

***Amended Agenda (2)**

PLANNING COMMISSION
MONROE COUNTY
June 24, 2009
10:00 A.M.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMISSION:

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

STAFF:

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

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

-
SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

-
SWEARING OF COUNTY STAFF

CHANGES TO THE AGENDA

-
Item #4 is withdrawn from the agenda by direction of the Board of County Commissioners at the meeting held in Marathon, FL. June 17, 2009.

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MEETING

Continued Item:

1.CONSIDERATION OF A RESOLUTION TRANSMITTING TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS CREATING POLICY 101.4.20 OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN; DISCOURAGING FUTURE LAND USE MAP CHANGES WHICH INCREASE DENSITY/INTENSITY; REQUIRING MONROE COUNTY TO COMPLETE A YEAR 2020 NEEDS ANALYSIS BASED ON PROJECTED GROWTH AND OTHER CRITERIA; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; DIRECTING THE PLANNING DIRECTOR TO FORWARD A COPY TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR FILING WITH THE SECRETARY OF STATE; PROVIDING FOR THE INCORPORATION

INTO THE COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.

[29039 SR PC 06.19.09.PDF](#)

New Items:

2. Wharf Bar & Grill, 25163 Overseas Highway (US 1), Summerland Key, Mile Marker 25: A request for approval of a 5-COP Alcoholic Beverage Special Use Permit in order to sell beer, wine, and liquor on premises and beer, wine, and liquor package sales. The subject parcels are legally described as Lots 1 through 6 and Lot 34, Summerland Yacht Harbor (PB2-142), Summerland Key, Monroe County, Florida, having real estate numbers 00194560.000000 and 00194700.000000.

[29055 FILE.pdf](#)

[29055 Survey.pdf](#)

[29055 SR PC 06.24.09.pdf](#)

3. Cinnamon Bark Lane, Ocean Reef: A request by Cinnamon Cay I LLC, Cinnamon Prime, Ltd., and O.R. Golf Partners Ltd., dba Reef Retreat At Ocean Reef, to amend the Monroe County Year 2010 Comprehensive Plan Future Land Use Map (FLUM) designation from Residential Medium (RM) to Residential High (RH). The subject property is legally described as Block 8, Lots 28 - 46, Harbor Course South, Section Four, Ocean Reef Plat No. 19. PB7-54, Monroe County, Florida, having Real Estate Numbers 00573720-002800; 00573720-002900; 00573720-003000; 00573720-003100; 00573720-003200; 00573720-003300; 00573720-003400; 00573720-003500; 00573720-003600; 00573720-003700; 00573720-003800; 00573720-003900; 00573720-004000; 00573720-004100; 00573720-004200; 00573720-004300; 00573720-004400; 00573720-004500; 00573720-004600.

[M29047 Withdrawal Ltr.PDF](#)

4. CONSIDERATION OF A RESOLUTION TRANSMITTING TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS, AN ORDINANCE AMENDING POLICY 102.8.5 OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN TO ALLOW THE PROVISION OF CENTRAL WASTEWATER SERVICE AND SUPPORT UTILITIES TO DEVELOPED PROPERTIES ON NO NAME KEY THAT ARE DESIGNATED RESIDENTIAL MEDIUM ON THE FUTURE LAND USE MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; DIRECTING THE CLERK OF THE BOARD TO FORWARD A COPY TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR FILING WITH THE SECRETARY OF STATE; PROVIDING FOR THE INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.

[28058 Comp Plan Objective & Analysis.PDF](#)

5. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING A REQUEST FROM PETER G. AND ELIZABETH C. GIAMPAOLI TO AMEND THE TIER OVERLAY MAP FROM TIER I TO TIER III FOR PROPERTY HAVING THE REAL ESTATE NUMBER 00119360-000100, SUGARLOAF KEY, MONROE COUNTY FLORIDA.

[28003 Giampoli FILE.pdf](#)

6. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING SECTION 102-20 OF THE MONROE COUNTY CODE CONCERNING THE APPOINTMENTS AND TERMS OF MEMBERS OF THE PLANNING COMMISSION AND VACANCIES THEREON; DELETING REMOVAL FOR CAUSE EXCEPT AS SPECIFICALLY SET FORTH; DELETING THE REQUIREMENT FOR SPECIAL MEETINGS; REMOVING THE REQUIREMENT FOR TIME CERTAIN PUBLIC HEARINGS; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE SECRETARY OF STATE AND THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE

[29027 Draft Ordinance.pdf](#)

7. AN ORDINANCE OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE DEFINITION OF "PORTABLE SIGNS" IN SECTION 142-2; AMENDING "PROHIBITED SIGNS" IN SECTION 142-3; PERMITTING SOME PORTABLE SIGNS UNDER CERTAIN CONDITIONS; AMENDING SECTION 142-3(7); AMENDING SECTION 142-3(b)(1); AMENDING SECTION 142-3(b)(8); AMENDING SECTION 142-3(d)(1); PERMITTING BANNER SIGNS TO BE DISPLAYED FOR A LONGER PERIOD; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE SECRETARY OF STATE AND DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

[29048 SR PC 06.24.09.pdf](#)

BOARD DISCUSSION

GROWTH MANAGEMENT COMMENTS

RESOLUTIONS FOR SIGNATURE

ADJOURNMENT



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Planning Commission

Through: Townsley Schwab, Sr. Director of Planning and Environmental Resources *MH for TS*
Mitch Harvey, Comprehensive Plan Manager *mit*

From: Kathy Grasser, Comprehensive Planner *kg*

Date: June 19, 2009

RE: Request to create new Monroe County Year 2010 Comprehensive Plan Policy 101.4.20 discouraging future land use map changes which increase density/intensity; requiring Monroe County to complete a Year 2020 needs analysis based on projected growth and other criteria

Meeting: June 24, 2009

I. BACKGROUND

The Florida Administration Commission (F.A.C.) is proposing new Rule 28-20.130 and Rule 28-20.140 to implement Section 380.0552(4) of the Florida Statutes. The Rule requires Monroe County to report annually to the F.A.C. describing its progress in completing the remaining work program tasks. The work program tasks are outlined in the Monroe County Year 2010 Comprehensive Plan Policy 101.2.13 and Rule 28-20.110 Florida Administrative Code.

To assist in completing work program tasks Year 6, Task C and Year 8, Task F, a new policy regarding carrying capacity and habitat protection must be created and transmitted to the Department of Community Affairs (DCA) prior to July 31, 2009.

Work Program Year 6, Task C implements the Carrying Capacity Study and the adoption of Monroe County Year 2010 Comprehensive Plan amendments, establishing rate of growth and development standards to ensure that any development does not exceed the county's environmental and marine system capacity while accommodating additional impacts.

Work Program Year 8, Task F requires amendments to be adopted to the Monroe County Year 2010 Comprehensive Plan and Monroe County Land Development Regulations that enact overlay designations, eliminate or revise the Habitat Evaluation Index and modify the ROGO/NROGO system to guide development away from environmentally sensitive lands.

The new Monroe County Year 2010 Comprehensive Plan Policy 101.4.20 shall be as follows:

1 Discourage future land use changes, throughout unincorporated Monroe County,
2 including Ocean Reef, which increase allowable density/intensity. Monroe County
3 shall complete a needs analysis through 2020 based upon the amount of vacant lands,
4 the adopted density of the future land use designations and their existing yields, the
5 projected population, the projected rate of growth allocations and the availability of
6 public facilities and services. The needs analysis will be considered when reviewing
7 proposed FLUM amendments.

8
9 This policy discourages development where it is not appropriate and directs
10 development where it is appropriate through the implementation of the following
11 Monroe County regulatory documents:

- 12
- 13 1. Adopted Level of Service Standards
- 14 2. Big Pine Key/No Name Key Incidental Take Permit and Habitat
15 Conservation Plan
- 16 3. Carrying Capacity Study
- 17 4. Livable CommuniKeys Plans
- 18 5. Monroe County Land Development Code
- 19 6. Public Facilities
- 20 7. Rate of Growth Ordinance
- 21 8. Tier System
- 22 9. Monroe County Comprehensive Plan Goals, Objectives and Policies
- 23

24 II. ANALYSIS

25 A. *Consistency of the proposed amendment with the provisions and intent of the Florida* 26 *Statutes:*

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28
29 Section 163.3177(6)(a), Florida Statutes (F.S.) bases the future land use plan on surveys,
30 studies and data in and surrounding the area. The data should include the amount of land
31 needed for anticipated growth, projected population and availability of public facilities,
32 compatibility of adjacent lands and the discouragement of urban sprawl, among other
33 items. 163.3178(2)(b), F. S. Section requires environmental, socioeconomic, and fiscal
34 impact of development and redevelopment to support infrastructures as well as having
35 plans and principles to defer development from environmentally sensitive areas.

- 36
- 37 1. Pursuant to 163.3177(6)(a), F.S. Section which states “The future land use plan shall
38 be based upon surveys, studies, and data regarding the area, including the amount of
39 land required to accommodate anticipated growth; the projected population of the
40 area; the character of undeveloped land; the availability of water supplies, public
41 facilities, and services; the need for redevelopment, including the renewal of blighted
42 areas and the elimination of nonconforming uses which are inconsistent with the
43 character of the community; the compatibility of uses on lands adjacent to or closely
44 proximate to military installations; the discouragement of urban sprawl; energy-
45 efficient land use patterns accounting for existing and future electric power
46 generation and transmission systems; greenhouse gas reduction strategies; and, in
47 rural communities, the need for job creation, capital investment, and economic
48 development that will strengthen and diversify the community's economy.”

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2. Section 163.3178(2)(b), F.S. which states “An analysis of the environmental, socioeconomic, and fiscal impact of development and redevelopment proposed in the future land use plan, with required infrastructure to support this development or redevelopment, on the natural and historical resources of the coast and the plans and principles to be used to control development and redevelopment to eliminate or mitigate the adverse impacts on coastal wetlands; living marine resources; barrier islands, including beach and dune systems; unique wildlife habitat; historical and archaeological sites; and other fragile coastal resources.”

11 The following rules by the Florida Administrative Code (F.A.C.) regulate the protection of
12 natural habitat and restrict activities that adversely affect the endangered and threatened
13 wildlife while moving development away from environmentally sensitive areas.

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1. Rule 9J-5.006(3)(b)4 F.A.C. “Ensure the protection of natural resources and historic resources.”
 2. Rule 9J-5.0012(3)(b)1. F.A.C. “Protect, conserve, or enhance remaining coastal wetlands, living marine resources, coastal barriers, and wildlife habitat.”
 3. Rule 9J-5.0013(2)(c)3. F.A.C. “Protection of native vegetative communities from destruction by development activities.”
 4. Rule 9J-5.0013(2)(c)5. F.A.C. “Restriction of activities known to adversely affect the survival of endangered and threatened wildlife.”
 5. Rule 9J-5.0013(2)(c)6. F.A.C. “Protection and conservation of the natural functions of existing soils, fisheries, wildlife habitats, rivers, bays, lakes, floodplains, harbors, wetlands including estuarine marshes, freshwater beaches and shores, and marine habitats.”
 6. Rule 9J-5.0013(3)(b). F.A.C. “Future land uses which are incompatible with the protection and conservation of wetlands and wetland functions shall be directed away from wetlands. The type, intensity or density, extent, distribution and location of allowable land uses and the types, values, functions, sizes, conditions and locations of wetlands are land use factors which shall be considered when directing incompatible land uses away from wetlands.”

39 The proposed amendment is consistent with the provisions and intent of the above Florida
40 Statutes and the Florida Administrative Code.

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42 **B. *Consistency of the proposed amendment with the provisions and intent of Monroe County***
43 ***Year 2010 Comprehensive Plan:***
44

45 Goal 101 enhances the quality of life, ensures safety of people and protection of natural
46 resources. Goal 105 provides a framework for future development and land acquisition for
47 the next 20 years. Policy 105.1.5 charges Monroe County to direct future residential
48 development to Tier III lands in accordance with Policy 105.2.2. Policy 105.1.6 directs the
49 county to revise NROGO in accordance with Policies 105.2.1 and 105.2.15. Goal 105.2.1

1 defines Tier I as environmentally sensitive, development severely restricted and the
2 retirement of privately owned vacant lands should be used for resource conservation and
3 passive recreation purposes. Policy 105.2.2 directs the county to create an overlay map for
4 the Tier system. Policy 105.2.15 directs the county to refer development to community
5 centers which are located in the Tier III designations. Section 4.2 of the Year 2010 Monroe
6 County Comprehensive Plan requires availability of public facilities and ability to meet the
7 level of service standards to be concurrent with the impact of new development.
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- 9 1. Pursuant to Monroe County Year 2010 Comprehensive Plan, Goal 101 states Monroe
10 County “shall manage future growth to enhance the quality of life, ensure the safety
11 of County residents and visitors, and protect valuable natural resources. [9J-
12 5.006(3)a]”
13
- 14 2. Pursuant to Monroe County Year 2010 Comprehensive Plan, Goal 105 states
15 “Monroe County shall undertake a comprehensive land acquisition program and
16 smart growth initiatives in conjunction with its Livable CommuniKeys Program in a
17 manner that recognizes the finite capacity for new development in the Florida Keys
18 by providing economic and housing opportunities for residents without
19 compromising the biodiversity of the natural environment and the continued ability of
20 the natural and manmade systems to sustain livable communities in the Florida Keys
21 for future generations.”
22
- 23 3. Pursuant to Monroe County Year 2010 Comprehensive Plan, Policy 105.1.5 states
24 “Monroe County shall prepare amendments to this Plan and its Land Development
25 Regulations that comprehensively revise the existing residential permit allocation
26 system to direct the preponderance of future residential development to areas
27 designated as an overlay on the zoning map(s) as Infill (Tier III) in accordance with
28 Policy 105.2.2.”
29
- 30 4. Pursuant to Monroe County Year 2010 Comprehensive Plan, Policy 105.1.6 states
31 “Monroe County shall prepare amendments to this Plan and it’s Land Development
32 Regulations that comprehensively revise the existing non-residential permit
33 allocation system in a manner that implements Policies 105.2.1 and 105.2.15 and is
34 consistent with and furthers this Plan.”
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- 36 5. Pursuant to Monroe County Year 2010 Comprehensive Plan, Policy 105.2.1 states
37 “Monroe County shall designate all lands outside of mainland Monroe County,
38 except for the Ocean Reef planned development, into three general categories for
39 purposes of its Land Acquisition Program and smart growth initiatives in accordance
40 with the criteria in Policy 205.1.1. These three categories are: Natural Area (Tier I);
41 Transition and Sprawl Reduction Area (Tier II) on Big Pine Key and No Name Key
42 only; and Infill Area (Tier III).”
43
- 44 6. Pursuant to Monroe County Year 2010 Comprehensive Plan, Policy 105.2.2 states
45 “Monroe County shall prepare an overlay map(s) designating geographic areas of the
46 County as one of the three Tiers in accordance with the guidance in Policy 105.2.1,
47 which shall be incorporated as an overlay on the zoning map(s) with supporting text
48 amendments in the Land Development Regulations. These maps are to be used to

1 guide the Land Acquisition Program and the smart growth initiatives in conjunction
2 with the Livable CommuniKeys Program (Policy 101.20.1).”
3

4 7. Pursuant to Monroe County Year 2010 Comprehensive Plan Policy 105.2.15, states
5 “Where appropriate, as part of the Livable CommuniKeys Planning Process,
6 Community Centers shall be designated within areas designated as Tier III (Infill
7 Area). A Community Center is characterized as a defined geographic area with a mix
8 of retail, personal service, office and tourist and residential uses (generally of greater
9 than 8 units per acre). Community Centers shall be designated as receiving areas for
10 transfer of development rights and shall receive special incentives in the non-
11 residential permit allocation system.”
12

13 8. Pursuant to Monroe County Year 2010 Comprehensive Plan Section 4.2, states
14 “Monroe County will adopt the programs described in Sections 4.2.1 to 4.2.3 in
15 support of these goals, objectives and policies. These programs will ensure that
16 public facilities and services meeting the levels of service standards established in the
17 Comprehensive Plan will be available concurrent with the impacts of development.”
18

19 The proposed amendment is consistent with the provisions and intent of the above Monroe
20 County Year 2010 Comprehensive Plan Goals, Objectives and Policies.
21

22 C. *Consistency of the proposed amendment with the provisions and intent of Livable*
23 *CommuniKeys Plans:*
24

25 The Key Largo Livable CommuniKeys Master Plan Strategy 1.3 supports the utilization of
26 the FLUM to regulate density and intensity of individual parcels. The Key Largo Livable
27 CommuniKeys Master Plan Action Item 1.3.1 continues to utilize the FLUM to protect the
28 density and intensity and to regulate and promote orderly development. Strategy 2.1 of the
29 Big Pine and No Name Key Livable CommuniKeys Master Plan regulates development with
30 respect to density and intensity by using the tier map overlay to guide future development.
31

- 32 1. Key Largo Livable CommuniKeys Master Plan Strategy 1.3, states “continue to utilize
33 the Land Use District Map and supporting FLUM to regulate land use type, density and
34 intensity on individual parcels within the planning areas.
35
- 36 2. Key Largo Livable CommuniKeys Master Plan Action Item 1.3.1, states “Continue to use
37 the FLUM and Land Use District Maps to regulate development of individual parcels
38 with respect to density, intensity, bulk regulations, and all other land development
39 regulations. This will protect the existing conformance status of most uses and promote
40 orderly development consistent with the Comprehensive Plan.”
41
- 42 3. The Big Pine and No Name Key Livable CommuniKeys Master Plan Strategy 2.1, states
43 “Continue to utilize the Land Use District Maps and supporting FLUM to regulate land
44 use type, density and intensity on an individual parcel basis within the planning area. The
45 distribution of future development shall be guided by a Tier System Overlay Map
46 pursuant to the comprehensive plan.”
47

48 The proposed amendment is consistent with the provisions and intent of the above Livable
49 CommuniKeys Master Plans.

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2 D. *Consistency of the proposed amendment with the provisions and intent of Monroe County*
3 *Code:*

4
5 Section 114-2 of the Monroe County Code requires all development to be served by adequate
6 public facilities. Section 138-23 indicates any residential ROGO allocations will not be used
7 for new transient units. Section 138-24(a) indicates how many affordable housing allocations
8 are available annually.
9

- 10 1. Monroe County Code Section 114-2 states “After February 28, 1988, all development or
11 land shall be served by adequate public facilities.”
12
13 2. Monroe County Code Section 138-23 states “Moratorium on new transient units states
14 new transient residential units, such as hotel or motel rooms, or campground, recreational
15 vehicle or travel trailer spaces, shall not be eligible for residential ROGO allocations until
16 December 31, 2008.”
17
18 3. Monroe County Code Section 138-24(a) specifies 71 affordable housing allocations are
19 to be divided into two categories: 1) Very Low, Low, and Median have 36 allocations
20 and 2) Moderate has 35 allocations. Affordable housing residential allocations for all
21 four (4) ROGO quarters, including the two available for Big Pine Key, shall be made
22 available at the beginning of the first quarter for a ROGO year.
23

24 The proposed amendment is consistent with the provisions and intent of the above of Monroe
25 County Code.
26

27 E. *Consistency with the Principles for Guiding Development in the Florida Keys Area of*
28 *Critical State Concern pursuant to F.S. Chapter 380.0552(7):*
29

30 For the purposes of reviewing consistency of the adopted plan or any amendments to that
31 plan with the principles for guiding development and any amendments to the principles, the
32 principles shall be construed as a whole and no specific provision shall be construed or
33 applied in isolation from the other provisions.
34

35 Guiding Principles (a), (b), (c) and (e) are consistent with the proposed amendment. These
36 principles manage land use and development while protecting natural resources. Guiding
37 Principles (f) and (g) are consistent with the proposed amendment. These principles provide
38 a vision for future development or land acquisition in the Florida Keys. Guiding Principles
39 (d), (j), (k) and (l) are consistent with the proposed amendment. These principles provide for
40 sound economic development and health, safety and the welfare of current and future
41 populations. Guiding Principles (h) and (i) are consistent with the proposed amendment.
42 These principles ensure adequate public facilities are available for development.
43

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

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

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

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

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

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

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

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

- 14 1. The Florida Keys Aqueduct and water supply facilities;
- 15 2. Sewage collection and disposal facilities;
- 16 3. Solid waste collection and disposal facilities;
- 17 4. Key West Naval Air Station and other military facilities;
- 18 5. Transportation facilities;
- 19 6. Federal parks, wildlife refuges, and marine sanctuaries;
- 20 7. State parks, recreation facilities, aquatic preserves, and other publicly owned
21 properties;
- 22 8. City electric service and the Florida Keys Electric Co-op; and
- 23 9. Other utilities, as appropriate.

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

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

28 (k) To provide adequate alternatives for the protection of public safety and welfare in the
29 event of a natural or manmade disaster and for a post disaster reconstruction plan.

30 (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and
31 maintain the Florida Keys as a unique Florida resource.

32 The proposed amendment is consistent with the provisions and intent of the above Principles
33 for Guiding Development in the Florida Keys Area of Critical State Concern as a whole and
34 not inconsistent with any one principle.

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36 F. *Implementation Strategy of Policy 101.4.20:*

37
38 Policy 101.4.20 discourages FLUM amendments in unincorporated Monroe County,
39 including Ocean Reef, which increase density/intensity. This policy will also require Monroe
40 County to create a Year 2020 needs analysis based on certain criteria.

41
42 The discouragement of FLUM amendments throughout unincorporated Monroe County,
43 including Ocean Reef, which increase allowable density/intensity, will be implemented by
44 basing FLUM amendment recommendations on regulations and policies of, but not limited

1 to, the State of Florida, Monroe County and state land planning agencies. Data and analyses
2 shall be based on, but not limited to, Florida Statutes, Monroe County Year 2010
3 Comprehensive Plan, Monroe County Code and the Livable CommuniKeys Master Plans.
4 All goals, objectives, policies, standards, findings and conclusions within the comprehensive
5 plan and its support documents, and within plan amendments and their support documents,
6 shall be based on relevant and appropriate data and the analyses applicable to each element
7 (F.A.C. 9J-5.005(2)(a)). Additionally, amendments shall be compatible with and further the
8 objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it
9 meets all other criteria named by the local government (F.S. 163.3194(3)(a)).

10
11 Ordinance 016-1992 adopts the Dwelling Unit Allocation system, limiting annual residential
12 development and safe hurricane evacuation clearance times as determined by policy
13 decisions and completed studies. In Section 2.3.1.6 of the ordinance, the Board directed
14 that Card Sound Road be used for evacuation in addition to U.S. 1. In Section 2.3.4 and
15 Section 2.3.5 of the ordinance, the BOCC adopted a policy directing the County to reduce
16 evacuation clearance times to 30 hours by the year 2000 by implementing a permit allocation
17 system to control growth. The Dwelling Unit Allocation system applies to all residential
18 dwelling units requiring a building permit.

19
20 The following criteria were needed to exempt out of the Dwelling Unit Allocation System:

- 21 1. The result of the issuance of a residential building permit will not cause a shift in the
22 controlling road segment in the event of a threat of a class 3-5 hurricane as cited in
23 the December 1991 update of the 1989 Post, Buckley, Schuh & Jernigan, Inc.
24 Transportation Analysis.
- 25 2. It will not increase traffic volume on the critical road segment and as such, will not
26 increase the hurricane evacuation clearance time.

27
28 All Zone 7 or Ocean Reef planned development approved building permits fulfilled these
29 criteria and became exempt from the Dwelling Unit Allocation System.

30
31 Ordinance No. 047-1999 stated the same criteria was needed to exempt out of the Dwelling
32 Unit Allocation System.

33
34 Ordinance 009-2006 revised ROGO Sections 138-19 through 138-28 and 138-47 through
35 138-56. Section 138-21(d) cites "any applicant that can demonstrate with a traffic study
36 acceptable to Monroe County traffic engineers that their proposed development will not
37 increase hurricane evacuation times is exempt from the ROGO system. All residential
38 dwelling units to be located in the Ocean Reef planned development are deemed not to
39 increase hurricane evacuation times".

40
41 Ordinance No. 010-2006 amends Monroe County Land Development Regulations Section
42 130-130 by implementing Goal 105 of the Comprehensive Plan and created the Tier System.
43 The Monroe County Code states the Tier Overlay District Designation geographical area
44 includes the outside of mainland Monroe County and excludes Ocean Reef planned
45 development. The Tier Overlay District assigned the most amount of points for lands in Tier
46 III and the least amount of points for lands in Tier I.

