BEACH	FL		VACANT LAND
WEST PALM BEACH	FL		VACANT LAND
TALLAHASSEE	FL		VACANT LAND
BIG PINE KEY	FL		VACANT LAND
VERO BEACH	FL		VACANT LAND
SOUTH RIVER	NJ		VACANT LAND
RAMROD KEY	FL		VACANT LAND
RAMROD KEY	FL		VACANT LAND
KEY WEST	FL		31140 OVERSEAS HWY
TALLAHASSEE	FL		VACANT LAND
TALLAHASSEE	FL		VACANT LAND
OPA LOCKA	FL		VACANT LAND

TALLAHASSEE	FL	VACANT LAND
BIG PINE KEY	FL	VACANT LAND
KEY WEST	FL	VACANT LAND
SOUTH RIVER	NJ	VACANT LAND
KEY WEST	FL	VACANT LAND
BIG PINE KEY	FL	127 INDUSTRIAL RD
BIG PINE KEY	FL	157 INDUSTRIAL RD
KEY WEST	FL	INDUSTRIAL RD
MIAMI	FL	187 INDUSTRIAL RD
BIG PINE KEY	FL	VACANT LAND
BIG PINE KEY	FL	INDUSTRIAL RD
BIG PINE KEY	FL	100 INDUSTRIAL RD
KEY WEST	FL	177 INDUSTRIAL RD

# Coordination Letters

**SPOTTSWOOD, SPOTTSWOOD, SPOTTSWOOD & STERLING, PLLC**

ATTORNEYS AND COUNSELORS AT LAW  
500 FLEMING STREET  
KEY WEST, FLORIDA 33040

JOHN M. SPOTTSWOOD, JR.  
ERICA HUGHES STERLING  
CRISTINA L. SPOTTSWOOD  
WILLIAM B. SPOTTSWOOD, JR.  
RICHARD J. McCHESNEY

Telephone | 305-294-9556  
Facsimile | 305-504-2696

OF COUNSEL:

JOHN M. SPOTTSWOOD (1920 – 1975)  
ROBERT A. SPOTTSWOOD (of Counsel)  
WILLIAM B. SPOTTSWOOD (of Counsel)

**Memorandum**

To: Will Thompson, Director of Solid Waste Management – Monroe County

From: Donald Leland Craig AICP, Land Use Director 

Date: May 2, 2017

Subject: Letter of Coordination Como Keys/Manley DeBoer LPG Storage – Big Pine Key

CC:

Attachments: Site Plan

The Monroe County Planning Department has requested that I coordinate with your agency to obtain comments on the proposed Liquid Petroleum Gas storage facility to be located at the Manley-DeBoer lumber yard Industrial Road, Big Pine Key. The proposal is for storage of LPG only, with no retail sales on site.

Attached to this memorandum is a site plan of the proposed facility for your review. Please address any comments to me at the above address, with a copy to Mr. Kevin Bond, Planning and Development Review Manager at the Monroe County Planning Department.

Thank you.

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—  
OF COUNSEL:

JOHN M. SPOTTSWOOD (1920 – 1975)  
ROBERT A. SPOTTSWOOD (of Counsel)  
WILLIAM B. SPOTTSWOOD (of Counsel)

**Memorandum**

To: Olympia Newton, Engineering Services Florida Keys Aqueduct Authority

From: Donald Leland Craig AICP, Land Use Director 

Date: May 2, 2017

Subject: Letter of Coordination Como Keys/Manley DeBoer LPG Storage – Big Pine Key

CC:

Attachments: Site Plan

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Thank you.

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OF COUNSEL:

JOHN M. SPOTTSWOOD (1920 – 1975)  
ROBERT A. SPOTTSWOOD (of Counsel)  
WILLIAM B. SPOTTSWOOD (of Counsel)

**Memorandum**

To: Dale Finigan, Director of Engineering KEYS Energy Services

From: Donald Leland Craig AICP, Land Use Director 

Date: May 2, 2017

Subject: : Letter of Coordination Como Keys/Manley DeBoer LPG Storage – Big Pine Key

CC:

Attachments: Site Plan

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Thank you.



(305) 295-1000  
1001 James Street  
PO Box 6100  
Key West, FL 33040-6100  
www.KeysEnergy.com

---

UTILITY BOARD OF THE CITY OF KEY WEST

May 3, 2017

Mr. Donald Leland Craig AICP, Land Use Director  
Spottswood, Spottswood, Spottswood & Sterling, PLLC  
500 Fleming Street  
Key West, FL 33040

RE: 177 Industrial Road, Big Pine Key, Florida

Dear Mr. Craig:

This is to acknowledge that the above mentioned party has begun a coordination process with Keys Energy Services (KEYS).

KEYS' Engineering Section requests that they be provided with a full set of plans and a Project Review Form (separate form for each new meter) for the referenced project.

These plans are necessary in order for us to ensure that there is adequate service for your project, as well as our existing, surrounding customers.

Please return the full set of plans and the Project Review Form to one of our Customer Programs Representatives.

Should you have any questions, please contact me at (305) 295-1080.

Sincerely,

A handwritten signature in black ink that reads "Dane'lle Waldon".

Dane'lle Waldon  
Customer Accounts Representative

DW/am

Enclosures

C:  
M. Alfonso, Supervisor of Engineering



**TO BE COMPLETED BY KEYS – Internal Use Only**

Project Name: _____			
Total Connected Load	_____ kW	Supervisor of Engineering _____	____/____/____
% of Diversity	_____ %	Director of Engineering _____	____/____/____
Total Demand Max	_____ kW		
Comments: _____			
Walk Thru Required:	Yes _____	No _____	
Metering per Drawing:	CT _____	or SC _____	Unknown _____
Meter Install Only:	Yes _____	No _____	
Upgrade of Service:	Yes _____	No _____	
Work Ticket/ER #:	Yes _____	No _____	If yes, # _____
Transformer Upgrade Needed:	Yes _____	No _____	
Transformer Install Needed:	Yes _____	No _____	
New Service Drop Only:	Yes _____	No _____	
Engineering Inspection Needed:	Yes _____	No _____	
CBRA Area Impact	Yes _____	No _____	If yes, special LE needed
<b>To be completed by Customer Services:</b>			
Has customer signed up for service:	Yes _____	No _____	
Temporary Service:	Yes _____	No _____	
Deposit Only:	Yes _____	No _____	
Meter type required:	SC _____	CT _____	Ratio _____
SIC Code: _____			
Rate: _____			
		____/____/____	
	_____ Meter Services Section		

Form Revision #: Ver 9.0  
Date: September 2016

**SPOTTSWOOD, SPOTTSWOOD, SPOTTSWOOD & STERLING, PLLC**

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OF COUNSEL:

JOHN M. SPOTTSWOOD (1920 – 1975)  
ROBERT A. SPOTTSWOOD (of Counsel)  
WILLIAM B. SPOTTSWOOD (of Counsel)

**Memorandum**

To: Craig Marston, Monroe County Deputy Fire Marshal Lower Keys

From: Donald Leland Craig AICP, Land Use Director 

Date: May 2, 2017

Subject: Letter of Coordination Como Keys/Manley DeBoer LPG Storage – Big Pine Key

CC:

Attachments: Site Plan

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Attached to this memorandum is a site plan of the proposed facility for your review. Please address any comments to me at the above address, with a copy to Mr. Kevin Bond, Planning and Development Review Manager at the Monroe County Planning Department.

Thank you.

**County of Monroe**  
The Florida Keys



**BOARD OF COUNTY COMMISSIONERS**

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

Donald Craig AICP  
Land Use Director  
500 Fleming Street  
Key West, Florida  
May 8, 2017

Mr. Craig

I have reviewed your plans 177 Industrial Road, Big Pine Key Florida. This office has no objections to this project.

Will Thompson  
Director, Solid Waste  
Monroe County Florida



(305) 295-1000  
1001 James Street  
PO Box 6100  
Key West, FL 33040-6100  
www.KeysEnergy.com

---

UTILITY BOARD OF THE CITY OF KEY WEST

May 3, 2017

Mr. Donald Leland Craig AICP, Land Use Director  
Spottswood, Spottswood, Spottswood & Sterling, PLLC  
500 Fleming Street  
Key West, FL 33040

RE: 177 Industrial Road, Big Pine Key, Florida

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These plans are necessary in order for us to ensure that there is adequate service for your project, as well as our existing, surrounding customers.

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Should you have any questions, please contact me at (305) 295-1080.

Sincerely,

A handwritten signature in blue ink that reads "Dane'lle Waldon".

Dane'lle Waldon  
Customer Accounts Representative

DW/am

Enclosures

c:  
M. Alfonso, Supervisor of Engineering

# **EXISTING CONDITIONS REPORT**

*of*

**Two Lot Parcel – 177 Industrial Rd., Big Pine Key  
Parcel #s 00110830-000303 & 00110830-000107  
Monroe County, Florida  
Sec 25, Twn 66, Rge 29**

*for*

**Spottswood, Spottswood, Spottswood and Sterling  
Attn: Donald L. Craig, AICP – Land Use Director  
Key West, Florida**

**April 16, 2017**



**Conducted by:** Harry A. DeLashmutt, Biosurveys, Inc.  
794 26<sup>th</sup> Street  
Marathon, Florida 33050  
Phone – (305) 942-9221  
Email – hdelashmutt@comcast.net

## Existing Vegetative Conditions

### Property Description / Introduction:

The two tracts or platted lots are contiguous to one another and are currently used to support the Manley-DeBoer Lumberyard in an industrial area of Big Pine Key. The tract that fronts on Industrial Road (parcel # -000303) contains a large storage building and distribution office with several small storage sheds or racks along the sides. The area of this tract is 64,635 sf or 1.48 acres in size. The rear or east end of the tract connects to a long north-south oriented tract 100 feet wide by 647+/- feet long (parcel # -000107). This tract is mostly scarified and empty but with small side sheds and miscellaneous open storage. Concrete pads are present from past storage use. The southern end extends into a scrub mangrove wetland. It is evident that the use at this end was for bulk piled sand or gravel with concrete containment berms – four feet in height (see aerial photo attached). Both tracts of land have no significant vegetative habitat except the disturbed wetlands and mangroves at the far south end of parcel -000107. The elevation at that end drops to a point where it's low enough to wick subterranean moisture into the soils making them hydric and supportive of ground cover wetland indicator plants.

The front rights-of-way on Industrial Road contain native palms and understory trees that were planted as landscaping. Palms are the endangered Silver Palm and the Florida Thatch Palms. Saint Augustine grass is found as ground cover in this area and also planted on stormwater retention features in side setbacks of the -000303 parcel (see photos attached).

The two subject tracts are being considered for a use change and require this habitat assessment for development planning and site design. Monroe County GIS habitat overlay mapping identifies the uplands as “Developed Land” with the lower elevation one-third of the -000107 as “Saltmarsh” & “Mangrove” habitat. The Tier designation overlay map has parcel -000303 as Tier 3 and the parcel -000107 as Tier 1. The major use areas of both tracts can be properly classified as “Disturbed Land – 740.0” (Uplands) with the southerly one third of tract -000107 as “Disturbed with Salt Marsh – 740.3 and a small section beyond the use berm as “Scrub Mangrove - 620.0” vegetative habitat.

There are saltmarsh and mangrove wetlands found on the lower areas of parcel -000107. The Monroe County Protected Animal Species maps & the US Fish & Wildlife protected species mapping has focus layers showing potentially suitable habitat area for the Lower Keys Marsh Rabbit, Key Deer, Eastern Indigo Snake, Silver Rice Rat, Keys Tree Cactus, and the Schaus's Swallowtail Butterfly. A careful assessment of the tracts found no suitable critical habitat for any of these species except the Key Deer which is common to the area. This assessment particularly emphasized the identification of any such habitat and / or direct observation of these protected species. No suitable habitat or sign of species were found during this assessment.

### Methods:

The assessment is to establish the vegetative habitat type within the boundaries of the total parcel through the identification and quantification of combined plant species, soil types, elevation, and hydrology. All regulated and listed plants found on the parcel are to be identified by species, measured, marked, and mapped for any planned development so that there is no net loss of natural biomass. The tract or parcel was inspected for vegetation known as “regulated” and “listed” or

protected. All identification and field inventory of plants on this property referenced the publications - *Notes on Florida's Endangered and Threatened Plants* by Florida Department of Agriculture; *Native Trees and Shrubs of the Florida Keys* by Paul Scurlock; *Trees of Everglades National Park and the Florida Keys* by George Stevenson; and *Identification & Biology of Non-Native Plants in Florida's Natural Areas* by Langeland & Burks.



Habitat Classes Delineated on the Two Tracts – Aerial Photo from Google Earth 2013  
(Refer to Property Description Section Above for Habitat Code Description)

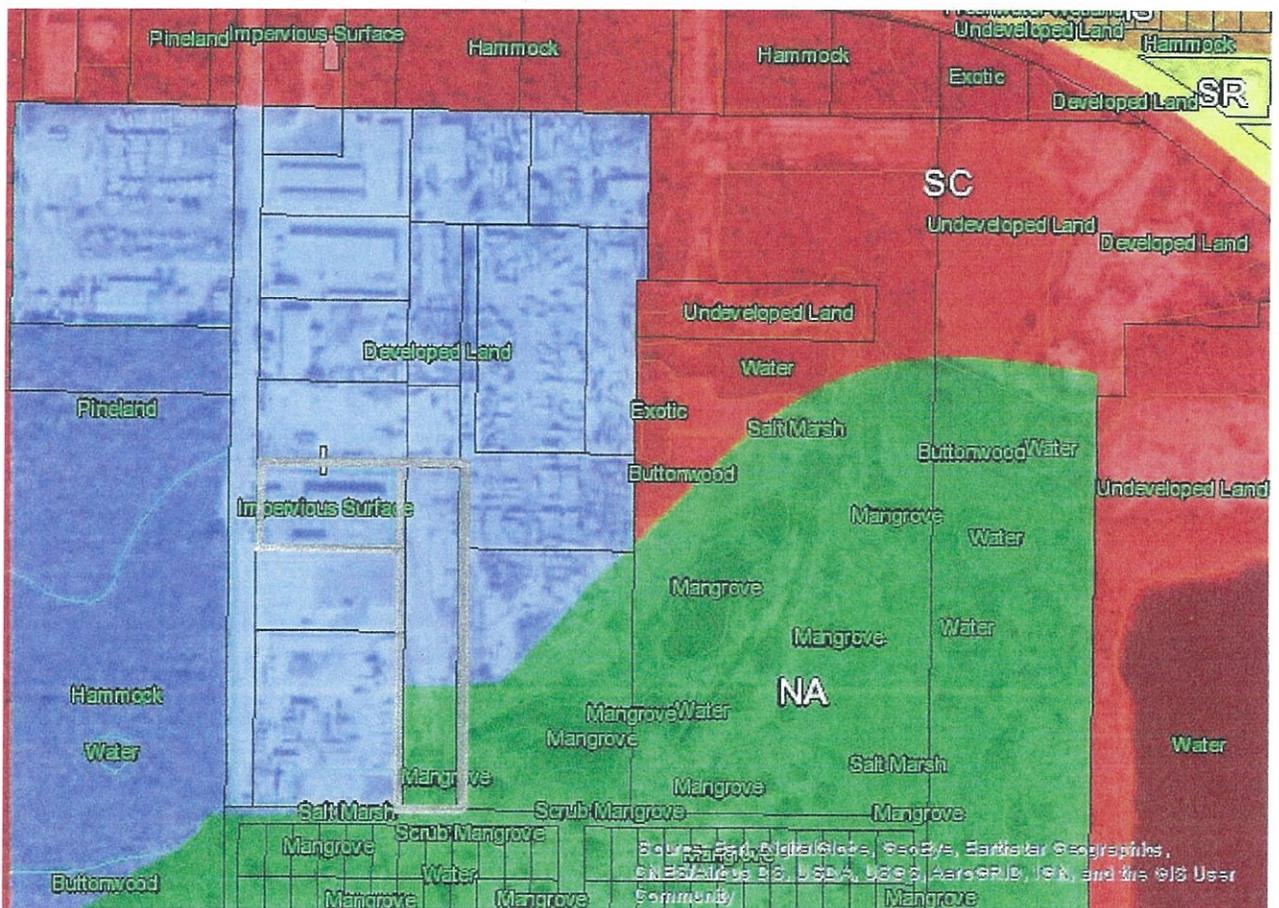
### **Vegetative Analysis of Property**

The two subject tracts of land are highly disturbed from development and storage activity as a lumberyard complex. There are no regulated trees or listed plants found on the properties. Native plants are rare for both tracts with the exception of the salt marsh habitat found on the lower or southerly one third of parcel -000107. In this wetland area the dominant plant species on the lower areas is Seashore Saltgrass (*Distichlis spicata*) with Seashore Dropseed (*Sporobolus virginicus* and Saltmeadow Cordgrass (*Spartina patens*) mixed as ground cover. Near the end of the tract is a berm or mound of earth that separates disturbed saltmarsh and scattered scrub mangroves. This habitat matches the surrounding saltmarsh areas which indicate no historical fill or scraping has occurred in the remaining tract area. There are no large trees or shrubs on the tract. Woody plant species are small Buttonwood and mangroves. The hydric soil plant indicators are abundant and are supported by wicking moisture in the soils along with standing surface water. Evidence of

periodic standing water can be found as surface algae mat on the ground. Refer to the attached aerial photo of the two tracts with the saltmarsh and mangrove wetland delineated and supporting photos of current conditions.

**Wetland Habitat :**

The specialized wetland plants are occupying only the southern end of the -000107 tract and the land elevation is low enough to constantly wick subterranean moisture. The man-made concrete berm features that exist in that same area also tend to trap surface water that remains pooled for a period of time adding to the hydric conditions to support wetlands. These conditions and the specialized wet loving plants are present and support the classification as a saltmarsh habitat. The wetland has a transitional zone or ecotone that extends up the tract to the north and ends approximately 25 feet from the south end of a large concrete pad. Upland exists north of this line on this tract. The northwest tract or -000303 has no wetland issues. See attached photo habitat delineation.



Monroe County GIS Mapping of Tracts – Vegetative Habitat Overlay  
Saltmarsh & Mangroves Depicted by Green in Southern 1/3 of East Tract



Large Warehouse Bldg, & Fill Pad South Side-000303



Rear of Warehouse & N End of Tract 000107



View to South – Tract 000107 Last Conc. Pad to Left



Typical Wetland Grasses Along Sides of Berms

**Protected or Imperiled Species:**

Due to the absence of understory and suitable forage there is no suitable habitat for the Schaus's Butterfly. There are no Tree Cacti found on or near the site and no suitable critical habitat found for the Marsh Rabbit or Silver Rice Rat. The Eastern Indigo snake prefers heavy ground cover habitat and the presence of prey species. Transiting Key Deer may forage temporarily in the marsh area but no long term cover habitat prevails on these scarified tracts. Human activity level is high and further disturbs the site for suitable wildlife forage. No signs of the listed species were noted.



Center Area of Storage Berms – South End 000107



Surrounding Saltmarsh Habitat to South End – Berm in Foregd.

**Plant Codes for This Vegetative Species List are:**

Protected (P); Invasive Exotic (IEX); Exotic (EX); Native plant codes are (N) followed by their status or value as a wetland indicator. FAC – Facultative; FACW – Facultative Wet; and OBL – Obligate. These three types of vegetation status form the basis of a unified statewide methodology for the delineation of wetlands to satisfy the mandate of Section 373.421 Florida Statutes and codified in 62.340, Florida Administrative Code – “Delineation of the Landward Extent of Wetlands and Surface Waters”.

**Vegetative Species List**

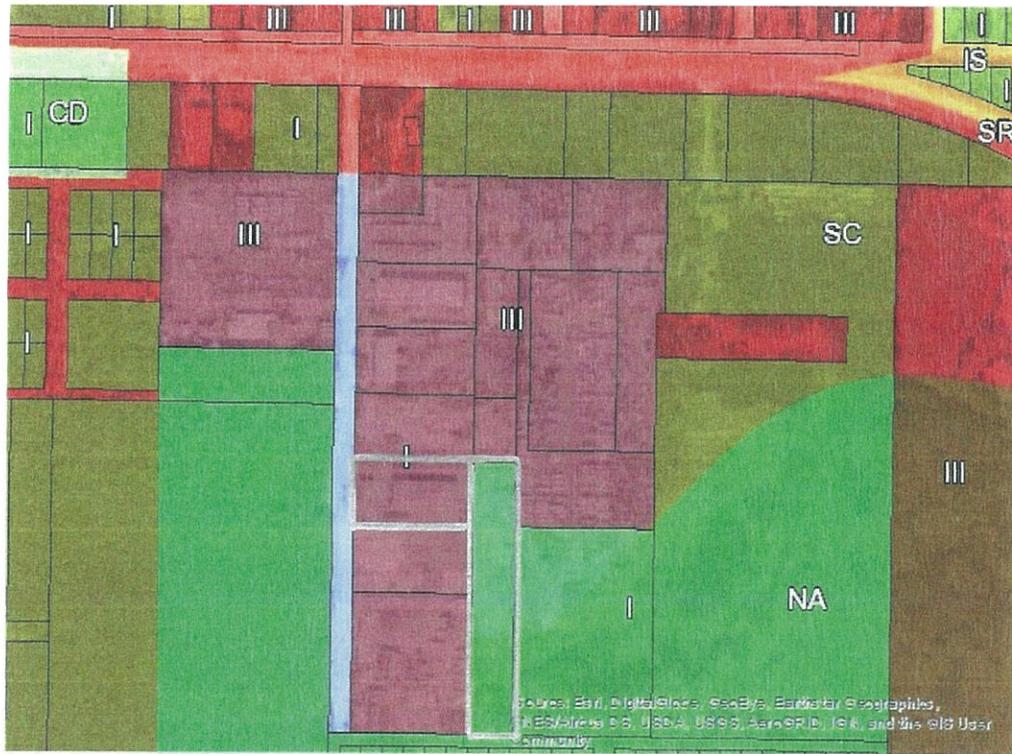
<b><u>Common Name</u></b>	<b><u>Scientific Name</u></b>	<b><u>Status</u></b>	<b><u>Notes</u></b>
Black Mangrove	<i>Avicennia germinans</i>	P	OBL
Green Buttonwood	<i>Conocarpus erectus</i>	N - FACW	
Glasswort	<i>Salicornia bigelovii</i>	OBL	
Heleiotrope	<i>Heliotropium polyphyllum</i>	FAC	
Hurricane Grass	<i>Fimbristylis spathacea</i>	FACW	
Marsh Aster	<i>Aster sabulatus</i>	OBL	
Red Mangrove	<i>Rhizophora mangle</i>	P	OBL
Saltmarsh Cordgrass	<i>Spartina patens</i>	FACW	
Saltwort	<i>Batis maritima</i>	OBL	
Samphire	<i>Blutaparon vermiculare</i>	OBL	
Sea Daisy	<i>Borrichia frutescens</i>	OBL	
Sea Oxeye	<i>Borrichia arborescens</i>	OBL	
Sea Purslane	<i>Sesuvium portulacastrum</i>	FACW	
Seashore Saltgrass	<i>Distichlis spicata</i>	OBL	
Seashore Rush Grass	<i>Sporobolus virginicus</i>	OBL	
Small Fruited Beak Rush	<i>Rhynchospora microcarpa</i>	OBL	
Spike Rush	<i>Fimbristylis cymosa</i>	OBL	
White Mangrove	<i>Laguncularia racemosa</i>	P	OBL

**Invasive Exotic Plants:**

Brazilian Pepper	<i>Schinus terebinthifolius</i>	IEX Class I
St. Augustine Grass	<i>Stenotaphrum secundatum</i>	IEX Class III

**Note:**

The above inventory is primarily that of the vegetation found in the south 1/3 of Tract -000107. The upland area of this tract and -000303 is scarified of native woody vegetation and only light native ground cover grasses are present along with exotic grass that is kept mowed and groomed on sides and in the front office area of the existing lumberyard. Invasive exotic issues are insignificant and only small seedlings are found on the fence lines – intruding from adjacent properties. Jurisdictional wetlands extend to a line well below the last concrete pad based on hydric soils and indicator plants. Agencies permitting wetland development should be contacted for any determination prior to any use planning for the lower elevations of the eastern tract or -000107.



Monroe County GIS Mapping of Tracts – Tier Designation of Land Overlay

Note – Purple is Tier 3; Green Tier 1

(Recommended: That the Tier designation be amended to Tier 3 for the north 2/3 of Tract -000107)

**Contacts:**

Please contact Harry DeLashmutt at (305) 942-9221 for any further analysis, recommendations or questions concerning this existing conditions site assessment and vegetative inventory. Contact the Monroe County biologist for specific requirements or permits necessary for any action dealing with the removal or disturbance of vegetation on this site.

Biological assessment report conducted by Harry DeLashmutt

Consulting Biologist April 16, 2017

Land data – Monroe County Land Appraiser’s Office is Appendix to this report – Next Page



**Overview**



**Legend**

-  Major Roads
-  Centerline
-  Hooks
-  Road Center
-  Rights of Way
-  Condo Building
-  Conservation Easement
-  Key Names
-  Subdivisions
-  Parcels

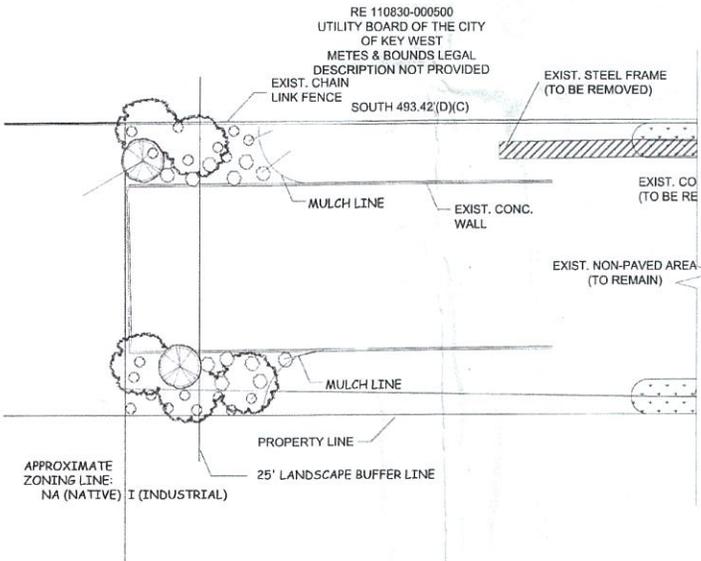
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 Developed by  
 The Schneider Corporation



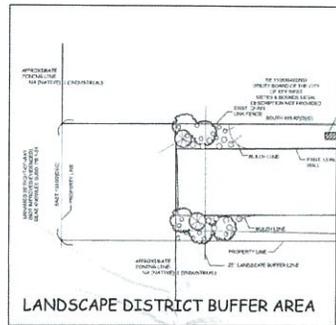
**MONROE COUNTY CODE REQUIREMENTS**

TABLE 1: DISTRICT BOUNDARY BUFFER-NATIVE : INDUSTRIAL		
CLASS C REQUIRED		
BUFFERYARD STANDARD SEC. 114-128		
REQUIRED CLASS C @ 25' WIDE/ 100' LENGTH	3.5	CANOPY
	1.4	UNDERSTORY
	14	SHRUBS
PROVIDED BY EXISTING TREES OR ON-SITE PLANT RELOCATION	0	CANOPY
	0	UNDERSTORY
	0	SHRUBS
NEW PLANT MATERIAL	5	CANOPY
	2	UNDERSTORY
	30	SHRUBS

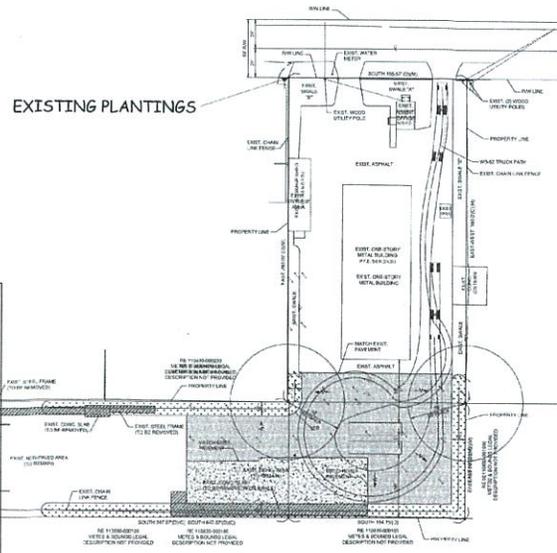


**CONCEPTUAL LANDSCAPE PLAN: DISTRICT BOUNDARY BUFFER**

SCALE 1" = 20'



**LANDSCAPE DISTRICT BUFFER AREA**



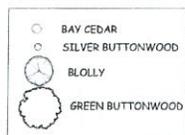
**CIVIL SITE PLAN**

SCALE 1" = 50'

**GENERAL NOTES:**

1. All plants shall be supplied in accordance with and comply with American Nurseryman standards. Plants shall be free of disease and shall be as shown on the Plant List. Any substitutions shall be approved by the Landscape Designer prior to installation.
2. All plant material shall be planted, staked and guyed in accordance with sound and accepted horticultural practices. Backfill soil shall be upgraded with 1/3 organic matter, 1/3 native soil and 1/3 composted manure. See Tree Planting Detail.
3. Planting beds shall be mulched to a depth of 3" with clean, weed free, shredded hardwood mulch or equivalent.
4. Type and quantity of sod to be determined at a later date, per Drainage Plan.
5. Plantings shall be spaced as noted on the Landscape Plan, measurements are taken on center.
6. All dimensions to be field checked.
7. Contractor shall install necessary water requirements for all plant material to provide 100% irrigation.
8. It is the responsibility of the Landscape Contractor to coordinate with the General Contractor, Electrical Contractor, etc.
9. Landscape Contractor shall contact "Call Sunshine" at (800) 432-4770 for location of underground utilities. Contractor shall allow 48 hours for marking.
10. The Contractor shall guarantee the installation of the plant material for a period of 180 days from the time of initial planting and acceptance; and shall during this time, furnish at no additional cost, replacement material of the same size, genus, species and variety due to death, disfigurement, or any other condition caused by defective materials or workmanship.

**LEGEND**



QTY	LATIN NAME	COMMON NAME	SCHEDULED SIZE
5	Conocarpus erectus	Green Buttonwood	12-14" OA, 2' dbh, Florida #1
2	Guapira discolor	Bolly	3-4" OA, Florida #1
18	Conocarpus erectus sericeus	Silver Buttonwood	3 gal.
12	Surinamia maritima	Bay Cedar	2 gal.

**PLANT SCHEDULE**

MAY 1 2 2017  
2017-076  
MONROE COUNTY ENGINEERING DEPARTMENT

COMO OIL COMPANY OF FLORIDA, INC.  
PALM CITY, FLORIDA 34990

PROPOSED LANDSCAPE PLAN AND NOTES  
BULK TRANSFER FACILITY  
177 INDUSTRIAL ROAD  
BIG PINE KEY, FLORIDA 33043



Mitchell Planning & Design, Inc.

18450 SE 103rd Place Road  
Ocala, Florida 32179  
352.288.0401 / 352.509.0946  
mitchellplanningdesign@gmail.com

Revisions:


Date: 05.09.17  
Scale: As Noted  
File: 17-bc-001  
Drawn: BM Checked: LR  
Sheet:  

LA:01

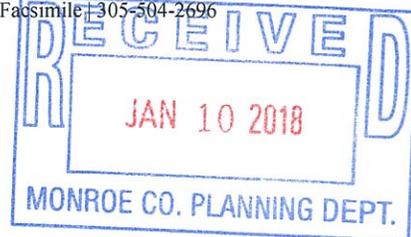
**Additional Information added to File 2017-070**

**SPOTTSWOOD, SPOTTSWOOD, SPOTTSWOOD & STERLING, PLLC**

ATTORNEYS AND COUNSELORS AT LAW  
500 FLEMING STREET  
KEY WEST, FLORIDA 33040

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ERICA H. STERLING  
CRISTINA L. SPOTTSWOOD  
WILLIAM B. SPOTTSWOOD, JR.  
RICHARD J. McCHESNEY

Telephone | 305-294-9556  
Facsimile | 305-504-2696



OF COUNSEL:

JOHN M. SPOTTSWOOD (1920 – 1975)  
ROBERT A. SPOTTSWOOD (of Counsel)  
WILLIAM B. SPOTTSWOOD (of Counsel)

January 9, 2018

SENT VIA FEDERAL EXPRESS

TRACKING #7711 7519 4205

Monroe County Planning Department  
Attention: Mr. Kevin Bond  
Marathon Government Center  
2798 Overseas Highway, Suite 400  
Marathon, FL 33050

Re: Como Keys, LLC – Industrial Road, Big Pine Key, FL 33043  
Vacant Land Located at Overseas  
Highway, Plantation Key, FL 33036  
File No. 378-16.00161 ED2D3

Dear Kevin,

I am following up relative to your recent conversations with Donald Craig regarding the above referenced matter. Enclosed in the originals, please find the original, signed and notarized Agent Authorization Form and the Request for a Major Conditional Use Permit. After your review, please contact Donald Craig directly with any questions which you may have. Mr. Craig's number is His number is (305)924-0249. Thank you.

Sincerely,

Danyel Clynes  
Paralegal &  
Real Estate Closer

/drc

Enclosures

Cc: Mr. Donald L. Craig (via email only)

AGENT AUTHORIZATION FORM

Date of Authorization: 01 / 08 / 2018
Month Day Year

I hereby authorize The Spottswood Law Firm, Donald Craig and/or Richard McChesney be listed as authorized agent
(Print Name of Agent)

representing The Manley-DeBoer Lumber Company Ltd. for the application submission
(Print Name of Property Owner(s) the Applicant(s))

of Major Conditional Use
(List the Name and Type of applications for the authorization)

for the Property described as: (if in metes and bounds, attach legal description on separate sheet)

Table with 2 columns: Property Description and Key/Marker Information. Includes fields for Lot, Block, Subdivision, Real Estate (RE) Number, Street Address, and Approximate Mile Marker.

Authorized Agent Contact Information:

500 Fleming Street, Key West, Florida 33040
Mailing Address (Street, City, State and Zip Code)

305 924 0249/305 294 9556 Home Phone 305 924 0249 Cell Phone dcraig@spottswoodlaw.com and richard@spottswoodlaw.com Email Address

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purposes stated. The undersigned understands the risks and liabilities involved in the granting of this agency and accepts full responsibility for any and all of the actions of the agent named herein related to the processing of the services requested, application(s) and/or the acquisition of approvals/permits for the aforementioned applicant. The applicant(s) hereby indemnifies and holds harmless Monroe County, its officers, agents and employees for any damage to applicant caused by its agent or arising from this agency authorization.

Note: Agents must provide a notarized authorization from ALL current property owners.

Signature of Property Owner: Erik DeBoer

Printed Name of Property Owner: Erik DeBoer

STATE OF Florida COUNTY OF MONROE

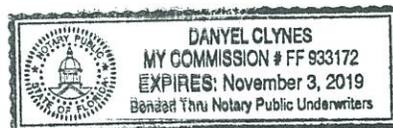
Sworn to and subscribed before me this 9th day of January, 2018

by Daniel Clynes, Erik DeBoer who is personally known to me OR produced
(Print Name of Person Making Statement)

(Type of ID Produced) as identification.

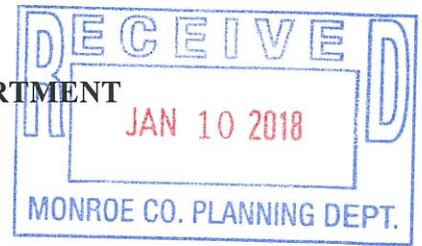
Signature of Notary Public: Daniel Clynes

My commission expires: 11/3/19



Print, Type or Stamp Commissioned Name of Notary Public

APPLICATION  
MONROE COUNTY  
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT



**Request for a Major Conditional Use Permit**

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

Major Conditional Use Permit Application Fee: \$11,400.00

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

Advertising Costs: \$245.00

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

Traffic Study Review: \$5,000.00

Advertising and Noticing fees for a community meeting: \$245.00 plus \$3.00/SPON

**Date of Application:** 01 / 08 / 2018  
Month Day Year

**Applicant / Agent Authorized to Act for Property Owner:** (Agents must provide notarized authorization from all property owners.)

The Spottswood Law Firm, Donald Craig and/or Richard McChesney	Donald Craig and/or Richard McChesney	
Applicant (Name of Person, Business or Organization)	Name of Person Submitting this Application	
500 Fleming Street , Key West , Florida 33040		
Mailing Address (Street, City, State and Zip Code)		
305 924 0249/3052949556	305 924 0249	dcraig@spottswoodlaw.com and richard@spottswoodlaw.com
Work Phone	Home Phone	Cell Phone
Email Address		

**Property Owner:** (Business/Corp must include documents showing who has legal authorized to sign.)

The Manley-DeBoer Lumber Company Ltd.	Mr. Erik DeBoer	
(Name/Entity)	Contact Person	
1109 Eaton Street, Key West, Florida 33040		
Mailing Address (Street, City, State and Zip Code)		
305 294 5900	305 304 5757	edeboer@bellsouth.net
Work Phone	Home Phone	Cell Phone
Email Address		

**Legal Description of Property:**

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

See Attached Survey and Legal Description	Big Pine Key
Block	Key
00110830-000303	8788606
Real Estate (RE) Number	Alternate Key Number
177 Industrial Road, Big Pine Key FL 33043	32
Street Address (Street, City, State & Zip Code)	Approximate Mile Marker

APPLICATION

Land Use District Designation of Property: Industrial

Present Land Use of Property: lumber yard

Proposed Land Use of Property: Light Industrial lumber yard and Heavy Industrial LPG Storage

Total Area of Property: 1.35 acres

Total Upland Area within Property: 1.35 acres

If non-residential or commercial floor area is proposed, please provide:

  x   Total number of non-residential buildings

2,301 Total non-residential floor area in square feet

If residential dwelling units are proposed, please provide:

  0   Total number of residential buildings

  0   Total number of market-rate units

  0   Total number of affordable units

  0   Total number of transient units (hotel, recreational vehicle and/or campground)

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

Applicants requesting a Major Conditional Use Amendment shall provide for public participation through a community meeting.

*Scheduling.* The applicant will coordinate with the Planning Director regarding the date, time and location of the proposed community meeting; however, all meetings are to be held on a weekday evening at a location close to the project site, between 45 and 120 days prior to the first of any public hearings required for development approval.

*Notice of Meeting.* The community meeting shall be noticed at least 15 days prior to the meeting date by advertisement in a Monroe County newspaper of general circulation, mailing of notice to surrounding property owners, and posting of the subject property.

*Noticing and Advertising Costs.* The applicant shall pay the cost of the public notice and advertising for the community meeting and provide proof of proper notice to the Planning Director.

The community meeting shall be facilitated by a representative from the Monroe County Planning & Environmental Resources Department and the applicant shall be present at the meeting.

**PROOF OF PROPER NOTICING ON THE COMMUNITY MEETING WILL BE REQUIRED.**

## APPLICATION

### All of the following items must be included in order to have a complete application submission:

(Please check the box as each required item is attached to the application.)

- Completed application form
- Correct fee (check or money order payable to *Monroe County Planning & Environmental Resources*)
- Proof of ownership (i.e., Warranty Deed)
- Current property record card(s) from the Monroe County Property Appraiser
- Photograph(s) of site from adjacent roadway
- Copy of the recorded conditional use permit and any previous modification approvals
- Copy of the most recently approved site plan
- Written description of project
- Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – 8 sets (at a minimum, survey should include elevations; all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage; and total acreage by habitat)
- Environmental Designation Survey (prepared in accordance with Monroe County Code §110-70 a).
- Community Impact Statement (prepared in accordance with Monroe County Code §110-70 b).
- Signed and Sealed Site Plan, prepared by a Florida registered architect, engineer or landscape architect– 8 sets (drawn to a scale of 1:10 or 1:20). At a minimum, the site plan should include the following:
  - L Date, north point and graphic scale
  - I Boundary lines of site, including all property lines and mean high-water lines shown in accordance with Florida Statutes
  - F All attributes from the boundary survey
  - F Future Land Use Map (FLUM) designation(s) of the site
  - F Land Use (Zoning) District designation(s) of site
  - F Tier designation(s) of the site
  - Flood zones pursuant to the Flood Insurance Rate Map
  - L Setback lines as required by the Land Development Code
  - I Locations and dimensions of all existing and proposed structures, including all paved areas and clear site triangles
  - F Size and type of buffer yards and parking lot landscaping areas, including the species and number of plants (*unless a separate landscape plan showing such is submitted*)
  - F Extent and area of wetlands, open space preservation areas and conservation easements
  - L Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any potential species that may use the site (*certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service*) (unless a separate landscape plan showing such is submitted)
  - I Location of fire hydrants or fire wells
  - I The location of public utilities, including location of the closest available water supply system or collection lines and the closest available wastewater collection system or collection lines (with wastewater system provider) or on-site system proposed to meet required County and State of Florida wastewater treatment standards
  - F A table providing the total land area of the site, the total buildable area of the site, the type and square footage of all nonresidential land uses, the type and number of all residential dwelling units, the amounts of impervious and pervious areas, and calculations for land use intensity, open space ratio, and off-street parking

## APPLICATION

- Landscape Plan by a Florida registered landscape architect – 8 sets (may be shown on the site plan; however, if a separate plan, drawn to a scale of 1:10 or 1:20). At a minimum, the landscaping plan should include the following:
  - Date, north point and graphic scale
  - Boundary lines of site, including all property lines and mean high-water lines shown in accordance with Florida Statutes
  - Locations and dimensions of all existing and proposed structures, including all paved areas
  - Open space preservation areas
  - Existing natural features
  - Size and type of buffer yards including the species, size and number of plants
  - Parking lot landscaping including the species, size and number of plants
  - Specimen trees, or threatened and endangered plants to be retained and those to be relocated or replaced
  - Transplantation plan (if required)
- Stormwater/ Surface Water Management Plan – 8 sets (including existing and proposed topography, all drainage structures, retention areas, drainage swales and existing and proposed permeable and impermeable areas)
- Building Floor Plans for all proposed structures and for any existing structures to be redeveloped – 8 sets (drawn at an appropriate standard architectural scale)
- Building Elevations for all proposed structures and for any existing structures to be modified – 8 sets (with the elevations of the following features referenced to NGVD: existing grade; finished grade; finished floor elevations (lowest supporting beam for V-zone development); roofline; and highest point of the structure)
- Traffic Study, prepared by a licensed traffic engineer
- Transportation fee of \$5,000 to cover the cost of experts hired by the Growth Management Division to review the traffic study (any unused funds deposited will be returned upon permit approval)
- Construction Management Plan, stating how impacts on near shore water and surrounding property will be managed (i.e. construction barriers, hay bales, flagging)
- Typed name and address mailing labels of all property owners within a 600 foot radius of the property. This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 600 foot radius, each unit owner must be included
- Radius report from Monroe County Property Appraiser supporting the required labels
- Proof of Coordination are required from the following:
  - Florida Keys Aqueduct Authority (FKAA)
  - Florida Keys Electric Cooperative (FKEC) or Keys Energy Services
  - Monroe County Office of the Fire Marshal
  - Monroe County Solid Waste Management
    - Florida Department of Health if wastewater flows are less than or equal to 5,000 gallons per day or
    - Florida Department of Environmental Protection if wastewater flows exceed 5,000 gallons per day

**If applicable, the following items must be included in order to have a complete application submission:**  
(Please check the box as each required item is attached to the application.)

- Notarized Agent Authorization
- Vegetation Survey or Wetland delineation
- Construction Phasing Plan

**APPLICATION**

Additional Proof of Coordination may be required for your project, please contact with the Planning & Environmental Resources Department to identify other agencies expected to review the project. Other agencies may include, but are not limited to:

- Key West Resort Utilities
- Key Largo Wastewater Treatment District (KLWTD)
- South Florida Water Management District (SFWMD)
- Florida Department of Transportation (FDOT)
- Florida Department of Environmental Protection (FDEP)
- Florida Department of State, Division of Historic Resources
- Florida Game and Freshwater Fish Commission (FGFFC)
- U.S. Army Corps of Engineers (ACOE)
- U.S. Fish and Wildlife Service (USFW)

Is there a pending code enforcement proceeding involving all or a portion of the parcel proposed for development?

Yes  No Code Case file # \_\_\_\_\_ Describe the enforcement proceedings and if this application is being submitted to correct the violation: \_\_\_\_\_

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

\* \* \* \* \*

The applicant/owner hereby acknowledges and agrees that any staff discussions or negotiations about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

APPLICATION

By signing this application, the owner of the subject property authorizes the Monroe County Planning & Environmental Resources staff to conduct all necessary site visits and inspections on the subject property.

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

Signature of Applicant: Erik de Boer Date: 1/9/2018

STATE OF Florida

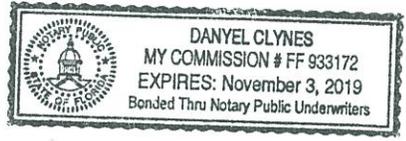
COUNTY OF Monroe

Sworn to and subscribed before me this 9<sup>th</sup> day of January, 20 18,

by Erik de Boer, who is personally known to me OR produced  
(PRINT NAME OF PERSON MAKING STATEMENT)

\_\_\_\_\_ as identification.  
(TYPE OF ID PRODUCED)

Danyl Clynes  
Signature of Notary Public

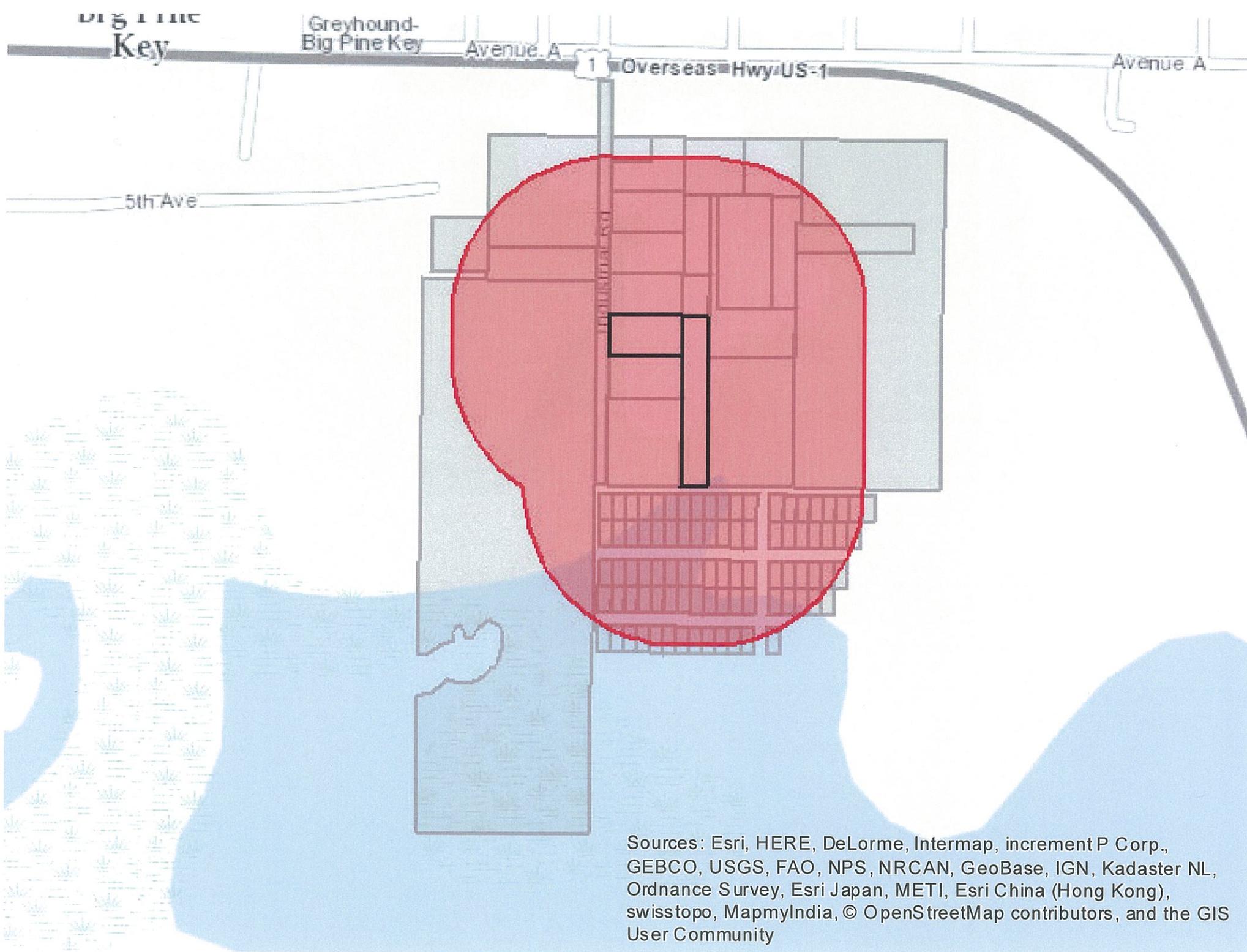


**Danyl Clynes**

Print, Type or Stamp Commissioned Name of Notary Public  
My commission expires:

Send complete application package to:

Monroe County Planning & Environmental Resources Department  
Marathon Government Center  
2798 Overseas Highway, Suite 400  
Marathon, FL 33050



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

**SPOTTSWOOD, SPOTTSWOOD, SPOTTSWOOD & STERLING, PLLC**

ATTORNEYS AND COUNSELORS AT LAW  
500 FLEMING STREET  
KEY WEST, FLORIDA 33040

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ERICA HUGHES STERLING  
CRISTINA L. SPOTTSWOOD  
WILLIAM B. SPOTTSWOOD, JR.  
RICHARD J. McCHESNEY

Telephone | 305-294-9556  
Facsimile | 305-504-2696

OF COUNSEL:

JOHN M. SPOTTSWOOD (1920 – 1975)  
ROBERT A. SPOTTSWOOD (of Counsel)  
WILLIAM B. SPOTTSWOOD (of Counsel)



**Memorandum**

To: Kevin Bond, AICP - Planning and Development Review Manager

From: Donald Leland Craig, AICP - Land Use Director

Date: August 14, 2017

Subject: Manley-DeBoer – Big Pine Key LPG Storage Facility.

