

AGENDA

DEVELOPMENT REVIEW COMMITTEE

PURSUANT TO Florida Statute 286.011(1), the Development Review Committee of Monroe County will conduct a meeting on May 5, 2009 beginning at 1:00 PM at the Marathon Government Center, 2nd Floor, 2798 Overseas Highway, Marathon, Florida.

CALL TO ORDER

ROLL CALL

DRC MEMBERS:

Townsley Schwab, Senior Director of Planning and Environmental Resources
Janis Vaseris, Biologist
Patricia A. Ivey, DOT Representative
Steve Zavalney, Fire Marshall
Judith Clarke, Director of Engineering Services

STAFF MEMBERS PRESENTING THE FOLLOWING AGENDA ITEMS:

Mitch Harvey, Comprehensive Plan Manager
Kathy Grasser, Comprehensive Planner
Bill Harbert, Planner

CHANGES TO THE AGENDA

MEETING

-
NEW ITEMS:

-
1. Toppino Land Trust LLC & FPT Land Trust Number 1, East Rockland Key, Mile Marker 9: A request for approval of a minor conditional use permit in order to construct a wastewater treatment facility to gather and treat water collected from the washing of industrial vehicles and carry out associated site improvements on the property. The subject parcel is legally described as part Lot 6, Section 21, Township 67, Range 26, BB67621-11.1, East Rockland Key, Monroe County, Florida, having real estate number 00122040.000000.

[29034 FILE.pdf](#)

[29034 Survey & Site Plan.pdf](#)

[29034 SR DRC 5.05.09.pdf](#)

-
Comprehensive Plan Amendment Chapters 163 & 380, Florida Statutes

2. AN ORDINANCE CREATING POLICY 101.6.6 OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN PROVIDING THAT ADMINISTRATIVE RELIEF IN THE FORM OF THE ISSUANCE OF A BUILDING PERMIT IS NOT ALLOWED FOR LANDS WITHIN THE FLORIDA FOREVER TARGETED ACQUISITION AREA OR TIER 1 LANDS UNLESS, AFTER 60 DAYS FROM THE RECEIPT OF A COMPLETE APPLICATION FOR ADMINISTRATIVE RELIEF, IT HAS BEEN DETERMINED THE PARCEL WILL NOT BE PURCHASED FOR CONSERVATION PURPOSES BY ANY COUNTY, STATE OR FEDERAL AGENCY OR ANY PRIVATE ENTITY; REQUIRING NOTIFICATION BY MONROE COUNTY TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OF UPCOMING ADMINISTRATIVE RELIEF REQUESTS AT LEAST SIX (6) MONTHS PRIOR TO THE DEADLINE FOR ADMINISTRATIVE RELIEF; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; AND DIRECTING THE CLERK OF THE BOARD TO FORWARD A CERTIFIED COPY OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING AN EFFECTIVE DATE.

[29038 Ordinance Draft 2008.pdf](#)

[29038 SR DRC 05.05.09.pdf](#)

3. AN ORDINANCE CREATING POLICY 101.4.20 OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN DISCOURAGING PRIVATE APPLICATIONS FOR FUTURE LAND USE CHANGES WHICH INCREASE ALLOWABLE DENSITY AND INTENSITY; REQUIRING A NEEDS ANALYSIS BASED UPON THE AMOUNT OF VACANT LANDS, FUTURE LAND USE DESIGNATIONS AND THEIR ASSIGNED DENSITY, THE PROJECTED POPULATION AND THE AVAILABILITY OF PUBLIC FACILITIES AND SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; AND DIRECTING THE CLERK OF THE BOARD TO FORWARD A CERTIFIED COPY OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING AN EFFECTIVE DATE.

[29039 SR DRC 05.05.09.pdf](#)

4. AN ORDINANCE AMENDING POLICY 101.2.6 OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN REQUIRING THE ADOPTION OF LAND DEVELOPMENT REGULATIONS WHICH PROHIBIT NEW TRANSIENT UNIT ALLOCATIONS UNDER THE RATE OF GROWTH ORDINANCE; PROVIDING FOR TEN PERCENT (10%) OF ANNUAL RATE OF GROWTH ALLOCATIONS FOR TRANSIENT UNITS WHEN THE ANNUAL AVERAGE OCCUPANCY RATE EXCEEDS NINETY PERCENT (90%); PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; AND DIRECTING THE CLERK OF THE BOARD TO FORWARD A CERTIFIED COPY OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING AN EFFECTIVE DATE.

[29040 SR DRC 05.05.09.pdf](#)

ADJOURNMENT

File #: 29034

Owner's Name: Toppino Land Trust LLC &
FPT Land Trust No.1

Common Name E.Rockland Key Monroe Concrete Plant

Applicant: Same

Type of Application: Minor Conditional Use

Key: E. Rockland Key

RE #: 00122040-000000

Additional Information added to File 29034

End of Additional File 29034

STONES & CARDENAS
ATTORNEYS AT LAW

221 SIMONTON STREET, KEY WEST, FL 33040
TELEPHONE (305) 294-0252 FAX (305) 292-5442

ADELE VIRGINIA STONES, P.A.

SUSAN M. CARDENAS, P.A.

March 27, 2009

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

Re: Application for Minor Conditional Use

Dear Monroe County Planning & Environmental Resources:

Enclosed please find Application for Minor Conditional Use submitted on behalf of Toppino Land Trust, LLC and FPT Land Trust No. 1, along with the applicable submittals and application fee. Please advise this office of the processing schedule and Development Review Committee agenda placement when that information is available.

If you have any questions, please do not hesitate to contact this office.

Sincerely,



Adele V. Stones
AVS/cms
Enclosures



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



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

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

Minor Conditional Use Permit Application Fee: \$8,484.00

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: 3 / 27 / 09
Month Day Year

Property Owner:
Toppino Land Trust, LLC & FPT Land Trust No. 1
Name
PO Box 787, Key West, FL 33041
Mailing Address (Street, City, State, Zip Code)
(305) 296-9934
Daytime Phone
richardjtoppino@aol.com
Email Address

Agent (if applicable):
Adele V. Stones, Stones & Cardenas
Name
221 Simonton Street, Key West, FL 33040
Mailing Address (Street, City, State, Zip Code)
(305) 294-0252
Daytime Phone

Email Address

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

<u>R21 T67 S26 Pt Lot 6</u>			<u>E. Rockland Key</u>
Block	Lot	Subdivision	Key
<u>00122040-000000</u>		<u>1156060</u>	
Real Estate (RE) Number		Alternate Key Number	
<u>8.5 MM US Highway 1, Key West</u>		<u>MM 8.5</u>	
Street Address (Street, City, State, Zip Code)		Approximate Mile Marker	

APPLICATION

Land Use District Designation(s): Industrial

Present Land Use of the Property: concrete batch plant

Proposed Land Use of the Property: same

Total Land Area: 5.49 acres

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

0 Total number of non-residential buildings

0 Total non-residential floor area in square feet

If residential dwelling units are proposed, please provide:

_____ Total number of residential buildings

_____ Total number of permanent, market-rate units

_____ Total number of permanent, affordable / employee housing units

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

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

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

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

- Complete minor conditional use permit application (unaltered and unbound);
- Correct fee (check or money order to Monroe County Planning & Environmental Resources);
- Proof of ownership (i.e. Warranty Deed);
- Current Property Record Card(s) from the Monroe County Property Appraiser;
- Location map;
- Photograph(s) of site from adjacent roadway(s);
- Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – 6 sets (at a minimum, survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage by land use district; and total acreage by habitat);
- Written description of project;
- Signed and Sealed Site Plans, prepared by a Florida registered architect, engineer or landscape architect– 6 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;
 - Flood zones pursuant to the Flood Insurance Rate Map(s);

APPLICATION

- Locations and dimensions of all existing and proposed structures and drives;
 - Type of ground cover (i.e. concrete, asphalt, grass, rock);
 - Adjacent roadways;
 - Setbacks as required by the land development regulations;
 - Location and dimensions of all parking spaces (including handicap accessible, bicycle and scooter) and loading zones;
 - Calculations for open space ratios, floor area ratios, residential density and parking;
 - Location and type of outdoor lighting;
 - Extent and area of wetlands, open space areas and landscape areas;
 - Location of solid waste storage;
 - Location of sewage treatment facilities;
 - Location of existing and proposed fire hydrants or fire wells;
- Floor Plans for all proposed structures and for any existing structures to be redeveloped – 6 sets** (drawn at an appropriate standard architectural scale and including handicap accessibility features);
- Elevations for all proposed structures and for any existing structures to be modified – 6 sets** (with the elevations of the following features referenced to NGVD: existing grade; finished grade; finished floor elevations (lowest supporting beam for V-zone development); roofline; and highest point of the structure);
- Landscape Plan by a Florida registered landscape architect – 6 sets** (may be shown on the site plan; however, if a separate plan, must drawn to a scale of 1 inch equals 20 feet, except where impractical and the Director of Planning authorizes a different scale). At a minimum, the landscaping plan should include the following:
- Date, north point and graphic scale;
 - Boundary lines of site, including all property lines and mean high-water lines;
 - Locations and dimensions of all existing and proposed structures and drives;
 - Open space preservation areas;
 - Existing natural features;
 - Size and type of buffer yards including the species, size and number of plants;
 - Parking lot landscaping including the species, size and number of plants;
 - Specimen trees, or threatened and endangered plants to be retained and those to be relocated or replaced;
 - Transplantation plan (if required);
- Conceptual Drainage Plan – 6 sets** (with drainage calculations; existing and proposed topography; all drainage structures; retention areas; drainage swales; and existing and proposed permeable and impermeable areas;
- Traffic Study, prepared by a licensed traffic engineer;**
- Construction Management Plan**, stating how impacts on near shore water and surrounding property will be managed (i.e. construction barriers, hay bales, flagging);
- Typed name and address mailing labels of all property owners within a 300 foot radius of the property.** This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 300 foot radius, each unit owner must be included;
- Letters of Coordination are required from the following:**
- Florida Keys Aqueduct Authority (FKAA);
 - Florida Keys Electric Cooperative (FKEC) or Keys Energy Services;
 - Monroe County Office of the Fire Marshal;
 - Monroe County Health Department;
 - Monroe County Solid Waste Management;

APPLICATION

- Florida Department of Health if wastewater flows are less than or equal to 5,000 gallons per day or Florida Department of Environmental Protection if wastewater flows exceed 5,000 gallons per day

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

- Notarized Agent Authorization Letter** (note: authorization is needed from all owner(s) of the subject property)
- Vegetation Survey or Habitat Evaluation Index** (please contact Monroe County Environmental Resources prior to application submittal to determine if this documentation is necessary)
- Construction Phasing Plan**
- Additional Letters of Coordination** may be required for your project, please contact with the Planning & Environmental Resources Department to identify other agencies expected to review the project. Other agencies may include, but are not limited to
 - Key Largo Wastewater Treatment District (KLWTD)
 - South Florida Water Management District (SFWMD)
 - Florida Department of Transportation (FDOT)
 - Florida Department of Environmental Protection (FDEP)
 - Florida Department of State, Division of Historic Resources
 - Florida Game and Freshwater Fish Commission (FGFFC)
 - U.S. Army Corps of Engineers (ACOE)
 - U.S. Fish and Wildlife Service (USFW)

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

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

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

Signature of Applicant: Adelle V. Stokes Date: 3/27/09

Sworn before me this 27th day of March, 2009.

Cindy Sawyer
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:
John S. Bohatch, Esquire
GUTTENMACHER & BOHATCH, P.A.
2600 Douglas Road, Penthouse 8
Coral Gables, Florida 33134

RCD May 07 2003 10:12AM
DANNY L KOLHAGE, CLERK

RETURN INSTRUMENT TO:
John S. Bohatch, Esquire
GUTTENMACHER & BOHATCH, P.A.
2600 Douglas Road, PH8
Coral Gables Florida 33134

DEED DOC STAMPS
05/07/2003 0.70
DEP CLK

Parcel ID Number 00122040; 00121980-000500

**WARRANTY DEED TO TRUSTEE UNDER
FPT LAND TRUST NO. 1**

THIS INDENTURE, made this 30th day of December, 2002 A.D. **Between** FRANK P. TOPPINO, a married man, whose address is 37 Evergreen Avenue, Key West, Florida 33041, **GRANTOR**, and DANIEL P. TOPPINO, as Trustee under FPT LAND TRUST No. 1, whose address is Milemarker 8.5, US Highway 1, Key West, Florida 33040, of the County of Monroe, State of Florida, **GRANTEE**.

WITNESSETH that the GRANTOR for and in consideration of the sum of TEN & NO/100 (\$10.00) DOLLARS, and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs and assigns forever, the following described land, situated, lying and being in the County of Monroe, State of **FLORIDA** to wit:

SEE EXHIBIT A attached hereto and
by reference incorporated herein.

This conveyance is subject to:

1. Taxes and Assessments for the year 2002 and subsequent years.
2. Zoning and other governmental regulations.

TO HAVE AND HOLD the above-described real estate in fee simple with the appurtenances upon the trust and for the purposes set forth in this Deed and in the FPT Land Trust No. 1, dated December 30, 2002 (Trust Agreement).

Full power and authority is hereby granted to said Trustee to improve, subdivide, protect, conserve, sell, lease, encumber and otherwise manage and dispose of said property of any part thereof, to dedicate parks, streets, highways or alleys and to vacate any subdivision of part thereof, and to re-subdivide said property as often as desired, to contract to sell, to grant options to purchase, to sell on any terms, to convey either with or without consideration, to convey said property of any part thereof to a successor or successors in trust and to grant to such successor or successors in trust all of the title, estate, powers and authorities vested in said trustee, to donate, to dedicate, to mortgage, pledge or otherwise encumber said property, or any part thereof, to lease said property, or any part thereof, from time to time, in possession or reversion, by leases to

commence in praesenti or futuro, and upon any terms and for any period or periods of time, not exceeding in the case of any single demise the term of 99 years, and to renew or extend leases upon any terms and for any period or periods of time and to amend, change or modify leases and the terms and provisions thereof at any time or times hereafter, to contract to make leases and grant options to lease and options to renew leases and options to purchase the whole or in any part of the reversion and to contract respecting manner of fixing the amount of present or future rentals, to partition or to exchange said property, or any part thereof, for other real or personal property, to submit said property or any part thereof to condominium, to place restrictions on the property or any part thereof, to grant easements or charges of any kind, to release, convey or assign any right, title or interest in or about or easement appurtenant to said premises or any part thereof and to deal with said property and every part thereof in all other ways, and for such other considerations as it would be lawful for any person owning the same to deal with the same, whether similar to or different from the ways above specified, at any time or times hereafter.

In no case shall any party dealing with the Trustee in relation to the real estate or to whom the real estate or any part of it shall be conveyed, contracted to be sold, leased or mortgaged by Trustee, be obliged to see to the application of any purchase money, rent or money borrowed or advanced on the premises, or be obliged to see that the terms of said Trust have been complied with, or be obliged to inquire into the necessity or expediency of any act of the Trustee, or be obliged or privileged to inquire into any of the terms of the Trust Agreement or the identification or status of any named or unnamed beneficiaries, or their heirs or assigns to whom the Trustee may be accountable; and every deed, trust deed, mortgage, lease or other instrument executed by Trustee in relation to the real estate shall be conclusive evidence in favor of every person relying upon or claiming under any such conveyance lease or other instrument (a) that at the time of its delivery the Trust created by this Deed and in the Trust Agreement was in full force and effect, (b) that the conveyance or other instrument was executed in accordance with the trusts, conditions and limitations contained in this Deed and in the Trust Agreement and is binding upon all beneficiaries under those instruments, (c) that Trustee was duly authorized and empowered to execute and deliver every such deed, trust deed, lease, mortgage or other instrument and (d) if the conveyance is made to a successor or successors in trust, that the successor or successors in trust have been appointed properly and vested fully with all the title, estate, rights, powers, duties and obligations of the predecessor in trust. If there are co-trustees, it is specifically understood that the signature of only one of the Co-Trustees shall be required to accomplish the foregoing.

Any contract, obligation or indebtedness incurred or entered into by the Trustee in connection with said property shall be as Trustee of an express trust and not individually and the Trustees shall have no obligations whatsoever with respect to any such contract, obligation or indebtedness except only so far as the trust property in the actual possession of the Trustee shall be applicable for the payment and discharge thereof; and it shall be expressly understood that any representations, warranties, covenants, undertaking and agreements hereinafter made on the part of the Trustee, while in form purporting to be the representations, warranties, covenants, undertakings and agreements of said Trustee, are nevertheless made and intended not as personal representations, warranties, covenants, undertakings and agreements by the Trustee or for the purpose or with the intention of binding said trustee personally, but are made and intended for the purpose of binding only the trust property specifically described herein; and that no personal

liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against the trustee individually on account of any instrument executed by or on account of any representation warranty, covenant, undertaking or agreement of the said Trustee, either expressed or implied, all such personal liability, if any, being expressly waived and released and all persons and corporations whomsoever and whatsoever shall be charged with notice of this condition from the date of the filing for record of this Deed.

The interest of the beneficiary under this Deed and under the Trust Agreement referred to previously and of all persons claiming under them or any of them shall be only in the earnings, avails and proceeds arising from the sale or other disposition of the real estate, and that interest is declared to be personal property, and no beneficiary under this Deed shall have any title or interest, legal or equitable, in or to the real estate as such but only as interest in the earnings, avails and proceeds from that real estate as aforesaid.

In the event of the death of the Trustee, the successor trustee under the trust agreement referred to above shall be RAMONA J. BUSOT and RICHARD J. TOPPINO, jointly, or the survivor thereof, and upon a recording in the public records of Monroe County, Florida, of a death certificate of the Trustee or of any successor trustee, title to the land described herein shall be deemed to be held by the successor trustee and to pass to the successor trustee without the requirement of recording any further or additional documents.

This deed is given and accepted in accordance with Section 689.071, Florida Statutes. The Trustee shall have no personal liability whatsoever for action as trustee under the trust agreement referred to above or by virtue of taking title to the land described above and the sole liability of Trustee hereunder shall be limited to the property which the Trustee holds under the trust agreement referred to above.

And the Grantor by this Deed fully warrants the title of the above-described real estate and will defend the title against the lawful claims of all persons whomsoever. "Grantor", "Grantee", "Trustee" and "Beneficiary" are used for singular or plural, as context requires.

IN WITNESS WHEREOF, the GRANTOR aforesaid has set his hand and seal this 30th day of December, 2002.

Signed, sealed and delivered in our presence:

Susan Overton
Printed Name: SUSAN OVERTON

Witness

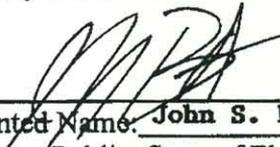
Christine Casado
Printed Name: Christine Casado
Witness

Frank P. Toppino (seal)
FRANK P. TOPPINO, a married man

STATE OF FLORIDA)
)ss:
COUNTY OF MONROE)

I **HEREBY CERTIFY** that on this day, before me an officer duly authorized in the State aforesaid and in the county aforesaid, to take acknowledgements, personally appeared FRANK P. TOPPINO, a married man, who is personally known to me or has produced N/A as identification and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 30 day of December, 2002.



Printed Name: **John S. Bohatch, Esquire**
Notary Public, State of Florida at Large
Commission No.

My Commission Expires:

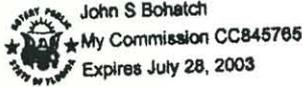


EXHIBIT A

TRACT I

A portion of Government Lots 5 and 6, Section 21, Township 67 South, Range 26 East, Rockland Key, Monroe County, Florida and being more particularly described as follows: Commence at the intersection of the centerline of U.S. Highway No. 1 and the West abutment of the Rockland Key Viaduct; thence S 63°09'20"W along the centerline of U.S. Highway No. 1 for 2110.00 feet; thence North 970.73 feet to the Point of Beginning; thence West for 739.09 feet; thence N 06°07'26"W for 1095.81 feet; thence East for 437.79 feet; thence N 27°00'00"W for 73.48 feet to a point lying 2000.00 feet North of the South Line of said Section 21; thence East for 1320.96 feet to a point lying 250.00 feet west of the West Line of "ROCKLAND VILLAGE NO. 2" according to the plat thereof, as recorded in Plat Book 7, at Page 17 of the Public Records of Monroe County, Florida; thence South along a line 250 West of and parallel with the said West line ROCKLAND VILLAGE No. 2 for 1154.97 feet; thence West for 851.41 feet to the Point of Beginning. Containing 43.1770 Acres, more or less.

AND ALSO:

TRACT II

A portion of Government Lot 6, Section 21, Township 67 South, Range 26 East, Rockland Key, Monroe County, Florida, more particularly described as follows: Begin at the Southwest corner of that parcel of land described in Official Record Book 150 at Pages 504 to 506 of the Public Records of Monroe County, Florida and run thence North 610 feet, more or less to the northwest corner of the above said parcel; thence run West 392 feet to a point; thence run South 610 feet, more or less to the North Right of Way of U.S. Highway No. 1; thence run Easterly along the North Right of Way of said U.S. Highway No. 1 a distance of 392 feet, more or less, back to the Point of Beginning, containing 5.5 acres more or less.

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

MONROE COUNTY
OFFICIAL RECORDS

Prepared by: JOHN M. SPOTTSWOOD, JR.
SPOTTSWOOD, SPOTTSWOOD & SPOTTSWOOD
500 FLEMING STREET
Key West, FL 33040

Doc# 1603259 09/18/2006 8:37AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

Doc# 1603259
BK# 2237 Pg# 2254

Parcel ID Number:

Warranty Deed

This Indenture, Made this 1st day of September, 2006 A.D., Between
EDWARD TOPPINO, SR., a married man

of the County of Monroe, State of Florida, grantor, and
TOPPINO LAND TRUST, LLC, a Florida limited liability company

whose address is: Key West, FL 33040

of the County of Monroe, State of Florida, grantee.

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

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

AS TO AN UNDIVIDED 1/2 INTEREST

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

Subject to conditions, limitations, restrictions and easements of
record and taxes for the year 2006 and subsequent years.

