

***Agenda**

PLANNING COMMISSION
MONROE COUNTY
July 22, 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
Jim Cameron, Vice Chair
Jeb Hale
Denise Werling
Elizabeth Lustberg

STAFF:

Townsley Schwab, Senior Director of Planning and Environmental Resources
Susan Grimsley, Ass't County Attorney
Tom Wright, Acting Planning Commission Counsel
Joe Haberman, Sr. Current Planner
Tim Richard, Planner
Steven Biel, Sr. Planner
Debby Tedesco, Planning Commission Coordinator

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

SWEARING OF COUNTY STAFF

CHANGES TO THE AGENDA

-
-
-
-
-
-
-

MEETING

Continued Items:

1. 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](#)

2. 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 07.22.09.PDF](#)

3. AN ORDINANCE OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE DEFINITION OF "ACCESSORY USES OR ACCESSORY STRUCTURES"; DEFINING "ADJACENT LAND" AND ELIMINATING "ADJACENT LANDOWNER" IN SECTION 101-1 OF THE MONROE COUNTY CODE; PERMITTING SOME ACCESSORY USES OR STRUCTURES ON ADJACENT NON-CONTIGUOUS LAND; PERMITTING DOCKING FACILITIES ON ADJACENT LAND UNDER CERTAIN CONDITIONS AND CREATING AN APPROVAL PROCESS; PROVIDING FOR A VARIANCE PROCESS TO DETERMINE ADJACENCY FOR CERTAIN ACCESSORY USES AND STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

[29010 SR PC 06.10.09.pdf](#)

New Items:

4. Northstar Resort Enterprises Corp. Property, 99060 Overseas Highway, Key Largo, MM 99:

A request for a one (1) year time extension to Major Conditional Use Permit Resolution No. P02-07. The property is legally described as a portion of lots 4, 8, 9, 11 and 12 in Section 32, Township 61 South, Range 39 East (PB1-68) and Block 3, Lot 3, El Dorado Heights (PB1-203), Key Largo, Monroe County, Florida having real estate number 00088020.000000.

[29060 FILE.PDF](#)

[29060 SR PC 7.22.09.pdf](#)

5. Winterling Property, 31875 Overseas Highway (US 1), Big Pine Key, Mile Marker 32:

A request for approval of an amendment to a major conditional use permit in order to redevelop the property with ten (10) campground/recreational vehicle spaces, one (1) single-family dwelling unit and associated improvements on the subject property. The subject parcel is legally described as part of Government Lot 4, Section 25, Township 66 South, Range 29 East, Big Pine Key, Monroe County, Florida, having real estate number 00110730.000000.

[29046 FILE.PDF](#)

[29046 Recv'd 6.09.09 Revised Plans.PDF](#)

[29046 SR PC 7.22.09.PDF](#)

BOARD DISCUSSION

GROWTH MANAGEMENT COMMENTS

RESOLUTIONS FOR SIGNATURE

ADJOURNMENT



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
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

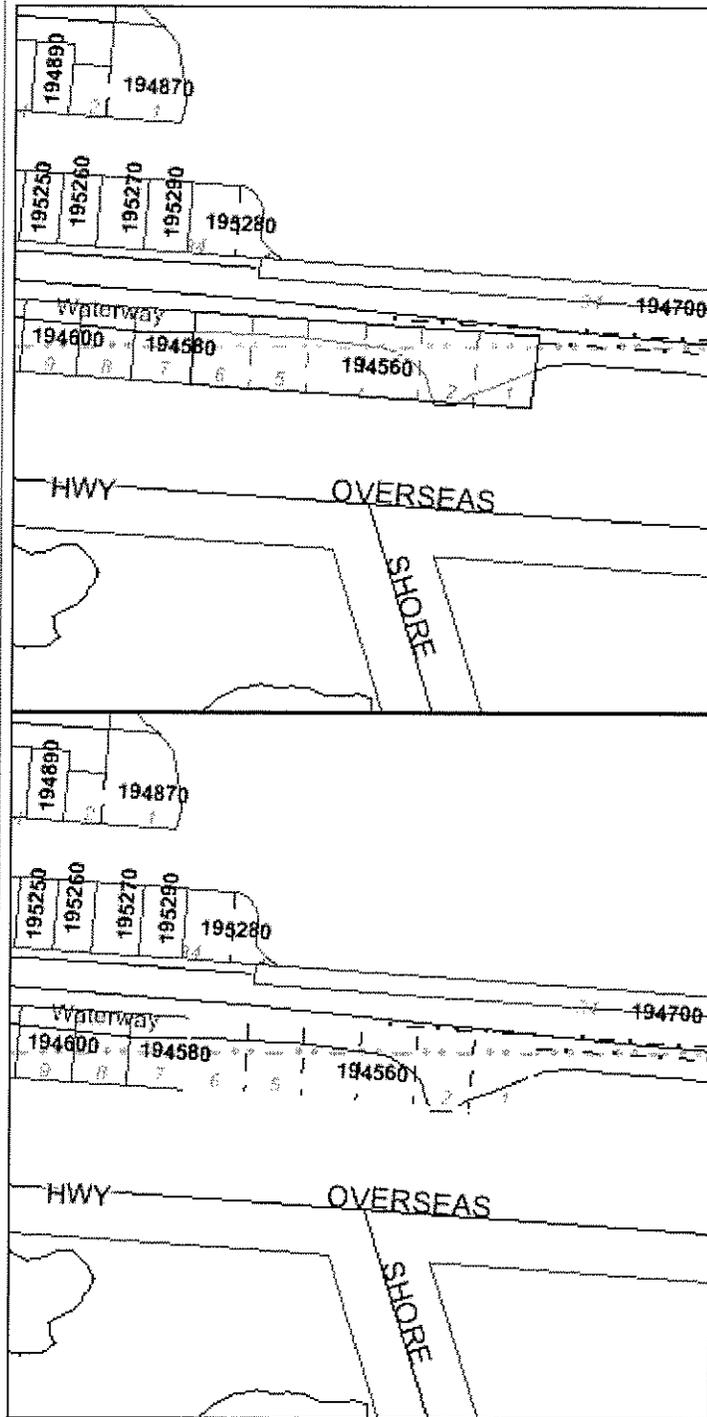
Ownership Details

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 |
|----------------------|----|----|-------------|

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

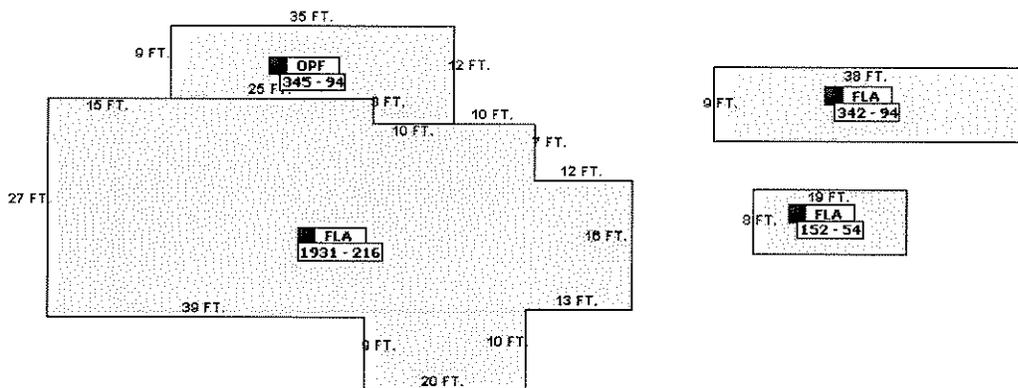
Roof Cover
 Heat 2
 Heat Src 2

Foundation
 Bedrooms 0

Extra Features:

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

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



Sections:

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

| | | | | |
|---|-----|---|------|-------|
| 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

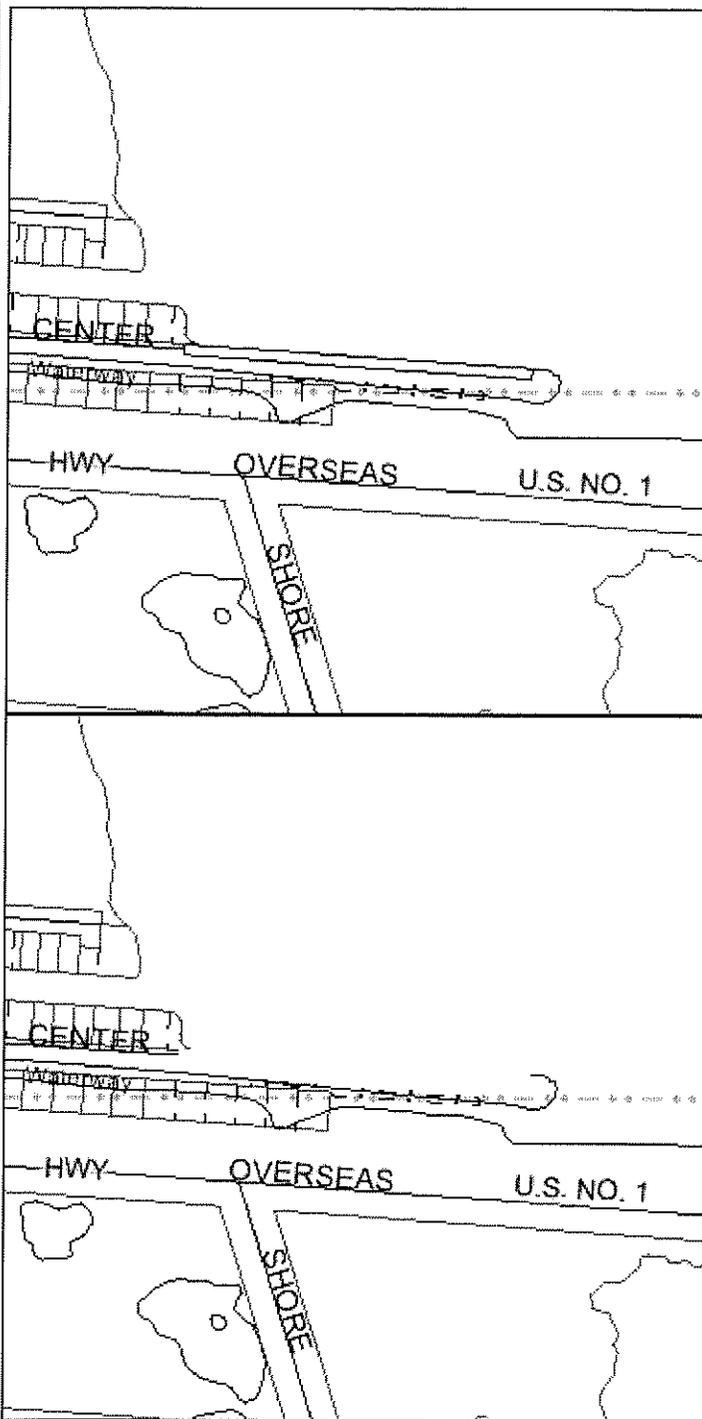
Ownership Details

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 |

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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.

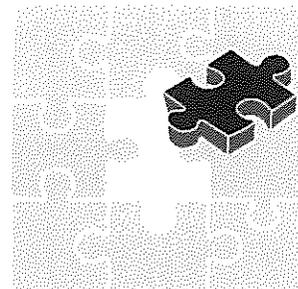
Notary Public

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)

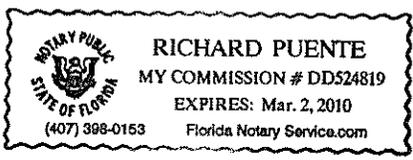
K Traffic Study, prepared by a licensed traffic engineer

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

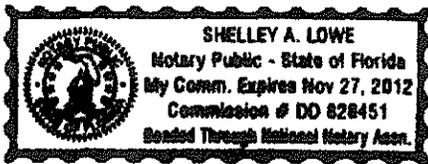
The foregoing instrument was acknowledged before me this 11th day of December, 2008 by Robert Murrell, Vice President of First State Bank of the Florida Keys, a Florida Banking Institution, a Florida corporation, on behalf of the corporation. He/she is personally known to me or has produced a driver's 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 | 12/11/2008 | 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 Nbhhd 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 DBA Role
 REGER, MELODYE 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 | 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, TPP: 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

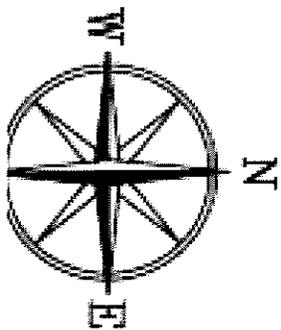
--

Alcoholic Beverage Use Permit Application

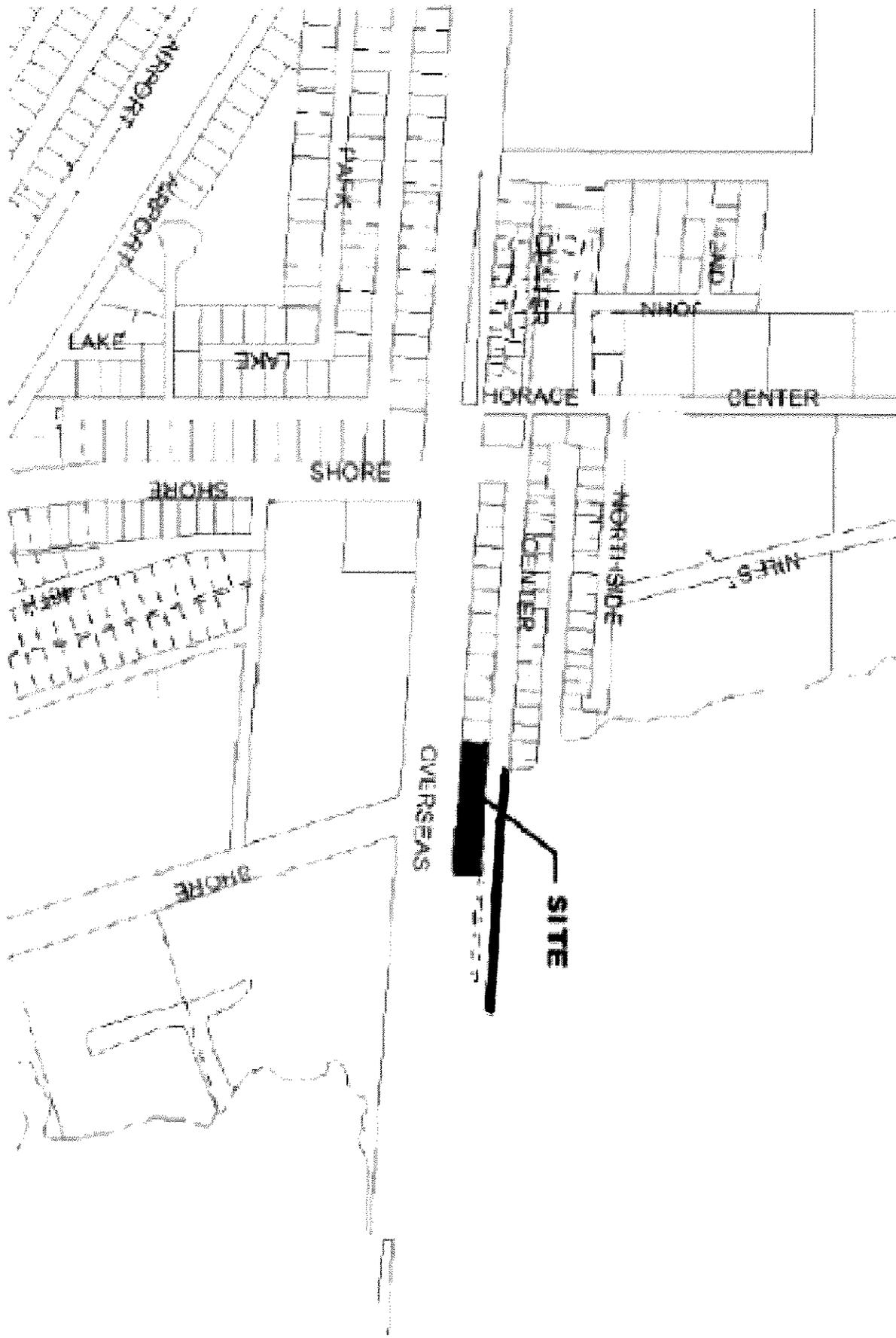
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GREENMOVES-FOOD, LLC

(Melodye Reger)



LOCATION MAP



SECTION F

--

Alcoholic Beverage Use Permit Application

--

GREENMOVES-FOOD, LLC

(Melodye Reger)











SEAFOOD

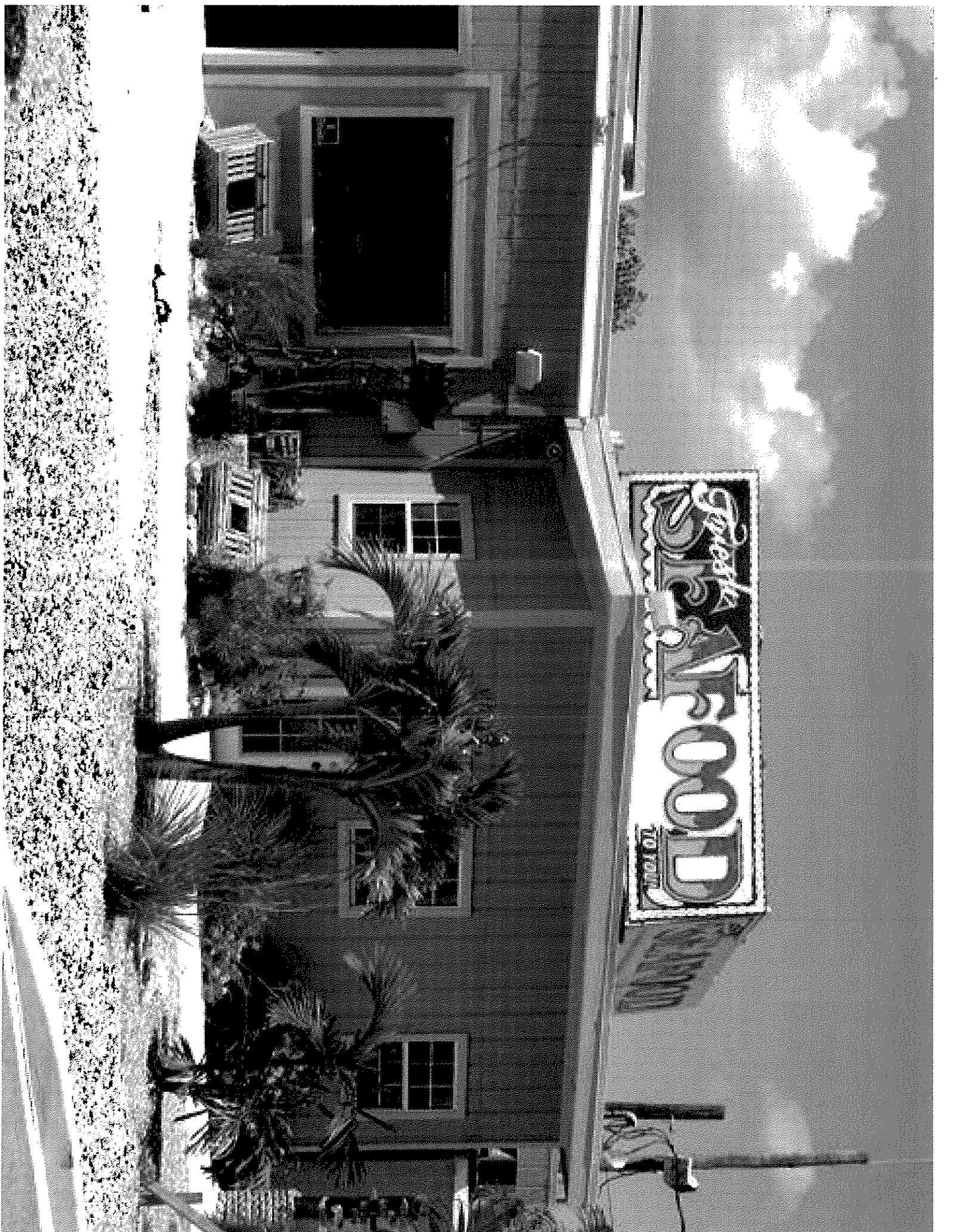
SEAFOOD



SPIRIT MACHINE

SEAFORD









SECTION G

--

Alcoholic Beverage Use Permit Application

--

GREENMOVES-FOOD, LLC

(Melodye Reger)

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

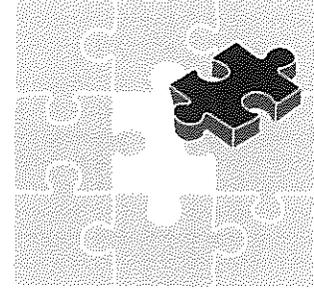
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GREENMOVES-FOOD, LLC

(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

--

Alcoholic Beverage Use Permit Application

--

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

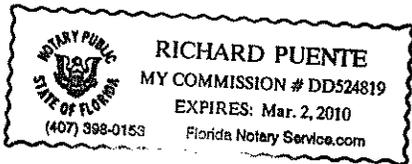
He/She is personally known to me or has presented FL DR Lic # R260-550-53-746-C
as identification.

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

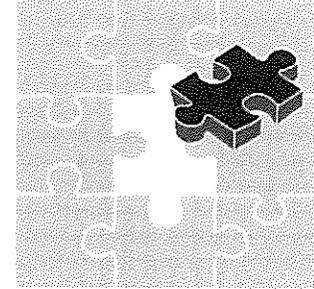
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GREENMOVES-FOOD, LLC

(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**

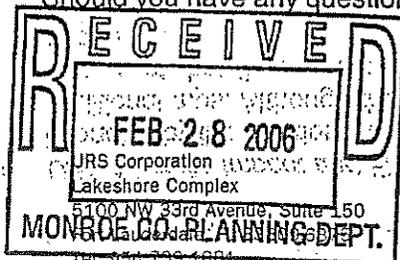
Dear Ms. Petrick:

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 exiting 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 exiting 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.

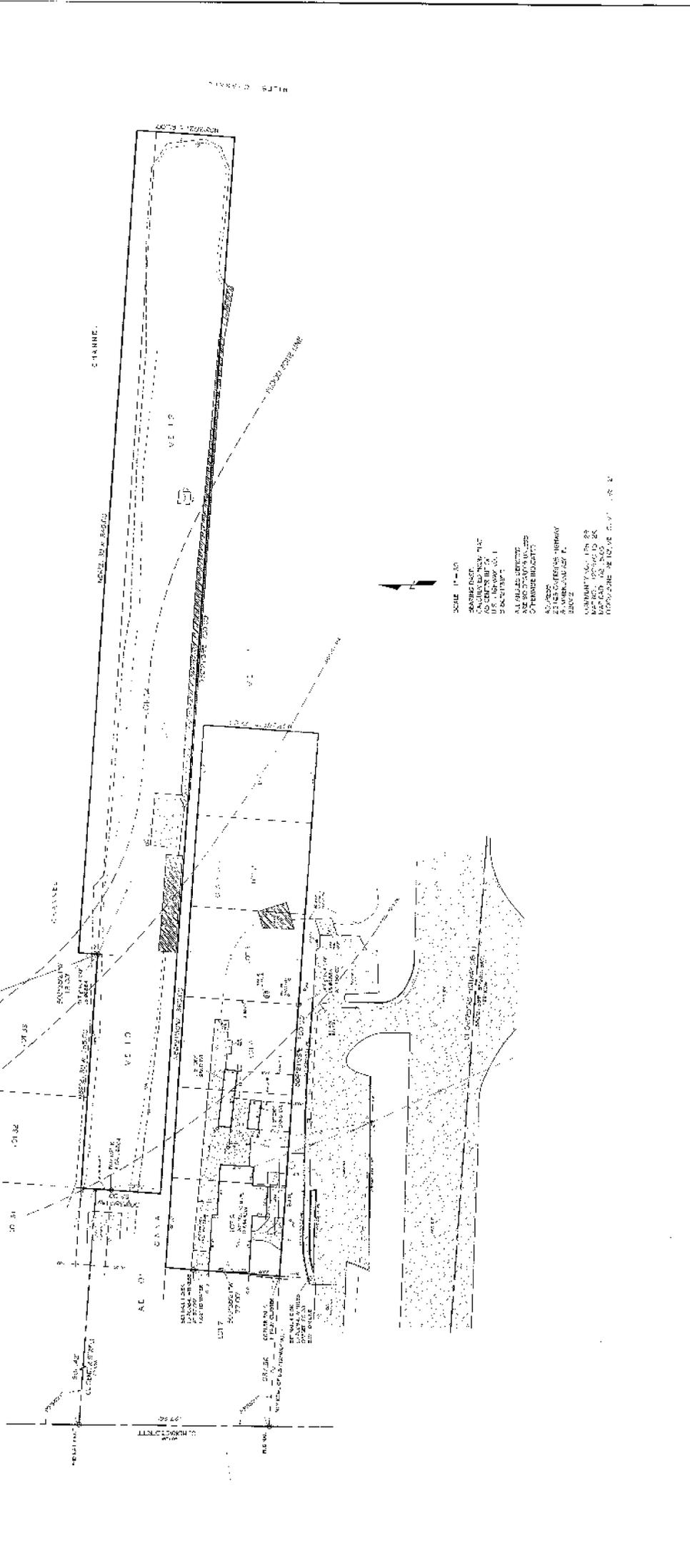
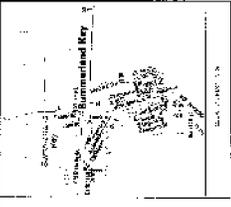


5100 NW 33rd Avenue, Suite 150
Tel: 954.739.1881
Fax: 954.739.1789

Sincerely,
URS Corporation Southern

Raj Shanmugam P.E.
Senior Traffic Engineer

cc: Mr. Tim Richard - Monroe County Planner



SCALE 1"=100'
 BOUNDARY MARKS
 CALCULATED FROM THE
 AS SHOWN BY THE
 SURVEYING
 AND THE
 OTHER INDICATED
 AS SHOWN
 THE CENTER LINE OF
 HIGHWAY
 AND THE
 CENTER LINE OF
 HIGHWAY
 AND THE
 CENTER LINE OF
 HIGHWAY

REVISED ON 04/10/2004 AND FLOOD ZONE IN 02/04/04

LEGAL DESCRIPTION
 CERTIFIED TO:
 BEING THE MAP OF THE BOUNDARY SURVEY OF THE
 SUMMERLAND YACHT HARBOR
 AS SHOWN BY THE MAP OF THE BOUNDARY SURVEY OF THE
 SUMMERLAND YACHT HARBOR

A.R.E. REECE, P.A.
 PROFESSIONAL SURVEYING AND MAPPING
 1000 S.W. 10TH AVENUE, SUITE 100
 MIAMI, FLORIDA 33135
 PHONE: 305-358-1111
 FAX: 305-358-1112
 WWW: AREE.PA.COM

DATE: 04/10/2004
 TIME: 10:00 AM
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 APPROVED BY: [Signature]

MAP OF BOUNDARY SURVEY
 LOTS 1, 2, 3, 4, 5, 6 & 32
 SUMMERLAND YACHT HARBOR



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.



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 *SB*

Through: Townsley Schwab, Senior Director of Planning & Environmental Resources *TS*

Date: July 15, 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: July 22, 2009

UPDATE: *The Planning Commission held a public hearing at their July 8, 2009 meeting to receive input on the revisions made to the draft sign ordinance from the June 24, 2009 Planning Commission meeting. After hearing public comments, the Planning Commission directed staff to increase the size of A-frame signs from 12 square feet to no more than 16 square feet per sign face and to provide a provision for a nonresidential developed property that has multiple businesses to have an A-frame sign for as many of the businesses as possible. Staff created a table based on 75 feet of street frontage that should address the concerns of most situations where there are multiple businesses on one property; however, there will be situations where a property does not have enough frontage for all businesses to have an A-frame sign. In those situations, the individual businesses would have to negotiate with the property owner or land lord to determine which business gets an A-frame sign.*

In addition, staff revised the sunset language from July 31, 2010 to one year after the adoption of the proposed sign ordinance. After further consideration, staff has revised the sunset date to December 31, 2010. This would allow for a clear date and provide for an easier method of tracking when the display of A-frame signs must cease.

In addition, the proposed section addressing off-premises signs on vacant lots was taken out and will be addressed at a later date. The Planning Commission expressed their desire to move forward on the A-frame portion of the draft ordinance in order to give relief to business owners that have been affected by the current economic conditions. In the meantime, staff will continue to work on solutions to off-premises signs on vacant lots as well as other sections of the sign code such as animated signs and electronic message centers.

1 *The following is the original staff report that was presented at the June 24, 2009 meeting. It is*
2 *meant only for comparison to the current draft sign ordinance.*

3
4 **I. REQUEST**

5
6 The Board of County Commissioners has directed planning staff to review Chapter 142 of the
7 Monroe County Code pertaining to sign regulations. In response to the request, planning staff
8 conducted three (3) workshops to obtain public input. Comments included the regulation of A-
9 frame (sandwich boards) signs, vehicle signs, off-premises signs, and the general need for
10 businesses to better communicate through signage to the motorist along US 1. In response to
11 public input from the three workshops, and public input from questionnaires provided at the
12 workshops, staff has prepared the following amendments to Chapter 142, Signs:

13
14 **Section 142-2 Definitions:**

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

19
20 **Section 142-3(b) Prohibited signs.** The following types of signs, lights, advertising devices or
21 activities are prohibited:

22
23 (1) Off-premises signs, ~~except as specifically allowed in this chapter; excluding signs~~
24 identifying lawfully-established off-premises businesses, as permitted in section 142-
25 4;

26
27 (7) No person shall park any vehicle, trailer, floating device, barge, raft, ~~personal water~~
28 ~~craft~~, or boat, whether licensed or unlicensed, on a any public property, including
29 public rights-of-way, and public beaches, ~~public property~~ or on private property so as
30 to be clearly visible from any public right-of-way, which has attached thereto or
31 located thereon any sign, or promotional element, for the primary purpose of
32 providing advertisement advertising of products or services, conveying messages or
33 directing people to a business or activity, ~~located on the same or nearby property or~~
34 ~~any other premises~~. This restriction is not intended to prohibit a incidental signage on
35 ~~or attached to~~ a functional, licensed vehicle which is displayed in a manner to
36 primarily identify the vehicle with the business it serves; ~~The sign may not be an~~
37 attachment that extends or protrudes from the vehicle. Vehicles shall only park in a
38 lawful parking space.

39
40 (8) Portable signs, except for A-frame signs as permitted in Section 142-4 and political
41 campaign signs as permitted in Section 142-3(d) ~~displayed for a limited duration;~~

42
43 **Section 142-4(3) Signs in commercial areas.**

44
45 Sign allowances in commercial areas (AD, CFA, CFS, DR, I, MF, MI, MU, RV, SC, UC) shall
46 be calculated based on the amount of property frontage and business frontage as follows:

1
2 d. A-frame signs (i.e. Sandwich signs). Every nonresidential developed parcel of land
3 shall be allowed one (1) A-frame sign per property frontage, until July 31, 2010
4

5 A-frame signs may only be permitted provided that the following standards are met:
6

- 7 1. The sign is no more than three (3) feet in height;
- 8 2. The sign is of A-frame-type construction, with only two (2) sign faces that are
9 joined at the top;
- 10 3. Each sign face is no more than 6 square feet in area;
- 11 4. The sign is portable and not permanently affixed to the ground;
- 12 5. The sign is located on a private parcel of land and identifies a business on that same
13 private parcel of land;
- 14 6. The sign is not located on a public right-of-way, walkway and/or a required off-
15 street parking space;
- 16 7. The sign only identifies a lawfully-established business name(s) and other
17 information directly related to that business;
- 18 8. The sign is not located in a clear sight triangle;
- 19 9. The sign is not illuminated or electric and shall not have any electric devices
20 attached thereto;
- 21 10. The sign may only be displayed during the business hours of the business it
22 identifies and shall be stored indoors during non-business hours.
- 23 11. The sign must be stored indoors during tropical storm/hurricane watches and
24 warnings and other severe weather advisories; and
- 25 12. The building permit number is permanently affixed to the sign and easily viewed.
26

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

28
29 Any nonresidential, ~~developed property~~ lawfully-established business located on US 1 shall be
30 allowed to dedicate any portion of its allowance for ~~of the~~ wall-mounted or ground-mounted
31 signage to another nonresidential, lawfully-established business located on a side-street that
32 intersects US 1, as long as the side-street that intersects US 1 is within one-half (1/2) mile of the
33 business providing the off-premises signage. allowable pursuant to subsections (3)a. and (3)b. of
34 this section for the purpose of advertising establishments which are not readily visible from U.S.
35 1 but which access U.S. 1 by an intersecting side street. Such off-premises signage shall be
36 limited to one sign face per direction on U.S. 1, ~~and spaced no more than one half mile from the~~
37 ~~intersecting side street in either direction.~~ Off-premises advertising is also subject to subsections
38 (3)a. and (3)b. of this section and to regulations pursuant to F.S. ch. 479.
39

40 **II. PROCESS**

41
42 In accordance with the provisions set forth in Sec. 102-158 of the Monroe County Code (MCC),
43 amendments may be proposed by the Board of County Commissioners (BOCC), the Planning
44 Commission, the Director of Planning, or the owner or other person having a contractual interest
45 in property to be affected by a proposed amendment. The Director of Planning shall review and
46 process the text and map amendment applications as they are received and pass them on to the

1 Development Review Committee and the Planning Commission for recommendation and final
2 approval by the BOCC.

3
4 The Planning Commission and the BOCC shall each hold at least one public hearing on a
5 proposed amendment to the text or to the land use district map. The Planning Commission shall
6 review the application, the reports and recommendations of the Department of Planning &
7 Environmental Resources and the Development Review Committee, and the testimony given at
8 the public hearing, and shall submit its recommendations and findings to the BOCC. The BOCC
9 shall consider the report and recommendation of and the testimony given at the public hearings
10 and may either deny the application or adopt an ordinance approving the proposed amendment.
11 Ordinances are then reviewed by the Florida Department of Community Affairs.

12 13 **III. RELEVANT PRIOR COUNTY ACTIONS**

14
15 In the early 1990s, a major re-write of the sign regulations was undertaken with considerable
16 input from business owners, citizens, and county staff. It was widely viewed that the resulting
17 sign regulations were comprehensive and satisfied business owners and citizens alike.

18
19 In December 2008, Code Enforcement conducted County-wide enforcement of all prohibited
20 signs, signs requiring a permit, unsafe signs, "off premises" signs, and signs in the State rights-
21 of-way. At the January 2009 BOCC meeting several business owners spoke about the economic
22 climate and the need to keep these prohibited signs or "go out of business". The BOCC agreed
23 that a "temporary stay" of Code Enforcement proceedings against the prohibited signs would be
24 granted for six months or until a new sign ordinance is written. If the signs are still in violation
25 after the new ordinance is completed, they will be subject to enforcement review.

26
27 After the January BOCC meeting, the Director of Growth Management directed planning staff to
28 conduct a series of public workshops to receive input from business owners and citizens as to
29 how sign regulations should be revised, if in fact revisions are needed.

30
31 The workshops began on May 11, 2009 at the Big Pine Academy School with the discussions
32 focused on signage along US 1. Specific concerns included the wide right-of-way through Big
33 Pine and the resulting distance from the roadway to the adjoining property line of the businesses,
34 the need for sandwich board signs, and questions relating to vehicle signs. Concerns were also
35 expressed that the current sign ordinance is good and that it should not be changed to the extent
36 that the community character would be negatively impacted. The second workshop was held at
37 the Harvey Government Center in Key West on May 12, 2009, which focused primarily on off-
38 premises signage in the Stock Island area. The final workshop was held on May 13, 2009 at the
39 Murray Nelson Government Center in Key Largo where concerns were expressed regarding
40 illuminated signs and the need for signage exposure for businesses along US 1. At each
41 workshop, questionnaires were provided for attendees to complete. In general, the types of signs
42 that were mentioned most by the respondents were A-frames/sandwich boards, off-premises
43 signs, and vehicle signs.

44 45 **IV. REVIEW**

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

3
4 **Staff Comment:** The proposed amendments to the Monroe County Code are generally
5 consistent with the Monroe County Year 2010 Comprehensive Plan.
6

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

10
11 1. Changed projections (e.g., regarding public service needs) from those on which the
12 text or boundary was based;

13
14 **Staff Comment:** None
15

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

17
18 **Staff Comment:** None
19

20 3. Data errors, including errors in mapping, vegetative types and natural features
21 described in Volume 1 of the Monroe County Year 2010 Comprehensive Plan;

22
23 **Staff Comment:** None
24

25 4. New issues;

26
27 **Staff Comment:** During the current economic climate, there is a perceived need by the
28 business community to be allowed additional signage along US 1. Following public
29 input from three workshops, in addition to the responses from completed questionnaires,
30 there was expressed a need to amend the present Sign regulations to allow A-frame
31 (sandwich board) signs, off-premises signs, and vehicle signs.
32

33 5. Recognition of a need for additional detail or comprehensiveness; or
34

35 **Staff Comment:** The proposed A-frame sign amendments would allow such signs
36 following the issuance of a County permit, to be placed on private property located
37 adjacent to the business only during business hours. The proposed amendments also
38 clarify and define allowable vehicle signs and off-premises signs. These changes will
39 promote business exposure along US 1 through the use of additional signage
40 opportunities.
41

42 6. Data updates;

43
44 **Staff Comment:** None
45

1 C. Consistency with the Principles for Guiding Development in the Florida Keys Area of Critical
2 State Concern:

3
4 For the purposes of reviewing consistency of the adopted plan or any amendments to that plan
5 with principles for guiding development and any amendments to the principles, the principles
6 shall be construed as a whole and no specific provision shall be construed or applied in isolation
7 from the other provisions.

- 8
9 (a) To strengthen local government capabilities for managing land use and development so
10 that local government is able to achieve these objectives without the continuation of the
11 area of critical state concern designation.
12 (b) To protect shoreline and marine resources, including mangroves, coral reef
13 formations, seagrass beds, wetland, fish and wildlife, and their habitat.
14 (c) To protect upland resources, tropical biological communities, freshwater wetlands,
15 native tropical vegetation (for example, hardwood hammocks and pinelands), dune
16 ridges and beaches, wildlife, and their habitat.
17 (d) To ensure the maximum well-being of the Florida Keys and its citizens through sound
18 economic development.
19 (e) To limit the adverse impacts of development on the quality of water throughout the
20 Florida Keys.
21 (f) To enhance natural scenic resources, promote the aesthetic benefits of the natural
22 character of the Florida Keys.
23 (g) To protect the historical heritage of the Florida Keys.
24 (h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and
25 proposed major public investments, including:
26
27 1. The Florida Keys Aqueduct and water supply facilities;
28 2. Sewage collection and disposal facilities;
29 3. Solid waste collection and disposal facilities;
30 4. Key West Naval Air Station and other military facilities;
31 5. Transportation facilities;
32 6. Federal Parks, wildlife refuges, and marine sanctuaries;
33 7. State parks, recreation facilities, aquatic preserves, and other publicly owned
34 properties;
35 8. City electric service and the Florida Keys Electric Co-op; and
36 9. Other utilities, as appropriate.
37
38 (i) To limit the adverse impacts of public investments on the environmental resources of the
39 Florida Keys.
40 (j) To make available adequate affordable housing for all sectors of the population of the
41 Florida Keys.
42 (k) To provide adequate alternatives for the protection of public safety and welfare in the
43 event of a natural or manmade disaster and for a post disaster reconstruction plan.
44 (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and
45 Maintain the Florida Keys as a unique Florida resource.
46

1 **Staff Comment:** Staff finds the proposed amendment consistent with the Principals for Guiding
2 Development as a whole and is not inconsistent with any one principle.
3

4 D. Impact on Community Character:
5

6 **Staff Comment:** The proposed changes to the sign regulations deal primarily with A-
7 frame/sandwich boards, off-premises signs, and sign vehicles. It is important to remember that
8 the Florida Department of Transportation (FDOT) right-of-way varies along US 1. In effect,
9 some businesses along US 1 have greater visibility than others. This was noted at the public
10 workshop held on Big Pine Key, resulting in many of the business owner attendees supporting
11 the need for maintaining their existing sandwich boards. The proposed amendments responds to
12 community concerns by allowing new signage opportunities for A-frame signs in a controlled
13 and regulated manner that will preserve and enhance the character of the Florida Keys
14 experience along US 1. Also included are new clarifications for off-premises signs, and vehicle
15 signs.
16
17

18 **V. FINDINGS OF FACT AND CONCLUSIONS OF LAW**
19

- 20 1. At the January 28, 2009 Board of County Commissioners (BOCC) meeting, the BOCC
21 directed the Department of Planning and Environmental Resources to review Chapter 142
22 Signs of the Monroe County Code.
23
- 24 2. The Department of Planning and Environmental Resources conducted three (3) public
25 workshops to receive public input regarding sign regulation revisions.
26
- 27 3. Federal and State law grants power to Monroe County to regulate signs in order to
28 promote the safety and general welfare of its citizens.
29
- 30 4. Monroe County has adopted land use policies, and objectives in a comprehensive plan to
31 guide policy on building and land use regulations, and to promote health, safety, and
32 general welfare.
33
- 34 5. The provisions of this ordinance are consistent with the Monroe County Comprehensive
35 Plan and the Principals for Guiding Development in the Florida Keys Area of Critical
36 State Concern.
37
- 38 6. The Monroe County Planning Commission held a duly advertised public hearing on June
39 24, 2009 and recommended approval to the Board of County Commissioners.
40

41 **VI. RECOMMENDATION**
42

43 Staff recommends **approval** to the Monroe County Planning Commission.
44

45 **VII. ATTACHMENTS**
46

- 1 1. Proposed Ordinance
- 2 2. Tally Sheets from Sign Ordinance Meetings
- 3 3. Sign Ordinance Questionnaire Summary
- 4 4. Sign Code Research Summary
- 5 5. Relevant Sign Code Excerpts
- 6



MEMORANDUM

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

To: Monroe County Planning Commission
From: Steven Biel, Sr. Planner *SB*
Through: Townsley Schwab, Sr. Director of Planning & Environmental Resources *TS*
Date: June 8, 2009
Subject: *Request for an amendment to Sections 101-1; 102-187; & 118-12 of the Monroe County Code, amending the definition of "accessory uses and structures", and defining adjacent land*

Meeting: June 10, 2009

REQUEST

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

PROCESS

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

The Planning Commission and the BOCC shall each hold at least one public hearing on a proposed amendment to the text or to the land use district map. The Planning Commission shall review the application, the reports and recommendations of the Department of Planning &

1 Environmental Resources and the Development Review Committee, and the testimony given at
2 the public hearing, and shall submit its recommendations and findings to the BOCC. The BOCC
3 shall consider the report and recommendation of and the testimony given at the public hearings
4 and may either deny the application or adopt an ordinance approving the proposed amendment.
5 Ordinances are then reviewed by the Florida Department of Community Affairs.