CC: Erik DeBoer, Arron Younger, Richard Manley, Erica Sterling and Richard McChesney

- Attachments:
1. Revised Site Plan dated August ,2017
  2. SunBiz Verification of Authority to Execute Documents
  3. Revised Legal Description – On Survey
  4. Proof of Ownership- Warranty Deeds and Description
  5. Signed and Sealed Survey
  6. Building/Tank Elevations – On Revised Site Plan
  7. Construction Management and Phasing Plans
  8. Agent Authorization
  9. Ownership Disclosure
  10. Coordination Letters/Responses
  11. Drainage Plan dated August 2107
  12. Landscape Plan dated August 2017
  13. Revised Application Form

Kevin - We have amended the application for the heavy industrial use consisting of two Liquid Petroleum Gas storage tanks to be located at the existing Manley-DeBoer lumberyard on Industrial Road, Big Pine Key. We have addressed each of the points in your June 5, 2017 Letter of Completeness, and the attachments provide the requested information.

A significant change in the application is the deletion of one of the three parcels that made up the original ownership of the Manley-DeBoer lumberyard property. Although the property is smaller, it is large enough to contain the proposed storage tank use as well as the required parking and other development improvements.

The reason for the changes other than those required by your Completeness letter is that the owners had the opportunity to sell a legally established parcel, which was part of RE# 00110830-000107, the parcel to the east of the existing lumberyard building, to an adjacent property owner. The parcel was sold to Mr. Timothy

site plan reflects this change. Further, the parcel sold to Mr. Haack is accessed via an easement across the Manley-DeBoer property.

In your letter of completeness, you commented on the deed for the property. We have attached the prior deed for RE# 0110830-000107 from which the legally established parcel sold to Mr. Haack was part. Also, enclosed is the Deed for 00118030-000303, which is the Manley DeBoer Lumber Yard parcel recorded at OR Book 2190 at Page 2 and a Quit Claim Deed recorded at OR Book 2190 at Page 5. All Deeds are now part of the application and provide the proof ownership, and clarifies the questions raised by staff.

Should you have any questions about these supplementary materials, please call me. I trust that this material will complete the application and allow the project to move forward.

Warm regards,

Don

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



**Request for a Major Conditional Use Permit**

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

Major Conditional Use Permit Application Fee: \$11,400.00

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

Advertising Costs: \$245.00

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

Traffic Study Review: \$5,000.00

Advertising and Noticing fees for a community meeting: \$245.00 plus \$3.00/SPON

**Date of Application:** 08 / 18 / 2017  
Month Day Year

**Applicant / Agent Authorized to Act for Property Owner:** (Agents must provide notarized authorization from all property owners.)

Spottswood Law Firm Donald Leland Craig AICP/Richard McChesney  
Applicant (Name of Person, Business or Organization) Name of Person Submitting this Application

500 Fleming Street , Key West , Florida 33040  
Mailing Address (Street, City, State and Zip Code)

305 924 0249      970 453 1546      305 924 0249      dcraig@spottswoodlaw.com  
Work Phone Home Phone Cell Phone Email Address

**Property Owner:** (Business/Corp must include documents showing who has legal authorized to sign.)

Manley-DeBoer Lumber Company, LLC Mr. Erick DeBoer  
(Name/Entity) Contact Person

1109 Eaton Street, Key West, Florida 33040  
Mailing Address (Street, City, State and Zip Code)

305 294 5900      305 304 5757  
Work Phone Home Phone Cell Phone Email Address

**Legal Description of Property:**  
 (If in metes and bounds, attach legal description on separate sheet.)

See Attached Survey and Legal Description

Block	Lot	Subdivision	Key
00110830-000107 & 00110830-000303			8707282 & 8788606
177 Industrial Road, Big Pine Key 33043			MM32
<small>Street Address (Street, City, State &amp; Zip Code)</small>			<small>Approximate Mile Marker</small>

APPLICATION

Land Use District Designation of Property: Industrial

Present Land Use of Property: lumber yard

Proposed Land Use of Property: Light Industrial lumber yard and Heavy Industrial LPG Storage

Total Area of Property: 1.35 acres

Total Upland Area within Property: 1.35 acres

If non-residential or commercial floor area is proposed, please provide:

X  Total number of non-residential buildings Two (2) 30,000 gallon LPG Tanks

2,301 s.f.  Total non-residential floor area in square feet

If residential dwelling units are proposed, please provide:

0  Total number of residential buildings

0  Total number of market-rate units

0  Total number of affordable units

0  Total number of transient units (hotel, recreational vehicle and/or campground)

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

Applicants requesting a Major Conditional Use Amendment shall provide for public participation through a community meeting.

*Scheduling.* The applicant will coordinate with the Planning Director regarding the date, time and location of the proposed community meeting; however, all meetings are to be held on a weekday evening at a location close to the project site, between 45 and 120 days prior to the first of any public hearings required for development approval.

*Notice of Meeting.* The community meeting shall be noticed at least 15 days prior to the meeting date by advertisement in a Monroe County newspaper of general circulation, mailing of notice to surrounding property owners, and posting of the subject property.

*Noticing and Advertising Costs.* The applicant shall pay the cost of the public notice and advertising for the community meeting and provide proof of proper notice to the Planning Director.

The community meeting shall be facilitated by a representative from the Monroe County Planning & Environmental Resources Department and the applicant shall be present at the meeting.

**PROOF OF PROPER NOTICING ON THE COMMUNITY MEETING WILL BE REQUIRED.**

## APPLICATION

All of the following items must be included in order to have a complete application submission:

(Please check the box as each required item is attached to the application.)

- Completed application form
- Correct fee (check or money order payable to *Monroe County Planning & Environmental Resources*)
- Proof of ownership (i.e., Warranty Deed)
- Current property record card(s) from the Monroe County Property Appraiser
- Photograph(s) of site from adjacent roadway
- Copy of the recorded conditional use permit and any previous modification approvals
- Copy of the most recently approved site plan
- Written description of project
- Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – 8 sets (at a minimum, survey should include elevations; all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage; and total acreage by habitat)
- Environmental Designation Survey (prepared in accordance with Monroe County Code §110-70 a).
- Community Impact Statement (prepared in accordance with Monroe County Code §110-70 b).
- Signed and Sealed Site Plan, prepared by a Florida registered architect, engineer or landscape architect– 8 sets (drawn to a scale of 1:10 or 1:20). At a minimum, the site plan should include the following:
  - Date, north point and graphic scale
  - Boundary lines of site, including all property lines and mean high-water lines shown in accordance with Florida Statutes
  - All attributes from the boundary survey
  - Future Land Use Map (FLUM) designation(s) of the site
  - Land Use (Zoning) District designation(s) of site
  - Tier designation(s) of the site
  - Flood zones pursuant to the Flood Insurance Rate Map
  - Setback lines as required by the Land Development Code
  - Locations and dimensions of all existing and proposed structures, including all paved areas and clear site triangles
  - Size and type of buffer yards and parking lot landscaping areas, including the species and number of plants (*unless a separate landscape plan showing such is submitted*)
  - Extent and area of wetlands, open space preservation areas and conservation easements
  - Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any potential species that may use the site (*certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service*) (unless a separate landscape plan showing such is submitted)
  - Location of fire hydrants or fire wells
  - The location of public utilities, including location of the closest available water supply system or collection lines and the closest available wastewater collection system or collection lines (with wastewater system provider) or on-site system proposed to meet required County and State of Florida wastewater treatment standards
  - A table providing the total land area of the site, the total buildable area of the site, the type and square footage of all nonresidential land uses, the type and number of all residential dwelling units, the amounts of impervious and pervious areas, and calculations for land use intensity, open space ratio, and off-street parking

## APPLICATION

- Landscape Plan by a Florida registered landscape architect – 8 sets (may be shown on the site plan; however, if a separate plan, drawn to a scale of 1:10 or 1:20). At a minimum, the landscaping plan should include the following:
- Date, north point and graphic scale
  - Boundary lines of site, including all property lines and mean high-water lines shown in accordance with Florida Statutes
  - Locations and dimensions of all existing and proposed structures, including all paved areas
  - Open space preservation areas
  - Existing natural features
  - Size and type of buffer yards including the species, size and number of plants
  - Parking lot landscaping including the species, size and number of plants
  - Specimen trees, or threatened and endangered plants to be retained and those to be relocated or replaced
  - Transplantation plan (if required)
- Stormwater/ Surface Water Management Plan – 8 sets (including existing and proposed topography, all drainage structures, retention areas, drainage swales and existing and proposed permeable and impermeable areas)
- Building Floor Plans for all proposed structures and for any existing structures to be redeveloped – 8 sets (drawn at an appropriate standard architectural scale)
- Building Elevations for all proposed structures and for any existing structures to be modified – 8 sets (with the elevations of the following features referenced to NGVD: existing grade; finished grade; finished floor elevations (lowest supporting beam for V-zone development); roofline; and highest point of the structure)
- Traffic Study, prepared by a licensed traffic engineer
- Transportation fee of \$5,000 to cover the cost of experts hired by the Growth Management Division to review the traffic study (any unused funds deposited will be returned upon permit approval)
- Construction Management Plan, stating how impacts on near shore water and surrounding property will be managed (i.e. construction barriers, hay bales, flagging)
- Typed name and address mailing labels of all property owners within a 600 foot radius of the property. This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 600 foot radius, each unit owner must be included
- Radius report from Monroe County Property Appraiser supporting the required labels
- Proof of Coordination are required from the following:
- Florida Keys Aqueduct Authority (FKAA)
  - Florida Keys Electric Cooperative (FKEC) or Keys Energy Services
  - Monroe County Office of the Fire Marshal
  - Monroe County Solid Waste Management
  - Florida Department of Health if wastewater flows are less than or equal to 5,000 gallons per day or Florida Department of Environmental Protection if wastewater flows exceed 5,000 gallons per day

**If applicable, the following items must be included in order to have a complete application submission:**  
(Please check the box as each required item is attached to the application.)

- Notarized Agent Authorization
- Vegetation Survey or Wetland delineation
- Construction Phasing Plan

**APPLICATION**

Additional Proof of Coordination may be required for your project, please contact with the Planning & Environmental Resources Department to identify other agencies expected to review the project. Other agencies may include, but are not limited to:

- Key West Resort Utilities
- Key Largo Wastewater Treatment District (KLWTD)
- South Florida Water Management District (SFWMD)
- Florida Department of Transportation (FDOT)
- Florida Department of Environmental Protection (FDEP)
- Florida Department of State, Division of Historic Resources
- Florida Game and Freshwater Fish Commission (FGFFC)
- U.S. Army Corps of Engineers (ACOE)
- U.S. Fish and Wildlife Service (USFW)

Is there a pending code enforcement proceeding involving all or a portion of the parcel proposed for development?

Yes  No Code Case file # \_\_\_\_\_ Describe the enforcement proceedings and if this application is being submitted to correct the violation: \_\_\_\_\_

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

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APPLICATION

By signing this application, the owner of the subject property authorizes the Monroe County Planning & Environmental Resources staff to conduct all necessary site visits and inspections on the subject property.

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

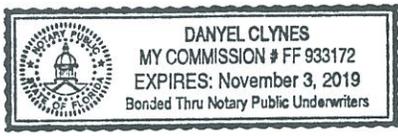
Signature of Applicant: [Signature] Date: 08/23/17

STATE OF Florida  
COUNTY OF MONROE

Sworn to and subscribed before me this 23rd day of August, 2017,  
by Donald L. Craig, who is personally known to me OR produced  
(PRINT NAME OF PERSON MAKING STATEMENT)

\_\_\_\_\_ as identification.  
(TYPE OF ID PRODUCED)

[Signature]  
Signature of Notary Public  
Danyel Clynes



Print, Type or Stamp Commissioned Name of Notary Public  
My commission expires:

Send complete application package to:

Monroe County Planning & Environmental Resources Department  
Marathon Government Center  
2798 Overseas Highway, Suite 400  
Marathon, FL 33050

**2017 FLORIDA LIMITED LIABILITY COMPANY ANNUAL REPORT**

DOCUMENT# L06000110328

**Entity Name:** MANLEY-DEBOER LUMBER COMPANY, LLC

**Current Principal Place of Business:**

1109 EATON STREET  
KEY WEST, FL 33040

**Current Mailing Address:**

1109 EATON STREET  
KEY WEST, FL 33040

**FEI Number:** 20-5970145

**Certificate of Status Desired:** No

**Name and Address of Current Registered Agent:**

MANLEY, RICHARD  
1109 EATON STREET  
KEY WEST, FL 33040 US

*The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.*

**SIGNATURE:**

\_\_\_\_\_  
Electronic Signature of Registered Agent

\_\_\_\_\_  
Date

**Authorized Person(s) Detail :**

Title MGR  
Name MANLEY, RICHARD  
Address 1109 EATON STREET  
City-State-Zip: KEY WEST FL 33040

Title MGR  
Name DEBOER, ERIK  
Address 1109 EATON STREET  
City-State-Zip: KEY WEST FL 33040

Title MGR  
Name WIGHTMAN, CAROL  
Address 600 FLEMING STREET  
City-State-Zip: KEY WEST FL 33040

*I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 605, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.*

**SIGNATURE:** ERIK DEBOER

**MANAGING PARTNER**

**01/11/2017**

\_\_\_\_\_  
Electronic Signature of Signing Authorized Person(s) Detail

\_\_\_\_\_  
Date



**SPOTTSWOOD, SPOTTSWOOD, SPOTTSWOOD & STERLING, PLLC**

ATTORNEYS AND COUNSELORS AT LAW  
500 FLEMING STREET  
KEY WEST, FLORIDA 33040

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ERICA HUGHES STERLING  
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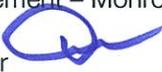
Telephone | 305-294-9556  
Facsimile | 305-504-2696

OF COUNSEL:

JOHN M. SPOTTSWOOD (1920 – 1975)  
ROBERT A. SPOTTSWOOD (of Counsel)  
WILLIAM B. SPOTTSWOOD (of Counsel)

**Memorandum**

To: Will Thompson, Director of Solid Waste Management – Monroe County

From: Donald Leland Craig AICP, Land Use Director 

Date: August 16, 2017

Subject: Letter of Coordination Como Keys/Manley DeBoer LPG Storage – Big Pine Key

CC:

Attachments: Site Plan

The Monroe County Planning Department has requested that I coordinate with your agency to obtain comments on the proposed Liquid Petroleum Gas storage facility to be located at the Manley-DeBoer lumber yard Industrial Road, Big Pine Key. The proposal is for storage of LPG only, with no retail sales on site.

Attached to this memorandum is a site plan of the proposed facility for your review. Please address any comments to me at the above address, with a copy to Mr. Kevin Bond, Planning and Development Review Manager at the Monroe County Planning Department.

Thank you.



**County of Monroe**  
The Florida Keys



**BOARD OF COUNTY COMMISSIONERS**

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

Mr. Donald Craig AICP  
Land Use Director  
500 Fleming Street  
Key West, Florida  
August 16, 2017

Mr. Craig

I have reviewed the change to your plans for the project located at 177 Industrial Road, Big Pine Key Florida. This office has no objections to this project.

A handwritten signature in black ink, appearing to read "Will Thompson", with a long horizontal flourish extending to the right.

Will Thompson  
Director, Solid Waste  
Monroe County Florida

**SPOTTSWOOD, SPOTTSWOOD, SPOTTSWOOD & STERLING, PLLC**

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OF COUNSEL:

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WILLIAM B. SPOTTSWOOD (of Counsel)

**Memorandum**

To: Craig Marston, Monroe County Deputy Fire Marshal Lower Keys

From: Donald Leland Craig AICP, Land Use Director 

Date: August 16, 2017

Subject: Letter of Coordination Como Keys/Manley DeBoer LPG Storage – Big Pine Key

CC:

Attachments: Site Plan

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Thank you.



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OF COUNSEL:

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WILLIAM B. SPOTTSWOOD (of Counsel)

**Memorandum**

To: Dale Finigan, Director of Engineering KEYS Energy Services

From: Donald Leland Craig AICP, Land Use Director 

Date: August 16, 2017

Subject: Letter of Coordination Como Keys/Manley DeBoer LPG Storage – Big Pine Key

CC:

Attachments: Site Plan

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Attached to this memorandum is a site plan of the proposed facility for your review. Please address any comments to me at the above address, with a copy to Mr. Kevin Bond, Planning and Development Review Manager at the Monroe County Planning Department.

Thank you.





(305) 295-1000  
1001 James Street  
PO Box 6100  
Key West, FL 33040-6100  
www.KeysEnergy.com

---

UTILITY BOARD OF THE CITY OF KEY WEST

August 17, 2017

Mr. Don Craig  
Spottswood Law Firm  
500 Fleming Street  
Key West, FL 33040

RE: Manley -DeBoer, Liquid Petroleum Gas Storage  
177 Industrial Road, Big Pine Key, Florida

Dear Mr. Craig:

This is to acknowledge that the above mentioned party has begun a coordination process with Keys Energy Services (KEYS).

KEYS' Engineering Section requests that they be provided with a full set of plans and a Project Review Form (separate form for each new meter) for the referenced project.

These plans are necessary in order for us to ensure that there is adequate service for your project, as well as our existing, surrounding customers.

Please return the full set of plans and the Project Review Form to one of our Customer Programs Representatives.

Should you have any questions, please contact me at (305) 295-1080.

Sincerely,

A handwritten signature in blue ink that reads "Dane'le Waldon".

Dane'le Waldon  
Customer Accounts Representative

DW/am

Enclosures

C:  
M. Alfonso, Supervisor of Engineering



To be completed by KEYS	
Date Received:	_____
Drawings Submitted: YES	_____ NO _____
Accepted By:	_____

**METER LOCATION FORM**  
**UTILITY BOARD OF THE CITY OF KEY WEST, FLORIDA**  
 Main Phone (305)295-1000 Customer Programs Phone (305) 295-1080 Customer Service Fax (305) 295-1085  
 Customer Service Email: [web.accounts@keysenergy.com](mailto:web.accounts@keysenergy.com)

**CUSTOMER INFORMATION**

Account # \_\_\_\_\_ New Service or Upgrade \_\_\_\_\_

Customer Name \_\_\_\_\_ Phone No. \_\_\_\_\_

Legal Description: Lot \_\_\_\_\_ Block \_\_\_\_\_ Street Address \_\_\_\_\_

Subdivision \_\_\_\_\_ Key \_\_\_\_\_

Mailing Address \_\_\_\_\_

Email Address \_\_\_\_\_

Electrical Contractor \_\_\_\_\_ Phone No. \_\_\_\_\_

Service Type \_\_\_\_\_ Panel Size \_\_\_\_\_ Voltage \_\_\_\_\_

Single Phase \_\_\_\_\_ Three Phase \_\_\_\_\_

Residential \_\_\_\_\_ Commercial \_\_\_\_\_

**KEYS' CUSTOMER SERVICE**

Pole No. \_\_\_\_\_ Meter No. \_\_\_\_\_ Cycle & Route \_\_\_\_\_

Deposit \_\_\_\_\_ Service Charge \_\_\_\_\_

Line Extension Charge \_\_\_\_\_ Contract No. \_\_\_\_\_

Notes \_\_\_\_\_

Existing Line Extension In Place: Yes  No  If yes, Customer Service to contact customer and process reimbursement \$ \_\_\_\_\_.

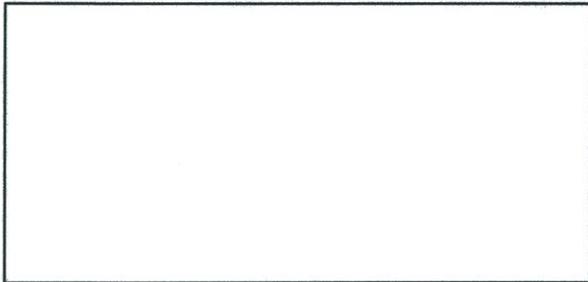
***Keys Energy Services will not cross private property to connect a service drop. It is the customer's responsibility to locate the weather head accordingly. All work must conform to NEC & NESC.***

Below to be completed in the field by KEYS

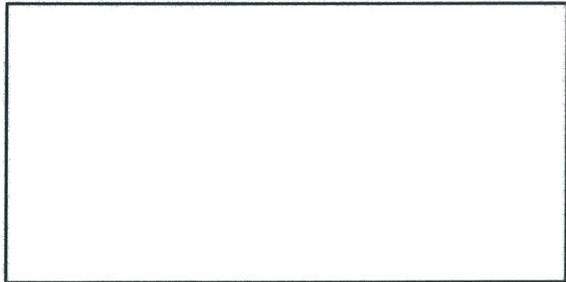
**KEYS' ENGINEERING DEPARTMENT**

New Line Extension Needed: Yes  No  Number of Poles: \_\_\_\_\_ Approximate Cost \$ \_\_\_\_\_

Is project part of a CBRA area requiring special contract/payment: Yes  No  Dollars for escrow \$ \_\_\_\_\_



Plain View (Top)



Profile View (Side)

Contractor Requirements:

1. \_\_\_\_\_

2. \_\_\_\_\_

Comments: \_\_\_\_\_

Approximate Service Date: \_\_\_\_\_

KEYS Field Representative: \_\_\_\_\_ Date: \_\_\_\_\_

Field Contact Signature: \_\_\_\_\_

To be completed by KEYS	
Date Received:	_____
Drawings Submitted:	YES _____ NO _____
Panel Breakdown:	YES _____ NO _____
Accepted By:	_____

**PROJECT REVIEW FORM**  
TO BE PROCESSED FOR NEW SERVICE OR WHEN AN INCREASE IN LOAD WILL OCCUR

**CUSTOMER INFORMATION**

Project Name: \_\_\_\_\_  
 Project Location: \_\_\_\_\_  
 Project type/use:  Hotel  Condominium  Timeshare  Multi-residential  Other \_\_\_\_\_  
 Meter quantities requested:  
 Individual for each unit  One Meter for entire project  One Meter for each building  
 Construction Start Date: \_\_\_\_\_ Completion Date: \_\_\_\_\_ Electric Connection Date: \_\_\_\_\_  
 Owner: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 E-mail Address: \_\_\_\_\_  
 Architect/Engineer: \_\_\_\_\_ Phone: \_\_\_\_\_  
 General Contractor: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Electrical Contractor: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Service Size: \_\_\_\_\_ Amps Voltage: \_\_\_\_\_ Phase: \_\_\_\_\_ Type: \_\_\_\_\_ Wire Size: \_\_\_\_\_  
(1 or 3) (Wye or Delta) (#cond/phase)

**CONNECTED LOAD**

Load Type	1-Phase – kW	3-Phase – kW
Exterior Lighting		
Interior Lighting		
Air Conditioning -Compressor		
-Air Handler		
-Heat Strips		
Cooking		
Water Heating		
Refrigeration		
Pool Pump Motor Loads		
Elevator Motor Loads		
Fire Pump Motor Loads		
Motor Loads (other than above)		
<b>MISCELLANEOUS (EXPLAIN TYPE)</b>		
Miscellaneous		
Miscellaneous		
TOTAL CONNECTED kW		

**Total Connected kW load \_\_\_\_\_ (1-Phase kW + 3-Phase kW)**

**NEC Calculated kW Demand \_\_\_\_\_**

**Note** - The load table is to be completed by the owner's electrician and/or engineer. It will then be used by KEYS to size the transformer and select the meter type. It is very important that it be thorough and accurate.

Square Footage of Project: \_\_\_\_\_ or # of Units \_\_\_\_\_ Hours of Operation: \_\_\_\_\_

Commercial  Residential  Temporary  House Meter

Electrical Service Requested:  Overhead Secondary  Underground Primary  Underground Secondary

Other information that owner/developer wants KEYS to consider as we develop the projected maximum KW demand:

\_\_\_\_\_  
Print name of person submitting information



**SPOTTSWOOD, SPOTTSWOOD, SPOTTSWOOD & STERLING, PLLC**

ATTORNEYS AND COUNSELORS AT LAW  
500 FLEMING STREET  
KEY WEST, FLORIDA 33040

JOHN M. SPOTTSWOOD, JR.  
ERICA HUGHES STERLING  
CRISTINA L. SPOTTSWOOD  
WILLIAM B. SPOTTSWOOD, JR.  
RICHARD J. McCHESNEY

Telephone | 305-294-9556  
Facsimile | 305-504-2696

OF COUNSEL:

JOHN M. SPOTTSWOOD (1920 – 1975)  
ROBERT A. SPOTTSWOOD (of Counsel)  
WILLIAM B. SPOTTSWOOD (of Counsel)

**Memorandum**

To: Olympia Newton, Engineering Services Florida Keys Aqueduct Authority

From: Donald Leland Craig AICP, Land Use Director 

Date: August 16, 2017

Subject: Letter of Coordination Como Keys/Manley DeBoer LPG Storage – Big Pine Key

CC:

Attachments: Site Plan

The Monroe County Planning Department has requested that I coordinate with your agency to obtain comments on the proposed Liquid Petroleum Gas storage facility to be located at the Manley-DeBoer lumber yard Industrial Road, Big Pine Key. The proposal is for storage of LPG only, with no retail sales on site.

Attached to this memorandum is a site plan of the proposed facility for your review. Please address any comments to me at the above address, with a copy to Mr. Kevin Bond, Planning and Development Review Manager at the Monroe County Planning Department.

Thank you.



THIS INSTRUMENT PREPARED BY:  
JOHN M. SPOTTSWOOD, JR.  
SPOTTSWOOD, SPOTTSWOOD & SPOTTSWOOD  
500 FLEMING STREET  
Key West, FL 33040

03/01/2006 10:39AM  
DEED DOC STAMP CL: PW \$0.70

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

Doc# 1568554  
Bkn 2190 Pgn 5

### Quitclaim Deed

This Quitclaim Deed, Made this 14<sup>th</sup> day of February, 2006 A.D.

Between  
BROOKS W. THOMMES, TRUSTEE OF THE BROOKS W. THOMMES REVOCABLE LIVING TRUST  
DATED November 29, 1995

of the County of Monroe, State of Florida, grantors, and  
MANLEY-DEBOER LUMBER COMPANY LIMITED PARTNERSHIP

whose address is: 1109 Eaton Street, Key West, FL 33040

of the County of Monroe, State of STATE OF Florida, grantees.

Witnesseth that the GRANTORS, for and in consideration of the sum of  
-----TEN DOLLARS (\$10)----- DOLLARS,  
and other good and valuable consideration to GRANTORS in hand paid by GRANTEEES, the receipt whereof is  
herby acknowledged, have granted, bargained and quitclaimed to the said GRANTEEES and GRANTEEES' heirs,  
successors and assigns forever, the following described land, situate, lying and being in the County of Big  
Pine Key State of Florida to wit:

A part of the Northwest Quarter of the Southwest Quarter of  
Section 25, Township 66 South, Range 29 East, on Big Pine Key,  
Monroe County, Florida and being more particularly described as  
follows:

COMMENCING at the Northwest Corner of the Northwest Quarter of  
the Southwest Quarter of Section 25, bear East, 50 feet; thence  
bear South 672.43 feet to the POINT OF BEGINNING of the parcel of  
land herein intended to be described; from said POINT OF  
BEGINNING continue South 155.57 feet; thence bear East 280 feet;  
thence bear North 155.57 feet; thence bear West 280 feet back to  
the POINT OF BEGINNING, containing 1.00 acres of land.

To Have and to Hold the same together with all and singular the appurtenances therunto belonging or in anywise  
appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of grantors, either in law or equity, for the  
use, benefit and profit of the said grantees forever.

In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

C. P.  
Printed Name: CHRIS BAIS  
Witness,

Brooks W. Thommes  
BROOKS W. THOMMES, Trustee

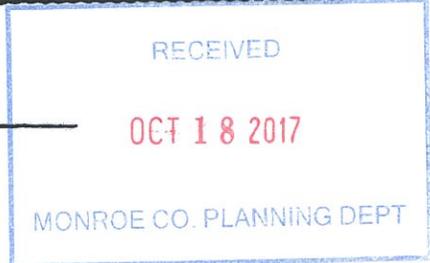
Crystal Bais  
Printed Name: Crystal Bais  
Witness,

MONROE COUNTY  
OFFICIAL RECORDS

STATE OF Florida  
COUNTY OF Monroe

14<sup>th</sup> The foregoing instrument was acknowledged before me this  
day of February, 2006 by BROOKS W. THOMMES, Trustee of the  
BROOKS W. THOMMES REVOCABLE LIVING TRUST DATED November 29, 1995  
who are personally known to me or who have produced their Florida  
driver's license as identification.

Nancy Merriman  
Printed Name:  
Notary Public  
My Commission Expires: 10/19/2008



THIS INSTRUMENT PREPARED BY:  
JOHN M. SPOTTSWOOD, JR.  
SPOTTSWOOD, SPOTTSWOOD & SPOTTSWOOD  
500 FLEMING STREET  
Key West, FL 33040

Doc# 1568552 03/01/2006 10:39AM  
Filed & Recorded in Official Records of  
MONROE COUNTY DANNY L. KOLHAGE

03/01/2006 10:39AM  
DEED DOC STAMP CL: PU \$4,200.00

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

Doc# 1568552  
Bk# 2190 Pg# 2

**Warranty Deed**

This Indenture, Made this 9 day of Feb, 2006 A.D. Between  
DAVID S. SHEPHARD, a single man and JUDY A. SHEPHARD, a single  
woman and BROOKS W. THOMMES and SUSAN R. THOMMES, husband and  
wife

of the County of Monroe, State of Florida, grantors, and  
MANLEY-DEBOER LUMBER COMPANY LIMITED PARTNERSHIP

whose address is: 1109 Eaton Street, Key West, FL 33040

of the County of Monroe, State of Florida, grantees.

Witnesseth that the GRANTORS, for and in consideration of the sum of  
TEN DOLLARS (\$10) DOLLARS,  
and other good and valuable consideration to GRANTORS in hand paid by GRANTEES, the  
receipt whereof is hereby acknowledged, have granted, bargained and sold to the said  
GRANTEES and GRANTEES' heirs, successors and assigns forever, the following described  
land, situate, lying and being in the County of Monroe State of Florida to wit:  
A part of the Northwest Quarter of the Southwest Quarter of  
Section 25, Township 66 South, Range 29 East, on Big Pine Key,  
Monroe County, Florida and being more particularly described as  
follows:

COMMENCING at the Northwest Corner of the Northwest Quarter of  
the Southwest Quarter of Section 25, bear East, 50 feet; thence  
bear South 672.43 feet to the POINT OF BEGINNING of the parcel of  
land herein intended to be described; from said POINT OF  
BEGINNING continue South 155.57 feet; thence bear East 280 feet;  
thence bear North 155.57 feet; thence bear West 280 feet back to  
the POINT OF BEGINNING, containing 1.00 acres of land.

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

In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first  
above written.

Signed, sealed and delivered in our presence:

Patsy M. Casetty  
Joe Ann Steley  
Printed Name: JOE ANN STELEY  
Witness, PATSY M. CASSETTY

David S. Shephard  
DAVID S. SHEPHARD

STATE OF Tennessee  
COUNTY OF Jackson

9 The foregoing instrument was acknowledged before me this  
day of February, 2006 by DAVID S. SHEPHARD, a single man who  
are personally known to me or who have produced their Florida  
driver's license as identification.

Jeffery Collier  
Printed Name: Jeffery Collier  
Notary Public  
My Commission Expires: 4/4/06



[Signature]  
Printed Name:  
Witness ERICA N. HUGHES  
[Signature]  
Printed Name: MARY E. TURSO  
Witness

[Signature]  
JUDY A. SHEPHARD  
[Signature]  
BROOK W. THOMMES  
[Signature]  
SUSAN R. THOMMES

STATE OF Florida  
COUNTY OF Monroe

6th The foregoing instrument was acknowledged before me this day of February, 2006 by JUDY A. SHEPHARD, a single woman and BROOK W. THOMMES and SUSAN R. THOMMES who are personally known to me or who have produced their Florida driver's license as identification.



[Signature]  
Printed Name: MARY E. TURSO  
Notary Public  
My Commission Expires: / /

MONROE COUNTY  
OFFICIAL RECORDS

This instrument prepared by or under the supervision of:

Name: Judith Kenney, Attorney  
Judith Kenney & Associates, P.A.  
Address: 777 Brickell Avenue, Suite 1070  
Miami, Florida 33131

Doc# 1572754 03/27/2006 1:08PM  
Filed & Recorded in Official Records of  
MONROE COUNTY DANNY L. KOLHAGE

03/27/2006 1:08PM  
DEED DOC STAMP CL: PU \$3,975.00

Doc# 1572754  
Bkn 2195 Pgn 2425

Alternate Key No. 8707282 and  
A portion of Alternate Key No. 8890931

### WARRANTY DEED

THIS WARRANTY DEED is made and entered into this 21st day of March, 2006, between Zachrist Inc., a Florida corporation (the "Grantor"), and Manley-De-Boer Lumber Company Limited Partnership, a Florida limited partnership (the "Grantee"), whose address is 1109 Eaton Street, Key West, Florida 33040.

### W I T N E S S E T H:

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

See Exhibit A attached

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

### SUBJECT TO:

1. Taxes and assessments for the year 2006 and subsequent years.
2. All laws, ordinances, regulations, restrictions, prohibitions and other requirements imposed by governmental authority, including, but not limited to, all applicable building, zoning, land use and environmental ordinances and regulations.
3. Easements, conditions, restrictions, matters, limitations and reservations of record, without the intention of reimposing same.

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OCT 18 2017

MONROE CO. PLANNING DEPT

THE GRANTOR hereby warrants the title to the Property and will defend the same against the lawful claims of all persons whomsoever.

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

Witnesses:

ZACHRIST INC.

Sign Name *Bobby L Cherry*

Print Name BOBBY L CHERRY

Sign Name *Carol A. Boer*

Print Name *Carol A. Boer*

By *Susan J. Kemp*  
Susan J. Kemp  
President

STATE OF FLORIDA  
COUNTY OF MONROE

15<sup>th</sup> The foregoing instrument was acknowledged before me this day of March, 2006, by Susan J. Kemp, President of Zachrist Inc., who is personally known to me and did not take an oath.

*Alicia Rodriguez*  
Notary Public

My Commission Expires:



EXHIBIT A  
LEGAL DESCRIPTION

PARCEL B

A tract of land in a part of the Northwest quarter of the Southwest quarter of Section 25, Township 66 South, Range 29 East, on Big Pine Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows:

Commencing at the Northwest corner of the Northwest quarter of the Southwest quarter of Section 25, Township 66 South, Range 29 East, bear East for a distance of 330 feet; thence bear South for a distance of 672.43 feet, to the Point of Beginning of the tract of land hereinafter described:

From said Point of Beginning, bear East, for a distance of 100.00 feet; thence bear South, for a distance of 154.15 feet; thence bear West, for a distance of 100.00 feet; thence bear North, for a distance of 154.15 feet back to the Point of Beginning.

AND

A tract of land in a part of the northwest quarter of the Southwest quarter of Section 25, Township 66 South, Range 29 East, on Big Pine Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows:

Commencing at the Northwest corner of the Northwest quarter of the Southwest quarter of Section 25, Township 66 South, Range 29 East, bear East 330 feet; thence bear South 826.58 feet to the Point of Beginning of the land hereinafter described:

From said Point of Beginning, continue South 493.42 feet; thence bear East 100.00 feet; thence bear North 493.42 feet; thence bear West 100 feet, back to the Point of Beginning.

MONROE COUNTY  
OFFICIAL RECORDS

RECEIVED

OCT 18 2017

MONROE CO. PLANNING DEPT

**Prepared by and return to:**  
**Erica Hughes Sterling**

**Spottswood, Spottswood, Spottswood & Sterling, PLLC**  
**500 Fleming Street**  
**Key West, FL 33040**  
**305-294-9556**  
**File Number: 560-17.00357 EC**  
**Consideration: \$300,000.00**

[Space Above This Line For Recording Data]

## Warranty Deed

**This Warranty Deed made this 28th day of July, 2017 between Manley-de-Boer Lumber Company Limited Partnership, a Florida limited partnership whose post office address is 1109 Eaton Street, Key West, FL 33040, grantor, and Industrial Storage Group, LLC, a Florida limited liability company whose post office address is PO Box 430725, Big Pine Key, FL 33043, grantee:**

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

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

**The land referred to herein below is situated in the County of Monroe, State of Florida, and is described as follows:**

**A tract of land in a part of the Northwest quarter of the Southwest quarter of Section 25, Township 66 South, Range 29 East, on Big Pine Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows:**

**Commencing at the Northwest corner of the Northwest quarter of the Southwest quarter of Section 25, Township 66 South, Range 29 East, bear East 330 feet; thence bear South 826.58 feet to the Point of Beginning of the land hereinafter described:**

**From said Point of Beginning, continue South 493.42 feet; thence bear East 100.00 feet; thence bear North 493.42 feet; thence bear West 100 feet, back to the Point of Beginning.**

**Parcel Identification Number: a portion of 00110830-000107**

**Subject to taxes for 2015 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.**

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

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

**And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2016.**

DoubleTime

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

Signed, sealed and delivered in our presence:

Manley-de-Boer Lumber Company Limited Partnership, a Florida limited partnership

By: Manley-deBoer Lumber Company, LLC, a Florida limited liability company

By: Richard Manley  
Richard Manley, Manager

[Signature]  
Witness Name: Enca H. Stenly

[Signature]  
Witness Name: Cindy Sawyer

State of Florida  
County of Monroe

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of July, 2017 by Richard Manley, Manager of Manley-deBoer Lumber Company, LLC, a Florida limited liability company, General Partner, of Manley-de-Boer Lumber Company Limited Partnership, a Florida limited partnership on behalf of the limited liability company and the partnership. He  is personally known to me or  has produced a driver's license as identification.

[Notary Seal]

[Signature]  
Notary Public

Printed Name: Cindy Sawyer

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



**MONROE COUNTY, FLORIDA  
PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT**



**Disclosure of Interest**

Pursuant to Section 101-6 of the Land Development Code, this form shall accompany land-use related applications. The intent is to disclose the identity of true parties in interest to the public, thereby enabling the public to ascertain which parties will potentially benefit.

Any person or entity holding real property in the form of a partnership, limited partnership, corporation, assignment of interest, trust, option, assignment of beneficial or contractual interest, or any form of representative capacity whatsoever for others, except as otherwise provided, shall, during application submittal for a specified application types, make a public disclosure, in writing, under oath, and subject to the penalties prescribed for perjury. Exemptions to the requirements of this section include the beneficial interest which is represented by stock in corporations registered with the federal securities exchange commission or in corporations registered pursuant to Chapter 517, Florida Statutes, whose stock is for sale to the general public.

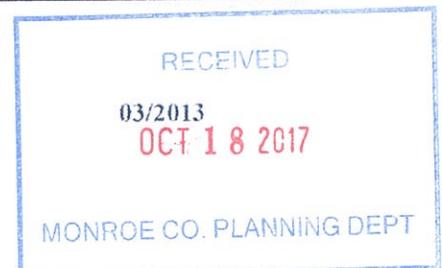
This written disclosure shall be made to the planning director at the time of application. The disclosure information shall include the name and address of every person having a beneficial or contractual interest in the real property, however small or minimal.

- If the property is owned fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest. (Use additional sheets if necessary):

<i>Name and Address</i>	<i>% of Ownership</i>
NA	

- If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each. (Use additional sheets if necessary):

<i>Name and Address</i>	<i>% of Ownership</i>
NA	



- If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with the percentage of interest. (Use additional sheets if necessary):

Name and Address	% of Ownership
NA	

\* In the case of a trust, the four largest beneficiaries must also sign the affidavit.

- If the property is in the name of a GENERAL or LIMITED PARTNERSHIP, list the name of the general and/or limited partners. (Use additional sheets if necessary):

Name and Address	% of Ownership
see attached	

- If there is a CONTRACT FOR PURCHASE, with an individual or individuals, a Corporation, Trustee, or a Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners. (Use additional sheets if necessary):

Name and Address	% of Ownership
NA	

\* Please provide date of contract \_\_\_\_\_

- If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust. (Use additional sheets if necessary):

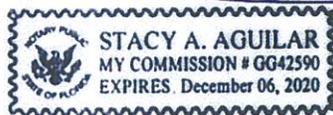
Name and Address
NA

By signing this form, the signer certifies that he or she is a person who is familiar with the information contained in the form, and that to the best of his or her knowledge such information is true, complete and accurate.

Printed Name / Signature of Person Completing Form: Erik deBoer Erik deBoer

State of Florida, County of Monroe

The foregoing instrument was acknowledged before me this 16 day of AUGUST 2017, by ERIK DEBOER. He/she is personally known to me or has produced \_\_\_\_\_ as identification.



Stacy A. Aguilar  
Notary Public  
My Commission Expires



LUMBER COMPANY

8/17/2017

Manley deBoer Lumber Company Ltd.  
1109 Eaton St.  
Key West, Florida 33040

List of partners:

Manley deBoer Lumber Company LLC  
General Partner  
1109 Eaton St.  
Key West, Florida 33040  
1.00% ownership interest  
FEIN#: 20-5970145

Richard L. Manley  
Managing Partner  
3726 Sunrise Lane  
Key West, Florida 33040  
49.5000% ownership interest  
SS#: 268-50-8481

Carol A. Wightman  
Managing Partner  
108 Front St.  
Key West, Florida 33040  
16.4835% ownership interest  
SS#: 262-17-5100

Erik deBoer  
Managing Partner  
1411 Pine St.  
Key West, Florida 33040  
16.4835% ownership interest  
SS#: 436-78-9462

1109 Eaton Street • Key West, Florida 33040 • Phone 305-294-5900 • Fax 305-294-4577  
157 Industrial Road • Big Pine Key, Florida 33043 • Phone 305-872-0002 • Fax 305-872-3700

RECEIVED

OCT 18 2017

MONROE CO. PLANNING DEPT

**Construction Management/Phasing Plan  
Revision 8.18.17**

The facility will be constructed at one time with the concrete foundations fabricated on site, and the LPG tanks, which are prefabricated, will be transferred from the mainland and set in place. Necessary electrical improvements to run the pumps for the tanks will be completed on site. All work will be completed in one phase, inclusive of the new crushed stone driving area adjacent to the tanks, together with the revised and improved storm water drainage. At the same time as this construction is underway, the new parking spaces will be completed.

Following completion of the improvements named above the necessary landscape buffer requirements will be completed.

During construction erosion barriers and fencing to segregate the site from the remainder of the lumberyard will be put in place. The same erosion barriers and fencing will be put in place at the property boundary to minimize any impacts on surrounding properties.

Construction activities will only take place during working hours of the normal workweek, 7:30 a.m. to 5:30 p.m.

The normal operations of the Lumber Yard will continue during construction.

Total time for completion of all elements of the plan are expected to take 30-45 days from the issuance of the first building permit.



AGENT AUTHORIZATION FORM



Date of Authorization: 08 / 14 / 2017
Month Day Year

I hereby authorize Donald Leland Craig, AICP be listed as authorized agent
(Print Name of Agent)

representing Manley deBoer Lumber Company Ltd. for the application submission
(Print Name of Property Owner(s) the Applicant(s))

of 177 Industrial Road
(List the Name and Type of applications for the authorization)

for the Property described as: (if in metes and bounds, attach legal description on separate sheet)

See attached Big Pine Key

Lot Block Subdivision Key (Island)
00110830-000303 and part of 00110830-000107 8788606 and part of 8707282

Real Estate (RE) Number Alternate Key Number
177 Industrial Road 32

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

Authorized Agent Contact Information:

500 Fleming St., Key West, Florida 33040

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

305-924-0249 305-924-249 dcraig@spottswoodlaw.com

Work Phone Home Phone Cell Phone Email Address

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purposes stated. The undersigned understands the risks and liabilities involved in the granting of this agency and accepts full responsibility for any and all of the actions of the agent named herein related to the processing of the services requested, application(s) and/or the acquisition of approvals/permits for the aforementioned applicant. The applicant(s) hereby indemnifies and holds harmless Monroe County, its officers, agents and employees for any damage to applicant caused by its agent or arising from this agency authorization.

Note: Agents must provide a notarized authorization from ALL current property owners.

Signature of Property Owner: Erik deBoer

Printed Name of Property Owner: Erik deBoer

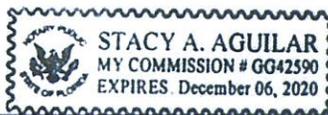
STATE OF FLORIDA COUNTY OF MONROE

Sworn to and subscribed before me this 16 day of AUGUST, 2017.

by ERIK deBOER, who is personally known to me OR produced
(Print Name of Person Making Statement)

(Type of ID Produced) as identification.

Signature of Notary Public



Print, Type or Stamp Commissioned Name of Notary Public

My commission expires:

ALGIERS PAUL J  
200C MAIN ST  
STONEHAM, MA 02180-1619

UTILITY BOARD OF THE CITY OF KEY  
WEST FL  
PO BOX 6100  
KEY WEST, FL 33041-6100

SNELLINGER PAUL J AMD RST  
REVOCABLE LIV TR 6/29/12  
1619 SUNRISE DR  
BIG PINE KEY, FL 33043-5007

BOARD OF TRUSTEES OF THE IITF  
3900 COMMONWEALTH BLVD  
MAILSTATION 115  
TALLAHASSEE, FL 32399-3000

BRADY JOHN H JR  
2225 SEA TURTLE LN  
VERO BEACH, FL 32963-3124

SUAREZ ALBILIO A  
333 S ROYAL POINCIANA BLVD APT 401  
MIAMI SPRINGS, FL 33166-6162

CALLEJA JOHN FRANCIS  
1404 PETRONIA ST  
KEY WEST, FL 33040-7237

COCHRAN MARK S AND DIANE J  
5621 RYAN WAY  
FLOWERY BRANCH, GA 30542-5573

COCHRAN OMAR N AND BETTY  
2605 WILLIAMSBURG LN NW  
CANTON, OH 44708-1436

COCHRAN ROBERT M  
2792 KENTUCKY ST  
WEST PALM BEACH, FL 33406-4241

COUNTY OF MONROE  
1100 SIMONTON ST  
KEY WEST, FL 33040-3110

DARLOW WARREN G EST  
7780 LEEWARD COVE CT  
CUMMING, GA 30041-2227

GIBSON JULIA  
2405 NW 157TH ST  
OPA LOCKA, FL 33054-6952

INDUSTRIAL STORAGE GROUP LLC  
PO BOX 430725  
BIG PINE KEY, FL 33043-0725

JAMES MARY P  
PO BOX 430198  
BIG PINE KEY, FL 33043-0198

KEPNES MINNETTE  
1101 BRICKELL AVE STE 1700  
MIAMI, FL 33131-3153

KEPNES MINNETTE  
1 BISCAYNE TOWER STE 1910  
MIAMI, FL 33131-1808

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PO BOX 431397  
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KIEBER BOBBIE V  
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BIG PINE KEY, FL 33043

THERRIEN FLORA M  
PO BOX 422125  
KISSIMMEE, FL 34742-2125

LIVELY PROPERTIES LLC  
972 LAGOON DR  
SUMMERLAND KEY, FL 33042-4831

THOMMES BROOKS W REV LLIVING  
TRUST AG 11/29/95  
PO BOX 430141  
BIG PINE KEY, FL 33043-0141

MANLEY-DEBOER LUMBER COMPANY  
LIMITED PARTNERSHIP  
1109 EATON ST  
KEY WEST, FL 33040

MEMORIAL GARDENS CEMETERY OF  
THE FLORIDA KEYS LLC  
14 CYPRESS TER  
KEY WEST, FL 33040-6215

MONROE COUNTY  
500 WHITEHEAD STREET  
KEY WEST, FL 33040

TIIF  
3900 COMMONWEALTH BLVD MAIL  
STATION 115  
TAHALLASSEE, FL 32399-3000

MONROE COUNTY COMPREHENSIVE  
PLAN LAND AUTHORITY  
1200 TRUMAN AVE STE 207  
KEY WEST, FL 33040-7270

MORENO JACK AND EMMA  
2920 RIVIERA DR  
KEY WEST, FL 33040-4014

MOURINO WOLFGANG  
P O BOX 012866  
MIAMI, FL 33101

PADILLA JOHN F III  
1623 LAS CANOAS RD  
SANTA BARBARA, CA 93105-2344

PADILLA JUAN F  
427 W PUEBLO ST STE C  
SANTA BARBARA, CA 93105-6206

PINEWOOD MEMORIAL CEMETERY INC  
418 SIMONTON ST  
KEY WEST, FL 33040

QUALITY ACQUISITION COMPANY LLC  
3201 NW 72ND AVE  
MIAMI, FL 33122-1337

SASSAMAN HARRY J  
63 GEORGE ST  
SOUTH RIVER, NJ 08882-1213

SCHARER L SCOTT  
28 ALLERTON ST  
BROOKLINE, MA 02445-7726

SHANNAHAN NELLIE J  
ADDRESS UNKNOWN  
RAMROD KEY, FL 33042

**End of Additional File 2017-070**

# Como Oil

LPG Bulk Storage / Transfer Facility

177 Industrial Road

Big Pine Key, Florida

## TRAFFIC STUDY

prepared for:  
Como Keys LLC

**KBP** CONSULTING, INC.

April 2017  
Updated May 2018

# Como Oil

## LPG Bulk Storage / Transfer Facility

177 Industrial Road

Big Pine Key, Florida

### Traffic Study

April 2017

*Updated May 2018*

*Prepared for:*

Como Keys LLC

*Prepared by:*

KBP Consulting, Inc.