THIS TRANSFER OF REAL PROPERTY IS MADE PURSUANT TO CRESENT MIAMI
CENTER, LLC. V. FLORIDA DEPARTMENT OF REVENUE.

The property herein conveyed does not constitute the Homestead
property of the Grantor, as defined under the Florida Constitution.

This instrument was prepared without benefit of title search or
abstract examination and is based solely on facts provided by either
of the parties or his agent.

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

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

Signed, sealed and delivered in our presence:

[Signature]
Printed JOHN M. SPOTTSWOOD, JR.
Witness

[Signature] (Seal)
EDWARD TOPPINO, SR.
P.O. Address: 46 Cypress Avenue, Key West, FL 33040

[Signature]
Printed SARAH L. VEGA
Witness

STATE OF Florida
COUNTY OF Monroe

The foregoing instrument was acknowledged before me this
EDWARD TOPPINO, SR., a married man

1st day of September, 2006 by

he is personally known to me or he has produced his Florida driver's license as identification.

[Signature]
Printed Name
Notary Public
My Commission Expires:


LEGAL DESCRIPTION

HSP 15, 16 and 17

RE #00122040-000100	ALT KEY: 1156078
RE #00122070-000100	ALT KEY: 8571046
RE #00122070-000104	ALT KEY: 8764626

A parcel of land in a part of Government lot 7, Section 21, Township 67 South, Range 26 East on Rockland Key, Monroe County, Florida and being more particularly described as follows:

Commence at the Southwest corner of ROCKLAND VILLAGE according to the plat thereof as recorded in Plat Book 1 at Page 133 of the Public Records of Monroe County, Florida and run thence North along the West boundary line of said ROCKLAND VILLAGE a distance of 29.30 feet to a point; thence West a distance of 1840.50 feet to the Northwest corner of lands described in Official Record Book 373 at Pages 112 thru 113 of the said Public Records and the Point of Beginning of the parcel of land herein being described; thence continue West a distance of 1344.25 feet to a point; thence South 643.47 feet to a point on the Northerly right-of-way boundary line of U.S. Highway No. 1; thence North 89°31'54" East along the said right-of-way boundary line of U.S. Highway No. 1 a distance of 1344.29 feet to the Southwest corner of lands described in said Official Record Book 373; thence North along the Westerly boundary line of lands described in said Official Record Book 373 a distance of 632.49 feet back to the Point of Beginning, containing 19.7 acres more or less.

-ALSO-

HSP 18

RE #00121980-000500 ALT KEY: 8884940

A portion of Government Lots 5 and 6, Section 21, Township 67 South, Range 26 East, Rockland Key, Monroe County, Florida and being more particularly described as follows:

Commence at the intersection of the centerline of U.S. Highway No. 1 and the West abutment of the Rockland Key Viaduct; thence S 63°09'20"W along the centerline of U.S. Highway No. 1 for 2110.00 feet; thence North 970.73 feet to the Point of Beginning; thence West for 739.09 feet; thence N 06°07'26"W for 1095.81 feet; thence East for 437.79 feet; thence N 27°00'00"W for 73.48 feet to a point lying 2000.00 feet North of the South Line of said Section 21; thence East for 1320.96 feet to a point lying 250.00 feet West of the West Line of ROCKLAND VILLAGE NO. 2, according to the plat thereof, as recorded in Plat Book 7, at Page 17 of the Public Records of Monroe County, Florida; thence South along a line 250 feet West of and parallel with the said West Line of ROCKLAND VILLAGE NO. 2 for 1154.97 feet; thence West for 851.41 feet to the Point of Beginning. Containing 43.1770 Acres, more or less.

-ALSO-

HSP 19

RE #00122040-000000 ALT KEY: 1156060

A portion of Government lot 6, Section 21, Township 67 South, Range 26 East on Rockland Key, Monroe County, Florida and being more particularly described as follows:

Begin at the Southwest corner of that parcel of land described in Official Record Book 150 at Pages 504 to 506 of the Public Records of Monroe County, Florida and run thence North 610 feet, more or less to the northwest corner of the above said parcel; thence run West 392 feet to a point; thence run South 610 feet more or less to the North Right of Way of U.S. Highway No. 1; thence run Easterly along the North Right of Way of said U.S. Highway No. 1 a distance of 392 feet, more or less; back to the Point of Beginning, containing 5.5 acres more or less.

Doc# 1603259
Bk# 2237 Pg# 2256

-ALSO-
HSP 20

RE #00122030-000100

ALT KEY: 8571038

A parcel of land in Government lot 6, Section 21, Township 67 South, Range 26 East on Rockland Key, Monroe County, Florida and being more particularly described as follows:

Commence at the Northwest corner of lands described in Official Record Book 225 at Pages 440 thru 442 of the Public Records of Monroe County, Florida and run thence West 50.0 feet to the Northeast corner of land described in Official Record Book 150 at Pages 504 thru 506 of the Public Records; thence South 586.96 feet to a point on the Northerly right-of-way boundary line of U.S. Highway No. 1; thence Northeasterly following a curved right-of-way concave to the Northwest, having radius of 4853.29 feet a distance of 50.5 feet, more or less to the Southwest corner of land described in said Official Record Book 225 at pages 440 thru 442; thence North along the Westerly boundary line of lands described in said Official Record Book 225 at Pages 440 thru 442 a distance of 580 feet to the Northwest corner of land described in said Official Record Book 225 at pages 440 thru 442 back to the Point of Beginning.

MONROE COUNTY
OFFICIAL RECORDS

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

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

Property Record View

Alternate Key: 1156078 Parcel ID: 00122040-000100

Ownership Details

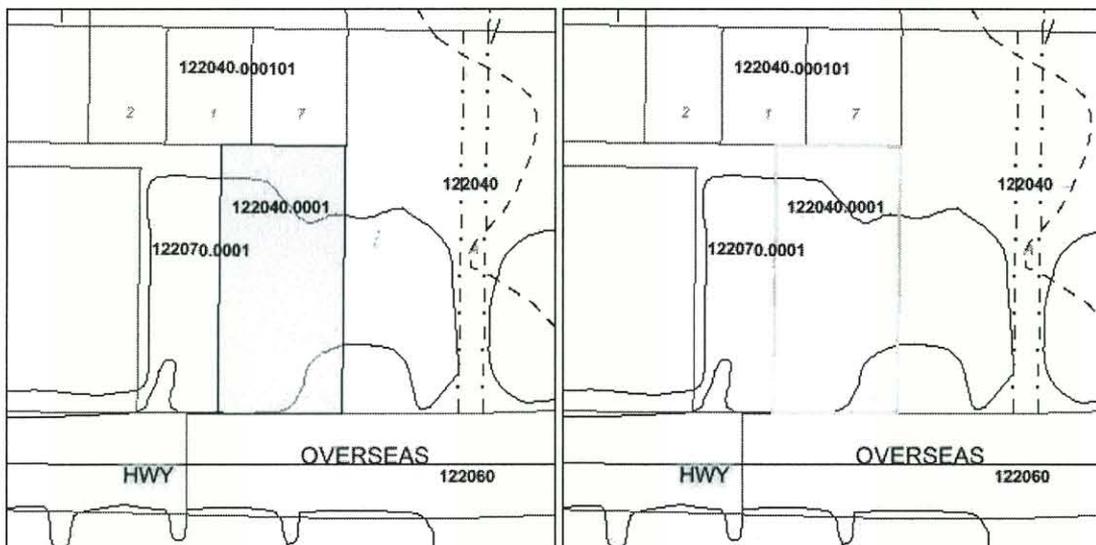
Mailing Address:
 FPT LAND TRUST NO 1
 P O BOX 787
 KEY WEST, FL 33041

All Owners:
 TOPPINO LAND TRUST LLC, FPT LAND TRUST NO 1

Property Details

PC Code: 99 - NON AG ACREAGE 5 AC OR MORE
 Millage Group: 100B
 Affordable Housing: No
 Section-Township-Range: 21-67-26
 Property Location: ROCKLAND KEY
 Legal Description: 21-67-26 EAST ROCKLAND KEY PT LOT 6 OR434-547-548 OR790-1219/1220 OR1884-1221/25 OR2070-600/604Q/C OR2237-2251/53 OR2237-2254/56

Parcel Map



Land Details

Land Use Code	Frontage	Depth	Land Area
000X - ENVIRONMENTALLY SENS	0	0	1.92 AC

Building Summary

Number of Buildings: 0
 Number of Commercial Buildings: 0
 Total Living Area: 0
 Year Built: 0

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	96-0835	01/01/1996	11/01/1997	1		WAREHOUSE
	97-0680	05/01/1997	11/01/1997	20,000		RENEWAL

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	0	192	192	192	0	192
2007	0	0	192	192	192	0	192
2006	0	0	192	192	192	0	192
2005	0	0	192	192	192	0	192
2004	0	0	192	192	192	0	192
2003	0	0	192	192	192	0	192
2002	0	0	192	192	192	0	192
2001	0	0	192	192	192	0	192
2000	0	0	192	192	192	0	192
1999	288,447	45,474	29,485	363,406	363,406	0	363,406
1998	192,298	46,910	29,485	268,693	268,693	0	268,693
1997	0	0	29,485	29,485	29,485	0	29,485
1996	0	0	29,485	29,485	29,485	0	29,485
1995	0	0	29,485	29,485	29,485	0	29,485
1994	0	0	29,485	29,485	29,485	0	29,485
1993	0	0	29,485	29,485	29,485	0	29,485
1992	0	0	29,485	29,485	29,485	0	29,485
1991	0	0	29,485	29,485	29,485	0	29,485
1990	0	0	29,485	29,485	29,485	0	29,485
1989	0	0	29,485	29,485	29,485	0	29,485
1988	0	0	29,485	29,485	29,485	0	29,485
1987	0	0	21,000	21,000	21,000	0	21,000
1986	0	0	21,000	21,000	21,000	0	21,000
1985	0	0	21,000	21,000	21,000	0	21,000
1984	0	0	21,000	21,000	21,000	0	21,000
1983	0	0	21,000	21,000	21,000	0	21,000
1982	0	0	21,000	21,000	21,000	0	21,000

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
2/1/1969	434 / 547	6,000	00	Q

This page has been visited 154,058 times.

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





DOT/ST.OF FL (STATE ROAD
DEPT)
TALLAHASSEE, FL 32399

ROCKLAND OPERATIONS LLC
P O BOX 787
KEY WEST, FL 33041

ROCKLAND OPERATIONS LLC
P O BOX 787
KEY WEST, FL 33041

ROCKLAND OPERATIONS LLC
P O BOX 787
KEY WEST, FL 33041

TOPPINO EDWARD FAMILY
LIIMITED PARTNERSHIP THE
46 CYPRESS AVE
KEY WEST, FL 33040

TOPPINO FRANK P LIMITED
PARTNERSHIP THE
37 EVERGREEN AVENUE
KEY WEST, FL 33040

HENSON STEVE R & DEBORAH
A
5551 2ND AVE - STOCK ISLAND
KEY WEST, FL 33040

TOPPINO LAND TRUST LLC
P O BOX 787
KEY WEST, FL 33041

FPT LAND TRUST NO 1
P O BOX 787
KEY WEST, FL 33041

FPT LAND TRUST NO 1
P O BOX 787
KEY WEST, FL 33041

DOT/ST.OF FL (STATE ROAD
DEPT)
TALLAHASSEE, FL 32399

DOT/ST.OF FL (STATE ROAD
DEPT)
TALLAHASSEE, FL 32399

TOPPINO LAND TRUST LLC
P O BOX 787
KEY WEST, FL 33041

FLORIDA KEYS AQUEDUCT
AUTHORITY
P O BOX 1239
KEY WEST, FL 33041-1239

TOPPINO FRANK P LIMITED
PARTNERSHIP THE
37 EVERGREEN AVENUE
KEY WEST, FL 33040

STONES & CARDENAS

ATTORNEYS AT LAW

221 SIMONTON STREET, KEY WEST, FL 33040
TELEPHONE (305) 294-0252 FAX (305) 292-5442

ADELE VIRGINIA STONES, P.A.

SUSAN M. CARDENAS, P.A.

February 27, 2009

Keys Energy Services
Engineering Department
P.O. Box 6048
Key West, FL 33041-6048

Re: Minor Conditional Use – RE#00122040-000000

Dear Keys Energy Services:

The undersigned represents the interests of Toppino Land Trust, LLC and FPT Land Trust No. 1, owners of Part of Lot 6, East Rockland Key (property that houses the Monroe Concrete Plant on Rockland Key). The owners are filing a Minor Conditional Use Application with Monroe County, the project description of which is attached hereto.

Enclosed is a copy of the property card, deeds containing the legal description, site map, and drawing containing the parcel involved in the Minor Conditional Use Application. It is requested that you review the enclosed on behalf of your company as to any conflicts or objections posed by this conditional use application.

If you require any additional information in order to prepare your response, please do not hesitate to contact my office.

Sincerely,



Adele V. Stones, Attorney at Law
AVS/cms
c: client

STONES & CARDENAS
ATTORNEYS AT LAW

221 SIMONTON STREET, KEY WEST, FL 33040
TELEPHONE (305) 294-0252 FAX (305) 292-5442

ADELE VIRGINIA STONES, P.A.

SUSAN M. CARDENAS, P.A.

February 27, 2009

Monroe County Health Department
Environmental Health
1100 Simonton Street, Suite 242
Key West, FL 33040

Re: Minor Conditional Use – RE#00122040-000000

Dear Department of Health:

The undersigned represents the interests of Toppino Land Trust, LLC and FPT Land Trust No. 1, owners of Part of Lot 6, East Rockland Key (property that houses the Monroe Concrete Plant on Rockland Key). The owners are filing a Minor Conditional Use Application with Monroe County, the project description of which is attached hereto.

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If you require any additional information in order to prepare your response, please do not hesitate to contact my office.

Sincerely,



Adele V. Stones, Attorney at Law
AVS/cms
c: client

STONES & CARDENAS
ATTORNEYS AT LAW

221 SIMONTON STREET, KEY WEST, FL 33040
TELEPHONE (305) 294-0252 FAX (305) 292-5442

ADELE VIRGINIA STONES, P.A.

SUSAN M. CARDENAS, P.A.

February 27, 2009

Florida Keys Aqueduct Authority
Engineering Department
P.O. Box 1479
Key West, FL 33041-1479

Re: Minor Conditional Use – RE#00122040-000000

Dear FCAA:

The undersigned represents the interests of Toppino Land Trust, LLC and FPT Land Trust No. 1, owners of Part of Lot 6, East Rockland Key (property that houses the Monroe Concrete Plant on Rockland Key). The owners are filing a Minor Conditional Use Application with Monroe County, the project description of which is attached hereto.

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If you require any additional information in order to prepare your response, please do not hesitate to contact my office.

Sincerely,



Adele V. Stones, Attorney at Law
AVS/cms
c: client

STONES & CARDENAS
ATTORNEYS AT LAW

221 SIMONTON STREET, KEY WEST, FL 33040
TELEPHONE (305) 294-0252 FAX (305) 292-5442

ADELE VIRGINIA STONES, P.A.

SUSAN M. CARDENAS, P.A.

February 27, 2009

Office of Monroe County Fire Marshall
Captain Steven Zavalney
Monroe County Fire Rescue
490 63rd Street
Marathon, FL 33050

Re: Minor Conditional Use – RE#00122040-000000

Dear Captain Zavalney:

The undersigned represents the interests of Toppino Land Trust, LLC and FPT Land Trust No. 1, owners of Part of Lot 6, East Rockland Key (property that houses the Monroe Concrete Plant on Rockland Key). The owners are filing a Minor Conditional Use Application with Monroe County, the project description of which is attached hereto.

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If you require any additional information in order to prepare your response, please do not hesitate to contact my office.

Sincerely,



Adele V. Stones, Attorney at Law
AVS/cms
c: client

STONES & CARDENAS
ATTORNEYS AT LAW

221 SIMONTON STREET, KEY WEST, FL 33040
TELEPHONE (305) 294-0252 FAX (305) 292-5442

ADELE VIRGINIA STONES, P.A.

SUSAN M. CARDENAS, P.A.

February 27, 2009

Monroe County Director of Engineering
Judith S. Clarke
1100 Simonton Street, Room 216
Key West, FL 33040

Re: Minor Conditional Use – RE#00122040-000000

Dear Ms. Clarke:

The undersigned represents the interests of Toppino Land Trust, LLC and FPT Land Trust No. 1, owners of Part of Lot 6, East Rockland Key (property that houses the Monroe Concrete Plant on Rockland Key). The owners are filing a Minor Conditional Use Application with Monroe County, the project description of which is attached hereto.

Enclosed is a copy of the property card, deeds containing the legal description, site map, and drawing containing the parcel involved in the Minor Conditional Use Application. It is requested that you review the enclosed on behalf of your company as to any conflicts or objections posed by this conditional use application.

If you require any additional information in order to prepare your response, please do not hesitate to contact my office.

Sincerely,



Adele V. Stones, Attorney at Law
AVS/cms
c: client

STONES & CARDENAS

ATTORNEYS AT LAW

221 SIMONTON STREET, KEY WEST, FL 33040
TELEPHONE (305) 294-0252 FAX (305) 292-5442

ADELE VIRGINIA STONES, P.A.

SUSAN M. CARDENAS, P.A.

February 20, 2009

VIA U.S. MAIL &
E-MAIL devon.villareal@dep.state.fl.us

Devon Villareal
Department of Environmental Protection
Marathon Office
2796 Overseas Highway
Marathon, FL 33050

Re: Monroe Concrete Products, Inc. / OGC Case No. 08-0385-44-IW

Dear Ms. Villareal:

Based upon the determination by Monroe County Growth Management that "minor conditional use" approval is required prior to issuance of a permit to my client to allow construction of the Type I and II wells, a second amendment to the Consent Order is requested. The application for minor conditional use, processing, hearing, and staff level approval will be completed by March 24, 2009. An appeal period of 15 days must expire before the permit can be issued and construction commenced. It is requested that a new deadline of July 31, 2009 be established to insure that no further amendments be required to complete well permitting and construction.

Thank you for your consideration of this request.

Sincerely,



Adele V. Stones
AVS/cms
c: R. Toppino

STONES & CARDENAS

ATTORNEYS AT LAW

221 SIMONTON STREET, KEY WEST, FL 33040
TELEPHONE (305) 294-0252 FAX (305) 292-5442

ADELE VIRGINIA STONES, P.A.

SUSAN M. CARDENAS, P.A.

February 27, 2009

Rosa Washington
Monroe County Public Works
Solid Waste Management
1100 Simonton Street, Room 231
Key West, FL 33040

Re: Minor Conditional Use – RE#00122040-000000

Dear Ms. Washington:

The undersigned represents the interests of Toppino Land Trust, LLC and FPT Land Trust No. 1, owners of Part of Lot 6, East Rockland Key (property that houses the Monroe Concrete Plant on Rockland Key). The owners are filing a Minor Conditional Use Application with Monroe County, the project description of which is attached hereto.

Enclosed is a copy of the property card, deeds containing the legal description, site map, and drawing containing the parcel involved in the Minor Conditional Use Application. It is requested that you review the enclosed on behalf of your company as to any conflicts or objections posed by this conditional use application.

If you require any additional information in order to prepare your response, please do not hesitate to contact my office.

Sincerely,



Adele V. Stones, Attorney at Law
AVS/cms
c: client

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 1195
 CONNECTION TEL 2892314
 SUBADDRESS
 CONNECTION ID
 ST. TIME 02/27 16:49
 USAGE T 08'54
 PGS. SENT 15
 RESULT OK

STONES & CARDENAS

ATTORNEYS AT LAW

221 SIMONTON STREET, KEY WEST, FL 33040
 TELEPHONE (305) 294-0252 FAX (305) 292-5442

ADELE VIRGINIA STONES, P.A.

SUSAN M. CARDENAS, P.A.

February 27, 2009

VIA FACSIMILE (305) 289-2314
 AND U.S. MAIL

Steven Johnson
 State of Florida
 Department of Environmental Protection
 2796 Overseas Highway, Suite 221
 Key West, FL 33040

Re: Minor Conditional Use – RE#00122040-000000

Dear Mr. Johnson:

The undersigned represents the interests of Toppino Land Trust, LLC and FPT Land Trust No. 1, owners of Part of Lot 6, East Rockland Key (property that houses the Monroe Concrete Plant on Rockland Key). The owners are filing a Minor Conditional Use Application with Monroe County, the project description of which is attached hereto.

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If you require any additional information in order to prepare your response, please do not hesitate to contact my office.

STONES & CARDENAS
ATTORNEYS AT LAW

221 SIMONTON STREET, KEY WEST, FL 33040
TELEPHONE (305) 294-0252 FAX (305) 292-5442

ADELE VIRGINIA STONES, P.A.

SUSAN M. CARDENAS, P.A.

February 27, 2009

VIA FACSIMILE (305) 289-2314
AND U.S. MAIL

Steven Johnson
State of Florida
Department of Environmental Protection
2796 Overseas Highway, Suite 221
Key West, FL 33040

Re: Minor Conditional Use – RE#00122040-000000

Dear Mr. Johnson:

The undersigned represents the interests of Toppino Land Trust, LLC and FPT Land Trust No. 1, owners of Part of Lot 6, East Rockland Key (property that houses the Monroe Concrete Plant on Rockland Key). The owners are filing a Minor Conditional Use Application with Monroe County, the project description of which is attached hereto.

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If you require any additional information in order to prepare your response, please do not hesitate to contact my office.

