

Agenda

PLANNING COMMISSION
MONROE COUNTY
November 4, 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 Chairman
Denise Werling
Jeb Hale
Elizabeth Lustberg

STAFF:

Townsley Schwab, Senior Director of Planning and Environmental Resources
Susan Grimsley, Ass't County Attorney, Acting Growth Management Director
John Wolfe, Planning Commission Counsel
Mitch Harvey, Comprehensive Plan Manager
Kathy Grasser, Comprehensive Planner
Joe Haberman, Principal Planner
Thomas Lloyd, 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

-
APPROVAL OF MINUTES

-
CHANGES TO THE AGENDA

-
-
-
-
-
-

MEETING

Continued Item:

1.An Ordinance Of The Monroe County Board Of County Commissioners Amending Section 102-21 of the Monroe County code; updating the qualifications and duties of the Director of Planning; eliminating specific job descriptions for other positions; amending the duties of the Development Review Committee; deleting obsolete provisions; placing the duties of the building official in one location in Chapter 6 of the Monroe County code; providing for severability; providing for repeal of conflicting provisions; providing for codification; providing for an effective date.

[29077 SR PC 10.07.09.PDF](#)

New Items:

2. 348 East Seaview Drive, Duck Key, Mile Marker 61: A request for approval of a variance of five (5) feet to the required ten (10) foot side yard setback along the northern property line and of four (4) feet from the required five (5) foot side yard setback along the southern property line. The subject parcel is legally described as Duck Key Yacht Club Island, Section 4, Tom's Harbor, Block 1, Lot 24, Duck Key, Monroe County, Florida, having Real Estate Number 00384370.000000.

[29075 FILE.pdf](#)

[29075 Corrected Survey.pdf](#)

[29075 SR PC 11.04.09.pdf](#)

3. Bicentennial Post 333, Inc. (American Legion), 2 Seagate Boulevard, Key Largo, Mile Marker 100: A request for approval of an 11-C (Private Club: Cabana Club) Alcoholic Beverage Special Use Permit to authorize the sale of alcohol by the drink to members and members' guests only. The subject parcels are legally described as Block 4, Lots 24, 25, and 26, Key Largo Beach (PB2-149), Key Largo, Monroe County, Florida, having Real Estate Numbers 00502290.000000, 00502300.000000, and 00502310.000000.

[29085 File.pdf](#)

[29085 Survey.PDF](#)

[29085 SR PC 11.04.09.pdf](#)

4. 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 11.04.09.pdf](#)

5. 99101 Overseas Highway, Key Largo, Mile Marker 99.1: A request by MDJ Investments, LLC to amend the Future Land Use Map designation from Residential Low (RL) To Mixed Use / Commercial (MC) in accordance with Policy 101.4.5 of the Monroe County Year 2010 Comprehensive Plan. The subject parcel is legally described as Thompson's Subdivision, Key Largo, PB1-147 Lots 13-18, Monroe County, Florida having real estate number 00440100.000000.

99101 Overseas Highway, Key Largo, Mile Marker 99.1: A request by MDJ Investments, LLC to amend the Land Use District designation from Sub Urban Residential (SR) To Sub Urban Commercial (SC) in accordance with Monroe County Code, Section 130-43. The subject parcel is legally described as Thompson's Subdivision, Key Largo, PB1-147 lots 13-18, Monroe County, Florida having real estate number 00440100.000000

[M29062 FILE.PDF](#)

[M29062 Survey.PDF](#)

[M29062 SR PC 11.04.09.PDF](#)

6. Monroe County Owned Conservation Lands - Various sites throughout the Keys: A request by the Monroe County Land Steward to amend the Future Land Use Map (FLUM) designation from Mixed Use / Commercial (MC)

to Conservation (C) for parcels having Real Estate Numbers 00111260-000000, 00111270-000000, 00111880-000030 (part), 00111880-000300 (part), 00111890-000000 (part), 00111940-000000 (part), 00177000-000000; from Residential Conservation (RC) to Conservation (C) for parcels having Real Estate Numbers 00115510-000600, 00115520-002300 (part), 00117530-000000 (part), 00117560-000000 (part), 00516800-000000 (part), from Residential High (RH) to Conservation (C) for parcels having Real Estate Numbers 00111880-000030 (part), 00111890-000000 (part), 00111940-000000 (part), 00481320-000000 (part), 00481340-000000 (part); from Residential Low (RL) to Conservation (C) for parcels having Real Estate Numbers 00111880-000300 (part), 00115520-002300 (part), 00118110-000200, 00177340-000000, 00177350-000000 (part), 00200680-000500, 00200680-000800, 00200680-000900, 00200680-001000, 00481320-000000 (part), 00481340-000000 (part), 00516800-000000 (part), 00516830-000000, 00517080-000000, 00519320-000000; and from Residential Medium (RM) to Conservation (C) for parcels having Real Estate Numbers 00117530-000000 (part), 00117560-000000 (part), 00169770-000000, 00169840-000000, 00169850-000000, 00170270-000000 to 00170350-000000, 00170670-000000 to 00170780-000000, 00170910-000000 to 00170960-000000, 00171160-000000 to 00171220-000000, 00171240-000000 to 00171270-000000, 00177350-000000 (part), 00177400-000000, 00177610-000000, 00177620-000000, 00177960-000000, 00316370-000000, 00316380-000000, 00442620-000000 to 00442730-000000, 00551580-000000 to 00552010-000000 in accordance with Policy 101.4.15 of the Monroe County Year 2010 Comprehensive Plan. The subject parcels (127 total parcels) were purchased utilizing funding from the Florida Communities Trust (FCT), are located throughout the Keys and are currently used as conservation lands. No change in use is proposed. The amendments are being requested by the Monroe County Land Steward to create conformity between the FLUM and the current use, as required by the grant agreement with the FCT.

Monroe County Owned Conservation Lands - Various sites throughout the Keys: A request by the Monroe County Land Steward to amend the Land Use District (LUD) designation from Commercial Fishing District (CFD) to Conservation District (CD) for parcels having Real Estate Numbers 00442620-000000 to 00442640-000000; from Improved Subdivision (IS) to Conservation District (CD) for parcels having Real Estate Numbers 00117530-000000 (part), 00117560-000000 (part), 00169770-000000, 00169840-000000, 00169850-000000, 00170270-000000 to 00170350-000000, 00170670-000000 to 00170780-000000, 00170960-000000, 00171160-

000000 to 00171220-000000, 00171240-000000 to 00171270-000000, 00177000-000000, 00177400-000000, 00177610-000000, 00177620-000000, 00177960-000000, 00316370-000000, 00316380-000000, 00442650-000000 to 00442730-000000, 00551580-000000 to 00552010-000000; from Improved Subdivision / Duplex (IS-D) to Conservation District (CD) for parcels having Real Estate Numbers 00481320-000000, 00481340-000000; from Native Area (NA) to Conservation District (CD) for parcels having Real Estate Numbers 00117530-000000 (part), 00117560-000000 (part), 00170910-000000 to 00170950-000000; from Suburban Commercial (SC) to Conservation District (CD) for parcels having Real Estate Numbers 00111260-000000, 00111270-000000, 00111880-000030, 00111880-000300, 00111890-000000, 00111940-000000; from Suburban Residential (SR) to Conservation District (CD) for parcels having Real Estate Numbers 00115510-000600, 00115520-002300, 00177340-000000, 00177350-000000, 00200680-000500, 00200680-000800, 00200680-000900, 00200680-001000 00516800-000000, 00516830-000000, 00517080-000000, 00519320-000000; from Suburban Residential Limited (SRL) to Conservation district (CD) for a parcel having Real Estate Number 00118110-000200 in accordance with Sec. 130-28 of the Monroe County Code. The subject parcels (127 total parcels) were purchased utilizing funding from the Florida Communities Trust (FCT), are located throughout the Keys and are currently used as conservation lands. No change in use is proposed. The amendments are being requested by the Monroe County Land Steward to create conformity between the LUD map and the current use, as required by the grant agreement with the FCT.

[M29080 SR PC 11.04.09.pdf](#)

BOARD DISCUSSION

GROWTH MANAGEMENT COMMENTS

RESOLUTIONS FOR SIGNATURE

ADJOURNMENT





MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Planning Commission

Through: Townsley Schwab, Senior Director of Planning & Environmental Resources
Susan Grimsley, Assistant County Attorney

From: Joseph Haberman, AICP, Principal Planner

Date: September 25, 2009

Subject: *Proposed Ordinance to the Board of County Commissioners to amend Section 102-21 of the Monroe County Code, Department of planning and to amend Section 6-55, Building Department*

Meeting: October 7, 2009 (continued from September 23, 2009)

1
2 I REQUEST

3
4 The Planning & Environmental Resources Department is proposing amendments to the text
5 of §102-21 and §6-55 of the Monroe County Code.

6
7 II RELEVANT PRIOR COUNTY ACTIONS:

8
9 The proposed text amendments were reviewed at the August 18, 2009 meeting of the
10 Development Review Committee. Several revisions to the proposed text amendments were
11 discussed and applied at that time.

12
13 III BACKGROUND INFORMATION

14
15 The Board of County Commissioners (BOCC) directed staff to change the requirements for
16 the qualifications of the Planning Director.

17
18 IV REVIEW

19
20 The current text within the Land Development Code describing the job qualifications and
21 functioning of the Planning & Environmental Resources Department is outdated.

22
23 It is apparent that the current regulations for the 'department of planning' were to apply to the
24 entire division now known as the 'growth management division'. Therefore, current
25 responsibilities of the department of planning need to be updated so that they do not include the
26 responsibilities of the growth management division. Therefore, staff is recommending that
27 §102-21(a) be amended to clarify that the department of planning does not oversee or
28 otherwise include the building department and the code enforcement department. In addition,

1 there are currently no divisions formally known as capital improvements planning and land use
2 planning.

3
4 Concerning the director of planning position, the duties of personnel are prescribed by job
5 descriptions as approved by the Human Resources Department. Therefore, following BOCC
6 guidance, staff is recommending the removal of the stated qualifications from the §102-21(b).
7 This will provide the county administrator and the BOCC with more flexibility when hiring a
8 director of planning. In addition, staff modified the responsibilities of the director of planning
9 to reflect current practice.

10
11 Concerning the development review coordinator position, the position of development review
12 coordinator has been eliminated in the Planning & Environmental Resources Department. All
13 responsibilities of the position have been assumed by the Director of Planning the Principal
14 Current Planner. Therefore, staff is recommending that §102-21(c) be deleted.

15
16 Concerning the Development Review Committee, the composition of the committee should
17 vary depending on the type of application being considered. Furthermore, the responsibilities
18 of the committee should be amended to reflect current practice. Therefore, staff is
19 recommending several changes to §102-21(d) [to be renumbered §102-21(c)].

20
21 Concerning, the Building Official position, his or her qualifications are not appropriate in Land
22 Development Code as they are already addressed in the more appropriate section, §6-55,
23 Building Department. Therefore, staff is recommending that the current §102-21(e) be deleted
24 and the responsibilities of the building official described in that section be relocated to §6-
25 55(c).

26
27 Concerning the Division of capital improvements planning and Land use planning division,
28 these divisions do not formally exist and their intended responsibilities have been assumed by
29 the planning department. Therefore, staff is recommended that §102-21(f) and §102-21(g) be
30 deleted.

31
32 Concerning the Environmental resources division, this division has been merged with the
33 planning department to form what is currently known as the Planning & Environmental
34 Resources Department. Therefore, staff is recommended that §102-21(h) be deleted.

35
36 Therefore, Staff recommends the following changes (deletions are ~~stricken through~~ and
37 additions are underlined):

38
39 **Sec. 102-21. Department of planning.**

40
41 (a) Duties; composition. The department of planning shall perform the planning
42 functions for the county and shall provide technical support and guidance for
43 action on applications for development approval and shall perform such other
44 functions as may be requested by the board of county commissioners or the
45 planning commission. ~~The department of planning shall be composed of a~~
46 ~~building division, development review division, division of capital improvements~~

1 ~~planning, division of environmental resources, a division of land use planning and~~
2 ~~a division of code enforcement.~~

3
4 (b) Director of planning.

5 (1) Creation and appointment. ~~The director of planning shall be the~~
6 ~~department head of the department of planning and shall be selected by the~~
7 ~~county administrator and confirmed by the board of county~~
8 ~~commissioners.~~ There shall be a director of planning selected and
9 approved by the appropriate division director and the county
10 administrator, and the board of county commissioners if required.

11 (2) Jurisdiction, authority and duties. In addition to the jurisdiction,
12 authority and duties that may be conferred upon the director of planning
13 by other provisions of this Code, the director of planning shall have the
14 following jurisdiction, authority and duties:

15 a. To serve as staff to the planning commission and to inform
16 such body of all facts and information at his disposal with respect
17 to applications for development approval or any other matters
18 brought before it;

19 b. To assist the planning commission in the review of the plan,
20 including the capital improvements program, these regulations and
21 proposed amendments thereto;

22 c. To maintain the official land use district map and to make ~~an~~
23 ~~annual~~ a presentation of the map to the board of county
24 commissioners for certification when the land use map is updated;

25 d. To maintain development review files and other public records
26 related to the department's affairs;

27 e. To review, or cause to be reviewed, all applications for major
28 conditional use permits and plat approvals;

29 f. To review and approve, approve with conditions, or deny all
30 applications or disapprove applications for minor conditional use
31 permits;

32 g. To recommend amendments to the plan and this chapter;

33 h. To render interpretations of the plan, this chapter or the
34 boundaries of the official land use district map and future land use
35 map;

36 i. To evaluate and act upon claims of nonconforming uses and
37 structures;

38 j. To work to coordinate all local, regional, state and federal
39 environmental and other land development permitting processes
40 affecting development in the county;

41 k. To plan for and evaluate all transportation improvements for
42 the county, and coordinate such activities with the Florida
43 Department of Transportation;

44 l. To issue certificates of compliance and sign pre-application
45 conference letters of understanding in accordance with the
46 procedures set forth in the plan;

1 ~~m. To enforce any provision of this chapter or any other provision~~
2 ~~of this Code;~~

3 ~~n. m. To establish such rules of procedure necessary for the~~
4 ~~administration of his responsibilities under the plan; and~~

5 ~~o. n. Whenever requested to do so by the county administrator or~~
6 ~~the board of county commissioners, with the assistance of other~~
7 ~~county departments, to conduct or cause to be conducted surveys,~~
8 ~~investigations and studies, and to prepare or cause to be prepared~~
9 ~~such reports, maps, photographs, charts and exhibits as may be~~
10 ~~requested.~~

11 ~~(3) Minimum qualifications. The director of planning shall have the~~
12 ~~following minimum academic and professional qualifications:~~

13 ~~a. Master of urban or regional planning or public administration~~
14 ~~or comparable degree from an accredited university;~~

15 ~~b. Ten years' experience in public administration or land~~
16 ~~planning; and~~

17 ~~c. Five years of supervisory experience.~~

18
19 ~~(c) Development review coordinator.~~

20 ~~(1) Creation and appointment. The development review coordinator shall~~
21 ~~be a member of the department of planning and report to the county~~
22 ~~administrator through the director.~~

23 ~~(2) Minimum qualifications. The development review coordinator shall~~
24 ~~have the following minimum academic and professional qualifications:~~

25 ~~a. Master of urban and regional planning or public administration~~
26 ~~or comparable degree from an accredited university;~~

27 ~~b. Three years' experience in planning or zoning, including site~~
28 ~~plan review; and~~

29 ~~c. Minimum one year of supervisory experience.~~

30 ~~(3) Duties. The development review coordinator shall have the following~~
31 ~~duties:~~

32 ~~a. To act as an ombudsman to applicants for development~~
33 ~~approval by facilitating and, to the extent possible, expediting,~~
34 ~~compliance with the requirements of these regulations;~~

35 ~~b. To serve as chair of the development review committee and to~~
36 ~~prepare for the director of planning's signature all preapplication~~
37 ~~conference letters of understanding;~~

38 ~~c. To work with regional, state and federal permitting agencies;~~

39 ~~d. To determine the completeness of applications for conditional~~
40 ~~use and plat approval;~~

41 ~~e. To cause publication of notice of hearings on conditional use or~~
42 ~~plat approval applications;~~

43 ~~f. To issue conditional use permits after approval by decision-~~
44 ~~making bodies; and~~

45 ~~g. To deliver final plats to the county clerk for recording after~~
46 ~~approval.~~

1
2 (d) ~~(c)~~ Development review committee.

3 (1) Creation and composition. As required for the items being reviewed.
4 The ~~the~~ development review committee shall be composed of the director
5 of planning or his or her designee and the planner in charge of the
6 particular item being considered, and depending on the application being
7 reviewed, may also include the development review coordinator, the
8 directors ~~representatives of the county's public works department division~~
9 personnel, health department personnel, engineering personnel, the
10 building official or his or her designee, the a county biologist and any
11 other county employee or official designated by the county administrator
12 or the planning director. The development review committee also may
13 ~~should~~ include representatives of each local, regional, state or federal
14 agency that has entered into an intergovernmental agreement with the
15 county for coordinated development review when appropriate. A
16 representative of the department of community affairs shall serve as an ex
17 officio member of the development review committee as long as the
18 county is located within an area of critical state concern.

19 (2) Duties. The development review committee shall have the following
20 duties:

21 a. To meet at least ~~twice~~ once a month to consider such business
22 as is prescribed by this article including:

23 ~~1. Meeting with any developer at a preapplication~~
24 ~~conference when requested or required pursuant to the~~
25 ~~provisions of this chapter;~~

26 ~~2. 1. Reviewing all applications for development approval~~
27 ~~as set forth in the code, and reporting its recommendations~~
28 ~~to the planning commission, the board of county~~
29 ~~commissioners and the planning director; and~~

30 ~~3. 2. Reviewing all applications for amendments to the~~
31 ~~plan.~~

32 b. To maintain such minutes and records as are required by state
33 law.

34 c. Any action reviewing a permit application shall not preclude
35 the applicant's right to be present when his project is discussed
36 before this body.

37 d. Comments shall be made on the items before the development
38 review committee and shall be given to the director of planning
39 and the applicant.

40 e. Comments by members not in the department of planning may
41 be in writing and delivered to the development review committee,
42 the director of planning, and communicated to the applicant.

43
44 (e) ~~Building official.~~

1 ~~(1) Creation and appointment. The building official shall be selected by~~
2 ~~the director of planning and report to the county administrator through the~~
3 ~~director.~~

4 ~~(2) Jurisdiction, authority and duties. In addition to the jurisdiction,~~
5 ~~authority and duties that may be conferred on the building official by other~~
6 ~~provisions of this Code, the building official shall have the following~~
7 ~~jurisdiction, authority and duties:~~

8 ~~a. To issue and revoke building permits in accordance with the~~
9 ~~procedures of this chapter;~~

10 ~~b. To issue and revoke certificates of occupancy in accordance~~
11 ~~with the procedures of this chapter;~~

12 ~~c. To serve on the development review committee;~~

13 ~~d. To enforce the provisions of this chapter;~~

14 ~~e. To determine the extent of damage or destruction of~~
15 ~~nonconforming uses and structures, in cooperation with the~~
16 ~~director of planning;~~

17 ~~f. To review building permit applications for repair within areas~~
18 ~~of special flood hazard to determine that the proposed repair~~
19 ~~satisfies the requirements of the floodplain management provisions~~
20 ~~of this chapter;~~

21 ~~g. To review building permit applications for new construction or~~
22 ~~substantial improvement within areas of special flood hazard to~~
23 ~~ensure that the proposed construction (including prefabricated and~~
24 ~~mobile homes) satisfies the floodplain management requirements~~
25 ~~of this chapter;~~

26 ~~h. To advise permittees that additional federal or state permits~~
27 ~~may be required, and if specific federal or state permits are known~~
28 ~~to have been issued, to require that copies of such permits be~~
29 ~~obtained and provided and maintained on file with the building~~
30 ~~permit application;~~

31 ~~i. To notify adjacent communities and the Florida Department of~~
32 ~~Community Affairs prior to any alteration or relocation of a~~
33 ~~watercourse, and to submit evidence of such notification to the~~
34 ~~Federal Emergency Management Agency;~~

35 ~~j. To ensure that maintenance is provided within the altered or~~
36 ~~relocated portion of a watercourse so that the flood-carrying~~
37 ~~capacity is not diminished;~~

38 ~~k. To verify and record the actual elevation (in relation to mean~~
39 ~~sea level) of the lowest floor (including basement) of all new or~~
40 ~~substantially improved structures;~~

41 ~~l. To verify and record the actual elevation (in relation to mean~~
42 ~~sea level) to which the new or substantially improved structures~~
43 ~~have been floodproofed;~~

44 ~~m. In coastal high hazard areas, to review certifications obtained~~
45 ~~from registered professional engineers or architects that the~~
46 ~~structure is securely anchored to adequately anchored pilings or~~

1 columns in order to withstand velocity waters and hurricane wave
2 wash;

3 n. ~~To make interpretations, as needed, as to the exact location of~~
4 ~~boundaries of the areas of special flood hazard;~~

5 o. ~~When base flood elevation data has not been provided in~~
6 ~~accordance with chapter 122, to obtain, review and reasonably use~~
7 ~~any base flood elevation data available from a federal, state or~~
8 ~~other source in order to administer the floodplain management~~
9 ~~provisions of this chapter; and~~

10 p. ~~To provide the board of county commissioners and the~~
11 ~~planning commission with reports and recommendations with~~
12 ~~respect to matters before such bodies, as directed by the board of~~
13 ~~county commissioners, planning director, or the county~~
14 ~~administrator.~~

15
16 ~~(f) Division of capital improvements planning. The capital improvements~~
17 ~~planning coordinator shall be responsible for current and long range~~
18 ~~transportation and other capital improvements planning and shall be the county's~~
19 ~~designated liaison with the Florida Department of Transportation. The coordinator~~
20 ~~shall monitor the county's transportation system, prepare an annual report and~~
21 ~~capital improvements plan for the county and work with the department of public~~
22 ~~works and other county departments to implement the county's capital~~
23 ~~improvements plan.~~

24
25 ~~(g) Land use planning division. There shall be a land use planning coordinator~~
26 ~~who shall be responsible for the land use planning function of the department of~~
27 ~~planning, including preparation of updates of data and land use maps, annual~~
28 ~~reporting on land use trends and patterns and long range planning. The~~
29 ~~coordinator shall prepare an annual report on the county's comprehensive plan for~~
30 ~~the director of planning.~~

31
32 ~~(h) Environmental resources division. There shall be an environmental resources~~
33 ~~coordinator who shall be responsible for the environmental resources planning of~~
34 ~~the county and serve as the county biologist. In addition to the division's planning~~
35 ~~functions and the duties performed by the county biologist, the director of~~
36 ~~planning may delegate to the division responsibility for review of environmental~~
37 ~~aspects of development permitting and coordinating interagency (state and~~
38 ~~federal) permitting.~~

39
40 **Sec. 6-55. Building department.**

41
42 (a) *Organization and administration.* There is hereby established a department
43 called the building department headed by the building official. Upon
44 recommendation of the county administrator, the department shall be assigned to
45 the division of county government that the board of county commissioners

1 determines appropriate. The county administrator with the approval of the board
2 of county commissioners shall designate the building official.

3
4 (b) *Employee qualifications.* The building official shall be licensed as a building
5 code administrator by the state. All appointed or hired inspectors and plan
6 examiners shall meet the qualifications for licensing in the appropriate trade as
7 established by the state.

8
9 (c) *Building official authority and duties.* The building official shall have
10 authority to administer, interpret, and enforce provisions of the Florida Building
11 Code, flood plain management regulations, and this chapter. Such authority,
12 jurisdiction, and duties shall include the following:

13 (1) To process building permit applications and issue and revoke building
14 permits;

15 (2) To inspect sites, buildings and structures as required by this chapter,
16 the Florida Building Code and the Standard Unsafe Building Abatement
17 Code;

18 (3) To issue and revoke certificates of occupancy;

19 (4) To maintain building permit, financial, and other public records
20 related to the department's affairs;

21 (5) To establish such policies and procedures necessary for the
22 administration of his responsibilities under the Florida Building Code and
23 this chapter;

24 (6) To provide a recording secretary for the purpose of keeping the
25 board of adjustment and appeals;

26 (7) To be the official source to render interpretations of this chapter and
27 the Florida Building Code;

28 (8) To enforce provisions of the Florida Building Code and this chapter;

29 (9) To issue stop work orders; and

30 (10) To conduct all other such duties and responsibilities as are otherwise
31 required by this chapter.

32 (11) To determine the extent of damage or destruction of nonconforming
33 uses and structures, in cooperation with the director of planning;

34 (12) To review building permit applications for repair within areas of
35 special flood hazard to determine that the proposed repair satisfies the
36 requirements of the floodplain management provisions of the code;

37 (13) To review building permit applications for new construction or
38 substantial improvement within areas of special flood hazard to ensure that
39 the proposed construction (including prefabricated and mobile homes)
40 satisfies the floodplain management requirements of the code;

41 (14) To advise permittees that additional federal or state permits may be
42 required, and if specific federal or state permits are known to have been
43 issued, to require that copies of such permits be obtained and provided and
44 maintained on file with the building permit application;

45 (15) To notify adjacent communities and the Florida Department of
46 Community Affairs prior to any alteration or relocation of a watercourse.

- 1 and to submit evidence of such notification to the Federal Emergency
2 Management Agency;
3 (16) To ensure that maintenance is provided within the altered or
4 relocated portion of a watercourse so that the flood-carrying capacity is
5 not diminished;
6 (17) To verify and record the actual elevation (in relation to mean sea
7 level) of the lowest floor (including basement) of all new or substantially
8 improved structures;
9 (18) To verify and record the actual elevation (in relation to mean sea
10 level) to which the new or substantially improved structures have been
11 floodproofed;
12 (19) In coastal high-hazard areas, to review certifications obtained from
13 registered professional engineers or architects that the structure is securely
14 anchored to adequately anchored pilings or columns in order to withstand
15 velocity waters and hurricane wave wash;
16 (20) To make interpretations, as needed, as to the exact location of
17 boundaries of the areas of special flood hazard;
18 (21) When base flood elevation data has not been provided in accordance
19 with chapter 122, to obtain, review and reasonably use any base flood
20 elevation data available from a federal, state or other source in order to
21 administer the floodplain management provisions of the code; and
22 (22) To provide the board of county commissioners and the planning
23 commission with reports and recommendations with respect to matters
24 before such bodies, as directed by the board of county commissioners,
25 growth management division director or planning director, or the county
26 administrator.