8400 N. University Drive, Suite 309

Tamarac, Florida 33321

Phone: (954) 560-7103



---

Karl B. Peterson, P.E.

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8400 N. University Drive, Suite 309

Tamarac, Florida 33321

CA # 29939

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## INTRODUCTION

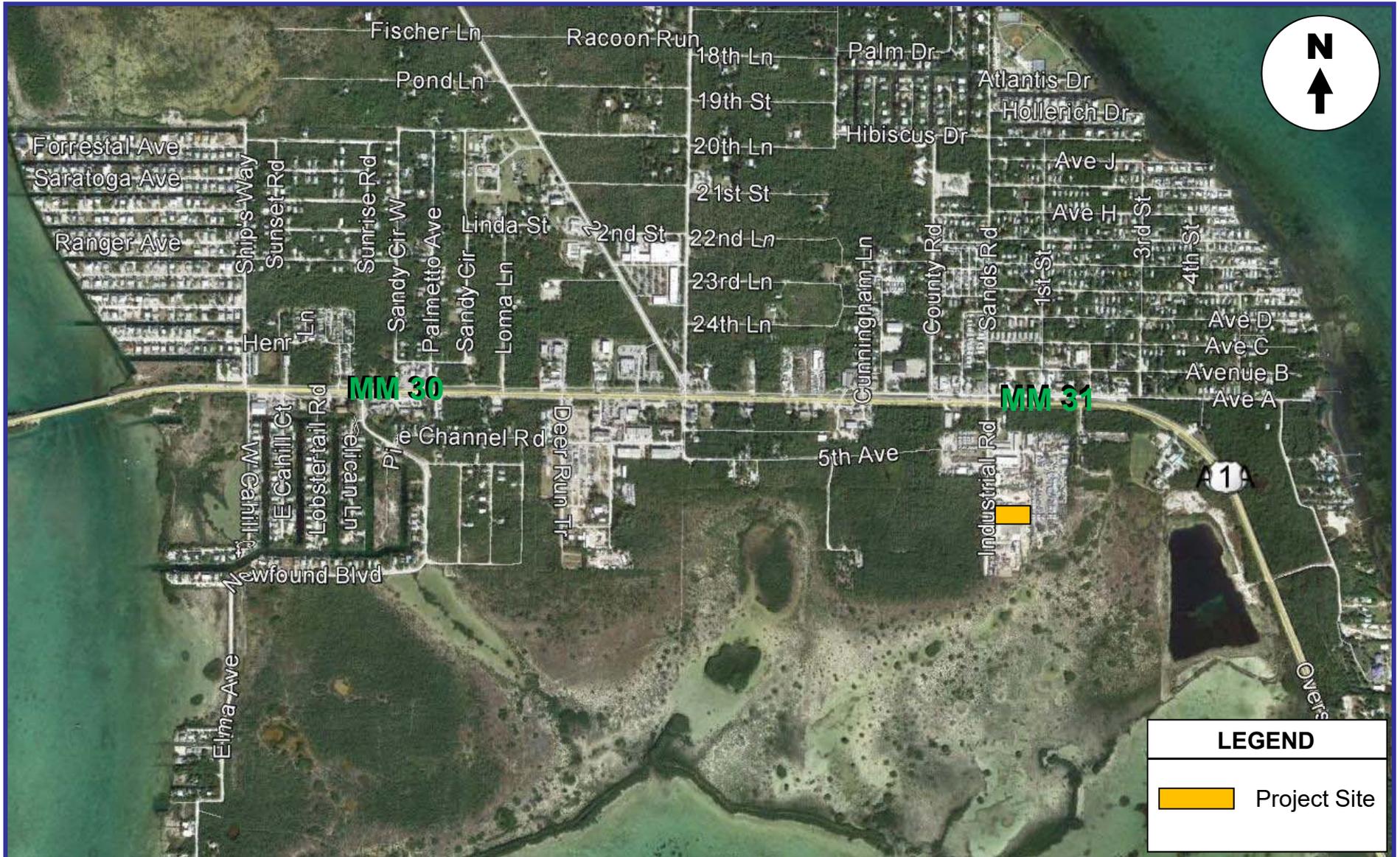
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Como Keys LLC is proposing to locate two 30,000 gallon liquefied petroleum gas (LPG) tanks at the existing Manley deBoer lumber yard which is on the east side of Industrial Road south of Overseas Highway / US 1 on Big Pine Key, Monroe County, Florida. More specifically, the site is located at 177 Industrial Road. The subject site consists of approximately 1.35 acres and is located near Mile Marker 31. A Project Location Map is presented in Figure 1 on the following page and a preliminary site plan for this project is included in Appendix A of this report.

KBP Consulting, Inc. has been retained by Como Keys LLC to conduct a traffic impact study for this project. This study addresses the anticipated trip generation characteristics of the project, the current operating conditions of the surrounding roadway network, the anticipated project traffic impacts along Overseas Highway / US 1 by mile marker, and site access.<sup>1</sup>

---

<sup>1</sup> A prior version of this traffic impact study was prepared and submitted to Monroe County in April 2017. Comments were provided by the County's traffic engineering consultant in December 2017 and responses were provided by the project team in January 2018. The comment-response memorandum is included as Appendix B to this updated report.



## Project Location Map

**FIGURE 1**  
Como Oil LPG Storage  
Big Pine Key, Florida

## INVENTORY

---

### **Existing Land Use and Access**

As mentioned previously, the subject site is approximately 1.35 acres and is the site of the Manley deBoer lumber yard. The total building area associated with this use is approximately 10,731 square feet. Vehicular access to this site is provided by two (2) full access driveways on Industrial Road.

### **Proposed Land Uses and Access**

Two 30,000 gallon LPG tanks will be located on the east side of the site. These tanks will be utilized to dispense LPG to delivery vehicles that will service customers in the Lower and Middle Keys. (There will be no public access to these tanks, no retail services on site, and no exchanging / filling of LPG cylinders on site.) It is anticipated that once the site is fully operational, there will be one (1) bulk delivery of LPG to the site per week, there will be two (2) LPG delivery vehicles and two (2) drivers, one (1) service manager with a vehicle, and one on-site office manager. Deliveries and service activities will be conducted Monday through Friday (i.e. there will be no Saturday or Sunday deliveries and only emergency services will occur on weekends).

The existing lumber yard use and activities will remain unchanged as will the vehicular access to the site. And, for the purposes of performing this traffic impact analysis, the project is planned to be completed by year 2019.

## EXISTING CONDITIONS

---

This section of the report addresses the existing roadway network in the study area, traffic conditions, and traffic signals.

### Existing Roadway Network

In the immediate area of the site, Overseas Highway / US 1 is a three-lane principal arterial roadway (one eastbound lane, one westbound lane and one center two-way left turn lane). Immediately east of Industrial Road, Overseas Highway / US 1 transitions to a two-lane roadway. The nearest signalized intersection is located approximately 2,700 feet to the west at Overseas Highway / US 1 and Key Deer Boulevard / Chapman Lane.

### Existing Traffic Conditions

The Florida Department of Transportation (FDOT) maintains two (2) traffic count stations within the immediate proximity of the project site. FDOT Count Station #900227 is located on Overseas Highway / US 1 approximately 1,200 feet northeast of the North Pine Channel Bridge near Mile Marker 29.5. FDOT Count Station #900016 is located on Overseas Highway / US 1 approximately 800 feet north of CR 940 (north leg) near Mile Marker 31. Traffic volumes recorded over the last (published) five (5) year period at these stations are summarized in Table 1. The data collected at these stations indicate that volumes have been increasing moderately during the previous five (5) years. Appendix C contains the historical traffic data obtained from FDOT.

<b>Table 1</b>		
<b>Como Oil LPG Storage</b>		
<b>Average Annual Daily Traffic (AADT)</b>		
<b>Industrial Road - Big Pine Key, Florida</b>		
<b>Year</b>	<b>AADT</b>	
	<b>Station #900227</b>	<b>Station #900016</b>
2017	18,590	19,600
2016	18,143	18,100
2015	18,496	20,400
2014	17,590	17,900
2013	16,848	17,800
2012	16,525	16,800

*Station #900227 - 1,200' Northeast of the North Pine Channel Bridge*

*Station #900016 - 800' North of CR 940 (North Leg)*

*Compiled by: KBP Consulting, Inc. (May 2018)*

## **TRIP GENERATION**

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The trip generation for this project was determined using the trip generation information published in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual (10<sup>th</sup> Edition)* for the existing light industrial use and a review of the proposed business operations for the proposed LPG tanks. Based upon this information, the daily, AM peak hour, and PM peak hour trip generation rates and data for the existing and proposed development are as follows:

### **General Light Industrial – ITE Land Use #110**

- ❑ Daily (wt. avg.) Trip Generation Rate:  $T = 4.54 (X)$   
*where  $T$  = number of trips and  $X$  = 1,000 square feet of gross floor area*
- ❑ AM Peak Hour Trip Generation Rate:  $T = 0.70 (X)$  (88% in / 12% out)
- ❑ PM Peak Hour Trip Generation Rate:  $T = 0.63 (X)$  (13% in / 87% out)

Given the lack of trip generation data for the proposed use (i.e. LPG storage tanks) at the site, a projection of traffic activity was developed consistent with the anticipated operations of the site as described in the “Inventory” section of this report. The anticipated operations of the site and the corresponding trip generation activity are summarized below:

- Bulk delivery of liquefied petroleum gas will occur once per week on a weekday. For the purposes of this analysis, this delivery is accounted for on a daily basis as one (1) inbound trip and one (1) outbound trip that will occur during the AM peak hour.
- There will be a total of four (4) employees assigned to this site for this operation. Of these employees, one (1) will be an office manager that will remain on site throughout the day while the other three (3) will be field personnel. Their trips will consist of four (4) inbound trips in the AM peak hour and four (4) outbound trips in the PM peak hour. And, for the office employee, we have assumed at least two (2) additional personal daily trips (1 inbound and 1 outbound) that will likely occur during the mid-day time period (i.e. lunch time).

- From time to time, there may be other deliveries to the site such as FedEx, UPS, and the USPS. To present a worst-case-scenario, it has been assumed that there will be two (2) deliveries per day (4 trips total) with one (1) delivery occurring in the AM peak hour and one (1) delivery occurring in the PM peak hour.
- Delivery and service vehicles will be dispatched to their customers throughout the Lower and Middle Keys. Once this operation is fully established, these vehicles will depart in the morning, typically return up to three (3) times per day for supplies and additional gas, and then return to the site at the end of the day. The total number of daily trips for these vehicles will be approximately 24 with three (3) outbound trips occurring in the AM peak hour and three (3) inbound trips occurring in the PM peak hour.

As noted previously, these trips will be occurring on weekdays only. Only emergency activities will occur on weekends. Table 2 below presents the trip generation analysis for the Como Oil LPG Storage project.

Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Existing</i>								
Light Industrial	10,731 SF	49	7	1	8	1	6	7
<i>Proposed</i>								
Light Industrial	10,731 SF	49	7	1	8	1	6	7
LPG Facility	2 Tanks							
- Bulk Gas Delivery		2	1	1	2	0	0	0
- Employees		10	4	0	4	0	4	4
- Misc. Deliveries		4	1	1	2	1	1	2
- Delivery / Service Trips		24	0	3	3	3	0	3
<b>Sub-Total</b>		<b>89</b>	<b>13</b>	<b>6</b>	<b>19</b>	<b>5</b>	<b>11</b>	<b>16</b>
<b>Difference (Proposed - Existing)</b>		<b>40</b>	<b>6</b>	<b>5</b>	<b>11</b>	<b>4</b>	<b>5</b>	<b>9</b>

Compiled by: KBP Consulting, Inc. (May 2018).  
Source: ITE Trip Generation Manual (9th Edition).

---

As indicated in Table 2, the proposed Como Oil LPG Storage project at the Manley deBoer site is anticipated to generate 40 daily vehicle trips, 11 AM peak hour vehicle trips, and nine (9) PM peak hour vehicle trips. When considering the existing development on the site (which is to remain), the total site is expected to generate 89 daily vehicle trips, 19 AM peak hour trips, and 16 PM peak hour trips.

With a total of 89 gross daily vehicle trips, a Level 1 traffic study is required per the Monroe County Traffic Report Guidelines Manual.

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## TRIP DISTRIBUTION

---

A trip distribution analysis was performed based on the nearby population areas (as documented in the Monroe County Traffic Report Guidelines Manual), the existing transportation network, and the location of the subject project. All of the project-related trips are anticipated to ultimately access Overseas Highway / US 1. Table 3 below summarizes the anticipated trip distribution for the Como Oil LPG Storage project.

<b>Table 3 Como Oil LPG Storage Project Trip Distribution Industrial Road - Big Pine Key, Florida</b>	
<b>Direction</b>	<b>Distribution (%)</b>
North	0%
South	0%
East (US 1 North)	40%
West (US 1 South)	60%

*Source: KBP Consulting, Inc. (May 2018).*

## TRAFFIC IMPACT ANALYSES

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This section of the report is divided into two parts: 1) link analysis, and 2) Overseas Highway / US 1 impacts by mile marker.

### **Link Analysis**

The link analysis compares the maximum number of reserve trips on Overseas Highway / US 1 through Big Pine Key (per Monroe County's Level of Service and Reserve Capacity Table) with the project's traffic impacts. Based upon a 60% / 40% trip distribution, the project will add a maximum of 24 daily trips (60% of additional daily trips) to Segment Number 10 (Big Pine). According to Monroe County's Level of Service and Reserve Capacity Table (see Appendix C), Segment Number 10 has 1,295 trips of reserve capacity. Therefore, Overseas Highway / US 1 through Big Pine Key has excess capacity to absorb the maximum impacts to be generated by the Como Oil LPG Storage project.

### **US 1 Impacts by Mile Marker**

For this project, it was assumed that the maximum trip length will be approximately 40 miles to the east and 30 miles to the west. The average trip length was assumed to be half of the maximum trip length; or 20 and 15 miles, respectively. Based upon these trip length assumptions, the Overseas Highway / US 1 segments identified in Monroe County's Traffic Report Guidelines, and the traffic assignment discussed previously, an estimate of the number of primary trips by segment on Overseas Highway / US 1 was performed. Table 4 summarizes the number of primary trips by segment on Overseas Highway / US 1 (Arterial Trip Assignment). As indicated in this table, this project will add approximately 40 daily trips.

**Table 4**  
**Como Oil LPG Storage**  
**Arterial Trip Assignment Summary (Overseas Highway / US 1)**  
**Industrial Road - Big Pine Key, Florida**

<b>Project:</b>	Como Oil LPG Storage	<b>US 1</b>	
		<b>Mile Marker:</b>	31
<b>Location:</b>	Big Pine Key	<b>ITE</b>	
		<b>Land Use</b>	
		<b>Category:</b>	110
<b>Type of Development:</b>	Light Industrial LPG Tanks	<b>Daily Trip</b>	
		<b>Generation</b>	
		<b>Rate / Formula:</b>	See Page 5
<b>Project Size:</b>	10,731 Square Feet of Light Industrial (Existing) 2 LPG Tanks		
<b>Average Trip Length:</b>	20 Miles East / 15 Miles West		

Total Daily Trips	Percent Primary Trips	US 1 Segment Number	Percent Directional Split	% Impact Based On Trip Length	Project Generated Daily Trips	2017 Reserve Capacity
		3	60%	0%	0	1,341
		4	60%	15%	4	4,034
		5	60%	30%	7	7,944
		6	60%	50%	12	3,188
		7	60%	65%	16	1,639
		8	60%	80%	19	2,133
		9	60%	95%	23	2,504
40	100%	10	60% / 40%	100%	24	1,295
		11	40%	70%	11	6,723
		12	40%	40%	6	3,603
		13	40%	40%	6	19,221
		14	40%	0%	0	3,286

Source: Monroe County.

Compiled by: KBP Consulting, Inc. (May 2018).

## **SUMMARY & CONCLUSIONS**

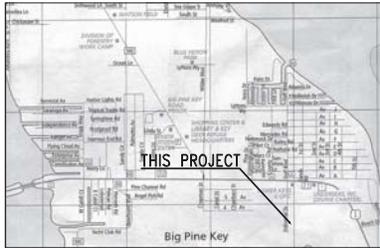
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Based upon the results of the traffic analyses performed for the Como Oil LPG Storage project to be located near Mile Marker 31 on Big Pine Key, the proposed development will not have an adverse impact on the operating characteristics of Overseas Highway / US 1 on Big Pine Key, nor will it inhibit the safe flow of traffic traveling through the area.

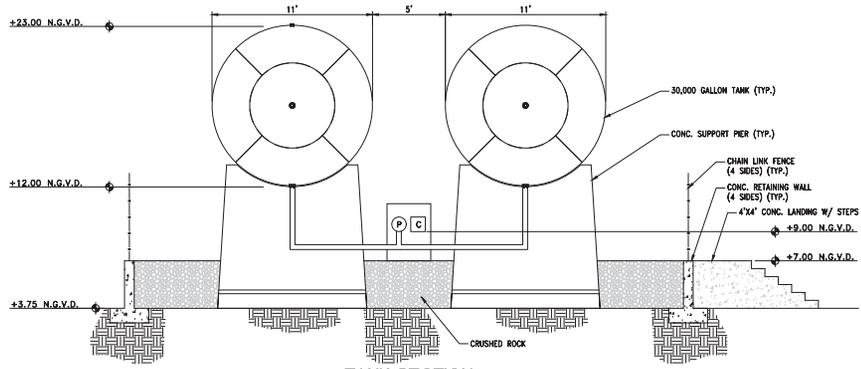
# **APPENDIX A**

**Como Oil LPG Storage**

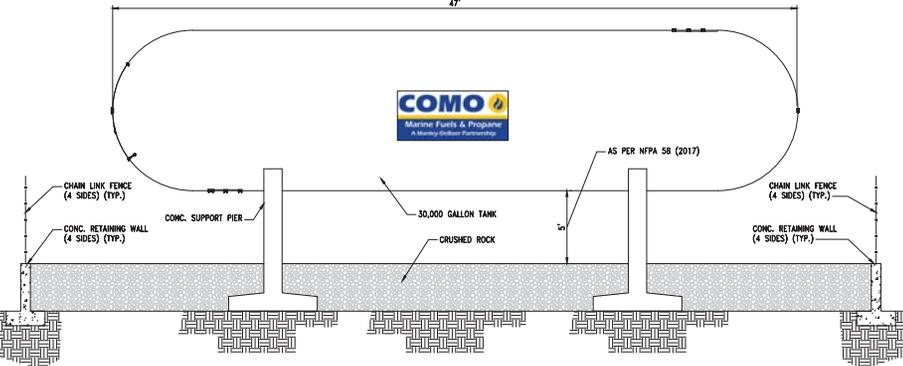
**Preliminary Site Plan**



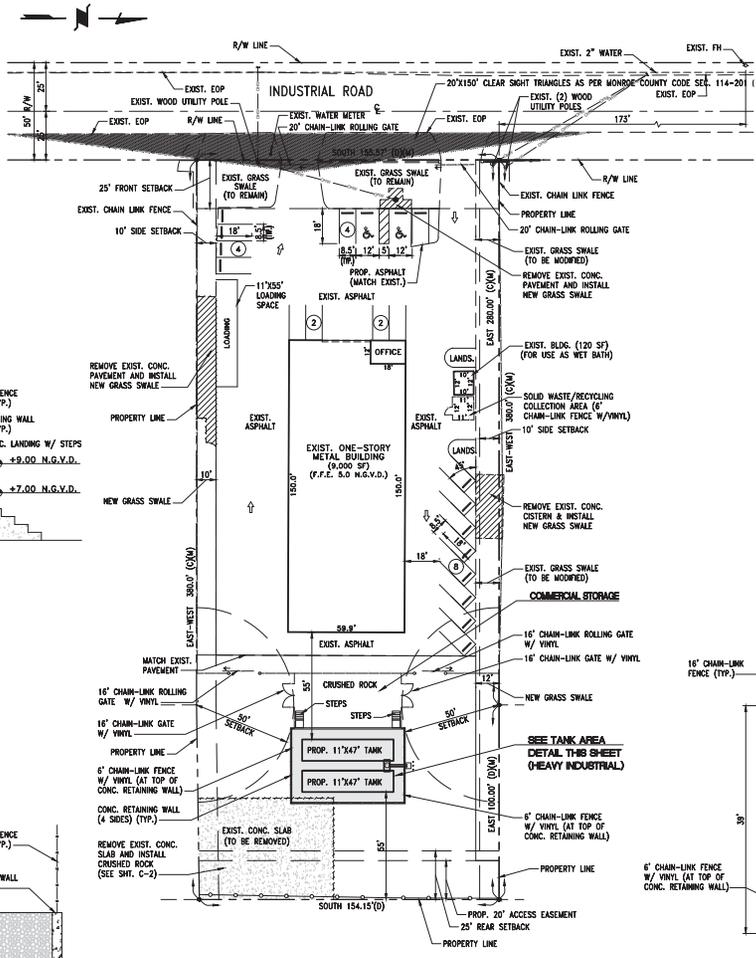
LOCATION MAP  
N.T.S.



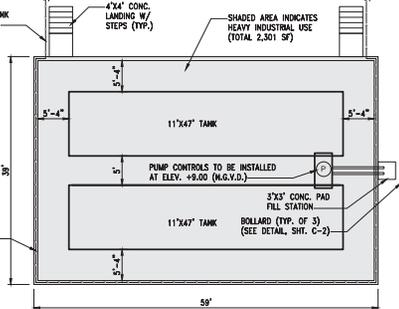
TANK SECTION  
SCALE: 1/4" = 1'-0"



TANK ELEVATION  
SCALE: 1/4" = 1'-0"



PROPOSED SITE PLAN  
SCALE: 1" = 30'



TANK AREA DETAIL (HEAVY INDUSTRIAL)  
SCALE: 1" = 10'

SITE DATA TABLE			
ZONING DISTRICT: INDUSTRIAL (I)			
FIRM DESIGNATION: INDUSTRIAL (I)			
TIER OVERLAY DIST.: TIER 1			
FLOOD ZONE: "AE-8" (N.G.V.D.)			
USE: LUMBERYARD/WAREHOUSE			
LPG STORAGE FACILITY			
<b>BUILDING SETBACKS</b>	<b>REQUIRED</b>	<b>PROPOSED AND LEGALLY NON-COMBINING</b>	
FRONT SETBACK	25'	EXISTING	
SIDE SETBACK	10'	EXISTING	
REAR SETBACK	25'	EXISTING	
<b>STORAGE TANK SETBACKS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	
FRONT/SIDE/REAR SETBACK	50'	50'	
<b>OPEN SPACE</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	
	20% (MIN.)	47,441 SF (81%)	
<b>PROJECT SITE AREA</b>	<b>SQ. FT.</b>	<b>ACRES (% OF TOTAL)</b>	
WETLAND AREA	58,862 SF	1.35 (100%)	
EXISTING BUILDING AREA	10,731 SF	0.25 (18%)	
EXISTING IMPERVIOUS AREA	23,883 SF	0.54 (41%)	
EXISTING PERVIOUS AREA	24,248 SF	0.56 (41%)	
<b>PROPOSED TANK AREA</b>	<b>2,301 SF</b>	<b>0.05 (4%)</b>	
<b>PROPOSED BUILDING AREA (EXISTING)</b>	<b>9,120 SF</b>	<b>0.21 (15%)</b>	
<b>PROPOSED IMPERVIOUS</b>	<b>22,234 SF</b>	<b>0.51 (30%)</b>	
<b>PROPOSED PERVIOUS AREA</b>	<b>25,207 SF</b>	<b>0.58 (42%)</b>	
<b>TOTAL SITE AREA</b>	<b>58,862 SF</b>	<b>1.35 (100%)</b>	
<b>FLOOR AREA CALCULATIONS</b>	<b>PERMITTED</b>	<b>PROPOSED</b>	
MAX. INDUSTRIAL (0.40) (58,862)	23,544 SF	9,120 SF (39%)	
MAX. HEAVY INDUSTRIAL (0.25) (58,862)	14,715 SF	2,301 SF (16%)	
<b>TOTAL SITE UTILIZATION</b>	<b>38,259 SF</b>	<b>15,032 SF (50%)</b>	
<b>PARKING</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	
9,120 SF INDUSTRIAL @ 2 PER 1,000 SF	18 SPACES	18 SPACES	
2,301 SF OUTDOOR INDUSTRIAL @ 1 PER 1,000 SF	2 SPACES	2 SPACES	
<b>TOTAL PARKING</b>	<b>20 SPACES</b>	<b>20 SPACES</b>	

DRAWN BY: P.J.F.  
CHECKED BY: J.R.G.  
APPROVED BY: J.R.G.  
DATE: 08-14-18  
PROJECT NO.: 18064

**COMO OIL COMPANY OF FLORIDA, INC.**  
3686 S.W. MARTIN HIGHWAY  
PALM CITY, FLORIDA 34990



**CONSULTING ENGINEERING & SCIENCE, INC.**  
10700 N. KENDALL DRIVE  
MIAMI, FLORIDA 33176  
SUITE 400  
(305) 378-5555  
ES-0002805

FOR THE FIRM  
UNDER THE AUTHORITY  
OF LICENSE NO. 12000

**PROPOSED SITE PLAN AND DETAILS**  
**BULK TRANSFER FACILITY**  
**177 INDUSTRIAL ROAD**  
**BIG PINE KEY, FLORIDA 33043**

NO.	DATE	REVISION	BY



SCALE: AS SHOWN

C-1

SK. NO. 1 OF 2

# **APPENDIX B**

## **Como Oil LPG Storage**

### **Comment-Response Memorandum**

**MEMORANDUM**

To: Donald Leland Craig, AICP  
Spottswood, Spottswood, Spottswood, and Sterling

From: Karl B. Peterson, P.E. 

Date: January 14, 2018

Subject: Como Oil LPG Storage  
Traffic Impact Study Comments

---

Como Keys LLC is proposing to locate two 30,000 gallon liquefied petroleum gas (LPG) tanks at the existing Manley deBoer lumber yard which is on the east side of Industrial Road south of Overseas Highway / US 1 on Big Pine Key, Monroe County, Florida. More specifically, the site is located at 177 Industrial Road. The subject site consists of approximately 2.48 acres and is located near Mile Marker 31. A traffic impact study for this project was prepared in April 2017 and comments on this study were transmitted by Monroe County in December 2017. The following is our response to these comments.

**1. What are the average historical annual growth rates at these two sites?**

***Response:** The average annual growth rate of the two (2) count stations in close proximity to the site (Station #900227 and Station #900016) is 4.6%. Please note that this information is not required for a Level 1 traffic impact study; it has been provided purely for informational purposes only.*

**2. Pls show the trip generation rate values calculated from the Regression Equations. Pls use the conservative value.**

***Response:** (This comment was directed at the General Light Industrial land use.) A few things to consider with respect to this calculation. A 10,575 square foot light industrial site is very small in comparison with the typical size of the light industrial sites within the database. Additionally, the  $R^2$  values are in the 0.50 range which is an indication that the equations should be used with additional and extreme caution. And lastly, this component of the development program is not changing or being modified as a result of the proposed action. In other words, the existing light industrial use is the same as the proposed / future light industrial use. Upon further review of the calculations for this use, it is our opinion that the resulting trip generation characteristics are reasonably estimated.*

- 3. Pls show the Trip Generation Category “Employees” in addition to “Gross Floor Area” as shown here. While calculating the proposed trips, pls use the conservative value.**

*Response:* (This comment is directed at the light industrial use and the proposed LPG storage.) Generally speaking, the use of “employees” as an independent variable for an ITE trip generation calculation is not the preferred approach. While building areas and number of dwelling units, for example, are easily quantified, verified, and constant, the number of employees in a business / retail store / office is not. Hence, it is our opinion that the building area is the most appropriate independent variable for these calculations.

- 4. ITE Manual provides trip generation rates for the ‘Employee’ category. So, it is recommended to follow ITE guidelines and avoid any assumptions.**

*Response:* (This comment is directed at the operational descriptions of the proposed LPG Storage facility.) There appears to be some confusion here. The ITE Trip Generation Manual does not have a land use category associated with LPG storage facilities, or any use that approximates this proposed use. Hence, as is customary practice with specific, unique, and low-traffic generators, we have documented the daily operations of the facility as a means of projecting the traffic volumes and characteristics. The daily operations described in the report are based upon similar sites in south Florida and result in a reasonable estimate of the traffic volumes / patterns associated with this site.

- 5. Pls compare against most recent reserve capacity (year 2017), not 2015...**

*Response:* (This comment is directed at Table 4.) We have spoken with County staff and confirmed that the 2017 Level of Service and Reserve Capacity Table is not yet available for public use. According to staff, it is not likely to be available until March 2018.

- 6. Also pls add another column to show future build out year (2018) reserve capacity. Pls note, the 2018 reserve capacity can be calculated by applying the historical growth rate (negative value) on the 2017 reserve capacity. For example, if the 2015 reserve capacity is 394 veh/day and growth rate 2%, then the estimated 2018 reserve capacity will be around 371 veh/day.**

*Response:* The suggested approach is inconsistent with the Monroe County Traffic Report Guidelines Manual. Furthermore, Monroe County’s reserve capacity and Level of Service (LOS) report / table is a speed-based system as opposed to a volume-based system. As such, the suggested approach is incompatible with the underlying data, the resulting LOS, and the reported reserve capacity.

# **APPENDIX C**

## **FDOT Historic Traffic Data**

FLORIDA DEPARTMENT OF TRANSPORTATION  
TRANSPORTATION STATISTICS OFFICE  
2017 HISTORICAL AADT REPORT

COUNTY: 90 - MONROE

SITE: 0227 - SR-5/US-1,200' NE NORTH PINE CHANNEL BRG, MONROE CO

YEAR	AADT		DIRECTION 1		DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR	
2017	18590	C	N	9312	S	9278	9.00	53.40	7.80
2016	18143	C	N	9047	S	9096	9.50	52.80	6.90
2015	18496	C	N	9289	S	9207	9.50	52.80	6.50
2014	17590	C	N	8809	S	8781	9.50	53.00	8.40
2013	16848	C	N	8425	S	8423	9.50	54.10	8.20
2012	16525	C	N	8260	S	8265	9.50	54.10	8.30
2011	16409	C	N	8200	S	8209	9.50	53.60	8.40
2010	15600	F	N	7800	S	7800	10.44	53.42	7.30
2009	16293	C	N	8148	S	8145	10.44	53.42	7.30
2008	15862	C	N	7936	S	7926	10.56	52.00	7.60
2007	16665	C	N	8337	S	8328	10.12	52.76	8.10
2006	16772	C	N	8374	S	8398	10.41	53.27	8.50
2005	17003	C	N	8509	S	8494	10.60	52.60	7.50
2004	17597	C	N	8804	S	8793	10.40	51.80	6.50
2003	17591	C	N	8787	S	8804	10.30	56.30	2.50
2002	17388	C	N	8679	S	8709	10.10	52.30	11.90

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE  
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN

\*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION  
 TRANSPORTATION STATISTICS OFFICE  
 2017 HISTORICAL AADT REPORT

COUNTY: 90 - MONROE

SITE: 0016 - SR 5/US-1, 800' N CR 940(NORTH LEG)

YEAR	AADT		DIRECTION 1		DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR	
2017	19600	C	N	10500	S	9100	9.00	53.90	9.10
2016	18100	C	N	8300	S	9800	9.50	54.90	7.60
2015	20400	C	N	9900	S	10500	9.50	54.30	7.20
2014	17900	C	N	8800	S	9100	9.50	55.20	9.20
2013	17800	C	N	8600	S	9200	9.50	54.80	9.30
2012	16800	C	N	8300	S	8500	9.50	55.00	8.60
2011	16900	C	N	8500	S	8400	9.50	55.10	8.70
2010	15400	C	N	7800	S	7600	10.26	56.84	9.10
2009	19600	C	N	9900	S	9700	10.23	56.56	8.30
2008	16300	C	N	8100	S	8200	10.45	54.98	10.90
2007	18200	C	N	8900	S	9300	10.00	55.10	11.30
2006	18700	C	N	9200	S	9500	10.08	55.69	9.80
2005	18800	C	N	9200	S	9600	10.40	55.70	9.30
2004	16000	C	N	8100	S	7900	10.00	56.00	8.60
2003	17500	C	N		S		10.10	56.30	9.30
2002	16700	C	N	8500	S	8200	10.00	54.20	6.10

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE  
 S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE  
 V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN

\*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

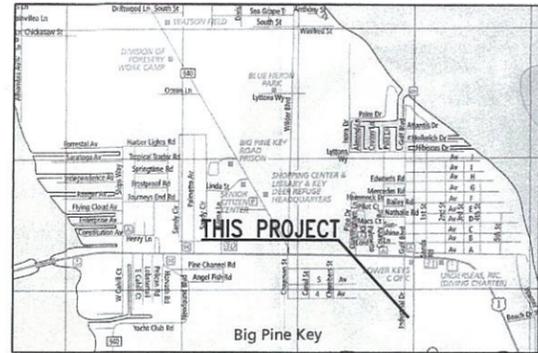
# **APPENDIX D**

## **Monroe County Level of Service and Reserve Capacity Table**

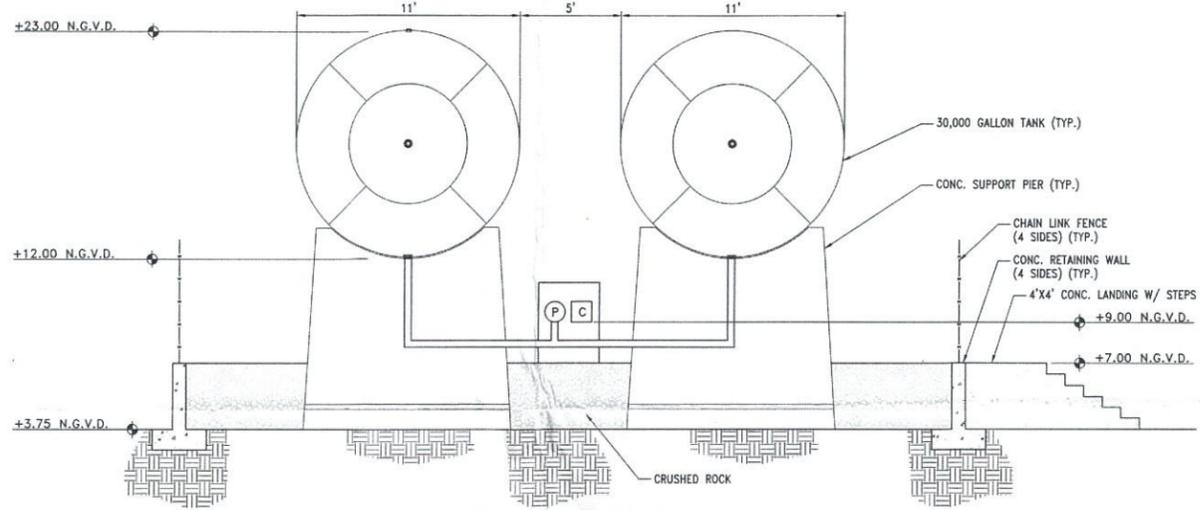
**2017 LEVEL OF SERVICE AND RESERVE CAPACITY**

SEGMENT	LENGTH (miles)	FACILITY TYPE	POSTED SPEED		ADJ. FOR SIGNAL (mph)	ADJUSTED LOS C CRITERIA (mph)	MEDIAN TRAVEL SPEED (mph)	LOS	RESERVE SPEED (mph)	2017		2015	
			Limits (mph)	Average (mph)						MAXIMUM RESERVE DAILY VOLUME (trips)	% ALLOCATION BELOW LOS C (trips)	MAXIMUM RESERVE DAILY VOLUME (trips)	% ALLOCATION BELOW LOS C (trips)
1 Stock Island (4.0 - 5.0)	1.10	4-L/D	30/45	42.8	N/A	22.0	29.4	B	7.4	1,348	N/A	1,986	N/A
2 Boca Chica (5.0- 9.0)	3.9	4-L/D	45/55	54.7	N/A	50.2	59.6	A	9.4	6,071	N/A	5,167	N/A
3 Big Coppitt (9.0- 10.5)	1.5	2-L/U	45/55	45.7	N/A	41.2	46.6	B	5.4	1,341	N/A	1,292	N/A
4 Saddlebunch (10.5- 16.5)	5.8	2-L/U	45/55	53.6	N/A	49.1	53.3	B	4.2	4,034	N/A	2,497	N/A
5 Sugarloaf (16.5- 20.5)	3.9	2-L/U	45	45.0	4.5	36.0	48.3	A	12.3	7,944	N/A	7,363	N/A
6 Cudjoe (20.5- 23.0)	2.5	2-L/U	45	45.0	N/A	40.5	48.2	A	7.7	3,188	N/A	2,650	N/A
7 Summerland (23.0- 25.0)	2.2	2-L/U	45	45.0	N/A	40.5	45.0	B	4.5	1,639	N/A	1,312	N/A
8 Ramrod (25.0- 27.5)	2.3	2-L/U	45	45.0	N/A	40.5	46.1	B	5.6	2,133	N/A	2,323	N/A
9 Torch (27.5- 29.5)	2.1	2-L/U	45	45.0	N/A	40.5	47.7	A	7.2	2,504	N/A	2,434	N/A
10 Big Pine (29.5- 33.0)	3.4	2-L/U	45	45.0	3.4	37.1	39.4	C	2.3	1,295	N/A	394	N/A
11 Bahia Honda (33.0- 40.0)	7.0	2-L/U (70%) 4-L/D (30%)	45/50/55	52.4	N/A	47.9	53.7	B	5.8	6,723	N/A	5,448	N/A
12 7-Mile Bridge (40.0- 47.0)	6.8	2-L/U	45/50/55	54.6	N/A	50.1	53.3	B	3.2	3,603	N/A	2,703	N/A
13 Marathon (47.0- 54.0)	7.3	2-L/U (13%) 4-L/D (87%)	35/45	42.3	N/A	22.0	37.9	A	15.9	19,221	N/A	19,221	N/A
14 Grassy (54.0- 60.5)	6.4	2-L/U	45/55	54.5	1.5	48.5	51.6	C	3.1	3,286	N/A	3,286	N/A
15 Duck (60.5- 63.0)	2.7	2-L/U	55	55.0	N/A	50.5	53.3	C	2.8	1,252	N/A	1,788	N/A
16 Long (63.0- 73.0)	9.9	2-L/U	40/45/50/55	53.4	N/A	48.9	50.5	C	1.5	2,459	N/A	5,902	N/A
17 L Matecumbe (73.0- 77.5)	4.5	2-L/U	50/55	54.0	N/A	49.5	49.8	C	0.3	224	N/A	(894)	967
18 Tea Table (77.5- 79.5)	2.2	2-L/U	45/55	54.1	N/A	49.6	47.6	D	-1.9	(692)	193	(401)	459
19 U Matecumbe (79.5- 84.0)	4.1	2-L/U	30/40/45	45.0	N/A	40.5	39.2	D	-1.3	(883)	522	1,494	N/A
20 Windley (84.0- 86.0)	1.9	2-L/U	30/40/45	45.0	N/A	40.5	41.0	C	0.5	157	N/A	378	N/A
21 Plantation (86.0- 91.5)	5.8	2-L/U	45	45.0	3.4	37.1	40.5	B	3.4	3,266	N/A	1,057	N/A
22 Tavemier (91.5- 99.5)	8.0	4-L/D	45/50	47.2	2.0	40.7	47.4	A	6.7	8,876	N/A	10,466	N/A
23 Key Largo (99.5- 106.0)	6.8	4-L/D	45	45.0	3.5	37.0	44.4	A	7.4	8,333	N/A	8,558	N/A
24 Cross (106.0- 112.5)	6.2	2-L/U	45/55	51.4	N/A	46.9	52.7	B	5.7	5,852	N/A	4,723	N/A
Overall	108.3					45.0	46.0	C	1.0	18,547			

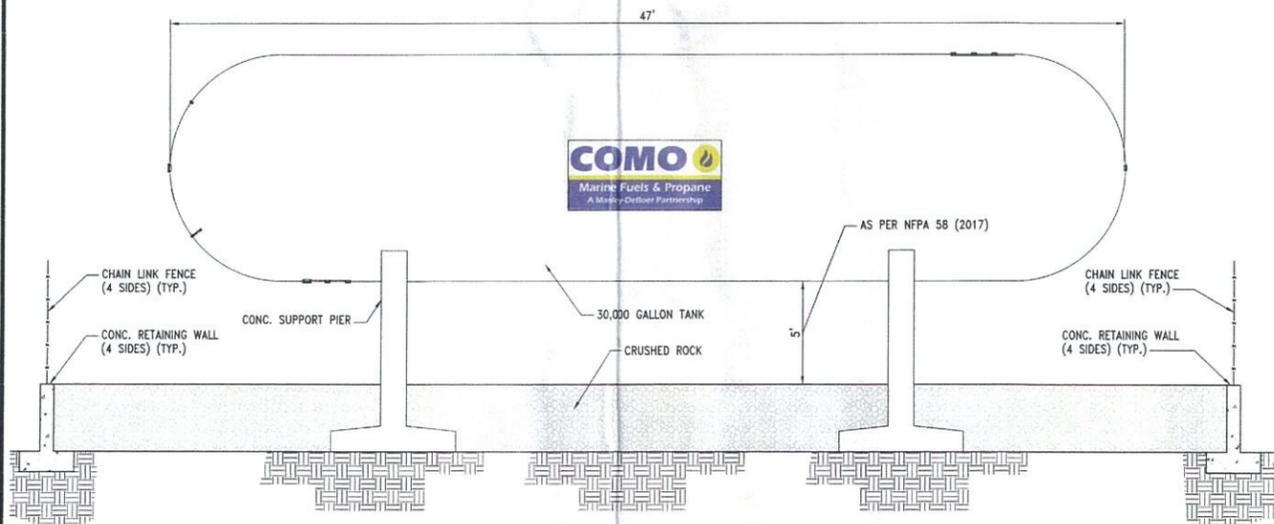




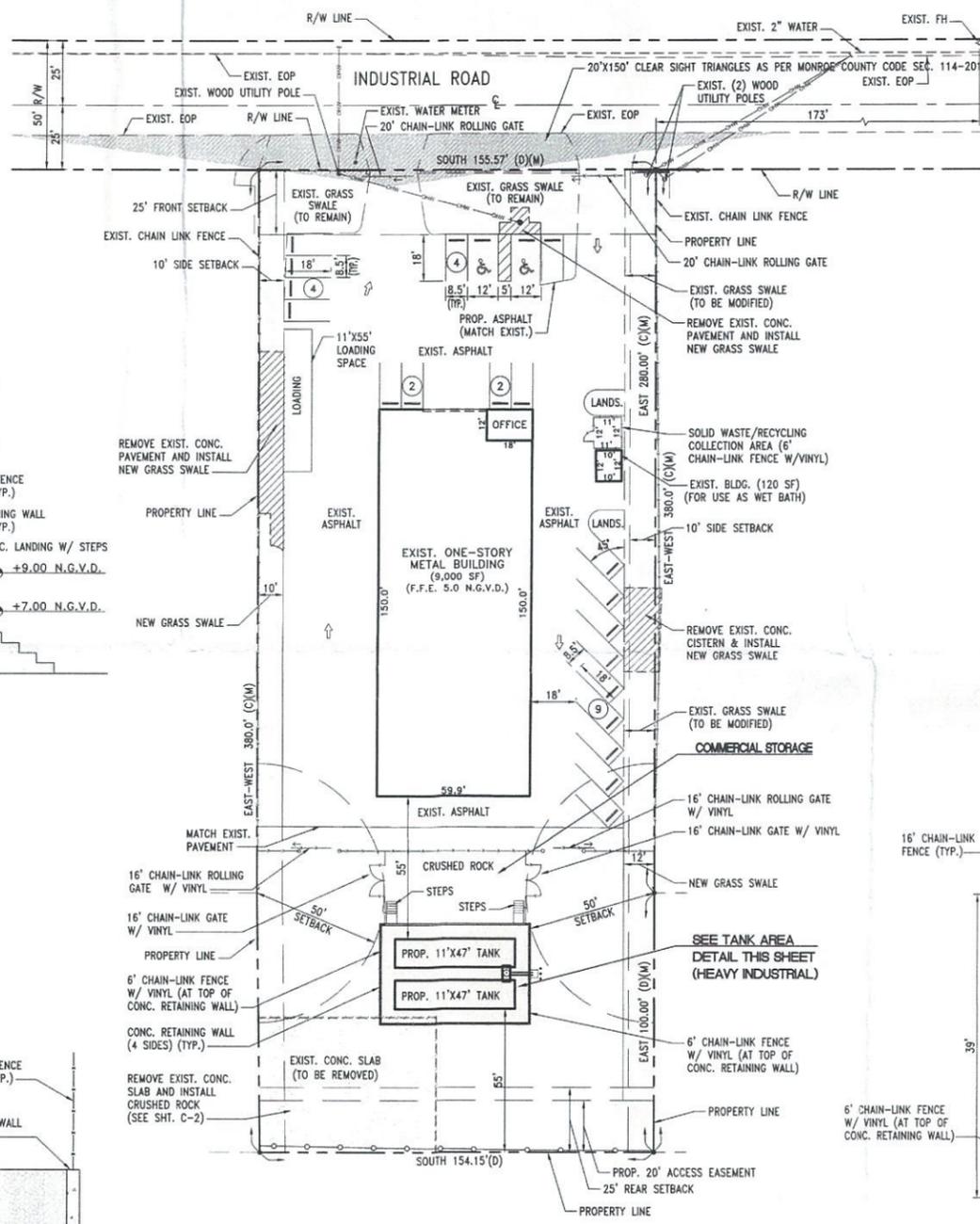
**LOCATION MAP**  
N.T.S.