Sincerely,



Adele V. Stones, Attorney at Law
AVS/cms
c: client

CROSSROADS ENGINEERING

13284 SW 120th Street, Miami, FL 33186
TEL: (305) 233-3997. FAX: (305) 233-7720
Richard Eichinger Cell: 305 322-6556

March 6, 2009

Ms. Ginny Stones
Stones & Cardenas
221 Simonton Street
Key West, Florida 33040

**RE: Proposed Toppino Wastewater System Rockland Key
Level 1 Traffic Engineering and Planning Report**

Dear Ms. Stones:

Per your request, Crossroads Engineering Data, Inc. (CED) has estimated the traffic volume to be generated by the proposed wastewater system to be developed located near US 1 Mile Marker 9.0 on Rockland Key. It is understood that the developer is proposing to construct a new wastewater treatment facility to serve the existing Monroe Concrete Products Incorporated Ready Mix concrete batch plant. The estimated quantity of trips to be generated by the proposed development warrants a level 1 traffic analysis according to the Monroe County Traffic Reporting Guidelines.

It is understood that the wastewater system is an unmanned, low maintenance operation intended for use by the existing batch plant. A detailed explanation of its operation is attached. Based on our understanding of the operation and conversations with you and the developer, no new vehicular trips will be generated by the system onto any public roadways.

Please present this information as part of your application process to Monroe County staff. If additional information is needed, please contact me at your convenience.

Sincerely,

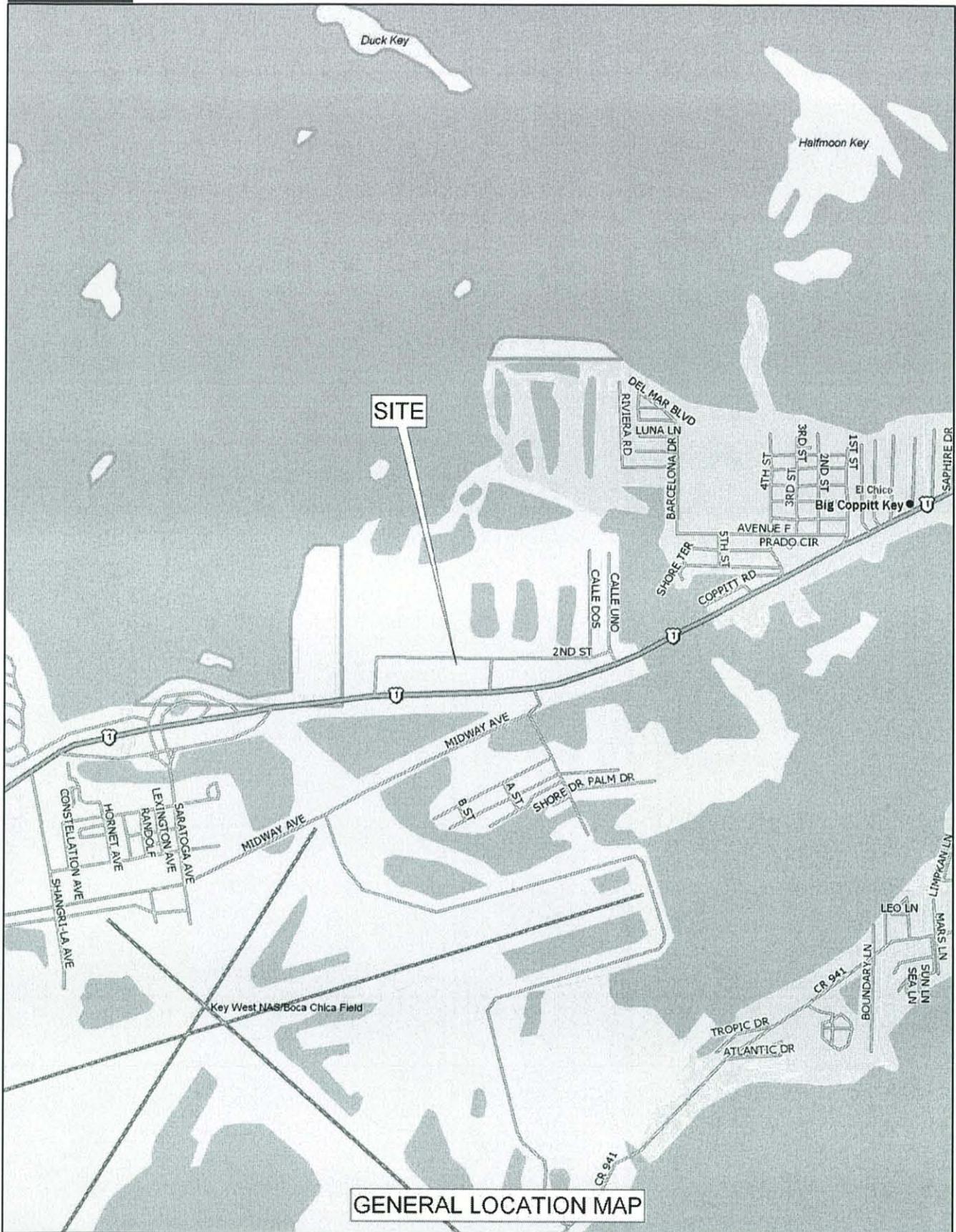
Crossroads Engineering Data, Inc.



Richard P. Eichinger
Senior Traffic Engineering Manager

Enclosures

RPE/2009-018 Rockland Key

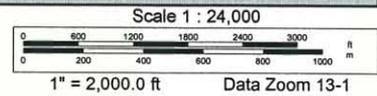


GENERAL LOCATION MAP

Data use subject to license.

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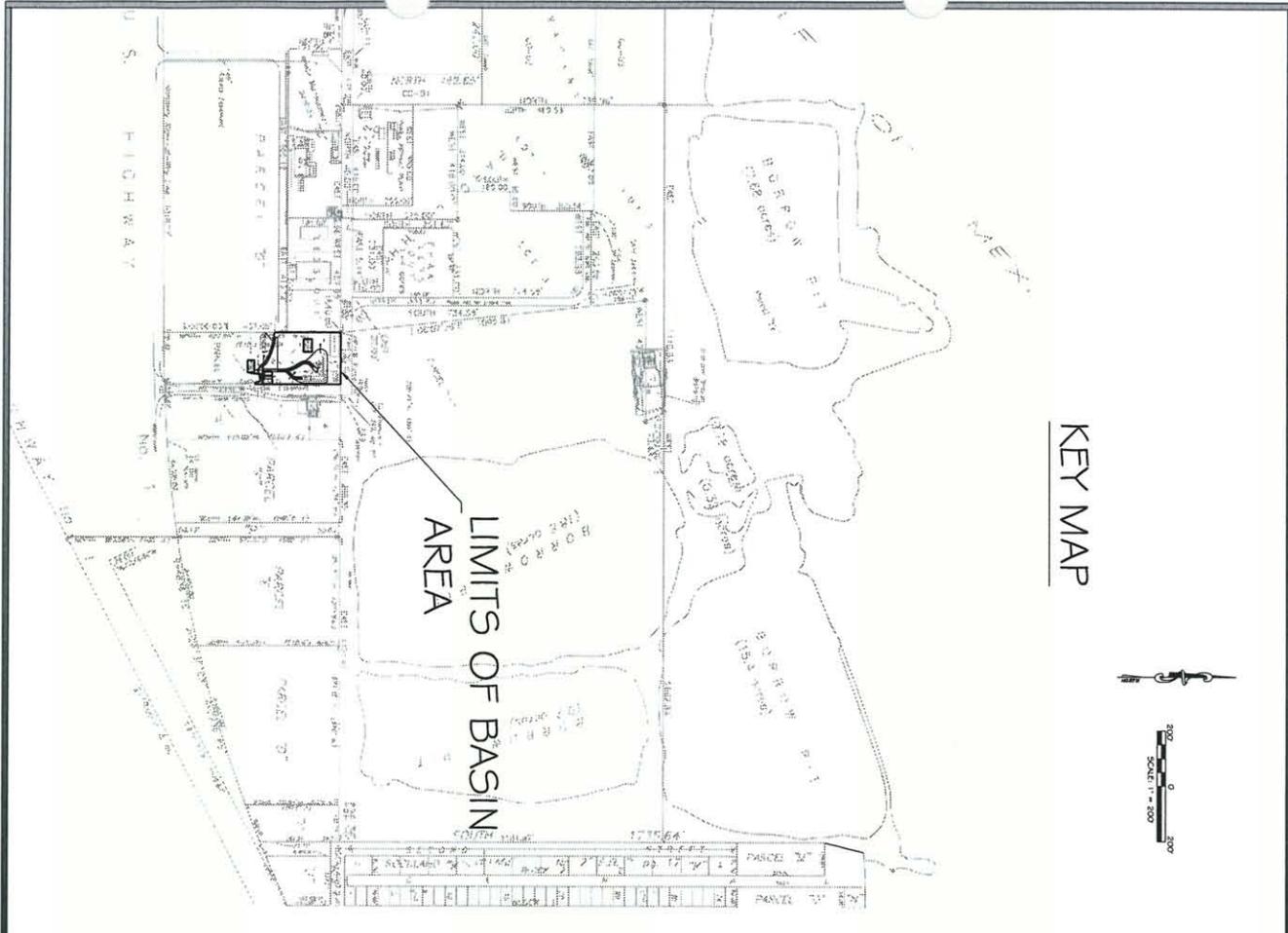
www.delorme.com



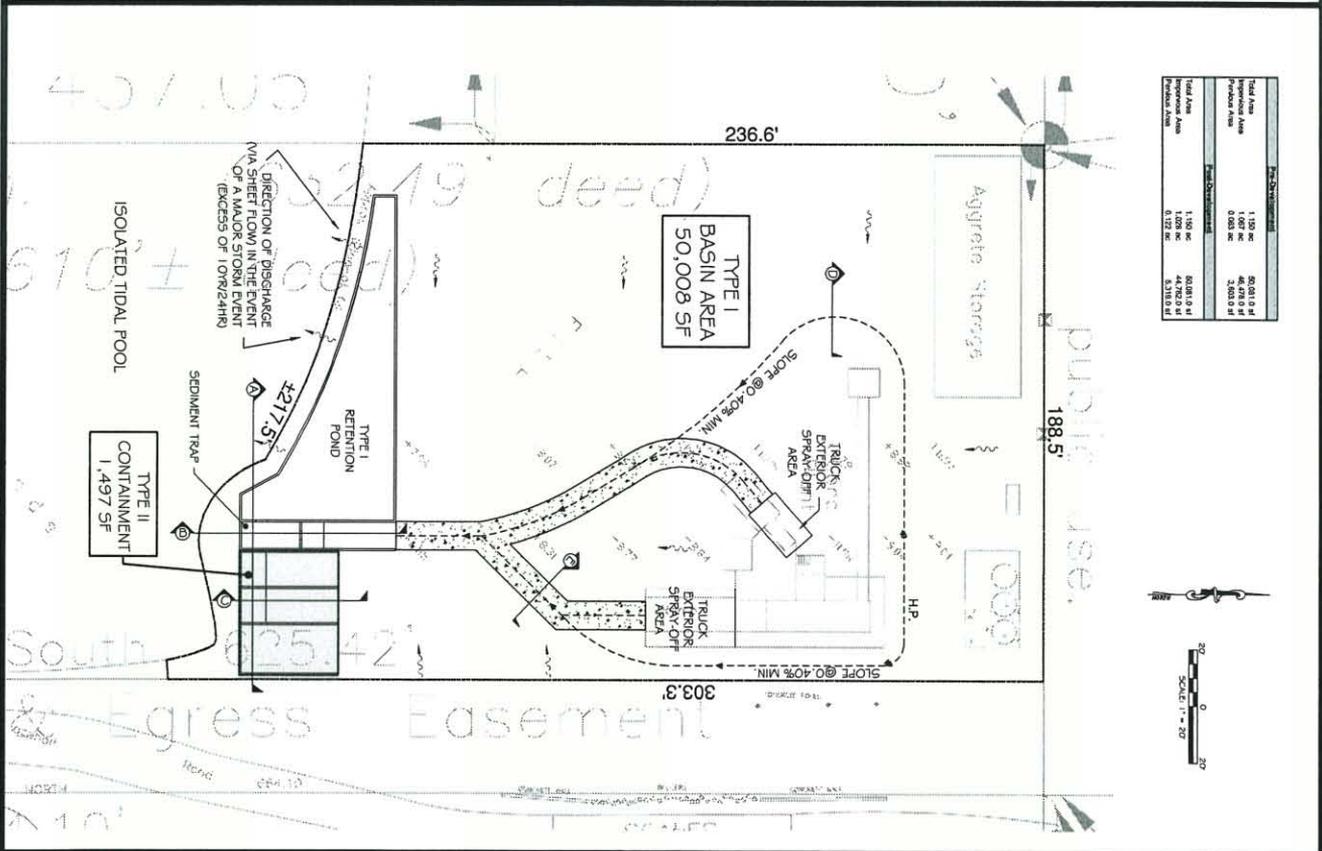
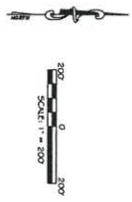
This is a new wastewater system to serve the existing Monroe Concrete Products, Inc. Ready-Mix concrete batch plant. The facility produces two wastewater streams defined under the Generic Permit document 62-621.300 (3)(a) as Type I and Type II wastewater. The wastewater system is designed to treat each type of wastewater stream in separate systems. The containment system is located on the southerly portion of the property and utilizes the principles of sheet flow to collect, direct, and treat wastewater from the concrete manufacturing process & associated activities.

The Type II system is a concrete structure consisting of 3 concrete cells: a discharge basin, a settlement basin, and a reclaimed solids drying area. Solids will be reclaimed from the discharge and settlement basins and placed in the reclaimed solids drying area. Any water present in the solids, after they have been placed in the drying area, will drain back into the settlement basin via 3 (2'x1'x.67') discharge outlets. All Type II wastewater produced from the movement of saturated solids will be directed back into the Type II system via gravity and site grading. Reclaimed solids will be stored on site, in adequate aggregate storage areas, until use in future projects as road base or clean fill. There shall be no discharges from the Type II system to surface waters of the State unless it is produced by a storm event in excess of a 25 year/24 hour storm. In this case, any discharges shall be directed to the Type I system via site grading and proposed swale system. Only that portion of flow in excess of the design storm may discharge the Type II system.

The Type I system design uses a Retention pond design criteria, which does not allow any surface discharge unless it is a result of a storm event in excess of a 10 year/24 hour storm in addition to the normal production of wastewater. The system is designed to collect and direct all Type I wastewater into a concrete sediment trap. The Type I wastewater is then directed, via a concrete weir, into a retention pond which shall demonstrate recovery of storage capacity through evaporation and percolation to groundwater. The Type I system has a storage volume of 10,936cf at a mean pond height of 4'. In the event of a storm event in excess of design capacities (10yr/24 hr), treated wastewater will be discharged via sheet flow into the southerly bordering isolated tidal pool.



KEY MAP



Area	Area	Area
Total Area	1,100 AC	20,010 SF
Basin Area	0,000 AC	2,000 SF
Retention Pond	1,100 AC	2,000 SF
Other	0,100 AC	2,000 SF



REVISIONS
 1
 2
 3
 4
 5
 6

CHARLEY TOPPINO & SONS, INC.
 P.O. BOX 787
 KEY WEST, FL 33040

TOPPINO CONCRETE BATCH PLANT
 US HWY. NO. 1 MM9
 KEY WEST, FL 33040
 WASTEWATER CONTAINMENT DESIGN (SITE LAYOUT)

REVISIONS ORIGINAL: JULY 2008

ALLEN E. PEREZ, P.E.
 Florida P.E. NO. 51468
 February 25, 2009

CIVIL ENGINEERING • REGULATORY PERMITTING • CONSTRUCTION MANAGEMENT

PEREZ ENGINEERING & DEVELOPMENT, INC.
 3507 EAST FRANKLIN BLVD. SUITE 140
 KEY WEST, FL 33040
 TEL: 305.858.8440 FAX: 305.858.9243

KEY WEST OFFICE
 1010 EAST NASSAU DRIVE, SUITE 400
 KEY WEST, FL 33040
 TEL: 305.858.8440 FAX: 305.858.9243

TAMPA OFFICE
 3507 EAST FRANKLIN BLVD. SUITE 140
 KEY WEST, FL 33040
 TEL: 305.858.8440 FAX: 305.858.9243

Monroe County Property Appraiser - Radius Report

AK: 1156043	Parcel ID: 00122020-000000	Physical Location: BIG COPPITT KEY	
Legal Description:	21 67 26 BB67621-10 EAST ROCKLAND KEY PT LOT 5 OR8		8-279-280
Owners Name:	DOT/ST.OF FL (STATE ROAD DEPT)		
Address::	TALLAHASSEE, FL 32399		
AK: 9087172	Parcel ID: 00122081-000300	Physical Location:	
Legal Description:	LOT 3 ROCKLAND INDUSTRIAL PARK PB7-76		
Owners Name:	ROCKLAND OPERATIONS LLC		
Address::	P O BOX 787	KEY WEST, FL 33041	
AK: 9087173	Parcel ID: 00122081-000400	Physical Location:	
Legal Description:	LOT 4 ROCKLAND INDUSTRIAL PARK PB7-76		
Owners Name:	ROCKLAND OPERATIONS LLC		
Address::	P O BOX 787	KEY WEST, FL 33041	
AK: 9087174	Parcel ID: 00122081-000500	Physical Location:	
Legal Description:	PRIVATE ROAD/UTILITY EASEMENT ROCKLAND INDUST	RIAL PARK PB7-76	
Owners Name:	ROCKLAND OPERATIONS LLC		
Address::	P O BOX 787	KEY WEST, FL 33041	
AK: 8946180	Parcel ID: 00122040-000102	Physical Location: 151 TOPPINO DR BLDG 3 GEIGER KEY	
Legal Description:	21-67-26 EAST ROCKLAND KEY PT LOT 6 (A/K/A PARCEL		7) OR1596-979/80(JMH) OR1596-100
Owners Name:	TOPPINO EDWARD FAMILY LIIMITED PARTNERSHIP THE		
Address::	46 CYPRESS AVE	KEY WEST, FL 33040	
AK: 8946202	Parcel ID: 00122070-000105	Physical Location: ROCKLAND KEY	
Legal Description:	21-67-26 ROCKLAND KEY PT GOVT LOT 7 (A/K/A PARCEL		2) OR1596-975/76(JMH) OR1596-995/
Owners Name:	TOPPINO FRANK P LIMITED PARTNERSHIP THE		
Address::	37 EVERGREEN AVENUE	KEY WEST, FL 33040	
AK: 1156086	Parcel ID: 00122050-000000	Physical Location: 161 HIGH HWY BLDG 1,2,3 ROCKLAND KEY	
Legal Description:	21-67-26 EAST ROCKLAND KEY PT GOV LOT 6 OR150-504/		506 OR307-510/511 OR913-2233/34 C
Owners Name:	HENSON STEVE R & DEBORAH A		
Address::	5551 2ND AVE - STOCK ISLAND	KEY WEST, FL 33040	
AK: 8571038	Parcel ID: 00122030-000100	Physical Location: ROCKLAND KEY	
Legal Description:	21-67-26 BB67621-11.1 EAST ROCKLAND KEY PT GOVT LT		6 OR790-1221/1223 OR1884-1212/16
Owners Name:	TOPPINO LAND TRUST LLC		
Address::	P O BOX 787	KEY WEST, FL 33041	
AK: 8571046	Parcel ID: 00122070-000100	Physical Location: ROCKLAND KEY	
Legal Description:	21 67 26 ROCKLAND KEY PT GOVT LT 7 OR790-1219/1220		OR985-1801-E OR1884-1221/25 OR2
Owners Name:	FPT LAND TRUST NO 1		
Address::	P O BOX 787	KEY WEST, FL 33041	
AK: 1156078	Parcel ID: 00122040-000100	Physical Location: ROCKLAND KEY	
Legal Description:	21-67-26 EAST ROCKLAND KEY PT LOT 6 OR434-547-548		OR790-1219/1220 OR1884-1221/25 C
Owners Name:	FPT LAND TRUST NO 1		
Address::	P O BOX 787	KEY WEST, FL 33041	
AK: 1156094	Parcel ID: 00122060-000000	Physical Location: ROCKLAND KEY	
Legal Description:	21 67 26 BB67621-13 EAST ROCKLAND KEY PT LOT 6 OR8		8-279-280
Owners Name:	DOT/ST.OF FL (STATE ROAD DEPT)		
Address::	TALLAHASSEE, FL 32399		
AK: 1156124	Parcel ID: 00122090-000000	Physical Location: BOCA CHICA	
Legal Description:	21 67 26 BB67621-15 ROCKLAND KEY LOT 7 OR88-279-28		0 OR448-344-345
Owners Name:	DOT/ST.OF FL (STATE ROAD DEPT)		
Address::	TALLAHASSEE, FL 32399		
AK: 8884940	Parcel ID: 00121980-000500	Physical Location: ROCKLAND KEY	
Legal Description:	21 67 26 PT GOVT LOTS 5 & 6 OR1329-2354/56 OR1329-		2357/59 OR1842-2199/01 OR1884-12:
Owners Name:	TOPPINO LAND TRUST LLC		
Address::	P O BOX 787	KEY WEST, FL 33041	

AK: 9025699 Parcel ID: 00122080-000600 Physical Location: 147 OVERSEAS HWY ROCKLAND KEY
Legal Description: 21 67 26 ROCKLAND KEY PT LOTS 5-6 & 7 OR1824-146 2/64
Owners Name: FLORIDA KEYS AQUEDUCT AUTHORITY
Address:: P O BOX 1239 KEY WEST, FL 33041-1239

AK: 8946158 Parcel ID: 00122040-000101 Physical Location: ROCKLAND KEY
Legal Description: 21-67-26 EAST ROCKLAND KEY PT LOT 6 & PT LOT 7 (A/ K/A PARCEL 1) OR1596-983/85(JMH)
Owners Name: TOPPINO FRANK P LIMITED PARTNERSHIP THE
Address:: 37 EVERGREEN AVENUE KEY WEST, FL 33040

AUTHORIZATION FORM

I, Paul E. Toppino, Manager of the TOPPINO LAND TRUST, LLC, authorize Adele V. Stones, Stones & Cardenas, to be the representative for the Application for Minor Conditional Use, and to act on my behalf before the Monroe County Planning & Environmental Resources Department.

