

AGENDA

DEVELOPMENT REVIEW COMMITTEE

-
Tuesday, October 6, 2009

-
PURSUANT TO Florida Statute 286.011(1), the Development Review Committee of Monroe County will conduct a meeting on Tuesday, October 6, 2009 beginning at 10:00 AM at the Marathon Government Center, 1st Floor Media & Conference Room (rear hallway), 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:

Kathy Grasser, Comprehensive Planner

APPROVAL OF MINUTES

CHANGES TO THE AGENDA

MEETING

-
Continued Item:

1. Spottswood Partners Inc. Property, Overseas Highway (US 1), Stock Island, Mile Marker 5: A request for approval of a major conditional use permit. The proposed redevelopment involves the construction of a commercial retail building consisting of 14,129 ft² non-residential floor area; the construction of seven (7) residential dwelling units; and the carrying out of several miscellaneous site improvements. The subject parcel is legally described as Square 29 and Block 26, Lots 5-16, part Lot 4, part Lot 17, Maloney subdivision (PB1-55), also known as Parcels A and B; a vacated portion of East Laurel Avenue; and a vacated portion of Fourth Street, Stock Island, Monroe County, Florida, having real estate number 00124140.000000.

[29045 FILE.pdf](#)

[29045 COMBINED PLANS.pdf](#)

New Items:

2. A RESOLUTION RECOMMENDING APPROVAL BY MR. PETER BACHELER, HERSHOFF, LUPINO & YAGEL, LLP ON BEHALF OF MDJ INVESTMENTS, LLC TO AMEND THE FUTURE LAND USE MAP (FLUM) FROM RESIDENTIAL LOW (RL) TO MIXED USE / COMMERCIAL (MC) OF PROPERTY LEGALLY DESCRIBED AS THOMPSON'S SUBDIVISION, KEY LARGO, PB1-147 LOTS 13-18, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00440100.000000

A RESOLUTION RECOMMENDING APPROVAL BY MR. PETER BACHELER, HERSHOFF, LUPINO & YAGEL, LLP ON BEHALF OF MDJ INVESTMENTS, LLC TO AMEND THE LAND USE DISTRICT (LUD) DESIGNATION FROM SUB URBAN RESIDENTIAL (SR) TO SUB URBAN COMMERCIAL (SC) OF PROPERTY LEGALLY DESCRIBED AS THOMPSON'S SUBDIVISION, KEY LARGO, PB1-147 LOTS 13-18, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER 00440100.000000

[M29062 FILE.PDF](#)

[M29062 LUD Map #134.PDF](#)

[M29062 Survey.PDF](#)

[M29062 SR DRC 10.06.09.PDF](#)

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

Monroe County Owned Conservation Lands – Various sites throughout the Keys: A request for approval of amendments to the Land Use District (LUD) designation from Commercial Fishing District (CFD) to Conservation District (CD) for parcels having Real Estate Numbers 00442620-000000 to 00442640-000000; from Improved Subdivision (IS) to Conservation District (CD) for parcels having Real Estate Numbers 00117530-000000 (part), 00117560-000000 (part), 00169770-000000, 00169840-000000, 00169850-000000, 00170270-000000 to 00170350-000000, 00170670-000000 to 00170780-000000, 00170960-000000, 00171160-000000 to 00171220-000000, 00171240-000000 to 00171270-000000, 00177000-000000, 00177400-000000, 00177610-000000, 00177620-000000, 00177960-000000, 00316370-000000, 00316380-000000, 00442650-000000 to 00442730-000000, 00551580-000000 to 00552010-000000; from Improved Subdivision / Duplex (IS-D) to Conservation District (CD) for parcels having Real Estate Numbers 00481320-000000, 00481340-000000; from Native Area (NA) to Conservation District (CD) for parcels having Real Estate Numbers 00117530-000000 (part), 00117560-000000 (part), 00170910-000000 to 00170950-000000; from Suburban Commercial (SC) to Conservation District (CD) for parcels having Real Estate Numbers 00111260-000000, 00111270-000000, 00111880-000030, 00111880-000300, 00111890-000000, 00111940-000000; from Suburban Residential (SR) to Conservation District (CD) for parcels having Real Estate Numbers 00115510-000600, 00115520-002300, 00177340-000000, 00177350-000000, 00200680-000500, 00200680-000800, 00200680-000900, 00200680-001000 00516800-000000, 00516830-000000, 00517080-000000, 00519320-000000; from Suburban Residential Limited (SRL) to Conservation district (CD) for a parcel having Real Estate Number 00118110-000200 in accordance with Sec. 130-28 of the Monroe County Code. The subject parcels (127 total parcels) were purchased utilizing funding from the Florida Communities Trust (FCT), are located throughout the Keys and are currently used as conservation lands. No change in use is proposed. The amendments are being requested by the Monroe County Land Steward to create conformity between the LUD map and the current use, as required by the grant agreement with the FCT.

[M29080 Maps of the 127 FLUMs and LUDs.pdf](#)

[M29080 SR DRC 10.06.09.PDF](#)

ADJOURNMENT

File #: 29045

Owner's Name: Stock Island Drug Store

Agent: The Craig Company

Type of Application: Major Cond. Use

Key: Stock Island

RE #: 00124140-000000

Additional Information added to File 29045

County of Monroe
Growth Management Division

Office of the Director

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



Board of County Commissioners

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

We strive to be caring, professional and fair

Date: 4/14/2009
Time: 1:40

Dear Applicant:

This is to acknowledge submittal of your application for Major Conditional Use - Spotswood Partners
Type of application

Stock Island Drug Store to the Monroe County Planning Department.
Project / Name

Thank you.

Julie Thomson

Planning Staff



End of Additional Information For File 29045

Stock Island Drug Store

Amendment to a Major Conditional Use

Prepared by

The Craig Company

April 2009

Table of Contents

Application Form
Project Overview 1
Application History2
Zoning Map3
Aerial Photo4
Site Photographs5
Request and Background Information6 - 7
Consistency Statements8 - 15
Construction Management & Phasing Plan16 - 17

Appendices

Agent Authorization.....A
Resolutions, Development Order and Staff Report.....B
Proof of OwnershipC
Property Record Card.....D
Location Map.....E
300 Ft. Radius Report & Map.....F
Letters of CoordinationG
Traffic Study.....H
PlansI
 Survey
 Site Plan, Floor Plans and Elevations
 Landscape Plan
 Drainage Plan

APPLICATION

Land Use District Designation(s): Mixed Use (MU)

Present Land Use of the Property: Vacant

Proposed Land Use of the Property: medium intensity drug store and 7 market rate dwelling unit.

Total Land Area: 103,656 ± sq. ft. or approx. 2.38 acres

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

1 Total number of non-residential buildings

14,129 Total non-residential floor area in square feet

If residential dwelling units are proposed, please provide:

4 Total number of residential buildings

7 Total number of permanent, market-rate units

N/A Total number of permanent, affordable / employee housing units

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

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

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

- Complete major conditional use permit application (unaltered and unbound);
- Correct fee (check or money order to Monroe County Planning & Environmental Resources);
- Proof of ownership (i.e. Warranty Deed);
- Current Property Record Card(s) from the Monroe County Property Appraiser;
- Location map;
- Photograph(s) of site from adjacent roadway(s);
- Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – 16 sets (at a minimum, survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage by land use district; and total acreage by habitat);
- Written description of project;
- Environmental Designation Survey (prepared in accordance with Monroe County Code);
- Community Impact Statement (prepared in accordance with Monroe County Code);
- Signed and Sealed Site Plan, prepared by a Florida registered architect, engineer or landscape architect– 16 sets (drawn to a scale of 1 inch equals 20 feet, except where impractical and the Director of Planning authorizes a different scale). At a minimum, the site plan should include the following:
 - Date, north point and graphic scale;

APPLICATION

- Boundary lines of site, including all property lines and mean high-water lines;
- Land use district of site and any adjacent land use districts;
- Flood zones pursuant to the Flood Insurance Rate Map(s);
- Locations and dimensions of all existing and proposed structures and drives;
- Type of ground cover (i.e. concrete, asphalt, grass, rock);
- Adjacent roadways;
- Setbacks as required by the land development regulations;
- Location and dimensions of all parking spaces (including handicap accessible, bicycle and scooter) and loading zones;
- Calculations for open space ratios, floor area ratios, residential density and parking;
- Location and type of outdoor lighting;
- Extent and area of wetlands, open space areas and landscape areas;
- Location of solid waste storage;
- Location of sewage treatment facilities;
- Location of existing and proposed fire hydrants or fire wells;

Floor Plans for all proposed structures and for any existing structures to be redeveloped – 16 sets (drawn at an appropriate standard architectural scale and including handicap accessibility features);

Elevations for all proposed structures and for any existing structures to be modified – 16 sets (with the elevations of the following features referenced to NGVD: existing grade; finished grade; finished floor elevations (lowest supporting beam for V-zone development); roofline; and highest point of the structure);

Landscape Plan by a Florida registered landscape architect – 16 sets (may be shown on the site plan; however, if a separate plan, must drawn to a scale of 1 inch equals 20 feet, except where impractical and the Director of Planning authorizes a different scale). At a minimum, the landscaping plan should include the following:

- Date, north point and graphic scale;
- Boundary lines of site, including all property lines and mean high-water lines;
- Locations and dimensions of all existing and proposed structures and drives;
- Open space preservation areas;
- Existing natural features;
- Size and type of buffer yards including the species, size and number of plants;
- Parking lot landscaping including the species, size and number of plants;
- Specimen trees, or threatened and endangered plants to be retained and those to be relocated or replaced;
- Transplantation plan (if required);

Conceptual Drainage Plan – 16 sets (with drainage calculations; existing and proposed topography; all drainage structures; retention areas; drainage swales; and existing and proposed permeable and impermeable areas;

Traffic Study, prepared by a licensed traffic engineer;

Construction Management Plan, stating how impacts on near shore water and surrounding property will be managed (i.e. construction barriers, hay bales, flagging);

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

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;

APPLICATION

- Monroe County Health Department;
- Monroe County Solid Waste Management;
- Florida Department of Health if wastewater flows are less than or equal to 5,000 gallons per day or Florida Department of Environmental Protection if wastewater flows exceed 5,000 gallons per day;

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

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

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

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

Signature of Applicant: Barbara Mitchell Date: 4/9/09

Sworn before me this 9 day of April, 2009



[Signature]
 Notary Public
 My Commission Expires

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

Project Overview

The applicant, Spottswood Partners, Inc., seeks to amend an existing, approved major conditional use in order provide the Stock Island community with a 14,129 square foot drug store with drive through capability and seven market rate dwelling units. The site is located on both US 1 and MacDonald Avenue, between the Burger King Restaurant and the Coral Hammock residential development on Stock Island. Development approvals have been obtained on this site in conjunction with the property located to the south of MacDonald Avenue. The south side development (The Spottswood Shops) was completed in 2001. The northern portion, and subject of this application, was approved for a 14,400 square-foot high-intensity flea market. This application pertains only to the northern parcel of land located to the north of MacDonald Avenue, formerly known as Pearl Mobile Home Park.

VESTED DENSITY:

The historic density on the subject parcel, of approximately 60 units has been well documented by the applicant in the previous Amendment to a Conditional use application dated September 2002. The County confirms the property owner's right to 51 ROGO exempt market-rate dwelling units in Aref Joulani's December 2002 staff report to the Planning Commission and the Planning Commission Resolution P04-03 (Appendix B). Given the ability to redevelop at least 51 market-rate dwelling units on site, ROGO does not apply to this proposal.

Furthermore, the site is vested with over 14,400 square feet of high intensity, non-residential floor area as documented in BOCC Resolution 070-1997 concerning vested rights, the Planning Commission Resolution P12-00 and further approved in PC Resolution P04-03. Please see the Appendix B for copies of these resolutions. It is the applicant's intention to apply the vested, non-residential floor area to this project.

It is the applicant's intention to retain the remaining ROGO exemptions (both residential and non-residential) that are not allocated for use on this site. Therefore a total of 44 market rate residential units and approximately 271 square feet of non-residential floor area remain available on this site for transfer elsewhere in accordance with Monroe County Land Development Regulations.

APPLICATION HISTORY:

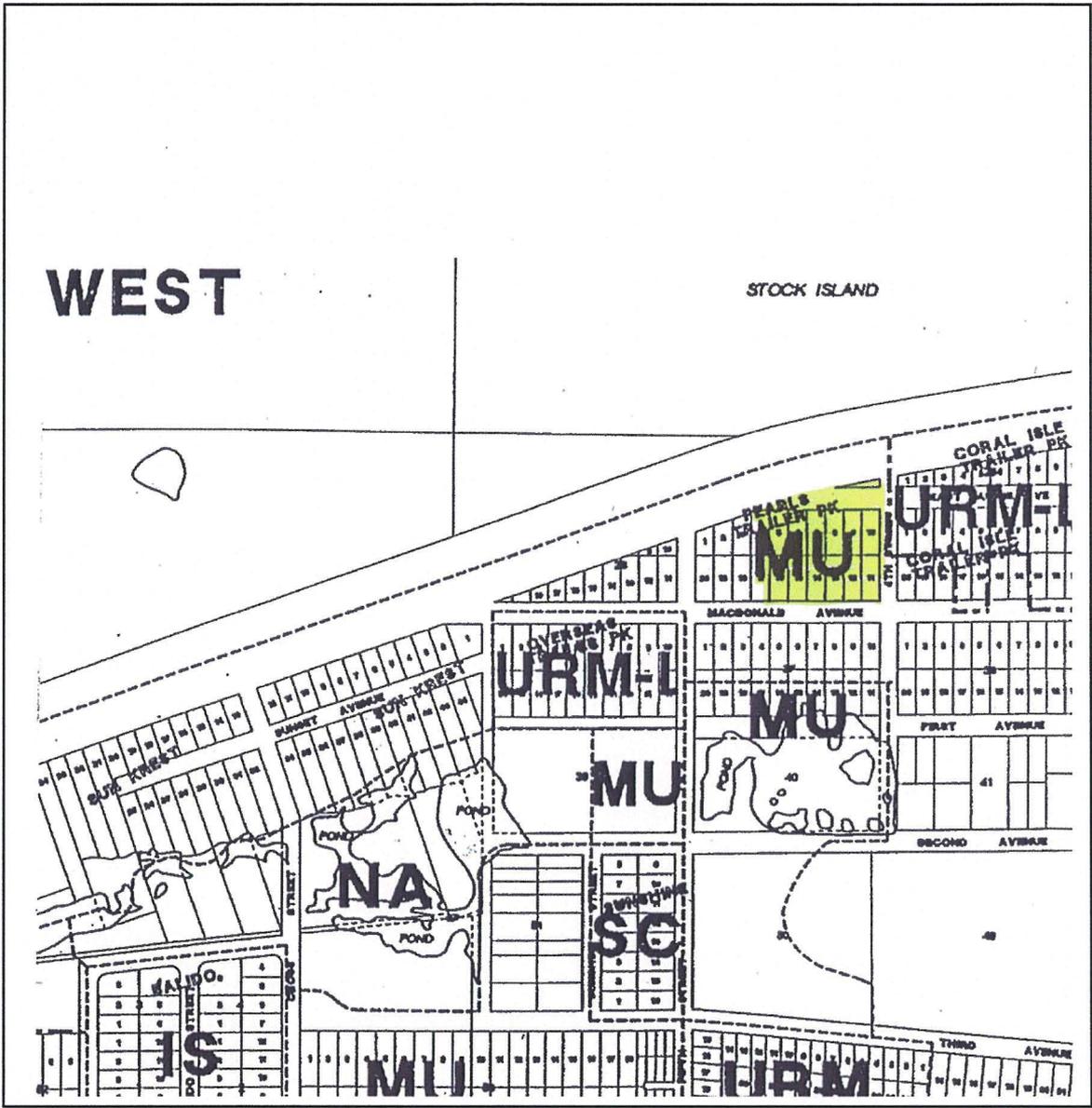
Since 1996, this site has been several actions by the Planning Director, Planning Commission, Board of County Commissioners and Building Department. The following chart summarizes these actions. The resolutions are included in Appendix B for ease in review.

Date	Document	Number	Action
06/11/08	PC Resolution	P24-08	Approval of Request for time extension to a Major Conditional Use Permit for one year.
08/18/05	PC Res.	P32-05	Approval of Amendment to Major Conditional Use for development of 46 two-story elevated residential units and a play area.
05/12/04	PC Res.	P15-04	Approval of Amendment to Major Conditional Use approved under Planning Commission Resolution P04-03 increasing number of market rate units from 7 to 10, adjusting parking and open space around each unit and removing the drive-through from the drug store and rearranging parking spaces around drug store
02/12/03	PC Res.	P04-03	Approval of an Amendment to a Conditional Use to allow the building of a 14,129 sq. ft. Eckerd Drug Store, with drive-thru, and seven market-rate dwelling units.
07/17/02	BOCC	304A-2002	Road abandonment approval for a portion of 4 th Street between MacDonald Avenue and US 1.
06/13/01	PC Res.	P34-01	Southern Portion: Approval to convert a walk-up bank to a drive-in bank, add two satellite dishes, and minor site plan changes.
04/12/00	PC Res.	P12-00	Southern Portion: Approval to convert a radio station to a walk-up bank, change to medium intensity commercial retail use. Northern Portion: Approval to change to a high-intensity commercial retail use with a public restroom.
02/07/97	BOCC Res.	070-1997	Determination of vested rights
07/24/96	PC Res.	P38A-96	Northern Portion: Approval to construct an open-air flea market with restroom. Southern Portion: Approval to construct two buildings with a light industrial use.
03/03/89	Development Order	02-1989	Northern Portion a.k.a. Pearl Trailer Park: Approval to replace 51 mobile homes and one 765 square foot building.

The following summarizes the building permits that were submitted pursuant to PC Resolution P32-05.

Permit Number	Applied Date	Issued Date	Work
06102261	04/07/06	04/27/06	Construct temporary construction fence
06106030	10/18/06		Banyan Grove - Bldgs. 8 – 13, Construct 1468 SF residence
06106031	10/18/06		Banyan Grove - Bldg. 14, Construct SFR residence
06106032	10/18/06		Banyan Grove - Bldg. 15, Construct residence
06103093	05/12/06		Banyan Grove - Bldg. 7B, Construct residence
06103198	05/19/06		Banyan Grove - Sewer, water, drive paving, demo, drainage and stormwater
07103718	08/24/07	08/29/07	Banyan Grove – Temporary construction trailer w/ADA ramp & temp elect

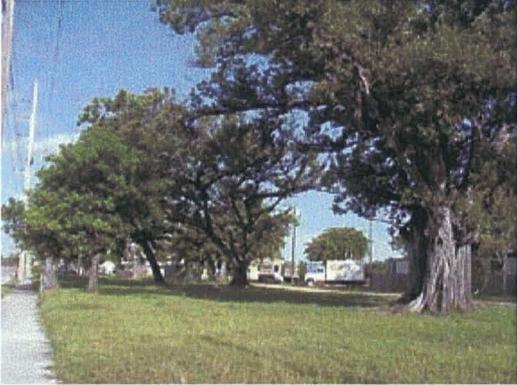
Zoning Map



Aerial Photo



Site Photos



Looking west on McDonald Avenue



Center of the Site, from US 1



View from McDonald Avenue



Looking west on US 1

Request & Background Information

REQUEST:

1. Applicant:

Spottswood Partners, Inc.

2. Agent:

The Craig Company

3. Proposed Use and Size:

Amend the approved conditional use that pertains to the northern portion of the development. This amendment includes a request to construct a medium intensity 14,129 square foot drug store with drive through and 7 ROGO exempt market rate residential units.

4. Location:

The site is located on both US 1 and MacDonald Avenue, between the Burger King Restaurant and the Coral Hammock residential development, on Stock Island. Specifically described as: STOCK ISLAND MALONEY SUB PB1-55 PT LOT 4 & PT LOT 17 & ALL LOTS 5 THRU 16 & PT EAST LAUREL AVE & PT 4TH STREET, RE# 00124140-000000

5. Plans Provided:

Plan	By	Date	Revised
Field Survey	Fred Hildebrandt, PA	08/02/02	NA
Site Plan	Tom Pope	03/27/09	
Landscape Plan	The Craig Company	08/27/02	04/10/09
Drainage Plan	Perez Eng. & Dev., Inc.	4/3/09	NA

BACKGROUND INFORMATION

1. Land Use District

Mixed Commercial Use

2. Future Land Use Designation

Mixed Commercial Use

3. Site Size:

The site is 103,656± square feet or approximately 2.38 acres. The northern portion of the parcel is the subject of this application. The southern portion of the project is complete. Therefore, it is not included in the following analysis.

4. Existing Vegetation

The subject of this conditional use is the northern portion of the development. This area is primarily scarified with a few large Ficus trees, Poincianna trees and non-native palms. Since the original submission, many of the non-native and some ficus trees were removed due to storm damage caused by hurricanes.

5. Community Character of the Immediate Vicinity:

The community character of the immediate area can be best described as mixed as it includes industrial activities, commercial areas and residential uses. Adjacent to the site on the west is the Stock Island Burger King Restaurant, to the east is the Coral Hammock residential development (Coral Hammock). The site is located on US Highway I and MacDonald Avenue.

Consistency Statements

Standards Applicable to All Conditional Uses:

The project is required to be consistent with all applicable portions of the Land Development Regulations and the Comprehensive Plan. These regulations require all conditional uses to be consistent with Section 110-67. The following narrative demonstrates compliance with those aspects of the code as required.

Section 110-67

"The conditional use is consistent with the purposes, goals, objective and standards of the plan and this chapter."

1. Compliance with Monroe County Code of Ordinances, Part II, Land Development:

a. Purpose of the Mixed Use (MU) Land Use District , Sections 130-1 and 130-38

Section 130-1 of the Monroe County Code states that "All development within each land use district shall be consistent with the purposes stated for that land use district in this chapter."