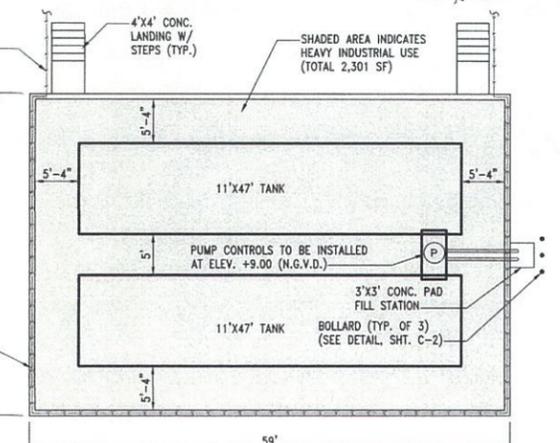
**TANK SECTION**  
SCALE: 1/4" = 1'-0"



**TANK ELEVATION**  
SCALE: 1/4" = 1'-0"



**PROPOSED SITE PLAN**  
SCALE: 1" = 30'



**TANK AREA DETAIL (HEAVY INDUSTRIAL)**  
SCALE: 1" = 10'

SITE DATA TABLE			
ZONING DISTRICT: INDUSTRIAL (I)	REQUIRED	PROPOSED AND LEGALLY NON-CONFORMING	
FLUM DESIGNATION: INDUSTRIAL (I)			
TIER OVERLAY DIST.: TIER I			
FLOOD ZONE: "AE-8" (N.G.V.D.)			
USE: LUMBERYARD/WAREHOUSE			
LPG STORAGE FACILITY			
<b>BUILDING SETBACKS</b>	<b>REQUIRED</b>	<b>EXISTING</b>	
FRONT SETBACK	25'	EXISTING	
SIDE SETBACK	10'	EXISTING	
REAR SETBACK	25'	EXISTING	
<b>STORAGE TANK SETBACKS</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	
FRONT/SIDE/REAR SETBACK	50'	50'	
<b>OPEN SPACE</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	
	20% (MIN.)	25,207 SF (43%)	
		<b>SQ. FT.</b>	<b>ACRES (% OF TOTAL)</b>
PROJECT SITE AREA	58,862 SF	N/A	1.35 (100%)
WETLAND AREA	N/A	N/A	N/A
EXISTING BUILDING AREA	10,731 SF		0.25 (18%)
EXISTING IMPERVIOUS	23,883 SF		0.54 (41%)
EXISTING PERVIOUS AREA	24,248 SF		0.56 (41%)
PROPOSED TANK AREA	2,301 SF		0.05 (4%)
PROPOSED BUILDING AREA (EXISTING)	9,120 SF		0.21 (15%)
PROPOSED IMPERVIOUS	22,234 SF		0.51 (39%)
PROPOSED PERVIOUS AREA	25,207 SF		0.58 (42%)
TOTAL SITE AREA	58,862 SF		1.35 (100%)
<b>FLOOR AREA CALCULATIONS</b>	<b>PERMITTED</b>	<b>PROPOSED</b>	
MAX. INDUSTRIAL (0.40)	23,544 SF	9,120 SF (39%)	
MAX. HEAVY INDUSTRIAL (0.25)	14,715 SF	2,301 SF (16%)	
TOTAL SITE UTILIZATION	38,259 SF	13,032 SF (30%)	
<b>PARKING</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	
8,904 SF INDUSTRIAL @ 2 PER 1,000 SF	17.8 SPACES	18 SPACES	
216 SF OFFICE @ 3 PER 1,000 SF	0.7 SPACE	1 SPACE	
2,301 SF OUTDOOR INDUSTRIAL @ 1 PER 1,000 SF	2.3 SPACES	2 SPACES	
TOTAL PARKING	20.8 SPACES	21 SPACES	

DRAWN BY: P.J.F.  
CHECKED BY: J.R.G.  
APPROVED BY: J.R.G.  
DATE: 05-18-18  
PROJECT NO.: 16064

**COMO OIL COMPANY OF FLORIDA, INC.**  
3586 S.W. MARTIN HIGHWAY  
PALM CITY, FLORIDA 34990



**CONSULTING ENGINEERING & SCIENCE, INC.**  
10700 N. KENDALL DRIVE  
MIAMI, FLORIDA 33176  
SUITE 400  
(305) 378-5555  
EB-0003255



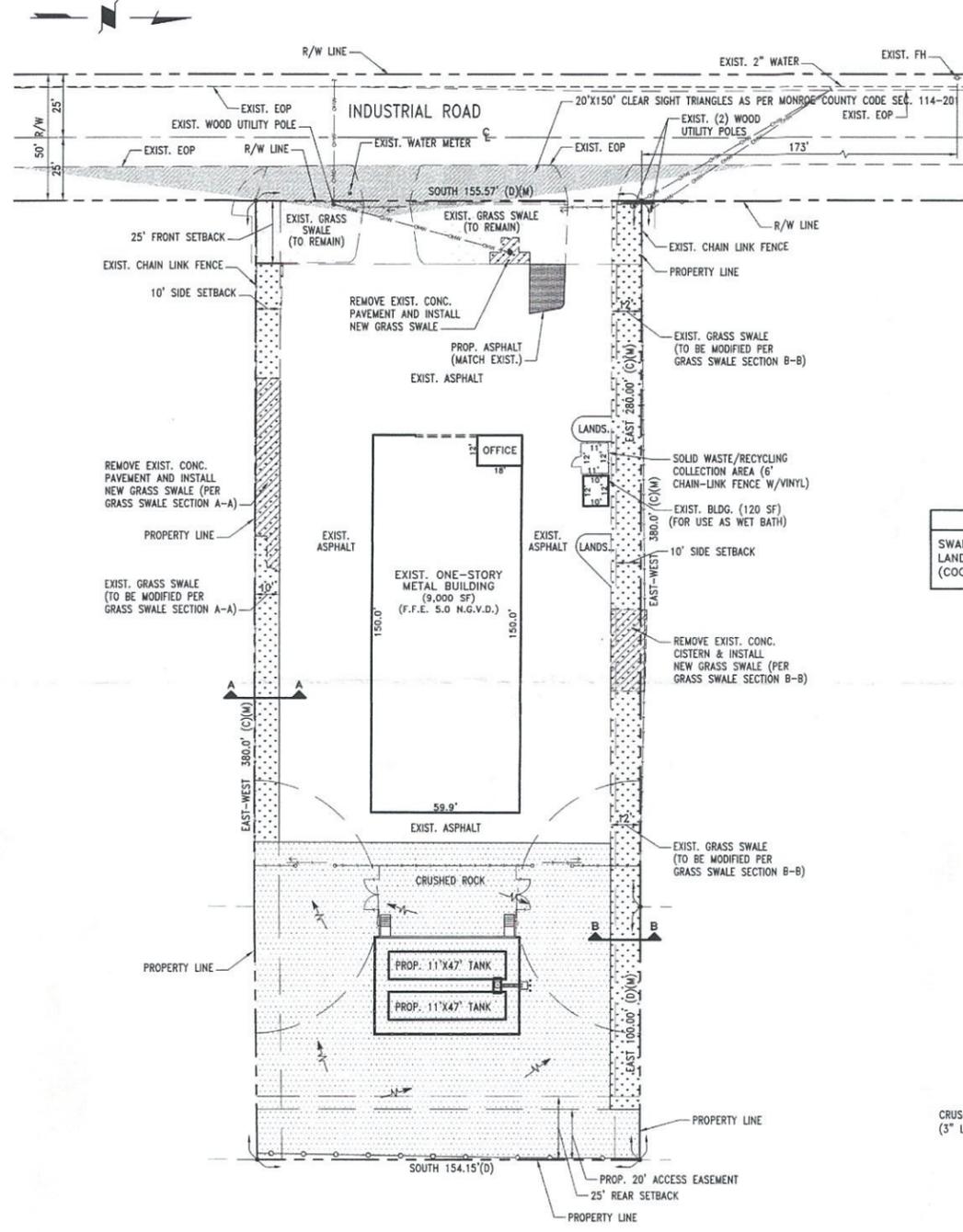
**PROPOSED SITE PLAN AND DETAILS**  
BULK TRANSFER FACILITY  
177 INDUSTRIAL ROAD  
BIG PINE KEY, FLORIDA 33043



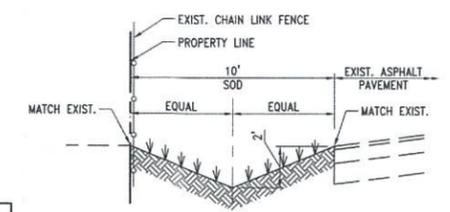
NO.	DATE	REVISION	SH. NO. 1 OF 2

SCALE: AS SHOWN  
**C-1**

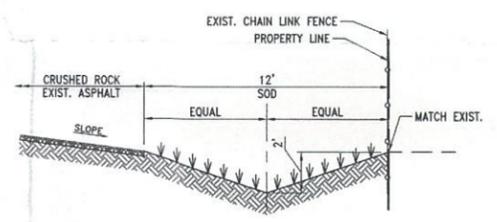




DRAINAGE CALCULATIONS	
RETENTION AREA PROVIDED	
EXISTING SWALES (TO REMAIN)	= 609 CF
EXISTING SWALE (TO BE MODIFIED/NEW)	= 6,620 CF
CRUSHED ROCK @ 3" DEPTH (40% VOID RATIO)	= 1,586 CF
TOTAL RETENTION PROVIDED	= 8,815 CF
REQUIRED RETENTION VOLUME	
2 1/2 INCH OF RAINFALL OVER PROJECT SITE AREA	
TIMES PERCENT IMPERVIOUS AREA (58,862 SF X 2.5"/12"/FT X 0.57)	= 6,990 CF
8,815 CF PROVIDED > 6,990 CF REQUIRED	

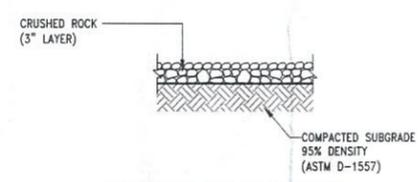


**SECTION A-A: GRASS SWALE**  
SCALE: 1/4" = 1'-0"

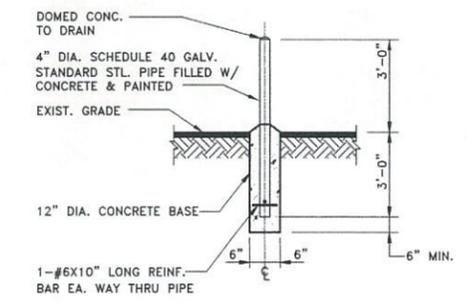


**SECTION B-B: GRASS SWALE**  
SCALE: 1/4" = 1'-0"

**NOTE**  
SWALES WILL BE MODIFIED TO INCLUDE LANDSCAPE PLANTINGS, AS APPLICABLE. (COORD. W/ LANDSCAPE DWG.'S)



**CRUSHED ROCK DETAIL**  
SCALE: 1" = 1'-0"



**BOLLARD DETAIL**  
SCALE: 3/8" = 1'-0"

**LEGEND**

	EXIST. ASPHALT PAVEMENT		EXIST. GRASS SWALE
	PROP. ASPHALT PAVEMENT		MODIFIED/NEW GRASS SWALE
	CRUSHED ROCK		

**PROPOSED DRAINAGE PLAN**  
SCALE: 1" = 30'

DRAWN BY: P.J.F.  
CHECKED BY: J.R.G.  
APPROVED BY: J.R.G.  
DATE: 05-18-18  
PROJECT NO.: 16064

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EB-0003255



**PROPOSED DRAINAGE PLAN AND DETAILS**  
BULK TRANSFER FACILITY  
177 INDUSTRIAL ROAD  
BIG PINE KEY, FLORIDA 33043



NO.	DATE	REVISION	SCALE: AS SHOWN
			<b>C-2</b>
			SH. NO. 2 OF 2



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

**To:** Monroe County Planning Commission

**Through:** Emily Schemper, AICP, CFM, Acting Senior Director of Planning and Environmental Resources

**From:** Cheryl Cioffari, AICP, Principal Planner

**Date:** May 16, 2018

**Subject:** An ordinance by the Monroe County Board of County Commissioners amending the Monroe County Land Development Code Section 139-1, Affordable and Employee Housing Administration, to specify that when calculating density, affordable housing density shall be excluded from calculations of cumulative hotel/motel density on a parcel (operating as a density bonus from the development of affordable/employee housing on properties with a hotel/motel) (File #2017-075)

**Meeting:** May 29, 2018

## I. REQUEST

On May 23, 2017, the Planning and Environmental Resources Department received an application from Barton W. Smith of Smith Hawks on behalf of Longstock II, LLC, (“the Applicant”) to amend Subsection 139-1(a)(5) of the Monroe County Land Development Code (LDC) to exclude affordable housing density from cumulative density/intensity calculations for hotel/motel development on a site. Subsection 139-1(a)(5) of the LDC already excludes affordable housing density from cumulative density/intensity calculations for nonresidential development on a site.

## II. BACKGROUND INFORMATION

The Applicant states “the proposed text amendment will encourage the provision of severely needed affordable housing by increasing the effective density of hotel/motel parcels so that affordable housing may be established on site.....the public policy justification for the proposed amendment is the same as the justification for not counting affordable housing against non-residential floor area: to encourage development of affordable and workforce housing as infill on existing or proposed commercial properties. Hotel/motel uses, unlike other residential uses which require/utilize residential density, do not create permanent housing for Monroe County residents....The proposed amendment will encourage the development of affordable housing stock in Monroe County by incentivizing developers and current hoteliers to utilize the currently unutilized or underutilized

portions of proposed projects and existing development for affordable housing. The proposed amendment makes it feasible for these economic-drivers to develop necessary affordable housing with reduced land acquisition and mobilization cost.”

The Applicant cites the following documents/data:

1. Monroe County Workforce Housing Stakeholder Assessment Report, 2015, by FCRC Consensus Center, FSU; and
2. Florida Housing data compiled by the University of Florida.

The Applicant’s full explanation and justification of the proposed amendment is attached as Exhibit 1.

Staff has reviewed the Applicant’s position and supporting documentation, and agrees with the position that inadequate availability of affordable housing is currently a primary issue facing permanent residents of unincorporated Monroe County. In 2015, the BOCC acknowledged the County’s workforce housing issues and adopted Resolution 189-2015, assigning additional duties to the Affordable Housing Advisory Committee directing the committee to make recommendations for steps the County may take to address the need for more workforce housing options. The committee presented their recommendations to the BOCC at their regular meeting on August 17, 2016. The BOCC held a special meeting on December 6, 2016, to discuss the recommendations, and provided direction to staff to move forward on several measures to encourage and incentivize the provision of affordable and workforce housing within the County.

Additionally, Monroe County suffered the loss of a significant number of housing units due to damage caused by Hurricane Irma on September 10, 2017. The BOCC has acknowledged that the pre-existing affordable housing issues facing the County are even greater and more immediate now due to storm-related losses. Significant damage has occurred to the housing stock which is largely the lower cost housing options to the members of the workforce.

In response to the preexisting affordability issues and the additional losses due to Hurricane Irma, on November 29, 2017, proposed comprehensive plan amendments to incentivize and prioritize the provision of workforce housing after the significant damage caused by Hurricane Irma were presented to the BOCC and the public. The BOCC provided direction to staff on the proposed amendments and directed staff to start processing the amendments to incentivize workforce housing and assist in the rebuilding and recovery of Monroe County. Those amendments, which would create a new Goal 109 and associated Objectives and Policies in the Monroe County Comprehensive Plan, are being processed separately by County staff, and have been reviewed by the DRC and will tentatively be heard by the Planning Commission at their June public meeting.

Monroe County faces the quadruple impact of high land values, land limited by geographic and environmental features, housing supply limited by controlled growth (the permit allocation systems) and a tourism economy with a prevalence of lower paying service-sector employment.

The housing affordability problem of Monroe County has widespread economic impacts, including a growing recognition of the important link between an adequate affordable housing supply and economic growth. Many of the business sectors in the Keys, including professional services, retail

trade, tourism and health care, find it increasingly difficult to attract and maintain workers. Affordable housing has posed and continues to pose a major challenge for local governments, public agencies and the private sector in the Keys. The service and retail industries generate high demand for affordable housing from low income earning workers, while the limited land area and linear geography of the Keys severely limit the potential supply and locations of housing in the County.

Furthermore, unlike other areas in the State, working families cannot find affordable housing nearby. As a result, a severe imbalance exists between supply and demand, resulting in escalating housing prices. This imbalance is worsened by a number of other contributing factors, including:

- strong demand for second homes which reduces the supply of housing for permanent residents;
- conversion of permanent housing for transient use as vacation rentals which reduces the housing supply and increases affordable housing demand;
- high construction costs due to transportation costs of goods, limited labor market, and caprock conditions;
- higher costs due to regulations and insurance (building standards are among the most rigorous in the State);
- limited permit allocations due to hurricane evacuation standards, habitat protection and water quality objectives; and
- limited non-profit and private sector capacity for funding assistance and housing production.

The need to protect and preserve an adequate inventory of affordable/workforce accessible housing is a continual as well as a growing challenge in the County, particularly after the impacts of Hurricane Irma.

On June 28, 2017, staff held a Concept Meeting with the Applicant regarding the proposed amendment, as required by LDC Section 102-158(d)(3). During the Concept Meeting it was determined that the proposed text amendment would have a county-wide impact, as it would apply to affordable housing and hotel/motel development proposals throughout the entire unincorporated County. For reference, maps showing the locations of existing Tier III hotel/motel properties, per Monroe County Property Appraiser data, are attached as Exhibit 2, as examples of sites that could potentially receive additional density as a result of the proposed amendment.

On December 6, 2017, the applicant held a community meeting, in Marathon, regarding the proposed amendment, as required by LDC Section 102-159(b)(3) for text amendments determined to have a county-wide impact.

On January 17, 2018, at a regular public meeting, the BOCC held an Impact Meeting regarding the proposed amendment, as required by LDC Section 102-159(b)(2) for text amendments determined to have a county-wide impact. Topics raised by the BOCC during the discussion item included: applicability and compliance with existing bulk regulations; interaction of the proposed amendment with the upcoming BOCC-directed proposed amendments to incentivize workforce housing following Hurricane Irma; affordable income categories; potential for decreased impacts on traffic/transportation when employees live and work on the same site; incentive for hotel owners/developers to provide housing if they are still able to build the maximum number of hotel

rooms on a site. The BOCC did not give any formal direction to staff regarding the proposed amendment, but was generally favorable towards the idea.

On April 24, 2018, the Monroe County Development Review Committee (DRC) reviewed the proposed amendment at a regular meeting and provided for public comment.

### III. PROPOSED LAND DEVELOPMENT CODE TEXT AMENDMENT

The following amendment is proposed by the Applicant (deletions are shown in red and ~~stricken through~~; additions are shown in green and underlined):

#### **Sec. 139-1. Affordable and Employee Housing; Administration.**

(a) Generally.

- (1) Notwithstanding the density limitations in Section 130-157, the owner of a parcel of land shall be entitled to:
  - a. Develop affordable and employee housing as defined in Section 101-1, on parcels of land classified as Urban Residential (UR) at an intensity up to a maximum net residential density of 25 dwelling units per acre and on parcels of land classified as Mixed Use (MU) at an intensity up to a maximum net residential density of 18 dwelling units per acre.
  - b. Develop affordable and employee housing, as defined in Section 101-1, 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 and on parcels of land classified as Urban Residential (UR) at an intensity up to a maximum net residential density of 25 dwelling units per acre.
  - c. Develop market rate housing, as defined in Section 101-1, as part of an affordable or employee housing project in accordance with subsection (a)(8) of this section, provided that on parcels of land classified as Urban Residential (UR), the maximum net residential density shall not be greater than 18 dwelling units per acre.
- (2) The maximum net residential density allowed per district and by this section shall not require Transferable Development Rights (TDR) for affordable and employee housing and market rate housing developed in accordance with subsection (a)(8) of this section.
- (3) Market rate housing developed in accordance with subsection (a)(8) below shall be eligible to receive points pursuant to Section 138-28(a)(6).
- (4) The requirements of this Land Development Code for the provision of impact fees shall be waived for affordable and employee housing and any market rate housing developed in accordance with subsection (a)(8) of this section.
- (5) Notwithstanding the provisions of this article, when calculating density, any existing lawfully established or proposed affordable or employee housing on a parcel and the floor area thereof shall be excluded from the calculation of the total gross nonresidential floor area and hotel/motel density development that may be lawfully established on the parcel, provided, however, that the total residential density allowed on the site shall not exceed the maximum net density for affordable and employee housing.

\*\*\*\*\*

### IV. ANALYSIS OF PROPOSED AMENDMENT

Staff agrees with the Applicant's assertion that Monroe County is experiencing a significant and growing workforce housing crisis in terms of affordable rental and affordable ownership as identified in the 2015 Monroe County Workforce Housing Committee Stakeholder Assessment Report. The proposed amendment is one such mechanism that the County could utilize to incentivize both the development and redevelopment of hotel/motel facilities and the development of employee or affordable housing.

The proposed amendment would provide an incentive to develop affordable housing on parcels containing development or contemplating development in conjunction with hotels/motels and/or nonresidential floor area. Currently, the LDC only allows the exclusion of nonresidential floor area from cumulative calculations of intensity with affordable housing density. The proposed amendment would expand this exclusion to include hotel/motel rooms.

There is limited land area suitable for residential development remaining in the County. Current regulations do not allow the award of Affordable Housing ROGO allocations within Tier 1 designated parcels. Amendments to the LDC are necessary to ensure that despite the limited availability of developable lands, the County's existing and future housing stock includes adequate affordable housing opportunities. Escalating land and predevelopment costs contribute to the cost of housing and tend to restrict the development of affordable and employee housing. The proposed amendment would potentially encourage the addition of affordable and/or employee housing as hotel/motels are developed and redeveloped.

Both the Comprehensive Plan and the LDC include maximum net density provisions, which allow development at a higher density with development of affordable housing. Density would still be constrained by all other applicable land development regulations, including but not limited to: setbacks, height, maximum net residential density, open space, parking requirements, clearing limitations and stormwater management.

The existing regulations require that maximum net density calculations are cumulative: hotel/motel rooms, affordable units and market-rate units are combined when determining development potential. Only nonresidential floor area is not counted against affordable housing development potential. This is done to incentivize and encourage the development of mixed use projects that contain components of affordable housing.

The proposed amendment would only require a cumulative calculation of density between affordable dwelling units and market rate dwelling units on the parcel proposed for development or redevelopment; and a cumulative calculation of density and intensity between nonresidential square footage, hotel/motel units and/or market rate dwelling units on the site. The proposed amendment may make projects more economically viable, assisting the local economy and furthering affordable housing, by reducing potential land acquisition costs.

A secondary effect of the proposed amendment would be to incentivize the redevelopment of aging hotel/motel infrastructure. The proposed amendment addresses two key issues facing Monroe County: 1) inadequate availability of affordable housing; and 2) the need for redevelopment of aging hotel/motel infrastructure. The County's 2012 EAR's Major Issues Analysis (2012) identified aging hotel/motel infrastructure as an economic sustainability issue for the unincorporated County. The

EAR points out that only 25 percent of hotel rooms within all of the Keys are located in the unincorporated portions of the County. Of these hotel rooms, 54 percent are within structures older than 40 years, which is considered the useful life of buildings and structures from a building use and architectural perspective. By 2030, 84 percent of the hotel/motel structures will have surpassed their useful life and will require either replacement or extensive renovation.

The EAR includes the following recommended strategy for addressing the issue of aging hotel/motel infrastructure:

*Provide incentives for redevelopment of existing outdated hotel/tourist facilities should be instituted. Such incentives may include the ability to expand the building footprint. Recommend some relaxation, where appropriate, of current zoning regulations to reduce the cost of upgrade compliance is also important and should be considered for green building and/or green lodging certification.*

## **V. CONSISTENCY WITH THE MONROE COUNTY COMPREHENSIVE PLAN, THE PRINCIPLES FOR GUIDING DEVELOPMENT, FLORIDA STATUTES, and THE LAND DEVELOPMENT CODE.**

**A. The proposed amendment is consistent with the Goals, Objectives and Policies of the Monroe County 2030 Comprehensive Plan. Specifically, it furthers:**

### **GOAL 101**

Monroe County shall manage future growth to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources.

### **Objective 101.2**

As mandated by the State of Florida, pursuant to Section 380.0552, F.S. and Rule 28-20.140, F.A.C., and to maintain the public health, safety, and welfare, Monroe County shall maintain a maximum hurricane evacuation clearance time of 24 hours and will coordinate with the State Land Planning Agency relative to the 2012 Memorandum of Understanding that has been adopted between the County and all the municipalities and the State agencies.

### **Objective 101.3**

Monroe County shall regulate new residential development based upon the finite carrying capacity of the natural and man-made systems and the growth capacity while maintaining a maximum hurricane evacuation clearance time of 24 hours.

**Policy 101.3.3:** Monroe County shall allocate at least 20% of the annual allocation, or as may be established by the State of Florida, pursuant to Administration Commission Rules, to affordable housing units as part of ROGO. Any portion of the allocations not used for affordable housing shall be retained and be made available for affordable housing from ROGO year to ROGO year. Affordable housing eligible for this separate allocation shall meet the criteria specified in Policy 601.1.4 and the Land Development Code, but shall not be subject to the competitive Residential

Permit Allocation and Point System in Policy 101.6.4. Any parcel proposed for affordable housing shall not be located within an area designated as Tier I as set forth under Goal 105 or within a Tier III-A Special Protection Area as set forth in Policy 205.1.1.

**Policy 101.3.10:** Notwithstanding any other provision of the Plan, ROGO allocations utilized for affordable housing projects may be pooled and transferred between ROGO subareas, excluding the Big Pine/No Name Keys ROGO subarea, and between local government jurisdictions within the Florida Keys Area of Critical State Concern (ACSC). Any such transfer between local government jurisdictions must be accomplished through an interlocal agreement between the sending and receiving local governments.

**Policy 101.5.25**

Monroe County hereby adopts the following density and intensity standards for the future land use categories, which are shown on the FLUM and described in Policies 101.5.1 - 101.5.20 [§163.3177(6)(a)1.,F.S.].

Future Land Use Densities and Intensities				Minimum Open Space Ratio <sup>(c)</sup>
Future Land Use Category And Corresponding Zoning	Residential <sup>(1)</sup>		Nonresidential	
	Allocated Density <sup>(a)</sup> (per upland acre)	Maximum Net Density <sup>(a) (b)</sup> (per buildable acre)	Maximum Intensity (floor area ratio)	
Agriculture/Aquaculture (A) <sup>(d)</sup> (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.25	Per underlying zoning
Airport (AD) (AD zoning)	0 du 0 rooms/spaces	N/A N/A	0.10	0.20
Commercial (COMM) (C1 and C2 zoning)	0 du 0 rooms/spaces	N/A N/A	0.15-0.50	0.20
Conservation (C) (CD zoning)	0 du 0 rooms/spaces	N/A N/A	0.05	0.90
Education (E) <sup>(d)</sup> (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.30	Per underlying zoning
Industrial (I) (I and MI zoning)	1 du 0 rooms/spaces	2 du N/A	0.25-0.60	0.20
Institutional (INS) <sup>(d)</sup> (no directly corresponding zoning)	0 du 15 rooms/spaces	N/A 24 rooms/spaces	0.30	Per underlying zoning

Mainland Native (MN) (MN zoning)	0.01 du 2 spaces <sup>(e)</sup>	N/A N/A	0.03	0.95-0.99
Military (M) (MF zoning)	6 du 10 rooms/spaces	12 du 20 rooms/spaces	0.30-0.50	0.20
Mixed Use/Commercial (MC) <sup>(f)(g)</sup> (SC, UC, DR, RV, MU and MI zoning)	1 du (DR, MU, MI) 3 du (SC) 6 du (UC) Commercial Apartments (RV) <sup>(h)</sup>  5-15 rooms/spaces	2 du (MI) 6-18du (SC) <sup>(k)</sup> 12 du (UC) 12-18 du (MU) <sup>(k)</sup> 18 du (DR)  10-25 rooms/spaces	0.10-0.45 (SC, UC, DR, MU)  <2,500 SF (RV)  0.30-0.60 (MI)	0.20
Mixed Use/Commercial Fishing (MCF) <sup>(l)</sup> (CFA, CFV, CFSD zoning)	1 du (CFSD-20) <sup>(i)</sup> 3 du (CFA, all other CFSD) 1 du/lot (CFV)  0 rooms/spaces	12 du (CFA, CFSD)  N/A (CFV)  N/A	0.25-0.40	0.20
Preservation (P) <sup>(d)</sup> (P zoning)	0 du 0 rooms/spaces	N/A N/A	0	1.00
Public Buildings/Lands (PB) <sup>(d)</sup> (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.30	Per underlying zoning
Public Facilities (PF) <sup>(d)</sup> (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.30	Per underlying zoning
Recreation (R) (PR zoning)	0 du 2 rooms/spaces	N/A N/A	0.20	0.90
Residential Conservation (RC) (OS and NA zoning)	0-0.10 du (OS) 0.25 du (NA) 0 rooms/spaces	N/A N/A	0-0.20	0.95
Residential Low (RL) (SS, SR, and SR-L zoning)	0.50 du  0 rooms/spaces	3 du (SR-L) 5 du (SR) or 1 du/lot (SR) <sup>(m)</sup> N/A (SS) N/A	0.25	0.50 (SR, SR-L)  0.80 (SS)
Residential Medium (RM) (IS, IS-V, IS-M and IS-D) <sup>(j)</sup> zoning)	1 du/lot (IS, IS-V, IS- M) 2 du/lot (IS-D) 0 rooms/spaces	N/A  N/A	0	0.20
Residential High (RH) (IS-D) <sup>(j)</sup> , URM, URM-L and UR zoning)	6 du (UR) 1 du/lot (URM, URM-L) 2 du/lot (IS-D)  0-10 rooms/spaces	12-25 du (UR) <sup>(k)</sup> N/A (IS-D, URM, URM-L)  0-20 rooms/spaces	0	0.20

Notes:

(a) The allocated densities for submerged lands, salt ponds, freshwater ponds, and mangroves shall be 0 and the

- maximum net density bonuses shall not be available.
- (b) The Maximum Net Density is the maximum density allowable with the use of TDRs, or for qualifying affordable housing development. TDRs can be utilized to attain the density between the allocated density standard up to the maximum net density standard. Deed restricted affordable dwelling units may be built up to the maximum net density without the use of TDRs. "N/A" means that maximum net density bonuses shall not be available. Buildable acres means the portion of a parcel of land that is developable and is not required open space.
  - (c) Additional open space requirements may apply based on environmental protection criteria; in these cases, the most restrictive requirement shall apply.
  - (d) Future land use categories of Agriculture/Aquaculture, Education, Institutional, Preservation, Public Buildings/Lands, and Public Facilities, which have no directly corresponding zoning, may be used with new or existing zoning districts as appropriate.
  - (e) Within the Mainland Native future land use district, campground spaces and nonresidential buildings shall only be permitted for educational, research or sanitary purposes.
  - (f) For properties consisting of hammocks, pinelands or disturbed wetlands within the Mixed Use/ Commercial and Mixed Use/ Commercial Fishing future land use categories, the maximum floor area ratio shall be 0.10 and the maximum net density bonuses shall not be available.
  - (g) A mixture of uses shall be maintained for parcels designated as MI zoning district that are within the MC future land use category. Working waterfront and water dependent uses, such as marina, fish house/market, boat repair, boat building, boat storage, or other similar uses, shall comprise a minimum of 35% of the upland area of the property, adjacent to the shoreline, pursuant to Policy 101.5.6.
  - (h) In the RV zoning district, commercial apartments shall be allowed, not to exceed 10% of total spaces allowed or in existence on the site, whichever is less.
  - (i) The allocated density for the CFSD-20 zoning district (Little Torch Key) shall be 1 dwelling unit per acre, or 1 dwelling unit per parcel for those parcels existing as of September 15, 1986, whichever is less, and the maximum net density bonuses shall not be available. Residential density shall be allowed in addition to the permitted nonresidential uses and intensity (i.e., density and intensity shall not be counted cumulatively).
  - (j) Within IS subdivisions with primarily single family residential units, IS-D zoning may be used with a RM future land use designation for platted lots which have a duplex that was lawfully established prior to September 15, 1986.
  - (k) The maximum net density shall be 25 du/buildable acre for the UR zoning district and shall be 18 du/buildable acre for the MU and SC zoning district for development where all units are deed restricted affordable dwelling units. For the UR zoning district market rate housing may be developed as part of an affordable or employee housing project with a maximum net density not exceeding 18 du/buildable acre.
  - (l) Vessels, including live-aboard vessels, or associated wet slips are not considered dwelling units and do not count when calculating density.
  - (m) Within the Residential Low future land use category, the maximum net density for platted lots of less than 0.40 gross acres within the SR zoning district shall be 1 dwelling unit per platted lot, provided all of the following conditions are met:

**Policy 101.13.2:** The Maximum Net Density is the maximum density allowable with the use of TDRs, and shall not exceed the maximum densities established in this Plan. TDRs may be utilized to attain the density between the allocated density standard up to the maximum net density standard. Deed restricted affordable dwelling units may be developed up to the maximum net density without the use of TDRs. The assignment of TDRs to Big Pine Key, No Name Key, and North Key Largo from other areas of the County shall be prohibited.

**GOAL 102**

Monroe County shall direct future growth to lands which are most suitable for development and shall encourage conservation and protection of environmentally sensitive lands (wetlands, beach berm and tropical hardwood hammock). [§163.3177(6)(a), F.S.]

**GOAL 601**

Monroe County shall adopt programs and policies to facilitate access by 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. [§163.3177(6)(f)1. and 3., F.S.]

**Policy 601.1.4**

All affordable housing projects which receive development benefits from Monroe County, including but not limited to ROGO allocation award(s) reserved for affordable housing, maximum net density, or donations of land, shall be required to maintain the project as affordable for a period of 99 years pursuant to deed restrictions or other mechanisms specified in the Land Development Code, and administered by Monroe County or the Monroe County Housing Authority.

**Policy 601.1.9**

Monroe County shall maintain land development regulations which may include density bonuses, impact fee waiver programs, and other possible regulations to encourage affordable housing.

**Objective 601.2**

Monroe County shall adopt programs and policies to encourage housing of various types, sizes and price ranges to meet the demands of current and future residents [§163.3177(6)(f)1. and 3, F.S.].

**B. The amendment is consistent with the Principles for Guiding Development for the Florida Keys Area, Section 380.0552(7), Florida Statutes.**

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

- (a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.
- (b) Protecting shoreline and benthic resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- (c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
- (d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.
- (e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.
- (f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.
- (g) Protecting the historical heritage of the Florida Keys.
- (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
  - 1. The Florida Keys Aqueduct and water supply facilities;
  - 2. Sewage collection, treatment, and disposal facilities;
  - 3. Solid waste treatment, collection, and disposal facilities;
  - 4. Key West Naval Air Station and other military facilities;
  - 5. Transportation facilities;

6. Federal parks, wildlife refuges, and marine sanctuaries;
  7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
  8. City electric service and the Florida Keys Electric Co-op; and
  9. Other utilities, as appropriate.
- (i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.
  - (j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.
  - (k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.
  - (l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.
  - (m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a postdisaster reconstruction plan.
  - (n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

Pursuant to Section 380.0552(7) Florida Statutes, the proposed amendment is not inconsistent with the Principles for Guiding Development as a whole and is not inconsistent with any Principle.

**C. The proposed amendment is consistent with Part II of Chapter 163, Florida Statute (F.S.). Specifically, the amendment furthers:**

163.3161(4), F.S. – It is the intent of this act that local governments have the ability to preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions. Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.

163.3161(6), F.S. – It is the intent of this act that adopted comprehensive plans shall have the legal status set out in this act and that no public or private development shall be permitted except in conformity with comprehensive plans, or elements or portions thereof, prepared and adopted in conformity with this act.

163.3177(1), F.S. – The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the

plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government's programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.

163.3201, F.S. – Relationship of comprehensive plan to exercise of land development regulatory authority.—It is the intent of this act that adopted comprehensive plans or elements thereof shall be implemented, in part, by the adoption and enforcement of appropriate local regulations on the development of lands and waters within an area. It is the intent of this act that the adoption and enforcement by a governing body of regulations for the development of land or the adoption and enforcement by a governing body of a land development code for an area shall be based on, be related to, and be a means of implementation for an adopted comprehensive plan as required by this act.

**D. The proposed amendment is consistent with one or more of the required provisions of LDC Section 102-158(d)(7)(b):**

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

Per the Applicant:

The Board of County Commissioners may consider an amendment if the change is based on one or more factors, including changed projections and assumptions regarding public service needs and demographic trends along with new issues. The data cited in the “Reason for Proposed Text Amendment” Section of this memorandum, above, support that there is a significant and growing shortage of affordable workforce housing, both rental and ownership, which needs to be addressed.

Per the Stakeholder Report attached hereto as Exhibit “A”, Monroe County faces the quadruple impact of high land values, land limited by geographic and environmental features, housing supply limited by controlled growth (the Rate of Growth Ordinance), and a tourism economy with a prevalence of lower paying service-sector employment. The data clearly shows that the growing lack of affordable housing needs to be addressed. The Proposed Amendment will assist this goal by providing incentive for developers of hotel/motel uses and owner/operators of current hotels/motels to develop affordable housing in suitable, currently underutilized or unutilized areas.

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

Per the Applicant:

The Board of County Commissioners may consider an amendment if the change is based on one or more factors, including changed projections and assumptions regarding public service needs and demographic trends along with new issues. The data cited in the “Reason for Proposed Text Amendment” Section of this memorandum, above, support that there is a significant and growing shortage of affordable workforce housing, both rental and ownership, which needs to be addressed.

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

N/A

4. New issues;

Per the Applicant:

The Board of County Commissioners may consider an amendment if the change is based on one or more factors, including changed projections and assumptions regarding public service needs and demographic trends along with new issues. The data cited in the “Reason for Proposed Text Amendment” Section of this memorandum, above, support that there is a significant and growing shortage of affordable workforce housing, both rental and ownership, which needs to be addressed.

Per the Stakeholder Report attached hereto as Exhibit “A”, Monroe County faces the quadruple impact of high land values, land limited by geographic and environmental features, housing supply limited by controlled growth (the Rate of Growth Ordinance), and a tourism economy with a prevalence of lower paying service-sector employment. The data clearly shows that the growing lack of affordable housing needs to be addressed. The Proposed Amendment will assist this goal by providing incentive for developers of hotel/motel uses and owner/operators of current hotels/motels to develop affordable housing in suitable, currently underutilized or unutilized areas.

5. Recognition of a need for additional detail or comprehensiveness; or

N/A

6. Data updates;

N/A

7. In no event shall an amendment be approved which will result in an adverse community change to the planning area in which the proposed development is located or to any area in accordance with a livable communities master plan pursuant to findings of the board of county commissioners.

Per the Applicant:

There will be no adverse change to unincorporated Monroe County at large if the text amendment is approved. As a general principle, areas suitable for hotel/motel development are suitable for affordable residential use. Properties nearby proposed affordable housing development under the Proposed Amendment will not be adversely impacted, as any development of affordable housing under the Proposed Amendment will still be required to be an authorized use in the applicable land use (zoning) district. Furthermore, all such development will be required to comply with level of service, concurrency, and performance standards as set forth in the Land Development Code.

## **VI. STAFF RECOMMENDATION**

Staff recommends approval of the proposed amendments to Land Development Code Section 139-1(a)(5).

## **VII. EXHIBITS**

1. Applicant's justification for text amendment.
2. Tier III hotel properties (per Property Appraiser).

### **Reason for Proposed Text Amendment**

This text amendment Application amends Section 139-1(5)(a) of the Land Development Regulations with the purpose of incentivizing hotel/motel owners and developers of proposed hotel/motel uses to develop affordable or workforce housing on parcels of land which are utilized for or proposed to be utilized for hotel/motel purposes. The proposed text amendment will encourage the provision of severely needed affordable housing by increasing the effective density of hotel/motel parcels so that affordable housing may be established on site.

Section 139-1(5)(a) of the Land Development Regulations currently provides that affordable and workforce housing do not “count against” the non-residential floor area to be developed or in existence. The proposed amendment simply extends this rationale to hotel/motel development because of its commercial nature. While hotel/motel uses are measured in terms of density, and not non-residential square footage, the public policy justification for the proposed amendment is the same as the justification for not counting affordable housing against non-residential floor area: to encourage development of affordable and workforce housing as infill on existing or proposed commercial properties. Hotel/motel uses, unlike other residential uses which require/utilize residential density, do not create permanent housing for Monroe County residents. Just like non-residential uses, hotel/motel uses create a demand for residential housing. Public policy dictates that because hotel/motel uses generate a demand for affordable housing, hotel/motel uses should be treated in a similar fashion as non-residential development. This amendment incentivizes developers to utilize already available land to ameliorate the growing demand for affordable housing in Monroe County.

The housing crisis for Monroe County residents is, without a doubt, dire. According to the April 2015 Monroe County Workforce Housing Committee Stakeholder Assessment Report (the “Stakeholder Report”), attached hereto and incorporated herein as Exhibit “A”, prepared by the FCRC Consensus Center at Florida State University, there is wide agreement that Monroe County is experiencing a significant and **growing** workforce housing crisis with shortages for both affordable rental and ownership units. *See Stakeholder Report*, p. 10. In Monroe County at large in 2013, 51% of households paid more than 30% of income for housing while statewide that figure is 43%. More than half of Monroe County renters are cost burdened (pay more than 30% of income for rent). *See Stakeholder Report*, p. 11. A significant portion of current workforce housing in Monroe County is rental, and there is a large rental housing deficiency. *See Stakeholder Report*, p. 13.

According to Florida Housing data compiled by the University of Florida (“UF Data”), attached hereto and incorporated herein as Exhibit “B”, the 2016 median sales price for a single family home in Monroe County was \$575,000.00, compared to a statewide median of \$212,000.00. Monroe County’s median gross rent for 2010 – 2014 was \$1,400.00 as compared to a statewide average of \$998.00. Monroe County fair market rent for 2010 – 2014, representing rent for a typical modest apartment, was \$999.00 for a studio apartment, \$1,100.00 for a one-bedroom,

\$1,473.00 for a two-bedroom, \$1,828.00 for a three-bedroom, and \$2,039.00 for a four-bedroom unit. *See UF Data.*

The Proposed Amendment will encourage the development of affordable housing stock in Monroe County by incentivizing developers and current hoteliers to utilize the currently unutilized or underutilized portions of proposed projects and existing developments for affordable housing. The proposed amendment makes it feasible for these economic-drivers to develop necessary affordable housing with reduced land acquisition and mobilization cost.

The Proposed Amendment encourages the owners/operators of the various previously-established hotel/motel uses in Monroe County – many of whom operate lodging establishments developed prior to the implementation of the existing inclusionary housing requirements – to utilize their currently unutilized or underutilized land in a manner consistent with the highest and best use to serve the needs of Monroe County.

**Consistency with the Monroe County Year 2030 Comprehensive Plan, the Florida Statutes, and Principles for Guiding Development**

**A. The Proposed Amendment implements and is consistent with the following Goals, Objectives and Policies of the Monroe County Year 2030 Comprehensive Plan. Specifically, the amendment furthers:**

**Goal 101:** Monroe County shall manage future growth to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources.

**Goal 102:** Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands.

**Goal 601:** Monroe County shall adopt programs and policies to facilitate access by 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.

**Policy 601.1.4:** All affordable housing projects which receive development benefits from Monroe County, including but not limited to ROGO allocation award(s) reserved for affordable housing, maximum net density, or donations of land, shall be required to maintain the project as affordable for a period of 99 years pursuant to deed restrictions or other mechanisms specified in the Land Development Code, and administered by Monroe County or the Monroe County Housing Authority.

**Policy 601.1.9:** Monroe County shall maintain land development regulations which may include density bonuses, impact fee waiver programs, and other possible regulations to encourage affordable housing.

**Objective 601.2:** Monroe County shall adopt programs and policies to encourage housing of various types, sizes and price ranges to meet the demands of current and future residents.

**B. The Proposed Amendment is consistent with Florida Statutes**

There are no provisions of the Florida Statutes inconsistent with the proposed Amendment.

**C. The amendment is consistent with the Principles for Guiding Development for the Florida Keys Area, Section 380.0552(7), Florida Statutes. The Proposed Amendment specifically furthers the following Principles (Bolded):**

For the purposes of reviewing the consistency of the adopted plan, or any amendments to that plan, with the principles for guiding development, and any amendments to the principles, the principles shall be construed as a whole and specific provisions may not be construed or applied in isolation from the other provisions.

(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.

(b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.

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

**(d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.**

(e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.

(f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.

(g) Protecting the historical heritage of the Florida Keys.

(h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:

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

(i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.

(j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.

(k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.

**(l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.**

(m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post disaster reconstruction plan.

**(n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.**

Pursuant to Section 380.0552(7) Florida Statutes, the proposed amendment is consistent with the Principles for Guiding Development as a whole and is not inconsistent with any Principle.

### **Changed Projections, Assumptions and New Issues**

The Board of County Commissioners may consider an amendment if the change is based on one or more factors, including changed projections and assumptions regarding public service needs and demographic trends along with new issues. The data cited in the "Reason for Proposed Text Amendment" Section of this memorandum, above, support that there is a significant and growing shortage of affordable workforce housing, both rental and ownership, which needs to be addressed.

Per the Stakeholder Report attached hereto as Exhibit "A", Monroe County faces the quadruple impact of high land values, land limited by geographic and environmental features, housing supply limited by controlled growth (the Rate of Growth Ordinance), and a tourism economy with a prevalence of lower paying service-sector employment. The data clearly shows that the growing lack of affordable housing needs to be addressed. The Proposed Amendment will assist this goal by providing incentive for developers of hotel/motel uses and owner/operators of current hotels/motels to develop affordable housing in suitable, currently underutilized or unutilized areas.

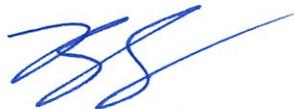
### **No Adverse Community Change**

There will be no adverse change to unincorporated Monroe County at large if the text amendment is approved. As a general principle, areas suitable for hotel/motel development are suitable for affordable residential use. Properties nearby proposed affordable housing development under the Proposed Amendment will not be adversely impacted, as any development of affordable housing under the Proposed Amendment will still be required to be an authorized use in the applicable land use (zoning) district. Furthermore, all such development will be required to comply with level of service, concurrency, and performance standards as set forth in the Land Development Code.

### **Conclusion**

Based on the foregoing, Applicant requests consideration and adoption of the Proposed Amendment. Thank you for your consideration and assistance, and please feel free to contact me with any questions.

Sincerely,



Barton W. Smith, Esq.

Sugarloaf Key

Sugarloaf Lodge & Tavern (PC Code 39)  
Rooms: ~30



17

	Hotels/Motels Location (PC Code)
	Mile Marker
	Tier III



Ramrod and Little Torch Keys



Looe Key Reef Resort & Marina (PC Code 39)  
Rooms: ~25

Parmer's Resort (PC Code 39)  
Rooms: ~40

Dolphin Marina - Torch Key Properties (PC Code 20)  
Rooms: ~6

- Hotels/Motels Location (PC Code)
- Mile Marker
- Tier III



# Big Pine Key

Big Pine Motel (PC Code 39)  
Rooms: ~32

Big Pine Key Fishing Lodge (PC Code 28)  
Rooms: ~16

-  Hotels/Motels Location (PC Code)
-  Mile Marker
-  Tier III



# Duck Key and Conch Key



-  Hotels/Motels Location (PC Code)
-  Mile Marker
-  Tier III



Long Key

Edgewater Lodge (PC Code 39)  
Rooms: ~16



	Hotels/Motels Location (PC Code)
	Mile Marker
	Tier III



# Key Largo



-  Hotels/Motels Location (PC Code)
-  Mile Marker
-  Tier III



# Key Largo



Dove Creek Lodge (PC Code 39)  
Rooms: ~14

Stone Ledge Paradise Inn (PC Code 39)  
Rooms: ~21

Popp's Motel (PC Code 39)  
Rooms: ~10

-  Hotels/Motels Location (PC Code)
-  Mile Marker
-  Tier III



# Key Largo

Rock Reef Resort (PC Code 39)  
Rooms: ~21

Kona Kai Resort (PC Code 39)  
Rooms: ~11

Bay Harbor Lodge (PC Code 39)  
Rooms: ~14

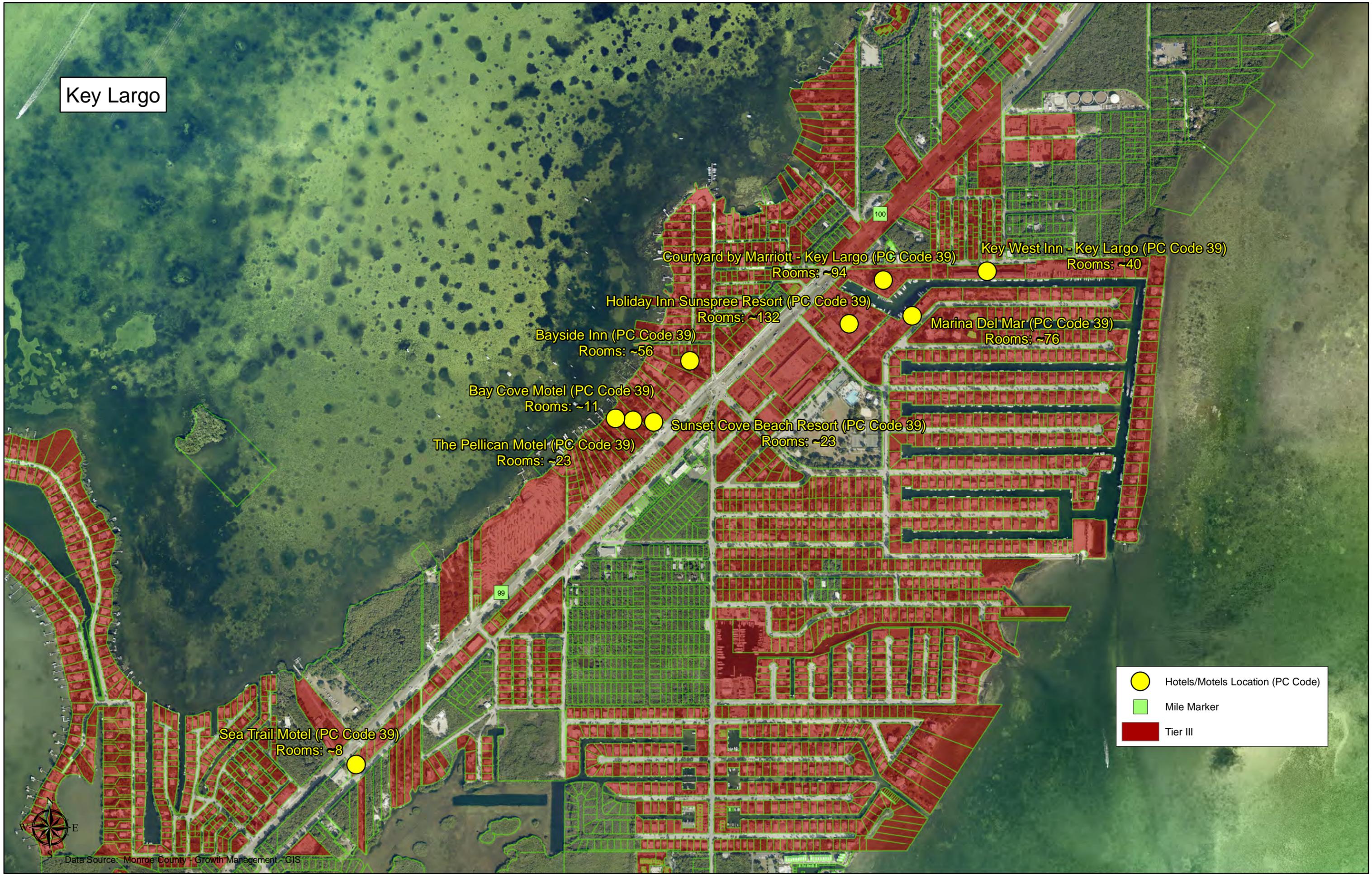
Seafarer Resort (PC Code 39)  
Rooms: ~15

Key Largo Grande Resort & Beach Club (PC Code 39)  
Rooms: ~200

	Hotels/Motels Location (PC Code)
	Mile Marker
	Tier III



# Key Largo



Courtyard by Marriott - Key Largo (PC Code 39)  
Rooms: ~94

Key West Inn - Key Largo (PC Code 39)  
Rooms: ~40

Holiday Inn Sunspree Resort (PC Code 39)  
Rooms: ~132

Marina Del Mar (PC Code 39)  
Rooms: ~76

Bayside Inn (PC Code 39)  
Rooms: ~56

Bay Cove Motel (PC Code 39)  
Rooms: ~11

Sunset Cove Beach Resort (PC Code 39)  
Rooms: ~23

The Pellican Motel (PC Code 39)  
Rooms: ~23

Sea Trail Motel (PC Code 39)  
Rooms: ~8

- Hotels/Motels Location (PC Code)
- Mile Marker
- Tier III



Key Largo

Ed & Ellen's Lodgings  
Rooms: 3

Tarpon Flats Inn  
Rooms: 4

Hampton Inn - Key Largo (PC Code 39)  
Rooms: ~100

Tarpon Basin Villas (PC Code 39)  
Rooms: ~10

Legend:

- Hotels/Motels Location (PC Code)
- Mile Marker
- Tier III



# Key Largo



Amy Slate's Amoray Dive Resort (PC Code 39)  
Rooms: ~14

Azul del Mar (PC Code 39)  
Rooms: ~6

Heart of Keys (PC Code 39)  
Rooms: ~11

Marriot Key Largo Bay Beach Resort (PC Code 39)  
Rooms: ~153

	Hotels/Motels Location (PC Code)
	Mile Marker
	Tier III



Key Largo

109

108

Gilbert's Resort (PC Code 39)  
Rooms: ~36

107

-  Hotels/Motels Location (PC Code)
-  Mile Marker
-  Tier III



**File #:** **2017-075**

**Owner's Name:** Longstock II, LLC

**Applicant:** Barton W. Smith, Esq:  
Smith Hawks, PL

**Agent:** Barton W. Smith, Esq:  
Smith Hawks, PL

**Type of Application:** LDC Text Amendment

# County of Monroe

**Planning & Environmental Resources  
Department**

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



**Board of County Commissioners**

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

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

Date: 05.23.17  
Time: \_\_\_\_\_

Dear Applicant:

This is to acknowledge submittal of your application for LDC Text Amendment  
Type of application

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

Thank you.