TOPPINO LAND TRUST, LLC

By: 
Paul E. Toppino, Manager

STATE OF FLORIDA
COUNTY OF MONROE

I **HEREBY CERTIFY** that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, TOPPINO LAND TRUST, LLC, by and through its Manager, Paul E. Toppino, who is personally known to me to be the individual described in and who executed the foregoing or who produced _____ as identification, and he acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Key West, County of Monroe, and State of Florida, this 10th day of March, 2009.


Printed Name of Notary


NOTARY PUBLIC

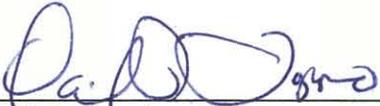
My Commission Expires: PUBLIC STATE OF FLORIDA

 Susan Overton
Commission # DD456801
Expires: SEP 18, 2009
Bonded Thru Atlantic Bonding Co., Inc.

AUTHORIZATION FORM

I, Daniel P. Toppino, Trustee under the FPT LAND TRUST NO. 1, authorize Adele V. Stones, Stones & Cardenas, to be the representative for the Application for Minor Conditional Use, and to act on my behalf before the Monroe County Planning & Environmental Resources Department.

FPT LAND TRUST NO. 1

By: 
Daniel P. Toppino, Trustee

STATE OF FLORIDA
COUNTY OF MONROE

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, FPT LAND TRUST NO. 1, by and through its Trustee, Daniel P. Toppino, who is personally known to me to be the individual described in and who executed the foregoing or who produced _____ as identification, and he acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Key West, County of Monroe, and State of Florida, this 10th day of March, 2009.

Susan Overton
Printed Name of Notary


NOTARY PUBLIC

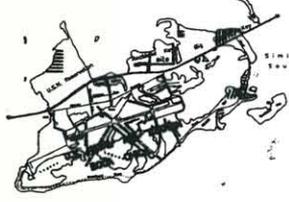
My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
 Susan Overton
Commission # DD456801
Expires: SEP 18, 2009
Bonded Thru Atlantic Bonding Co., Inc.

This is a new wastewater system to serve the existing Monroe Concrete Products, Inc. Ready-Mix concrete batch plant. The facility produces two wastewater streams defined under the Generic Permit document 62-621.300 (3)(a) as Type I and Type II wastewater. The wastewater system is designed to treat each type of wastewater stream in separate systems. The containment system is located on the southerly portion of the property and utilizes the principles of sheet flow to collect, direct, and treat wastewater from the concrete manufacturing process & associated activities.

The Type II system is a concrete structure consisting of 3 concrete cells: a discharge basin, a settlement basin, and a reclaimed solids drying area. Solids will be reclaimed from the discharge and settlement basins and placed in the reclaimed solids drying area. Any water present in the solids, after they have been placed in the drying area, will drain back into the settlement basin via 3 (2'x1'x.67') discharge outlets. All Type II wastewater produced from the movement of saturated solids will be directed back into the Type II system via gravity and site grading. Reclaimed solids will be stored on site, in adequate aggregate storage areas, until use in future projects as road base or clean fill. There shall be no discharges from the Type II system to surface waters of the State unless it is produced by a storm event in excess of a 25 year/24 hour storm. In this case, any discharges shall be directed to the Type I system via site grading and proposed swale system. Only that portion of flow in excess of the design storm may discharge the Type II system.

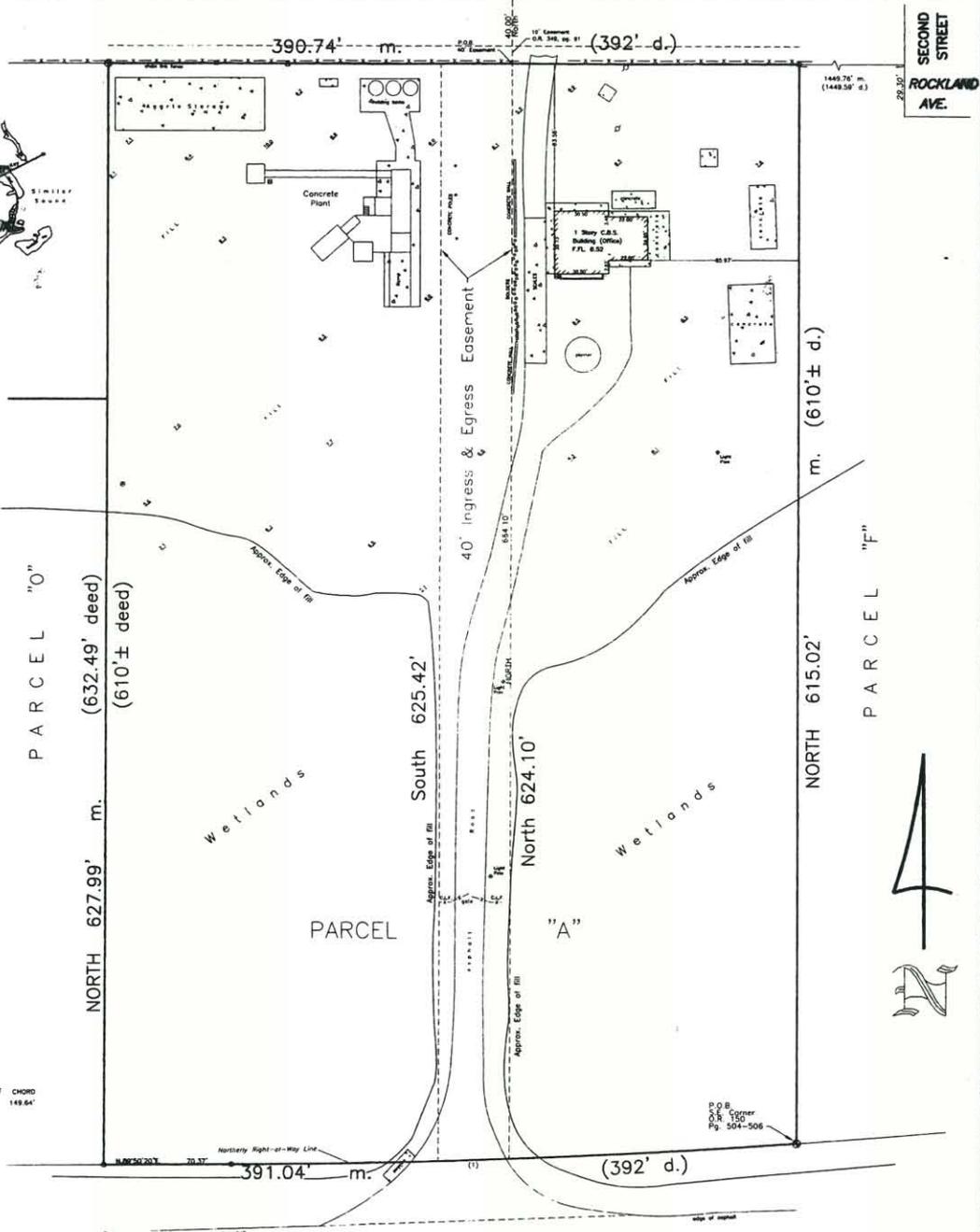
The Type I system design uses a Retention pond design criteria, which does not allow any surface discharge unless it is a result of a storm event in excess of a 10 year/24 hour storm in addition to the normal production of wastewater. The system is designed to collect and direct all Type I wastewater into a concrete sediment trap. The Type I wastewater is then directed, via a concrete weir, into a retention pond which shall demonstrate recovery of storage capacity through evaporation and percolation to groundwater. The Type I system has a storage volume of 10,936cf at a mean pond height of 4'. In the event of a storm event in excess of design capacities (10yr/24 hr), treated wastewater will be discharged via sheet flow into the southerly bordering isolated tidal pool.



LOCATION MAP

LEGAL DESCRIPTION
PARCEL "A"
 A portion of Government Lot No. 6, Section 21, Township 67 South, Range 26 East, Rockland Key, Monroe County, Florida, more particularly described as follows: Begin at the Southwest corner of that parcel of land described in Official Record Book 150 at pages 504 to 506, of the Public Records of Monroe County, Florida and run thence North 810 feet, more or less, to the Northwest corner of the above sold parcel; thence run West, 392 feet to a point; thence run South 610 feet, more or less, to the North Right of Way of U.S. Highway No. 1; thence run East along the North Right of Way of U.S. Highway No. 1, a distance of 392 feet, more or less back to the Point of Beginning.

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD
(1)	5804.65'	0°12'38"	149.84'	74.83'	149.84'



LEGAL DESCRIPTION
PARCEL "A"
 A portion of Government Lot No. 6, Section 21, Township 67 South, Range 26 East, Rockland Key, Monroe County, Florida, more particularly described as follows: Begin at the Southwest corner of that parcel of land described in Official Record Book 150 at pages 504 to 506, of the Public Records of Monroe County, Florida and run thence North 810 feet, more or less, to the Northwest corner of the above sold parcel; thence run West, 392 feet to a point; thence run South 610 feet, more or less, to the North Right of Way of U.S. Highway No. 1; thence run East along the North Right of Way of U.S. Highway No. 1, a distance of 392 feet, more or less back to the Point of Beginning.

SURVEYOR'S NOTES:
 North arrow based on plot assumed mean
 Reference Bearing: N 78 U.S. No. 1
 Elevations based on N.C.V.D. 1929 Datum
 Bench Mark No.: Elevation:

Monumentation:
 @ = set 1/2" Iron Pipe, P.L.S. No. 2749

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

FREDERICK H. WILDBRANDT
 Professional Land Surveyor No. 2749
 Professional Engineer No. 36810
 State of Florida

NOT VALID UNLESS EMBOSSED WITH RAISED SEAL

- Abbreviations:**
- S/S = Story
 - R/W = Right-of-Way
 - f = Found
 - d = Plot
 - m = Measured
 - M.H.W. = Mean High Water
 - O.R. = Official Records
 - Sec. = Section
 - Twp. = Township
 - Rge. = Range
 - N.T.S. = Not to Scale
 - ± = Centerline
 - Elev. = Elevation
 - B.M. = Bench Mark
 - P.C. = Point of Curvature
 - C.L.F. = Chain Link Fence
 - P.T. = Point of Tangency
 - P.O.C. = Point of Commencement
 - P.O.B. = Point of Beginning
 - P.B. = Plot Book
 - pg. = page
 - u/g = Underground
 - o/n = Overhead
 - F.F.L. = Finish Floor Elevation
 - Ir. = Irregular
 - conc. = concrete
 - I.P. = Iron Pipe
 - I.B. = Iron Bar
 - ℄ = Rebar
 - C.B. = Concrete Block
 - C.B.S. = Concrete Block Stub
 - cov.g. = Covered
 - P.I. = Point of Intersection
 - w.m. = Water Meter
 - Pl. = Plaster
 - Hyd. = Fire Hydrant
 - ⊕ = concrete utility pole

Field Work performed on: 3/20/09

Monroe Concrete Products, Inc.
 Rockland Key, Key West, FL 33040

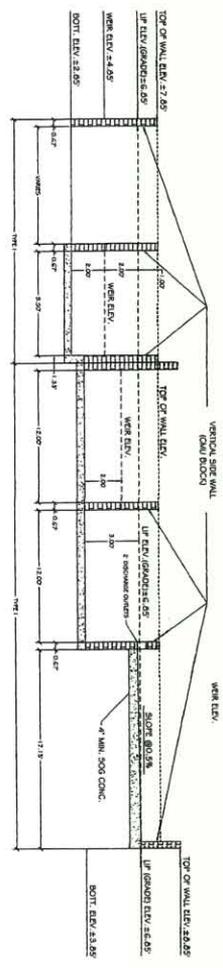
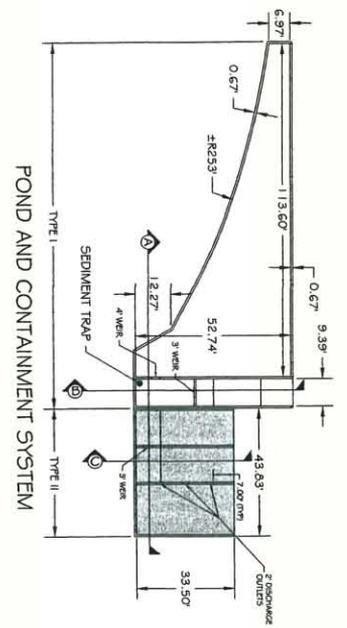
BOUNDARY SURVEY

Scale: 1" = 30'
 Date: 3/20/09

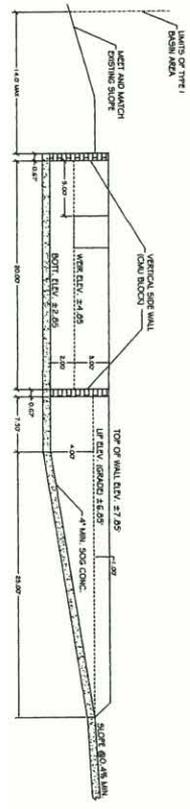
RECEIVED
 MAR 23 2009
 BY: 281034

ISLAND SURVEYING INC.
 GEORGE FLANNERY SURVEYOR

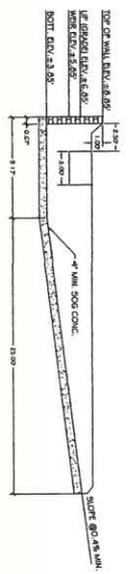
3132 Matthews Ave.
 Suite 211
 Key West, FL 33040
 Phone: 305-297-2277
 Fax: 305-297-2277



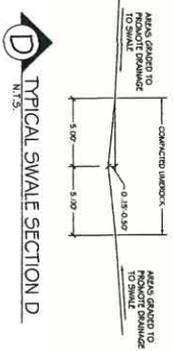
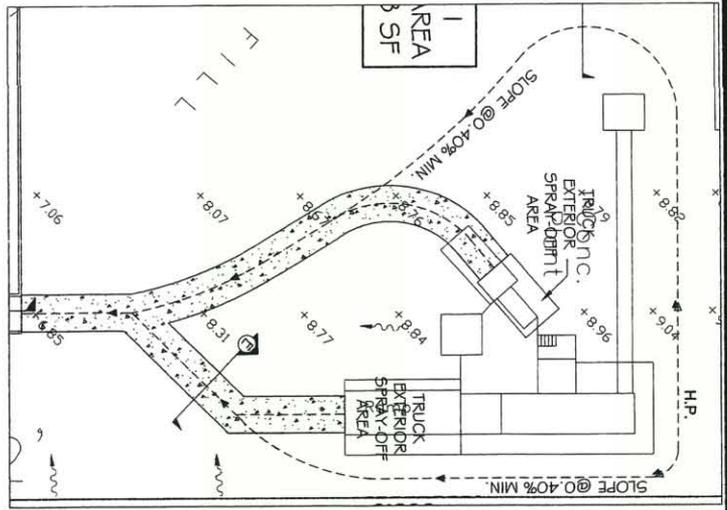
A CROSS SECTION A
N.T.S.



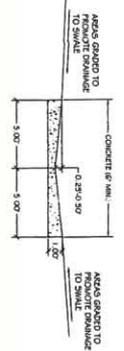
B CROSS SECTION B
N.T.S.



C CROSS SECTION C
N.T.S.



D TYPICAL SWALE SECTION D
N.T.S.



E TYPICAL SWALE SECTION E
N.T.S.

SHEET C-2

CHARLEY TOPPING & SONS, INC.
P.O. BOX 787
KEY WEST, FL 33040

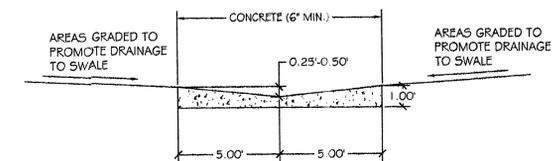
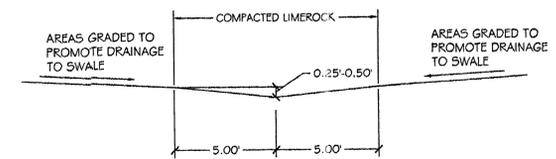
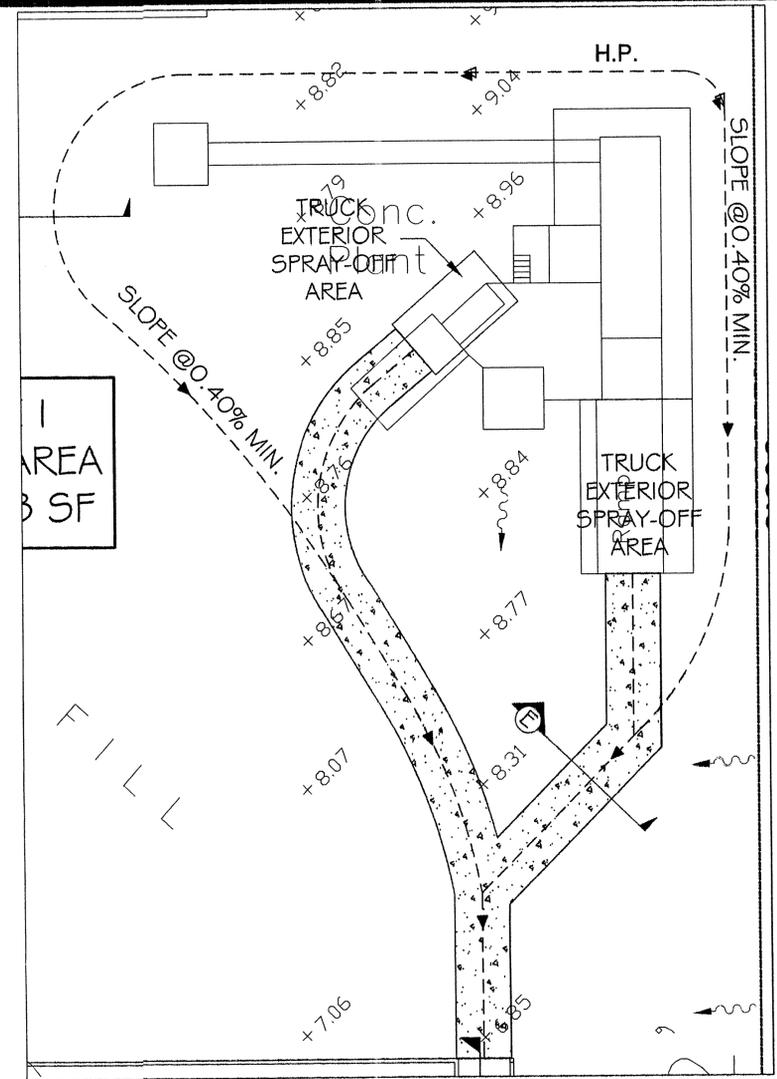
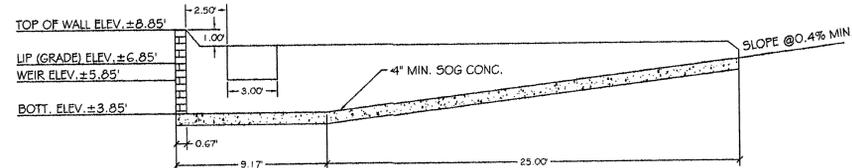
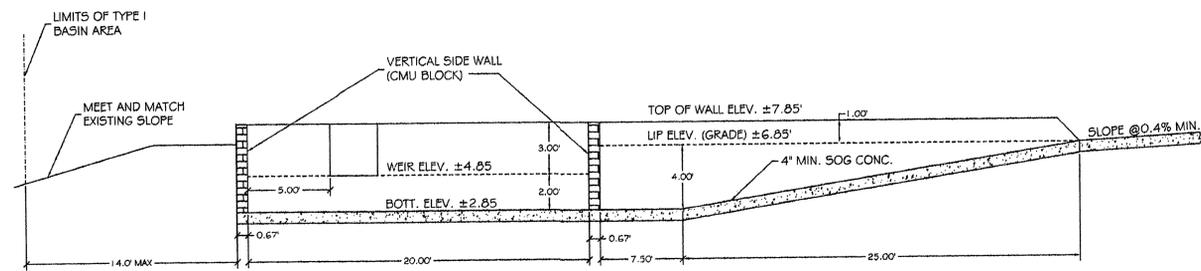
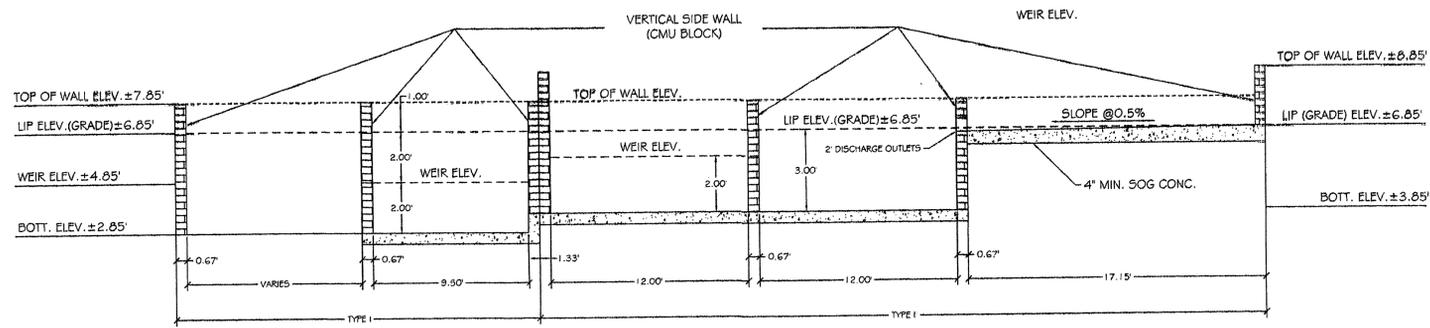
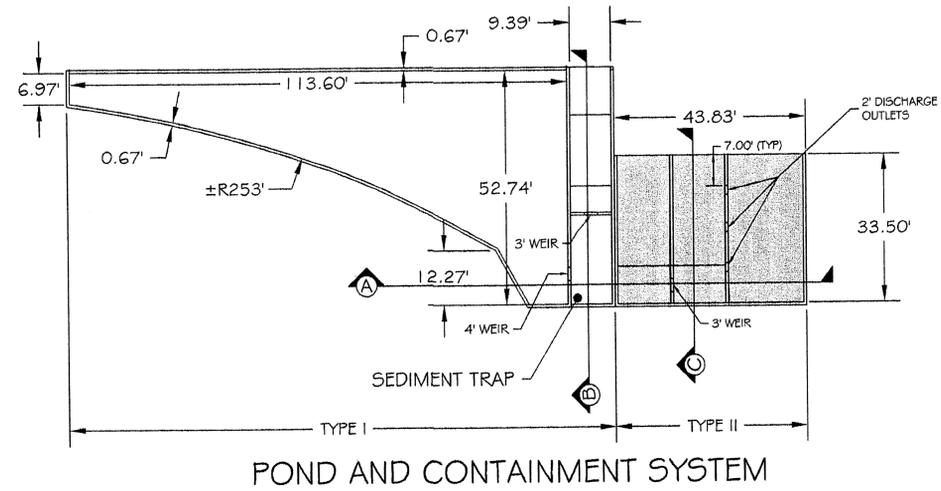
TOPPING CONCRETE BATCH PLANT
US HWY. NO. 1 MM9
KEY WEST, FL 33040
WASTEWATER CONTAINMENT DESIGN (CROSS SECTIONS)

REVISIONS:
1. ORIGINAL - JULY 2008
2.
3.
4.
5.
6.