47
48 To guide development Monroe County utilizes the ROGO system, the Tier System and other
49 regulatory documents, thus directing development to approved areas of infill. The ROGO

1 system limits the number of residential allocations in unincorporated Monroe County.
 2 Section 138-24 allows 197 residential ROGO allocations per year. The following is the
 3 breakdown by subarea:
 4

Subarea	Number of Dwelling Units
Upper Keys	61
Lower Keys	57
Big Pine and No Name Keys	8
Total Market Rate	126
Affordable dwelling units	36*
Very Low, Low and Median Incomes	35*
Moderate Income	71
Total Units per year	197
*Includes one for Big Pine Key and No Name Key	

5
 6 In Tier I, no more than three (3) dwelling unit allocations are permitted in the Upper Keys
 7 and three (3) dwelling unit allocations in the Lower Keys.
 8

9 Big Pine Key and No Name Key allocation awards are subject to the provisions of the
 10 Incidental Take Permit (ITP) and the Habitat Conservation Plan for the Florida Key Deer and
 11 other covered species. These two keys receive eight (8) market rate and two (2) affordable
 12 dwelling unit allocations per year until the requirements of the ITP are satisfied or Year 2023,
 13 whichever comes first. As of June 2009, only six (6) market rate Tier I allocations remain for
 14 these two Keys.
 15

16 G. *The implementation of Policy 101.4.20 currently uses the following policies and regulations*
 17 *to discourage FLUM amendments which increase density/intensity and require Monroe*
 18 *County to complete a Year 2020 needs analysis:*
 19

- 20 1. Pursuant to 9J-5.005(6) Plan Implementation Requirements, comprehensive plan
 21 policies are to be implemented according to F. S. Section 163.3161(5), Sections
 22 163.3194, 163.3201, and 163.3202, F.S. These sections contain goals, objectives and
 23 policies which describe how Monroe County programs, activities, and land
 24 development regulations will be initiated, modified or continued to implement the
 25 new comprehensive plan policy in a consistent manner.
 26
- 27 2. Policy 105.1.5 charges Monroe County to direct future residential development to
 28 Tier III lands in accordance with Policy 105.2.2.
 29
- 30 3. Policy 105.1.6 directs the county to revise NROGO in accordance with Policies
 31 105.2.1 and 105.2.15.

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4. Goal 105.2.1 defines Tier I as environmentally sensitive, development severely restricted and the retirement of privately owned vacant lands should be used for resource conservation and passive recreation purposes.
5. Policy 105.2.2 directs the county to create an overlay map for the Tier system.
6. Policy 105.2.15 directs the county to refer development to community centers which are located in the Tier III designations.
7. Section 114-2 of the Monroe County Code requires all development to be served by adequate public facilities.
8. The Rate of Growth Ordinance and the Nonresidential Rate of Growth ordinance are dictated by Chapter 138 of the Monroe County Code.
9. Section 138-23 stipulates that residential ROGO allocations will not be used for new transient units.
10. Section 138-24(a) indicates how many affordable housing allocations are available annually.
11. The Livable CommuniKeys Program (LCP), Master Plan for Future Development of Big Pine Key and No Name Key was adopted on August 18, 2004 under Ordinance 029-2004. The LCP envisioned the issuance of 200 residential dwelling units over 20 year horizon at a rate of roughly 10 per year. A minimum of twenty percent of the 10 units per year are to be set aside for affordable housing development.
12. The Key Largo Livable CommuniKeys Master Plan Strategy 1.3 supports the utilization of the FLUM to regulate density and intensity of individual parcels.
13. The Key Largo Livable CommuniKeys Master Plan Action Item 1.3.1 continues to utilize the FLUM to protect the density and intensity and to regulate and promote orderly development.
14. The Big Pine and No Name Key Livable CommuniKeys Master Plan Strategy 2.1 regulate development with respect to density and intensity by using the tier map overlay to guide future development.
15. F. S. Chapters 163.3177 and 163.3178 states any future land use plan's analysis will be based on surveys and data. The data and analysis used as part of the FLUM amendment process includes the Monroe County Year 2010 Comprehensive Plan, Land Development Regulations, Florida Statutes, Florida Administration Commission, Monroe County's transportation and waste management consultant reports, Florida Keys Aqueduct Authority reports, Monroe County School Board and the Monroe County Parks and Recreation Department reports.
16. F. S. Chapter 163.3191 states "Monroe County shall adopt an evaluation and appraisal report (EAR) every seven (7) years," and will include data such as projected

1 growth and other criteria. The last Monroe County EAR completed was in year
2 2004. Additionally, the Monroe County Year 2010 Comprehensive Plan is in the
3 process of being updated. The EAR will be part of the process that will assist in
4 updating the Comprehensive Plan. Data in the report will include updated population
5 projections; vacant and developable land analysis; social economic and
6 environmental impacts; water supply and transportation studies.
7

- 8 17. F. S. Chapter 163.3191(1) F.S. states (the) "evaluation and appraisal of
9 comprehensive plan planning program shall be a continuous and ongoing process.
10 Each local government shall adopt an evaluation and appraisal report once every 7
11 years assessing the progress in implementing the local government's comprehensive
12 plan."
13

14
15 **IV. KNOWN ISSUES**
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17 Part of the State's interim progress, as cited in 28-20.140(3)(a)1.d, requires Monroe
18 County to transmit a new policy between August 1, 2008 through July 31, 2009
19 discouraging FLUM amendments throughout Monroe County, including Ocean Reef,
20 which increase allowable density/intensity. It also requires Monroe County to complete a
21 Year 2020 needs analysis.
22

23 The second part of the process, as cited in 28-20.140(b)2.1 is to adopt the above policy
24 between August 1, 2009 through July 31, 2010. However, the text of the adoption policy
25 differs from the transmittal policy in that it discourages private applications for future
26 land use changes which increase allowable density/intensity. It does not include Ocean
27 Reef. It still requires Monroe County to complete a Year 2020 needs analysis.
28

29 **III. CONCLUSIONS**
30

- 31 1. The amendment is in the interest of the health, safety and welfare of the public.
32
33 2. The proposed amendment is consistent with and furthers the policies of the Florida
34 Statutes by requiring data and analysis to be an intricate part of the Carrying Capacity
35 Study and proposed future land use map amendments.
36
37 3. The proposed amendment is consistent with and furthers the policies of the Florida
38 Administration Commission by protecting the natural areas as well as restricting
39 activities that adversely affect endangered and threatened wildlife while moving
40 development away from environmentally sensitive areas.
41
42 4. The proposed amendment is consistent with and furthers the policies of the Monroe
43 County Year 2010 Comprehensive Plan Goals, Objectives and Policies by requiring
44 density/intensity, land character and natural resources inventory are part of the FLUM
45 amendment review process. It also ensures public facilities are available and adequate
46 for new development.
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5. The proposed text amendment is consistent with and furthers the strategies and action items of the Livable CommuniKeys Master Plans which protects natural resources and manages land development.
 6. The proposed amendment is consistent with and furthers the policies of the Monroe County Code by requiring all development to be served by public facilities.
 7. The proposed text amendment is consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern as a whole, and is not inconsistent with any principle which recognizes land use management, public safety, health and welfare, economic development and protects the natural environment.

13 **IV. RECOMMENDATION**

14
15 Staff recommends **APPROVAL** to the Monroe County Planning Commission.
16
17

File #: 29055

Owner's Name: Greenmoves-Food, LLC/Melody Reger

Applicant: Greenmoves-Food, LLC

Agent: Trepanier & Associates, Inc.

Type of Application: Alcoholic Beverage Use Permit

Key: Summerland

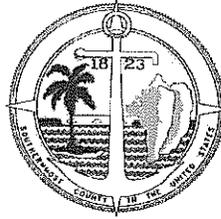
RE #: 00194560-000000
00194700-000000

Additional Information added to File 29055

County of Monroe
Growth Management Division

Office of the Director

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



Board of County Commissioners

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

We strive to be caring, professional and fair

Date: 5/19/09

Dear Applicant:

This is to acknowledge submittal of your application for Alcoholic Beverage Use Permit
Type of application

Greenmoves - Food, LLC to the Monroe County Planning Department.
Project / Name

Thank you.

Debbie Tedesco for
Debbie Tedesco
Planning Staff

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

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

Property Record View

Alternate Key: 1256382 Parcel ID: 00194560-000000

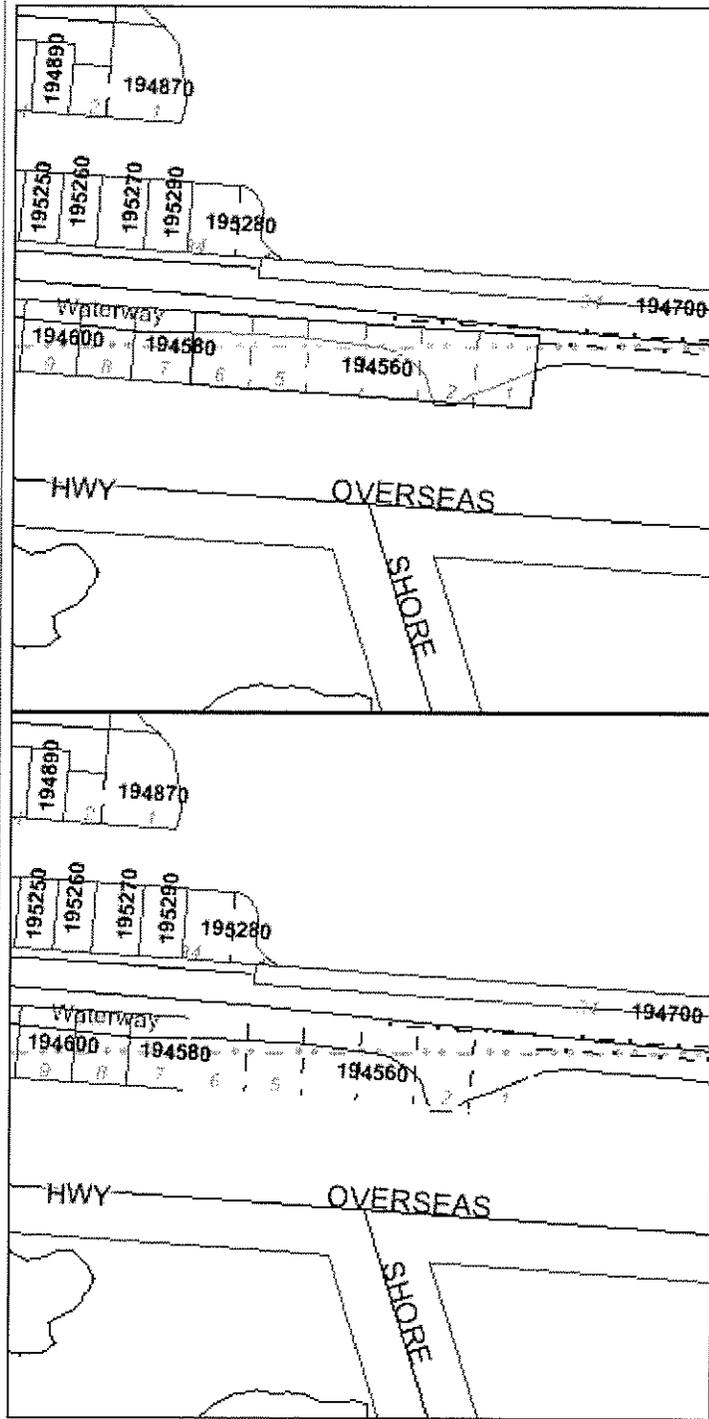
Ownership Details

Mailing Address:
REGER MELODYE
100 BAY DRIVE
KEY WEST, FL 33040

Property Details

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

Parcel Map



Land Details

Land Use Code	Frontage	Depth	Land Area
10HC - COMM/HY/CANAL	60	77	4,620.00 SF
000X - ENVIRONMENTALLY SENS	60	77	1.00 LT
000X - ENVIRONMENTALLY SENS	60	77	1.00 LT
10HC - COMM/HY/CANAL	60	77	4,620.00 SF
10HC - COMM/HY/CANAL	60	77	4,620.00 SF

10HC - COMM/HY/CANAL	60	77	4,620.00 SF
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Building Summary

Number of Buildings: 1
 Number of Commercial Buildings: 1
 Total Living Area: 2425
 Year Built: 1975

Building 1 Details

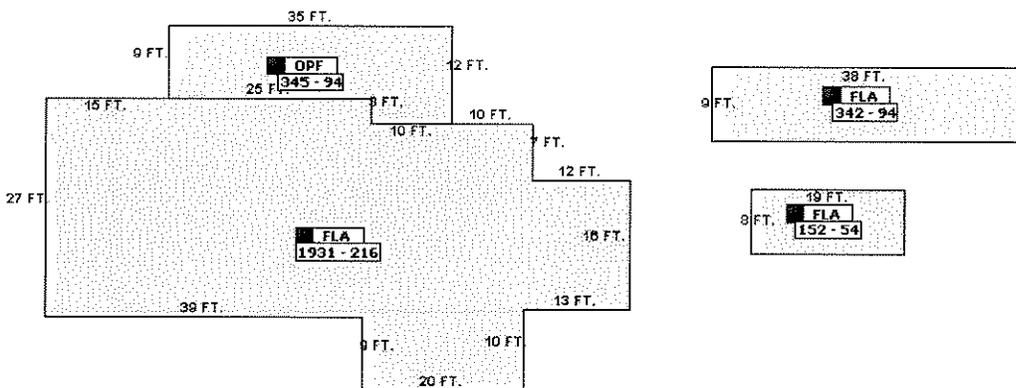
Building Type Effective Age 15 Year Built 1975 Functional Obs 0	Condition F Perimeter 364 Special Arch 0 Economic Obs 0	Quality Grade 250 Depreciation % 20 Grnd Floor Area 2,425
---	---	--

Inclusions:

Roof Type Heat 1 Heat Src 1	Roof Cover Heat 2 Heat Src 2	Foundation Bedrooms 0
--	---	---------------------------------

Extra Features:

2 Fix Bath	0	Vacuum	0
3 Fix Bath	0	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	10	Dishwasher	0



Sections:

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

0	FLA	1	1975	1,931
0	OPF	1	1975	345
0	FLA	1	1994	342
0	FLA	1	1994	152

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
0	PT3:PATIO	434 SF	0	0	2006	2007	1	50
0	DK4:WOOD DOCKS	280 SF	20	14	1985	1986	3	40
0	AP2:ASPHALT PAVING	2,160 SF	0	0	1987	1988	1	25
0	PT3:PATIO	723 SF	0	0	1987	1988	2	50
0	DK3:CONCRETE DOCK	952 SF	119	8	1991	1992	4	60
0	SW2:SEAWALL	616 SF	154	4	1991	1992	4	60
0	AC2:WALL AIR COND	1 UT	0	0	2002	2003	2	20

Appraiser Notes

2008 CERTIFICATE OF TITLE TRANSFERED LOTS ONE THRU SIX AND LOT THIRTY FOUR AK 1256382 (1-6) AND AK 1256510 (34)

1/23/09; FISHCUTTERS RESTAURANT, FISH HOUSE & MARINA; BRING PRC CURRENT,NL108

2009 MULTI PARCEL SALE TRANSFERED LOTS ONE THRU SIX AND LOT THIRTY FOUR AK 1256382 (1-6) AND AK 1256510 (34)

SUMMERLAND KEY SEAFOOD RETAIL & WHOLESALE

2005-12-07 THE OWNERS REQUESTED ALCOHOLIC BEVERAGE SPECIAL USE PERMIT2COP(BEER & WINE .25000 OVERSEAS HIGHWAY.-SKI

Building Permits

Bldg	Number	Date issued	Date Completed	Amount	Description	Notes
	09100224	03/06/2009		16,700	Commercial	INTERIOR RENOVATIONS
	06105211	06/22/2007	01/23/2009	10,000	Commercial	New Sign
	09100166	01/16/2009		2,450	Commercial	REPAIR AND PAINT EXTERIOR OF BLDG
	09101231	04/30/2009		1,000	Commercial	SECURITY ALARM
	A-15627	06/01/1986	12/01/1986	1,200	Commercial	SLABS
	A-16608	12/01/1986	12/01/1986	3,000	Commercial	ELECTRICAL MISC.
	93-7016	11/01/1993	08/01/1994	10,000	Commercial	COMM.MISCELLANEOUS
	88-1342	07/01/1988	11/01/1988	12,640	Commercial	SEAWALL
	91-3418	10/01/1991	12/01/1992	5,056	Commercial	SEAWALL
	04100658	02/17/2004	05/04/2005	1,200	Commercial	DEMOLITION

Parcel Value History

Certified Roll Values.

View Taxes for this Parcel.

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2008	139,157	53,586	277,300	470,043	470,043	0	470,043
2007	90,828	44,787	277,300	412,915	412,915	0	412,915
2006	90,828	37,516	277,300	405,644	405,644	0	405,644
2005	92,966	38,099	277,300	408,365	408,365	0	408,365
2004	69,726	39,130	147,940	256,796	256,796	0	256,796
2003	69,726	40,189	120,220	230,135	230,135	0	230,135
2002	69,726	40,860	120,220	230,806	230,806	0	230,806
2001	69,726	42,087	120,220	232,033	232,033	0	232,033
2000	69,726	12,994	120,220	202,940	202,940	0	202,940
1999	69,726	13,309	120,220	203,255	203,255	0	203,255
1998	46,612	13,720	120,220	180,552	180,552	0	180,552
1997	46,612	14,142	120,220	180,974	180,974	0	180,974
1996	42,375	14,456	120,220	177,051	177,051	0	177,051
1995	42,375	14,869	120,220	177,464	177,464	0	177,464
1994	31,505	14,790	120,220	166,515	166,515	0	166,515
1993	31,505	15,077	120,220	166,802	166,802	0	166,802
1992	31,505	2,693	30,030	64,228	64,228	0	64,228
1991	31,505	2,827	30,030	64,362	64,362	0	64,362
1990	31,505	2,953	19,635	54,093	54,093	0	54,093
1989	31,505	3,080	15,939	50,524	50,524	0	50,524
1988	31,092	2,088	15,939	49,119	49,119	0	49,119
1987	8,345	0	15,939	24,284	24,284	0	24,284
1986	8,374	0	15,939	24,313	24,313	0	24,313
1985	8,118	0	15,832	23,950	23,950	0	23,950
1984	8,042	0	15,832	23,874	23,874	0	23,874
1983	8,086	0	15,832	23,918	23,918	0	23,918
1982	7,100	0	7,068	14,168	14,168	0	14,168

Parcel Sales History

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

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

This page has been visited 236,330 times.

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

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

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

Property Record View

Alternate Key: 1256510 Parcel ID: 00194700-000000

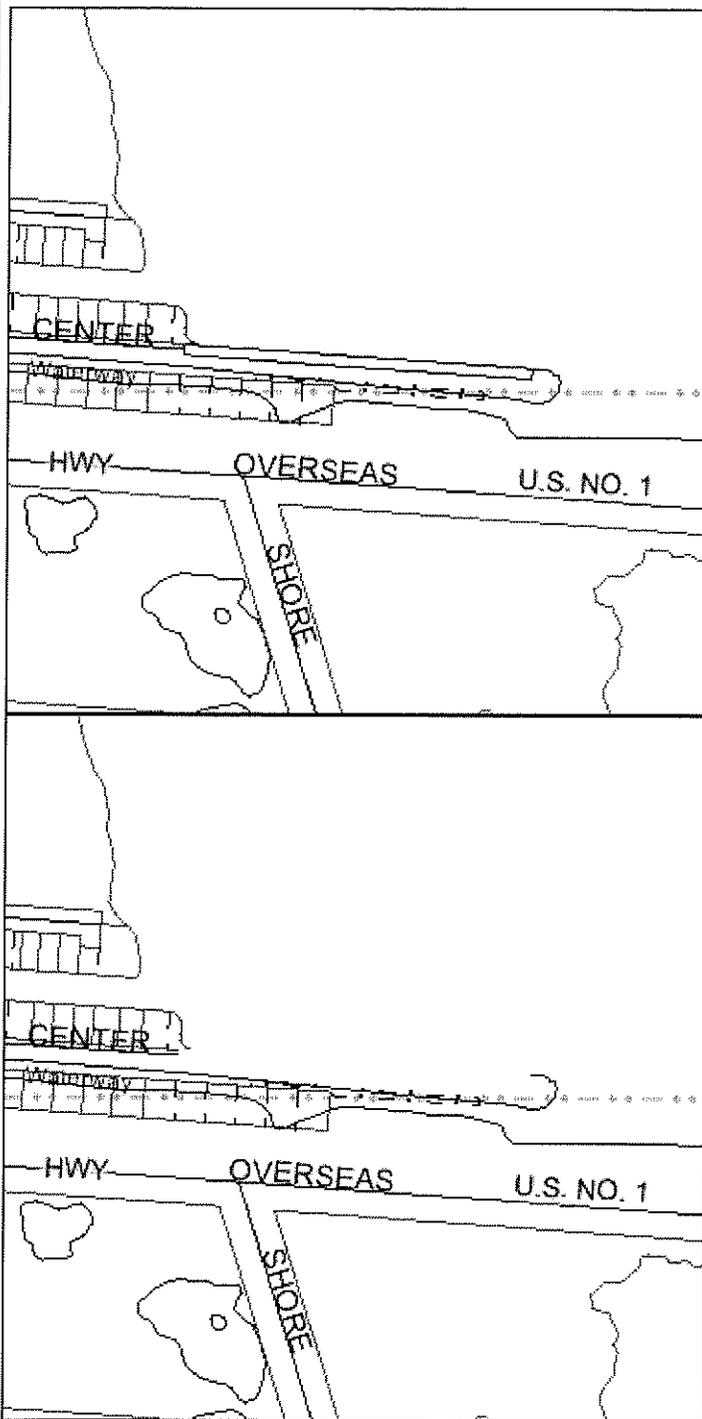
Ownership Details

Mailing Address:
REGER MELODYE
100 BAY DRIVE
KEY WEST, FL 33040

Property Details

PC Code: 10 - VACANT COMMERCIAL
Millage Group: 120C
Affordable Housing: No
Section-Township-Range: 25-66-28
Property Location: SUMMERLAND KEY
Subdivision: SUMMERLAND YACHT HARBOR SUBD
Legal Description: BK LT 34 SUMMERLAND YACHT HARBOR SUMMERLAND KEY PB2-142 OR565-915 OR836-2126
OR992-309 OR1073-1543(JB) OR2383-925/6 OR2393-1533/34

Parcel Map



Land Details

Land Use Code	Frontage	Depth	Land Area
100W - COMMERCIAL WATERFRON	0	0	0.94 AC

Building Summary

Number of Buildings: 0
 Number of Commercial Buildings: 0

Total Living Area: 0
Year Built: 0

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	UB2:UTILITY BLDG	250 SF	0	0	1975	1976	2	50
2	DK4:WOOD DOCKS	820 SF	164	5	1975	1976	4	40
3	DK4:WOOD DOCKS	680 SF	136	5	1975	1976	5	40
4	UB2:UTILITY BLDG	48 SF	8	6	1959	1960	5	50

Appraiser Notes

2008 CERTIFICATE OF TITLE TRANSFERED LOTS ONE THRU SIX AND LOT THIRTY FOUR AK 1256382 (1-6) AND AK 1256510 (34)

2009 MULTI PARCEL SALE TRANSFERED LOTS ONE THRU SIX AND LOT THIRTY FOUR AK 1256382 (1-6) AND AK 1256510 (34)

5/18/07 6 SLIPS USED FOR COMMERCIAL BOATS ONLY. JOHNSTONS POINT FISHING CAMP BAIT, FISH MARKET MARINA THE BUILDING BEING USED FOR CONSTRUCTION OF TRAPS 2000-05-24 DELETED THIS BUILDING FOR THE Y2K TAX ROLL VIA A DEMO- PERMIT DUE TO FIRE. DUG/SKI 2002/8/27 SB, TPP: 8977706 - KARTMAN, NOEL -HAWAIIAN SPIRIT

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	04103221	10/15/2004	01/28/2008	19,000	Commercial	DOCK REPAIR - WOODEN
1	991989	07/21/1999	01/01/2000	4,800	Commercial	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
2008	0	22,518	1,023,250	969,668	969,668	0	969,668
2007	0	11,910	736,740	969,668	969,668	0	969,668
2006	0	17,905	736,740	754,645	754,645	0	754,645
2005	0	17,983	613,950	631,933	631,933	0	631,933
2004	0	18,060	163,720	181,780	181,780	0	181,780
2003	0	18,138	81,860	99,998	99,998	0	99,998
2002	0	18,215	81,860	100,075	100,075	0	100,075
2001	0	18,293	81,860	100,153	100,153	0	100,153
2000	0	11,876	81,860	93,736	93,736	0	93,736
1999	35,238	12,698	81,860	129,796	129,796	0	129,796
1998	23,566	13,261	81,860	118,687	118,687	0	118,687
1997	23,566	14,083	81,860	119,509	119,509	0	119,509

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

Parcel Sales History

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

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

This page has been visited 236,347 times.

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

25103

File

sent to O. Tray
7/20/09

County of Monroe
Growth Management Division

Planning & Environmental Resources

Department

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



Board of County Commissioners

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

We strive to be caring, professional and fair

May 20, 2009

Ms. Melody Reger
GREENMOVES-FOOD, LLC.
25163 Overseas Highway
Summerland Key, FL 33042

RE: Resolution No. #P04-06

Dear Ms. Reger:

Per Resolution #P04-06, Monroe County approved an alcoholic beverage permit for on premises consumption and package sales of beer and wine at property located at mile marker 25, 25163 Overseas Highway, Summerland Key, 33042 (formerly known as Summerland Seafood - RE# 00194560-000000 and 00194700-000000).

I understand that you have purchased a 5COP license and have made application with the State to place it at the above property. In addition, GREENMOVES-FOOD, LLC is making application to the County to upgrade the current alcoholic beverage permit to include on premises consumption and package sales of liquor with the 5COP license.

Prior to hearing the upgrade application, the County agrees to allow GREENMOVES-FOOD, LLC to operate under the parameters of the existing permit in Resolution P04-06 and utilize the 5COP for on premises consumption and package sales of beer and wine only. No on premises consumption or package sales of liquor will occur unless and until an upgraded permit is approved by Monroe County. If such permit is not approved, you will have to apply to the state for the already permitted license.