Section 130-38 states that the purpose of the Mixed Use land use district is "to establish areas or conserve areas for mixed uses including commercial fishing, resorts, residential, institutional and commercial uses and preserve those areas representative of the character, economy and cultural history of the Florida Keys. "

Applicant's Response: The proposed development has several components. The south side of the parcel has been developed per the existing resolution. The Spottswood Shops at 5400 MacDonald Avenue contain a bank, radio station, professional offices, including a wellness center and veterinarian, and several other retail establishments are all viable commercial endeavors that provide services for the Stock Island community. The proposed drug store will provide the citizens of Stock Island a local alternative, rather than driving onto the island of Key West, they will be able to drive, walk or bike to the Stock Island Drug Store.

In addition, there is a residential component proposed for this mixed-use development. Seven (7) townhomes to be used as housing are proposed for this site. The residential units will be located on the northern portion of the project, adjacent to another residential community of 55 homes.

b. Permitted Uses, Section 130-88(c)1. and 130-88(c)(3)

Commercial Retail low- and medium-intensity uses... greater than 10,000 square feet in floor area, provided that access to US 1 is by way of: a An existing curb cut; b. A

signalized intersection; or c. A curb cut that is separated from any other curb cut on the same side of US 1 by at least 400 feet.

Attached residential dwelling units, provided that: a. The structures are designed and located so that they are visually compatible with established residential development within 250 feet of the parcel proposed for development; and b. The parcel proposed for development is separated from any established residential use by a class C buffer-yard.

Applicant's Response: The proposed curb cut has not changed from the access that was originally approved. It is located approximately 416' from 5th Street to the south and 660' feet from 3rd Street to the north.

At this time the established residential developments located within 250 feet is limited to Coral Hammock and the Overseas Trailer Park. A Class C buffer was established along 5th Street to buffer the Overseas Trailer Park as part of Phase I construction of the Stock Island Shops. A mix of single-family and attached residential dwelling units is at the adjacent Coral Hammock development. The proposed townhomes are consistent with this adjacent development. A Class C landscape buffer has been approved consistent with Monroe County Code Section 114-129.

The proposed development is consistent with Sections 130-88(c)1. and 130-88(c)3.

c. Density/Intensity, Section 130-157 & 130-164

The maximum nonresidential density for medium intensity commercial use in the Mixed Use Land Use District is 25%. The residential maximum net density for market rate housing is 12 units per buildable acre.

Applicant's Response: This amendment seeks to modify the approved high-intensity commercial retail use of the northern portion of the property to a medium-intensity commercial retail use. The flea market and the restroom have been deleted from the project and replaced with a drug store. The added utility of the site generated by the reduction of intensity shall be utilized by the construction of 7 residential units. The development is consistent with Sections 130-157 and 130-164 as demonstrated below:

Northern Portion:

Total Area:	103,656 S.F. (2.38 acres)
Medium Intensity Use	14,129 x .25 = 56,516 S.F. or 54.5% of the Site.

Potential for Residential Development:

Total Area: 103,656 S.F. (2.38 acres)
Less Required Open Space -20,731 S.F. (0.475 acres)
Buildable Area 82,925 S.F. (1.90 acres)

Maximum Net Residential Density: $1.90 \times 12 = 22.8$ units
Proposed Residential Units: $7 \div 22.8 = 31 \%$

Therefore:

Commercial Development represents: 54.5%
Residential Development represents: 31.0%
Total Proposed Site Utility: 85.5%

d. Open Space and Environmental Criteria, Sections 130-164 and 118-9

The purpose of this section is to provide for open space as part of a development plan to ensure the continued existence of natural wildlife habitat and to provide open green areas for the movement, aesthetics, and safety of the human population utilizing the development... No land shall be developed, used or occupied such that the amount of open space on the parcel proposed for development is less than the open space ratios listed for each habitat.

Applicant's Response: There is no native vegetation on the site with the exception of one mahogany tree that will remain at the entrance on MacDonald Avenue. The site is scarified and has a required open space ratio of 0.20. The land use district minimum open space ratio is 0.20 or 20,731 sq. ft. The Site Plan indicates an open space of 0.296. The proposed development is consistent with Sections 130-64 and 118-9.

e. Minimum Yards, Section 130-186

The minimum yard requirements for commercial uses in the Mixed Use district are as follows: a front yard setback of 15 feet, a rear yard setback of 10 feet, and side yard setbacks such that one side yard must be 10 feet and the combined total of both side yards is 15 feet. The minimum yard requirements for attached residential uses are as follows: a front yard setback of 25 feet, a rear yard setback of 20 feet, and no side yard setbacks applicable.

Applicant's Response: The Site Plan submitted application provides for a 25' front yard setback from US 1, a 20' rear yard setback from MacDonald Avenue. At the request of the Planning Department, a 25' setback from MacDonald Avenue for the residential component has been provided. There is a 10' side yard setback from the southern boundary line adjacent to the Burger King and a 5' side yard setback from the northern boundary line adjacent to Coral Hammock. The proposed development is consistent with Section 130-186.

f. Height, Section 130-187

No structure or building shall be developed that exceeds a maximum height of thirty-five feet.

Applicant's Response: The height of the proposed drug store is 35 feet. The height of the townhomes is 35 feet. Therefore the site is consistent with Section 130-187.

g. Scenic Corridors and Bufferyards, Sections 114-124 to -128 (Street Trees 114-104)

Section 114-125(b). All other development of land that fronts on U.S. 1, 905 or 940 shall provide a major street buffer in accordance with section 114-127.

Pursuant to Section 114.127 the following bufferyards are required. Along US Highway 1 a Class B bufferyard, at least 10 feet wide; to the east one half of a Class C district boundary buffer, minimum width 5 feet is required.

Applicant's Response: There are several significant trees on the site that as part of the project scope have been incorporated into the site plan. These trees are shown on the submitted Landscape Plan and Site Plan. The trees are primarily Ficus species; they are tall trees and provide an established canopy. Every attempt will be made to save these trees during the construction process. A Class "B", 365' long, 20' wide, major street buffer is provided as shown on the submitted landscape plan pursuant to Section 114.127. On the west side of the property, the adjacent land use district is Mixed Use and no buffer is required. One half of a Class "C" Bufferyard is provided on the east side of the parcel that is adjacent to the existing residential development required. The proposed development is consistent with Sections 114-124 to -128.

h. Parking and Loading Standards, Sections 114-66 to -69.

The parking requirements for commercial retail/office use are 3.0 spaces per one thousand square feet of gross floor area. The parking requirements for attached residential dwelling units are 1.5 spaces per unit.

Applicant's Response: The proposed Site Plan illustrates that a total of 70 parking spaces have been provided. The 70 spaces include 42 spaces for the commercial use (14,129 s.f building: $14.1 \times 3 = 42$) and 11 spaces for the residential use ($6 \times 1.5 = 9 + 1 \times 2 = 2$). The additional spaces shall be used for employees or visitors. Included in these calculations are four handicap spaces. The handicap space will have a sign which states the fine imposed for illegal parking. One loading zone (11' x 55') has been provided as shown on the Site Plan. Furthermore, the proposed parking spaces are 9' in width thereby exceeding the minimum standard required by the County Code. The proposed development is consistent with Sections 9.5-351-354.

i. Parking Lot Landscaping, Section 114-99 and 114-100.

All off-street parking areas containing more than six spaces shall be landscaped in accordance with the standards set out in section 114-100. Mixed Use land use districts require a Landscape Standard "C", which includes 430 square feet of planting area including 2 canopy trees, and 5 shrubs per 24 parking spaces.

Applicant's Response: The proposed parking lot landscaping as presented on the Landscape Plan exceeds the requirements of the LDRs. Pursuant to Sections 114-99 and 114-100, 1,257 square feet of planting area is required and over 2,000 square feet has been provided. Six canopy trees are required and 31 have been provided. No understory trees are required - 15 have been provided. Thirteen shrubs are required and 57 have been provided. The proposed development is consistent with Section 114-99 and 114-100.

j. Surface Water Management, Section 114-3

Applicant's Response: A Storm Water Management Plan, designed by a registered Florida engineer, has been provided with this application. The level of review is the Monroe County Engineer. The project is consistent with Section 114-3.

k. Wastewater Treatment Criteria, Section 114-5

Applicant's Response: Key West Resort Utilities Sewage Treatment Plant serves the Stock Island area. Included in this application is a coordination letter from Key West Resort Utilities reserving space for this development.

l. Flood Plain Management Criteria, Section 122-4

New construction or cumulative substantial improvements of any commercial, industrial or non-residential structures within zones A1-30, AE and AH on the community's flood insurance rating map (FIRM) shall have the lowest floor (including basement) elevated to or above the base flood level.

Applicant's Response: The property is located in flood zone "AE" with an elevation of nine (9) feet (FIRM panel #1728 H). The development proposed shall be constructed to the required elevation as shown on the Elevation Plans submitted.

m. Environmental Performance Standards, Section 118-1 and -2

Applicant's Response: The site is scarified and there are no significant natural areas. Therefore, this section of the code is not applicable.

n. Transplantation Plan, Section 118-7(1)

Applicant's Response: Not required.

o. Energy and Conservation Standards, Section 114-45

Applicant's Response: The proposed development provides for energy conservation in the following ways: (1) installation of native plants that reduce requirements for water and maintenance; (2) installation of bicycle racks; (3) construct roof overhangs on the drug store building to provide structural shading; and (4) the residential development shall have open porches and ceiling fans to help conserve energy. The proposed development is consistent with Section 114-45.

p. Outdoor Lighting, Section 9.5-391-393

All outdoor lighting shall be designed, located and mounted at maximum heights no greater than 18 feet for non-cutoff lights and 35 feet for cutoff lights. All outdoor lighting shall be designed and located such that the maximum illumination measured in footcandles at the property line shall not exceed three-tenths footcandle for noncutoff lights and 1.5 footcandles for cutoff lights.

Applicant's Response: All site lighting will be designed so as not to exceed the requirements of this section.

q. Access Standards, Section 114-195

No structure or land shall be developed, used or occupied unless direct access to US 1 or County Road 905 is by way of a curb cut that is spaced at least four hundred (400) feet from any other curb cut that meets the access standards of the Florida Department of Transportation or an existing street on the same side of US 1 or County Road 905.

Applicant's Response: The existing approval includes access to the site from US 1 and MacDonald Avenue. The location of the US 1 entrance has not changed. The distance from the 5th Street intersection is 416'± and the distance from the 3rd Street intersection is 660'±. The access onto MacDonald Avenue has shifted. The original approval included two access drives onto MacDonald Avenue. Due to the proposed changes, the southernmost MacDonald Avenue driveway has been eliminated. The remaining MacDonald entrance driveway has been shifted to accommodate the proposed uses. The proposed development is consistent with Section 114-195.

r. Traffic Study, Section 114-200

Any development generating from 250 to 500 trips per day shall submit a report from a licensed traffic engineer indicating that the configuration of the access to US 1 or County Road 905 will maintain a safe traffic flow, or provide a design for a new configuration to be constructed by the developer.

Applicant's Response: A trip generation report from a licensed engineer is attached hereto. The report concludes that the proposed development is consistent with level of service standards on US 1. The project is in compliance with Section 114-200.

s. Clear Site Triangles, Section 114-201

All entrance drives and street intersections shall provide clear site triangles in both directions as indicated in this section.

Applicant's Response: Clear site triangles are shown on the attached site plan, which are consistent with Section 114-201.

t. Handicap Accessibility, Chapter 533, F.S.

Applicant's Response: The proposed commercial building is handicap accessible via a concrete ramp. There are handicap accessible parking spaces as shown on the Site Plan.

u. Rate of Growth Ordinance, Section 128-22.

The residential ROGO shall not apply to the development described below: (1) Redevelopment on-site: Redevelopment, rehabilitation or replacement of any lawfully established residential dwelling unit or space that does not increase the number of residential dwelling units above that which existed on the site prior to the redevelopment, rehabilitation or replacement shall be exempt from the residential ROGO system.

Applicant's Response: The historic density on the subject parcel, of approximately 60 units has been well documented by the applicant in the previous Amendment to a Conditional use application dated September 2002. The County confirms the property owner's right to 51 ROGO exempt market-rate dwelling units in Aref Joulani's December 2002 staff report to the Planning Commission and the Planning Commission Resolution P04-03 (Appendix B). Given the ability to redevelop at least 51 market-rate dwelling units on site, ROGO does not apply to this proposal.

2. Consistency with the Goals, Objectives and Policies of the Year 2010 Comprehensive Plan:

This application seeks to amend a previously approved development. The redevelopment of this site will serve to enhance the Stock Island streetscape. The existing tree canopy shall remain to the greatest extent possible. New housing will be constructed at a site that is located within existing municipal service's areas. There are established bus routes on MacDonald Avenue. The new drug store will serve the citizens of Stock Island, many of whom do not own automobiles, and will provide a pedestrian friendly site.

The objectives and policies of the Comprehensive Plan are furthered by the provision for stormwater management (Objective 101.9 and subsequent policy 101.91) and the installation of landscaping. The site is consistent with the Future Land Use Intensities, the maximum floor area ratio in the Comprehensive Plan Policy 101.4 is between 0.10 to 0.40 for this land use district, the existing floor area ratio for this development is 0.25.

Construction Management & Phasing Plan

Licensed Monroe County contractors will conduct all work with direct supervision and project management by Spottswood Partners, Inc. Local contractors will be used, whenever possible, as to limit the amount of additional traffic and to support the local economy.

Phasing Schedule

The proposed modification of the site will be completed in one phase.

Waste Generation

(I) Construction Disposal and Recycling Plan

Construction & Clearing Debris: The project site is primarily scarified. All construction debris will be placed commercial dumpsters owned by local contractors. The plant material will be mulched on site for future use.

(II) Recycling Plan

a. Source Separation

All recyclable containers, glass, aluminum and cardboard will be separated either within the building or at the outdoor recycling area. From there the materials will be removed to local recycling containers provided by the locally contracted company serving Rockland Key.

b. **Site Plan Location.** Please see attached site plan.

c. **Quantities.** Please see table below. In summary, the total annual recyclable waste created is 29,865 lbs. The total annual yard waste is estimated at 2,500 lbs.

(III) Disposal Plan

a. **Quantities.** Please see Recycling Plan below.

b. At present, there is not a capacity problem at the Lower Keys Disposal Site, as all waste is removed to a remote location on the mainland.

Recycling Plan

Waste Generation: This existing retail (drugstore) enterprise will generate 3,108 lbs of waste per week, and a total of 35,555 lbs per year based on the assumptions in the following chart.*

<u>Use</u>	<u>Size</u>	<u>Total</u>	
		<u>Week</u>	<u>Year</u>
Retail	14,129 s.f.	3,108 lbs	35,555 lbs

Quantity By Composition

<u>Item</u>	<u>Retail</u>		
	<u>%</u>	<u>Quantity</u>	
		<u>Week</u>	<u>Year</u>
Paper	35	1,089	12,444
Cardboard	40	1,243	14,222
Plastic	8	684	2,844
Metals	1	31	355
Other	16	497	5,689

Yard Waste

Estimated @ 2,500 lbs per year

Recyclables

Assume that 70% of all paper, cardboard, plastic and metals can be recycled. The total recyclables expected are: weekly - 2,133 lbs and annually - 29,865 lbs.

* Source: Tables from Westchester County's Solid Waste Management Plan, August 1989

Appendix A
Agent Authorization

4/9/09

(Date)

I hereby authorize The Craig Company be listed as authorized agent
(Name of Agent)

for Spottswood Partners, Inc. for the purpose of conducting all business necessary to
(Name of Owner(s) / Applicant)

process and obtain approval in regard to Stok Island Drug Store for Amendment to Major Conditional Use
(Project Name) (Application Type)

for Real Estate No(s): 00124140-000000 from
the Monroe County Planning and Environmental Resources Department.

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

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

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

[Handwritten Signature]

Owner(s) / Applicant Signature

William B. Spottswood

Printed Name of Owner(s) / Applicant

VICE Pres.

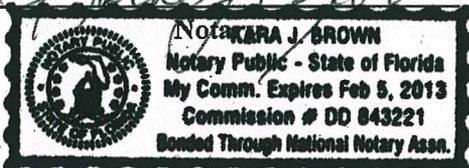
NOTARY:
STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 9th day of April, 2009.

William B. Spottswood is personally known produced identification

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

[Handwritten Signature]



Appendix B

Resolutions, Development Order and Staff Report



Doc# 1715476 10/15/2008 9:53AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

Doc# 1715476
Bk# 2384 Pg# 890

**MONROE COUNTY, FLORIDA
PLANNING COMMISSION RESOLUTION NO. P24-08**

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION **APPROVING** THE REQUEST OF SPOTTSWOOD PARTNERS INC. FOR A ONE (1) YEAR TIME EXTENSION TO MAJOR CONDITIONAL USE PERMIT RESOLUTION NO. P32-05.

WHEREAS, during a regularly scheduled meeting held on June 11, 2008, the Monroe County Planning Commission conducted a review and consideration of the request filed by the Craig Company, on behalf of Spottswood Partners Inc., for a one (1) year extension to Resolution No. P32-05 in accordance with §9.5-72 of the Monroe County Code; and

WHEREAS, the subject property is located at 5455 MacDonald Avenue, Stock Island, approximate mile marker 5 (oceanside) and is legally described as portion of East Laurel Avenue (abandoned), Lots 5-16, part Lot 4 & part Lot 17 of Block 29, and all Blocks 37 & 40, Maloney subdivision (PB1-55), Stock Island, Monroe County, Florida and having real estate number 00124140.000000; and

WHEREAS, the Planning Commission reviewed the following documents and other information relevant to the request, which by reference are hereby incorporated as part of the record of said hearing:

1. Request for a Time Extension to a Conditional Use Permit Application, received by the Monroe County Planning & Environmental Resources Department on April 8, 2008; and
2. Letter from Barbara Mitchell, Vice President of the Craig Company, to Townsley Schwab, Acting Senior Director of the Planning & Environmental Resources Department, dated April 10, 2008; and
3. Monroe County Planning Commission Resolution No. P32-05; and
4. Staff report prepared by Joseph Haberman, Principal Planner, dated May 20, 2008; and
5. Sworn testimony of Monroe County Planning & Environmental Resources Department Staff; and
6. Sworn testimony of the applicant and general public; and
7. Advice and counsel of Susan Grimsley, Assistant County Attorney, and John Wolfe, Planning Commission Counsel; and

WHEREAS, based upon the information and documentation submitted, the Planning Commission makes the following Findings of Fact:

1. Resolution No. P32-05, passed and adopted by the Planning Commission on June 8, 2005, was filed and recorded in the official records of the Monroe County Clerk of the Circuit Court on December 7, 2005. Resolution No. P32-05 approved an amendment to a major conditional use permit, allowing the development of forty-six (46) dwelling units and associated improvements on the subject property; and
2. Pursuant to §9.5-72(a)(1) of the Monroe County Code, unless otherwise specified in the approved conditional use approval, application for a building permit(s) shall be made within six (6) months of the date of the approval of the conditional use, and all required certificates of occupancy shall be procured within two (2) years of the date of issuance of the initial building permit, or the conditional use approval shall become null and void with no further action required by the county. Approval time frames do not change with successive owners. An extension of time may be granted only by the Planning Commission for a period not to exceed one (1) year and only within the original period of validity; and
3. Planning & Environmental Resources Department Staff recommended approval of the time extension request; and

WHEREAS, based upon the information and documentation submitted, the Planning Commission makes the following Conclusions of Law:

1. An application for a building permit was required by May 7, 2006, six (6) months after the recording date of December 7, 2005. The property owner applied for a building permit for a temporary construction fence on April 7, 2006. Building Permit 061-2261, approving the temporary construction fence, was issued on April 27, 2006. All required certificates of occupancy were required by April 27, 2008, two (2) years after April 27, 2006, the date of issuance of the initial building permit. Therefore, unless the property owner applied for a time extension, the project had to be carried out by April 27, 2008 or the major conditional use permit approval would have become null and void at that time; and
2. §9.5-72(a)(1) of the Monroe County Code states that an extension of time may be granted only by the Planning Commission for a period not to exceed one (1) year and only within the original period of validity. As set forth in a cover letter submitted with the application, the applicant initially requested a two (2) year extension to Resolution No. P32-05. However, after discussions with Staff about the parameters of §9.5-72(a)(1), the applicant revised the request to a one (1) year extension, as set forth in a letter to the Planning & Environmental Resources Department dated April 10, 2008. Therefore, the applicant requested a one (1) year extension and at the time of application submittal, April 8, 2008, Resolution No. P32-05 was within its original period of validity. Therefore, the request is in compliance with the provisions set forth in §9.5-72 of the Monroe County Code; and

3. Although the applicant submitted an application on April 8, 2008, Staff could not schedule a public hearing on the application before Resolution No. P32-05 was set to expire on April 27, 2008. Since Resolution No. P32-05 would have expired prior to June 11, 2008 meeting date and the recording date of this resolution, Staff recommended that the new expiration date be one (1) year from April 27, 2008, so that the time extension did not exceed one (1) year.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, that the preceding Findings of Fact and Conclusions of Law support its decision to **APPROVE** the request by Spottswood Partners Inc. for a one (1) year extension to Resolution No. P32-05, subject to the following conditions:

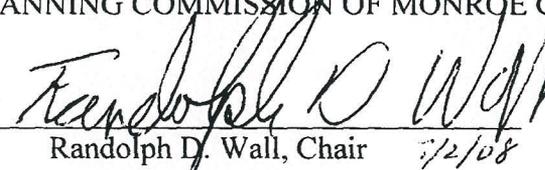
1. Resolution No. P32-05 is hereby extended for one (1) year, to provide a new expiration date of April 27, 2009.
2. All other provisions and conditions of Resolution No. P32-05 shall be met.

PASSED AND ADOPTED BY THE PLANNING COMMISSION of Monroe County, Florida, at a regular meeting held on the 11th day of June, 2008.