6
7 In no event shall an amendment be approved which will result in an adverse community change
8 of the planning area in which the proposed development is located. In the event of a written
9 protest against such amendment signed by the owners of twenty (20) percent or more either of
10 the area of the lots or land included in the proposed amendment or of the lots or land
11 immediately adjoining the property to be affected and extending two hundred (200) feet there
12 from, such amendment shall not become effective except by the favorable vote of four (4)
13 members of the BOCC.

14 15 RELEVANT PRIOR COUNTY ACTIONS

16
17 Ordinance 036-2006 was approved by the Board of County Commissioners (BOCC) on
18 September 20, 2006. Ordinance 036-2006 amended the Land Development Code to allow water
19 service to a dock on an adjacent (non-contiguous) lot under the same ownership and allowed
20 docks as an accessory use on lots under the same ownership within 500 feet of the lot with the
21 principal use processed as a variance to be granted by the planning director, and allowed adjacent
22 non-contiguous lands to be aggregated for purposes of development if they shared a border of
23 50% of the smaller lot or at least 50 feet, thus allowing development and accessory structures
24 and uses to be made by combining the area of lots across streets.

25
26 Ordinance 036-2006 was rejected by the Final Order of the Department of Community Affairs
27 primarily on the basis that the 500 feet was too far a distance from the principal use, and the
28 ordinance was inconsistent regarding development on Tier 1 lands.

29
30 Staff was directed by the Planning Commission to take another look at docking facilities on
31 adjacent properties. Staff prepared a draft ordinance which was tailored after Ordinance 036-
32 2006 and presented at a public hearing held by the Planning Commission on March 25, 2009.
33 The Planning Commission directed staff to expand the accessory uses on adjacent lots and
34 provide a variance procedure to allow properties within 25 feet of a common point to be
35 considered adjacent.

36 37 REVIEW OF APPLICATION

38
39 Consistency of the proposed amendment with the provisions and intent of the Monroe County
40 Year 2010 Comprehensive Plan:

41
42 The proposed amendments to the Monroe County Code are generally consistent with the Monroe
43 County Year 2010 Comprehensive Plan.

44
45 Consistency of the proposed amendment with the provisions and intent of the Monroe County
46 Land Development Code:

1 In accordance with MCC Sec. 102-58(d)(5)b., the BOCC may consider the adoption of an
2 ordinance enacting the proposed change based on one (1) or more of the following factors:
3
4 Changed projections (e.g., regarding public service needs) from those on which the text or
5 boundary was based;
6
7 None
8
9 Changed assumptions (e.g., regarding demographic trends);
10
11 None
12
13 Data errors, including errors in mapping, vegetative types and natural features described in
14 Volume 1 of the Monroe County Year 2010 Comprehensive Plan;
15
16 None
17
18 New issues;
19
20 Ordinance 036-2006 was rejected by the Florida Department of Community Affairs who
21 determined that 500 feet was too far a distance from the principal use, and the ordinance was
22 inconsistent regarding development on Tier 1 lands. The proposed ordinance recommends a
23 variance procedure to allow properties within 25 feet of a common point to be considered
24 adjacent. This proposed ordinance removes Tier I properties from the definition of accessory
25 uses or structures.
26
27 Recognition of a need for additional detail or comprehensiveness; or
28
29 Staff recognized the need for the proposed ordinance to be more consistent with the
30 Comprehensive Plan, Land Development Code, and the Principals for Guiding Development in
31 the Florida Keys of Critical State Concern.
32
33 Data updates;
34
35 None
36
37 Consistency with the Principles for Guiding Development in the Florida Keys Area of Critical
38 State Concern:
39
40 For the purposes of reviewing consistency of the adopted plan or any amendments to that plan
41 with principles for guiding development and any amendments to the principles, the principles
42 shall be construed as a whole and no specific provision shall be construed or applied in isolation
43 from the other provisions.
44
45 (a) To strengthen local government capabilities for managing land use and development so
46 that local government is able to achieve these objectives without the continuation of the

- 1 area of critical state concern designation.
- 2 (b) To protect shoreline and marine resources, including mangroves, coral reef
- 3 formations, seagrass beds, wetland, fish and wildlife, and their habitat.
- 4 (c) To protect upland resources, tropical biological communities, freshwater wetlands,
- 5 native tropical vegetation (for example, hardwood hammocks and pinelands), dune
- 6 ridges and beaches, wildlife, and their habitat.
- 7 (d) To ensure the maximum well-being of the Florida Keys and its citizens through sound
- 8 economic development.
- 9 (e) To limit the adverse impacts of development on the quality of water throughout the
- 10 Florida Keys.
- 11 (f) To enhance natural scenic resources, promote the aesthetic benefits of the natural
- 12 character of the Florida Keys.
- 13 (g) To protect the historical heritage of the Florida Keys.
- 14 (h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and
- 15 proposed major public investments, including:
- 16
- 17 1. The Florida Keys Aqueduct and water supply facilities;
- 18 2. Sewage collection and disposal facilities;
- 19 3. Solid waste collection and disposal facilities;
- 20 4. Key West Naval Air Station and other military facilities;
- 21 5. Transportation facilities;
- 22 6. Federal Parks, wildlife refuges, and marine sanctuaries;
- 23 7. State parks, recreation facilities, aquatic preserves, and other publicly owned
- 24 properties;
- 25 8. City electric service and the Florida Keys Electric Co-op; and
- 26 9. Other utilities, as appropriate.
- 27
- 28 (i) To limit the adverse impacts of public investments on the environmental resources of the
- 29 Florida Keys.
- 30 (j) To make available adequate affordable housing for all sectors of the population of the
- 31 Florida Keys.
- 32 (k) To provide adequate alternatives for the protection of public safety and welfare in the
- 33 event of a natural or manmade disaster and for a post disaster reconstruction plan.
- 34 (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and
- 35 Maintain the Florida Keys as a unique Florida resource.
- 36

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

39
 40 Impact on Community Character:

41
 42 There may be community impacts if the proposed ordinance is approved. By allowing docking
 43 facilities on adjacent lots with no principal use, the possibility exists that over time, owners of
 44 these docking facilities may start letting other boat owners use the docking facility. Furthermore,
 45 by allowing other accessory structures and uses such as garages, vehicle and boat storage, the
 46 possibility exists for unintended consequences such as the development of outdoor storage areas.

1 Although there is a provision for a required Class C bufferyard associated with dry boat storage,
2 staff has concerns with the loss of bufferyards over time, thus creating code compliance issues.
3

4 FINDINGS OF FACT AND CONCLUSIONS OF LAW 5

6 1. Docks with no water or electric service are currently allowed on adjacent, non-contiguous
7 lots under the same ownership as an exception to the requirement that accessory uses must be on
8 a contiguous lot under the same ownership.
9

10 2. Ordinance 036-2006 was passed by the Board of County Commissioners on September
11 20, 2006, which ordinance amended the Monroe County Code to allow water service to a dock
12 on an adjacent (non-contiguous) lot under the same ownership and allowed docks as an
13 accessory use on lots under the same ownership within 500 feet of the lot with the principal use
14 processed as a variance to be granted by the planning director, and allowed adjacent non-
15 contiguous lands to be aggregated for purposes of development if they shared a border of 50% of
16 the smaller lot or at least 50 feet, thus allowing development and accessory structures and uses to
17 be made by combining the area of lots across streets.
18

19 3. Ordinance 036-2006 was rejected by Final Order of the Department of Community
20 Affairs seemingly on the basis that 500 feet was too far a distance from the principal use, and
21 that the ordinance encouraged development on Tier 1 lands.
22

23 4. The use of adjacent lands for accessory uses is in the best interests of the public and
24 provides a use for properties which may face lengthy permitting processes for residential use.
25

26 5. Adjacent and contiguous lands need to be better defined in the definitions of the Monroe
27 County Land Development Code.
28

29 6. Federal and State law grants power to Monroe County to regulate and restrict the use of
30 land and buildings in order to promote the safety and general welfare of its citizens.
31

32 7. Monroe County has adopted land use goals, policies, and objectives in a comprehensive
33 plan to guide policy on building and land use regulations, and to promote health, safety, and
34 general welfare.
35

36 8. The provision of this ordinance is consistent with the Monroe County Comprehensive
37 Plan and the Principles for Guiding Development in the Florida Keys Area of Critical State
38 Concern.
39

40 9. The Monroe County Planning Commission held a duly advertised public hearing on
41 March 25, 2009 and June 10, 2009 and recommended _____ to the Board of
42 County Commissioners.
43
44
45
46

1 RECOMMENDATION

2
3
4
5
6
7
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9
10
11
12
13
14
15
16

Staff recommends denial to the Monroe County Planning Commission for the following reasons:

- Negative visual impact on community character
- Influx of accessory uses or structures on contiguous and non-contiguous lots that do not have a principal structure
- Creation of accessory storage lots in residential subdivisions
- Creation of potential code compliance issues

File #: 29060

Owner's Name: Northstar Resort Enterprises Corp.

Applicant: Northstar Resort Enterprises Corp.

Agent: Solaria Design & Consulting Co.

Type of Application: Time Extension to Conditional Use

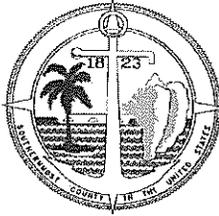
Key: Key Largo

RE #: 0088020-000000

Additional Information added to File 29060

County of Monroe
Growth Management Division

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



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

We strive to be caring, professional and fair

Date: 5/29/09

Dear Applicant:

This is to acknowledge submittal of your application for Request for a Time Extension
to a Conditional Use Permit
Type of application

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

Thank you.

Shil Creech

Planning Staff

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

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

Property Record View

Alternate Key: 1096920 Parcel ID: 00088020-000000

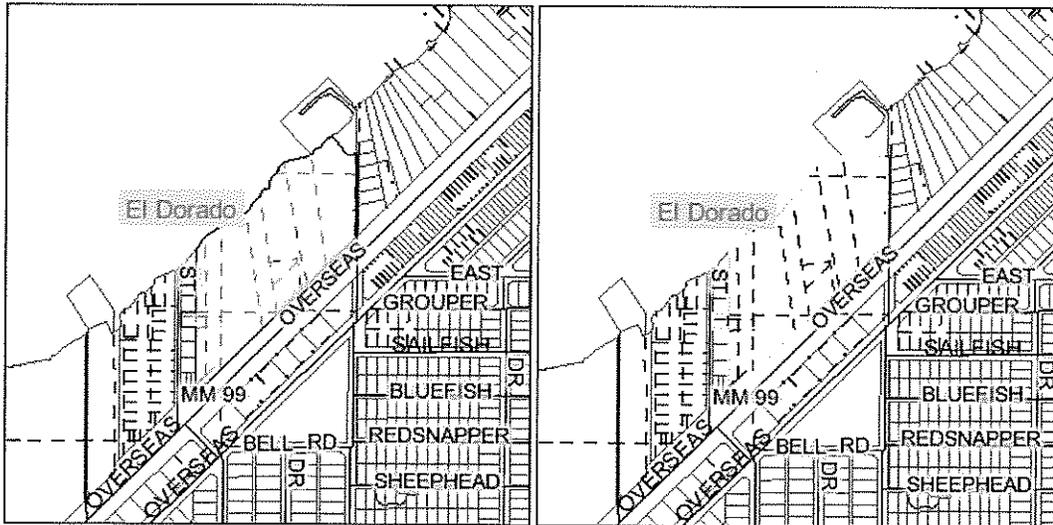
Ownership Details

Mailing Address:
 NORTHSTAR RESORT ENTERPRISES CORP
 4775 COLLINS AVE
 APT 4003
 MIAMI BEACH, FL 33140-5209

Property Details

PC Code: 10 - VACANT COMMERCIAL
 Millage Group: 500K
 Affordable Housing: No
 Section-Township-Range: 32-61-39
 Property Location: 99060 OVERSEAS HWY KEY LARGO
 Legal Description: 32 61 39 ISLAND OF KEY LARGO PT LOTS 4, 8, 9, 11 AND 12 OF PB1-68 AND LOT 3 BK 3 EL DORADO HEIGHTS PB1-203 KEY LARGO
 RESOLUTION NO 33-1967 G66-420 OR27-99/00 OR33-1967 OR129-417/18OR264-65/66 OR394-88 1/12(CASE NO 80-300-CP-12) OR433-675/77 OR448-53/54 OR476-3/6 OR479-529D/C OR492-854 OR555-1067D/C OR690-650/51 OR690-658/83 OR723-525 OR770-1261 OR815-338/42Q/C OR852-2118L/E OR861-520/21 OR861-522 OR861-524 OR876-1450 OR876-1453 OR876-1454Q/C OR881-2408/09 OR933-2476/77Q/C OR978-1966 OR990-1691AFF OR996-1373/75 OR996-1373/74 OR1011-1577/78Q/C OR1011-1588/89Q/C OR1015-1767/68C/T OR1059-1526/27 OR1093-1898/99 OR1093-1900/01 OR1168-247/48 OR1189-2462 OR1195-72 OR1195-73 OR1250-1688/89 OR1257-784/86 OR1285-1002/05F/J OR1291-747/50F/J OR1294-17/18 OR1331-778/79 OR1374-206/07 OR1432-509/10 OR1637-2078/79 OR1648-1725/28C/T OR1649-1459/62STL/AGR OR1649-2272/73F/J OR1652-537/38F/J OR1695-2175/76 OR1700-1798/1802 OR1704-2370/71 OR1748-735D/C OR1748-736D/C OR1748-737/39 OR1748-740/42 OR1833-1340/44 OR1898-2451/55C OR2007-1243-45Q/COR2007-1237/39 OR2007-1240-42Q/C OR2233-82/84 OR2294-1133/36 OR2364-1600/01ESMT

Parcel Map



Land Details

| Land Use Code | Frontage | Depth | Land Area |
|------------------------------|----------|-------|--------------|
| 010W - RES WATERFRONT | | | 0.77 AC |
| 010W - RES WATERFRONT | | | 0.34 AC |
| 100H - COMMERCIAL HIGHWAY | | | 2.52 AC |
| 100H - COMMERCIAL HIGHWAY | | | 0.97 AC |
| 100W - COMMERCIAL WATERFRONT | | | 2.35 AC |
| 10HW - COMM/HWY/WATER | | | 3.10 AC |
| 100H - COMMERCIAL HIGHWAY | | | 17,424.00 SF |
| M100 - RESIDENTIAL DRY | | | 1,875.00 SF |
| 10HW - COMM/HWY/WATER | 0 | 0 | 1.11 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 |
|-----|----------------|---------|--------|-------|------------|-----------|-------|------|
| 9 | DK4:WOOD DOCKS | 220 SF | 4 | 55 | 1993 | 1994 | 1 | 40 |
| 10 | DK4:WOOD DOCKS | 160 SF | 8 | 20 | 1993 | 1994 | 1 | 40 |

Appraiser Notes

FOR THE 2008 TAX ROLL THIS PARCEL HAS BEEN COMBINED WITH PT LOTS 9-11 (RE 00087940-000000 AK 1096849) N 1/2 OF W 45FT OF EAST 120FT OF LOTS 9 AND 11 (RE 00087950-000000 AK 1096857) PT LOTS 8-12 (RE 00087970-000100 AK 1096873) PT LOTS 9 AND 11 (RE 00087940-000100 AK 9003897) PT LOTS 4 AND 8 (RE 00088060-000100 AK 9088193) PT LOTS 4-8-12 (RE 00088030-000000 AK 1096938) PT LOTS 4-8-12 (RE 00088040-000000 AK 1096946) NLY 25' OF LOT 3 BK 3 (RE 00566430-000000 AK 8681861) PER OWNERS REQUEST.

8805 & 8815 COMBINED FOR ASSMT PURPOSES 6-16-87

2002/4/22 PROPERTY FENCED AND LOCKED, UNABLE TO ACCESS TCF

Building Permits

| Bldg Number | Date Issued | Date Completed | Amount | Description | Notes |
|-------------|-------------|----------------|--------|-------------|---|
| 08303797 | 12/16/2008 | 01/06/2009 | 1 | | DEMOLITION SFR |
| 06305681 | 10/25/2006 | 01/01/2007 | 1 | | DEMO STRUCTURE |
| C11173 | 03/01/1982 | 12/01/1982 | 1 | | BUILD WORKSHOP AFTER FACT; C11281 SUPPLEMENT TO C11173) |

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 | 22,463 | 8,111,678 | 8,134,141 | 8,134,141 | 0 | 8,134,141 |
| 2007 | 0 | 22,632 | 725,280 | 747,912 | 747,912 | 0 | 747,912 |
| 2006 | 76,428 | 22,732 | 725,280 | 824,440 | 824,440 | 0 | 824,440 |
| 2006 | 80,795 | 23,386 | 725,280 | 829,461 | 829,461 | 0 | 829,461 |
| 2004 | 80,790 | 23,951 | 725,280 | 830,021 | 830,021 | 0 | 830,021 |
| 2003 | 80,790 | 24,606 | 483,520 | 588,916 | 588,916 | 0 | 588,916 |
| 2002 | 80,790 | 25,172 | 483,520 | 589,482 | 589,482 | 0 | 589,482 |
| 2001 | 150,263 | 25,827 | 290,112 | 466,202 | 466,202 | 0 | 466,202 |
| 2000 | 178,798 | 15,035 | 99,900 | 293,731 | 293,731 | 0 | 293,731 |
| 1999 | 178,796 | 15,492 | 99,900 | 294,188 | 294,188 | 0 | 294,188 |
| 1998 | 119,315 | 15,958 | 99,900 | 235,173 | 235,173 | 0 | 235,173 |
| 1997 | 119,315 | 16,519 | 99,900 | 235,734 | 235,734 | 0 | 235,734 |
| 1996 | 108,468 | 16,988 | 99,900 | 225,356 | 225,356 | 0 | 225,356 |
| 1995 | 108,468 | 17,546 | 73,800 | 199,814 | 199,814 | 0 | 199,814 |
| 1994 | 100,759 | 9,475 | 73,800 | 184,034 | 184,034 | 0 | 184,034 |
| 1993 | 97,004 | 9,778 | 73,800 | 180,582 | 180,582 | 0 | 180,582 |
| 1992 | 97,004 | 10,096 | 73,800 | 160,900 | 180,900 | 0 | 180,900 |
| 1991 | 97,004 | 10,434 | 73,800 | 181,238 | 181,238 | 0 | 181,238 |
| 1990 | 97,004 | 10,753 | 73,800 | 181,557 | 181,557 | 0 | 181,557 |
| 1989 | 97,004 | 11,056 | 73,800 | 181,860 | 181,860 | 0 | 181,860 |
| 1988 | 100,120 | 9,674 | 73,800 | 183,594 | 183,594 | 0 | 183,594 |
| 1987 | 98,071 | 9,929 | 73,800 | 181,800 | 181,800 | 25,000 | 156,800 |
| 1986 | 98,488 | 10,195 | 38,540 | 147,223 | 147,223 | 25,000 | 122,223 |
| 1985 | 94,204 | 10,475 | 38,540 | 143,219 | 143,219 | 25,000 | 118,219 |
| 1984 | 91,231 | 10,743 | 38,540 | 140,514 | 140,514 | 25,000 | 115,514 |
| 1983 | 56,014 | 1,674 | 38,540 | 96,228 | 96,228 | 25,000 | 71,228 |
| 1982 | 52,482 | 1,746 | 38,540 | 92,768 | 92,768 | 25,000 | 67,768 |

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 |
|-----------|----------------------------|---------|------------|---------------|
| 6/11/2001 | 1704 / 2370 | 650,000 | WD | Q |
| 6/9/2000 | 1637 / 2078 | 615,000 | WD | Q |
| 10/1/1994 | 1331 / 0778 | 253,800 | WD | Q |
| 4/1/1991 | 1168 / 247 | 270,000 | WD | U |
| 7/1/1988 | 1059 / 1526 | 225,000 | WD | Q |
| 8/1/1977 | 723 / 525 | 45,000 | 00 | Q |

This page has been visited 114,405 times.

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

5/20/2009

(Date)

I hereby authorize SOLARIA Design & Consulting Co. (JOEL REED) be listed as authorized agent
(Name of Agent)

for Northstar Resort Enterprises, Corp. for the purpose of conducting all business necessary to
(Name of Owner(s) / Applicant)

process and obtain approval in regard to Northstar Resort for to a Conditional Use Permit
(Project Name) (Application Type)

for Real Estate No(s): 00088020-000000 from
the Monroe County Planning and Environmental Resources Department.

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

The undersigned understands the liabilities involved in the granting of this agency and accepts full responsibility (thus holding Monroe County harmless) for any and all of the actions of the agent named, related to the acquisition of permits for the aforementioned applicant.

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

James C Saunders Jr
Owner(s) / Applicant Signature

Jim Saunders,
Printed Name of Owner(s) / Applicant

NOTARY:
STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 20 day of May, 2009.

Jim Saunders is personally known produced identification

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

[Signature]
Notary



End of Additional File 29060



May 26, 2009

MAY 29 2009

Marathon Government Center
Attn: Mr. Townsley Schwab
2798 Overseas Highway Suite 400
Marathon, FL 33050

RE: *Application for a Time Extension to a Conditional Use Permit*

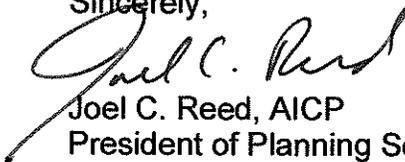
To Mr. Schwab:

Please find the enclosed application for a request for Request for a Time Extension to a Conditional Use Permit for Northstar Resort Enterprises Corporation located at 99060 Overseas Hwy, Key Largo, FL 33037. Also enclosed is a check for \$1,231 for the following items:

| | |
|--|--------------|
| Minor Conditional Use Permit Request for a Time Extension..... | \$986 |
| Advertising Costs:..... | <u>\$245</u> |
| Total..... | \$1,231 |

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

Sincerely,


Joel C. Reed, AICP
President of Planning Services

Key Largo
91700 Overseas Hwy, STE 3
Tavernier, FL 33070
Phone: 305-852-4852

Marathon
213 David Lane
Marathon, FL 33050
Phone: 305-393-1454

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



Date: May 26, 2009

**Project Name:
Northstar Resort Enterprises, Corp.**

**Project Description:
138 Unit Resort Hotel**

**Project Type:
Request for a Time Extension
to a Conditional Use Permit**

Prepared by:

SOLARIA Design & Consulting Company

Key Largo
91700 Overseas Hwy, STE 3
Tavernier, FL 33070
Phone: 305-852-4852

Marathon
213 David Lane
Marathon, FL 33050
Phone: 305-393-1454

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



INDEX

TAB ITEM DESCRIPTION

- 1 Application for Time Extension to a Conditional Use Permit
- 2 Additional Explanation to Application Questions
- 3 Check for Correct Fee
- 4 Copy of Signed Resolution P02-07
- 5 Proof of Ownership to include multiple Deeds
- 6 Current Property Record Card
- 7 Agent Authorization Letter

Additional Items

- 8 Email from Mr. Joe Haberman, Senior Planner on April 6, 2009 to Joel Reed

Key Largo
91700 Overseas Hwy, STE 3
Tavernier, FL 33070
Phone: 305-852-4852

Marathon
213 David Lane
Marathon, FL 33050
Phone: 305-393-1454

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

APPLICATION
MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT



Request for a Time Extension to a Conditional Use Permit

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

Minor Conditional Use Permit Application Fee: \$986.00

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

Advertising Costs: \$245.00

Date of Submittal: 5 / 22 / 2009
Month Day Year

Property Owner:

Northstar Resort Enterprises Corp.

Name

**4775 Collins Ave., Apt 4003, Miami
Beach, FL 33140**

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

305-453-4521

Daytime Phone

Jsaunders@bayviewdev.com

Email Address

Agent (if applicable):

**SOLARIA Design & Consulting Co.
(Joel Reed)**

Name

**91700 Overseas Hwy, STE 3,
Tavernier, FL 33070**

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

305-852-4852

Daytime Phone

joel@solariadesign.com

Email Address

Development Order / Resolution Number: P02-07

Applicant on Conditional Use Application:

Same As Above

Name

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

Daytime Phone

APPLICATION

Email Address

Legal Description of Property:

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

32 61 39 Island of Key Largo PT Lots 4,8,9,11 and 12 of PB1-68 and Lot 3
BK 3 EL Dorado Heights PB1-203 Key Largo Key Largo

| Block | Lot | Subdivision | Key |
|--|-------------------------|-------------|-----|
| 00088020-000000 | | 1096920 | |
| Real Estate (RE) Number | Alternate Key Number | | |
| 99060 Overseas Hwy, Key Largo, FL 33037 | MM 99 | | |
| Street Address (Street, City, State, Zip Code) | Approximate Mile Marker | | |

Unless otherwise specified in the approved conditional use approval, application for a building permit(s) shall be made within six (6) months of the date of the approval of the conditional use, and all required certificates of occupancy shall be procured within two (2) years of the date of issuance of the initial building permit, or the conditional use approval shall become null and void with no further action required by the county. Approval time frames do not change with successive owners. An extension of time may be granted only by the planning commission for a period not to exceed one (1) year and only within the original period of validity. When a hearing officer has ordered a conditional use approval initially denied by the planning commission, the planning commission shall nonetheless have the authority to grant or deny a time extension under this section. If the planning commission denies a time extension, the holder of the conditional use may request an appeal of that decision under the hearing officer appellate article of these regulations by filing the notice required by that article within thirty (30) days of the written denial of the planning commission.

Has a documented, government-caused delay occurred which affected the time required to meet the conditions of the subject development order? If yes, please explain. (If necessary, attach additional sheets)

No specific isolated incident to be noted at this time, however the permitting process has been longer than expected, not only at the County level but at the State and Federal level as well do to the size and scope of work required to permit a project of this size.

Please describe any actions of other parties that may have precluded compliance with the conditions of the subject development order within the time requirement. (If necessary, attach additional sheets)

None to be noted at this time.

Please describe all attempts by the applicant to complete the conditions of the subject development order within the time requirement. (If necessary, attach additional sheets)

Please See Attached Narrative

Please provide any changed circumstances that have interfered with the ability of the applicant to complete the conditions of the subject development order within the time requirement. (If necessary, attach additional sheets)

APPLICATION

None to be noted at this time.

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

- Complete conditional use permit time extension application (unaltered and unbound);
- Correct fee (check or money order to Monroe County Planning & Environmental Resources);
- Copy of Signed Development Order or Resolution;
- Proof of ownership (i.e. Warranty Deed);
- Current Property Record Card(s) from the Monroe County Property Appraiser

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

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

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

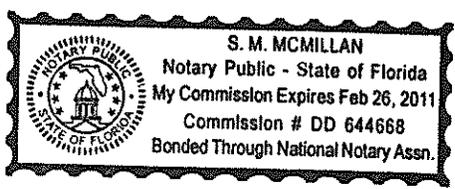
I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.

Signature of Applicant: *Paul C. [Signature]* Date: 5-26-09

Sworn before me this 26 day of May 2009

[Signature]
Notary Public
My Commission Expires

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





Additional pages to questions on Application:

Please describe all attempts by the applicant to complete the conditions of the subject development order within the time requirement. (If necessary, attach additional sheets)

Although we are submitting the application for a time frame extension we are very pleased to announce that substantial progress has been made to date since the effective date of our major conditional use permit P02-07 for a 138 unit four star resort hotel project in Key Largo. Even with the difficult economic times, Northstar Resort Enterprises Corporation is one of the only, if not the only, large redevelopment sites left that is continuing to move forward with its redevelopment plans. Since approval of the major conditional use permit and issuance of the first permit on June 22, 2007 we have since applied for thirty-one (31) permits and since been issued sixteen (16) permits to date. We expect the additional fifteen (15) permits to be issued shortly. The permits cover the initial demolition and cleanup of the existing structures on the site; and a massive tree relocation and transplantation plan in order to save almost all native trees on the site. In addition we have recently been issued the site work permit for grading, paving, drainage, water and site utilities as well as a permit for repairs to the docks. Work on these two items has recently commenced. In addition we have applied for but not been issued to date the permit for the fourteen structures in which the 138 units will be located.

At the time of original approval the period of validity of the conditional use and the timeframes were not reviewed and discussed in detail. Upon further discussions and realization that the conditional use was being governed by time frames as established in the Land Development Regulations we are requesting an amendment to the time frame in order to extend the term of validity of the conditional use which is set to expire June 22, 2009. In reality we do not expect completion of the project until Fall of 2011.

Please see table 1.1 below which outlines the original Conditional use Resolution and associated timeframes established. Then Table 1.2 shows all associated permits that have been issued within the period of validity.

| Item | Date |
|--|----------------|
| Public Hearing | 7/27/06 |
| Date of Signed Resolution | 1/24/07 |
| Date of Resolution Recording | 4/2/07 |
| Date at which First Building Permit was to be applied for (6 months from date of recording) | 10/2/07 |
| Date of First Building Permit Application | 4/25/07 |
| Date First Building Permit Was Issued | 6/22/07 |
| Conditional Use Permit Expiration: | 6/22/09 |

Table 1.2 below lists the permits issued on each of the separate Real Estate Numbers that existed on the parcel at the time in which the conditional use was approved. Since approval, all parcels have been combined under one Real Estate Number, 00088020-000000.

TABLE 1.2 – Building permit by date issued since Public Hearing July 26, 2006**RE 00087940.000000**

| <i>Permit No.</i> | <i>Date Applied</i> | <i>Date Issued</i> | <i>Description</i> |
|-------------------|---------------------|--------------------|--|
| 073-0822 | 02-21-2007 | Voided | Electric |
| 073-0567 | 02-05-2007 | 03-05-2007 | Re-roof building |
| 073-0307 | 01-19-2007 | 02-20-2007 | Renovate interior and exterior of building |

RE 00087940.000100: None on file from 2006 to present.**RE 00087970.000100:** None on file from 2006 to present.**RE 00088020.000000 (Current RE Number, all others aggregated with):**

| <i>Permit No.</i> | <i>Date Applied</i> | <i>Date Issued</i> | <i>Description</i> |
|-------------------|---------------------|--------------------|----------------------------------|
| 093-0665 | 02-26-2009 | | Construct building (Building 2) |
| 093-0664 | 02-26-2009 | | Construct building (Building 3) |
| 093-0663 | 02-26-2009 | | Construct building (Building 4) |
| 093-0662 | 02-26-2009 | | Construct building (Building 5) |
| 093-0661 | 02-26-2009 | | Construct building (Building 6) |
| 093-0660 | 02-26-2009 | | Construct building (Building 7) |
| 093-0659 | 02-26-2009 | | Construct building (Building 8) |
| 093-0658 | 02-26-2009 | | Construct building (Building 9) |
| 093-0657 | 02-26-2009 | | Construct building (Building 10) |
| 093-0656 | 02-26-2009 | | Construct building (Building 11) |
| 093-0655 | 02-26-2009 | | Construct building (Building 12) |
| 093-0654 | 02-26-2009 | | Construct building (Building 13) |
| 093-0653 | 02-26-2009 | | Construct building (Building 14) |
| 083-3797 | 10-22-2008 | 12-16-2008 | Demolish CBS house |
| 083-3517 | 09-30-2008 | | Construct building (Building 1) |
| 083-3516 | 09-30-2008 | 03-19-2009 | Site work |
| 083-3501 | 09-29-2008 | 10-01-2008 | Relocate trees |
| 083-3128 | 08-27-2008 | 09-03-2008 | Trim trees |
| 083-2684 | 07-23-2008 | 07-23-2008 | Remove trees |
| 083-2198 | 06-12-2008 | | Dock and shoreline repair |
| 083-1458 | 04-17-2008 | Voided | Remove and relocate trees |
| 063-5681 | 09-27-2006 | 10-25-2006 | Demolish structure |
| 063-4605 | 07-27-2006 | 08-24-2006 | Electric repair |

RE 00088030.000000

| <i>Permit No.</i> | <i>Date Applied</i> | <i>Date Issued</i> | <i>Description</i> |
|-------------------|---------------------|--------------------|------------------------------|
| 083-1460 | 04-17-2008 | Voided | Remove and relocate trees |
| 073-5004 | 11-26-2007 | 12-07-2007 | Temporary Fence |
| 073-4129 | 09-20-2007 | 10-30-2007 | Demolish building |
| 073-1866 | 04-25-2007 | 06-22-2007 | Demolish multiple structures |

RE 00088040.000000

| <i>Permit No.</i> | <i>Date Applied</i> | <i>Date Issued</i> | <i>Description</i> |
|-------------------|---------------------|--------------------|---------------------------|
| 083-1459 | 04-17-2008 | Voided | Remove and relocate trees |
| 073-4130 | 09-20-2007 | 10-30-2007 | Demolish building |

RE 00087950.000000: None on file.**RE 00088060.000000**

| <i>Permit No.</i> | <i>Date Applied</i> | <i>Date Issued</i> | <i>Description</i> |
|-------------------|---------------------|--------------------|------------------------|
| 073-2559 | 06-12-2007 | 08-16-2007 | Demolish miscellaneous |

RE 00566430.000000: None on file.**RE 00088060-000100 (not shown on resolution):**

| <i>Permit No.</i> | <i>Date Applied</i> | <i>Date Issued</i> | <i>Description</i> |
|-------------------|---------------------|--------------------|--------------------|
| 073-4131 | 09-20-2007 | 11-06-2007 | Demolish structure |

RESOLUTION NO. P02-07

Doc# 1635314
Bk# 2283 P# 1288

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION APPROVING A REQUEST BY NORTHSTAR RESORT ENTERPRISES CORP. TO AMEND RESOLUTION P47-03 IN ORDER TO BUILD A ONE HUNDRED THIRTY-EIGHT (138) UNIT RESORT HOTEL INCLUDING THE FOLLOWING AMENITIES: A 4,910 ft² RESTAURANT, TWO (2) TIKI BARS, TIKI HUTS, A MAINTENANCE BUILDING, OFFICES AND ONE (1) AFFORDABLE HOUSING UNIT. ADDITIONALLY, THIS RESOLUTION IS APPROVING A FRONT YARD VARIANCE OF TWELVE (12) FEET ALONG WOODWARD WAY AND A 13% REDUCTION IN PARKING TO ALLOW 182 SPACES.

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

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

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

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

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

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

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

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

1
2 **WHEREAS** Resolution P56-03 approved the request filed by Northstar
3 Resort to receive seventy-seven (77) ROGO exemptions transferred from the
4 Florida Keys RV Park via P55-03 at the Northstar Resort site; and
5

6 **WHEREAS** Development Order #17-96 established 1.5 Transferable
7 Development Rights (TDRs), Development Order # 18-97 established 2.59 TDRs,
8 and Development Order #7-05 established 7.36 TDRS and transferred a total of
9 11.45 TDRs to the Northstar Resort site; and
10

11 **WHEREAS** Northstar Resort has two required front yard setbacks - one
12 along US-1 and another along Woodward Way; and
13

14 **WHEREAS** Allowing a thirteen (13) foot front yard setback along
15 Woodward Way will not negatively impact surrounding property owners; and
16

17 **WHEREAS** Woodward Way will remain a 24 ft. road and allow ingress
18 and egress for all property owners along Woodward Way even though Northstar
19 Resort Enterprises owns nine (9) feet of the Western portion of the road; and
20

21 **WHEREAS** Planning Commission Resolution P47-03, condition 15,
22 requires that for every square foot of parking lot area that is waived a correlating
23 square foot of open space must be created in excess of the required 20% and
24 remain as open space via a Grant of Conservation Easement (GOCEA); and
25

26 **WHEREAS** Northstar Resort Enterprises has requested a waiver of
27 twenty-seven (27) spaces that will require a GOCEA be recorded for a minimum
28 of 4,131 ft² running in favor of Monroe County prior to the issuance of any
29 Certificate of Occupancy (C.O.); and
30

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

- 34 1. Master Site Plan, Sheet A-1, by Robert Barnes, 6/20/06; and
- 35 2. Partial Site Plans, Sheets A-2 - 5, by Robert Barnes, 6/20/06; and
- 36 3. Reception & Office Floor Plan, Sheet A-6, by Robert Barnes, 1/10/06;
37 and
- 38 4. Reception & Office Elevations, Sheets A-7 - 8, by Robert Barnes,
39 1/10/06; and
- 40 5. Restaurant & Lounge Floor Plan, Sheet A-9, by Robert Barnes,
41 6/20/06; and
- 42 6. Restaurant Elevations, Sheet A-10 -11, by Robert Barnes, 6/20/06; and
- 43 7. Maintenance First Floor Plan, Sheet A-13, by Robert Barnes, 6/20/06;
44 and
- 45 8. Maintenance Affordable Housing - Second Floor, Sheet A-14, by
46 Robert Barnes, 6/20/06; and

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

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

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

1 allow Northstar to maintain only a 13 ft. setback along Woodward
2 Way instead of the required 25 ft. setback will not cause any
3 hardship to surrounding property owners or impact the property
4 values of surrounding property owners.

- 5 7. Northstar Resort is required to have 209 parking spaces.
6 Reducing that number by 13% or 27 spaces pursuant to MCC §9.5-
7 523(b)(2) to require 182 parking spaces will still allow for adequate
8 parking for the facility. Pursuant to Resolution P47-03, Northstar
9 Resort has identified 4,131 ft² GOCEA to be recorded in
10 conjunction with this parking space reduction request.
11 8. Resolution P55-03 identified the Florida Keys RV Park at mile
12 marker 106 as a transferable ROGO exemption (TRE) sender site
13 and recognized 126 TREs.
14 9. Resolution P56-03 transferred 77 of these TREs to the Northstar
15 Resort site leaving 49 TREs on the Florida Key RV Park site
16 available for transfer.
17 10. Northstar Resort meets the criteria detailed in 120.4 (b)a. iii) (1) a.
18 (ii) and is eligible to receive the 49 remaining TREs identified in
19 P55-03 from the Florida Keys RV Park site.
20 11. Conditions 2, 3, 4, 6, 7, 8, 11, 12, 13, 16 and 17 from Resolution P47-
21 03 shall be maintained.
22

23 **NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION**
24 **OF MONROE COUNTY, FLORIDA,** that the preceding Findings of Fact and
25 Conclusions of Law, support its decision to:
26

27 **APPROVE** the request filed by Northstar Resort Enterprises Corp. to
28 construct a one hundred thirty-eight (138) unit resort hotel including the
29 following amenities: a 4,910 ft² restaurant, two (2) tiki bars, tiki huts, a
30 maintenance building, offices and one (1) affordable housing unit; as well as, a
31 front yard variance of twelve (12) feet along Woodward Way and a 13%
32 reduction in parking to allow 182 spaces with the following conditions:

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

- 1 c. Submit a revised Traffic Study to determine if the restaurant
2 can be considered as a low intensity use or a medium
3 intensity use. If the restaurant can be considered a low
4 intensity use, then two (2) 250 sq. ft. Tiki Bars can be
5 permitted on the site. If the restaurant must be considered
6 as a medium intensity use then no Tiki Bars shall be
7 permitted. The Planning Commission Resolution shall state
8 whether Tiki Bars shall be permitted; and
- 9 d. Submit a revised Traffic Study to conform with Monroe
10 County Traffic Consultant request outlined in XIII.D. of this
11 report. The Planning Commission Resolution shall only be
12 issued if the Monroe County Traffic consultant finds that
13 this project can be built without causing negative impacts to
14 local traffic circulation and hurricane evacuation times. If
15 this condition is not satisfied, a new conditional use
16 amendment application shall be proffered to meet this
17 criteria.
18
- 19 2. Prior to issuance of a building permit, the applicant shall:
 - 20 a. Transfer an additional 11.55 development rights to the
21 Northstar Resort site; and
 - 22 b. Have the plat of the Cullen parcel approved by the BOCC;
23 and
 - 24 c. Submit revised stormwater and landscape plans which do
25 not show a possible future spa and include the Class D
26 buffer as required along Thurmond Street. The landscape
27 plan should include enough detail to ensure that the
28 installation criteria found in MCC § 9.5-364 is met; and
 - 29 d. Provide additional permits from the Florida Department of
30 Environmental Protection and the Army Corps of Engineers
31 for the dock extension, slip reconfiguration, and boat ramp
32 removal; and
 - 33 e. Obtain Florida Department of Environmental Protection and
34 U.S. Army Corps of Engineers approval for filling the boat
35 ramp. Any development so filled shall conform to the
36 setbacks established by DEP and ACOE permits; and
 - 37 f. Provide the Surface Water Management Plan to be reviewed
38 by the County Engineering Department for compliance. The
39 plan must be reviewed and approved by the South Florida
40 Water Management District. All surface water shall be
41 managed on-site, retained with swales or approved
42 drainage, drainage calculations must be shown on the plans;
43 and
 - 44 g. Provide a plan to retrofitting existing docking facilities to
45 include an on-site pump-out station and sewage treatment
46 as required by the Comprehensive Plan for any facility
47 having ten (10) or more slips (wet or dry); and

- 1 h. Have the proposed on-site waste treatment system approved
2 by the Department of Health and comply with the minimum
3 requirements of Chapter 10D-6 of the Florida Administrative
4 Code; and
5 3. Prior to issuance of a certificate of occupancy for any unit, a
6 minimum of fifteen (15) affordable housing units at the linked site
7 at approximate mile marker 106 shall be completed with
8 certificates of occupancy; and
9
10 4. The Resort will not be gated from US-1 to allow local residents
11 and other guests to use the restaurant facility.
12

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

- 16 1. A Grant of Conservation Easement be recorded for a minimum of
17 4,131 ft² running in favor of Monroe County prior to the issuance
18 of any C.O. on the property; and
19

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

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

27 APPROVE to transfer the forty-nine (49) remaining eligible units
28 established by Resolution P55-03 at the Florida Keys RV Park to the Northstar
29 Resort site;
30

31 **WHEREAS** Condition 1.a. has been satisfied by providing a warranty
32 deed showing ownership of approximately 2.36 acres and stating that the three
33 (3) market rate ROGO exemptions are to be retained by Mr. Cullen; and
34

35 **WHEREAS** Condition 1.b. has been partially satisfied by submittal of a
36 preliminary plat application for the parcel showing that Northstar Resort has
37 purchased approximately 2.36 acres; and
38

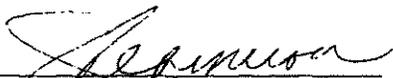
39 **WHEREAS** Conditions 1.c. and 1.d. have been met as Northstar Resort
40 Enterprises has submitted a traffic study meeting the requirements of the County
41 Traffic consultant which has concluded that the restaurant can be considered as a
42 low intensity use, the resort will not be gated, and may include two (2) Tiki Bars;
43

44 **PASSED AND ADOPTED** by the Planning Commission of Monroe County
45 Florida at a meeting held on the 26th day of July 2006
46

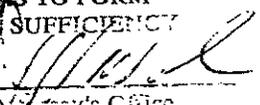
47 Chairman Cameron YES

1 Commissioner Windle YES
2 Commissioner Popham YES
3 Commissioner Wall YES

4
5 Planning Commission of
6 Monroe County, Florida
7

8
9 By 
10 James Cameron, Chairman

11 Signed this 24th day of January 2007
12

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

MONROE COUNTY
OFFICIAL RECORDS

prepared by and returned to:

Ivonne A. Montero
Legal Assistant
Grueninger and Pujol, P.A.
3191 Coral Way Suite 1005
Miami, FL 33145
305-444-7442

File Number: 04-1176

Will Call No.:

#1- 8681861

#2- 1096857

Parcel Identification No.