Sincerely,

Townsley Schwab,
Director Planning and Environmental Resources

By signing below, Melody Reger personally and as Manager on behalf of GREENMOVES-FOOD, LLC agrees to sell only beer and wine at the above property unless and until the alcohol permit upgrade is approved by Monroe County.

Melody Reger, personally and as Manager
GREENMOVES-FOOD, LLC

Date

NOTARY ACKNOWLEDGMENT TO FOLLOW

The foregoing instrument was acknowledged before me on this ____ day of _____, 2009, by _____ He/she is personally known to me or produced _____ as identification.

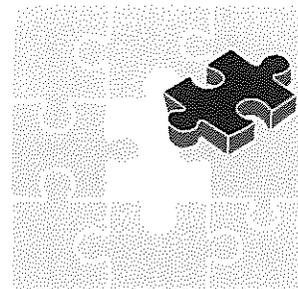
Notary Public

Seal

End of Additional File 29055

MEMORANDUM

TREPANIER



& ASSOCIATES INC
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

Date: 05/15/2009
To: Mr. Bill Harbert, Planner
From: Sarah Davis, Planner
CC: Melodye Reger and Owen Trepanier
Re: **Wharf Bar and Grill**
Alcoholic Beverage Use Permit Application

The following application packet seeks to upgrade the alcoholic beverage use permit to include liquor at 25163 Overseas Highway, Summerland Key, RE# 00194560-000000 and 00194700-000000 (formerly known as Summerland Seafood) (Res. No. P04-06).

Please review this application and contact me with any questions or additional information.

SECTION A

--

Alcoholic Beverage Use Permit Application

--

GREENMOVES-FOOD, LLC

(Melodye Reger)

APPLICATION
MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT



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: \$1,264.00

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

Advertising Costs: \$245.00

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

Date of Submittal: 05 / 19 / 2009
Month Day Year

Property Owner:

GREENMOVES-FOOD, LLC (Melodye Reger)

Name 25163 Overseas Highway
Summerland Key, FL 33042

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

(305) 745-3322

Daytime Phone

Email Address

Agent (if applicable):

Trepanier & Associates, Inc.

Name 402 Appelrouth Lane
Key West, Florida 33040

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

(305) 293-8983

Daytime Phone

sdavis@owentrepanier.com

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)

Name

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

Daytime Phone

Email Address

APPLICATION

Legal Description of Property:

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

1-6 & 34	Summerland Yacht Harbor	Summerland	
Block	Lot	Subdivision	Key
00194560-000000 & 00194700-000000		1256382 & 1256510	
Real Estate (RE) Number		Alternate Key Number	
25163 Overseas Highway		25	
Street Address (Street, City, State, Zip Code)		Approximate Mile Marker	

Land Use District Designation(s): Commercial Fishing Special District 13 (CFSD-13)

Present Land Use of the Property: Commercial fishing and related

Total Land Area: 45,550 sq. ft. (RE#s 00194560-000000 and 00194700-000000)

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
- 3APS PACKAGE ONLY, included beer, wine and liquor
- 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

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

- A** Complete alcoholic beverage application (unaltered and unbound);
- B** Correct fee (check or money order to Monroe County Planning & Environmental Resources);
- C** Proof of ownership (i.e. Warranty Deed);
- D** Current Property Record Card(s) from the Monroe County Property Appraiser;
- E** Location map;
- F** Photograph(s) of site from adjacent roadway(s);
- G** Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – sixteen (16) sets or Signed and Sealed Site Plan, prepared by a Florida registered architect, engineer or landscape architect– sixteen (16) sets (drawn to a scale of 1 inch equals 20 feet, except where impractical and the

APPLICATION

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;

H 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 event that a condominium development is within the 500 foot radius, each unit owner must be included;

I 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 must be submitted in order to have a complete application submittal:

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

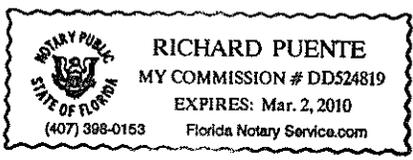
K Traffic Study, prepared by a licensed traffic engineer

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

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

Signature of Applicant: *Janh Ruffin* Date: 05/15/2009

Sworn before me this 15 day of May, 2009



Richard Puente
Notary Public
My Commission Expires

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

SECTION B

--

Alcoholic Beverage Use Permit Application

--

GREENMOVES-FOOD, LLC

(Melodye Reger)

SECTION C

--

Alcoholic Beverage Use Permit Application

--

GREENMOVES-FOOD, LLC

(Melodye Reger)

1,200,000

Doc# 1724325 12/24/2008 12:45PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

Prepared by and return to:
Erica N. Hughes-Sterling
Attorney at Law
Spottswood, Spottswood & Spottswood
500 Fleming Street
Key West, FL 33040
305-294-9556
File Number: 08-431-EB

12/24/2008 12:45PM
DEED DOC STAMP CL: TRINA \$8,400.00

Doc# 1724325
Bk# 2393 Pg# 1533

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 22nd day of December, 2008 between **First State Bank of the Florida Keys, a Florida Banking Institution, a Florida corporation** whose post office address is **1201 Simonton Street, Key West, FL 33040**, grantor, and **Melodye Reger, a single woman** whose post office address is **100 Bay Drive, Key West, FL 33040**, grantee:

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

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

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

Parcel Identification Number: 00194560-000000

Subject to taxes for 2009 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, 2009**.

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:

First State Bank of the Florida Keys, a Florida Banking Institution, a Florida corporation

By: [Signature]
Robert Murrell, Vice President

Witness Name: SHELLEY A. LOWE

Witness Name: Patricia Snyder

(Corporate Seal)

State of Florida
County of Monroe

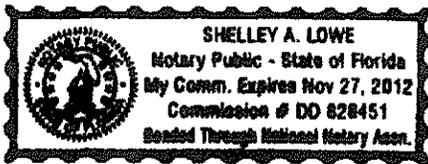
The foregoing instrument was acknowledged before me this 11th day of December, 2008 by Robert Murrell, Vice President of First State Bank of the Florida Keys, a Florida Banking Institution, a Florida corporation, on behalf of the corporation. He/she is personally known to me or has produced a driver's license as identification

[Notary Seal]

[Signature]
Notary Public

Printed Name: SHELLEY A. LOWE

My Commission Expires: _____



MONROE COUNTY
OFFICIAL RECORDS

SECTION D

--

Alcoholic Beverage Use Permit Application

--

GREENMOVES-FOOD, LLC

(Melodye Reger)

Monroe County Property Record Card (133)

Alternate Key: 1256382 Roll Year 2009
 Effective Date: 5/1/2009 10:34:22 AM Run: 05/01/2009 10:34 AM

REGER,MELODYE
 100 BAY DRIVE
 KEY WEST FL 33040

Parcel 00194560-000000-25-66-28 Nbhd 10050
 Alt Key 1256382 Mill Group 120C
 Affordable Housing No PC 4600
 FEMA Injunction ALL
 Inspect Date Next Review
 Business Name
 Physical Addr 25163 OVERSEAS HWY, SUMMERLAND KEY

Associated Names	DBA	Role
REGER, MELODYE		Owner

Legal Description
 SUMMERLAND YACHT HARBOR PB2-142 SUMMERLAND KEY LOTS 1 THRU 6 OR565-915 OR836-2126 OR992-309 OR1073-1543 OR2248-638/ OR2248-638/47E IITF/LEASE
 OR2383-925/6 OR2393-1533/34

Line ID	Use	Front	Depth	Notes	# Units	Type	SOH %	Rate	Depth	Loc	Shp	Phys	Class	ROGO	Class Value	Just Value
28868	10HC	60	77	Yes	4,620.00	SF	0.00		1.00	1.00	1.00	1.00		N		
28869	000X	60	77	Yes	1.00	LT	0.00		1.00	1.00	1.00	1.00		N		
28870	000X	60	77	Yes	1.00	LT	0.00		1.00	1.00	1.00	1.00		N		
28871	10HC	60	77	Yes	4,620.00	SF	0.00		1.00	1.00	1.00	1.00		N		
28872	10HC	60	77	Yes	4,620.00	SF	0.00		1.00	1.00	1.00	1.00		N		
28873	10HC	60	77	Yes	4,620.00	SF	0.00		1.00	1.00	1.00	1.00		N		
Total Just Value																

Monroe County Property Record Card (133)

Alternate Key: 1256382
 Effective Date: 5/1/2009 10:34:22 AM
 Roll Year 2009
 Run: 05/01/2009 10:34 AM

4817	1	FOOD PROCESSING-B-	50.00	Y	3425	AVE WOOD SIDING	100.00
4817	2	RESTAURANT & CAFETER	50.00	Y			
0	1	RESTRNT/CAFETER-D-	100.00				
0	1	CAMP BLDG	100.00				

Miscellaneous Improvements

Nbr	Impr Type	# Units	Type	SOH %	Length	Width	Year Built	Roll Year	Grade	Life	RCN	Depr Value
0	AC2:WALL AIR COND	1	UT	0.00	0	0	2002	2003	2	20		
0	SW2:SEAWALL	616	SF	0.00	154	4	1991	1992	4	60		
0	DK3:CONCRETE DOCK	952	SF	0.00	119	8	1991	1992	4	60		
0	PT3:PATIO	723	SF	0.00	0	0	1987	1988	2	50		
0	AP2:ASPHALT PAVING	2,160	SF	0.00			1987	1988	1	25		
0	DK4:WOOD DOCKS	280	SF	0.00	20	14	1985	1986	3	40		
0	PT3:PATIO	434	SF	0.00			2006	2007	1	50		
Total Depreciated Value												

Appraiser Notes

2008 CERTIFICATE OF TITLE TRANSFERRED LOTS ONE THRU SIX AND LOT THIRTY FOUR AK 1256382 (1-6) AND AK 1256510 (34)
 1/23/09: FISHCUTTERS RESTAURANT, FISH HOUSE & MARINA. BRING PROC CURRENT, NL108
 2009 MULTI PARCEL SALE TRANSFERRED LOTS ONE THRU SIX AND LOT THIRTY FOUR AK 1256382 (1-6) AND AK 1256510 (34)
 SUMMERLAND KEY SEAFOOD RETAIL & WHOLESALE
 2005-12-07 THE OWNERS REQUESTED ALCOHOLIC BEVERAGE SPECIAL USE PERMIT2COP(BEER & WINE .25000 OVERSEAS HIGHWAY-SKI

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	09100166	Jan 16 2009 12:00AM		2,450	Commercial	REPAIR AND PAINT EXTERIOR OF BLDG
	09100224	Mar 6 2009 12:00AM		16,700	Commercial	INTERIOR RENOVATIONS
	A-15627	Jun 1 1986 12:00AM	Dec 1 1986 12:00AM	1,200	Commercial	SLABS
	A-16608	Dec 1 1986 12:00AM	Dec 1 1986 12:00AM	3,000	Commercial	ELECTRICAL MISC.
	93-7016	Nov 1 1993 12:00AM	Aug 1 1994 12:00AM	10,000	Commercial	COMM.MISCELLANEOUS
	88-1342	Jul 1 1988 12:00AM	Nov 1 1988 12:00AM	12,640	Commercial	SEAWALL
	91-3418	Oct 1 1991 12:00AM	Dec 1 1992 12:00AM	5,056	Commercial	SEAWALL
	04100658	Feb 17 2004 12:00AM	May 4 2005 12:00AM	1,200	Commercial	DEMOLITION
	06105211	Jun 22 2007 12:00AM	Jan 23 2009 12:00AM	10,000	Commercial	New Sign

Monroe County Property Record Card (133)

Alternate Key: 1256382
 Effective Date: 5/1/2009 10:34:22 AM
 Roll Year 2009
 Run: 05/01/2009 10:34 AM

Value History

Tax Year	Val Meth	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Sr Ex	Tax Value
2008F	C	277,300	0	139,157	53,586	470,043	470,043	0	N	470,043
2007F	C	277,300	0	90,828	44,787	412,915	412,915	0	N	412,915
2006F	C	277,300	0	90,828	37,516	405,644	405,644	0	N	405,644
2005F	C	277,300	0	92,966	38,099	408,365	408,365	0	N	408,365
2004F	C	147,940		69,726	39,130	256,796	256,796	0	N	256,796
2003F	C	120,220		69,726	40,189	230,135	230,135	0		230,135
2002F	C	120,220		69,726	40,860	230,806	230,806	0		230,806
2001F	C	120,220		69,726	42,087	232,033	232,033	0		232,033
2000F	C	120,220		69,726	12,994	202,940	202,940	0		202,940
1999F	C	120,220		69,726	13,309	203,255	203,255	0		203,255
1998F	C	120,220		46,612	13,720	180,552	180,552	0		180,552
1997F	C	120,220		46,612	14,142	180,974	180,974	0		180,974
1996F	C	120,220		42,375	14,456	177,051	177,051	0		177,051
1995F	C	120,220		42,375	14,869	177,464	177,464	0		177,464
1994F	C	120,220		31,505	14,790	166,515	166,515	0		166,515
1993F	C	120,220		31,505	15,077	166,802	166,802	0		166,802
1992F	C	30,030		31,505	2,693	64,228	64,228	0		64,228
1991F	C	30,030		31,505	2,827	64,362	64,362	0		64,362
1990F	C	19,635		31,505	2,953	54,093	54,093	0		54,093
1989F	C	15,939		31,505	3,080	50,524	50,524	0		50,524
1988F	C	15,939		31,092	2,088	49,119	49,119	0		49,119
1987F	C	15,939		8,345	0	24,284	24,284	0		24,284
1986F	C	15,939		8,374	0	24,313	24,313	0		24,313
1985F	C	15,832		8,118	0	23,950	23,950	0		23,950
1984F	C	15,832		8,042	0	23,874	23,874	0		23,874
1983F	C	15,832		8,086	0	23,918	23,918	0		23,918
1982F	C	7,068		7,100	0	14,168	14,168	0		14,168

Monroe County Property Record Card (133)

Alternate Key: 1256382
 Effective Date: 5/1/2009 10:34:22 AM

Roll Year 2009
 Run: 05/01/2009 10:34 AM

Sales History

Book	Page	Sale Date	Instrument	Transfer Code	Q/U	Vacant	Sale Price
836	2126	7/1/1981	Warranty Deed	0	M	V	45
992	309	10/1/1986	Warranty Deed	0	M	V	1
2383	925	10/6/2008	Certificate of Title	0	F	I	100
2393	1533	12/1/2008	Warranty Deed	0	M	I	1,200,000

Monroe County Property Record Card (133)

Alternate Key: 1256510 Roll Year 2009
 Effective Date: 5/15/2009 3:18:38 PM Run: 05/15/2009 03:18 PM

REGER, MELODYE
 100 BAY DRIVE
 KEY WEST FL 33040

Parcel 00194700-0000000-25-66-28 Nbrhd 10050
 Alt Key 1256510 Mill Group 120C
 Affordable Housing No PC 1000
 FEMA Injunction
 Inspect Date Next Review
 Business Name
 Physical Addr . SUMMERLAND KEY

Associated Names
 Name REGER, MELODYE

DBA

Role
 Owner

Legal Description
 BK LT 34 SUMMERLAND YACHT HARBOR SUMMERLAND KEY PB2-142 OR565-915 OR836-2126 OR992-309 OR1073-1543(UB) OR2383-925/6 OR2393-1533/34

Line ID	Use	Front	Depth	Notes	# Units	Type	SOH %	Rate	Depth	Loc	Shp	Phys	Class	ROGO	Class Value	Just Value
28886	100W	0	0	Yes	0.94	AC	0.00		1.00	1.00	1.00					N
Total Just Value																

Miscellaneous Improvements																
Nbr	Impr Type	# Units	Type	SOH %	Length	Width	Year Built	Roll Year	Grade	Life	RCN	Depr Value				
4	UB2:UTILITY BLDG	48	SF	0.00	8	6	1959	1960	5	50						
3	DK4:WOOD DOCKS	680	SF	0.00	136	5	1975	1976	5	40						
2	DK4:WOOD DOCKS	820	SF	0.00	164	5	1975	1976	4	40						
1	UB2:UTILITY BLDG	250	SF	0.00	0	0	1975	1976	2	50						
Total Depreciated Value																

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

Monroe County Property Record Card (133)

Alternate Key: 1256510
 Effective Date: 5/15/2009 3:18:38 PM
 Roll Year 2009
 Run: 05/15/2009 03:18 PM

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	991989	Jul 21 1999 12:00AM	Jan 1 2000 12:00AM	4,800	Commercial	DEMOLITION
	04103221	Oct 15 2004 12:00AM	Jan 28 2008 12:00AM	19,000	Commercial	DOCK REPAIR - WOODEN

Monroe County Property Record Card (133)

Alternate Key: 1256510
 Effective Date: 5/15/2009 3:18:38 PM
 Roll Year 2009
 Run: 05/15/2009 03:18 PM

Value History

Tax Year	Val Meth	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Sr Ex	Tax Value
2008F	O	1,023,250	0	0	22,518	969,668	969,668	0	N	969,668
2007F	O	736,740	0	0	11,910	969,668	969,668	0	N	969,668
2006F	C	736,740	0	0	17,905	754,645	754,645	0	N	754,645
2005F	C	613,950	0	0	17,983	631,933	631,933	0	N	631,933
2004F	C	163,720	0	0	18,060	181,780	181,780	0	N	181,780
2003F	C	81,860	0	0	18,138	99,998	99,998	0		99,998
2002F	C	81,860	0	0	18,215	100,075	100,075	0		100,075
2001F	C	81,860	0	0	18,293	100,153	100,153	0		100,153
2000F	C	81,860	0	0	11,876	93,736	93,736	0		93,736
1999F	C	81,860	0	35,238	12,698	129,796	129,796	0		129,796
1998F	C	81,860	0	23,566	13,261	118,687	118,687	0		118,687
1997F	C	81,860	0	23,566	14,083	119,509	119,509	0		119,509
1996F	C	81,860	0	21,323	14,646	117,829	117,829	0		117,829
1995F	C	81,860	0	21,323	15,468	118,651	118,651	0		118,651
1994F	C	81,860	0	21,025	15,685	118,570	118,570	0		118,570
1993F	C	81,860	0	21,025	16,507	119,392	119,392	0		119,392
1992F	C	81,860	0	21,025	17,070	119,955	119,955	0		119,955
1991F	C	81,860	0	21,025	17,892	120,777	120,777	0		120,777
1990F	C	73,674	0	21,025	18,455	113,154	113,154	0		113,154
1989F	C	49,116	0	21,025	19,277	89,418	89,418	0		89,418
1988F	C	49,116	0	19,586	13,678	82,380	82,380	0		82,380
1987F	C	49,116	0	19,167	14,238	82,521	82,521	0		82,521
1986F	C	49,116	0	19,216	14,626	82,958	82,958	0		82,958
1985F	C	47,687	0	18,912	4,018	70,617	70,617	0		70,617
1984F	C	47,687	0	18,442	4,018	70,147	70,147	0		70,147
1983F	C	47,687	0	18,442	4,018	70,147	70,147	0		70,147
1982F	C	4,712	0	16,428	4,018	25,158	25,158	0		25,158

Monroe County Property Record Card (133)

Alternate Key: 1256510
 Effective Date: 5/15/2009 3:18:38 PM

Roll Year 2009
 Run: 05/15/2009 03:18 PM

Sales History

Book	Page	Sale Date	Instrument	Transfer Code	Q/U	Vacant	Sale Price
836	2126	7/1/1981	Warranty Deed	0	M	V	45
992	309	10/1/1986	Warranty Deed	0	M	V	365,000
2383	925	10/6/2008	Certificate of Title	0	F	I	100
2393	1533	12/1/2008	Warranty Deed	0	M	I	1,200,000

SECTION E

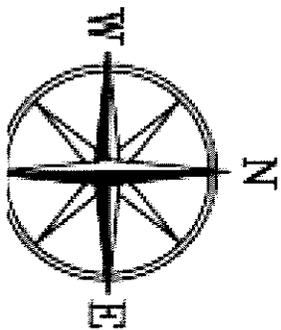
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Alcoholic Beverage Use Permit Application

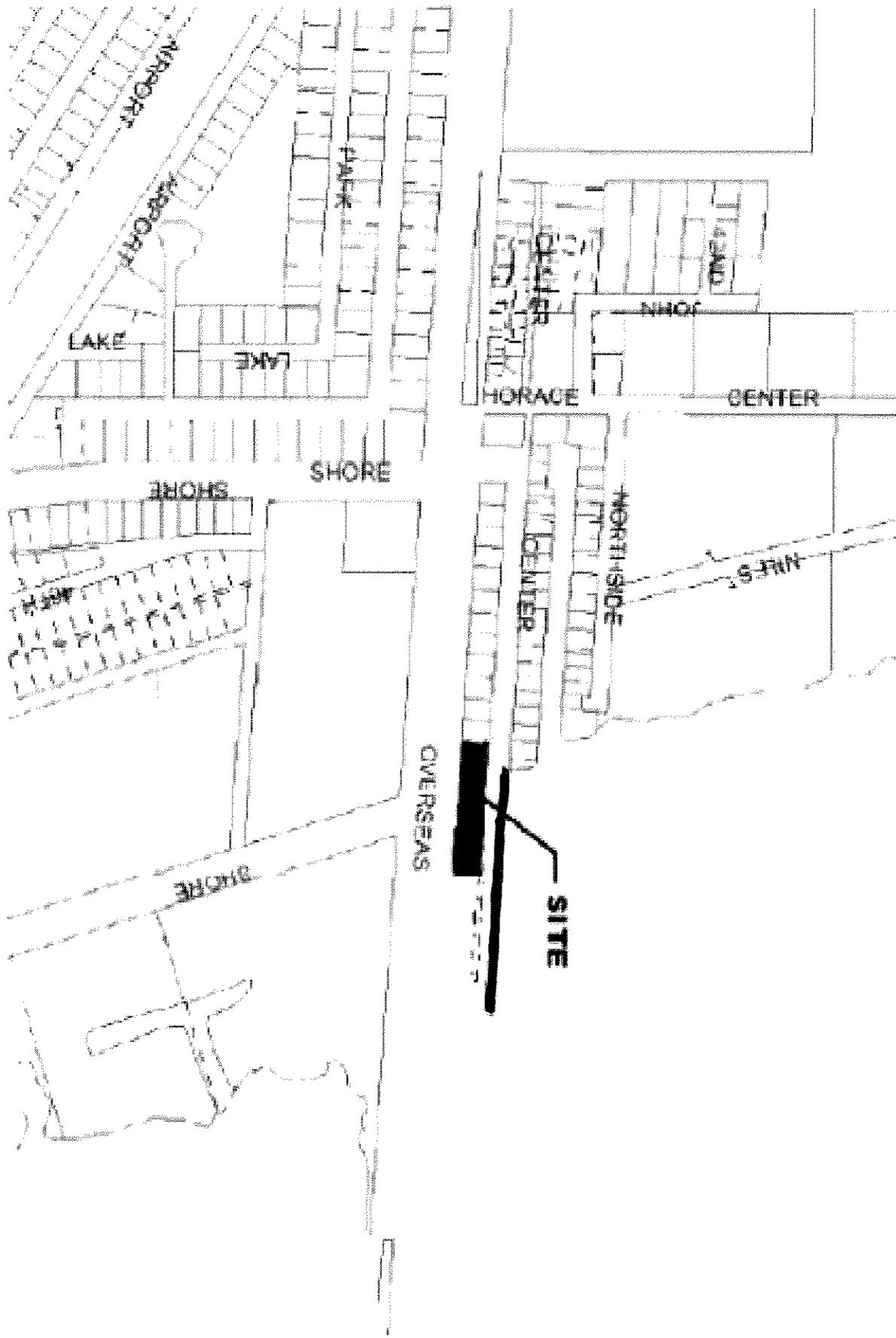
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GREENMOVES-FOOD, LLC

(Melodye Reger)



LOCATION MAP



SECTION F

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Alcoholic Beverage Use Permit Application

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GREENMOVES-FOOD, LLC

(Melodye Reger)