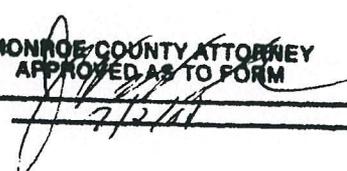
Chair Wall	<u>YES</u>
Vice-Chair Cameron	<u>YES</u>
Commissioner Hale	<u>YES</u>
Commissioner Marston	<u>ABSENT</u>
Commissioner Windle	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

BY


Randolph D. Wall, Chair

7/2/08


MONROE COUNTY ATTORNEY
APPROVED AS TO FORM

Date: 7/2/08

MONROE COUNTY
OFFICIAL RECORDS

PLANNING COMMISSION RESOLUTION NO. P32-05

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION APPROVING THE REQUEST OF THE SPOTTSWOOD FAMILY TRUST, INC FOR AN AMENDMENT TO A MAJOR CONDITIONAL USE FOR THE DEVELOPMENT OF FORTY-SIX (46) TWO STORY ELEVATED RESIDENTIAL UNITS. THE PROPERTY IS LEGALLY DESCRIBED AS A PORTION OF EAST LAUREL AVENUE (ABANDONED) LOTS 5 THROUGH 16 AND PART LOTS 4 AND 17 OF BLOCK 29, AND ALL BLOCKS 37 AND 40, STOCK ISLAND, MONROE COUNTY, FLORIDA, APPROXIMATE MILE MARKER 5, AND THE REAL ESTATE NUMBER IS 00124140.000000.

WHEREAS, during a regular meeting held on June 8, 2005, the Monroe County Planning Commission conducted a public hearing on the request filed by Spottswood Family Trust, Inc. for an Amendment to a Major Conditional Use for forty-six (46) two-story elevated residential units and a play area; and

WHEREAS, during a regular meeting held on May 3, 2005, the Development Review Committee recommended approval of the Amendment to a Major Conditional Use application to the Planning Commission; and

WHEREAS, the Planning Commission was presented with the following evidence, which by reference is hereby incorporated as part of the record of said hearing:

1. Boundary survey by Frederick H. Hildebrant, dated 08/02/02; and
2. Site Plan (S1) prepared by Thomas E. Pope, P.A. Architect, dated 01/13/05 and revised on 03/18/05, and
3. Landscape Plan (L1) prepared by Thomas E. Pope, P.A. Architect, dated 01/13/05 and revised on 03/18/05, and
4. Elevation and Floor Plans prepared by Thomas E. Pope, P.A. Architect, dated 01/13/05; and
5. Conceptual Drainage Plan (C-1) designed and checked by Allen E. Perez, P.E., dated 01/25/05; and
6. Revised Site Plan (S1) prepared by Thomas E. Pope, P.A. Architect, dated 01/13/05 and revised on 05/23/05; and
7. The Staff Report prepared by Heather Beckmann, Planner and Andrew Trivette, Senior Biologist, dated 05/16/05; and
8. The sworn testimony of the Growth Management Staff; and
9. The comments of Donald L. Craig, AICP, representing the applicant's agent; and
10. The advice of John Wolfe, Planning Commission Counsel.

WHEREAS, the Planning Commission has made the following **Findings of Fact and Conclusions of Law** based on the evidence presented:

1. Based on the Monroe County Code, we find and the applicant agrees to apply the same residential color scheme and fencing material and height surrounding the perimeter of the development to match the design of the neighboring Coral Hammock to ensure compliance with Section 9.5-248.
2. Based on the site plan, a stormwater management plan was submitted. Staff concludes that the plan must be reviewed and approved by the County Engineer to determine compliance with Section 9.5-293.
3. Based on the application, FDEH has been contacted to review the project. We conclude that the project must be reviewed and approved by FDEH. In addition, a letter of coordination shall be submitted to KWRU to determine compliance with Section 9.5-294.
4. Based on the site plan, the second standard has not been met for the site plan does not exhibit any bicycle racks. The applicant shall meet the third, fourth and fifth standards by demonstrating on the site plans that ceiling fans will be installed, solar panels will be used for the heating of hot water, and heat pumps for the AC to ensure compliance with Section 9.5-326.
5. Based on the site plan, the applicant intends to access drives and curb cuts to US 1 and MacDonald Avenue. We find that the applicant shall receive permits from FDOT and the County Engineer for the access drives and curb cuts along US1 and MacDonald Avenue to come into compliance with Section 9.5-421.
6. Based on the application, a level two traffic study was submitted and reviewed by the County Traffic Engineer. We conclude that the requests of the Engineer shall be met to determine compliance with Section 9.5-426.
7. Based on the application, KEYS and FKAA have been contacted to review the project. We conclude that the conditions set by these agencies shall be met to determine compliance with Section 9.5-69.
8. Based on the application, the Fire Marshal was contacted to review the project. The Fire Marshal has requested the exterior stairways be constructed of noncombustible materials and that the entrance/exit gates at the MacDonald Ave shall have an unobstructed width of not less than 18 feet. The conditions of the fire marshal shall be met to determine compliance with Section 9.5-69.
9. Based on the application, a breakdown of the proposed residential units by price range was not included. Staff concludes that this is required along with an assessment of the potential of the proposed development to meet local or regional housing needs to determine compliance with Section 9.5-69.

10. Based on the application, the proposed development will increase daily trips on US1 by 262 with 75% of those trips predicted to travel to Key West. The impact of the increased traffic, proximity to bus service, and lack of bus shelters require the applicant to coordinate with Key West Transit Authority and the County to determine an appropriate location and design for a bus shelter. The shelter shall be provided to comply with Section 9.5-69.
11. Based on the application, the proposed development does not supply any amenities and the applicant shall coordinate with staff to determine an appropriate amenity(s) to comply with Section 9.5-65.

WHEREAS, based on the fourth condition set forth in the Staff Report dated 05/16/05, a revised site plan (S1) showing bike racks was signed and sealed by Thomas E. Pope Architect, P.A., revised 5/23/05 and submitted and approved by the Planning Department on 05/26/05; and

WHEREAS, based on the third condition set forth in the Staff Report dated 05/16/05, a revised site plan (S1) showing the entrance/exit gates on MacDonald Avenue with an 18 foot unobstructed width was signed and sealed by Thomas E. Pope Architect, P.A., revised 5/23/05 and submitted and approved by the Planning Department on 05/26/05; and

WHEREAS, based on the sixth condition set forth in the Staff Report dated 05/16/05, an addendum to the traffic study was submitted on 7/01/05, reviewed and approved by the County's Traffic Engineer on 07/08/05 and submitted and approved by the Planning Department on 07/11/05; and

WHEREAS, based on the tenth condition set forth in the Staff Report dated 05/16/05, a revised site plan (S1) showing a bus shelter was signed and sealed by Thomas E. Pope Architect, P.A., revised 5/23/05 was submitted to the Planning Department on 05/26/05; however Planning Staff will not approve the proposed location of the shelter until the applicant coordinates with Key West Transit Authority and Planning Staff for; and

WHEREAS, based on the eleventh condition set forth in the Staff Report dated 05/16/05, a revised site plan (S1) showing a play area was signed and sealed by Thomas E. Pope Architect, P.A., revised 5/23/05 was submitted and approved by the Planning Department on 05/26/05; and

WHEREAS, during the 06/08/05 Planning Commission meeting, the Planning Commission strongly recommended that a way be found to allow the five lawfully established units that are not being rebuilt on site to be transferred as affordable exemptions.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA that the preceding Findings of Fact and Conclusions of Law support its decision to **APPROVE** the request of Spottswood Family Trust, Inc. for an Amendment to a Major Conditional Use for the construction of forty-six elevated two story residential units. The property is legally described as a portion of East Laurel Avenue (abandoned), lots 5 through 16 and part lots 4 and 17 of Block 29, and all blocks 37 and 40, Stock Island, Monroe County, Florida, approximate mile marker 5 subject to the following conditions:

1. Prior to the issuance of a building permit, the following agencies shall review and approve the project for compliance;
 - a. FDEH
 - b. FDOT
 - c. County Engineer
 - d. KEYS
 - e. FCAA
2. Prior to the issuance of a building permit, the applicant shall submit a letter of coordination to the KWRU. KWRU shall review and approve the project for compliance.
3. Prior to the issuance of a certificate of occupancy, the applicant shall indicate that the following conditions have been met;
 - a. Perimeter fencing of the same material and height found at the neighboring Coral Hammock development; and
 - b. Similar residential color scheme found on the neighboring Coral Hammock development; and
 - c. Open porches with ceiling fans; and
 - d. Solar hot water heating panels; and
 - e. Heat pumps for air conditioning; and
 - f. Exterior stairways shall be constructed of noncombustible materials; and
 - g. Construction of a bus shelter.
4. Prior to the issuance of a building permit, the permit shall be restricted so that the emergency access drive shall not be modified for any other use in the future. This restriction shall be indicated on the site plan submitted to the building department.
5. Prior to the issuance of a building permit, the applicant shall submit a report that breaks down the residential units by price along with an assessment of the potential of the development to meet local and regional housing needs.
6. Prior to the issuance of a certificate of occupancy, the applicant shall comply with the general provisions of Florida Statutes, Chapter 718 Condominiums and/or Chapter 720 Homeowners Association to ensure the maintenance of common elements and open space, including the bus shelter.

PASSED AND ADOPTED by the Planning Commission of Monroe County, Florida, at a regular meeting held on the 8^h day of June 2005.

Chair Lynn C. Mapes	<u>YES</u>
Vice-Chair Denise Werling	<u>YES</u>
Commissioner Randolph Wall	<u>YES</u>
Commissioner Jiulio Margalli	<u>YES</u>
Commissioner James D. Cameron	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

BY Lynn C. Mapes

Lynn C. Mapes, Chair

Signed this 18th day of August, 2005.

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

**MONROE COUNTY
OFFICIAL RECORDS**

PLANNING COMMISSION RESOLUTION NO. P15-04

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION APPROVING THE REQUEST OF THE SPOTTSWOOD FAMILY TRUST D.B.A. CAYO INVESTMENT FOR AN AMMENDMENT TO A MAJOR CONDITIONAL USE APPROVED UNDER THE PLANNING COMMISSION RESOLUTION P04-03 BY INCREASING THE NUMBER OF MARKET-RATE RESIDENTIAL UNITS FROM SEVEN (7) TO TEN (10) UNITS, ADJUSTING THE PARKING AND OPEN SPACE AROUND EACH UNIT, AND REMOVING THE DRIVE-THROUGH FROM THE PROPOSED 14,129 SQUARE-FOOT ECKERD DRUG STORE AND REARRANGING THE PARKING SPACES AROUND IT. THE PROPERTY IS LOCATED ON STOCK ISLAND, MONROE COUNTY, FLORIDA, AND THE REAL ESTATE NUMBER IS 00124140.000000.

WHEREAS, during a regular meeting held on February 11, 2004, the Monroe County Planning Commission conducted a public hearing on the request filed by the Spottswood Family Trust d.b.a. Cayo Investment for an amendment to a major conditional use to build a mixed use commercial and residential development containing a 14,129 square-foot Eckerd Drug Store and ten (10) units of market-rate townhouses on a parcel of land formerly known as Pearl Mobile Home Park located on both US Highway 1 and MacDonald Avenue between the Burger King and Coral Hammock at approximately Mile Marker 5; and

WHEREAS, the original Major Conditional Use application was approved by the Planning Commission under Resolution P04-03 for a mixed use commercial and residential development containing a 14,129 square-foot Eckerd Drug Store and seven (7) units of market-rate townhouses; and

WHEREAS, the Spottswood Family Trust, d.b.a. Cayo Investment is the owner of the above real property which is located on a parcel of land legally described as a portion of East Laurel Avenue (abandoned), the east portion of 4th Avenue (abandoned), lots 5 through 16 and part of lots 4 and 17 of Square 29, and all of blocks 37 and 40, Maloney Subdivision, Stock Island, Monroe County, Florida. The Real Estate Number is 00124140.000000; and

WHEREAS, the property is located in the Mixed Use (MU) land use district and the Future Land Use Map designation is Mixed Use/Commercial; and

WHEREAS, the Planning Commission was presented with the following evidence, which by reference is hereby incorporated as part of the record of said hearing:

1. Site Plan by Thomas E. Pope, P.A. Architect, dated 05/13/2002 and revised on 11/04/03;
2. Conceptual Landscape Plan by the Craig Company, dated 8/27/02 and revised on 01/28/04;
3. Drainage Plan by PE & D, Inc., dated 09/10/2002;

4. Boundary Survey by Frederick H. Hildebrandt, Engineer, Planner, Surveyor, dated 08/02/2002;
5. The Staff Report prepared by Aref Joulani, Senior Administrator of Development Review and Design, Andrew Trivette, Biologist, dated 01/19/04;
6. The sworn testimony of the Growth Management Staff;
7. The advice of John Wolfe, Planning Commission Counsel;
8. The comments of Donald L. Craig, AICP, the applicant's agent; and

WHEREAS, the Planning Commission has made the following Findings of Fact and Conclusions of Law based on the evidence presented:

1. Based on the site plan and the letter dated January 7, 2004 from the County's Traffic Consultant, the Drug Store without a drive-through facility will generate slightly more (2%) trips than with a drive-through facility and the additional three dwelling units will generate approximately 30% more residential trips (approximately 20 trips per day). Therefore, we conclude that the original traffic study shall be revised to demonstrate the impact of the changes on traffic. Further, the applicant shall provide a site plan showing the design vehicle maneuverability.
2. Based on the application, a storm water management plan has been provided with the submitted plans. Therefore, we find that the plan must be reviewed and approved by the Monroe County Engineer to determine compliance with Section 9.5-293.
3. Based on the application, the applicant considers connection to the Key West Resort Utilities as the preferred option for wastewater treatment. Therefore, we conclude that if the applicant decides to use on-site sewage treatment plant, the existing Environmental Health Permit must be revised and approval of the Department of Health and/or the Department of Environmental Protection shall be submitted.
4. Based on the application, Monroe County Fire Marshal has been contacted to review the project. Therefore, we conclude that review and approval of the project by Fire Marshal shall be received before compliance with Section 9.5-69 can be determined.
5. Based on the application, Florida Keys Aqueduct Authority (FKAA) has been contacted for review of the site plan. Therefore, compliance with Section 9.5-69 cannot be determined until the project has been reviewed and approved by FKAA.
6. Based on the application and the letter dated November 17, 2003, the applicant has started to coordinate with the Keys Energy Services (KEYS). Therefore, we conclude that approval of the plans by KEYS is required.
7. Based on the application materials and PC Resolution 04-03, we conclude that a Class "B" Major Street Bufferyard shall be added along MacDonald Avenue.
8. Based on the application materials and the Monroe County Code, we conclude that a transplantation plan must be developed for those threatened, endangered, regional important

and all those native species which are equal to or greater than four inches in diameter at breast height which will be removed for development; and

WHEREAS, based on the condition set forth in the staff report dated 01/19/2004, a revised traffic study and a site plan showing design vehicle maneuverability dated February 11, 2004 was received and approved by the County's traffic consultant. Therefore, we conclude that this condition set forth in the staff report for issuance of a resolution has been met; and

WHEREAS, based on the condition set forth in the staff report dated 01/19/2004, a revised Landscaping Plan dated 1/28/04 showing a Class "B" Major Street Bufferyard along MacDonald Avenue was submitted and approved by the County Biologist. Therefore, we conclude that this condition set forth in the staff report for issuance of a resolution has been met. **NOW THEREFORE**,

BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, that the preceding Findings of Fact and Conclusions of Law support its decision to **APPROVE** the request of the Spottwood family trust d.b.a. Cayo Investment for an amendment to a major conditional use to build a mixed-use commercial and residential development including a 14,129 square-foot Eckerd Drug Store and ten (10) units of market rate houses on a parcel of land formerly known as Pearl Mobile Home Park that is legally described as a portion of East Laurel Avenue (abandoned), the east portion of 4th Avenue (abandoned), lots 5 through 16 and part of lots 4 and 17 of square 29, and all of blocks 37 and 40, Maloney Subdivision, Stock Island, Monroe County, Florida, near Mile Marker 5 subject to the following conditions:

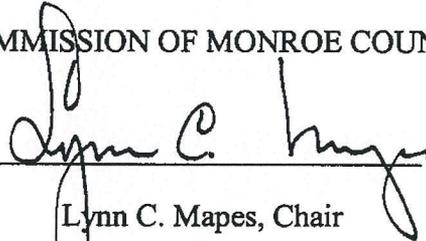
1. Prior to issuance of a building permit, approval of the surface water management plan by the County Engineer shall be provided.
2. Prior to issuance of a building permit, the Florida Department of Health and/or the Department of Environmental Protection shall approve the Wastewater Treatment Plan.
3. Prior to issuance of a building permit, a Fire Protection Plan shall be approved by the Monroe County Fire Marshal.
4. Prior to issuance of a building permit, a complete set of plans must be reviewed and approved by FKAA.
5. The Keys Energy Services (KEYS) shall determine load requirement based on the review of a complete set of plans and approval shall be received prior to the issuance of a building permit.
6. Prior to the issuance of a building permit application, a transplantaion plan for those threatened, endangered, and regional important species as well as those native species which are equal to or greater than four inches in diameter at breast height which will be removed for development must be developed and then submitted with the application material.

PASSED AND ADOPTED by the Planning Commission of Monroe County, Florida, at a regular meeting held on the 11th day of February 2004.

Chair Lynn C. Mapes	<u>YES</u>
Vice Chair Denise Werling	<u>YES</u>
Commissioner David C. Ritz	<u>YES</u>
Commissioner Julio Margalli	<u>YES</u>
Commissioner James Cameron	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

BY


Lynn C. Mapes, Chair

Signed this 12th day of May, 2004

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM

Date: _____

MONROE COUNTY
OFFICIAL RECORDS



RESOLUTION NO. P04-03

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION APPROVING THE REQUEST OF THE SPOTTSWOOD FAMILY TRUST D.B.A. CAYO INVESTMENT FOR AN AMMENDMENT TO A MAJOR CONDITIONAL USE TO BUILD A 14,129 SQUARE-FOOT ECKERD DRUG STORE AND SEVEN (7) MARKET RATE DWELLING UNITS ON A PARCEL OF LAND LEGALLY DESCRIBED AS A PORTION OF EAST LAUREL AVENUE (ABANDONED), THE EAST PORTION OF 4TH AVENUE (ABANDONED), LOTS 5 THROUGH 16 AND PART OF LOTS 4 AND 17 OF SQUARE 29, AND ALL OF BLOCKS 37 AND 40, MALONEY SUBDIVISION, STOCK ISLAND, MONROE COUNTY, FLORIDA. THE REAL ESTATE NUMBER IS 00124140-000000.

WHEREAS, during a regular meeting held on January 8, 2003, the Monroe County Planning Commission conducted a public hearing on the request filed by the Spottswood Family Trust d.b.a. Cayo Investment for an amendment to a major conditional use to build a mixed use commercial and residential development containing a 14,129 square-foot Eckerd Drug Store and seven (7) units of market rate townhouses on a parcel of land formerly known as Pearl Mobile Home Park located on both US Highway 1 and MacDonald Avenue between the Burger King and Coral Isle Trailer Park at approximately Mile Marker 5; and

WHEREAS, the proposed development is located on a parcel of land legally described as a portion of East Laurel Avenue (abandoned), the east portion of 4th Avenue (abandoned), lots 5 through 16 and part of lots 4 and 17 of square 29, and all of blocks 37 and 40, Maloney Subdivision, Stock Island, Monroe County, Florida. The Real Estate number is 00124140-000000; and

WHEREAS, the above described property is located in the Mixed Use (MU) land use district and the Future Land Use Map designation is Mixed Use/Commercial; and

WHEREAS, the original Major Conditional Use application was approved by the Planning Commission Resolution #P38A-96 which included developing two non-contiguous lots on MacDonald Avenue as an aggregated development in the following manner: the northern portion was approved to be used for a 14,400 square foot open-air market and a 433 square foot public restroom facility, and an existing 1,721 square foot building was to remain as a commercial office; the southern portion containing an existing 1,868 square foot building used as

a radio station was to remain, and two new buildings totaling 15,474 square feet were to be constructed for light industrial use; and

WHEREAS, the above Resolution was amended in April 2000. Under the Planning Commission Resolution #P12-00 the following changes were approved: the use of the 1,868 square foot radio station was changed into a walk-up bank and the intensity of use of the 14,400 square foot open-air retail sales market on the north was changed from low- to medium-intensity commercial retail, to high-intensity commercial retail; and the use of the two buildings (totaling 15,474 Sq. Ft.) on the south was changed from light industrial to low- to medium-intensity commercial retail use; and

WHEREAS, the Planning Commission was presented with the following evidence, which by reference is hereby incorporated as part of the record of said hearing:

1. The Amendment to a Major Conditional Use Application, including Site Plan by Thomas E. Pope, P.A. Architect, dated 09/16/2002 and revised on 10/17/02; and Conceptual Landscape Plan by the Craig Company, dated 09/16/2002; and Drainage Plan by PE & D, Inc., dated 09/10/2002; and Floor plans by Thomas E. Pope, P.A. Architect, dated 08/28/2002; and Elevations plans by Thomas E. Pope, P.A. Architect, dated 08/28/2002; and Plan and Interior design of Eckerd's Drug Store by Kent D. Hamilton, A.I.A., Architect, dated 07/26/2002; and Elevation drawings of Eckerd's Drug Store by Kent D. Hamilton, A.I.A., Architect, dated 07/26/2002; and Boundary Survey by Frederick H. Hildebrandt, Engineer, Planner, Surveyor, and dated 08/02/2002; and
2. The Staff Report prepared by Aref Joulani, Senior Planner, Rebecca Redondo, Biologist, dated 12/20/2002; and
3. The sworn testimony of the Growth Management Staff; and
4. The comments of John Wolfe, Planning Commission Counsel; and
5. The sworn testimony of Rebecca Jetton, Department of Community Affairs; and
6. The sworn testimony of Donald L. Craig, AICP, the applicant's agent; and
7. The sworn testimony of Bill Spottswood, representing the applicant; and

WHEREAS, the Development Order #02-1989 recognized that 51 mobile homes were legally existing on this site; and

WHEREAS, the said development order remained valid on the effective date of ROGO and the units were physically present for the 1990 census and accounted for in the hurricane evaluation model which forms the basis of ROGO; and

WHEREAS, the Planning Commission has made the following Findings of Fact and Conclusions of Law based on the evidence presented:

1. Based on the application, the proposed project amends the Planning Commission Resolution #P12-00 exclusively with regards to the northern part of the development identified with RE# 0012140-000000. The Resolution #P12-00 and amendment to it under Resolution #P34-01 and conditions of the approvals under those resolutions still apply to the southern portion of the development known as Spotswood Shops.
2. Based on the Development Order #02-1989 and the Memorandum dated November 13, 2002 from the Assistant County Attorney, the property is vested to have the rights to be redeveloped with up to 51 ROGO exempt residential units subject to compliance with all other applicable land development regulation. Therefore, we find that the ROGO exempt residential units are not transferable off-site per Section 9.5-120.4(b) and can only be built back on-site in accordance with Section 9.5-120.4(a).
3. Based on the application, the applicant is proposing to build 14,129 Sq. Ft. of vested medium intensity commercial use and seven (7) market rates residential units. Although we find the project to be in compliance with sections 9.5-262 and 9.5-269, the Site Plan shall be revised to show correct Site Analysis related to residential density and site utility information.
4. Based on the County's Traffic Consultant letter dated December 16, 2002, although the submitted traffic report has adequately addressed all related issues, it is not clear if the flow of traffic inside the property is adequate. Therefore, we conclude that a site plan showing the vehicle maneuverability inside the property shall be submitted.
5. Based on the County's Traffic Consultant letter dated December 16, 2002, it appears that the site plan for the Burger King Restaurant, located adjacent to the project site was intended to provide common use access between the two properties. Therefore, we find that the applicant shall explore the feasibility of having internal connection between the two properties to reduce the vehicular traffic on adjacent streets, especially US 1 Highway.
6. Based on the application, a storm water management plan has been provided with the submitted plans. Therefore, we find that the plan shall be reviewed and approved by the Monroe County Engineer to determine compliance with Section 9.5-293.
7. Based on the application, connection to the Key West Resort Utilities is the preferred option for wastewater treatment. However, we find that if the applicant decides to use on site sewage treatment plant, the existing Environmental Health Permit must be revised and approval of the Department of Health and/or the Department of Environmental Protection shall be submitted.
8. Based on the application, coordination with the Fire Marshal has started. Therefore, we conclude that conceptual approval of the project by the Fire Marshal's Office is needed.
9. Based on the application, a letter of coordination has been submitted to the Florida Keys Aqueduct Authority (FKAA). Therefore, we conclude that the plans shall be reviewed and approved by FKAA.