ALVIN PEREZ
Florida P.E. NO. 51468
February 23, 2009

PEREZ ENGINEERING & DEVELOPMENT, INC.
CERTIFICATE OF ACCREDITATION NO. 8579
REG. WHITE DESIGN
1010 EAST GARDNER DRIVE, SUITE 400
KEY WEST, FLORIDA 33040
TEL: (305) 283-8440 FAX: (305) 286-0243
TAMPA OFFICE
CORCORAN CENTER
3907 EAST PINECONE ROAD, SUITE 140
TAMPA, FLORIDA 33617
TEL: (813) 878-1616 FAX: (813) 298-0710

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BY: 29037



CIVIL ENGINEERING • REGULATORY PERMITTING • CONSTRUCTION MANAGEMENT

KEY WEST OFFICE
1010 EAST KENNEDY DRIVE, SUITE 400
KEY WEST, FLORIDA 33040
TEL: (305) 259-9440 FAX: (305) 259-0243

TAMPA OFFICE
3507 EAST FRONTAGE ROAD, SUITE 140
TAMPA, FLORIDA 33607
TEL: (813) 575-1616 FAX: (813) 286-0710

PEREZ ENGINEERING & DEVELOPMENT, INC.
February 23, 2009

ALLEN PEREZ, P.E.
Florida P.E. #055488

ORIGINAL: JULY 2008

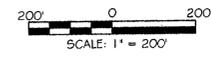
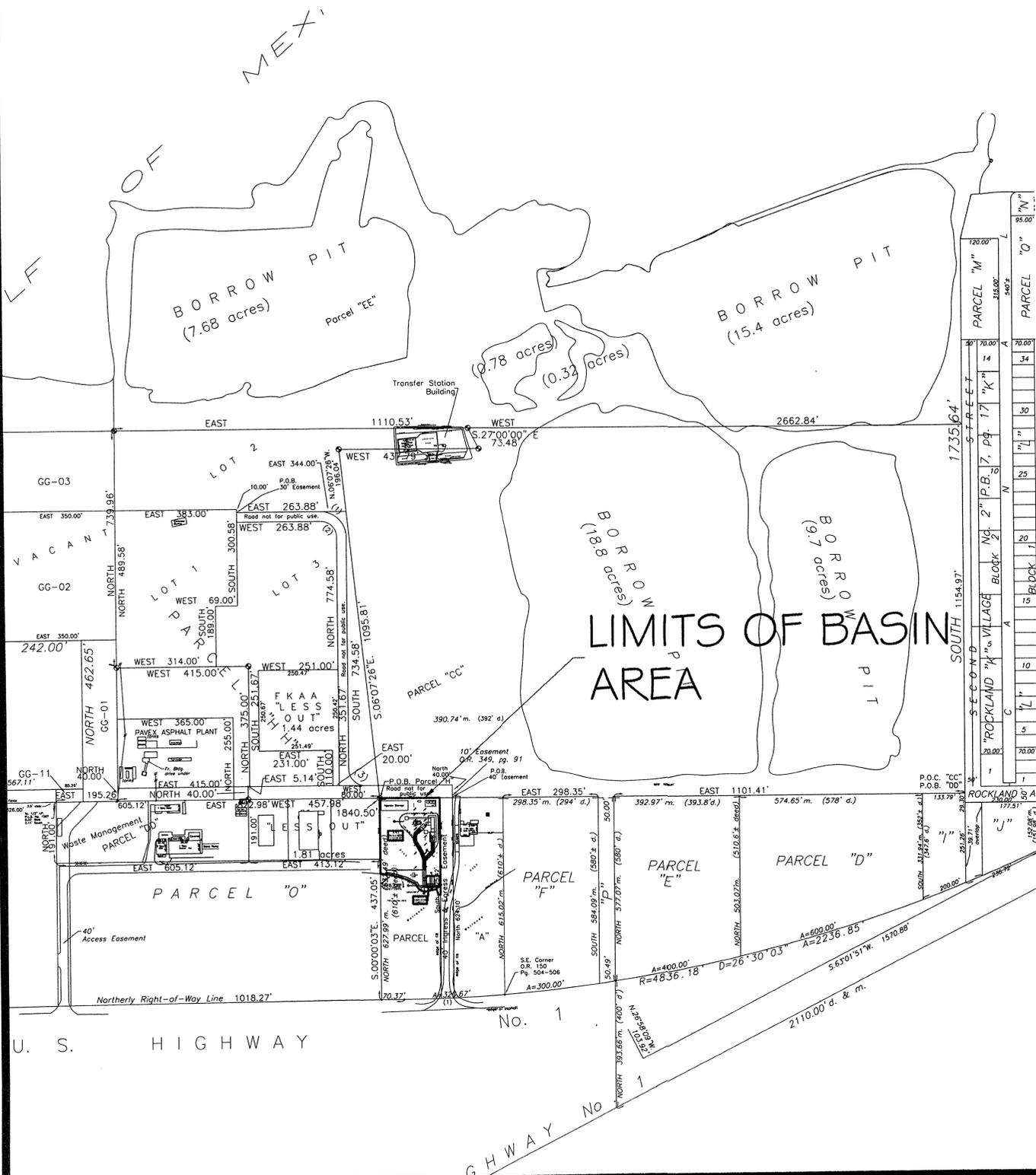
REVISIONS:	DATE	DESCRIPTION
1		
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TOPPINO CONCRETE BATCH PLANT
US HWY. NO. 1 MM9
KEY WEST, FL 33040
WASTEWATER CONTAINMENT DESIGN (CROSS SECTIONS)

CHARLEY TOPPINO & SONS, INC.
P.O. BOX 787
KEY WEST, FL 33040

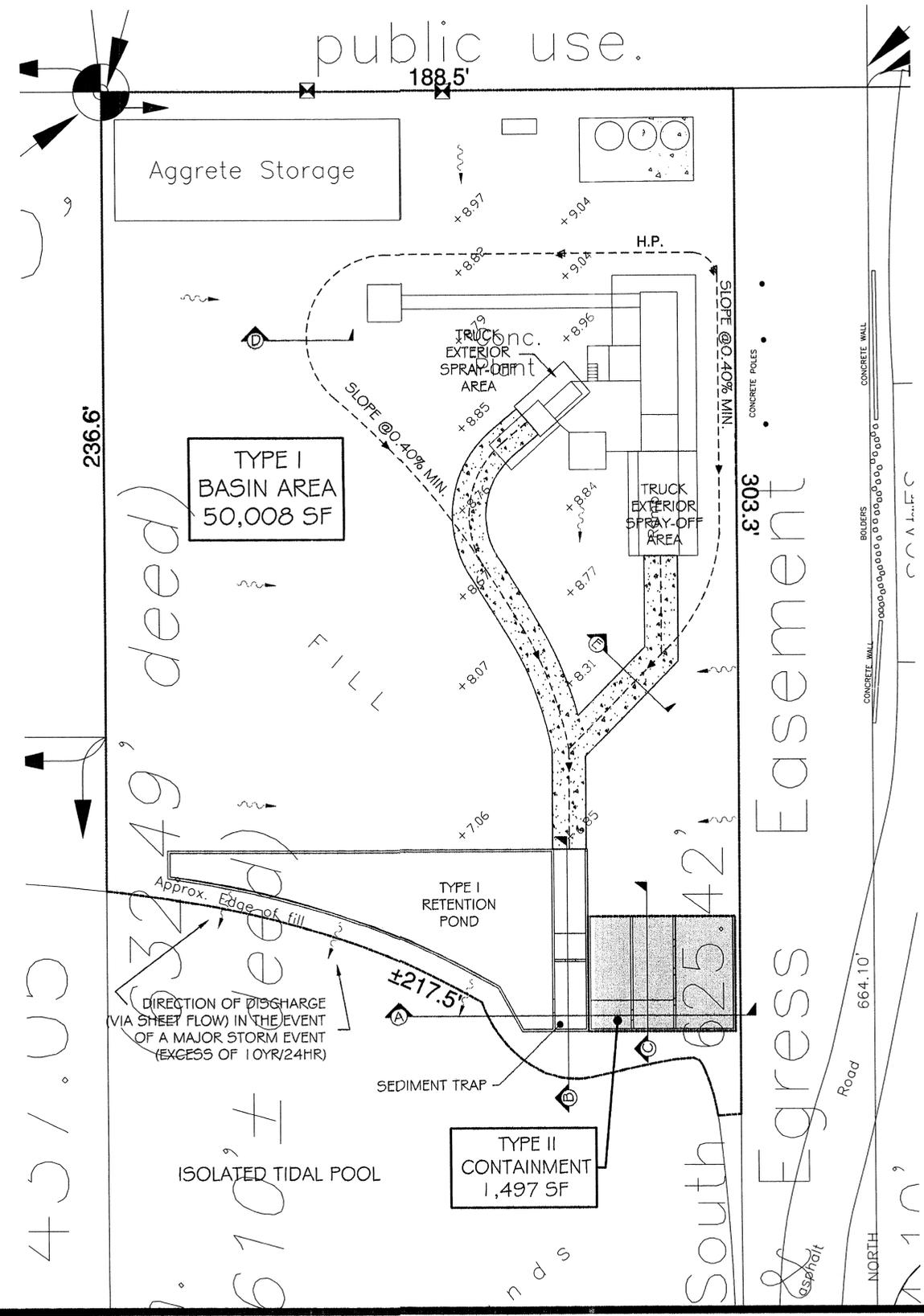
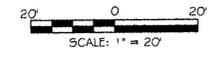
JOB NO. 081010
DRAWN RTM
DESIGNED AEP
CHECKED AEP
QC
SHEET C-2

RECEIVED
APR - 7 2009
BY: 897034



TOTAL AREA		
Total Area	1.150 ac	50,081.0 sf
Impervious Area	1.067 ac	46,478.0 sf
PerVIOUS Area	0.083 ac	3,603.0 sf

TOTAL AREA		
Total Area	1.150 ac	50,081.0 sf
Impervious Area	1.028 ac	44,762.0 sf
PerVIOUS Area	0.122 ac	5,319.0 sf



CIVIL ENGINEERING • REGULATORY PERMITTING • CONSTRUCTION MANAGEMENT

KEY WEST OFFICE
1010 EAST GARDNER DRIVE, SUITE 400
KEY WEST, FLORIDA 33040
TEL: (305) 295-9440 FAX: (305) 296-0243

TAMPA OFFICE
CONCOURSE CENTER
3507 EAST CONCOURSE CENTER
TAMPA, FLORIDA 33607
TEL: (813) 572-1616 FAX: (813) 288-0710

Perez Engineering & Development, Inc.
ALLEN E. PEREZ, P.E.
Florida P.E. No. 51468
February 23, 2009

ORIGINAL: JULY 2009

REVISIONS:

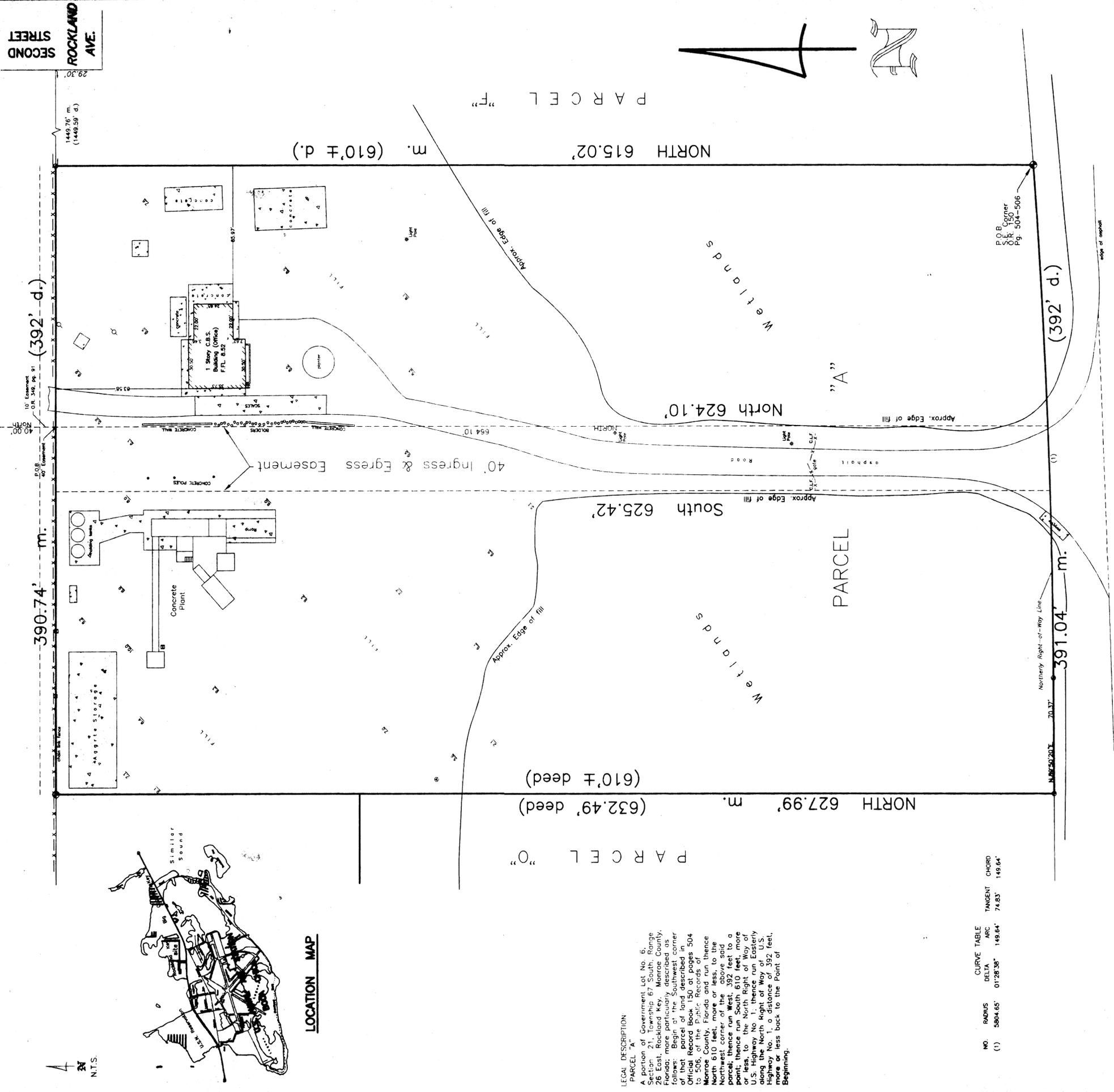
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CHARLEY TOPPINO & SONS, INC.
P.O. BOX 787
KEY WEST, FL 33040

TOPPINO CONCRETE BATCH PLANT
US HWY. NO. 1 MM9
KEY WEST, FL 33040
WASTEWATER CONTAINMENT DESIGN (SITE LAYOUT)

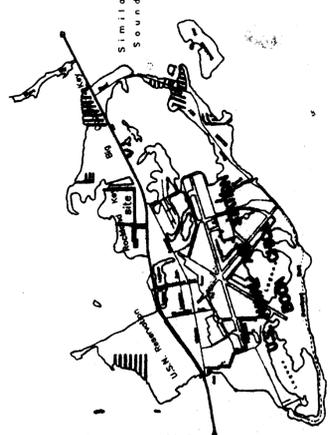
JOB NO. 081010
DRAWN RTM
DESIGNED AEP
CHECKED AEP
QC
SHEET C-1

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MAR 29 2009
BY: 20034



U. S. HIGHWAY No. 1

ROCKLAND AVE.
SECOND STREET



LOCATION MAP

LEGAL DESCRIPTION

PARCEL "A"
A portion of Government Lot No. 6, Range 67 North, Township 21 South, Range 26 East, Rockland Key, Monroe County, Florida; more particularly described as follows: Begin at the Southwest corner of that parcel of land described in Official Record Book 150 at pages 504 to 506, of the Public Records of Monroe County, Florida and run thence North 610 feet, more or less, to the Northwest corner of the above said parcel; thence run West, 392 feet to a point; thence run South 610 feet, more or less, to the North Right of Way of U.S. Highway No. 1; thence run Easterly along the North Right of Way 392 feet, more or less back to the Point of Beginning.

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD
(1)	5804.65'	01°28'38"	149.64'	74.83'	149.64'

MONUMENTATION:

PARCEL "A"
A portion of Government Lot No. 6, Section 21, Township 21 South, Range 26 East, Rockland Key, Monroe County, Florida; more particularly described as follows: Begin at the Southwest corner of that parcel of land described in Official Record Book 150 at pages 504 to 506, of the Public Records of Monroe County, Florida and run thence North 610 feet, more or less, to the Northwest corner of the above said parcel; thence run West, 392 feet to a point; thence run South 610 feet, more or less, to the North Right of Way of U.S. Highway No. 1; thence run Easterly along the North Right of Way 392 feet, more or less back to the Point of Beginning.

SURVEYOR'S NOTES:

Monumentation:
● = set 1/2" Iron Pipe, P.L.S. No. 2749
Bench arrow based on plot assumed median
Reference Bearing: R/W U.S. No. 1
Elevations based on N.C.V.D. 1929 Datum
Bench Mark No.: _____ Elevation: _____

CERTIFICATION:

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

FREDERICK H. HALDEBRANDT
Professional Land Surveyor No. 2749
Professional Engineer No. 36810
State of Florida

NOT VALID UNLESS EMBOSSED WITH RAISED SEAL

Abbreviations:

- St. = Story
- R/W = Right-of-Way
- to = to
- P. = Plat
- pg. = page
- u/g = Underground
- o/h = Overhead
- F.F. = Finish Floor Elevation
- irr. = Irregular
- conc. = concrete
- I.P. = Iron Pipe
- I.B. = Iron Bar
- ℄ = Baseline
- C.B. = Concrete Block
- C.B.S. = Concrete Block Stucco
- cov'd. = Covered
- P.I. = Point of Intersection
- w.m. = Water Meter
- Pl. = Planter
- P.T. = Point of Tangency
- P.O.C. = Point of Commence
- = concrete utility pole

Field Work performed on: 3/20/09

Manroe Concrete Products, Inc.
Rockland Key, Key West, FL 33040

BOUNDARY SURVEY		Plan No. 08-151
Scale: 1"=30'	Revised: 3/20/09	Book No. 151
Date: 3/20/09	Revised: 3/20/09	Page No. 1 of 1
Responsible: F.H. Haldebrandt	Approved: F.H. Haldebrandt	

RECEIVED
MAR 29 2009
BY: 29024

ISLAND SURVEYING INC.
SURVEYORS

3132 Northside Drive
Suite 201, Ft. 33040
(305) 293-5444
Fax: (305) 293-5447
www.islandsurveying.com



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: The Development Review Committee and Townsley Schwab, Sr. Director of Planning & Environmental Resources

From: Bill Harbert, Planner *BH*
Janis Vaseris, Biologist *JV*

Date: April 30, 2009

Subject: *Request for a Minor Conditional Use Permit by Toppino Land Trust LLC & FPT Land Trust Number 1, for property located at approximate mile marker 5 of the Overseas Highway (US 1), Rockland Key, Real Estate No. 00122040.000000*

Meeting: May 5, 2009

1 I REQUEST:

2
3 The applicant is requesting approval of a minor conditional use permit in order to construct a
4 wastewater treatment facility to gather and treat wastewater collected from the washing of
5 industrial trucks and to carry out site improvements associated with the construction of the
6 facility.



Subject Property and Surrounding Vicinity (2006)

1 Location:

2 Address: Overseas Highway (US 1), Rockland Key, mile marker 5 (gulf side)

3 Legal Description: Part Lot 6, Section 21, Township 67, Range 26, East Rockland Key

4 Real Estate (RE) Number: 00122040.000000

5 Applicant:

6 Owner: Toppino Land Trust LLC & FPT Land Trust Number 1

7 Agent: Adele V. Stones

8
9
10
11
12
13
14 **II RELEVANT PRIOR COUNTY ACTIONS:**

15
16 Building Permit 091-0216 was applied for on January 15, 2009. The applicant was notified
17 that minor conditional use permit approval would be required prior to approval. The building
18 permit application was placed into pending until resolution of this application.

19
20 **III BACKGROUND INFORMATION:**

21
22 A. Size of Site (per site plan): 239,580 ft² (5.5 acres)

23 B. Land Use District: Industrial (I)

24 C. Future Land Use Map (FLUM) Designation: Industrial (I)

25 D. Tier Designation: Tier 3

26 E. Flood Zone: AE – EL 10

27 F. Existing Use: Industrial

28 G. Existing Vegetation / Habitat: Developed with adjacent cement plant

29 H. Community Character of Immediate Vicinity: Mixed Use – commercial, light industrial
30 and heavy industrial uses

31
32 **IV REVIEW OF APPLICATION:**

33
34 MCC §110-67 provides the standards which are applicable to all conditional uses. When
35 considering applications for a conditional use permit, the Development Review Committee
36 and the Director of Planning and Environmental Resources shall consider the extent to
37 which:

38
39 A. *The conditional use is consistent with the purposes, goals, objectives and standards of the*
40 *comprehensive plan and the land development regulations:*

41
42 The proposed development is consistent with the purposes, goals, objectives and
43 standards of the MC future land use category and the SC District.