Planning Staff

MONROE COUNTY, FLORIDA  
PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT

RECEIVED

MAY 23 2017

MONROE CO. PLANNING DEPT



**Land Development Code (LDC) Text Amendment Application**

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

**Application Fee: \$5,950.00**

The base fee includes two internal staff meetings with applicants; one Development Review Committee meeting, one Planning Commission public hearing; and one Board of County Commission public hearing. If this minimum number of meetings/hearings is exceeded, additional fees shall be charged pursuant to Fee Schedule Resolution and paid prior to the private application proceeding through public hearings.

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

Advertising Costs: \$245.00

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

Transportation Study Review: \$5,000.00 Deposit (any unused funds will be returned upon approval)

Advertising and Noticing fees for a community meeting: \$245.00 plus \$3.00/SPON

Date of Request: 05 / 22 / 2017  
Month Day Year

**Applicant / Agent Authorized to Act for Property Owner:** (Agents must provide notarized authorization from all property owners.)

Barton W. Smith, Esq; Smith Hawks, PL

Applicant (Name of Person, Business or Organization)

Name of Person Submitting this Application

138 Simonton Street, Key West, Florida 33040

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

305-296-7227

bart@smithhawks.com

Work Phone

Home Phone

Cell Phone

Email Address

**Property Owner:** (Business/Corp must include documents showing who has legal authority to sign.)

LONGSTOCK II, LLC

(Name/Entity)

Contact Person

7009 Shrimp Road, Suite 2, Key West, Florida 33040

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

Work Phone

Home Phone

Cell Phone

Email Address



The Board of County Commissioners may consider an amendment if the change is based on one or more of the following factors. Please describe how one or more of the following factors shall be met (attach additional sheets if necessary):

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

See attached.

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

See attached.

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- 3) **Data errors, including errors in mapping, vegetative types and natural features:**

See attached.

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- 4) **New issues:**

See attached.

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

See attached.

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6) **Data updates:**

See attached.

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**In no event shall an amendment be approved which will result in an adverse community change of the planning area in which the proposed development is located or to any area in accordance with a Livable CommuniKeys master plan. Please describe how the text amendment would not result in an adverse community change (attach additional sheets if necessary):**

See attached.

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\* \* \* \* \*

**Applicants submitting an application for an amendment to the text of the Land Development Code shall participate in a concept meeting with the Planning and Environmental Resources Department, as indicated in Section 102-158(d)(3), to discuss the proposed amendment.**

*Scheduling.* A concept meeting shall be scheduled by department staff once the application is determined to be complete.

As part of this concept meeting, department staff will identify whether or not the proposed text amendment will have a county-wide impact. If the proposal is determined to have a county-wide impact, a public meeting with the Board of County Commissioners ("**Impact Meeting**") prior to the application proceeding to the DRC for review is required. The applicant shall coordinate with the Planning Director regarding the date and time of the Impact Meeting; however, all Impact Meetings shall be held in Marathon.

*Notice of Meeting.* The Impact Meeting shall be noticed at least 15 days prior to the meeting date by advertisement in a Monroe County newspaper of general circulation.

*Noticing and Advertising Costs.* The applicant shall pay the cost of the public notice and advertising for the Impact Meeting and provide proof of proper notice to the Planning Director.

**The Impact Meeting is not to be a public hearing (the BOCC will not vote on the proposal), but a public meeting during which the BOCC may offer their initial opinions and the public may have input on the proposed amendment.**

**PROOF OF PROPER NOTICING ON THE IMPACT MEETING WILL BE REQUIRED.**

**Applicants requesting a Land Development Code Text Amendment shall provide for public participation through a community meeting.**

*Scheduling.* The applicant will coordinate with the Planning Director regarding the date, time and location of the proposed community meeting; however, all meetings are to be held on a weekday evening at least three (3) months prior to any of the public hearings.

*Notice of Meeting.* The community meeting shall be noticed at least 15 days prior to the meeting date by advertisement in a Monroe County newspaper of general circulation, mailing of notice to surrounding property owners, and posting of the subject property.

*Noticing and Advertising Costs.* The applicant shall pay the cost of the public notice and advertising for the community meeting and provide proof of proper notice to the Planning Director.

The community meeting shall be facilitated by a representative from the Monroe County Planning & Environmental Resources Department and the applicant shall be present at the meeting.

**PROOF OF PROPER NOTICING ON THE COMMUNITY MEETING WILL BE REQUIRED.**

\* \* \* \* \*

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

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

- Completed application form (unaltered and unbound)
- Correct fee (check or money order payable to *Monroe County Planning & Environmental Resources*)
- Existing text of Land Development Code section(s) affected
- Proposed amendment(s) to text of Land Development Code section(s). *Must be provided in strikethrough and underline format.*
- If a site specific amendment is proposed: Not applicable.
  - Proof of ownership (i.e., Warranty Deed)
  - Ownership Disclosure Form
  - Current Property Record Card(s) from the Monroe County Property Appraiser
  - Location map
  - Photograph(s) of site(s) from adjacent roadway(s)
  - Signed and Sealed Boundary Survey(s), prepared by a Florida registered surveyor – eight (8) sets (at a minimum, survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage by land use district; total acreage by habitat; and total upland area)
  - Typed name and address mailing labels of all property owners within a 600 foot radius of the property(s) – (three sets). This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 600 foot radius, each unit owner must be included

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

- Notarized Agent Authorization Letter** (note: authorization is needed from all owner(s) of the subject property)
- Proof of Ownership & Ownership Disclosure Form (*required if application affects specific and defined area*) Not applicable.
- Sealed Boundary Survey, prepared by a Florida registered surveyor – eight (8) sets (*required if application affects specific and defined area*) Not applicable.
- Location map (*required if application affects specific and defined area*) Not applicable.
- Copy of current Future Land Use Map (*required if application affects specific and defined area*) Not applicable.
- Typed name and address mailing labels of all property owners within a 600 foot radius of the property(s) – (three sets). This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 600 foot radius, each unit owner must be included (*required if application affects specific and defined area*) Not applicable.
- 600ft Radius report, prepared by the Monroe County Property Appraiser’s Office (*required if application affects specific and defined area*) Not applicable.
- Traffic Study, prepared by a licensed traffic engineer (*required if application affects specific and defined area*) Not applicable.
- Transportation fee of \$5,000 to cover the cost of experts hired by the Department to review the traffic study – any unused funds deposited will be returned upon approval (*required if application affects specific and defined area*) Not applicable.

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

**Additional fees may apply pursuant to the approved fee schedule.**

\* \* \* \* \*

**Has a previous application been submitted for this site(s) within the past two years?**  Yes  No

Is there a pending code enforcement proceeding involving all or a portion of the parcel(s) proposed for development?  Yes  No Code Case file # \_\_\_\_\_ Describe the enforcement proceedings and if this application is being submitted to correct the violation: \_\_\_\_\_

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The applicant/owner hereby acknowledges and agrees that any staff discussions or negotiations about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

By signing this application, the owner of the subject property authorizes the Monroe County Planning & Environmental Resources staff to conduct all necessary site visits and inspections on the subject property.

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

Signature of Applicant: \_\_\_\_\_

Date: 5.19.2017

STATE OF FLORIDA

COUNTY OF MONROE

Sworn to and subscribed before me this 19 day of May, 2017,

by BARTON W. SMITH, who is personally known to me ~~OR~~  
~~XXXXX~~ produced

(PRINT NAME OF PERSON MAKING STATEMENT)

\_\_\_\_\_ as identification.  
(TYPE OF ID PRODUCED)

Brandi Green  
Signature of Notary Public

Brandi Green  
Print, Type or Stamp Commissioned Name of Notary Public

My commission expires: 6/29/2020



Send complete application package to:

Monroe County Planning & Environmental Resources Department  
Marathon Government Center  
2798 Overseas Highway, Suite 400  
Marathon, FL 33050

AGENT AUTHORIZATION FORM

Date of Authorization: 05 / 16 / 2017
Month Day Year

I hereby authorize Barton W. Smith, Esq., SMITH HAWKS, PL be listed as authorized agent
(Print Name of Agent)

representing LONGSTOCK II, LLC for the application submission
(Print Name of Property Owner(s) the Applicant(s))

Of Land Development Code Text Amendment, Major Conditional Use Amendment, Development Agreement Amendment, Minor Conditional Use transfer of TRE
Applications
(List the Name and Type of applications for the authorization)

for the Property described as: (if in metes and bounds, attach legal description on separate sheet)

Lot Block Subdivision Key (Island)

Real Estate (RE) Number Alternate Key Number

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

Authorized Agent Contact Information:

138 Simonton St., Key West, FL 33040
Mailing Address (Street, City, State and Zip Code)

305-296-7227 bart@smithhawks.com
Work Phone Home Phone Cell Phone Email Address

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purposes stated. The undersigned understands the risks and liabilities involved in the granting of this agency and accepts full responsibility for any and all of the actions of the agent named herein related to the processing of the services requested, application(s) and/or the acquisition of approvals/permits for the aforementioned applicant. The applicant(s) hereby indemnifies and holds harmless Monroe County, its officers, agents and employees for any damage to applicant caused by its agent or arising from this agency authorization.

Note: Agents must provide a notarized authorization from ALL current property owners.

Signature of Property Owner: [Handwritten Signature]

Printed Name of Property Owner: Matthew Strunk, as Authorized Representative of Longstock II, LLC

STATE OF Florida COUNTY OF Monroe

Sworn to and subscribed before me this 18th day of May, 2017,

by Matthew Strunk, who is personally known to me OR produced
(Print Name of Person Making Statement)

as identification.
(Type of ID Produced)

[Handwritten Signature]
Signature of Notary Public

[Handwritten Signature]
Print, Type or Stamp Commissioned Name of Notary Public

My commission expires: 6/29/2020



SMITH / HAWKS  
ATTORNEYS AT LAW

May 22, 2017

**VIA FEDERAL EXPRESS**

Ms. Mayte Santamaria  
Senior Director  
Monroe County Planning & Environmental Resources Department  
2798 Overseas Highway, Suite 400  
Marathon, FL 33050

Re: Proposed Text Amendment to Section 139-1(a)(5) of the Monroe County Land Development Code

Dear Mayte,

Please allow this letter to serve as additional information in support of the enclosed Land Development Regulation Text Amendment Application (“Application”) made on behalf of Longstock II, LLC (“Applicant”). I have also enclosed a copy package of the Application and this letter and request that you please date stamp both and return the copy package in the enclosed prepaid Federal Express envelope.

**Text Amendment Background**

The Text Amendment proposes to amend Section 139-1(a)(5) of the Land Development Regulations to provide that when calculating density, existing lawfully established or proposed affordable or employee housing on a parcel shall be excluded from the calculation of the total hotel/motel density that may be lawfully established on the parcel.

**Amendment Request**

As previously discussed, in order to address the significant and growing shortfall of affordable housing in Monroe County, Applicant has proposed a text amendment which will allow “in-fill” development of affordable and/or workforce housing on sites developed with hotel/motel uses, a use measured in density, but which requires a significant number of employees to operate.

Additions to the relevant portions of Section 139-1(a)(5) are set forth below in Blue and deletions are set forth in Red.

## **The Proposed Amendment**

Sec. 139-1. Affordable and Employee Housing; Administration.

(a) Generally.

(1) Notwithstanding the density limitations in Section 130-157, the owner of a parcel of land shall be entitled to:

a. Develop affordable and employee housing as defined in Section 101-1, on parcels of land classified as Urban Residential (UR) at an intensity up to a maximum net residential density of 25 dwelling units per acre and on parcels of land classified as Mixed Use (MU) at an intensity up to a maximum net residential density of 18 dwelling units per acre.

b. Develop affordable and employee housing, as defined in Section 101-1, 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 and on parcels of land classified as Urban Residential (UR) at an intensity up to a maximum net residential density of 25 dwelling units per acre.

c. Develop market rate housing, as defined in Section 101-1, as part of an affordable or employee housing project in accordance with subsection (a)(8) of this section, provided that on parcels of land classified as Urban Residential (UR), the maximum net residential density shall not be greater than 18 dwelling units per acre.

(2) The maximum net residential density allowed per district and by this section shall not require Transferable Development Rights (TDR) for affordable and employee housing and market rate housing developed in accordance with subsection (a)(8) of this section.

(3) Market rate housing developed in accordance with subsection (a)(8) below shall be eligible to receive points pursuant to Section 138-28(a)(6).

(4) The requirements of this Land Development Code for the provision of impact fees shall be waived for affordable and employee housing and any market rate housing developed in accordance with subsection (a)(8) of this section.

(5) Notwithstanding the provisions of this article, when calculating density, any existing lawfully established or proposed affordable or employee housing on a parcel and the floor area thereof shall be excluded from the calculation of the total gross nonresidential floor area development [and hotel/motel density](#) that may be lawfully established on the parcel, provided, however, that the total residential density allowed on the site shall not exceed the maximum net density for affordable and employee housing.

### **Reason for Proposed Text Amendment**

This text amendment Application amends Section 139-1(5)(a) of the Land Development Regulations with the purpose of incentivizing hotel/motel owners and developers of proposed hotel/motel uses to develop affordable or workforce housing on parcels of land which are utilized for or proposed to be utilized for hotel/motel purposes. The proposed text amendment will encourage the provision of severely needed affordable housing by increasing the effective density of hotel/motel parcels so that affordable housing may be established on site.

Section 139-1(5)(a) of the Land Development Regulations currently provides that affordable and workforce housing do not “count against” the non-residential floor area to be developed or in existence. The proposed amendment simply extends this rationale to hotel/motel development because of its commercial nature. While hotel/motel uses are measured in terms of density, and not non-residential square footage, the public policy justification for the proposed amendment is the same as the justification for not counting affordable housing against non-residential floor area: to encourage development of affordable and workforce housing as infill on existing or proposed commercial properties. Hotel/motel uses, unlike other residential uses which require/utilize residential density, do not create permanent housing for Monroe County residents. Just like non-residential uses, hotel/motel uses create a demand for residential housing. Public policy dictates that because hotel/motel uses generate a demand for affordable housing, hotel/motel uses should be treated in a similar fashion as non-residential development. This amendment incentivizes developers to utilize already available land to ameliorate the growing demand for affordable housing in Monroe County.

The housing crisis for Monroe County residents is, without a doubt, dire. According to the April 2015 Monroe County Workforce Housing Committee Stakeholder Assessment Report (the “Stakeholder Report”), attached hereto and incorporated herein as Exhibit “A”, prepared by the FCRC Consensus Center at Florida State University, there is wide agreement that Monroe County is experiencing a significant and **growing** workforce housing crisis with shortages for both affordable rental and ownership units. *See Stakeholder Report*, p. 10. In Monroe County at large in 2013, 51% of households paid more than 30% of income for housing while statewide that figure is 43%. More than half of Monroe County renters are cost burdened (pay more than 30% of income for rent). *See Stakeholder Report*, p. 11. A significant portion of current workforce housing in Monroe County is rental, and there is a large rental housing deficiency. *See Stakeholder Report*, p. 13.

According to Florida Housing data compiled by the University of Florida (“UF Data”), attached hereto and incorporated herein as Exhibit “B”, the 2016 median sales price for a single family home in Monroe County was \$575,000.00, compared to a statewide median of \$212,000.00. Monroe County’s median gross rent for 2010 – 2014 was \$1,400.00 as compared to a statewide average of \$998.00. Monroe County fair market rent for 2010 – 2014, representing rent for a typical modest apartment, was \$999.00 for a studio apartment, \$1,100.00 for a one-bedroom,

\$1,473.00 for a two-bedroom, \$1,828.00 for a three-bedroom, and \$2,039.00 for a four-bedroom unit. *See UF Data.*

The Proposed Amendment will encourage the development of affordable housing stock in Monroe County by incentivizing developers and current hoteliers to utilize the currently unutilized or underutilized portions of proposed projects and existing developments for affordable housing. The proposed amendment makes it feasible for these economic-drivers to develop necessary affordable housing with reduced land acquisition and mobilization cost.

The Proposed Amendment encourages the owners/operators of the various previously-established hotel/motel uses in Monroe County – many of whom operate lodging establishments developed prior to the implementation of the existing inclusionary housing requirements – to utilize their currently unutilized or underutilized land in a manner consistent with the highest and best use to serve the needs of Monroe County.

**Consistency with the Monroe County Year 2030 Comprehensive Plan, the Florida Statutes, and Principles for Guiding Development**

**A. The Proposed Amendment implements and is consistent with the following Goals, Objectives and Policies of the Monroe County Year 2030 Comprehensive Plan. Specifically, the amendment furthers:**

**Goal 101:** Monroe County shall manage future growth to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources.

**Goal 102:** Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands.

**Goal 601:** Monroe County shall adopt programs and policies to facilitate access by 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.

**Policy 601.1.4:** All affordable housing projects which receive development benefits from Monroe County, including but not limited to ROGO allocation award(s) reserved for affordable housing, maximum net density, or donations of land, shall be required to maintain the project as affordable for a period of 99 years pursuant to deed restrictions or other mechanisms specified in the Land Development Code, and administered by Monroe County or the Monroe County Housing Authority.

**Policy 601.1.9:** Monroe County shall maintain land development regulations which may include density bonuses, impact fee waiver programs, and other possible regulations to encourage affordable housing.

**Objective 601.2:** Monroe County shall adopt programs and policies to encourage housing of various types, sizes and price ranges to meet the demands of current and future residents.

**B. The Proposed Amendment is consistent with Florida Statutes**

There are no provisions of the Florida Statutes inconsistent with the proposed Amendment.

**C. The amendment is consistent with the Principles for Guiding Development for the Florida Keys Area, Section 380.0552(7), Florida Statutes. The Proposed Amendment specifically furthers the following Principles (Bolded):**

For the purposes of reviewing the consistency of the adopted plan, or any amendments to that plan, with the principles for guiding development, and any amendments to the principles, the principles shall be construed as a whole and specific provisions may not be construed or applied in isolation from the other provisions.

(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.

(b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.

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

**(d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.**

(e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.

(f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.

(g) Protecting the historical heritage of the Florida Keys.

(h) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:

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

(i) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; and the installation and proper operation and maintenance of onsite sewage treatment and disposal systems.

(j) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(4)(l) and 403.086(10), as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.

(k) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys.

**(l) Making available adequate affordable housing for all sectors of the population of the Florida Keys.**

(m) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post disaster reconstruction plan.

**(n) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.**

Pursuant to Section 380.0552(7) Florida Statutes, the proposed amendment is consistent with the Principles for Guiding Development as a whole and is not inconsistent with any Principle.

### **Changed Projections, Assumptions and New Issues**

The Board of County Commissioners may consider an amendment if the change is based on one or more factors, including changed projections and assumptions regarding public service needs and demographic trends along with new issues. The data cited in the "Reason for Proposed Text Amendment" Section of this memorandum, above, support that there is a significant and growing shortage of affordable workforce housing, both rental and ownership, which needs to be addressed.

Per the Stakeholder Report attached hereto as Exhibit "A", Monroe County faces the quadruple impact of high land values, land limited by geographic and environmental features, housing supply limited by controlled growth (the Rate of Growth Ordinance), and a tourism economy with a prevalence of lower paying service-sector employment. The data clearly shows that the growing lack of affordable housing needs to be addressed. The Proposed Amendment will assist this goal by providing incentive for developers of hotel/motel uses and owner/operators of current hotels/motels to develop affordable housing in suitable, currently underutilized or unutilized areas.

### **No Adverse Community Change**

There will be no adverse change to unincorporated Monroe County at large if the text amendment is approved. As a general principle, areas suitable for hotel/motel development are suitable for affordable residential use. Properties nearby proposed affordable housing development under the Proposed Amendment will not be adversely impacted, as any development of affordable housing under the Proposed Amendment will still be required to be an authorized use in the applicable land use (zoning) district. Furthermore, all such development will be required to comply with level of service, concurrency, and performance standards as set forth in the Land Development Code.

### **Conclusion**

Based on the foregoing, Applicant requests consideration and adoption of the Proposed Amendment. Thank you for your consideration and assistance, and please feel free to contact me with any questions.

Sincerely,

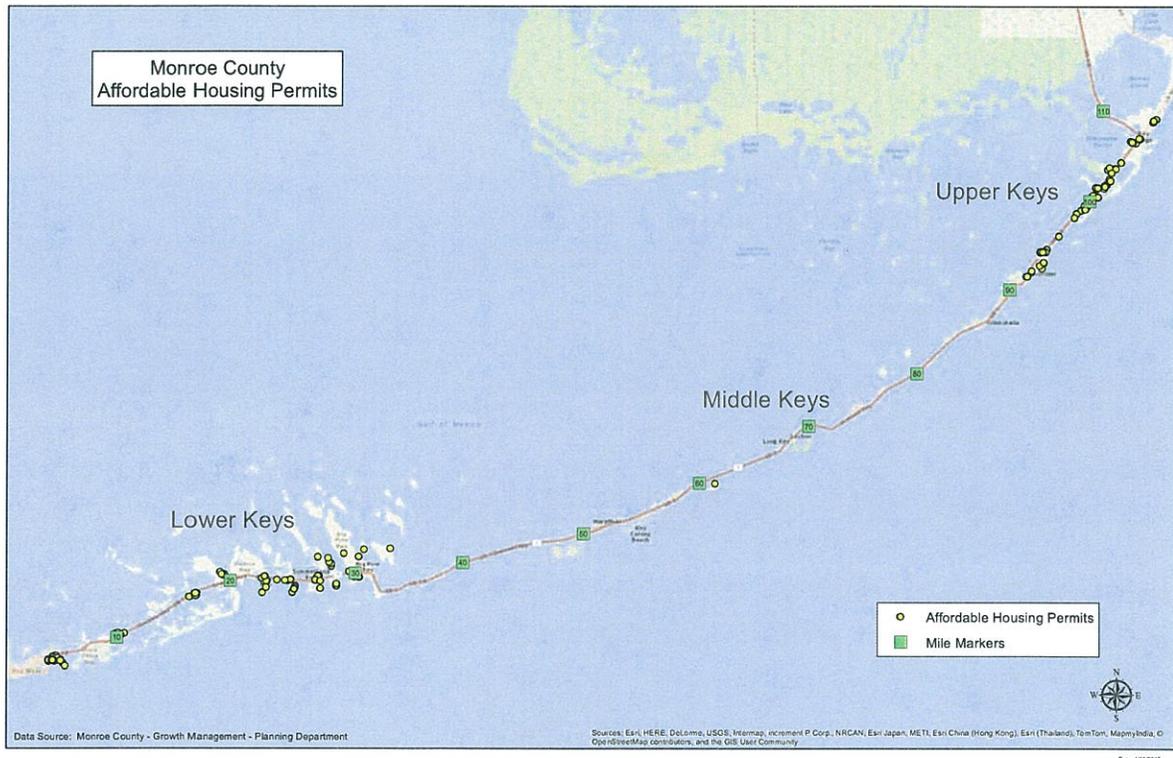


Barton W. Smith, Esq.

EXHIBIT A

# MONROE COUNTY WORKFORCE HOUSING STAKEHOLDER ASSESSMENT REPORT

APRIL 2015



*Assessment Report Prepared by:  
Robert Jones, Director  
FCRC Consensus Center, Florida State University*

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## MONROE COUNTY WORKFORCE HOUSING STAKEHOLDER ASSESSMENT REPORT- EXECUTIVE SUMMARY

Monroe County faces the quadruple impact of high land values, land limited by geographic and environmental features, housing supply limited by controlled growth (the Rate of Growth Ordinance) and a tourism economy with a prevalence of lower paying service-sector employment. In August 2014 the Monroe County Commission approved a stakeholder assessment effort, to be conducted by the FCRC Consensus Center at Florida State University (Consensus Center), to solicit perspectives and ideas on workforce housing challenges and on whether a county-wide consensus building effort should be convened to address the complex issues surrounding workforce housing in the Florida Keys.

This assessment report sets out the context for addressing workforce housing issues and used interviews, meetings and review of data and documents to assess stakeholder perspectives on the County's workforce housing challenges. These perspectives include county, city, regional, state and federal government levels, housing and tourist development leaders in Monroe County, the business and tourist community and non-profit community and civic organizations. Based on this stakeholder input, the assessment report summarizes the themes, concerns, issues, and interests that stakeholders believe ought to be considered in addressing workforce housing needs in Monroe County. *(See below)*

The workforce housing affordability crisis in the Florida Keys identified by the Monroe County Commission in 2014 is real. "Cost-burdened" households pay more than 30% of income for rent or mortgage costs. In 2013, 51% (or 16,849) of Monroe County households pay more than 30% of income for housing while statewide that figure is 43%. More than half of Monroe County renters are cost burdened (8,350 of 14,002) while about 45% of Monroe County homeowners are cost burdened (8,499 of the 18,936).

In November 2014 the United Way of Florida released its report, ALICE (Asset Limited, Income Constrained, Employed: Study of Financial Hardship, which indicates that nearly half of all Monroe County households (14,221 of 29,241) live above the federal poverty line but still struggle to afford basic expenses including housing, child care, food, transportation and health care.<sup>1</sup> The Report also evaluates community conditions for each of Florida's counties using a weighted "Economic Viability Dashboard" in three core areas using a scale of 1 (worst) to 100 (best).<sup>2</sup> Monroe County's results area as follows:

<i>Core Areas</i>	<i>Rating</i>	<i>Grade</i>
<b>Housing Affordability (40%)</b>	14 of 100	<b>Poor</b>
<b>Job Opportunities (40%)</b>	67 of 100	<b>Good</b>
<b>Community Support (20%)</b>	48 of 100	<b>Poor</b>

<sup>1</sup> The Report was initially developed in New Jersey and now five other states including Florida, California, Michigan, Indiana and Connecticut, have used the model and developed reports in 2014.

<https://www.frbatlanta.org/commdev/publications/partnersupdate/2015/01/study-sheds-light-on-working-families-in-florida>

<sup>2</sup> The Index provides the means to compare counties in Florida and to see changes over time. The Housing Affordability area includes three key indicators including: the Household Survival Budget (quantifying the cost of the housing, child care, food, health care, transportation); health insurance; and housing burden. The Job Opportunities area includes three key indicators including: Income Distribution; Employment Rate; and New Hire Wages. The Community Support area includes three key indicators: Violent crime rate; the annual payroll of human services nonprofits per capita; and Access to good basic health care.

The findings of all of several recent reports on Monroe County's current housing situation confirm that there is a significant and growing shortage of affordable workforce housing, both rental and ownership. In addition there exists a policy gap in that affordable housing for the working and middle classes is largely left to individual municipalities and counties to deal with.

Over 75 persons participated in the interviews and meetings and identified a range of workforce housing issues. While some offered perspectives from the same sector, they live and work in different parts of the Keys and the ideas they offer are not necessarily the same as others sharing that perspective. However, across the various perspectives the following emerged as six common themes regarding key workforce housing issues:

1. A Shared vision of success for Workforce Housing in Monroe County
2. Take Action on Workforce Housing
3. Build upon the past affordable housing studies and reports
4. Defining the problem first based on data
5. Seek a balanced package of options as there is no single strategy that will solve the workforce housing crisis
6. View housing as community infrastructure, like transportation and water supply

Issues generally identified as important from most perspectives included:

1. Addressing the ROGO system and workforce housing, including transfers and fractional ROGOs
2. Density and livable workforce housing
3. Relaxing height restrictions in light of Federal flood insurance changes and to create more workforce housing
4. Monroe Housing Authority role in workforce housing
5. Transportation and its relationship to and role in workforce housing
6. Workforce Housing site identification and audit of publicly owned property.
7. Creation of new workforce housing units that are both affordable and livable with development incentives and public private partnerships
8. Preservation and maintenance of existing workforce housing and incentives to preserve workforce housing
9. Related workforce issues due to high cost of housing (insurance, childcare, food insecurity etc.)
10. County, City and state affordable housing policies and regulations including length of deed restrictions
11. Explore and expand funding sources to expand workforce housing in Monroe County

The Stakeholder Assessment sought to identify how different stakeholders viewed the challenges of workforce housing facing Monroe County and its residents. The over 50 issues and ideas identified and summarized from the many interviews and meetings, help to shed light on the complexity of the issues and on the healthy diversity of views on how to best address the challenges even among those sharing the same stakeholder perspective. The assessment interviews were conducted with the understanding that the themes and ideas identified would be shared with the Commission and inform any committee that would engage in subsequent consensus building on workforce housing solutions. It was also understood that individual views would not be attributed but the related themes perspectives would be summarized. The report provides input from following perspectives: County Government; City Government; Education; Development; Lodging/Hospitality/Tourism; Business; Non Profit; and Military. Over 50 workforce housing ideas and

issues were identified in the Assessment from different perspectives in the following categories:

Overall	Workforce Housing Planning & Zoning
<ol style="list-style-type: none"> <li>1. No single solution, menu of options</li> <li>2. Build on work to date (studies, task forces, etc.)</li> <li>3. Target different levels of workforce to provide WH</li> <li>4. Engage private and public sector employers in finding WH solutions</li> <li>5. Political will to implement solutions</li> <li>6. Focus on rental housing</li> <li>7. Addressing NIMBY and workforce housing</li> <li>8. Encourage public private partnerships for WH</li> <li>9. Encourage WH affordability and livability</li> <li>10. Support living wages in the Keys</li> <li>11. Expand the Keys economy beyond tourism</li> <li>12. Address negative impacts on Keys communities of transient workforce</li> <li>13. Clarifying workforce housing and affordable housing definitions</li> </ol>	<ol style="list-style-type: none"> <li>1. Create a County Workforce Housing Development Plan</li> <li>2. Consider adjusting height restrictions to increase workforce housing</li> <li>3. Allow increased density for WH</li> <li>4. Tax Credit Property Management after 15 yrs.</li> <li>5. Encourage mixed use</li> <li>6. Explore “Micro Housing”</li> <li>7. Enforce Housing Codes</li> <li>8. ROGO Allocations and Transfers, Fractional ROGO for WH</li> <li>9. ROGO Formula</li> <li>10. Address redevelopment and WH</li> <li>11. Encourage commercial construction of WH by reducing impact fee.</li> <li>12. Explore and assess the role of live-aboard boats in WH</li> <li>13. Encourage hospitality industry and the commercial sector to build WH</li> </ol>
Workforce Housing Funding	Preserve Existing Workforce Housing
<ol style="list-style-type: none"> <li>1. Workforce housing site identification and audit</li> <li>2. Remedy Sadowski Trust Fund donor inequity</li> <li>3. Land Authority funds for workforce housing construction</li> <li>4. Dedicated local funding for workforce housing</li> <li>5. Consider inclusionary WH fee</li> <li>6. Address <a href="#">online marketplace</a> for vacation rentals that connects users with property to rent with users looking to rent the space(e.g. AirBnB) and its impact on bed tax revenue</li> <li>7. Provide assistance to workforce renters (down payment/deposit)</li> </ol>	<ol style="list-style-type: none"> <li>1. Preserve/maintain affordable units</li> <li>2. Address “lost” AH/WH units</li> <li>3. Revisit land trusts as a tool</li> <li>4. Provide for “no net loss” principle of affordable &amp; workforce housing in the County housing element</li> <li>5. Adopt a “lease form” for local governments owning underlying land for WH</li> <li>6. Address loss of deed restrictions for AH</li> <li>7. Address RV/Trailer Parks as WH and conversion issues</li> </ol>
Workforce Housing & Transportation	Workforce Housing & Related Issues
<ol style="list-style-type: none"> <li>1. Increase highway capacity to adjust ROGO evacuation formula</li> <li>2. Address related issues- Transportation options for employees</li> <li>3. Address &amp; improve transit issues in the upper and lower Keys</li> </ol>	<ol style="list-style-type: none"> <li>1. Address related issues insurance costs- wind</li> <li>2. Address 2018 FEMA flood insurance issues.</li> <li>3. Address related issues- Daycare</li> <li>4. Homelessness &amp; Workforce Housing</li> <li>5. Protect military buffer areas</li> <li>6. Address “food security” (i.e. access by all people at all times to enough food for an active, healthy life) and workforce housing.</li> </ol>
Workforce Housing & Site Identification	Workforce Housing Construction
<ol style="list-style-type: none"> <li>1. Audit Local Government owned public lands for WH</li> <li>2. Re-purpose land owned by local government for WH</li> <li>3. Focus all 3-tier properties on WH</li> </ol>	<ol style="list-style-type: none"> <li>1. Waive building fees for WH</li> <li>2. Buy down interest rates for WH projects</li> <li>3. Cut taxing rates on WH</li> <li>4. Commercial properties for WH-tax and insurance breaks</li> </ol>
Workforce Housing & the Education Sector	
<ol style="list-style-type: none"> <li>1. Engage the school system as largest employer</li> <li>2. Improve teacher housing needs data</li> </ol>	

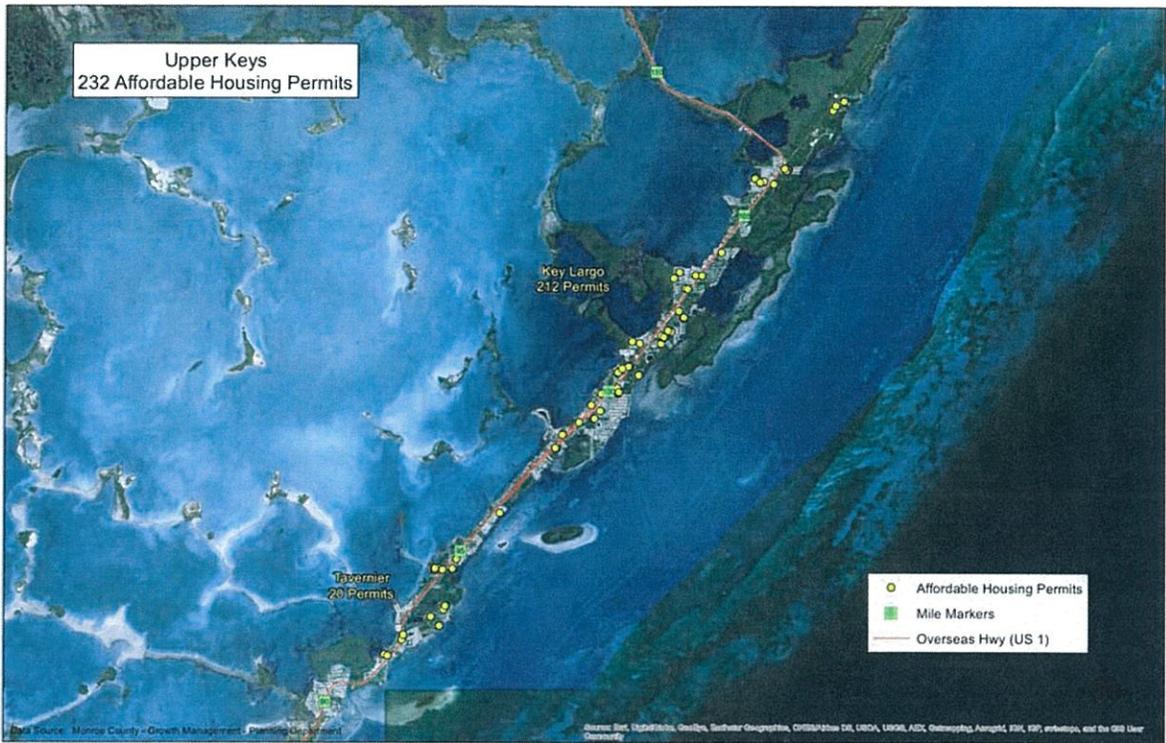
Monroe County staff has gathered detailed baseline data that included an inventory of affordable and workforce housing projects completed over the past 2 decades in Monroe County, along with the public incentives that were made to assist in the housing development. In the course of the assessment interviews and meetings, various studies and data sources were identified on best practices from other jurisdictions and ideas developed or considered but not implemented by previous affordable housing task forces. Among the range of stakeholders interviewed, all expressed the need for a focused and comprehensive county-wide workforce housing dialogue that involved those with a stake in the outcome. Many believed that such a committee should develop a package of consensus recommendations, informed by data and the range of stakeholder and public perspectives, that can provide for both short and longer term actions for the Board of County Commission's consideration.

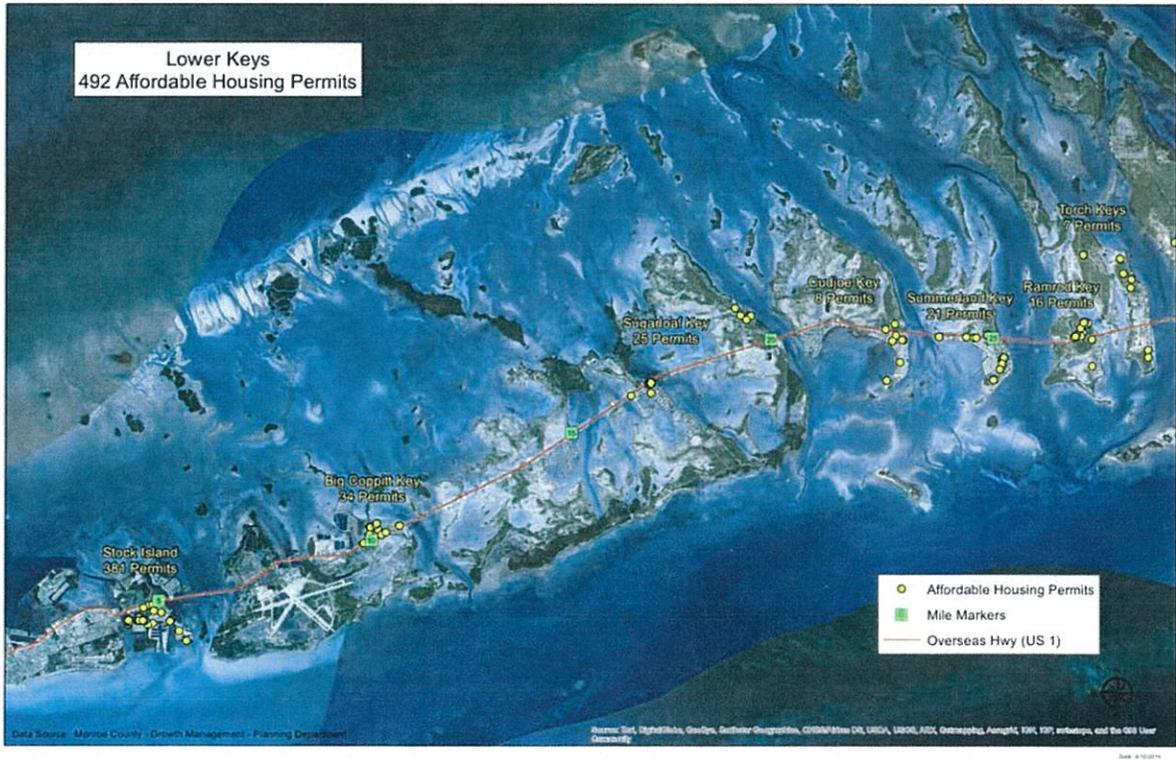
While some of those interviewed remained skeptical that there will be sufficient "political will" to implement the Committee's recommendations as has been the case in the past, many believed that this was an urgent and timely issue for the County to address in light of hotel redevelopment and the economic upturn.

In the Fall of 2014, following the initiation of this Assessment, the Commission re-appointed members to the existing Affordable Housing Advisory Committee and with the thought of convening and charging them with addressing workforce housing issues and providing the County Commission with its recommendations. The reconvened committee would review this assessment report and other data as it addressed its charge. A workforce housing committee, ad hoc or otherwise, appointed and charged by the County Commission to address workforce housing issues in the Florida Keys was explored in the assessment interviews. A significant number of those interviewed applauded the County Commission's action in re-purposing the existing Affordable Housing Advisory Committee to focus, at least in the short term, on workforce housing. It was suggested that this approach could provide representation from each District in the County, offer workforce housing perspectives from the public, private and nonprofit sectors, and minimize confusion and any duplication of effort that an ad hoc workforce housing committee might create. It was also pointed out that this charge would be consistent with the Committee's current mission to address affordable housing opportunities in Monroe County for both "residents and workforce."

The Commission should review the current Committee appointments to ensure that a balance of workforce housing stakeholder perspectives are included in its membership. If the Commission charges the Affordable Housing Advisory Committee to develop consensus recommendations on workforce housing actions for consideration by the Monroe County BOCC, most stakeholders interviewed suggested there should be a sufficient range of stakeholder perspectives represented and participating in the consensus building. This would allow the Committee to develop informed workforce housing consensus findings and recommendations that stakeholders might support and the County Commission could act upon.

There is a great deal of public and stakeholder interest in the workforce housing issues the Committee will take up. The membership requirements, as set forth in both Florida statute and the Monroe County Resolution, do not reference representation of the municipalities in the County, the military, the School Board and perhaps other organizations impacted by workforce housing policies and programs and with a stake in contributing to solutions to improve the availability of workforce housing in the Florida Keys.





The format for the Committee meetings should encourage constructive public and stakeholder input. The Commission might consider charging the Committee with establishing an engagement strategy to involve a broader range of stakeholders in their development of findings and recommendations. This might be accomplished through opportunities for public input during their own meetings, as well as through Committee sponsored advisory workgroups, joint workshops with municipal taskforces and city commissions, workshops at key moments in the development of options and recommendations, online surveys and other techniques.

It was observed by many that an advisory committee developing recommendations on workforce housing will require dedicated staff, including legal and planning expertise, and facilitation support for the Committee to do its work expeditiously. This is because of the complexity of the charge, the intense public interest in the issue, the linkages with other issues and programs and activities in the public, private and non-profit sectors, and the desire for timely actions to address the current workforce housing challenges.

The Monroe County Board of County Commissioners should review this Assessment Report and charge the Affordable Housing Committee to focus its efforts in the coming year on workforce housing. With a charge from the County Commission, the Committee should establish its procedures and approach and a schedule for meetings that would permit it to deliver back to the BOCC its workforce housing recommendations by mid-2016. The Committee should consider:

- Developing a shared vision of success;
- Jointly defining the workforce problems faced in the Florida Keys;
- Reviewing the range of issues and options identified in previous studies;
- Reviewing the experience and lessons learned with successful workforce housing projects developed in the Keys to date;
- Reviewing this Stakeholder Assessment Report; and
- Developing a package of consensus findings and recommended solutions for consideration by the Monroe County Board of County Commission.

This stakeholder assessment report confirms that there is wide agreement that Monroe County is facing a significant and growing workforce housing crisis with shortages for both affordable rental and ownership units. There is also agreement that no single strategy will solve the workforce housing crisis in Monroe County. Instead the challenge ahead is to craft a balanced package of targeted options that have been refined through discussion and debate and that can serve as a consensus framework for addressing and implementing solutions.

# MONROE COUNTY WORKFORCE HOUSING STAKEHOLDER ASSESSMENT REPORT

## I. ASSESSMENT SCOPE AND ORGANIZATION

Monroe County faces the quadruple impact of high land values, land limited by geographic and environmental features, housing supply limited by controlled growth (the Rate of Growth Ordinance) and a tourism economy with a prevalence of lower paying service-sector employment. In August 2014 the Monroe County Commission approved a stakeholder assessment effort, to be conducted by the FCRC Consensus Center at Florida State University (Consensus Center), to solicit perspectives and ideas on workforce housing challenges and on whether a county-wide consensus building effort should be convened to address the complex issues surrounding workforce housing in the Florida Keys.

The 2005 Harvard report, “Strengthening the Workforce and Communities through Housing Solutions” suggests, solutions to the workforce housing challenge require a broad-based, proactive approach.<sup>3</sup> This stakeholder assessment engaged a broad range of public, private and non profit stakeholders to clarify substantive issues involved, options to consider, information needed and process and coordination issues.

This assessment report sets out the context for addressing workforce housing issues and used interviews, meetings and review of data and documents to assess stakeholder perspectives on the County’s workforce housing challenges. These perspectives include county, city, regional, state and federal government levels, housing and tourist development leaders in Monroe County, the business and tourist community and non-profit community and civic organizations. Based on this stakeholder input, the assessment report summarized the themes, concerns, issues, and interests that stakeholders believe ought to be considered in addressing workforce housing needs in Monroe County. The assessment seeks to address the following questions:

1. What are the range of affordable workforce housing and related issues from the perspectives of County, City, State and Federal housing and tourist development leaders, the business and tourist community and the non-profit community and civic organizations and residents?
2. What are the linkages with development and land use issues, transportation mobility?
3. What interests, organizations and individuals should participate in a stakeholder county-wide committee process to develop consensus recommendations on affordable workforce housing issues in Monroe County? How Should the County convene a stakeholder committee to develop recommendations on workforce housing in Monroe County and its cities?
4. What is needed in terms of base line current data on workforce housing programs in

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<sup>3</sup> <http://bit.ly/1kcpnfm>, “By the time a workforce housing affordability problem begins to affect the bottom line, the forces that contribute to high housing costs have long been in place and are difficult to reverse. For the housing and business communities to forestall such an outcome, they must establish a working relationship characterized by respect, trust, and an awareness of each other’s interests. They must have access to information about the causes of the affordability problem and data that demonstrate its effects.”

Monroe County? What information and data on best practices should be considered in any subsequent stakeholder consensus building process?

## II. WORKFORCE HOUSING<sup>4</sup> IN MONROE COUNTY- CONTEXT

The workforce housing affordability crisis in the Florida Keys identified by the Monroe County Commission in 2014 is real. "Cost-burdened" households pay more than 30% of income for rent or mortgage costs. In 2013, 51% (or 16,849) of Monroe County households pay more than 30% of income for housing while statewide that figure is 43%. More than half of Monroe County renters are cost burdened (8,350 of 14,002) while about 45% of Monroe County homeowners are cost burdened (8,499 of the 18,936).

In November 2014 the United Way of Florida released its report, ALICE (Asset Limited, Income Constrained, Employed: Study of Financial Hardship, which indicates that nearly half of all Monroe County households (14,221 of 29,241) live above the federal poverty line but still struggle to afford basic expenses including housing, child care, food, transportation and health care.<sup>5</sup> The Report also evaluates community conditions for each Florida county using a weighted "Economic Viability Dashboard" in three core areas employing a scale of 1 (worst) to 100 (best).<sup>6</sup> Monroe County's results area as follows:

<i>Core Areas</i>	<i>Rating</i>	<i>Grade</i>
<b>Housing Affordability (40%)</b>	14 of 100	<b>Poor</b>
<b>Job Opportunities (40%)</b>	67 of 100	<b>Good</b>
<b>Community Support (20%)</b>	48 of 100	<b>Poor</b>

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<sup>4</sup> Workforce housing can refer to any form of housing, including ownership of single or multi-family homes, as well as occupation of rental units. Workforce housing is generally understood to mean [affordable housing](#) for households with earned income that is insufficient to secure quality housing in reasonable proximity to the workplace. The term "workforce" is meant to connote those who are gainfully employed, a group of people who are not typically understood to be the target of affordable housing programs. Workforce housing, then, implies an altered or expanded understanding of affordable housing. Workforce housing is commonly targeted at "essential workers" in a community i.e. police officers, firemen, teachers, nurses, medical personnel. However resort communities generally define "essential" more broadly to include service workers, as they often are characterized by high real estate costs and a high number of low-paying service jobs essential to the local tourism economy.