10. Based on the application, coordination with the Keys Energy Services (KEYS) has started. According to the letter of coordination dated September 12, 2002, KEYS will need a full set of plans and a project review form to determine load requirement. Therefore, we conclude that approval of the plans by KEYS is required.
11. To preserve the community character of the area, we find that metal roof shall be used for the proposed Eckerd Drug Store.

BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, that the preceding Findings of Fact and Conclusions of Law support its decision to **APPROVE** the request of the Spottswood family trust d.b.a. Cayo Investment for an amendment to a major conditional use to build a mixed use commercial and residential development including a 14,129 square-foot Eckerd Drug Store and seven (7) units of market rate houses on a parcel of land formerly known as Pearl Mobile Home Park that is legally described as a portion of East Laurel Avenue (abandoned), the east portion of 4th Avenue (abandoned), lots 5 through 16 and part of lots 4 and 17 of square 29, and all of blocks 37 and 40, Maloney Subdivision, Stock Island, Monroe County, Florida, near Mile Marker 5 subject to the following conditions:

1. The Site Plan shall be revised to show correct Site Analysis associated with the residential density and site utility information of the project prior to the issuance of a building permit.
2. Prior to issuance of a building permit, a site plan showing the vehicle maneuverability within the property shall be submitted and approved by the County's Traffic Consultant.
3. The applicant shall investigate the feasibility of having an internal connection between the Burger King Restaurant and the project to reduce the vehicular traffic on adjacent streets, especially US 1 Highway. The result of this investigation shall be submitted to and approved by the County's Traffic Consultant prior to issuance of a building permit.
4. Prior to issuance of a building permit, approval of the surface water management plan by the County Engineer shall be provided.
5. Prior to issuance of a building permit, the Florida Department of Health and/or the Department of Environmental Protection shall approve the Wastewater Treatment Plan.
6. Prior to issuance of a building permit, a Fire Protection Plan shall be approved by the Monroe County Fire Marshal.
7. Prior to issuance of a building permit, a complete set of plans must be reviewed and approved by FKAA.
8. The Keys Energy Services (KEYS) shall determine load requirement based on the review of a complete set of plans and approval shall be received prior to the issuance of a building permit.

9. To preserve the community character of the area, metal roof shall be used for the proposed Eckerd Drug Store.

PASSED AND ADOPTED by the Planning Commission of Monroe County, Florida, at a regular meeting held on the 8th day of January 2003.

Chair David C. Ritz
Vice Chair Denise Werling
Commissioner Julio Margalli
Commissioner Jerry Coleman
Commissioner Alicia Putney

YES
YES
YES
YES
YES

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

BY David C. Ritz
David C. Ritz, Chair

Signed this 2th day of Feb., 2003

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

MONROE COUNTY
OFFICIAL RECORDS

MEMORANDUM



To: The Planning Commission

From: Aref Joulani, Senior Planner
Rebecca Redondo, Biologist

Date: 12/20/2002

Re: An Amendment to a Major Conditional Use application to build a mixed use commercial and residential development including a 14,129 square-foot Eckerd's Drug Store and seven (7) units of market rate townhouses on a parcel of land formerly known as Pearl Mobile Home Park on Stock Island located on both US Highway 1 and MacDonald Avenue between the Burger King and Coral Isle Trailer Park at approximately Mile Marker 5. The Real Estate number is 00124140-000000.

MEETING DATE: January 08, 2003

I. REQUEST:

1. *Applicant:* The Spottswood Family Trust, d.b.a. Cayo Investments

Agent: Donald L. Craig, AICP

Owner: The Spottswood Family Trust, d.b.a. Cayo Investments

2. *Proposed use & size:*

This proposal is to amend the approved conditional use that pertains to the northern portion of the development only. The size of the parcel is approximately 103,656 Sq. Ft. or 2.38 acres.

3. *Location:*

The parcel is located on Stock Island. It is further described as a portion of East Laurel Avenue (abandoned), the east portion of 4th Avenue (abandoned), lots 5 through 16 and part of lots 4 and 17 of square 29, and all of blocks 37 and 40, Maloney Subdivision, Stock Island, Monroe County, Florida. The Real Estate number is 00124140-000000.

4. *Plans reviewed:*

- Site Plan by Thomas E. Pope, P.A. Architect, dated 09/16/2002 and revised on 10/17/02; and
- Conceptual Landscape Plan by the Craig Company, dated 09/16/2002; and
- Drainage Plan by PE & D, Inc., dated 09/10/2002; and
- Floor plans by Thomas E. Pope, P.A. Architect, dated 08/28/2002; and
- Elevations plans by Thomas E. Pope, P.A. Architect, dated 08/28/2002; and

- Plan and Interior design of Eckerd's Drug Store by Kent D. Hamilton, A.I.A., Architect, dated 07/26/2002; and
- Elevation drawings of Eckerd's Drug Store by Kent D. Hamilton, A.I.A., Architect, dated 07/26/2002; and
- Boundary Survey by Frederick H. Hildebrandt, Engineer, Planner, Surveyor, and dated 08/02/2002.

II. BACKGROUND INFORMATION:

1. Land use district:

Mixed Use (MU)

2. Future land use designation:

Mixed Use Commercial (MC)

3. Size of site:

Approximately 103,656 Sq. Ft. or 2.31 acres

4. Existing vegetation:

The property is considered scarified with a sparse mix of native and exotic vegetation. Native Ficus Aurea (very large) and Mahogany can be found on the property.

5. Community character of immediate vicinity:

The community character of immediate vicinity is a mixture of residential (mostly mobile homes), commercial, and light industrial uses. The Stock Island Burger King Restaurant is on the west and the Coral Isle Trailer Park is on the east. The Planning Commission Resolution #P71-02, approved that Coral Hammock, LLC redevelop this mobile home park into a gated residential community consisting of fifty-five (55) market rate dwelling units, two (2) employee housing units, a clubhouse and pool, and the transfer of five (5) dwelling units off site for affordable housing and the transfer of 1,892 Sq. Ft. of non-residential floor area off-site. Other uses in the area include a convenience store, a daycare center, and the Pepsi Cola bottling plant.

6. Miscellaneous:

A review of the history of the site revealed that the property was actively used as a trailer park known as Pearl Mobile Home Park prior to 1990. In June 1988, after a long-drawn-out lawsuit which culminated in a settlement agreement, by and between U.S. 1 Homeowners Association, Inc., Plaintiffs, and Cayo Investments Inc. Defendants, the court mandated the renovation of the park as part of the agreement.

In 1989, Development Order #02-1989 was issued by the Monroe County Development Review Committee approving the redevelopment of the site with 51 new mobile homes for residential purposes. The proposed redevelopment of the site did not materialize per development order and the old mobile homes were gradually removed over years, some with, and others without a demolition permit. The only demolition

permit in file was issued in July 2001 (Number 011-2590) for removal of four (4) trailers. The aerial photos of the area taken between 1989 and 2001 show that most of the trailers were removed from the park prior to 1994.

In 1996 the original Major Conditional Use application for the change of use was approved by the Planning Commission Resolution #P38A-96. The project consisted of developing the two non-contiguous lots on MacDonald Avenue owned by the applicant as an aggregated development in the following manner: the northern portion (subject of present application) was approved to be used for a 14,400 square foot open-air market and a 433 square foot public restroom facility, and an existing 1,721 square foot building was to remain as a commercial office; the southern portion (not part of this application) containing an existing 1,868 square foot building and used as a radio station was to remain and two new buildings totaling 15,474 square feet were to be constructed for light industrial use.

The project was amended and approved by the Planning Commission Resolution #P12-00 in April 2000 for changing the 1,868 square foot radio station into a walk-up bank and changing the intensity of the 14,400 square foot open-air retail sales market on the north (site of the present application) from low to medium-intensity commercial retail to high-intensity commercial retail (and continuing the development of a 433 square foot public restroom building); and changing the use of the two buildings (totaling 15,474 Sq. Ft.) on the south from light industrial to low- to medium-intensity commercial retail use.

The Planning Commission Resolution #P12-00 was amended again in 2001. Under the Planning Commission Resolution #P34-01 the proposed development of the northern part (site of the current proposal) remained unchanged. However, the southern part (known as Spotswood Shops) was revised so the existing building that was approved to be used as a walk-up bank and radio equipment room could be demolished and instead replaced with the same floor area drive-through bank. In addition, the applicant proposed to change the direction of one-way drive at rear of structures under construction and reconfigure the parking by removing several spaces from front of the buildings and adding them to the rear of those buildings.

III. REVIEW OF THE APPLICATION:

Section 9.5-65 lists the standards applicable to all conditional uses. The standards and the Planning staff's analysis are given below:

A) The conditional use is consistent with the purposes, goals, objectives and standards of the plan and this chapter.

1. Compliance with Chapter 9.5, Monroe County Land Development Regulations:

a. The project has been reviewed and found to be **in compliance** with the following regulations:

1. Purpose of the Mixed-Use (MU) land use district, Section 9.5-201 and 219
 2. Permitted uses, Section 9.5-248
 3. Height, Section 9.5-283
 4. Flood plain management criteria Section 9.5-317
 5. Environmental performance standards Section 9.5-335 through 9.5-345
 6. Outdoor lighting Section 9.5-391
 7. Access standards Section 9.5-421 and Section 9.5-422
 8. Clear sight triangle, Section 9.5-427
 10. Environmental designation survey, Section 9.5-69
 11. Handicap accessibility
- b. The following sections of the Land Development Regulations have been found in compliance but require Staff discussion for clarity:
1. Section 9.5-262 and Section 9.5-269 Density/Intensity of Use

Proposed Commercial Space (Eckerd's Drug Store): The maximum Floor Area Ratio for medium intensity commercial retail in Mixed-Use land use district is 0.25. The site area is approximately 103,656 Sq. Ft. (2.38 acres). The applicant proposes to improve approximately 1.31 acres (56,516 Sq. Ft.) of the land area to build a 14,129 Sq. Ft. of medium intensity drug store.

Proposed Residential Units: As part of this application, the applicant has stated that they have a vested right to develop 51 residential units under the ROGO exemption provisions of the Code and based on Development Order #02-1989 which recognized that 51 mobile homes out of the then-existing 61 units can be replaced. That development order remained valid on the effective date of ROGO and the units were physically present for the 1990 census and accounted for in the hurricane evaluation model which forms the basis of ROGO.

Section 9.5-120.4 outlines the type of developments that are not affected by ROGO. Section 9.5-120.4(a) states that ROGO shall not apply to on-site redevelopment and provides as follows:

“Redevelopment, rehabilitation or replacement of any lawfully established dwelling unit or space which does not increase the number of residential units above that which existed on the site prior to redevelopment, rehabilitation or replacement.”

In response to the staff's request for legal direction in this matter regarding the 51 units, in a Memorandum dated November 13, 2002 (see attachment) to the Director of Planning, the Assistant County Attorney wrote:

“... In this case, no redevelopment has occurred on the site to date or since the issuance of Order #02-1989 or since the removal of the 61

mobile homes. The site has remained vacant since the removal of the 61 mobile homes and cesspits, as approved by Order 02-1989. Therefore, the proposed development does not increase the number of residential units that existed on site prior to redevelopment (because this is the first "redevelopment") and complies with the requirements of §9.5-120.4 for ROGO exemption."

Staff recognizes that the site can be redeveloped with 51 new market-rate residential units that are ROGO exempt. However, these units can not be transferred off-site on the basis that the TRE (Transfer of ROGO Exemptions) Ordinance (Ordinance 034-2000) that amended Section 9.5-120.4(b) of the Code was not in effect at the time of issuance of the said development order (the Ordinance was adopted in 2000) and removal of the units did not follow the mechanism laid out by that ordinance. Therefore only Section 9.5-120.4(a) is applicable in this case and exemption from ROGO can be granted only if the units are built on-site.

The maximum residential development potential of the site if combined with 14,129 Sq. Ft. of commercial floor area would be based on the following formula:

*Total acreage = upland
2.38 acres = 103,656 Sq. Ft.
103,656 X 0.25 = 25,914, maximum allowable commercial square-footage based on FAR of 0.25 in (MU).*

*Required Open Space is 20% of the parcel's gross area
1 - 0.20 = 0.80, therefore 80% of the parcel is available for development
0.80 X 2.38 = 1.90 acres net buildable acres
1.90 X 12 = 22.80 or 22 units at maximum net residential density of 12 units per buildable acre*

*14,129/25,914 = 0.545 = 54.5%, this is the percentage of land that is utilized by commercial use.
100% - 54.5% = 45.5% of the site is available for residential use
22 X 45.5% = 10, this site can support 14,129 Sq. Ft. of medium intensity commercial and 10 residential units
7/10 = 70% of the residential potential is utilized based on a combination of residential use and 14,129 Sq. Ft. of commercial use.*

Therefore, under the current proposal that includes 14,129 Sq. Ft. of medium intensity commercial use, the maximum potential for residential development is 10 units. The project is **in compliance** with Section 9.5-269.

2. Sections 9.5-262 & 343, Open Space and Environmental Open Space

Section 9.5-262 establishes the open space requirement for Mixed Use at 0.20 or 20,731 Sq. Ft. The submitted site plan shows open space in excess of the minimum requirement provided in Section 9.5-262.

3. Minimum yards and shoreline setback Section 9.5-281 & 9.5-286

The following minimum yard set backs are required for Mixed-Use land use districts:

- For commercial uses: a front-yard setback of 15 feet, a rear-yard setback of 10 feet, and side-yard setbacks such that one side yard must be 10 feet and the combined total of both side yards is 15 feet.
- The set back for the attached residential uses: a front-yard setback of 25 feet, a rear-yard setback of 20 feet and side-yard setbacks N/A.

The submitted Plans meet or exceed these standards.

Section 9.5-286 provides for a 20-foot setback from altered shoreline and 50 feet from unaltered shorelines. There is no shoreline adjacent to this parcel.

5. Section 9.5-346. Transplantation Plan

The proposed development plan has been designed to preserve the large native trees existing on the property. In addition, the proposed additional landscaping is comprised of native species, further enhancing the vegetative community over existing conditions.

6. Parking and loading standards Section 9.5-351 & 9.5-354

Parking requirement: For commercial retail, a minimum of three (3) spaces is required per 1,000 square feet of floor area and for multifamily residential, 1.5 spaces per unit is required. Commercial uses require one (1) 10' x 50' loading space.

The proposed 14,125 Sq. Ft. of commercial space requires 42 parking spaces and one (1) 10' x 50' loading zone. The site plan provides 55 parking spaces including three (3) handicap parking and one (1) 10' x 50' loading space. The proposed seven (7) attached residential units require 11 parking spaces including one (1) handicap parking space. The submitted Site Plan shows a total of 70 parking spaces, well in excess of the requirements of the Code.

7. Section 9.5-361 Parking Lot Landscaping and Section 9.5-366 Street Trees

Class C parking lot landscaping requires 430 square feet of planting area with 2 canopy and 3 shrubs per 24 parking spaces. The proposal is for 70 parking

spaces. Therefore, this site would require 1,254 square feet of planting area and over 2000 square feet have been provided. The site would be required to have 6 canopy trees and 15 shrubs. Three street trees would be required along MacDonald Ave. These criteria have been exceeded per submitted landscape plans.

8. Scenic corridors and buffer-yards Section 9.5-375 through 9.5-381

The required Class B Major Street Bufferyard along US 1 and Class C Bufferyard adjacent to the existing residential development, have been provided in accordance with Monroe County Code.

9. Energy and conservation standards Section 9.5-326

The application has addressed energy conservation in the following ways:

- supply of bicycle racks; and
- installation of native plants that reduce the need for water and maintenance.

10. Traffic study, Section 9.5-426

As required by the Monroe County Code, a Level III Traffic Study was submitted with the application and reviewed by the County's Traffic Consultant. The traffic study indicated that the trips generated by the Eckered are less than 100 trips per 1000 Sq. Ft. Therefore, the use is a medium intensity commercial use.

In his review of the traffic Study, the County's Traffic Engineer stated that the traffic report adequately addresses all the issues. However, he has requested that a site plan showing vehicle maneuverability to be submitted. Also in his review of the traffic study dated December 16, 2002, the County Traffic Consultant has indicated that the site plan for the Burger King Restaurant, located immediately adjacent to the project site was intended to provide common use access between the two project. He has recommended that the applicant explore the feasibility of having internal connection between the two properties to reduce the vehicular traffic on adjacent streets, especially US.1.

- c. Staff has reviewed the project and found **compliance to be determined** with the following Sections of the Code.

1. Section 9.5-293 Surface Water Management

All surface water will be managed on-site. A storm water management plan has been provided with the submitted plans. The plan must be reviewed and approved by the Monroe County Engineer.

2. Section 9.5-294, Wastewater Treatment Criteria

According to the Application, the applicant is in the process of negotiating with Key West Resort Utilities to explore the option of connecting to the utility. If that option is not viable, then the applicant intends to revise the existing Environmental Health Permit and modify the sewage treatment plant that was built as part of the development of Spotswood Shops and connect to that plant. Approval of Key West Resort Utilities, the Department of Health and/or the Department of Environmental Protection is needed to determine compliance with Section 9.5-294.

3. Community impact statement, Section 9.5-69

Most of the issues have been addressed adequately in the submittal except the following items:

- From the letter dated August 21, 2002, to the Monroe County Fire Marshal, it appears that coordination has started with that department. However, conceptual approval of the project by the Fire Marshal's Office is needed before compliance with Section 9.5-69 can be determined.
- A letter of coordination has been submitted to the Florida Keys Aqueduct Authority (FKAA). However, approval determination cannot be made until a complete set of plans has been reviewed and approved by FKAA. Therefore, compliance with Section 9.5-69 can not yet be determined.
- A letter of coordination with the Keys Energy Services (KEYS) has been submitted. According to the letter of coordination dated September 12, 2002, KEYS will need a full set of plans and a project review form to determine load requirement. Therefore, compliance with Section 9.5-69 can not yet be determined.

2. *Consistency with the goals, objectives and policies of the Monroe County Year 2010 Comprehensive Plan:*

The proposed project is generally consistent with the goals, objectives and policies of the Monroe County Year 2010 Comprehensive Plan.

IV FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. Based on the application, the proposed project amends the Planning Commission Resolution #P12-00 exclusively with regards to the northern part of the development identified with RE# 0012140-000000. The Resolution #P12-00 and amendment to it under Resolution #P34-01 and conditions of the approvals under those resolutions still apply to the southern part of the development known as Spotswood Shops.