#3- 1096849

RCD May 24 2004 11:55AM
DANNY L KOLHAGE, CLERK

DEED DOC STAMPS 11200.00
05/24/2004 FD DEP CLK

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 17th day of May, 2004 between Florida Shoreline Realty Corporation, a Florida corporation whose post office address is 3191 Coral Way Ste. 1005, Miami, FL 33145 of the County of Miami-Dade, State of Florida, grantor*, and Northstar Resort Enterprises Corp., a Florida corporation whose post office address is 9261 S.W. 140th Street, Miami, FL 33176 of the County of Miami-Dade, State of Florida, grantee*,

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

See Exhibit "A" attached hereto and made a part hereof as if fully set forth herein.

Subject to taxes for 2004 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

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

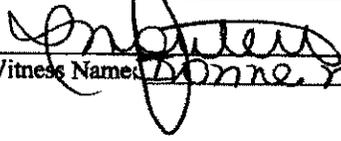
* "Grantor" and "Grantee" are used for singular or plural, as context requires.

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

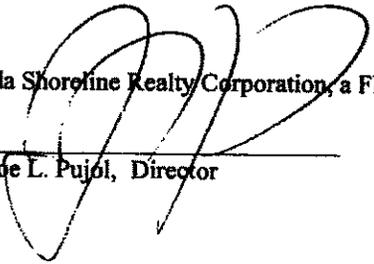
PLEASE RETURN TO:
* FRANCIS X. CASTORO, P.A.
2100 HOLLYWOOD BOULEVARD
HOLLYWOOD, FLORIDA 33020
TEL.: (954) 922-0505

Signed, sealed and delivered in our presence:


Witness Name: PAUL CASTAN


Witness Name: Ivonne Montero

Florida Shoreline Realty Corporation, a Florida corporation

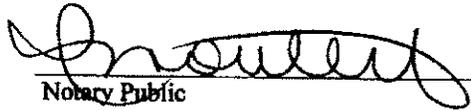
By: 
Joe L. Pujol, Director

(Corporate Seal)

State of Florida
County of Miami-Dade

The foregoing instrument was acknowledged before me this 17th day of May, 2004 by Joe L. Pujol of Florida Shoreline Realty Corporation, a Florida corporation, on behalf of the corporation. He/she is personally known to me or has produced a driver's license as identification.

[Notary Seal]


Notary Public

Printed Name: _____

My Commission Expires: _____



EXHIBIT A
LEGAL DESCRIPTION

A parcel of land on Key Largo, Monroe County, Florida, being part of the east 75 feet of Lots 9 and 11, and part of the west 45 feet of the east 120 feet of Lots 9 and 11, all as recorded in Plat Book 1 at Page 68 of the public records of Monroe County, Florida; and being more particularly described as follows:

PARCEL #1: *Commence at the intersection of the east line of El Dorado Heights subdivision as recorded in Plat Book 1 at Page 203 of the public records of Monroe County, Florida with the south line of Lot 9, Block 3 of said subdivision, said south line being also the northwest right of way line of State Road No.5 (US Highway No. 1) 100 feet northwest of the centerline of said highway; run thence NO 2°00'43"W along said east line of said El Dorado Heights Subdivision for a distance of 337.91 feet to the Point of Beginning of the hereindescribed parcel; from said Point of Beginning, continue NO 2°00'43"W along said east line of said El Dorado Heights for a distance of 337 feet more or less to the shoreline of Buttonwood Sound; thence meander said shoreline in a northeasterly direction for a distance of 188 feet more or less to an intersection with the east line of the said Lot 9, Plat Book 1, Page 68; thence run SO 2°00'00"E along said east line of said Lot 9 and along the east line of said Lot 11, Plat Book 1, Page 68, for a distance of 444 feet more or less to a point on the said east line of the said Lot 11, said point being at right angles with Point of Beginning of the hereindescribed parcel; thence run S 88°00'00"W at right angles with the previously described course for a distance of 120.34 feet to the Point of Beginning of the hereindescribed parcel. Containing 48,560 Square Feet more or less; and*

PARCEL #2: *Lot 3, Block 3, El Dorado Heights, less the south 50.0 feet thereof, according to the plat thereof recorded in Plat Book 1 at Page 203 of the public records of Monroe County, Florida. Containing 1,875 Square Feet more or less.*

MONROE COUNTY
OFFICIAL RECORDS

Taxpayer ID #

Parcel Identification No: 00566430; 0008790; 00087940

DEED DOC STAMPS 3500.00
12/26/2001 DEP CLK

WARRANTY DEED

OCTOBER *e.e.*

This Indenture made this 17 day of ~~September~~, 2001, BETWEEN EDWARD D. CHRZAN, a single man, whose post office address is P.O. Box 142, Key Largo, Florida 33037 of the County of Monroe, State of Florida, GRANTOR*, and NORTHSTAR RESORT ENTERPRISES, CORP. a Florida Corporation, whose post office address is 2100 Hollywood Blvd., Hollywood, Florida 33020, GRANTEE*

WITNESSETH, That said Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee, Grantee's heirs and assigns forever the following described land situate, lying and being in Monroe County, Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

Subject to taxes for the year 2001 and subsequent years. Subject to all conditions, easements, restrictions and limitations of record, if any and a purchase money mortgage in the original principal sum of \$50,000.00. The parcel of land described in this instrument is located in unincorporated Monroe County. The use of the parcel of land is subject to and restricted by the goals, policies and objectives of the Monroe County Plan and Development Regulations adopted as a part of, and in conjunction with and as means of implementing the Monroe County Comprehensive Plan. The Land Development Regulations provide that no building permit shall be issued for any development of any kind unless the proposed development complies with each and every requirement of the regulations, including minimum area requirements for residential development. You are hereby notified that under the Monroe County Land Development Regulations the division of land into parcels of land (which) are not approved as platted lots under the regulations confers no right to develop a parcel for any purpose. (Ord. No. 33-1986, § 5-401).

And said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever. *Grantor and Grantee are used for singular or plural, as context requires.

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

Signed, sealed and delivered in our presence:

Virginia Penwell

Witness

VIRGINIA PENWELL
Printed Name

Witness as to
Lissette Gonzalez
Printed Name

Edward D. Chrzan

EDWARD D. CHRZAN

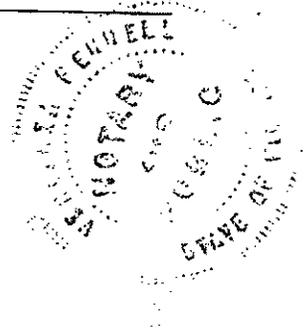
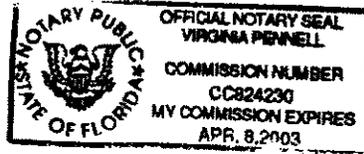
The foregoing instrument was hereby acknowledged before me this 17 day of September, 2001 by EDWARD D. CHRZAN, a single man () who is personally known to me or (X) who has produced FLA. DRIVER LICENSE as identification.

(SEAL)



Notary Public

My Commission Expires:



The Southerly 50.00 feet of Lot 3, Block 3, EL DORADO HEIGHTS, according to the Plat thereof recorded in Plat Book 1, Page 203, of the Public Records of Monroe County, Florida. Containing 3,749 square feet more or less.

Together with portions of the following described parcels:

The South one-half of the following described property to wit: The West 45 feet of the East 120 feet of those parts of Lots 9 and 11, lying North of the Florida East Coast Railway Company's right-of-way, according to the Plat thereof as recorded in Plat Book 1, Page 68, of the Public Records of Monroe County, Florida.

The East 75 feet of those parts of Lots 9 and 11, lying North of the Florida East Coast Railway Company's right-of-way, according to the Plat thereof as recorded in Plat Book 1, Page 68, of the Public Records of Monroe County, Florida, said lands lying and being in Section 32, Township 61 South, Range 39 East, Monroe County, Florida.

Subject portions being more particularly described as follows:

Begin at the intersection of the Easterly line of EL DORADO HEIGHTS Subdivision with the Southerly line of Lot 9, Block 3, of said EL DORADO HEIGHTS, according to the Plat thereof as recorded in Plat Book 1, Page 203, of the Public Records of Monroe County, Florida, said Southerly line being also the Northwesterly right of way line of State Road No. 5 (U.S. Highway No. 1) 100 feet Northwesterly of centerline of said State Road No. 5. From said Point of Beginning, run thence South 02° 00' 43" East along said Easterly line of said EL DORADO HEIGHTS for a distance of 42.17 feet to the Northwesterly right-of-way line of said State Road No. 5, 70 feet Northwesterly of centerline of said State Road No. 5; thence run North 43° 20' 00" East along said right-of-way line for a distance of 169.06 feet to a 1 inch square iron rod (original "Jenkins" pin) on the East line of Lot 11, according to Plat Book 1, Page 68, of the Public Records of Monroe County, Florida; thence run North 02° 00' 00" West along said East line of Lot 11 for a distance of 211.2 feet more or less to an existing chain link fence; thence run along said chain link fence in a Southwesterly direction for 120.55 feet more or less to a point on the Easterly line of said EL DORADO HEIGHTS; thence run South 02° 00' 43" East along said Easterly line of said EL DORADO HEIGHTS for a distance of 280.2 feet more or less to the Point of Beginning. Containing 32,090 square feet more or less.

AND:

Commence at the intersection of the Easterly line of EL DORADO HEIGHTS Subdivision with the Southerly line of Lot 9, Block 3, of said EL DORADO HEIGHTS, according to the Plat thereof as recorded in Plat Book 1, Page 203 of the Public Records of Monroe County, Florida, said Southerly line being also the Northwesterly right-of-way line of State Road No. 5 (US Highway No. 1) 100 feet Northwesterly of centerline of said State Road No. 5. From said Point of Commencement, run thence North 02° 00' 43" West along said Easterly line of said EL DORADO HEIGHTS for a distance of 280.2 feet more or less to an existing chain link fence and the Point of Beginning of the herein described parcel of land. From said Point of Beginning, continue North 02° 00' 43" West along said Easterly line of said EL DORADO HEIGHTS for a distance of 57.71 feet to a point; thence run North 88° 00' 00" East for a distance of 120.34 feet to a right angle intersection with the Easterly line of Lot 11, according to the Plat recorded in Plat Book 1, Page 68, of the Public Records of Monroe County, Florida; thence run South 02° 00' 00" East along said Easterly line of said Lot 11 for a distance of 50.00 feet to an existing chain link fence; thence run along said chain link fence in a Southwesterly direction for a distance of 120.55 feet more or less to the Point of Beginning.

Prepared By:
Virginia Pennell
FLORIDA TITLE OF THE KEYS, INC.
99101 Overseas Highway
Key Largo, Florida 33037
File 01-F-159

MONROE COUNTY
OFFICIAL RECORDS

FILE # 1 2 7 3 3 6 2
BK# 1 7 4 8 PG# 7 4 0

Taxpayer ID #
Parcel Identification No: 00566430;00087950

RCD Dec 26 2001 11:51AM
DANNY L KOLHAGE, CLERK

WARRANTY DEED

This Indenture made this 19 day of October, 2001, BETWEEN ALFRED E. CHRZAN and JAHALA R. CHRZAN, his wife, Individually and as Trustees of THE CHRZAN FAMILY TRUST dated May 24, 1991, whose post office address is 104 Newport Avenue, West Hartford, Connecticut 06107, of the County of HARTFORD State of Connecticut, GRANTOR*, and NORTHSTAR RESORT ENTERPRISES, CORP. a Florida Corporation, whose post office address is 2100 Hollywood Blvd., Hollywood, Florida 33020, GRANTEE*

WITNESSETH, That said Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee, Grantee's heirs and assigns forever the following described land situate, lying and being in Monroe County, Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

Subject to taxes for the year 2001 and subsequent years. Subject to all conditions, easements, restrictions and limitations of record, if any and a purchase money mortgage in the original principal sum of \$50,000.00. The parcel of land described in this instrument is located in unincorporated Monroe County. The use of the parcel of land is subject to and restricted by the goals, policies and objectives of the Monroe County Plan and Development Regulations adopted as a part of, and in conjunction with and as means of implementing the Monroe County Comprehensive Plan. The Land Development Regulations provide that no building permit shall be issued for any development of any kind unless the proposed development complies with each and every requirement of the regulations, including minimum area requirements for residential development. You are hereby notified that under the Monroe County Land Development Regulations the division of land into parcels of land (which) are not approved as platted lots under the regulations confers no right to develop a parcel for any purpose. (Ord. No. 33-1986, § 5-401).

And said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever. *"Grantor" and "Grantee" are used for singular or plural, as context requires.

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

Signed, sealed and delivered in our presence:

JL Ankerman
Witness
JL Ankerman
Printed Name
Shapiro
Witness as to
LARISA SHAPIRO
Printed Name

THE CHRZAN FAMILY TRUST
Dated May 24, 1991

Alfred E. Chrzan
ALFRED E. CHRZAN, Trustee and
Individually

Jahala R. Chrzan
JAHALA R. CHRZAN, Trustee and
Individually

State of Connecticut
County of HARTFORD

FILE #1273362
BK#1748 PG#741

The foregoing instrument was hereby acknowledged before me this 19 day of October, 2001 by ALFRED E. CHRZAN and JAHALA R. CHRZAN () who are personally known to me or () who have produced Drivers license as identification.



Celeste P. Morrill
Notary Public
My Commission Expires: 11/30/2003

EXHIBIT "A"

The Southerly 50.00 feet of Lot 3, Block 3, EL DORADO HEIGHTS, according to the Plat thereof recorded in Plat Book 1, Page 203, of the Public Records of Monroe County, Florida. Containing 3,749 square feet more or less.

Together with portions of the following described parcels:

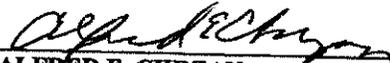
The North one-half of the following described property to wit: The West 45 feet of the East 120 feet of those parts of Lots 9 and 11, lying North of the Florida East Coast Railway Company's right-of-way, according to the Plat thereof as recorded in Plat Book 1, Page 68, of the Public Records of Monroe County, Florida.

Subject portions being more particularly described as follows:

Begin at the intersection of the Easterly line of EL DORADO HEIGHTS Subdivision with the Southerly line of Lot 9, Block 3, of said EL DORADO HEIGHTS, according to the Plat thereof as recorded in Plat Book 1, Page 203, of the Public Records of Monroe County, Florida, said Southerly line being also the Northwesterly right of way line of State Road No. 5 (U.S. Highway No. 1) 100 feet Northwesterly of centerline of said State Road No. 5. From said Point of Beginning, run thence South 02° 00' 43" East along said Easterly line of said EL DORADO HEIGHTS for a distance of 42.17 feet to the Northwesterly right-of-way line of said State Road No. 5, 70 feet Northwesterly of centerline of said State Road No. 5; thence run North 43° 20' 00" East along said right-of-way line for a distance of 169.06 feet to a 1 inch square iron rod (original "Jenkins" pin) on the East line of Lot 11, according to Plat Book 1, Page 68, of the Public Records of Monroe County, Florida; thence run North 02° 00' 00" West along said East line of Lot 11 for a distance of 211.2 feet more or less to an existing chain link fence; thence run along said chain link fence in a Southwesterly direction for 120.55 feet more or less to a point on the Easterly line of said EL DORADO HEIGHTS; thence run South 02° 00' 43" East along said Easterly line of said EL DORADO HEIGHTS for a distance of 280.2 feet more or less to the Point of Beginning. Containing 32,090 square feet more or less.

AND:

Commence at the intersection of the Easterly line of EL DORADO HEIGHTS Subdivision with the Southerly line of Lot 9, Block 3, of said EL DORADO HEIGHTS, according to the Plat thereof as recorded in Plat Book 1, Page 203 of the Public Records of Monroe County, Florida, said Southerly line being also the Northwesterly right-of-way line of State Road No. 5 (US Highway No. 1) 100 feet Northwesterly of centerline of said State Road No. 5. From said Point of Commencement, run thence North 02° 00' 43" West along said Easterly line of said EL DORADO HEIGHTS for a distance of 280.2 feet more or less to an existing chain link fence and the Point of Beginning of the herein described parcel of land. From said Point of Beginning, continue North 02° 00' 43" West along said Easterly line of said EL DORADO HEIGHTS for a distance of 57.71 feet to a point; thence run North 88° 00' 00" East for a distance of 120.34 feet to a right angle intersection with the Easterly line of Lot 11, according to the Plat recorded in Plat Book 1, Page 68, of the Public Records of Monroe County, Florida; thence run South 02° 00' 00" East along said Easterly line of said Lot 11 for a distance of 50.00 feet to an existing chain link fence; thence run along said chain link fence in a Southwesterly direction for a distance of 120.55 feet more or less to the Point of Beginning. Containing 6,480 square feet more or less.


ALFRED E. CHRZAN


JAHALA R. CHRZAN

MONROE COUNTY
OFFICIAL RECORDS

This instrument prepared by and return to:

08/23/2006 3:27PM
DEED DOC STAMP CL: JENNIFER\$28,000.00

TIMOTHY NICHOLAS THOMES, ESQ.
TIMOTHY NICHOLAS THOMES, P. A.
99198 OVERSEAS HIGHWAY, SUITE #8
KEY LARGO, FL 33037

Doc# 1599568
BKN 2233 Pgn 82

Alternate Key Number: 1096962
Parcel Account Number: 00088060-000000

WARRANTY DEED

THIS WARRANTY DEED, made this 18th day of August, 2006,
between and WILLIAM ROBERT CULLEN, a married man, joined by TANYA
CULLEN, his wife, hereinafter called the Grantor, to NORTHSTAR RESORT
ENTERPRISES, INC., a Florida corporation, whose address is 9261 S. W. 140th
Street, Miami, Florida 33176, hereinafter called the Grantee:

WITNESSETH:

That said Grantor, for and in consideration of the sum of TEN AND
NO/100-----(\$10.00)-----DOLLARS, and other good and valuable
consideration, receipt of which is hereby acknowledged, hereby grants, bargains,
sells, aliens, remises, releases, conveys and confirms to the said Grantee all that
certain land and real property situate in Monroe County, State of Florida, viz:

*A part of Lots 4 and 8 in Section 32, Township 61 South, Range
39 East, and more particularly described as follows: Commencing at
a point where lot 8, Section 32, Township 61 South, Range 39
East, intersects the Northerly side of U.S. Highway #1 (formerly
Florida East Coast Railway Right-of-Way) and Woodward Way,
and from said point at an angle of 135° 15' 00" (136° 29' 00" -*

Measured) run Southwesterly 200.00 feet; thence at an angle of 53° 16' 29'', run Northwesterly 563.99 feet; thence run Northeasterly meandering along the water's edge 142.00 feet more or less; thence run S 49° 42' 13''E for 131.80 feet; thence run N89° 59' 00''E for 45.00 feet; thence run along Woodward Way Southeasterly a distance of 415.29 feet back to the place or Point of Beginning.

Containing 102,432.0 sq. feet /2.35 acres, more or less.

THIS PROPERTY IS NOT THE HOMESTEAD PROPERTY OF THE GRANTOR, NOR HAS IT EVER BEEN THE HOMESTEAD PROPERTY OF THE GRANTOR.

Subject to conditions, restrictions, limitations, covenants, easements for public utilities, all other matters of record, real estate taxes for subsequent years, and all applicable zoning regulations for the County of Monroe, State of Florida.

TOGETHER, with all 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 has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to the current year.

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

WITNESSES AS TO BOTH SIGNATURES:

[Signature]
(Witness #1 Signature)

[Signature]
WILLIAM ROBERT CULLEN
c/o Russell H. Cullen, Esq.
99228 Overseas Highway
Key Largo, FL 33037

Timothy N. Thorne
(Witness #1 Printed Name)

[Signature]
TANYA CULLEN
8 Woodward Way
Key Largo, FL 33037

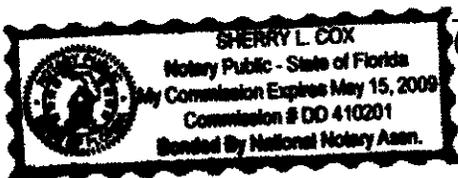
[Signature]
(Witness #2 Signature)

[Signature]
(Witness #2 Printed Name)
MICHAEL J. MARCH
STATE OF FLORIDA)
COUNTY OF MONROE)

I hereby certify that on this day before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared WILLIAM ROBERT CULLEN, a married man, joined by TANYA CULLEN, his wife, known to me to be the persons described in and who executed the foregoing instrument, who acknowledged before me that they executed the same, that I relied upon the following form of identification for the above named persons: Florida Driver's License; and that an oath was taken.

Witness my hand and official seal this
18 day of August, 2006.

NOTARY RUBBER STAMP SEAL
SHOWING COMMISSION NUMBER
AND EXPIRATION DATE:



[Signature]
(NOTARY SIGNATURE)

Sherry L Cox
Printed Notary Name

MONROE COUNTY
OFFICIAL RECORDS

This Instrument was Prepared by:
Virginia Pennell
Florida Title of the Keys, Inc
9910t Overseas Highway
Key Largo, Florida 33037

RCD Jun 21 2001 11:42AM
DANNY L KOLBAGE, CLERK

DEED DOC STAMPS 4550.00
06/21/2001 PP DEP CLK

Grantee S.S. No.:
Name: NORTHSTAR RESORT ENTERPRISES CORP.
Property Appraiser's Parcel Identification No.: 00088020-000000
Alternate Key No.: 1096920

[Space Above This Line for Recording Data]

WARRANTY DEED (STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 11th day of June, 2001 BETWEEN MICHAEL WEISBERG, whose post office address is 2217 B Lakeside Drive, Bannockburn, Illinois 60015, of the County of Lake, State of Illinois, grantor, and NORTHSTAR RESORT ENTERPRISES CORP., a Florida Corporation, whose post office address is 2100 Hollywood Blvd., Hollywood, Florida 33020, of the County of Franklin, State of Florida, grantee.

WITNESSETH, That said Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars 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:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Subject to taxes for the year 2001 not yet due and payable. Subject to all conditions, easements, restrictions and limitations of record, if any.

The property described on Exhibit "A" is commercial land and does not constitute the homestead of the of the grantor as he resides at 2217 B Lakeside Drive, Bannockburn, Illinois 60015, nor does it constitute the homestead of any member of his family, nor is it contiguous thereto.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever. "Grantor" and "grantee" are used for singular or plural, as context requires.

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

Signed, sealed and delivered in our presence:

[Signature]
Signature
Laura G. Hamers
Printed or Typed Name
Norman B. Duckinsgar
Signature
NORMAN B. DUCKINGGAR
Printed or Typed Name

[Signature] (Seal)
MICHAEL WEISBERG
2217 B Lakeside Drive, Bannockburn, Illinois 60015

STATE OF Illinois
COUNTY OF Lake

The foregoing instrument was acknowledged before me this 11th day of June, 2001 by MICHAEL WEISBERG who is personally known to me or has produced _____ as identification.

My Commission Expires: 07/21/03

[Signature]
Notary Public
Gabrielle Deanparvar
Printed, typed or stamped name



FILE #1241926
BK#1704 PG#2371

EXHIBIT "A"

FILE #01-F-106

A portion of Tract 8 and 12 in Section 32, Township 61 South, Range 39 East on Key Largo, according to MODEL LAND COMPANY PLAT, recorded in Plat Book 1, Page 88, of the Public Records of Monroe County, Florida more particularly described as follows:

From the intersection of the East line of said Tract 8 and the Northwesterly right of way line of the Overseas Highway, run South 43 degrees 20 minutes West along the said Northwesterly right of way line a distance of 520 feet to the Point of Beginning of the parcel of land hereinafter described; thence continue South 43 degrees 20 minutes West along the said Northwesterly right of way line a distance of 100 feet; thence North 10 degrees 07 minutes 32 seconds West a distance of 578 feet, more or less, to the shore of Buttonwood Sound; thence Northeasterly, meandering said shoreline a distance of 100 feet, more or less, to a point of intersection with a line which runs North 10 degrees 07 minutes 32 seconds West from the Point of Beginning; thence South 10 degrees 07 minutes 32 seconds East a distance of 569.5 feet, more or less to the Point of Beginning.


MICHAEL WEISBERG

MONROE COUNTY
OFFICIAL RECORDS

LEGAL DESCRIPTION

A portion of Tracts 4, 8 and 12 in Section 32, Township 61 South, Range 39 East, on Key Largo, according to Model Land Company's Plat recorded in Plat Book 1, Page 68, Public Records of Monroe County, Florida, more particularly described as follows: from the intersection of the East line of said Tract 8 and the Northwesterly right-of-way line of the Overseas Highway, run South 43 degrees, 20' West along said Northwesterly right-of-way line, a distance of 320 feet to the point of beginning of the parcel hereinafter described; thence continue South 43 degrees 20' West along said right-of-way line, a distance of 200 feet, thence North 10 degrees 07' 32" West a distance of 569.5 feet, more or less, to the shore of Buttonwood Sound, thence Northeasterly meandering said shore line, a distance of 200 feet, more or less, to a point of intersection with a line which runs North 10 degrees 07' 32" West from the point of beginning; thence South 10 degrees 07' 32" East, a distance of 569.5 feet, more or less to the point of beginning.

AND

Also that certain land better described and known as Lots 1 through 9, of Leitner's Subdivision, according to the Plat thereof, recorded in Plat Book 3 at Page 177, Public Records of Monroe County, Florida, (which said Plat has now been revoked and duly vacated), said above described Plat of Leitner's Subdivision also being commonly known as follows, to wit: Start at a point where Lot 8, Section 32, Township 61 South, Range 39 East, intersects the Northwesterly right-of-way line of U.S. Highway No. 1 (formerly F.E.C. right-of-way line) and the Northwest side of Woodward Way; thence at an angle of 135 degrees 15' Southwesterly, a distance of 200 feet to the point of beginning; thence (1) South 43 degrees 20' West along the Northwesterly right-of-way line of U.S. Highway No. 1, a distance of 120 feet; thence (2) North 10 degrees 07' 32" West to the water's edge of Buttonwood Sound, a distance of approximately 569.51 feet; thence (3) North 47 degrees 15' East, a distance of 120 feet; thence (4) South 9 degrees 46' 29" East, a distance of 563.06 feet to the Point of Beginning.

TOGETHER WITH all filled-in lands adjacent and abutting the above described property lying between the "Original Shoreline", as same is depicted on the Survey prepared by Arnold McClenithan dated June 30, 1993, and the current mean high water line of Buttonwood Sound.

MONROE COUNTY
OFFICIAL RECORDS

THIS INSTRUMENT WAS PREPARED BY:
STUART S. ROSENTHAL, ESQUIRE
404 East Atlantic Boulevard
Suite 101
Pompano Beach, FL 33060

MONROE COUNTY
OFFICIAL RECORDS

FILE # 1 2 3 8 7 3 9
BK# 1 7 0 0 PG# 1 7 9 8

RECORD AND RETURN TO:

RCD Jun 05 2001 03:38PM
DANNY L KOLHAGE, CLERK

DEED DOC STAMPS 3605.00
06/05/2001 10 DEP CLK

PROPERTY APPRAISER'S
PARCEL IDENTIFICATION
NUMBER _____

WARRANTY DEED
(STATUTORY FORM - section 689.02, F.S.)

THIS INDENTURE, made this 10 day of May, 2001,
BETWEEN

PUGLIESE FAMILY PARTNERSHIP, a Florida general partnership, by

PAULETTE PUGLIESE, TRUSTEE, UNDER AGREEMENT DATED THE 16TH DAY OF APRIL, 2001, "THE PAULETTE PUGLIESE RESTATEMENT OF REVOCABLE LIVING TRUST" which supersedes and replaces that certain Trust dated the 29th day of January, 1987 and amended the 23rd day of January 1997, with full power and authority either to protect, conserve and to sell, or to lease, or to encumber or otherwise manage and dispose of the real property described herein, whose address is 4573 N.W. Ninth Avenue, Pompano Beach, FL 33064

ROBERT PUGLIESE, TRUSTEE, UNDER AGREEMENT DATED THE 29TH DAY OF JANUARY, 1987, "THE ROBERT PUGLIESE REVOCABLE LIVING TRUST", with full power and authority either to protect, conserve and to sell, or to lease, or to encumber or otherwise manage and dispose of the real property described herein, whose address is 3025 Cormorant Road, Delray Beach, FL 33444

ROBERT PUGLIESE AND PAULETTE PUGLIESE, SUCCESSOR CO-TRUSTEES, UNDER AGREEMENT DATED THE 29TH DAY OF JANUARY, 1987, "THE FRANCES M. PUGLIESE REVOCABLE LIVING TRUST", with full power and authority either to protect, conserve and to sell, or to lease, or to encumber or otherwise manage and dispose of the real property described herein, whose addresses are as set forth above and

ROBERT PUGLIESE AND PAULETTE PUGLIESE, SUCCESSOR CO-TRUSTEES, UNDER AGREEMENT DATED THE 26TH DAY OF FEBRUARY, 1987, "THE SAM F. PUGLIESE REVOCABLE LIVING TRUST", with full power and authority either to protect, conserve and to sell, or to lease, or to encumber or otherwise manage and dispose of the real property described herein, whose addresses are as set forth above,

who constitute all of the partners of Pugliese Family Partnership, all hereinafter collectively Grantor, and

NORTH STAR RESORT ENTERPRISES CORP., a Florida corporation

whose next office address is 2100 Hollywood Blvd
Hollywood, FL 33020, hereinafter grantee.

WITNESSETH that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS, 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:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE.

SUBJECT TO zoning and/or restrictions and prohibitions imposed by governmental authority; restrictions, easements, and other matters appearing on the plat and/or common to the subdivision; and taxes for the year 2001.

GRANTORS herein hereby state that this property does not now and never has constituted their homestead. Further GRANTORS herein hereby state that the above described property is VACANT LAND and is not adjacent to nor contiguous with Grantors homesteads.

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

"Grantor" and "grantee" are used for singular or plural, as context requires.

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

Signed, sealed, and witnessed in the presence of:

Sign: [Signature]
Print: Leslie Tillman

Sign: [Signature]
Print: **SANDRA E TILLMAN**

Sign: [Signature]
Print: Leslie Tillman

Sign: [Signature]
Print: **SANDRA E TILLMAN**

x [Signature]
ROBERT PUGLIESE, TRUSTEE,
UNDER AGREEMENT DATED THE
29TH DAY OF JANUARY,
1987, "THE ROBERT PUGLIESE
REVOCABLE LIVING TRUST"

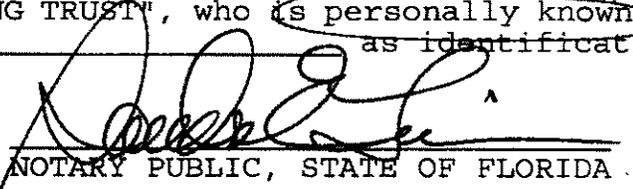
[Signature]
PAULETTE PUGLIESE, TRUSTEE,
UNDER AGREEMENT DATED THE 16TH
DAY OF APRIL, 2001,
"THE PAULETTE PUGLIESE
RESTATEMENT OF REVOCABLE LIVING
TRUST"

FILE # 1238739
BK # 1700
PG # 1799

STATE OF FLORIDA)
) §
COUNTY OF BROWARD)

FILE # 1 2 3 8 7 3 9
BK# 1 7 0 0 PG# 1 8 0 1

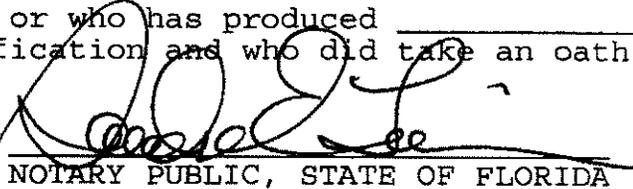
10th The foregoing instrument was acknowledged before me this day of May, 2001 by PAULETTE PUGLIESE, TRUSTEE, UNDER AGREEMENT DATED THE 16TH DAY OF APRIL, 2001, "THE PAULETTE PUGLIESE RESTATEMENT OF REVOCABLE LIVING TRUST", who is personally known to me or who has produced _____ as identification and who did take an oath.


NOTARY PUBLIC, STATE OF FLORIDA

(SEAL) OFFICIAL NOTARY SEAL
SANDRA E TILLMAN
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC747815
MY COMMISSION EXP. JUNE 25, 2002

STATE OF FLORIDA)
) §
COUNTY OF Broward)

10th The foregoing instrument was acknowledged before me this day of May, 2001 by ROBERT PUGLIESE and PAULETTE PUGLIESE, SUCCESSOR CO-TRUSTEES, UNDER AGREEMENT DATED THE 26TH DAY OF FEBRUARY, 1987, "THE SAM F. PUGLIESE REVOCABLE LIVING TRUST", who is personally known to me or who has produced _____ as identification and who did take an oath.

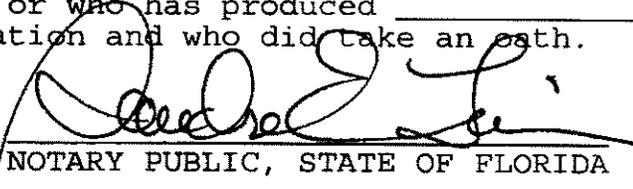

NOTARY PUBLIC, STATE OF FLORIDA

(SEAL)

STATE OF FLORIDA)
) §
COUNTY OF _____)

OFFICIAL NOTARY SEAL
SANDRA E TILLMAN
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC747815
MY COMMISSION EXP. JUNE 25, 2002

10th The foregoing instrument was acknowledged before me this day of May, 2001 by ROBERT PUGLIESE and PAULETTE PUGLIESE, SUCCESSOR CO-TRUSTEES, UNDER AGREEMENT DATED THE 29TH DAY OF JANUARY, 1987, "THE FRANCES M. PUGLIESE REVOCABLE LIVING TRUST", who is personally known to me or who has produced _____ as identification and who did take an oath.


NOTARY PUBLIC, STATE OF FLORIDA

(SEAL)

\\re\pugliese\northstr\docs

OFFICIAL NOTARY SEAL
SANDRA E TILLMAN
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC747815
MY COMMISSION EXP. JUNE 25, 2002

LEGAL DESCRIPTION

A portion of Lots 8 and 12, in Section 32, Township 61 South, Range 39 East, according to the Model Land Company Plat as recorded in Plat Book 1, at Page 68, of the Public Records of Monroe County, Florida, on Key Largo, being more particularly described as follows:

From the intersection of the East line of said Lot 8 and the Northwesterly R/W line of State Road No. 5 (former F.E.C.R.R.), thence proceed South 43 degrees 20 minutes West along said Northwesterly R/W line 620 feet to the Point of Beginning of the parcel hereinafter described; thence proceed North 10 degrees 7 minutes 32 seconds West, 576 feet more or less to the Mean High Tide Line of Buttonwood Sound; thence meander said Mean High Tide Line in a Southwesterly direction, 135 feet more or less to the West line of Lots 8 and 12; thence proceed South 2 degrees 00 minutes East, along said West line of Lots 8 and 12, 706 feet more or less to said Northwesterly R/W line; thence proceed North 43 degrees 20 minutes East along said Northwesterly R/W line 286.50 feet to the Point of Beginning.

MONROE COUNTY
OFFICIAL RECORDS

Prepared by ~~and return to:~~

Ivonne A. Montero
Legal Assistant
Grueninger and Pujol, P.A.
3191 Coral Way Suite 1005
Miami, FL 33145
305-444-7442
File Number: 04-1176
Will Call No.:

RCD May 24 2004 11:55AM
DANNY L KOLHAGE, CLERK

DEED DOC STAMPS 0.70
05/24/2004 DEP CLK

[Space Above This Line For Recording Data]

Quit Claim Deed

This Quit Claim Deed made this 17th day of May, 2004 between Florida Shoreline Realty Corporation, a Florida corporation whose post office address is 3191 Coral Way Ste. 1005, Miami, FL 33145, grantor, and Northstar Resort Enterprises Corp., a Florida corporation whose post office address is 9261 S.W. 140th Street, Miami, FL 33176, 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 TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim to the said grantee, and grantee's heirs and assigns forever, all the right, title, interest, claim and demand which grantor has in and to the following described land, situate, lying and being in Monroe County, Florida to-wit:

See Exhibit "A" attached hereto and made a part hereof as if fully set forth herein.

Subject to taxes for 2004 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

To Have and to Hold, the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of grantors, either in law or equity, for the use, benefit and profit of the said grantee forever.