<sup>5</sup> The Report was initially developed in New Jersey and now five other states including Florida, California, Michigan, Indiana and Connecticut, have used the model and developed reports in 2014. <https://www.frbatlanta.org/commdev/publications/partnersupdate/2015/01/study-sheds-light-on-working-families-in-florida>

<sup>6</sup> The Index provides the means to compare counties in Florida and to see changes over time. The Housing Affordability area includes three key indicators including: the Household Survival Budget (quantifying the cost of the housing, child care, food, health care, transportation); health insurance; and housing burden. The Job Opportunities area includes three key indicators including: Income Distribution; Employment Rate; and New Hire Wages. The Community Support area includes three key indicators: Violent crime rate; the annual payroll of human services nonprofits per capita; and Access to good basic health care.

**KEY FACTS AND ALICE STATISTICS FOR MONROE COUNTY**  
*(From the ALICE Florida Report: Study of Financial Hardship, Fall, 2014, Appendix H)*

<b>Big Coppitt Key /Monroe County</b>							
<i>Population</i>	<i>Households</i>	<i>Poverty %</i>	<i>ALICE %</i>	<i>Above ALICE Threshold %</i>	<i>Unemployment Rate</i>	<i>Housing Burden over 35% Owner</i>	<i>Housing Burden over 35% Renter</i>
<b>2016</b>	<b>833</b>	<b>12%</b>	<b>35%</b>	<b>53%</b>	<b>9%</b>	<b>55%</b>	<b>72%</b>
<b>Big Pine Key/Monroe County</b>							
<i>Population</i>	<i>Households</i>	<i>Poverty %</i>	<i>ALICE %</i>	<i>Above ALICE Threshold %</i>	<i>Unemployment Rate</i>	<i>Housing Burden over 35% Owner</i>	<i>Housing Burden over 35% Renter</i>
<b>3777</b>	<b>1619</b>	<b>10%</b>	<b>35%</b>	<b>56%</b>	<b>4%</b>	<b>44%</b>	<b>42%</b>
<b>Key Largo/Monroe County</b>							
<i>Population</i>	<i>Households</i>	<i>Poverty %</i>	<i>ALICE %</i>	<i>Above ALICE Threshold %</i>	<i>Unemployment Rate</i>	<i>Housing Burden over 35% Owner</i>	<i>Housing Burden over 35% Renter</i>
<b>11409</b>	<b>4517</b>	<b>15%</b>	<b>38%</b>	<b>47%</b>	<b>9%</b>	<b>44%</b>	<b>57%</b>
<b>Key West</b>							
<i>Population</i>	<i>Households</i>	<i>Poverty %</i>	<i>ALICE %</i>	<i>Above ALICE Threshold %</i>	<i>Unemployment Rate</i>	<i>Housing Burden over 35% Owner</i>	<i>Housing Burden over 35% Renter</i>
<b>24870</b>	<b>9322</b>	<b>9%</b>	<b>35%</b>	<b>56%</b>	<b>4%</b>	<b>44%</b>	<b>68%</b>
<b>Lower Keys/Monroe County</b>							
<i>Population</i>	<i>Households</i>	<i>Poverty %</i>	<i>ALICE %</i>	<i>Above ALICE Threshold %</i>	<i>Unemployment Rate</i>	<i>Housing Burden over 35% Owner</i>	<i>Housing Burden over 35% Renter</i>
<b>10394</b>	<b>4314</b>	<b>8%</b>	<b>23%</b>	<b>62%</b>	<b>5%</b>	<b>42%</b>	<b>56%</b>
<b>Marathon</b>							
<i>Population</i>	<i>Households</i>	<i>Poverty %</i>	<i>ALICE %</i>	<i>Above ALICE Threshold %</i>	<i>Unemployment Rate</i>	<i>Housing Burden over 35% Owner</i>	<i>Housing Burden over 35% Renter</i>
<b>8389</b>	<b>3371</b>	<b>14%</b>	<b>41%</b>	<b>45%</b>	<b>9%</b>	<b>40%</b>	<b>65%</b>
<b>Middle Keys/Monroe County</b>							
<i>Population</i>	<i>Households</i>	<i>Poverty %</i>	<i>ALICE %</i>	<i>Above ALICE Threshold %</i>	<i>Unemployment Rate</i>	<i>Housing Burden over 35% Owner</i>	<i>Housing Burden over 35% Renter</i>
<b>9731</b>	<b>4068</b>	<b>13%</b>	<b>40%</b>	<b>47%</b>	<b>10%</b>	<b>42%</b>	<b>64%</b>
<b>North Key Largo/Monroe County</b>							
<i>Population</i>	<i>Households</i>	<i>Poverty %</i>	<i>ALICE %</i>	<i>Above ALICE Threshold %</i>	<i>Unemployment Rate</i>	<i>Housing Burden over 35% Owner</i>	<i>Housing Burden over 35% Renter</i>
<b>1166</b>	<b>510</b>	<b>11%</b>	<b>20%</b>	<b>69%</b>	<b>4%</b>	<b>36%</b>	<b>25%</b>
<b>Stock Island/ Monroe County</b>							
<i>Population</i>	<i>Households</i>	<i>Poverty %</i>	<i>ALICE %</i>	<i>Above ALICE Threshold %</i>	<i>Unemployment Rate</i>	<i>Housing Burden over 35% Owner</i>	<i>Housing Burden over 35% Renter</i>
<b>3736</b>	<b>1111</b>	<b>14%</b>	<b>62%</b>	<b>24%</b>	<b>8%</b>	<b>53%</b>	<b>69%</b>
<b>Tavernier/ Monroe County</b>							
<i>Population</i>	<i>Households</i>	<i>Poverty %</i>	<i>ALICE %</i>	<i>Above ALICE Threshold %</i>	<i>Unemployment Rate</i>	<i>Housing Burden over 35% Owner</i>	<i>Housing Burden over 35% Renter</i>
<b>2491</b>	<b>953</b>	<b>6%</b>	<b>46%</b>	<b>48%</b>	<b>7%</b>	<b>46%</b>	<b>37%</b>
<b>Upper Keys/Monroe County</b>							
<i>Population</i>	<i>Households</i>	<i>Poverty %</i>	<i>ALICE %</i>	<i>Above ALICE Threshold %</i>	<i>Unemployment Rate</i>	<i>Housing Burden over 35% Owner</i>	<i>Housing Burden over 35% Renter</i>
<b>21234</b>	<b>8633</b>	<b>13%</b>	<b>37%</b>	<b>50%</b>	<b>9%</b>	<b>43%</b>	<b>54%</b>

The findings of all of several recent reports on Monroe County's current housing situation confirm that there is a significant and growing shortage of affordable workforce housing, both rental and ownership. In addition there exists a policy gap in that affordable housing for the working and middle classes is largely left to individual municipalities and counties to deal with.

In Monroe County an hourly wage needed to afford a two-bedroom FMR is \$26.27/hour.<sup>7</sup> In order not to pay more than 30% of family income on housing, a household must earn \$4,553 monthly or \$54,640 annually.

The findings of all of the reports on Monroe County's current housing situation confirm that there is a significant and growing shortage of affordable workforce housing, both rental and ownership. A significant portion of the current workforce housing in Monroe County is rental and there is a large rental housing deficit. As is the case throughout Florida, there has been increase in the demand for rental housing in Florida following the great recession and subsequent housing crisis, particularly among younger households and families with children. Statewide, the percent of households renting increased from 29.4 percent in 2007 to 34.4 percent in 2012 (American Community Survey, 2012; Shimberg Center for Housing Studies, University of Florida, 2013).” The Shimberg Center has found that affordable rental shortages are most pronounced in southeast Florida. (SCHS, 2013).

In an Affordable Housing Solutions White Paper (October 2014)<sup>8</sup> Donald Craig, Planning Director for the City of Key West, projected a deficit of more than 6,500 units of affordable housing units in the City and characterized the affordability challenge as follows:

“The City's Comprehensive Plan identified the City of Key West median household income as \$52,004 while the average annual wages earned by a worker in the City are approximately \$37,844 indicating that by standard guidelines for mortgage lending at the median level, a home should cost no more than \$166,012, or three times the median income. This is clearly inconsistent with actual cost of housing in the City, when the Key West Board of Realtors reports that at the end of July 2014 the median sales prices of 162 single family homes sold in the preceding 7 months was \$630,000 and the median sales prices for Condo/Townhouses was \$368,000. Clearly persons and families making the median income or average wage cannot afford for-sale housing, even if such were being built. As to rental housing, the situation is not better. Even though dated and most assuredly higher, the 2010 reported median gross monthly rent in the City was \$1,359. In order to be affordable to the average wage earner in the City, the monthly rent should be no more than \$946. Rent such as this is not available in the City at this point and time and results in workers sharing housing in increasing numbers, or paying 40-50% of their income for housing.”

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<sup>7</sup> “Out of Reach 2014: Florida”, <http://nlihc.org/oor/2014/FL>, National Low Income Housing Coalition

<sup>8</sup> Affordable Housing White Paper- Donald Craig, AICP Director of Planning & Nicole Malo AICP, Planner, City of Key West: [http://legistar1.granicus.com/KeyWest/meetings/2014/10/2491\\_A\\_City\\_Commission\\_14-10-07\\_Meeting\\_Agenda\\_Full\\_Detail.pdf](http://legistar1.granicus.com/KeyWest/meetings/2014/10/2491_A_City_Commission_14-10-07_Meeting_Agenda_Full_Detail.pdf)

The 2015 Home Matters Report from the Florida Housing Coalition<sup>9</sup> confirms what other reports have found regarding rapid increases in rents for vacant units on the market while Florida's home ownership has declined steadily since its peak in 2007. Tighter mortgage lending standards, rising mortgage interest rates and fees, and a high percentage of cash sales have squeezed many low and moderate income homebuyers out of the market.

There currently exists a policy gap to fund workforce housing development. Federal programs through HUD or state governments are generally targeted towards low-income programs designed for people that make less than 60% of Area Median Income (AMI). The Low-Income Housing Tax Credit, which mainly spurs development of rental properties, is an example of this. Affordable housing for the working and middle classes has been largely left to individual municipalities and counties to deal with.

### **III. WORKFORCE HOUSING CHALLENGES- STAKEHOLDER IDEAS AND PERSPECTIVES**

#### **A. Critical Affordable Workforce Housing Common Themes**

The over 75 persons participating in the interviews and meetings identified a range of workforce housing issues. While some offered a perspective from the same sector, they lived and worked in different parts of the Keys and the ideas they offered were not necessarily the same as others sharing that perspective. However, across the various perspectives the following six common themes regarding key workforce housing issues emerged:

1. **A Shared vision of success** for Workforce Housing in Monroe County will be important to guide and gauge the menu of strategies and actions needed to address workforce housing.
2. **Action orientation.** All acknowledge the workforce housing context is complex and challenging but needs immediate focus and attention and that addressing gaps in workforce housing throughout the Florida Keys will require immediate and longer term actions, even if those interviewed had differences in emphasis on those options and actions.
3. **Build upon the past affordable housing studies and reports.** Many agreed with the following statement, "The comprehensive studies, recommendations and published works on the topic do not need to be repeated. The metrics of this problem are well known and documented. The dynamics and facts have changed little over the years."
4. **Define the problem(s) first.** There needs to be a careful effort to define the shared workforce housing problem facing Monroe County in a multifaceted way (different levels and needs of workers, rental vs. ownership, different locations in the Keys) and then based on data and knowledge, move to identify, craft and implement "solutions.

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<sup>9</sup> [http://issuu.com/flhousing/docs/home\\_matters\\_report\\_02.2015\\_final](http://issuu.com/flhousing/docs/home_matters_report_02.2015_final)

5. **No single strategy.** There does not appear to be a single strategy to pursue but rather a menu of combined strategies to address the workforce housing challenges in the Florida Keys. Any committee should seek to develop a balanced package of both short term and longer-term strategies and actions that are targeted to addressing the needs of different sections of the workforce and to different parts of Monroe County.
6. **Housing as community infrastructure.** Given its importance to the local economy, the County should consider workforce housing as it considers other critical infrastructure such as transportation and water supply. Workforce housing should receive the policy, planning and financial attention that other areas of local infrastructure receive. The County should seek to better integrate the housing element with other plan elements such as the future land use, public facilities, transportation and capital improvements.

### **B. Critical Affordable Workforce Housing Common Issues**

Issues generally identified as important to address from most perspectives included:

1. Addressing the ROGO system and workforce housing, including transfers and fractional ROGOs
2. Density and livable workforce housing
3. Relaxing height restrictions in light of Federal flood insurance changes and to create more workforce housing
4. Strengthen Monroe County Housing Authority's role in workforce housing
5. Address transportation and its relationship to and role in workforce housing
6. Update Monroe County's workforce housing site identification and audit of publicly owned property
7. Create new workforce housing units that are both affordable and livable with development incentives and public private partnerships
8. Preserve and maintain existing workforce housing and provide incentives to preserve workforce housing
9. Address related workforce issues due to high cost of housing (insurance, childcare, food insecurity etc.)
10. Review and consider changes in the County, City and state affordable housing policies and regulations including length of deed restrictions

11. Explore and expand funding sources to expand workforce housing in Monroe County

### **C. Stakeholder Ideas and Perspectives on Workforce Housing Matrix**

The Stakeholder Assessment sought to identify how different stakeholder perspectives viewed the challenges of workforce housing facing Monroe County and its residents. The over 50 issues and ideas identified and summarized from the many interviews and meetings, help to shed light on the complexity of the issues and on the healthy diversity of views on how to best address the challenges. The assessment interviews were conducted with the understanding that the themes and ideas identified would be shared with the Commission and inform any committee that would engage in subsequent consensus building on workforce housing solutions. It was also understood that individual views would not be attributed but related perspectives would be summarized.

Workforce housing ideas and issues identified in the Assessment from different perspectives and included issues displayed in the matrix below in the following nine categories:

1. Overall *(12 Issues/Ideas)*
2. Workforce Housing Funding *(7 Issues/Ideas)*
3. Workforce Housing Planning, Zoning & Enforcement *(13 Issues/Ideas)*
4. Workforce Housing & Transportation *(4 Issues/Ideas)*
5. Workforce Housing & Site Identification *(3 Issues/Ideas)*
6. Workforce Housing Construction *(4 Issues/Ideas)*
7. Workforce Housing- Preserve Existing *(7 Issues/Ideas)*
8. Workforce Housing & the Education Sector *(2 Issues/Ideas)*
9. Workforce Housing & Related Issues *(6 Issues/Ideas)*

ISSUES/IDEAS	STAKEHOLDER PERSPECTIVES (✓=Noted as issue/idea in the interviews)								
	County	City	State	Education	Development	Lodging/Hospitality Tourism	Business	Non-Profit	Military
<b>OVERALL</b>									
1. No single solution, menu of options	✓	✓	✓	✓	✓	✓	✓	✓	✓
2. Build on work to date (studies, task forces, etc.)	✓	✓	✓	✓	✓	✓	✓	✓	✓
3. Target different levels of workforce to provide WH	✓	✓	✓	✓	✓	✓	✓	✓	✓
4. Engage private and public sector employers in finding WH solutions	✓	✓	✓	✓	✓	✓	✓	✓	✓
5. Political will to implement solutions	✓	✓		✓	✓	✓	✓	✓	
6. Focus on rental housing	✓	✓	✓	✓	✓	✓	✓	✓	✓
7. Addressing NIMBY and workforce housing	✓	✓	✓	✓	✓	✓	✓	✓	
8. Encourage public private partnerships for WH	✓	✓	✓	✓	✓	✓	✓	✓	
9. Encourage WH affordability and livability	✓	✓	✓		✓			✓	
10. Support living wages in the Keys								✓	
11. Expand the Keys economy beyond tourism	✓						✓	✓	
12. Address negative impacts on Keys communities of transient workforce	✓							✓	
13. Collect data on WH provided by hoteliers	✓	✓				✓	✓		

ISSUES/IDEAS	STAKEHOLDER PERSPECTIVES								
	County	City	State	Education	Development	Lodging/Hospitality Tourism	Business	Non-Profit	Military
<b>WORKFORCE HOUSING FUNDING</b>									
14. Workforce housing site identification and audit	✓	✓	✓	✓	✓	✓	✓	✓	✓
15. Changing the Tourist Development Council (TDC) law to allow those dollars to be used for affordable housing development.	✓	✓	✓					✓	
16. Remedy Sadowski Trust Fund donor inequity	✓	✓	✓	✓	✓	✓	✓	✓	✓
17. Land Authority funds for workforce housing construction	✓	✓	✓	✓	✓	✓	✓	✓	
18. Dedicated local funding for workforce housing	✓	✓	✓	✓	✓	✓	✓	✓	
19. Consider inclusionary WH fee	✓	✓			✓			✓	
20. Address Air B&B and impact on bed tax revenue						✓			
21. Provide assistance to workforce renters (down payment/deposit)						✓	✓	✓	
<b>WORKFORCE HOUSING- PLANNING, ZONING, ENFORCEMENT</b>									
22. Create a County Workforce Housing Development Plan	✓	✓				✓	✓	✓	
23. Consider adjusting height restrictions for more WH	✓	✓	✓	✓	✓	✓	✓	✓	
24. Allow increased density for WH	✓	✓	✓		✓	✓	✓	✓	
25. Tax Credit Property Management after 15 years	✓	✓						✓	
26. Encourage mixed use	✓	✓			✓	✓	✓	✓	

ISSUES/IDEAS	STAKEHOLDER PERSPECTIVES								
	County	City	State	Education	Development	Lodging/Hospitality Tourism	Business	Non-Profit	Military
27. Enforce Housing Codes	✓	✓	✓						
28. Explore "Micro Housing"	✓				✓			✓	
29. ROGO Allocations and Transfers, Fractional ROGO	✓	✓	✓	✓	✓	✓	✓	✓	
30. ROGO Formula	✓	✓	✓	✓	✓	✓	✓	✓	
31. Address redevelopment and WH	✓	✓			✓	✓	✓		
32. Encourage commercial construction of WH by reducing impact fee.	✓	✓			✓	✓	✓	✓	
33. Explore the role of live-aboard boats in WH	✓	✓			✓				
34. Encourage hospitality industry to build WH	✓	✓	✓	✓		✓		✓	
<b>WORKFORCE HOUSING &amp; TRANSPORTATION</b>									
35. Increase highway capacity to adjust ROGO evacuation formula	✓	✓	✓	✓	✓	✓	✓	✓	
36. Address related issues- Transportation options for employees	✓	✓		✓	✓	✓	✓	✓	
37. Address transit issues in the upper Keys	✓	✓				✓	✓		
38. Address & improve transit issues in the lower Keys	✓	✓				✓	✓	✓	
<b>WORKFORCE HOUSING &amp; SITE IDENTIFICATION</b>									
39. Re-purpose land owned by local government for WH					✓	✓	✓	✓	
40. Focus all 3-tier properties on WH		✓							

ISSUES/IDEAS	STAKEHOLDER PERSPECTIVES								
	County	City	State	Education	Development	Lodging/Hospitality Tourism	Business	Non-Profit	Military
41. Audit Local Government owned public lands for WH	✓	✓	✓		✓	✓			
<b>WORKFORCE HOUSING – CONSTRUCTION</b>									
42. Waive building fees for WH	✓	✓			✓			✓	
43. Buy down interest rates for WH projects					✓	✓			
44. Cut taxing rates on WH					✓				
45. Commercial properties for WH-tax and insurance breaks					✓	✓	✓		
<b>WORKFORCE HOUSING – PRESERVE EXISTING WH</b>									
46. Preserve/maintain affordable units	✓	✓	✓	✓	✓	✓	✓	✓	✓
47. Address “lost” AH/WH units			✓					✓	
48. Revisit land trusts as a tool	✓	✓						✓	
49. Provide for “no net loss” of affordable & WH in County housing element	✓	✓							
50. Adopt a “lease form” for local governments owning underlying land for WH	✓	✓	✓		✓			✓	
51. Address loss of deed restrictions for AH	✓	✓	✓	✓	✓	✓	✓	✓	
52. Address RV/Trailer Parks as WH and conversion issues	✓	✓	✓		✓	✓	✓	✓	
<b>WORKFORCE HOUSING – EDUCATION</b>									
53. Engage the school system as largest employer in WH	✓	✓		✓					
54. Improve teacher housing needs data collection				✓					

ISSUES/IDEAS	STAKEHOLDER PERSPECTIVES								
	<i>County</i>	<i>City</i>	<i>State</i>	<i>Education</i>	<i>Development</i>	<i>Lodging/Hospitality Tourism</i>	<i>Business</i>	<i>Non- Profit</i>	<i>Military</i>
<b>WORKFORCE HOUSING – RELATED ISSUES</b>									
55. Address related issues insurance costs- wind	✓	✓		✓	✓	✓	✓	✓	
56. Address 2018 FEMA flood insurance issues.	✓	✓	✓	✓	✓	✓	✓	✓	
57. Address related issues- Daycare	✓							✓	
58. Homelessness & Workforce Housing	✓	✓				✓	✓	✓	
59. Protect military buffer areas			✓						✓
60. Address “food security” and WH								✓	

## **D. Stakeholder Ideas and Perspectives on Workforce Housing**

Over 75 persons participated in the interviews and meetings and identified a range of workforce housing issues. Below is a compilation summary of the input received from individuals representing different sectors (public, private and non-profit) and residing in different parts of Monroe County.

### **1. County Government- Ideas and Perspectives**

#### **Build on affordable housing work to date**

- We need to understand and build on what's been learned from various task forces and studies and apply to the current workforce housing situation in the Keys. Review what incentives are in ordinances and how have they worked. How do we retool to work better. What about inclusionary zoning? What about density bonuses and density waivers? What they are how they work. How to retool to work better. What doesn't work.
- Come up to speed on what was done previously so we know where things were when walked away.

#### **No silver bullet, no easy fix**

- We need a balanced menu of options. Acknowledge the broad range of different of solution and levels of housing.
- There is no easy fix, no one way to handle this problem.

#### **Workforce Housing Shortages**

- We are short over 6000 units and under ROGO we will get 700 over the next 10 years. That does not come close to solving the problem.
- The Affordable Housing Committee should focus initially on workforce.
- We are short 6,800 units of work- force housing. This is a crisis and housing is the most expensive item on the County's list.
- Housing affordability in the Keys includes insurance, the cost of food and the cost of daycare as well as housing.

#### **Rental workforce housing focus**

- Our most critical need is in lower income and service ranges and we should focus especially on rentals for this segment of the workforce.
- 98% of the residents of county-run public housing is workforce housing for working individuals (with the exception of the elderly and disabled). Rent is capped to 30% of household income and the remaining amount is subsidized.

#### **Windstorm and Flood Insurance Rates**

- The current windstorm and flood insurance situation is huge affecting all residents not just lower income.
- If you can't pay cash, you need insurance to secure a bank loan.
- FIRM- Fair insurance rates for Monroe- is engaged in grass roots advocacy work.
- The Federally subsidized program flood insurance program was amended and will set a new basis for Florida insurance rates, setting the stage for immediate dramatic increases flood insurance rates for both residential and commercial properties.

#### **County growth management and affordable housing.**

- Should affordable housing be part of the County growth management function

which is built more to slow growth or placed elsewhere with good staff support to allow it to be more active in identifying parcels and developers in getting the job done?

**Empower and support the Affordable Housing Committee**

- The Committee needs to consider a menu of recommended consensus workforce housing solutions as a package for the County Commission to consider and implement.

**Protect and support the Committee's affordable housing staff.**

- In the past considering the complex incentives and transactions for developers to build affordable housing has opened staff to attack by those opposing development in general. It has been a very public and vitriolic situation where staff have been personally attacked.

**Site Identification.**

- We should identify every piece of county property that is vacant, demolished, big enough for affordable housing and zoned properly.

**Preserve and maintain affordable units.**

- We've lost some affordable housing that was bought at low rates and sold at market rate and restrictions were ignored. We have to pay attention so games are not played with this and we lose these units.

**Mixed Use.**

- We should encourage this but it has not caught on except in Key West.
- We should explore mixed use and mixed income levels vs. low income property projects makes for better self policing and safer and more livable communities.
- The only exception to this is tax credit properties where everyone is low income with no one is over 60% AMI.

**Address Management on Tax Credit Properties after 15 years.**

- For the first 15 years, the developer is liable and responsible to maintain the tax credits and the housing. After the 15<sup>th</sup> year property management tends to deteriorate as less cash is devoted to upkeep.

**Consider allowing Land Authority bed tax funds for construction.**

- Currently they can only use the funding for land acquisition.
- Consider changing the Tourist Development Council (TDC) law to allow those dollars to be used for affordable housing development.

**Height Restrictions.**

- Should be open to relaxing this where this could produce more workforce housing.
- Consider handling this on a site specific basis.
- There are areas in town where building higher would not block views. The City of Key West would have the capacity to implement this although it would first have to be approved by referendum.

**Explore Micro Housing.**

- This is being implemented in cities such as New York. It might be applied in cities in the Keys to cut down on the commute time.
- Note that 1-bedroom units are the shortest in supply for the public housing and tend to be occupied longer, usually by elderly and disabled.

**Enforce Housing Codes.**

- Enforce housing codes in terms of illegal multiple occupancy.

#### **ROGO**

- ROGO allocation system for permits early on effectively eliminated affordable housing construction. Three things need to come together for successful workforce housing: funding, available land and allocations. However these have not coincided. Years ago funding was available but land and allocation were not.

#### **Hospitality Industry and Workforce Housing.**

- The industry should step up and participate in efforts to provide more affordable workforce housing. Some are, others should.
- Some wonder why County taxes would be used to subsidize the hotels' workforce housing. Hotels should do more.
- We should collect data on what hoteliers are doing in providing workforce housing for their employees.

#### **Local Dedicated Funding Source.**

- We need a local dedicated funding source (sales tax, "sin" tax, etc.) that can support the construction of workforce housing not just land acquisition.

#### **Address Sadowski Trust Fund Donor Inequity.**

- Monroe County contributes 60% and gets back 8%. This should be addressed when funding resumes.

#### **Address NIMBY**

- Historically there has been community reactions to the old low income projects. This may continue to be an issue.

#### **Related Affordability Issues**

- Insurance and Day Care can figure in challenges for workers in terms of costs on tight family budgets.
- Many work 2-3 service jobs to be able to afford housing and other costs such as food.
- The "situationally" homeless are part of the workforce housing puzzle in Monroe County.

#### **Hurricanes and Workforce Housing.**

- In the last hurricanes in the Keys transportation from Miami stopped and restaurant and lodging businesses in the Upper Keys had to shut their doors for lack of employees.

## **2. Municipal Government- Ideas and Perspectives**

#### **Target the Levels of Workforce to Serve**

- We need to define more clearly what kind(s) of workforce housing we want for the community. Hourly wage earners may always be renters in the Florida Keys. There is a shortage of decent, reasonably priced, available housing, especially one-bedroom rentals.

#### **Engage Employers**

- We need the businesses in Monroe County with the different types of employees (hourly, salaried) to be at the table and part of the solution. Hotels have the highest occupancy rate and the most profits of any place in the country. They have begun to help with workforce housing and they should continue to do

more.

**Vacation rentals**

- We need to address this challenging issue and its impact on workforce housing in the current marketplace.

**Height restrictions**

- Ease height restrictions where there aren't view issues to allow for more workforce housing.

**Mixed use.**

- Seek more mixed uses with the school board and other public properties.

**Land Acquisition**

- Focus land acquisition on workforce housing properties.

**Focus on Redevelopment**

- Key West is nearing build out and most construction is redevelopment and remodeling.

**Loss of Deed Restrictions**

- Address and audit the Loss of Deed Restrictions. ("Of the total 1,089 affordable units, 223 are expected to have their deed restrictions expire, or have expired by the end of 2015." *(See Appendix #6)*.)

**"No net loss" of existing workforce housing**

- Amend the Comprehensive Plan's housing element so that future development will result in "no net loss" of existing workforce/affordable rental housing for households earning 80% or less than the area mean income.

**High land values limit tax credit funded affordable units**

- Difficult to both finance and construct units at any level except at the 60% of median through heavily subsidized tax credit funding. Lack of reasonably priced land has meant few of these projects have been built.
- In the City of Key West, its annual allocation of 91 affordable housing BPAS units.

**Re-purpose land owned by local government**

- Land owned by the county should be re-purposed for affordable and workforce housing.

**Consider additional funding sources**

- A tax on every alcoholic beverage sold or a 1% real estate transfer tax could generate funding for workforce housing. Relying upon the Land Authority funds won't be enough.

**Development Plan and Funding for Workforce Housing**

- We need to figure out how to put the land authority/Housing Authority and bed tax money together and form development plan for affordable housing.

**ROGO AH Allocations**

- Each year in City of Key West there are 90 affordable housing ROGO allocations with the City able to borrow up to 10 years ahead to create more affordable housing.
- Focus all tier-3 properties on workforce housing if it doesn't raise a property rights issue.

**Adopt lease form**

- Cities should consider adopting a lease form with the public sector owning the

underlying land.

**Support non-profits and their work on affordable and workforce housing**

- Provide funding for nonprofit affordable housing entities.

**3. State Government- Ideas and Perspectives**

**FFHC Set Aside for Monroe County**

- Work to preserve the Monroe County set aside Florida Finance Housing Corporation competitive applications for affordable housing tax credit

**Sadowski Fund**

- Sadowski Fund affordable housing funding has not been available for affordable housing since 2006. Work to bring that funding back.

**Tourist Development Tax and Workforce Housing**

- Tourist Development Tax should support the building of workforce housing. Funds go to the Monroe County Land Authority (\$4 million) and Key West (\$8 million).
- Consider changing the tourism bed tax statute to allow for supporting the construction of workforce housing.

**Combination of Issues**

- In the Keys need to consider four factors: hurricane evacuation; environmental protection of land and species; affordable housing; and water supply.
- During the economic downturn there was less interest in building AH.

**Rising Rents**

- Rising rents represent a big challenge for workforce housing and strategies to address this should be considered.

**NIMBY issues and Workforce Housing**

- Monroe County needs to address the NIMBY issue that is a barrier to workforce housing.

**Protect Navy Noise and Crash Zone but look for workforce housing opportunities**

- Work with the Navy to protect noise and crash zones while looking for opportunities to build workforce housing.

**Support Deed Restrictions**

- Support the use of 99 year leases for \$1- Affordable forever.
- Assess current state of enforcement of deed restricted land and work to extend leases to 99 years.

**Identify and Aggregate Workforce Housing Parcels**

- More could be done to identify parcels of land and aggregate them and analyze opportunities for workforce housing on surplus lands.
- There may be opportunities for duplexes and quadplexes on scarified small lots for rental units.

**Height Restrictions**

- Consider relaxing height restrictions especially in the center of the islands with existing tall buildings. This would provide additional workforce housing

**FEMA Flood Maps**

- Address the impacts of the new FEMA flood maps on Monroe County and workforce housing.

#### **Homeless**

- Homeless are an important issue to address in a tourist economy. How many of the homeless are there because of lack of affordable housing in the Keys?

#### **ROGO System**

- ROGO system has evolved and the modeling is scientifically and statistically defensible in terms of hurricane evacuation time.
- There are affordable housing ROGOs that have not been used.
- The most recent annual travel study that shows how long takes to get over the 22 segments of the U.S. 1 highway, indicates a segment starting to fail in Islamorada.

#### **Engage the Hotel and Hospitality Industry**

- Hoteliers should be more engaged in the workforce housing discussion. Convened a recent meeting for hoteliers in Islamorada to discuss this issue and only 3 came.

#### **Enforcement of Housing Ordinances**

- Need to address and enforce the ordinances regarding unlawful modifications of homes and overcrowding of residences.

#### **Mobile Homes and RV Parks and Workforce Housing**

- Need to address the question of the role of mobile/RV parks in supplying workforce housing and the impact of conversions of these parks on availability of affordable housing.

### **4. Education Sector Ideas and Perspectives**

#### **Target the kind of housing needed**

- Education has the same levels of workforce housing needs as other sectors.
- Have to focus on the target population in terms of addressing gaps in workforce housing, e.g. Teachers, support and administrative staff, service industry workers, etc.

#### **Partnerships for workforce housing**

- Interested and exploring partnerships for workforce housing development on school board owned property.

#### **Recruitment and Retention**

- Recruiting and retaining teachers and professors in the Keys is a very challenging problem due to the relatively high cost of housing.
- Retention continues to be a problem and accessible and affordable workforce housing is part of it. There is a huge organizational cost to retrain.

#### **Student Enrollment Stable**

- The current context in terms of student enrollment is stable but not increasing, having decreased during the economic downturn.

#### **Single vs. Family Teachers**

- “We have lot of young employees with over 70 new teachers.” Young single teachers may rent space with roommate(s), but teachers with family is another matter as there is very little family friendly workforce housing.
- Many teachers in Upper Keys commute to Miami Dade vs. secure housing in

Monroe County.

- In Key West and the lower keys, the property values are the highest and present a challenge for young teachers and teachers with families.

#### **Involve the Public School System at the Workforce Housing Table**

- Since the Public School system one of the larger employers in the County in terms of teachers, support and administrative staff, there should be place at a workforce housing table for this perspective.

#### **Increasing reliability of teacher housing needs data**

- The School system is working on improving the reliability of their data and its collection related to employee housing needs.

#### **Public private partnerships**

- Encourage and support public private partnerships as part of the workforce housing solution.

### **5. Development Stakeholder Ideas and Perspectives**

#### **Development Constraints**

- The critical areas of state concern and environmental issues constrain the available land for workforce housing.
- The cost of labor and insurance is climbing so incentives for workforce housing will be an important stimulus.

#### **Authorize Land Authority to Build Workforce Housing**

- Fund the Monroe County Housing Authority or other similar successful organizations to build workforce housing.

#### **Convert public land for workforce housing**

- The school board and the city may have large tracts that can be converted for workforce housing.
- Need to use infrastructure \$\$ making land improvements for property we should own- RFPs for developers.

#### **Tax credit housing and workforce**

- Meridian West- 102 units for very low income. It has the lowest turnover of any very low-income housing project in Florida with 3 bedroom apartment renting for around \$1100. The very low and low income are the best served in terms of affordable housing of the workforce population. Workforce housing is where the gaps are.

#### **Livability and Affordability**

- Tax credit developers- Designed for good purpose but because of bureaucratic overhead, can only do large scale projects that may look out of place and unattractive to the people living in and nearby the units/development.
- Livability ideas are secondary with landscaping and signage not given a high priority. Need to consider “livability” not just tax credits and affordability when building workforce housing.
- Scale is an issue here with smaller projects there is a greater chance of empowering residents to maintain their homes. The larger projects have ongoing maintenance and management costs

#### **Address Spectrum of Workers and Housing Needs**

- Have to clarify what workers want and need in terms of housing. What is the real need? Employees from Eastern Europe- Hawks Cay- Vast majority of employees- 6 months at a time. Is sharing an apartment for these workers a bad idea?
- What portion of staff/employers made up of transient migrant workers? What are their needs? How many are working in City of Key West and where can their housing needs be best addressed? What role might dormitories play?

#### **Incentives for smaller unit projects**

- Consider providing incentives for more smaller unit projects that will be more livable. The tax credit resource funding for this doesn't practically work below 20-25 units because of costs.
- Provide incentives for small apartment complexes, not big units, e.g. develop 10-20 units with multiple occupancy.
- They can be nicely done dorm style with shared kitchen consistent with character, built to code and also preserve green space.

#### **Hotels re-openings and workforce housing impacts**

- May not be new hotels coming on but those that were shut down are reopening. We need to be careful about what that means in terms of housing demand. There may not be growth in the population going forward.

#### **Workforce Housing and Live Aboard Boats**

- What are the City of Key West statistics on Mooring Fields. There may be more than 120 boats in mooring fields providing affordable housing. How many boats are there for a short or longer time? How many are providing workforce housing? What is the quality?

#### **Addressing Trailer and RV Parks as Workforce Housing**

- What role do existing trailer and RV parks play in affordable workforce housing in Monroe County?
- What has been the enforcement experience with the 30% rule in converting trailer parks in the County?

#### **Waive building permit fees**

- Have local governments waive building permit fees for affordable and workforce housing projects.

#### **Political will**

- Is there the political will to implement workforce housing solutions?
- There has been at times, for example the last Workforce Housing Task Force in 2007 had some of its recommendation implemented.

#### **Encourage mixed use**

- We should be encouraging mixed use in central areas throughout the Keys.

#### **Consider greater use of an inclusionary affordable housing fee**

- The County should set a fee for inclusionary housing such as the \$40,000 per inclusionary housing credit that Marathon is proposing. This fee would be paid to the Monroe County Housing Authority in an affordable housing trust fund to be distributed to those who actually build affordable housing. This would create a subsidy paid from new market rate or transient (hotel) projects to be distributed to those who actually build the affordable housing.

- To assure the housing is built and completed, the subsidy would not be funded until the certificates of occupancy for the affordable housing are issued.
- This type of commitment would incentivize those who are willing to build affordable housing, and the funds would come from those building the projects that require inclusionary housing without the market rate developer from having to use some of his/her market rate allocations on affordable housing.
- All transient unit development and re-development should require inclusionary affordable housing ordinance, or impact fee assessment.

#### **Increase density and height**

- With limited lands on which to build affordable housing, increase the density and height (e.g. 40 feet vs. 35 feet) for affordable housing to make this feasible.
- Increased density in appropriate zoning districts within commercial areas to facilitate workforce housing.
- Increase height in appropriate areas.
- Build up! Build new! Much of the KWHHA properties are old, ugly, small and inefficiently sparse. Density needs to increase.

#### **Increase the capacity of highways**

- To increase ROGO allocation work together to secure funding to increase the capacity of highways.

#### **Review city and county owned lands for use as workforce housing**

- Identify all city and county owned lands for workforce housing that do not present environmental issues and utilize for workforce housing.

#### **Develop a workforce housing 10-year strategic plan.**

- Look for early successes in the first 3-5 years in adjusting regulations. Set a goal of cutting the gap in workforce housing by 50%.
- The approach to “renter vs. ownership” should be “both/and.”

#### **Address the 2018 FEMA changes**

- We need to prepare in required elevations (AE 7 becomes 9) and 60% of houses will be in jeopardy making them harder to resale or rebuild.

#### **Surplus land**

- The County and Cities should inventory surplus land and identify land that can be used for workforce housing.
- Lift the cap on the number of credits, keep construction costs per unit low (\$25,000)
- Consider additional sales subsidy to help deals that are short.

#### **Identify and Aggregate Parcels of Public Land**

- County and the Cities haven’t done enough to identify parcels of land and aggregate them. We need to do more surplus land analysis.

#### **Additional density for workforce housing**

- We have to be creative. We should consider giving additional density to developers who are constructing a workforce community/development with a couple market rate units.

#### **Add commercial development and redevelopment**

- Based on employees and square feet (use industry standards and sales tax codes) for an impact fee assessment.

### **ROGO Transfers**

- Implement a ROGO transfer ordinance whereby a market rate unit may be dislodged if an affordable unit replaces the dislodged market rate.
- Issue no market rate ROGO units for multi-unit development projects, instead, issue “affordables” and require developers to take the affordable units and deed restrict existing market rate properties and then dislodge the market rate for use elsewhere as their market rates.

### **Buy Down Interest Rates for Workforce Housing Projects**

- Use land authority money or impact fees to buy down interest rates for development costs for work force housing projects.

### **Cut Taxing Rates on Workforce Housing**

- Legislation to cut taxing rates on affordable and workforce housing.

### **Commercial Properties for Workforce Housing**

- Give commercial properties that are used for workforce housing rental the same tax and insurance (flood) breaks as primary homestead properties.

## **6. Lodging, Hospitality and Tourist Development-- Ideas and Perspectives**

### **The Hospitality Economy**

- Hospitality represents 80% of the economic activity in the Keys. Its workforce is very transient and generally looking to rent not purchase.

### **Lodging Industry and Workforce Housing**

- Lodging industry may be only industry in the Keys that is trying to address workforce housing for new properties. For example the Westin in Key West has 75 units set aside housing 105 people from managers to cooks.

### **Marketing and the Keys**

- Focusing on creating a year round destination with success in Key West. Spreading the marketing effort out over the year to increase visits and occupancy in the off season and slow season. Colorado recently decided it had marketed sufficiently and moved to disband their statewide marketing effort. The next season resulted in a big drop in tourism. Tourism remains the key part of the Key's economy.

### **Importance of continuing to market the Keys**

- Colorado experience in cutting budget for statewide marketing led to big drop in the tourism economy.

### **Environmental Land Acquisition vs. Affordable Housing**

- With the years in which funding was put towards environmentally land acquisition, relatively little was invested affordable housing. What is a smart split between the 2 purposes?

### **Transportation and the Keys.**

- The transit service from Miami-Dade to Marathon and north in the Upper Keys is currently funded by the Dade County local transit ½ penny, state and federal dollars but no Monroe County support for the transit service.
- As job opportunities grow in Miami Dade, what impact will this have on the supply of lodging industry and related tourist industry employees in the Upper Keys? “Getting on bus at Walmart in Florida City to go south for work, the

question for workers is How available is work, where and how much does it pay.”

- Homestead and Florida City provide high densities of immigrant populations which housing in Monroe County does not offer.
- Hotels in the Upper Keys are interested in working with Monroe and Dade Counties in finding a solution to sustaining and improving the transit service that provides lodging and hospitality works from Marathon and north. Some hotels are supplementing the bus routes with their own busses.
- We need better transit in the lower Keys to support the workforce transportation needs.
- Better public transportation in the lower keys. Reliability and cost of public transportation options to deal with fact that more affordable housing is further away from jobs.
- Need reliable transit from workforce housing to work especially with parking issues in Key West. Alternatives such as biking and scooters are not practical given weather. Consider using smaller and more transit vehicles in the Key West area.

#### **Employee turnover**

- Person dependent industries cannot outsource jobs. Need to find ways to reduce employee turnover which often relates to housing/rental costs.

#### **Vacation rentals and Preserving Affordable Units**

- This is a large problem throughout the Keys impacting the supply of workforce housing. However it may be that many are above the workforce housing price range.
- More important than building new workforce housing is how can we maintain what is affordable for the median income workers. During the downturn property values went down while rentals went up. Workforce housing is primarily the rental housing market. Consider whether there might be restrictions or new regulations creating some disincentives for converting units to vacation rentals.

#### **Online Vacation Rentals Marketplace**

- Address the online market place for vacation rentals that connects users with property to rent with users looking to rent the space(e.g. AirBnB) and its impact on bed tax revenue
- Also, related to this is the new addition of Air B&B and lack of regulation and enforcement. This raises safety issues as well as the “free ride” by not paying the bed tax. It may be much easier to rent through this approach than to a workforce tenant.

#### **Help Workforce Renters**

- Consider providing down payment/deposit assistance.

#### **Hospitality Industry Data**

- Hotels have been reluctant to share data on workforce housing as some is tied to employment contracts and privacy concerns.

#### **Disseminating Workforce Housing Information**

- We need more effective affordable housing information that is available to workers.

### **Height restrictions**

- Can build more rental units on both 2<sup>nd</sup> and 3<sup>rd</sup> floors with first floor commercial in the lower Keys if the height restrictions are eased. For example consider strip malls with the upper level dedicated to housing.

### **Public Property**

- County and Cities may be the biggest land owners and should identify public property with buildings that might be torn down to build housing.

### **Balance environmentally land acquisition with affordable housing**

- investment. Historically, nothing or little has been allocated towards AH effort. What is a smart split between the 2 purposes.

### **NIMBYism (“Not in my back yard”)**

- Lodging industry did general marketing efforts focusing on nurses and police and workforce housing which helped. However, there continues to be a lack of creating new workforce housing.
- Give Land Authority the ability to devote some of the bed tax funding to purchase workforce housing.

### **Retention and the High Cost of Housing**

- Tourist Development Council data shows that 94% of those leaving the County are leaving because of high cost of living and housing.

### **Rents going up**

- While land values dropped down during the recession, rentals went up as many owners faced with increases in wind storm and flood insurance and property taxes passed these on to tourism workers.

## **7. Business Sector including Real Estate**

### **Island economy and community**

- Housing has always presented a dilemma and changes in an island community and economy. 100 years ago the cigar manufacturers had to address this.
- We have a dynamically changing environment with a finite piece of real estate and nothing else to fall back on. Over the past 15 years, credit should be given for successfully putting together affordable housing units in the face of regulatory and NIMBY hurdles, but we are still far short of bridging the gap and meeting the demand.
- “Checks and land” can solve the workforce housing problem.

### **Clarify our workforce targets for housing**

- It is not clear what kind of workforce and housing are we seeking to provide? Hotel, motel, restaurant or managers- each with a different set of problems.
- We don’t know anymore what the community needs. Do we need single residential occupancy for 500 guest workers in Key West? Probably not.
- We may not have an analytical feel for what we need in terms of workforce housing throughout the Keys.

### **Impact on community of transient workforce**

- What are we doing to the cultural makeup of the community with a transient workforce? Children grow up and move to less expensive places instead of making Monroe County their home.

- Biggest concern is the character and flavor of Monroe county may be going away and losing our foundation. The next generation shrinking.

#### **Wind and flood insurance**

- Rising insurance costs are compounding the housing problem- driving rents up beyond affordability.

#### **Political will**

- We will need the political will to make changes to bridge the gap of workforce housing
- Previous Task Forces on affordable housing have been very difficult and challenging to serve on in terms of pleasing the elected leaders and citizens.
- Do we have the political will to continue grappling with this problem and implementing solutions? Is the problem only a shortage of affordable units suitable for workforce housing?
- We have opportunities but do we have the political will to get this done? There's too much, "I've got mine," in the community. How many of our elected leaders works or owns a business?

#### **Land trusts as a tool**

- The Bahama Land Trust debacle has made serious discussion of land trusts as part of the tool kit very difficult.

#### **Prioritize units over "money in lieu of"**

- Is it even possible to prevent gentrification on island that is 2X3 square miles? Don't look for \$\$ in lieu of as we need units.

#### **Hold off major changes to workforce housing pending the Affordable Housing Committee's work**

- The County appears to be getting ready to change income limitations to target working households at the middle level. Hold off implementing changes until we have reinstated and charged the Affordable Housing Committee.

#### **Permit Bed Tax to support purchase/building of workforce housing**

- Change the law to allow purchase and building of workforce housing. Put it where people can get to work.

### **8. Non-Profit Sector Ideas and Perspectives**

#### **Living wages**

- Affordable housing programs for low income earners range from 80 to 140 % of AMI, yet real wages for career type workers are closer to 60% AMI.
- Employers in Monroe County are not expected to pay a living wage. The wealth created in our tourist economy depends upon low wage, high turnover, and low skill employees.

#### **Limited housing supply and investment wealth**

- The outside wealth that purchases a second home or invests in real estate in the Keys drives up the asking and selling prices for all properties where the dynamic of a limited supply of land and great wealth seeking investment churns on constantly. This dynamic is shared with other resort locations. The compromises workers make then is to work several jobs and/or to live in substandard housing or to leave.

- We need to get more citizens of Monroe County invested in the future of this place.

#### **ROGO and affordable housing**

- The measured gap between the number of units needed and the available ROGOs demonstrates the futility of trying to build our way out of the crisis. The negotiations with DEO provide affordable housing units for the next 20 years within the frame work of evacuation limits. These new affordable units are critical but will not solve the need.
- The operative assumption for allowing more density for certain types of affordable housing is that all of the types of ROGOs are not necessarily equal. Consider assigning a ROGO value of less than one unit for affordable homes less than 600 square feet or so. The Comprehensive Plan, the DEO, and evacuation models can be examined for alternative methods to allow more density for affordable units that are smaller.
- The second home owners who are not necessarily in residence during the hurricane evacuation season is an example of units counted against evacuation times where the actual impact may not exist. The number of homes that are vacant in Monroe County due to second home ownership has been noted in several studies
- The Area of State Critical Concern uses the dwelling unit as its basic unit of control. The management of and regulation of all home types will become critical to assessing evacuation time. Monroe County should audit all housing types and create an inventory detailing the status of each ROGO. Benefits from an audit would include identifying flood prone structures, uninhabitable units, illegal units, etc.
- Change ROGO to square footage.

#### **Affordable housing has not been protected**

- When government has granted greater densities or used inclusionary zoning it has not always registered, audited or tracked compliance to ensure the permanency of these precious units. Deed restrictions were not monitored.
- The temptation to convert affordable units into market rate units, rental or ownership, is too great and with little penalty or notice.

#### **Affordable housing “lost units”**

- The community has a strong common interest in protecting those affordable units it has lost after subsidizing or underwriting their creation. If the will were to exist, these “lost “units could be investigated and the current owner asked to revert them to affordable status. Liens and other mechanisms exist to “take” on the public’s behalf what was not proper to convert in the first place.

#### **Redevelopment and inclusionary zoning**

- Inclusionary zoning as a government policy has been in place for new development. It is time to explore requiring affordable housing units from redevelopment projects.

#### **Lower and Middle Keys different workforce housing issues**

- The lower and middle keys have different issues and solutions from the upper keys where day labor based in from the mainland can assist in the workforce. But the market dynamics are found in common through all of the keys.

### **Funding inequity**

- A strong argument can be made to correct the inequity of the donor/recipient that exists, based on the \$6 million a year that Monroe County gives to The Sadowski Housing Trust Fund every year compared to the pittance of \$300,000 in SHIP funds returned this year and in the past.

### **Transportation**

- Lack of transportation infrastructure makes workforce housing more problematic.