2. Based on the Development Order #02-1989 and the Memorandum dated November 13, 2002 from the Assistant County Attorney, the property is vested to have the rights to be redeveloped with up to 51 ROGO exempt residential units subject to compliance with all other applicable land development regulation. Staff finds that the ROGO exempt residential units are not transferable off-site per Section 9.5-120.4(b) and can only be built back on-site in accordance with Section 9.5-120.4(a).
3. Based on the application, the applicant is proposing to build 14,129 Sq. Ft. of vested medium intensity commercial use and seven (7) market rates residential units. Although Staff finds the project to be in compliance with sections 9.5-262 and 9.5-269, the Site Plan shall be revised to show correct Site Analysis related to residential density and site utility information.
4. Based on the County's Traffic Consultant letter dated December 16, 2002, although the submitted traffic report has adequately addressed all related issues, it is not clear if the flow of traffic inside the property is adequate. Therefore, Staff concludes that a site plan showing the vehicle maneuverability inside the property shall be submitted.
5. Based on the County's Traffic Consultant letter dated December 16, 2002, it appears that the site plan for the Burger King Restaurant, located adjacent to the project site was intended to provide common use access between the two properties. Therefore, Staff finds that the applicant should explore the feasibility of having internal connection between the two properties to reduce the vehicular traffic on adjacent streets, especially US 1 Highway.
6. Based on the application, a storm water management plan has been provided with the submitted plans. Staff finds that the plan must be reviewed and approved by the Monroe County Engineer to determine compliance with Section 9.5-293.
7. Based on the application, connection to the Key West Resort Utilities is the preferred option for wastewater treatment. However, if the applicant decides to use on site sewage treatment plant, the existing Environmental Health Permit must be revise and approval of the Department of Health and/or the Department of Environmental Protection shall be submitted.
8. Based on the application, coordination with the Fire Marshal has started. Therefore, Staff concludes that conceptual approval of the project by the Fire Marshal's Office is needed.
9. Based on the application, a letter of coordination has been submitted to the Florida Keys Aqueduct Authority (FKAA). Therefore, Staff concludes that the plans shall be reviewed and approved by FKAA.
10. Based on the application, coordination with the Keys Energy Services (KEYS) has started. According to the letter of coordination dated September 12, 2002, KEYS will

need a full set of plans and a project review form to determine load requirement. Therefore, Staff concludes that approval of the plans by KEYS is required.

V. RECOMMENDED ACTION:

Based on the Findings of Fact and Conclusions of Law above, the Planning Staff recommends **APPROVAL** with the following conditions:

1. The Site Plan shall be revised to show correct Site Analysis associated with the residential density and site utility information of the project prior to the issuance of a signed Resolution.
2. Prior to issuance of a resolution, a site plan showing the vehicle maneuverability within the property shall be submitted and approved by the County's Traffic Consultant.
3. The applicant shall investigate the feasibility of having an internal connection between the Burger King Restaurant and the project to reduce the vehicular traffic on adjacent streets, especially US 1 Highway. The result of this investigation shall be submitted to and approved by the County 's Traffic Consultant prior to issuance of a resolution.
4. Prior to issuance of a building permit, approval of the surface water management plan by the County Engineer shall be provided.
5. Prior to issuance of a building permit, the Florida Department of Health and/or the Department of Environmental Protection shall approve the Wastewater Treatment Plan.
6. Prior to issuance of a building permit, a Fire Protection Plan shall be approved by the Monroe County Fire Marshal.
7. Prior to issuance of a building permit, a complete set of plans must be reviewed and approved by FKAA.
8. The Keys Energy Services (KEYS) shall determine load requirement based on the review of a complete set of plans and approval shall be received prior to the issuance of a building permit.

RESOLUTION NO. 304A - 2002

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, RENOUNCING AND DISCLAIMING ANY RIGHT OF THE COUNTY AND THE PUBLIC IN AND TO A PORTION OF FOURTH STREET BETWEEN MACDONALD AVENUE AND US HIGHWAY 1, STOCK ISLAND, MONROE COUNTY, FLORIDA

WHEREAS, the Board of County Commissioners of Monroe County, Florida, desires to renounce and disclaim any right of the County and the public in and to the hereinafter described streets, alley-ways, roads or highways, and

WHEREAS, due notice has been published and a public hearing has been held in accordance with Chapter 336, Florida Statutes, and

WHEREAS, at said public hearing the Board considered the argument of all parties present wishing to speak on the matter, and all premises considered concerning the renouncing and disclaiming of any right of the County and the public in and to the hereinafter described streets, alley-ways, roads or highways as delineated on the hereinafter described map or plat, and

WHEREAS, the Board has determined that vacation of the said road is for the general public welfare, and conforms to the requirement of Fla. Stat. Secs. 336.09 and 336.10; now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that the Board hereby renounces and disclaims any right of the County and the public in and to the following described streets, alley-ways, roads or highways as delineated on the hereinafter described map or plat, to-wit:

THAT PORTION OF FOURTH STREET, STOCK ISLAND, MONROE COUNTY, FLORIDA, LYING BETWEEN THE NORTH RIGHT-OF-WAY LINE OF MACDONALD AVENUE AND THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 11, BLOCK 29, PLAT BOOK 1, PAGE 55, AS FOUND IN THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE N 00°19'00" E ALONG THE EASTERLY PROPERTY LINES OF LOTS 11 AND 10, BLOCK 29 AND THE EASTERLY LINE OF THAT PARCEL ON EAST LAUREL AVENUE ABANDONED BY MONROE COUNTY RESOLUTION NO. 294-1989 AND THE EASTERLY PROPERTY LINE OF BLOCK 26 TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE N 81°15'35" E A DISTANCE OF 50.64 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 TO A POINT; THENCE S 00°19'00" W A DISTANCE OF 341.30 FEET, ALONG THE WESTERLY PROPERTY LINE OF LOT 1, BLOCK 25, THE WESTERLY LINE OF THAT PARCEL ON EAST LAUREL AVENUE ABANDONED BY MONROE COUNTY RESOLUTION NO. 62-1965 AND THE WESTERLY PROPERTY LINES OF LOTS 1 AND 20, BLOCK 30 TO A POINT; THENCE N 89°41'00" W A DISTANCE OF 50 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF MACDONALD AVENUE TO THE POINT OF BEGINNING.

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BEGIN AT THE SOUTHEAST CORNER OF LOT 11, BLOCK 29, PLAT BOOK 1, PAGE 55, AS FOUND IN THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE N 00°19'00" E ALONG THE EASTERLY PROPERTY LINES OF LOTS 11 AND 10, BLOCK 29 AND THE EASTERLY LINE OF THAT PARCEL ON EAST LAUREL AVENUE ABANDONED BY MONROE COUNTY RESOLUTION NO. 294-1989 AND THE EASTERLY PROPERTY LINE OF BLOCK 26 TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE N 81°15'35" E A DISTANCE OF 25.32 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 TO A POINT; THENCE S 00°19'00" W A DISTANCE OF 337.31 FEET, ALONG THE CENTERLINE OF FOURTH STREET TO A POINT; THENCE N

89°41'00" W A DISTANCE OF 25 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF MACDONALD AVENUE TO THE POINT OF BEGINNING.

PARCEL TWO

BEGIN AT THE NORTHWEST CORNER OF LOT 1, BLOCK 25, PLAT BOOK 1, PAGE 55, AS FOUND IN THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE S 00°19'00" W A DISTANCE OF 61.30 FEET ALONG THE WESTERLY LINE OF LOT 1 AND THE WESTERLY LINE OF THAT PARCEL ON EAST LAUREL AVENUE ABANDONED BY MONROE COUNTY RESOLUTION NO. 62-1965 TO THE CENTERLINE OF SAID EAST LAUREL AVENUE; THENCE N 89°41'00" W A DISTANCE OF 25.0 FEET TO A POINT ON THE CENTERLINE OF FOURTH STREET; THENCE N 00°19'00" E ALONG THE CENTERLINE OF FOURTH STREET A DISTANCE OF 57.31 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE N 81°15'35" E A DISTANCE OF 25.32 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY OF U.S. HIGHWAY NO. 1 TO THE POINT OF BEGINNING.

PARCEL THREE

BEGIN AT THE SOUTHWEST CORNER OF LOT 20, BLOCK 30, PLAT BOOK 1, PAGE 55, AS FOUND IN THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE N 89°41'00" W A DISTANCE OF 25.0 FEET TO A POINT ON THE CENTERLINE OF FOURTH STREET; THENCE N 00°19'00" E A DISTANCE OF 280.0 FEET ALONG THE CENTERLINE OF FOURTH STREET TO A POINT; THENCE S 89°41'00" E A DISTANCE OF 25.0 FEET TO A POINT LYING ON THE WESTERLY LINE OF THAT PARCEL ON EAST LAUREL AVENUE ABANDONED BY MONROE COUNTY RESOLUTION NO. 62-1965; THENCE S 00°19'00" W A DISTANCE OF 280.0 FEET ALONG THE WESTERLY LINE OF SAID ABANDONED PARCEL AND THE WESTERLY LINE OF LOTS 1 AND 20, BLOCK 30 TO THE POINT OF BEGINNING.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of the Board on the 17th day of July 2002.

Mayor Charles McCoy
Mayor Pro Tem Dixie Spehar
Commissioner Murray Nelson
Commissioner George Neugent
Commissioner Bert Jimenez

yes
yes
not present
yes
yes



(SEAL)
Attest: DANNY L. KOLHAGE, Clerk

By *Jamela Hancock*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By *[Signature]*
Mayor/Chairperson

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY
BY *[Signature]*
SUZANNE A. HUTTON
DATE 6/26/02

FILED FOR RECORD
2002 JUL 31 AM 10:19
DANNY L. KOLHAGE
CLK. CIR. CT.
MONROE COUNTY, FLA.



Joy Thomas
Advertising Coordinator

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Key West FL 33041
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Fax.....305-294-0768
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Fax 305-294-0768
citizen@keywest.com

Internet Division
1201 White Street (Suite 103)
Key West, FL
33040-3328
Tel 305-292-1880
Fax 305-294-1699
sales@keywest.com

Middle Keys Office
6363 Overseas Hwy
Marathon, FL (MM 52.5)
33050-3342
Tel 305-743-8766
Fax 305-743-9977
navigator@floridakeys.com

Upper Keys Office
81549 Old Hwy
PO Box 469
Islamorada, FL (MM81.5)
33036-0469
Tel 305-664-2266
Fax 305-664-8411
freepress@floridakeys.com

Ocean Reef Office
3A Barracuda Lane
Key Largo, FL 33037
Tel 305-367-4911
Fax 305-367-2191

**STATE OF FLORIDA
COUNTY OF MONROE**

Before the undersigned authority personally appeared Randy G. Erickson, who on oath says that he is Vice-President of Advertising Operations of the Key West Citizen, a daily newspaper published in Key West, in Monroe County, Florida; that the attached copy of advertisement, being a legal notice in the matter of Public Hearing

In the _____ Court, was published in said newspaper in the issues of June 28, 2002

Affiant further says that the Key West Citizen is a newspaper published in Key West, in said Monroe County, Florida and that the said newspaper has heretofore been continuously published in said Monroe County, Florida every and has been entered as second-class mail matter at the post office in Key West, in said Monroe County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Signature of Affiant

Sworn and subscribed before me this 9 day of July 2002

Joy Thomas, Notary Public

FILED FOR RECORD
2002 OCT -3 AM 11:18
DANIEL L. KOLHAGE
CLERK OF CIR. CT.
MONROE COUNTY, FLA

Expires: July 23, 2004

Notary Seal

Personally Known x Produced Identification _____
Type of Identification Produced _____

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Monroe County, Florida, will hold a public hearing on July 17, 2002, at 3:00 PM, at the Truman School Harvey Government Center, 1200 Truman Avenue, Key West, Florida, for the purpose of determining whether or not the following streets, alley-ways, roads or highways shall be abandoned:

THAT PORTION OF FOURTH STREET, STOCK ISLAND, MONROE COUNTY, FLORIDA, LYING BETWEEN THE NORTH RIGHT-OF-WAY LINE OF MACDONALD AVENUE AND THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 11, BLOCK 29, PLAT BOOK 1, PAGE 55, AS FOUND IN THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE N 00°19'00" E ALONG THE EASTERLY PROPERTY LINES OF LOTS 11 AND 10, BLOCK 29 AND THE EASTERLY LINE OF THAT PARCEL ON EAST LAUREL AVENUE ABANDONED BY MONROE COUNTY RESOLUTION NO. 294-1989 AND THE EASTERLY PROPERTY LINE OF BLOCK 26 TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE N 81°15'35" E A DISTANCE OF 50.84 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 TO A POINT; THENCE S 00°19'00" W A DISTANCE OF 341.30 FEET, ALONG THE WESTERLY PROPERTY LINE OF LOT 1, BLOCK 25, THE WESTERLY LINE OF THAT PARCEL ON EAST LAUREL AVENUE ABANDONED BY MONROE COUNTY RESOLUTION NO. 62-1965 AND THE WESTERLY PROPERTY LINES OF LOTS 1 AND 20, BLOCK 30 TO A POINT; THENCE N 89°41'00" W A DISTANCE OF 50 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF MACDONALD AVENUE TO THE POINT OF BEGINNING.

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89°41'00" W A DISTANCE OF 25 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF MACDONALD AVENUE TO THE POINT OF BEGINNING.

PARCEL TWO

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

Dated at Key West, Florida, this 21st day of June, 2001.

DANNY L. KOLHAGE, Clerk of the Circuit Court and ex officio Clerk of the Board of County Commissioners of Monroe County, Florida

June 28, 2001



The Florida Keys Only Daily Newspaper, Est. 1876
 Cooke Communications, LLC
 Florida Keys

Joy Thomas
 Advertising Coordinator

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 Key West, FL
 33040-1800
 Tel 305-292-7777
 Fax 305-294-0768
 citizen@keywest.com

Internet Division
 1201 White Street (Suite 103)
 Key West, FL
 33040-3328
 Tel 305-292-1880
 Fax 305-294-1699
 sales@keywest.com

Middle Keys Office
 6363 Overseas Hwy
 Marathon, FL (MM 52.5)
 33060-3342
 Tel 305-743-8766
 Fax 305-743-9977
 navigator@floridakeys.com

Upper Keys Office
 81549 Old Hwy
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 Islamorada, FL (MM81.5)
 33036-0469
 Tel 305-664-2266
 Fax 305-664-8411
 freepress@floridakeys.com

Ocean Reef Office
 3A Barracuda Lane
 Key Largo, FL 33037
 Tel 305-367-4911
 Fax 305-367-2191

813

STATE OF FLORIDA
 COUNTY OF MONROE

Before the undersigned authority personally appeared Randy G. Erickson, who on oath says that he is Vice-President of Advertising Operations of the Key West Citizen, a daily newspaper published in Key West, in Monroe County, Florida; that the attached copy of advertisement, being a legal notice in the matter of Notice of Adoption of Resolution

In the _____ Court, was published in said newspaper in the issues of August 11, 2002

Affiant further says that the Key West Citizen is a newspaper published in Key West, in said Monroe County, Florida and that the said newspaper has heretofore been continuously published in said Monroe County, Florida every and has been entered as second-class mail matter at the post office in Key West, in said Monroe County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Signature of Affiant

Sworn and subscribed before me this 14 day of August 2002

Joy Thomas, Notary Public

2002 OCT -3 AM 11:18
 DAVID L. COLHAGE
 CLK. CR. CT.
 MONROE COUNTY, FLA.

FILED FOR RECORD

Expires: July 23, 2004

Notary Seal

Personally Known x Produced Identification _____
 Type of Identification Produced _____

NOTICE OF ADOPTION OF RESOLUTION RENOUNCING AND DISCLAIMING ANY RIGHT OF THE COUNTY OF MONROE AND THE PUBLIC IN AND TO A CERTAIN STREET AS DELINEATED ON A CERTAIN RECORDED PLAT

NOTICE IS HEREBY GIVEN, pursuant to Chapter 336, Florida Statutes, that the Board of County Commissioners of Monroe County, Florida, at a meeting held on July 17, 2002, duly adopted Resolution No. 304A-2002, renouncing and disclaiming any right of the County of Monroe and the public in and to a portions of Fourth Street between MacDonald Avenue and US Highway 1, Stock Island, Monroe County, Florida, and further described as follows:

THAT PORTION OF FOURTH STREET, STOCK ISLAND, MONROE COUNTY, FLORIDA, LYING BETWEEN THE NORTH RIGHT-OF-WAY LINE OF MACDONALD AVENUE AND THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 11, BLOCK 29, PLAT BOOK 1, PAGE 55, AS FOUND IN THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE N 00°19'00" E ALONG THE EASTERLY PROPERTY LINES OF LOTS 11 AND 10, BLOCK 29 AND THE EASTERLY LINE OF THAT PARCEL ON EAST LAUREL AVENUE ABANDONED BY MONROE COUNTY RESOLUTION NO. 294-1989 AND THE EASTERLY PROPERTY LINE OF BLOCK 28 TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE N 81°15'35" E A DISTANCE OF 50.64 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 TO A POINT; THENCE S 00°19'00" W A DISTANCE OF 341.30 FEET, ALONG THE WESTERLY PROPERTY LINE OF LOT 1, BLOCK 25, THE WESTERLY LINE OF THAT PARCEL ON EAST LAUREL AVENUE ABANDONED BY MONROE COUNTY RESOLUTION NO. 62-1965 AND THE WESTERLY PROPERTY LINES OF LOTS 1 AND 20, BLOCK 30 TO A POINT; THENCE N 89°41'00" W A DISTANCE OF 50 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF MACDONALD AVENUE TO THE POINT OF BEGINNING.

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ERTY LINE OF BLOCK 28 TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE N 81°15'35" E A DISTANCE OF 25.32 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 TO A POINT; THENCE S 00°19'00" W A DISTANCE OF 337.31 FEET, ALONG THE CENTERLINE OF FOURTH STREET TO A POINT; THENCE N 89°41'00" W A DISTANCE OF 25 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF MACDONALD AVENUE TO THE POINT OF BEGINNING.

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BEGIN AT THE SOUTHWEST CORNER OF LOT 20, BLOCK 30, PLAT BOOK 1, PAGE 55, AS FOUND IN THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE N 89°41'00" W A DISTANCE OF 25.0 FEET TO A POINT ON THE CENTERLINE OF FOURTH STREET; THENCE N 00°19'00" E A DISTANCE OF 280.0 FEET ALONG THE CENTERLINE OF FOURTH STREET TO A POINT; THENCE S 89°41'00" E A DISTANCE OF 25.0 FEET TO A POINT LYING ON THE WESTERLY LINE OF THAT PARCEL ON EAST LAUREL AVENUE ABANDONED BY MONROE COUNTY RESOLUTION NO. 62-1965; THENCE S 00°19'00" W A DISTANCE OF 280.0 FEET ALONG THE WESTERLY LINE OF SAID ABANDONED PARCEL AND THE WESTERLY LINE OF LOTS 1 AND 20, BLOCK 30 TO THE POINT OF BEGINNING.

DATED at Key West, Florida, this 29th day of July, 2002.

DANNY L. KOLHAGE, Clerk of the Circuit Court and ex officio Clerk of the Board of County Commissioners of Monroe County, Florida
August 11, 2002



RCD Jul 25 2001 12:13PM
DANNY L KOLHAGE, CLERK

RESOLUTION NO. P34 -01

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION **APPROVING** THE REQUEST OF THE SPOTTSWOOD FAMILY TRUST AND DBA CAYO INVESTMENT FOR AN AMMENDMENT TO A MAJOR CONDITIONAL USE TO DEMOLISH AN EXISTING BUILDING THAT WAS INITIALLY PERMITTED TO BE REPLACED WITH A WALK-UP BANK AND RADIO EQUIPMENT ROOM UNDER THE PC RESOLUTION # P12-00, AND INSTEAD CONSTRUCT A DRIVE-THROUGH BANK WITH THE SAME FLOOR AREA; CHANGE THE DIRECTION OF ONE-WAY DRIVE AT REAR OF STRUCTURES NOW UNDER CONSTRUCTION; RECONFIGURE PARKING BY REMOVING SEVERAL SPACES FROM THE FRONT OF THE BUILDINGS AND ADDING THEM TO THE REAR; INSTALL TWO NEW SATELLITE DISHES THAT ARE EACH 153" IN DIAMETER AND HAVE AN OVERALL HEIGHT OF 165".

WHEREAS, during a regular meeting held on May 9, 2001, the Monroe County Planning Commission conducted a public hearing on the request filed by the Spottswood Family Trust and dba Cayo Investment for an amendment to a major conditional use to demolish an existing building that was initially permitted to be replaced with a walk-up bank and radio equipment room under the PC Resolution # p12-00, and instead construct a drive-through bank with the same floor area; change the direction of one-way drive at rear of structures now under construction; reconfigure parking by removing several spaces from the front of the buildings and adding them to the rear of the of buildings; install two new satellite dishes that are each 153" in diameter and have an overall height of 165"; and

WHEREAS, the proposed development is located on the property legally described as Lots 5 through 16 and part of lot 4 and 17 of Block 29, and all of Block 37 and 40, Maloney Subdivision, Plat Book 1, Page 55, Monroe County, Florida near Mile Marker 5. The Real Estate numbers are 00124140-000000, 00125140-000000 through 00125340-000000 and 00125370-000000; and

WHEREAS, the above described property is located in the Mixed Use (MU) land use district; and

WHEREAS, the Planning Commission was presented with the following evidence, which by reference is hereby incorporated as part of the record of said hearing:

1. The Amendment to a Major Conditional Use Application, including Site Plan by Thomas E. Pope, P.A. Architect, dated 12/01/2000 and revised 4/25/01; and Drainage Plan by PE & D, Inc., dated December 2000; and Elevations Plan by Thomas E. Pope, P.A. Architect, dated 10/27/2000 and revised 22/12/2000; and
2. The Staff Report prepared by Aref Joulani, Senior Planner, Ralph Goulidy, Senior Administrator Environmental Resources, and Dianna Stevenson, Biologist dated 04/30/2001; and
3. The sworn testimony of the Growth Management Staff; and
4. The comments of John Wolfe, Planning Commission Counsel; and

WHEREAS, the Planning Commission has made the following Findings of Fact and Conclusions of Law based on the evidence presented:

1. Based on the application, staff finds that the proposed development and any amendments to it must demonstrate compliance with all requirements of the Year 2010 Comprehensive Plan unless otherwise vested pursuant to Plan Policy 101.18.1.
2. Based upon the meeting, the County's Fire Marshal has reviewed the plans and inspected the site for compliance with fire safety and emergency vehicle access standards. An official letter stating the result of the Fire Marshal's evaluation should be submitted.
3. Based upon the site plan and the application submitted, staff finds that although the project is in compliance with MCC Section 9.5-352, the loading zones at the rear of the building are only 10' X 26' and are not suitable for larger vehicles. Therefore, the County's traffic engineer has concern that larger delivery trucks will not be able to access the site without hitting building structures.
4. Based on the site visit, Staff finds that district boundary buffer on Fifth Street and parking landscaping are not adequate and they must comply with requirements of MCC Section 9.5-372 and 9.5-361.
5. Based on the site visit, Staff finds that a substantial amount of fill has migrated into the wetland and the edge of the fill at the mangrove area is not being retained. Therefore, the fill between the fence and the wetlands need to be further stabilized.