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

PLEASE RETURN TO:
FRANCIS X. CASTORO, P.A.
2100 HOLLYWOOD BOULEVARD
HOLLYWOOD, FLORIDA 33020
TEL.: (954) 922-0605

Signed, sealed and delivered in our presence:

[Signature]
Witness Name: Ferd Castro

[Signature]
Witness Name: Ivonne Montero

Florida Shoreline Realty Corporation, a Florida corporation

By: [Signature]
Joe L. Pujol, Director

(Corporate Seal)

State of Florida
County of Miami-Dade

The foregoing instrument was acknowledged before me this 17th day of May, 2004 by Joe L. Pujol of Florida Shoreline Realty Corporation, 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: _____

My Commission Expires: _____

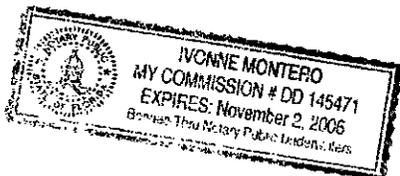


EXHIBIT A
LEGAL DESCRIPTION

FILE #1 4 4 6 1 7 3
BK# 2 0 0 7 PG# 1 2 4 5

A parcel of land on Key Largo, Monroe County, Florida, being part of the east 75 feet of Lots 9 and 11, and part of the west 45 feet of the east 120 feet of Lots 9 and 11, all as recorded in Plat Book 1 at Page 68 of the public records of Monroe County, Florida; and being more particularly described as follows:

PARCEL #1: Commence at the intersection of the east line of El Dorado Heights subdivision as recorded in Plat Book 1 at Page 203 of the public records of Monroe County, Florida with the south line of Lot 9, Block 3 of said subdivision, said south line being also the northwest right of way line of State Road No.5 (US Highway No. 1) 100 feet northwest of the centerline of said highway; run thence NO 2°00'43"W along said east line of said El Dorado Heights Subdivision for a distance of 337.91 feet to the Point of Beginning of the hereindescribed parcel; from said Point of Beginning, continue NO 2°00'43" W along said east line of said El Dorado Heights for a distance of 337 feet more or less to the shoreline of Buttonwood Sound; thence meander said shoreline in a northeasterly direction for a distance of 188 feet more or less to an intersection with the east line of the said Lot 9, Plat Book 1, Page 68; thence run SO 2°00'00"E along said east line of said Lot 9 and along the east line of said Lot 11, Plat Book 1, Page 68, for a distance of 444 feet more or less to a point on the said east line of the said Lot 11, said point being at right angles with Point of Beginning of the hereindescribed parcel; thence run S 88°00'00"W at right angles with the previously described course for a distance of 120.34 feet to the Point of Beginning of the hereindescribed parcel. Containing 48,560 Square Feet more or less; AND

PARCEL #2: Lot 3, Block 3, El Dorado Heights, less the south 50.0 feet thereof, according to the plat thereof recorded in Plat Book 1 at Page 203 of the public records of Monroe County, Florida. Containing 1,875 Square Feet more or less; AND

PARCEL #3: An ingress and egress easement over and across the following described parcels: The south 50.0 feet of Lot 3, Block 3, El Dorado Heights, according to the plat thereof recorded in Plat Book 1 at Page 203 of the public records of Monroe County, Florida; Containing 3749 square feet more or less; AND:

Commence at the intersection of the easterly line of El Dorado Heights subdivision with the southerly line of Lot 9, Block 3 of said El Dorado Heights according to the plat thereof recorded in Plat Book 1 at Page 203 of the public records of Monroe County, Florida, said southerly line being also the northwesterly right of way line of State Road No. 5 (US Highway No. 1) 100 feet northwesterly of centerline of said State Road No 5. From said Point of Commencement, run thence N 02°00'43" W along said easterly line of said El Dorado Heights for a distance of 280.2 feet more or less to an existing chain link fence and the Point of Beginning of the hereindescribed parcel of land. From said Point of Beginning, continue N 02°00'43"W along said easterly line of said El Dorado Heights for a distance of 57.71 feet to a point; thence run N 88°00'00"E for a distance of 120.34 feet to a right angle intersection with the easterly line of Lot 11, according to the plat recorded in Plat Book 1 at Page 68 of the public records of Monroe County, Florida; thence run S 02°00'00" E along said easterly line of said Lot 11 for a distance of 50.00 feet to an existing chain link fence; thence run along said chain link fence in a southwesterly direction for a distance of 120.55 feet more or less to the Point of Beginning.

Containing 6,480 square feet more or less

MONROE COUNTY
OFFICIAL RECORDS

Prepared by and return to:
Ivonne A. Montero
Legal Assistant
Grueninger and Pujol, P.A.
3191 Coral Way Suite 1005
Miami, FL 33145
305-444-7442
File Number: 04-1176
Will Call No.:

RCD May 24 2004 11:55AM
DANNY L KOLHAGE, CLERK

DEED DOC STAMP 0.70
05/24/2004 DEP CLR

[Space Above This Line For Recording Data]

Quit Claim Deed

This Quit Claim Deed made this 17th day of May, 2004 between **Orlando Rodriguez, a single man, ,** whose post office address is **21200 S.W. 184th Place Miami, Florida 33187,** grantor, and **Northstar Resort Enterprises Corp., a Florida corporation** whose post office address is **9261 S.W. 140th Street, Miami, FL 33176,** 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 **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable consideration to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, does hereby remise, release, and quitclaim to the said grantee, and grantee's heirs and assigns forever, all the right, title, interest, claim and demand which grantor has in and to the following described land, situate, lying and being in **Monroe County, Florida** to-wit:

See Exhibit "A" attached hereto and made a part hereof as if fully set forth herein.

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property. Grantor's residence and homestead address is: **21200 S.W. 184th Place Miami, Florida 33187**

Subject to taxes for 2004 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

To Have and to Hold, the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of grantors, either in law or equity, for the use, benefit and profit of the said grantee forever.

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

PLEASE RETURN TO:
FRANCIS X. CASTORO, P.A.
2100 HOLLYWOOD BOULEVARD
HOLLYWOOD, FLORIDA 33020
TEL: (954) 922-0805

Signed, sealed and delivered in our presence:

FILE #1446172
BK#2007 PG#1241

[Signature]
Witness Name: FRANK CASTRO

[Signature]
Orlando Rodriguez

[Signature]
Witness Name: IVONNE MONTERO

State of Florida
County of Miami-Dade

The foregoing instrument was acknowledged before me this 17 day of May, 2004 by Orlando Rodriguez, on behalf of the corporation. They is personally known to me or has produced a driver's license as identification.

[Notary Seal]

[Signature]
Notary Public

Printed Name: _____

My Commission Expires: _____

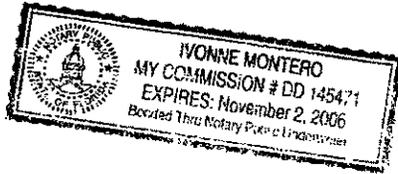


EXHIBIT A
LEGAL DESCRIPTION

A parcel of land on Key Largo, Monroe County, Florida, being part of the east 75 feet of Lots 9 and 11, and part of the west 45 feet of the east 120 feet of Lots 9 and 11, all as recorded in Plat Book 1 at Page 68 of the public records of Monroe County, Florida; and being more particularly described as follows:

PARCEL #1: Commence at the intersection of the east line of El Dorado Heights subdivision as recorded in Plat Book 1 at Page 203 of the public records of Monroe County, Florida with the south line of Lot 9, Block 3 of said subdivision, said south line being also the northwest right of way line of State Road No.5 (US Highway No. 1) 100 feet northwest of the centerline of said highway; run thence $NO\ 2^{\circ}00'43''W$ along said east line of said El Dorado Heights Subdivision for a distance of 337.91 feet to the Point of Beginning of the hereindescribed parcel; from said Point of Beginning, continue $NO\ 2^{\circ}00'43''W$ along said east line of said El Dorado Heights for a distance of 337 feet more or less to the shoreline of Buttonwood Sound; thence meander said shoreline in a northeasterly direction for a distance of 188 feet more or less to an intersection with the east line of the said Lot 9, Plat Book 1, Page 68; thence run $SO\ 2^{\circ}00'00''E$ along said east line of said Lot 9 and along the east line of said Lot 11, Plat Book 1, Page 68, for a distance of 444 feet more or less to a point on the said east line of the said Lot 11, said point being at right angles with Point of Beginning of the hereindescribed parcel; thence run $S\ 88^{\circ}00'00''W$ at right angles with the previously described course for a distance of 120.34 feet to the Point of Beginning of the hereindescribed parcel. Containing 48,560 Square Feet more or less; AND

PARCEL #2: Lot 3, Block 3, El Dorado Heights, less the south 50.0 feet thereof, according to the plat thereof recorded in Plat Book 1 at Page 203 of the public records of Monroe County, Florida. Containing 1,875 Square Feet more or less; AND

PARCEL 3: An ingress and egress easement over and across the following described parcels: The south 50.0 feet of Lot 3, Block 3, El Dorado Heights, according to the plat thereof recorded in Plat Book 1 at Page 203 of the public records of Monroe County, Florida; Containing 3749 square feet more or less; AND:

Commence at the intersection of the easterly line of El Dorado Heights subdivision with the southerly line of Lot 9, Block 3 of said El Dorado Heights according to the plat thereof recorded in Plat Book 1 at Page 203 of the public records of Monroe County, Florida, said southerly line being also the northwesterly right of way line of State Road No. 5 (US Highway No. 1) 100 feet northwesterly of centerline of said State Road No 5. From said Point of Commencement, run thence $N\ 02^{\circ}00'43''W$ along said easterly line of said El Dorado Heights for a distance of 280.2 feet more or less to an existing chain link fence and the Point of Beginning of the hereindescribed parcel of land. From said Point of Beginning, continue $N\ 02^{\circ}00'43''W$ along said easterly line of said El Dorado Heights for a distance of 57.71 feet to a point; thence run $N\ 88^{\circ}00'00''E$ for a distance of 120.34 feet to a right angle intersection with the easterly line of Lot 11, according to the plat recorded in Plat Book 1 at Page 68 of the public records of Monroe County, Florida; thence run $S\ 02^{\circ}00'00''E$ along said easterly line of said Lot 11 for a distance of 50.00 feet to an existing chain link fence; thence run along said chain link fence in a southwesterly direction for a distance of 120.55 feet more or less to the Point of Beginning.

Containing 6,480 square feet more or less

PREPARED BY:

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

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

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

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

DEED DOC STAMPS 31500.00
05/30/2003 DEP CLK

Warranty Deed

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

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

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

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

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

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

AND ALSO:

A portion of Lots 12 and 13, Section 6, Township 61 South, Range 40 East, according to survey made by P.F. Jenkins and recorded in Plat Book 1, Page 68 of the Public Records of Monroe County, Florida and being more particularly described as follows:

Commence at the Southeast corner of said Lot 13; thence in a Westerly direction along the South boundary line of said Lot 13, South 89 degrees 04'38" West, a distance of 331.48 feet; thence North 00 degrees 40'47" West, a distance of 381.69 feet to a point of

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

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

Signed, sealed and delivered in our presence:

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

Shelley F. Pelcher
Printed Name: Shelley F. Pelcher
Witness

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

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

STATE OF Florida
COUNTY OF Monroe

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

Robin R. Gedin
Printed Name:
Notary Public
My Commission Expires
Robin R. Gedin
MY COMMISSION # DD178891 EXPIRES
April 1, 2007
BONDED THRU TROY FARM INSURANCE, INC.

Warranty Deed - Page 2

Parcel ID Number:

FILE #1373136
BK#1892 PG#1785

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

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

MONROE COUNTY
OFFICIAL RECORDS

From: Haberman-Joe [Haberman-Joe@monroecounty-fl.gov]
Sent: Monday, April 06, 2009 4:30 PM
To: Joel Reed
Cc: Schwab-Townsley
Subject: Planning Commission Resolution P02-07 Timeline/Deadline

Joel,

Please accept this email as a response to your March 18, 2009 request for the effective/approval date of Resolution P02-07 and a compliance date.

I have researched the history and determined the following:

**Planning Commission Resolution P02-07 Timeline
(Northstar Resort Enterprises Corp. Major Conditional Use Permit)**

Date of Public Hearing: 07/26/2006
Date of Signed Resolution: 01/24/2007
Date of Resolution Recording: 04/02/2007
Date of 6 Month Building Permit Application: 10/02/2007
(Required from 04/02/2007 to 10/02/2007):
Date of First Building Permit Application: 04/25/2007
Date First Building Permit Was Issued: 6/22/2007
Conditional Use Permit Expiration: 6/22/2009

Please let me know if you have any questions, Joe

Attachment:

The following table organizes building permits by date issued (only since the public hearing on July 26, 2006):

RE 00087940.000000:

| Permit No. | Date Applied | Date Issued | Description |
|------------|--------------|-------------|--|
| 073-0822 | 02-21-2007 | Voided | Electric |
| 073-0567 | 02-05-2007 | 03-05-2007 | Re-roof building |
| 073-0307 | 01-19-2007 | 02-20-2007 | Renovate interior and exterior of building |

RE 00087940.000100: None on file from 2006 to present.

RE 00087970.000100: None on file from 2006 to present.

RE 00088020.000000 (Current RE Number, all others aggregated with):

| Permit No. | Date Applied | Date Issued | Description |
|------------|--------------|-------------|---------------------------------|
| 093-0665 | 02-26-2009 | | Construct building (Building 2) |
| 093-0664 | 02-26-2009 | | Construct building (Building 3) |
| 093-0663 | 02-26-2009 | | Construct building (Building 4) |
| 093-0662 | 02-26-2009 | | Construct building (Building 5) |
| 093-0661 | 02-26-2009 | | Construct building (Building 6) |
| 093-0660 | 02-26-2009 | | Construct building (Building 7) |
| 093-0659 | 02-26-2009 | | Construct building (Building 8) |
| 093-0658 | 02-26-2009 | | Construct building (Building 9) |

| | | | |
|----------|------------|------------|----------------------------------|
| 093-0657 | 02-26-2009 | | Construct building (Building 10) |
| 093-0656 | 02-26-2009 | | Construct building (Building 11) |
| 093-0655 | 02-26-2009 | | Construct building (Building 12) |
| 093-0654 | 02-26-2009 | | Construct building (Building 13) |
| 093-0653 | 02-26-2009 | | Construct building (Building 14) |
| 083-3797 | 10-22-2008 | 12-16-2008 | Demolish CBS house |
| 083-3517 | 09-30-2008 | | Construct building (Building 1) |
| 083-3516 | 09-30-2008 | 03-19-2009 | Site work |
| 083-3501 | 09-29-2008 | 10-01-2008 | Relocate trees |
| 083-3128 | 08-27-2008 | 09-03-2008 | Trim trees |
| 083-2684 | 07-23-2008 | 07-23-2008 | Remove trees |
| 083-2198 | 06-12-2008 | | Dock and shoreline repair |
| 083-1458 | 04-17-2008 | Voided | Remove and relocate trees |
| 063-5681 | 09-27-2006 | 10-25-2006 | Demolish structure |
| 063-4605 | 07-27-2006 | 08-24-2006 | Electric repair |

RE 00088030.000000:

| <i>Permit No.</i> | <i>Date Applied</i> | <i>Date Issued</i> | <i>Description</i> |
|-------------------|---------------------|--------------------|------------------------------|
| 083-1460 | 04-17-2008 | Voided | Remove and relocate trees |
| 073-5004 | 11-26-2007 | 12-07-2007 | Temporary Fence |
| 073-4129 | 09-20-2007 | 10-30-2007 | Demolish building |
| 073-1866 | 04-25-2007 | 06-22-2007 | Demolish multiple structures |

RE 00088040.000000:

| <i>Permit No.</i> | <i>Date Applied</i> | <i>Date Issued</i> | <i>Description</i> |
|-------------------|---------------------|--------------------|---------------------------|
| 083-1459 | 04-17-2008 | Voided | Remove and relocate trees |
| 073-4130 | 09-20-2007 | 10-30-2007 | Demolish building |

RE 00087950.000000: None on file.

RE 00088060.000000:

| <i>Permit No.</i> | <i>Date Applied</i> | <i>Date Issued</i> | <i>Description</i> |
|-------------------|---------------------|--------------------|------------------------|
| 073-2559 | 06-12-2007 | 08-16-2007 | Demolish miscellaneous |

RE 00566430.000000: None on file.

RE 00088060-000100 (not shown on resolution):

| <i>Permit No.</i> | <i>Date Applied</i> | <i>Date Issued</i> | <i>Description</i> |
|-------------------|---------------------|--------------------|--------------------|
| 073-4131 | 09-20-2007 | 11-06-2007 | Demolish structure |

Joseph E. Haberman, AICP
Principal Planner

monroe county
planning & environmental resources department
2798 overseas highway. suite 400
marathon, florida 33050
305.289.2532



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Planning Commission
Through: Townsley Schwab, Senior Director of Planning & Environmental Resources
From: Joseph Haberman, Principal Planner 
Date: July 6, 2009
Subject: *Request for a Time Extension to a Major Conditional Use Permit, approved under Planning Commission Resolution No. P02-07, Northstar Resort Enterprises Corp. Property, 99060 Overseas Highway, Key Largo, mile marker 99*

Meeting: July 22, 2009

1 I REQUEST:
2

3 The applicant is requesting a one (1) year extension to Planning Commission Resolution No.
4 P02-07 (see attached). P02-07 served as an amendment to Planning Commission Resolution
5 No. P47-03 and approved the development of a resort hotel with 138 transient units, a 4,910
6 ft² restaurant, two tiki bars, tiki huts, a maintenance building, offices and an affordable
7 housing unit.
8



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

1 Location:

2 Address: 99060 Overseas Highway (US 1), Key Largo, mile marker 99 (bayside)

3
4
5 Legal Description: A portion of lots 4, 8, 9, 11 and 12 in Section 32, Township 61 South,
6 Range 39 East (PB1-68) and Block 3, Lot 3, El Dorado Heights (PB1-203), Key Largo,
7 Monroe County, Florida

8
9 Real Estate (RE) Numbers (*as shown on P02-07*): 00566430.000000, 00087940.000000,
10 00087940.000100, 00087970.000100, 00088020.000000, 00088030.000000,
11 00088040.000000, 0088060.000000 & 00087950.000000

12
13 Real Estate (RE) Number (*current*): 00088020.000000

14 Applicant:

15
16 Owner: Northstar Resort Enterprises Corp.

17
18 Agent: Joel Reed, Soleria Design & Consulting Co.

19
20 II RELEVANT PRIOR COUNTY ACTIONS:

21
22 Resolution No. P47-03 was approved by the Planning Commission at a public hearing on
23 June 25, 2003 and signed by the Planning Commission Chair on September 10, 2003. P47-
24 03 approved a major conditional use permit to construct a resort hotel on the site with 89
25 transient units, 8,158 ft² of commercial floor area and amenities.

26
27 Resolution No. P56-03 was approved by the Planning Commission at a public hearing on
28 September 24, 2003 and signed by the Planning Commission Chair on October 22, 2003.
29 P56-03 approved a request to transfer 77 transient residential ROGO exemptions from the
30 Florida Keys RV Park to the site.

31
32 Development Order No. 4-04, signed by the Director of Planning & Environmental
33 Resources on June 29, 2004 and recorded on August 17, 2004, approved a minor conditional
34 use permit establishing 47 permanent residential ROGO exemptions from the site as eligible
35 for transference off-site.

36
37 Resolution No. P02-07, the resolution currently in effect, was approved by the Planning
38 Commission at a public hearing on July 26, 2006, signed by the Planning Commission Chair
39 on January 24, 2007 and recorded in the official records of the Monroe County Clerk on
40 April 2, 2007.

41
42 Since April 2, 2007, the property owner has applied for and received several building permits
43 in order to carry out the scope of work approved under the minor conditional use permit.
44 However, not all of work under the issued building permits was carried out. The site remains
45 under construction.

The following table organizes building permits by date issued (only since the public hearing on July 26, 2006):

RE 00087940.000000:

| Permit No. | Date Applied | Date Issued | Description |
|------------|--------------|-------------|--|
| 073-0822 | 02-21-2007 | Voided | Electric |
| 073-0567 | 02-05-2007 | 03-05-2007 | Re-roof building |
| 073-0307 | 01-19-2007 | 02-20-2007 | Renovate interior and exterior of building |

RE 00087940.000100:

None on file from 2006 to present.

RE 00087970.000100:

None on file from 2006 to present.

RE 00088020.000000 (Current RE Number, all others aggregated with):

| Permit No. | Date Applied | Date Issued | Description |
|------------|--------------|-------------|----------------------------------|
| 093-0665 | 02-26-2009 | | Construct building (Building 2) |
| 093-0664 | 02-26-2009 | | Construct building (Building 3) |
| 093-0663 | 02-26-2009 | | Construct building (Building 4) |
| 093-0662 | 02-26-2009 | | Construct building (Building 5) |
| 093-0661 | 02-26-2009 | | Construct building (Building 6) |
| 093-0660 | 02-26-2009 | | Construct building (Building 7) |
| 093-0659 | 02-26-2009 | | Construct building (Building 8) |
| 093-0658 | 02-26-2009 | | Construct building (Building 9) |
| 093-0657 | 02-26-2009 | | Construct building (Building 10) |
| 093-0656 | 02-26-2009 | | Construct building (Building 11) |
| 093-0655 | 02-26-2009 | | Construct building (Building 12) |
| 093-0654 | 02-26-2009 | | Construct building (Building 13) |
| 093-0653 | 02-26-2009 | | Construct building (Building 14) |
| 083-3797 | 10-22-2008 | 12-16-2008 | Demolish CBS house |
| 083-3517 | 09-30-2008 | | Construct building (Building 1) |
| 083-3516 | 09-30-2008 | 03-19-2009 | Site work |
| 083-3501 | 09-29-2008 | 10-01-2008 | Relocate trees |
| 083-3128 | 08-27-2008 | 09-03-2008 | Trim trees |
| 083-2684 | 07-23-2008 | 07-23-2008 | Remove trees |
| 083-2198 | 06-12-2008 | | Dock and shoreline repair |
| 083-1458 | 04-17-2008 | Voided | Remove and relocate trees |
| 063-5681 | 09-27-2006 | 10-25-2006 | Demolish structure |
| 063-4605 | 07-27-2006 | 08-24-2006 | Electric repair |

RE 00088030.000000:

| Permit No. | Date Applied | Date Issued | Description |
|------------|--------------|-------------|------------------------------|
| 083-1460 | 04-17-2008 | Voided | Remove and relocate trees |
| 073-5004 | 11-26-2007 | 12-07-2007 | Temporary Fence |
| 073-4129 | 09-20-2007 | 10-30-2007 | Demolish building |
| 073-1866 | 04-25-2007 | 06-22-2007 | Demolish multiple structures |

RE 00088040.000000:

| <i>Permit No.</i> | <i>Date Applied</i> | <i>Date Issued</i> | <i>Description</i> |
|-------------------|---------------------|--------------------|---------------------------|
| 083-1459 | 04-17-2008 | Voided | Remove and relocate trees |
| 073-4130 | 09-20-2007 | 10-30-2007 | Demolish building |

RE 00087950.000000:

None on file.

RE 00088060.000000:

| <i>Permit No.</i> | <i>Date Applied</i> | <i>Date Issued</i> | <i>Description</i> |
|-------------------|---------------------|--------------------|------------------------|
| 073-2559 | 06-12-2007 | 08-16-2007 | Demolish miscellaneous |

RE 00566430.000000:

None on file.

RE 00088060-000100 (incorrectly not shown on resolution):

| <i>Permit No.</i> | <i>Date Applied</i> | <i>Date Issued</i> | <i>Description</i> |
|-------------------|---------------------|--------------------|--------------------|
| 073-4131 | 09-20-2007 | 11-06-2007 | Demolish structure |

III BACKGROUND INFORMATION:

- A. Size of Site: 11.67 acres
- B. Land Use District: Suburban Commercial (SC)
- C. Future Land Use Map (FLUM) Designation: Mixed Use / Commercial (MC)
- D. Tier Designation: Tier 3
- E. Existing Use: Transient Residential (under construction)
- F. Existing Vegetation / Habitat: Scarified with areas of mangrove and native trees
- G. Community Character of Immediate Vicinity: Mixed Use – Residential and Commercial

IV REVIEW OF APPLICATION:

Pursuant to MCC §110-73(a)(1), unless otherwise specified in the approved conditional use approval, application for a building permit(s) shall be made within six (6) months of the date of the approval of the conditional use, and all required certificates of occupancy shall be procured within two (2) years of the date of issuance of the initial building permit, or the conditional use approval shall become null and void with no further action required by the county. Approval time frames do not change with successive owners. An extension of time may be granted only by the Planning Commission for a period not to exceed one (1) year and only within the original period of validity. When a hearing officer has ordered a conditional use approval initially denied by the Planning Commission, the commission shall nonetheless have the authority to grant or deny a time extension.

P02-07 was recorded on April 2, 2007. An application for a building permit was required by October 2, 2007. The property owner applied for the initial building permit on April 25, 2007. The first building permit was issued on June 22, 2007.

1 The property owner has two (2) years to acquire all certificates of occupancy from the date
2 of the initial building permit's issuance. Consequently, all required certificates of occupancy
3 are required by June 22, 2009.
4

5 The applicant is requesting a one year extension. Staff has found that the request does not
6 exceed one (1) year and P02-07 was within its original period of validity when the
7 application for a time extension was submitted. Therefore, the required criteria have been
8 met.
9

10 Regarding rationale for a time extension, the applicant asserts that the permitting process has
11 taken longer than expected at the local, state and federal levels due to size and scope of the
12 project.
13

14 Staff has determined that the property owner has exhibited progress in carrying out the
15 development. Permits to demolish existing structures have been issued and the work carried
16 out. Permits to construct new structures have been submitted; however work has stalled
17 presumably due to reasons provided by the applicant.
18

19 **V RECOMMENDATION:**
20

21 Staff recommends APPROVAL to the Planning Commission with the following conditions:
22

- 23 A. Planning Commission Resolution No. P02-07 is hereby extended for one (1) year, to
24 provide a new expiration date of June 22, 2010.
25 B. All other provisions and conditions of Planning Commission Resolution No. P02-07 shall
26 be met.

File #: 29046

Owner's Name: Winterling Campground

Agent: David DeHaas

Type of Application: Amendment to a Major Cond. Use

Key: Big Pine Key

RE #: 00110730-000000

Additional Information added to File 29046

End of Additional Information For File 29046

WINTERLING
CAMPGROUND

AMENDMENT TO A MAJOR
CONDITONAL USE



detHaas

Consulting & Design

David detHaas Grosseck
305.852.9851 fax: 305.852.4138

WINTERLING CAMPGROUND TABLE OF CONTENTS

CONDITONAL USE APPLCATION

LETTER OF AUTHORIZATION

PROPERTY INFORMATION / PROOF OF OWNERSHIP

LETTER OF UNDERSTANDING FROM MONROE COUNTY

ENVIRONMENTAL IMPACT SURVEY

TRAFFIC INFORMATION SHEETS

LETTERS OF COORDINATION

CONCEPTUAL STORMWATER DRAINAGE PLAN

PHOTOS

APPLICATION
MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT



Request for a Major Conditional Use Permit / Amendment to a Major Conditional Use Permit

Monroe County Code §§ 9.5-69 & 9.5-73

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

Major Conditional Use Permit Application Fee: \$10,014.00

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

Technology Fee: \$20.00

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

Property Owner:

Name Winterling
9626 Geret Rd.
Perry Hall Md. 21128
Mailing Address (Street, City, State, Zip Code)

Daytime Phone _____
410-251-7919
Email Address _____

Agent (if applicable):

Name David deHaas
88975 0/5 Hwy.
Tavernier FL 33470
Mailing Address (Street, City, State, Zip Code)

852-9851
Daytime Phone _____
dehaas@bellsouth.net
Email Address _____

Legal Description of Property:

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

Sec. 25, Twn. 66, Range 29, Big Pine Key Pt Lot 4
Block _____ Lot _____ Subdivision _____ Key _____
00110730-000000 _____ 1131156
Real Estate (RE) Number _____ Alternate Key Number _____
31875 0/5 Hwy _____ 31.8
Street Address (Street, City, State, Zip Code) _____ Approximate Mile Marker _____



APPLICATION

Land Use District Designation(s): SR Suburban Res.

Present Land Use of the Property: Camping, RU, Residence

Proposed Land Use of the Property: Camping, RU, Residence

Total Land Area: 151,746 Sq. ft. = 3.48 a.

If non-residential or commercial floor area is proposed, please provide:

_____ Total number of non-residential buildings

_____ Total non-residential floor area in square feet

If residential dwelling units are proposed, please provide:

1 Total number of residential buildings

_____ Total number of permanent, market-rate units

_____ Total number of permanent, affordable / employee housing units

15 Total number of transient units (hotel rooms, recreational vehicle / campground spaces)

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

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

- Complete major conditional use permit application (unaltered and unbound);
- Correct fee (check or money order to Monroe County Planning & Environmental Resources);
- Proof of ownership (i.e. Warranty Deed);
- Current Property Record Card(s) from the Monroe County Property Appraiser;
- Location map;
- Photograph(s) of site from adjacent roadway(s);
- Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – sixteen (16) sets (at a minimum, survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage by land use district; and total acreage by habitat);
- Written description of project;
- Environmental Designation Survey (prepared in accordance with Monroe County Code §9.5-69(a)(2));
- Community Impact Statement (prepared in accordance with Monroe County Code §9.5-69(a)(2));
- 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 Director of Planning authorizes a different scale). At a minimum, the site plan should include the following:

APPLICATION

- Date, north point and graphic scale;
 - Boundary lines of site, including all property lines and mean high-water lines;
 - Land use district of site and any adjacent land use districts;
 - Flood zones pursuant to the Flood Insurance Rate Map(s);
 - Locations and dimensions of all existing and proposed structures and drives;
 - Type of ground cover (i.e. concrete, asphalt, grass, rock);
 - Adjacent roadways;
 - Setbacks as required by the land development regulations;
 - Location and dimensions of all parking spaces (including handicap accessible, bicycle and scooter) and loading zones;
 - Calculations for open space ratios, floor area ratios, residential density and parking;
 - Location and type of outdoor lighting;
 - Extent and area of wetlands, open space areas and landscape areas;
 - Location of solid waste storage;
 - Location of sewage treatment facilities;
 - Location of existing and proposed fire hydrants or fire wells;
- Floor Plans for all proposed structures and for any existing structures to be redeveloped – sixteen (16) sets** (drawn at an appropriate standard architectural scale and including handicap accessibility features);
- Elevations for all proposed structures and for any existing structures to be modified – sixteen (16) sets** (with the elevations of the following features referenced to NGVD: existing grade; finished grade; finished floor elevations (lowest supporting beam for V-zone development); roofline; and highest point of the structure);
- Landscape Plan by a Florida registered landscape architect – sixteen (16) sets** (may be shown on the site plan; however, if a separate plan, must drawn to a scale of 1 inch equals 20 feet, except where impractical and the Director of Planning authorizes a different scale). At a minimum, the landscaping plan should include the following:
- Date, north point and graphic scale;
 - Boundary lines of site, including all property lines and mean high-water lines;
 - Locations and dimensions of all existing and proposed structures and drives;
 - Open space preservation areas;
 - Existing natural features;
 - Size and type of buffer yards including the species, size and number of plants;
 - Parking lot landscaping including the species, size and number of plants;
 - Specimen trees, or threatened and endangered plants to be retained and those to be relocated or replaced;
 - Transplantation plan (if required);
- Conceptual Drainage Plan – sixteen (16) sets** (with drainage calculations; existing and proposed topography; all drainage structures; retention areas; drainage swales; and existing and proposed permeable and impermeable areas;
- Traffic Study, prepared by a licensed traffic engineer;**
- Construction Management Plan**, stating how impacts on near shore water and surrounding property will be managed (i.e. construction barriers, hay bales, flagging);
- Typed name and address mailing labels of all property owners within a 300 foot radius of the property.** This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 300 foot radius, each unit owner must be included;

APPLICATION

Letters of Coordination are required from the following:

- Florida Keys Aqueduct Authority (FKAA);
- Florida Keys Electric Cooperative (FKEC) or Keys Energy Services;
- Monroe County Office of the Fire Marshal;
- Monroe County Engineering Division;
- Monroe County Health Department;
- Monroe County Solid Waste Management;
- Florida Department of Health if wastewater flows are less than or equal to 5,000 gallons per day or Florida Department of Environmental Protection if wastewater flows exceed 5,000 gallons per day;

If applicable, the following 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)
- Vegetation Survey or Habitat Evaluation Index (please contact Monroe County Environmental Resources prior to application submittal to determine if this documentation is necessary)
- Construction Phasing Plan
- Additional Letters of Coordination may be required for your project, please contact with the Planning & Environmental Resources Department to identify other agencies expected to review the project. Other agencies may include, but are not limited to:

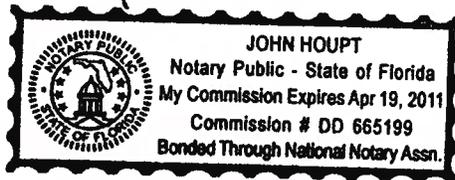
- Key Largo Wastewater Treatment District (KLWTD)
- South Florida Water Management District (SFWMD)
- Florida Department of Transportation (FDOT)
- Florida Department of Environmental Protection (FDEP)
- Florida Department of State, Division of Historic Resources
- Florida Game and Freshwater Fish Commission (FGFFC)
- U.S. Army Corps of Engineers (ACOE)
- U.S. Fish and Wildlife Service (USFW)

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

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

Signature of Applicant: [Signature] Date: 4/6/09

Sworn before me this 6 day of APRIL 2009



[Signature]
Notary Public

My Commission Expires 19 APRIL 2011

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

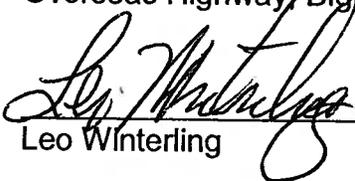
Planning Department
Monroe County
Florida

Letter of Authorization

To Whom It May Concern:

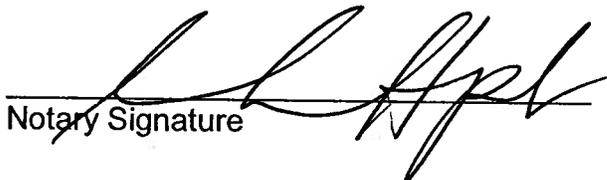
This shall act as a letter of authorization for David deHaas to act as our agent for the purpose of submitting and the processing an Amendment to a Conditional Use application.

The project is the Winterling Campground redevelopment, located at 31875 Overseas Highway, Big Pine Key, Florida, at mile marker 31.8.

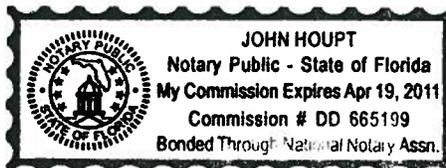

Leo Winterling

3 23, 09
date

Sworn before me this day 23 of MARCH, 2009


Notary Signature

19 APRIL 2011
My Commission Expires



Property Record View

Alternate Key: 1131156 Parcel ID: 00110730-000000

Ownership Details

Mailing Address:
 WINTERLING LEO F & WINTERLING JAMES A & WINTERLING

G C & WINTERLING P J & WINTERLING M J T/C
 9626 GERST RD
 PERRY HALL, MD 21128

Property Details

PC Code: 01 - SINGLE FAMILY
Milage Group: 100H
Affordable Housing: No
Section-Township-Range: 25-66-29
Property Location: 31875 OVERSEAS HWY BIG PINE KEY
Legal: 25 66 29 BIG PINE KEY PT LOT 4 & BAY BOTTOM EAST OF AND ADJ TO PT LOT 4 G62-128-129 G73-462-463 OR434-182/183 PROBATE #79-218-CP-12 OR824-1512/1513 OR827-67/68 OR1836-1076/78 OR1836-1080/82 OR1836-1084/86 OR1836-1088/89 OR1836-1091/92 OR1836-1094/95 OR1836-1097/98 OR1836-1100/01 OR1836-1103/04 OR1836-1106/07 OR1836-1079/AFF OR1836-1083/AFF OR1836-1087/AFF OR1836-1090/AFF OR1836-1093/AFF OR1836-1096/AFF OR1836-1099/AFF OR1836-1102/AFF OR1836-1105/AFF OR1836-1108/AFF

Parcel Map



Land Details

| Land Use Code | Frontage | Depth | Land Area |
|-------------------------|----------|-------|-----------|
| 00HH - HARDWOOD HAMMOCK | | | 0.44 AC |
| 010W - RES WATERFRONT | 0 | 0 | 3.38 AC |
| 9500 - SUBMERGED | 0 | 0 | 1.51 AC |

Building Summary

Number of Buildings: 1
Number of Commercial Buildings: 0
Total Living Area: 1180
Year Built: 1952

Building 1 Details

Building Type R1
 Effective Age 31
 Year Built 1952
 Functional Obs 0

Condition A
 Perimeter 184
 Special Arch 0
 Economic Obs 0

Quality Grade 400
 Depreciation % 37
 Gmd Floor Area 1,180

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

Roof Type IRR/CUSTOM

Heat 1 FCD/AIR DUCTED

Heat Src 1 ELECTRIC

Roof Cover ASPHALT SHINGL

Heat 2 NONE

Heat Src 2 NONE

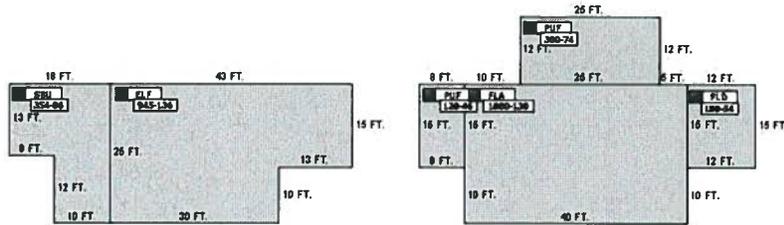
Foundation WOOD PIERS

Bedrooms 2

Extra Features:

2 Fix Bath 0
 3 Fix Bath 1
 4 Fix Bath 0
 5 Fix Bath 0
 6 Fix Bath 0
 7 Fix Bath 0
 Extra Flx 2

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



Sections:

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|-----|------|------------|-----------|------------|-------|-----|------------|---------------------|-------|
| 1 | ELF | | 1 | 1952 | N | Y | 0.00 | 0.00 | 945 |
| 2 | SBU | 1:WD FRAME | 1 | 1952 | N | N | 0.00 | 0.00 | 354 |
| 3 | PUF | 1:WD FRAME | 1 | 1952 | N | Y | 0.00 | 0.00 | 120 |
| 4 | FLA | 1:WD FRAME | 1 | 1952 | N | Y | 0.00 | 0.00 | 1,000 |
| 5 | PUF | 1:WD FRAME | 1 | 1952 | N | Y | 0.00 | 0.00 | 300 |
| 6 | FLD | 1:WD FRAME | 1 | 1952 | N | Y | | | 180 |

Misc Improvement Details

| Nbr | Type | # Units | Length | Width | Year Built | Roll Year | Grade | Life |
|-----|-------------------|----------|--------|-------|------------|-----------|-------|------|
| 1 | FN2:FENCES | 2,500 SF | 500 | 5 | 1975 | 1976 | 2 | 30 |
| 2 | DK4:WOOD DOCKS | 972 SF | 162 | 6 | 1984 | 1985 | 3 | 40 |
| 3 | DK4:WOOD DOCKS | 450 SF | 45 | 10 | 1977 | 1978 | 3 | 40 |
| 4 | WD2:WOOD DECK | 384 SF | 32 | 12 | 1984 | 1985 | 1 | 40 |
| 5 | UB2:UTILITY BLDG | 80 SF | 10 | 8 | 1998 | 1999 | 2 | 50 |
| 7 | PO3:RES POOL GNIT | 416 SF | 32 | 13 | 2006 | 2007 | 4 | 40 |
| 8 | PT3:PATIO | 380 SF | 95 | 4 | 2006 | 2007 | 1 | 50 |

Appraiser Notes

BAY BOTTOM EAST OF AND ADJ TO PT LOT 4 (RE00110740-000000 AK 1131164) HAS NOW BEEN COMBINED WITH THIS PARCEL FOR ASSESSMENT PURPOSES, DONE FOR THE 2008 TAX ROLL (04/25/08 JDC)

.70 ADJ PLACED ON 2002 SALE...CHANGE TO .80 FOR 2004 TR.9 FOR 2005 TR AND 1.0 FOR 2006 TR....BC

2007/03/06 CHANGED QG FROM 450 TO 400 & EAC FROM 1988 TO 1977 FOR THE 2007 TR (JDC)

Building Permits

| Bldg | Number | Date Issued | Date Completed | Amount | Description | Notes |
|------|----------|-------------|----------------|--------|-------------|----------------|
| | 79-5278 | 05/01/1979 | 12/01/1979 | 400 | | FENCE |
| | 81-7730 | 01/01/1981 | 12/01/1981 | 6,240 | | PORCH ADDITION |
| | 81-7789 | 02/01/1981 | 12/01/1981 | 700 | | AC |
| | 85-3390 | 05/01/1985 | 11/01/1985 | 7,000 | | DOCK |
| 5 | 99-0277 | 03/22/1999 | 12/30/1999 | 7,500 | | DOCKS |
| | 03-2029 | 01/12/2004 | 12/30/2006 | 47,250 | | POOL&SPA |
| | 04100925 | 03/18/2004 | 12/30/2006 | 2,400 | | DOCK |

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 | 84,198 | 48,145 | 1,091,431 | 1,223,774 | 1,223,774 | 0 | 1,223,774 |
| 2007 | 107,280 | 41,659 | 1,982,003 | 2,130,942 | 2,130,942 | 0 | 2,130,942 |
| 2006 | 135,436 | 31,718 | 1,982,003 | 2,149,157 | 2,149,157 | 0 | 2,149,157 |
| 2005 | 112,863 | 32,709 | 1,982,003 | 2,127,575 | 2,127,575 | 0 | 2,127,575 |
| 2004 | 101,187 | 34,183 | 495,518 | 630,888 | 630,888 | 0 | 630,888 |
| 2003 | 101,187 | 35,175 | 495,518 | 631,880 | 631,880 | 0 | 631,880 |
| 2002 | 55,394 | 36,649 | 317,023 | 409,066 | 409,066 | 0 | 409,066 |
| 2001 | 55,394 | 37,937 | 317,046 | 410,377 | 410,377 | 0 | 410,377 |
| 2000 | 55,394 | 21,849 | 317,046 | 394,289 | 394,289 | 0 | 394,289 |
| 1999 | 55,911 | 21,816 | 317,046 | 394,773 | 394,773 | 0 | 394,773 |
| 1998 | 50,828 | 20,673 | 317,046 | 388,547 | 388,547 | 0 | 388,547 |
| 1997 | 50,828 | 21,349 | 317,046 | 389,223 | 389,223 | 0 | 389,223 |
| 1996 | 50,828 | 22,190 | 317,046 | 390,064 | 390,064 | 0 | 390,064 |
| 1995 | 57,903 | 22,865 | 317,046 | 397,814 | 397,814 | 0 | 397,814 |
| 1994 | 57,903 | 23,705 | 317,046 | 398,654 | 398,654 | 0 | 398,654 |
| 1993 | 57,903 | 24,479 | 174,396 | 256,778 | 256,778 | 0 | 256,778 |
| 1992 | 57,903 | 25,450 | 174,396 | 257,749 | 257,749 | 0 | 257,749 |
| 1991 | 57,903 | 26,222 | 174,396 | 258,521 | 258,521 | 0 | 258,521 |
| 1990 | 57,903 | 27,160 | 174,396 | 259,459 | 259,459 | 0 | 259,459 |
| 1989 | 57,903 | 27,967 | 174,396 | 260,266 | 260,266 | 0 | 260,266 |
| 1988 | 49,414 | 24,811 | 174,396 | 248,621 | 248,621 | 0 | 248,621 |
| 1987 | 48,988 | 25,461 | 174,488 | 248,937 | 248,937 | 0 | 248,937 |
| 1986 | 49,134 | 26,284 | 112,600 | 188,018 | 188,018 | 0 | 188,018 |
| 1985 | 56,398 | 1,575 | 112,600 | 170,573 | 170,573 | 0 | 170,573 |
| 1984 | 47,260 | 2,223 | 112,600 | 162,083 | 162,083 | 0 | 162,083 |
| 1983 | 47,474 | 2,223 | 112,600 | 162,297 | 162,297 | 0 | 162,297 |
| 1982 | 24,371 | 2,223 | 72,885 | 99,479 | 99,479 | 0 | 99,479 |

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 |
|------------|----------------------------|---------|------------|---------------|
| 11/12/2002 | 1836 / 1076 | 613,000 | WD | M |

2/1/1981

827 / 67

173,000

WD

U

This page has been visited 227,262 times.