44
45 Policies from the Monroe County Year 2010 Comprehensive Plan that directly pertain to
46 the proposed use include:

47
48 Policy 101.4.7: The principal purpose of the Industrial land use category is to
49 provide for the development of industrial, manufacturing, and warehouse and

1 distribution uses. Other commercial, public, residential, and commercial fishing-
2 related uses are also allowed.

3
4 Policy 101.5.3: In order to encourage a compact form of non-residential growth,
5 the Permit Allocation System shall limit and direct new non-residential
6 development primarily to areas designated as Tier III under Goal 105 not located
7 within a designated Special Protection Area and provide incentives for
8 redevelopment of existing developed and vacant infill sites.

9
10 Policy 901.1.1: Monroe County shall ensure that at a time a development permit
11 is issued, adequate sanitary wastewater treatment and disposal facilities are
12 available to support the development at the adopted level of service standards,
13 concurrent with the impacts of such development.

14
15 Policy 901.1.3: All improvements for replacement, expansion, or increase in
16 capacity of sanitary wastewater treatment and disposal facilities shall be
17 compatible with the adopted level of service standards for the facilities.

18
19 B. *The conditional use is consistent with the community character of the immediate vicinity:*

20
21 A wastewater treatment facility intended only for collection and treatment of water from
22 the washing of industrial cement trucks would be compatible with development on
23 neighboring properties, an area which is composed of a mixture of commercial retail,
24 office and industrial uses. Therefore, the proposed development would be consistent with
25 the community character of the immediate vicinity.

26
27 C. *The design of the proposed development minimizes adverse effects, including visual*
28 *impacts, on adjacent properties:*

29
30 The site is in an industrial land use district and the surrounding area is developed
31 predominately with industrial uses. The proposed development would be compatible with
32 the surrounding community character. Therefore, the proposed development minimizes
33 adverse effects, including visual impacts, on adjacent properties.

34
35 D. *The proposed use will have an adverse impact on the value of surrounding properties:*

36
37 It is not anticipated that the proposed development will have an adverse impact on the
38 value of the surrounding properties.

39
40 E. *The adequacy of public facilities and services:*

41
42 1. Roads:

43
44 *Localized Impacts & Access Management:* Access to and from the development shall
45 be approved by the county's traffic consultant and the Florida Department of
46 Transportation (FDOT) (See section I-22, Access Standards).

1
2 *Level of Service (LOS):* A level 1 traffic engineering and planning report is being
3 reviewed by the county's traffic consultant (See section I-23, Traffic Study).
4

5 2. Stormwater: The applicant shall coordinate with the Public Works Division, and, if
6 necessary, the South Florida Water Management District (SFWMD) to determine
7 compliance with all applicable regulations (See section I-9, Surface Water
8 Management Criteria).
9

10 3. Sewer: The applicant shall coordinate with the Florida Department of Health and/or
11 Florida Department of Environmental Protection to determine compliance with all
12 applicable regulations (See section I-10, Wastewater Treatment Criteria).
13

14 4. Emergency Management: The applicant has provided a letter of coordination from
15 the Office of the Fire Marshal. The Fire Marshal shall determine compliance with the
16 Florida Fire Prevention Code, the Florida Building Code, the National Fire Protection
17 Code (NFPA 1) and the Life Safety Code (NFPA 101).
18

19 F. *The applicant has the financial and technical capacity to complete the development as*
20 *proposed:*
21

22 Staff has no evidence to support or disprove the applicant's financial and technical
23 capacity.
24

25 G. *The development will adversely affect a known archaeological, historical or cultural*
26 *resource:*
27

28 The proposed development will not adversely affect a known archaeological, historical or
29 cultural resource.
30

31 H. *Public access to public beaches and other waterfront areas is preserved as part of the*
32 *proposed development:*
33

34 The subject property is land-locked. Therefore, the proposed development will not have
35 an adverse impact on public access to a waterfront area.
36

37 I. *The project complies with all additional standards imposed on it by the Land*
38 *Development Regulations:*
39

40 1. Residential Rate of Growth Ordinance (ROGO) (§138-19 – §138-28): *Not applicable.*
41

42 There are no existing or proposed residential dwelling units.
43

44 2. Non-Residential Rate of Growth Ordinance (NROGO) (§138-47 – §138-56): *In*
45 *compliance.*
46

1 Industrial uses in the Industrial (I) District shall not be affected by the NROGO
2 system, provided that the floor area is restricted to manufacturing, assembly,
3 wholesaling, and distribution uses. Staff has found that the proposed development
4 meets the above referenced criteria and therefore the proposed development is exempt
5 from the NROGO permit allocation system.
6

7 3. Purpose of the I District (§130-33): *In compliance.*
8

9 The purpose of the I district is to establish areas that are suitable for the development
10 of industrial and manufacturing uses, warehousing and distribution uses.
11

12 4. **Permitted Uses (§130-82): *In compliance following the receipt of required minor***
13 ***conditional use permit.***
14

15 In the I District wastewater treatment facilities may be permitted with minor
16 conditional use approval, provided that:

17 a. The wastewater treatment facility and wastewater treatment collection systems
18 are in compliance with all federal, state, and local requirements;
19

20 b. The wastewater treatment facility, wastewater treatment collection systems, and
21 accessory uses shall be screened by structures designed to: 1) Be architecturally
22 consistent with the character of the surrounding community, 2) Minimize the impact
23 of any outdoor storage, temporary or permanent, 3) A solid fence may be required
24 upon determination by the planning director.
25

26 c. Where a district boundary buffer is not required as set forth in chapter 114, article
27 IV, a planting bed, eight feet in width, shall be established to buffer the facility,
28 providing the following: 1) One native canopy tree for every 25 linear feet of fence,
29 2) One understory tree for every ten linear feet of fence, 3) The required trees shall
30 be evenly distributed throughout the planting bed, 4) The planting bed shall be
31 installed as set forth in chapter 114, article IV and maintained in perpetuity.
32

33 5. Residential Density and Maximum Floor Area Ratio (§130-157, §130-162 & §130-
34 164): *Not applicable.*
35

36 No floor area ratio applies to this type of development.
37

38 6. Required Open Space (§118-9, §118-12, §130-157, §130-162 & §130-164): *In*
39 *compliance.*
40

41 The plans submitted with this application do not include open space calculations.
42 However, Staff has determined that the site has adequate open space and shall meet
43 the 20 percent requirement.
44

45 7. **Minimum Yards (§118-12 & §130-186): *Not in Compliance.***
46

1 The required non-shoreline setbacks are as follows: Front yard – 25 feet; Rear yard –
2 25 feet; and Side yard – 10/15 feet (where 10 feet is required for one side and 15 feet
3 is the minimum combined total of both sides).
4

5 A principal structure located along open water shorelines not adjacent to manmade
6 canals, channels, or basins, and which have been altered by the legal placement of fill
7 and where a mangrove fringe of at least ten feet in width occurs across the entire
8 shoreline of the property, principal structures shall be set back at least 30 feet as
9 measured from the mean high water line or the landward extent of the mangroves,
10 whichever is further inland. Therefore, the plans submitted that show only a 15 foot
11 setback from the open water located on the southwest portion of the property are not
12 in compliance.
13

14 8. Maximum Height (§130-187): *In Compliance.*

15
16 9. Surface Water Management Criteria (§114-3): *Compliance to be determined by the*
17 *Public Works Division and/or SFWMD prior to issuance of a building permit.*
18

19 The applicant has submitted a letter requesting coordination from Public Works
20 Division relating to wastewater treatment.
21

22 10. Wastewater Treatment Criteria (§114-5): *Compliance to be determined by Florida*
23 *Department of Health and/or Florida Department of Environmental Protection prior*
24 *to the issuance of a building permit.*
25

26 The applicant has submitted a letter requesting coordination from the Florida
27 Department of Health and the Florida Department of Environmental Protection
28 relating to wastewater treatment.
29

30 11. Fencing (§114-20): *Not applicable.*

31
32 No fencing is proposed as part of the conditional use permit application.
33

34 12. Floodplain Management (§122-1 – §122-6): *Compliance to be determined by the*
35 *Monroe County Building Department prior to issuance of a building permit.*
36

37 13. Energy Conservation Standards (§114-45): *In compliance.*
38

39 The development includes a gravity fed weir system to treat wastewater collected
40 from the washing of industrial trucks. After treatment, this water is released to a
41 retention pond to be absorbed and ultimately reused. Therefore, the treatment of this
42 water and type of proposed system is conserving energy and water.
43

44 14. Potable Water Conservation Standards (§114-46): *Compliance to be determined by*
45 *the Monroe County Building Department prior to issuance of a building permit.*
46

1 15. Environmental Design Criteria and Mitigation Standards (§118-6, §118-7 & §118-8):
2 *In Compliance.*

3
4 The proposed development requires no new clearing of vegetation and is providing a
5 service to treat wastewater. Therefore, no mitigation shall be required and this facility
6 has been designed to improve surrounding environmental quality.
7

8 16. Required Parking (§9.5-114-67): *In compliance.*
9

10 This proposed wastewater treatment facility shall provide services to an existing
11 adjacent cement plant and a specific location for the washing of these industrial
12 trucks will be provided. A traffic letter was provided as part of this application that
13 indicates that no new vehicular trips would be generated due to this facility.
14 Therefore, based on no new traffic generation and a specific area provided to perform
15 services, no additional parking is required for this development. However, it should
16 be noted, that there are several existing available off-street parking spaces for
17 employees and visitors in other nearby areas.
18

19 17. Required Loading and Unloading Spaces (§114-69): *In compliance.*
20

21 The proposed development is a wastewater treatment facility that consists of an area
22 to wash industrial trucks, collect and then treat the wastewater. This development
23 requires no materials to be delivered and will generate no additional vehicular trips to
24 the site. Therefore, no loading zone is required for this wastewater treatment facility.
25

26 18. Required Landscaping (§114-99 – §114-105): *In Compliance.*
27

28 The site requires less than six required parking space and currently provides existing
29 vegetation along the southern property line that shall serve as this sites landscaping
30 along US 1.
31

32 19. Required Buffer-yards (§114-124 – §114-130): *In Compliance.*
33

34 The site currently has existing mature vegetation located along the southern property
35 line that shall serve as the district boundary and major street buffer for this
36 development. All other property lines abut properties designated as I that contain
37 industrial uses. Therefore, buffer-yards are not required to the North, East and West.
38

39 20. Outdoor Lighting (§114-159 – §114-163): *Compliance to be determined by the*
40 *Monroe County Building Department prior to issuance of a building permit.*
41

42 21. Signs (§142-1 – §142-7): *Not applicable.*
43

44 No signage is proposed as part of this conditional use application.
45

46 22. Access Standards (§114-195 – §114-201): *Compliance to be determined.*

1
2 There is two (2) existing access drives to the site, one from US 1 and one from the
3 industrial area located to the North of the property. According to the site plan, the
4 access would not be reconfigured.

5
6 A traffic study by Crossroads Engineering indicates that the development would
7 generate no new trips. The county's traffic consultant, Raj Shanmugam of URS
8 Corporation, is reviewing the information found in the level 1 traffic letter submitted
9 as part of this application.

10
11 23. Chapter 533, Florida Statutes: *Full compliance to be determined upon submittal to*
12 *Building Department.*

13
14 **V RECOMMENDED ACTION:**

15
16 Staff recommends **APPROVAL** to the Director of Planning & Environmental Resources if
17 all the following conditions are met:

- 18
19 A. The proposed industrial truck washing and wastewater treatment facility shall provide
20 serve to the adjacent cement plant only.
21
22 B. Prior to the issuance of a development order, the applicant shall provided a revised
23 site plan to show the facilities compliance with the required 30 foot shoreline setback
24 from the tidal open water located to the southwest portion of the property.
25
26 C. Prior to the issuance of a development order, the applicant shall provide a letter of
27 coordination from Monroe County Public Works Division and/or SFWMD
28 concerning surface water management.
29
30 D. Prior to the issuance of a development order, the applicant shall provide a letter of
31 coordination from the Florida Department of Health and/or Florida Department of
32 Environmental Protection concerning wastewater treatment and disposal.
33
34 E. Prior to the issuance of a development order, the county's traffic consultant must
35 approve the findings of the traffic study submitted in the application.
36
37 F. Prior to the issuance of a building permit, the proposed development shall be found in
38 compliance by the Monroe County Building Department, the Monroe County
39 Floodplain Administrator and the Monroe County Office of the Fire Marshal.

40
41 **VI PLANS REVIEWED:**

- 42
43 A. Site Plan (C-1) by Perez Engineering & Development, Inc., dated January 13, 2009;
44 B. Site Plan with Plan Details (C-2) by Perez Engineering & Development, Inc., dated
45 January 13, 2009;
46 C. Boundary Survey by Island Surveying Inc., dated March 26, 2009

1 Program in Rule 28-20.110, F.A.C Year 6, Task C states “Implement the carrying capacity study
2 by, among other things, the adoption of all necessary plan amendments to establish a rate of
3 growth and a set of development standards that ensure that any and all new development does
4 not exceed the capacity of the county’s environment and marine system to accommodate
5 additional impacts;” and
6

7 **WHEREAS**, Monroe County Year 2010 Comprehensive Plan Policy 101.2.13 and Work
8 Program in Rule 28-20.110, F.A.C. Year Eight (8), Task F states “Adopt amendments to the
9 comprehensive plan and land development regulations to enact overlay designations, and
10 eliminate or revise the Habitat Evaluation Index, and modify the ROGO/NROGO system to
11 guide development away from environmentally sensitive lands;” and
12

13 **WHEREAS**, To accomplish these two tasks, a new policy must be created to preclude
14 the granting of administrative relief in the form of the issuance of a building permit for lands
15 within the Florida Forever targeted acquisition or Tier I lands areas unless, after 60 days from the
16 receipt of a complete application for administrative relief, it has been determined the parcel
17 cannot be purchased for conservation purposes by any county, state or federal agency or any
18 private entity. The County shall routinely notify Department of Environmental Protection of
19 upcoming administrative relief requests at least 6 months prior to the deadline for administrative
20 relief.
21

22 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
23 **COMMISSIONERS OF MONROE COUNTY:**
24

25 **Section 1. POLICY 101.6.6 is created as follows:**

26 Monroe County will preclude the granting of administrative relief in the form of the issuance of
27 a building permit for lands within the Florida Forever targeted acquisition or Tier I lands areas
28 unless, after 60 days from the receipt of a complete application for administrative relief, it has
29 been determined the parcel can not be purchased for conservation purposes by any county, state
30 or federal agency or any private entity. The County shall routinely notify Department of

1 Environmental Protection of upcoming administrative relief requests at least 6 months prior to
2 the deadline for administrative relief.

3

4 **Section 2.** Sections 138-27 and 138-54 are amended as follows:

5

6 **Sec. 138.27 Administrative Relief**

7 (d) Monroe County shall preclude the granting of administrative relief in the form of the issuance
8 of a building permit for lands within the Florida Forever targeted acquisition or Tier I lands areas
9 unless, after 60 days from the receipt of a complete application for administrative relief, it has
10 been determined the parcel can not be purchased for conservation purposes by any county, state
11 or federal agency or any private entity. The County shall routinely notify Department of
12 Environmental Protection of upcoming administrative relief requests at least 6 months prior to
13 the deadline for administrative relief.

14 ~~(d)~~ (e) Forwarding application to board. Upon the filing of an application for administrative
15 relief, the director of planning shall forward to the board all relevant files and records relating to
16 the subject applications. Failure to file an application shall constitute a waiver of any rights under
17 this section to assert that the subject property has been taken by the county without payment of
18 just compensation as a result of the dwelling unit allocation system.

19 ~~(e)~~ (f) Public hearing. Upon receipt of an application for administrative relief, the board shall
20 notice and hold a public hearing at which the applicant will be given an opportunity to be heard.
21 The board may review the relevant applications and applicable evaluation ranking, taking
22 testimony from county staff and others as may be necessary and hear testimony and review
23 documentary evidence submitted by the applicant.

24 ~~(f)~~ (g) Board's action. At the conclusion of the public hearing, the board may take any or a
25 combination of the following actions:

26 (1) Offer to purchase the property at its fair market value as its preferred action if the
27 property is located within:

- 28 a. A designated tier I area;
- 29 b. A designated tier II area (Big Pine Key and No Name Key);
- 30 c. A designated tier III-A area (special protection area); or

1 d. A designated tier III area on a nonwaterfront lot suitable for affordable
2 housing.

3 (2) Grant the applicant an allocation award for all or a number of dwelling units
4 requested in the next succeeding quarterly allocation period or extended pro rata over
5 several succeeding quarterly allocation periods as the preferred action for buildable
6 properties not meeting any of the criteria in subsection (f)(1) of this section.

7 (3) Suggest or provide such other relief as may be necessary and appropriate.

8 ~~(g)~~ (h) Limits on administrative allocations per quarter. The number of allocations that may be
9 awarded under administrative relief in any one quarter shall be no more than 50 percent of the
10 total available market rate allocations available in a quarter for that subarea. Any allocations in
11 excess of 50 percent shall be extended into the succeeding quarter or quarters until the number of
12 such allocations is 50 percent or less of the total number of market rate allocations available to
13 be awarded.

14
15 **Sec. 138.54 Administrative Relief**

16 (d) Monroe County shall preclude the granting of administrative relief in the form of the
17 issuance of a building permit for lands within the Florida Forever targeted acquisition or Tier I
18 lands areas unless, after 60 days from the receipt of a complete application for administrative
19 relief, it has been determined the parcel can not be purchased for conservation purposes by any
20 county, state or federal agency or any private entity. The County shall routinely notify
21 Department of Environmental Protection of upcoming administrative relief requests at least 6
22 months prior to the deadline for administrative relief.

23 ~~(d)~~ (e) Processing and review by planning director. Upon the filing of an application for
24 administrative relief, the director of planning shall prepare a written report with recommendation
25 and forward the report to the board of county commissioners along with all relevant files and
26 records relating to the subject application. The planning director shall advertise and schedule a
27 public hearing for consideration of the application by the board of county commissioners.

28 ~~(e)~~ (f) Public hearing. At a public hearing, the board of county commissioners may review the
29 relevant application and application evaluation ranking, taking testimony from county staff and
30 others as may be necessary and review documentary evidence submitted by the applicant.

1 ~~(f)~~ (g) Board action. At the conclusion of the public hearing, the board may take any or a
2 combination of the following actions:

3 (1) Offer to purchase the property at fair market value as the preferred action if the
4 property is location within:

- 5 a. A designated tier I area;
- 6 b. A designated tier II area (Big Pine Key and No Name Key);
- 7 c. A designated tier III-A area (special protection area); or
- 8 d. A designated tier III area on a nonwaterfront lot suitable for affordable
9 housing.

10 (2) Grant the applicant an allocation award for all or part of the nonresidential floor area
11 requested in the next allocation award as the preferred option for buildable properties not
12 meeting the criteria in subsection (f)(1) of this section.

13 (3) Suggest such other relief as may be necessary and appropriate.
14

15 **Section 3. Severability.**

16 If any section, paragraph, subdivision, clause, sentence or provision of this ordinance shall be
17 adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect,
18 impair, invalidate, or nullify the remainder of this ordinance, but the effect thereof shall be
19 confined to the section, paragraph, subdivision, clause, sentence, or provision immediately
20 involved in the controversy in which such judgment or decree shall be rendered.
21

22 **Section 4. Conflicting Provisions.**

23 In the case of direct conflict between any provision of this ordinance and a portion or provision
24 of any appropriate federal, state, or County law, rule code or regulation, the more restrictive shall
25 apply.
26

27 **Section 5. Transmittal.**

28 This ordinance shall be transmitted by the Planning and Environmental Resources Department to
29 the Florida Department of Community Affairs to determine the consistency of this ordinance
30 with the Florida Statutes and as required by F.S. 380.05(6) and (11).
31

1 **Section 6. Filing.**

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

5
6 **Section 7. Effective Date.**

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

8
9 **PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County,
10 Florida, at a special meeting held on the 13th day of July A.D., 2009.

11
12 Mayor George Neugent _____
13 Mayor Pro Tem Sylvia Murphy _____
14 Commissioner Kim Wigington _____
15 Commissioner Heather Carruthers _____
16 Commissioner Mario Di Gennaro _____

17
18 BOARD OF COUNTY COMMISSIONERS OF
19 MONROE COUNTY, FLORIDA

20
21 BY _____
22 Mayor George Neugent

23
24
25 (SEAL)

26
27 ATTEST: DANNY L. KOLHAGE, CLERK

28
29
30 _____
31 DEPUTY CLERK



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

1
2
3
4
5
6
7
8 To: Development Review Committee
9
10 Through: Townsley Schwab, Sr. Director of Planning and Environmental Resources
11 Mitch Harvey, Comprehensive Plan Manager
12
13 From: Kathy Grasser, Comprehensive Planner
14
15 Date: May 1, 2009
16
17 RE: Request to create new Monroe County Year 2010 Comprehensive Plan Policy
18 101.6.6 and amending Monroe County Code Sections 138-27 and 138-54
19 precluding the granting of administrative relief in the form of the issuance of a
20 building permit for lands within the Florida Forever targeted acquisition or Tier I
21 lands areas unless, after 60 days from the receipt of a complete application for
22 administrative relief, it has been determined the parcel can not be purchased for
23 conservation purposes by any county, state or federal agency or any private entity.
24 The County shall routinely notify Department of Environmental Protection of
25 upcoming administrative relief requests at least 6 months prior to the deadline for
26 administrative relief.
27

28 **Meeting: May 5, 2009**

29
30 **I. BACKGROUND:**

31
32 The Administration Commission is proposing new Rule 28-20.130 implementing Section
33 380.0552(4) of the Florida Statutes. The rule requires Monroe County to report annually
34 to the Administration Commission describing its progress in completing the remaining
35 work program tasks. The work program tasks are outlined in the Monroe County Year
36 2010 Comprehensive Plan Policy 101.2.13 and Rule 28-20.110 Florida Administrative
37 Code.
38

39 As part of the progress and assist in completing work program tasks Year 6, Task C; and
40 Year 8, Task F, a new policy regarding carrying capacity and habitat protection must be
41 created and transmitted to the Department of Community Affairs (DCA) prior to July 31,
42 2009.
43

44 Work Program Year 6, Task C implements the carrying capacity study as well as
45 adoption of Monroe County Year 2010 Comprehensive Plan amendments establishing a

1 rate of growth and development standards ensuring any development does not exceed the
2 county's environmental and marine system capacity to accommodate additional impacts.