NOW THEREFORE;

BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, that the preceding Findings of Fact and Conclusions of Law support the decision to **APPROVE** the request of the Spottswood family trust and dba Cayo Investment for an amendment to a major conditional use to demolish an existing building and replace it with the same floor area drive-through bank; change the direction of one-way drive at rear of structures now under construction; reconfigure parking by removing several spaces from the front of the buildings and adding them to the rear of the buildings; and install two new satellite dishes that are each 153" in diameter and have an overall height of 165" on the property described as lots 5 through 16 and part of lot 4 and 17 of Block 29, and all of Block 37 and 40, Maloney Subdivision, Stock Island, Monroe County, Florida, near Mile Marker 5 subject to the following condition:

1. Prior to issuance of a building permit, a letter from the Fire Marshal should be submitted to indicate compliance of the project with all the fire safety and emergency vehicle access standards.
2. The building permit shall be conditioned to limit the access of vehicles to the site to those vehicles that are less than 26' long.
3. At the entrance to the drive way at the rear of the buildings, a sign that is clearly visible from grade shall be posted to indicate that access of the vehicles that are longer than 26 feet is prohibited to the site.
4. The MU/URM district boundary buffer on Fifth Street, and the street trees on 4th Street and MacDonald Avenue must comply with requirements of MCC sections 9.5-372 and 9.5-361, and the approved Site Plan.
5. The fill adjacent to the mangrove area shall be permanently retained and fill that has migrated into the mangroves shall be removed.

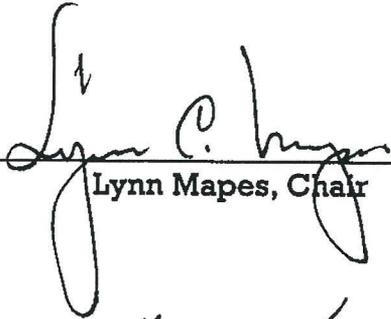
PASSED AND ADOPTED by the Planning Commission of Monroe County, Florida, at a regular meeting held on the 9th day of May 2001.

Chair Mapes	<u>Yes</u>
Vice-Chair Ritz	<u>Yes</u>
Commissioner Hill	<u>Yes</u>
Commissioner Werling	<u>Yes</u>
Commissioner Coleman	<u>Yes</u>

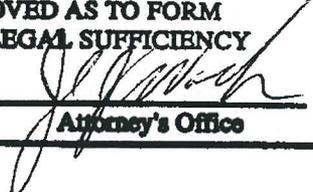


PLANNING COMMISSION OF
MONROE COUNTY, FLORIDA

FILE #1247789
BK#1713 PG#559

BY 
Lynn Mapes, Chair

Signed this 13th day of June, 2001

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

MONROE COUNTY
OFFICIAL RECORDS

RESOLUTION NO. P12-00

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION APPROVING THE REQUEST OF THE SPOTTSWOOD FAMILY TRUST FOR AN AMENDMENT TO A MAJOR CONDITIONAL USE TO ALLOW THE CONVERSION OF A 1,868 SQUARE FOOT RADIO STATION INTO A WALK-UP BANK (RETAINING RADIO EQUIPMENT IN AN AREA LESS THAN 50 SQUARE FEET AND MAINTAINING THE EXISTING ANTENNA-SUPPORTING STRUCTURES LOCATED ON THE PROPERTY); CHANGING THE INTENSITY OF THE NORTHERN PORTION OF THE PROPERTY FROM LOW- TO MEDIUM-INTENSITY COMMERCIAL RETAIL TO HIGH-INTENSITY COMMERCIAL RETAIL (WITH A 433 SQUARE FOOT PUBLIC RESTROOM FACILITY); AND CHANGING THE USE OF TWO BUILDINGS TOTALING 15,474 SQUARE FEET ON THE SOUTHERN PORTION OF THE PROPERTY FROM LIGHT INDUSTRIAL TO LOW- TO MEDIUM-INTENSITY COMMERCIAL RETAIL

WHEREAS, During a regular meeting held on March 8, 2000, the Monroe County Planning Commission conducted a public hearing on the request filed by the Spottswood Family Trust for an Amendment to a Major Conditional Use (previously granted via Resolution # P38-96) to convert an existing radio station into a walk-up bank retaining radio equipment in an area less than 50 square feet and maintaining the existing antenna-supporting structures on the property; change the intensity of the north portion of the property from low- to medium-intensity commercial retail to high-intensity commercial retail; and change the use of two buildings totaling 15,474 square feet from light industrial to low- to medium-intensity; and

WHEREAS, The proposed development is located on property legally described as Lots 5 through 16 and 4 and 17, square 29, Maloney Subdivision, Plat Book 1, Page 55 and Block 37 and 40, Maloney Subdivision, Plat Book 1, Page 55, Monroe County, Florida near Mile Marker 5. The land use district is Mixed Use and the real estate numbers are 00124140-000000, 00125140-000000 through 00125340-000000 and 00125370; and

WHEREAS, the Planning Commission was presented with the following evidence, which is hereby incorporated as a part of the record of said hearing:

1. The Amendment to a Major Conditional Use Application, including a survey of the north portion of the property prepared by Phillips and Trice, dated November 15, 1990 (revised April 7, 1994); a survey of the south portion of the property prepared by Phillips and Trice, dated October 29, 1995; site plan prepared by Gonzalez Architects, dated March 17, 1995 (revised March 20, 1996); drainage plan prepared by Gonzalez Architects, dated May 17, 1995; and
2. The staff report prepared by J.G. Buckley, Development Review Planner and Ralph Gouddy, Environmental Senior Planner, dated February 25, 2000; and
3. Monroe County Board of County Commissioners' Resolution No. 070-1997; and
4. Development Review Committee Resolution No. D03-96; and



5. The staff report for the Major Conditional Use Application prepared by David Quigley, Senior Planner and William Miller, Environmental Planner, dated April 11, 1996; and
6. The comments of Karen Cabanas, Planning Commission Counsel; and
7. The sworn testimony of the Growth Management Staff; and

WHEREAS, the Planning Commission has made the following Findings of Fact and Conclusions of Law based on the evidence presented:

1. Based on the application, we find that the proposed development and any amendments to it must demonstrate compliance with all requirements of the Year 2010 Comprehensive Plan unless otherwise vested pursuant to Plan Policy 101.18.1.
2. Based on the site plan and the application submitted, we find that adequate parking is not provided for the southern portion of the project. The change from light industrial to low-to medium-intensity commercial retail will require six additional parking spaces for a total of 51 rather than the 45 shown on the site plan. Therefore, we find that the project is not in compliance with Monroe County Code Section 9.5-351.
3. Based on the application and site plan submitted, we find that the locations of handicapped parking signs are not shown. Therefore, we conclude that the project is not in compliance with MCC Section 9.5-351(f)(4).
4. Based on the site plan submitted, we find that the additional parking, unless pervious, will necessitate a revision to the surface water management plan. This revision shall also indicate a swale between the access road proposed for the southern part of the project and the adjacent red mangrove area. A swale will need to restrict sedimentary run-off from the road into the mangrove area. Therefore, we conclude that a revised surface water management plan must be approved by the County Engineer.
5. Based on the application and the traffic study submitted, we find that the County's consulting traffic engineer has reviewed the study and given staff a preliminary recommendation of approval; stating that after minor technical revisions are made, the traffic analysis will be approved.
6. Based on the application and the site plan submitted, we find that one (tower #4 listed in the Monroe County Tower Log formerly used to transmit WWFD-TV) of the two antenna-supporting structures on the property is no longer being used for its permitted purpose, transmitting WWFD-TV. Therefore, we conclude that the tower requires removal to be in compliance with the Monroe County Wireless Communications Ordinance.
7. Based on the application and the development agreement of 9-29-97 between the Spottswood Family Trust and the Florida Department of Community Affairs, we find that the FLUM designation of the property as Public Facilities was an error; and

WHEREAS, a revised site plan has been submitted indicating the six additional parking spaces, the proposed development is in compliance with MCC Section 9.5-351; and



WHEREAS, a revised site plan has been submitted showing the location of the required handicap signs, the proposed development is in compliance with MCC Section 9.5-351(f)(4); and

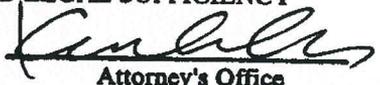
WHEREAS, the County's consulting traffic engineer has submitted a letter dated March 13, 2000 that approves the traffic analysis stating that the minor technical inaccuracies have been corrected; and

WHEREAS, the applicant has submitted documentation that both the antenna-supporting structures on the property are in use and removal of either tower will not be required;
NOW THEREFORE,

BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, that the preceding Finds of Fact and Conclusions of Law support our decision to APPROVE the Amendment to a Major Conditional Use Application by the Spottswood Family Trust to allow the conversion of a 1,868 square foot radio station into a walk-up bank (retaining radio equipment in an area less than 50 square feet and maintaining the existing antenna-supporting structures located on the property); changing the intensity of the northern portion of the property from low- to medium-intensity commercial retail to high-intensity commercial retail (with a 433 square foot public restroom facility); and changing the use of two buildings totaling 15,474 square feet on the southern portion of the property from light industrial to low- to medium-intensity commercial retail on property described as Lots 5 through 16 and 4 and 17, square 29, Maloney Subdivision, Plat Book 1, Page 55 and Block 37 and 40, Maloney Subdivision, Plat Book 1, Page 55, Monroe County, Florida with the following conditions:

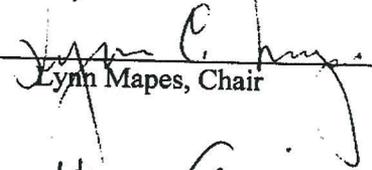
A revised surface water management plan reflecting the 51 parking spaces, if impervious, and the swale shall be approved by the County Engineer prior to the issuance of a building permit.

PASSED AND ADOPTED by the Planning Commission of Monroe County, Florida at a regular meeting held on March 8, 2000.

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

Chair Mapes YES
Commissioner Stuart YES
Commissioner Hill YES
Commissioner Marr ABSTAINED
Commissioner Werling YES

PLANNING COMMISSION OF
MONROE COUNTY, FLORIDA

By 
Lynn Mapes, Chair

Signed this 12th day of April, 2000.

MONROE COUNTY
OFFICIAL RECORDS

RESOLUTION NO. 070-1997

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, EVIDENCING THE BOARD'S APPROVAL, OF FIVE ORDERS OF DETERMINATION OF VESTED RIGHTS PROMULGATED BY THE VESTED RIGHTS HEARING OFFICER PURSUANT TO THE VESTED RIGHTS HEARING HELD ON NOVEMBER 21, 1996 IN RE: SPOTTSWOOD FAMILY TRUST/CAYO INVESTMENTS; CHARLES ENTENMANN.; GARANT ENGINEERING; JOHN AND SHEILA PETERSON; AND OCEAN REEF CLUB, INC.

WHEREAS, on January 4, 1996, the Monroe County Year 2010 Comprehensive Plan became effective; and

WHEREAS, development applications "in the pipeline" as of January 4, 1996 are subject to a determination of vested rights pursuant to Policy 101.18.1 of the Plan; and

WHEREAS, a hearing for determination of vested rights was held before the County's Vested Rights Hearing Officer, Mr. Randy Sadtler, Esq., on November 21, 1996; and

WHEREAS, pursuant to the hearing held on November 21, 1996, the Hearing Officer has promulgated six Orders for Determination of Vested Rights regarding applications for development in Monroe County; NOW THEREFORE

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA that

Section 1. The Board hereby adopts this Resolution as evidence of its approval of the Orders of the Vested Rights Hearing Officer, promulgated pursuant to a Vested Rights Hearing held on November 21, 1996 for the following development applicants: SPOTTSWOOD FAMILY TRUST/CAYO INVESTMENTS; CHARLES ENTENMANN; GARANT ENGINEERING, INC.; JOHN AND SHEILA PETERSON; and OCEAN REEF CLUB, INC.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of the Board held on the 19th day of February, 1997.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY [Signature]
JAMES T. HENDRICK
DATE _____



(SEAL)
ATTEST: DANNY L. KOTHAGE, CLERK

By [Signature]
Deputy Clerk

Mayor Douglass
Mayor Pro Tem London
Commissioner Harvey
Commissioner Freeman
Commissioner Reich

yes
yes
yes
yes
absent

BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA

By [Signature]
Mayor/Chairman

FILED FOR RECORD
FEB 20 1997
ANNOUNCEMENT
CLERK OF COUNTY
MONROE COUNTY, FLORIDA

RESOLUTION NO. P38A-96

MONROE COUNTY
OFFICIAL RECORDS

FILE # 964953
BK# 1420 PG# 2268

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION CORRECTING THE LEGAL DESCRIPTION AND APPROVING THE REQUEST OF WILLIAM B. SPOTTSWOOD FOR A MAJOR CONDITIONAL USE TO CONSTRUCT A 14,400 SQUARE FOOT OPEN-AIR MARKET AND RESTROOM FACILITY ON PARCEL 26, A PORTION OF EAST LAUREL AVENUE AND LOTS 5 THROUGH 16 AND PARTS OF LOTS 4 AND 17 OF PARCEL 29, MALONEY SUBDIVISION, AND TWO (2) BUILDINGS TOTALING 15,474 SQUARE FEET FOR LIGHT INDUSTRIAL USES ON ALL OF PARCELS 37 AND 40, MALONEY SUBDIVISION, STOCK ISLAND, MONROE COUNTY, FLORIDA, MILE MARKER 5. THE LAND USE DESIGNATION IS MIXED USED (MU) AND THE REAL ESTATE NUMBERS ARE 124140, 125140 THROUGH 125340 AND 125370.

WHEREAS, during a regular meeting held on June 20, 1996, the Monroe County Planning Commission conducted a public hearing on the request filed by William B. Spottswood for a major conditional use to develop, on the north portion of the site, a 14,400 square foot open-air market with an accessory public restroom facility and, on the south portion of the site, two (2) buildings totaling 15,474 square feet for light industrial uses; and

WHEREAS, the proposed development is located on property legally described as lots 5 through 16 and 4 and 17, square 29, Maloney subdivision, Plat Book 1, Page 55 and Blocks 37 and 40, Maloney Subdivision, Plat Book 1 Page 55, Monroe County, Florida, located near Mile Marker 5. The land use designation is MU and the real estate numbers are 124140, 125140 through 125340 and 125370.; and

WHEREAS, the above-described property is located in the MU land use district; and

WHEREAS, the Planning Commission was presented with the following evidence, which by reference is hereby incorporated as a part of the record of said hearing:

1. The Major Conditional Use Application, received by Monroe County Planning Department on March 20, 1995, including a site plan by Gonzalez Architects, dated May 17, 1995, last revised March 20, 1996; Floor Plans and Elevation drawings by Gonzalez Architects for the light industrial shops, dated May 17, 1995; Floor Plans and Eleva-

page 1

MJSPOTTS.23/TXTDR

RCD Sep 09 1996 08:56AM
DANNY L KOLHAGE, CLERK

Initials

FILE #964953
BK#1420 PG#2269

tion Drawings for the public restrooms, dated March 20, 1996; and

2. The staff report prepared by, David Quigley, Senior Planner, and William Miller, Environmental Planner, dated April 11, 1996; and
3. DRC Resolution No. D03-96; and
4. The sworn testimony of the Growth Management Staff; and
5. Presentations by Jose Gonzalez, the agent for the applicant; and

WHEREAS, due to the limited guidance in the Land Development Regulations and the lack of data generally for open air sales uses and the difficulty of predicting the parking demand for such a use, the Planning Commission recommends that the applicant examine the actual parking demand of the north portion of the site and provide additional on-site parking as needed and without violating any other limitations of site development such as the bufferyard and open space requirements.

WHEREAS, the Planning Commission has made the following Findings of Fact and Conclusions of Law based on the evidence presented:

1. Fourth Street is a dedicated county right-of-way but has never been developed as a road. Development of the proposed U.S. Highway 1 (U.S-1) access approximately 110 feet to the west of Fourth Street would violate the intent of Section 9.5-421 et. seq., Access Standards. The applicant has proposed to seek formal abandonment of Fourth Street as a way of complying with the intent of Section 9.5-421 et. seq.
2. The Monroe County Year 2010 Plan was enacted on January 04, 1996. The plans must demonstrate compliance with all of the requirements of the 2010 Plan prior to issuance of any building permit unless otherwise vested pursuant to Policy 101.18.1 et. seq.
3. The current land development regulations (Chapter 9.5) were amended on January 05, 1996 via Florida Administrative Code Rule 28-20.25.
4. A chain link or stockade fence at least five feet in height is required along the rear of the light industrial shop development to prevent environmental degradation of the mangrove wetland area. Pursuant to Section 9.5-67, the Planning Commission is empowered to attach conditions for the purpose of mitigating environmental impacts.

FILE # 964953
BK# 1420 PG# 2270

5. The site plan incorrectly shows an existing fence along the entire length of the south portion. The plan should show this fence as "proposed".
6. The site plan incorrectly shows the square footage of the proposed restrooms as 144 square feet. The actual square footage of the proposed building is 433 square feet.
7. Based on the site plan and other documents submitted as part of the application, we find that the proposed project is generally in compliance with Section 9.5-65, the standards applicable to all conditional uses; and

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, that the preceding Findings of Fact and Conclusions of Law, support their decision to APPROVE the Major Conditional Use request of William B. Spottswood for a major conditional use to to develop, on the north portion of the site, a 14,400 square foot open-air market with an accessory public restroom facility and, on the south portion of the site, two (2) buidings totaling 15,474 square feet for light industrial uses with the following conditions:

1. Prior to the establishment or use of any driveway access to US1 for the purpose of serving the open air sales use, the applicant shall obtain:
 - a. A Board of County Commission resolution formally abandoning the Fourth Street right-of-way; or
 - b. A variance or other administrative remedy which would have the effect of modifying the access requirements of Section 9.5-421 et. seq.
2. Prior to the issuance of any building permit for the project, the applicant shall demonstrate compliance with the 2010 Comprehensive Plan unless otherwise vested pursuant to Policy 101.18.1 et. seq.
4. A chain link or stockade fence at least five feet in height is required along the rear of the light industrial shops/radio station portion of the development in order to prevent environmental degradation of the abutting mangrove wetland.
5. The development on the north portion of the site shall be limited to open air retail sales of low to medium intensity. The intensity of the development shall be based on the delineated area of 14,400 square feet plus the development of a 433 square foot restroom building. Use of other parts of the site for retail activities, including the placement of temporary booths, tables, or mobile vendors shall be expressly prohibited.

FILE #964953
BK#1420 PG#2271

- 6. Development of the south portion of the site shall be limited to continuation of the existing radio station, and the development of 15,474 square feet of floor area for light industrial uses.
- 7. Prior to the issuance of a building permit, the plans shall be corrected as to the fence details and restroom floor area as indicated in findings of fact 6., and 7. above.
- 8. The US1 access to the north portion shown on the site plan shall be paved at least fifty (50) feet in from the right-of-way line.
- 9. The major conditional use development order shall expire if a certificate of occupancy for both of the proposed light industrial buildings is not issued within five (5) years of the date of this resolution.

PASSED AND ADOPTED by the Planning Commission of Monroe County, Florida, at a regular meeting held on the 20th day of June, 1996.

Chair Haskell	<u>YES</u>
Vice-Chair Hansley	<u>ABSENT</u>
Commissioner Chaplin	<u>YES</u>
Commissioner Mannillo	<u>YES</u>
Commissioner Nugent	<u>YES</u>

PLANNING COMMISSION OF
MONROE COUNTY, FLORIDA

BY Monica Haskell
~~Mary Hansley, Vice-Chair~~
Monica Haskell, Chair

Signed this 24 day of July, 1996.

MONROE COUNTY
OFFICIAL RECORDS

MONROE COUNTY, FLORIDA

MINOR CONDITIONAL USES

DEVELOPMENT ORDER

02-1939

MIR

89 MAR 20 P4:37

FILED 100 2000000

WHEREAS, the Development Review Committee of Monroe County, Florida, on January 25, 1989, in accordance with the provisions of Sections 9.5-24 and 9.5-68, of the Monroe County Land Development Regulations, to review the request of _____ Pearl Trailer Park Rehabilitation _____ for a Minor Conditional Use Approval, on the following described property:

RE#12412

Lots 1-20, Block 29, Maloney Subdivision, Section 34 & 36, Township 67, Range 25, Stock Island, approximately MM 12. The land use designation is mixed uses (MU).

for the following Minor Conditional Use: The replacement of 51 mobile homes and the addition of 765 square feet of building floor area to an existing mobile home park.