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

MONROE COUNTY PROPERTY APPRAISER

PROPERTY INFORMATION FOR:

Alternate Key: 1131156
RE Number: 00110730-000000

Property Details

OWNER OF RECORD

WINTERLING LEO F & WINTERLING JAMES A &
WINTERLING
G C & WINTERLING P J & WINTERLING M J T/C
9626 GERST RD
PERRY HALL MD 21128

PHYSICAL LOCATION

31875 OVERSEAS HWY BIG PINE KEY

LEGAL DESCRIPTION

25 66 29 BIG PINE KEY PT LOT 4 & BAY BOTTOM
EAST OF AND ADJ TO PT LOT 4 G62-128-129 G73-462-
463 OR434-182/183 PROBATE #79-218-CP-12 OR824-
1512/1513 OR827-67/68 OR1836-1076/78 OR183

SECTION, TOWNSHIP, RANGE

25 - 66 - 29

AFFORDABLE HOUSING No

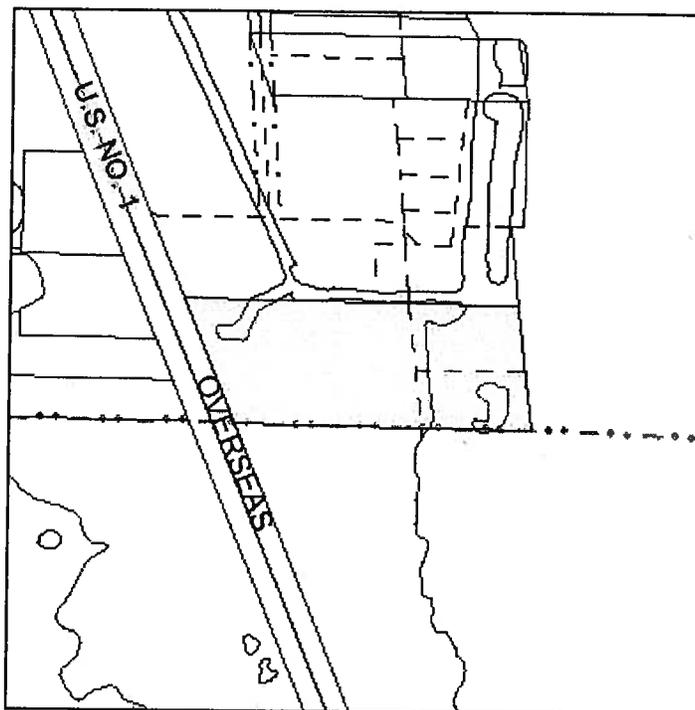
MILLAGE GROUP

100H

PC CODE

SINGLE FAMILY

PROPERTY MAP



Land Details

| LAND USE CODE | FRONTAGE | DEPTH | LAND AREA |
|------------------|----------|-------|-----------|
| HARDWOOD HAMMOCK | | | 0.44 AC |
| RES WATERFRONT | 0 | 0 | 3.38 AC |
| SUBMERGED | 0 | 0 | 1.51 AC |

Summary of Buildings

| NUMBER OF BUILDINGS | TOTAL LIVING AREA |
|--------------------------------|-------------------|
| 1 | 1180 |
| NUMBER OF COMMERCIAL BUILDINGS | YEAR BUILT |
| 0 | 1952 |

Building Characteristics Building No 1

| | | | | | | | |
|-----------------|---|----------------|----------------|---------------|----------------|---------------|------|
| BUILDING TYPE | R1 | CONDITION | A | QUALITY GRADE | 400 | EFFECTIVE AGE | 30 |
| PERIMETER | 184 | DEPRECIATION % | 36 | YEAR BUILT | 1952 | SPECIAL ARCH | 0 |
| GRND FLOOR AREA | 1180 | FUNCTIONAL OBS | 0 | ECONOMIC OBS | 0 | | |
| INCLUSIONS: | R1 includes 1 3-fixture bath and 1 kitchen. | | | | | | |
| ROOF TYPE | IRR/CUSTOM | ROOF COVER | ASPHALT SHINGL | HEAT 1 | FCD/AIR DUCTED | HEAT 2 | NONE |
| FOUNDATION | WOOD PIERS | BEDROOMS | 2 | HEAT SRC 1 | ELECTRIC | HEAT SRC 2 | NONE |

EXTRA FEATURES:

2 FIX BATH 0 4 FIX BATH 0 6 FIX BATH 0 EXTRA FIX 2 VACUUM 0 SECURITY 0 GARBAGE DISPOSAL 0
 3 FIX BATH 1 5 FIX BATH 0 7 FIX BATH 0 DISHWASHER 0 INTERCOM 0 FIREPLACES 0 COMPACTOR 0

Sections

| TYPE | NBR | EXTERIOR WALL TYPE | # STORIES | YEAR BUILT | ATTIC | A/C | BASEMENT % | FINISHED BASEMENT % | AREA |
|------|-----|--------------------|-----------|------------|-------|-----|------------|---------------------|------|
| ELF | 1 | | 1 | 1952 | N | Y | 0 | 0 | 945 |
| SBU | 2 | 1:WD FRAME | 1 | 1952 | N | N | 0 | 0 | 354 |
| PUF | 3 | 1:WD FRAME | 1 | 1952 | N | Y | 0 | 0 | 120 |
| FLA | 4 | 1:WD FRAME | 1 | 1952 | N | Y | 0 | 0 | 1000 |
| PUF | 5 | 1:WD FRAME | 1 | 1952 | N | Y | 0 | 0 | 300 |
| FLD | 6 | 1:WD FRAME | 1 | 1952 | N | Y | | | 180 |

Miscellaneous Improvements

| NBR | IMPR TYPE | # UNITS | TYPE | LENGTH | WIDTH | YEAR BUILT | ROLL YEAR | GRADE | LIFE |
|-----|-------------------|---------|------|--------|-------|------------|-----------|-------|------|
| 1 | FN2:FENCES | 2500 | SF | 500 | 5 | 1975 | 1976 | 2 | 30 |
| 2 | DK4:WOOD DOCKS | 972 | SF | 162 | 6 | 1984 | 1985 | 3 | 40 |
| 3 | DK4:WOOD DOCKS | 450 | SF | 45 | 10 | 1977 | 1978 | 3 | 40 |
| 4 | WD2:WOOD DECK | 384 | SF | 32 | 12 | 1984 | 1985 | 1 | 40 |
| 5 | UB2:UTILITY BLDG | 80 | SF | 10 | 8 | 1998 | 1999 | 2 | 50 |
| 7 | PO3:RES POOL GNIT | 416 | SF | 32 | 13 | 2006 | 2007 | 4 | 40 |
| 8 | PT3:PATIO | 380 | SF | 95 | 4 | 2006 | 2007 | 1 | 50 |

Parcel Value History

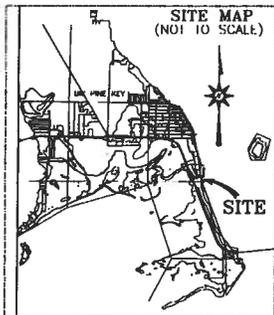
| TAX ROLL YEAR | BUILDING | MISCELLANEOUS IMPROVEMENTS | LAND | JUST | EXEMPTIONS (NOT INCLUDING SENIORS) | TAXABLE |
|---------------|----------|----------------------------|-----------|-----------|------------------------------------|-----------|
| 2007 | 107,280 | 41,659 | 1,982,003 | 2,130,942 | 0 | 2,130,942 |
| 2006 | 135,436 | 31,718 | 1,982,003 | 2,149,157 | 0 | 2,149,157 |
| 2005 | 112,863 | 32,709 | 1,982,003 | 2,127,575 | 0 | 2,127,575 |
| 2004 | 101,187 | 34,183 | 495,518 | 630,888 | 0 | 630,888 |
| 2003 | 101,187 | 35,175 | 495,518 | 631,880 | 0 | 631,880 |
| 2002 | 55,394 | 36,649 | 317,023 | 409,066 | 0 | 409,066 |
| 2001 | 55,394 | 37,937 | 317,046 | 410,377 | 0 | 410,377 |
| 2000 | 55,394 | 21,849 | 317,046 | 394,289 | 0 | 394,289 |
| 1999 | 55,911 | 21,816 | 317,046 | 394,773 | 0 | 394,773 |
| 1998 | 50,828 | 20,673 | 317,046 | 388,547 | 0 | 388,547 |
| 1997 | 50,828 | 21,349 | 317,046 | 389,223 | 0 | 389,223 |
| 1996 | 50,828 | 22,190 | 317,046 | 390,064 | 0 | 390,064 |
| 1995 | 57,903 | 22,865 | 317,046 | 397,814 | 0 | 397,814 |
| 1994 | 57,903 | 23,705 | 317,046 | 398,654 | 0 | 398,654 |
| 1993 | 57,903 | 24,479 | 174,396 | 256,778 | 0 | 256,778 |
| 1992 | 57,903 | 25,450 | 174,396 | 257,749 | 0 | 257,749 |
| 1991 | 57,903 | 26,222 | 174,396 | 258,521 | 0 | 258,521 |
| 1990 | 57,903 | 27,160 | 174,396 | 259,459 | 0 | 259,459 |
| 1989 | 57,903 | 27,967 | 174,396 | 260,266 | 0 | 260,266 |
| 1988 | 49,414 | 24,811 | 174,396 | 248,621 | 0 | 248,621 |
| 1987 | 48,988 | 25,461 | 174,488 | 248,937 | 0 | 248,937 |
| 1986 | 49,134 | 26,284 | 112,600 | 188,018 | 0 | 188,018 |
| 1985 | 56,398 | 1,575 | 112,600 | 170,573 | 0 | 170,573 |
| 1984 | 47,260 | 2,223 | 112,600 | 162,083 | 0 | 162,083 |
| 1983 | 47,474 | 2,223 | 112,600 | 162,297 | 0 | 162,297 |
| 1982 | 24,371 | 2,223 | 72,885 | 99,479 | 0 | 99,479 |

Parcel Sales History

NOTE - OUR RECORDS ARE TYPICALLY TWO TO THREE MONTHS BEHIND FROM THE DATE OF SALE. IF A RECENT SALE DOES

| <u>SALE DATE</u> | <u>OFFICIAL RECORDS BOOK/PAGE</u> | <u>PRICE</u> | <u>INSTRUMENT</u> |
|------------------|---------------------------------------|--------------|-------------------|
| 11/2002 | 1836/1076 | 613,000 | <u>WD</u> |
| 02/1981 | 827/67 | 173,000 | <u>WD</u> |

SKETCH OF BOUNDARY SURVEY
SECTION 25-66-29, BIG PINE KEY



LEGAL DESCRIPTION AS PREPARED AT CLIENT'S REQUEST:

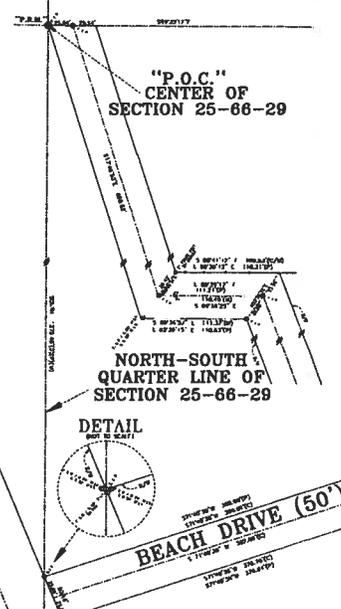
A PARCELL OF LAND AND WATER IN A PART OF GOVERNMENT LOT 4, SECTION 25, TOWNSHIP 66 SOUTH, RANGE 29 EAST, TALLAHASSEE MERIDIAN, BIG PINE KEY, MONROE COUNTY, FLORIDA, AND BEING A PART OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 827, PAGE 67 & 68 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 25; BEAR SOUTH ALONG THE NORTH-SOUTH 1/4 JNE OF SAID SECTION, 1275.48 FEET TO THE INTERSECTION OF SAID LINE WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, AS EXISTING JULY 1, 1951; THENCE SOUTH 22 DEGREES 55 MINUTES 33 SECONDS (AS), ALONG SAID RIGHT-OF-WAY LINE, 1154.89 FEET, TO A POINT AT THE SOUTHWEST RLY CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1801, PAGE 1529, SAID POINT TO BE KNOWN AS THE POINT OF BEGINNING OF THE LAND AND WATER HEREAFTER DESCRIBED; THENCE BEAR SOUTH 89 DEGREES 39 MINUTES 12 SECONDS EAST, ALONG THE SOUTHERLY LINE OF SAID OFFICIAL RECORDS BOOK 1801, PAGE 1529, 222.45 FEET, TO THE INTERSECTION OF SAID LINE WITH THE SOUTHEASTERLY MEAN HIGH WATER LINE OF AN EXISTING BOAT BASIN ENTRANCE CANAL AS SHOWN ON PAGE 2 OF 4, IN OFFICIAL RECORDS BOOK 1801, PAGE 1531 OF SAID PUBLIC RECORDS; THENCE BEAR NORTH 2 OF 4, IN OFFICIAL RECORDS BOOK 1801, PAGE 1531 OF SAID PUBLIC RECORDS; THENCE BEAR NORTH 60 DEGREES 36 MINUTES 51 SECONDS EAST, ALONG SAID MEAN HIGH WATER LINE, 271.11 FEET, TO THE MEAN HIGH WATER LINE ON THE SOUTHWEST RLY CORNER OF THE EXISTING CANAL; THENCE BEAR SOUTH 29 DEGREES 04 MINUTES 11 SECONDS EAST, ALONG SAID MEAN HIGH WATER LINE, TO THE SOUTHWEST RLY CORNER OF SAID OFFICIAL RECORDS BOOK 1801, PAGE 1529; THENCE BEAR SOUTH 89 DEGREES 39 MINUTES 12 SECONDS EAST, ALONG THE SOUTHERLY LINE OF SAID OFFICIAL RECORDS BOOK 1801, PAGE 1529, 278.43 FEET, TO THE MEAN HIGH WATER LINE, AS DESCRIBED IN OFFICIAL RECORDS BOOK 827, PAGE 67 & 68 OF SAID PUBLIC RECORDS; THENCE BEAR SOUTH 89 DEGREES 37 MINUTES 50 SECONDS EAST, ALONG THE SOUTHERLY LINE OF SAID OFFICIAL RECORDS BOOK 1801, PAGE 1529, 270.00 FEET, TO THE EASTERLY LINE OF BATHTUB LOTS AS DESCRIBED IN OFFICIAL RECORDS BOOK 827, PAGE 67 & 68 OF SAID PUBLIC RECORDS; THENCE BEAR SOUTH 07 DEGREES 00 MINUTES 49 SECONDS EAST, ALONG SAID EASTERLY LINE, 304.84 FEET, MORE OR 1755, TO THE SOUTHEAST RLY CORNER OF SAID LANDS, IN THE EASTERLY PROJECTION OF THE SOUTHERLY LINE OF SAID SECTION 25; THENCE BEAR NORTH 89 DEGREES 37 MINUTES 50 SECONDS WEST, ALONG SAID EASTERLY PROJECTION OF THE SOUTHERLY LINE OF SAID SECTION, 370 FEET, TO THE MEAN HIGH WATER LINE OF THE GULF OF MEXICO AS DESCRIBED IN OFFICIAL RECORDS BOOK 827, PAGE 67 & 68 OF SAID PUBLIC RECORDS; THENCE CONTINUE BEARING NORTH 74 DEGREES 37 MINUTES 50 SECONDS WEST, ALONG THE SOUTHERLY LINE OF SAID SECTION, 452.46 FEET, TO THE INTERSECTION OF SAID LINE WITH THE SAID NORTHEASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE NORTH 22 DEGREES 55 MINUTES 33 SECONDS WEST, ALONG SAID RIGHT-OF-WAY LINE, 328.91 FEET, BACK TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 232,498.78 SQUARE FOOT, MORE OR 1755, I.E., 5.337+/- ACRES.

TOGETHER WITH THE RIGHTS OF RIGHT-OF-WAY AND EGRESS OVER AND THROUGH THE CANALS CONTIGUOUS TO THE NORTHERN BOUNDARY OF SAID AFORESAID DESCRIBED LANDS.

TOGETHER WITH THE NEARBY RIGHTS TO DOCKS AND DOCKING OF BOATS ALONG SAID EXISTING BOAT BASIN ENTRANCE CANAL LYING WEST RLY OF THE EXISTING NORTHEASTERLY CANAL, AS SHOWN ON PAGE 3 OF 4, IN OFFICIAL RECORDS BOOK 1801, PAGE 1531 OF SAID PUBLIC RECORDS.

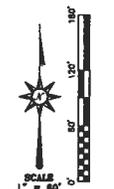
ACCORDING TO THE ATTACHED SKETCH OF BOUNDARY SURVEY FOR LEGAL DESCRIPTION, DATED 11/08/02, BY JOHN PAUL GRIMS, III, REGISTERED FLORIDA SURVEYOR AND MAPPER NO. 40236, AND BY THIS REFERENCE MADE A PART HEREOF.



| LEGEND | ABBREVIATIONS |
|----------------------------|---------------------------------|
| 1. - TELEPHONE POLE | TEL. - TELEPHONE |
| 2. - FLAG POLE | FLG. - FLAG POLE |
| 3. - SURVEY POINT | SURV. - SURVEY POINT |
| 4. - BOUNDARY CORNER | B.C. - BOUNDARY CORNER |
| 5. - MEAN HIGH WATER LINE | M.H.W.L. - MEAN HIGH WATER LINE |
| 6. - MEAN LOW WATER LINE | M.L.W.L. - MEAN LOW WATER LINE |
| 7. - CENTERLINE | CEN. - CENTERLINE |
| 8. - RIGHT-OF-WAY LINE | R.O.W. - RIGHT-OF-WAY LINE |
| 9. - EGRESS | E. - EGRESS |
| 10. - CANAL | CAN. - CANAL |
| 11. - BOAT BASIN | B.B. - BOAT BASIN |
| 12. - BATHTUB | BATHTUB |
| 13. - HOUSE | H. - HOUSE |
| 14. - DRIVEWAY | D. - DRIVEWAY |
| 15. - FENCE | F. - FENCE |
| 16. - ROAD | R. - ROAD |
| 17. - BOUNDARY LINE | B.L. - BOUNDARY LINE |
| 18. - CENTERLINE | CEN. - CENTERLINE |
| 19. - MEAN HIGH WATER LINE | M.H.W.L. - MEAN HIGH WATER LINE |
| 20. - MEAN LOW WATER LINE | M.L.W.L. - MEAN LOW WATER LINE |
| 21. - RIGHT-OF-WAY LINE | R.O.W. - RIGHT-OF-WAY LINE |
| 22. - EGRESS | E. - EGRESS |
| 23. - CANAL | CAN. - CANAL |
| 24. - BOAT BASIN | B.B. - BOAT BASIN |
| 25. - BATHTUB | BATHTUB |
| 26. - HOUSE | H. - HOUSE |
| 27. - DRIVEWAY | D. - DRIVEWAY |
| 28. - FENCE | F. - FENCE |
| 29. - ROAD | R. - ROAD |
| 30. - BOUNDARY LINE | B.L. - BOUNDARY LINE |
| 31. - CENTERLINE | CEN. - CENTERLINE |
| 32. - MEAN HIGH WATER LINE | M.H.W.L. - MEAN HIGH WATER LINE |
| 33. - MEAN LOW WATER LINE | M.L.W.L. - MEAN LOW WATER LINE |
| 34. - RIGHT-OF-WAY LINE | R.O.W. - RIGHT-OF-WAY LINE |
| 35. - EGRESS | E. - EGRESS |
| 36. - CANAL | CAN. - CANAL |
| 37. - BOAT BASIN | B.B. - BOAT BASIN |
| 38. - BATHTUB | BATHTUB |
| 39. - HOUSE | H. - HOUSE |
| 40. - DRIVEWAY | D. - DRIVEWAY |
| 41. - FENCE | F. - FENCE |
| 42. - ROAD | R. - ROAD |
| 43. - BOUNDARY LINE | B.L. - BOUNDARY LINE |
| 44. - CENTERLINE | CEN. - CENTERLINE |
| 45. - MEAN HIGH WATER LINE | M.H.W.L. - MEAN HIGH WATER LINE |
| 46. - MEAN LOW WATER LINE | M.L.W.L. - MEAN LOW WATER LINE |
| 47. - RIGHT-OF-WAY LINE | R.O.W. - RIGHT-OF-WAY LINE |
| 48. - EGRESS | E. - EGRESS |
| 49. - CANAL | CAN. - CANAL |
| 50. - BOAT BASIN | B.B. - BOAT BASIN |
| 51. - BATHTUB | BATHTUB |
| 52. - HOUSE | H. - HOUSE |
| 53. - DRIVEWAY | D. - DRIVEWAY |
| 54. - FENCE | F. - FENCE |
| 55. - ROAD | R. - ROAD |
| 56. - BOUNDARY LINE | B.L. - BOUNDARY LINE |
| 57. - CENTERLINE | CEN. - CENTERLINE |
| 58. - MEAN HIGH WATER LINE | M.H.W.L. - MEAN HIGH WATER LINE |
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| 60. - RIGHT-OF-WAY LINE | R.O.W. - RIGHT-OF-WAY LINE |
| 61. - EGRESS | E. - EGRESS |
| 62. - CANAL | CAN. - CANAL |
| 63. - BOAT BASIN | B.B. - BOAT BASIN |
| 64. - BATHTUB | BATHTUB |
| 65. - HOUSE | H. - HOUSE |
| 66. - DRIVEWAY | D. - DRIVEWAY |
| 67. - FENCE | F. - FENCE |
| 68. - ROAD | R. - ROAD |
| 69. - BOUNDARY LINE | B.L. - BOUNDARY LINE |
| 70. - CENTERLINE | CEN. - CENTERLINE |
| 71. - MEAN HIGH WATER LINE | M.H.W.L. - MEAN HIGH WATER LINE |
| 72. - MEAN LOW WATER LINE | M.L.W.L. - MEAN LOW WATER LINE |
| 73. - RIGHT-OF-WAY LINE | R.O.W. - RIGHT-OF-WAY LINE |
| 74. - EGRESS | E. - EGRESS |
| 75. - CANAL | CAN. - CANAL |
| 76. - BOAT BASIN | B.B. - BOAT BASIN |
| 77. - BATHTUB | BATHTUB |
| 78. - HOUSE | H. - HOUSE |
| 79. - DRIVEWAY | D. - DRIVEWAY |
| 80. - FENCE | F. - FENCE |
| 81. - ROAD | R. - ROAD |
| 82. - BOUNDARY LINE | B.L. - BOUNDARY LINE |
| 83. - CENTERLINE | CEN. - CENTERLINE |
| 84. - MEAN HIGH WATER LINE | M.H.W.L. - MEAN HIGH WATER LINE |
| 85. - MEAN LOW WATER LINE | M.L.W.L. - MEAN LOW WATER LINE |
| 86. - RIGHT-OF-WAY LINE | R.O.W. - RIGHT-OF-WAY LINE |
| 87. - EGRESS | E. - EGRESS |
| 88. - CANAL | CAN. - CANAL |
| 89. - BOAT BASIN | B.B. - BOAT BASIN |
| 90. - BATHTUB | BATHTUB |
| 91. - HOUSE | H. - HOUSE |
| 92. - DRIVEWAY | D. - DRIVEWAY |
| 93. - FENCE | F. - FENCE |
| 94. - ROAD | R. - ROAD |
| 95. - BOUNDARY LINE | B.L. - BOUNDARY LINE |
| 96. - CENTERLINE | CEN. - CENTERLINE |
| 97. - MEAN HIGH WATER LINE | M.H.W.L. - MEAN HIGH WATER LINE |
| 98. - MEAN LOW WATER LINE | M.L.W.L. - MEAN LOW WATER LINE |
| 99. - RIGHT-OF-WAY LINE | R.O.W. - RIGHT-OF-WAY LINE |
| 100. - EGRESS | E. - EGRESS |

REMARKS:
THE LEGAL DESCRIPTION WAS PREPARED AT THE REQUEST OF AND AS REPRESENTED BY ALBERT C. FLETCHER, OWNER.
THE SURVEY WAS CONDUCTED ON THE PLACE OF "BIG PINE KEY, FLORIDA", IN RECORDS OF PLAN BOOK 1, PAGE 31, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

- NOTES:**
- 1) NO LEGAL DESCRIPTION NEEDED FOR WELLS, WELLS LINES AND OTHER WELLS OR FOR WELLS OR WELLS LINES.
 - 2) CONSTRUCTION OF CONCRETE OR MASONRY WALLS AND FOUNDATIONS SHALL BE SUBJECT TO REVIEW BY PUBLIC ENGINEER.
 - 3) SURVEYED AS SINGLE SURVEY AS SHOWN HEREON.
 - 4) PROPERTY IS LOCATED IN THE 11TH DISTRICT AND SUBJECT TO THE JURISDICTION OF THE DISTRICT COURT, MONROE COUNTY, FLORIDA. ALL DISPUTES SHALL BE REFERRED TO THE DISTRICT COURT FOR ADJUDICATION AND THE DECISIONS OF THE DISTRICT COURT SHALL BE FINAL AND NOT SUBJECT TO APPEAL.
- ONE STORY WOOD FRAME STILT RESIDENCE DWELLING FLOOR H. 11.06' ADDRESS # 31875 OVERSEAS HIGHWAY
 - WOOD FRAME ENCLOSED GROUND SLAB FLOOR LL. 3.31'
 - COVERED SCREEN BALCONY



PART OF
Virgil S. Lowe Subdivision
P.B. 3-31

(METES AND BOUNDS)
O.R. 1801-1529
NOT INCLUDED

SOUTHERLY LINE OF
O.R. 1801-1629
SOUTHERLY LINE OF
O.R. 801-440
(FROM 877)

SOUTHERLY LINE OF
O.R. 1801-1529
SOUTHERLY LINE OF
O.R. 801-440
(FROM 877)

PART OF GOVERNMENT LOT 4
PART OF O.R. 827-87 & 68

METES AND BOUNDS
OVERALL AREA
232,498.78± SQUARE FOOT
5.337± ACRES

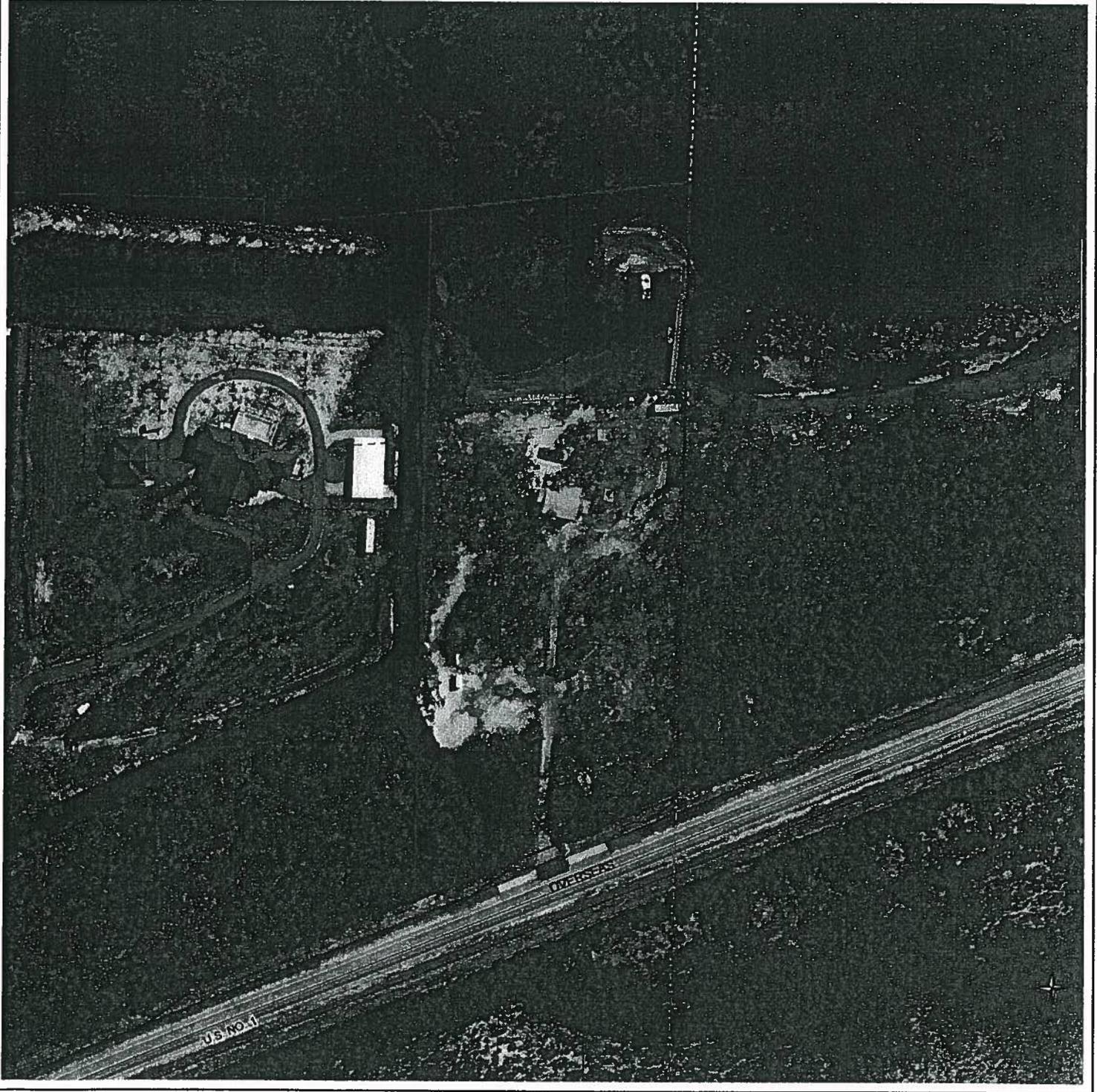
SOUTHERLY LINE OF
SECTION 25-66-29
ACCORDING TO P.B. 3-31

NORTHERLY LINE OF
SECTION 36-66-29
ACCORDING TO FOUND MONUMENTATION
(METES AND BOUNDS)
NOT INCLUDED

U.S. HIGHWAY NO. 1 (100')
(NOTE: FENCE AND ROAD UNDER CONSTRUCTION)

RECEIVED
APR 11 2003
BY: 29046

GULF OF MEXICO
(AL. BOUNDARY LINE)



- Legend**
- Highlighted Feature
 - Real Estate Number
 - Parcel Lot Text
 - Dimension Text
 - Block Text
 - Hooks/Leads
 - Lot Lines
 - Easements
 - Road Centerlines
 - Water Names
 - Parcels
 - Shoreline
 - Section Lines
 - 2006 Aerials

PALMIS

Monroe County Property Appraiser
500 Whitehead Street
Key West, FL

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

Date Created: July 7, 2008 4:36 PM

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 McCoy, Dist. 3
Mayor Pro Tem Dixie Spehar, Dist. 1
George Neugent, Dist. 2
Mario Di Gennaro, Dist. 4
Glenn Patton, Dist. 5

We strive to be caring, professional and fair

October 27, 2006

Franklin D. Greenman
Gulfside Village, Suite 40
5800 Overseas Highway
Marathon, FL 33050

**SUBJECT: LETTER OF UNDERSTANDING FOR THE REDEVELOPMENT OF THE
WINTERLING PROPERTY ON BIG PINE KEY, HAVING REAL
ESTATE NUMBERS 00110730.000000 & 00110740.000000**

Mr. Greenman,

Pursuant to Section 9.5-43 of the Monroe County Code (MCC), this document shall constitute a Letter of Understanding (LOU). On June 20, 2006, a Pre-Application Conference regarding the above-referenced property was held at the office of the Monroe County Planning Department in Marathon.

Attendees of the meeting included Franklin Greenman, Leo Winterling, and James Winterling (hereafter referred to as "the Applicant") & Heather Beckmann, Principal Planner, Joseph Haberman, Planner & Brad Parrish, Planning Intern (hereafter referred to as "Staff").

Materials reviewed at the meetings included:

- (a) Pre-Application Conference Request Form; and
- (b) Property Record Card; and
- (c) Land Survey, by John Paul Grimes, dated 11-08-2002; and
- (d) Warranty Deed; and
- (e) Monroe County Building Permit history; and
- (f) Land Use District and Future Land Use Maps; and
- (g) Tier Overlay District Map; and
- (h) Aerial photography; and

(i) Outward Bound School Information

Items discussed at the meeting included the following:

1. The applicant is proposing to restore the subject property to its historic use as a campground, which the applicant claims to consist of an existing single-family residence, campground spaces and recreational vehicle (RV) spaces. According to the Monroe County Property Appraiser's records, the subject property consists of two (2) contiguous parcels, identified as Real Estate Numbers 00110730.000000 (western parcel) and 00110740.000000 (eastern parcel). Both properties are currently owned by the Winterling's.

According to the Property Record Cards, the western parcel has an area of 151,589 square feet (3.48 acres) and is attributed one (1) single-family residential building. The eastern parcel has an area of 82,328 square feet (1.89 acres) and is described as vacant and submerged lands. In total, the subject property consists of 233,917 square feet (5.37 acres).

2. Real Estate Number 00110730.000000 has a legal description of 25 66 29 BIG PINE KEY PT LOT 4 G62-128-129. Real Estate Number 00110740.000000 has a legal description of BIG PINE KEY BAY BOTTOM EAST OF AND ADJ TO PT LOT 4 G73-462-463.
3. During the pre-application conference, it was stated that the subject property has a land use district designation of Destination Resort (DR) and a Future Land Use Map (FLUM) designation of Mixed Use / Commercial (MC).

Following the pre-application conference, staff found that the land use district and FLUM designations for the subject parcels were amended when the Board of County Commissioners adopted the *Master Plan for Future Development of Big Pine Key and No Name Key*, a product of the Livable CommuniKeys planning process.

Pursuant to Ordinance Numbers 029-2004 and 030-2004, the FLUM designation for the subject parcels was changed from **Mixed Use / Commercial (MC)** to **Residential Low (RL)** and the land use district of the subject parcels was changed from **Destination Resort (DR)** to **Sub Urban Residential (SR)**.

The map amendments were carried out in order to fulfill the Master Plan's Action Item 2.1.3. The change is intended to reduce the intensity of the area and bring it into conformity with the surrounding community. Additionally, it is intended to protect sensitive habitat.

4. Prior to 1986, the subject property had two zoning designation BU-1, Light Business District and RU-1, Single Family Residential District.
5. The subject property has a Tier designation of Tier I, or Natural Area.
6. Pursuant to MCC Sec. 9.5-207, the purpose of the Sub Urban Residential (SR) District is to establish areas of low to medium density residential uses characterized principally by single-

family detached dwellings. This district is predominated by development; however, natural and developed open space creates an environment defined by plants, open space and over-water views.

Pursuant to MCC Sec. 9.5-236, within the Sub Urban Residential (SR) District, a single-family detached dwelling may be permitted as-of-right. In addition, campgrounds may be permitted with major conditional use approval, provided that: a) the parcel proposed for development has an area of at least five acres; b) the operator of the campground is the holder of a valid Monroe County occupational license; c) if the use involves the sale of goods and services, other than the rental of camping sites or recreational vehicle parking spaces, such use does not exceed 1,000 square feet and is designed to serve the needs of the campground; and d) the parcel proposed for development is separated from all adjacent parcels of land by at least a class C buffer-yard.

Concerning the proposed redevelopment of the subject property, detached dwellings are permitted as-of-right and thereby the existing detached dwelling unit is considered a conforming use. In addition, according to the Property Appraiser's records, the two (2) subject parcels consist of 5.37 total acres. Therefore, a campground use and thereby campground spaces, which meets all other conditions of approval may be permitted as a major conditional use.

7. Pursuant to Policy 101.4.2 of the 2010 Comprehensive Plan, the principal purpose of the Residential Low (RL) FLUM category is to provide for low density residential development in partially developed areas with substantial native vegetation. Low intensity public and low intensity institutional uses are also allowed.

Concerning the proposed redevelopment of the subject property, single-family detached dwellings and campground uses are consistent with the FLUM designation of Residential Low (RL).

8. During the pre-application conference, the issue of pursuing a map amendment to change the land use district designation to Recreational Vehicle (RV) was discussed with the applicant in order to add RV spaces and to allow expansion of the transient use in the future.

After reviewing the *Master Plan for Future Development of Big Pine Key and No Name Key*, staff has determined that any map amendment proposal would be in conflict with Strategy 2.1 and Action Item 2.1.3.

9. The applicant discussed the retention of the single-family residence, considered a permanent dwelling unit.

MCC Sec. 9.5-120.4 and Administrative Interpretation 03-108 provide criteria to determine whether or not a residential unit was lawfully-established:

(a) The residential use was allowed on the subject property at the time the single-family dwelling unit was constructed in 1952. Further, ever since zoning regulations were first implemented in the 1960s, the single-family residential use has been a conforming use. Currently, the subject property is located in a Sub Urban Residential (SR) District where a single-family dwelling unit may be permitted as-of-right.

(b) A site visit was conducted by a Monroe County Planner on June 20, 2006. One (1) single-family dwelling unit was observed on the property. There was evidence of electric and water service to the unit.

(c) No Building Permit for the construction of a single-family residence was located for review by staff. However, the building permit history supports the existence of one (1) lawfully-established permanent dwelling unit.

- In 1981, Building Permit A-7730 was issued for the construction of a screen porch addition and Building Permit A-7789 was issued for the installation of an air conditioning unit. A floor plan of a single-family residence that matches the current residence was included in the application for Building Permit A-7789.
- In 1996, Building Permit 961-1639 was issued to re-roof an existing single-family residence.
- In 2003, Building Permit 031-3875 was issued to run new 200 amp service to an existing residence and Building Permit 031-2029 was issued for the installation of a pool, deck and fence at an existing residence.

(d) Aerial photography from 1986 to present shows the existence of one (1) structure.

(e) The Monroe County Property Appraiser's records for RE 00110730.000000 show that the one (1) single-family, residential building has been on the tax roll from 1982 to present. The year built of the building is indicated as 1952.

(f) No utility records were submitted for our review.

Based on a review of these records, one (1) permanent dwelling unit is to be considered lawfully-established on the subject property.

Pursuant to MCC Sec. 9.5-4 (D-31), dwelling unit means one or more rooms physically arranged to create a housekeeping establishment for the occupancy by one family with separate toilet facilities.

10. The applicant discussed the retention of all campground and/or RV spaces, considered transient dwelling units, found to be lawfully-established. The applicant asserts that the property has had twelve (12) to sixteen (16) campsites and RV spaces in the past.

MCC Sec. 9.5-120.4 and Administrative Interpretation 03-108 provide criteria to determine whether or not a residential unit was lawfully-established:

(a) Although the date of when any campground or RV spaces were established could not be determined, if the campground spaces were established at the same time as the residence in the 1950s, they would have been allowed. However, after zoning was first implemented in the 1960s, campground uses were not specifically permitted in the RU-1 or BU-1 Districts; although, they were not expressly prohibited. Prior to the land use district amendment to Sub Urban Residential (SR), campground spaces were not permitted in the Destination Resort (DR) District.

Currently, the subject property is located in a Sub Urban Residential (SR) District. Campground spaces may be permitted with major conditional use approval in the SR district.

- (b) A site visit was conducted by a Monroe County Planner on June 20, 2006. One (1) single-family dwelling unit was observed on the property. In addition, twelve (12) damaged wooden camping platforms were observed. There were no concrete platforms that could accommodate RVs or evidence of past RV spaces.
- (c) No Building Permits for campground spaces was located for review by staff. However, the building permit history supports the existence of a campground use.
- In 2003, Building Permit 031-3875 was issued to run new 200 amp service to an existing residence and Building Permit 031-2029 was issued for the installation of a pool, deck and fence at an existing residence. Included in the applications for these permits was a signed and sealed land survey by John Paul Grimes (dated November 8, 2002), which described the property as having "scattered wood tent platforms." However, the land survey does not show the platforms' locations or indicate a total number of platforms. However, as of part of the application for Building Permit 031-2029, a Department of Health permit application was submitted that indicated that there were ten (10) campsites on the property.
- (d) Aerial photography from 1986 to present shows the existence of one (1) residential structure. The photography also suggests the presence of other activities, presumably camping, taking place on the subject property.
- (e) The Monroe County Property Appraiser's records for RE 00110730.000000 do not note the existence of any campground spaces.
- (f) No utility records were submitted for our review.
- (g) As part of an application for State of Florida Department of Health Construction Permit KC8-98 (dated January 15, 1998), the applicant, Albert Fletcher, indicated that there were ten (10) campsites and one (1) two-bedroom residence on the property. Further, the application includes notes that indicate that the location was being used as a camping

base for Outward Bound and could accommodate twenty (20) to thirty (30) persons. Permit KC8-98 was issued on February 26, 1998.