### **New workforce housing partnerships needed**

- Many differing approaches in scope and scale will be required with various partnerships between government, private, for profit and nonprofit developers.

### **Affordable yet substandard housing**

- Rental housing that costs less than \$900 a month, regardless of size or condition, is termed affordable despite being unsafe or substandard or very small.

### **Political will**

- The political will to make real changes in policies, incentives, regulations and to commit resources remains to be sustained.

### **Don't repeat studies, focus on action**

- The comprehensive studies, recommendations and published works on the topic do not need to be repeated. The metrics of this problem are well known and documented. The dynamics and facts have changed little over the years: outside wealth creates seasonal homes that are not available; the profit generated from transient units puts pressure on dense mobile home and RV parks; tourist industry wages are low, turnover is high, landlords can rent substandard units due to high demand for any type of housing, etc.

### **Other related issues**

- While workforce housing is the focus of the moment, there are important related issues of food insecurity, education, child care for employees are critical to the workforce housing discussion.
- While addressing workforce housing, we should address homelessness (and the growing youth % of this population) and help with the path back to working for families.
- Where will the employees of the new lodging establishments be housed?
- There has been a huge uptick in the demand at food pantries across the County and not just among homeless people but with working families still in homes. 47% of families countywide with kids under 18 are eligible for reduced lunch. Of this population, 46% are minorities. Lack of affordable workforce housing has led to food insecurity. If we didn't have a housing problem we wouldn't have a food security issue.
- Many elected leaders are not aware of the childcare challenges faced by those working and living in the Keys. Those who haven't raised family here are not aware of the lack of child care options and its impact on the work force.
- If we can't control housing costs for working families, all other costs such as childcare, food prices, etc. are related and compounded.

### **Expand the Keys Economy.**

- We need to think outside the box and expand our efforts to build a future Keys

economy beyond tourism.

- We need all parts of the demographic in Monroe County.

## 9. Military Sector Ideas and Perspectives

### **Recruitment and retention**

- Workforce housing affects the recruitment and retention. The housing set aside for the base workforce has a long wait list. Housing is the #1 issue for their civilian workforce. There is not a week where the Commander is not involved in a family housing issue.

### **Communication and coordination**

- In terms of the Naval Air Station lines of communication and coordination have been improved with the Commander now the point of contact for coordination.

### **Presence in the community**

- In terms of presence in Monroe County, there are roughly 1600 military (including Coast Guard), 1000 civilians and 400 contractors or about 3000 employees and about 5500 including families, spouses and dependents.

### **Evacuation procedures**

- In terms of evacuation, the Commanding Officer implements the recommendations of the County Emergency Manager and will close the base and issue evacuation orders for military personnel. Civilian workers are urged to evacuate and are provided travel orders and funds to evacuate. The 550 RV units in the Naval Air Station campgrounds evacuated first.

### **Need for buffer areas and workforce housing**

- In terms of searching for solutions to locating workforce housing in Key West, the Naval Air Station strives to protect public health and welfare and its mission by keeping buffer areas separate without housing in the high noise of unsafe areas surrounding the base.
- The Naval Air Station does not get directly involved in growth issues such as density and intensity unless it directly impacts the buffer areas. Only exception to this was their support for the widening of the 18-mile stretch of US 1.
- General concern with the impact of vacation rentals on the supply of workforce rental housing for the over 5,500 Base employees and their families, spouses and dependents.

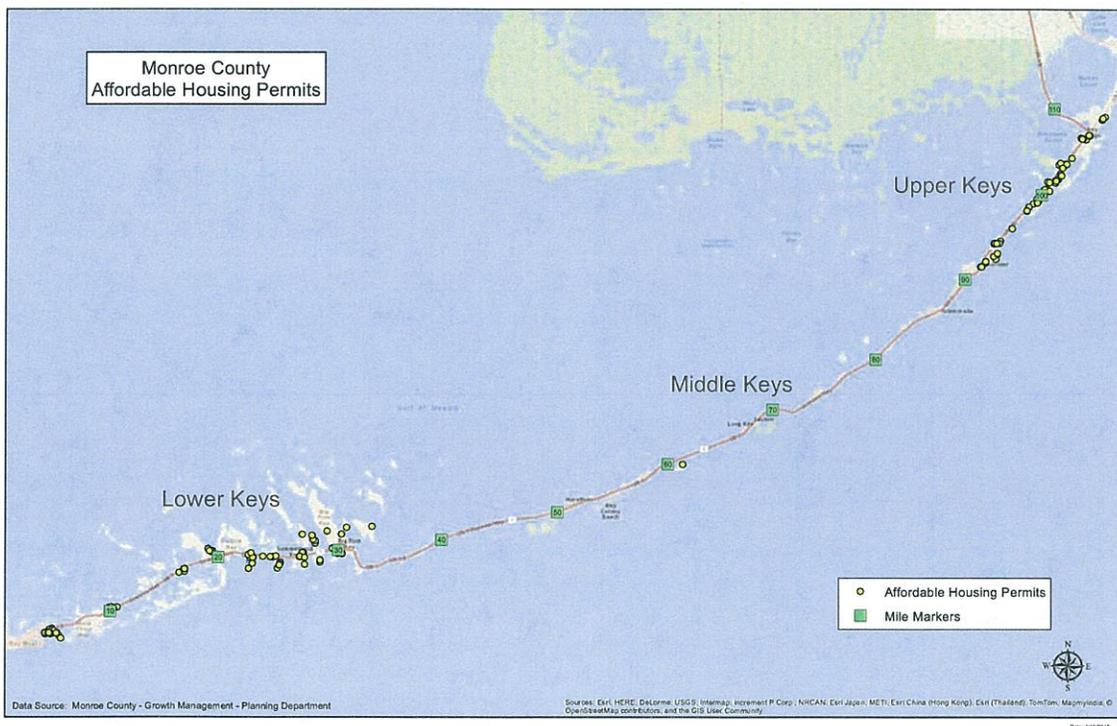
## IV. WORKFORCE HOUSING PROCESS- STAKEHOLDER PERSPECTIVES

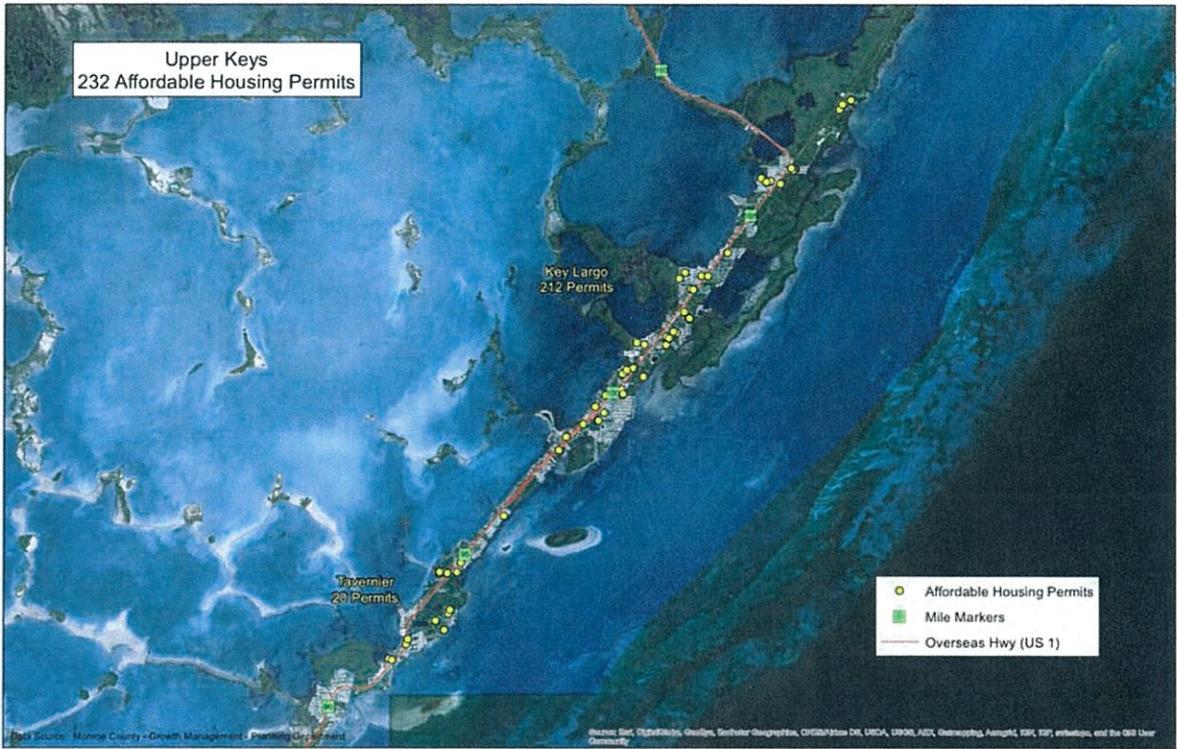
### A. Information Needed to Inform Consensus Building on Workforce Housing

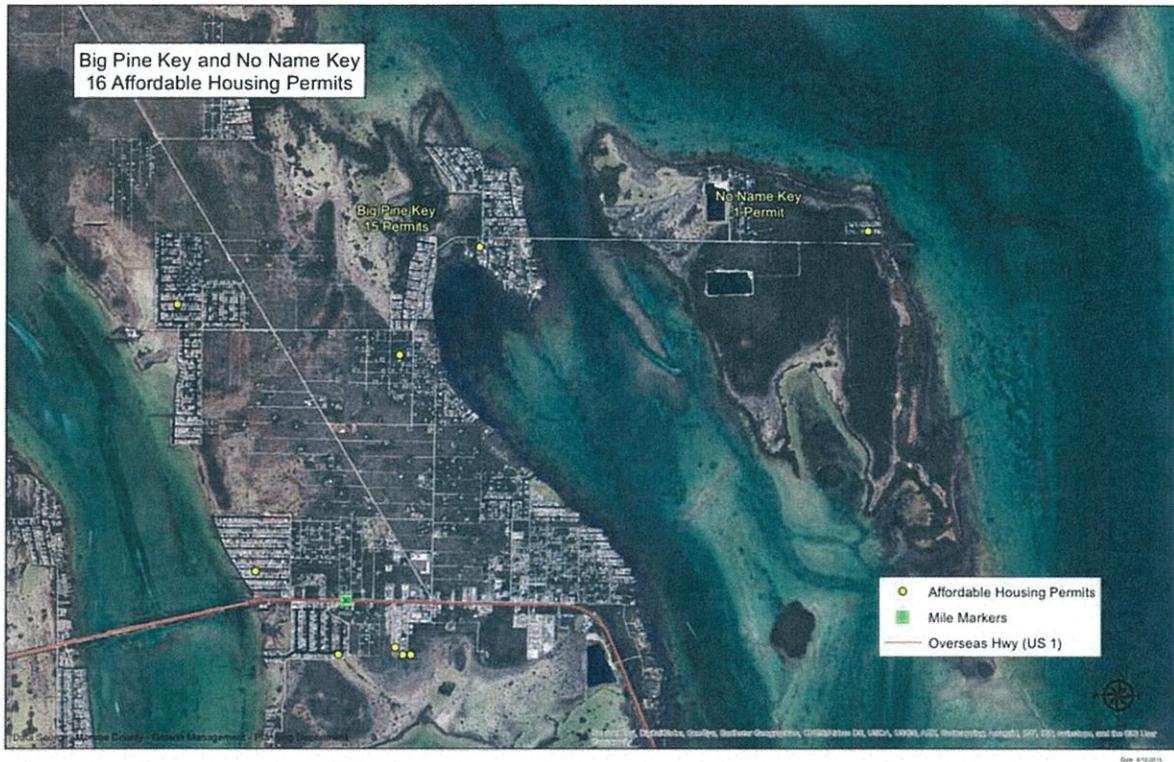
Monroe County staff has gathered a draft detailed baseline data that included an inventory of affordable and workforce housing projects completed over the past 2 decades in Monroe County, along with the public incentives that were made to assist in the housing development.

( See: [http://consensus.fsu.edu/Workforce-Housing-Assessment/pdfs2/DRAFT\\_County\\_AFF\\_Housing\\_Developments\\_and\\_Incentives\\_v9-2.pdf](http://consensus.fsu.edu/Workforce-Housing-Assessment/pdfs2/DRAFT_County_AFF_Housing_Developments_and_Incentives_v9-2.pdf) )

The maps that provide the locations of the developments included in the Table throughout Monroe County:







Staff also provided information on the ROGO system and annual allocations. Based on the affordable housing units that are in the Affordable and Workforce Housing Projects Table, the distribution of deed restricted affordable housing units is currently:

	# Units
<b>ROGO Subarea<sup>10</sup></b>	
Upper Keys	346
Lower Keys	431
Big Pine Key and No Name Key	19
<b>Total</b>	<b>796</b>
Now incorporated as Islamorada	5
Now incorporated as Marathon	4
<b>Total including those now incorporated</b>	<b>805</b>

The balances of Affordable Housing Allocation<sup>11</sup> available as of Quarter 3 Year 23 (Jan. 13, 2015-April 13, 2015) are:

- a. Big Pine/No Name Key Subarea affordable housing allocation breakdown into the two income categories are as follows: 1) very low, low, & median income 8 allocations and 2) moderate income 8 allocations; and
- b. Unincorporated Monroe County excluding the Big Pine/No Name Key Subarea affordable housing allocation breakdown into the two income categories are as follows: 1) very low income, low income and median income 114 allocations and 2) moderate 112 allocations.

The additional affordable allocations by Subarea up through 2023 include 710 total including 20 to Big Pine Key/No Name Key Subarea and 690 available for countywide allocation except for Big Pine Key/No Name Key subarea

<sup>10</sup> The ROGO subareas are defined in Section 138-20 of the land development code as follows:

**Sec. 138-20. - General provisions.** (c) The ROGO allocation system shall apply within the unincorporated area of the county outside of the county mainland, and such area, for purposes hereof, has been divided into subareas as follows:

(1) Upper Keys: the unincorporated area of the county north of Tavernier Creek and corporate limits of the Village of Islamorada (approximately mile marker 90).

(2) Lower Keys: the unincorporated area of the county from the corporate limits of the Village of Islamorada (approximately mile marker 72) south to the corporate limits of the City of Key West at Cow Key Bridge on U.S. Highway 1 (approximately mile marker 4), excluding Big Pine Key and No Name Key.

(3) Big Pine Key and No Name Key: the islands of Big Pine Key and No Name Key within unincorporated the county.

<sup>11</sup> Monroe County Code Sec. 138-24. **Residential ROGO allocations.....**

(1) Yearly residential ROGO allocation ratio. Each subarea shall have its number of market rate residential ROGO allocations available per ROGO year. Affordable ROGO allocations shall be available for countywide allocation except for Big Pine Key and No Name Key. The annual allocations for Big Pine Key and No Name Key shall be eight market rate and two affordable dwelling units.

In the course of the assessment interviews and meetings, various studies and data sources were identified on best practices from other jurisdictions and ideas developed or considered but not implemented by previous affordable housing task forces. These background papers can be found at: <http://consensus.fsu.edu/Workforce-Housing-Assessment/>

## **B. Workforce Housing Stakeholder Perspectives on the Process Going Forward**

Among the range of stakeholders interviewed, all expressed the need for a focused and comprehensive county-wide workforce housing dialogue that involved those with a stake in the outcome. Many believed that such a committee should develop a package of consensus recommendations, informed by data and the range of stakeholder and public perspectives, that can provide for both short and longer term actions for the Board of County Commission's consideration. While some of those interviewed remained skeptical that there will be sufficient "political will" to implement the Committee's recommendations as has been the case in the past, many believed that this was an urgent and timely issue for the County to address in light of hotel redevelopment and the economic upturn.

As one stakeholder put it, "the re-establishing of the Affordable Housing Committee is a good step. Funding staff to work with it will be a measure of the commitment to effect real solutions. The mix of expertise, perspective and operating experience that the committee can bring to bear has great potential value. However, the community support and political will must be nurtured for difficult decisions on the demonstrated effective approaches of density, height and permanent protection and the mix of rentals and ownership."

In the Fall of 2014, following the initiation of this Assessment, the Commission re-appointed members to the existing Affordable Housing Advisory Committee and with the thought of convening and charging them with addressing workforce housing issues and providing the County Commission with its recommendations. The reconvened committee would review this assessment report and other data as it addressed its charge.

A workforce housing committee, ad hoc or otherwise, appointed and charged by the County Commission to address workforce housing issues in the Florida Keys was explored in the assessment interviews. A significant number of those interviewed applauded the County Commission's action in re-purposing the existing Affordable Housing Advisory Committee to focus, at least in the short term, on workforce housing. It was suggested that this approach could provide representation from each District in the County, offer workforce housing perspectives from the public, private and nonprofit sectors, and minimize confusion and any duplication of effort that an ad hoc workforce housing committee might create. It was also pointed out that this charge would be consistent with the Committee's current mission to address affordable housing opportunities in Monroe County for both "residents **and workforce.**" (*emphasis added*)

A workforce housing committee, ad hoc or otherwise, appointed and charged by the County Commission to address workforce housing issues in the Florida Keys was explored in the assessment interviews. A significant number of those interviewed suggested the County

Commission should consider utilizing and re-purposing the existing Affordable Housing Advisory Committee to focus at least in the short term on workforce housing.<sup>12</sup> It was suggested that this would provide representation from each District in the County and minimize confusion and any duplication of effort that an ad hoc workforce housing committee might create in relation to the Affordable Housing Advisory Committee. It was also pointed out that this would be consistent with the Committee's current mission to address affordable housing opportunities in Monroe County. The Ordinance also provides that, "The advisory committee may perform additional responsibilities related to affordable housing at the request of the BOCC, including creating best management practices for the development of affordable housing in the community." [2-701(c)]

The Commission should review the current Committee appointments to ensure that a balance of workforce housing stakeholder perspectives are included in its membership. If the Commission charges the Affordable Housing Advisory Committee to develop consensus recommendations on workforce housing actions for consideration by the Monroe County BOCC, most stakeholders interviewed suggested there should be a sufficient range of stakeholder perspectives represented and participating in the consensus building. This would allow the Committee to develop informed workforce housing consensus findings and recommendations that stakeholders might support and the County Commission could act upon.<sup>13</sup>

There is a great deal of public and stakeholder interest in the workforce housing issues the Committee will take up. The membership requirements, as set forth in both Florida statute and the Monroe County Resolution, do not reference representation of the municipalities in the County, the military, the Monroe County School Board and perhaps other organizations impacted by workforce housing policies and programs and with a stake in contributing to solutions to improve the availability of workforce housing in the Florida Keys.<sup>14</sup>

The format for the Committee meetings should encourage constructive public and stakeholder input. The Commission might consider charging the Committee with establishing an engagement strategy to involve a broader range of stakeholders in their development of findings and recommendations. This might be accomplished through opportunities for public input during their own meetings, as well as through Committee

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<sup>12</sup> This would be consistent with their responsibility for developing every three years an affordable housing incentive recommendations report to the BOCC. The next triennial report will be due December 31 2017

<sup>13</sup> The Current membership includes the following 11 members: Sylvia Murphy, Monroe County BOCC, Expires 11/2015, Tim Root, District 1, Expires 11/2016, Heather Roberts, District 1, Expires 11/2016, James D. Cameron, District 2, Expires 11/2018, Randy Wall, District 2, Expires 11/2018, Warren Leamard, District 3, Expires 11/2016, Ken Naylor, District 3, Expires 11/2016, Hana Eskra, District 4, Expires 11/2018, Edwin Swift III, District 4, Expires 11/2018, William Wiatt, District 4, Expires 11/ 2016, Jim Saunders, District 5, Expires 11/2016 and Stephanie Scuderi District 5, Expires 11/2016.

<sup>14</sup> <http://www.monroecounty-fl.gov/DocumentCenter/Home/View/695> The membership follows the requirements of Florida Statute 420.9076 and Monroe County Resolution 062-2009, and calls for representation from those involved in affordable housing in: the residential home building industry from both a business and labor perspective, the mortgage and banking industry, the real estate industry, an advocate for low income persons, a for profit and a not for profit provider of affordable housing, a representative of employers in the County and a member of the local planning, and a representative of essential services personnel.

sponsored advisory workgroups, joint workshops with municipal taskforces and city commissions, workshops at key moments in the development of options and recommendations, online surveys and other techniques. (*See Appendix #7 for Advisory Group process recommendations*).

It was observed by many that an advisory committee developing recommendations on workforce housing will require dedicated staff, including legal and planning expertise, and facilitation support for the Committee to do its work expeditiously. This is because of the complexity of the charge, the intense public interest in the issue, the linkages with other issues and programs and activities in the public, private and non-profit sectors, and the desire for timely actions to address the current workforce housing challenges.

## **V. WORKFORCE HOUSING IN MONROE COUNTY--NEXT STEPS**

The Monroe County Board of County Commissioners should review this Assessment Report and charge the Affordable Housing Committee to focus its efforts in the coming year on workforce housing.

With a charge from the County Commission, the Committee should establish its procedures and approach and a schedule for meetings that would permit it to deliver back to the BOCC its workforce housing recommendations by mid-2016. The Committee should consider:

- Developing a shared vision of success;
- Jointly defining the workforce problems faced in the Florida Keys;
- Reviewing the range of issues and options identified in previous studies;
- Reviewing the experience and lessons learned with successful workforce housing projects developed in the Keys to date;
- Reviewing this Stakeholder Assessment Report; and
- Developing a package of consensus findings and recommended solutions for consideration by the Monroe County Board of County Commission.

This stakeholder assessment report confirms that there is wide agreement that Monroe County is facing a significant and growing workforce housing crisis with shortages for both affordable rental and ownership units. There is also agreement that no single strategy will solve this crisis. Instead the challenge ahead for Monroe County and municipalities and the range of stakeholders interested in workforce housing, is to craft a balanced package of targeted options that have been refined through discussion and debate and that can serve as a consensus framework for addressing and implementing solutions.

**APPENDIX #1**  
**LIST OF MONROE COUNTY WORKFORCE HOUSING INTERVIEWS AND MEETINGS**

<b>Name</b>	<b>Organization</b>	<b>Position</b>
1. Tony Allen	Allen-Beyer Funeral Home	Owner
2. Steven Auger	Florida Housing Finance Corporation	Executive Director
3. Debbie Swift Batty	Historic Tours of America	Director of Property Development
4. Jennifer Bennett	Tourist Development Council	Research Director
5. Kristen Brenner	American Caribbean Real Estate	Realtor
6. Dustan Carpenter	Divine Dining by Dustan	Caterer
7. Heather Carruthers	Monroe County Board of County Commissioners	Commissioner, District 3
8. J. Manuel Castillo, Sr.	Key West Housing Authority	<i>Executive Director</i>
9. Harold Cates	City of Key West	Mayor
10. Don Craig	City of Key West	Planning Director
11. Pornchai Davidson	Naval Air Station, Key West	Commander, Executive Officer
12. Ron Demes	Naval Air Station, Key West	Special Asst. Advisor to the Commanding Officer
13. Brenda Edmonds	Remax Realty, Marathon	Realtor
14. Hana Eskra	Gorman Development Inc.	Florida Market President
15. Debra Farrell,	21 <sup>st</sup> Century Schwartz Realty	Realtor
16. George Garrett	City of Marathon	Planning Director
17. Roman Gastesi	Monroe County	Administrator
18. Karen Hamilton	South Florida Regional Planning Council	Regional Planner
19. Christine Hurley	Monroe County Growth Management	Division Director
20. Rebecca Jetton	Florida Department of Economic Opportunity	Planner
21. Derrick Johnson	Coco Plum Real Estate	Realtor
22. Danny Kolhage	Monroe County Board of County Commissioners	Commissioner, District 1 (Mayor Pro Tem)
23. Kurt Lewin	First State <i>Bank</i> of the Florida Keys	Executive Vice President
24. Kara Lundgren	The Islamorada Resort	General Manager
25. Ysela Llorca	Miami-Dade Transit	Director
26. Capt. Steve McAlearney	Naval Air Station, Key West	Commanding Officer
27. Ashley Monnier	Naval Air Station, Key West	Community Planning Liaison Officer
28. Nancy Muller	Florida Housing Finance Corporation, Tallahassee	Policy & Special Programs Director
29. Jim Murley	South Florida Regional Planning Council	Executive Director
30. Sylvia Murphy	Monroe County Board of County Commissioners	Commissioner, District Five
31. Mark Moss	Habitat for Humanity Key West	Executive Director
32. Virginia Panico	Key West Chamber of Commerce	Executive Vice President
33. Mary Pecorino	Coast to Coast Real Estate Group	Realtor
34. Mark Porter	Monroe County Schools	Superintendent
35. Barbara Powell	Florida Department of Economic Opportunity	Planner

36. Dick Ramsey	City of Marathon	Mayor
37. Holly Raschein	Florida House of Representatives, District 120	Representative
38. David Rice	Monroe County Board of County Commissioners	Commissioner, District 4
39. Mark Rison	Citizen <i>(email comment)</i>	
40. Tim Root	Mingo & Company	CEO, Commercial construction
41. Mark Rousch	Monroe County Land Authority	Director
42. Mayte Santamaria	Growth Management, Monroe County, Florida	Assistant Director of Planning and Environmental Resources
43. Jim Saunders	Bayview Land Development & Permitting	Manager
44. Stephanie Scuderi	Home BancShares- Centennial Bank	Senior VP, Director of Business Development
45. Jeff Sharkey	The Capitol Alliance Group, Tallahassee	CEO
46. Jeff Sharp, Ray Freis, & Christy Crooks	Florida Keys Seahorse Park, Homeowner's Association Big Pine Key	Homeowners Seahorse Park
47. Pritam Singh	The Singh Company, Key West	Developer
48. Andrew Spann	Mt. Carmel Communications, St. Louis, Real Estate Investment & Development	Developer
49. Terry Strickland	Yankee Freedom II	Manager
50. Ed Swift	Historic Tours of America	CEO
51. Lisa Tennyson	Monroe County	
52. David Thompson	Key Largo	Developer
53. Sandy Tuttle	American Caribbean Real Estate, Marathon and Lower Keys Assoc. of Realtors	Realtor
54. Jodi Weinhofer	The Lodging Association of the Florida Keys & Key West	President
55. Donna Windle	Southernmost Realty, Key West	Realtor

<b>Monroe County Workforce Housing Roundtable Participants, August 2014</b>
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56. Debbie Swift Batty	Historic Tours of America/Habitat for Humanity
57. Richard Beal	Skeeter's Marine
58. Heather Carruthers	Monroe BOCC (District 3 Commissioner)
59. J. Manual Castillo Sr.	Key West and Monroe Co. Housing
60. Rita Cotter	Congressman Garcia's Office
61. Raymond Fries	Florida Keys Seahorse Park Association
62. Johnathan Gueverra	Florida Keys Community College
63. Derrick Johnson	Marathon and Lower Keys Assoc. of Realtors
64. Amber Ernst-Leonard	Florida Keys Community College
65. Mark Moss	Habitat for Humanity, Lower Keys and Key West
66. Jack Niedbalski	Habitat for Humanity, Upper Keys
67. Holly Raschein	Florida House of Representatives
68. David Rise	AOCC
69. Timothy W. Root	Utility Board Keys Energy/Workforce Housing member
70. Mark Rosch	Monroe Co. Land Authority
71. Jim Saunders	Bayview Homes/Development
72. Bob Shillinger	Monroe Co. Attorney's Office

- |                        |                                      |
|------------------------|--------------------------------------|
| 73. Donna Stayton      | Florida DOH, Monroe Co.              |
| 74. Jeff Stuncard      | Village of Islamorada                |
| 75. Owen Trepanier     | Trepanier and Associates, Inc.       |
| 76. Mark Warmouth      | Individual Advocate/Wells Fargo Bank |
| 77. Tim Wonderlin      | Habitat for Humanity, Middle Keys    |
| 78. Charles Todd Young | Habitat for Humanity, Middle Keys    |

**APPENDIX #2**  
**MONROE COUNTY WORKFORCE HOUSING ASSESSMENT BACKGROUND DOCUMENTS**

<http://consensus.fsu.edu/Workforce-Housing-Assessment/>

**AFFORDABLE HOUSING STUDIES-FLORIDA**

Sadowski Housing Coalition Press Release, 2015  
Report from the Florida Housing Coalition, 2015  
Out of Reach 2014: Florida  
ALICE Report: Study of Financial Hardship 2014 United Way of Florida

**AFFORDABLE & WORKFORCE HOUSING MONROE COUNTY**

Monroe County Affordable Housing Developments and Incentives DRAFT 3/25/2015  
FCRC Consensus Center: Assessing A Workforce Housing Initiative, 2014  
ALICE Report: Study of Financial Hardship 2014 Monroe County Excerpt  
Monroe County 2014 Income Limits and Rent Limits Florida Housing Finance Corporation  
Key West Data Updates, 2012  
Affordable Housing Advisory Committee, 2012  
Monroe County Housing Needs Assessment, 2008  
Islamorada \_Workforce Housing Support Study, 2007  
Affordable Housing Presentation, 2007  
Affordable Housing Background, 2006  
Affordable Housing Needs Assessment 2006  
Report on Retaining Tourism Workers II, 2006  
Affordable Housing White Paper, Don Craig, City of Key West, 2014  
Monroe County and Acquisition and Management Master Plan, 2006  
Summary of Workforce Housing Task Force Recommendations I, 2006  
Summary of Workforce Housing Task Force Recommendations II, 2006  
Study of the Monroe County Tourism Workforce: Report on Retaining Tourism Workers, 2005  
Florida Keys Strategy Paper, 2001  
Operation Seamless, 2000 DCA

**GENERAL INFORMATION- MONROE COUNTY**

Monroe County Profile, 2012  
Monroe County Population Projections 2010-2030, 2011  
Housing and Population Chart, 2010

**MONROE COUNTY AREA OF CRITICAL STATE CONCERN**

Florida Keys Areas of Critical Concern, 2013  
Florida Keys Areas of Critical Concern, 2012

**AFFORDABLE HOUSING- BEST PRACTICES AND TOOLS**

Affordable Housing Funding Sources, 2014 FHC  
Workforce Housing Tools, 2009 Workforce Housing  
Best Practices

**AFFORDABLE HOUSING- LOCAL MEDIA COVERAGE**

Video Link: Key West Housing Crisis Part I-Video  
Video Link: Key West Housing Crisis Part II Video

APPENDIX #3  
MONROE COUNTY AFFORDABLE HOUSING ADVISORY COMMITTEE ORDINANCE  
SECTION 2-700-703

**Sec. 2-700. - Establishment of affordable housing advisory committee.**

- (a) The affordable housing advisory committee shall be established and operational by June 30, 2008. It shall comply with all requirements in F.S. § 420.9076 (2007) or as subsequently amended.
- (b) The committee shall consist of 11 members who shall be appointed by the BOCC by resolution.
- (c) The committee must include:
- (1) One citizen who is actively engaged in the residential homebuilding industry in connection with affordable housing.
  - (2) One citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.
  - (3) One citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.
  - (4) One citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.
  - (5) One citizen who is actively engaged as a for-profit provider of affordable housing.
  - (6) One citizen who is actively engaged as a not-for-profit provider of affordable housing.
  - (7) One citizen who is actively engaged as a real estate professional in connection with affordable housing.
  - (8) One citizen who actively serves on the local planning agency pursuant to F.S. § 163.3174.
  - (9) One citizen who resides within the jurisdiction of the local governing body making the appointments.
  - (10) One citizen who represents employers within the jurisdiction.
  - (11) One citizen who represents essential services personnel, as defined in the local housing assistance plan.
- (d) All meetings of the advisory committee are public meetings, and all committee records are public records.
- (e) Staff, administrative, and facility support to the advisory committee shall be provided by the BOCC. The advisory committee shall be cooperatively staffed by the local government department or division having authority to administer local planning or housing programs to ensure an integrated approach to the work of the advisory committee. (Ord. No. 014-2008, § 1)

**Sec. 2-701. - Duties of the affordable housing advisory committee.**

- (a) The affordable housing advisory committee shall review established policies and procedures, ordinances, land development regulations, and the adopted local government comprehensive plan of the appointing local government and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to amend the local government comprehensive plan and corresponding regulations, ordinances and other policies.
- (b) By December 31, 2008, the affordable housing advisory committee is required to submit its

incentive recommendations report to the BOCC. After this initial submission, the reports are required to be submitted triennially on December 31, of the year preceding the submission of the local housing assistance plan. At a minimum, the advisory committee shall submit a report to the local governing body that includes recommendations on, and evaluates the implementation of, affordable housing incentives in the following areas: (1) The processing of approvals of development orders or permits as defined in F.S. § 163.3164(7) and (8), for affordable housing projects is expedited to a greater degree than other projects; (2) The modification of impact fee requirements, including reduction or waiver of fees and alternative methods of fee payment for affordable housing; (3) The allowance of flexibility in densities for affordable housing; (4) The reservation of infrastructure capacity for housing for very low income, low income and moderate income persons; (5) The allowance of affordable accessory residential units in residential zoning districts; (6) The reduction of parking and setback requirements for affordable housing; (7) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing; (8) The modification of street requirements for affordable housing; (9) The establishment of a process by which a local government considers, before adoptions, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing; (10) The preparation of a printed inventory of locally owned public lands suitable for affordable housing; (11) The support of development near transportation hubs and major employment centers and mixed-use developments; (12) Other affordable housing incentives as recommended.

(c) The advisory committee may perform additional responsibilities related to affordable housing at the request of the BOCC, including creating best management practices for the development of affordable housing in the community. (Ord. No. 014-2008, § 1)

**Sec. 2-702. - Public hearing.** The approval of the advisory committee of its local housing incentive strategies recommendations and its review of local government implementation of previously recommended strategies must be made by affirmative vote of a majority of the members of the advisory committee taken at a public hearing. Notice of time, dates, and place of public hearing of the committee to adopt final local housing incentive strategies recommendations must be published in a newspaper of general paid circulation, must contain a short summary of the incentives strategies recommendations to be considered by the committee, and must state the public place where a copy of the tentative recommendations can be obtained by interested persons. (Ord. No. 014-2008, § 1)

**Sec. 2-703. - Commission action required.**

(a) Within 90 days after the date of receipt of the local housing incentive strategies recommendations from the advisory committee, but no later than March 31, 2009, the BOCC shall adopt an amendment to its local housing assistance plan (LHAP) to incorporate the local housing incentive strategies it will implement within its jurisdiction. The BOCC must consider all of the strategies specified in subsection 2-701 as recommended by the committee.

(b) However, the amendment at a minimum, must include:

(1) Assurance that permits for affordable housing are expedited to a greater degree than other projects. ("Permits" are defined by statute to include development orders, building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land);

(2) An ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption; and

(3) A schedule for implementing the incentive strategies... b) By May 2, 2009, the BOCC shall notify the Florida Housing Finance Corporation by certified mail of its adoption of the amended LHAP and include a copy of the approved amended plan. (Ord. No. 014-2008, § 1)

**APPENDIX #4**  
**MONROE COUNTY WORKFORCE HOUSING ROUNDTABLE SUMMARY OF COMMENTS,**  
**AUGUST 2014**

**WORKFORCE HOUSING ROUNDTABLE**  
**August 25, 2014 Marathon, Florida**  
**Representative Holly Raschein, Florida House of Representatives District 120**

**ROUNDTABLE COMMENT FORM SUMMARY**

*Participants in the Workforce Housing Roundtable were invited to provide comments for consideration in the Workforce Housing Assessment being conducted by the FCRC Consensus Center at FSU. Below is a list of the respondents and the compiled responses for the Comment form questions:*

1. **Debbie Swift Batty** Organization: **Historic Tours of America/Habitat for Humanity**
2. **Richard Beal** Organization: **Skeeter's Marine**
3. **Heather Carruthers** Organization: **Monroe BOCC (District 3 Commissioner)**
4. **J. Manuel Castillo Sr.**, Organization: **Key West and Monroe Co. Housing**
5. **Rita Cotter** Organization: **Congressman Garcia's Office**
6. **Raymond Fries** Organization: **Florida Keys Seahorse Park Association**
7. **Derrick Johnson** Organization(s): **Marathon and Lower Keys Association of Realtors, American Legion, Overseas Village Homeowners Association.**
8. **Johnathan Gueverra**, Organization: **Florida Keys Community College**
9. **Amber Ernst-Leonard** Organization: **Florida Keys Community College**
10. **Mark Moss** Organization: **Habitat for Humanity, Lower Keys and Key West**
11. **Jack Niedbalski** Organization: **Habitat for Humanity, Upper Keys**
12. **Holly Raschein** Organization: **Florida House of Representatives**
13. **David Rice** Organization: **Monroe County Commission**
14. **Mark Rosch**, Organization- **Monroe County Land Authority**
15. **Timothy W. Root** Organization: **Member of Utility Board Keys Energy, Appointed member of Workforce Housing Committee by Commissioner Kohlage**
16. **Bob Schillinger** Organization: **Monroe Co. Attorney's Office**
17. **Donna Stayton** Organization: **Florida DOH, Monroe Co.**
18. **Jeff Stuncard** Organization: **Village of Islamorada**
19. **Jim Saunders** Organization: **Bayview Homes/Development**
20. **Owen Trepanier** Organization: **Trepanier and Associates, Inc.**
21. **Mark Warmouth** Organization: **Individual Advocate/Wells Fargo Bank**
22. **Tim Wonderlin** Organization: **Habitat for Humanity, Middle Keys**
23. **Chris Todd Young** Organization: **Habitat for Humanity, Middle Keys**

## 1. WHAT ARE THE MOST IMPORTANT ISSUES AFFECTING MONROE COUNTY'S WORKFORCE HOUSING?

### *What is working well?*

- The 100-year deed restriction.
- Consideration of workforce housing.
- Collection of affordable housing (in-line) fees.
- When funded, Sadowski.
- Florida housing finance Corporation funding. Monroe County 40 funding. Key West housing authority and Monroe County Housing Authority's management of government owned apartments.
- Tax-credit housing has made gains recently, particularly in the Upper Keys. Building has slowed over the past several years and presently is proceeding but only at a moderate rate.
- Land Authority – somewhat.
- PPP's (public private partnerships)
- Our park provides for visitors accommodation and tourist revenues.
- Habitat does well because they use partnerships and provide permanent housing.
- Habitat for humanity.
- Gorman developments in Upper Keys.
- New projects on Stock Island.
- Habitat for humanity-- he is one of the leading builders and renters of homes. They need more assistance from government to provide land to build.
- Not enough information to know.
- Not much, if anything.
- Nothing.
- Nothing!

### *What's not?*

- Confusion on definitions.
- Financing, high costs
- Cost of insurance.
- Set up funds for new construction, first time home buyers.
- Sadowski fund--replenished for Monroe County.
- Sadowski Act funding.
- Lack of incentives for building affordable housing.
- More work, fewer people to do it,
- Workforce/affordable housing programs do not cover the full range of individuals struggling to afford to live and work in the Keys.
- Insufficient collaboration and comprehensive county wide planning.
- I don't see a strategic plan all encompassing of all entities. This confusing topic must be simplified, and can be.
- We need to figure out how to put the land authority/Housing Authority and bed tax money together and form development plan for affordable housing.
- Workforce housing is not affordable for working people.

- Availability of housing to reduce out of pocket rental cost to less than 20% salary. Personally I am being priced out of housing as I do not qualify for affordable housing. My rent went up \$350 in the past three years with 10 pay raises to offset.
- Tourism/service jobs with low salaries. Wages insufficient for high cost of living.
- Not enough housing.
- Lack of availability.
- Buildable land for affordable housing.
- More second-home owners eating up properties.
- Limitations with non-tier 3 land
- Regulations, density, height.
- Length of permitting time,
- State housing allocations, land development,
- Legislation to cut taxing rates on affordable housing.
- Connection with job creators and requirements for housing.
- Many affordable units historically approved had short-term (20 years) deed restrictions that are now expiring.
- Prior developers have not developed workforce housing as required.
- Housing for new businesses which require numerous employees. Identifying property to locate workforce housing and providing incentives to builders. Always being, as we are now, lagging behind the need.
- Landlords are having to raise their rent as they incur more costs for their properties through tax increases, sewer, etc.
- Needs to be split between rental and home ownership. Not a one-size-fits-all solution.
- Availability of rentals.
- HGTV.
- Affordable housing advisory committee,

## **2. WHAT DO YOU BELIEVE THE FUTURE HOLD FOR WORKFORCE HOUSING IN MONROE COUNTY?**

*What are the future challenges that need to be addressed?*

- Affordable housing allocations.
- Limited land/permitting.
- Difficulty to get permits.
- Finding a formula that functions as a continuum. One size fits all will not work.
- Lack of land on which to build housing.
- Land acquisition. There are less vacant buildable lots available each year. The market rate applications/construction is increasing rapidly.
- Height ordinances
- Higher cost for rental properties, wind and flood insurance, plus higher taxes.
- Funding to offset housing costs.
- County requirements to match funding sources (HUD).
- Lack of funds to subsidize or offer incentives.

- Changing state legislation to Land Authority and Housing Authority money to be used for workforce housing. Using our bed tax money for workforce housing.
- Much of our current affordable housing is aging and not up to par for hurricanes which could lead to a future loss of workforce housing.
- Ways to bring in new workforce housing for those at the top of the wage spectrum.
- Environmental regulations often "trump" the ability to build.
- Rising sea levels.
- Insurance rates,
- Tax rates,
- The same as the past 15 years.
- Focus! We need heads down, rolled up sleeves, and accountability! Distinct set aside time and deliverables.

*What are the future opportunities that should be leveraged?*

- Funding is increasing.
- Land Authority money.
- Counties (municipalities) inclusionary housing requirements should be funded partly by business development with funding for employee/affordable housing.
- Sadowski fund--replenished for Monroe County. Set up funds for new construction, first time home buyers.
- Local, state and federal funds.
- State leverage for units to become allocated for affordable housing/workforce housing.
- Huge opportunities if we effectively link workforce housing to development and redevelopment projects.
- Housing units must be incorporated in new developments being constructed.
- Require developers to build housing for the workforce.
- As energy efficient technology becomes better and better it should be used to make new housing more affordable in the long term, especially since electricity is not cheap.
- Smoke free housing as an amenity for the health and safety of residence as a cost-saving benefit for refurbishing units.
- Explore increasing height limit of structures and increase densities in certain zonings. Use state and federal land for large affordable projects.
- Buildable land for affordable housing.
- Density requirements.
- Build up! Build new! Much of the KWHA properties are old, ugly, small and inefficiently sparse. Density needs to increase.
- The greatest opportunity is the current threat to our service economy. This threat has to be leveraged to bring this issue to the forefront.
- Need to greatly increase the affordable workforce rentals.
- Housing requirements for commercial development.
- Rising flood and windstorm insurance rates.

### 3. HOW SHOULD THE COUNTY BEST ADDRESS THESE OPPORTUNITIES AND CHALLENGES AS WELL AS THE NEEDS OF THE BUSINESS COMMUNITY AND RESIDENTS IN THE FLORIDA KEYS?

*What strategies should Monroe County consider in addressing workforce housing issues going forward?*

- Putting together a task force/committee.
- Task force with staff (and legal support). Suggestions:
  - All transient unit development and re-development to be inclusionary housing ordinance, or impact fee assessment.
  - Add commercial development and redevelopment based on employees/square feet (use industry standards and sales tax codes) for an impact fee assessment.
  - Fund the Monroe County Housing Authority or other similar successful organizations to build workforce housing.
  - Implement a ROGO transfer ordinance whereby a market rate unit may be dislodged if an affordable unit replaces the dislodged market rate.
  - Issue no market rate ROGO units for multi-unit development projects, instead, issue “affordables” and require developers to take the affordable units and deed restrict existing market rate properties and then dislodge the market rate for use elsewhere as their market rates.
  - Use land authority money or impact fees to buy down interest rates for development costs for work force housing projects.
  - Increased density in appropriate zoning districts within commercial areas to facilitate workforce housing.
  - Increase height in appropriate areas.
- Special considerations for landlords to make rental units affordable, while monitoring them to verify affordability.
- Again, unifying developers, county and Key West city government representatives and finding funding streams for us to define land acquisitions, builders to build on this land, and the Housing Authority to oversee these affordable units.
- Offer additional subsidies or incentives. Countywide effort to identify and acquire property to build.
- Work with DEO to increase ROGO allocations.
- Leveraging all resources.
- Many need more space.
- Focus all tier-3 properties on workforce housing.
- Give commercial properties that are used for workforce rental the same tax and insurance (flood) breaks as primary homestead properties.
- Focus land acquisition on workforce housing properties.
- Provide funding for nonprofit affordable housing entities.
- Develop a comprehensive plan that also deal with density and height restrictions.
- Create a strategy. There is no 1 year, 5 year, 10 year plan. Set goals. Consider "Outside the box" ideas.
- Keep our unique parks.
- Adding to the planning smoke free amenity to curb costs in renovation. it is a CDC best practice for reducing secondhand smoke and it's related to chronic health issues.

**APPENDIX #5  
EMAIL COMMENTS**

**From:** Mike Rison <[dfcmike@iserv.net](mailto:dfcmike@iserv.net)>  
**Subject:** **Re: Article in Key West Citizen regarding Affordable Housing Monroe County**  
**Date:** August 28, 2014 11:28:02 AM EDT  
**To:** Bob Jones [rmjones@FSU.edu](mailto:rmjones@FSU.edu)

I was reading an article in the Key West Citizen regarding "Affordable Housing" and your name was mentioned soliciting Citizen comments. I would like to submit a comment about the "Affordable Housing" issue in Monroe County. Please suggest the best way to submit a comment.

I might suggest some background information that could form the basis for your continued study of this issue.

As follows: The only place there is an "Affordable Housing" issue in the Florida Keys (Monroe County) is Key West). That pressure is caused by a 2 by 4 mile Island with 22,000 permanent residents that welcomes 2,000,000 Visitors per year. To service those 2,000,000 Visitors Key West has approximately 7000 lodging units.

In most areas across the country prices flow percentage wise from the cost of residential housing (for many different reasons) in the case of Key West because the Tourist Development Council has done such a spectacular job of enticing visitors to visit Key West all pricing flows from the room rates of lodging. Consider this; a company was formed to purchase 4 old and aging hotels, closed them down, spent 3 years re-constructing them and will soon add 700 additional rooms to the lodging supply! The first thing that appears necessary is a fee on all Lodging to build "Affordable Housing" for all working people as almost everyone in Key West is impacted by these huge numbers to support the Lodging Industry.

A solution put forward by (probably by Developers) was to provide cheap transportation to areas of Monroe County that have cheap housing costs, like Florida City. So enter the Lower Keys Shuttle (Key West to Marathon, \$2.00), The Upper Keys Shuttle (Marathon to Florida City \$0.50 with a transfer). So for a maximum \$2.50 you can ride anywhere between mm1 and mm120, 120 miles the only problem is you could spend 2-4 hours on an air conditioned bus each way every day. All subsidized by the Federal Government with no cost borne by the recipients of this great service. I have personally spent about \$4.50 to ride to Fort Lauderdale International Airport (the Senior price). That's the Lower Keys Shuttle, The Upper Keys Shuttle, #38 Busway, The Metro Rail, The Tri Rail, free shuttle to Fort Lauderdale Int. Airport.

Also as printed in the news paper your e-mail address is listed incorrectly ( [rmjones@fsu.edu](mailto:rmjones@fsu.edu) ) that last dot after edu will cause an e-mail program to "choke". This may be your first indication of how the "powers that be" try to impede your work while still appearing to support the idea of Citizen input! If you need a copy I have included as an attachment a copy of the Citizen containing your e-mail address as printed in the Citizen.

Regards  
MR  
[dfcmike@iserv.net](mailto:dfcmike@iserv.net)

**APPENDIX #6**  
**“AFFORDABLE HOUSING WHITE PAPER- CITY OF KEY WEST**  
**DONALD CRAIG & NICOLE MALO**

Affordable Housing White Paper- Donald Craig, AICP Director of Planning & Nicole Malo AICP, Planner,  
September 2014 City of Key West:  
[http://legistar1.granicus.com/KeyWest/meetings/2014/10/2491\\_A\\_City\\_Commission\\_14-10-07\\_Meeting\\_Agenda\\_Full\\_Detail.pdf](http://legistar1.granicus.com/KeyWest/meetings/2014/10/2491_A_City_Commission_14-10-07_Meeting_Agenda_Full_Detail.pdf)

## APPENDIX #7 SAMPLE COMMITTEE PROTOCOLS

There was a request for a sample of protocols that the Board of County Commission and any committee they charge with addressing workforce housing might consider as they develop the charge and organize the Committee's efforts. These are based on protocols developed and used by a variety of local, regional and statewide committees that have been charged with seeking consensus on policy options.

### COMMITTEE PROCESS OVERVIEW

#### CONSENSUS

##### Defining Consensus

Consensus is a deliberative process where a group seeks a shared understanding of a problem considers and evaluates all options and strives to achieve a practical agreement that all can live with.

Consensus means that, to the extent possible, each member commits to work toward agreements that meet their own and other members needs so that all can support the outcome.

Consensus is a **process, an attitude and an outcome**. Consensus processes have the potential of producing better quality, more informed and better-supported outcomes.

As a **process**, consensus is a problem solving approach in which all members:

1. Jointly share, clarify and distinguish their concerns;
2. Educate each other on substantive issues;
3. Jointly develop alternatives to address concerns; and then;
4. Seek to adopt recommendations everyone can embrace or at least live with.

In a consensus process, members should be able to honestly say:

- I believe that other members understand my point of view;
- I believe I understand other members' points of view; and
- Whether or not I prefer this decision, I support it because it was arrived at openly and fairly and because it is the best solution we can achieve at this time.