27
28 Staff has found that the proposed text amendments would be consistent with the provisions of
29 §102-158(d)(5)(b): 1. Changed projections (e.g., regarding public service needs) from those
30 on which the text or boundary was based; 2. Changed assumptions (e.g., regarding
31 demographic trends); 3. Data errors, including errors in mapping, vegetative types and
32 natural features described in volume I of the plan; 4. New issues; 5. Recognition of a need for
33 additional detail or comprehensiveness; or 6. Data updates. Specifically, staff has found that
34 the proposed text amendments are necessary due to new issues and recognition of a need for
35 additional detail.

36
37 V RECOMMENDATION

38
39 Staff recommends that the Board of County Commissioners amend the Monroe
40 County Code as stated in the text of this staff report.

File #: **29075**

Agent Name: N/A

Owner Name: William “Bill” M Thomas Jr

Type of Application: PC Variance

Key: Duck Key

RE #: 00384370-000000

**Additional Information added to
File 29075**

County of Monroe Growth Management Division

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



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

We strive to be caring, professional and fair

Date: 7/29/09
Time: 11:00

Dear Applicant:

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

William Thomas to the Monroe County Planning Department.
Project / Name

Thank you.

Phil Creek

Planning Staff

End of Additional Information
File 29075

APPLICATION
MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT



Variance Application to the Monroe County Planning Commission

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

Planning Commission Variance Application Fee: \$1,608.00

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: July / 29 / 2009
Month Day Year

Property Owner:

William M THOMAS JR.

Name

348 EAST SEAVIEW DR DUCK KEY FL

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

407 948-3155 - 407 509 0754

Daytime Phone

Bill.Thomas@TTCFL.COM

Email Address

Agent (if applicable):

Name

33050

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

Daytime Phone

Email Address

Legal Description of Property:

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

<u>1</u>	<u>24</u>	<u>Yacht Club</u>	<u>Duck Key</u>
<small>Block</small>	<small>Lot</small>	<small>Subdivision</small>	<small>Key</small>

<u>1468053</u>	<u>Parcel ID 00384370-000000</u>
<small>Real Estate (RE) Number</small>	<small>Alternate Key Number</small>

<u>348 EAST SEAVIEW DR. DUCK KEY FL</u>	<u>61</u>	<u>33050</u>
<small>Street Address (Street, City, State, Zip Code)</small>	<small>Approximate Mile Marker</small>	

* email - notices

APPLICATION

Land Use District Designation(s): RESIDENTIAL

Present Land Use of the Property: OIDC RESIDENTIAL CANAL

Total Land Area: 829800 SF

Please provide the standard required by the land development regulations: 3' SIDE OF EAST 10' WEST 5'
(i.e. front yard setback of 25 feet, 100 off-street parking spaces, etc.)

Please provide that requested: REQUESTING A 5' TO THE EAST AND APPROXIMATELY 1' TO THE WEST
(i.e. front yard setback of 10 feet, 70 off-street parking spaces, etc.)

All of the following standards must be met in order to receive variance approval. Please describe how each standard shall be met.

1) The applicant shall demonstrate a showing of good and sufficient cause:
SEE ATTACHED - ENGINEERING

2) Failure to grant the variance would result in exceptional hardship to the applicant:
MY MOTHER IS GOING TO MOVE IN WITH ME IN A FEW YEARS WHEN THE DEMENTIA SHE HAS, COMPLETELY STOPS HER ABILITY TO LIVE ALONE, THE LANDSCAPING AREAS ARE A GREAT FOOT PATH AREA.

3) Granting the variance will not result in increased public expenses, create a threat to public health and safety, create a public nuisance or cause fraud or victimization of the public:
I HAVE GREATLY IMPROVED ACCESSABILITY AROUND THE SIDES OF MY HOME AND HAVE INCREASED THE VALUE, WITH NO EFFECT TO ANYONE OR ANYBODY.

4) Property has unique or peculiar circumstances, which apply to this property, but which do not apply to other properties in the same zoning district:
MY HOUSE SETS IN THE APPEX OF THE CANAL FRONTAGE WHICH CREATES A SIDE SET BACK DELINEA

5) Granting the variance will not give the applicant any special privilege denied other properties in the immediate neighborhood in terms of the provisions of this chapter or established development patterns:
(NONE) THIS WILL BE EXPLAINED IN FURTHER DETAIL LATER.

APPLICATION

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

other than #2 (NONE) - AS OF THE TIME FRAME THIS ISN'T BASED ON A HANDICAP ISSUE.

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

~~THIS~~ THIS ISN'T BASED ON DOMESTIC DIFFICULTIES

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

~~THIS~~ THIS IS THE MINIMUM REQUIRED AND APPLIED FOR.

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 variance 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 – 16 sets (at a minimum, survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage by land use district; and total acreage by habitat);
- Signed and Sealed Site Plans, prepared by a Florida registered architect, engineer or landscape architect– 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:
 - 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;
 - Locations and dimensions of all existing and proposed structures and drives;
 - Type of ground cover (i.e. concrete, asphalt, grass, rock);
 - Adjacent roadways;
 - Setbacks as required by the land development regulations;
 - Location and dimensions of all parking spaces (including handicap accessible, bicycle and scooter) and loading zones;
- Typed name and address mailing labels of all property owners within a 300 foot radius of the property. This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 300 foot radius, each unit owner must be included;

APPLICATION

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

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

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

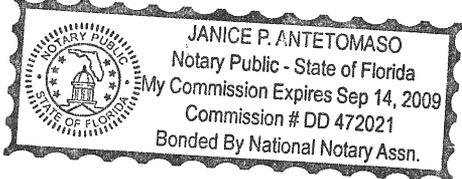
I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.

Signature of Applicant: Walter Chan Date: 29 July 09

Sworn before me this 28th day of July 2009

Janice Antetomaso
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.



BISHOP ENGINEERING COMPANY

Consulting Structural Engineering

July 21, 2009

**Bill and Linda Thomas
Duck Key, Florida**

RE: Installation of Landscape Pavers

Dear Mr. and Mrs. Thomas-

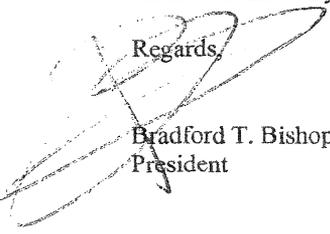
I understand that you have installed landscape pavers on the side of your residence and that the local Building Department is concerned that they are for "structural" use.

You have indicated that you have installed coral stone pavers to form a walkway in you landscape area. First of all, I definitely would not consider these pavers to have any structural value what so ever apart from their ability to provide a walking surface – pavers are simply placed on the ground "loose" – they cannot be used to support any structures.

I have received some data (attached) indicating some properties of the "Coralina" material that the pavers are made from – note that they have a "water absorption" of 2.81% - what this indicates is that the material is rather porous and water will migrate through. It should be noted that it is quite common – in jurisdictions which have "imperious cover ratio" standards – that pavers are often used in lieu of concrete slabs for such things and drive ways and walkways because they are NOT considered to be providing an impervious surface which limits drainage.

Please let know if you need any additional information – it is a pleasure to assist you with your project.

Regards,


Bradford T. Bishop, PE
President

bec

EMAIL -

Architectural Specifications

BRAD Z Z BEC @ YAHOO.COM

Slate

- C1527 Standard Specification for Dimensional Travertine Stone
- C97-02 Water Absorption .10-.45 %
- C99 -87 (2000) Modulus of Rupture of Dimensional Stone
PSI - 5000-9000
- C170-90 Compressive Strength of Dimensional Stone
PSI - 10000-15000.
- C241 -90 (1997) Abrasion Resistance (6-10)
Recommended - 8

Coralina

- C99 Modulus of Dry Rupture - 959 PSI
- C99 Modulus of Wet Rupture - 1041 PSI
- C97 Water Absorption 2.81%

Cap Rock

- C99 Modulus of Dry Rupture - 3680 PSI

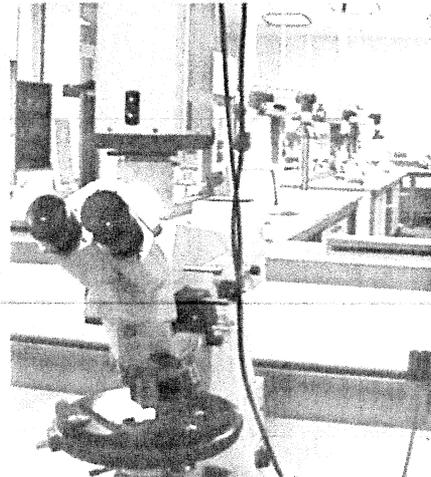
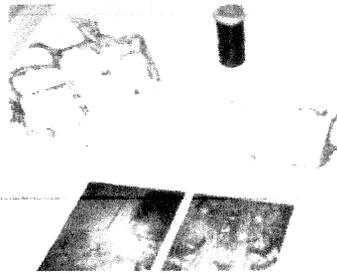
Travertine

- C1527 Standard Specification for Dimensional Travertine Stone
- C97-02 Water Absorption .10%
- C99 -87 (2000) Modulus of Rupture of Dimensional Stone
Interior: 700 PSI Exterior: 1000 PSI
- C170-90 Compressive Strength of Dimensional Stone
Interior: 5000 PSI Exterior: 7500-10000 PSI
- C241 -90 (1997) Abrasion Resistance (13-25)
Recommended - 10

ICCROM
UNESCO
WHC

CONSERVATION OF ARCHITECTURAL HERITAGE,
HISTORIC STRUCTURES AND MATERIALS

Introduction



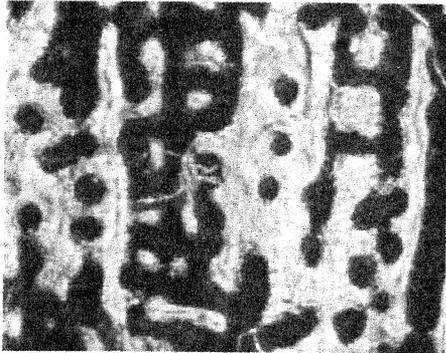
ARC
LABORATORY HANDBOOK

VOLUME 1 / 99

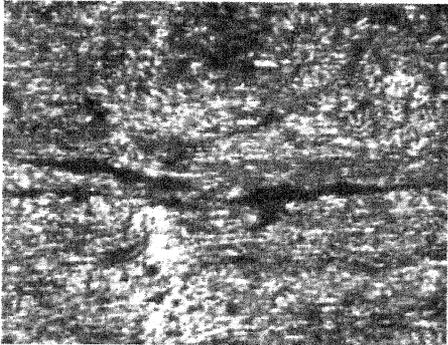
POROSITY

MICROPHOTOGRAPHS OF THIN SECTIONS Examples of macroporosity

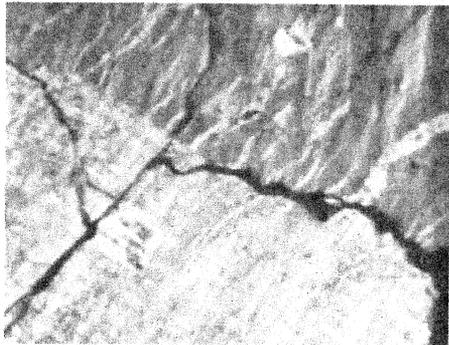
1
Coral stone



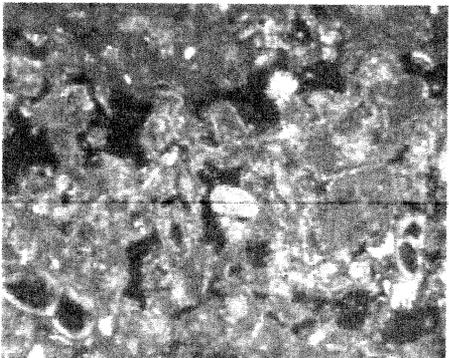
2
Slate



3
Granite



4
Organogenic limestone



- **SHRINKAGE PORES:** pores deriving from the contraction of the various components of masonry materials, mainly artificial ones e.g. the shrinkage of mortars due to rapid water loss.

Size

There is considerable variability in pore sizes; they vary from a few angstrom^⑤(Å) to several millimetres. Pores of greater dimensions are defined as cavities rather than pores, and do not contribute to capillary action. Pores with radii^⑥ less than 10 angstrom are not considered permeable.

There are conflicting views concerning pore size classification. In practice, when conservation scientists speak of porosity, they are not generally referring to the values defined below, but to a dividing line of < 2.5 μm and > 2.5 μm between microporosity and macroporosity, which is more realistic when dealing with building material^⑦ .

International standards (IUPAC) s classify pores according to their radius as

MICROPORES:	radius	< 0.001 μm	(< 10 Å)
MESOPORES:	radius between	0.001 μm and 0.025 μm	(10 Å and 250 Å)
MACROPORES:	radius	> 0.025 μm	(> 250 Å)

⑤ 1 Å = 10⁻¹⁰m,
or 1 μm = 10⁴ Å.

⑥ At a first approximation, all pores of any shape are considered equivalent to round pores of equal nature. The radius of the equivalent pores can be measured by several methods (see section 6).

⑦ These values are proposed by Russell (1927), De Quervain (1967), Ashurst & Dimes (1977), Zehnder (1982) and Veniale & Zezza (1987).

The percentage distribution of pores of differing radius within the material is an extremely important parameter for the evaluation of its behaviour in contact with water and therefore for the forecast of freeze-thaw cycles, chemical reactivity etc.

There is obviously a great variation in porosity from one material to another: Igneous (e.g. granite, basalt) and metamorphic (e.g. marble, gneiss) rocks are not very porous with maximum porosity between 1% and 2%. Unless they are fractured, these low-porosity rocks are scarcely permeable. A lot of sedimentary rocks, however; and particularly calcarenites, have high porosity with maximum values even reaching 45%.

The % porosity and pore types of some common rocks are summarized in the following table:

Rock type	Genesis	Geological formation		% porosity (average value)	Predominant pore type
		pressure	temperature		
basalt	igneous	low	very high	≅ 1 - 3	macro
granite	igneous	high	very high	≅ 1 - 4	micro
tuff	igneous	low	high	≅ 20 - 30	micro
gneiss	metamorphic	high	high	≅ 0,4 - 2	micro
marble	metamorphic	high	high	≅ 0,2 - 0,3	micro
slate	metamorphic	high	medium-high	≅ 0,1 - 1	micro
coral stone	sedimentary	low	low	≅ 40 - 50	macro
limestone	sedimentary	low	low	≅ 15 - 20 ± equal	micro/macro
sandstone	sedimentary	low	low	≅ 10 - 15	macro

Table 1 - Porosity and pore type of some common rocks

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 2. ROTA ROSSI-DORIA, P., "Il problema della porosità in rapporto al degrado ed alla conservazione dei materiali lapidei", in *Bollettino d'Arte*, vol. I, suppl. to n. 41. Rome, Ministero per i Beni Culturali e Ambientali, 1987, pp. 11-14.
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 11. *Ibidem*, p. 170.
 12. FITZNER, B., *op. cit.*, p. 48.
 13. QUENARD, D.A. et alii, "Microstructure and transport properties of porous building materials", in *Matériaux et constructions*, vol. 31, n. 209. Paris, RILEM, 1998, pp. 317-324. MONTOTO, M., RODRÍGUEZ-REY, A. and FERNÁNDEZ MERAYO, N., "3D characterization of fissures in granites under confocal laser scanning microscopy", in VICENTE, M.A. [ed.], *Degradation and conservation of granitic rocks in monuments. Proceedings of the EC workshop*, Santiago de Compostela (Spain), 28-30 Nov. 1994, pp. 265-267. RODRÍGUEZ NAVARRO, C., *op. cit.*, pp. 54-55.
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STANDARDS

ASTM standards (American Society for Testing and Materials)

Designation: C 121-90. Standard test method for water absorption of slate

Designation: D 4404-84 (reappr. 1992). Standard test method for determination of pore volume distribution of soil and rock by mercury intrusion porosimetry

Designation: D 4959-89. Standard test method for determination of water (moisture) content of soil by direct heating method

Designation: D 4525-90. Permeability of rocks by flowing air

Designation: D 653-90. Terminology relating to soil, rock and contained fluids

Designation: C 566-89. Test method for total moisture content of aggregate by drying

Designation: E 12-70 (reappr. 1991). Density and specific gravity of solids, liquids and gases

RILEM tests (Réunion Internationale des Laboratoires d'Essais des Matériaux)

Test n. I.1: Porosity accessible to water

Test n. I.2: Bulk and real densities

Test n. I.3: Air-permeability

Test n. I.4: Pore-size distribution (suction)

Test n. I.5: Pore-size distribution (mercury porosimeter)

Test n. II.1: Saturation coefficient

Test n. II.2: Coefficient of water vapour conductivity

Test n. II.3: Water absorption under low pressure (box method)

Test n. II.4: Water absorption under low pressure (pipe method)

Test n. II.5: Evaporation curve

Test n. II.6: Water absorption coefficient (capillarity)

Test n. II.8a: Water drop absorption

NORMAL documents (Commissione Normativa Manufatti Lapidei)

NORMAL 4/ 80: Distribuzione del volume dei pori in funzione del loro diametro

NORMAL 7 /81: Assorbimento d'acqua per immersione totale - Capacità di Imbibizione

NORMAL 11/ 85: Assorbimento d'acqua per capillarità - Coefficiente di assorbimento capillare

NORMAL 21/ 85: Permeabilità al vapor d'acqua

NORMAL 29/ 88: Misura dell'indice di asciugamento (Drying index)

NORMAL 33/ 89: Misura dell'angolo di contatto

NORMAL 44/ 93: Assorbimento d'acqua a bassa pressione

GENERAL BIBLIOGRAPHY

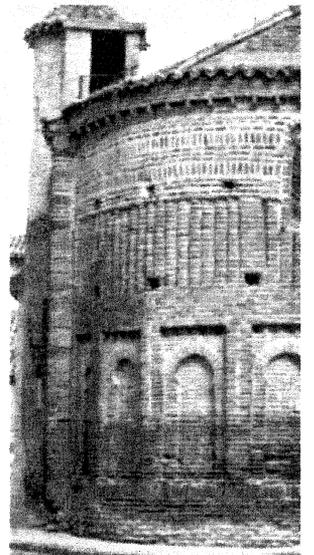
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COMMISSIONE NORMAL, *Raccomandazioni NORMAL*. Rome (Italy), CNR-ICR.

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GARCÍA PASCUA, N., SÁNCHEZ DE ROJAS, M.I. and FRÍAS, M., "Study of porosity and physical properties as methods to establish the effectiveness of treatments used in two different

ISBN 92-9077-157-7



ICCROM

INTERNATIONAL CENTRE FOR THE STUDY
OF THE PRESERVATION AND RESTORATION
OF CULTURAL PROPERTY

Via di San Michele 13
I-00153 Rome RM Italy

e-mail: iccrom@iccrom.org
www.iccrom.org



Monroe County Property Record Card (017)

Alternate Key: 1468053 Roll Year 2009
 Effective Date: 7/28/2009 1:08:02 PM Run: 07/28/2009 01:11 PM

THOMAS, WILLIAM M JR AND LINDA R

348 E SEAVIEW DR
 DUCK KEY FL 33050

Parcel 00384370-000000-16-65-34 Nbhd 4725
 Alt Key 1468053 Mill Group 500D
 Affordable Housing No PC 0100
 FEMA Injunction
 Inspect Date Next Review
 Business Name
 Physical Addr 348 E SEAVIEW DR, DUCK KEY

Associated Names

Name	DBA	Role
THOMAS, WILLIAM M JR AND LINDA R		Owner

Legal Description

BK 1 LT 24 DUCK KEY YACHT CLUB ISLAND SEC-4 TOMS HARBOR OR643-634 OR761-1192 OR1069-546 OR1361-50Q/C OR2161-1793/94Q/C

Land Data 1.

Line ID	Use	Front	Depth	Notes	# Units	Type	SOH %	Rate	Depth	Loc	Shp	Phys	Class	ROGO	Class Value	Just Value
51370	010C	0	0	No	8,298.00	SF	100.00		1.00	1.00	1.00	1.00				

Total Just Value

Monroe County Property Record Card (017)

Alternate Key: 1468053

Roll Year 2009

Effective Date: 7/28/2009 1:08:02 PM

Run: 07/28/2009 01:11 PM

Miscellaneous Improvements

Nbr	Impr Type	# Units	Type	SOH %	Length	Width	Year Built	Roll Year	Grade	Life	RCN	Depr Value
1	BL2:BOAT LIFT	1	UT	100.00			2004	2005	2	20		
5	SW2:SEAWALL	300	SF	100.00	75	4	1989	1990	4	60		
4	DK4:WOOD DOCKS	300	SF	100.00	75	4	1978	1979	3	40		
3	RW2:RETAINING WALL	256	SF	100.00	64	4	1989	1990	3	50		
7	PT2:BRICK PATIO	715	SF	100.00			2008	2009	3	50		
6	PT2:BRICK PATIO	503	SF	100.00			2008	2009	3	50		
2	PO2:LOW COST POOL	255	SF	100.00	17	15	2008	2009	5	40		
Total Depreciated Value												

Appraiser Notes

THEY HAVE CO WILL GO BACK AND MEASURE
 NEW CONSTRUCTION 2008
 14-1 2006-05-17 WILMA CHECK - 8% DAMAGE (ROOF,EXT. SIDING, FRAMING) PER (MR098)
 2007/5/4 BUILDING DEMO NOT DUE TO WILMA NO PERMIT IN FILE FOR NEW CONSTRUCTION (99DW)
 VACANT LOT

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	08200849	Mar 17 2008 12:00AM	Apr 15 2008 12:00AM	2,000	UNDERGROUND PROPANE TANK	
	07202691	Dec 4 2007 12:00AM	Dec 12 2008 12:00AM	400,000	REPLACE HOME WITH CBS HOME	
	08201010	May 15 2008 12:00AM	Dec 12 2008 12:00AM	30,000	POOL/SPA/FENCE	
	08202769	Jul 29 2008 12:00AM		1,200	HOOK UP SEWER LINE FROM UNIT TO CLEAN OUT BOX	
	4203010	Jul 22 2004 12:00AM	Aug 16 2006 12:00AM	10,000	BOAT LIFT	

Monroe County Property Record Card (017)

Alternate Key: 1468053

Roll Year 2009

Effective Date: 7/28/2009 1:08:02 PM

Run: 07/28/2009 01:11 PM

Value History										
Tax Year	Val Meth	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	St Ex	Tax Value
2008F	C	724,001	0	0	21,085	745,086	615,574	25,000	N	590,574
2007F	C	580,860	0	0	16,785	597,645	597,645	25,000	N	572,645
2006F	O	740,597	0	425,473	24,749	1,190,819	1,156,781	25,000	N	1,131,781
2005F	C	416,975	0	229,755	25,580	672,310	672,310	0	N	672,310
2004F	C	286,281		234,294	26,411	546,986	546,986	0	N	546,986
2003F	C	213,674		208,482	27,152	449,308	449,308	0		449,308
2002F	C	118,247		112,978	28,186	259,411	259,411	0		259,411
2001F	C	153,720		113,412	29,152	296,284	296,284	0		296,284
2000F	C	153,720		122,863	16,011	292,594	292,594	0		292,594
1999F	C	153,720		94,510	12,728	260,958	260,958	0		260,958
1998F	C	153,720		94,510	13,185	261,415	261,415	0		261,415
1997F	C	153,720		94,510	13,571	261,801	261,801	0		261,801
1996F	C	153,720		94,510	14,025	262,255	262,255	0		262,255
1995F	C	153,720		94,510	14,437	262,667	262,667	0		262,667
1994F	C	153,720		94,510	14,868	263,098	263,098	0		263,098
1993F	C	139,406		88,352	15,280	243,038	243,038	0		243,038
1992F	C	139,406		88,352	15,735	243,493	243,493	0		243,493
1991F	C	139,406		88,352	16,120	243,878	243,878	0		243,878
1990F	C	107,044		88,352	19,858	215,254	215,254	0		215,254
1989F	C	78,416		73,815	20,348	172,579	172,579	0		172,579
1988F	C	69,703		78,033	13,708	161,444	161,444	25,000		136,444
1987F	C	61,737		63,431	13,708	138,876	138,876	25,000		113,876
1986F	C	61,737		63,767	13,708	139,212	139,212	25,000		114,212
1985F	C	53,536		61,904	13,708	129,148	129,148	25,000		104,148
1984F	C	53,536		58,005	13,708	125,249	125,249	25,000		100,249
1983F	C	53,536		74,130	13,708	141,374	141,374	25,000		116,374
1982F	C	31,678		53,189	13,708	98,575	98,575	25,000		73,575

Monroe County Property Record Card (017)

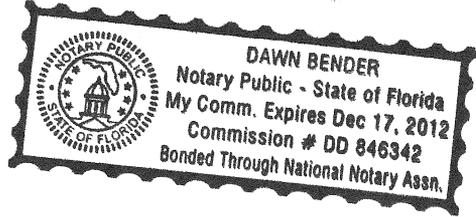
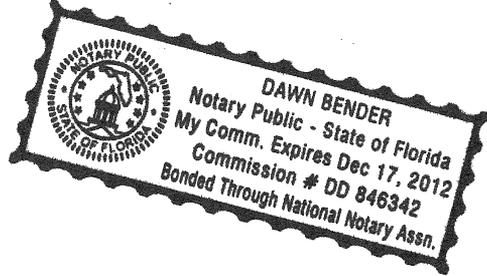
Alternate Key: 1468053 Roll Year 2009
 Effective Date: 7/28/2009 1:08:02 PM Run: 07/28/2009 01:11 PM

Sales History

Book	Page	Sale Date	Instrument	Transfer Code	Q/U	Vacant	Sale Price
761	1192	2/1/1976	Conversion Code	0	Q	I	78,000
1069	546	9/1/1988	Warranty Deed	0	Q	I	200,000