As part of a renewal application for a Construction Permit KC8-98 (dated May 8, 2003), it is specified that there were ten (10) campsites and one (1) single-family residence on the property. The letter was signed by Barbara Cary and the applicants are indicated as Paul, George, Leo, Mark & James Winterling.

Neither of these documents mentions any RV spaces.

Based on review of these records, ten (10) campground spaces or transient dwelling units are considered lawfully-established.

Pursuant to MCC Sec. 9.5-4 (C-2), campground space means a space, whether improved or unimproved, used for tent camping, including pop-ups, by a single housekeeping unit for tenancies of less than six (6) months. Pursuant to MCC Sec. 9.5-4 (T-4), transient residential unit means a dwelling unit used for transient housing such as a hotel or motel room, or space for parking a recreational vehicle or travel trailer.

11. Since the residential unit existed pre 1986, the site is deemed to have maximum net density for that use. However, since any record of the camping use of the subject property is post 1986, the site is not deemed to have maximum net density for that use. Therefore, the calculation for permanent dwelling units is based on maximum net density and the calculation for the campground use is based on allocated density.

Pursuant to MCC Sec. 9.5-262, in the Sub Urban Residential (SR) District, for permanent dwelling units, the allocated density is one half (0.5) dwelling units per acre and the maximum net density is five (5) dwelling units per buildable acre.

Pursuant to MCC Sec. 9.5-267, the allocated density for recreational rental is five (5) campground spaces per acre and the maximum net density is ten (10) campground spaces per buildable acre. In the Sub Urban Residential (SR) District, the required open space ratio (OSR) is 0.50, or fifty percent.

Pursuant to MCC Sec. 9.5-262, if developed only with permanent dwelling units, the maximum net density for the subject property is eight (8) dwelling units (1.74 buildable acres x 5 dwelling units per buildable acre = 8.7 maximum units subject to transferable development rights (TDR's or affordable housing). Assuming the existing single-family residence is to be retained and will remain the only permanent dwelling unit on the subject the property, the permanent residential use will consist of eleven (11) percent of the total permanent dwelling units allowed (1 dwelling unit / 8.7 dwelling units = 0.11). The remaining eighty-nine (89) percent of development potential may be used for the recreational rental component.

Pursuant to MCC Sec. 9.5-267, if developed only with camping spaces, the allocated density for the subject property is seventeen (17) campground spaces.

Therefore, in addition to the one (1) single-family dwelling unit, fifteen (15) campground spaces (.89 X 17) are allowed.

12. Action Item 3.1.4 of the *Master Plan for Future Development of Big Pine Key and No Name Key* directs Monroe County to allow residential units of any types listed in the applicable FLUM categories and land use districts with the exception that new transient residential units shall be prohibited. Therefore, even after the moratorium on the creation of new transient units in unincorporated Monroe County is lifted, new transient residential units, such as hotel or motel rooms, or campground, recreational vehicle or travel trailer spaces, shall not be eligible for residential ROGO allocations on Big Pine Key.
13. Since no additional transient units (including campground spaces) shall be eligible for residential ROGO allocations on Big Pine Key, the only other means of increasing the subject property's total number of campground spaces from the lawfully-established ten (10) campground spaces to the maximum net density of fifteen (15) campground spaces is through the Transfer of ROGO Exemption (TRE) process as outlined in MCC Sec. 9.5-120.4(b). However, both the sender and receiver sites must meet the criteria specified. Further, within the planning area, Action Item 3.1.5 of the *Master Plan for Future Development of Big Pine Key and No Name Key* directs Monroe County to not permit the transfer of ROGO Exemptions (TREs) from a higher (infill) tier category to a lower (conservation-open space) tier category. Transfers to and from the same tier category are permitted except in Tier 1.
14. Pursuant to MCC Sec. 9.5-281, any development, including campground spaces, must be in accordance with the bulk regulations. No structure or land shall be developed, used or occupied in the setback.
15. Pursuant to MCC Sec. 9.5-352, the following off-street parking requirements apply to the subject property: single-family dwelling units require two (2) parking spaces per dwelling unit and although not identified as a specific use category in Sec. 9.5-352, campground spaces require one (1) parking space per housekeeping unit or campsite (a requirement consistent with other transient uses).
16. Any application for development approval will require as a part of the submitted materials a landscape plan. This landscape shall depict a class "A" land use district boundary bufferyard along the southern property line where the land use district changes from SR to NA. The owner of this property shall be responsible for half of the required bufferyard. This will result in a bufferyard with a width of five (5) feet and containing a total of four (4) canopy trees and twenty (20) shrubs.
17. The above detailed landscape plan shall also include parking lot landscaping design if the applicant proposes more than a total of six (6) parking spaces. The standard shall require a

total of 430 square feet of planting area with two (2) canopy trees and five (5) shrubs per twenty-four (24) spaces.

18. A stormwater management plan shall also be required as a part of any application for development approval. This plan shall detail pre and post development water flow and storage on site with supporting calculations.

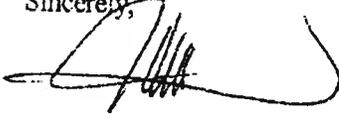
19. This site does include an altered open water shoreline that is adjacent to a manmade channel. This will require a shoreline setback of twenty (20) feet from the mean high water line.

If this property is subject to conditional use approval, the Planning Commission is empowered under MCC Sec. 9.5-63 to modify or deny any application based on their review of the appropriateness of the proposed development within the context of surrounding properties and compliance with the Monroe County Code and Year 2010 Comprehensive Plan. In MCC Sec. 9.5-65, the Planning Commission and the Planning Director are required to consider all aspects of the development, impacts on the community and consistency with the goals, objectives and standards of the land development regulations and comprehensive plan before granting conditional use approval, approval with conditions or denial of a project. Therefore, the intensities, densities and other information detailed in this LOU are subject to the Planning Director and/or the Planning Commission conditional use review and approval.

Pursuant to Sec. 9.5-43 of the Monroe County Code, you are entitled to rely upon the representations set forth in this Letter of Understanding as accurate under the regulations currently in effect. This letter does not provide any vesting to the existing regulations. If the Monroe County Code or Year 2010 Comprehensive Plan are amended, the project will be required to be consistent with all goals, objectives and standards at the time of development approval. The Planning Department acknowledges that all items required as a part of the application for development approval may not have been addressed at the June 20, 2006 meeting, and consequently reserves the right for additional comment. The information provided in this letter may be relied upon, with the previous disclaimers, for a period of three (3) years. The Planning Director, upon the request of the property owner, may review and reaffirm the representations set forth in this letter for an additional period of time.

We trust that this information is of assistance. If you have any questions regarding the contents of this letter, or if we may further assist you with your project, please feel free to contact our Marathon office at (305) 289-2500.

Sincerely,



Aref Joulani
Senior Director of Planning & Environmental Resources

Cc: Ty Symroski, Director of Growth Management
Joe Paskalik, Building Official
Ronda Norman, Senior Director of Code Enforcement
Ralph Gouldy, Sr. Administrator, Environmental Resources
Ervin Higgs, Monroe County Property Appraiser
Hcather Beckmann, Principal Planner
Joseph Haberman, Planner
Andrew Trivette, Senior Biologist

Attachment: Building Permit History for RE 00110730.000000 & RE 00110740.000000

Permits found under RE 00110730.000000:

| <i>Permit Number</i> | <i>Date Issued</i> | <i>Description</i> |
|----------------------|--------------------|---|
| 3119 | 12-18-1961 | Installation of a fence |
| 16222 | 06-04-1968 | Excavation |
| A 3147 | 01-11-1978 | Installation of 150 amp service |
| A 7730 | 01-26-1981 | Construction of 312 ft ² porch addition |
| A 7789 | 02-04-1981 | Installation of A/C (for single-family residence) |
| 961-1639 | 11-14-1996 | Re-roof existing single-family residence |
| 991-0277 | 03-22-1999 | Replacement of 1,276 ft ² dock and pilings |
| 991-2253 | 03-23-2000 | Renewal of Permit 991-2253 to replace dock and pilings |
| 031-3875 | 09-02-2003 | Installation of new 400 amp service |
| 031-2029 | 01-12-2004 | Installation of 420 ft ² pool, 430 ft ² deck and 124 ft fence |
| 041-0925 | 03-18-2004 | ATF construction of walkway to connect two docks |
| 051-3895 | 07-26-2005 | Replacement of existing 3 ton condenser |

Permits found under RE 00110740.000000:

| <i>Permit Number</i> | <i>Date Issued</i> | <i>Description</i> |
|----------------------|--------------------|--------------------|
| None found | | |

Code Enforcement Cases found:

| <i>Case Number</i> | <i>Date Issued</i> | <i>Description</i> |
|--------------------|--------------------|---|
| CE4020280 | 02-25-2004 | Closed - Land clearing and building without permits |

WINTERLING CAMPGROUNDS ENVIRONMENTAL IMPACT SURVEY

The subject property is located at mile marker 31.8 on Big Pine Key, having the street address of 31875 Overseas Highway.

Please refer to the Site Plan Drawings for specific information concerning acreage, boundary lines of the property and their distance. Topography is demonstrated by the elevation notation on the survey and on the Site Plans.

The relationship of the existing development and the proposed development is achieved by the comparison of the Survey to the proposed project. The site is at present developed and is environmentally described as "disturbed/scarified."

This property has a development history dating back to 1952. The site has no Climax tropical hardwood hammocks, no wetland areas, (wetlands do exist on adjoining property) no endangered species habitats and no major wildlife intensive uses located within the site. The adjoining property and a portion of the surrounding area are Key Deer preserves. The property is currently fenced and additional fencing and buffer will be installed to further protect the wildlife on the adjoining properties. The primary concern being toward the "north", as the property to the south is completely developed, and most vegetation which would provide food and shelter has been removed. The redevelopment of this site will decrease the impacts to the environment as well as wildlife.

The site area is a "bay front" property and has an existing "beach" area and a dock. The present development has been established since 1952, and is not in compliance with current regulations. The redevelopment of this site requires a Storm Water Management Plan. The code required the control of run-off and will greatly improve the near shore water quality.

The existing development pre-dates the requirement for open space and buffers. The new development will become compliant with the installation of a Highway Frontage Bufferyard, and District Boundary Bufferyards.

The redevelopment is required to have the best available Waste Treatment system. The upgrade and/or preparation for the installation of the Central Waste System to be provided by Monroe County will provide for a decrease and elimination of any possible pollutants or effluents.

Daily potable water demands shall be very limited by the use of low volume plumbing fixtures, not currently in use on the site. The installation of the fixtures is economically advisable, as well as environmentally wise. The fixture count for all existing plumbing shall be required by the Florida Keys Aqueduct Authority. A comparison and impact evaluation of the new proposed Bathhouse and existing Residence fixtures shall be made to determine any differences. The campsite/RV sites by use reflect a very low consumption of water.

A positive impact to the environment and to adjoining wildlife shall be achieved by the referenced measures.

Winterling Campground Traffic Information

Monroe County has recognized this site as developed in a Letter of Understanding dated October 27, 2006, with 10 existing campsites and a single residential dwelling. Our application an Amendment to a Conditional Use is requesting the addition of (five) new camping/recreational vehicle sites. This is the only aspect of our development which will generate "new" trips; all other trip generation is reflected by the existing conditions and level of service for this section of Overseas Highway / U.S. Highway One / State Highway Five.

The Institute of Traffic Engineers Trip Generation has a specific category for this type of trip generation under Recreational Uses 416, Campground/Recreational Vehicle Park (site) of .37 trips at P.M. peak hours. We are proposing a total of 5 new sites which equates to 1.85 additional trip during peak hours. The total trips for the site is less than 25 trips per day, and does not approach any thresholds.

We believe that no Traffic Study is warranted, and request that none be required. Please refer to attached ITE traffic generation sheets.

TRIP GENERATION RATES

| ITE Code | LAND USE (UNIT) | Avg. Daily | No. of Studies | P.M. Pk Hr | No. of Studies |
|-------------------------|---|------------|----------------|------------|----------------|
| RESIDENTIAL USES | | | | | |
| 210 | Single Family Detached (unit) | 9.57 | 350 | 1.01 | 302 |
| 220 | Apartment (unit) | 6.72 | 86 | 0.62 | 90 |
| 221 | Low-Rise Apartment (occ. unit) | 6.59 | 22 | 0.58 | 27 |
| 222 | High-Rise Apartment (unit) | 4.20 | 9 | 0.35 | 17 |
| 223 | Mid-Rise Apartment (unit) | | | 0.39 | 7 |
| 224 | Rental Townhouse (unit) | | | 0.72 | 1 |
| 230 | Residential Condominium/Townhouse (unit) | 5.86 | 54 | 0.52 | 62 |
| 231 | Low-Rise Residential Condo/Townhouse (unit) | | | 0.78 | 5 |
| 232 | High-Rise Residential Condo/Townhouse (unit) | 4.18 | 4 | 0.38 | 5 |
| 233 | Luxury Condominium/Townhouse (occ. unit) | | | 0.56 | 4 |
| 240 | Mobile Home Park (occ. unit) | 4.99 | 35 | 0.59 | 23 |
| 250 | Retirement Community (occ. unit) | | | 0.27 | 6 |
| 251 | Elderly Housing – Detached (unit) | 3.71 | 7 | 0.26 | 11 |
| 252 | Elderly Housing – Attached (occ. unit) | 3.48 | 1 | 0.11 | 7 |
| 253 | Congregate Care Facility (unit) | 2.02 | 2 | 0.17 | 3 |
| 253 | Congregate Care Facility (occ. unit) | 2.15 | 2 | 0.17 | 2 |
| 254 | Assisted Living (occ. beds) | 2.74 | 15 | 0.22 | 7 |
| 255 | Continuing Care Retirement Community (occ. units) | 2.81 | 5 | 0.29 | 9 |
| 260 | Recreational Homes (units) | 3.16 | 2 | 0.26 | 2 |
| 260 | Recreational Homes (acres) | 1.33 | 2 | 0.11 | 2 |
| 270 | Residential Planned Unit Development (unit) | 7.50 | 13 | 0.62 | 18 |
| 270 | Residential Planned Unit Development (acres) | 46.78 | 4 | 4.05 | 4 |
| 310 | Hotel (room) | 8.17 | 10 | 0.59 | 25 |
| 310 | Hotel (occ. room) | 8.92 | 4 | 0.70 | 20 |
| 311 | All Suites Hotel (room) | 4.90 | 3 | 0.40 | 5 |
| 311 | All Suites Hotel (occ. room) | 6.24 | 3 | 0.55 | 4 |
| 312 | Business Hotel (occ. room) | 7.27 | 1 | 0.62 | 3 |
| 320 | Motel (room) | 5.63 | 10 | 0.47 | 25 |
| 320 | Motel (occ. room) | 9.11 | 15 | 0.58 | 22 |
| 330 | Resort Hotel (room) | | | 0.42 | 10 |
| 330 | Resort Hotel (occ. room) | | | 0.49 | 10 |

OFFICE USES

| | | | | | |
|-----|--|--------|----|-------|-----|
| 710 | General Office Building (1,000 sf) | 11.01 | 78 | 1.49 | 235 |
| 714 | Corporate HQ Building (1,000 sf) | 7.98 | 8 | 1.40 | 21 |
| 715 | Single Tenant Office Building (1,000 sf) | 11.57 | 14 | 1.73 | 42 |
| 720 | Medical/Dental Office Building (1,000 sf) | 36.13 | 10 | 3.72 | 41 |
| 750 | Office Park (1,000 sf) | 11.42 | 12 | 1.50 | 31 |
| 760 | Research and Development Center (1,000 sf) | 8.11 | 28 | 1.08 | 34 |
| 760 | Research and Development Center (acres) | 79.61 | 25 | 15.44 | 26 |
| 770 | Business Park (1,000 sf) | 12.76 | 15 | 1.29 | 20 |
| 770 | Business Park (acres) | 149.79 | 12 | 16.84 | 12 |

COMMERCIAL USES

| | | | | | |
|-----|--|-------|----|------|----|
| 812 | Bldg Material & Lumber Store (1,000 sf) | 45.16 | 4 | 4.49 | 6 |
| 813 | Free-Standing Discount Superstore (1,000 sf) | 49.21 | 10 | 3.87 | 10 |
| 814 | Specialty Retail Center (1,000 sf GLA) | 44.32 | 4 | 2.71 | 5 |
| 815 | Free-Standing Discount Store (1,000 sf) | 56.02 | 23 | 5.06 | 47 |
| 816 | Hardware/Paint Store (1,000 sf) | 51.29 | 3 | 4.84 | 8 |

| | | | | | |
|-----|--|--------|-----|-------|-----|
| 817 | Nursery (Garden Center) (1,000 sf) | 36.08 | 11 | 3.80 | 12 |
| 817 | Nursery (Garden Center) (acres) | 96.21 | 11 | 7.92 | 12 |
| 818 | Nursery (Wholesale) (1,000 sf) | 39.00 | 1 | 5.17 | 6 |
| 818 | Nursery (Wholesale) (acres) | 19.50 | 1 | 0.45 | 6 |
| 820 | Shopping Center (1,000 sf GLA) | 42.94 | 302 | 3.75 | 407 |
| 823 | Factory Outlet Center (1,000 sf) | 26.59 | 11 | 2.29 | 14 |
| 848 | Tire Store (1,000 sf) | 24.87 | 5 | 4.12 | 16 |
| 848 | Tire Store (service bays) | | | 3.79 | 8 |
| 849 | Tire Superstore (1,000 sf) | 23.36 | 12 | 2.11 | 12 |
| 849 | Tire Superstore (service bays) | 30.55 | 12 | 3.17 | 12 |
| 850 | Supermarket (1,000 sf) | 102.24 | 4 | 10.45 | 42 |
| 851 | Convenience Market (Open 24 Hours) (1,000 sf) | 737.99 | 8 | 52.41 | 33 |
| 852 | Convenience Market (Open 15-16 Hours) (1,000 sf) | | | 34.57 | 5 |
| 853 | Convenience Market w/Gasoline Pumps (1,000 sf) | 845.60 | 10 | 60.61 | 53 |
| 853 | Convenience Market w/Gasoline Pumps (fuel position) | 542.60 | 10 | 19.22 | 53 |
| 854 | Discount Supermarket (1,000 sf) | 96.82 | 7 | 8.90 | 15 |
| 860 | Wholesale Market (1,000 sf) | 6.73 | 1 | 0.21 | 1 |
| 861 | Discount Club (1,000 sf) | 41.80 | 19 | 4.24 | 25 |
| 862 | Home Improvement Superstore (1,000 sf) | 29.80 | 9 | 2.45 | 11 |
| 863 | Electronics Superstore (1,000 sf) | 45.04 | 3 | 4.50 | 3 |
| 864 | Toy/Children's Superstore (1,000 sf) | | | 4.99 | 2 |
| 865 | Baby Superstore (1,000 sf) | | | 1.82 | 1 |
| 866 | Pet Supply Superstore (1,000 sf) | | | 4.96 | 1 |
| 867 | Office Supply Superstore (1,000 sf) | | | 3.40 | 2 |
| 868 | Book Superstore (1,000 sf) | | | 19.53 | 1 |
| 869 | Discount Home Furnishing Store (1,000 sf) | 47.81 | 1 | 4.01 | 1 |
| 870 | Apparel Store (1,000 sf) | 66.40 | 1 | 3.83 | 7 |
| 879 | Arts and Crafts Store (1,000 sf) | 56.55 | 1 | 6.21 | 2 |
| 880 | Pharmacy/Drugstore w/o Drive-Thru (1,000 sf) | 90.06 | 6 | 8.42 | 6 |
| 881 | Pharmacy/Drugstore with Drive-Thru (1,000 sf) | 88.16 | 3 | 8.62 | 12 |
| 890 | Furniture Store (1,000 sf) | 5.06 | 13 | 0.46 | 16 |
| 895 | Video Arcade (1,000 sf) Not in ITE Manual 7th Ed. | | | 10.64 | 1 |
| 896 | Video Rental Store (1,000 sf) | | 6 | 13.60 | |
| 911 | Walk-In Bank (1,000 sf) | 156.48 | 1 | 33.15 | 1 |
| 912 | Drive-In Bank (1,000 sf) | 246.49 | 19 | 45.74 | 47 |
| 912 | Drive-In Bank (drive-in lanes) | 411.17 | 6 | 51.08 | 34 |
| 931 | Quality Restaurant (1,000 sf) | 89.95 | 15 | 7.49 | 24 |
| 931 | Quality Restaurant (seat) | 2.86 | 11 | 0.26 | 15 |
| 932 | High-Turnover (Sit-Down) Restaurant (1,000 sf) | 127.15 | 14 | 10.92 | 38 |
| 932 | High-Turnover (Sit-Down) Restaurant (seat) | 4.83 | 2 | 0.42 | 14 |
| 933 | Fast Food w/o Drive Thru (1,000 sf) | 716.00 | 1 | 26.15 | 4 |
| 933 | Fast Food w/o Drive Thru (seat) | 42.12 | 1 | 2.13 | 1 |
| 934 | Fast Food w/Drive Thru (1,000 sf) | 496.12 | 21 | 34.64 | 110 |
| 934 | Fast Food w/Drive Thru (seat) | 19.52 | 10 | 0.94 | 27 |
| 935 | Fast Food w/Drive Thru & No Seats (1,000 sf) | 153.85 | 2 | | |
| 936 | Drinking Place(1,000 sf) | | | 11.34 | 12 |
| 941 | Quick Lubrication Vehicle Shop (serv position) | 40.00 | 1 | 5.19 | 8 |
| 942 | Automobile Care Center (1,000 sf GLA) | | | 3.38 | 5 |
| 942 | Automobile Care Center (service stall) | | | 2.17 | 1 |
| 841 | New Car Sales (1,000 sf) | 33.34 | 11 | 2.64 | 34 |
| 943 | Automobile Parts and Service Center (1,000 sf) | | | 4.46 | 1 |
| 944 | Gasoline/Service Station (fuel position) | 168.56 | 6 | 13.86 | 27 |
| 945 | Service Station w/Conv. Market (fuel position) | 162.78 | 11 | 13.38 | 37 |
| 945 | Service Station w/Conv. Market (1,000 sf) | | | 96.37 | 31 |
| 946 | Serv Station w/Conv. Market & Car Wash (fuel position) | 152.84 | 10 | 13.33 | 26 |

| | | | |
|-----|------------------------------------|--------|---|
| 947 | Self-Service Car Wash (wash stall) | 108.00 | 1 |
| 948 | Automated Car Wash (1,000 sf) | | |

| | |
|-------|---|
| 5.54 | 6 |
| 14.12 | 1 |

INDUSTRIAL USES

| | | | |
|-----|--|--------|----|
| 760 | Research and Development Center (1,000 sf) | 8.11 | 28 |
| 770 | Business Park (1,000 sf) | 12.76 | 15 |
| 110 | General Light Industrial (1,000 sf) | 6.97 | 18 |
| 120 | General Heavy Industrial (1,000 sf) | 1.50 | 3 |
| 130 | Industrial Park (1,000 sf) | 6.96 | 49 |
| 140 | Manufacturing (1,000 sf) | 3.82 | 62 |
| 150 | Warehousing (1,000 sf) | 4.96 | 16 |
| 151 | Mini-Warehouse (1,000 sf) | 2.50 | 14 |
| 152 | High-Cube Warehouse (1,000 sf) | | |
| 170 | Utilities (1,000 sf) | | |
| 21 | Commercial Airport (flights per day) | 104.73 | 2 |
| 22 | General Aviation Airport (based aircraft) | 5.00 | 9 |
| 30 | Truck Terminal (1,000 sf) | 9.85 | 1 |
| 90 | Park-and-Ride Lot (parking space) | 4.50 | 4 |
| 93 | Light Rail Transit Station (parking space) | 2.51 | 2 |

| | |
|------|----|
| 1.08 | 34 |
| 1.29 | 20 |
| 0.98 | 26 |
| | |
| 0.86 | 42 |
| 0.74 | 54 |
| 0.47 | 26 |
| 0.26 | 13 |
| 0.12 | 3 |
| 0.49 | 1 |
| 5.75 | 2 |
| 0.52 | 2 |
| 0.82 | 1 |
| 0.63 | 9 |
| 1.24 | 1 |

RECREATIONAL USES

| | | | |
|-----|---|-------|----|
| 411 | City Park (acre) | 1.59 | 3 |
| 412 | County Park (acre) | 2.28 | 22 |
| 413 | State Park (acre) | 0.65 | 12 |
| 414 | Water Slide Park (park space) | 1.67 | 1 |
| 415 | Beach Park (acre) | 29.81 | 10 |
| 416 | Campground/Recreational Vehicle Park (acre) | 74.38 | 1 |
| 416 | Campground/Recreational Vehicle Park (site) | | |
| 417 | Regional Park (acre) | 4.57 | 5 |
| 417 | Regional Park (emp) | | |
| 418 | National Monument (acre) | 5.37 | 2 |
| 420 | Marina (boat berth) | 2.96 | 11 |
| 420 | Marina (acres) | 20.93 | 3 |
| 430 | Golf Course (acre) | 5.04 | 24 |
| 430 | Golf Course (hole) | 35.74 | 18 |
| 431 | Miniature Golf Course (hole) | | |
| 432 | Golf Driving Range (tees) | 13.65 | 1 |
| 433 | Batting Cages (cages) | 2.22 | 3 |
| 435 | Multipurpose Recreational Facility (acre) | 90.38 | 1 |
| 437 | Bowling Alley (1,000 sf) | 33.33 | 1 |
| 437 | Bowling Alley (lane) | 33.33 | 1 |
| 440 | Adult Cabaret (1,000 sf) | | |
| 441 | Live Theatre (seat) | | |
| 443 | Movie Theatre w/o Matinee (1,000 sf) | 78.06 | 1 |
| 443 | Movie Theatre w/o Matinee (seat) | 1.76 | 1 |
| 444 | Movie Theatre w/Matinee (1,000 sf) | | |
| 444 | Movie Theatre w/Matinee (seat) | | |
| 445 | Multiplex Movie Theater (1,000 sf) | | |
| 445 | Multiplex Movie Theater (seats) | | |
| 452 | Horse Racetrack (acre) | 43.00 | 1 |
| 452 | Horse Racetrack (seats) | 0.61 | 2 |
| 460 | Arena (acre) | 33.33 | 1 |
| 465 | Ice Rink (1,000 sf) | | |
| 465 | Ice Rink (seats) | 1.26 | 1 |
| 473 | Casino/Video Lottery Establishment (1,000 sf) | | |

| | |
|-------|----|
| | |
| 0.06 | 3 |
| | 1 |
| | |
| 1.30 | 2 |
| | |
| 0.37 | 2 |
| 0.20 | 2 |
| | |
| 0.42 | 1 |
| 0.19 | 2 |
| | |
| 0.30 | 5 |
| 2.74 | 11 |
| 0.33 | 1 |
| 1.25 | 7 |
| | |
| 5.77 | 1 |
| 3.54 | 1 |
| 3.54 | 1 |
| 3.67 | 1 |
| 0.02 | 1 |
| 6.16 | 1 |
| 0.06 | 1 |
| 3.80 | 2 |
| 0.07 | 2 |
| 5.22 | 7 |
| 0.29 | 11 |
| | |
| 0.06 | 1 |
| | |
| 2.36 | 1 |
| | |
| 13.43 | 6 |

| | | | | | |
|-----|--|--------|---|-------|---|
| 480 | Amusement Park (acre) | 75.76 | 1 | 3.95 | 1 |
| 481 | Zoo (acre) | 114.88 | 1 | | |
| 488 | Soccer Complex (fields) | 71.33 | 3 | 20.67 | 3 |
| 491 | Tennis Courts (court) | 31.04 | 3 | 3.88 | 3 |
| 492 | Racquet Club (court) | 38.70 | 9 | 3.35 | 8 |
| 492 | Racquet Club (1,000 sf) | 14.03 | 5 | 0.84 | 3 |
| 493 | Health Club (1,000 sf) | 32.93 | 1 | 4.05 | 3 |
| 495 | Recreational Community Center (1,000 sf) | 22.88 | 1 | 1.64 | 3 |

PUBLIC USES

| | | | | | |
|-----|---|--------|----|-------|----|
| 501 | Military Base | 1.78 | 7 | 0.39 | 6 |
| 520 | Elementary School (student) | 1.29 | 37 | 0.28 | 32 |
| 520 | Elementary School (1,000 sf) | 14.49 | 31 | 3.13 | 32 |
| 522 | Middle School Jr High School (student) | 1.62 | 20 | 0.15 | 11 |
| 522 | Middle School Jr High School (1,000 sf) | 13.78 | 20 | 1.19 | 9 |
| 530 | High School (student) | 1.71 | 51 | 0.14 | 34 |
| 530 | High School (1,000 sf) | 12.89 | 43 | 0.97 | 22 |
| 534 | Private School (K-8) (student) | | | 0.61 | 5 |
| 534 | Private School (K-8) (1,000 sf) | | | | |
| 536 | Private School (K-12) (student) | 2.48 | 2 | 0.17 | 3 |
| 536 | Private School (K-12) (1,000 sf) | | | 5.50 | 1 |
| 540 | Junior/Community College (student) | 1.54 | 6 | 0.12 | 5 |
| 540 | Junior/Community College (1,000 sf) | 27.49 | 4 | 2.54 | 3 |
| 550 | University/College (student) | 2.38 | 7 | 0.21 | 7 |
| 560 | Church (1,000 sf) | 9.11 | 8 | 0.66 | 11 |
| 561 | Synagogue (1,000 sf) | 10.64 | 1 | 1.69 | 1 |
| 565 | Day Care Center (1,000 sf) | 79.26 | 6 | 13.18 | 63 |
| 565 | Day Care Center (student) | 4.48 | 11 | 0.82 | 71 |
| 566 | Cemetery (acre) | 4.73 | 5 | 0.84 | 1 |
| 571 | Prison (1,000 sf) | | | 2.91 | 1 |
| 590 | Library (1,000 sf) | 54.00 | 9 | 7.09 | 10 |
| 591 | Lodge/Fraternal Organization (members) | 0.29 | 1 | 0.03 | 1 |
| 610 | Hospital (1,000 sf) | 17.57 | 14 | 1.18 | 7 |
| 610 | Hospital (bed) | 11.81 | 20 | 1.30 | 8 |
| 620 | Nursing Home (1,000 sf) | 6.10 | 2 | 0.42 | 2 |
| 620 | Nursing Home (bed) | 2.37 | 5 | 0.22 | 4 |
| 620 | Nursing Home (occ. bed) - not in ITE Manual 7th ed. | 3.24 | 1 | 0.17 | 11 |
| 630 | Clinic (1,000 sf) | 31.45 | 2 | 5.18 | 1 |
| 730 | Government Office Building (1,000 sf) | 68.93 | 1 | 11.03 | 1 |
| 731 | State Motor Vehicles Department (1,000 sf) | 166.02 | 8 | 17.09 | 8 |
| 732 | U.S. Post Office (1,000 sf) | 108.19 | 8 | 10.89 | 13 |
| 733 | Government Office Complex (1,000 sf) | 27.92 | 2 | 2.85 | 2 |

Source: excerpts from Institute of Transportation Engineers (ITE), *Trip Generation*, 7th Ed., 2003

Note: Trip rates during weekday; usually PM pk hr of adj street traffic, but occasionally PM pk hr of generator

deHaas

Consulting & Design



RE: Redevelopment of Winterling Campground

To Whom It May Concern:

As part of the requirements for a Conditional Use, letters of coordination are required by Monroe County Planning Department procedures. We are therefore asking for a response to this correspondence.

Project: Winterling Campground owned by the Winterling family

Street Address: 31875 Overseas Highway, Big Pine Key, Florida

Legally Described as: Section 25, Township 66, Range 29, Big Pine Key, Part of Lot 4 & Bay Bottom East of and Adj. to Lot 4

Real Estate Number: RE 00110730-000000 Alt. Key 1131156

We are proposing to redevelop the campsite with 15 RV spaces, remodeling of existing Residence and Pool, the addition of a Bathhouse and Pool. We will be placing fill with the appropriate Storm Water Management Plan and control of Storm Water run-off. Mangroves have overgrown the man made cannal and boat basin, but we are not making application for trimming as part of this approval process.

The site has minimum vegetation and is not a hammock. The property has been and will be continued to be fenced off from neighboring properties.

Attached please find a Site Plan.

Thank you for your attention to this matter.

David deHaas
for
the Winterling family

Residential • Commercial • Land Use Interpretation • Total Permitting

88975 Overseas Highway • Tavernier, FL 33070 • 305.852.9851 fax: 305.852.4138



BOARD OF COUNTY COMMISSIONERS

Mayor Mario Di Gennaro, District 4
Mayor Pro Tem Dixie M. Spehar, District 1
George Neugent, District 2
Charles "Sonny" McCoy, District 3
Sylvia J. Murphy, District 5

OFFICE of
the FIRE MARSHAL
490 63rd Street
Marathon, FL 33050
PHONE: (305) 289-6010
FAX: (305) 289-6013



David deHaas
88975 Overseas Highway
Tavernier, FL 33070

February 16, 2009

RE: Letter of Coordination

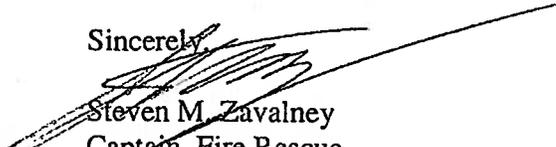
Dear Mr. deHaas,

Pursuant to the requirements of the Monroe County Planning Department Development Permit Application, this shall serve as the letter of coordination between the Monroe County Fire Marshal's Office and the agent for the project owner at the Winterling Campground project to be located at Big Pine Key.

1. The Fire Marshal's Office enforces the Florida Fire Prevention Code (2007), The Florida Building Code(2007), National Fire Protection Code (NFPA 1), Life Safety Code (NFPA 101) and related NFPA standards as applicable.
2. All fire rated penetrations shall be caulked with a UL approved product per manufacturer's specifications. A detail sheet shall be included with the final set of approved and sealed plans on the fire stop system.
3. Approved fire hydrants shall be provided for building to meet necessary fire flow requirements as determined by the Fire Official, and approved by the Florida Keys Aqueduct Authority (FKAA).
4. Fire Department access shall comply with NFPA 1, Ch.18.
5. Campgrounds/RV parks shall be subject to the provisions of NFPA 1194 and Florida Statute 633 sections that regulate such. Spacing between sites, etc shall be subject to the above codes and statutes.

It is understood that after conceptual review of the project has been granted, preliminary fire protection plans shall be included with improvements to water supply via fire hydrant and shall be submitted to Fire Marshal's Office prior to final plan review for issuance of a building permit. The Monroe County Fire Rescue Department provides fire suppression service to the proposed project location.

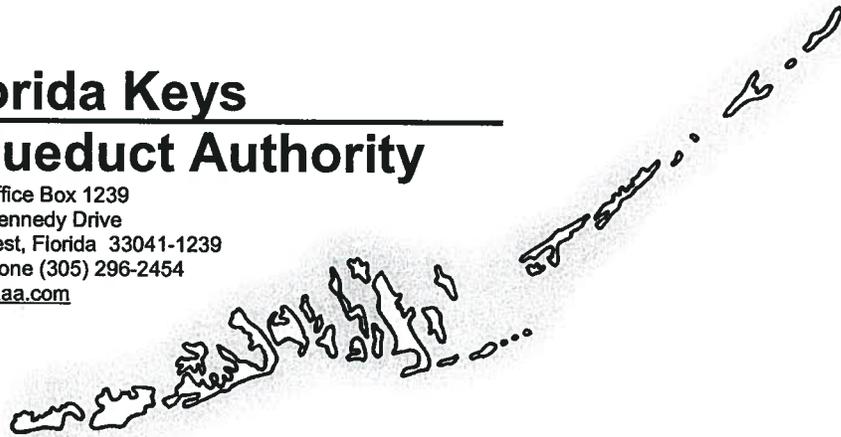
Sincerely,


Steven M. Zavalney
Captain, Fire Rescue



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

March 20, 2009

David deHass
deHass Consulting and Design
88975 Overseas Highway
Tavernier, FL 33070

RE: FCAA Location # 005838, RE #00110730-000000
Proposed Winterling Campsite Redevelopment

Dear Mr. deHas:

This letter will serve as proof of preliminary coordination of the above referenced project with the Florida Keys Aqueduct Authority.

The site has a 2" water main located in an easement from Warner Road. The existing meter is a 5/8" meter and may not be adequate to supply the proposed complex. A watermain extension may be required, however a determination cannot be made until a complete set of Civil and Architectural plans are reviewed.

Should you have any questions or require any further information please feel free to ask.

Sincerely Yours,

FLORIDA KEYS AQUEDUCT AUTHORITY

Edgar F. Nicolle, Jr.
Distribution Design Manager

EFN/cma

c: Irma Boveda, Customer Service Manager Tavernier

**Monroe County Land Authority
1200 Truman Ave. Suite 207
Key West, Fl. 33040**

**State Office of Public Lands
c/o DNR Douglas Bldg.
Tallahassee, Fl. 34399-3000**

**TIITF c/c DEP
3900 Commonwealth Blvd.
Tallahassee, Fl. 32399-3000**

**Oleva & James Young Sr.
P.O. Box 631
Big Pine Key, Fl. 33043**

**United States of America
Washington, DC 20240**

29046

Monroe County Property Appraiser - Radius Report

| | | | |
|---------------------------|--|--|----------------------------------|
| AK: 1131156 | Parcel ID: 00110730-000000 | Physical Location: 31875 OVERSEAS HWY | BIG PINE KEY |
| Legal Description: | 25 66 29 BIG PINE KEY PT LOT 4 & BAY BOTTOM EAST O | | F AND ADJ TO PT LOT 4 G62-128-12 |
| Owners Name: | WINTERLING LEO F & WINTERLING JAMES A & WINTERLING G C & WINTERLING P J & WINTERLING M J T/C | | |
| Address:: | 9626 GERST RD | | PERRY HALL, MD 21128 |

| | | | |
|---------------------------|--|--|----------------------------------|
| AK: 1130915 | Parcel ID: 00110500-000000 | Physical Location: BIG PINE KEY | |
| Legal Description: | 25 66 29 BIG PINE KEY PT LOT 4 OR212-432/33 OR814- | | 400D/C OR1333-925/32/PET(LG) PRC |
| Owners Name: | MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY | | |
| Address:: | 1200 TRUMAN AVE SUITE 207 | | KEY WEST, FL 33040 |

| | | | |
|---------------------------|--|--|---------------------------------|
| AK: 1130885 | Parcel ID: 00110480-000000 | Physical Location: BIG PINE KEY | |
| Legal Description: | 25 66 29 T66925-14 BIG PINE KEY PT LOT 4 OR385-17/ | | 18 OR892-2475 OR920-139C OR1108 |
| Owners Name: | TIITF/ST OF FL PUBLIC LANDS | | |
| Address:: | %DNR- DOUGLAS BLDG | | TALLAHASSEE, FL 32399-3000 |

| | | | |
|---------------------------|--|--|---------------------------------|
| AK: 1130893 | Parcel ID: 00110490-000000 | Physical Location: BIG PINE KEY | |
| Legal Description: | 25 66 29 T66925-15 BIG PINE KEY PT LOT 4 OR212-412 | | -413 OR614-483-485 COUNTY JUDGE |
| Owners Name: | TIITF C/O DEP | | |
| Address:: | 3900 COMMONWEALTH BLVD | | TALLAHASSEE, FL 32399-3000 |

| | | | |
|---------------------------|--|--|----------------------------|
| AK: 1130907 | Parcel ID: 00110490-000100 | Physical Location: BIG PINE KEY | |
| Legal Description: | 25 66 29 T66925-15.1 BIG PINE KEY PT LOT 4 OR625-3 | | 80-381 OR2190-1220/21 |
| Owners Name: | TIITF C/O DEP | | |
| Address:: | 3900 COMMONWEALTH BLVD | | TALLAHASSEE, FL 32399-3000 |

| | | | |
|---------------------------|---|---|----------------------------------|
| AK: 1131148 | Parcel ID: 00110720-000100 | Physical Location: 31815 WARNER ST | BIG PINE KEY |
| Legal Description: | 25 66 29 BIG PINE KEY PT LOT 4 & ADJ BAY BOTTOM & | | ADJ RD RES NO 64-1966 OR59-73/74 |
| Owners Name: | YOUNG JAMES D SR AND OLEVA A | | |
| Address:: | PO BOX 631 | | BIG PINE KEY, FL 33043 |

| | | | |
|---------------------------|--|--|---------------------------------|
| AK: 1141062 | Parcel ID: 00112160-000000 | Physical Location: BIG PINE KEY | |
| Legal Description: | 36 66 29 BIG PINE KEY PT LOT 1 N-218 QQ-14 G65-241 | | OR84-328-329 OR166-162/163 OR53 |
| Owners Name: | UNITED STATES OF AMERICA THE | | |
| Address:: | | | WASHINGTON, DC 20240 |

29046

Keys Engineering Services, Inc.

86801 Overseas Highway
Islamorada, Florida 33036
Daryle L. Osborn, P.E. #27428

**Conceptual
Storm Water Management Plan
For
Winterling Campgrounds**

Project Description: The redevelopment of an parcel of land , with 15 RV sites, a new bath building, together with an existing residence, swimming pool and dock.