Consensus as an **attitude** means that each member commits to work toward agreements that meet their own and other member needs and interests so that all can support the outcome.

Consensus as an **outcome** means that agreement on decisions is reached by all members or by a significant majority of members after a process of active problem solving. In a consensus outcome, the level of enthusiasm for the agreement may not be the same among all members on any issue, but on balance all should be able to live with the overall package. Levels of consensus on a committee outcome can include a mix of:

- Participants who strongly support the solution;
- Participants who can "live with" the solution; and,

- Some participants who do not support the solution but agree not to vote against it.

## SUCCESSFUL MEETINGS

### Successful Meetings Overview

A successful meeting is a collaboration between members, staff, chair, facilitator, consultants (if relevant) and affected stakeholder interest groups. Consensus-based processes and decisions, developed working with diverse stakeholder interests affected by the issue(s), takes time to educate members' on the range of issues and possible solutions. Members have different levels of expertise and knowledge on the issues and require different levels of preparation and education (“getting up to speed”) before they are prepared to evaluate options and make decisions. This is especially relevant to consensus-based decisions that strive for unanimity, or at a minimum a 75% level of support. In consensus-based processes one is not dealing with a simple majority decision requirement, instead the full range of issues and options are evaluated with the goal of ensuring stakeholder interests are addressed to the extent possible, and at a minimum are fairly considered. The reality is that consensus decisions, once reached, are durable, efficacious, long-lasting, and will have achieved the support of most if not all of the stakeholder interests affected by the issue(s).

A meeting will be successful to the extent that staff, chair, facilitator(s) and project consultants plan meetings and meeting objectives, ensure members receive relevant materials, and design and prepare agenda packets, worksheets, surveys, and summary reports sufficiently in advance of meetings.

A meeting will be successful to the extent that members' review materials, study the issues, consult with constituent stakeholders between meetings, complete pre and between meeting assignments, and prepare prior to the meetings. If there are documents and/or information members believe should be evaluated they should let chair/staff/facilitator know. Similarly, if there are meeting objectives and/or agenda items member's think should be added to the agenda, they should identify them during “Agenda Review” and during the “Next Steps” phase of each meeting where next meeting agenda items are requested.

In summary, meeting success is a group effort requiring collaboration, cooperation, planning, commitment, time and resources. It is the responsibility of staff, chairs, facilitators, consultants, members, stakeholder groups, and the public to ensure meetings are productive and successful. In short, it is “our” responsibility.

## ADVISORY COMMITTEE

### ORGANIZATIONAL AND PROCEDURAL POLICES AND GUIDELINES

### CONSENSUS-BUILDING AND DECISION-MAKING PROCEDURES

The Monroe County Affordable Housing Committee (Committee) will seek consensus on guidance and recommendations to the Monroe County Board of County Commissioners (BOCC)

The Committee's consensus building and decision making process is participatory, on matters of substance, the members will jointly strive for agreements which all of the members can accept,

support or at least agree not to oppose. In instances where, after vigorously exploring possible ways to enhance the members' support for the final decision on an issue or package of advisory recommendations, and where 100% acceptance or support is not achievable, final recommendations of the Committee will require at least a 75% favorable vote of all members present and voting. This super majority decision rule underscores the Committee's view of the importance of seeking consensus. In the event the Committee can not reach consensus (75% in favor) on a decision, a minority report may be requested immediately following the vote, describing the rationales and preferences of those dissenting, to be included in the meeting summary report.

The Committee will make advisory recommendations only when a quorum is present. A quorum shall be constituted by at least 51% of the appointed members being present (simple majority).

The Committee will utilize Robert's Rules of Order, as modified by the Committee's adopted consensus guidelines and procedures, to make and approve motions; however, the 75% supermajority voting requirement will supercede the normal voting requirements used in Robert's Rules of Order for decision making on substantive motions and amendments to motions. In addition, the Committee will utilize their adopted meeting guidelines for conduct during meetings. The Committee will make substantive advisory recommendations using their adopted facilitated consensus-building procedures, and will use Robert's Rules of Order only for formal motions once a facilitated discussion is completed.

The Committee's facilitation team, in general, should use parliamentary procedures set forth in Robert's Rules of Order, as modified by Committee's adopted procedural guidelines.

Any voting member may make a motion when a quorum is present, and after a thorough discussion. A second is required to discuss the motion. If a motion is seconded, the Facilitator will open the floor for discussion. The Facilitator will recognize members wishing to speak on the motion. The Facilitator will, if time permits, recognize other participants wishing to speak on the motion.

The Facilitator may elect or be requested by the member making the motion to take a "straw poll" on the motion. Based on the result, the Facilitator may table the motion with the agreement of the member moving it, pending further discussion. The member making the motion may accept friendly amendments to the motion. After completing discussion, the Facilitator will call the discussion to a close and restate the motion, with any friendly amendments, and call for a vote. If the motion receives a 75% or more favorable vote of the members present and voting it will be approved.

## COMMITTEE PROCEDURAL GUIDELINES

### MEMBER'S ROLE

- ✓ Prepare for meetings. Review documents and background material prior to meetings.
- ✓ Keep to the agenda and meeting procedural polices and guidelines.
- ✓ The Committee process is an opportunity to explore possibilities. Offering or exploring an idea does not necessarily imply support for it.
- ✓ Listen to understand. Seek a shared understanding even if you don't agree.
- ✓ Be focused and concise—balance participation & minimize repetition. Share the airtime.
- ✓ Look to the facilitator(s) to be recognized. Please raise your hand (or tent card) to speak.
- ✓ Speak one person at a time. Please don't interrupt each other.
- ✓ Focus on issues, not personalities. *"Using insult instead of argument is the sign of a small mind."*
- ✓ Avoid stereotyping or personal attacks. *"Mud thrown is ground lost."*

- ✓ To the extent possible, offer options to address other's concerns, as well as your own.
- ✓ Participate fully in discussions, and complete meeting assignments as requested.
- ✓ Represent and communicate with member's constituent group(s).
- ✓ Refrain from using electronic devices during the meetings; Keep electronic devices turned off or silent.

### **FACILITATOR'S ROLE (FCRC Consensus Center @ FSU)**

- ✓ Design and facilitate a participatory Committee process.
- ✓ Ensure a fair process during which all perspectives are considered.
- ✓ Enhance the opportunity for consensus building encouraging constructive discussions among the members.
- ✓ Assist the Committee to build consensus on advisory recommendations.
- ✓ Assist participants to stay focused and on task.
- ✓ Assure that participants follow ground rules.
- ✓ Prepare agenda packets and provide meeting summary reports.

### **MONROE COUNTY STAFF ROLE**

- ✓ Respect meeting process and guidelines.

### **MEMBERS OF THE PUBLIC ROLE**

- ✓ Respect meeting process and guidelines.
- ✓ Provide input during provided public comment opportunities.
- ✓ Consult and provide input to their representative stakeholder members to enhance the efficacy of the process.

### **GUIDELINES FOR BRAINSTORMING**

- ✓ Speak when recognized by the Facilitator(s).
- ✓ Offer one idea per person without explanation.
- ✓ No comments, criticism, or discussion of other's ideas.
- ✓ Listen respectfully to other's ideas and opinions.
- ✓ Seek understanding and not agreement at this point in the discussion.

### **THE NAME STACKING PROCESS**

- ✓ Determines the speaking order.
- ✓ Participant raises hand to speak (or raise name tent). Facilitator(s) will call on participants in turn.
- ✓ Facilitator(s) may interrupt the stack (change the speaking order) in order to promote discussion on a specific issue or, to balance participation and allow those who have not spoken on an issue an opportunity to do so before others on the list who have already spoken on the issue.

### **GUIDELINES FOR REPORTS AND PRESENTATIONS**

- ✓ Facilitator introduces presenter.
- ✓ Hold all questions until report or presentation is complete, unless invited by the speaker.
- ✓ Facilitator stacks names.
- ✓ Facilitator calls on members to speak.
- ✓ Clarifying questions only. (For discussions, see guidelines below.)

## GUIDELINES FOR DISCUSSIONS AND PROPOSALS

- ✓ Facilitator guides process.
- ✓ Meeting guidelines remain in effect.
- ✓ Facilitator stacks names.
- ✓ Proposal is presented (no comments or discussion).
- ✓ Clarifying questions are taken (no comments or discussion of the proposal).
- ✓ Discussion of proposal (focus on issues, refine proposal, and consensus building).
- ✓ Consensus/Acceptability ranking as needed.
- ✓ Facilitator tests for consensus with a motion to approve and a vote.

### ACCEPTABILITY RANKING SCALE

During the meetings, members will be asked to develop and rank options, and following discussion and refinement, may be asked to do additional rankings of the options if requested by members and staff. Please be prepared to offer specific refinements or changes to address your reservations. The following scale will be utilized for the ranking exercises:

<b>ACCEPTABILITY RANKING SCALE</b>	<i>4= Acceptable, I agree</i>	<i>3= Acceptable, I agree with minor reservations</i>	<i>2= Not Acceptable, I don't agree unless major reservations addressed</i>	<i>1= Not Acceptable</i>
------------------------------------	-------------------------------	---	---	--------------------------

### PRIORITIZATION RANKING SCALE

- 5 Highest Level of Priority; Urgent
- 4 High Priority
- 3 Moderate Level of Priority
- 2 Low Level of Priority
- 1 Lowest Possible Priority; Committee Should not Pursue

TOPIC	RANK	5	4	3	2	1	RAW SCORE	AVERAGE
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## AGENDA SUBMITTAL AND CONSIDERATION PROCEDURES

All agenda items must be submitted by close of business ten (10) days prior to the next scheduled Committee meeting.

The staff will review a proposed agenda item for a determination of whether the issue falls under the charge of the Committee. Staff will notify the member proposing the agenda item of the determination whether the issue will be placed on the Committee's next agenda.

Committee members will receive all proposed agenda items and supporting documentation at least seven days prior to the next scheduled Committee meeting.

No new agenda items will be considered at the Committee meeting with the exception of those issues raised by the staff that have been determined to require immediate Committee action, or by the unanimous (100%) approval of a quorum of the Committee through the Chair.

Agenda items that meet submittal criteria and arrive after the established deadline will be placed on the next regularly scheduled Committee meeting agenda.

Based on number of agenda items the Facilitator, in consultation with the Chair, may allocate a specific amount of time for each agenda item.

The Committee by a 75% favorable vote may discuss requested agenda items not meeting the submittal criteria requirements but may not take any formal action on the issue until the next scheduled Committee meeting.

Special meetings may be called by the staff in consultation with the Chair, based on urgency and necessity for immediate action.

### AGENDA ITEM SUBMITTAL CRITERIA

Agenda item must be submitted 10 days prior to regularly scheduled Committee meetings. Proposed agenda item must clearly state the action requested of the Committee. If applicable, proponent should provide exact ordinance, rule or statutory references that the proposal addresses. Proponent should provide all necessary supporting documentation required for Committee and staff to determine the merits of the request. Proponent must indicate that they have not requested any additional actions on the proposed agenda items such as an administrative hearing or declaratory statement. Proponent must provide the following contact and agenda information:

CONTACT INFORMATION	
Name:	
Organization/Representation:	
Address:	
Phone and Fax Numbers:	
E-Mail Address:	
Date Submitted:	

AGENDA ITEM INFORMATION	
Date of Committee Meeting:	
Name of Presenter:	
Representation of Presenter:	
Agenda Item Title:	
Amount of Time Requested:	
Rationale for Agenda Item:	
Specific Action Requested:	
Background Documentation:	

### MEETING PROCESS—AGENDA ITEM CONSIDERATION PROCEDURES

1. Facilitator introduces the agenda item/proposal.
2. Proponent states the action requested and provides rationale for proposal.

3. Facilitator asks Committee members only for clarifying questions (a clarifying question addresses a specific point that is not understood, and should not indicate support or opposition to the proposal).
4. After questions, the facilitator opens the issue up for discussion. All Committee members and Staff wishing to speak raise their name tents and be acknowledged by the Facilitator prior to speaking. Committee approved meeting guidelines are in effect at all times.

**FOR PROPOSALS (issues requiring Committee action):** Following Committee member's preliminary discussion, the facilitator asks if any members of the public wishes to address the Committee on the current issue under Committee consideration. The facilitator serves as a moderator for public input. The facilitator asks for those who wish to speak in favor of the proposal or topic under discussion to offer brief comments, others who wish to speak in favor will be asked to offer new points or simply state agreement with previous speakers. The same opportunity and requirements will be offered for those who wish to speak in opposition to the proposal or topic under discussion. The facilitator ensures that all views are expressed and similar views are not repeated. Members may, through the facilitator or chair, ask clarifying questions to members of the public offering comments. The facilitator or chair may limit public comment to three (3) minutes per person. This process will be used for substantive Committee issues and not for procedural matters before the Committee.

**FOR DISCUSSION ISSUES (no formal action required):** Following Committee member's preliminary discussion, the facilitator asks if any members of the public wishes to address the Committee on the current issue under Committee consideration. The facilitator serves as a moderator for public input. Members of the public will be provided one opportunity to comment per discussion agenda item, and may be limited to three (3) minutes. Members may, through the facilitator or chair, ask clarifying questions to members of the public offering comments. This process is used for Committee substantive issues and not for procedural matters before the Committee.

**FOR PROPOSALS AND DISCUSSION ISSUES (Substantive Agenda Items):** After discussion and public comment, a Committee member may make a motion for an action on the issue. If there is a second to the motion, the facilitator will call for discussion. Once a motion is made and seconded the discussion will be restricted to only Committee members unless the facilitator or chair requests specific clarification from the staff or a member of the public. Members may request specific clarification from a member of the public through the facilitator/chair. A member may wish to second a motion for the purpose of Committee discussion and not necessarily as a show of support for the motion. If the motion involves an option that the public has already commented on, then the vote is taken, if the proposed action (motion) is materially different from what was discussed, an additional opportunity should be provided for public comment, and then the Committee votes on the motion.

Only motions to approve will be considered. There will be no motions to disapprove. If there is no motion after discussion or a motion with no second, the requested action is not approved.

## MEETING PROCESS PROCEDURES

- Facilitator introduces each agenda item.
- Proponent/Presenter provides overview, rationale for proposal, and any requested action.
- Clarifying questions from members (i.e. something you don't understand). Names stacked (raise name tents).
- Committee begins discussion only after all questions are answered.
- General discussion by Committee members.
- When appropriate: Facilitator asks if any members of the public wishes to address the Committee on the current issue under Committee consideration. Facilitator asks for those who wish to speak in favor of the proposal or topic under discussion to offer brief comments, others who wish to speak in favor will be asked to offer new points or simply state agreement with previous speakers.
- The same opportunity and requirements will be offered for those who wish to speak in opposition to the proposal or topic under discussion.
- Facilitator ensures that all views are expressed and similar views are not repeated.
- Facilitator may instruct members of the public to avoid repeating points, and encourage them to summarize key points and to submit lengthy prepared statements into the record that will be included in the meeting summary (instead of reading them).
- When appropriate: Members of the public will be provided one opportunity to comment and may be limited to three (3) minutes.
- Members may, through the facilitator or chair, ask clarifying questions to members of the public offering comments.
- After public comment, facilitator calls for members' discussion and stacks names of members wishing to speak.
- Members explore the pros and cons of all options prior to making a formal motion.
- Any voting member may make a motion when a quorum is present which will require a second.
- If a motion is seconded, the facilitator opens the floor for discussion. The Facilitator will recognize members wishing to speak on the motion.
- Committee votes on the motion.
- Once a motion is on the floor discussion is restricted to Committee members except as allowed by the facilitator or chair for purposes of clarification.
- For Committee members offering a second, is it understood that they may be seconding for purposes of discussion, and not necessarily due to agreement with the motion.
- Committee members may offer friendly amendments. If accepted by maker of the motion, the friendly amendment becomes a part of the motion currently under discussion.
- In order to get a "read" on a motion, the Facilitator may elect or be requested by the member making the motion to take a "straw poll" on the motion. Based on the result, the Facilitator may suggest to the member moving that they withdraw or table the motion pending further discussion.
- Committee members may offer an amendment to the motion: second required, discussion, vote on the amendment only.
- The motion on the table is now the motion as amended (if amendment was accepted by the mover and approved by 75% or greater of the Committee). After completing discussion, the Facilitator will call the discussion to a close and restate the motion, with any friendly amendments or approved amendments, and the Facilitator will call for a vote. If the motion receives a 75% or greater favorable vote of the Committee members it will be deemed approved.

## PUBLIC PARTICIPATION PROCEDURES POLICY

**PUBLIC COMMENT PROCEDURES:** Public comment opportunities provided during Committee meetings are for comments only. The public is also encouraged to provide their comments in writing using the Public Comment Forms to ensure accuracy. All written and or electronic comments will be included as in the Facilitator's Summary Report. Public comment provided orally during meetings will be summarized and included in the Facilitator's Summary Report.

**TIME LIMITS FOR PUBLIC COMMENT POLICY:** The minimum time allowed per person wishing to comment is three (3) minutes and the maximum is five (5) minutes. The facilitator will check for the number of people wishing to comment and the amount of time left in the meeting, and poll Committee members for the amount of time they prefer to allow for each person wishing to comment from three (3), four (4) or five (5) minutes.

**PUBLIC OPPORTUNITY TO BE HEARD POLICY:** The Committee will provide a regularly scheduled general public comment opportunity at each Committee meeting. In addition, the public will be provided an opportunity to comment prior to the Committee voting on substantive policy matters (actions that are not procedural or ministerial in content). If a decision is to be made over the course of multiple meetings (i.e., discussed at one meeting and voted on at another meeting) the public will be allowed an opportunity to speak on the issue during the regularly scheduled Public Comment opportunity. If a decision is to be made at the same meeting where the issue is first discussed the public will be provided an opportunity to speak after Committee discussion but before a vote is taken.

If there are a large number of individuals wishing to speak from the same group, the Committee Chair and facilitator may decide to require representatives of groups to speak on behalf of their respective groups, rather than all members of a group speaking. The group shall elect one person to speak on their behalf and notify the Committee of their selected representative prior to public comment.

**PROCEDURE FOR REQUESTING TO MAKE PRESENTATIONS TO THE COMMITTEE:** Members of the public wishing to make a presentation to the Committee should contact their constituent stakeholder representative on the Committee. If the Committee member agrees that the presentation is relevant and beneficial to the Committee they will discuss the presentation with staff, and staff will review the presentation for relevance, accuracy of data, and balance of perspective and if deemed beneficial to the Committee, they will present the request to the Committee for their consideration. If the Committee is interested in having the presentation it will be scheduled for a subsequent meeting with appropriate time set for the agenda per agenda submittal policy.

**DISTRIBUTION OF INFORMATION TO COMMITTEE PROCEDURES:** Members of the public wishing to distribute information to the Committee should provide the information to the facilitator or staff in electronic format for distribution to the Committee.

### **COMMITTEE MEETING ATTENDANCE POLICY**

Any members of the Committee who fails to attend two consecutive regularly scheduled meetings will be contacted by staff to determine why the member was not able to attend and if the member still wishes to serve on the Committee. If the member cannot demonstrate his or her absence was for good cause, which includes but is not limited to personal or family illness or military service, or no longer wishes to serve on the Committee, Staff will request the member submit a written resignation from the Committee to their appointing member of the County Commission. If the member refuses to resign, the Committee will recommend to the Board that the member's appointment be terminated and a new member be appointed as a replacement.

### **COMMITTEE ADOPTED GUIDING PRINCIPLES**

1. The Committee will adhere to their charge and purpose by providing advisory recommendations to the County Commission
2. The Committee will strive to achieve consensus on the evaluation and development of substantive advisory recommendations submitted to the County Commission.
3. The Committee will operate under adopted policies and procedures that are clear and concise, and consistently and equitably applied.
4. Committee members will serve as liaisons between the stakeholder groups they have been appointed to represent on the Committee, and they should strive to both inform and seek input on issues the Committee is addressing from those they represent.

### **MEETING FREQUENCY POLICY**

The Committee shall agree on a workplan and schedule consistent with meeting its charge at its organizational meeting. Additional meetings may be called by the Staff or Committee chair as required.

### **ABSENTEE COMMITTEE MEMBER COMMENT POLICY**

Any member of the Committee who wishes to have their comments/opinions read into the record at a meeting they will not be able to attend, may send their written comments by e-mail to the Facilitator and the Staff. The member should identify the agenda item(s) that the comment(s) pertains to. The Facilitator will read the absentee member's comments into the record during the discussion portion of the specific agenda item the member is commenting on, and the member's comments will be included in the Facilitator's meeting summary report. The Committee member may only make one comment per agenda item, and each comment will be limited to a maximum of five-hundred (500) words.

### **CHAIR ELECTION POLICY**

The Committee will elect a chair from within the existing membership, who will serve in that position for a one-year term. The Chair will work with the facilitator to moderate the Committee meetings.

APPENDIX #8  
INFORMATION ON FCRC CONSENSUS CENTER, FLORIDA STATE UNIVERSITY



CONSENSUS CENTER

*“Facilitating Consensus Solutions, Supporting Collaborative Action.”*

The Florida State University  
Morgan Building, Suite 236  
2035 East Paul Dirac Drive  
Tallahassee, FL 32310  
Phone: (850) 644-6320  
Fax: (850) 644-4968

<http://consensus.fsu.edu>



THE  
FLORIDA STATE  
UNIVERSITY

*The FCRC Consensus Center serves as an independent public resource facilitating consensus solutions and supporting collaborative action.*

The Consensus Center, based at Florida State University in Tallahassee and University of Central Florida in Orlando, provides consensus building and collaborative planning services, education, training and applied research. Through our work, we strive to build a broader understanding of the value of collaborative approaches and create a cadre of leaders, professionals, managers, stakeholders and students skilled in using collaborative consensus building processes to produce and implement solutions.

The Center offers neutral technical assistance to a wide range of public and private organizations, professionals, agency staff and private citizens engaged in collaboration on public and organizational challenges throughout Florida and the country. We help to design and implement efforts for strategic planning and public problem-solving. We have substantial experience assisting with a range of stakeholder collaborations on topics such as building codes, land use, water resources, environmental, energy, airspace.

Contact us if you'd like to explore utilizing a collaborative approach and the Center's services.

**Robert M. Jones, Director FCRC Consensus Center** [rmjones@fsu.edu](mailto:rmjones@fsu.edu)

EXHIBIT B



Home | All Databases | Profiles | Comparisons | Tools for Planning | Housing Services | A-Z Index

Geographic Areas > Results

Regional & Local Profiles: Results

- OTHER REPORT ACTIONS**
- Download Excel data
  - VIEW OTHER DATA FOR THE SELECTED GEOGRAPHIC AREA
    - General Unit Characteristics
    - Population Projections
  - START OVER
    - Start Over

### Housing Profile Monroe County, Florida

Population, 2015: 74208. Monroe County ranks # 38 of Florida's 67 counties in population.  
Households, 2015: 33658  
Homeownership Rate, 2015: 58.0%. Statewide, Florida's homeownership rate is 67.7%.

#### Population Projections

In 2040, Monroe County is projected to have a population of 74503, ranking it # 41 of Florida's 67 counties.

#### Projected Total Population, Monroe County, 2010-2040

Place	2010	2016	2020	2025	2030	2035	2040
Monroe County	73950	74208	74399	74499	74595	74600	74503

Notes: Not Available.  
Sources: University of Florida Bureau of Economic and Business Research, Population Projections, U.S. Census Bureau, 2010 Decennial Census.

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#### Housing Market

##### Existing Home Values (Based on County Property Appraisers' Just Value)

Single Family Home, average just value, 2016: \$618626. (Statewide, the average just value of a single family home in Florida in 2016 was \$219581).  
Mobile Home, average just value, 2016: \$179782.  
Condominium, average just value, 2016: \$398729.

##### Home Sales Prices

The average sales price for a single family home was \$941499 in 2016. The median sales price that year was \$575000, compared to a statewide median sales price of \$212000.

Source: Florida Department of Revenue, Sales Data Files

##### Median Sales Price for Single Family Homes and Condominiums, Monroe County, 1996-2016

Place	Housing Type	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Monroe County	Condominiums	132000	143500	166500	178000	148500	180400	235000	311200	425000	540000	820000	440000	395000	303000	300000	295000	309000	358700	351000	389500	497000
Monroe County	Single Family Homes	176000	195000	214400	226000	256000	282500	326000	418300	590200	738000	700000	876000	676000	400000	375000	385000	411000	465000	480000	535000	575000

Notes: Not applicable  
Sources: Florida Department of Revenue, Sales Data Files

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##### Median Gross Rent, Monroe County, 2010-2014 American Community Survey

Place	Median Gross Rent	State Median Gross Rent
Monroe County	1400	998

Notes: American Community Survey is based on a sample of households and therefore involves a margin of error. To find the margin of error for this and other ACS-based tables, see the [General Unit Characteristics](#) tool. A "-" indicates that the value in the ACS is not statistically significant from zero.  
Sources: U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Summary File

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In Monroe County and the surrounding metro area, the HUD Fair Market Rent in 2016, representing rent for a typical modest apartment, was \$999 for a studio apartment, \$1100 for a one-bedroom, \$1473 for a two-bedroom, \$1828 for a three-bedroom, and \$2039 for a four-bedroom unit.

Source: U.S. Department of Housing and Urban Development, 2016 Fair Market Rents

##### Households by Monthly Rent Paid, Monroe County, 2010-2014

Place	<\$200	\$200-\$299	\$300-\$499	\$500-\$749	\$750-\$999	\$1,000-\$1,499	\$1,500 or More	No Cash Rent	Total
Monroe County	67	138	321	677	1149	3449	4671	521	11213

Notes: American Community Survey is based on a sample of households and therefore involves a margin of error. To find the margin of error for this and other ACS-based tables, see the [General Unit Characteristics](#) tool. A "-" indicates that the value in the ACS is not statistically significant from zero.  
Sources: U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Summary File

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##### Manufactured Housing Parks and Condominiums

There are 25 licensed manufactured housing parks in Monroe with 1309 lots in 2012.  
There are 345 licensed condominium developments in Monroe with 9817 units in 2012. Of these, 120 properties with 1456 units were converted from rental to condo.

Source: Florida Department of Business and Professional Regulation

##### Home Purchase Loans by Property Type, Monroe County, 2005-2014

Place	County	Property Type	Application Count									
			2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Monroe County	Monroe	One to four-family (other than manufactured housing)	2322	1465	1079	694	636	607	771	1200	1568	1701
Monroe County	Monroe	Manufactured housing	81	46	29	19	14	10	17	24	35	49
Monroe County	Monroe	Multifamily	1	0	10	2	0	0	0	2	1	4

Notes: Shows loan applications resulting in loan origination only. For more information, see [FHDC User Guide](#)  
Sources: Home Mortgage Disclosure Act data, 2005-2014

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##### Foreclosures and Serious Delinquencies

This table is not available outside of Metropolitan Statistical Areas (MSAs)

##### Affordable Housing Needs

###### Cost Burden, General

"Cost-burdened" households pay more than 30% of income for rent or mortgage costs. In 2015, 16635 Monroe County households (49%) pay more than 30% of income for housing. By comparison, 42% of households statewide are cost-burdened.

8613 households in Monroe County (25%) pay more than 50% of income for housing.

###### Households by Cost Burden, Monroe County, 2015

	Amount of Income Paid for Housing		
	0-30%	30-50%	50% or more
Total	17023	8022	8613

Notes: Click [here](#) to get household projections by tenure, age of householder, income, and cost burden.  
Sources: Not Available.

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##### Homeowners and Renters

###### Households by Homeowner/Renter Status and Cost Burden, Monroe County, 2015

	Amount of Income Paid for Housing		
	0-30%	30-50%	50% or more
Owner	11363	3872	4338
Renter	5720	4150	4275

Notes: Click [here](#) to get household projections by tenure, age of householder, income, and cost burden.

Sources: Not Available.

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**Household Income**

In the following table, household income is measured as a percentage of the median income for the county or area, adjusted for family size. In Monroe County and the surrounding metro area, the HUD-estimated median income for a family of four is \$72500 in 2016.

**Households by Income and Cost Burden, Monroe County, 2015**

Household Income as Percentage of Area Median Income	Amount of Income Paid for Housing		
	0-30%	30-60%	60% or more
<=20% AMI	622	693	3582
30.01-50% AMI	1389	1020	2119
50.01-60% AMI	2437	2465	1824
60.01+% AMI	12595	3844	888
<b>Total</b>	<b>17023</b>	<b>8022</b>	<b>8513</b>

Notes: Click [here](#) to get household projections by tenure, age of householder, income, and cost burden.  
Sources: Not Available.

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**Elderly Households**

9700 households in Monroe County (28.8%) are headed by a person age 65 or older in 2015. In comparison, 29.6% of households statewide are headed by elderly persons. 7632 of elderly households in Monroe (78.6%) own their homes. 3867 elderly households (40%) pay more than 30% of income for rent or mortgage costs.

**Elderly Households by Age and Cost Burden, Monroe County, 2015**

Age of Householder	Amount of Income Paid for Housing		
	0-30%	30-49.9%	50+ %
65 or more	5812	1774	2121

Notes: Click [here](#) to get household projections by tenure, age of householder, income, and cost burden.  
Sources: Not Available.

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**Supply Characteristics**

**Single Family Home Size and Age**

In 2016, the median size for a new single-family home in Monroe County was 1626 square feet.

**Year Structure Built, Monroe County, 2010-2014 American Community Survey**

Place	Number								Share by Decade						
	2000 or After	1990-1999	1980-1989	1970-1979	1960-1969	1950-1959	1940-1949	1939 or Earlier	Total	2000 or After	1990-1999	1980-1989	1970-1979	1960-1969	1959 or Earlier
Monroe County	6946	7168	12899	11424	6326	4292	1411	3405	52661	11.2	13.5	24.4	21.6	12.0	17.2

Notes: American Community Survey is based on a sample of households and therefore involves a margin of error. To find the margin of error for this and other ACS-based tables, see the [General Unit Characteristics](#) tool. A "\*" indicates that the value in the ACS is not statistically significant from zero.  
Sources: U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Summary File

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**Housing Condition Characteristics (Occupied Units), Monroe County, 2010-2014 American Community Survey**

Place	Persons Per Room		House Heating Fuel		Kitchen Facilities		Plumbing Facilities		
	1.01 or More Persons per Room	Share of Occupied Units (%)	No Fuel Used	Share of Occupied Units (%)	Lacking Complete Facilities	Share of Occupied Units (%)	Lacking Complete Facilities	Share of Occupied Units (%)	
Monroe County	941		3.3	3089	10.5	685	1.3	548	1.0

Notes: Housing units are considered to be substandard if they are overcrowded, do not have heat, or lack complete kitchens or plumbing.  
American Community Survey is based on a sample of households and therefore involves a margin of error. To find the margin of error for this and other ACS-based tables, see the [General Unit Characteristics](#) tool. A "\*" indicates that the value in the ACS is not statistically significant from zero.  
Sources: U.S. Census Bureau, 2010-2014 American Community Survey 5-Year Summary File

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# **Additional Information added to File 2017-075**



REQUEST FOR USE OF COUNTY PROPERTY  
IN MONROE COUNTY, FLORIDA

Date: November 7, 2017

Name of Contact and organization: Barton W. Smith, Esq., SMITH HAWKS, PL

Address & Telephone number: 138 Simonton Street, Key West, FL 33040 (305) 296-7227

Email: Bart@SmithHawks.com

Specific County property or meeting room requested: Marathon Government Center Media Conference Room

Intended use: Community Meeting for the Longstock, II Land Development Code Text Amendment

Date(s) needed: December 6, 2017 Time: from 5:00 p.m. to 7:00 p.m.

Official Monroe County Government Use: Yes  No  Describe: Meeting required pursuant to

Number of expected participants: 16

Alcohol consumption/sales? Yes  No

Use of personal BBQ grill: Yes  No

Admission fee? Yes  No

Amount charged for admission and/or alcohol? \_\_\_\_\_

**USE OF COUNTY PROPERTY ONLY**

Clean up provisions, assurances, and state if any improvements are to be to facility:

It is a public meeting that should not cause the need of any clean up.

Coordination with: Sheriff Dept: Yes  No   
Security: Yes  No   
Public Works: Yes  No

Previous History of holding similar events: Yes  No  Describe events: \_\_\_\_\_

**USE OF MEETING ROOMS ONLY**

Special Audio Visual Equipment needed: Yes  No

Describe: \_\_\_\_\_

Public Address System: Yes  No

Arrangement of Room: As is.

*Fees are listed on pages 7, 8 and 9 of the Policy for Public Facilities, Roads, Bridges, & County Meeting Rooms and are NON-REFUNDABLE. Checks or Money Orders are to be made payable to Monroe County Board of County Commissioners.*

COUNTY USE ONLY

Scheduled Date: \_\_\_\_\_

Insurance /Hold Harmless Requirements: \_\_\_\_\_

Approved: Yes  No  By: \_\_\_\_\_

Fees charged or basis for fee waiver to be approved by County Administrator: \_\_\_\_\_

Alcohol use or basis for waiver or special conditions to be approved by County Administrator: \_\_\_\_\_

Remarks: \_\_\_\_\_

**MONROE COUNTY BOARD OF COMMISSIONERS  
EVENT AND USE OF COUNTY PROPERTY  
HOLD HARMLESS AND INDEMNITY AGREEMENT**

For and in consideration of having been granted permission by the Monroe County Board of Commissioners, County Administrator, and/or Assistant County Administrator, or his/her designee to hold an Event within Monroe County limits or on Monroe County property, the Undersigned on behalf of the organization hereby agrees on behalf of the organization, to protect and hold harmless Monroe County, its subsidiaries or affiliates, elected and appointed officials, employees, volunteers, representatives and agents from (i) any claims, actions or causes of action, (ii) any litigation, administrative proceedings, appellate proceedings, or other proceedings relating to any type of injury (including death), loss, damage, fine, penalty or business interruption, and (iii) any costs or expenses that may be asserted against, initiated with respect to, or sustained by, any indemnified party by reason of, or in connection with, (A) any activity of Undersigned or any of Undersigned employees, agents, contractors or other invitees, (B) the negligence or willful misconduct of Undersigned or any of its employees, agents, sub-contractors or other invitees, or (C) Undersigned's default in respect of any of the obligations that it undertakes under the terms of this Agreement, except to the extent the claims, actions, causes of action, litigation, proceedings, costs or expenses arise from the intentional or sole negligent acts or omissions of the County or any of its employees, agents, contractors or invitees (other than Undersigned) arising out of or occurring in connection with the event or the use of County property described herein.

The Undersigned also agrees to protect and hold harmless Monroe County, its subsidiaries or affiliates, elected and appointed officials, employees, volunteers, representatives and agents from any present, past or future claims which may be asserted by this organization, or any member of this organization or any participation or third party arising out of or occurring in connection with this event or the use of County property.

That as the consideration of the County entering into this Agreement with the Undersigned, it is agreed and understood that the Undersigned shall indemnify the County against any and all claims or expenses or losses of any type, which are related to or arising from the participation of the Undersigned in this event. The Undersigned agrees and understands that a part of said consideration for this Agreement shall include the Undersigned's promise that any rights to bring suit against the County and any rights to compensation therefrom on any matters arising from or otherwise related to Undersigned's participation in this event have been knowingly and willingly relinquished by the Undersigned under this Agreement.

The Undersigned therefore agrees to save harmless, indemnify, and defend the County, including its subsidiaries and affiliates, its consultants, agents, volunteers, elected and appointed officers, and employees from any and all claims, suits, actions, damages, expenses, losses, penalties, interest, demands, judgments, and liabilities claims and related expenses in connection with the loss thereof, and costs of suit, including attorneys' fees, for any expenses, damages, or liability incurred by any of them, whether for bodily or personal injury, death, property damage, direct or consequential damages, or economic loss or use thereof, including environmental impairment, arising directly or indirectly on account of or arising out of the Undersigned's participation in this event or the use of County property. The Undersigned's obligation shall not be limited by, or in any way to, any insurance coverage or by any provision in or exclusion or omission from any policy of insurance. The Undersigned agrees to pay on behalf of Monroe County, as well as provide a legal defense for the County, both of

Event and Use of County Property Hold Harmless And Indemnity Agreement

which will be done only if and when requested by the County, for all claims made. Such payment on behalf of the County shall be in addition to any and all other legal remedies available to the County and shall not be considered to be the County's exclusive remedy.

**Or in the case of another Government agency**

The \_\_\_\_\_, as a state agency or subdivision defined in Section 768.28, Florida Statutes, agrees to be fully responsible to the limits set forth in such statute for its own negligent acts or omissions, or intentional tortious actions, which result in claims or suits against either County or \_\_\_\_\_, and agrees to be liable to the statutory limits for any damages proximately caused by said acts or omissions, or intentional tortious acts.

The County, as a political sub-division of the State of Florida, as defined in Section 768.28, Florida Statutes, agrees to be fully responsible to the limits set forth in such statute for its own negligent acts or omissions, or intentional tortious acts, which result in claims or suits against either the \_\_\_\_\_ or County, and agrees to be liable to the statutory limits for any damages proximately caused by said acts or omissions, or intentional tortious acts.

Nothing contained in this Section shall be construed to be a waiver by either party of any protections under sovereign immunity, Section 768.28 Florida Statutes, or any other similar provision of law. Nothing contained herein shall be construed to be a consent by either party to be sued by third parties in any matter arising out of this or any other Agreement.

Event and Use of County Property Hold Harmless And Indemnity Agreement

Those who are hereby released shall not be stopped or otherwise barred from asserting any expressly reserved right to assert any claim or cause of action they may have against the Undersigned or any others.

This Agreement shall be interpreted under and its performance governed by the laws of the State of Florida. The parties agree that any action relating to this Agreement shall be instituted and prosecuted in the courts of Monroe County, Florida, and therefore, each party to this Agreement hereby waives the right to any change of venue.

By the signature to this document, the undersigned acknowledges that it understands the contents of this document and is voluntarily agreeing to its terms. The undersigned is authorized and holds the actual authority as the Legally Authorized Representative of this organization to enter into this Agreement and the organization has delegated such signatory authority to me.

In witness whereof I/we have hereunto set my/our hand and seal the 7<sup>th</sup> Day of November in the year 2017.

NAME OF EVENT Community Meeting for the Longstock, II Land Development Code Text Amendment

DATE (S) OF EVENT December 6, 2017

LOCATION OF EVENT Marathon Government Center Media Conference Room

PURPOSE OF EVENT Community Meeting for the Longstock, II Land Development Code Text Amendment

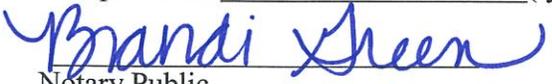
Barton W. Smith, Esq., SMITH HAWKS, PL  
Organization/Sponsor's Name

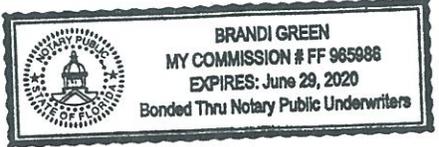
  
Signature of Legally Authorized Representative  
Barton W. Smith, Esq.  
Printed Name

Attorney for Longstock, II  
Title

State of Florida  
County of Monroe

SUBSCRIBED AND SWORN to (or affirmed before me) on 7<sup>th</sup> day of November, 2017. By Barton W. Smith he is personally known to me or ~~has produced~~ (type of identification) as identification.

  
Notary Public



**End of Additional File 2017-075**

## Aguila-Ilze

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**From:** Bill Hunter <billhunterkw@comcast.net>  
**Sent:** Thursday, May 17, 2018 3:05 PM  
**To:** Aguila-Ilze  
**Subject:** Planning Commission File 2017-075 - Longstock LLC.  
**Attachments:** LDC change - hotel motel density - AH & EH Jan 2018.xlsx

Planning Commissioners,

At your May 30, 2018 meeting you will hear a request to increase the allowable number of living units on commercial property with hotels. Advocates for workforce housing have long encouraged the tourism industry to build their employee housing on site. The Lower Keys Alliance agrees but urges caution.

Today, affordable or employee housing does not reduce the total gross nonresidential floor area in large part because impacts to the community are limited by these two somewhat compatible uses. The original intent was to enable housing for the employees of the onsite commercial business. On site housing reduces the need for vehicle ownership and commuter traffic is therefore reduced. Compared to the impact during business hours the impact of employees living on site is minimal when the business is closed.

The customers are gone, the lights are off, and the parking lot is empty.

On the other hand, visitors lodged in hotels create community impact that is similar but more intense than that of residential neighborhoods. In the suburban areas of the County, each occupied hotel room equates to at least one vehicle and room occupants come and go by vehicle throughout the day evening and night. We believe this similarity of impact is why hotel room and residential dwelling unit density have been mutually exclusive. We urge caution when considering combining these impacts.

There is no doubt that on-site housing for hotel employees is beneficial but as you will see from the attached chart, the total impact varies by land use district. The applicant's LUD, Marine Industries, has a relatively low residential max net density which would allow 17 total living units. Destination Resort would allow 43 total living units and Urban Residential 45 total living units. Shouldn't the impact on a surrounding community have a limit?

- One way is to require only 'employer housing' for employees who live and work on site. This helps assure reduced traffic in the community.
- Another is to create a cap on the maximum number of living units per acre that is consistent with the purpose of the zoning district.

The board of the Lower Keys Alliance urges Planning Commissioners to resist the temptation to recommend approval of this simple four-word change. It has more complicated impacts. Please don't be swayed by those who will say, "A hotel would never do that." Once something is in the code it becomes a right, and if it is a right someone will eventually do it. Developers are prone to maximize the utilization of all available land. We encourage you to include the following conditions to minimize community impacts.

1. Please require that this change enable only 'employer housing.'
2. Please specify that no variances for parking, setbacks, open space or landscaping will be granted. Any time a density bonus is allowed, these variances should be eliminated.
  - a. Some level of parking reduction might be considered for employer housing.
3. In zoning districts with high combined living unit density, please implement a cap on the number of combined living units.

Thank you for considering community impact.

Bill Hunter

For the board of the Lower Keys Alliance

Proposed change, ...LDC 139-1 AH/EH Density - include hotel									
Per Buildable Acre	Hotel Density		Residential Density		New Total	Increase	Vehicles Per Acre		
	Allocated	Max Net	Allocated	Max Net					
Destination Resort	10	25	1	18 A/EH	43	72%	61		
Maritime Industries	10	15	1	2	17	13%			
Military Facilities	10	20	6	12	32	60%			
Mixed Use			1	12					
hotel	10	15	"	"	27	55%	39		
Institutional residential	5	20	"	"	32	60%			
campground	10	N/A	"	"	22	120%	54		
Park/Refuge	2	N/A	"	"	14	600%			
Recreational Vehicle	15	15	0	N/A	15	0			
Suburban Commercial			3	6 (18 A/EH)					
hotel	10	15	"	"	33	120%	51		
Institutional residential	5	20	"	"	38	90%			
campground	10	N/A	"	"	28	180%			
Urban Commercial			6	12					
hotel	10	19	"	"	31	63%			
Institutional residential	15	24	"	"	36	50%			
Urban Residential	10	20	6	12 (25 A/EH)	45	125%	70		
UR Mob home (&URM-L)	5	7	5	7	14	100%			
(residency varies)									
(see LDC)									

## **Aguila-Ilze**

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**From:** Stuart <sfschaffer@gmail.com>  
**Sent:** Monday, May 28, 2018 1:40 PM  
**To:** Aguila-Ilze  
**Cc:** District1\_planning; District2\_planning; District3\_planning; District4\_planning; District5\_planning; charleslicis@gmail.com  
**Subject:** SSPOA Comments on Proposed Amendment to Land Development Code

District 1 Commissioner Denise Werling  
District 2 Commissioner Beth Ramsay-Vickery  
District 3 Commissioner Teri Johnston  
District 4 Commissioner William Wiatt  
District 5 Commissioner Ron Miller  
Senior Planning Coordinator Ilze Aguila

Dear Commissioners and Senior Planning Coordinator,

The Sugarloaf Shores Property Owners Association (SSPOA) is an organization whose members are the owners of nearly 350 residences on Lower Sugarloaf Key. These comments relate to the proposal to expand the scope of the Affordable Housing/Employee Housing (AH/EH) density bonus on commercial parcels to also apply to hotel and motel properties, which is being considered by the Planning Commission at its May 30 meeting.

The SSPOA board opposes this proposed expansion of the density bonus. While the SSPOA board supports the County's efforts to encourage the new development of affordable housing projects, we believe these efforts need to be consistent with other important land development and planning principles.

The AH/EH density bonus for commercial properties was originally added in order to encourage the development of employer-provided housing in conjunction with commercial projects. That density bonus also applies to non-employer provided AH/EH. This was based on the expectation that the added density would not result in significant adverse impacts on the local community and on traffic along US 1 because of the lack of overlap between the driving patterns of customers of stores and other businesses and those of residential tenants.

The SSPOA board's view is that the proposed extension of the AH/EH density bonus to hotel/motel properties is appropriate only if it were limited to employer-provided AH/EH. However, in its current form, the proposal would also apply to non-employer provided AH/EH. We believe this would result in potentially unacceptable increases in vehicular traffic because the driving patterns of residential tenants tend to mirror those of hotel and motel guests.

For these reasons, the SSPOA board requests that the proposed AH/EH density bonus extension be limited to employer-provided housing on hotel/motel properties.

Respectfully submitted,

Stuart Schaffer

Public Policy Committee Chair

Sugarloaf Shores Property Owners Association



May 28, 2018

RE: Longstock II, LLC - text amendment to increase density on motel/hotel sites

Dear Planning Commissioners,

The Board of Last Stand has the following recommendations after reviewing the proposed text amendment submitted by Longstock II, LLC to amend LDR 139-1(a) (5) to exclude affordable housing density from cumulative density/intensity calculations for hotel/motel development on a site.

- If allowing increased density for affordable housing (AH) on a hotel/motel property, it makes sense that the housing should be *restricted to employer housing* for those who work on site. It is, after all, the hotel/motel industry which generates high demand for affordable housing from its low-income-earning workers. Restricting to employer housing may limit some of the traffic and congestion on our streets that would be generated by any increase in permanent dwelling units.
- This proposal would drastically increase the potential density presently allowed in some zoning districts (see attached chart). Since the applicant indicates that this text amendment would use under-utilized areas within the recommended zoning districts, then there would be *no need for variances* if and when any additional units, above and beyond what is allowed now, are requested. We propose that language be added to the text amendment indicating that no variances will be allowed should these additional dwelling densities be requested. Increasing density becomes a nuisance to the community and surrounding properties if there is a decrease in open space, parking, setbacks, landscape buffers, landscape requirements, or an increase in lot clearing or height. As the Applicant rightly acknowledges, our land development codes have been written with habitat protection and water quality objectives in mind. Let us not lose sight of those objectives by allowing development that is too densely compacted.
- The proposed density increases are excessive. Last Stand recommends that there be a better balance of hotel units to AH units. When additional density is to be used, a *ratio of 1 affordable housing unit for every 5 hotel rooms* may be a more realistic density allocation. Instead of an across-the-board density increase, a calculation that would allow for workforce housing without creating such high-density increases should be considered.
- Finally, the concern for compliance is always a challenge for county staff. If there is to be additional AH density allocated under this amendment, a method to enable *enforcement of*

Last Stand to Planning Commission  
May 28, 2018

*occupancy by qualified tenants* would be to impose an annual fee, payable to the County, to help fund the required Affordable Housing/Employer Housing monitoring.

The challenge of Affordable Housing in Monroe County is an ongoing concern, and Last Stand appreciates Staff's efforts to address it. However, there is a delicate balance that needs to be maintained between economic growth and the ability of our sensitive environment to sustain itself. Much has changed since this application was first submitted. Where there was concern that there was a limited capacity for funding assistance, since Hurricane Irma we have learned that hundreds of millions of dollars in public funding has been pledged to the Florida Keys for housing. These monies will help to alleviate some of the pressure on lost housing. Also, there is an offer by the State to allocate additional affordable housing ROGOs, and, while Last Stand is not in favor of this latest offer, the County should be careful not to overly increase density when it is unclear what associated infrastructure costs would be borne by local taxpayers and how any future development would be managed.

Thank you for considering our recommendations and for your efforts to protect our precious but vulnerable Florida Keys.

For the Last Stand Board,



Mark Songer  
President, Last Stand

Last Stand to Planning Commission  
 May 28, 2018

Proposed, ...LDC 139-1 AH/EH Density - include hotel/motel - Jan 2018 BOCC							
Per Buildable Acre	Hotel Density		Residential Density		New Total	Increase	Vehicles Per Acre
	Allocated	Max Net	Allocated	Max Net			
Destination Resort	10	25	1	18 A/EH	43	72%	61
Maritime Industries	10	15	1	2	17	13%	
Military Facilities	10	20	6	12	32	60%	
Mixed Use			1	12			
hotel	10	15	"	"	27	55%	39
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Park/Refuge	2	N/A	"	"	14	600%	
Recreational Vehicle	15	15	0	N/A	15	0	
Suburban Commercial			3	6 (18 A/EH)			
hotel	10	15	"	"	33	120%	51
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campground	10	N/A	"	"	28	180%	
Urban Commercial			6	12			
hotel	10	19	"	"	31	63%	
Institutional residential	15	24	"	"	36	50%	
Urban Residential	10	20	6	12 (25 A/EH)	45	125%	70
UR Mob home (&URM-L) (resdensity varies) (see LDC)	5	7	5	7	14	100%	