Exemptions

Code	Description	Value	Year	Renewal	%	Amount Applied
44	ADDL HOMESTEAD	25,000	2008	1	100.00	
39	25000 HOMESTEAD	25,000	2006	1	100.00	



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

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

Property Record View

Alternate Key: 1468053 Parcel ID: 00384370-000000

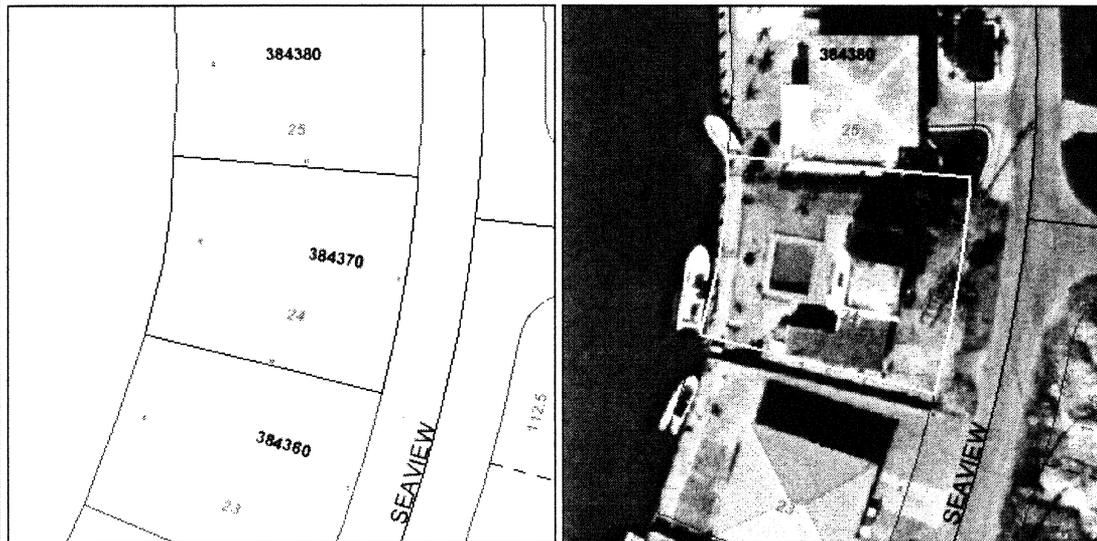
Ownership Details

Mailing Address:
 THOMAS WILLIAM M JR AND LINDA R
 348 E SEAVIEW DR
 DUCK KEY, FL 33050

Property Details

PC Code: 01 - SINGLE FAMILY
 Millage Group: 500D
 Affordable Housing: No
 Section-Township-Range: 16-65-34
 Property Location: 348 E SEAVIEW DR DUCK KEY
 Subdivision: YACHT CLUB ISLAND
 Legal Description: BK 1 LT 24 DUCK KEY YACHT CLUB ISLAND SEC-4 TOMS HARBOR OR643-634 OR761-1192 OR1069-546 OR1361-50Q/C OR2161-1793/94Q/C

Parcel Map



Exemptions

Exemption	Amount
44 - ADDL HOMESTEAD	25,000.00
39 - 25000 HOMESTEAD	25,000.00

Land Details

Land Use Code	Frontage	Depth	Land Area
010C - RESIDENTIAL CANAL	0	0	8,298.00 SF

Building Summary

Number of Buildings: 1
 Number of Commercial Buildings: 0
 Total Living Area: 4580

Year Built: 2008

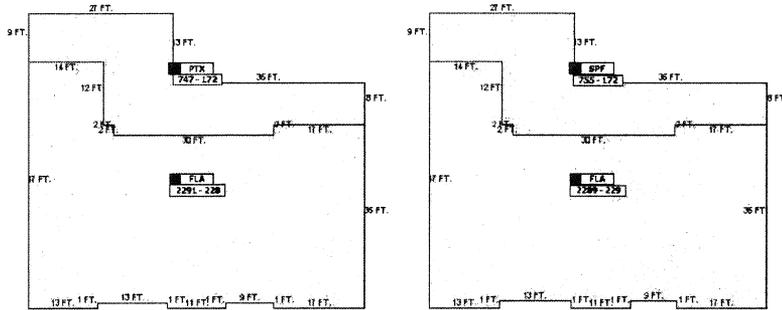
Building 1 Details

Building Type R1 Condition G Quality Grade 550
 Effective Age 0 Perimeter 457 Depreciation % 0
 Year Built 2008 Special Arch 0 Grnd Floor Area 4,580
 Functional Obs 0 Economic Obs 0

Inclusions: R1 includes 1 3-fixture bath and 1 kitchen.
 Roof Type GABLE/HIP Roof Cover METAL Foundation CONCR FTR
 Heat 1 Heat 2 Bedrooms 3
 Heat Src 1 Heat Src 2

Extra Features:

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



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA	5:C.B.S.	1	2008		Y			2,291
2	PTX		1	2008					747
3	FLA	5:C.B.S.	1	2008		Y			2,289
4	SPF		1	2008					755

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	BL2:BOAT LIFT	1 UT	0	0	2004	2005	2	20
2	PO2:LOW COST POOL	255 SF	17	15	2008	2009	5	40
3	RW2:RETAINING WALL	256 SF	64	4	1989	1990	3	50
4	DK4:WOOD DOCKS	300 SF	75	4	1978	1979	3	40
5	SW2:SEAWALL	300 SF	75	4	1989	1990	4	60
6	PT2:BRICK PATIO	503 SF	0	0	2008	2009	3	50
7	PT2:BRICK PATIO	715 SF	0	0	2008	2009	3	50

Appraiser Notes

THEY HAVE CO WILL GO BACK AND MEASURE

NEW CONSTRUCTION 2008
14-1 2006-05-17 WILMA CHECK - 8% DAMAGE (ROOF,EXT. SIDING, FRAMING) PER (MR098)
2007/5/4 BUILDING DEMO NOT DUE TO WILMA NO PERMIT IN FILE FOR NEW CONSTRUCTION (99DW)
VACANT LOT

Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
08202769	07/29/2008		1,200		HOOK UP SEWER LINE FROM UNIT TO CLEAN OUT BOX
4203010	07/22/2004	08/16/2006	10,000		BOAT LIFT
08200849	03/17/2008	04/15/2008	2,000		UNDERGROUND PROPANE TANK
07202691	12/04/2007	12/12/2008	400,000		REPLACE HOME WITH CBS HOME
08201010	05/15/2008	12/12/2008	30,000		POOL/SPA/FENCE

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	21,085	724,001	745,086	615,574	25,000	590,574
2007	0	16,785	580,860	597,645	597,645	25,000	572,645
2006	425,473	24,749	740,597	1,190,819	1,156,781	25,000	1,131,781
2005	229,755	25,580	416,975	672,310	672,310	0	672,310
2004	234,294	26,411	286,281	546,986	546,986	0	546,986
2003	208,482	27,152	213,674	449,308	449,308	0	449,308
2002	112,978	28,186	118,247	259,411	259,411	0	259,411
2001	113,412	29,152	153,720	296,284	296,284	0	296,284
2000	122,863	16,011	153,720	292,594	292,594	0	292,594
1999	94,510	12,728	153,720	260,958	260,958	0	260,958
1998	94,510	13,185	153,720	261,415	261,415	0	261,415
1997	94,510	13,571	153,720	261,801	261,801	0	261,801
1996	94,510	14,025	153,720	262,255	262,255	0	262,255
1995	94,510	14,437	153,720	262,667	262,667	0	262,667
1994	94,510	14,868	153,720	263,098	263,098	0	263,098
1993	88,352	15,280	139,406	243,038	243,038	0	243,038
1992	88,352	15,735	139,406	243,493	243,493	0	243,493
1991	88,352	16,120	139,406	243,878	243,878	0	243,878
1990	88,352	19,858	107,044	215,254	215,254	0	215,254
1989	73,315	20,348	78,416	172,579	172,579	0	172,579
1988	78,033	13,708	69,703	161,444	161,444	25,000	136,444
1987	63,431	13,708	61,737	138,876	138,876	25,000	113,876
1986	63,767	13,708	61,737	139,212	139,212	25,000	114,212
1985	61,304	13,708	53,536	129,148	129,148	25,000	104,148
1984	58,005	13,708	53,536	125,249	125,249	25,000	100,249
1983	74,130	13,708	53,536	141,374	141,374	25,000	116,374
1982	53,189	13,708	31,678	98,575	98,575	25,000	73,575

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
9/1/1988	1069 / 546	200,000	WD	Q
2/1/1976	761 / 1192	78,000	00	Q

This page has been visited 178,445 times.

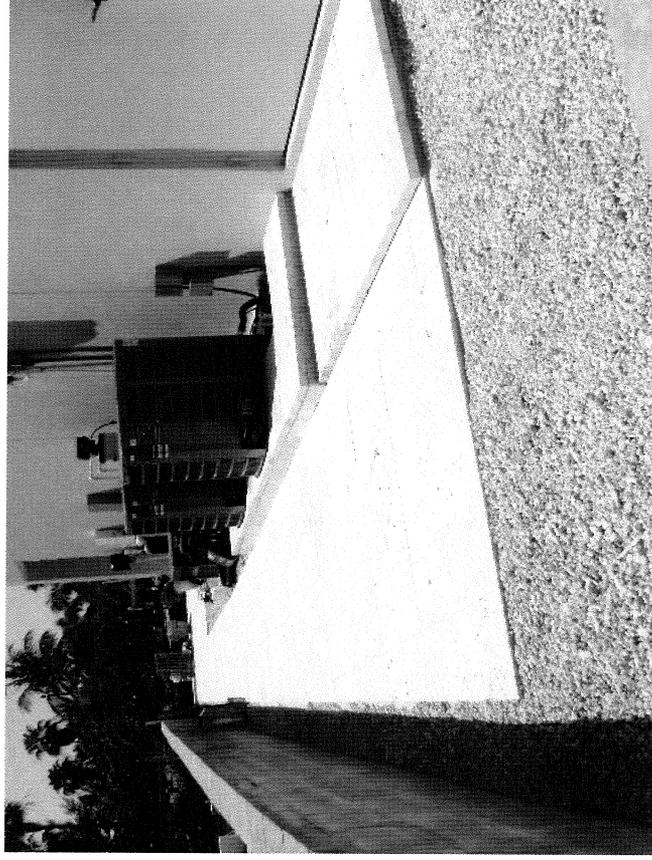
Monroe County Property Appraiser
Ervin A. Higgs, CFA
P.O. Box 1176
Key West, FL 33041-1176

04-22-09

CE

Inspector: Kerri Walbroehl

348 East Seaview Drive, Duck Key, FL



05-01-09

CE

Inspector: Kerri Walbroehl

348 East Seaview Drive, Duck Key



05-01-09 CE
Inspector: Kerri Walbroehl

348 East Seaview Drive, Duck Key

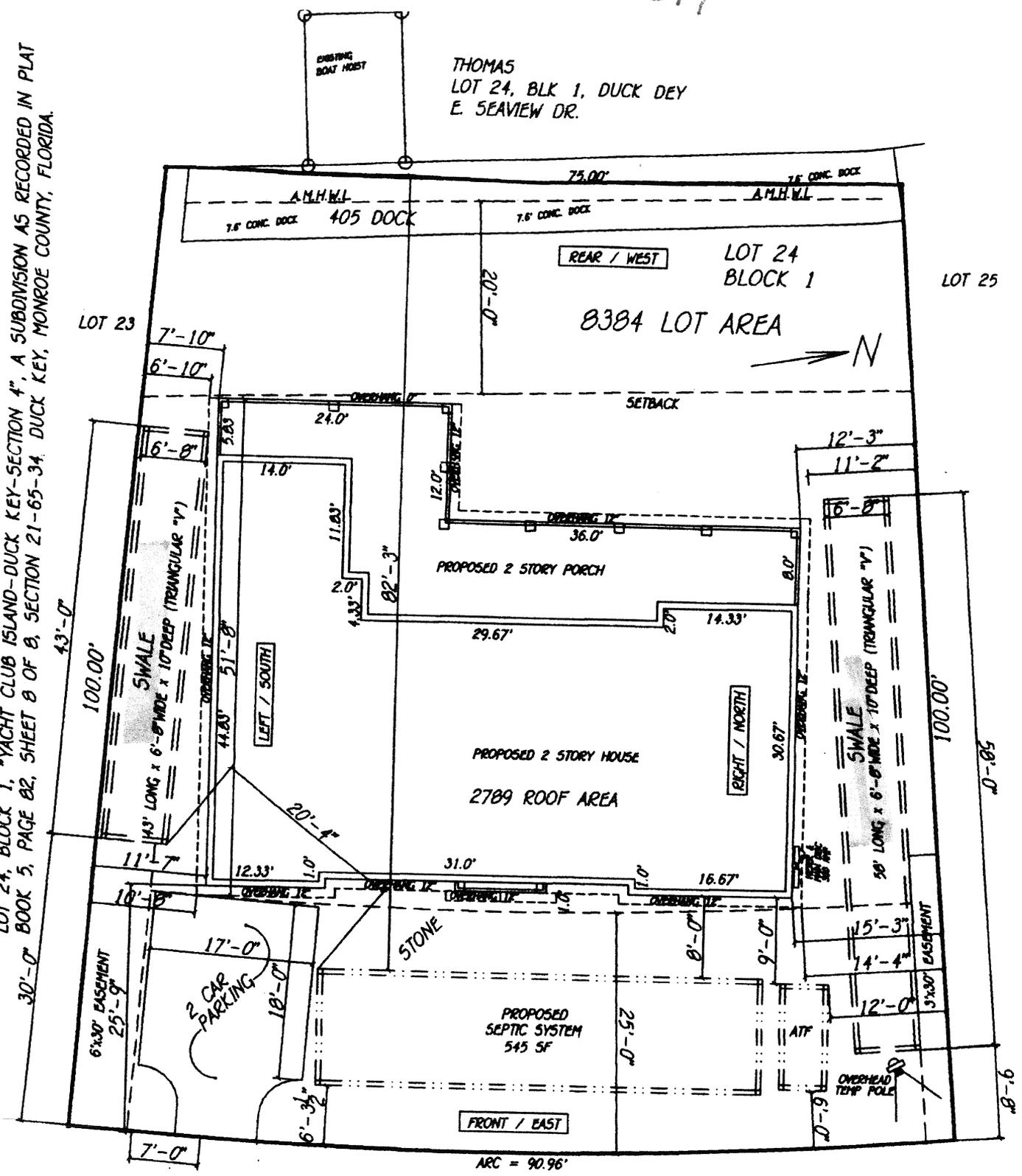


07 44671

THOMAS
LOT 24, BLK 1, DUCK DEY
E. SEAVIEW DR.

LEGAL DESCRIPTION:

LOT 24, BLOCK 1, "YACHT CLUB ISLAND-DUCK KEY-SECTION 4", A SUBDIVISION AS RECORDED IN PLAT BOOK 5, PAGE 82, SHEET 8 OF 8, SECTION 21-65-34, DUCK KEY, MONROE COUNTY, FLORIDA.



Monroe County Planning
Approved as per Monroe
County Code see permit
conditions.

By BJL Date: 8-9-07

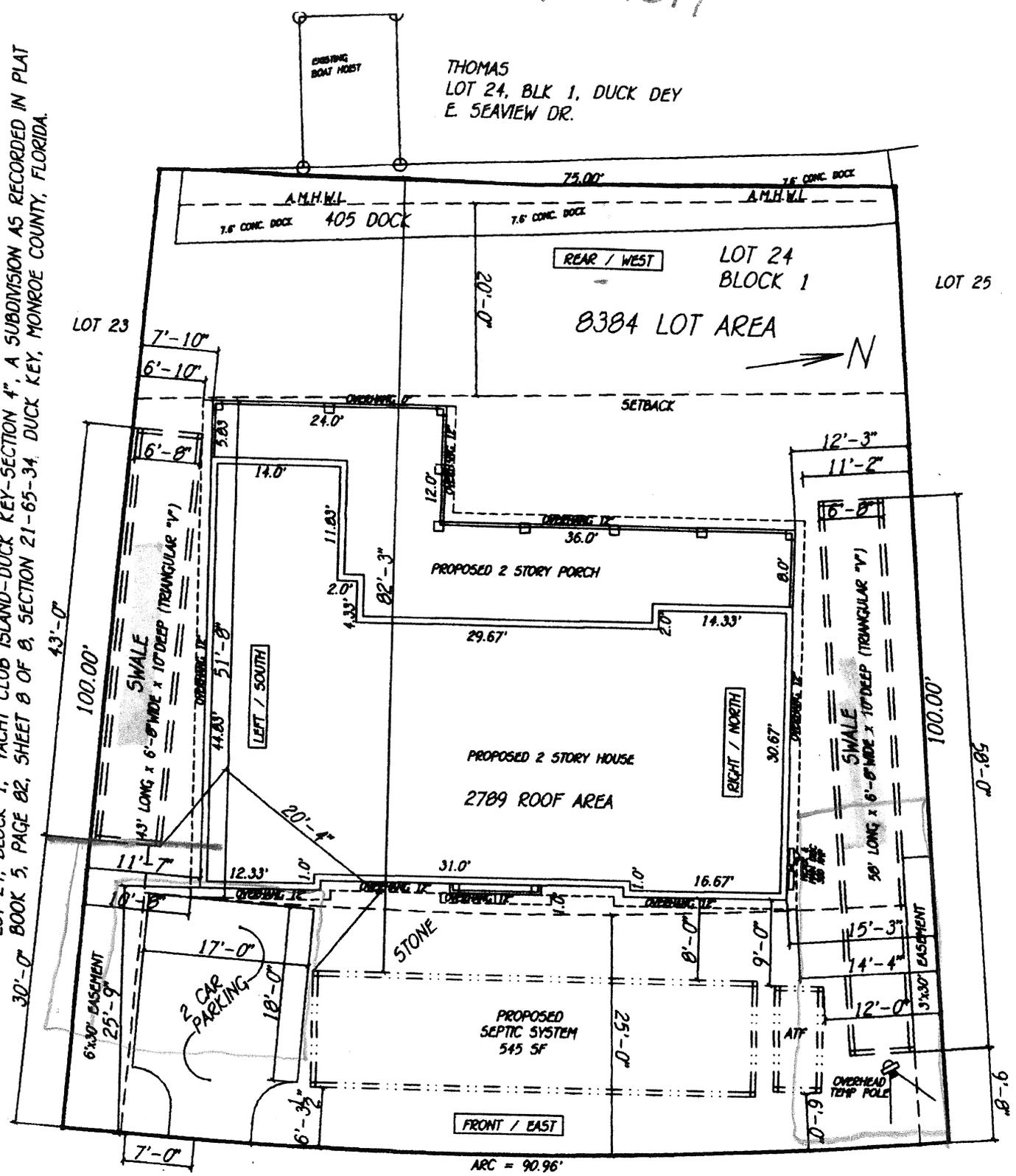
EAST SEAVIEW DRIVE

07-44671

THOMAS
LOT 24, BLK 1, DUCK DEY
E. SEAVIEW DR.

LEGAL DESCRIPTION:

LOT 24, BLOCK 1, "YACHT CLUB ISLAND-DUCK KEY-SECTION 4", A SUBDIVISION AS RECORDED IN PLAT BOOK 5, PAGE 82, SHEET 8 OF 8, SECTION 21-65-34, DUCK KEY, MONROE COUNTY, FLORIDA.



Monroe County Planning
Approved as per Monroe
County Code see permit
conditions.

By: B.L. Date: 5-5-07

EAST SEAVIEW DRIVE

Monroe County Property Appraiser - Radius Report

AK: 1462811	Parcel ID: 00379120-000000	Physical Location: 120 S INDIES DR	DUCK KEY
Legal Description:	BK 2 LT 45 DUCK KEY CENTER ISLAND SEC-2 PART-2 PB5	-82 TOMS HARBOR	OR645-529 OR78
Owners Name:	HANKINS JAMES M		
Address::	1801 N MILITARY TRL STE 200	BOCA RATON, FL 33431-1810	
AK: 1468703	Parcel ID: 00385010-000000	Physical Location: 302 BANYAN ST	DUCK KEY
Legal Description:	DUCK KEY YACHT CLUB ISLAND SEC-4 PB5-82 TOMS HARBO	R S'LY 1/2 LOT 87 & ALL LOT 88 BK 1	
Owners Name:	WAGNER WILLIAM A JR & NATALIE R		
Address::	302 BANYAN ST	DUCK KEY, FL 33050	
AK: 1468029	Parcel ID: 00384340-000000	Physical Location: 342 E SEAVIEW DR	DUCK KEY
Legal Description:	BK 1 LT 21 DUCK KEY YACHT CLUB ISLAND SEC-4 TOMS H	ARBOR OR448-800 OR647-261 OR81	
Owners Name:	EVANS SHELDON & ELLEN R		
Address::	3074 LAKEWOOD CIRCLE	WESTON, FL 33332-1843	
AK: 1468754	Parcel ID: 00385060-000000	Physical Location: 345 E SEAVIEW DR	DUCK KEY
Legal Description:	DUCK KEY YACHT CLUB ISLAND SEC-4 TOMS HARBOR LOT 9	3 & NORTH 1/2 LOT 94 BLK 1 OR58:	
Owners Name:	RAULJ ANICA		
Address::	345 EAST SEAVIEW DR	DUCK KEY, FL 33050	
AK: 1462853	Parcel ID: 00379160-000000	Physical Location: 112 S INDIES DR	DUCK KEY
Legal Description:	BK 2 LT 49 DUCK KEY CENTER ISLND SEC-2 PART-2 TOMS	HARBOR PB5-82 OR530-620Q OR79	
Owners Name:	ADAM LEWIS W		
Address::	112 INDIES DRIVE S	MARATHON, FL 33050	
AK: 1468711	Parcel ID: 00385020-000000	Physical Location:	DUCK KEY
Legal Description:	BK 1 LT 89 DUCK KEY YACHT CLUB ISLAND SEC-4 TOMS H	ARBOR PB5-82 OR475-938 OR929-2:	
Owners Name:	MORRIS BARRETT M & LOUISE D		
Address::	PO BOX 22715	LEXINGTON, KY 40522	
AK: 1468053	Parcel ID: 00384370-000000	Physical Location: 348 E SEAVIEW DR	DUCK KEY
Legal Description:	BK 1 LT 24 DUCK KEY YACHT CLUB ISLAND SEC-4 TOMS H	ARBOR OR643-634 OR761-1192 OR1	
Owners Name:	THOMAS WILLIAM M JR AND LINDA R		
Address::	348 E SEAVIEW DR	DUCK KEY, FL 33050	
AK: 1468738	Parcel ID: 00385040-000000	Physical Location: 308 BANYAN ST	DUCK KEY
Legal Description:	DUCK KEY YACHT CLUB ISLAND SEC-4 TOMS HARBOR PB5-8	2 LOT 91 BLK 1 OR349-50 OR824-9:	
Owners Name:	MASTRIANA FRANK RONALD REV LIV TRST 12/18/2008 C/O MASTRIANA FRANK RONALD TRUSTEE		
Address::	1500 N FEDERAL HWY STE 200	FT LAUDERDALE, FL 33308	
AK: 1468011	Parcel ID: 00384330-000000	Physical Location: 340 E SEAVIEW DR	DUCK KEY
Legal Description:	BK 1 LT 20 DUCK KEY YACHT CLUB ISLAND SEC-4 TOMS H	ARBOR OR449-186 OR873-1500 OR1	
Owners Name:	LYONS FAMILY REVOCABLE TRUST AGREE DTD 7/27/04		
Address::	115 DOUGLAS DR	GLASGOW, KY 42141	
AK: 1468100	Parcel ID: 00384420-000000	Physical Location: 358 E SEAVIEW DR	DUCK KEY
Legal Description:	BK 1 LT 29 DUCK KEY YACHT CLUB ISLAND SEC-4 PB5-82	TOMS HARBOR OR455-283 OR794	
Owners Name:	BUCHAM JOHN J AND TAMARA J		
Address::	2005 BATES DR	JOHNSTOWN, PA 15905	
AK: 1462829	Parcel ID: 00379130-000000	Physical Location: 118 S INDIES DR	DUCK KEY
Legal Description:	DUCK KEY CENTER ISLAND SEC 2 PART 2 TOMS HARBOR PB	5-82 LOTS 46 & 47 BLK 2 OR530-622:	
Owners Name:	ROHRSCHEIB RAY GENE AND SHARONE KAYE		
Address::	118 INDIES DR SOUTH	MARATHON, FL 33050	
AK: 1468746	Parcel ID: 00385050-000000	Physical Location: VACANT LOT BANYAN ST	DUCK KEY
Legal Description:	BK 1 LT 92 DUCK KEY YACHT CLUB ISLAND SEC-4 TOMS H	ARBOR OR450-899 OR993-2223AFF	
Owners Name:	RUBINO S RAYMOND		
Address::	P O BOX 150776	CAPE CORAL, FL 33915	
AK: 1468045	Parcel ID: 00384360-000000	Physical Location: 346 E SEAVIEW DR	DUCK KEY
Legal Description:	BK 1 LT 23 DUCK KEY YACHT CLUB ISLAND SEC-4 TOMS H	ARBOR PB5-82 OR429-10 OR744-75:	
Owners Name:	TALLENT RALPH L & LILLIAN D TR'S (RALPH L TALLENT TR DTD 3-10-94) -% RALPH L&LILLIAN D TALLENT (B/Q)		
Address::	346 E SEAVIEW DRIVE	MARATHON, FL 33050-3820	