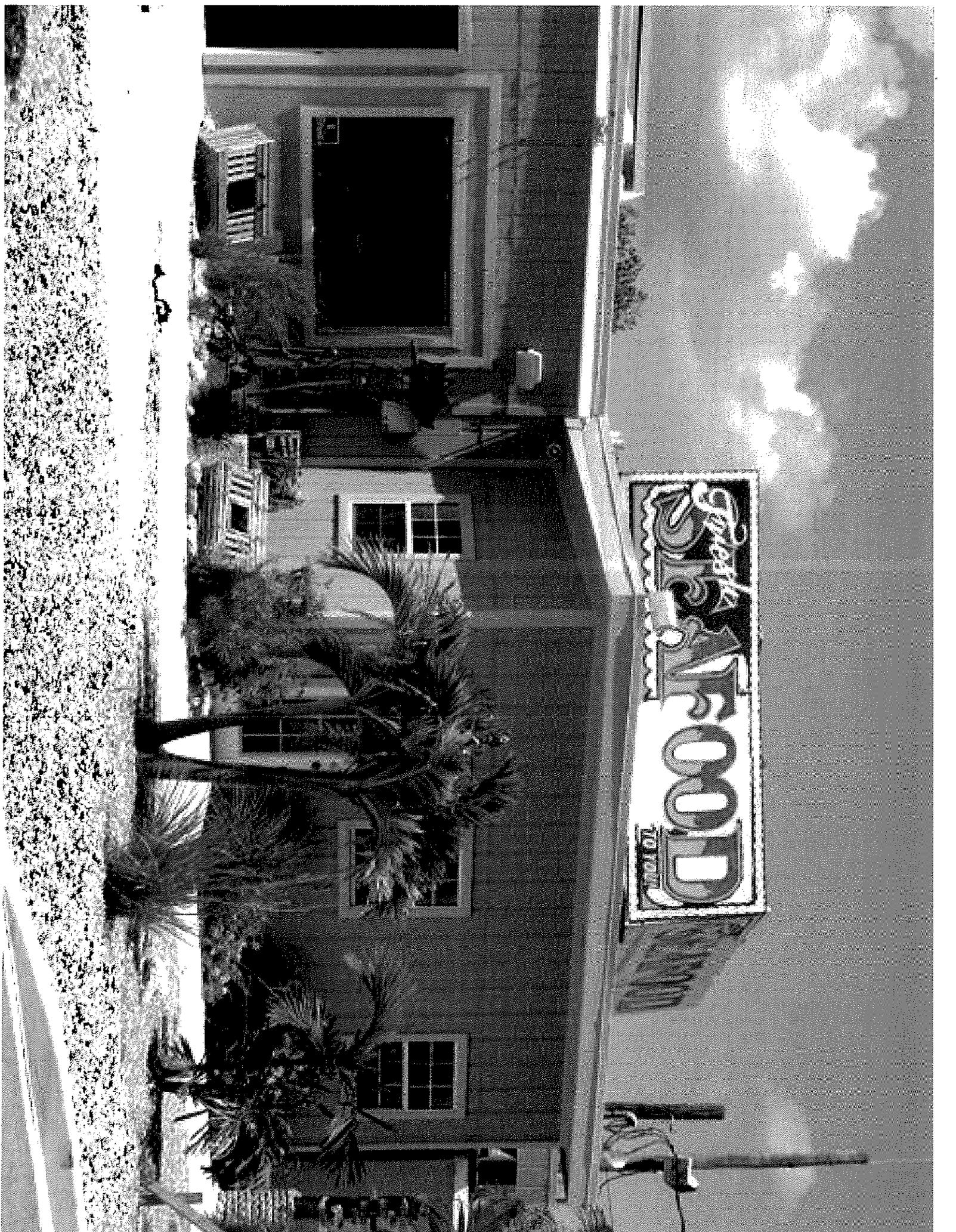












Sofia's
WOOD
701 YAM





SECTION G

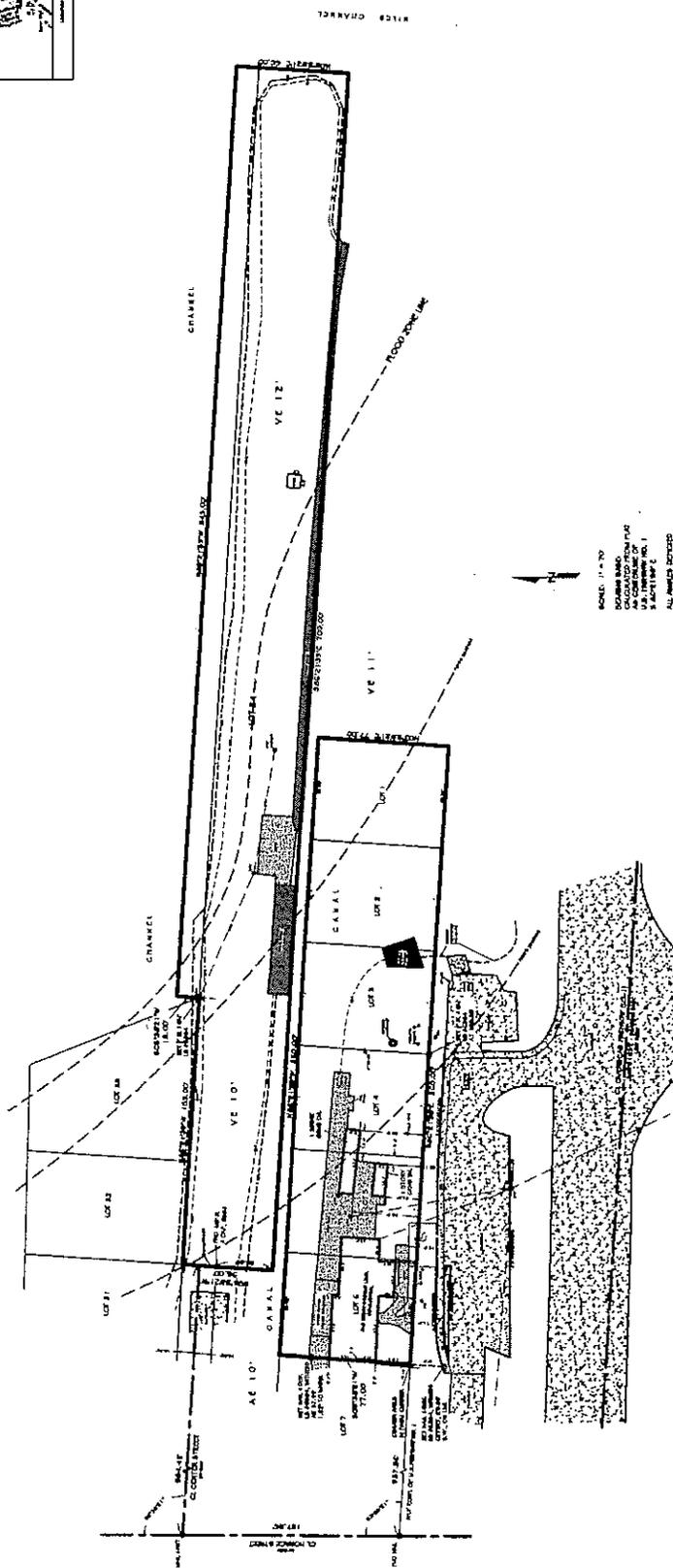
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Alcoholic Beverage Use Permit Application

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GREENMOVES-FOOD, LLC

(Melodye Reger)



SCALE: 1" = 10'
 COURTESY: [unreadable]
 ALL RIGHTS RESERVED
 THIS DOCUMENT IS NOT
 TO BE REPRODUCED OR
 TRANSMITTED IN ANY
 FORM OR BY ANY MEANS
 ELECTRONIC, MECHANICAL,
 PHOTOCOPYING, RECORDING,
 OR BY ANY INFORMATION
 STORAGE AND RETRIEVAL
 SYSTEM, WITHOUT THE
 EXPRESS WRITTEN PERMISSION
 OF THE SURVEYOR.

REVISIONS

NO.	DATE	DESCRIPTION
1	08/15/09	ADD FLOOD ZONE INFO - JAI

LOCAL DESCRIPTION:
 LOTS 1, 2, 3, 4, 5, 6 & 34, SUMMERLAND YACHT HARBOR,
 AS SHOWN ON MAP OF BOUNDARY SURVEY, THE PLAN IS, PAGE 108,
 OF THE RECORD BOOK OF SUMMERLAND YACHT HARBOR.

CONTRIBUTED TO:
 [unreadable]
 [unreadable]
 [unreadable]

A.R.E. REECE, P.A.
 PROFESSIONAL SURVEYOR AND MAPPER
 1000 SUMMERLAND YACHT HARBOR, SUITE 100
 SUMMERLAND, CALIFORNIA 92083
 (949) 451-1111
 FAX (949) 451-1112

[Signature]

MAP OF BOUNDARY SURVEY
 Lots 1, 2, 3, 4, 5, 6 & 34
 SUMMERLAND YACHT HARBOR

SECTION H

--

Alcoholic Beverage Use Permit Application

--

GREENMOVES-FOOD, LLC

(Melodye Reger)

00195290-000000
BABICH STEVE J & DIXIE L
5509 MADISON STREET
HOLLYWOOD, FL 33021

00194630-000000
BALLARD WILLIAM S & KANDI
P O BOX 733
SUMMERLAND KEY, FL 33042

00195250-000000
BEAVER WOODS LLC
29 FOREST VIEW LN
HEBRON, CT 6248

00194930-000000
BOGGS SANDRA ANNE
P O BOX 420-409
SUMMERLAND KEY, FL 33042-0409

00195240-000000
CRADDOCK PAUL E JR
25093 CENTER ST
SUMMERLAND KEY, FL 33042

00194650-000000
HERRERA JAVIER
30437 PINEWAY
BIG PINE KEY, FL 33043

00194620-000000
HINEY WILLIAM J JR
P O BOX 80
SUMMERLAND KEY, FL 33042

00194970-000000
HOPKINS ROGER C
25050 NORTHSIDE DRIVE
SUMMERLAND KEY, FL 33042-4604

00200640-000000
HUDGINS H CLAY &
P O BOX 1509
FLOWERY BRANCH, GA 30542

00195200-000000
JONES SAMUEL P AND KATHLEEN K
7720 SW 145TH ST
PALMETTO BAY, FL 33158

00195270-000000
LEE MICHAEL F AND CLAUDIA R
410 W 4TH ST
CAMERON, TX 76520

00194660-000000
MOORE JAMES E & ELAINE G
30752 PALM DRIVE
BIG PINE KEY, FL 33043-4621

00114550-000000
MORRIS DONNITA & FROST KATHY
T/C
4538 HWY 304 E
POCAHOTNAS, AR 72455

00195280-000000
NEAULT RONALD C & DIANE M
P O BOX 420710
SUMMERLAND KEY, FL 33042

00194640-000000
PETERSON JAMES L AND LORI S
PO BOX 974
KEY COLONY BEACH, FL 33051

00194940-000000
PILLAR ROBERT J
24863 PARK DRIVE
SUMMERLAND KEY, FL 33042-4411

00200640-000100
PJP OF THE FLORIDA KEYS LLC
P O BOX 42-1075
SUMMERLAND KEY, FL 33042-1075

00194580-000000
PONTIN DUKE H & BRANDI A
P O BOX 717
KAHUKU, HI 96731

00194610-000000
PONTIN DUKE H AND BRANDY A
P O BOX 244
BIG PINE KEY, FL 33043

00195210-000000
REDMOND FRANK & MCDANIEL
JOSEPH T/C (B/Q)
25073 CENTER STREET
SUMMERLAND KEY, FL 33042

00195220-000000
RIDDLE MARTY BENJAMIN
P O BOX 420786
SUMMERLAND KEY, FL 33042

00194870-000000
RUSAK LAURA A
17449 133TH WAY
JUPITER, FL 33478

00194890-000000
SHOSIE WINIFRED A
25112 NORTHSIDE DR
SUMMERLAND KEY, FL 33042

00195190-000000
SQUIRE EVERETT & GRACE
REVOCABLE TRUST
1015 S ENGLISH SETTLEMENT
ROAD
BURLINGTON, WI 53105

00195260-000000
SYLVESTER MARIANA ALVAREZ
REV TRUST DTD 6/7/07
2024 PALMETTO RD
WEST PALM BEACH, FL 33406

00194900-000000
WEISGERBER SHIRLEY
4832 RIDGE RD
SCOTIA, NY 12302

\$78 26 Stems ~~27~~

SECTION I

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Alcoholic Beverage Use Permit Application

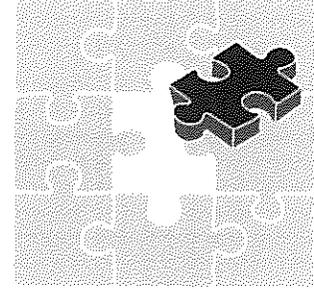
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GREENMOVES-FOOD, LLC

(Melodye Reger)

MEMORANDUM

TREPANIER



& ASSOCIATES INC
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

Date: 05/15/2009
To: Mr. Bill Harbert, Planner
From: Sarah Davis, Planner
CC: Melodye Reger and Owen Trepanier
Re: **Wharf Bar and Grill**

Department of Agriculture and Consumer Services Sanitation Certificate

The Monroe County Alcoholic Beverage Use Permit Application requires a certificate of the Department of Agriculture and Consumer Services "stating that the place of business wherein the business is to be conducted meets all of the sanitary requirements of the state."

At this time, Wharf Bar and Grill is still making renovations and improvements to the property. All inspections, including assessing sanitation, will not be conducted until Wharf Bar and Grill is ready to open. Due to these circumstances, compounded by today's harsh economic climate, we request a condition to be added to this approval that the upgraded license cannot be used until the appropriate certificate is provided to the County. Notwithstanding, we fully expect to have all the required documentation required to operate the business within the next couple of weeks, including the required certificate.

Proposed Condition:

No Alcoholic Beverage Permit upgrade will be used on the property located at 25163 Overseas Highway, Summerland Key, 33042 (RE#s 00194560-000000 and 00194700-000000) until the Department of Agriculture and Consumer Services issues a certificate stating that the business meets all of the sanitary requirements of the state.

SECTION J

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Alcoholic Beverage Use Permit Application

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GREENMOVES-FOOD, LLC

(Melodye Reger)

Letter of Authorization

I, Melodye Reger, authorize
Please Print Name(s) of Owner(s)

Trepanier & Associates, Inc. to be my representative and act on my/our behalf.

Melodye Reger
Signature of Owner

Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on May 12, 2009 (date) by

Melodye San Reger
Please print name

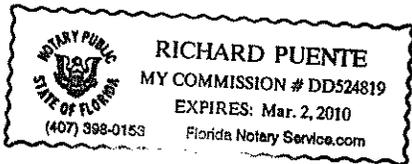
He/She is personally known to me or has presented FL DR Lic # R260-550-53-746-C
as identification.

Richard Puente My commission expires 3-2-2010
Notary Signature & Seal date

Richard Puente Name of Acknowledger printed or stamped

Notary Title or Rank

DD524819 Commission Number, if any



SECTION K

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Alcoholic Beverage Use Permit Application

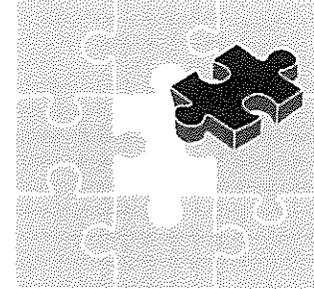
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GREENMOVES-FOOD, LLC

(Melodye Reger)

MEMORANDUM

TREPANIER



& ASSOCIATES INC
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

Date: 05/12/2009
To: Mr. Bill Harbert, Planner
From: Sarah Davis, Planner
CC: Melodye Reger and Owen Trepanier
Re: **Wharf Bar and Grill - Traffic Study**

In March 2004, *Carter and Burgess, Inc.* prepared a Traffic Impact Analysis for Summerland Seafood (Re# 00194560-000000 and 00194700-000000) as part of a change of use and an alcoholic beverage permit. In February 2006, this analysis was approved by *URS Corporation Southern*.

The property has now changed hands and the new owner, Ms. Melodye Reger, seeks to upgrade the alcoholic beverage permit to include liquor, but proposes no change of use.

As noted in the attached letter by Mr. Raj Shanmugam, "The trip generation is based on ITE Trip Generation Manual - 7th edition for Land Use Code 932 (High Turn-Over Sit-Down Restaurant)..." The new owner will continue to operate the property in the same manner with no change of use.

Land Use Description (ITE Land Use Code 932):

"This land use consists of sit-down, full-service eating establishments with turnover rates of approximately one hour or less. This type of restaurant is usually moderately priced... Generally, these restaurants serve lunch and dinner...These restaurants typically do not take reservations. Some facilities contained within this land use may also contain a bar area for serving food and alcoholic drinks."

Given that no change of use is proposed, and the property already has an approved alcoholic beverage use permit, and that the ITE Trip generation manuals do not differentiate between beer & wine vs. beer, wine & liquor, we believe the existing approved traffic study is valid for this application. Performing an additional study would simply be redundant and only serve to add additional financial hardship to the property owner during this time of economic downturn and financial crisis.

We request the County accept the existing approved traffic study as meeting the requirements of this application.

Please don't hesitate to contact me if you have any questions or need additional information. Thank you for your assistance and understanding.



February 24, 2006

Ms. Nicole Petrick - Planning Commission Coordinator
MONROE COUNTY PLANNING DEPARTMENT
2798 Overseas Highway - Suite 410
Marathon, Florida 33050-2227

via FAX & US Mail

**Re: Summerland Seafood – Summerland Key
Level I - Traffic Impact Analysis Review Comments**

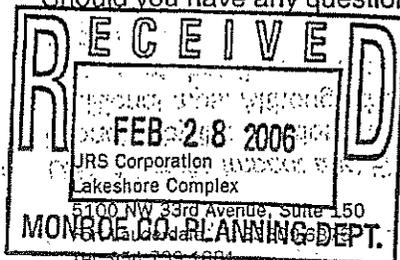
Dear Ms. Petrick:

We have reviewed the Traffic Impact Analysis prepared by *Carter and Burgess, Inc. (C&B)* for the *Summerland Seafood*. The report was dated March 2004 and was transmitted to URS in November 2005. Our findings are as follows:

- **Background data:** Applicant is proposing to convert an existing 2,504 s.f. retail/wholesale seafood market to a 1,944 s.f. retail/wholesale seafood market with a 28 seat sit-down restaurant. This project is located on the bay side of US 1 in Summerland Key
- **Trip Generation:** Two Hundred and Twenty One gross daily trips (119 new daily trips) are anticipated by the proposed change in use. The trip generation is based on ITE Trip Generation Manual - 7th Edition for Land Use Codes 932 (High-Turn-Over Sit-Down Restaurant) for the proposed use and Land Use Code 814 (Speciality Retail Center) for the existing use.
- **U.S. 1 Traffic Impact and Reserve Capacity:** The US 1 Segment #'s 3 through 12, which will be impacted by the additional trips is identified to have adequate reserve capacity to accommodate the additional trips. Although the traffic study was prepared in 2004 using the reserve capacities that existed at that time, a comparison was made to the 2005 reserve capacities and found to be adequate.
- **Site Plan:** A full-size site plan dated October 3, 2005 was presented with the report. The site plan shows the existing driveway on to US 1 being used as the ingress drive, and an existing frontage road is proposed to be used as the exit drive. The site plan needs to provide further details as to how the exit drive connects to the frontage road, the type of frontage road, and where and how it connects to US 1. The site plan also needs to show clear site triangles attesting there are no obstruction to site visibility (ingress and egress), and design vehicle maneuverability through the project site.

In conclusion we agree with the findings that the proposed change of use will not degrade the US-1 operational characteristics below acceptable levels. However, additional details needs to be presented in the site plan such as access connections, clear sight visibility, and design vehicle maneuverability.

Should you have any questions, feel free to call me.



5100 NW 33rd Avenue, Suite 150
Tel: 954.739.1881
Fax: 954.739.1789

Sincerely,
URS Corporation Southern

[Signature]
Raj Shanmugam P.E.
Senior Traffic Engineer

cc: Mr. Tim Richard - Monroe County Planner



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Planning Commission
From: Timothy Richard, Planner
Through: Townsley Schwab, Senior Director of Planning & Environmental Resources *TS*
Date: June 9, 2009
Subject: *Request for a 5-COP Alcohol Beverage Special Use Permit
Wharf Bar & Grill, 25163 US 1, Summerland Key, Mile Marker 25,
Real Estate No. 00194560.000000*

Meeting: June 24, 2009

1 I REQUEST:

2
3 The Applicant is requesting to upgrade the approval of a 2-COP Alcoholic
4 Beverage Special Use Permit to a 5-COP Alcoholic Beverage Special Use Permit
5 for beer, wine, and liquor consumption on premises and package sales.
6



25
26 Subject Property (outlined in blue) (2006)
27
28

1 Location:

2 Address: 25163 US 1, Summerland Key

3 Legal Description: Lots 1-6 Summerland Yacht Harbor (PB2-142)
4 Summerland Key,

5 Real Estate (RE) Number: 00194560.000000
6

7 Applicant:

8 Property Owner: Melodye Reger

9 Agent: Trepanier & Associates, Inc.
10

11 II RELEVANT PRIOR COUNTY ACTIONS:

12
13 The Monroe County Planning Commission approved a 2-COP Alcoholic
14 Beverage Special Use Permit memorialized as Resolution# P04-06, signed on
15 February 8, 2006.

16
17 Permit# 051-5422 issued on April 12, 2006 for change of use from commercial
18 retail to a restaurant use.
19

20 III BACKGROUND INFORMATION:

21
22 A. Size of Site: 27,720 ft² (0.42 acres)

23 Size of Business: 2,425 ft²

24 B. Land Use District: Commercial Fishing Special District (CFSD-13)

25 C. Future Land Use Map (FLUM) Designation: Mixed Use/ Commercial Fishing
26 (MCF)

27 D. Tier Designation: Tier 3

28 E. Existing Use: Restaurant

29 F. Existing Vegetation / Habitat: Developed

30 G. Community Character of Immediate Vicinity: Commercial Fishing, Commercial
31 Retail/ Restaurant

32 H. Flood Zone: Part VE – EL 10, part VE – EL 11 & part AE – EL 10
33

34 IV REVIEW OF APPLICATION:

35
36 Pursuant to MCC §3-6(e), the Planning Commission shall give due consideration
37 to the following factors as they may apply to the particular application prior to
38 rendering its decision to grant or deny the requested permit:
39

40 (1) *The effect of such use upon surrounding properties and the immediate*
41 *neighborhood as represented by property owners within 500 feet of the premises:*
42

43 Directly to the west of the subject property, there are vacant lots used for storage
44 associated with commercial fishing. To the east of the property there are
45 mangroves that eventually lead to open water. To the northwest of the property
46 and across the canal, there are single-family residences. The issuance of a 5-COP

1 permit is not anticipated to have a tangible affect on the surrounding properties.
2 Furthermore, the affect on surrounding properties is not anticipated to differ from
3 the issuance of a 2-COP permit.
4

5 (2) *The suitability of the premises in regard to its location, site characteristics and*
6 *intended purpose. Lighting on the permitted premises shall be shuttered and*
7 *shielded from surrounding properties, and construction of such permitted*
8 *properties will be soundproofed. In the event music and entertainment is*
9 *permitted, the premises shall be air conditioned.*

10
11 John and Dawn Ward owned and operated Summerland Seafood, a restaurant on
12 the subject property after issuance of Permit# 051-5422 and the 2-COP permit in
13 2006. A 2-COP permit was deemed suitable on premises with regard to the
14 location, site characteristics and intended purpose. The issuance of a 5-COP
15 permit, which would allow for liquor sales, is not anticipated to change the
16 suitability on the premises.
17

18 Lighting on the property has been permitted for the restaurant use. Any additional
19 lighting will be required to be shuttered and shielded from surrounding properties.
20 In addition, any music or entertainment is required to be within a confined air
21 conditioned area.
22

23 (3) *Access, traffic generation, road capacities, and parking requirements:*
24

25 The parking requirement on the site has been met per Permit# 051-5422, for the
26 change of use to a restaurant. The subject property is required to have 14 parking
27 spaces with one handicapped space. Permit approval included a final parking
28 inspection, confirming parking requirements for the use of a restaurant and 2-COP
29 permit were in compliance.
30

31 Access to the site is gained via the access road running parallel to US. In 2004, the
32 previous owners employed *Carter and Burgess Inc.* to complete a Traffic Impact
33 Analysis for the 2-COP permit. After reviewing the study it was found that the
34 proposed use would not “degrade the US 1 operational characteristics below an
35 acceptable level,” according to Raj Shanmugam, Traffic Consultant for Monroe
36 County. Mr. Shanmugam was contacted on May 29, 2009 to review the proposed
37 upgrade from a 2-COP permit to a 5-COP permit on the property. He found that
38 the Traffic Impact Analysis from 2004 would suffice, and that the upgrade would
39 not change the findings from his previous determination.
40

41 (4) *Demands upon utilities, community facilities and public services.*
42

43 It is not anticipated that the issuance of a 5-COP Alcoholic Beverage Special Use
44 Permit will increase demands on utilities, community facilities, or public services.
45

1 (5) *Compliance with the county's restrictions or requirements and any valid*
2 *regulations.*

3
4 The property is currently in compliance with the county's restrictions,
5 requirements and regulations.
6

7 (6) *Other Issues:*
8

9 A. Resolution# P04-06 includes RE 00194700.000000 as a part of the approval of
10 the 2-COP Alcoholic Beverage Special Use Permit. This parcel should not have
11 been included and considered in the approval of the 2-COP permit, due to the
12 properties not being contiguous with each other. In addition, RE
13 00194700.000000 does not include the restaurant use or any component of the
14 restaurant on the property. The upgrade from 2-COP to the 5-COP Alcoholic
15 Beverage Special Use Permit on RE 00194560.000000 deems the 2-COP permit
16 approval null and void. Therefore, from this point forward, an Alcoholic Beverage
17 Special Use Permit will not be associated with RE 00194700.000000.
18

19 V RECOMMENDATION:
20

21 Staff recommends APPROVAL to the Planning Commission for a 5-COP
22 Alcoholic Beverage Special Use Permit with the following conditions:
23

24 A. Alcoholic beverage use permits issued by virtue of the Monroe County Code shall
25 be deemed to be a privilege running with the land. The sale of the real property
26 which has been granted an alcoholic beverage use permit shall automatically vest
27 the purchaser thereof with all rights and obligations originally granted or imposed
28 to or on the applicant. Such privilege may not be separated from the fee simple
29 interest in the realty.
30

31 B. All alcohol consumption on premise must take place in approved seating areas
32 within the restaurant.

1 commercial retail medium-intensity uses, commercial retail high-intensity uses, and
2 office uses, as those phrases are defined in section 101-1, with immediate off-street
3 parking facilities, and originally planned and developed as a single project. The shopping
4 center's single project status shall not be affected by the nature of the ownership of any of
5 the individual office or commercial retail units, within the shopping center.