3
4 Work Program Year 8, Task F requires amendments to be adopted to the Monroe County
5 Year 2010 Comprehensive Plan and Monroe County Land Development Regulations
6 enacting overlay designations, eliminating or revising the Habitat Evaluation Index and
7 modifying the ROGO/NROGO system to guide development away from environmentally
8 sensitive lands.

9
10 The new Monroe County Year 2010 Comprehensive Plan Policy 101.6.6 shall be as
11 follows:

12 Monroe County shall preclude the granting of administrative relief in the form of
13 the issuance of a building permit for lands within the Florida Forever targeted
14 acquisition or Tier I lands areas unless, after 60 days from the receipt of a
15 complete application for administrative relief, it has been determined the parcel
16 can not be purchased for conservation purposes by any county, state or federal
17 agency or any private entity. The County shall routinely notify Department of
18 Environmental Protection of upcoming administrative relief requests at least 6
19 months prior to the deadline for administrative relief.

20
21 The Monroe County Code Sections 138-27 and 138-54 will be amended as follows
22 (strikethroughs are deletions and underlines are additions):

23 (d) Monroe County shall preclude the granting of administrative relief in the form
24 of the issuance of a building permit for lands within the Florida Forever targeted
25 acquisition or Tier I lands areas unless, after 60 days from the receipt of a
26 complete application for administrative relief, it has been determined the parcel
27 can not be purchased for conservation purposes by any county, state or federal
28 agency or any private entity. The County shall routinely notify Department of
29 Environmental Protection of upcoming administrative relief requests at least 6
30 months prior to the deadline for administrative relief.

31 32 **II. ANALYSIS**

33 A. *Consistency of the proposed amendment with the provisions and intent of the Florida*
34 *Administrative Code.*

35
36 The following Florida Administration Commission rules and Florida Statutes summarize the
37 county's finite land for development and to guide development away from environmentally
38 sensitive areas.

39
40 Monroe County Year 2010 Comprehensive Plan Policy 101.2.13 and Work Program
41 in Rule 28-20.110, F.A.C. Year Six (6), Task C states "Implement the carrying
42 capacity study by, among other things, the adoption of all necessary plan amendments
43 to establish a rate of growth and a set of development standards that ensure that any
44 and all new development does not exceed the capacity of the county's environment
45 and marine system to accommodate additional impacts."

1 Monroe County Year 2010 Comprehensive Plan Policy 101.2.13 and Work Program
2 in Rule 28-20.110, F.A.C. Year Eight (8), Task F states “Adopt amendments to the
3 comprehensive plan and land development regulations to enact overlay designations,
4 and eliminate or revise the Habitat Evaluation Index, and modify the ROGO/NROGO
5 system to guide development away from environmentally sensitive lands.”
6

7 B. *Consistency of the proposed amendment with the provisions and intent of Monroe*
8 *County Year 2010 Comprehensive Plan*
9

10 Monroe County Year 2010 Comprehensive Plan Goal 101 considers the health and safety of
11 people and the protection of natural resources. Goal 105 recognizes the finite capacity for land
12 development while balancing development with the natural environment. Policy 105.1
13 implements smart growth initiatives with the CommuniKeys Master Plans and Land Acquisition
14 Programs. Policy 105.2.12 emphasizes a purchase offer is the best form of relief. Policy
15 101.2.14 states the county shall offer to purchase land in the CARL boundary or the National
16 Wildlife Refuge after the applicant was denied a ROGO allocations but applied for
17 administrative relief. Policy 101.6 includes the Monroe County Land Authority land acquisition
18 program to purchase land from property owners who have been denied a building permit
19 allocation. Policy 101.6 offers the property fair market value on their property if they have been
20 denied a building permit for four (4) consecutive years, building plans abide by all applicable
21 regulations, the building permit has not been withdrawn and they have followed procedures for
22 administrative relief. Policy 101.6.5 states the preferred purchase method for administrative
23 relief is a purchase offer from the county, state or other land acquisition agency. Policy 105.2.12
24 states that the preferred purchase office method is in the form of relief in Tiers I, II and III
25 designations.
26

27 Pursuant to Monroe County Year 2010 Comprehensive Plan Goal 101 Monroe
28 County “shall manage future growth to enhance the quality of life, ensure the safety
29 of County residents and visitors, and protect valuable natural resources. [9J-
30 5.006(3)a]”
31

32 Pursuant to Year 2010 Monroe County Comprehensive Plan Goal 105 Monroe
33 County “shall undertake a comprehensive land acquisition program and smart growth
34 initiatives in conjunction with its Livable CommuniKeys Program in a manner that
35 recognizes the finite capacity for new development in the Florida Keys by providing
36 economic and housing opportunities for residents without compromising the
37 biodiversity of the natural environment and the continued ability of the natural and
38 manmade systems to sustain livable communities in the Florida Keys for future
39 generations.”
40

41 Pursuant to Year 2010 Monroe County Comprehensive Plan Goal 105.1 “Monroe
42 County shall implement smart growth initiatives in conjunction with its Livable
43 CommuniKeys and Land Acquisition Programs which promote innovative and
44 flexible development processes to preserve the natural environment, maintain and
45 enhance the community character and quality of life, redevelop blighted commercial

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

3
4 Pursuant to Year 2010 Monroe County Comprehensive Plan Policy 105.2.12 “With
5 respect to the relief granted pursuant to Policy 106.1 (Administrative Relief) or Policy
6 101.18.5 (Beneficial Use), a purchase offer shall be the preferred form of relief for
7 any land within Tier I and Tier II, or any land within Tier III in accordance with the
8 criteria in Policy 101.6.5.”

9
10 Pursuant to Year 2010 Monroe County Comprehensive Plan Policy 101.2.14 “For
11 those ROGO applications and properties which have been denied a ROGO award for
12 four consecutive years and have applied for administrative relief, which are located in
13 a CARL project or the National Wildlife Refuge and have received negative habitat
14 scores under ROGO, the County or the state shall offer to purchase the property if
15 funding for such is available. Refusal of the purchase offer shall not be grounds for
16 granting a ROGO award.”

17
18 Pursuant to Year 2010 Monroe County Comprehensive Plan Objective 101.6
19 “Monroe County shall expand the Monroe County Land Authority acquisition
20 program to provide for the purchase of land from property owners who have not been
21 awarded building permit allocations in the Permit Allocation System.”

22
23 Pursuant to Year 2010 Monroe County Comprehensive Plan Policy 101.6.1 “Monroe
24 County, the state, or other acquisition agency shall, upon a property owner's request,
25 purchase the property for fair market value or permit the minimum reasonable
26 economic use of the property pursuant to Policy 101.6.5, if the property owner meets
27 the following conditions:

- 28 1. They have been denied an allocation award for four successive years in the
29 Residential (ROGO) or Non-residential (NROGO) Permit Allocation
30 System;
- 31 2. Their proposed development otherwise meets all applicable county, state, and
32 federal regulations;
- 33 3. Their allocation application has not been withdrawn;
- 34 4. They have complied with all the requirements of the Residential or Non-
35 residential Permit Allocation System; and
- 36 5. They follow the procedures for administrative relief contained in the land
37 development regulations.”

38
39 Pursuant to Year 2010 Monroe County Comprehensive Plan Policy 101.6.5 “Monroe
40 County, the state, or other acquisition agency shall pursue land acquisition through
41 voluntary purchase of lands from private property owners denied a building permit
42 through the Permit Allocation System, as the preferred option for administrative relief
43 pursuant to Policy 101.6.1, if the subject permit is for development located within:

- 44 1. A designated Tier I area;
- 45 2. A designated Tier III Special Protection Area; or,

1 3. A designated Tier III area on a non-waterfront lot suitable for affordable
2 housing.
3

4 Pursuant to Year 2010 Monroe County Comprehensive Plan Policy 105.2.12 “With
5 respect to the relief granted pursuant to Policy 101.6.1 (Administrative Relief) or
6 Policy 101.18.5 (Beneficial Use), a purchase offer shall be the preferred form of relief
7 for any land within Tier I and Tier II, or any land within Tier III in accordance with
8 the criteria in Policy 101.6.5.”
9

10 The proposed amendment is consistent with the provisions and intent of the above Monroe
11 County Year 2010 Comprehensive Plan.
12

13 C. *Goals, Strategies and Action Items from the Livable CommuniKeys Plans that directly*
14 *pertain to the proposed development:*
15

16 The Key Largo Livable CommuniKeys Master Plan Goals One (1) and Five (5) encourage the
17 preservation of environmentally sensitive lands and to preserve manage and restore natural
18 resources. The Big Pine Key / No Name Key Livable CommuniKeys Master Plan (Goal 1)
19 encourage conservation and protection of environmentally sensitive lands, (Goal 2) minimize the
20 impacts on endangered species, (Goal 9) implement a land acquisition program that is fair to
21 willing sellers and (Goal 10) protect and manage natural resources.
22

23 Key Largo Livable CommuniKeys Plan:

24 Pursuant to Goal One (1): “Direct future growth to lands that are most suitable
25 for development and encourage preservation of environmentally sensitive lands.”
26

27 Pursuant to Goal Five (5): “Preserve, manage, and restore where appropriate, the
28 natural resources within the planning area by providing open space, protecting
29 water quality and acquiring and managing environmentally sensitive lands.”
30

31 Big Pine Key / No Name Key Livable CommuniKeys Plan:

32 Pursuant to Goal Five (1): “Direct future growth to lands that are intrinsically
33 most suitable for development and encourage conservation and protection of
34 environmentally sensitive lands by using the relative wildlife habitat value of land
35 as a basis for development decisions on Big Pine Key and No Name Key.”
36

37 Pursuant to Goal Five (2): “Manage future growth for the next twenty years on
38 Big Pine Key and No Name Key consistent with the community vision, while
39 minimizing impacts on the endangered species and maintaining the existing
40 biodiversity.”
41

42 Pursuant to Goal Five (9): Implement a land consolidation and acquisition system
43 that provides fair, equitable and efficient compensation to land owners who are
44 willing sellers on Big Pine Key and No Name Key”
45

1 Pursuant to Goal Five (10): “Protect and manage natural resources within the
2 planning area in order to ensure continued viability and biodiversity of plant and
3 animal life and to maintain compliance with the anticipated Incidental Take
4 Permit (ITP).
5

6 The proposed amendment is consistent with the Key Largo and the Big Pine Key / No Name Key
7 Livable CommuniKeys Master Plans.
8

9 *D. Consistency of the proposed amendment with the provisions and intent of the Monroe*
10 *County Code, Land Development Regulations:*

11
12 Monroe County Code Sections 138.27(f) and 138.54(f) offer a fair market value purchase price
13 for property owners in administrative relief for lands in designated areas.
14

15 Regarding Monroe County Land Development Regulation Section 138.27(f) (ROGO
16 Administrative) and 138.54(f) (NROGO Administrative Relief) states “At the
17 conclusion of the public hearing, the board may take any or a combination of the
18 following actions:

19 (1) Offer to purchase the property at its fair market value as its preferred
20 action if the property is located within:

- 21 a. A designated tier I area;
- 22 b. A designated tier II area (Big Pine Key and No Name Key)
- 23 c. A designated tier III-A area (special protection area); or
- 24 d. A designated tier III area on a nonwaterfront lot suitable for
25 affordable housing
26

27 *E. Consistency with the Principles for Guiding Development in the Florida Keys Area of*
28 *Critical State Concern pursuant to F.S. Chapter 380.0552(7)* For the purposes of
29 reviewing consistency of the adopted plan or any amendments to that plan with the
30 principles for guiding development and any amendments to the principles, the
31 principles shall be construed as a whole and no specific provision shall be construed
32 or applied in isolation from the other provisions.
33

34 Guiding Principles (a), (b), (c) and (e) are consistent with the proposed amendment. These
35 principles manage land use and development while protecting natural resources. Guiding
36 Principles (f) and (g) are consistent with the proposed amendment. This provides for a vision
37 for future development or land acquisition in the Florida Keys. Guiding Principles (d), (j),
38 (k) and (l) are consistent with the proposed amendment. This provides for the sound
39 economic development and health, safety and welfare of the current and future populations.
40

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

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

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

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

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

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

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

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

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

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

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

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

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

32 The proposed amendment is consistent with the provisions and intent of the Principles for
33 Guiding Development in the Florida Keys Area of Critical State Concern.

34 35 **III. CONCLUSIONS:**

- 36
37 1. The proposed text amendment is in the interest of public welfare.
- 38
39 2. The proposed text amendment is consistent with and furthers the policies of the
40 Monroe County Year 2010 Comprehensive Plan which offers preferred purchase
41 method for administrative relief is a purchase offer from the county, state or other
42 land acquisition agency.

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3. The proposed text amendment is consistent with and furthers the regulations of the Monroe County Land Development Regulations which offers the methods of land acquisition for lands in designated areas.
4. The proposed text amendment is consistent with and furthers the strategies and action items of the Livable CommuniKeys Master Plans which protect natural resources and manage land development.
5. The proposed text amendment is consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern as a whole, and is not inconsistent with any principle which recognizes land use management, public safety, health and welfare, economic development and protects the natural environment.

DRAFT



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2
3
4 **MEMORANDUM**
5 **MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT**
6 *We strive to be caring, professional and fair*

7 To: Development Review Committee
8
9 Through: Townsley Schwab, Sr. Director of Planning and Environmental Resources
10 Mitch Harvey, Comprehensive Plan Manager
11
12 From: Kathy Grasser, Comprehensive Planner
13
14 Date: May 1, 2009
15
16 RE: Request to create new Monroe County Year 2010 Comprehensive Plan Policy
17 101.4.20 discouraging private applications for future land use changes which
18 increase allowable density/intensity. This Policy shall include the requirement to
19 complete a needs analysis through 2020 based upon the amount of vacant lands,
20 the adopted density of the future land use designations and their existing yields,
21 the projected population and the availability of public facilities and services.

22
23 **Meeting: May 5, 2009**
24

25 **I. BACKGROUND:**
26

27 The Administration Commission is proposing new Rule 28-20.130 implementing Section
28 380.0552(4) of the Florida Statutes. The rule requires Monroe County to report annually
29 to the Administration Commission describing its progress in completing the remaining
30 work program tasks. The work program tasks are outlined in the Monroe County Year
31 2010 Comprehensive Plan Policy 101.2.13 and Rule 28-20.110 Florida Administrative
32 Code.

33
34 As part of the progress and assist in completing work program tasks Year 6, Task C; and
35 Year 8, Task F, a new policy regarding carrying capacity and habitat protection must be
36 created and transmitted to the Department of Community Affairs (DCA) prior to July 31,
37 2009.

38
39 Work Program Year 6, Task C implements the carrying capacity study as well as
40 adoption of Monroe County Year 2010 Comprehensive Plan amendments establishing a
41 rate of growth and development standards ensuring any development does not exceed the
42 county's environmental and marine system capacity to accommodate additional impacts.

43
44 Work Program Year 8, Task F requires amendments to be adopted to the Monroe County
45 Year 2010 Comprehensive Plan and Monroe County Land Development Regulations
46 enacting overlay designations, eliminating or revising the Habitat Evaluation Index and

1 modifying the ROGO/NROGO system to guide development away from environmentally
2 sensitive lands.

3
4 The new policy, Policy 101.4.20 shall be as follows:

5
6 Discourage private applications for future land use changes which increase allowable
7 density/intensity. Monroe County shall complete a needs analysis through 2020 based
8 upon the amount of vacant lands, the adopted density of the future land use designations
9 and their existing yields, the projected population and the availability of public facilities
10 and services.

11
12
13 **II. ANALYSIS**

14 A. *Consistency of the proposed amendment with the provisions and intent of the*
15 *Florida Statutes and the Florida Administrative Code.*

16
17 The following Florida Administration Commission rules and Florida Statutes summarizes the
18 requirements needed for data and analysis as part of the implementation of the Carrying Capacity
19 Study and future land use map amendments.

20
21 Florida Administrative Commission Rule 28-20.110 considers aesthetic, socioeconomic,
22 diversity of habitat, among others items are needed for the carry capacity analyses. F.S.
23 Section 163.3177(6)(a) reviews the future land use plan on surveys, studies and data in
24 and surrounding areas. This data includes the amount of land needed for anticipated
25 growth, projected population, availability of public facilities, compatibility of adjacent
26 lands and the discouragement of urban sprawl. F.S. Section 163.3177(8) requires all data
27 to be made available to the public. F. S. Section 163.3178(2)(b) requires environmental,
28 socioeconomic, and fiscal impact of development and redevelopment to support
29 infrastructures as well as having plans and principles to defer development from
30 environmentally sensitive areas. F.S. Section 9J-5.005(2) requires all backup to support
31 the future land use map amendment be based on appropriate and relevant data.

32
33 Pursuant to Rule 28-20.110 F.A.C Year 1, Task B states “the Carrying Capacity analysis
34 shall consider aesthetic, socioeconomic (including sustainable tourism), quality of life
35 and community character issues, including the concentration of population, the amount of
36 open space, diversity of habitats, and species richness. The analysis shall reflect the
37 interconnected nature of the Florida Keys’ natural systems, but may consider and analyze
38 the carrying capacity of specific islands or groups of islands and specific ecosystems of
39 habitats, including distinct parts of the Keys’ marine system.”

40
41 Pursuant to F.S Section 163.31776(a) “The future land use plan shall be based upon
42 surveys, studies, and data regarding the area, including the amount of land required to
43 accommodate anticipated growth; the projected population of the area; the character of
44 undeveloped land; the availability of water supplies, public facilities, and services; the
45 need for redevelopment, including the renewal of blighted areas and the elimination of
46 nonconforming uses which are inconsistent with the character of the community; the

1 compatibility of uses on lands adjacent to or closely proximate to military installations;
2 the discouragement of urban sprawl; energy-efficient land use patterns accounting for
3 existing and future electric power generation and transmission systems; greenhouse gas
4 reduction strategies; and, in rural communities, the need for job creation, capital
5 investment, and economic development that will strengthen and diversify the
6 community's economy.”

7
8 F.S. Section 163.3177(8) states “All elements of the comprehensive plan, whether
9 mandatory or optional, shall be based upon data appropriate to the element involved.
10 Surveys and studies utilized in the preparation of the comprehensive plan shall not be
11 deemed a part of the comprehensive plan unless adopted as a part of it. Copies of such
12 studies, surveys, and supporting documents shall be made available to public inspection,
13 and copies of such plans shall be made available to the public upon payment of
14 reasonable charges for reproduction.”

15
16 F.S. Section 163.3178(2)(b) states “An analysis of the environmental, socioeconomic,
17 and fiscal impact of development and redevelopment proposed in the future land use
18 plan, with required infrastructure to support this development or redevelopment, on the
19 natural and historical resources of the coast and the plans and principles to be used to
20 control development and redevelopment to eliminate or mitigate the adverse impacts on
21 coastal wetlands; living marine resources; barrier islands, including beach and dune
22 systems; unique wildlife habitat; historical and archaeological sites; and other fragile
23 coastal resources.”

24
25 9J-5.005(2) F.A.C. states “All goals, objectives, policies, standards, findings and
26 conclusions within the comprehensive plan and its support documents, and within plan
27 amendments and their support documents, shall be based upon relevant and appropriate
28 data and the analyses applicable to each element.”

29
30 9J-5.0013(3)(b). F.A.C. states “Future land uses which are incompatible with the
31 protection and conservation of wetlands and wetland functions shall be directed away
32 from wetlands. The type, intensity or density, extent, distribution and location of
33 allowable land uses and the types, values, functions, sizes, conditions and locations of
34 wetlands are land use factors which shall be considered when directing incompatible land
35 uses away from wetlands.”

36
37 The proposed amendment is consistent with the provisions and intent of the above
38 Florida Statutes and the Florida Administrative Code.