THE PLANNING DIRECTOR, after due consideration of the above-mentioned property, has concluded that said MINOR CONDITIONAL USE APPROVAL be: granted X ; granted with the following condition(s):

1. The applicant obtain approval of the Board of County Commissioners for abandonment to that portion of Laurel Avenue which has not already been abandoned.
2. Deed restrictions shall be placed on the property and recorded in the official records of Monroe County as follows:

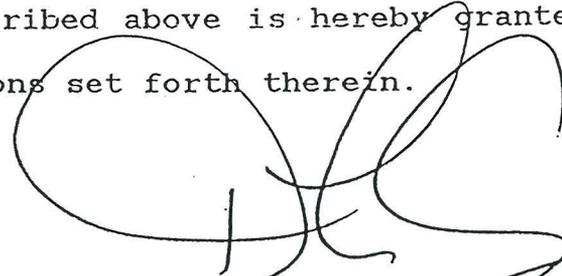
- PLANNING
- a. As long as the property remains a mobile home park all development shall be limited to the construction of accessory structures to mobile homes, but shall not include storage sheds.
 - b. Mobile homes shall in accordance with Monroe County Code be utilized for residential purposes only.
 - c. Only one mobile home shall be permitted per lot as indicate on the site plan and that the maximum density allowed shall be 51 mobile homes and 765 square feet of accessory building use.
3. Solid waste disposal shall be handled on an individual basis at each mobile home site rather than in a common dumpster. Each trailer site shall be provided with a screened trash receptacle area consisting of wooden fencing enclosed on at least three sides.
 4. A landscape plan shall be approved by the County Biologist, including the requirement that all trees with larger than a 3" diameter be identified on the site plan and saved wherever possible. No removal of vegetation shall commence until such time as the Planning Director approves in writing the removal of any trees greater than three (3) inches diameter breast height (DBH).
 5. The perimeter of the green areas on the site shall be fenced.
 6. The office building shall exclude any office use except as required to service the mobile home park.
 7. The laundry shall have two parking spaces, including one handicapped space, which will be located next to the laundry.
 8. The laundry will be owned and maintained by the applicant, or its agent, for use by mobile home park residents. No external advertising to the general public shall be permitted.
 9. All cess pools and septic tanks will be removed in accordance with HRS prior to the replacement of the mobile homes.
 10. The developer shall improve 4th street to a standards acceptable to the county engineer and FDOT as applicable. No Certificate of Occupancy shall be issued until all road improvements are complete, or sufficient performance bonds have been proffered and accepted by the County in a form acceptable to the County Attorney and County Clerk.
- *

- 11. The applicant shall submit a revised site plan and shall be approved in writing by the Planning Director prior to commencement of any building permit for this project.
- 12. A final drainage plan prepared by a licensed engineer and shall be approved by the County Engineer.

UNDER THE AUTHORITY of Section 9.5-72 of the Monroe County Land Development Regulations, this conditional use approval shall become null and void, with no further action required by the County, three and one-half years after the date of the original approval unless all required certificates of occupancy necessitated by the conditional use approval have been obtained.

NOW, THEREFORE BE IT RESOLVED, by the Planning Director of Monroe County, Florida, that the minor conditional use permit for the development described above is hereby granted according to the terms and conditions set forth therein.

Date: 02/02/89.



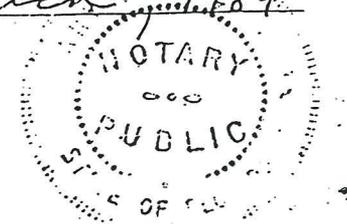
 Director of Planning

STATE OF FLORIDA,
 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 acknowledgments, personally appeared DONALD CRAIG, to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 3rd day of March, 1989.

NOTARY PUBLIC STATE OF FLORIDA
 MY COMMISSION EXP. SEPT 2, 1988



Mary Diane Bee
NOTARY PUBLIC, STATE OF FLORIDA

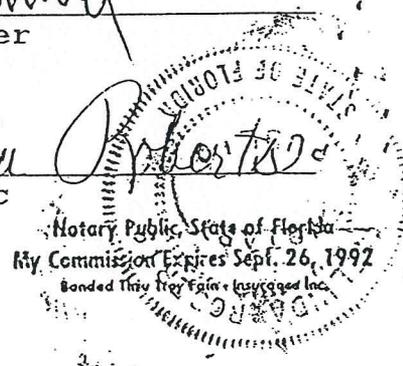
The requirement contained in Section 9.5-72.(a) that a conditional use permit not be transferred to a successive owner without notification to the Development Review Coordinator within fifteen (15) days of the transfer must be included on the document which is recorded pursuant to this section.

I, the undersigned, do hereby attest that I have read and agree to the conditions listed above.

[Signature]
Property Owner

3-6-89
Date

Melinda Roberts
Notary Public



REFERENCE: In the event that this development order constitutes an amendment, extension, variation, or alteration of a previous conditional use permit, that document may be referenced by the following _____

Please be advised that this Development Order is subject to a forty five (45) day appeal period by the State of Florida Department of Community Affairs.

This instrument prepared by:
Lisa Kee

Recorded In Official Records Book
In Monroe County, Florida
Record Verified
DANNY L. KOLMAGE
Clerk Circuit Court

Appendix C

Proof of Ownership

835-1471

231684

Warranty Deed

THIS INSTRUMENT, Made this 14 day of February, A.D. 1981 BETWEEN
 Charles M. Capps, Sr. and Capps Enterprises, Inc., a Florida corporation
 of the County of Monroe, State of Florida, parties of the first part, and
 Cayo Investments, Inc., a Florida corporation

of the County of Monroe, State of Florida, party of the second part,
 WITNESSETH: That the said parties of the first part, for and in consideration of the sum of
 TEN AND NO (\$10.00) Dollars,
 to them in hand paid by the said party of the second part, the receipt whereof is hereby acknow-
 ledged, have granted, bargained and sold to the said party of the second part,
 its heirs and assigns forever, the following described land, situate, lying and being in the
 County of Monroe, State of Florida, to wit:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and
 20, Block 29, MALONEY SUBDIVISION, according to the Plat thereof
 recorded in Plat Book 1, Page 55 of the Public Records of Monroe
 County, Florida

Also described as On the Island of Stock Island and being all of
 Block 29, according to GEORGE L. McDONALD'S map of Lots 1, 2, 3, 5 and
 6, of Section 35, Lot 2 of Section 36, Lot 3 of Section 26 and Lot 2
 of Section 34, all in Township 67 South of Range 25 East, recorded in
 Plat Book 1 at Page 55, Monroe County, Florida, Recorded.

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

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and
 seals the day and year first above written.

SIGNED AND SEALED IN OUR PRESENCE:

Gladys T. Bruce (SEAL)
Michael A. Pedron III (SEAL)
 As to Charles M. Capps, Sr.
Gladys T. Bruce (SEAL)
Michael A. Pedron III (SEAL)
 As to CAPPES ENTERPRISES, INC.
 STATE OF FLORIDA (ss. (corporate seal)
 COUNTY OF Monroe

Before me personally appeared Charles M. Capps, Sr., individually, and Charles M.
 Capps, Sr., President of Capps Enterprises, Inc. and Marlene Y. Capps,
 Secretary of Capps Enterprises, Inc., a Florida corporation, to me well known
 and known to me to be the individual(s) described in and who executed the foregoing instrument, and
 acknowledged to and before me that they executed the same for the purposes therein expressed.

WITNESS my hand and official seal this 5th day of February,
 1981 at Key West County and State aforesaid

Calvin H. Walker
 Notary Public in and for the County and State Aforesaid
 My commission expires: _____

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
 AT LAWYER'S OFFICES A.D.

This instrument was prepared by: A. August Quesada, Jr., Esquire
 Wildt, Quesada and Walker, Professional Association, 2320 Independent
 Square, Jacksonville, Florida 32202

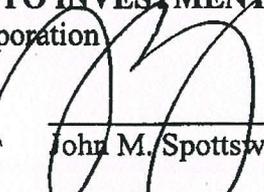
ARTICLES OF MERGER
OF
CAYO INVESTMENTS, INC.
INTO
SPOTTSWOOD PARTNERS GP, INC.

Pursuant to the provisions of Section 607.1105 of the Florida Business Corporation Act (the "Act"), the undersigned Florida corporations adopt the following Articles of Merger pursuant to which CAYO INVESTMENTS, INC. ("Cayo"), a Florida corporation, shall be merged (the "Merger) with and into SPOTTSWOOD PARTNERS GP, INC. ("Spottswood GP"), a Florida corporation:

1. Spottswood GP, a Florida corporation, shall be the surviving corporation of the Merger ("Surviving Corporation"). Cayo, a Florida corporation, shall be the merging corporation ("Merging Corporation"). Upon consummation of the Merger, and pursuant to the Plan of Reorganization (as hereinafter defined), the name of the Surviving Corporation shall be Spottswood Partners, Inc.
2. A copy of the Agreement and Plan of Reorganization, dated as of the 10th day of December, 1999, to which each of the Merging Corporation and the Surviving Corporation is a party (the "Plan of Reorganization"), is attached hereto as Exhibit "A" and incorporated herein by reference.
3. The Merger shall become effective at midnight on December 31, 1999.
4. The Plan of Reorganization was adopted by the shareholders of the Surviving Corporation by written consent without a meeting in the manner prescribed by the Act on December 10, 1999. The Plan of Reorganization was adopted by the shareholders of the Merging Corporation by written consent without a meeting in the manner prescribed by the Act on December 10, 1999.

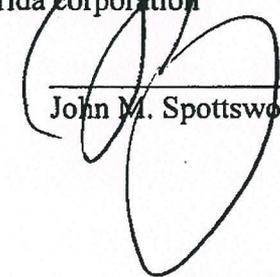
IN WITNESSETH WHEREOF, these Articles of Merger have been executed as of the 10th day of December, 1999.

CAYO INVESTMENTS, INC., a Florida
corporation

By: 

John M. Spottswood, Jr., President

SPOTTSWOOD PARTNERS GP, INC., a
Florida corporation

By: 

John M. Spottswood, Jr., President

MONROE COUNTY
OFFICIAL RECORDS

PREPARED BY:
Stuart D. Ames, Esq.
Stearns, Weaver, Miller
Museum Tower
150 West Flagler, Ste. 2200
Miami, FL 33130

State of Florida



Department of State

RCD Jul 13 2000 04:28PM
DANNY L KOLHAGE, CLERK

I certify the attached is a true and correct copy of the Articles of Merger, filed on December 17, 1999 effective December 31, 1999, for SPOTTSWOOD PARTNERS GP, INC. which changed its name to SPOTTSWOOD PARTNERS, INC., the surviving Florida entity, as shown by the records of this office.

The document number of this entity is P98000030413.

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
Twentieth day of December, 1999



CR2EO22 (1-99)

Katherine Harris

Katherine Harris
Secretary of State

**ARTICLES OF MERGER
OF
CAYO INVESTMENTS, INC.
INTO
SPOTTSWOOD PARTNERS GP, INC.**

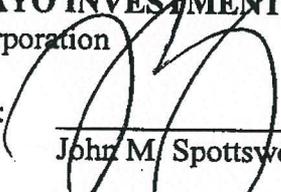
FILE # 1 1 8 9 4 8 6
BK# 1 6 4 3 PG# 1 0 1 4

Pursuant to the provisions of Section 607.1105 of the Florida Business Corporation Act (the "Act"), the undersigned Florida corporations adopt the following Articles of Merger pursuant to which **CAYO INVESTMENTS, INC.** ("Cayo"), a Florida corporation, shall be merged (the "Merger) with and into **SPOTTSWOOD PARTNERS GP, INC.** ("Spottswood GP"), a Florida corporation:

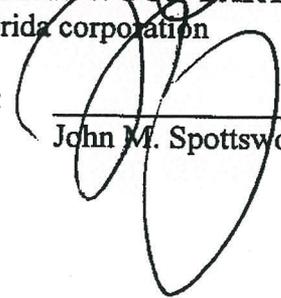
1. Spottswood GP, a Florida corporation, shall be the surviving corporation of the Merger ("Surviving Corporation"). Cayo, a Florida corporation, shall be the merging corporation ("Merging Corporation"). Upon consummation of the Merger, and pursuant to the Plan of Reorganization (as hereinafter defined), the name of the Surviving Corporation shall be Spottswood Partners, Inc.
2. A copy of the Agreement and Plan of Reorganization, dated as of the 10th day of December, 1999, to which each of the Merging Corporation and the Surviving Corporation is a party (the "Plan of Reorganization"), is attached hereto as Exhibit "A" and incorporated herein by reference.
3. The Merger shall become effective at midnight on December 31, 1999.
4. The Plan of Reorganization was adopted by the shareholders of the Surviving Corporation by written consent without a meeting in the manner prescribed by the Act on December 10, 1999. The Plan of Reorganization was adopted by the shareholders of the Merging Corporation by written consent without a meeting in the manner prescribed by the Act on December 10, 1999.

IN WITNESSETH WHEREOF, these Articles of Merger have been executed as of the 10th day of December, 1999. **EFFECTIVE DATE**

CAYO INVESTMENTS, INC., a Florida corporation

By: 
John M. Spottswood, Jr., President

SPOTTSWOOD PARTNERS GP, INC., a Florida corporation

By: 
John M. Spottswood, Jr., President

AGREEMENT AND PLAN OF REORGANIZATION

AGREEMENT AND PLAN OF REORGANIZATION, dated as of December 10, 1999 (the "Agreement"), by and between CAYO INVESTMENTS, INC., a Florida corporation ("Cayo"), and SPOTTSWOOD PARTNERS GP, INC., a Florida corporation (the "Surviving Corporation").

WITNESSETH:

WHEREAS, the respective Boards of Directors of each of Cayo and the Surviving Corporation have determined that it is in the best interest of Cayo, the Surviving Corporation and their respective stockholders that Cayo merge with and into the Surviving Corporation (the "Merger") pursuant to the terms and conditions contained herein, and that the name of the Surviving Corporation be changed to "Spottswood Partners, Inc." upon the effective time of the Merger; and

WHEREAS, the authorized capital stock of Cayo consists of 5,000 shares of common stock, par value \$1.00 per share (the "Cayo Common Stock"); and

WHEREAS, the authorized capital stock of the Surviving Corporation consists of 1,000 shares of common stock, par value \$.01 per share (the "Surviving Corporation Common Stock"); and

WHEREAS, upon the effective time of the Merger, the par value of the Surviving Corporation Common Stock will remain at one cent (\$.01) per share; and

WHEREAS, the Merger will be accomplished by Cayo being merged with and into the Surviving Corporation pursuant to which (a) all of the outstanding shares of the Surviving Corporation Common Stock shall not be converted as a result of the Merger, and following the Effective Date (as hereinafter defined) all shares of the Surviving Corporation Common Stock heretofore authorized shall be authorized shares of the Surviving Corporation, and all shares of the Surviving Corporation Common Stock then issued and outstanding shall remain issued and outstanding, shall be fully-paid and nonassessable by the Surviving Corporation, and shall be subject to all the provisions of this Agreement, and (b) all of the shares of Cayo Common Stock issued and outstanding immediately prior to the Merger will be canceled and no longer issued or outstanding; and

WHEREAS, Cayo and the Surviving Corporation are entering into this Agreement to set forth the terms and conditions of the Merger.

NOW, THEREFORE, in consideration of the mutual promises herein contained and intending to be legally bound, the parties hereto agree as follows:

1. MERGER

1.1 **The Merger.** On the Effective Date, Cayo will be merged with and into the Surviving Corporation under the terms of this Agreement, and the separate existence of Cayo shall be merged into and continued in the Surviving Corporation. At the effective time of the Merger, the name of the the Surviving Corporation shall be changed to "Spottswood Partners, Inc.".

1.2 Effects of the Merger.

(a) *Transfer of Assets and Liabilities.* Upon the consummation of the Merger, the separate corporate existence of Cayo shall cease as a consequence of the Merger. On and after the Effective Date, all rights, franchises, property, powers and other interests (whether tangible or intangible) of each of Cayo and the Surviving Corporation, and all obligations and liabilities thereof shall be transferred to, be vested in, and become the obligations of the Surviving Corporation by virtue of the Merger, without any deed or other instrument of transfer.

(b) *Articles of Incorporation and By-laws.* The articles of incorporation of the Surviving Corporation as in effect immediately prior to the Merger, shall be the articles of incorporation of the Surviving Corporation (the "Articles of Incorporation"), except that Article I thereof shall be deemed amended in the Merger to change the name of the Surviving Corporation to "Spottswood Partners, Inc.". The by-laws of the Surviving Corporation in effect immediately prior to the Merger shall be the by-laws of the Surviving Corporation (the "By-laws"), except that any references to the name of "Spottswood Partners GP, Inc." in such By-laws shall be changed to "Spottswood Partners, Inc.".

(c) *Name and Place of Business.* The business of the Surviving Corporation following the Merger shall be identical to that of the Surviving Corporation and Cayo and shall be that of a Florida corporation organized for the purpose of transacting any and all lawful business.

(d) *Board of Directors.* After the Merger, the Board of Directors of the Surviving Corporation shall be identical to the Board of Directors of the Surviving Corporation immediately prior to the Effective Date.

(e) *Executive Officers.* After the Merger, the executive officers of the Surviving Corporation immediately prior to the Effective Date shall constitute the executive officers of the Surviving Corporation until such time as their respective successors have been elected and qualified.

1.3 Effective Date. Subject to the satisfaction or waiver of the conditions precedent set forth in Article 3 of this Agreement, the parties shall cause the Merger to become effective at midnight on December 31, 1999.

2. **CONVERSION OF STOCK**

2.1 Conversion of the Surviving Corporation Common Stock. On the Effective Date and as a result of the Merger, all outstanding shares of Surviving Corporation Common Stock shall not be changed or converted and shall hereafter be the authorized shares of the Surviving Corporation. Any shares of Surviving Corporation Common Stock not issued as of the Effective Date shall remain authorized but unissued shares of capital stock of the Surviving Corporation.

2.2 Conversion of Cayo Common Stock. On the Effective Date and as a result of the Merger, each share of the Cayo Common Stock issued and outstanding immediately prior to the Effective Date, shall be canceled and extinguished without any payment or other consideration made with respect thereto.

3. **CONDITIONS.** The obligations of the parties hereto to consummate the Merger and the other transactions contemplated hereby are subject to the satisfaction of each of the following conditions:

3.1 Board Approval. The authorization of this Agreement and the Merger by the respective Boards of Directors of each Cayo and the Surviving Corporation shall not have been revoked or adversely modified.

3.2 Stockholder Approval. This Agreement and the Merger shall have been duly approved and adopted by the affirmative votes of the holders of a majority of the outstanding shares of the Cayo Common Stock and holders of a majority of the outstanding shares of the Surviving Corporation Common Stock.

3.3 Other Approvals. All other consents and approvals and the satisfaction of all other requirements that are necessary, in the opinion of Cayo or the Surviving Corporation, for the consummation of the Merger shall have been obtained.

4. MISCELLANEOUS

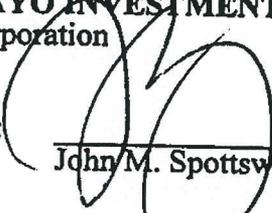
4.1 Successors. This Agreement shall be binding on the respective successors of each of Cayo and the Surviving Corporation.

4.2 Counterparts. This Agreement may be executed in one or more counterparts.

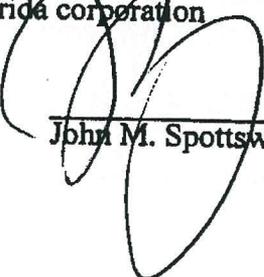
4.3 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

IN WITNESS WHEREOF, the Boards of Directors of the parties hereto have approved this Agreement and the duly authorized officers of each have executed this Agreement on their behalf as of the date first above written.

CAYO INVESTMENTS, INC., a Florida corporation

By: 
John M. Spottswood, Jr., President

SPOTTSWOOD PARTNERS GP, INC., a Florida corporation

By: 
John M. Spottswood, Jr., President

MONROE COUNTY
OFFICIAL RECORDS

Appendix D

Property Record Card

Monroe County Property Record Card (023)

Alternate Key: 1158275 Roll Year 2009
 Effective Date: 3/30/2009 8:27:14 AM Run: 03/30/2009 08:26 AM

SPOTTSWOOD PARTNERS INC

500 FLEMING ST
 KEY WEST FL 33040

Parcel 00124140-000000-35-67-25 Nbhd 10060

Alt Key 1158275 Mill Group 110A

Affordable Housing No PC 4900

FEMA Injunction

Inspect Date Next Review

Business Name

Physical Addr 5455 MACDONALD AVE, SOUTH STOCK ISLAND

Associated Names

Name	DBA	Role
SPOTTSWOOD PARTNERS INC,		Owner

Legal Description

STOCK ISLAND MALONEY SUB PB1-55 PT LOT 4 & PT LOT 17 & ALL LOTS 5 THRU 16 & PT EAST LAUREL AVE & PT 4TH STREET RES 294-1989 RES NO 304A-2002 H1-330 G10-347 OR438-909E OR824-387D/C OR825-1470Q/C OR825-1471 OR905-1652/53 OR1187-1539/AFF OR1657-986(MERGER) OR1643-1013/17(MERGER)/LG

Land Data 1.