AK: 1462845	Parcel ID: 00379150-000000	Physical Location: 114 S INDIES DR	DUCK KEY
Legal Description:	BK 2 LT 48 DUCK KEY CENTER ISLND SEC-2 PART-2 TOMS	HARBOR PB5-82 OR345-240 OR791.	
Owners Name:	JAMES RODNEY L AND CAROL S		
Address::	5409 OVERSEAS HWY	MARATHON, FL 33050	
AK: 1468827	Parcel ID: 00385130-000000	Physical Location: IXORA ST	DUCK KEY
Legal Description:	DUCK KEY YACHT CLUB ISLAND SEC-4 TOMS HARBOR PB5-8	2 LOT 100 & E1/2 LOT 101 BLK 1 OF	
Owners Name:	YACHT CLUB ISLAND LLC		
Address::	W360 N8251 BROWN STREET	OCONOMOWOC, WI 53066	
AK: 1468720	Parcel ID: 00385030-000000	Physical Location: 306 BANYAN ST	DUCK KEY
Legal Description:	BK 1 LT 90 DUCK KEY YACHT CLUB ISLAND SEC-4 TOMS H	ARBOR PB5-82 OR429-844-845 OR9	
Owners Name:	MORRIS BARRETT M & LOUISE D		
Address::	PO BOX 22715	LEXINGTON, KY 40522	
AK: 1462870	Parcel ID: 00379180-000000	Physical Location: 108 S INDIES DR	DUCK KEY
Legal Description:	BK 2 LT 51 DUCK KEY CENTER ISLAND SEC-2 PART-2 TOM	S HARBOR PB5-82 OR565-233 OR10	
Owners Name:	SCHOFIELD GLENN AND CATHY		
Address::	PO BOX 2790	LABELLE, FL 33975	
AK: 1468096	Parcel ID: 00384410-000000	Physical Location: 356 E SEAVIEW DR	DUCK KEY
Legal Description:	BK 1 LT 28 DUCK KEY YACHT CLUB ISLAND SEC-4 TOMS H	ARBOR PB5-82 OR588-98 OR810-2	
Owners Name:	VASTANO FRANK C/O METROPOLITAN PLANT AND FLOWER EXCHANGE		
Address::	2125 FLETCHER AVE	FORT LEE, NJ 07024	
AK: 1468819	Parcel ID: 00385120-000000	Physical Location: IXORA ST	DUCK KEY
Legal Description:	BK 1 LT 99 DUCK KEY YACHT CLUB ISLAND SEC-4 TOMS H	ARBOR PB5-82 OR451-456/57 OR556	
Owners Name:	YACHT CLUB ISLAND LLC		
Address::	W360 N8251 BROWN STREET	OCONOMOWOC, WI 53066	
AK: 1468088	Parcel ID: 00384400-000000	Physical Location: 354 E SEAVIEW DR	DUCK KEY
Legal Description:	BK 1 LT 27 DUCK KEY YACHT CLUB PB5-82 ISLAND SEC 4	TOMS HARBOR OR436-1077 OR650	
Owners Name:	AHMADI DAVID F & SUSAN		
Address::	222 EASTIN AVE	NEW BRUNSWICK, NJ 08901	
AK: 1468070	Parcel ID: 00384390-000000	Physical Location: 252 E SEAVIEW DR	DUCK KEY
Legal Description:	BK 1 LT 26 DUCK KEY YACHT CLUB ISLAND SEC-4 TOMS H	ARBOR PB5-82 OR536-33 OR759-55	
Owners Name:	PARKER JANE		
Address::	352 EAST SEAVIEW DRIVE	DUCK KEY, FL 33050	
AK: 1464015	Parcel ID: 00380320-000000	Physical Location: 117 S INDIES DR	DUCK KEY
Legal Description:	BK 6 LT 11 DUCK KEY CENTER ISLAND SEC-2 PART-2 TOM	S HARBOR PB5-82 OR489-364/366	
Owners Name:	EPPS JOHN W AND JOAN C		
Address::	63 CUNNINGHAM DR	NEW SMYRNA BEACH, FL 32168	
AK: 1462861	Parcel ID: 00379170-000000	Physical Location: 110 S INDIES DR	DUCK KEY
Legal Description:	BK 2 LT 50 DUCK KEY CENTER ISLAND SEC-2 PART-2 TOM	S HARBOR PB5-82 OR611-244 OR1	
Owners Name:	MCKINNEY MARIAN LESLIE TRUSTEE (MARIAN LESLIE MCKINNEY TRUST DTD 5/12/98)		
Address::	824 N PRICE ROAD	ST LOUIS, MO 63132	
AK: 1468061	Parcel ID: 00384380-000000	Physical Location: 350 E SEAVIEW DR	DUCK KEY
Legal Description:	BK 1 LT 25 DUCK KEY YACHT CLUB ISLAND SEC-4 TOMS H	ARBOR OR645-19 OR914-2096 OR96	
Owners Name:	ISLE DEL SOL LAND TR AGREE DTD 12/16/04		
Address::	P O BOX 1639	MARCO, FL 34146	
AK: 1468037	Parcel ID: 00384350-000000	Physical Location: 344 E SEAVIEW DR	DUCK KEY
Legal Description:	BK 1 LT 22 DUCK KEY YACHT CLUB ISLAND SEC-4 TOMS H	ARBOR OR646-645 OR662-463Q/C O	
Owners Name:	MOCCIA WAYNE ALLEN		
Address::	344 E SEAVIEW DRIVE	DUCK KEY, FL 33050	
AK: 1468002	Parcel ID: 00384320-000000	Physical Location: 338 E SEAVIEW DR	DUCK KEY
Legal Description:	BK 1 LT 19 DUCK KEY YACHT CLUB ISLAND SEC-4 TOMS H	ARBOR OR546-433 OR881-1268	
Owners Name:	GMOSER OLGA F		
Address::	6216 SHADY CREEK WAY	HAMILTON, OH 45011	
AK: 1468631	Parcel ID: 00384940-000000	Physical Location:	DUCK KEY
Legal Description:	DUCK KEY YACHT CLUB ISLAND SEC-4 TOMS HARBOR PB5-8	2 S 1/2 LOT 80 & ALL LOT 81 BLK 1 C	
Owners Name:	MERRYMAN SOUTH LLC		
Address::	14212 WASHINGTON ST STE 100	WOODSTOCK, IL 60098	

AK: 1464023	Parcel ID: 00380330-000000	Physical Location: 115 S INDIES DR	DUCK KEY
Legal Description:	BK 6 LTS 12-13 DUCK KEY CENTER ISLAND SEC-2 PART-2	TOMS HARBOR PB5-82 OR 489-364,	
Owners Name:	BOLOGNA DEBORAH L		
Address::	115 S INDIES DR	DUCK KEY, FL 33050	
<hr/>			
AK: 1468797	Parcel ID: 00385100-000000	Physical Location: 301 IXORA DR	DUCK KEY
Legal Description:	SOUTH 1/2 LT 94 & LTS 95 THRU 97 BK 1 DUCK KEY Y	ACHT CLUB ISLAND SEC-4 TOMS H/	
Owners Name:	ZIMMERMANN HAROLD M AND JUDITH E		
Address::	217 N FORK LANDING RD	CINNAMINSON, NJ 08077	
<hr/>			
AK: 1468665	Parcel ID: 00384970-000000	Physical Location: 308 CROTON ST	DUCK KEY
Legal Description:	BK 1 LOTS 84, 85, 86 AND N'LY 1/2 LOT 87 DUCK KEY	YACHT CLUB ISLAND SEC-4 TOMS H	
Owners Name:	MULLAR DORIAN E & STEPHANIE		
Address::	308 CROTON STREET	DUCK KEY, FL 33050	
<hr/>			



JAMES M. HANKINS
1801 N. MILITARY TrL
STE 200
BOCA RATON, FL. 33431-1810
WILLIAM WAGNER A.
302 BANYAN ST.
DUCK KEY, FL 33050

SHELDON & ELLEN R EVANS
3074 LAKEWOOD Circle
WESTON, FL 33332-1843

ANICA RAULJ
345 EAST SEAVIEW Dr
DUCK KEY, FL 33050

LEWIS W ADAM
112 IN DIES Drive South
MARATHON, FL 33050

BARRETT M & LOUISE D MORRIS
P.O. Box 22715
LEXINGTON, KY 40522

MASTRIANA FRANK RONALD REV
Liu Trst C/O FRANK MASTRIANA
1500 N. FEDERAL HWY STE 200
FT. LAUDERDALE, FL. 33308

LYONS FAMILY TRUST
115 DOUGLAS DR.
GLASGOW, KY 42141

JOHN J & TAMARA J. BUCHAM
2005 BATES DR.
JOHNSTOWN, PA 15905

RAY GENE & SHARONE KAYE.
Rohrschick
118 INDIES DR.
MARATHON, FL. 33050

RAYMOND S RUBINO
P.O. Box 150776
CAPE CORAL, FL. 33915

Ralph & Lillian TALLENT
346 E. SEAVIEW DR.
DUCK, KEY, FL. 33050

ROONEY LAND CAROL S. JAMES
5409 OVERSEAS HWY
MARATHON, FL. 33050

YACHT CLUB ISLAND LLC
W 360 N 251 BROWN ST.
OCONOMOWOC, WI 53066

BARRETT & LOUISE MORRIS
P.O. Box 22715
LEXINGTON, KY. 40522

GLEN & CATHY SCHOFIELD
P.O. Box 2790
LABELLE, FL. 33975

FRANK VASTANO
2125 FLETCHER AVE.
FORT LEE, N.J. 07024

DAVID F. & SUSAN AHMAD;
222 EASTIN AVE.
NEW BRUNSWICK, N.J.
08901

JANE PARKER
352 EAST SEAVIEW DR.
DUCK KEY, FL 33050

JOHN W & JOAN C EPPS
63 CUNNINGHAM DR
NEW SAMARNA BEACH FL
32168

MARIAN L. MCKENNEY
824 N. PRINCE ROAD
ST. LOUIS, MO 63132

DEL SOL ISLE LAND
P.O. Box 1639
MARCO, FL. 34146

WAYNE A. MOCCIA
344 E. SEAVIEW DR.
DUCK KEY, FL 33050

OLGA F. GMOER
6216 SHADY CREEK WAY
HAMILTON, OH 45011

MERRYMAN SOUTH LLC
14212 WASHINGTON ST
ST. 100
WOODSTOCK IL 60098

DEBORAH L. Bologna
115 S. INDIES DR.
DUCK KEY, FL 33050

HAROLD AND JUDITH ZIMMERMAN
217 N. FORK LANDING Rd.
CINNAMINSON, N.J. 080

DORIAN & STEPHINE MULLAR
308 CROTON ST.
DUCK, KEY, FLA 33050

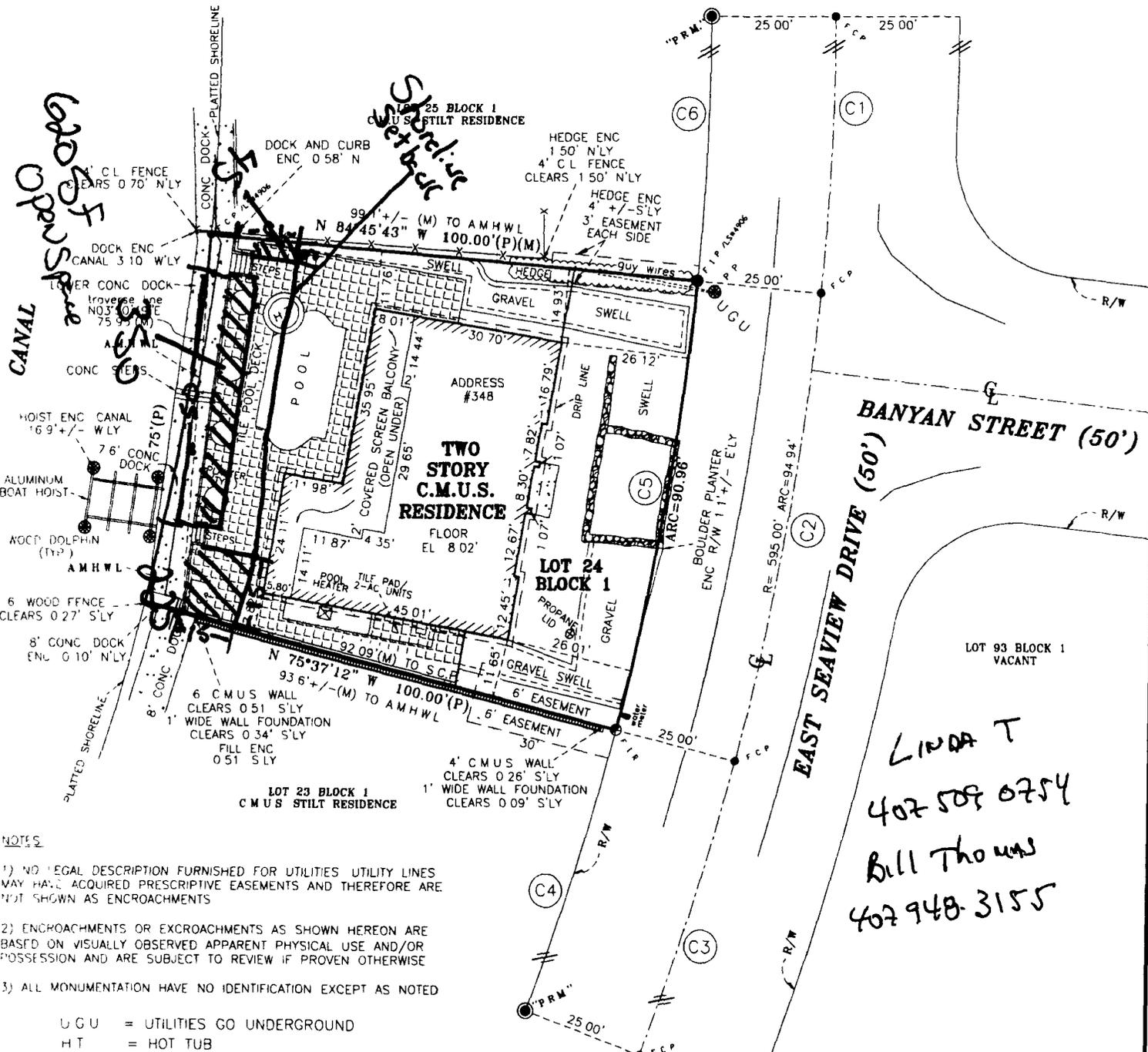
WILLIAM & LINDA THOMAS
348 EAST SEAVIEW DR.
DUCK KEY FL 33050

SKETCH OF BOUNDARY SURVEY

LEGAL DESCRIPTION AS FURNISHED BY CLIENT:

LOT 24, BLOCK 1, "YACHT CLUB ISLAND-DUCK KEY-SECTION 4", A SUBDIVISION AS RECORDED IN PLAT BOOK 5, PAGE 82, SHEET 8 OF 8, SECTION 21-65-34, DUCK KEY, MONROE COUNTY, FLORIDA, PUBLIC RECORDS

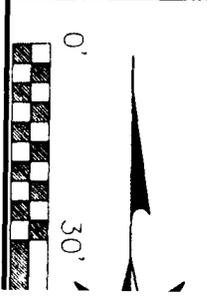
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	595.00'	293.94'	290.96'	S 08°54'52" E	28°18'17"	150.03'
C2	595.00'	94.94'	94.84'	S 09°48'32" W	09°08'31"	47.57'
C3	595.00'	448.57'	438.02'	S 35°58'39" W	43°11'42"	235.55'
C4	570.00'	429.72'	419.62'	S 35°58'39" W	43°11'42"	225.65'
C5	570.00'	90.95'	90.85'	S 09°48'32" W	09°08'31"	45.57'
C6	570.00'	281.59'	278.73'	S 08°54'52" E	28°18'17"	143.73'



LINDA T
407 508 0254
Bill Thomas
407 948 3155

- NOTES
- 1) NO LEGAL DESCRIPTION FURNISHED FOR UTILITIES UTILITY LINES MAY HAVE ACQUIRED PRESCRIPTIVE EASEMENTS AND THEREFORE ARE NOT SHOWN AS ENCROACHMENTS
 - 2) ENCROACHMENTS OR EXCROACHMENTS AS SHOWN HEREON ARE BASED ON VISUALLY OBSERVED APPARENT PHYSICAL USE AND/OR POSSESSION AND ARE SUBJECT TO REVIEW IF PROVEN OTHERWISE
 - 3) ALL MONUMENTATION HAVE NO IDENTIFICATION EXCEPT AS NOTED

UGU = UTILITIES GO UNDERGROUND
HT = HOT TUB



LEGEND

- F.C.P. = FOUND CONTROL POINT
- 40d NAIL/PK/NUT = SET CONTROL POINT
- SS SCREW/DISC #4906 = FOUND 3/4" PIPE
- /SIZE/CAP TYPE = SET 3/4" PIPE
- /LS#4906 = FOUND 5/8" REBAR
- /SIZE/CAP TYPE = PERMANENT REFERENCE

ABBREVIATIONS

- ENC = ENCROACHMENT
- CLF = CHAIN LINK FENCE
- CONC = CONCRETE
- R/W = RIGHT-OF-WAY
- (P) = PLAT
- (M) = MEASURED
- (C) = CALCULATED
- (D) = DEED/DESCRIPTION
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- P.C. = POINT OF CURVE
- P.I. = POINT OF INTERSECTION

This certifies that a survey of the above furnished description was made under my supervision and the survey meets the "Minimum Technical Standards" set forth by the Florida Board of Professional Land Surveyors in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes

08/17/09



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

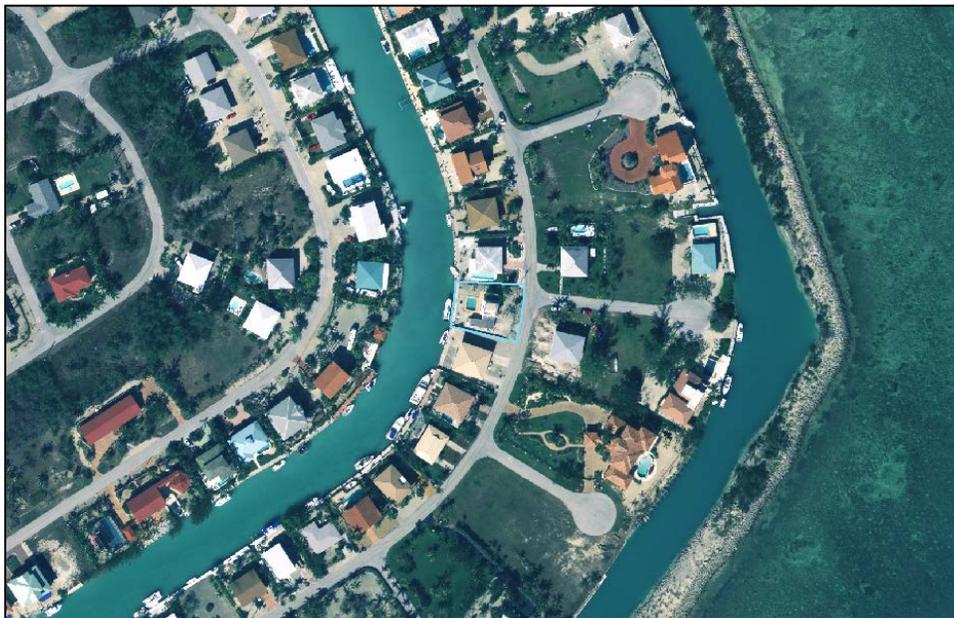
We strive to be caring, professional and fair

To: The Monroe County Planning Commission
From: Timothy Richard, Planner
Through: Townsley Schwab, Sr. Director of Planning & Environmental Resources
Date: August 18, 2009
Subject: *Request for a Setback Variance by William M. Thomas Jr. for property located at 348 East Seaview Drive, Duck Key, Mile Marker 61
Real Estate No. 00384370.000000*

Meeting: November 4, 2009

1 I REQUEST:

2
3 The applicant has requested variances to the side yard setbacks that would allow for the
4 approval of pavers within the required setbacks that were installed without the benefit of a
5 building permit. The applicant is requesting a reduction of five (5) feet from the required ten
6 (10) foot side yard setback along the northern property line and a reduction of four (4) feet
7 from the required five (5) foot side yard setback along the southern property line. As a result,
8 the side yard setback on the northern property line would be five (5) feet and the side yard
9 setback on the southern property line would be one (1) foot.



Subject Property (outlined in blue)

1 Location:

2 Address: 348 East Seaview Drive, Duck Key, Mile Marker 61 (ocean side)

3 Legal Description: Block 1, Lot 24, Duck Key Yacht Club Island, Section 4, Tom's
4 Harbor

5 Real Estate (RE) Number: 00384370.000000
6

7 Applicant:

8 Owner: William M. Thomas Jr.
9

10 II RELEVANT PRIOR COUNTY ACTIONS:
11

12 Building Permit 072-2691 was issued on December 4, 2007 for the construction of the
13 existing CBS single-family dwelling unit.
14

15 Code Enforcement Case CE08120045 was opened on November 12, 2008 when a neighbor
16 filed a complaint about storm water runoff onto adjacent property. The Code Enforcement
17 Officer consulted with the Biologist and found that the existing swales were acceptable. The
18 case was closed by Ronda Norman, Director of Code Enforcement, on December 15, 2008.
19

20 Code Enforcement Case CE09010080 was opened on January 14, 2009 when a neighbor
21 filed a complaint about storm water runoff onto adjacent property. The property owner
22 notified the Code Enforcement Department of a water leak that was being corrected, and this
23 portion of the case was closed on February 8, 2009. However, on April 22, 2009, the Code
24 Enforcement Officer documented unpermitted pavers in the side yard setbacks on the
25 property. This case remains open until the pavers are permitted with a building permit or
26 removed.
27

28 III BACKGROUND INFORMATION:
29

30 A. Size of Site: 8,298 ft² (0.19 acres)

31 B. Land Use District: Improved Subdivision- Masonry (IS-M)

32 C. Future Land Use Map (FLUM) Designation: Residential Medium (RM)

33 D. Proposed Tier Designation: Tier 3

34 E. Existing Vegetation / Habitat: Developed

35 F. Community Character of Immediate Vicinity: Single-Family Residential

36 G. Flood Zone: AE-EL 8
37

38 IV REVIEW OF APPLICATION:
39

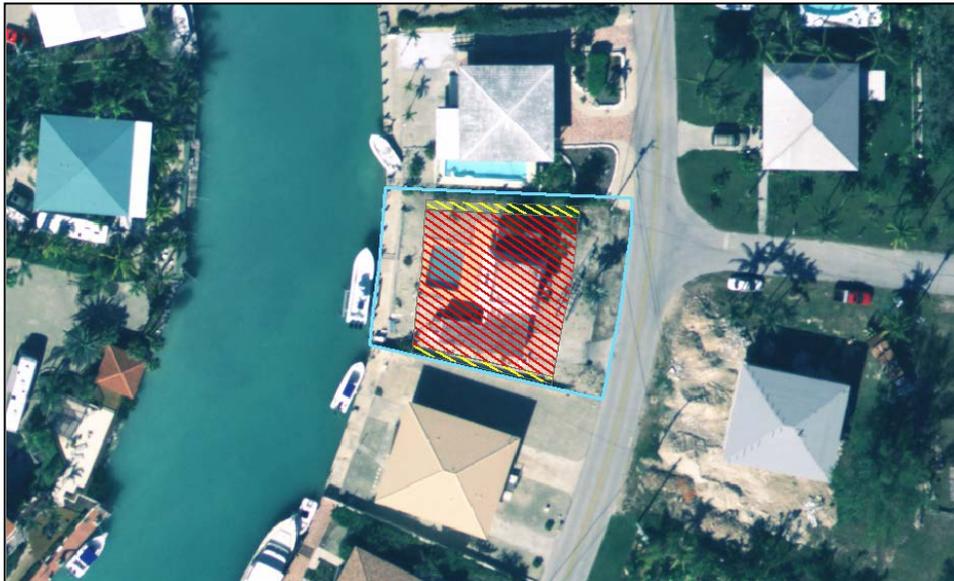
40 Pursuant to MCC §130-186, the required non-shoreline setbacks for the Improved
41 Subdivision (IS) District are as follows: Front yard 25 feet; Rear yard 20 feet; and Side yard
42 10 / 15 feet (where 10 feet is the required side yard for one side and 15 feet is the minimum
43 combined total of both side yards).
44

1 The property is located along East Seaview Drive, which is on the eastern border of the
2 property. The neighboring properties to the north and east of the property are developed with
3 single-family residences. The character of the neighborhood is single-family residential.
4

5 The property has a required front yard non-shoreline setback of 25 feet along East Seaview
6 Drive, and required side yard non-shoreline setbacks of 10 feet from the northern property
7 line and five (5) feet from the southern property line. In addition, in accordance with MCC
8 §118-12, there is a shoreline setback of 20 feet from mean high water line for principal
9 structures along the shoreline to the western property line. However, accessory structures,
10 such as pavers, that do not exceed more than 18 inches above existing grade may occupy up
11 to 60 percent of the area within the shoreline setback.
12

13 The applicant is requesting two variances: a reduction of five (5) feet from the required ten
14 (10) foot side yard setback along the northern property line and a reduction of four (4) feet
15 from the required five (5) foot side yard setback along the southern property line. As a result,
16 the side yard setback along the northern property line would be five (5) feet, and the side
17 yard setback along the southern property line would be one (1) foot. The granting of these
18 variances will allow the applicant to retain the existing pavers, adjacent to the northern
19 property line and partially within the northern side yard setback, and the existing pavers
20 adjacent to the southern property line and partially within the southern side yard setback.
21

22 In the application, the applicant refers to the pavers as landscaping pavers. Per Monroe
23 County Building Code, this type of paver is not considered to be landscaping. Landscaping is
24 allowed within setbacks as-of-right. The Building Official and the Director of Planning &
25 Environmental Resources recognize these pavers as development not landscaping. Therefore
26 a variance to each of the required side yard setbacks is required.
27



44 **Aerial View of Property and Vicinity**
45 ■ Buildable Area within as-of-right setbacks
46 ■ Additional Buildable Area with requested variance

1 Pursuant to MCC §102-186(f), the Planning Commission may grant a variance if the
2 applicant demonstrates that all of the following standards are met:
3

4 *A. The applicant demonstrates a showing of good and sufficient cause:*
5

6 The applicant submitted a letter from Bradford T. Bishop, President of Bishop
7 Engineering Company, regarding the pavers on the property. According to the letter, the
8 pavers used in the construction have a water absorption rate of 2.81%, meaning the
9 pavers are not as impervious as traditional brick and stone materials. Gravel or grass is
10 allowed to be within the side yard setback, in that these surfaces are pervious and do not
11 greatly affect storm water runoff. The proposed pavers would not affect storm water
12 drainage as much as commonly used brick or stone. Therefore the applicant demonstrates
13 a showing of good and sufficient cause.
14

15 *B. Failure to grant the variance would result in exceptional hardship to the applicant:*
16

17 Currently there is a vegetated buffer along northern property line and a concrete wall
18 along the southern property line. Thus the pavers are not visible from neighboring
19 properties, and they do not adversely affect any neighboring properties.
20

21 In addition, it is important to note that regardless of the type of ground surface (i.e.
22 gravel, grass, paver or concrete); the applicant would be able to utilize the setbacks of the
23 property for use. Pavers, which do not have a significant visual impact, are not permitted
24 as-of-right within the required setbacks primarily due to storm water runoff issues. The
25 type of pavers used will be semi-pervious and will not have the same adverse effects as
26 impervious pavers. The Monroe County Biologist has approved the existing swales for
27 the property; therefore runoff shall be contained on-site.
28

29 The failure to grant this variance would result in an exceptional hardship to the applicant
30 in that they would not be able to use a part of their property for enjoyment.
31

32 As a note, the applicant asserts that a family member will need to use the pavers due to
33 their impending disability. Pursuant to MCC §102-186(f)(6), staff cannot recognize this
34 as an exceptional hardship.
35

36 *C. Granting the variance will not result in increased public expenses, create a threat to*
37 *public health and safety, create a public nuisance, or cause fraud or victimization of the*
38 *public:*
39

40 There would continue to be a five (5) foot setback along the northern property line.
41 Therefore, the granting of the variance along the northern property line will not burden
42 public resources or create a health and safety threat, create a nuisance, cause fraud or
43 victimization to the public.
44

45 However, along the southern property line there would be a one (1) foot setback. Staff
46 finds that allowing the pavers to remain one (1) foot from the side yard setback along the

1 southern property line may affect storm water runoff. Therefore the variance along the
2 southern property line may result in a nuisance.