6 (4) At the hearing before the planning commission, all persons wishing to speak for or against the
7 application shall be heard. Recommendations or other input from the director of planning may also
8 be heard prior to any decision by the planning commission.

9
10 (e) *Criteria:* The planning commission shall give due consideration to the following factors as they may
11 apply to the particular application prior to rendering its decision to grant or deny the requested permit:

12 (1) The effect of such use upon surrounding properties and the immediate neighborhood as
13 represented by property owners within five hundred (500) feet of the premises. For the purposes of
14 this section, "premises" shall mean the entire project site of a shopping center.

15 (2) The suitability of the premises in regard to its location, site characteristics and intended
16 purpose. Lighting on the permitted premises shall be shuttered and shielded from surrounding
17 properties, and construction of such permitted properties will be soundproofed. In the event music
18 and entertainment is permitted, the premises shall be air conditioned.

19 (3) Access, traffic generation, road capacities, and parking requirements.

20 (4) Demands upon utilities, community facilities and public services.

21 (5) Compliance with the county's restrictions or requirements and any valid regulations.

22
23 (f) *Approval by Planning Commission:* The planning commission may grant approval based on
24 reasonable conditions considering the criteria outlined herein.

25
26 (g) *Where Permitted:* Alcoholic beverage use permits may be granted in the following land use districts:
27 urban commercial; suburban commercial; suburban residential where the site abuts U.S. 1; destination
28 resort; mixed use; industrial and maritime industries. Notwithstanding the foregoing, alcoholic beverage
29 sales may be permitted at restaurants, hotels, marinas and campgrounds regardless of the land use district in
30 which they are located. Nothing contained herein shall exempt an applicant from obtaining a major or
31 minor conditional use approval when such is otherwise required by the county development regulations in
32 part II of this Code.

33
34 (h) *Transferability:* Alcoholic beverage use permits issued by virtue of this section shall be deemed to be
35 a privilege running with the land. The sale of the real property which has been granted an alcoholic
36 beverage use permit shall automatically vest the purchaser thereof with all rights and obligations originally
37 granted or imposed to or on the applicant. Such privilege may not be separated from the fee simple interest
38 in the realty.

39
40 (i) *Appeals:* All persons aggrieved by the actions of the planning commission in granting or denying
41 requested alcoholic beverage permits may request an appeal hearing before a hearing officer under chapter
42 102, article VI, division 2 by filing the notice required by that article within 30 days after the date of the
43 written decision of the planning commission.

44
45 (j) *Successive Applications:* Whenever any application for alcoholic beverage approval is denied for
46 failure to meet the substantive requirements of this ordinance, an application for alcoholic beverage
47 approval for all or a portion of the same property shall not be considered for a period of two (2) years
48 unless a super-majority of the planning commission decides that the original decision was based on a
49 material mistake of fact or that there exists changed conditions and new facts, not existing at the time of the
50 original decision, which would justify entertaining a new application before the expiration of the two-year
51 period. However, in the case of a shopping center, as defined in subsection (d)(3)a. of this section, this
52 subsection shall only apply to the commercial retail unit within the shopping center for which approval was
53 sought and not the entire shopping center site itself.

R145 Reef Retreat/ Cinnamon Cay I LL

The Craig Company

Comprehensive Planning
Resort/Tourism Planning
Land Use Regulation
Development Feasibility
Site Design
Expert Witness

Ms. Christine Hurley, AICP
Director of Growth Management
Monroe County
2798 Overseas Highway
Marathon, Florida 33050

Mailing address: P. O. Box 970
Key West, FL 33041-0372

Office location: 610 White St.
Key West, FL 33040

By: e-mail and US Mail

Phone: 305/294-1515

Fax: 305/292-1525

E-mail: don@craigcompany.com

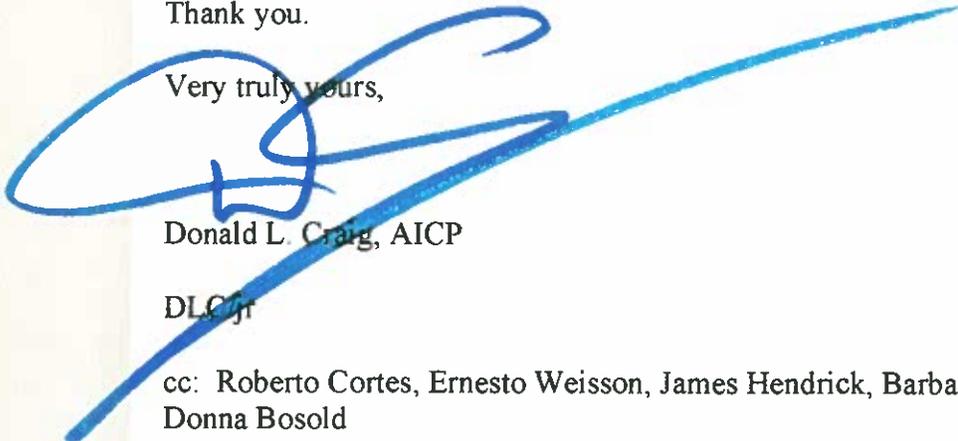
Subject: Cinnamon Cay I LLC FLUM Amendment Application - Withdrawal

Dear Ms. Hurley:

As authorized agent for Cinnamon Cay I LLC, and at the direction of the principals of that entity I request that the pending application for change of Future Land Use Map for properties on Cinnamon Bark Lane at the Ocean Reef Club be withdrawn. The attached copies of the authorizations previously filed with the County and a copy of the Public Notice of the proposed change prepared by Monroe County provide verification of the property subject to the application.

Thank you.

Very truly yours,


Donald L. Craig, AICP

DLCjr

cc: Roberto Cortes, Ernesto Weisson, James Hendrick, Barbara Mitchell, Mitchell Harvey and Donna Bosold

CBRS/No Name Key

Monroe County 2010 Comprehensive Plan Objective and Policy Analysis

Policy 101.4.15

The principal purpose of the Conservation land use category is to provide for publicly owned lands held primarily for the preservation of natural and historic resources and compatible passive recreational uses. Public uses consistent with the purpose of this category shall be allowed. [9J-5.006(3)(c)1 and 7]

Staff Comment:

The developed residential areas of Name Key are designated Residential Medium (RM) on the Future Land Use Map of the Monroe County 2010 Comprehensive Plan.

Policy 101.12.4

Upon adoption of the Comprehensive Plan, Monroe County shall require that the following analyses be undertaken prior to finalizing plans for the siting of any new or the significant expansion (greater than 25 percent) of any existing public facility:

1. assessment of needs;
2. evaluation of alternative sites and design alternatives for the selected sites; and
3. assessment of direct and secondary impacts on surrounding land uses and natural resources.

The assessment of impacts on surrounding land uses and natural resources will evaluate the extent to which the proposed public facility involves public expenditures in the coastal high hazard area and within environmentally sensitive areas, including disturbed salt marsh and buttonwood wetlands, undisturbed beach/berm areas, units of the Coastal Barrier Resources System, undisturbed uplands (particularly high quality hammocks and pinelands), habitats of species considered to be threatened or endangered by the state and/or federal governments, offshore islands, and Conservation Land Protection Areas.

Staff Comment:

The proposed extension of centralized sewer service to No Name Key will follow existing paved road right-of-way that are presently maintained by Monroe County Public Works.

Objective 102.8

Monroe County shall take actions to discourage private development in areas designated as units of the Coastal Barrier Resources System. [9J-5.006(3)(b)4]

Staff Comment:

As specified within the proposed amendment, no new private development will be allowed to connect to the proposed central sewer service in No Name Key. In addition, the Rate of Growth Ordinance (ROGO), Habitat Conservation Plan (HCP), and Initial Take Permit (ITP) severely limit future development potential within No Name Key.

Policy 102.8.1

Monroe County shall discourage developments which are proposed in units of Coastal Barrier Resources System (CBRS) by methods including, but not limited to, negative points in the Permit Allocation and Point System (see Policy 101.5.4). (See Objectives 101.2, 101.3, and 101.5 and related polices) [9J-5.006(3)(c)6]

Staff Comment:

No new development in the CBRS designated area of No Name Key will result from the approval of the proposed amendment outside of the ROGO review process.

Policy 102.8.4

By January 4, 1998, privately-owned undeveloped land located within the CBRS units shall be considered for acquisition by Monroe County for conservation purposes through the Monroe County Natural Heritage and Park Program. [9J-5.006(3)(c)6]

Staff Comment:

There is presently limited privately held undeveloped property in No Name Key. Federal agencies, the State of Florida and the Monroe County Land Authority has purchased the vast majority of privately held undeveloped properties within No Name Key. Privately held properties have also been dedicated to Monroe County in exchange for ROGO points.

Policy 102.8.5

Upon adoption of the Comprehensive Plan, Monroe County shall initiate efforts to discourage the extension of facilities and services provided by the Florida Keys Aqueduct Authority and private providers of electricity and telephone service to CBRS units. These efforts shall include providing each of the utility providers with:

1. a map of the areas of Monroe County which are included in CBRS units;
2. a copy of the Executive Summary in Report to Congress: Coastal Barrier Resources System published by the U.S. Department of the Interior, Coastal Barriers Study Group, which specifies restrictions to federally subsidized development in CBRS units;
3. Monroe County policies regarding local efforts to discourage both private and public investment in CBRS units; and
4. Monroe County regulations regarding development in CBRS units, including the Permit Allocation System regulations, which commits negative points for development in CBRS units. (See Policy 101.5.4.) [9J-5.006(3)(c)6]

Staff Comment:

This is the policy that is being amended to allow the provision of central sewer service to No Name Key.

Policy 103.2.4

Upon adoption of the Comprehensive Plan, Monroe County shall require that the following analyses be undertaken prior to finalizing plans for the siting of any new public facilities or the significant expansion (greater than 25 percent) of existing public facilities:

1. assessment of needs
2. evaluation of alternative sites and design alternatives for the selected sites; and
3. assessment of impacts on surrounding land uses and natural resources.

The assessment of impacts on surrounding land uses and natural resources will evaluate the extent to which the proposed public facility involves public expenditures in the coastal high hazard area and within environmentally sensitive areas, including disturbed salt marsh and buttonwood wetlands, undisturbed beach/berm areas, units of the Coastal Barrier Resources System, undisturbed uplands (particularly high quality hammocks and pinelands), habitats of species considered to be threatened or endangered by the state and/or federal governments, offshore islands, and Conservation Land Protection Areas.

Monroe County shall require that public facilities be developed on the least environmentally sensitive lands and shall prohibit the location of public facilities on North Key Largo, unless no feasible alternative exists and such facilities are required to protect the public health, safety, or welfare.

Staff Comment:

The proposed extension of centralized sewer service to No Name Key will follow existing paved road right-of-way that is presently maintained by Monroe County Public Works. No additional disturbance of environmentally sensitive areas are anticipated

Policy 103.2.10:

Monroe County shall take immediate actions to discourage private development in areas designated as units of the Coastal Barrier Resources System. (See Objective 102.8 and related policies).

Staff Comment:

No new development in the CBRS designated area of No Name Key will result from the approval of the proposed amendment. In addition, the Rate of Growth Ordinance (ROGO), Habitat Conservation Plan (HCP), and Initial Take Permit (ITP) severely limit future development potential within No Name Key.

Objective 209.3:

Monroe County shall take immediate actions to discourage private development in areas designated as units of the Coastal Barrier Resources System (CBRS). (See Future Land Use Objective 102.8 and related policies.)

Staff Comment:

No new development in the CBRS designated area of No Name Key will result from the approval of the proposed amendment. In addition, the Rate of Growth Ordinance (ROGO), Habitat Conservation Plan (HCP), and Initial Take Permit (ITP) severely limit future development potential within No Name Key.

Policy 215.2.3

No public expenditures shall be made for new or expanded facilities in areas designated as units of the Coastal Barrier Resources System, saltmarsh and buttonwood wetlands, or offshore islands not currently accessible by road, with the exception of expenditures for conservation and parklands consistent with natural resource protection, and expenditures necessary for public health and safety. [9J-5.012(3)(c)1]

Staff Comment:

The proposed extension of centralized sewer service to No Name Key will follow existing paved road right-of-way that is presently maintained by Monroe County Public Works.

Policy 217.4.2

No public expenditures shall be made for new or expanded facilities in areas designated as units of the Coastal Barrier Resources System, undisturbed saltmarsh and buttonwood wetlands, or offshore islands not currently accessible by road, with the exception of expenditures for conservation and parklands consistent with natural resource protection, and expenditures necessary for public health and safety. [9J-5.012(3)(c)1]

Staff Comment:

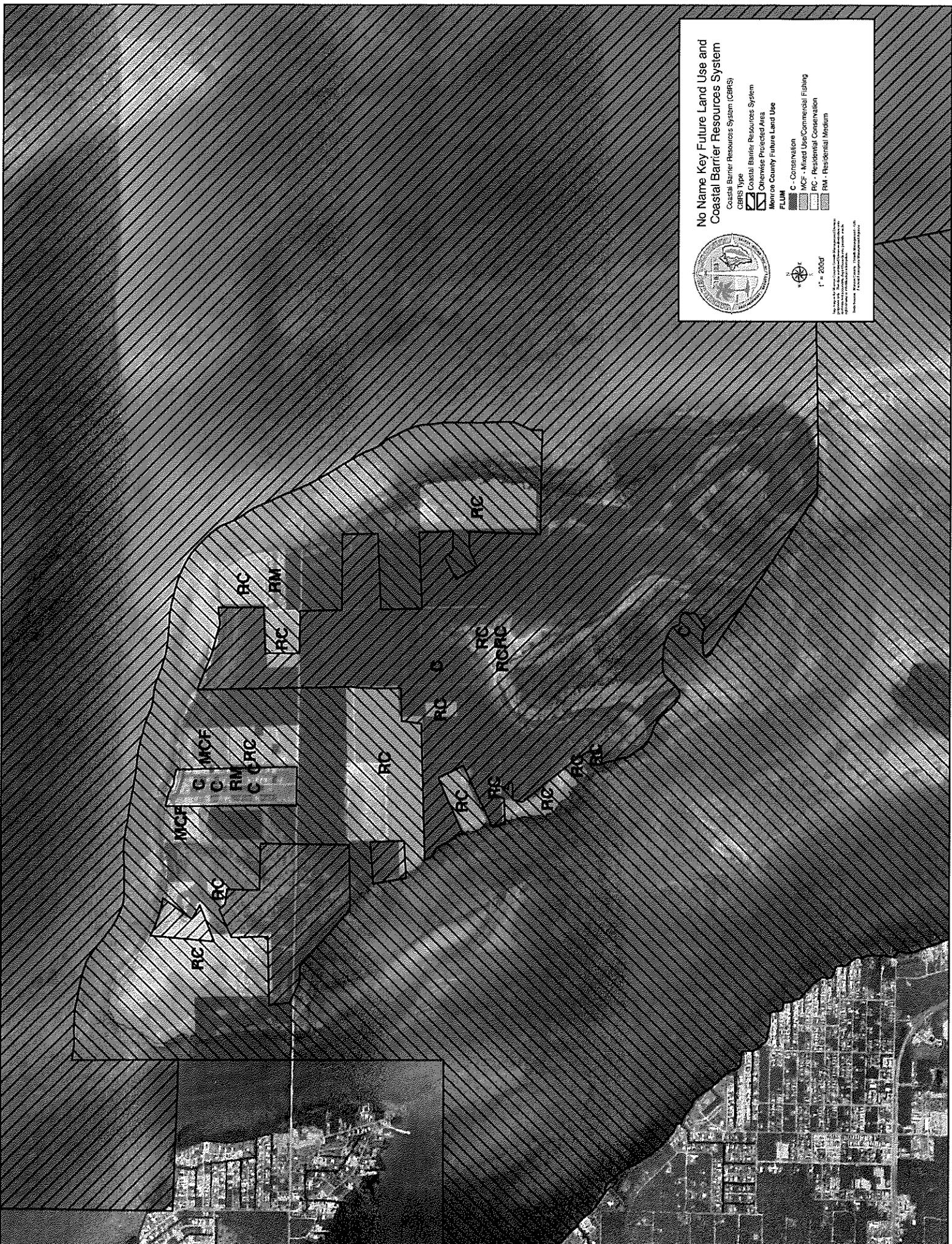
The proposed extension of centralized sewer service to No Name Key will follow existing paved road right-of-way that is presently maintained by Monroe County Public Works.

Policy 1401.2.2

No public expenditures shall be made for new or expanded facilities in areas designated as units of the Coastal Barrier Resources System, undisturbed saltmarsh and buttonwood wetlands, or offshore islands not currently accessible by road, with the exception of expenditures for conservation and parklands consistent with natural resource protection, and expenditures necessary for public health and safety. [9J-5.016(3)(c)1 and 9]

Staff Comment:

The proposed extension of centralized sewer service to No Name Key will follow existing paved road right-of-way that is presently maintained by Monroe County Public Works.



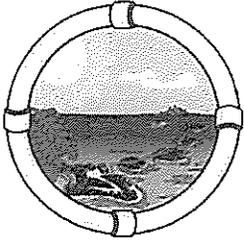
No Name Key Future Land Use and Coastal Barrier Resources System

- Coastal Barrier Resources System (CBRS)
 CBRS Type
 Coastal Barrier Resources System
 Otherwise Protected Area
 Non-on County Future Land Use
 PLUM
 C - Conservation
 MCF - Mixed Use/Commercial Fishing
 RC - Residential Conservation
 RM - Residential Medium



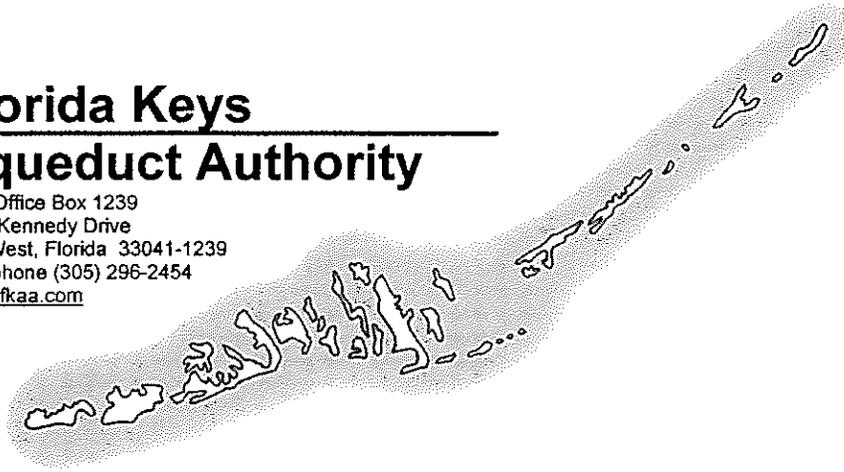
1" = 200'

Map Date: 10/20/2010
 Map Title: No Name Key Future Land Use and Coastal Barrier Resources System
 Map Scale: 1" = 200'
 Map Author: Planning Department



Florida Keys Aqueduct Authority

Post Office Box 1239
1100 Kennedy Drive
Key West, Florida 33041-1239
Telephone (305) 296-2454
www.fkaa.com



David C. Ritz
Chairman
Key Largo

Elena Z. Herrera
Vice-Chairman
Rockland Key

Rose M. Dell
Secretary/Treasurer
Big Pine Key

J. Robert Dean
Key West

Antoinette M. Appell
Marathon

James C. Reynolds
Executive Director

Mr. Andrew Trivette
Director of Growth Management
Marathon Government Center
2798 Overseas Highway
Marathon, Fl. 33050

June 5, 2009

Re: No Name Key Wastewater Service

Dear Drew:

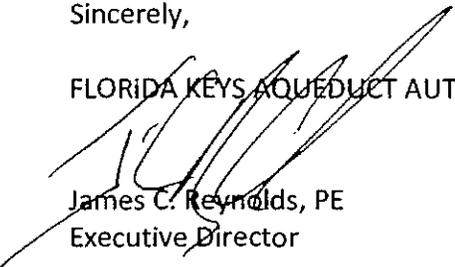
The design of the Cudjoe Regional Wastewater System is well underway. Collection system layouts are being developed for the islands in the service area from Lower Sugarloaf to Big Pine Key. The Big Pine collection system (from Doctor's Arm to US1) is being designed to accommodate flows from No Name Key, however, the wastewater system for No Name Key has not yet been developed due to the lingering question of whether or not commercial power will be made available.

As you know, other than No Name Key, there are homes without commercial power on Big Torch and in some areas of Big Pine Key. Although we are prepared to pursue wastewater systems that could operate on alternative power sources, the process of selecting a technically and economically feasible wastewater system would be facilitated by the provision of commercial electric power in these areas.

When a final determination is made regarding the provision of commercial electrical power in areas currently without it, then the final selection and design of an appropriate wastewater system will commence with the assistance of the Department of Health.

Sincerely,

FLORIDA KEYS AQUEDUCT AUTHORITY


James C. Reynolds, PE
Executive Director

File #: **28003**

Project Name: **Giampaoli, Peter G & Elizabeth C.**

Common Name: **Giampaoli**

Type of Application: **TIER MAP AMEND.**

Key: **Sugarloaf**

RE #: **00119360-000100**
presently. Previously 00119360-000000

**Additional Information added to
File# 28003**

County of Monroe
Growth Management Division

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



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

We strive to be caring, professional and fair

Date: 1/17/08
Time: 11:50 Am

Dear Applicant:

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

Giampaoli
Project / Name

to the Monroe County Planning Department.

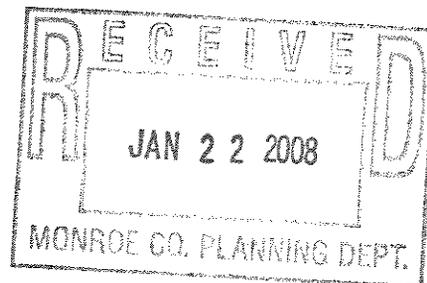
We are unable at this time to issue a receipt of your application, as it will take our staff two working days to determine that all required materials related to your application have been submitted. All applications received after 12:00 Noon will be considered as submitted the following working day.

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

Thank you.

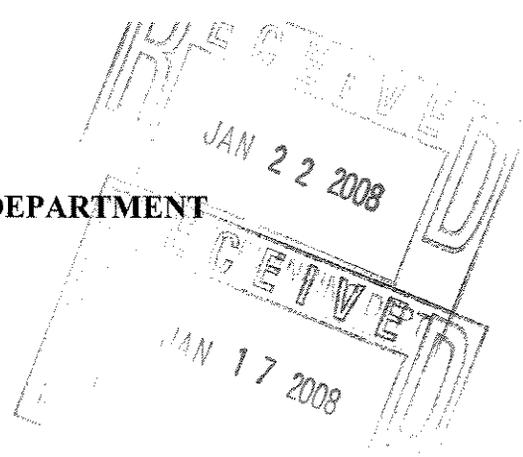
Robby Telesco

Planning Staff



End of Additional Information
File # 28003

APPLICATION
MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT



Request for a Tier Map Amendment

Monroe County Code § 9.5-511

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

Amendment to Land Use District (Tier) Application Fee: \$4,131.00

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

Advertising Costs: \$735.00

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

Technology Fee: \$20.00

Date of Submittal: ____/____/____
Month Day Year

Property Owner:

PETER G. & ELIZABETH C. GIAMPAOLI
Name

901 BRUCE Rd # 280
Mailing Address CHICO, CA 95928

(530) 891-4757 X201
Daytime Phone

PETE@EPICKHOMES.COM
Email Address

Agent (if applicable):

Kieran Mahoney
Name

17095 OVERSEAS HWY
Mailing Address SUGARLOAF Key FL 33042

(305) 745-1856
Daytime Phone

KJGMAHONEY@AOL.COM
Email Address

Legal Description of Property:

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

LOT 35 RESUB & RESURVEY 600 LOT 1 (14-67-27) & Filled SUBMERGED LANDS
Block Lot Subdivision SUGARLOAF Key PER ATTACHED SURVEY

* 00119360 - 000100 9087904
Real Estate (RE) Number Alternate Key Number

16820 OLD STATE ROAD 4-A SUGARLOAF KEY FL mm 17
Street Address Approximate Mile Marker

* PREVIOUSLY KNOWN AS 00119360-000000 PRIOR TO SALE

APPLICATION

Current Tier Map Designation: TIER I

Proposed Tier Map Designation: TIER III

Current Land Use District Designation(s): URM

Current Future Land Use Map Designation(s): RH

Total Land Area Affected: 1.73 AC

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

PARTIALLY IMPROVED PARCEL WITH WATER, ELECTRIC, PAVED ROAD, PAVED ACCESS DRIVE, LANDSCAPED, STORAGE BUILDING, PRIVACY WALL & GATED ENTRY

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

In accordance with Sec. 9.5-511, the BOCC may consider the adoption of an ordinance enacting the proposed change based on one or more of six factors. Please describe how one or more of the following factors shall be met (attach additional sheets if necessary):

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

N/A

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

N/A

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

NO HABITAT - NO PROTECTED SPECIES & NOT INCLUDED IN FLORIDA FOREVER BOUNDARY - NOT CONSISTENT WITH TIER I CRITERIA

NORTHERN CALIFORNIA NATIONAL BANK
1717 MANGROVE AVE., STE. 100
CHICO, CA 95926 • (530) 891-4800

33957

PETER G. GIAMPAOLI
ELIZABETH C. GIAMPAOLI
492 CENTENNIAL AVENUE
CHICO, CA 95928
(530) 345-9314

90-4426/1211

1/14/2008

PAY TO THE ORDER OF Monroe County Planning Department

\$ ****4,901.00**

Four Thousand Nine Hundred One and 00/100***** DOLLARS

Monroe County Planning Department

MEMO

Tier Map Application



AUTHORIZED SIGNATURE

⑈033957⑈ ⑆121144269⑆ 010010940⑈

SECURITY FEATURES INCLUDED DETAILS ON BACK

ETER G. GIAMPAOLI - ELIZABETH C. GIAMPAOLI

33957

Monroe County Planning Department

1/14/2008

4,901.00

Personal - House Tier Map Application

4,901.00

APPLICATION

4) New issues:

REFER TO ATTACHED "RECOMMENDATION OF SPECIAL MASTER",
BOCC RESOLUTION NO. 148-2006 & LETTER
OF CURRENT SITE CONDITION

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

PROPERTY IS DEVELOPED WITH INFRASTRUCTURE
& SEPERATED FROM NATURAL AREAS & LOCATED
WITHIN A DEVELOPED COMPOUND -

6) Data updates:

BECAUSE OF LOCATION & SITE IMPROVEMENTS,
PARCEL IS NOT COMPATABLE WITH CVA
DESIGNATION

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

THE PROPOSED DEVELOPMENT OF 1 SINGLE FAMILY RESIDENCE INSIDE A
GATED COMPOUND WITH EXISTING INFRASTRUCTURE IS NOT ONLY
CONSISTENT WITH OTHER EXISTING DEVELOPMENT BUT LESS
THAN WHAT THE URM CLASSIFICATION MIGHT OTHERWISE PERMIT

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

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

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

APPLICATION

areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage by land use district; and total acreage by habitat); and

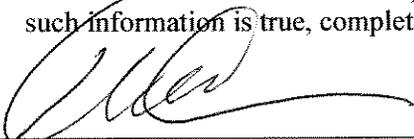
- Typed name and address mailing labels of all property owners within a 300 foot radius of the property (three sets).** This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 300 foot radius, each unit owner must be included

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

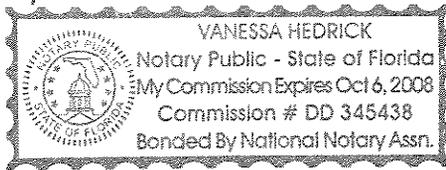
- Notarized Agent Authorization Letter** (note: authorization is needed from all owner(s) of the subject property)
- Any Letters of Understanding pertaining to the proposed map amendment**

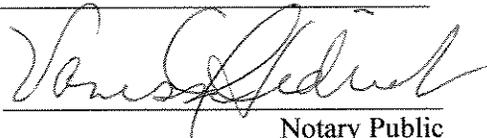
If deemed necessary to complete a full review of the application, the Planning & Environmental Resources Department reserves the right to request additional information.