39
40 B. *Consistency of the proposed amendment with the provisions and intent of Monroe County*
41 *Year 2010 Comprehensive Plan*

42
43 The following Monroe County Year 2010 Comprehensive Plan Goals, Objectives and Policies
44 summarize the implementation of the Carrying Capacity Study, managing future growth for the
45 health of residents and visitors and ensuring public facilities are adequate for development.
46

1 Monroe County Year 2010 Comprehensive Plan 101.2.13 and F.A.C. Rule 28-20.110,
2 Year Six (6), Task C requires the implementation of the carrying capacity study,
3 requiring a review of the FLUM amendment, based on densities and intensities as well as
4 the land character and natural resources. Goal 101 enhances the quality of life, ensures
5 the safety of people as well as protecting natural resources. Section 4.2 of the Year 2010
6 Monroe County Comprehensive Plan requires public facilities to be concurrent with new
7 development.
8

9 Monroe County Year 2010 Comprehensive Plan Policy 101.2.13 and F.A.C. Rule 28-
10 20.110, Year Six (6), Task C states “Implement the carrying capacity study by, among
11 other things, the adoption of all necessary plan amendments to establish a rate of growth
12 and a set of development standards that ensure that any and all new development does not
13 exceed the capacity of the county’s environment and marine system to accommodate
14 additional impacts. Plan amendments will include a review of the County’s Future Land
15 Use Map series and changes to the map series and the “as of right” and “maximum”
16 densities authorized for the plan’s future land use categories based upon the natural
17 character of the land and natural resources that would be impacted by the currently
18 authorized land uses, densities and intensities.”
19

20 Pursuant to Monroe County Year 2010 Comprehensive Plan Goal 101 Monroe County
21 “shall manage future growth to enhance the quality of life, ensure the safety of County
22 residents and visitors, and protect valuable natural resources. [9J-5.006(3)a]”
23

24 Pursuant to Section 4.2 of the Year 2010 Monroe County Comprehensive Plan “Monroe
25 County will adopt the programs described in Sections 4.2.1 to 4.2.3 in support of these
26 goals, objectives and policies. These programs will ensure that public facilities and
27 services meeting the levels of service standards established in the Comprehensive Plan
28 will be available concurrent with the impacts of development.”
29

30 The following Monroe County Year 2010 Comprehensive Plan Goal 105 and policies associated
31 with this goal provides a framework for future development and acquisition as well as steering
32 development away from environmentally sensitive areas into designated areas.
33

34 Goal 105 provides a framework for future development and land acquisition for the next
35 20 years. Policy 105.1.5 directs Monroe County to direct future residential development
36 to Tier III lands in accordance with Policy 105.2.2. Policy 105.2.2 directs the county to
37 create an overlay map for the Tier system. Policy 105.2.15 directs the county to refer
38 development to community centers which are located in the Tier III designations. Goal
39 105.2.1 defines Tier I as environmentally sensitive, development is severely restricted
40 and privately owned vacant lands are to be retired or development rights retired for
41 purposes of resource conservation and passive recreation. Policy 105.1.6 directs the
42 county to revise NROGO in accordance with Policies 105.2.1 and 105.2.15. Policy
43 105.2.1 defines the Tier designations. Policy 105.2.15 directs the county to refer
44 development to community centers which are located in the Tier III designations.
45

1 Pursuant to Monroe County Year 2010 Comprehensive Plan Goal 105 shall undertake a
2 comprehensive land acquisition program and smart growth initiatives in conjunction with
3 its Livable CommuniKeys Program in a manner that recognizes the finite capacity for
4 new development in the Florida Keys by providing economic and housing opportunities
5 for residents without compromising the biodiversity of the natural environment and the
6 continued ability of the natural and manmade systems to sustain livable communities in
7 the Florida Keys for future generations.
8

9 The proposed amendment is consistent with the provisions and intent of the above Monroe
10 County Year 2010 Comprehensive Plan Goals, Objectives and Policies.
11

12 *C. Consistency of the proposed amendment with the provisions and intent of Livable*
13 *CommuniKeys Plans*
14

15 The Key Largo Livable CommuniKeys Master Plan Strategy 1.3 supports the future land use
16 maps to regulate land use type. Action Item 1.3.1 of the Key Largo Livable CommuniKeys
17 Master Plan protects the existing conformance and promotes orderly development. Strategy 2.1
18 of the Big Pine Key / No Name Key Livable CommuniKeys Master Plan regulates development
19 on an parcel by parcel basis by using density and intensity and the Tier maps to guide future
20 development.
21

22 Strategy 1.3 of the Key Largo Livable CommuniKeys Master Plan states “continue to
23 utilize the Land Use District Map and supporting FLUM to regulate land use type,
24 density and intensity on individual parcels within the planning areas.
25

26 Action Item 1.3.1 of the Key Largo Livable CommuniKeys Master Plan states
27 “Continue to use the FLUM and Land Use District Maps to regulate development of
28 individual parcels with respect to density, intensity, bulk regulations, and all other
29 land development regulations. This will protect the existing conformance status of
30 most uses and promote orderly development consistent with the Comprehensive
31 Plan.”
32

33 Strategy 2.1 of the Big Pine and No Name Key Livable CommuniKeys Master Plan
34 states “Continue to utilize the Land Use District Maps and supporting FLUM to
35 regulate land use type, density and intensity on an individual parcel basis within the
36 planning area. The distribution of future development shall be guided by a Tier
37 System Overlay Map pursuant to the comprehensive.”
38

39 The proposed amendment is consistent with the provisions and intent of the above Livable
40 CommuniKeys Master Plans.
41

42 *D. Consistency of the proposed amendment with the provisions and intent of Monroe County*
43 *Code:*
44

45 The following Monroe County Code requires all development to be served by adequate public
46 facilities.

1 Monroe County Code Section 114-2 states “After February 28, 1988, all development or
2 land shall be served by adequate public facilities.’
3

4 The proposed amendment is consistent with the provisions and intent of the above of Monroe
5 County Code.
6

7 E. *Consistency with the Principles for Guiding Development in the Florida Keys Area of*
8 *Critical State Concern pursuant to F.S. Chapter 380.0552(7).* For the purposes of
9 reviewing consistency of the adopted plan or any amendments to that plan with the
10 principles for guiding development and any amendments to the principles, the principles
11 shall be construed as a whole and no specific provision shall be construed or applied in
12 isolation from the other provisions.
13

14 Guiding Principles (a), (b), (c) and (e) are consistent with the proposed amendment. This
15 requires managing for and accounting of vacant lands to ensure the viability and protection of
16 environmentally sensitive areas. Guiding Principles (d), (j), (k) and (l) are consistent with the
17 proposed amendment. This provides for the health, safety and welfare of the current and future
18 populations. Guiding Principles (h) and (i) are consistent with the proposed amendment. This
19 ensures adequate public facilities protect the viability of and limit the adverse effects of public
20 facilities.
21

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

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

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

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

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

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

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

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

- 40 1. The Florida Keys Aqueduct and water supply facilities;
- 41 2. Sewage collection and disposal facilities;
- 42 3. Solid waste collection and disposal facilities;
- 43 4. Key West Naval Air Station and other military facilities;
- 44 5. Transportation facilities;

6. Federal parks, wildlife refuges, and marine sanctuaries;
7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
8. City electric service and the Florida Keys Electric Co-op; and
9. Other utilities, as appropriate.

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

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

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

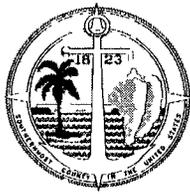
(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

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

The proposed amendment is consistent with the provisions and intent of the above Principles for Guiding Development in the Florida Keys Area of Critical State Concern.

III. CONCLUSIONS:

1. Monroe County is updating its Year 2010 Comprehensive Plan. A needs analysis will be completed as part of the Monroe County Year 2030 Comprehensive Plan updating process and will include the requirements of this new Policy.
2. The proposed amendment is consistent with and furthers the policies of The Florida Statutes by protecting the natural areas as well as restricts activities that adversely affect the endangered and threatened wildlife, thus moving development away from environmentally sensitive areas.
3. The proposed amendment is consistent with and furthers the policies of the Monroe County Year 2010 Comprehensive Plan Goals, Objectives and Policies by summarizing the implementation of the carrying capacity study, managing future growth for the health of residents and visitors and ensuring public facilities are adequate for development.
4. The proposed amendment is consistent with and furthers the policies of the Monroe County Code by requiring all development to be served by public facilities.
5. The proposed amendment is consistent with and furthers the policies of the Florida Keys Master Plans by regulating land use with respect to density and intensity.



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

1
2
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6
7
8 To: Development Review Committee
9
10 Through: Townsley Schwab, Sr. Director of Planning and Environmental Resources
11 Mitch Harvey, Comprehensive Plan Manager
12
13 From: Kathy Grasser, Comprehensive Planner
14
15 Date: May 1, 2009
16
17 RE: Request to create new Monroe County Year 2010 Comprehensive Plan Policy
18 101.6.6 and amending Monroe County Code Sections 138-27 and 138-54
19 precluding the granting of administrative relief in the form of the issuance of a
20 building permit for lands within the Florida Forever targeted acquisition or Tier I
21 lands areas unless, after 60 days from the receipt of a complete application for
22 administrative relief, it has been determined the parcel can not be purchased for
23 conservation purposes by any county, state or federal agency or any private entity.
24 The County shall routinely notify Department of Environmental Protection of
25 upcoming administrative relief requests at least 6 months prior to the deadline for
26 administrative relief.
27

28 **Meeting: May 5, 2009**

29
30 **I. BACKGROUND:**

31
32 The Administration Commission is proposing new Rule 28-20.130 implementing Section
33 380.0552(4) of the Florida Statutes. The rule requires Monroe County to report annually
34 to the Administration Commission describing its progress in completing the remaining
35 work program tasks. The work program tasks are outlined in the Monroe County Year
36 2010 Comprehensive Plan Policy 101.2.13 and Rule 28-20.110 Florida Administrative
37 Code.

38
39 As part of the progress and assist in completing work program tasks Year 6, Task C; and
40 Year 8, Task F, a new policy regarding carrying capacity and habitat protection must be
41 created and transmitted to the Department of Community Affairs (DCA) prior to July 31,
42 2009.

43
44 Work Program Year 6, Task C implements the carrying capacity study as well as
45 adoption of Monroe County Year 2010 Comprehensive Plan amendments establishing a

1 rate of growth and development standards ensuring any development does not exceed the
2 county's environmental and marine system capacity to accommodate additional impacts.

3
4 Work Program Year 8, Task F requires amendments to be adopted to the Monroe County
5 Year 2010 Comprehensive Plan and Monroe County Land Development Regulations
6 enacting overlay designations, eliminating or revising the Habitat Evaluation Index and
7 modifying the ROGO/NROGO system to guide development away from environmentally
8 sensitive lands.

9
10 The new Monroe County Year 2010 Comprehensive Plan Policy 101.6.6 shall be as
11 follows:

12 Monroe County shall preclude the granting of administrative relief in the form of
13 the issuance of a building permit for lands within the Florida Forever targeted
14 acquisition or Tier I lands areas unless, after 60 days from the receipt of a
15 complete application for administrative relief, it has been determined the parcel
16 can not be purchased for conservation purposes by any county, state or federal
17 agency or any private entity. The County shall routinely notify Department of
18 Environmental Protection of upcoming administrative relief requests at least 6
19 months prior to the deadline for administrative relief.

20
21 The Monroe County Code Sections 138-27 and 138-54 will be amended as follows
22 (strikethroughs are deletions and underlines are additions):

23 (d) Monroe County shall preclude the granting of administrative relief in the form
24 of the issuance of a building permit for lands within the Florida Forever targeted
25 acquisition or Tier I lands areas unless, after 60 days from the receipt of a
26 complete application for administrative relief, it has been determined the parcel
27 can not be purchased for conservation purposes by any county, state or federal
28 agency or any private entity. The County shall routinely notify Department of
29 Environmental Protection of upcoming administrative relief requests at least 6
30 months prior to the deadline for administrative relief.

31 32 **II. ANALYSIS**

33 *A. Consistency of the proposed amendment with the provisions and intent of the Florida* 34 *Administrative Code.*

35
36 The following Florida Administration Commission rules and Florida Statutes summarize the
37 county's finite land for development and to guide development away from environmentally
38 sensitive areas.

39
40 Monroe County Year 2010 Comprehensive Plan Policy 101.2.13 and Work Program
41 in Rule 28-20.110, F.A.C. Year Six (6), Task C states "Implement the carrying
42 capacity study by, among other things, the adoption of all necessary plan amendments
43 to establish a rate of growth and a set of development standards that ensure that any
44 and all new development does not exceed the capacity of the county's environment
45 and marine system to accommodate additional impacts."

1 Monroe County Year 2010 Comprehensive Plan Policy 101.2.13 and Work Program
2 in Rule 28-20.110, F.A.C. Year Eight (8), Task F states “Adopt amendments to the
3 comprehensive plan and land development regulations to enact overlay designations,
4 and eliminate or revise the Habitat Evaluation Index, and modify the ROGO/NROGO
5 system to guide development away from environmentally sensitive lands.”
6

7 B. *Consistency of the proposed amendment with the provisions and intent of Monroe*
8 *County Year 2010 Comprehensive Plan*
9

10 Monroe County Year 2010 Comprehensive Plan Goal 101 considers the health and safety of
11 people and the protection of natural resources. Goal 105 recognizes the finite capacity for land
12 development while balancing development with the natural environment. Policy 105.1
13 implements smart growth initiatives with the CommuniKeys Master Plans and Land Acquisition
14 Programs. Policy 105.2.12 emphasizes a purchase offer is the best form of relief. Policy
15 101.2.14 states the county shall offer to purchase land in the CARL boundary or the National
16 Wildlife Refuge after the applicant was denied a ROGO allocations but applied for
17 administrative relief. Policy 101.6 includes the Monroe County Land Authority land acquisition
18 program to purchase land from property owners who have been denied a building permit
19 allocation. Policy 101.6 offers the property fair market value on their property if they have been
20 denied a building permit for four (4) consecutive years, building plans abide by all applicable
21 regulations, the building permit has not been withdrawn and they have followed procedures for
22 administrative relief. Policy 101.6.5 states the preferred purchase method for administrative
23 relief is a purchase offer from the county, state or other land acquisition agency. Policy 105.2.12
24 states that the preferred purchase office method is in the form of relief in Tiers I, II and III
25 designations.
26

27 Pursuant to Monroe County Year 2010 Comprehensive Plan Goal 101 Monroe
28 County “shall manage future growth to enhance the quality of life, ensure the safety
29 of County residents and visitors, and protect valuable natural resources. [9J-
30 5.006(3)a]”
31

32 Pursuant to Year 2010 Monroe County Comprehensive Plan Goal 105 Monroe
33 County “shall undertake a comprehensive land acquisition program and smart growth
34 initiatives in conjunction with its Livable CommuniKeys Program in a manner that
35 recognizes the finite capacity for new development in the Florida Keys by providing
36 economic and housing opportunities for residents without compromising the
37 biodiversity of the natural environment and the continued ability of the natural and
38 manmade systems to sustain livable communities in the Florida Keys for future
39 generations.”
40

41 Pursuant to Year 2010 Monroe County Comprehensive Plan Goal 105.1 “Monroe
42 County shall implement smart growth initiatives in conjunction with its Livable
43 CommuniKeys and Land Acquisition Programs which promote innovative and
44 flexible development processes to preserve the natural environment, maintain and
45 enhance the community character and quality of life, redevelop blighted commercial

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

3
4 Pursuant to Year 2010 Monroe County Comprehensive Plan Policy 105.2.12 “With
5 respect to the relief granted pursuant to Policy 106.1 (Administrative Relief) or Policy
6 101.18.5 (Beneficial Use), a purchase offer shall be the preferred form of relief for
7 any land within Tier I and Tier II, or any land within Tier III in accordance with the
8 criteria in Policy 101.6.5.”

9
10 Pursuant to Year 2010 Monroe County Comprehensive Plan Policy 101.2.14 “For
11 those ROGO applications and properties which have been denied a ROGO award for
12 four consecutive years and have applied for administrative relief, which are located in
13 a CARL project or the National Wildlife Refuge and have received negative habitat
14 scores under ROGO, the County or the state shall offer to purchase the property if
15 funding for such is available. Refusal of the purchase offer shall not be grounds for
16 granting a ROGO award.”

17
18 Pursuant to Year 2010 Monroe County Comprehensive Plan Objective 101.6
19 “Monroe County shall expand the Monroe County Land Authority acquisition
20 program to provide for the purchase of land from property owners who have not been
21 awarded building permit allocations in the Permit Allocation System.”

22
23 Pursuant to Year 2010 Monroe County Comprehensive Plan Policy 101.6.1 “Monroe
24 County, the state, or other acquisition agency shall, upon a property owner's request,
25 purchase the property for fair market value or permit the minimum reasonable
26 economic use of the property pursuant to Policy 101.6.5, if the property owner meets
27 the following conditions:

- 28 1. They have been denied an allocation award for four successive years in the
29 Residential (ROGO) or Non-residential (NROGO) Permit Allocation
30 System;
- 31 2. Their proposed development otherwise meets all applicable county, state, and
32 federal regulations;
- 33 3. Their allocation application has not been withdrawn;
- 34 4. They have complied with all the requirements of the Residential or Non-
35 residential Permit Allocation System; and
- 36 5. They follow the procedures for administrative relief contained in the land
37 development regulations.”

38
39 Pursuant to Year 2010 Monroe County Comprehensive Plan Policy 101.6.5 “Monroe
40 County, the state, or other acquisition agency shall pursue land acquisition through
41 voluntary purchase of lands from private property owners denied a building permit
42 through the Permit Allocation System, as the preferred option for administrative relief
43 pursuant to Policy 101.6.1, if the subject permit is for development located within:

- 44 1. A designated Tier I area;
- 45 2. A designated Tier III Special Protection Area; or,

1 3. A designated Tier III area on a non-waterfront lot suitable for affordable
2 housing.

3
4 Pursuant to Year 2010 Monroe County Comprehensive Plan Policy 105.2.12 “With
5 respect to the relief granted pursuant to Policy 101.6.1 (Administrative Relief) or
6 Policy 101.18.5 (Beneficial Use), a purchase offer shall be the preferred form of relief
7 for any land within Tier I and Tier II, or any land within Tier III in accordance with
8 the criteria in Policy 101.6.5.”
9

10 The proposed amendment is consistent with the provisions and intent of the above Monroe
11 County Year 2010 Comprehensive Plan.
12

13 *C. Goals, Strategies and Action Items from the Livable CommuniKeys Plans that directly*
14 *pertain to the proposed development:*
15

16 The Key Largo Livable CommuniKeys Master Plan Goals One (1) and Five (5) encourage the
17 preservation of environmentally sensitive lands and to preserve manage and restore natural
18 resources. The Big Pine Key / No Name Key Livable CommuniKeys Master Plan (Goal 1)
19 encourage conservation and protection of environmentally sensitive lands, (Goal 2) minimize the
20 impacts on endangered species, (Goal 9) implement a land acquisition program that is fair to
21 willing sellers and (Goal 10) protect and manage natural resources.
22

23 **Key Largo Livable CommuniKeys Plan:**

24 Pursuant to Goal One (1): “Direct future growth to lands that are most suitable
25 for development and encourage preservation of environmentally sensitive lands.”
26

27 Pursuant to Goal Five (5): “Preserve, manage, and restore where appropriate, the
28 natural resources within the planning area by providing open space, protecting
29 water quality and acquiring and managing environmentally sensitive lands.”
30

31 **Big Pine Key / No Name Key Livable CommuniKeys Plan:**

32 Pursuant to Goal Five (1): “Direct future growth to lands that are intrinsically
33 most suitable for development and encourage conservation and protection of
34 environmentally sensitive lands by using the relative wildlife habitat value of land
35 as a basis for development decisions on Big Pine Key and No Name Key.”
36

37 Pursuant to Goal Five (2): “Manage future growth for the next twenty years on
38 Big Pine Key and No Name Key consistent with the community vision, while
39 minimizing impacts on the endangered species and maintaining the existing
40 biodiversity.”
41

42 Pursuant to Goal Five (9): Implement a land consolidation and acquisition system
43 that provides fair, equitable and efficient compensation to land owners who are
44 willing sellers on Big Pine Key and No Name Key”
45

1 Pursuant to Goal Five (10): “Protect and manage natural resources within the
2 planning area in order to ensure continued viability and biodiversity of plant and
3 animal life and to maintain compliance with the anticipated Incidental Take
4 Permit (ITP).
5

6 The proposed amendment is consistent with the Key Largo and the Big Pine Key / No Name Key
7 Livable CommuniKeys Master Plans.
8

9 *D. Consistency of the proposed amendment with the provisions and intent of the Monroe*
10 *County Code, Land Development Regulations:*
11

12 Monroe County Code Sections 138.27(f) and 138.54(f) offer a fair market value purchase price
13 for property owners in administrative relief for lands in designated areas.
14

15 Regarding Monroe County Land Development Regulation Section 138.27(f) (ROGO
16 Administrative) and 138.54(f) (NROGO Administrative Relief) states “At the
17 conclusion of the public hearing, the board may take any or a combination of the
18 following actions:

19 (1) Offer to purchase the property at its fair market value as its preferred
20 action if the property is located within:

- 21 a. A designated tier I area;
- 22 b. A designated tier II area (Big Pine Key and No Name Key)
- 23 c. A designated tier III-A area (special protection area); or
- 24 d. A designated tier III area on a nonwaterfront lot suitable for
25 affordable housing

26
27 *E. Consistency with the Principles for Guiding Development in the Florida Keys Area of*
28 *Critical State Concern pursuant to F.S. Chapter 380.0552(7)* For the purposes of
29 reviewing consistency of the adopted plan or any amendments to that plan with the
30 principles for guiding development and any amendments to the principles, the
31 principles shall be construed as a whole and no specific provision shall be construed
32 or applied in isolation from the other provisions.
33

34 Guiding Principles (a), (b), (c) and (e) are consistent with the proposed amendment. These
35 principles manage land use and development while protecting natural resources. Guiding
36 Principles (f) and (g) are consistent with the proposed amendment. This provides for a vision
37 for future development or land acquisition in the Florida Keys. Guiding Principles (d), (j),
38 (k) and (l) are consistent with the proposed amendment. This provides for the sound
39 economic development and health, safety and welfare of the current and future populations.
40

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

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

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

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

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

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

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

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

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

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

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

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

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

32 The proposed amendment is consistent with the provisions and intent of the Principles for
33 Guiding Development in the Florida Keys Area of Critical State Concern.

34 35 **III. CONCLUSIONS:**

- 36 1. The proposed text amendment is in the interest of public welfare.
- 37 2. The proposed text amendment is consistent with and furthers the policies of the
38 Monroe County Year 2010 Comprehensive Plan which offers preferred purchase
39 method for administrative relief is a purchase offer from the county, state or other
40 land acquisition agency.
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42

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3. The proposed text amendment is consistent with and furthers the regulations of the Monroe County Land Development Regulations which offers the methods of land acquisition for lands in designated areas.
 4. The proposed text amendment is consistent with and furthers the strategies and action items of the Livable CommuniKeys Master Plans which protect natural resources and manage land development.
 5. The proposed text amendment is consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern as a whole, and is not inconsistent with any principle which recognizes land use management, public safety, health and welfare, economic development and protects the natural environment.