- 3
4 D. *The property has unique or peculiar circumstances, which apply to this property, but*
5 *which do not apply to other properties in the same zoning district:*

6
7 The pavers used in the construction are semi-pervious in structure, and will not greatly
8 affect storm water runoff. Therefore, the property has unique or peculiar circumstances,
9 which apply to this property, but which do not apply to other properties in the same
10 zoning district.

- 11
12 E. *Granting the variance will not give the applicant any special privilege denied other*
13 *properties in the immediate neighborhood in terms of the provisions of this chapter or*
14 *established development patterns:*

15
16 Variances have been granted for pavers in the past. Therefore, the granting of the
17 variances will not give the applicant special privileges denied to other properties in the
18 immediate vicinity.

- 19
20 F. *Granting the variance is not based on disabilities, handicaps or health of the applicant or*
21 *members of his family:*

22
23 The granting of the variance is not based on disabilities, handicaps or health of the
24 applicant or members of his family.

- 25
26 G. *Granting the variance is not based on the domestic difficulties of the applicant or his*
27 *family:*

28
29 The granting of the variance is not based on the domestic difficulties of the applicant or
30 his family.

- 31
32 H. *The variance is the minimum necessary to provide relief to the applicant:*

33
34 There will continue to be impervious land area between the paver edges and the property
35 lines. Therefore, the variance request is the minimum necessary to provide relief to the
36 applicant.

37
38 V RECOMMENDATION:

39
40 Staff recommends APPROVAL to the Planning Commission for a variance of five (5) feet
41 from the required ten (10) foot side yard setback along the northern property line with the
42 following conditions:

- 43
44 A. The applicant shall amend the request on their application to reflect a variance only on
45 the northern property line. The applicant shall then remove the pavers within the side
46 yard setback on the southern property line and bring the site into compliance.

- 1
2 B. The approval of this variance is based on the placement of the pavers as shown on the site
3 plan submitted with the application. Work not specified or alterations to the site plan
4 may not be carried out without additional Planning & Environmental Resources
5 Department approval.
6
7 C. This variance is to allow the pavers, as shown on the site plan submitted with the
8 application, within the required northern side yard setback. It does not waive the required
9 side yard setbacks for any future structures or uses.
10
11 D. A building permit shall be obtained for the installation of pavers within the footprint
12 shown on site plan.
13
14 E. Future paver replacement must be done within the existing footprint with similar pavers
15 that are as, or more pervious than the existing pavers.
16

17 VI PLANS REVIEWED:
18

- 19 A. Site Plan by R.A. Ramsey, CAD Drafting & Construction Services, dated April 12, 2007,
20 with undated hand drawn revisions by unknown.

Attachments



Photo of northern property line



Photo of southern property line

File #: **29085**

Owner's Name: Knapp, Patricia Wright

Applicant: Bicentennial Post 333, Inc.
aka American Legion

Agent: Gary Dunlap

Type of Application: Alcoholic Beverage

Key: Key Largo

RE #'s: 00502290-000000
00502300-000000

Additional Information added to File 29085

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: 9/21/09

Dear Applicant:

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

Bicentennial Post 333, Inc. to the Monroe County Planning Department.
Project / Name

Thank you.

Sail 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: 1620157 Parcel ID: 00502290-000000

Ownership Details

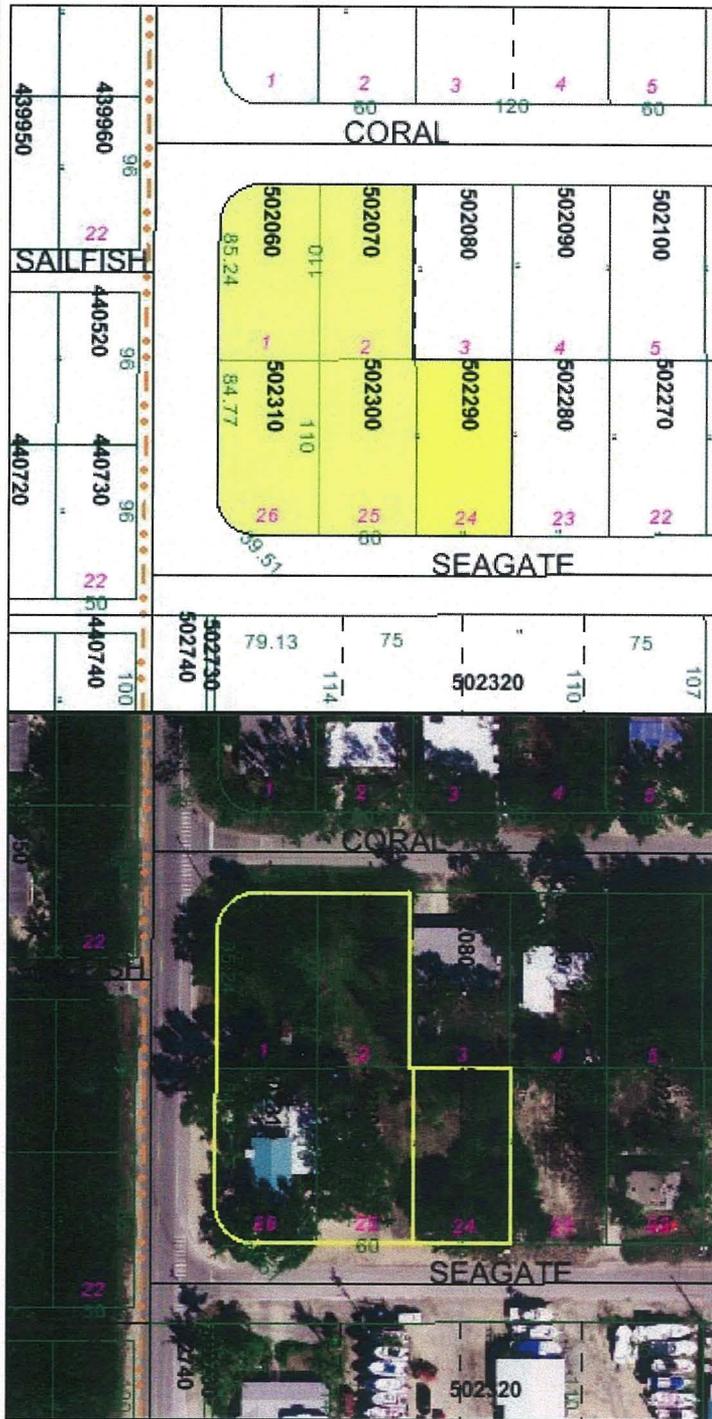
Mailing Address:

KNAPP PATRICIA WRIGHT
5900 NORTH SURF ROAD
NORTH HOLLYWOOD BEACH, FL 33019

Property Details

PC Code: 00 - VACANT RESIDENTIAL
Millage Group: 500K
Affordable Housing: No
Section-Township-Range: 33-61-39
Property Location: SEAGATE BLVD KEY LARGO
Subdivision: KEY LARGO BEACH
Legal Description: BK 4 LT 24 KEY LARGO BEACH PB2-149 KEY LARGO OR548-390 OR795-991QC

Parcel Map



Land Details

Land Use Code	Frontage	Depth	Land Area
Z10D - CONTIG SFR DRY	60	110	6,600.00 SF

Building Summary

Number of Buildings: 0
 Number of Commercial Buildings: 0

Total Living Area: 0
Year Built: 0

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2009	0	0	27,720	27,720	27,720	0	27,720
2008	0	0	47,520	47,520	47,520	0	47,520
2007	0	0	79,200	79,200	79,200	0	79,200
2006	0	0	79,200	79,200	79,200	0	79,200
2005	0	0	19,800	19,800	19,800	0	19,800
2004	0	0	52,800	52,800	52,800	0	52,800
2003	0	0	11,550	11,550	11,550	0	11,550
2002	0	0	11,550	11,550	11,550	0	11,550
2001	0	0	11,550	11,550	11,550	0	11,550
2000	0	0	9,900	9,900	9,900	0	9,900
1999	0	0	9,900	9,900	9,900	0	9,900
1998	0	0	9,900	9,900	9,900	0	9,900
1997	0	0	9,900	9,900	9,900	0	9,900
1996	0	0	9,900	9,900	9,900	0	9,900
1995	0	0	9,900	9,900	9,900	0	9,900
1994	0	0	11,550	11,550	11,550	0	11,550
1993	0	0	11,550	11,550	11,550	0	11,550
1992	0	0	11,550	11,550	11,550	0	11,550
1991	0	0	11,550	11,550	11,550	0	11,550
1990	0	0	11,550	11,550	11,550	0	11,550
1989	0	0	10,890	10,890	10,890	0	10,890
1988	0	0	10,890	10,890	10,890	0	10,890
1987	0	0	8,580	8,580	8,580	0	8,580
1986	0	0	8,580	8,580	8,580	0	8,580
1985	0	0	8,580	8,580	8,580	0	8,580
1984	0	0	8,580	8,580	8,580	0	8,580
1983	0	0	4,589	4,589	4,589	0	4,589
1982	0	0	4,589	4,589	4,589	0	4,589

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
-----------	----------------------------	-------	------------	---------------

2/1/1973	795 / 991Q	4,200	00	Q
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This page has been visited 174,327 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: 1620165 Parcel ID: 00502300-000000

Ownership Details

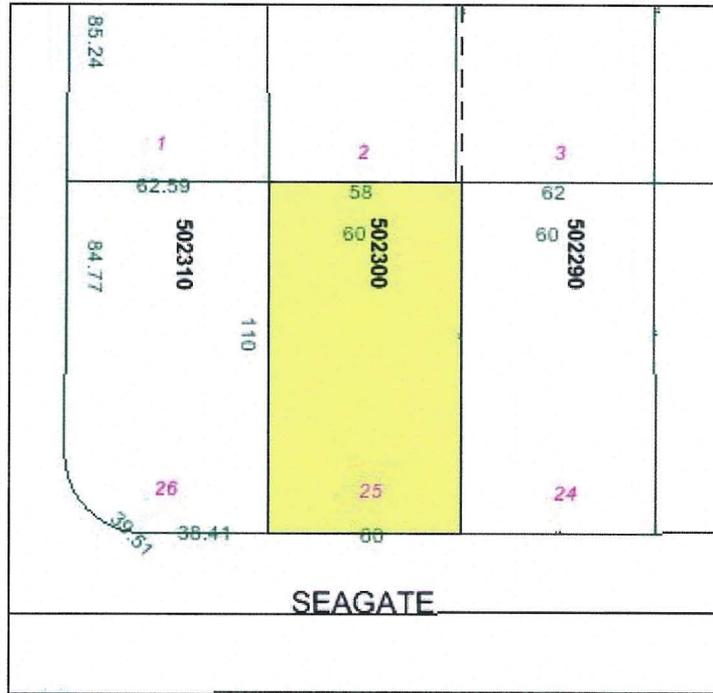
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2007	0	0	79,200	79,200	79,200	0	79,200
2006	0	0	79,200	79,200	79,200	0	79,200
2005	0	0	19,800	19,800	19,800	0	19,800
2004	0	0	52,800	52,800	52,800	0	52,800
2003	0	0	67,650	67,650	67,650	0	67,650
2002	0	0	29,700	29,700	29,700	0	29,700
2001	0	0	29,700	29,700	29,700	0	29,700
2000	0	0	13,200	13,200	13,200	0	13,200
1999	0	0	13,200	13,200	13,200	0	13,200
1998	0	0	13,200	13,200	13,200	0	13,200
1997	0	0	13,200	13,200	13,200	0	13,200
1996	0	0	13,200	13,200	13,200	0	13,200
1995	0	0	13,200	13,200	13,200	0	13,200
1994	0	0	11,550	11,550	11,550	0	11,550
1993	0	0	14,850	14,850	14,850	0	14,850
1992	0	0	14,850	14,850	14,850	0	14,850
1991	0	0	14,850	14,850	14,850	0	14,850
1990	0	0	14,850	14,850	14,850	0	14,850
1989	0	0	13,860	13,860	13,860	0	13,860
1988	0	0	13,860	13,860	13,860	0	13,860
1987	0	0	12,210	12,210	12,210	0	12,210
1986	0	0	11,550	11,550	11,550	0	11,550
1985	0	0	9,900	9,900	9,900	0	9,900
1984	0	0	9,900	9,900	9,900	0	9,900
1983	0	0	4,589	4,589	4,589	0	4,589
1982	0	0	4,589	4,589	4,589	0	4,589

Parcel Sales History

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

There are no sales to display for this parcel.

This page has been visited 174,331 times.

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

End of Additional File 29085

August 28, 2009

Attention:
Laura

I, Patricia J. Krapp, hereby
authorize, Gary Dunlap,
to be an agent, to transfer
the Liquor License from
American Legion Bicentennial
Post 333 to Sugboats, whose
physical address is, 2 Seagate
Boulevard, Key Largo, Florida, 33031;
Thank you for your attention
on this matter.

304-4159
Gary
Dunlap
American
Legion

Sincerely,
Patricia J. Krapp
5900 N. Surf Road
N. Hollywood Beach, FL.
1-954-923-2525 33019

Lee-Michelle

From: Lee-Michelle
Sent: Wednesday, September 02, 2009 10:20 AM
To: Hanson-Donna
Cc: Haberman-Joe
Subject: American Legion
Attachments: American Legion - Alcoholic Beverage App.PDF

Hi Donna,

Here's what Joe Haberman had on his desk. The client also submitted a check in the amount of \$245 for advertising and a check in the amount of \$192 for mailings. Joe did not create a file or deposit the checks yet, as the application fee is still in question (as you are aware).

Joe said please feel free to call him if you would like to discuss this application (x-2532).

Michelle Lee
Coordinator, Budget & Personnel
Monroe County Growth Management
2798 Overseas Highway, #400
Marathon, FL 33050
Ph: 305-289-2584; Fx: 305-289-2854
lee-michelle@monroecounty-fl.gov

Joe → ps- Donna Hanson indicated that Sylma was not interested in doing an agenda item to waive fees

HELP US HELP YOU! Please take a moment to complete our Customer Satisfaction Survey: <http://monrosurvey.virtualtownhall.net/survey.php?9acc14ae1b>



Think before you print

Please note: Florida has a very broad public records law. Most written communications to or from the County regarding County business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.

MONROE COUNTY BUILDING DEPARTMENT



AGENT

AUTHORIZATION

I hereby authorize GARY DUNLAP to be listed as
(Name of Agent(s) - not of entity)

authorized agent(s) for PATRICIA KNAPP for the purpose
(Name of Company of Qualifier)

of applying for and signing for all building permits to be issued for the named contractor(qualifier). I understand that all building permit applications must be signed by the qualifier.

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 hold Monroe County harmless) for any and all of the actions of the agent(s) named, related to the acquisition of permits for the aforementioned company.

Patricia Knapp
Signature and Title of Authorized Contractor (**QUALIFIER**)

NOTARY:
State of Florida
County of Monroe

The foregoing instrument was acknowledged before me this 17 day of September 20 09

by Patricia Knapp as the Qualifying Contractor
(Print Name of Qualifier of Company)

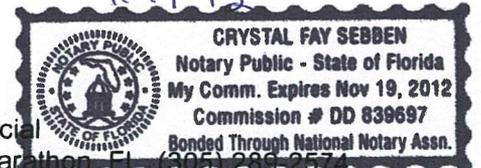
for American Legion -
(Company Name of Qualifier - not of agent)

Personally known or produced identification in the form of FLA-DC K510-686-35-729-0

Crystal Sebben
Signature of Notary Public - State of Florida

My commission expires (SEAL)

11-19-12



Monroe County Building Department
Joseph M. Paskalik, Sr. Director/Building Official
Monroe County Regional Service Center, 2798 Overseas Highway, Marathon, FL (305) 288-2574
Upper Keys offices: 88800 Overseas Highway, Plantation Key, (305) 852-7100
Lower Keys offices: 5503 College Rd., Key West, (305)295-3990

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: 6 / 11 / 09
Month Day Year

Property Owner:

6510 SW. 29th ST. MIAMI, FL. 33155

Agent (if applicable):

PATRICIA WRIGHT KNAPP
Name

~~Patricia Wright Knapp~~ Gary F Dunlap
Name

5900 N. SURF ROAD
Mailing Address (Street, City, State, Zip Code)

N. HOLLYWOOD BEACH, FL. - 33019

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

954-923-2525
305-588-9970
Daytime Phone

Daytime Phone

110 Mangrove Ave
Mailing Address (Street, City, State, Zip Code)

- Key Largo, FL 33037

Daytime Phone

- garyfdunlap@bellsouth.net
Email Address

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)

Bicentennial Post 333, Inc.
Name

Name

P.O.B. 1942 Key Largo, FL 33037-1942
Mailing Address (Street, City, State, Zip Code)

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

305-852-0413
Daytime Phone

Daytime Phone

Email Address

APPLICATION

Legal Description of Property:

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

4 24+25=26 Key Largo Beach Key Largo
Block Lot Subdivision Key

00502290-000000/00502300-000000 1620157/1620165
Real Estate (RE) Number Alternate Key Number

2 Seagate Blvd. 100 Key Largo, FL
Street Address (Street, City, State, Zip Code) Approximate Mile Marker

Land Use District Designation(s): IS-Improved Subdivision

Present Land Use of the Property: Vacant / Restaurant

Total Land Area:

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:

- Complete alcoholic beverage 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 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;

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;

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:

- Notarized Agent Authorization Letter (note: authorization is needed from all owner(s) of the subject property)
- Traffic Study, prepared by a licensed traffic engineer

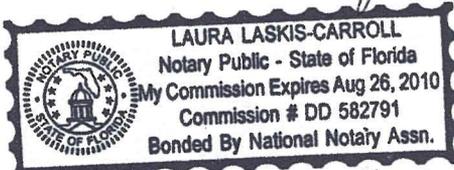
If deemed necessary to complete a full review of the application, the Planning & Environmental Resources Department reserves the right to request additional information.

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.

AGENT LETTER ATTACHED

Signature of Applicant: Gary F. Dunlap Date: 9-17-09
Gary F. Dunlap - Known

Sworn before me this 17 day of September, 2009



Laura Laskis-Carroll
Notary Public
My Commission Expires
Aug 26, 2010

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.

**STATE OF FLORIDA
DEPARTMENT OF HEALTH
COUNTY HEALTH DEPARTMENT**



PURPOSE:

- ROUTINE REINSPECTION
- CONSTRUCT. CHANGE OF OWNER
- COMPLAINT CONSULTATION
- QA SURVEY OTHER
- OTHER Alcoholic beverage insp./approval for 2 Seagate

**FOOD SERVICE
INSPECTION REPORT**

NAME OF ESTABLISHMENT American Legion Post #333
ADDRESS 97630 Overseas Hwy. **CITY** Key Largo
OWNER American Legion **ZIP** 33039
PERSON IN CHARGE Lewis Woodward **PHONE** 852-0413

RESULTS

- Satisfactory
 - Incomplete
 - Unsatisfactory
- Correct Violations by
- Next Inspection
 - 8:00 AM on:

BEGIN	END
3:58	4:41
<input type="checkbox"/> 00	<input type="checkbox"/> 00
<input type="checkbox"/> 2:05 AM	<input type="checkbox"/> 2:05 AM
<input type="checkbox"/> 3:10 PM	<input type="checkbox"/> 3:10 PM
<input type="checkbox"/> 4:15	<input type="checkbox"/> 4:15
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DATE
08 25 09
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CERTIFICATE NUMBER
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TYPE
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<input type="checkbox"/> Detention
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<input type="checkbox"/> Other

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OUT OF BUSINESS

Items marked below violate the requirements of Chapter 64E-11 of the Florida Administrative Code and must be corrected. Continued operation of this facility without making these corrections is a violation of Chapter 64E-11, Florida Administrative Code and Chapters 381, and 386, Florida Statutes. Violations must be corrected by the date and time indicated in the Results section above or an administrative fine or other legal action will be initiated.

FOOD SUPPLIES	<input type="checkbox"/> 14. Sneeze guards	<input type="checkbox"/> 27. Design and fabrication	OTHER FACILITIES
<input type="checkbox"/> 1. Sources, etc.	<input type="checkbox"/> 15. Transportation of food	<input type="checkbox"/> 28. Installation and location	AND OPERATIONS
FOOD PROTECTION	<input type="checkbox"/> 16. Poisonous/Toxic materials	<input type="checkbox"/> 29. Cleanliness of equipment	<input type="checkbox"/> 39. Other facilities and operations
<input type="checkbox"/> 2. Stored temperature	PERSONNEL	<input type="checkbox"/> 30. Methods of washing	TEMPORARY FOOD
<input type="checkbox"/> 3. No further cooking/Rapid cooling	<input type="checkbox"/> 17. Exclusion of personnel	SANITARY FACILITIES	SERVICE EVENTS
<input type="checkbox"/> 4. Thawing	<input type="checkbox"/> 18. Cleanliness	AND CONTROLS	<input type="checkbox"/> 40. Temporary food service events
<input type="checkbox"/> 5. Raw fruits	<input type="checkbox"/> 19. Tobacco use	<input type="checkbox"/> 31. Water supply	VENDING MACHINES
<input type="checkbox"/> 6. Pork cooking	<input type="checkbox"/> 20. Handwashing	<input type="checkbox"/> 32. Ice	<input type="checkbox"/> 41. Vending machines
<input type="checkbox"/> 7. Poultry cooking	<input type="checkbox"/> 21. Handling of dishware	<input type="checkbox"/> 33. Sewage	MANAGER CERTIFICATION
<input type="checkbox"/> 8. Other animal cooking	EQUIPMENT/UTENSILS	<input type="checkbox"/> 34. Plumbing	<input type="checkbox"/> 42. Manager certification
<input type="checkbox"/> 9. Least contact/Reheating	<input type="checkbox"/> 22. Refrigeration facilities/Thermometers	<input type="checkbox"/> 35. Toilet facilities	CERTIFICATES AND FEES
<input type="checkbox"/> 10. Food container	<input type="checkbox"/> 23. Sinks	<input type="checkbox"/> 36. Handwashing facilities	<input type="checkbox"/> 43. Certificates and fees
<input type="checkbox"/> 11. Buffet requirements	<input type="checkbox"/> 24. Ice storage/Counter-protector	<input type="checkbox"/> 37. Garbage disposal	INSPECTION/ENFORCEMENT
<input type="checkbox"/> 12. Self-service condiments	<input type="checkbox"/> 25. Ventilation/Storage/Sufficient equipment	<input type="checkbox"/> 38. Vermin control	<input type="checkbox"/> 44. Inspection/Enforcement
<input type="checkbox"/> 13. Reservice of food	<input type="checkbox"/> 26. Dishwashing facilities		

ITEM NUMBERS	COMMENTS AND INSTRUCTIONS (continue on attached sheet)
	Health Dept. approval that the building located at 2 Seagate Blvd, Key Largo, FL meets the sanitary requirements of the state in reference to onsite sewage system for no more than 40 seats

HEALTH DEPARTMENT INSPECTOR: Amy D. Holmberg PHONE: 8/25/09
 COPY OF REPORT RECEIVED BY: Russell DATE: 8-25-09



ENVIRONMENTAL HEALTH
FOOD SAFETY PROGRAM FEE SHEET

Food Service Establishments

Title _____ FEE _____ Object Code _____ OCA _____

Annual Permits:

8598

63-43/670
3

AMERICAN LEGION, INC., POST #333
OPERATING/CANTEEN ACCOUNT
 P.O. BOX 1942, PH. 852-0413
 KEY LARGO, FL 33037

Date 8-21-09

Pay to the Order of DOH \$ 70 ⁸¹/₈
Seventy dollars Dollars

For HEALTH insp

Blue Approval

MP

8598

⑆067000438⑆ 0300024735⑈

	\$210.00	\$189.00	001020	8K000	
		\$21.00	001206	1O000	
Bars / Lounges (Drinking Service Only)	\$190.00	\$171.00	001020	8K000	
		\$19.00	001206	1O000	
Residential Facilities	\$135.00	\$121.50	001020	8K000	
		\$13.50	001206	1O000	
Child Care Centers	\$110.00	\$99.00	001020	8K000	
		\$11.00	001206	1O000	
Limited Food Service	\$110.00	\$99.00	001020	8K000	
		\$11.00	001206	1O000	
Other Food Service	\$190.00	\$171.00	001020	8K000	
		\$19.00	001206	1O000	
Other Fees:					
Plan Review		\$40.00/hr	001092	8K000	
Food Worker Training		\$10.00	001092	8K000	
Request for Inspection		\$40.00	001092	8K000	
Reinspection (after the first)		\$75.00	001092	8K000	
Late Renewal		\$25.00	001092	8K000	
→ Alcoholic Beverage Inspection Approval		\$30.00	001092	8K000	<u>70.00</u>