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

Signature of Applicant:  Date: 1/10/08
KIERAN MAHONEY

Sworn before me this 10 day of Jan. 2008

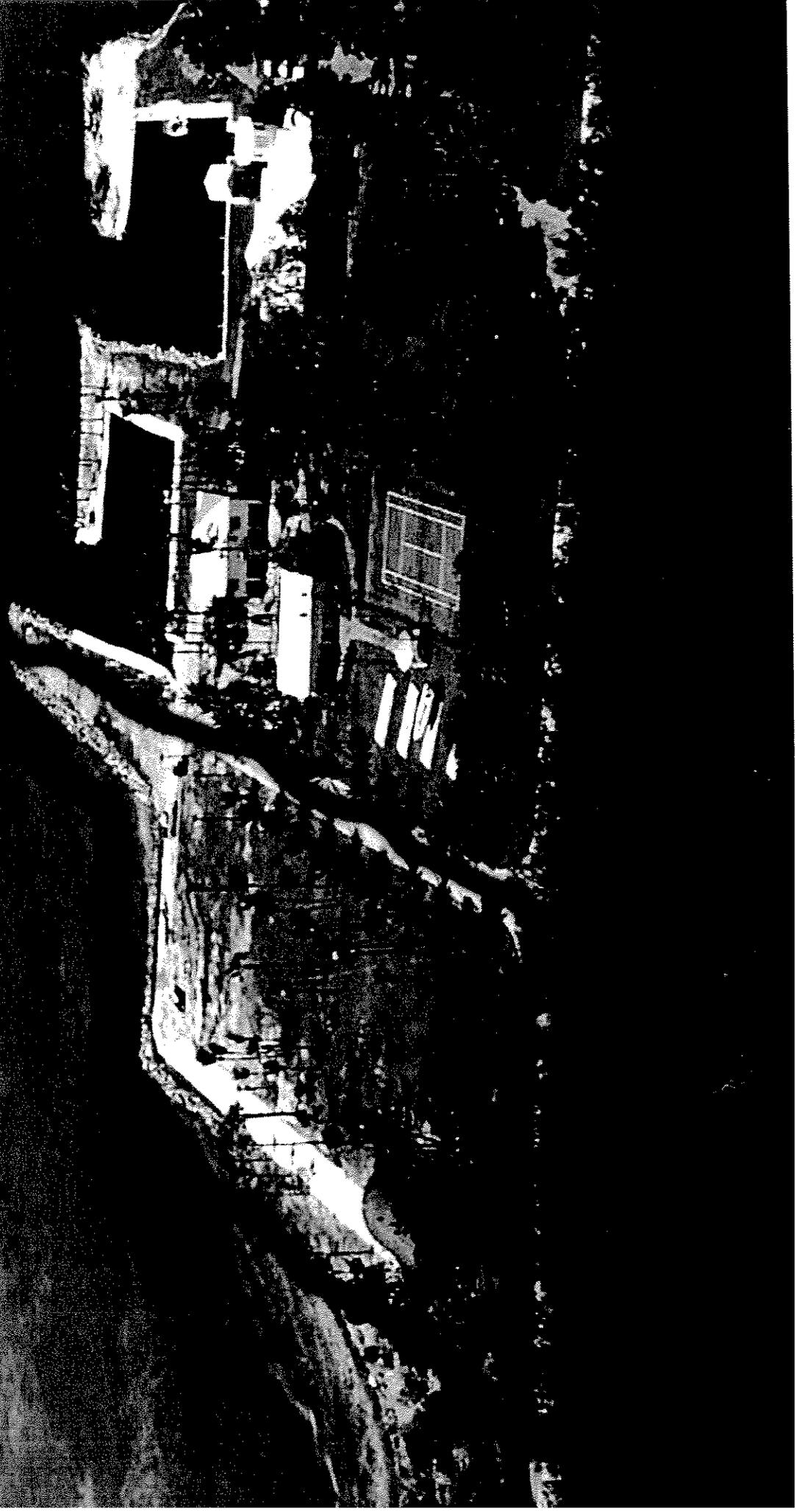



 Notary Public
 My Commission Expires
 10-6-08

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



Subject Property



Doc# 1631929 03/12/2007 2:18PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

Prepared by and return to:
John M. Spottswood, Jr.
Attorney at Law
Spottswood, Spottswood & Spottswood
500 Fleming Street
Key West, FL 33040
305-294-9556
File Number: 06-597-1B

03/12/2007 2:18PM
DEED TIC STAMP CL: RS \$14,000.00

Doc# 1631929
Bk# 1278 Pg# 1834

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 7th day of March, 2007 between SUGAR LOAF PALM PARTNERS, LLC, a limited liability company whose post office address is 16780 Old State Road 4A, Sugarloaf Shores, FL 33042, grantor, and Peter G. Giampaoli and Elizabeth C. Giampaoli, husband and wife whose post office address is 901 Bruce Road, Suite 280, Chico, CA 95928, 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:

Lots 35 and 36, according to the Dependent Easement and Subdivision of Government Lot 1, Section 14, Township 67 South, Range 27 East, Lower Sugarloaf Key, Monroe County, Florida AND the filled submerged lands, contiguous to the South of Lot 35, and described by CERTIFICATE, Recorded in Official Records Book 1406, at Page 2071, of the Public Records of Monroe County, Florida.

Parcel Identification Number: 00119360-000100 and 00119400-000000

Subject to taxes for 2007 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

This Deed is made and accepted on the condition that there shall be no construction of any "main living spaces" for any residence built on Lot 35 South of the line entitled Building Setback Line as shown on the attached drawing (Exhibit "A"). The "main living space" of a residence for the purpose of this paragraph shall not include (i) roof overhang from the residence (ii) a patio/deck built without solid walls, less than 18 feet in length attached to any residence built on Lot 35, and these improvements can be built on Lot 35 South of such line.

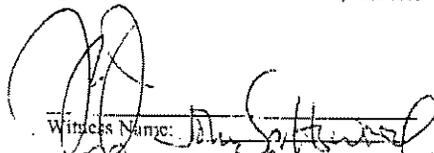
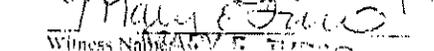
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining,

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

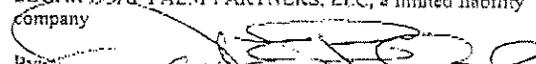
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2006.

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

Signed, sealed and delivered in our presence:


Witness Name: John M. Spottswood, Jr.

Witness Name: Peter G. Giampaoli

SUGAR LOAF PALM PARTNERS, LLC, a limited liability company

By: 
Jack E. Blades, President

Doc# 1631929
Bk# 2278 Pg# 1835

State of Florida
County of Monroe

The foregoing instrument was acknowledged before me this ^{7th} ~~23rd~~ day of ~~February~~ ^{March}, 2007 by Jack E. Blades, President and Charles R. Hassan, Jr of SUGAR LOAF PALM PARTNERS, LLC, a limited liability company, on behalf of said firm. They are personally known or have produced a driver's license as identification.

Mary E. Turso
Notary Public

[Notary Seal]



Printed Name: MARY E. TURSO

My Commission Expires: _____

MONROE COUNTY
OFFICIAL RECORDS

REC 11 06 PAGE 2071

949732

CERTIFICATE

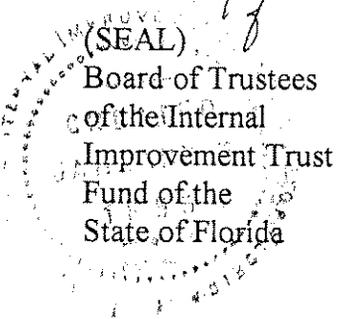
Upon application of Glenn E. Patch, whose addresses is Post Office Box F, Titusville, Florida 32780 and pursuant to Section 92.16, and subsections 253.12(9) and (10), Florida Statutes, the undersigned, on behalf of the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA, hereby certifies that the boundary separating the lands of the applicant's parcel of land from the adjacent state owned sovereignty lands on July 1, 1975, is described as follows:

Description of waterward boundary line as of July 1, 1975, lying Southerly of and adjacent to lots 34 and 35, Dependent Resurvey and Subdivision of Section 14, Township 67 South, Range 27 East, Sugarloaf Key, Monroe County, Florida and being more particularly described as follows:

Commence at the Northeast corner of aforementioned Section 14 and run N 89°50' W, along the North line of Section 14, 1320 feet; thence S 00°10' W, 1320 feet, to the Southwest corner of lot 34; thence along the Southerly line of lots 34 and 35, N 76°00' E, 330 feet; thence N 59°30' E, 11.66 feet, to the Southeast corner of lot 35; thence S 00°10' W, 115.72 feet, to a point on the shoreline of the Atlantic Ocean and the POINT OF BEGINNING; thence run the following 16 courses along the shoreline of the Atlantic Ocean, N 89°54'57" W, 122.43 feet; S 10°03'33" W, 131.53 feet; S 21°31'47" E, 11.04 feet; S 03°09'05" W, 125.76 feet; S 43°40'15" W, 13.75 feet; S 76°33' W, 11.86 feet; N 61°24'07" W, 15.46 feet; N 00°28'25" E, 124.23 feet; N 86°09'22" W, 3.62 feet; N 02°18'54" W, 152.75 feet; N 88°37'52" W, 111.65 feet; S 01°51'38" W, 111.50 feet; S 85°01'31" E, 66.21 feet; S 03°06'51"E, 42.07 feet; S 88°13'46" W, 55.86 feet; S 83°51'01" W, 36.19 feet, to the point of terminus.

The above description was prepared by H. L. Overbeck, Inc.

In Witness Whereof, I have hereunto set my hand and have caused to be affixed hereto the official seal of the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida at its office in Tallahassee, Leon County, Florida, this 16 day of May, 1996.



Terry E. Wilkinson
Terry E. Wilkinson, Chief
Bureau of Survey and Mapping
State of Florida Department of
Environmental Protection
as agent for and on behalf of the Board
of Trustees of the Internal Improvement
Trust Fund of the State of Florida

SCORE P3:23

Monroe County Property Record Card (133)

Alternate Key: 9087904 Roll Year 2008
 Effective Date: 1/7/2008 10:48:05 AM Run: 01/07/2008 10:48 AM

GIAMPAOLI, PETER G AND ELIZABETH C
 901 BRUCE RD STE 280
 CHICO CA 95928

Parcel 00119360-000100-14-67-27 Nbfd 342
 Alt Key 9087904 Mill Group 100C
 Affordable Housing No PC 0000
 Inspect Date Next Review
 Business Name
 Physical Addr OLD STATE RD 4A, SUGARLOAF KEY

Associated Names

Name	DBA	Role
GIAMPAOLI, PETER G AND ELIZABETH C		Owner

Legal Description

14 -67-27 SUGARLOAF KEY LOT 35 RESUB OF GOVT LOT 1 AND ADJ PARCEL OR623-789 OR677-821/E OR837-95/96 OR838-351 OR955-425/426Q/C OR955-427 OR1019-1036 OR1019-1037 OR1019-1038/39 OR1323-2217/22 OR1406-2071/IF/CERT OR1529-1478/81 1529-1482/85 OR1553-6977/00 OR2069-2443/44 OR2070-18 OR2086-716/17R/S OR2082-1954/57C OR2127-1274/75 OR2127-1321/38DEC/REST OR2278-1824/1833AMID OR2278-1834/35

Land Data 1.

Line ID	Use	Front	Depth	Notes	# Units	Type	SOH %	Rate	Depth	Loc	Shp	Phys	Class	ROGO	Class Value	Just Value
M10W				Yes	1.73	AC	0.00		1.00	1.00	1.00	1.00		N		
Total Just Value																

Miscellaneous Improvements

Nbr	Impr Type	# Units	Type	SOH %	Length	Width	Year Built	Roll Year	Grade	Life	RCN	Depr Value
4	SW2:SEAWALL	2,080	SF	0.00	520	4	2006	2007	1	60		
3	FN2:FENCES	1,400	SF	0.00	200	7	1992	1993	5	30		
2	CL2:CH LINK FENCE	1,472	SF	0.00	368	4	2001	2002	3	30		
1	UB2:UTILITY BLDG	2,400	SF	0.00	60	40	1992	1993	2	50		
Total Depreciated Value												

Appraiser Notes

SPLIT OUT LT 35 FROM RE 00119360-000000 PER OWNERS REQ DONE FOR 2007 TAX ROLL
 ADJ LAND SIZE TO COINCIDE WITH GIS AND SURVEY.

Value History

Tax Year	Val Meth	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Sr Ex	Tax Value
2007F	C	1,297,500	0	0	63,431	1,360,931	1,360,931	0	N	1,360,931

Monroe County Property Record Card (133)

Alternate Key: 9087904

Roll Year 2008

Effective Date: 1/7/2008 10:48:05 AM

Run: 01/07/2008 10:48 AM

Sales History

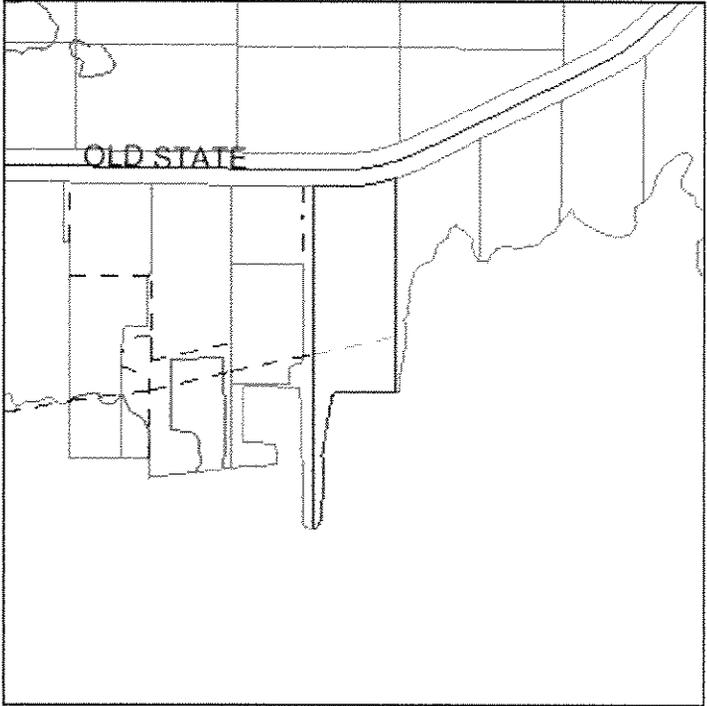
Book	Page	Sale Date	Instrument	Transfer Code	Q/U	Vacant	Sale Price
2278	1834	3/7/2007	Warranty Deed	0	M	V	2,000,000

MONROE COUNTY PROPERTY APPRAISER

PROPERTY INFORMATION FOR:

Alternate Key: 9087904
 RE Number: 00119360-000100

Property Details

<p>OWNER OF RECORD</p> <p>GIAMPAOLI PETER G AND ELIZABETH C 901 BRUCE RD STE 280 CHICO CA 95928</p> <p>PHYSICAL LOCATION</p> <p>OLD STATE RD 4A SUGARLOAF KEY</p> <p>LEGAL DESCRIPTION</p> <p>14 -67-27 SUGARLOAF KEY LOT 35 RESUB OF GOVT LOT 1 AND ADJ PARCEL OR623-789 OR677-821/E OR837-95/96 OR838-351 OR955-425/426Q/C OR955-427 OR1019-1036 OR1019-1037 OR1019-1038/39 OR1</p> <p>SECTION, TOWNSHIP, RANGE</p> <p>14 - 67 - 27</p> <p>AFFORDABLE HOUSING No</p> <p>MILLAGE GROUP</p> <p>100C</p> <p>PC CODE</p> <p>VACANT RESIDENTIAL</p>	<p style="text-align: center;">PROPERTY MAP</p> 
--	--

Land Details

<u>LAND USE CODE</u>	<u>FRONTAGE</u>	<u>DEPTH</u>	<u>LAND AREA</u>
M10W - RES WATERFRONT			1.73 AC

Miscellaneous Improvements

<u>NBR</u>	<u>IMPR TYPE</u>	<u># UNITS</u>	<u>TYPE</u>	<u>LENGTH</u>	<u>WIDTH</u>	<u>YEAR BUILT</u>	<u>ROLL YEAR</u>	<u>GRADE</u>	<u>LIFE</u>
1	UB2:UTILITY BLDG	2400	SF	60	40	1992	1993	2	50
2	CL2:CH LINK FENCE	1472	SF	368	4	2001	2002	3	30
3	FN2:FENCES	1400	SF	200	7	1992	1993	5	30
4	SW2:SEAWALL	2080	SF	520	4	2006	2007	1	60

Parcel Value History

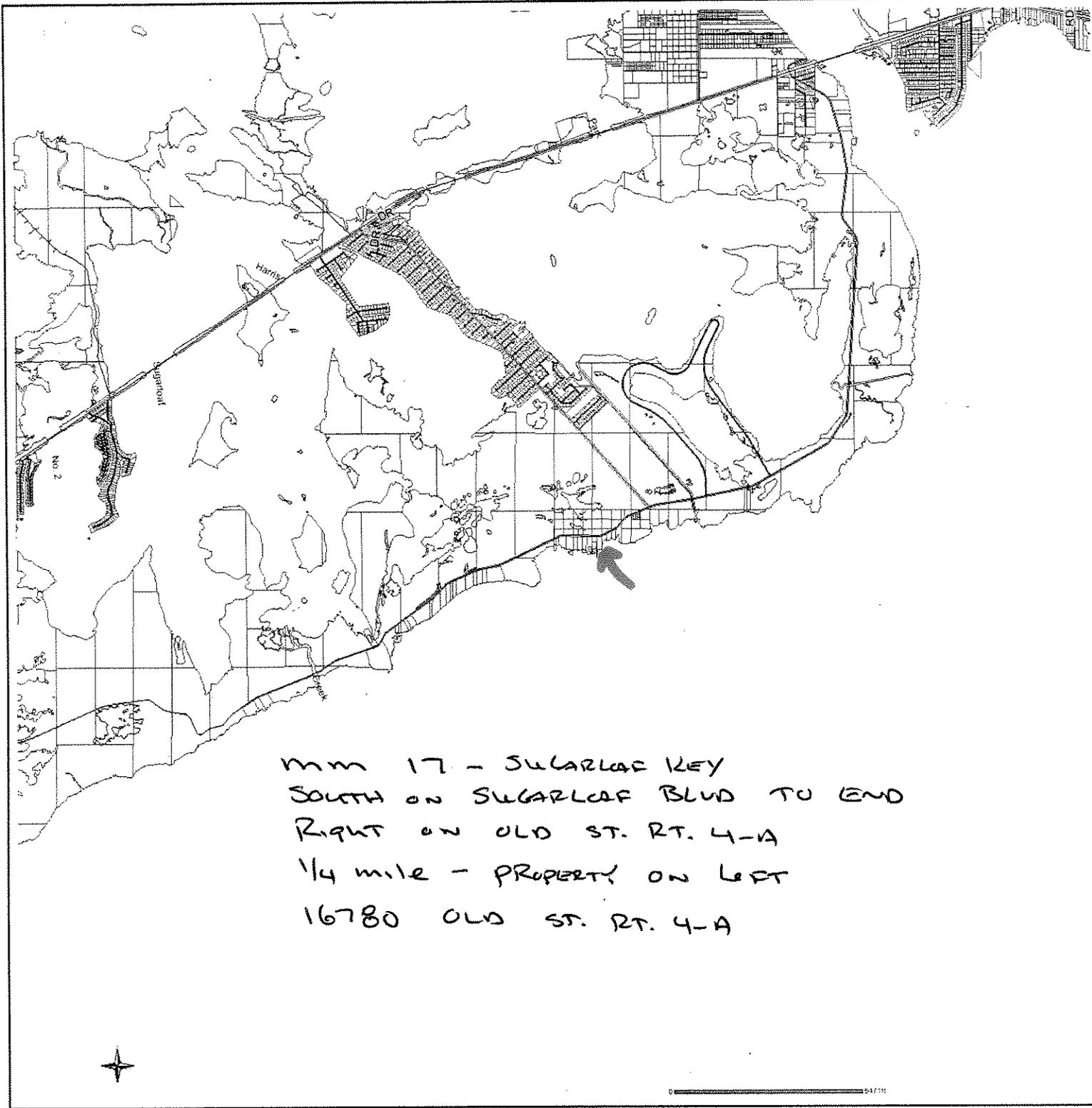
<u>TAX ROLL YEAR</u>	<u>BUILDING</u>	<u>MISCELLANEOUS IMPROVEMENTS</u>	<u>LAND</u>	<u>JUST</u>	<u>EXEMPTIONS (NOT INCLUDING SENIORS)</u>	<u>TAXABLE</u>
2007	0	63,431	1,297,500	1,360,931	0	1,360,931

Parcel Sales History

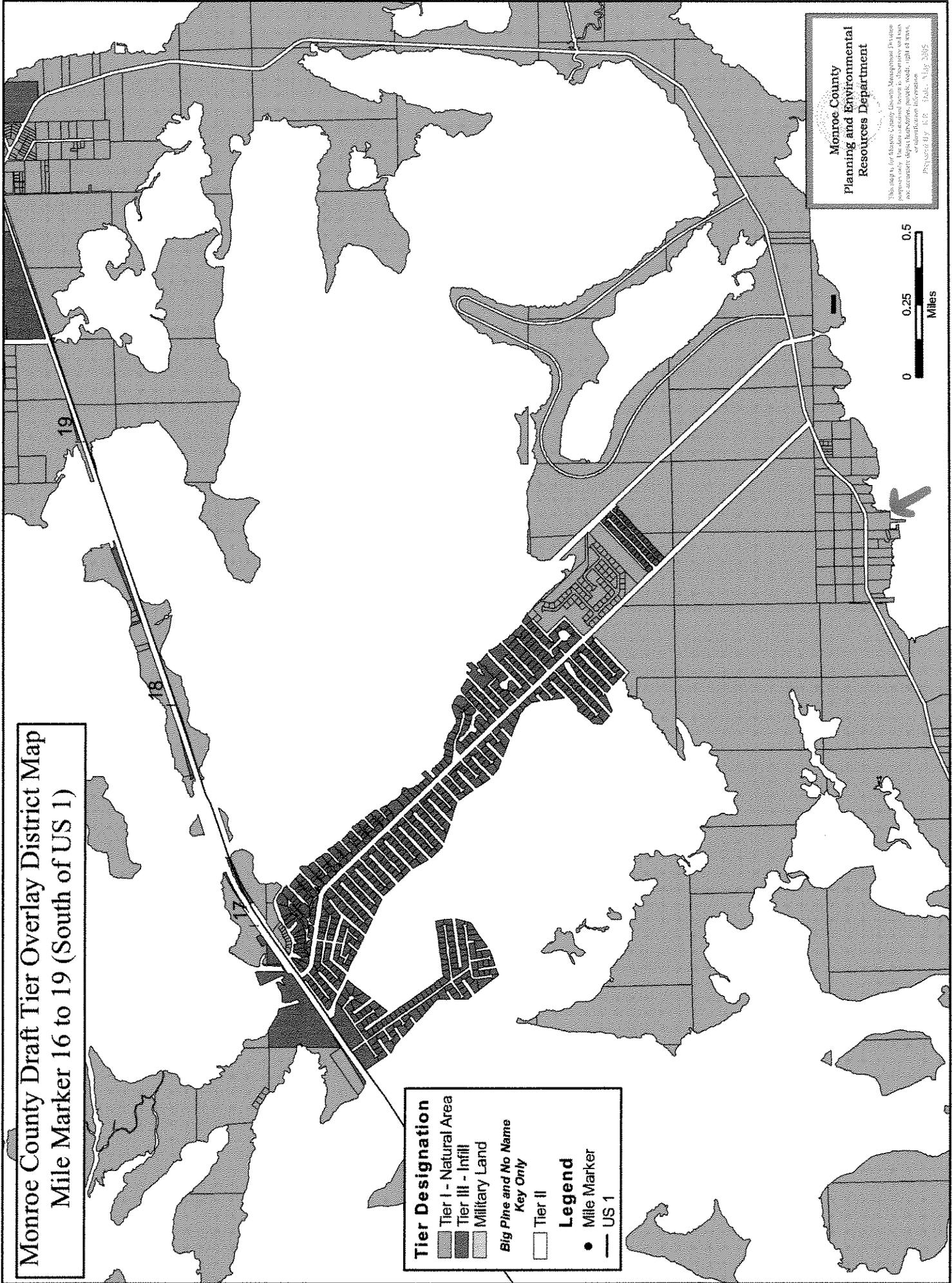
NOTE - OUR RECORDS ARE TYPICALLY TWO TO THREE MONTHS BEHIND FROM THE DATE OF SALE. IF A RECENT SALE DOES NOT SHOW UP PLEASE GIVE OUR OFFICE TIME TO PROCESS IT.