Project Location: Project is located at Mile Marker 31, having the street address of 31875 Overseas Highway, Big Pine Key, Florida.

Existing Site Conditions:

Vegetation: The entire site is developed and basically scarified with a little non-native vegetation.

Soils: The area is loose topsoil over pervious oolite rock. The water table was encountered at 2'6" below existing grade.

Flood Plan & Elevations: The proposed construction is in Flood Zones "VE" and "AE". The overall site elevation is between 2.47' to 3.14' MSL.

Storm Water Management Plan

Site Data:

Total Site Area = 151,746 square feet

Impervious Areas

Total of combined area
Camp sites, pools, bathhouse,
And Residence = 22,871 square feet

Percent Impervious = 15%

Percent Pervious = 85 %

Pre / Post Development Runoff:

1. Compute Predevelopment Runoff

- a. Depth to Groundwater = 2.5'
- b. Soils Storage (C-111-3) = 4.4 inches
- c. P = 8.5 inches

$$Q = (P - .2S)^2 / (P + .8S)$$

$$P = 8.5$$

$$S = 4.4''$$

$$Q = 4.75 \text{ inches}$$

2. Compute Post-development Runoff

- a. Soils Storage (C-111-3) = 3.5 inches
- b. P = 8.5 inches
- c. Percent Pervious = 85%

$$Q = (P - .2S)^2 / (P + .8S)$$

$$P = 8.5$$

$$S = .52 \times 3.5 = 1.84$$

$$Q = 6.64 \text{ inches}$$

3. Limit Post to Pre development Runoff

Storage Required:

$$6.64'' - 4.75'' = 1.89 \text{ inches}$$

$$1.89 \times 151,746 / 12 = 23,899 \text{ cubic feet to retain}$$

Volume of Water to be Treated:

The storm water runoff will be maintained on site by dry retention methods. Site will be graded to prevent runoff into near shore water and wetlands, and Stormwater shall be directed into swales as indicated on Stormwater Plan.

Water Quality:

The volume of water to be treated and controlled is ½ inch initial runoff:

$$0.5 \times 151,746 / 12 = 6,322 \text{ cubic feet}$$

The proposed site condition is a crushed gravel with fines and berm which filters the surface water runoff.

25 Year Storm:

A 25 year storm over a 24 hour period in South Florida will average 1.05 inches of rainfall per hour. The initial wash calculations used a rate of 0.94 inches per hour. The 25 year storm calculations are worst case and will govern.

$$1.05 \times 106,182 / 12 = 13,365 \text{ cubic feet}$$

3. Limit Post to Pre development Runoff
Storage Required:

$$6.64'' - 4.75'' = 1.89 \text{ inches}$$

$$1.89 \times 151,746 / 12 = 23,899 \text{ cubic feet to retain}$$

Volume of Water to be Treated:

The storm water runoff will be maintained on site by dry retention methods. Site will be graded to prevent runoff into near shore water and wetlands, and Stormwater shall be directed into swales as indicated on Stormwater Plan.

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The volume of water to be treated and controlled is ½ inch initial runoff:

$$0.5 \times 151,746 / 12 = 6,322 \text{ cubic feet}$$

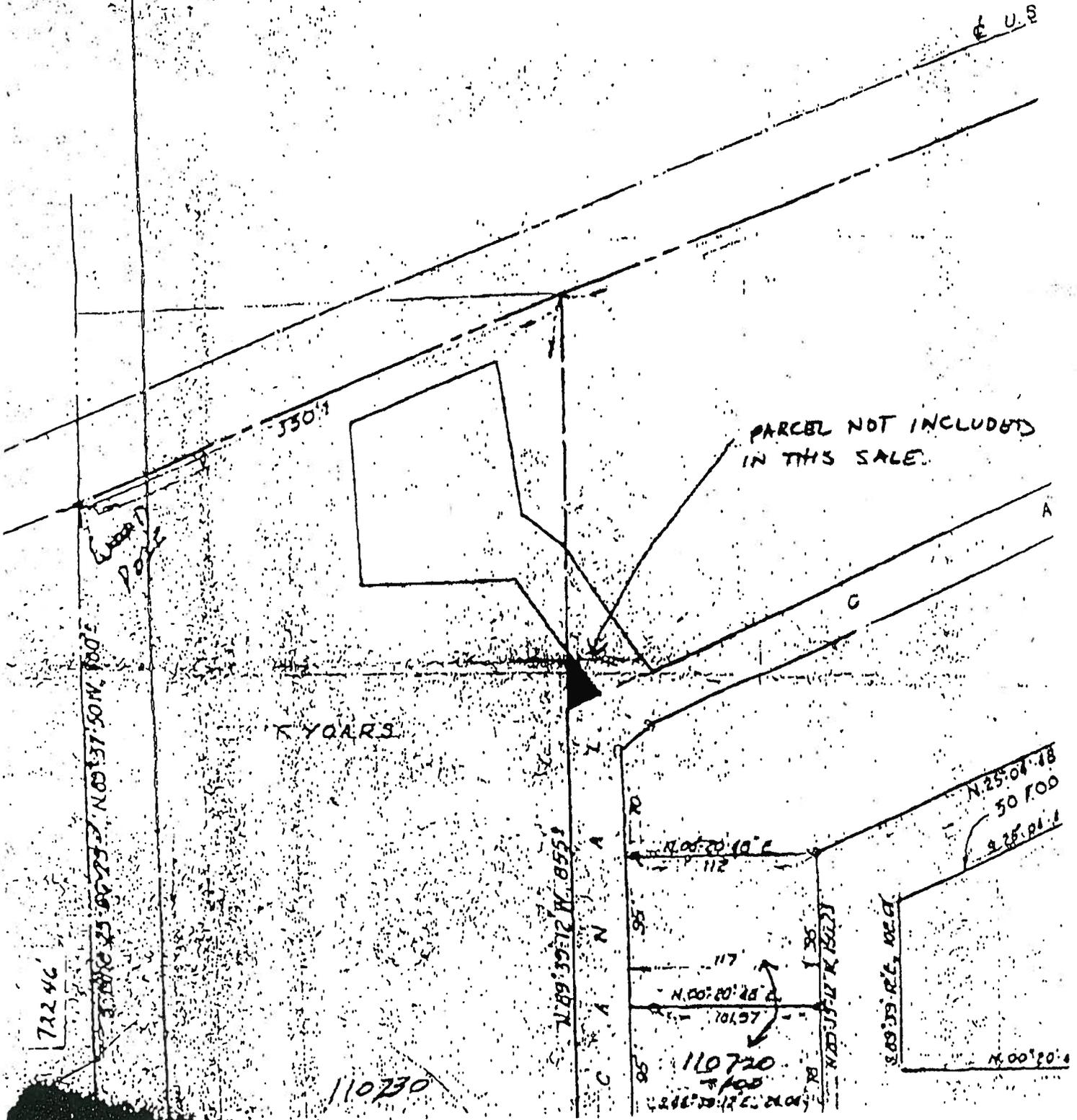
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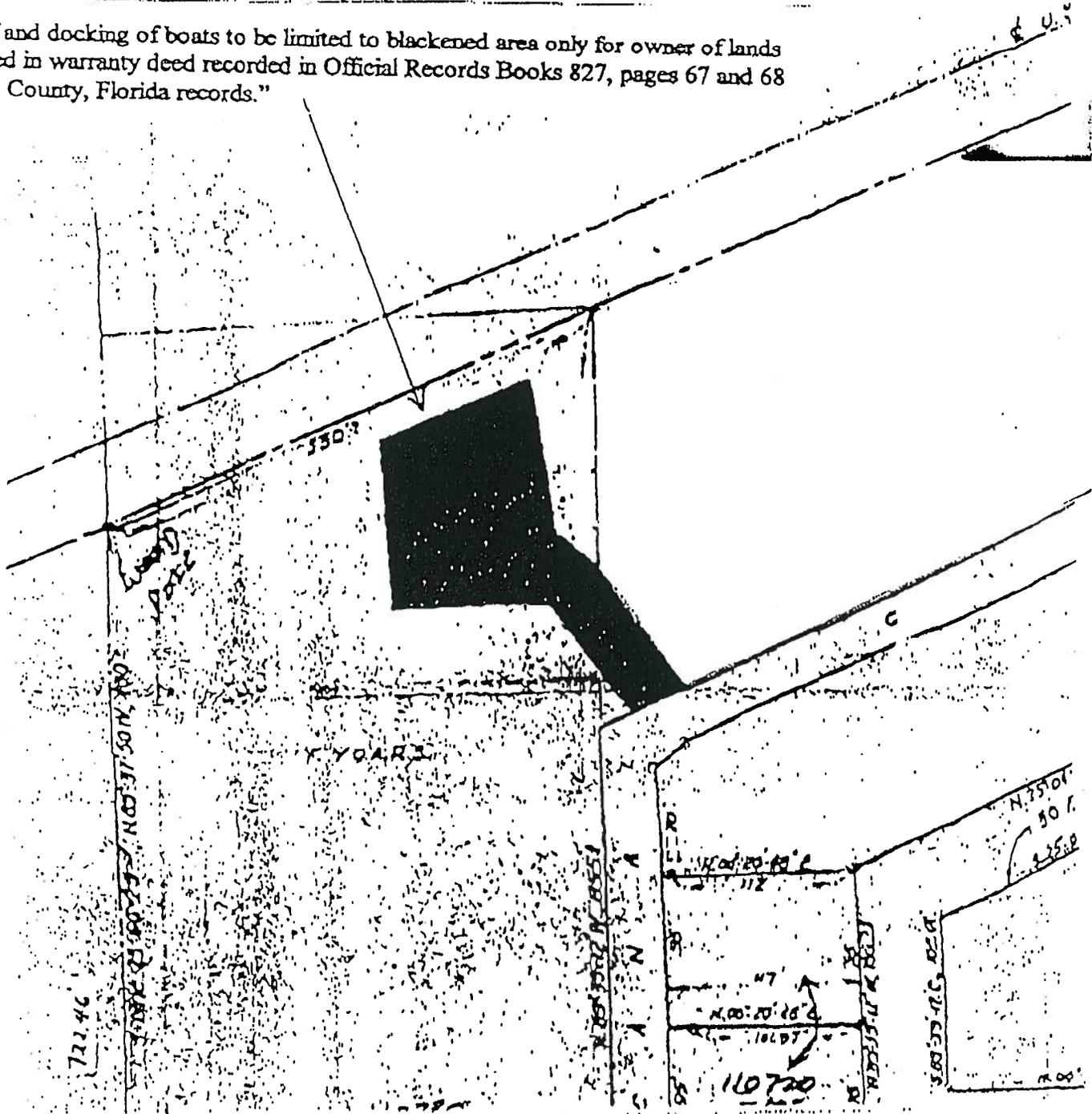
SCHEDULE A - PAGE 2 OF 4



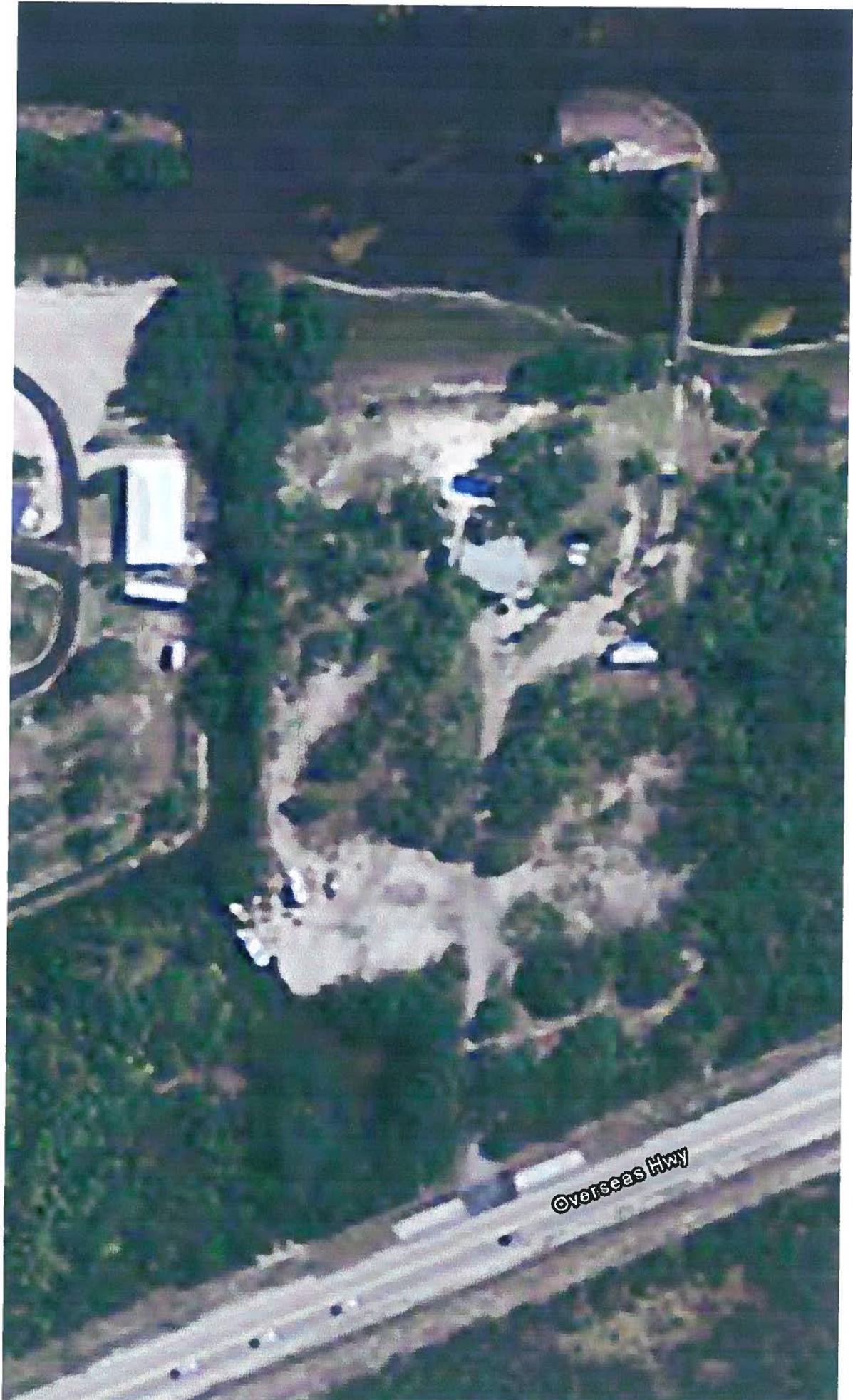
RECORDER'S MEMO:
LEGIBILITY OF WRITING, TYPING, OR PRINTING WAS
UNSATISFACTORY ON THIS DOCUMENT WHEN RECEIVED

SCHEDULE A - PAGE 3 OF 4

"Docks and docking of boats to be limited to blackened area only for owner of lands described in warranty deed recorded in Official Records Books 827, pages 67 and 68 Monroe County, Florida records."



RECORDER'S MEMO:
LEGIBILITY OF WRITING, TYPING, OR PRINTING WAS
UNSATISFACTORY ON THIS DOCUMENT WHEN RECEIVED



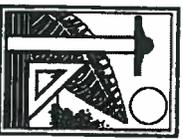
Overseas Hwy

WINTERLING AMENDMENT TO A MAJOR CONDITIONAL USE

31875 OVERSEAS HIGHWAY BIG PINE KEY, FLORIDA

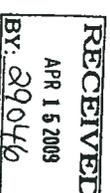
PART OF GOVT LOT 4

PREPARED BY:



deltaas
Consulting & Design

305.852.9851 fax: 305.852.4138



PROJECT INFORMATION SHEET

CONDITIONAL USE - SR - CAMPGROUND

OWNER:
LEO WINTERLING

RE NUMBER:
00110730-000000

LOT/BLOCK/SUBDIVISION:
PART OF GOVT LOT 4

ADDRESS:
31875 OVERSEAS HIGHWAY
BIG PINE KEY, FL 33037

DESIGN AND PLANS BY:
DEHAAS CONSULTING AND DESIGN
88801 OVERSEAS HIGHWAY
TAVERNIER, FL 33070

PHONE/FAX:
PH. (305) 852-9851
FAX (305) 852-4138

SUPERVISING ENGINEER:
DARYLE OSBORN, PE
KEYS ENGINEERING
88801 OVERSEAS HIGHWAY
ISLAMORADA, FL 33036

PHONE/FAX:
PH. (305) 852-0262
FAX (305) 852-2924

DEVELOPMENT AREA:
TOTAL SITE AREA 151,746 SQ. FT.
(3.48 ACRES)

PERVIOUS AREA 128,876 SQ. FT.
IMPERVIOUS AREA 22,871 SQ. FT.

OPEN SPACE REQUIRED 20% (30,349 SQ. FT.)
OPEN SPACE PROVIDED 75% (113,160 SQ. FT.)

USE:
EXISTING USE:
1 SINGLE FAMILY HOME
POOL
CAMP SITES
ACCESSORY USES

PROPOSED USE:
1 SINGLE FAMILY HOME
18 RV SITES
POOLS
ACCESSORY USES

HABITAT TYPE:
DISTURBED/SCARPED - DEVELOPED SITE

BASE FLOOD ELEVATION DATA

Existing Flood Elevations = AE +8.0' NGVD
AE +9.0' NGVD
VE +11.0' NGVD
+11.06' NGVD
+2.5' NGVD

Residence Finished Floor Elevation =

Existing Grade Elevation =

Reference Survey completed by John Paul Grimes
Dated: 11 August 2002

FLORIDA BUILDING CODE

NOTE: THIS PROJECT TO COMPLY WITH THE FLORIDA BUILDING CODE 2004 EFFECTIVE OCTOBER 1, 2005

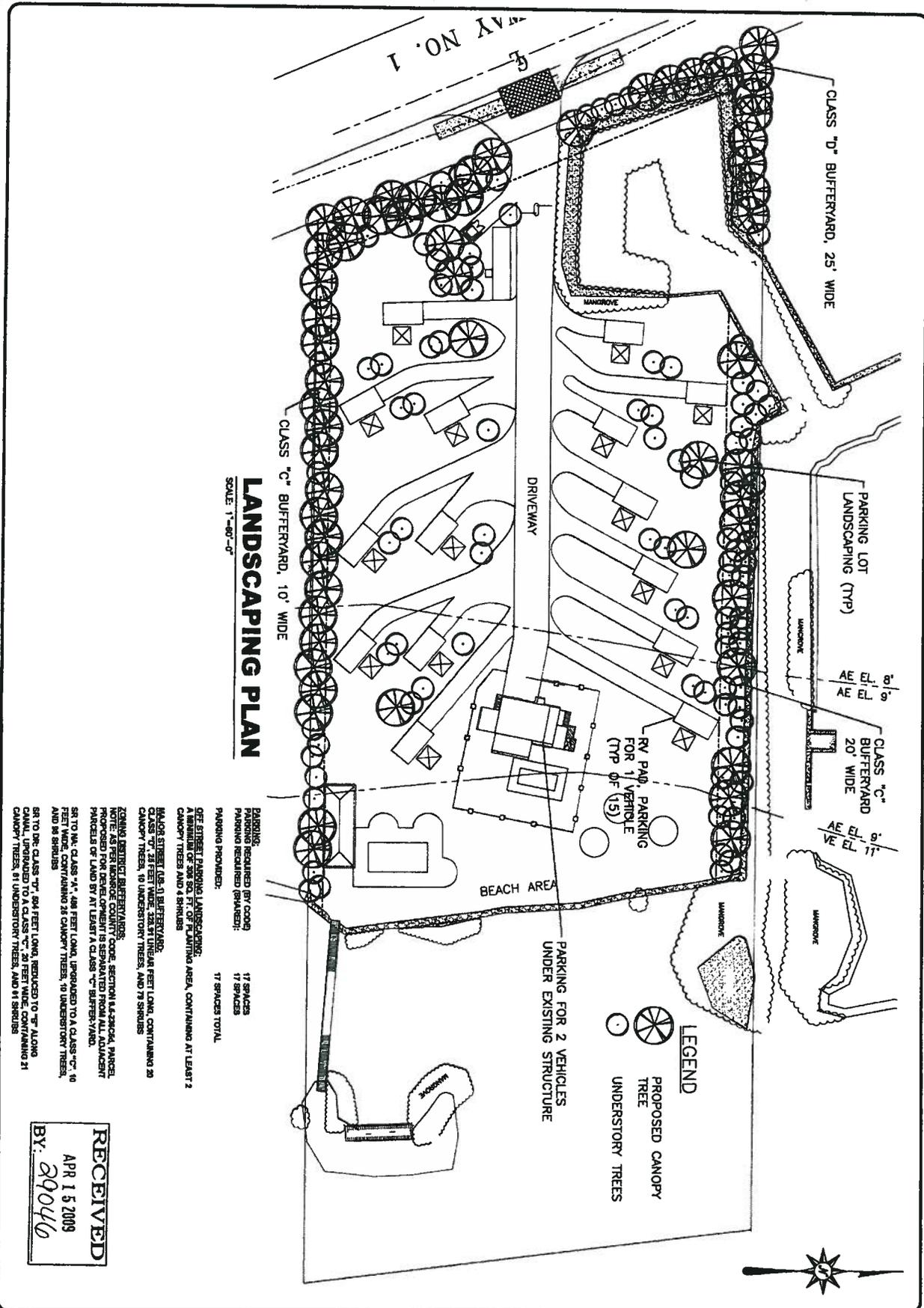
ABBREVIATIONS (SEE ASME 14.38-1999)

- ABV ABOVE
- AWG AMERICAN WIRE GAGE
- ASST ASSEMBLY
- ASPH ASPHALT
- BOT BOTTOM
- BD BOARD
- C TO C CENTER TO CENTER
- CONT CONTINUOUS
- CL CLOSET
- D PENNY (NAILS)
- DEG DEGREE
- DET DETAIL
- ELEV ELEVATION
- ELEV ELEVATOR
- EQL EQUAL
- EXP EXPANSION
- FBC FLORIDA BUILDING CODE
- FT FEET
- GFI GROUND FAULT INTERRUPTER
- GND GROUND
- GYP GYPSUM
- HB HOSE BIB
- IN INCH
- INCH INCH
- MAX MAXIMUM
- MDL MIDDLE
- MFR MANUFACTURER
- MHW MEAN HIGH WATER LINE
- MIN MINIMUM
- MNT MOUNTED
- NAT NATIONAL ELECTRICAL CODE
- OC ON CENTER
- OCEN ON CENTER EACH WAY
- PT PRESSURE TREATED
- REQ REQUIRED
- REQD REQUIRED
- SQ SQUARE
- TYP TYPICAL
- V VOLT

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 BY: 29046

| | | | |
|--|--|---|--|
| WINTERLING PROJECT INFORMATION SHEET <small>BIG PINE KEY, FL</small> | ENGINEERING BY:  Keys <small>ENGINEERING SERVICES, INC. P.O. BOX 1748 8881 OVERSEAS HIGHWAY ISLAMORADA, FLORIDA 33036</small> |  <small>305.858.9851 fax: 305.858.4138</small> | |
|--|--|---|--|

| | |
|------------|--|
| G-3 | |
|------------|--|



LANDSCAPING PLAN

SCALE: 1"=60'-0"

LEGEND
 PROPOSED CANOPY TREE
 UNDERSTORY TREES

PARKING:
 PARKING REQUIRED BY CODE: 17 SPACES
 PARKING REQUIRED (SHARED): 17 SPACES
 PARKING PROVIDED: 17 SPACES TOTAL

OFF-STREET PARKING LANDSCAPING:
 A MARIANUM OF 300 SQ. FT. OF PLANTING AREA, CONTAINING AT LEAST 2 CANOPY TREES AND 4 SHRUBS

MAJOR STREET (US-1) BUFFERYARD:
 CLASS "D", 25 FEET WIDE, 120 FT. LINEAR FEET LONG, CONTAINING 20 CANOPY TREES, 10 UNDERSTORY TREES, AND 70 SHRUBS

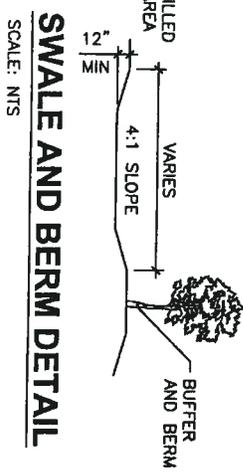
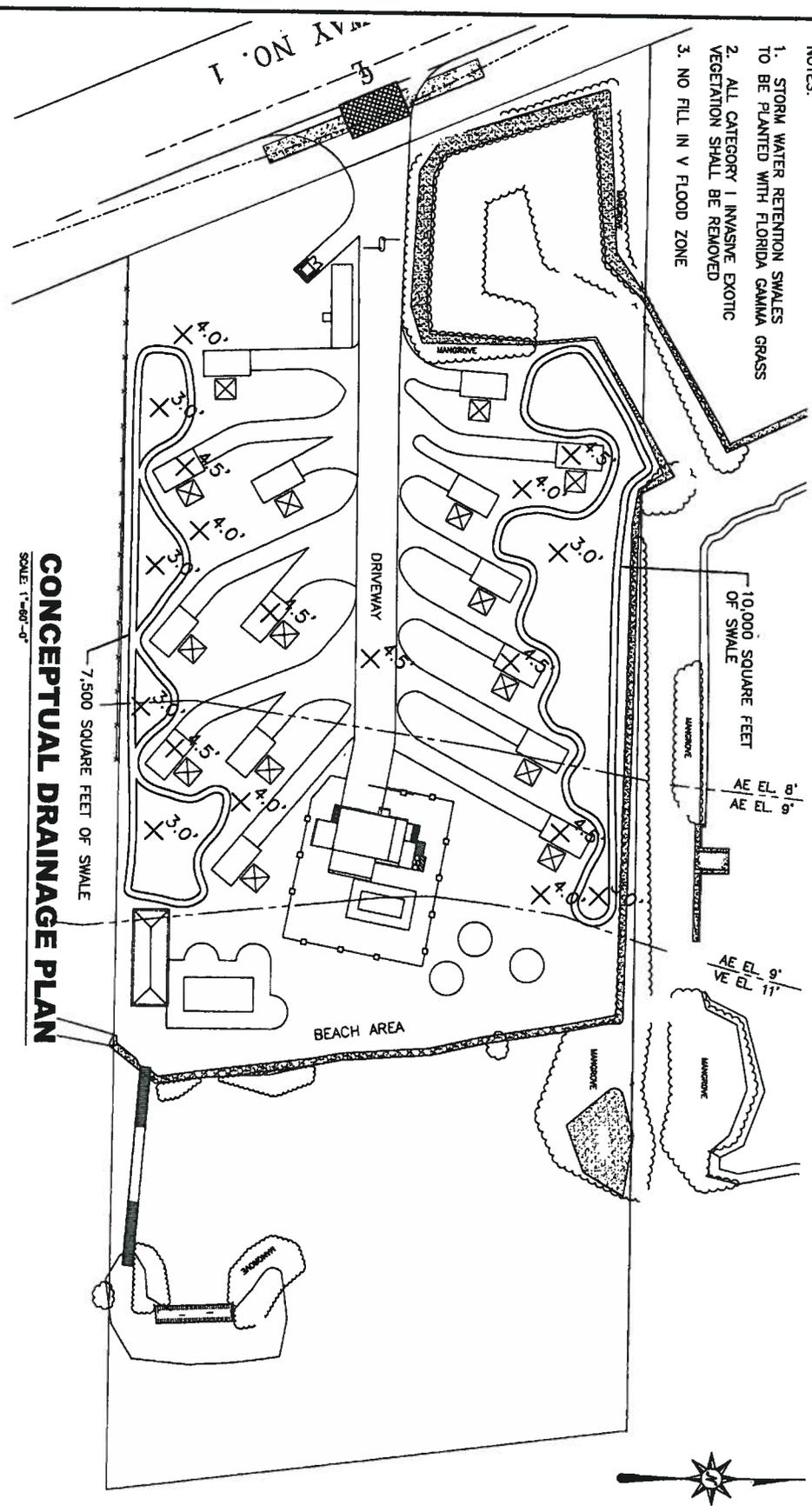
ZONING DISTRICT BUFFERYARD:
 NOTE: AS PER LANDSCAPE PLAN, SECTION 14.2.3(2)(4), PARCELS PROPOSED FOR DEVELOPMENT IS SEPARATED FROM ALL ADJACENT PARCELS OF LAND BY AT LEAST A CLASS "C" BUFFERYARD.

50 TO 100 CLASS "C" BUFFERYARD:
 48 FEET LONG, UPGRADED TO A CLASS "C" 10 FEET WIDE, CONTAINING 21 CANOPY TREES, 10 UNDERSTORY TREES, AND 46 SHRUBS

50 TO 100 CLASS "D" BUFFERYARD:
 64 FEET LONG, REDUCED TO "F" ALONG CANAL, UPGRADED TO A CLASS "C", 20 FEET WIDE, CONTAINING 21 CANOPY TREES, 10 UNDERSTORY TREES, AND 46 SHRUBS

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- NOTES:
1. STORM WATER RETENTION SWALES TO BE PLANTED WITH FLORIDA GAMMA GRASS
 2. ALL CATEGORY I INVASIVE EXOTIC VEGETATION SHALL BE REMOVED
 3. NO FILL IN V FLOOD ZONE



SWALE AND BERM DETAIL

SCALE: NTS

CONCEPTUAL DRAINAGE PLAN

SCALE: 1"=80'-0"

CALCULATIONS:
 10,000 SQ FT x 1 FOOT DEEP = 10,000 CUBIC FEET
 7,500 SQ FT x 1 FOOT DEEP = 7,500 CUBIC FEET
 TOTAL AMOUNT OF STORM WATER RETENTION: 17,500 CUBIC FEET
 RETENTION REQUIRED: 13,365 CUBIC FEET

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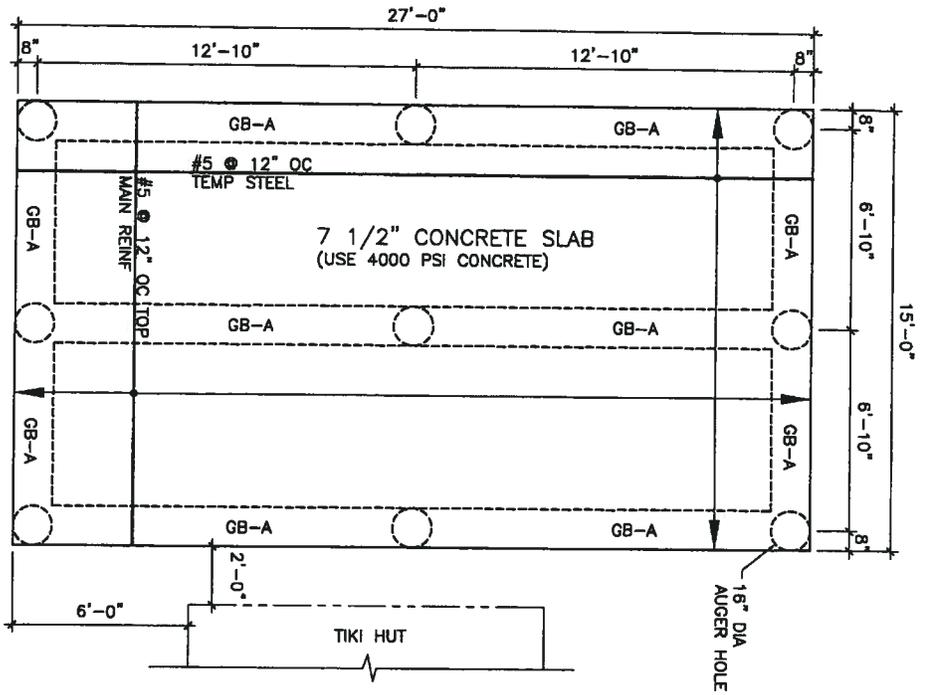
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WINTERLING CONCEPTUAL DRAINAGE PLAN
 810 PINE KEY, FL

ENGINEERING BY:
Keys
 ENGINEERING SERVICES, INC
 P.O. Box 12, 2048
 8801 OVERSEAS HIGHWAY
 MIAMI, FLORIDA 33136

dellaas
 Consulting & Design
 David dellaas Grosseck
 305.858.9831 fax: 305.858.4198

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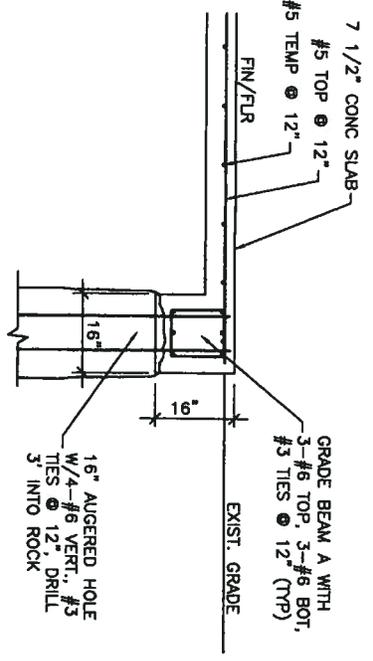


RV PAD PLAN

SCALE: 1/4"=1'-0"

TYPICAL AUGER DETAIL

SCALE: 1/2"=1'-0"



| BEAM SCHEDULE | | | |
|---------------|-----------|----------------------|----------|
| BEAM | W X D | REINFORCING | TIES |
| GB-A | 16" X 16" | 3-#6 TOP 3-#6 BOT | #3 @ 12" |
| GB-B | 12" X 16" | 2-#6 TOP 2-#6 BOT | #3 @ 16" |

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ENGINEERING BY:
Keys
ENGINEERING SERVICES, INC.
22 W. FL 7029
8881 OVERSEAS HIGHWAY
ISLAMOROGA, FLORIDA 33059

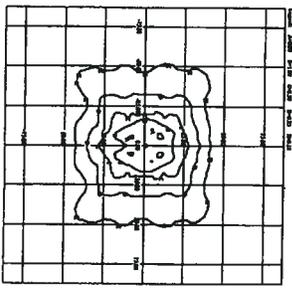
detlaas
Consulting & Design
David deHaas Grossack
305.852.9051 (cell 305.852.4138)

WINTERLING CIVIL/SITE DETAILS
810 PINE KEY, FL

C-6

PLEASE NOTE:
DEVELOPMENT WILL ADHERE TO ALL PROVISIONS OF THE SEA
LANTLE LANTING REGULATIONS OF THE MONROE COUNTY CODE

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LitePro

CONTOUR PLOT
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1:3000
1:4000
1:5000
1:6000
1:7000
1:8000
1:9000
1:10000

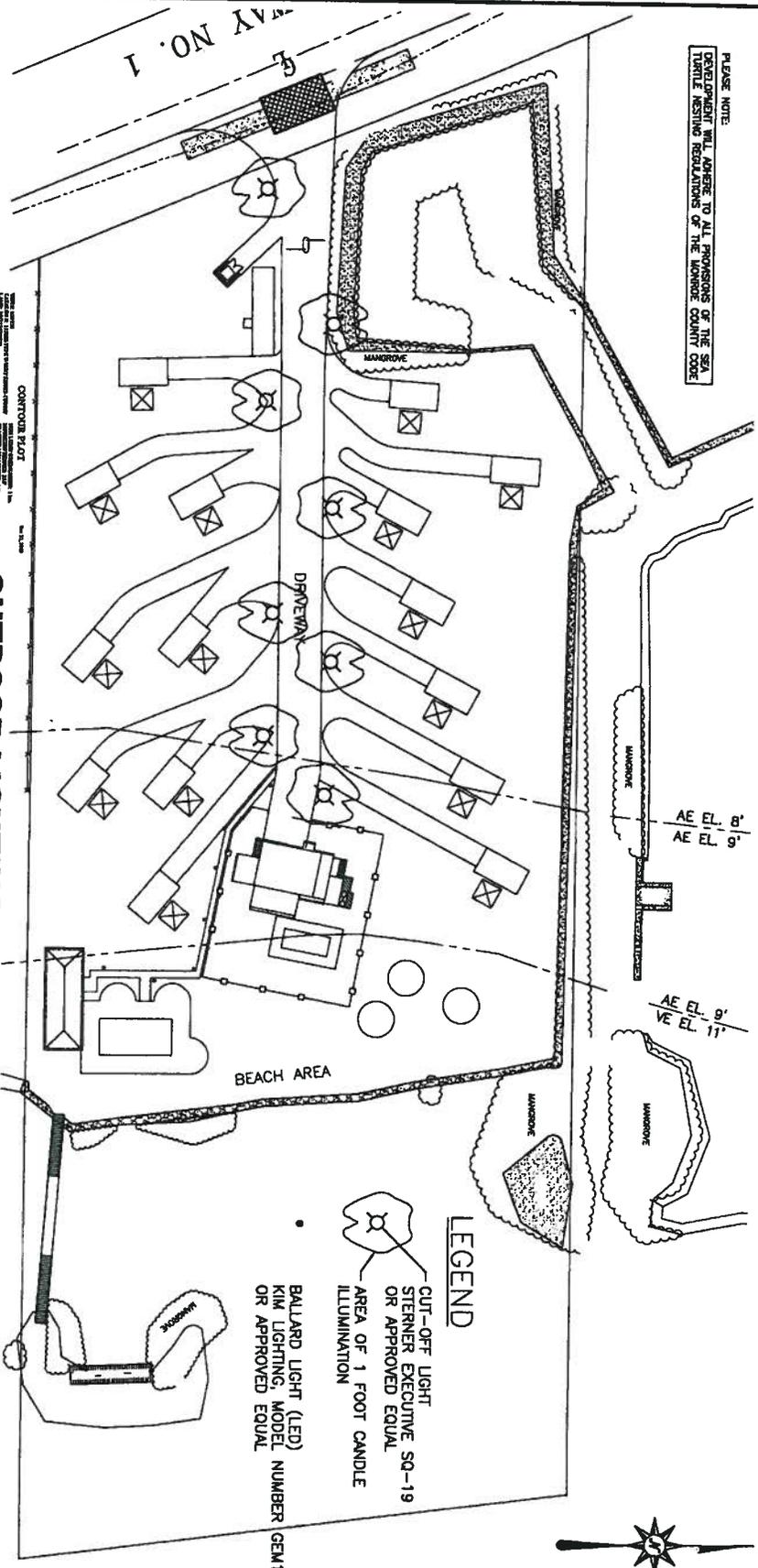
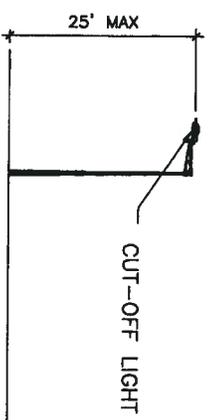
OUTDOOR LIGHTING PLAN

SCALE: 1"=60'-0"

- Sec. 30-792. Requirements.
- (1) Location of lighting. Grounds, driveway and bicycle path intersections. All lighting shall be located on the exterior of the building to prevent light trespass and glare to vehicles, bicycles and pedestrian traffic.
 - (2) Spacing from property lines. All light fixtures shall be set back a minimum of five feet from any front, side or back property line except where a driveway or existing structure is required under the district.
 - (3) Fixture height. The height of a fixture shall be considered to be the vertical distance measured from the top of the fixture or supports to the finished ground level of the site. It no event may exceed 18' be used to raise the height above the existing ground.
 - (4) Wall-mounted fixtures. Wall-mounted lighting fixtures shall be no taller than the associated structure.
 - (5) Ground-mounted fixtures. Ground-mounted lighting fixtures, including high mast lighting, shall be set in height in any residential zone, nor 12 feet in any residential zone, or an other zone unless expressly permitted, shall be fully shielded in such a way as to direct all light towards the earth's surface and no light shall be emitted from any residential zone or public/private roadway, walkway, trail or other public way when viewed at ground level.