DATE 8/21/09 CHECK # 8598 PAID: 70.00

Facility Name: Am Legion

Permit No: 44-48-00179

Address: _____



Paul and Elizabeth Adams 95 Marina Avenue Key Largo, FL 33037	Joseph & Jacqueline 98 Marina Avenue Key Largo, FL 33037	Richard & Linda Ford P.O.Box 2724 Key Largo, FL 33037
Susan & Mark Hulsbeck P.O.Box 525 Key Largo, FL 33037	Michael & Kathleen O'Connor 94 Marina Avenue Key Largo, FL 33037	Maura Muela 101 Marina Avenue Key Largo, FL 33037
Adella Cates 21 Ocean Bay Drive Key Largo, FL 33037	Nicholas Kross c/o Daniel O'Neill 15100 NW 27 th Avenue Opa Locka, FL 33054	Glenn D. Ingold 106 Marina Avenue Key Largo, FL 33037
David & Dawn DeBrule P.O.Box 1929 Key Largo, FL 33037	John M Lombardi 2932 SW 141 Terrace Davie, FL 33330	Andres Galvan 104 Marina Avenue Key Largo, FL 33037
Jim May 15360 Blackhawk Drive Fort Myers, FL 33912	George & Louise Scott 420 S Coconut Palm Drive Tavernier, FL 33070	Larry D Caldwell P.O.Box 372217 Key Largo, FL 33037
Thomas Clinton Mawhinney 10 Danvers Lanes Dearborn, MI 48120-1019	Gary & Kim Ferguson 18950 SW 175 th Avenue Homestead, FL 33030	Henry Angelo 9889 SW 110 Street Miami, FL 33176
Pamela Johnson P.O.Box 935 Key Largo, FL 33037	Steve Tsialas P.O.Box 136 Guilford, CT 06437-0136	Patricia Knapp & Bryan Gordon 5900 North Surf Road North Hollywood Beach, FL 33019
James Sample P.O.Box 1227 Key Largo, FL 33037	Melanie Pelton 7 Coral Drive Key Largo, FL 33037	Luis & Gladys Perez 2415 Biscayne Bay Drive Miami, FL 33181
Manual & Rita Lorenzo 660 East 14 th Street Hialeah, FL 33010	Nicholas & Constance Clementi 2205 El CID Court Ft. Lauderdale, FL 33324-5912	Ramon & Maria Medina 176 East 16 th Street Hialeah, FL 33010
Dermot Hennessy & Phyllis Dunne P.O.Box 260 Key Largo, FL 33037	Craig & Sheryl Tomlin 109 Kriebel Road Barro, PA 19504	David Hawkins 19 Coral Drive Key Largo, FL 33037

MONTIE LANE JR.
14 N. CHANNEL DRIVE
KEY LARGO, FL. 33037

JOSEPH POOLE
89 E. BAYARD ST.
SENECA FALLS, NY. 13148-1622

GARY L. SANDS SR.
923 LAPALOMA ROAD
KEY LARGO, FL. 33037

MONROE CTY. COMP. LAND AUTH.
3706 N. ROOSEVELT BLVD. SUITE 1
KEY WEST, FL. 33040

ROLFE GRIFFEN
9 N. BOUNTY LANE
KEY WEST, FL. 33040

RAMON LOPEZ
7900 RED ROAD PH MEZZANINE
S. MIAMI, FL. 33143-5546

TIIF C/O DEP.
3900 COMMENWEALTH BLVD.
TALLAHASSEE, FL. 32399-3000

COUNTY OF MONROE C'O BOCC
1100 SIMONTON ST.
KEY WEST, FL. 33040

GAYELYN G. & REX R. ANDERSON
100 MARINA AVE. KEY LARGO, FL.
33037

CATHY POTTER HARRISON
664 SAILFISH TAIL
KEY LARGO, FL. 33037

STEWART A L GLEGG
2727 N. OCEAN BLVD. UNIT A111
BOCA RATON, FL. 33431

ANDRES J. GARCIA
7800 NW. 34 ST.
MIAMI, FL. 33122

RICHARD KERN
2522 SW. NATIONAL CIR.
PORT ST. LUCIE, FL. 34953

ROGELIO GARCIA
769 GROUPER TR.
KEY LARGO, FL. 33037

JOSEPH YOUNG
P.O. BOX 1336
TAVERNIER, FL. 33070

CHRISTOPHER DALY
785 GROUPER TRL
KEY LARGO, FL. 33037

JOSE NEGRON
8750 NW. 32ND. AVE.
MIAMI, FL. 33147

ANDRES GARCIA
8974 SW. ST.
MIAMI, FL. 33165

KENDAL BOYKEN
684 SAILFISH TRAIL
KEY LARGO, FL. 33037

ED LEWIS LLC
258 ROSE PLACE
KEY LARGO, FL. 33037

MAIDA E WILLIAMS
2901 SW. 124TH COURT
MIAMI, FL. 33175



<p>JDI Marina Holding c/o JDI Realty 853 N Elston Chicago, IL 60622</p>	<p>Jimmie Wickham 353 SW 18th Avenue Ft. Lauderdale, FL 33312</p>	<p>Nicholas J Clementi 2205 EL CID Court Ft. Lauderdale, FL 33324-5912</p>
<p>Richard J Alvarez P. O. Box 814 Key Largo, FL 33037</p>	<p>Lynne Truskiewicz 73 Douglas Avenue Somerset, NJ 08873</p>	<p>Monroe County Comprehensive Plan Land Authority 3706 N Roosevelt Blvd, Suite 1 Key West, FL 33040</p>

JL Gomez
25 Bay Road
Key Largo FL 33037

Luis & Gladys Perez
2415 Biscayne Bay Drive
Miami FL 33181

Hill Family Investments Inc.
PO Box 273
Key Largo FL 33037

Ramon & Maria Medina
176 East 16th Street
Hialeah FL 33010

Henry Angelo
9889 SW 110 Street
Miami FL 33176

David Hawkins
19 Coral Drive
Key Largo FL 33037

Patricia Knapp & Bryan Gordon
5900 North Surf Road
North Hollywood Beach, FL 33019

DESCRIPTION:

Lots 24, 25 and 26, Block 4, KEY LARGO BEACH, according to the Plat thereof, as recorded in Plat Book 2, at Page 149, of the Public Records of Monroe County, Florida.

OCT 8 2009

Planning

File 29035

SURVEY NOTES:

1. The sketch hereon represents a boundary survey of a parcel(s) of land with existing aboveground improvements located, and spot elevations.
2. Elevations are shown thus: X 5.0' and refer to mean sea level, 1929 adjustment (NGVD), and have a prime reference of V-275, El. 10.840'
3. No underground utilities or structures were located by this survey.
4. No encroachments or notorious evidence of occupation and/or use of the described parcel for rights-of-way, ingress and egress were noted by this survey unless shown hereon.
5. The bearings and/or North arrow hereon were derived from the recorded plat or the description hereon. The bearing base for this survey is denoted thus: (*).
6. This parcel lies in N.F.I.P Flood Zone AE, base flood elevation 7', as shown on map panel #929, revised on 2/18/05.
7. The description was furnished by the client. Only easements and rights-of-way depicted or described on the recorded plat or stated in the description hereon are shown.
8. The proposed parking spaces were added per the clients request.

Curve number 1

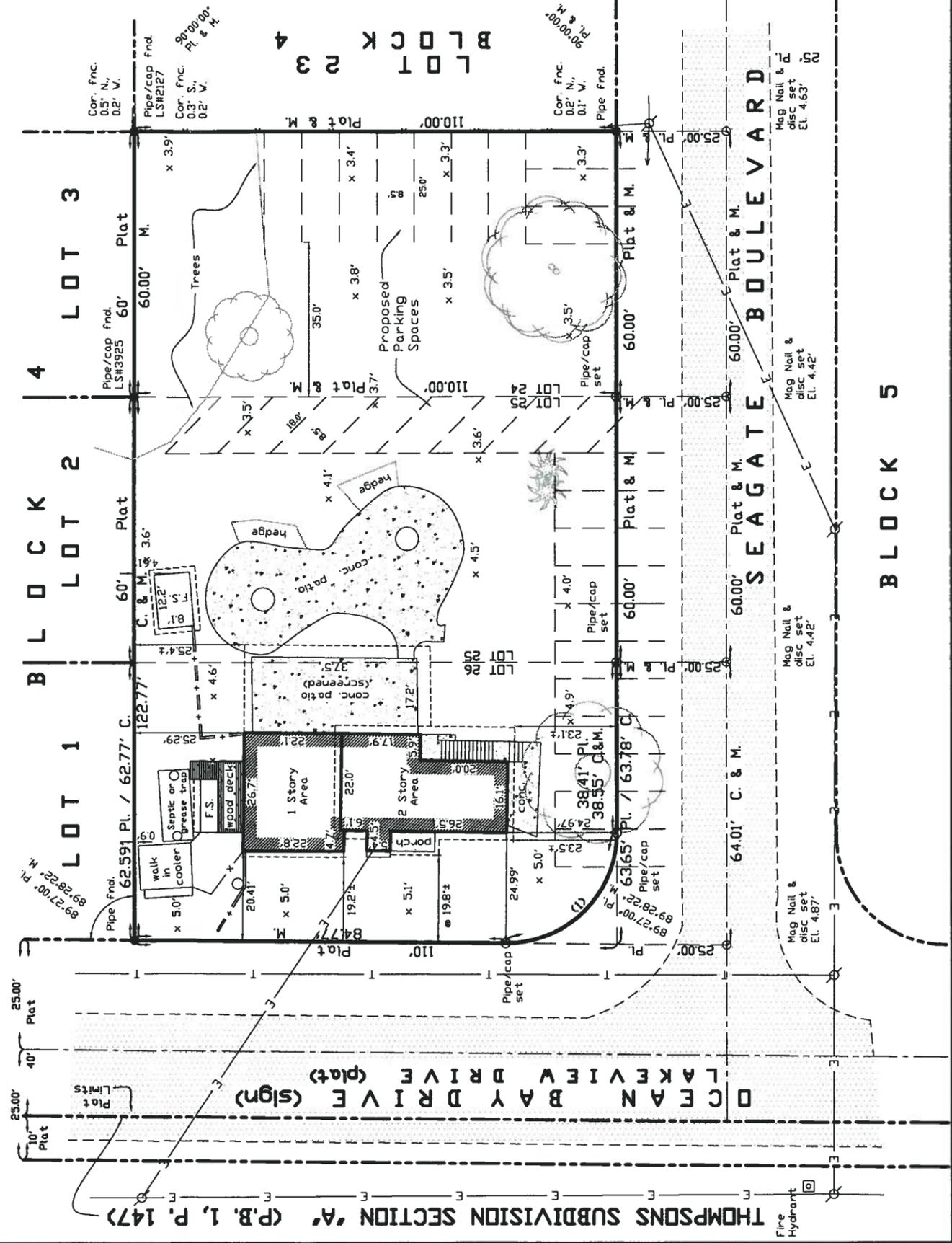
 Radius= 25.00'
 Delta= 90°33'00" PL
 Delta= 90°31'38" M.
 Arc= 39.50'
 Tangent= 25.23'
 Chord= 35.52'



ABBREVIATIONS/LEGEND

P.S.M.	Professional Surveyor & Mapper	R	Record
P.L.S.	Professional Land Surveyor	Fr.	Found
LS	Land Surveyor	Pl.	Plat
LB	Licensed Business	M.	Measured
C.	Calculated	Conc.	Concrete
D.	Deed	Cor.	Corner
Fin. Flr.	finished floor	Conc.	concrete
El.	Elevation	FP	fence post
CB	concrete block	A/C	air conditioner
C.F.T.	conc fish table	Cond.	Conduit
W.F.T.	wood fish table	F.S.	frame shed
P.F.T.	plastic fish table	M.S.	metal shed
MAG.	Magnetic Nail	P.S.	plastic shed
ULGE	Underground Electric	Add.	addition
N.L.S.	not in service	Pl.	planter
C.B.S.	concrete block shed	R.O.W.	right of way
LPOT	liquid petroleum gas tank	T.R.	telephone riser
P.O.B.	Point of Beginning	L.P.	light/lamp pole
Rad/N.R.	Radial/Non-Radial	Balc.	Balcony
P.O.C.	Point of Commencement	Fnc.	fence
N.S.E.W.	North, South, East, West	Bldg.	building
P.C.P.	permanent control point	Res.	residence
P.C.C.	Point of Compound Curve	G.A.	guy anchor
P.C./P.T.	Point of Curvature/Tangency		
P.R.M.	permanent reference monument		
A.M.H.W.L.	Approximate Mean High Water Line		
○	Nail/PK Nail Found	○	Plastic fence
●	Pipe Found	○	Metal fence
○	Pipe/Cap stamped LB #6956 set		
○	Pipe/Cap stamped LB #6956 set		
○	Rebar Found		
○	Wood Utility Pole		
E	Overhead electric lines		
T	Overhead telephone lines		
C	Overhead cable television		
X	Chainlink fence		
+	Wood fence		
○	Water Meter		
○	Rock		
⊗	Concrete Davit Base		

Note: All pipes set are 7/8" (outside diameter) with cap stamped LB #6956. registration number. All PK nail/MAG nail or 600 spikes set are with discs stamped with LB #6956. Unless otherwise indicated, all pipes found are 7/8" (outside diameter). Unless indicated, points have No Identification.



DAVID MASSEY LAND SURVEYING, INC.

Phone: (305)853-0066 / Fax: (305)853-0233
 88888 Overseas Highway / P.O. Box 619, Tavernier, Fl. 33070

Client: American Legion
 Section 33, Township 61 South, Range 39 East
 Key Largo, Monroe County, Florida
 Surveyed: 9/23/09 Fieldbook No. L-131
 Drawing No. 10267 Drawn By: AMR Scale: 1" = 30'

Florida Certificate of Authorization No. LB 6956
 I hereby certify that the survey hereon was performed under my direct supervision and is true and correct to the best of my knowledge and belief. This survey meets the requirements of Ch. 61G17 of the Florida Administrative Code, Minimum Technical Standards for Florida Surveyors and Mappers, pursuant to Ch. 472.027, F.S.
 David S. Massey, P.S.M. # 5125

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



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Planning Commission

From: Thomas A. Lloyd, Planner *TL*

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

Date: October 16, 2009

Subject: *Request for an 11-C (Private Club; Cabana Club) Alcoholic Beverage Special Use Permit; Bicentennial Post 333, Inc. (American Legion), 2 Seagate Blvd., Key Largo, Mile Marker 100, Real Estate Nos. 00502290.000000, 00502300.000000, and 00502310.000000.*

Meeting: November 4, 2009

1 I REQUEST:

2
3
4
5
6

The Applicant is requesting approval of an 11-C (Private Club; Cabana Club) Alcoholic Beverage Special Use Permit to authorize the sale of alcohol by the drink to members and members' guests only.



7
8
9

Subject Property (outlined in blue) (2006)

1 Location:

2 Address: 2 Seagate Boulevard, Key Largo

3 Legal Description: Block 4, Lots 24, 25, and 26, Key Largo Beach (PB2-149)

4 Real Estate (RE) Numbers: 00502290.000000, 00502300.000000, and
5 00502310.000000

6
7 Applicant:

8 Property Owner: Patricia Wright Knapp

9 Agent/Lessee: Gary Dunlap

10
11 II RELEVANT PRIOR COUNTY ACTIONS:

12
13 On February 4, 1983, Building Permit C-12328 was issued for renovations to the
14 existing building. The subsequent certificate of occupancy, issued June 16, 1983,
15 refers to the work specifically as, "Renovation of Residence to Restaurant." This
16 permit established the restaurant/bar use on the property.

17
18 On September 10, 1984, building permit C-15673 was issued for construction of
19 an addition to the restaurant's kitchen. Since that time, numerous permits have
20 been issued to the property for minor repairs.

21
22 III BACKGROUND INFORMATION:

- 23
24 A. Size of Site: 19,780 ft² (0.45 acres); Floor Area of Business: 2,143 ft²
25 B. Land Use District: Improved Subdivision (IS)
26 C. Future Land Use Map (FLUM) Designation: Residential Medium (RM)
27 D. Tier Designation: Tier 3
28 E. Existing Use: Restaurant
29 F. Existing Vegetation / Habitat: Developed
30 G. Community Character of Immediate Vicinity: Residential/Commercial Retail
31 (Restaurant)/Commercial Fishing
32 H. Flood Zone: AE – EL 7
33

34
35 IV REVIEW OF APPLICATION:

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

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

43
44 The subject parcels are located within an Improved Subdivision (IS) land use
45 district. Commercial retail uses such as restaurants are not permitted. As the
46 American Legion's use of the property as a restaurant/private club is consistent

1 with the previous use of the property as a restaurant, and the property owner
2 continually marketed the property as a restaurant, the Planning and Environmental
3 Resources Department has found that no change in use, abandonment, or
4 discontinuance of use has occurred, pursuant to County Code Section 102-
5 56(f)(1). A similar nonconforming use, therefore, should be allowed to continue.
6

7 Surrounding land uses, as evidenced in the background information section, are a
8 mixture of residential to the north and east, undeveloped residential to the west
9 (across Ocean Bay), and Commercial Fishing (marina, restaurant/bar) to the south
10 (across Seagate). It should also be noted that the subject property owner also
11 holds the vacant IS zoned lots immediately to the north of the project.
12

	Zoning	Future Land Use (FLUM)	Land Use/Improvements
North	IS	RM	Single-family residential
South	CFSD 5	MCF	Restaurant/Bar/ Marina
East	IS	RM	Undeveloped
West	SR	RL	Undeveloped

13
14 Multiple outside sources have stated that the former tenants of the property
15 (Tugboat Annie's and, later, Tugboat's) sold alcoholic beverages. As such, these
16 tenants likely were in possession of some form of alcoholic beverage license.
17 This applicant, however, did not produce evidence of this license, nor has a query
18 of the Florida Department of Business and Professional Regulation's website been
19 able to verify its existence. As a note, FDBPR website searches can only recover
20 current permits.
21

22 As this 11-C (Private Club; Cabana Club) permit limits potential patrons by
23 specifically allowing only members and the guests of members to purchase
24 alcohol from the establishment, the impact of the sales on the surrounding
25 properties would be less significant than a license which would allow open sales
26 to the public.
27

28 (2) *The suitability of the premises in regard to its location, site characteristics and*
29 *intended purpose. Lighting on the permitted premises shall be shuttered and*
30 *shielded from surrounding properties, and construction of such permitted*
31 *properties will be soundproofed. In the event music and entertainment is*
32 *permitted, the premises shall be air conditioned:*
33

34 As stated above, the subject property has been continually utilized as a restaurant
35 since 1983. Though no corroborating evidence has been found, it is believed that
36 these restaurants sold and served alcohol. The project has been conditioned such
37 that impacts on the surrounding properties resulting from either the location or use
38 of the subject property will be minimized.
39

40 Lighting on the property has been permitted for the restaurant use. Any additional
41 lighting will be required to be shuttered and shielded from surrounding properties.

1
2 (3) *Access, traffic generation, road capacities, and parking requirements:*
3

4 Contiguous Lot 24 (Real Estate Number 00502290.000000), has been included by
5 the applicant as part of this project, with proposed parking outlined on the
6 submitted survey/site plan. Staff finds that the inclusion of the additional parking
7 spaces (albeit in a more conventional configuration), would facilitate an
8 improvement of the nonconforming site to the greatest extent possible. A parking
9 summary can be found in the table below:
10

Total Floor Area	Required Spaces (14/1,000 ft ²)	Current Spaces	Proposed Spaces
2,143 ft ²	30	10 (est.)	26 (est.)

11
12 As a condition of approval, the property owner will be required to record a Unity
13 of Title, joining the parking area (Lot 24), with the existing restaurant property
14 (Lots 25 and 26). This Unity of Title will assure both that the restaurant will
15 possess the additional parking and that the parking lot will not exist as an
16 unrelated development. A break in this Unity of Title would deem an approved
17 Alcoholic Beverage Special Use Permit null and void.
18

19 As a note, staff is not approving or recommending approval of the parking lot
20 layout as shown on the submitted survey/site plan. While staff supports the
21 additional parking, the layout does not meet several regulations including
22 setbacks and aisle widths. Staff will continue to work with the applicant, prior to
23 the issuance of a resolution, to assure the existing and proposed additional parking
24 is brought to County standards with regards to minimum width, angle, aisle width,
25 and proper marking. The project has been conditioned as such.
26

27 (4) *Demands upon utilities, community facilities and public services.*
28

29 It is not anticipated that the issuance of an 11-C Alcoholic Beverage Special Use
30 Permit will increase demands on utilities, community facilities, or public services
31 as the site has operated as a restaurant for approximately twenty-five years.
32

33 (5) *Compliance with the county's restrictions or requirements and any valid
34 regulations.*
35

36 Prior building permit records pertaining to the restaurant use have indicated a total
37 approved floor area of 2,143 ft². During research of the permit history for the
38 subject property, a large "figure 8" shaped patio (shown on submitted survey/site
39 plan) was found to have been built without the benefit of a building permit.
40 Discussion with the applicant has revealed that no intention to use the patio area
41 for food or drink service exists, as the concrete is unlevel and broken in several
42 places. This Special Use Permit has been conditioned to require either an after-
43 the-fact building permit for the patio, or a demolition permit for its removal

1 within 30 days of a final Resolution. Should the applicant decide to keep and
2 permit the existing patio area, at no time will this Department recognize its use as
3 outdoor seating, as this would constitute an expansion of an existing
4 nonconformity pursuant to Monroe County Code Section 102-56(c)(1).
5

6 As conditioned, an approval of this Special Use Permit would bring the site closer
7 to compliance with County regulations. While the use is an existing non-
8 conformance, the site and structures found thereon would be compliant, should
9 the conditions of this permit be fulfilled. No regulation in the Code prohibits the
10 issuance of an Alcoholic Beverage Special Use Permit for a lawful
11 nonconforming restaurant.
12

13 RECOMMENDATION:
14

15 Staff recommends APPROVAL to the Planning Commission for an 11-C
16 Alcoholic Beverage Special Use Permit with the following conditions:
17

- 18 A. Alcoholic Beverage Special Use Permits issued by virtue of the Monroe County
19 Code shall be deemed to be a privilege running with the land. The sale of the real
20 property which has been granted an Alcoholic Beverage Special Use Permit shall
21 automatically vest the purchaser thereof with all rights and obligations originally
22 granted or imposed to or on the applicant. Such privilege may not be separated
23 from the fee simple interest in the realty.
24
- 25 B. In the event the restaurant use is abandoned and no longer permitted to continue
26 by Code, this appeal shall be deemed null and void.
27
- 28 C. All alcohol sales and consumption on premise shall occur only within approved
29 indoor seating areas of the restaurant, including the approved screened patio.
30
- 31 D. Prior to the County's signing of the state license, the property owner shall file and
32 record a Unity of Title uniting Lots 24, 25, and 26. The Unity of Title must be
33 approved by the Director of Planning prior to recording. Further, this Unity
34 document shall remain in force for the duration of this Permit.
35
- 36 E. Prior to the County's signing of the state license, Planning staff shall review and
37 approve a final parking plan which accurately reflects and depicts current County
38 parking technical standards including, but not limited to, angle, aisle width, and
39 delineation. Afterwards, the applicant shall apply for and receive a building
40 permit for said off-street parking.
41
- 42 F. Prior to the County's signing of the state license, the owner shall apply for either
43 a) an after-the-fact building permit for the "Figure 8" shaped, unscreened concrete
44 patio area referenced on the attached survey/site plan; or b) apply for a demolition
45 permit to remove said patio.

1 **Attachment: Monroe County Code Section 3-6. Alcoholic Beverages**
2

3 (a) *Purpose and Intent:* This section is designed and intended to provide for reasonable regulation and
4 control over the sale of alcoholic beverages within the unincorporated areas of Monroe County by
5 establishing an alcoholic beverage use permit procedure and providing criteria to be utilized to assure that
6 all future proliferation of alcoholic beverage use enterprises within the unincorporated areas of the county
7 be compatible with adjoining and surrounding land uses and the county's comprehensive plan, and that
8 alcoholic beverage use permits not be granted where such uses will have an adverse impact upon the health,
9 safety and welfare of the citizens and residents of the county. All persons, firms, partnerships or
10 corporations who have received approval from the zoning board or board of county commissioners under
11 the former provisions of section 19-218 of the Monroe County Code, as same heretofore existed, shall
12 retain all rights and privileges heretofore granted under said section.
13

14 (b) *Permits:* After the effective date of this ordinance, all persons, firms, partnerships or corporations
15 desiring to sell alcoholic beverages upon any premises located within the unincorporated areas of Monroe
16 County and who desire to do so upon a premises not heretofore approved by the zoning board or board of
17 county commissioners under the former section 19-218, shall obtain an alcoholic beverage use permit
18 utilizing the procedure outlined in subsection (d) below.
19

20 (c) *Classifications:* Corresponding to those alcoholic beverage license classifications as heretofore and
21 hereafter adopted by the State of Florida, alcoholic beverage use permits hereafter issued pursuant to this
22 ordinance shall be classified as follows:

- 23 (1) 1APS: Beer, package only;
- 24 (2) 1COP: Beer, on-premises and package;
- 25 (3) 2APS: Beer and wine, package only;
- 26 (4) 2COP: Beer and wine, on-premises and package;
- 27 (5) 6COP: Beer, wine and liquor, on-premises and package;
- 28 (6) 6COP SRX: Restaurant, no package sales;
- 29 (7) 6COP SR: Restaurant, package sale;
- 30 (8) 6COP S: Motel, package sales;
- 31 (9) 6COP SBX: Bowling, no package sales;
- 32 (10) 6COP SPX: Boat, no package sales;
- 33 (11) 3BPS: Beer, wine and liquor, package sales only;
- 34 (12) 3M: Additional license for 6COP, over three (3) bars;
- 35 (13) 12RT: Racetrack, liquor, no package sales.
36

37 (d) *Procedure:* The following procedure shall be followed on any application for an alcoholic beverage
38 use permit hereafter made:

39 (1) Applications for alcoholic beverage use permits shall be submitted to the director of planning
40 in writing on forms provided by the director. Such applications must be signed by the owner of the
41 real property for which the permit is requested. Lessees of the premises may apply for such
42 permits provided that proper authorization from the owner of the premises is given and the
43 application for permit is cosigned by such owner.