<u>SALE DATE</u>	<u>OFFICIAL RECORDS BOOK/PAGE</u>	<u>PRICE</u>	<u>INSTRUMENT</u>
03/2007	2278/1834	2,000,000	WD

LOCATION MAP



**Monroe County Draft Tier Overlay District Map
Mile Marker 16 to 19 (South of US 1)**



Tier Designation

-  Tier I - Natural Area
-  Tier III - Infill
-  Military Land

Big Pine and No Name Key Only

-  Tier II

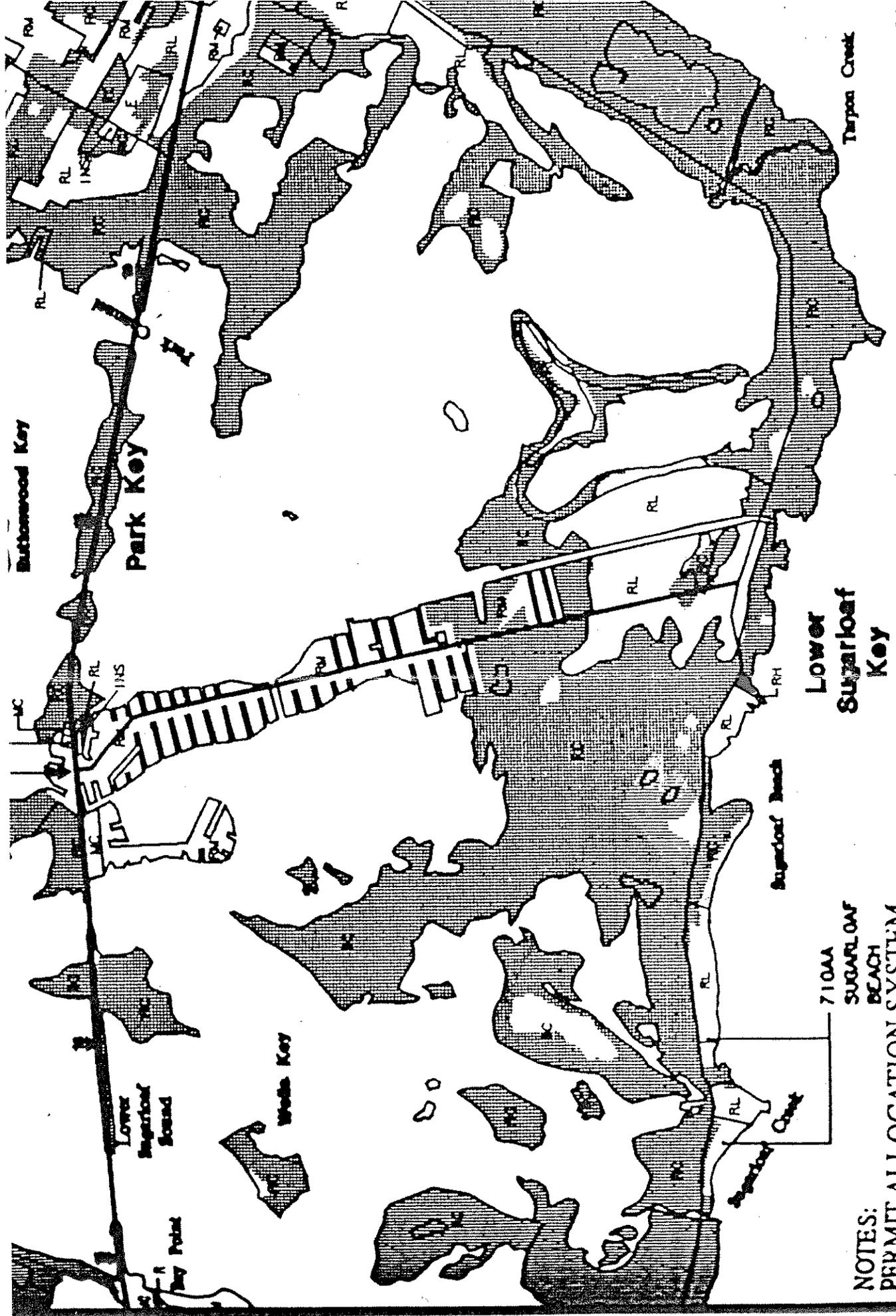
Legend

-  Mile Marker
-  US 1

**Monroe County
Planning and Environmental
Resources Department**

This report for Monroe County Growth Management Planning purposes only. The data contained herein is illustrative and does not constitute a guarantee, warranty, or representation by the Department of Planning and Environmental Resources. Date: 10/13/05





NOTES:
 PERMIT ALLOCATION SYSTEM

710AA

SUGARLOAF
 BEACH

Lower
 Sugarloaf
 Key

Sugarloaf Beach

Sugarloaf
 Creek

Thurston Creek

Butternut Key

Park Key

Lower
 Sugarloaf
 Sound

Middle Key

Key Point

Gary & Mary Hickman
405 Anchor Row
Placida, FL 33946

Gary & Mary Hickman
405 Anchor Row
Placida, FL 33946

Gary & Mary Hickman
405 Anchor Row
Placida, FL 33946

Jack & ChelleBe Blades
16780 Old State Rt. 4-A
Sugarloaf Key, FL 33042

Jack & ChelleBe Blades
16780 Old State Rt. 4-A
Sugarloaf Key, FL 33042

Jack & ChelleBe Blades
16780 Old State Rt. 4-A
Sugarloaf Key, FL 33042

Sugarloaf Fun West, LLC.
231 Tradewinds Ave,
Naples, FL 34108

Sugarloaf Fun West, LLC.
231 Tradewinds Ave,
Naples, FL 34108

Sugarloaf Fun West, LLC.
231 Tradewinds Ave,
Naples, FL 34108

Ada Silvers
Clarence Keevan
PO Box PO Box 5913
Key West, FL 33045-

Ada Silvers
Clarence Keevan
PO Box PO Box 5913
Key West, FL 33045-5913

Ada Silvers
Clarence Keevan
PO Box PO Box 5913
Key West, FL 33045-5913

TIIF
3900 Commonwealth Blvd.
Tallahassee, FL 32399-3000

TIIF
3900 Commonwealth Blvd.
Tallahassee, FL 32399- 3000

TIIF
3900 Commonwealth Blvd.
Tallahassee, FL 32399-30000

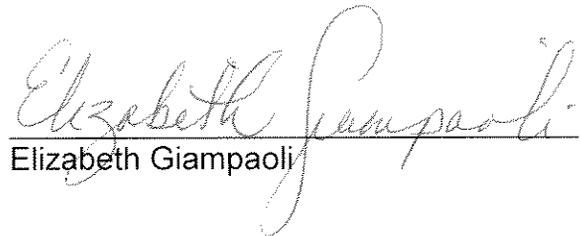
Agent Authorization

The undersigned owners of Lot 35 of the Resurvey and Resubdivision of Gov. Lot 1, Sugarloaf Key located at 16820 Old State Rt. 4-A on Sugarloaf Key hereby authorize Kieran Mahoney to act as agent on their behalf in all matters related to the Application for Tier Map Amendment of said property.

Executed on this 8th day of December, 2007



Peter Giampaoli



Elizabeth Giampaoli

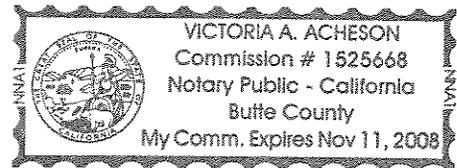
State of California, County of BUTTE

Signed before me by Peter Giampaoli and Elizabeth Giampaoli on this 8th day of December, 2007.



Notary

Seal

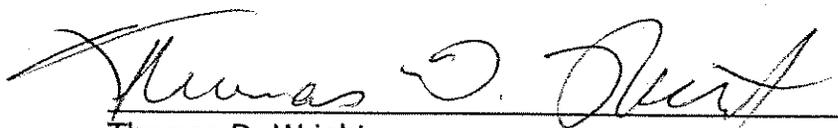


RECOMMENDATION OF SPECIAL MASTER

RE: BLADES, JACK E. and MICHELLE B.

Application for a boundary amendment to the Conservation and Natural Area (CNA): RE #00119320-000000, RE# 00119330-000000, RE# 00119340-000000, RE# 00119360-000000, RE# 00119370-000001 and RE# 00119380-000001 – Sugarloaf Key, formerly known as the "Patch Property" - (approximately 6.58 acres)

These parcels are located between the Atlantic Ocean and Old State Road 4A on Sugarloaf Key. Together they comprise approximately 6.58 acres and are developed with several residences. The properties are not designated for acquisition by the Florida Forever Lands Acquisition Program, except for what appears to be a submerged boat basin. There is some mangrove fringe along the shoreline. The properties are within the sparsely settled SS Land Use District, although the most Easterly property is within the Urban Residential Mobile Home Land Use District. Because these areas are developed, and are separated from the natural areas to the North by Old State Road 4A, and because there is complete infrastructure to these lots and because the property is bounded on all other sides by water and development, it is my recommendation that the petition be granted and these properties be deleted from the CNA designation.



Thomas D. Wright
Monroe County Special Master

Dated: July 1, 2005

RESOLUTION NO. 148-2006

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS DIRECTING GROWTH MANAGEMENT DIVISION STAFF TO PROCESS AMENDMENTS TO THE ADOPTED TIER OVERLAY MAP BASED ON REVIEW OF PREVIOUS CHANGE REQUESTS.

WHEREAS, the Monroe County Board of County Commissioners, during seven public hearings held in December 2004, January, February, March, April, May, and June 2005, reviewed and considered the proposed amendments to utilize the Tier overlay maps as the basis for the ROGO point system, considered Planning Commission, staff recommendations, and public comments; and

WHEREAS, the Monroe County Board of County Commissioners makes the following Findings of Fact:

1. The Board of County Commissioners directed staff to prepare text and map amendments in Ordinance No. 018-2004 adopted June 16, 2004, to include Tier Overlay Map designations in accordance with Goal 105 and revisions to ROGO based on the Tier system utilizing a positive approach that predominately relies on land dedication and aggregation.
2. Goal 105 provides a framework for future development and land acquisition for the next 20 or more years, called the "Tier System", that considers the carrying capacity of the Florida Keys, reduces sprawl and promotes sustainability.
3. The designation of Tiers will be implemented through an overlay of the County's Land Use District Map, that will be referred to as the "Tier Overlay District Map" in the County Code.
4. The adoption and amendments to the Tier Overlay District Map will be in accordance with procedures for amending the Land Development Regulations in Section 9.5-511, Monroe County Code.
5. Previous to adoption of the Tier Overlay District Maps, Growth Management Division staff accepted applications from various property owners to review the tier designations for specific properties in unincorporated Monroe County.
6. The review of these requests went to a Special Master Hearing who made recommendations on the proposed changes.
7. Growth Management Division staff reviewed and also made a recommendation for for the submitted applications.

8. Growth Management Division Staff have additional recommendations for amendments to the designations.

9. Due to the direction given by the Florida Administrative Commission (which consists of the Governor and Cabinet), staff was unable to incorporate changes to the Tier Overlay District Map for the properties above.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. Growth Management Division staff is directed to process amendments to the Tier Overlay District Maps for the properties described in Exhibit A.

Section 2. The amendments will be processed without fee to the property owners of the properties described in Exhibit A.

Section 3. The amendments will be processed consistent with the procedures for changing Tier Overlay District Maps.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a special meeting held on the 15th day of March, 2006.

Mayor Charles "Sonny" McCoy
Mayor Pro Tem Murray Nelson
Commissioner Dixie Spehar
Commissioner George Neugent
Commissioner David Rice

Not Present
Yes
Yes
Yes
Not Present

FILED FOR RECORD

2006 APR -3 AM 10: 14

DANNY L. KOLHAGE
CLK. CIR. CTC
MONROE COUNTY, FL

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

Murray Nelson

BY _____
MAYOR PRO TEM



ATTEST: DANNY L. KOLHAGE, CLERK

Gamela Hancock
DEPUTY CLERK

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
[Signature]
Date: 3/1/06



Staff Recomendded Changes to Tier Overlay System

Exhibit A

<i>Real Easte Number</i>	<i>Location</i>	<i>Applicant</i>
114090	Ramrod Key	Staff Added
114090.0001	Ramrod Key	Staff Added
114120	Ramrod Key	Staff Added
114150	Ramrod Key	Staff Added
114150.0004	Ramrod Key	Krause
117510.000199999	Sugarloaf Key	Midge Jolly
117510.0004	Sugarloaf Key	Staff Added
118210	Sugarloaf Key	AIE, INC
119260	Sugarloaf Key	Staff Added
119270	Sugarloaf Key	Staff Added
119280	Sugarloaf Key	Staff Added
119300	Sugarloaf Key	Clarence Keevan
119310	Sugarloaf Key	Staff Added
119320	Sugarloaf Key	Jack Blades
119330	Sugarloaf Key	Jack Blades
119340	Sugarloaf Key	Jack Blades
119340.0001	Sugarloaf Key	Staff Added
119350	Sugarloaf Key	Staff Added
119360	Sugarloaf Key	Jack Blades
119370	Sugarloaf Key	Jack Blades
119370.0001	Sugarloaf Key	Staff Added
119380	Sugarloaf Key	Jack Blades
171130	Sugarloaf Key	William Smith

County of Monroe Growth Management Division

Environmental Resources Department
2798 Overseas Highway
Suite #430
Marathon, FL 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



Board of County Commissioners
Mayor Charles McCoy, Dist. 3
Mayor Pro Tem Dixie Spehar, Dist. 1
George Neugent, Dist. 2
Mario Di Gemaro, Dist. 4
Glenn Patton, Dist. 5

We strive to be caring, professional and fair

September 6, 2006

Jack Blades
16780 Old State Road 4A
Sugarloaf Key, FL 33042

RE: Letter of Current Site Conditions for Lot 35 (Re-subdivision of Government Lot 1), Sugarloaf Key
Real Estate No. 00119360.000000

Dear Mr. Blades:

As requested, the above-referenced lot has been reviewed for site conditions pursuant to current Monroe County Land Development Regulations (LDRs) and the Monroe County Year 2010 Comprehensive Plan. The following information details the ROGO process for building a principal structure on this lot. All of the ROGO scoring categories are not addressed in this letter. Please note that at the time this letter was drafted lots 35 and 34 are combined under unity of title. Lot 35 may not be developed as a separate entity until it is separated from Lot 34. This letter is written based on the assumption that this separation will occur prior to submittal of development application.

A site visit determined that the parcel is a buildable upland acreage lot located within unincorporated Monroe County. The lot does qualify for plus ten (+5) points under the "Infrastructure Availability" criterion of the ROGO scoring system.

The official Monroe County habitat map (panel no. 71) designates the area as "Disturbed". Based on the site visit staff does concur with this designation. The parcel is not designated as wetland by the official Monroe County wetland maps. Staff found no wetland vegetation and no other indicators such as algal growth or hydric soils, on the site; this does not meet the State of Florida statutes for wetland criteria and thus will not be considered a wetland by Monroe County. Please be advised that the Army Corps of Engineers (ACOE) does not utilize Florida State wetland criteria and may require mitigation for development. Based on these existing conditions the parcel would receive positive one (+1) under the "Habitat Protection" criterion of the ROGO scoring system.

Monroe County code dictates that a parcel designated as "Disturbed" shall have an open space requirement of twenty (20%) percent for the entire lot. Open space is the area that is required to remain unobstructed from land to sky. Vegetation is not considered to be an obstruction.

This parcel is located in the "Urban Residential Mobile Home" (URM) land use district as indicated on page 472 of the Monroe County Land Use District Maps. Within the land use district of URM Monroe County code allows a density of five (5) single family dwelling units per acre, provided that the site is a licensed RV or mobile home park, or 1 unit per lot without the proper licensing. Currently Lot 35 and Lot 34 are combined under unity of title and the RV spaces and park designation allowing this increased density of 5 units per acre are associated with Lot 34. If the lots are separated for sale the density bonus will not apply to Lot 35 and it will be held to the density of 1 single family unit per acre. Any principal structure must maintain a minimum front setback of twenty five (25) feet from the property line, one side setback of five (5) feet from the property line and the other side at ten (10) feet, and a rear setback of twenty (20) feet from the property line in this land use district. A shoreline setback of twenty (20) feet will apply as this site has an altered shoreline adjacent to a man made canal, channel or basin. Setbacks are measured to the furthest extension of the building, whether it is the roof line, a stairway, porch, or deck. The maximum permitted height of a house is thirty five (35) feet to the peak of the roof, as measured from the pre-construction grade on the lot or the crown of the adjacent roadway.

Page 1 of 2

W:\Environmental\LCSC\AVERAGE\Sugarloaf Key Lot 35 Sugarloaf Beach 00119360.doc

The official Future Land Use map for Monroe County includes this parcel in the Residential High (RH) category. This will be congruent with the current land use designation of URM and will continue to allow for single family development.

This parcel is split by several flood zones, AE-11, VE-13, and VE-15 and is shown on panel number 1556-K of the National Flood Insurance Program Flood Insurance Rate Map (FIRM). The parcel would receive negative one point (-1) under the "Coastal High Hazard Area" criterion of the ROGO scoring system if the development could be placed without infringing in the VE areas of the parcel. If this could not be accomplished a score of negative six (-6) points would be awarded under this criterion.

This parcel contains a mix of native and exotic vegetation. Some of the native trees must remain on site or if they are removed shall be mitigated at a ratio of 2:1. This lot is predominately disturbed area with several exotic Coconut Palms. Any shoreline vegetation will be protected by the shoreline setback. All invasive exotic vegetation must be removed from the site prior to the issuance of a certificate of occupancy on the property.

The official Monroe County Endangered Species (map # 7) maps indicate that this property is not known, potential, or probable habitat for any threatened or endangered species. Thus, any development on this parcel shall receive zero (0) points under the "Threatened or Endangered Animal Species" criterion of the ROGO scoring system.

Additional ROGO points are available under "Affordable Housing", "Lot Aggregation", "Land Dedication", "Water Conservation", "Energy Conservation", and "Structural Integrity" criteria.

Monroe County prohibits affordable housing from being placed in an area that is considered environmentally sensitive. This parcel would receive negative points under the environmental review of ROGO criterion; however this parcel is exempt from this requirement due to the land use district of URM. Thus this site is acceptable for affordable housing if all of the affordable housing requirements are satisfied.

Please note that revisions to the current ROGO system are pending, and the points referenced above are subject to change with those revisions. This parcel falls within the "Tier 1" designated area. This designation is reserved for areas which are better suited for conservation as opposed to continued development. However, as a part of the Tier adoption process as resolution (148-2006) was passed by the BOCC to allow staff to recommend 147 changes in Tier designation post implementation of the Tier System. The above referenced parcel is included in those 147 areas recommended for change from Tier 1 to Tier 3 (development Tier). This change will be accomplished through public hearings with both the Planning Commission and the BOCC. Advertisements for these meetings will be placed in local newspapers prior to hearing dates. For more information on changes to policy as a result of the Tier System please visit http://www.monroecounty-fl.gov/Pages/MonroeCoFL_HofTopics/00856575-000F8513.

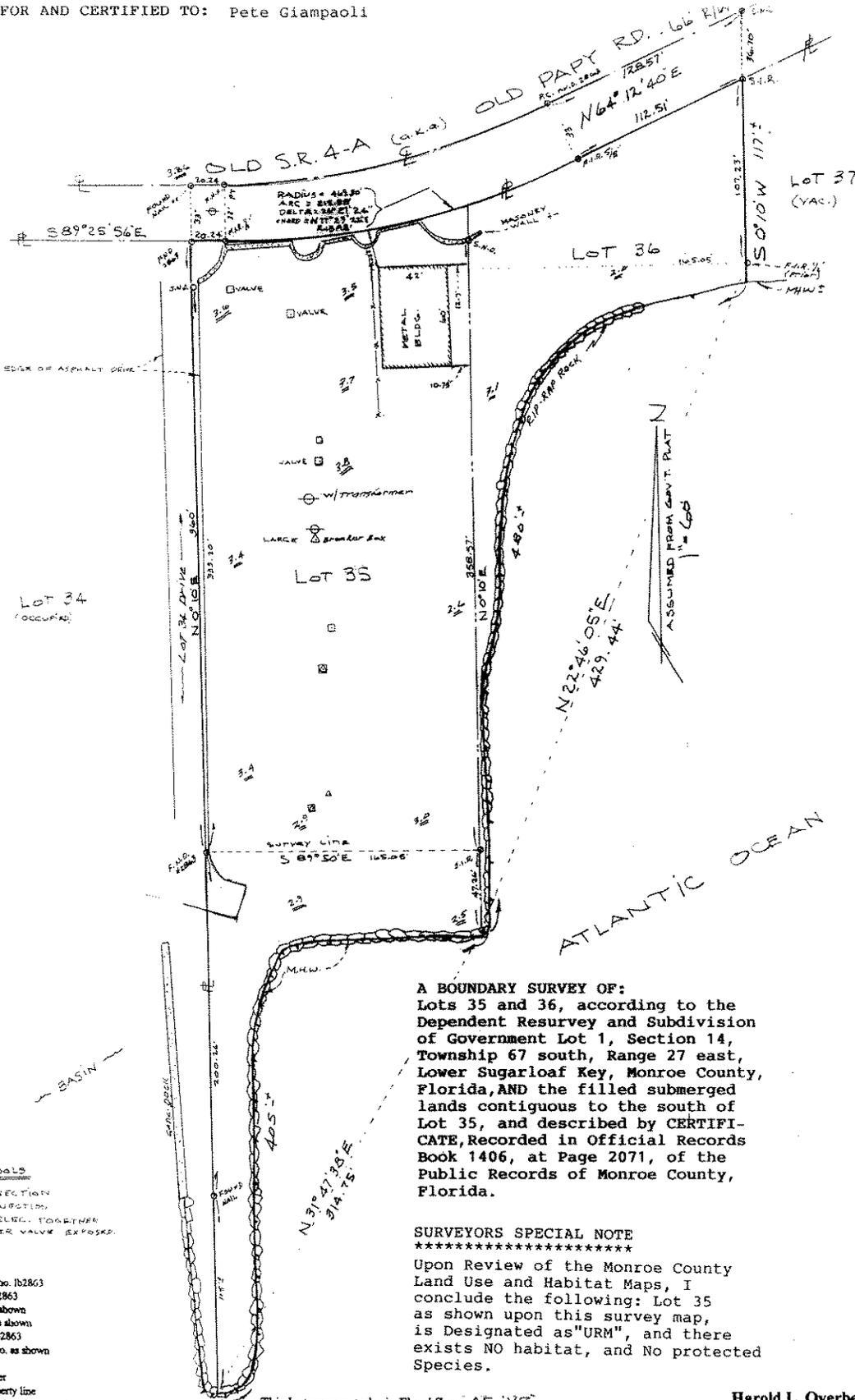
This document is for informational purposes only. It does not assign or guarantee any development rights or the timing of such rights. The information contained herein is accurate as of the date of this correspondence and is subject to change.