CUT-OFF LIGHT

SCALE: NTS



AE EL. 8'
AE EL. 9'

AE EL. 9'
VE EL. 11'

LEGEND

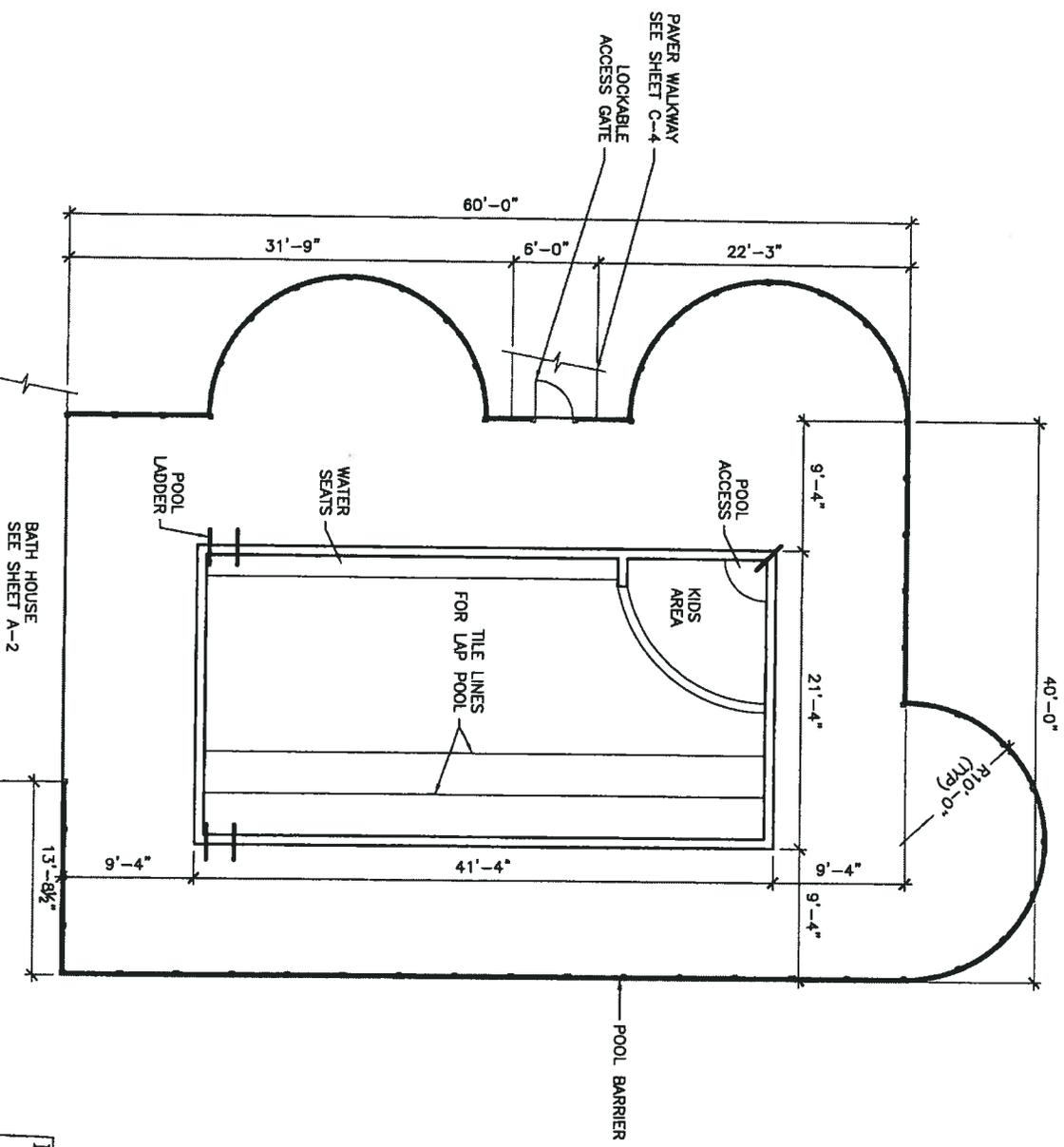
- CUT-OFF LIGHT
STERNER EXECUTIVE SQ-19
OR APPROVED EQUAL
AREA OF 1 FOOT CANDLE
ILLUMINATION
- BALLARD LIGHT (LED)
KIM LIGHTING, MODEL NUMBER GEM1,
OR APPROVED EQUAL



| | | | | |
|-------------------|---|--|--|-------------------------------------|
| <p>ES1</p> | <p>WINTERLING OUTDOOR LIGHTING PLAN BIG PINE KEY, FL</p> | <p>ENGINEERING BY: Keys ENGINEERING SERVICES, INC. P.E. No. 12,589 8801 CHANDLER HIGHWAY ISLAND PALM, FLORIDA 33069</p> | <p>deltaas Consulting & Design David deHaas Grosbeck 303.699.9801 fax: 303.699.4158</p> | <p>DATE: _____</p> <p>BY: _____</p> |
|-------------------|---|--|--|-------------------------------------|

CONCEPTUAL POOL PLAN

SCALE: 1/8"=1'-0"



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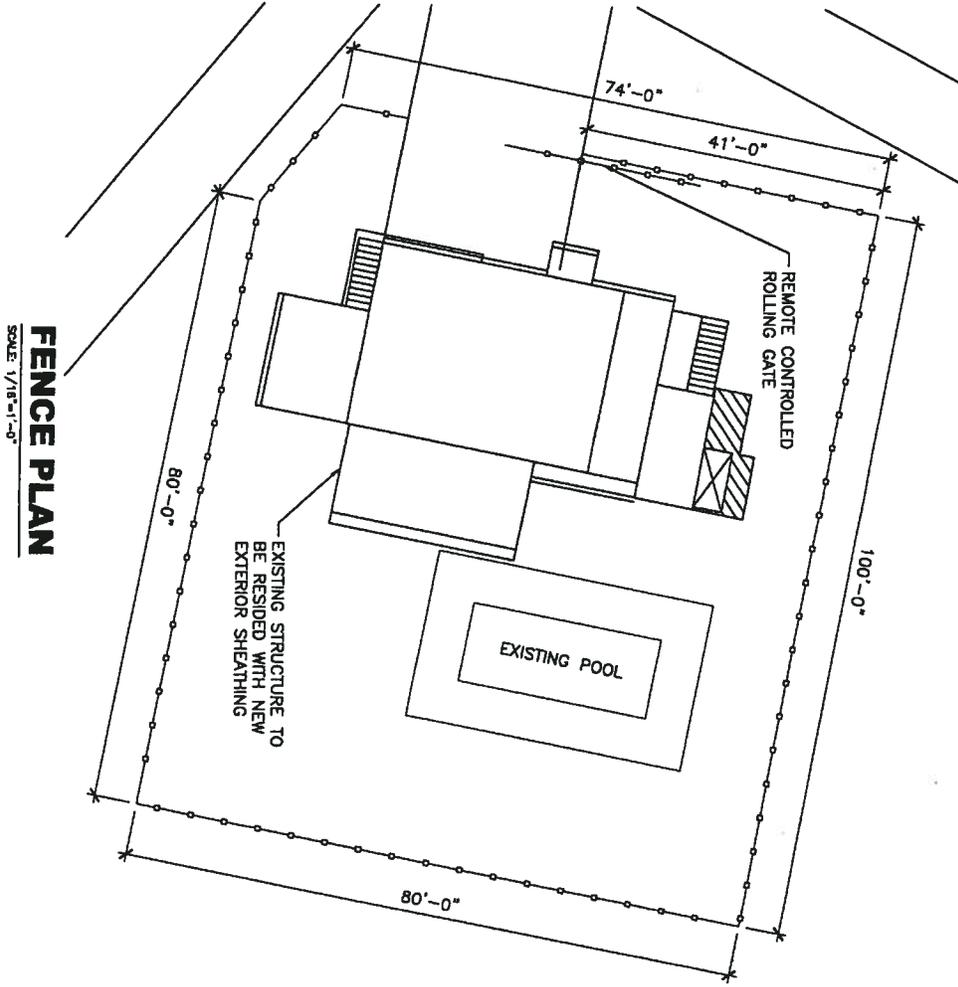
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WINTERLING POOL PLAN
 810 PINE KEY, FL

ENGINEERING BY:
Keys
 ENGINEERING SERVICES, INC.
 P.E. No. 11 2788
 6801 CHERRYBROOK HIGHWAY
 BLAIRMOR, FLORIDA 33509

dellaas
 Consulting & Design
 303-652-9851 fax: 303-826-4158

A-3



FENCE PLAN
SCALE: 1/16"=1'-0"

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BY: 29046

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WINTERLING FENCE
BIG PINE KEY, FL

ENGINEERING BY:
Keyus
ENGINEERING SERVICES, INC.
712 So. W. 27th St.
8881 OVERSEAS HIGHWAY
RELMANOR, FLORIDA 33038

deLaas
Consulting & Design
305.808.9851 fax: 305.836.4138

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- ~ Highlighted Feature
- ~ Real Estate Number
- ~ Parcel Lot Text
- ~ Dimension Text
- ~ Block Text
- ~ Hookups/Leads
- ~ Lot Lines
- ~ Easements
- ~ Road Centerlines
- ~ Water Names
- Parcels
- ~ Shoreline
- ~ Section Lines
- ~ 2008 Aerials

PALMDALE

Monroe County Property Appraiser
 500 Whitehead Street
 Key West, FL

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

Date Created: July 7, 2008 4:36 PM

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BY: 29046
RANGEVIEW

LEO WINTERLING FILE # 290910

PROJECT INFORMATION SHEET

CONDITIONAL USE - SR - CAMPGROUND

OWNER:
LEO WINTERLING

RE NUMBER:
00-110730-000000

LOT/BLOCK/SUBDIVISION:
PART OF GOVT LOT 4

ADDRESS:
31875 OVERSEAS HIGHWAY
BIG PINE KEY, FL 33037

DESIGN AND PLANS BY:
DEHAAS CONSULTING AND DESIGN
88975 OVERSEAS HIGHWAY
TAVERNIER, FL 33070

PHONE/FAX:
PH. (305) 852-9851
FAX (305) 852-4138

SUPERVISING ENGINEER:
DARYLE OSBORN, PE
KEYS ENGINEERING
88801 OVERSEAS HIGHWAY
ISLAMORADA, FL 33036

PHONE/FAX:
PH. (305) 852-0262
FAX (305) 852-2924

DEVELOPMENT AREA:
TOTAL SITE AREA

151,746 SQ. FT.
(3.48 ACRES)

PREVIOUS AREA
IMPROVED AREA

128,878 SQ. FT.
22,871 SQ. FT.

OPEN SPACE REQUIRED
OPEN SPACE PROVIDED

20% (30,349 SQ.FT.)
75% (113,150 SQ. FT.)

USE:

EXISTING USE:
1 SINGLE FAMILY HOME
POOL
CAMP SITES
ACCESSORY USES

PROPOSED USE:
1 SINGLE FAMILY HOME
16 RV SITES
POOLS
ACCESSORY USES

HABITAT TYPE:
DISTURBED/SCARIFIED - DEVELOPED SITE

BASE FLOOD ELEVATION DATA

Existing Flood Elevations = AE +8.0' NGVD
Residence Finished Floor Elevation = AE +9.0' NGVD
Existing Grade Elevation = VE +11.0' NGVD
+11.06' NGVD
+2.2' NGVD

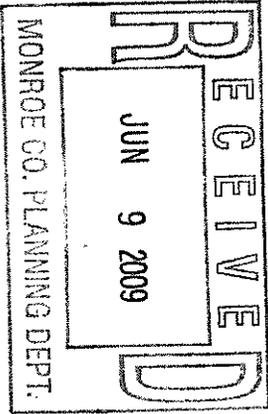
Reference Survey completed by John Paul Grimes
Date: 11 August 2002

FLORIDA BUILDING CODE

NOTE: THIS PROJECT TO COMPLY WITH
THE FLORIDA BUILDING CODE 2004
EFFECTIVE OCTOBER 1, 2005

ABBREVIATIONS (SEE ASME 14.38-1999)

| | | |
|---|--------|--------------------------|
| ⊕ | ABV | AT |
| | ABW | ABOVE |
| | ASSY | AMERICAN WIRE GAGE |
| | ASPH | ASSEMBLY |
| | BOT | ASPHALT |
| | BD | BOTTOM |
| | C TO C | BOARD |
| | CONT | CENTER TO CENTER |
| | d | CONTINUOUS |
| | DEG | CLOSET |
| | DET | PENNY (NAILS) |
| | EL | DEGREE |
| | ELEV | DETAIL |
| | EQL | ELEVATION |
| | EXP | ELEVATOR |
| | FBC | EQUAL |
| | FT | EXPANSION |
| | GFI | FLORIDA BUILDING CODE |
| | GND | FEE |
| | GYP | GROUND |
| | HB | GROUND FAULT INTERRUPTER |
| | IN | GYP |
| | MAX | HOSE BIB |
| | MDL | INCH |
| | MFR | MANUFACTURER |
| | MHML | MIDDLE |
| | MIN | MANUFACTURER |
| | MTD | MEAN HIGH WATER LINE |
| | NKC | MINIMUM |
| | OC | MOUNTED |
| | OCEW | NATIONAL ELECTRICAL CODE |
| | PT | ON CENTER |
| | READ | ON CENTER EACH WAY |
| | SO | PRESSURE TREATED |
| | TYP | SQUARE |
| | V | TYPICAL |
| | | VOLT |



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REVISIONS

| | | |
|-----|------|-------------|
| NO. | DATE | DESCRIPTION |
| | | |
| | | |
| | | |

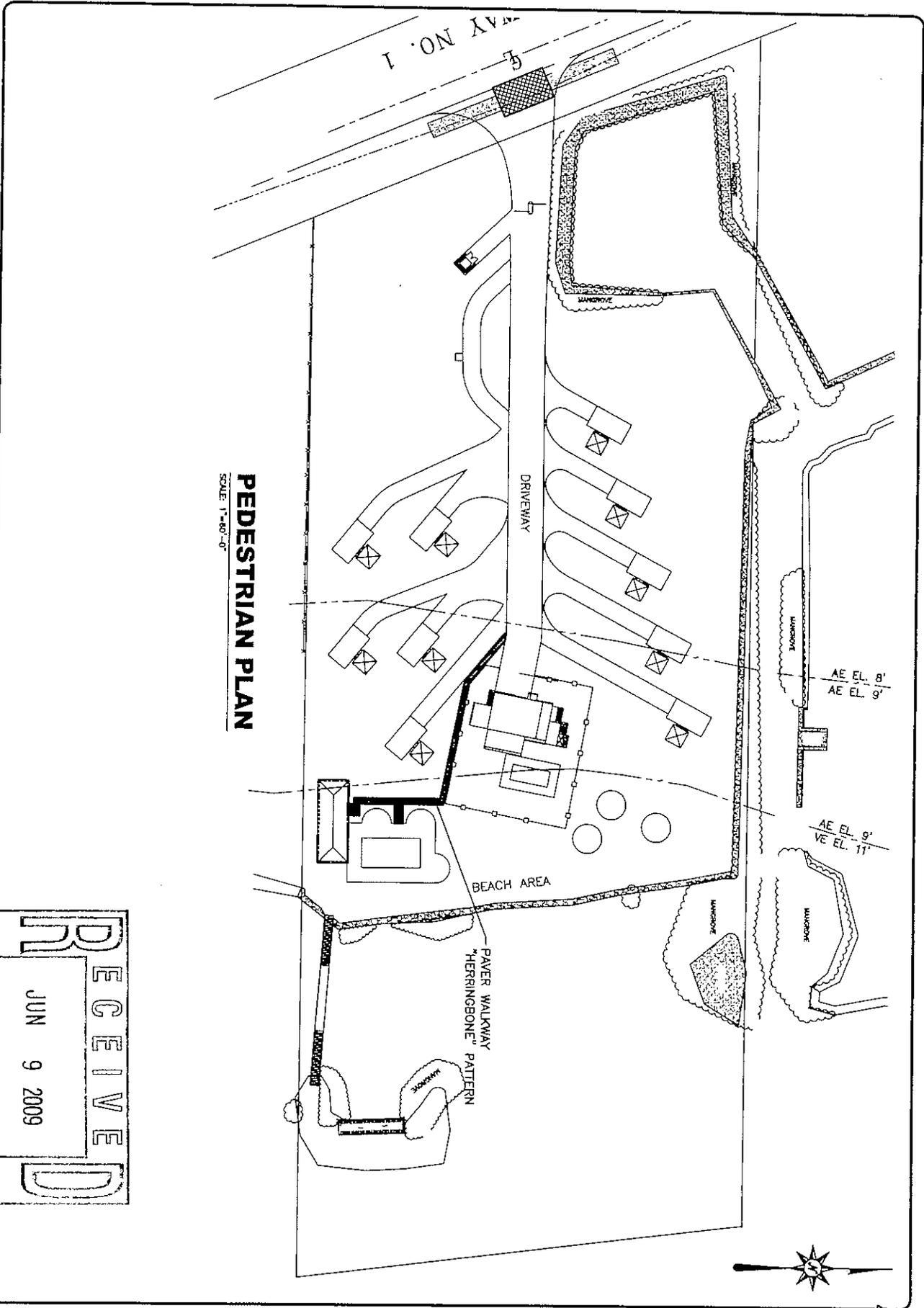
ENGINEERING BY:

Keys
ENGINEERING SERVICES, INC.
PE No. R 27428
88975 OVERSEAS HIGHWAY
ISLAMORADA, FLORIDA 33036

dehaas
Consulting & Design
305.852.9851 (o) 305.852.4138

G-3

WINTERLING PROJECT INFORMATION SHEET
BIG PINE KEY, FL



PEDESTRIAN PLAN
SCALE: 1"=40'-0"

RECEIVED
 JUN 9 2009
 MONROE CO. PLANNING DEPT.



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| | |
|-------------|----------------|
| PROJECT NO. | C-4 |
| DATE | 23 JUL 2008 |
| SCALE | 1"=40'-0" |
| BY | DAVID GROSSECK |
| CHECKED BY | DAVID GROSSECK |
| DATE | 7/23/08 |

WINTERLING PEDESTRIAN PLAN
BIG PINE KEY, FL

ENGINEERING BY:
Keys
 ENGINEERING SERVICES, INC.
 P.O. BOX 117428
 MIAMI, FLORIDA 33111-7428



deHaas
 Consulting & Design
 David deHaas Grosseck
 305.858.9921 | fax: 305.452.4138

| | |
|------------|----------------|
| DATE | 7/23/08 |
| BY | DAVID GROSSECK |
| CHECKED BY | DAVID GROSSECK |
| DATE | 7/23/08 |



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: The Monroe County Planning Commission

From: Joseph Haberman, Principal Planner 
Janis Vaseris, Biologist

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

Date: July 9, 2009

Subject: *Request for an Amendment to a Major Conditional Use Permit for a Campground Facility, to be located at 31875 Overseas Highway (US 1), Big Pine Key, Mile Marker 32, Real Estate No. 00110730.000000*

Meeting: July 22, 2009

1 I REQUEST:

2

3 The applicant is requesting approval of an amendment to a major conditional use permit in

4 order to redevelop the property with ten (10) campground/recreational vehicle (RV) spaces,

5 one (1) single-family dwelling unit and associated improvements.

6



25 Subject Property (outlined in blue) (2006)

26

1 Note: In the application submitted on April 15, 2009, the applicant initially requested
2 approval of a total of 15 campground/RV spaces. The application was advertised
3 accordingly for the Development Review Committee (DRC) meeting on June 9, 2009.
4 Following the discussion of the application at the DRC meeting, the applicant reduced the
5 request to a total of 10 campground/RV spaces. On June 19, 2009, the applicant submitted a
6 revised site plan showing 10 campground/RV spaces (however dated October 8, 2008).

7
8 Location:

9
10 Address: 31875 Overseas Highway (US 1), Big Pine Key, mile marker 32 (gulf side)

11 Legal Description: Part of Government Lot 4, Section 25, Township 66 South, Range 29
12 East, Big Pine Key, and adjacent bay bottom

13 Real Estate (RE) Number: 00110730.000000
14

15
16 Applicant:

17 Owner: Leo F. and James A. Winterling

18 Agent: David DeHaas
19

20
21
22 II RELEVANT PRIOR COUNTY ACTIONS:

23
24 Pursuant to Ordinance Numbers 029-2004 and 030-2004, approved by the BOCC on August
25 18, 2004, the future land use map designation of the subject parcels was changed from Mixed
26 Use / Commercial (MC) to Residential Low (RL) and the land use district of the subject
27 parcels was changed from Destination Resort (DR) to Suburban Residential (SR). The map
28 amendments were carried out in order to fulfill Action Item 2.1.3 of the Master Plan for
29 Future Development of Big Pine Key and No Name Key.

30
31 On October 27, 2006, a letter of understanding from Aref Joulani, Senior Director of
32 Planning & Environmental Resources, was sent to Franklin D. Greenman, agent for the
33 property owners, stating how a similar redevelopment proposal could remain in compliance
34 with the Monroe County Code. Although the 2006 proposal is slightly different than that
35 proposed in this application, the letter provided a determination as to the amount of lawfully-
36 established residential units on the property which is pertinent to this application.
37

38 III BACKGROUND INFORMATION:

39
40 A. Size of Site: 3.48 acres (upland) per Project Information Sheet and 3.82 acres (upland)
41 and 1.51 acres (submerged land) per Property Record Card

42 B. Land Use District: Suburban Residential (SR)

43 C. Future Land Use Map (FLUM) Designation: Residential Low (RL)

44 D. Tier Designation: Tier I

45 E. Flood Zone: part AE – EL 8, part AE – EL 9 & part VE – EL 11

46 F. Existing Use: Single-family residential (formerly single-family residential and
47 campground)

48 G. Existing Vegetation / Habitat: Predominately scarified with several areas of vegetation

49 H. Community Character of Immediate Vicinity: Residential and Conservation
50

1
2 IV REVIEW OF APPLICATION:
3

4 MCC §110-67 provides the standards which are applicable to all conditional uses. When
5 considering applications for a conditional use permit, the Planning Commission shall
6 consider the extent to which:
7

8 A. *The conditional use is consistent with the purposes, goals, objectives and standards of the*
9 *comprehensive plan and the land development regulations:*
10

11 The proposed use (revised to 10 campground/RV spaces) is consistent with all the
12 purposes, goals, objectives and standards of the comprehensive plan and the land
13 development regulations.
14

15 Policies from the Monroe County Year 2010 Comprehensive Plan that directly pertain to
16 the proposed use include:
17

18 *Policy 101.4.2:* The principal purpose of the RL land use category is to provide
19 for low-density residential development in partially developed areas with
20 substantial native vegetation. Low intensity public and low intensity institutional
21 uses are also allowed. In addition, Monroe County shall adopt Land Development
22 Regulations which allow any other nonresidential use that was listed as a
23 permitted use in the Land Development Regulations that were in effect
24 immediately prior to the institution of the 2010 Comprehensive Plan, and that
25 lawfully existed on such lands on January 4, 1996 to develop, redevelop,
26 reestablish and/or substantially improve provided that the use is limited in
27 intensity, floor area, density and to the type of use that existed on January 4, 1996
28 or limit to what the pre-2010 LDR's allowed, whichever is more restricted.
29

30 The single-family residence is consistent with Policy 101.4.2; however
31 campgrounds or transient uses, unless classified as public or low-intensity
32 institutional, are not described as a permitted use in the principal purpose of the
33 RL land use category. In any event, Policy 101.4.2 allows redevelopment of any
34 other nonresidential use limited to intensity, floor area, density and to the type of
35 use as that existed prior to its redevelopment. As stated in the letter of
36 understanding from 2006, staff determined that a 10-space campground was
37 lawfully-established on the property and records indicate that it was in existence
38 in 1996. Therefore, the applicant can redevelop and reestablish the 10-unit
39 campground; however an expansion to a 15-unit campground, as initially
40 proposed, would have been an increase in density, which could be interpreted as
41 prohibited development.
42

43 It is important to note that in the letter of understanding from 2006, the then
44 Director of Planning & Environmental Resources stated that single-family
45 detached dwellings and campground uses are consistent with the designation of

1 Residential Low (RL) despite any language concerning campgrounds being
2 contained in the policy.
3

4 Action Items from the Master Plan for Future Development of Big Pine Key and No
5 Name Key that directly pertain to the proposed use include:
6

7 *Action Item 2.1.3:* Adopt the following parcel-specific revisions to the FLUM and
8 Land Use District Map. These revisions are either required actions pursuant to
9 the Comprehensive Plan or needed to facilitate the implementation of this Master
10 Plan (see Figure 2.2)...2. Change the designation of acreage identified as real
11 estate parcel numbers: 00110460.000000; 00110540.000000; 00110640.000000;
12 00110720.000000; 00110720.000100; 00110730.000000; 00110740.000000;
13 00110750.000000; 00111020.000000; 00111020.000010; 00111020.000020;
14 00111020.000030; and 00111020.000040 on Big Pine Key from Mixed
15 Use/Commercial (MC) to Residential Low (RL) on the FLUM and from
16 Destination Resort (DR) to Suburban Residential (SR) on the land use district
17 map. This proposed change will reduce the intensity of the existing land use
18 district and bring it into conformity with the current use and surrounding
19 community. Additionally it will protect existing sensitive habitat.
20

21 *Action Item 2.2.2:* Use the following “H unit budget” table (Table 2.3), based on
22 the final preferred development scenario modeled in the HCP, as a guideline for
23 the approximate amount of H that should be anticipated for planned development
24 over the 20-year horizon.
25

26 Any expansion, if approved, shall be subject to the Habitat Conservation Plan.
27

28 *Action Item 3.1.2:* Do not consider the replacement of existing, legally established
29 residential units as of the date this plan as new development nor shall on-site
30 replacement be considered to have any H impact.
31

32 *Action Item 3.1.4:* Allow residential units of any type listed in the applicable
33 FLUM categories and land use districts with the exception that new transient
34 residential units shall be prohibited.
35

36 B. *The conditional use is consistent with the community character of the immediate vicinity:*
37

38 A single-family residence and campground would be compatible with neighboring
39 properties, an area which is composed of conservation and residential uses. Furthermore,
40 the property is relatively isolated with the exception of a single, developed residential
41 property across the canal to the north. Therefore, the proposed development would be
42 consistent with the community character of the immediate vicinity.
43

44 C. *The design of the proposed development minimizes adverse effects, including visual*
45 *impacts, on adjacent properties:*
46

1 Similar design guidelines and materials are proposed for all of the proposed structures,
2 which will make the site cohesive. In addition, as part of the redevelopment, trees and
3 other landscaping elements shall be introduced to the site. Therefore, the proposed
4 development minimizes adverse effects, including visual impacts, on adjacent properties.
5

6 D. *The proposed use will have an adverse impact on the value of surrounding properties:*
7

8 Staff has no evidence indicating that the proposed redevelopment will have an adverse
9 impact on the value of the surrounding properties.
10

11 E. *The adequacy of public facilities and services:*
12

13 1. Roads:
14

15 *Localized Impacts & Access Management:* Access to and from the development shall
16 be approved by the county's traffic consultant and the Florida Department of
17 Transportation (FDOT).
18

19 *Level of Service (LOS):* A traffic evaluation shall be approved by the county's traffic
20 consultant.
21

22 2. Stormwater: The applicant shall coordinate with the Public Works Division, and, if
23 necessary, the South Florida Water Management District (SFWMD) to determine
24 compliance with all applicable regulations (See section I-9).
25

26 3. Sewer: The applicant shall coordinate with the Florida Department of Health, Florida
27 Department of Environmental Protection and Florida Keys Aqueduct Authority to
28 determine compliance with all applicable regulations (See section I-10, Wastewater
29 Treatment Criteria).
30

31 4. Emergency Management: The applicant shall coordinate with the Office of the Fire
32 Marshal to determine compliance with the Florida Fire Prevention Code, the Florida
33 Building Code, the National Fire Protection Code (NFPA 1) and the Life Safety Code
34 (NFPA 101). Fire Rescue Captain, Steven Zavalney, reviewed the project and
35 provided a letter of coordination, dated February 16, 2009, which provided the
36 requirements for the Office's approval of the project.
37

38 F. *The applicant has the financial and technical capacity to complete the development as
39 proposed:*
40

41 Staff has no evidence to support or disprove the applicant's financial and technical
42 capacity.
43

44 G. *The development will adversely affect a known archaeological, historical or cultural
45 resource:*

1 The proposed redevelopment will not adversely affect a known archaeological, historical
2 or cultural resource.

3
4 H. *Public access to public beaches and other waterfront areas is preserved as part of the*
5 *proposed development:*

6
7 Public access means the ability of the public to physically reach, enter or use beaches and
8 shores. The property has access to the channel to the east. The site has dockage;
9 however, the property and the dock are and shall remain under private ownership. The
10 public will continue to have limited access to the waterfront area as visitors of the
11 campground. Therefore, the proposed redevelopment will not have an adverse impact on
12 public access to a waterfront area.

13
14 I. *The project complies with all additional standards imposed on it by the Land*
15 *Development Regulations:*

16
17 1. Residential Rate of Growth Ordinance (ROGO) (§138-19 – §138-28): *In compliance.*

18
19 As stated in the letter of understanding from 2006, staff determined that one (1)
20 single-family residence, considered a permanent residential dwelling unit, and 10
21 campground spaces, considered transient residential units, are lawfully-established on
22 the property. The continuance of the single-family residence and the replacement of
23 the 10 campground spaces with 10 campground/RV spaces would be in compliance
24 with the ROGO.

25
26 2. Non-Residential Rate of Growth Ordinance (NROGO) (§138-47 – §138-56): *Not*
27 *applicable.*

28
29 Non-residential floor area is not proposed. As a note, one (1) bathhouse, 10 tiki huts
30 and three (3) chickee huts are proposed. However, this floor area would serve as
31 accessory floor area to the principal campground use. Non-residential floor area is
32 not space occupied by transient residential principal uses.

33
34 3. Purpose of the SR District (§130-44): *In compliance.*

35
36 The purpose is to establish areas of low to medium density residential uses
37 characterized principally by single-family detached dwellings. This district is
38 predominated by development; however, natural and developed open space create an
39 environment defined by plants, spaces and over-water views.

40
41 4. Permitted Uses (§130-94): *In compliance following the receipt of required*
42 *conditional use permit.*

43
44 There is an existing single-family residence that would remain. Detached residential
45 dwellings may be permitted as-of-right
46

The applicant is proposing a campground, composed of 10 campground/RV spaces, an accessory bathhouse, accessory tiki huts and an accessory pool. Campgrounds may be permitted with a major conditional use permit, provided that: a) the parcel proposed for development has an area of at least five acres; b) the operator of the campground is the holder of a valid Monroe County occupational license; c) if the use involves the sale of goods and services, other than the rental of camping sites or RV parking spaces, such use does not exceed 1,000 ft² and is designed to serve the needs of the campground; and d) the parcel proposed for development is separated from all adjacent parcels of land by at least a class "C" buffer-yard.

Concerning the proposed development, the parcel consists of 5.33 total acres according to the Property Record Card, the operator shall be required to hold a valid Monroe County occupational license, the proposed development would not involve the sale of goods and services other than the rental of camping sites or RV parking spaces and the parcel shall be required to maintain at least a class "C" buffer-yard along all adjacent parcels of land.

5. Residential Density and Maximum Floor Area Ratio (§130-157, §130-162 & §130-164): *In compliance.*

| Land Use | Allocated Density | Size of Site (upland) | Max Allowed | Proposed | Potential Used |
|---|--------------------|-----------------------|-------------|----------|----------------|
| Single-Family Residence (Permanent Residential) | 1 unit / 0.5 acres | 3.48 acres | 1.74 units | 1 unit | 57.5 % |
| Campground/RV space Transient Residential | 5 units /acre | 3.48 acres | 17.4 spaces | 10 units | 57.5 % |
| Total | | | | | 115 % |

The proposed residential density is not permitted under the allocated density provisions of the Land Development Code. However, Ordinance 073-2007, adopted by the BOCC on November 14, 2007 and recently approved by the Florida Department of Community Affairs on June 15, 2009, amended the Land Development Code to consider transient residential units legally established before January 4, 1996 to be conforming to density in order to permit replacement, redevelopment and substantial improvement. Ten campground spaces were lawfully in existence in 1996; therefore the proposed density of 10 transient residential units is conforming. The Land Development Code already protects the density of legally established permanent residential units, which would include the single-family residence.

As a note, the proposed density would be in compliance with the maximum net density provisions:

| Land Use | Max Net Density | Size of Site (upland) | Max Allowed | Proposed | Potential Used |
|---|---------------------------|-----------------------------------|-------------|----------|----------------|
| Single-Family Residence (Permanent Residential) | 5 units / buildable acre | 3.48 acres (1.74 buildable acres) | 8.7 units | 1 unit | 11.5 % |
| Campground/RV space Transient Residential | 10 units / buildable acre | 3.48 acres (1.74 buildable acres) | 17.4 spaces | 10 units | 57.5 % |
| Total | | | | | 69 % |

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37
6. Required Open Space (§118-9, §118-12, §130-157, §130-162 & §130-164): *In compliance.*

There is a required open space ratio of 0.50 or 50 percent. In total, the property consists of approximately 3.48 acres of upland area. Therefore, at least 1.74 acres or 75,794 ft² of the total land area must remain open space. The Project Information Sheet indicates that there would be 128,875 ft² of pervious area.

7. Minimum Yards (§118-12 & §130-186): *In compliance.*

The required non-shoreline setbacks in the SR District are as follows: Front yard – 25 feet; Rear yard – 10 feet; and Side yard – 10/15 feet. In addition, this site does include an altered open water shoreline that is adjacent to a manmade channel. This will require a shoreline setback of 20 feet from the mean high water line. On the Proposed Site Plan, no development is within the required setbacks.

8. Maximum Height (§130-187): *Compliance to be determined upon submittal to Building Department.*

Elevations indicate that the building height of the proposed bathhouse would be 13 ft., 3.5 in. and the height of the proposed tiki huts would be 13 ft., 8 in. The elevation of the existing single-family residence and proposed chickee huts were not provided.

9. Surface Water Management Criteria (§114-3): *Compliance to be determined by the Public Works Division and/or SFWMD prior to issuance of a building permit.*

A stormwater management plan was provided. Kevin Wilson of the Public Works Division provided a memorandum dated June 5, 2009 stating that the plans conceptually meet the requirements of the Monroe County Code and that the stormwater plan will be formally reviewed as part of a building permit application.

10. Wastewater Treatment Criteria (§114-5): *Compliance to be determined by Florida Department of Health, Florida Department of Environmental Protection and/or Florida Keys Aqueduct Authority prior to the issuance of a building permit.*

No letter of coordination relating to wastewater treatment has been provided.

1
2 11. Fencing (§114-20): *Compliance to be determined upon submittal to Building*
3 *Department.*
4

5 The applicant submitted a fence plan; however it provided inadequate information to
6 determine compliance with the fencing regulations and the Master Plan for Future
7 Development of Big Pine Key and No Name Key. Therefore, the proposed fencing is
8 not being reviewed as part of this application. If the applicant intends to construct
9 new fencing, it shall be reviewed independently for compliance under a building
10 permit application.
11

12 12. Floodplain Management (§122-1 – §122-6): *Compliance to be determined upon*
13 *submittal to Building Department.*
14

15 The site is designated partially within AE – EL 8, AE – EL 9 and VE – EL 11 flood
16 zones on the Federal Emergency Management Agency (FEMA)'s flood insurance rate
17 maps. All new structures must be built to floodplain management standards that meet
18 those for flood protection.
19

20 13. Energy Conservation Standards (§114-45): *Compliance to be determined upon*
21 *submittal to Building Department.*
22

23 The development proposal includes the installation of native plants, trees and other
24 vegetation, which will reduce the requirements for water and maintenance; the
25 installation of several shade trees, which will provide shade for parking areas and the
26 provision of structural shading.
27

28 14. Potable Water Conservation Standards (§114-46): *Compliance to be determined*
29 *upon submittal to Building Department.*
30

31 No letter of coordination relating to potable water has been provided.
32

33 15. Environmental Design Criteria and Mitigation Standards (§118-6, §118-7 & §118-8):
34 *Compliance to be determined by Biologist prior to issuance of a resolution by the*
35 *Planning Commission.*
36

37 16. Required Parking (§9.5-114-67): *In compliance.*
38

39 Per the letter of understanding from 2006, the following off-street parking
40 requirements apply: the single-family dwelling unit shall require two (2) parking
41 spaces and although not identified as a specific use category, the campground spaces
42 shall require one (1) parking space per campsite (a requirement consistent with other
43 transient uses).
44

1 According to the Proposed Site Plan, the residence would have two (2) off-street
2 parking spaces and each of the campground/RV spaces would have enough space in
3 front of the concrete pad for at least one (1) vehicle.
4

5 17. Required Loading and Unloading Spaces (§114-69): *In compliance.*
6

7 18. Required Landscaping (§114-99 – §114-105): *Compliance to be determined by*
8 *Biologist prior to the issuance of a resolution by the Planning Commission.*
9

10 Since the parking area is to contain six (6) or more spaces, a class “C” landscaping
11 standard is required. A class “C” landscaping standard is not labeled or otherwise
12 shown on the landscaping plan.
13

14 19. Required Bufferyards (§114-124 – §114-130): *In compliance.*
15

16 A class “E” major street bufferyard is required along the property line adjacent to US
17 1. A class “E” bufferyard with a width of 50 feet is shown on the landscaping plan.
18

19 Class “C” bufferyards, pursuant to MCC §130-94, are required along the southern and
20 northern property lines. Class “C” bufferyards, the northern with a width of 20 feet
21 and the southern with a width of 10 feet, are shown on the landscaping plan.
22

23 As a note, a class “A” land use district bufferyard would be required along the
24 southern property line (the adjacent properties are designated as Native Area (NA)).
25 However, pursuant to MCC §130-94, the parcel shall be required to maintain at least
26 a class “C” buffer-yard along all adjacent parcels of land.
27

28 20. Outdoor Lighting (§114-159 – §114-163): *Compliance to be determined upon*
29 *submittal to Building Department.*
30

31 The applicant submitted an outdoor lighting plan; however it provided inadequate
32 information to determine compliance with the regulations. Therefore, the proposed
33 outdoor lighting is not being reviewed as part of this application. It shall be reviewed
34 independently for compliance as an accessory use under a building permit
35 application.
36

37 21. Signs (§142-1 – §142-7): *Compliance to be determined upon submittal to Building*
38 *Department.*
39

40 22. Access Standards (§114-195 – §114-201): *Compliance to be determined prior to the*
41 *issuance of a resolution by the Planning Commission.*
42

43 Access to and from the development would be from a shared entry drive on US 1. As
44 of the date of this report, the county’s traffic consultant has not provided any
45 comments regarding the access management.
46

1 A formal traffic study or traffic impact analysis, which is a requirement for a
2 conditional use permit application, was not submitted. However, the county's traffic
3 consultant, Raj Shanmugam of URS Corporation, reviewed the informal traffic study
4 provided in the application and issued a letter dated June 3, 2009 stating that the
5 traffic information presented is inadequate to reach a conclusion concerning the
6 traffic concurrency requirements.

7
8 Site triangles are shown on the site plan; however vehicle maneuverability is not
9 clearly indicated.

10
11 23. Chapter 533, Florida Statutes: *Compliance to be determined upon submittal to*
12 *Building Department.*

13
14 Other Issues:

- 15
16 1. The proposed development is subject to all rules and regulations set forth in the
17 Habitat Conservation Plan (HCP) and the Federal Incidental Take Permit (ITP)
18 #TE083411-0 for Big Pine Key.

19
20 These intricate regulatory documents, as well as the Master Plan for Future
21 Development of Big Pine Key and No Name Key, hold as a key tenet the survival of
22 the Florida Key Deer, as an umbrella species, through the maintenance of the herd
23 above quasi-extinction population levels. This is accomplished through the strict
24 monitoring of impact through the assigned master variable "H". The master variable
25 represents both direct habitat loss and indirect human-related effects on Key deer.

26
27 The proposed development covers two (2) real estate numbers. RE 00110730.000000
28 has an "H" value of 0.0215. RE 00110740.000000 has an "H" value of 0.0014. The
29 parcels were combined in 2008 for assessment purposes. The combined "H" value
30 for the property is 0.0229 "H".

31
32 V RECOMMENDED ACTION:

33
34 Staff recommends **approval** to the Planning Commission with the following conditions:

- 35
36 A. Prior to the issuance of a resolution by the Planning Commission, new full-size plans
37 shall be submitted showing revision dates.
38
39 B. Prior to the issuance of a resolution by the Planning Commission, the landscaping
40 plan shall be revised to clearly reflect the required landscaping. Specifically, the
41 applicant shall modify the plan to show and label a class "C" landscaping standard
42 since the parking area is to contain six (6) or more spaces.
43
44 C. Prior to the issuance of a resolution by the Planning Commission, the applicant shall
45 submit a traffic study or letter, prepared and signed by a licensed traffic engineer,
46 stating the projected trip generation. Following its submittal, the county's traffic

1 consultant must approve its findings to determine whether or not the level of service
2 along US 1 could support the additional development.
3

- 4 D. Prior to the issuance of a resolution by the Planning Commission, the applicant shall
5 submit a letter of coordination from the United States Fish and Wildlife Service
6 stating that proposed redevelopment would be permitted under the provisions and
7 regulations of Habitat Conservation Plan for Big Pine and No Name Keys and the
8 Federal Incidental Take Permit #TE083411-0.
9
- 10 E. Prior to the issuance of a building permit, the applicant shall receive all required
11 permits and approvals from the United States Army Corps of Engineers, Florida
12 Department of Environmental Protection, South Florida Water Management District,
13 Florida Department of Health and the Florida Department of Transportation.
14
- 15 F. Prior to the issuance of a building permit, the proposed development and structures
16 shall be found in compliance by the Monroe County Building Department, the
17 Monroe County Floodplain Administrator and the Monroe County Office of the Fire
18 Marshal.
19
- 20 G. The bathhouse, tiki huts and chickee huts shall only serve as accessory floor area to
21 the principal campground use and may only be for exclusive use of the occupants of
22 the campground/RV spaces. Its floor area may not be transferred off-site or
23 converted into non-residential floor area without additional permit approvals.
24
- 25 H. The operator of the campground shall be a holder of a valid Monroe County
26 occupational license. This license must be obtained prior to the campground's
27 opening to any visitors.
28
- 29 I. A pump-out system for the recreational vehicles' sewage holding tanks shall be
30 installed and maintained.
31

32 VI PLANS REVIEWED:
33

- 34 A. Project Information Sheet (G-3) by Keys Engineering Services, Inc. and DeHaas
35 Consulting & Design, dated October 8, 2008 and revised June 5, 2009;
36 B. Existing Site Plan (C-1) by Keys Engineering Services, Inc. and DeHaas Consulting &
37 Design, dated October 8, 2008;
38 C. Proposed Site Plan (C-2) by Keys Engineering Services, Inc. and DeHaas Consulting &
39 Design, dated October 8, 2008;
40 D. Landscaping Plan (C-3) by Keys Engineering Services, Inc. and DeHaas Consulting &
41 Design, dated October 8, 2008;
42 E. Pedestrian Plan (C-4) by Keys Engineering Services, Inc. and DeHaas Consulting &
43 Design, dated December 22, 2008;
44 F. Conceptual Drainage Plan (C-5) by Keys Engineering Services, Inc. and DeHaas
45 Consulting & Design, dated December 22, 2008;
46 G. Boundary Survey by John Paul Grimes dated November 8, 2002