44 (2) Upon receipt of a properly completed and executed application for alcoholic beverage use
45 permit stating the exact classification requested along with the necessary fee, the director of
46 planning shall schedule a public hearing before the planning commission and shall advise the
47 applicant of the date and place of said public hearing.

48 (3) Notice of the application and of the public hearing thereon shall be mailed by the director of
49 planning to all owners of real property within a radius of five hundred (500) feet of the affected
50 premises. In the case of a shopping center, the five hundred (500) feet shall be measured from the
51 perimeter of the entire shopping center itself rather than from the individual unit for which
52 approval is sought. Notice shall also be provided in a newspaper of general circulation in the
53 manner prescribed in section 110-5.

- 54 a. For the purposes of this ordinance, a shopping center shall mean a contiguous group
55 of individual units, in any combination, devoted to commercial retail low-intensity uses,

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, Sr. Planner
Through: Townsley Schwab, Sr. Director of Planning & Environmental Resources
Date: October 30, 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: November 4, 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 further evaluate potential accessory uses 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 On June 10, 2009 Staff presented an amended ordinance reflecting the Planning Commission
38 directions from the March 25, 2009 Commission meeting. The Commission directed Staff to
39 revise the Ordinance clarifying the permitted use of water, vehicles storage, and dry storage of
40 boats on adjacent property.
41

42 REVIEW OF APPLICATION

43

44 In response to Planning Commission direction, Staff has amended the Ordinance defining
45 adjacent; clarifying what uses can be allowed on adjacent properties, providing for variance
46 procedures, and eliminating the allowance of accessory structures on adjacent lots.

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

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

7
8 *Consistency of the proposed amendment with the provisions and intent of the Monroe County*
9 *Land Development Code:*

10
11 In accordance with MCC Sec. 102-58(d)(5)b., the BOCC may consider the adoption of an
12 ordinance enacting the proposed change based on one (1) or more of the following factors:

13
14 *Changed projections (e.g., regarding public service needs) from those on which the text or*
15 *boundary was based;*

16
17 None

18
19 *Changed assumptions (e.g., regarding demographic trends);*

20
21 None

22
23 *Data errors, including errors in mapping, vegetative types and natural features described in*
24 *Volume 1 of the Monroe County Year 2010 Comprehensive Plan;*

25
26 None

27
28 *New issues;*

29
30 Ordinance 036-2006 was rejected by the Florida Department of Community Affairs who
31 determined that 500 feet was too far a distance from the principal use, and the ordinance was
32 inconsistent regarding development on Tier 1 lands. The proposed ordinance recommends a
33 variance procedure to allow properties within 25 feet of a common point to be considered
34 adjacent. This proposed ordinance removes Tier I properties from the definition of accessory
35 uses or structures.

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

38
39 The Planning Commission has directed Staff to clarify the definition of adjacent and what uses
40 are allowed on adjacent properties.

41
42 *Data updates;*

43
44 None

45

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

3
4 *Impact on Community Character:*

5
6 The proposed ordinance will allow lots intended for residential development to be used for
7 storage of vehicles and marine vessels. The visibility of the storage lots from adjacent lots
8 having two story structures, and from the waterside of canal lots (or any other waterways) will
9 change the visual character of the neighborhood from a residential character to a
10 residential/storage character, thus degrading the intended and desired neighborhood quality.

11
12 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

13
14 1. Docks with no water or electric service are currently allowed on adjacent, non-contiguous
15 lots under the same ownership as an exception to the requirement that accessory uses must be on
16 a contiguous lot under the same ownership.

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

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

30
31 4. Adjacent and contiguous lands need to be better defined in the definitions of the Monroe
32 County Land Development Code.

33
34 5. Federal and State law grants power to Monroe County to regulate and restrict the use of
35 land and buildings in order to promote the safety and general welfare of its citizens.

36
37 6. Monroe County has adopted land use goals, policies, and objectives in a comprehensive
38 plan to guide policy on building and land use regulations, and to promote health, safety, and
39 general welfare.

40
41 7. The provision of this ordinance is consistent with the Monroe County Comprehensive
42 Plan and the Principles for Guiding Development in the Florida Keys Area of Critical State
43 Concern.

1 8. The Monroe County Planning Commission held a duly advertised public hearing on
2 March 25, 2009, June 10, 2009, and November 4, and recommended _____ to the
3 Board of County Commissioners.
4
5
6

7 RECOMMENDATION
8

9 Staff recommends denial to the Monroe County Planning Commission for the following reasons:
10

- 11 • Negative visual impact on community character due to storage of vehicles and marine
12 vessels in residential neighborhoods
13
- 14 • Influx of accessory uses on adjacent lots that do not have a principal structure
15
- 16 • Creation of accessory storage lots in residential subdivisions
17
- 18 • Unsightly views of parked cars and marine vessels on lots adjacent to multi level
19 residences
20
- 21 • Visual blight of views from waterways due to storage of parked vehicles and marine
22 vessels on vacant lots
23
- 24 • Allowance of incompatible use in residential neighborhoods
25
- 26 • Allows for conversion of residential lot to storage lots
27
28
29
30

File #: M29062

Owner's Name: MDJ Investments LLC

Applicant: MDJ Investments LLC

Agent: Peter Bacheler, H L & Y

Type of Application: FLUM + LUD

Key: Key Largo

RE #: 00440100-000100



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

County of Monroe
Growth Management Division

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



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

We strive to be caring, professional and fair

Date: 5/29/09

Dear Applicant:

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

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

Thank you.

Shil Creech

Planning Staff

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

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

Property Record View

Alternate Key: 1539791 Parcel ID: 00440100-000000

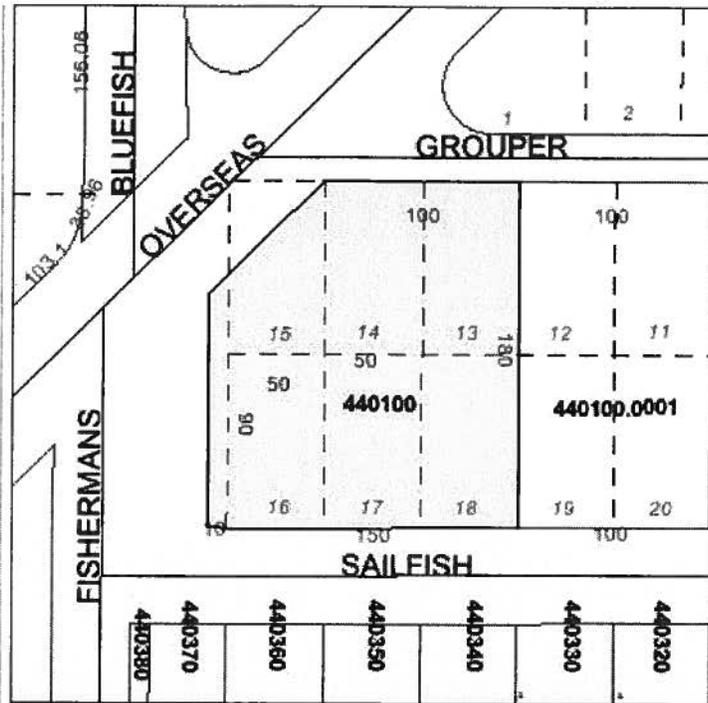
Ownership Details

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

Property Details

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

Parcel Map



Land Details

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

Building Summary

Number of Buildings: 1
 Number of Commercial Buildings: 1

Total Living Area: 2968
Year Built: 1958

Building 1 Details

Building Type
Effective Age 24
Year Built 1958
Functional Obs 0

Condition A
Perimeter 292
Special Arch 0
Economic Obs 0

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

Inclusions:

Roof Type
Heat 1
Heat Src 1

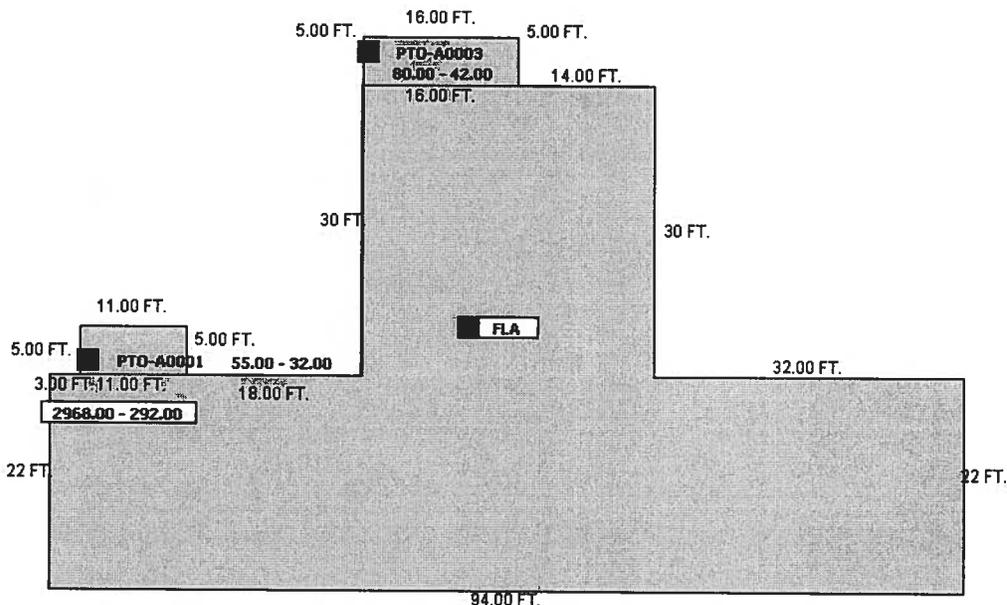
Roof Cover
Heat 2
Heat Src 2

Foundation
Bedrooms 0

Extra Features:

2 Fix Bath 0
3 Fix Bath 0
4 Fix Bath 0
5 Fix Bath 0
6 Fix Bath 0
7 Fix Bath 0
Extra Fix 9

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



Sections:

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

1	FLA	1	1957	Y	2,968
---	-----	---	------	---	-------

Misc Improvement Details

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

Appraiser Notes

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

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

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

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

Building Permits

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

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2008	221,605	6,912	677,750	442,254	442,254	0	442,254
2007	177,636	7,050	135,250	319,936	319,936	0	319,936
2006	177,636	7,269	135,250	320,155	320,155	0	320,155
2005	174,088	1,814	56,250	232,152	232,152	0	232,152

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

Parcel Sales History

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

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
5/11/2005	2113 / 912	555,000	<u>WD</u>	<u>Q</u>
4/1/1993	1253 / 2091	1	<u>WD</u>	<u>M</u>

This page has been visited 135,504 times.

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

End of Additional File ^{M29062} ~~29062~~

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



RECEIVED

MAY 29 2009

[Handwritten signature]

MONROE CO. BUILDING DEPT.

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

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

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

New fee sched. 9/16/09

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

- Advertising Costs: \$245.00
- Surrounding Property Owner Notification: \$3.00 for each property owner required to be noticed
- Technology Fee: \$20.00

Date of Submittal: 5/29/09
Month Day Year

Property Owner:

MDI INVESTMENTS LLC
Name

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

305-852-8440
Daytime Phone

JLUPINO@TROPICALAW.COM
Email Address

Agent (if applicable):

PETER BACHELOR, HL & Y
Name

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

305-852-8440
Daytime Phone

P.BACHELOR@TROPICALAW.COM
Email Address

Legal Description of Property:

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

2 Block 13-18 Lots THOMPSONS Subdivision LARGO Key

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

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

APPLICATION

Current Land Use District Designation(s): SE

Proposed Land Use District Designation(s): SC

Current Future Land Use Map Designation(s): RL

Proposed Future Land Use Map Designation(s): MC

Total Land Area Affected: 27110.00 ±

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

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

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

The BOCC may consider the adoption of an ordinance enacting the proposed change based on one or more of six factors. Please describe how one or more of the following factors shall be met (attach additional sheets if necessary):

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

N/A

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

N/A

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

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

APPLICATION

4) New issues:

N/A

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

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

6) Data updates:

N/A

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

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

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

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

- Complete map amendment application (unaltered and unbound);
- Correct fee (check or money order to Monroe County Planning & Environmental Resources);
- Proof of ownership (i.e. Warranty Deed);
- Current Property Record Card(s) from the Monroe County Property Appraiser;
- Location map;
- Copy of Land Use District Map (please request from the Planning & Environmental Resources Department prior to application submittal);
- Copy of Future Land Use Map (please request from the Planning & Environmental Resources Department prior to application submittal);
- Photograph(s) of site from adjacent roadway(s);
- Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – 16 sets (at a minimum, survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage by land use district; and total acreage by habitat);

APPLICATION

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

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

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

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

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

Signature of Applicant: [Handwritten Signature] Date: 5/28/09

Sworn before me this 28th day of May, 2009

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

[Handwritten Signature]
 Notary Public
 My Commission Expires

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

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

DEED DOC STAMP CL: RHONDA \$3,885.00

Doc# 1515753
Bk# 2113 Pg# 912

Space Above This Line For Recording Data

THIS WARRANTY DEED, made the 11th day of May, 2005 by Mark H. Gregg, a single man, whose post office address is P.O. Box 324, Micanopy, FL 32667 herein called the grantor, to MDJ Investments, LLC, a Florida Limited Liability Co., whose post office address is 99101 Overseas Highway, Key Largo, FL 33037, hereinafter called the Grantee:

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

WITNESSETH: That the grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in MONROE County, State of Florida, viz.:

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

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

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

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2004.

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

Signed, sealed and delivered in the presence of:

Maureen J. Lee
Witness #1 Signature

Mark H. Gregg
Mark H. Gregg

MAUREEN C. LEE
Witness #1 Printed Name

Mary W. Fielder
Witness #2 Signature

Mary W. Fielder
Witness #2 Printed Name

STATE OF FLORIDA
COUNTY OF MONROE

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

SEAL



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

Mary W. Fielder
Notary Public

Printed Notary Name

My Commission Expires:

MONROE COUNTY
OFFICIAL PUBLIC RECORD



EAST DR

GROUPE TRL

SALFISH TRL

SR

BLUEFISH TRL

WOODWARD WAY

BLUEFISH TRL

FISHERMANS TRL

FISHERMANS TRL

OVERSEAS HWY

OVERSEAS HWY

BELL RD

DRURY DR

DR DR

88

CFSD
COMMUNITY DEVELOPMENT



MINUTES

ZONING BOARD
 MONROE COUNTY
 SHERIFF SUB STATION
 MARATHON, FLORIDA

JULY 23, 1976
 1:00 P.M.

CALL TO ORDER:

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

PLEDGE OF ALLEGIANCE:

SALUTE TO THE FLAG.

ROLL CALL:

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

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

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

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

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

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

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

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

ZONING CHANGES - HOLD OVER ITEMS - JUNE 23, 1976

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

MINUTES
ZONING BOARD

-2-

JULY 23, 1976
1:00 P.M.

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

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

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

MOTION TO HOLD OVER CARRIED UNANIMOUSLY.

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

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

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

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

ZONING CHANGES - REGULAR ITEMS

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

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

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

MINUTES
ZONING BOARD

-3-

JULY 23, 1976
1:00 P.M.

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

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

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

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

MOTION CARRIED UNANIMOUSLY TO APPROVE THE REQUEST.

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

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

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

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

MOTION CARRIED UNANIMOUSLY TO HOLD THE TWO ITEMS OVER.

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

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

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

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

MINUTES
ZONING BOARD

JULY 23, 1976
1:00 P.M.

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

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

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

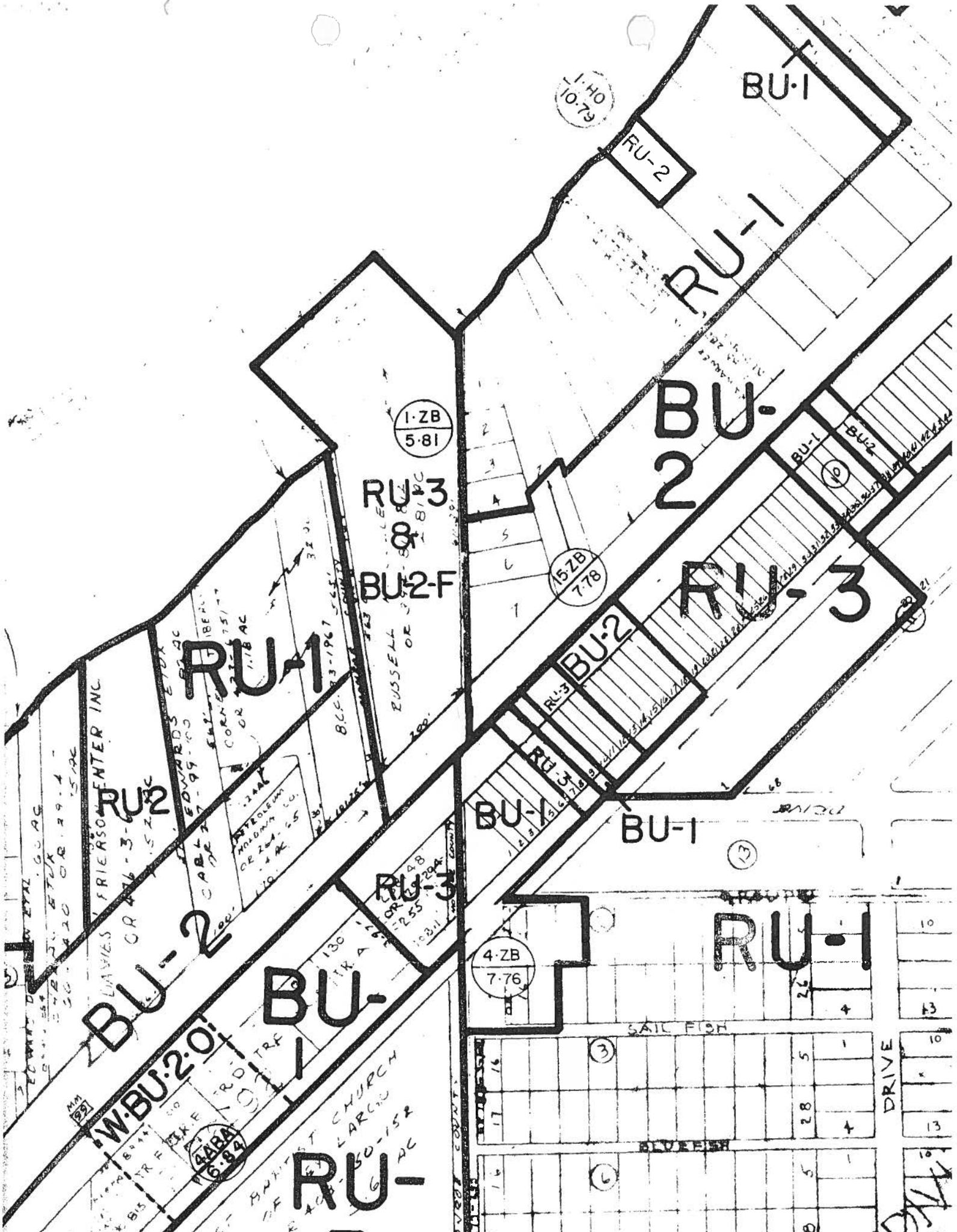
- 5. SOUTHERN BELL TELEPHONE & TELEGRAPH Co., REQUEST A CHANGE OF ZONING FROM BU-1 TO BU-2 ON LOTS 15 AND 16, BLOCK 10, OF PLANTATION BEACH SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 76. LOCATED IN SECTION 7, TOWNSHIP 63 SOUTH, RANGE 38 EAST. (PLANTATION KEY)

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

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

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

THE MOTION CARRIED UNANIMOUSLY TO APPROVE THE REQUEST.



1-HO
10-75

BU-1

RU-2

RU-1

BU-2

1-ZB
5-81

RU-3

BU-2-F

15ZB
7-78

RU-1

RU-3

BU-2

BU-1

BU-1

13

RU-2

RU-3

BU-2

BU-1

4-ZB
7-76

RU-1

W-BU-2-0

RU-1

SAIL FISH

DRIVE

SILVER FISH

6-84

UNIT CHURCH
LARCH

10
13

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Frank & Elliott

103400

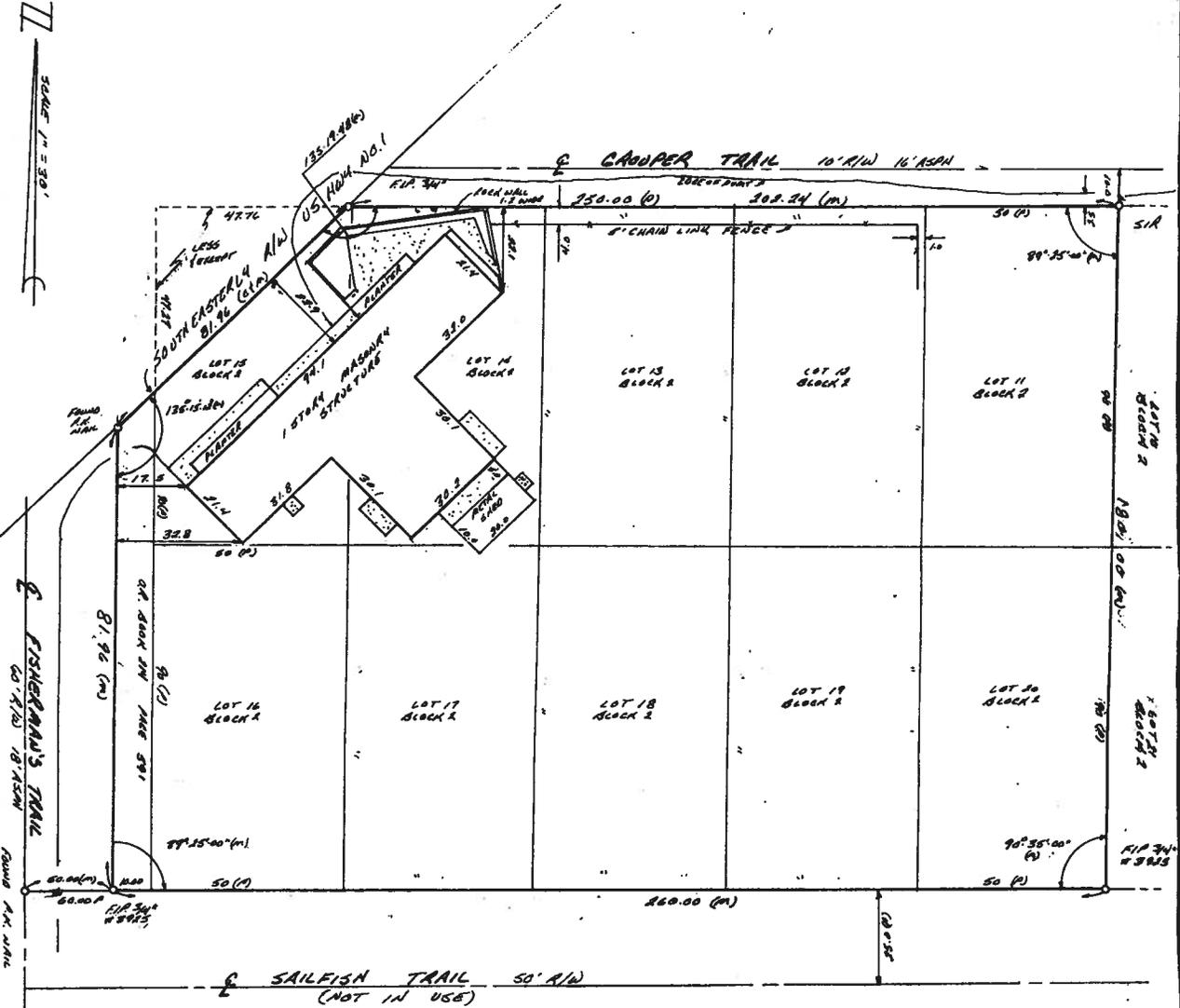
Surveyors, Engineers, Planners
10340 Hwy. Suite 9, Key Largo, Florida 33037
Ph. (305) 451-3636

A Division of MEGAVISION BUSINESS CORPORATION

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

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

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



CERTIFIED FOR BOUNDARY SURVEY

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

ABBREVIATION LEGEND:

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

SURVEYOR'S NOTES

- 1) (D)-DEED, (P)-PLAT, (M)-MEASURED, (C)-CALCULATED
- 2) ELEVATION DATUM N.A.
- 3) BENCHMARK N.A.
- 4) BASIS OF BEARINGS: E. COOPER TRAIL (ASSUMED WEST)
- 5) THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP, COMMUNITY NO. 45222, PANEL NO. 5041, EFFECTIVE DATE 12-17-87, AND THE ABOVE DESCRIBED PROPERTY APPEARS TO BE IN ZONE X, WITH A BASE ELEVATION OF 6.11 M.S.L.
- 6) NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS OF WAY, and/or OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN.
- 7) NOT VALID UNLESS SEALED.

DATE 4.13.93

103400 103400 103400 103400



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

To: Planning Commission

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

From: Kathy Grasser, Comprehensive Planner *Kg*

Date: October 16, 2009

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

Meeting: November 4, 2009

I REQUEST

A request by Mr. Peter Bacheler, Hershoff, Lupino & Yagel, LLP on behalf of MDJ Investments, LLC to amend the Future Land Use Map (FLUM) from Residential Low (RL) to Mixed Use / Commercial (MC).