If you have any questions regarding these parcels, or if you require further assistance, please do not hesitate to contact me at (305) 289-2500.

Sincerely,

Andrew Omer Trivette
Sr. Administrator of Environmental Projects

cc: Corrie Robertson, Administrative Assistant
File



A BOUNDARY SURVEY OF:
 Lots 35 and 36, according to the
 Dependent Resurvey and Subdivision
 of Government Lot 1, Section 14,
 Township 67 south, Range 27 east,
 Lower Sugarloaf Key, Monroe County,
 Florida, AND the filled submerged
 lands contiguous to the south of
 Lot 35, and described by CERTIFI-
 CATE, Recorded in Official Records
 Book 1406, at Page 2071, of the
 Public Records of Monroe County,
 Florida.

SURVEYORS SPECIAL NOTE

 Upon Review of the Monroe County
 Land Use and Habitat Maps, I
 conclude the following: Lot 35
 as shown upon this survey map,
 is Designated as "URM", and there
 exists NO habitat, and No protected
 Species.

This Lot appears to be in Flood Zone **AE:1VE'**
 with a base flood elevation of **10-11-12** feet,
 F.I.R.M. No. **125129-1856K 2-18-05**.

BENCHMARK: S.O. Nail / Disk #718 / 11
conc. utility Pole @ NW corner of Lot 35.

There are no above ground encroachments
 that are not shown.

Harold L. Overbeck
 Registered Land Surveyor
 1620 Buttonwood Dr
 Big Pine Key, Fl. 33043
 305-872-4763 Fax 872-7146

Date: 1-5-08	Revision:
Scale: 1" = 60'	
Section 14, Twp 67, Range 27	
No. 07034	

UTILITY SYMBOLS
 □ WATER CONNECTION
 △ ELECT. CONNECTION
 ⊕ WATER AND ELECT. TOGETHER
 ○ VALVE & WATER VALVE EXPOSED
 ⊙ UTILITY POLE

Surveyors Notes:
 mmp = set 3/4" metal pipe, no. 1b2863
 mri = set 1/2" iron rod, no. 1b2863
 fir = found iron rod size as shown
 fip = found iron pipe size as shown
 end-wet rail and disk no. 1b2863
 fnd = found nail and disk no. as shown
 fnw = found nail and nut
 fnw = found nail and washer
 C = centerline P = property line
 pc = point of curve P = point of intersection
 R/W = right-of-way
 [] = concrete area [] = utility pole
 (M) = measured (R) = record (D) = dead
 P.O.B. = Point of Beginning
 Elevations are shown thus 0.00, and are N.G.V.D.-29
 All lot angles are 90 degrees unless shown otherwise.
 M.H.W. = mean high water and is approximate and does
 not purport to establish local datum or tidal boundary lines.

Certification:
 I hereby certify that this survey meets the Minimum Requirements of Chapter
 61G17-6, Florida Administrative Code, Pursuant to Section 472.027, Of the
 Florida Statutes.

 Harold L. Overbeck, P.L.S No. 2912

**SURVEY NOT VALID IF NOT
 SEALED WITH A RAISED
 SURVEYORS SEAL.**

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ORDINANCE _____ - 2009

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING SECTION 102-20 OF THE MONROE COUNTY CODE CONCERNING THE APPOINTMENTS AND TERMS OF MEMBERS OF THE PLANNING COMMISSION AND VACANCIES THEREON; DELETING REMOVAL FOR CAUSE EXCEPT AS SPECIFICALLY SET FORTH; DELETING THE REQUIREMENT FOR SPECIAL MEETINGS; REMOVING THE REQUIREMENT FOR TIME CERTAIN PUBLIC HEARINGS; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR TRANSMITTAL TO THE SECRETARY OF STATE; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners (BOCC) desires to align the terms of the Planning Commission appointees more closely with the terms of the BOCC members; and

WHEREAS, the BOCC desires to clarify that there may be removal of commissioners on the Planning Commission at the pleasure of the county commission or for cause which is now defined in the code as (a) three unexcused absences or (b) commission of a felony or an offense involving moral turpitude, or (3) no longer being a qualified elector of the county; and

WHEREAS, the requirement to have a special meeting within seven days if a quorum is not present at a regular meeting is unduly burdensome given that the reasons for lack of a quorum would most likely be of such an emergency to prevent a meeting within seven days; additionally, a special meeting may to be called by the chairman is currently provided;

Bold type shows current reasons for termination which will remain

1
2 **NOW THEREFORE, BE IT ORDAINED BY THE MONROE COUNTY BOARD OF**
3 **COUNTY COMMISSIONERS:**

4
5 **Section 1. Section 102-20 is amended as follows:**

6
7 **Sec. 102-20. Planning commission.**

8 (a) Creation. There is hereby established a planning commission.

9 (b) Powers and duties. The planning commission shall have the following powers and
10 duties:

11 (1) To serve as the local planning agency (LPA), required by F.S. § 163.3174;

12 (2) To prepare or cause to be prepared a comprehensive plan or element thereof and
13 to submit to the board of county commissioners an annual report recommending
14 amendments to such plan;

15 (3) To review and make recommendations to the board of county commissioners in
16 regard to amendment of the official land use district map;

17 (4) To hear, review and approve or disapprove applications for minor or major
18 conditional use permits;

19 (5) To initiate, hear, review and make recommendations to the board of county
20 commissioners on applications for amendment to the text of this chapter;

21 (6) To hear, review and recommend approval or disapproval of all plats in accordance
22 with the rules and regulations established by the board of county commissioners;

23 (7) To hear, consider and act on appeals of administrative actions;

24 (8) To act to ensure compliance with conditional use permits, as approved and issued;

25 (9) To make its special knowledge and expertise available upon reasonably written
26 request and authorization of the board of county commissioners to any official,
27 department, board, commission or agency of the county, state or federal government;
28 and

29 (10) To adopt such rules of procedure necessary for the administration of its
30 responsibilities not inconsistent with this article to govern the commission's proceedings.
31

Bold type shows current reasons for termination which will remain

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2 (c) Qualifications for membership. Members shall be chosen from persons with
3 experience in the areas of planning, environmental science, the business community,
4 the development industry, and other Keys local industries. (**This provision is moved
5 from later section) Members of the planning commission shall be qualified
6 electors in the county. **In the event that any member is no longer a qualified elector**
7 **or is convicted of a felony or an offense involving moral turpitude while in office,**
8 **the board of county commissioners shall terminate the appointment of such**
9 **person as a member of the commission.**

10 (d) Membership: appointment, removal, terms, and vacancies.

11 (1) The planning commission shall be composed of five members. Vacancies shall be
12 filled by nomination by the district's commissioner for the district whose member on the
13 board of county commissioners member for the district who made the previous
14 appointment for the vacant seat. The county commissioner shall nominate a person
15 qualified as provided in subsection (c) of this section to be approved by the board of
16 county commissioners by a vote of at least three members. ~~Members shall be chosen~~
17 ~~from electors with experience in the areas of planning, environmental science, the~~
18 ~~business community, the development industry, and other Keys local industries.~~
19 ****Sentence relocated above.** The geographical representation of the Keys shall be
20 considered, but not required when making appointments to the planning commission. ~~If~~
21 ~~no candidate is put forth for approval by the board of county commissioners member for~~
22 ~~the district prior to 60 days of expiration of the respective planning commissioner's term,~~
23 ~~the mayor shall submit a candidate for approval by the board of county commissioners.~~
24 If there is a vacancy on the planning commission which remains unfilled for more than
25 sixty (60) days, the mayor may appoint a person to hold the office until an appointment
26 is approved by the county commission.

27 (2) Members shall serve at the pleasure of the board of county commissioners, ~~or may~~
28 ~~be removed for cause prior to the expiration of their appointment and such r~~ Removal
29 shall be approved by the affirmative vote of at least three members of the board of
30 county commissioners.

Bold type shows current reasons for termination which will remain

1
2 (3) ~~All members shall serve a term of two years and there shall be no term limit,~~
3 ~~however each member shall be reappointed. Planning commission members shall be~~
4 ~~compensated as determined by the board of county commissioners.~~ All appointments
5 shall terminate upon replacement by a County Commissioner with another person
6 appointed and approved by the county commission. Confirmation of existing
7 appointments or new appointments by all county commissioners elected in the fall of
8 each election year shall be made by those commissioners at or before the regular
9 monthly meeting of the board of county commissioners in February of each year
10 following an election year. Terms of the planning commission appointments shall be
11 from their appointment dates until replaced or terminated.

12 (4) At an annual organizational meeting, the members of the planning commission
13 shall elect one of its members as chair and one as vice-chair. In the absence of the
14 chair, the vice-chair shall act as chair and shall have all powers of the chair. The chair
15 shall serve a term of one year. No member shall serve as chair for more than two
16 consecutive terms.

17 (5) The presiding officer of any meeting of the commission shall may administer oaths,
18 shall be in charge of all proceedings before the commission, and shall take such action
19 as shall be necessary to preserve order and the integrity of all proceedings before the
20 commission.

21 (6) **If any member of the commission shall fail to attend three regular**
22 **consecutive meetings without prior notice and an excuse sufficient to the**
23 **planning commission within any three-month period, such failure shall constitute**
24 **sufficient grounds for termination of the member's appointment.** The commission
25 coordinator shall notify the chair or the vice-chair, as the case may be, and he shall
26 immediately file a notification of such nonattendance with the county administrator for
27 placement on the agenda of the board of county commissioners; and the board shall, by
28 appropriate action, terminate the appointment of such person and fill the vacancy
29 thereby created as soon as practicable. A member who desires to be excused shall
30 contact the commission coordinator prior to the meeting. The commission coordinator
31

Bold type shows current reasons for termination which will remain

1 shall report the request to the chair who shall make the determination to grant or deny
2 the request.

3 (7) A representative of the school district shall be appointed by the school board as a
4 nonvoting member of the planning commission and shall attend those meetings at which
5 the planning commission considers comprehensive plan amendments and rezonings
6 that would, if approved, increase residential density on the property that is the subject of
7 the application.

8 (e) Recording secretary. The director of planning shall appoint a recording secretary to
9 serve the planning commission. The secretary shall keep minutes of all proceedings of
10 the commission, which minutes shall be a summary of all proceedings before the
11 commission, attested to by the secretary, and which shall include the vote of each
12 member upon every question. The minutes shall be approved by a majority of the
13 members of the commission voting. In addition, the secretary shall maintain all records
14 of commission meetings, hearings and proceedings, the correspondence of the
15 commission, and a mailing list of persons wishing to receive notices of meetings,
16 agendas or minutes and who have paid an annual fee set by the board of county
17 commissioners to cover copying and mailing costs.

18 (f) Staff. The department of planning shall be the professional staff of the planning
19 commission.

20 (g) Quorum and necessary vote. No meeting of the planning commission may be
21 called to order, nor may any business be transacted by the commission, without a
22 quorum consisting of at least three members of the commission being present. The
23 chair shall be considered and counted as a member. The concurring vote of at least
24 three members shall be necessary for the commission to take action on major or minor
25 conditional use applications, final plat approvals, amendments to the text of this chapter
26 or to the official land use district map. All other actions shall require the concurring vote
27 of a simple majority of the members of the commission then present and voting.

28 (h) Planning commission members shall be compensated as determined by the board of
29 county commissioners.

Bold type shows current reasons for termination which will remain

1
2 ~~(h)~~ (i) Meetings, hearings and procedure.

3 (1) Regular meetings of the planning commission shall be scheduled twice monthly
4 beginning January 1 of every calendar year ~~for twice monthly and special meetings may~~
5 be scheduled as required by a majority of the board of county commissioners, the chair
6 of the planning commission, or a majority of the members of the planning commission.
7 However, no regular meetings shall be scheduled for the month of August.

8 (2) The regularly scheduled (bi-monthly) meetings shall be held in Marathon or an
9 appropriate location in the middle keys. All items which relate to specific properties such
10 as but not limited to minor and major conditional uses, variances and administrative
11 appeals, shall be held at the regularly scheduled meetings. The planning commission
12 may, in its discretion, schedule special meetings in the upper and lower Keys subarea
13 as required by the demand for such meetings. In cases where an item is postponed due
14 to the lack of a quorum of the planning commission, the item shall be continued to a
15 special meeting ~~to be held within seven working days.~~ or to the next available regular
16 meeting. In cases where an item is postponed for any other reason, the item shall be
17 continued to the next regularly scheduled meeting. Items which are ~~not~~ related to
18 specific properties, such as but not limited to text amendments to this chapter and
19 comprehensive plan amendments, may be heard in Marathon or the planning
20 commission may, in its discretion, schedule such items for the most appropriate area or
21 for additional meetings in each subarea.

22 (3) All meetings and hearings of the commission shall be open to the public.

23 ~~(4) Public hearings shall be set for a time certain.~~

24 (Code 1979, § 9.5-22; Ord. No. 33-1986, § 4-102; Ord. No. 19-1989, § 1 (PD27); Ord.
25 No. 39-1989, § 3; Ord. No. 46-1996, § 1; Ord. No. 013-2003, § 1; Ord. No. 014-2003, §
26 1; Ord. No. 007-2006, § 2; Ord. No. 007-2007, § 1; Ord. No. 045-2007, § 2)



MEMORANDUM

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

To: Monroe County Planning Commission
From: Steven Biel, Senior. Planner
Through: Townsley Schwab, Senior Director of Planning & Environmental Resources
Date: June 17, 2009
Subject: *Request for amendments to Chapter 142, Signs of the Monroe County Code; amending Section 142-2 to amend the definition of “portable signs”; amending Section 142-3 to permit portable signs, vehicle signs and off-premises signs under certain conditions; and amending Section 142-4 to require a permit for “A-frame” signs*

Meeting: June 24, 2009

I. REQUEST

The Board of County Commissioners has directed planning staff to review Chapter 142 of the Monroe County Code pertaining to sign regulations. In response to the request, planning staff conducted three (3) workshops to obtain public input. Comments included the regulation of A-frame (sandwich boards) signs, vehicle signs, off-premises signs, and the general need for businesses to better communicate through signage to the motorist along US 1. In response to public input from the three workshops, and public input from questionnaires provided at the workshops, staff has prepared the following amendments to Chapter 142, Signs:

Section 142-2 Definitions:

Portable signs means any sign or sign structure that is not permanently attached to the ground or to any other permanent structure or which is specifically designed to be transported. ~~This definition shall include, but not be limited to, trailer signs, A-Frame, sandwich signs, and vehicle signs whose primary purpose is advertising.~~

Section 142-3(b) Prohibited signs. The following types of signs, lights, advertising devices or activities are prohibited:

- (1) Off-premises signs, ~~except as specifically allowed in this chapter; excluding signs identifying lawfully-established off-premises businesses, as permitted in section 142-4;~~

1 (7) No person shall park any vehicle, trailer, floating device, barge, raft, ~~personal water~~
2 ~~craft~~, or boat, whether licensed or unlicensed, on a any public property, including
3 public rights-of-way, and public beaches, public property or on private property so as
4 to be clearly visible from any public right-of-way, which has attached thereto or
5 located thereon any sign, or promotional element, for the primary purpose of
6 ~~providing advertisement~~ advertising of products or services, conveying messages or
7 directing people to a business or activity. ~~located on the same or nearby property or~~
8 ~~any other premises.~~ This restriction is not intended to prohibit a incidental signage on
9 ~~or attached to~~ a functional, licensed vehicle which is displayed in a manner to
10 primarily identify the vehicle with the business it serves. ~~The sign may not be an~~
11 ~~attachment that extends or protrudes from the vehicle.~~ Vehicles shall only park in a
12 lawful parking space.
13

14 (8) Portable signs, except for A-frame signs as permitted in Section 142-4 and political
15 campaign signs as permitted in Section 142-3(d) ~~displayed for a limited duration;~~
16

17 **Section 142-4(3) Signs in commercial areas.**

18
19 Sign allowances in commercial areas (AD, CFA, CFS, DR, I, MF, MI, MU, RV, SC, UC) shall
20 be calculated based on the amount of property frontage and business frontage as follows:
21

22 d. A-frame signs (i.e. Sandwich signs). Every nonresidential developed parcel of land
23 shall be allowed one (1) A-frame sign per property frontage, until July 31, 2010
24

25 A-frame signs may only be permitted provided that the following standards are met:
26

- 27 1. The sign in no more than three (3) feet in height;
- 28 2. The sign is of A-frame-type construction, with only two (2) sign faces that are
29 joined at the top;
- 30 3. Each sign face is no more than 6 square feet in area;
- 31 4. The sign is portable and not permanently affixed to the ground;
- 32 5. The sign is located on a private parcel of land and identifies a business on that same
33 private parcel of land;
- 34 6. The sign is not located on a public right-of-way, walkway and/or a required off-
35 street parking space;
- 36 7. The sign only identifies a lawfully-established business name(s) and other
37 information directly related to that business;
- 38 8. The sign is not located in a clear sight triangle;
- 39 9. The sign is not illuminated or electric and shall not have any electric devices
40 attached thereto;
- 41 10. The sign may only be displayed during the business hours of the business it
42 identifies and shall be stored indoors during non-business hours.
- 43 11. The sign must be stored indoors during tropical storm/hurricane watches and
44 warnings and other severe weather advisories; and
- 45 12. The building permit number is permanently affixed to the sign and easily viewed.
46

1 **Section 142-4(4) Off-premises advertising.**

2
3 Any nonresidential, ~~developed property~~ lawfully-established business located on US 1 shall be
4 allowed to dedicate any portion of its allowance for ~~of the~~ wall-mounted or ground-mounted
5 signage to another nonresidential, lawfully-established business located on a side-street that
6 intersects US 1, as long as the side-street that intersects US 1 is within one-half (1/2) mile of the
7 business providing the off-premises signage. ~~allowable pursuant to subsections (3)a. and (3)b. of~~
8 ~~this section for the purpose of advertising establishments which are not readily visible from U.S.~~
9 ~~1 but which access U.S. 1 by an intersecting side street.~~ Such off-premises signage shall be
10 limited to one sign face per direction on U.S. 1, ~~and spaced no more than one-half mile from the~~
11 ~~intersecting side street in either direction.~~ Off-premises advertising is also subject to subsections
12 (3)a. and (3)b. of this section and to regulations pursuant to F.S. ch. 479.

13
14 **II. PROCESS**

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

23
24 The Planning Commission and the BOCC shall each hold at least one public hearing on a
25 proposed amendment to the text or to the land use district map. The Planning Commission shall
26 review the application, the reports and recommendations of the Department of Planning &
27 Environmental Resources and the Development Review Committee, and the testimony given at
28 the public hearing, and shall submit its recommendations and findings to the BOCC. The BOCC
29 shall consider the report and recommendation of and the testimony given at the public hearings
30 and may either deny the application or adopt an ordinance approving the proposed amendment.
31 Ordinances are then reviewed by the Florida Department of Community Affairs.

32
33 **III. RELEVANT PRIOR COUNTY ACTIONS**

34
35 In the early 1990s, a major re-write of the sign regulations was undertaken with considerable
36 input from business owners, citizens, and county staff. It was widely viewed that the resulting
37 sign regulations were comprehensive and satisfied business owners and citizens alike.

38
39 In December 2008, Code Enforcement conducted County-wide enforcement of all prohibited
40 signs, signs requiring a permit, unsafe signs, “off premises” signs, and signs in the State rights-
41 of-way. At the January 2009 BOCC meeting several business owners spoke about the economic
42 climate and the need to keep these prohibited signs or “go out of business”. The BOCC agreed
43 that a “temporary stay” of Code Enforcement proceedings against the prohibited signs would be
44 granted for six months or until a new sign ordinance is written. If the signs are still in violation
45 after the new ordinance is completed, they will be subject to enforcement review.

1 After the January BOCC meeting, the Director of Growth Management directed planning staff to
2 conduct a series of public workshops to receive input from business owners and citizens as to
3 how sign regulations should be revised, if in fact revisions are needed.
4

5 The workshops began on May 11, 2009 at the Big Pine Academy School with the discussions
6 focused on signage along US 1. Specific concerns included the wide right-of-way through Big
7 Pine and the resulting distance from the roadway to the adjoining property line of the businesses,
8 the need for sandwich board signs, and questions relating to vehicle signs. Concerns were also
9 expressed that the current sign ordinance is good and that it should not be changed to the extent
10 that the community character would be negatively impacted. The second workshop was held at
11 the Harvey Government Center in Key West on May 12, 2009, which focused primarily on off-
12 premises signage in the Stock Island area. The final workshop was held on May 13, 2009 at the
13 Murray Nelson Government Center in Key Largo where concerns were expressed regarding
14 illuminated signs and the need for signage exposure for businesses along US 1. At each
15 workshop, questionnaires were provided for attendees to complete. In general, the types of signs
16 that were mentioned most by the respondents were A-frames/sandwich boards, off-premises
17 signs, and vehicle signs.
18

19 **IV. REVIEW**

20

21 A. Consistency of the proposed amendment with the provisions and intent of the Monroe County
22 Year 2010 Comprehensive Plan:
23

24 **Staff Comment:** The proposed amendments to the Monroe County Code are generally
25 consistent with the Monroe County Year 2010 Comprehensive Plan.
26

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

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

34 **Staff Comment:** None
35

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

38 **Staff Comment:** None
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40 3. Data errors, including errors in mapping, vegetative types and natural features
41 described in Volume 1 of the Monroe County Year 2010 Comprehensive Plan;
42

43 **Staff Comment:** None
44

45 4. New issues;
46

1 **Staff Comment:** During the current economic climate, there is a perceived need by the
2 business community to be allowed additional signage along US 1. Following public
3 input from three workshops, in addition to the responses from completed questionnaires,
4 there was expressed a need to amend the present Sign regulations to allow A-frame
5 (sandwich board) signs, off-premises signs, and vehicle signs.
6

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

9 **Staff Comment:** The proposed A-frame sign amendments would allow such signs
10 following the issuance of a County permit, to be placed on private property located
11 adjacent to the business only during business hours. The proposed amendments also
12 clarify and define allowable vehicle signs and off-premises signs. These changes will
13 promote business exposure along US 1 through the use of additional signage
14 opportunities.
15

16 6. Data updates;
17

18 **Staff Comment:** None
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20 C. Consistency with the Principles for Guiding Development in the Florida Keys Area of Critical
21 State Concern:
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23 For the purposes of reviewing consistency of the adopted plan or any amendments to that plan
24 with principles for guiding development and any amendments to the principles, the principles
25 shall be construed as a whole and no specific provision shall be construed or applied in isolation
26 from the other provisions.
27

- 28 (a) To strengthen local government capabilities for managing land use and development so
29 that local government is able to achieve these objectives without the continuation of the
30 area of critical state concern designation.
31 (b) To protect shoreline and marine resources, including mangroves, coral reef
32 formations, seagrass beds, wetland, fish and wildlife, and their habitat.
33 (c) To protect upland resources, tropical biological communities, freshwater wetlands,
34 native tropical vegetation (for example, hardwood hammocks and pinelands), dune
35 ridges and beaches, wildlife, and their habitat.
36 (d) To ensure the maximum well-being of the Florida Keys and its citizens through sound
37 economic development.
38 (e) To limit the adverse impacts of development on the quality of water throughout the
39 Florida Keys.
40 (f) To enhance natural scenic resources, promote the aesthetic benefits of the natural
41 character of the Florida Keys.
42 (g) To protect the historical heritage of the Florida Keys.
43 (h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and
44 proposed major public investments, including:
45

- 46 1. The Florida Keys Aqueduct and water supply facilities;

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

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

D. Impact on Community Character:

Staff Comment: The proposed changes to the sign regulations deal primarily with A-frame/sandwich boards, off-premises signs, and sign vehicles. It is important to remember that the Florida Department of Transportation (FDOT) right-of-way varies along US 1. In effect, some businesses along US 1 have greater visibility than others. This was noted at the public workshop held on Big Pine Key, resulting in many of the business owner attendees supporting the need for maintaining their existing sandwich boards. The proposed amendments responds to community concerns by allowing new signage opportunities for A-frame signs in a controlled and regulated manner that will preserve and enhance the character of the Florida Keys experience along US 1. Also included are new clarifications for off-premises signs, and vehicle signs.

V. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. At the January 28, 2009 Board of County Commissioners (BOCC) meeting, the BOCC directed the Department of Planning and Environmental Resources to review Chapter 142 Signs of the Monroe County Code.
2. The Department of Planning and Environmental Resources conducted three (3) public workshops to receive public input regarding sign regulation revisions.

- 1 3. Federal and State law grants power to Monroe County to regulate signs in order to
2 promote the safety and general welfare of its citizens.
3
4 4. Monroe County has adopted land use policies, and objectives in a comprehensive plan to
5 guide policy on building and land use regulations, and to promote health, safety, and
6 general welfare.
7
8 5. The provisions of this ordinance are consistent with the Monroe County Comprehensive
9 Plan and the Principals for Guiding Development in the Florida Keys Area of Critical
10 State Concern.
11
12 6. The Monroe County Planning Commission held a duly advertised public hearing on June
13 24, 2009 and recommended approval to the Board of County Commissioners.
14

15 **VI. RECOMMENDATION**

16 Staff recommends **approval** to the Monroe County Planning Commission.
17
18

19 **VII. ATTACHMENTS**

- 20
21 1. Proposed Ordinance
22 2. Tally Sheets from Sign Ordinance Meetings
23 3. Sign Ordinance Questionnaire Summary
24 4. Sign Code Research Summary
25 5. Relevant Sign Code Excerpts
26