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

Real Estate Number: 00440100.000000

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

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

Property Owner: MDJ Investments, LLC

1
2 **NOTE**
3

4 The proposed FLUM amendment from Residential Low (RL) to Mixed Use /
5 Commercial (MC) does not guarantee future development for the parcel. Currently,
6 Growth Management does not have any pending applications for development on this
7 property. When or if, Growth Management receives an application, it will be addressed
8 at that time.
9

10 **II PROCESS**
11

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

19 The Planning Commission and the BOCC shall each hold at least one public hearing on a
20 proposed amendment. The Planning Commission shall review the application, the
21 reports and recommendations of the Department of Planning & Environmental Resources
22 and the Development Review Committee and the testimony given at the public hearing.
23 The Planning Commission shall submit its recommendations and findings to the BOCC.
24 The BOCC shall consider the report and recommendation of and the testimony given at
25 the public hearings and may either deny the application or adopt a resolution transmitting
26 the proposed amendment to the Florida Department of Community Affairs (DCA). Then,
27 an adoption hearing is scheduled for the BOCC.
28

29 **III BACKGROUND INFORMATION**
30

31 **Future Land Use Map (FLUM) Designation**
32

33 Residential Low (RL)
34

35 **Total Size of Parcel Proposed to be Amended**
36

37 0.62 Acres (27,110ft²)
38

39 **Tier Designation**
40

41 Tier I
42

43 **Flood Zone**
44

45 X
46

1
2
3 **Existing Use**

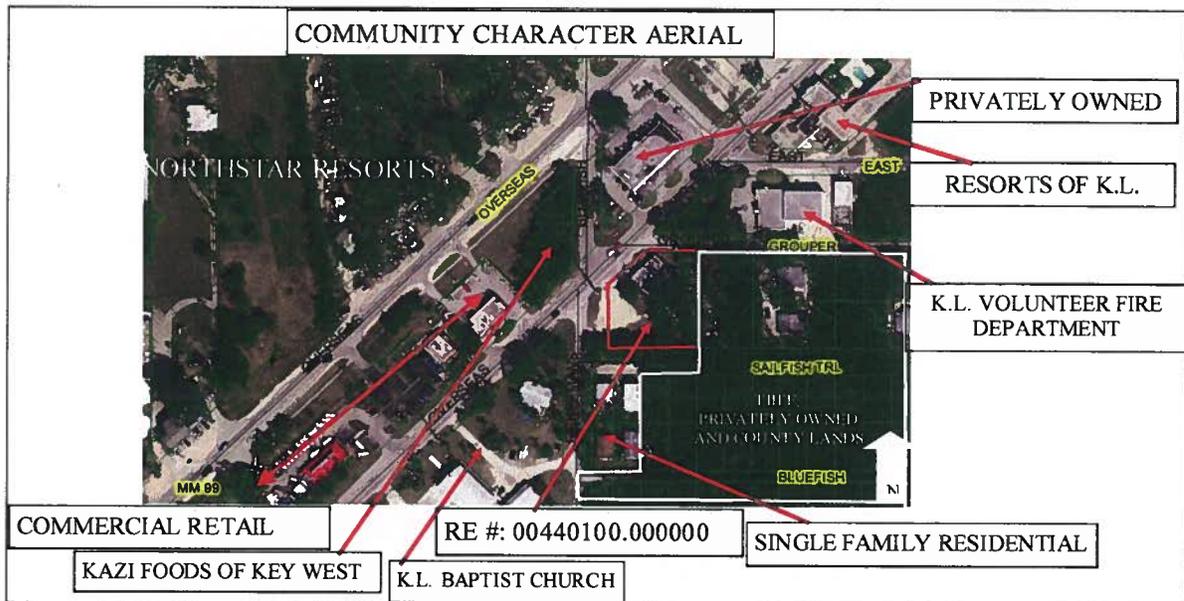
4
5 Office building leased to oral surgeon, land title agency and general contractor offices

6
7 **Existing Vegetation / Habitat**

8
9 Most of the lot is disturbed with a number of large canopy trees remaining. Most of the
10 understory plants have been removed and have been replaced with exotics.
11 Approximately 10-15% of the lot is undisturbed hammock mostly along Grouper Trail.

12
13 **Community Character of Immediate Vicinity**

14
15 The applicant's parcel is located at Mile Marker 99.1 on the ocean side. Parcels to the
16 east and southeast contain federal, county and privately owned lands. The Key Largo
17 Volunteer Fire Department is directly north of the subject parcel. The Key Largo Baptist
18 Church is south of the subject parcel. Parcels in the U. S. 1 medium contain commercial
19 retail and some privately owned lands. Northstar Resorts owns the land across from the
20 subject property on the gulf side.
21



22
23
24 **IV REVIEW OF APPLICATION**

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

27
28 The proposed FLUM amendment retains the community character and quality of life in
29 the area. The proposed amendment is located in a Tier I area and is adjacent to the U. S.
30 1 corridor. The proposed amendment will retain the surrounding natural resources and
31 direct future growth to this area where appropriate on the parcel. This is consistent with

1 smart growth initiatives and the provisions and intent of the Monroe County Year 2010
2 Comprehensive Plan.
3

- 4 1. Goal 101: Monroe County shall manage future growth to enhance the quality
5 of life, ensure the safety of County residents and visitors, and protect valuable
6 natural resources.
7
- 8 2. Objective 101.4: Monroe County shall regulate future development and
9 redevelopment to maintain the character of the community and protect the
10 natural resources by providing for the compatible distribution of land uses
11 consistent with the designations shown on the Future Land Use Map.
12
- 13 3. Policy 101.4.5: The principal purpose of the Mixed Use / Commercial land
14 use category is to provide for the establishment of commercial zoning districts
15 where various types of commercial retail and office may be permitted at
16 intensities which are consistent with the community and the natural
17 environment. Employee housing and commercial apartments are also
18 permitted.
19

20 The land use category is also intended to allow for the establishment of mixed
21 use development patterns, where appropriate. Various types of residential and
22 non-residential uses may be permitted; however, heavy industrial uses and
23 similarly incompatible uses shall be prohibited. In order to protect
24 environmentally sensitive lands, the following development controls shall
25 apply to all hammocks, pinelands and disturbed wetlands within this land use
26 category:
27

- 28 1. Only low intensity commercial uses shall be allowed;
29 2. A maximum floor area ratio of 0.10 shall apply; and
30 3. Maximum net residential density shall be zero
31
- 32 4. Goal 105: Monroe County shall undertake a comprehensive land acquisition
33 program and smart growth initiatives in conjunction with its Livable
34 CommuniKeys Program in a manner that recognizes the finite capacity for
35 new development in the Florida Keys by providing economic and housing
36 opportunities for residents without compromising the biodiversity of the
37 natural environment and the continued ability of the natural and manmade
38 systems to sustain livable communities in the Florida Keys for future
39 generations.
40
- 41 5. Objective 105.1: Monroe County shall implement smart growth initiatives in
42 conjunction with its Livable CommuniKeys and Land Acquisition Programs
43 which promote innovative and flexible development processes to preserve the
44 natural environment, maintain and enhance the community character and
45 quality of life, redevelop blighted commercial and residential areas, remove

1 barriers to design concepts, reduce sprawl, and direct future growth to
2 appropriate infill areas.

3
4 B. *Consistency of the proposed amendment with the provisions and intent of Chapter 102 of*
5 *the Monroe County Code, Land Development Regulations:*

6
7 In accordance with MCC Sec. 102-158(d)(5)b., the BOCC may consider the adoption of
8 an ordinance enacting the proposed change based on one (1) or more of the following
9 factors: *changed projections; changed assumptions; data errors; new issues; recognition*
10 *of a need for additional detail or comprehensiveness; and data updates.* There was no
11 applicant response for *changed projections, changed assumptions, new issues or data*
12 *updates.*

13
14 **APPLICANT RESPONSE:**

15
16 *Data errors:*

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

19
20 *Recognition of a need for additional detail or comprehensiveness*

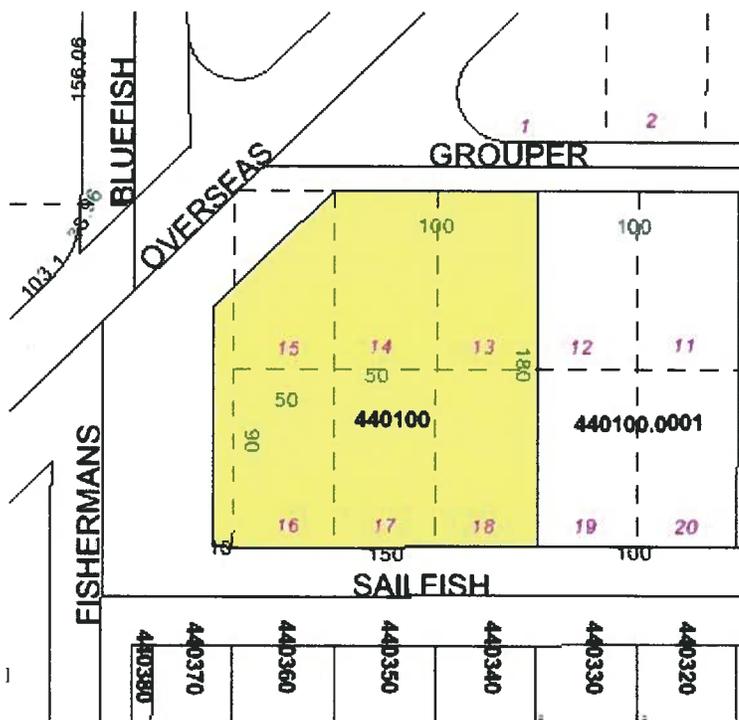
21 Monroe County minutes from July 23, 1976 confirm a zoning change to BU-1.

22
23 **STAFF RESPONSE:**

24
25 Staff finds the proposed land use district change, in accordance with MCC Sec. 102-
26 158(d)(5)b, consistent with subsections 'data errors' and 'recognition of a need for
27 additional detail or comprehensiveness'.
28

29 History of the property

- 30
31 • The property originally
32 consisted of lots 11-20.
33
34
35
36
37 • The existing 2,968 ft² building
38 was constructed in 1957.
39
40
41
42
43 • On July 23, 1976 MC Zoning
44 Board adopted Resolution 20-
45 1975 approving a zoning
46 change to BU-1 on the
47 property with a special use
48 permit approving retail sales
49 for furniture and clothing only.
50 Minutes from the Monroe
51 County Zoning Board, dated
52 July 23, 1976 indicate a
53 change of zoning from RU-1
54
55
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1 to BU-1 on lots 13, 14, 15, 16 and 17 only with special approval for furniture and
2 clothing retail sales. The motion carried unanimously by 3:1 with one (1) absent voter.
3 The BU-1 zoning allowed professional services such as business services, banks, clothing
4 stores and other retail stores. Apartments were permitted as a principal use. Residential
5 use, industrial and manufacturing uses were prohibited.
6

- 7 • Building Permit Number C1809 was issued on August 13, 1976 for land clearing
8 on Blocks 13, 14, 15 and 16 on U. S. 1 and Grouper Trail.
9
- 10 • Building Permit Number C2051 was issued on November 19, 1976 for electrical
11 service. The permit states 'install 3 sub feeds and 3-150 amp services – one (1)
12 for each store.'
13
- 14 • Building Permit Number C10736 was issued on January 19, 1982 for a
15 commercial sign.
16
- 17 • In 2004, offices were leased to Florida Title, All Keys Mortgage and Kenneth
18 Grossman TCF. In 2006 the office building was leased to Keys Center for
19 Microscopic Endodontics, Florida Tile of the Keys and All Keys Mortgage.
20
- 21 • On May 9, 2007, Lots 11, 12, 19 and 20 were split off and sold to the State of
22 Florida.
23
- 24 • Today, the offices are leased to an oral surgeon, a land title agency and general
25 contractor.
26

27 Like the subject parcel, properties adjacent to and north of the subject parcel are in a
28 Tier I land use designation as well as located in the Mixed Use / Commercial (MC)
29 Future Land Use Map District. Staff finds the proposed land use district change, in
30 accordance with MCC Sec. 102-158(d)(5)b, consistent with subsections '*data errors*'
31 and '*recognition of a need for additional detail or comprehensiveness*'.
32

33 *C. Goals, Strategies and Action Items from the Key Largo Livable CommuniKeys Plan that*
34 *directly pertain to the proposed development*
35

36 **STAFF RESPONSE:**
37

38 One (1) of the ten (10) goals in the Key Largo Livable CommuniKeys Plan is consistent
39 with the proposed LUD amendment.
40

41 *Goal 1: Direct future growth to lands that are most suitable for development and*
42 *encourage preservation of environmentally sensitive lands.*
43

44 The parcel is adjacent to U. S. 1. There are two (2) parcels adjacent to and north of the
45 subject property in Tier 1 and have a future land use map designation of Mixed Use /

1 Commercial (MC). Currently, a 2,968ft² building sits on the 27,110ft² parcel. Most of
2 the lot is disturbed with a number of large canopy trees remaining.

3
4 **Impact on Community Character:**

5
6 MCC §102-158 maintains that amendments may not permit an adverse change in
7 community character. The character of the immediate vicinity includes open
8 space, mixed use and residential.

11
13 Local Use Compatibility

14
15
17 The U.S. 1 corridor is in the Mixed Use / Commercial
18 (MC) FLUM designation.

19
20
21
23 The future land use map designation to the east and
24 south is Residential Low (RL). The parcels to the
25 south have an Institutional (INS) future land use map
26 designation. The parcels across from U. S. 1 and the
27 U. S. 1 median are located in the Mixed Use /
28 Commercial (MC) future land use map category.



31
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33
34
35 Density and Intensity

36
37 The current FLUM of Residential Low (RL) permits an open space ratio of 50%
38 with an allocated density per acre for dwelling units of 0.5. The maximum net
39 density is 5.0 dwelling units per buildable area. The subject parcel is 0.62 acres.
40 After the open space ratio is applied and environmental concerns are taken into
41 account, approximately ¼ acre may be buildable. This is not enough area for one
42 single family residential dwelling unit.

43

Residential Low (RL)		
Land Use Density		
Allocated Density DU / Acre	Maximum Net Density DU / Buildable Area	Floor Area Ratio
0.25-0.50	5.0	0.20-0.25

44
45 In the Mixed Use / Commercial (MC) future land use map district, up to six (6)
46 dwelling units and fifteen (15) rooms/spaces per acre, are permitted. Eighteen
47 (18) dwelling units and up to twenty-five (25) rooms/spaces per buildable acre are
48 allowed for maximum net density. The maximum floor area ratio is between 10%
49 and 45%. Density for maximum net per buildable area may not be permitted and
50 the floor area ratio may be reduced to 10% due to the hammock located on the
51 subject property.

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Mixed Use / Commercial (MC)		
Land Use Density		
Allocated Density DU / Acre	Maximum Net Density DU / Buildable Area	Floor Area Ratio
1-6 dwelling units 5-15 rooms/spaces	6-18 dwelling units 10-25 rooms/spaces	0.10-0.45

Local Traffic, Parking and Circulation

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



Effects on Natural Resources

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

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

Effects on Public Facilities

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

1 Solid Waste

2
3 Monroe County has a solid waste haul out contract with Waste Management Inc.,
4 which authorizes the use of in-state facilities through September 20, 2016, thereby
5 providing the County with approximately eight (8) years of guaranteed capacity.
6 The proposed future land use map (FLUM) amendment may affect solid waste,
7 but not significantly.
8

9 Potable Water

10
11 The average daily water demand is expected to slightly increase to 16.28 MGD
12 over last year's of 16.02 MGD due to water restrictions and conservation efforts.
13 The construction of new water supply wells and a reverse osmosis water treatment
14 facility provides an additional capacity of 6.0 MGD. The reverse osmosis
15 desalination plant provides an additional 3.0 MGD of water for additional
16 capacity.
17

18 Stormwater

19
20 MCC Section 114-3, titled '*Surface Water Management Criteria*', establishes
21 guidelines and criteria for the safe management and disposal of stormwater runoff
22 from developed areas that will minimize or eliminate any resultant adverse
23 impacts on the surface water, groundwater, and other natural resources of the
24 county. Any change in the use of the property must comply with State and Federal
25 regulations as well as the Monroe County Code, the Monroe County
26 Comprehensive Plan and the Livable CommuniKeys Plans.
27

28 Effects on Redevelopment/Infill Potential

29
30 Sheet 267 of the 1985 Habitat Maps shows the subject parcel as disturbed (740).
31 The habitat Aerial photograph shows at least five (5) canopy trees remaining after
32 the permitted clearing in 1976. No hammock was located on the property at that
33 time. Currently, canopy trees are still present and undisturbed hammock is found
34 along Grouper Trail. If an application for a development permit was pursued on
35 this parcel, a site visit to the property would be mandatory for additional analysis.
36 Federal, State and County regulations shall be followed, particularly MC Code
37 Section 118-9(a-c) on open space requirements.
38

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

1 *considered to still include upland native vegetation for purposes of determining*
2 *the amount of open space and clearing permitted.”*
3
4
5

6 D. *Consistency with the Principles for Guiding Development in the Florida Keys Area of*
7 *Critical State Concern pursuant to F.S. Chapter 380.0552(7)*
8

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

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

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

8
9 **STAFF RESPONSE:**

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

21
22 **RECOMMENDATION**

23
24 Staff recommends **APPROVAL**.

25
26



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

To: Planning Commission

Through: Townsley Schwab, Senior Director of Environmental & Planning Resources ^{TS}
Mitch Harvey, AICP, Comprehensive Planning Manager

From: Kathy Grasser, Comprehensive Planner ^{KG}

Date: October 19, 2009

Subject: Request for amendments on 127 county-owned vacant parcels to the Future Land Use District Map (FLUM)

PC Meeting: November 4, 2009

I REQUEST

A request by the Monroe County Land Steward office to amend the Future Land Use District Map (FLUM) on 127 county-owned vacant parcels throughout Monroe County from various FLUM designation to Conservation (C). **The parcels are owned by Monroe County Board of County Commissioners and were purchased with funding from the Florida Communities Trust. There are one hundred twenty-seven (127) parcels scattered throughout the Florida Keys. A complete list of legal descriptions and real estate numbers and associated maps are attached as Exhibit 1.**

Currently, the 127 parcels are contained within ten (10) FLUM categories, shown below.

Existing FLUM Designations	# of Parcels
MIXED USE / COMMERCIAL	3
MIXED USE / COMMERCIAL / RESIDENTIAL LOW	3
MIXED USE / COMMERCIAL / RESIDENTIAL HIGH	1
RESIDENTIAL CONSERVATION	1
RESIDENTIAL CONSERVATION / RESIDENTIAL LOW	2
RESIDENTIAL HIGH	2
RESIDENTIAL LOW	9
RESIDENTIAL HIGH / RESIDENTIAL LOW	1
RESIDENTIAL MEDIUM	103
RESIDENTIAL MEDIUM / RESIDENTIAL CONSERVATION	2
TOTAL	127

1
2
3 **II PROCESS**
4

5 Amendments may be proposed by the Board of County Commissioners (BOCC), the
6 Planning Commission, the Director of Planning, or the owner or other person having a
7 contractual interest in property to be affected by a proposed amendment. The Director of
8 Planning shall review and process map amendment applications as they are received and pass
9 them on to the Development Review Committee and the Planning Commission for
10 recommendation and final action by the BOCC.
11

12 The Planning Commission shall hold at least one public hearing on a proposed FLUM
13 amendment. The Planning Commission shall review the application, the reports and
14 recommendations of the Department of Planning & Environmental Resources and the
15 Development Review Committee, and the testimony given at the public hearing, and shall
16 submit its recommendations and findings to the BOCC.
17

18 The BOCC shall hold at least one public hearing on a proposed FLUM amendment. The
19 BOCC shall consider the report and recommendation of and the testimony given at the public
20 hearings and may either deny the FLUM application or adopt a resolution upon transmitting
21 the proposed FLUM amendment to the DCA. Ordinances are then reviewed by the Florida
22 Department of Community Affairs and returned to the County with objections,
23 recommendations and comments to be considered prior to adoption of the ordinance. Then,
24 an adoption hearing is scheduled for the BOCC.
25

26 RELEVANT PRIOR COUNTY ACTIONS
27

28 In 1994 Monroe County received a 3.5 million dollar grant from the Florida Communities
29 Trust (FCT) to purchase environmentally sensitive lands (considered Tier I lands today). The
30 grant agreement was unanimously approved by the Monroe County Board of County
31 Commissioners at their May 3, 1994 meeting. Utilizing the grant funding, the County
32 purchased a total of 596 parcels throughout the Keys. In 2001, the County transferred title to
33 419 of the 596 parcels to the Board of Trustees of the State of Florida for land management
34 purposes. Additional properties were transferred to local municipalities when they
35 incorporated. A total of 156 properties are still owned and managed by the County.
36

37 **III BACKGROUND INFORMATION**
38

39 All properties proposed under this amendment are owned by Monroe County and were
40 purchased with funding from a Florida Communities Trust grant. The properties purchased
41 under this grant are intended for conservation or resource-based recreation purposes only. In
42 accordance with Section IV (2) of the grant agreement, Monroe County must amend the
43 future land use map (FLUM) to reflect this purpose. Of the 156 properties retained by
44 Monroe County, twenty-nine (29) parcels already have the correct FLUM as required by the
45 grant agreement. The remaining 127 properties need FLUM changes. All properties are in a

1 Tier I designation. All of the properties are proposed to be amended to a Conservation (C)
2 FLUM designation.

3
4 **Total Area Proposed to be Amended:**

5
6 28.87 acres.

7
8 **Tier**

9
10 Tier 1

11
12 **Existing Use**

13
14 Vacant

15
16 **Community Character**

17
18 The community character of the immediate vicinity of each of the 127 parcels range from
19 vacant lands to lands that contain mixed use / commercial uses.
20

21 **IV REVIEW OF APPLICATION**

22 *Consistency of the proposed amendment with the provisions and intent of the Monroe County*
23 *Comprehensive Plan:*

24
25 The primary purpose of the proposed Conservation (C) FLUM category is to
26 preserve natural and historic resources and provide passive recreational uses.
27 Once the FLUM is adopted, 28.87 acres of Tier I land will remain vacant in
28 perpetuity.

- 29
30 1. Policy 101.4.15: the principal purpose of the Conservation land use
31 category is to provide for publicly owned lands held primarily for the
32 preservation of natural and historic resources and compatible passive
33 recreational uses.
34

35 *Consistency of the proposed amendment with the provisions and intent of Chapter 102 of the*
36 *Monroe County Code, Land Development Regulations:*

37
38 In accordance with MCC Sec. 102-158(d)(5)b., the BOCC may consider the adoption of an
39 ordinance enacting the proposed change based on one (1) or more of the following factors:
40 changed projections; changed assumptions; data errors; new issues; recognition of a need for
41 additional detail or comprehensiveness; and data updates. The following criteria are not
42 applicable to the proposed FLUM amendments: *changed projections, changed assumptions,*
43 *data errors, new issues, and data updates.*
44

1 Staff finds the proposed FLUM amendments in accordance with MC Sec. 102-158,
2 consistent with the subsection *'recognition of a need for additional detail or*
3 *comprehensiveness'*.
4

5 In 1994 Monroe County received a 3.5 million dollar grant from the Florida Communities
6 Trust (FCT) to purchase environmentally sensitive lands (considered Tier I lands today).
7 The grant agreement was unanimously approved by the Monroe County Board of County
8 Commissioners at their May 3, 1994 meeting. Utilizing grant funding, the County
9 purchased a total of 596 parcels throughout the Keys. In 2001, the County transferred
10 title to 419 of the 596 parcels to the Board of Trustees of the State of Florida for land
11 management purposes. Additional properties were transferred to local municipalities
12 when they incorporated. A total of 156 properties are still owned and managed by the
13 County.
14

15 The grant agreement requires that the County amend the FLUM of any properties
16 purchased using this grant to a Conservation (C) designation. Fifteen years after the
17 grant agreement was executed, this amendment still needs to occur.
18

19 **LIVABLE COMMUNIKEYS PLANS**

20
21 Amending the future land use map to the Conservation (C) district will enable the Tier I
22 county owned vacant lands to preserve the natural environment in perpetuity. Growth
23 will be directed to lands more suitable for development. The amendments are consistent
24 with the Livable CommuniKeys Plans (LCP) goals of Big Pine / No Name Key,
25 Tavernier, and Key Largo.
26

27 **Big Pine Key / No Name Key**

28
29 Goal 1: Direct future growth to lands that are intrinsically most suitable for
30 development and encourage conservation and protection of
31 environmentally sensitive lands by using the relative wildlife habitat value
32 of land as a basis for development decisions on Big Pine Key and No
33 Name Key.
34

35 Goal 6: Provide facilities for the active and passive recreational needs of all age
36 groups in the community while avoiding unnecessary impacts to the
37 protected species.
38

39 Goal 10: Protect and manage natural resources within the planning area in order to
40 ensure continued viability and biodiversity of plant and animal life and to
41 maintain compliance with the anticipated Incidental Take Permit (ITP).
42
43
44
45

1
2 The proposed FLUM amendment will preserve the existing natural resources and
3 environment. Policy 101.4.15 of the Comprehensive Plan states that the principal purpose of
4 the Conservation land use designation is to provide the preservation of natural and historic
5 resources and compatible passive recreational uses for publicly owned lands.
6

7 *Consistency with the Principles for Guiding Development in the Florida Keys Area of Critical*
8 *State Concern pursuant to F.S. Chapter 380.0552(7).*
9

10 For the purposes of reviewing consistency of the adopted plan or any amendments to that
11 plan with the principles for guiding development and any amendments to the principles,
12 the principles shall be construed as a whole and no specific provision shall be construed
13 or applied in isolation from the other provisions.
14

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

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

10
11 **STAFF RESPONSE:**
12

13 All parcels are located in Tier 1 and will remain vacant. The proposed FLUM change to
14 Conservation (C) for the 28.87 acres will preserve existing natural resources. Staff finds
15 proposed FLUM amendment consistent with the Principles for Guiding Development as a
16 whole and not inconsistent with any one principle.
17

18 **V RECOMMENDATION:**
19

20 Staff recommends **APPROVAL**