Line ID	Use	Front	Depth	Notes	# Units	Type	SOH %	Rate	Depth	Loc	Shp	Phys	Class	ROGO	Class Value	Just Value
17909	100H	0	0	Yes	0.97	AC	0.00	1.00	1.00	1.00	1.00	1.00		N		
17910	100D	0	0	Yes	39,680.00	SF	0.00	1.00	1.00	1.00	1.00	1.00		N		
17911	100H	0	0	Yes	0.35	AC	0.00	1.00	1.00	1.00	1.00	1.00		N		
17912	100D	25	125	Yes	3,125.00	SF	0.00	1.00	1.00	1.00	1.00	1.00		N		
17913	100H	25	210	Yes	5,259.00	SF	0.00	1.00	1.00	1.00	1.00	1.00		N		
Total Just Value																

Miscellaneous Improvements

Nbr	Impr Type	# Units	Type	SOH %	Length	Width	Year Built	Roll Year	Grade	Life	RCN	Depr Value
3	UB2:UTILITY BLDG	624	SF	0.00	52	12	1989	1990	2	50		
2	FN2:FENCES	32	SF	0.00	8	4	1998	1999	2	30		
1	FN2:FENCES	1,500	SF	0.00	250	6	1998	1999	2	30		
Total Depreciated Value												

Appraiser Notes

PEARLS CAYO INVESTMENTS ONE PARCEL ONLY BUILDING WAS DEMOLISHED AND REMOVED FROM PROPERTY DELETED FROM PRC 01/19/00...BC 2001/3/13 REMOVED .85 SHAPE ADJ FROM PRC, NO APPARENT REASON TO HAVE A NEGATIVE ADJ ON THIS PROPERTY...BC 2001-03-13 CHANGED THE PC FROM 10 TO 49 AND THE MOBILE HOME WAS PICKED UP AS A UB2-02 FOR THE 2001 TAX ROLL, THIS PARCEL ALSO HAS A ACTIVE LIFT STATION. DUG PARCEL SPLIT PER OWNERS REQUEST 7-24-97,JMH SPLIT OUT 2400SQFT FROM THIS PARCEL INTO RE00124140-000100 PER OR2190-1658 DONE FOR THE 2006 TAX ROLL

Monroe County Property Record Card (023)

Alternate Key: 1158275

Roll Year 2009

Effective Date: 3/30/2009 8:27:14 AM

Run: 03/30/2009 08:26 AM

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	01/2590	Jul 11 2001 12:00AM	Aug 21 2001 12:00AM	8,000	Commercial	DEMO 4 MOBILES
	06102261	Apr 27 2006 12:00AM	Dec 29 2006 12:00AM	5,000	Commercial	TEMP CONSTRUCTION FENCING
	07103718	Aug 29 2007 12:00AM	Dec 27 2007 12:00AM	3,800	Commercial	Const trailer

Monroe County Property Record Card (023)

Alternate Key: 1158275

Roll Year 2009

Effective Date: 3/30/2009 8:27:14 AM

Run: 03/30/2009 08:26 AM

Value History

Tax Year	Val Meth	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Sr Ex	Tax Value
2008F	O	3,290,518	0	0	9,943	1,770,301	1,770,301	0	N	1,770,301
2007F	O	3,467,772	0	0	10,299	1,770,301	1,770,301	0	N	1,770,301
2006F	O	3,140,559	0	0	10,706	1,770,301	1,770,301	0	N	1,770,301
2005F	O	2,158,080	0	0	11,060	1,475,251	1,475,251	0	N	1,475,251
2004F	C	1,329,836	0	0	11,415	1,341,251	1,341,251	0	N	1,341,251
2003F	C	1,224,960	0	0	11,822	1,236,782	1,236,782	0		1,236,782
2002F	C	1,224,960	0	0	12,177	1,237,137	1,237,137	0		1,237,137
2001F	C	880,448	0	0	12,531	892,979	892,979	0		892,979
2000F	C	748,381	0	0	0	748,381	748,381	0		748,381
1999F	C	730,497	0	37,409	0	767,906	767,906	0		767,906
1998F	C	687,575	0	21,208	0	708,783	708,783	0		708,783
1997F	C	687,575	0	21,208	0	708,783	708,783	0		708,783
1996F	C	687,575	0	19,147	0	706,722	706,722	0		706,722
1995F	C	687,575	0	19,147	0	706,722	706,722	0		706,722
1994F	C	687,575	0	109,464	0	797,039	797,039	0		797,039
1993F	C	687,575	0	109,464	0	797,039	797,039	0		797,039
1992F	C	378,720	0	109,464	442	488,626	488,626	0		488,626
1991F	C	378,720	0	109,464	0	488,184	488,184	0		488,184
1990F	C	539,325	0	109,464	0	648,789	648,789	0		648,789
1989F	I	539,325	0	161,123	0	700,448	700,448	0		700,448
1988F	C	539,325	0	98,086	0	637,411	637,411	0		637,411
1987F	O	547,794	0	11,718	1,773	561,285	561,285	0		561,285
1986F	I	522,638	0	127,692	1,773	652,103	652,103	0		652,103
1985F	C	493,419	0	113,682	1,773	608,874	608,874	0		608,874
1984F	C	374,901	0	110,034	1,773	486,708	486,708	0		486,708
1983F	C	374,901	0	110,034	1,773	486,708	486,708	0		486,708
1982F	C	311,795	0	84,483	1,773	398,051	398,051	0		398,051

Sales History

Book	Page	Sale Date	Instrument	Transfer Code	Q/U	Vacant	Sale Price
825	1471	2/1/1981	Warranty Deed	0	Q	I	575,000

Appendix E
Location Map

Location Map

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

PALMIS

Monroe County Property Appraiser
500 Whitehead Street
Key West, FL

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

Date Created: April 2, 2009 4:12 PM



Appendix F

300 Foot Radius Report & Map



Mailing Labels Stock Island Drug Store Amendment to Major Conditional Use April 2009

23 CORAL WAY LLC
P O BOX 2521
KEY WEST FL 33045

ATWELL EVERETT M JR AND DENISE D
2209 LONG LEAF CIR
LAKELAND FL 33810

BEHMKE JOHN & KAY
P O BOX 344
KEY WEST FL 33041

BERG PAMELA J
102 SOUTHARD ST UNIT 11
KEY WEST FL 33040

BRAEUNIG PHILLIP A AND LAURA S
315 W BLUE WATER EDGE DR
EUSTIS FL 32736

CERT EQUITY LOAN TRUST SERIES 2006-FM 2C/O
COUNTRY WIDE HOME LOANS INC
7105 CORP DR MLSTN PTX-B-35
PLANO TX 75024

CHANNELL JERRY L
744 YARMOUTH ST
NORFOLK VA 23510

CITY OF KEY WEST CITY HALL
P O BOX 1409
KEY WEST FL 33040

COPENHAVER WILLIAM H & JANET C
27 CORAL WAY UNIT 14
KEY WEST FL 33040

CORAL HAMMOCK HOMEOWNERS ASSC INC
2 CORAL WAY
KEY WEST FL 33040

DEWEY JOHN L
20781 2ND AVE
CUDJOE KEY FL 33042

DION RENTAL PROPERTIES LLC
638 UNITED ST
KEY WEST FL 33040

FAHEY BARBARA J
39 CORAL WAY
KEY WEST FL 33040

HONZIK LINDA
35 CORAL WAY
KEY WEST FL 33040

29045



Mailing Labels Stock Island Drug Store Amendment to Major Conditional Use April 2009

HUCK FINN LLC C/O CARDENAS ROBERT
1291 WALNUT CREEK RD
WAYNESVILLE NC 28786

IRISH GEORGE P & COSTELLO RONALD J &
CANNOVA JOSEPH A R/S
% HC-1 BOX 525
LAKEVILLE PA 18438

KEY WEST TRAILERS LLC
1001 EAST ATLANTIC AVE SUITE 201
DELRAY FL 33483

KWT LLC
1000 MARKET ST
PORTSMOUTH NH 3801

LAKEWOOD ENTERPRISES INC
P O BOX 344
KEY WEST FL 33041

LOME STEVEN W
7549 NORTH OAKLEY AVE
CHICAGO IL 60645

MASTER GARY
896 CORPORATE WAY STE 440
WESTLAKE OH 44145

MONROE COUNTY
1100 SIMONTON ST
KEY WEST FL 33040

NOBLE DARLA LEE
18B DUSTIN AVE
HAMPTON NH 3842

NYWENING MICHAEL J AND KAE
5550 HERONPOINT DR # 304
NAPLES FL 34108-2818

OTOKITI PATRICK ALIU AND LINNETTA
7806 FERNLEAF DR
ORLANDO FL 32836

REFRESHMENT SERVICES INC
3400 SOLAR AVENUE
SPRINGFIELD IL 62707-5713

RILEY BRIAN R
14525 SW MILLIKAN WAY UNIT 18920
BEAVERTON OR 97005-2343

RILEY EMILY AND BRIAN
14525 SW MILLIKAN WAY UNIT 18920
BEAVERTON OR 97005-2343

29045



Mailing Labels Stock Island Drug Store Amendment to Major Conditional Use April 2009

RODGER STEVEN A AND HEATHER M
47 PALMETTO DR
KEY WEST FL 33040

RODRIGUEZ INKA MARIE T/C
10 CORAL WAY
KEY WEST FL 33040

SAWYER DEBRA
21 ASTER TERR
KEY WEST FL 33040

SCROGGINS HAROLD S & DONNA & SCROGGINS
SHELIA T/C
%18784 SE JUPITER RIVER DR
JUPITER FL 33458

SIMONS SCOTT A
5 CORAL WAY
KEY WEST FL 33040

SLOANS LANDING LLC
201 FRONT ST STE 224
KEY WEST FL 33040

SMITH LEW GORDON JR AND PAULETTE K
1405 VERNON AVE
KEY WEST FL 33040

SPOTTSWOOD PARTNERS II LTD
500 FLEMING STREET
KEY WEST FL 33040

SPOTTSWOOD PARTNERS INC
500 FLEMING ST
KEY WEST FL 33040

STRICKER RANDALL D AND ELEANOR L TRUST
10/15/2007 C/O STRICKER R D AND STRICKER E CO-
TRS
3 DECATUR ISLAND
ANACORTES WA 98221

SWIFT EDWIN O & BELLAND CHRISTOPHER CLARK
& BATTY PETER H & ELLEN D & SCHEURMAN KARL
T/C
201 FRONT ST STE 224
KEY WEST FL 33040

TELLERD CRAIG M
896 CORPORATE WAY STE 440
WESTLAKE OH 44145

TOMITA JUDY A
17 KEY HAVEN TER
KEY WEST FL 33040

TOMITA TIMOTHY
1415 LAIRD ST
KEY WEST FL 33040



Mailing Labels Stock Island Drug Store Amendment to Major Conditional Use April 2009

TRUJILLO DONALD E
37 CORAL WAY
KEY WEST FL 33040

TUFO RONALD
2945 S WATERTOWER DR
CRETE IL 60417

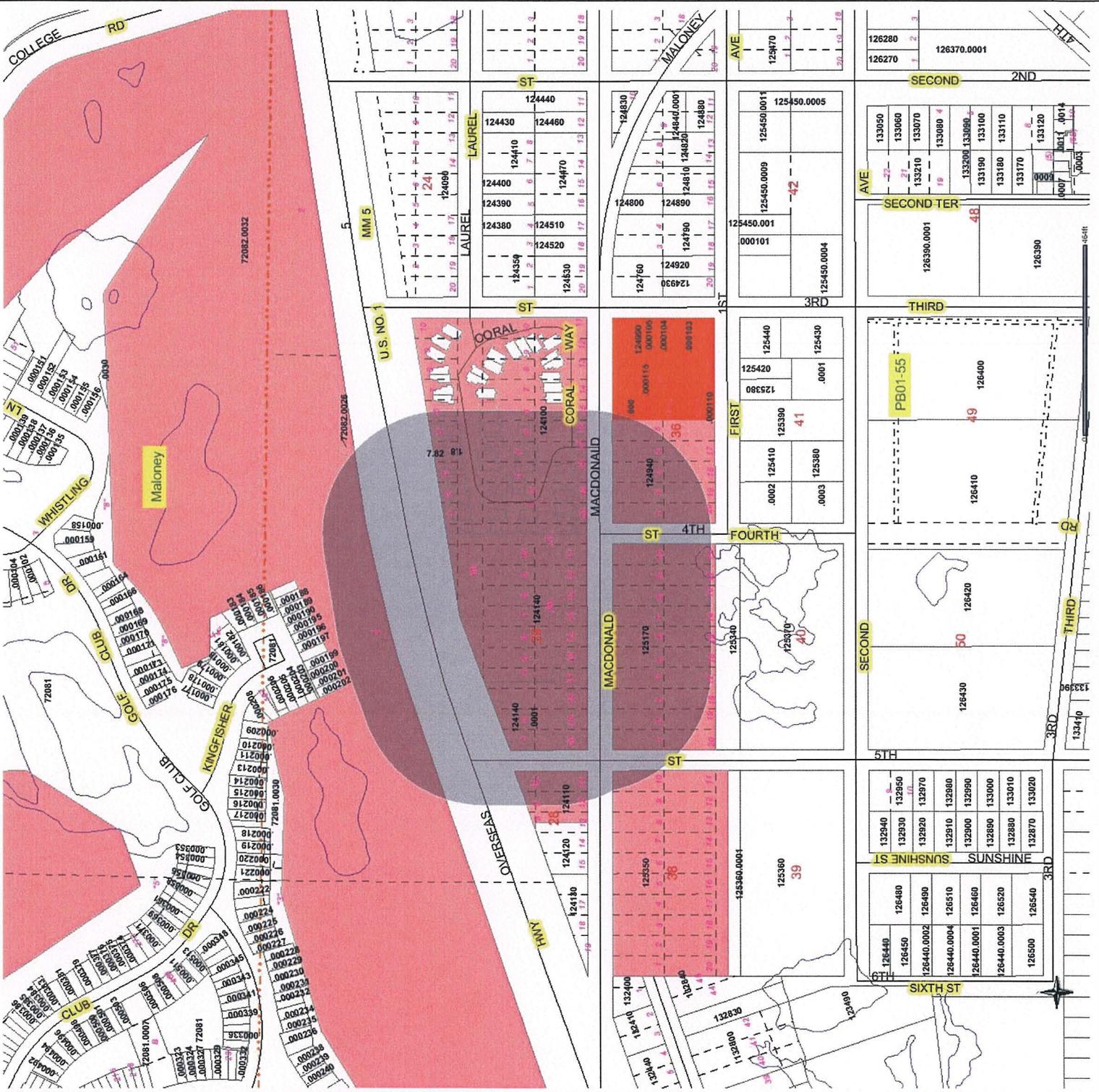
WEST KEY ASSOCIATES LLC C/O CANNOVA JOSEPH
A
1130 HOOPER AVENUE
TOMS RIVER NJ 8753

STOCK ISLAND DRUG STORE - AMENDMENT TO MAJOR CONDITIONAL USE

Parcel RE Number	Owner Name	300 FOOT RADIUS REPORT Owner Mailing Address	FL	Parcel Address	FL	Parcel Address
3567 25 00124100000000	DION RENTAL PROPERTIES LLC	638 UNITED ST	FL	33040 5390 OVERSEAS HWY	FL	SOUTH STOCK ISLAND
3567 25 00125350000000	MONROE COUNTY	1100 SIMONTON ST	FL	33040 5302 MACDONALD AVE	FL	SOUTH STOCK ISLAND
3567 25 00072082002600	CITY OF KEY WEST CITY HALL	P O BOX 1409	FL	33040 OVERSEAS HWY	FL	KEY WEST
2667 25 00072082003200	CITY OF KEY WEST CITY HALL	P O BOX 1409	FL	33040 6450 COLLEGE RD	FL	KEY WEST
3567 25 001249900000115	SLOANS LANDING LLC	201 FRONT ST STE 224	FL	33040 5574 MACDONALD AVE	FL	SOUTH STOCK ISLAND
3567 25 00124140000000	SPOTTSMOOD PARTNERS INC	500 FLEMING ST	FL	33040 5455 COLLEGE RD	FL	SOUTH STOCK ISLAND
3567 25 00124940000000	REFRESHMENT SERVICES INC	3400 SOLAR AVENUE	IL	5510 MALONEY AVE	FL	SOUTH STOCK ISLAND
3567 25 00125170000000	SPOTTSMOOD PARTNERS II LTD	500 FLEMING STREET	FL	33040 5450 MACDONALD AVE	FL	SOUTH STOCK ISLAND
3567 25 00124990000105	KEY WEST TRAILERS LLC	1001 EAST ATLANTIC AVE SUITE 201	FL	33483 5 SLOANS LANDING	FL	SOUTH STOCK ISLAND
3567 25 00124990000113	KWT LLC	1000 MARKET ST	NH	3801 UNIT 13, 6200 3RD ST	FL	SOUTH STOCK ISLAND
3567 25 00124990000102	KEY WEST TRAILERS LLC	1001 EAST ATLANTIC AVE SUITE 201	FL	33483 2 SLOANS LANDING	FL	SOUTH STOCK ISLAND
3567 25 00124990000104	KEY WEST TRAILERS LLC	1001 EAST ATLANTIC AVE SUITE 201	FL	33483 4 SLOANS LANDING	FL	SOUTH STOCK ISLAND
3567 25 00124990000107	KEY WEST TRAILERS LLC	1000 MARKET ST	NH	3801 UNIT 7, 6200 3RD ST	FL	SOUTH STOCK ISLAND
3567 25 00124990000109	KWT LLC	1000 MARKET ST	NH	3801 UNIT 9, 6200 3RD ST	FL	SOUTH STOCK ISLAND
3567 25 00124990000114	KEY WEST TRAILERS LLC	1001 EAST ATLANTIC AVE SUITE 201	FL	33483 14 SLOANS LANDING	FL	SOUTH STOCK ISLAND
3567 25 001241000000114	BERG PAMELA J	102 SOUTHWARD ST	FL	33040 29 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000115	IRISH GEORGE P & COSTELLO RONALD J & CANNOVA JOSEPH A R/S	% HC-1 BOX 525	PA	18438 25 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000113	FAHEY BARBARA J	39 CORAL WAY	FL	33040 39 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000120	CHANNELL JERRY L	744 YARMOUTH ST	VA	23510 31 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000116	CORAL HAMMOCK HOMEOWNERS ASSC INC	2 CORAL WAY	FL	33040 5510 OVERSEAS HWY	FL	SOUTH STOCK ISLAND
3567 25 001241000000000	COPENHAVER WILLIAM H & JANET C	27 CORAL WAY UNIT 14	FL	33040 27 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000114	TUFO RONALD	2945 S WATERTOWER DR	IL	60417 8 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000143	TOMITA TIMOTHY	1415 LAIRD ST	FL	33040 4 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000141	OTOKITI PATRICK ALIU AND LINNETTA DEWEY JOHN L	7806 FERNLEAF DR	ORLANDO	32836 7 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000142	LOME STEVEN W	20781 2ND AVE	FL	33042 6 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000146	RODGER STEVEN A AND HEATHER M	7549 NORTH OAKLEY AVE	IL	60645 14 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000105	HUCK FINN LLC C/O CARDENAS ROBERT	47 PALMETTO DR	FL	33040 9 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000145	SCROGGINS HAROLD S & DONINA & SCROGGINS SHELIA T/C	1291 WALNUT CREEK RD	NC	28786 12 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000121	MASTER GARY	%18784 SE JUPITER RIVER DR	FL	33458 41 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000149	RILEY EMILY AND BRIAN	896 CORPORATE WAY	OH	44145 20 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000108	KWT LLC	14525 SW MILLIKAN WAY	OR	17 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001249900000109	KWT LLC	1000 MARKET ST	NH	3801 UNIT 8, 6200 3RD ST	FL	SOUTH STOCK ISLAND
3567 25 001249900000112	KWT LLC	1000 MARKET ST	NH	3801 UNIT 12, 6200 3RD ST	FL	SOUTH STOCK ISLAND
3567 25 001249900000112	SWIFT EDWIN O & BELLAND CHRISTOPHER CLARK & BATTY PETER H & ELLEN D & SCHEURMAN KARL T/C	201 FRONT ST STE 224	FL	33040 VACANT LAND	FL	SOUTH STOCK ISLAND
3567 25 001249900000116	KWT LLC	1000 MARKET ST	NH	3801 UNIT 1, 6200 3RD ST	FL	SOUTH STOCK ISLAND
3567 25 001249900000101	KEY WEST TRAILERS LLC	1001 EAST ATLANTIC AVE SUITE 201	NH	33483 6 SLOANS LANDING	FL	SOUTH STOCK ISLAND
3567 25 001249900000106	KWT LLC	1000 MARKET ST	NH	3801 UNIT 11, 6200 3RD ST	FL	SOUTH STOCK ISLAND
3567 25 001249900000111	KWT LLC	1000 MARKET ST	NH	3801 UNIT 3, 6200 3RD ST	FL	SOUTH STOCK ISLAND
3567 25 001249900000103	SPOTTSMOOD PARTNERS INC	500 FLEMING ST	FL	33040 OVERSEAS HWY	FL	SOUTH STOCK ISLAND
3567 25 001241400000100	TRUJILLO DONALD E	37 CORAL WAY	FL	33040 37 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000119	BEHMKKE JOHN & KAY	P O BOX 344	FL	33041 22 CORAL WAY	FL	NORTH STOCK ISLAND
3567 25 001241000000150	KWT LLC	1000 MARKET ST	NH	3801 6200 3RD ST	FL	SOUTH STOCK ISLAND
3567 25 001249900000110	NYWENING MICHAEL J AND KAE LAKEWOOD ENTERPRISES INC	5550 HERONPOINT DR	FL	18 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000148	SMITH LEW GORDON JR AND PAULETTE K STRICKER RANDALL D AND ELEANOR L TRUST	P O BOX 344	FL	33041 16 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000147	CO-TRS	1405 VERNON AVE	FL	33040 19 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000110	10/15/2007 C/O STRICKER R D AND STRICKER E SAWYER DEBRA	3 DECATUR ISLAND	WA	98221 13 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000107	WEST KEY ASSOCIATES LLC C/O CANNOVA JOSEPH A	21 ASTER TERR	FL	33040 3 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000106	CERT EQUITY LOAN TRUST SERIES 2006-FM 2C/O COUNTRY WIDE HOME LOANS INC	1130 HOOPER AVENUE	NJ	8753 11 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000144	RODRIGUEZ INKA MARIE T/C	7105 CORP DR	TX	75024 1 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000112	BRADEN PHILLIP A AND LAURA S	10 CORAL WAY	FL	33040 10 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000103	23 CORAL WAY LLC	315 W BLUE WATER EDGE DR	FL	32736 21 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000108	SIMONS SCOTT A	5 CORAL WAY	FL	33045 23 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000152	TELLER CRAIG M	896 CORPORATE WAY	OH	33040 5 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000151	ATWELL EVERETT M JR AND DENISE D RILEY BRIAN R	2209 LONG LEAF CIR	FL	44145 15 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000118	HONZIK LINDA	14525 SW MILLIKAN WAY	OR	33810 24 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000140	HONZIK DARLA LEE	35 CORAL WAY	FL	33040 35 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000117	TOMITA JUDY A	188 DUSTIN AVE	NH	3842 56 CORAL WAY	FL	SOUTH STOCK ISLAND
3567 25 001241000000117	17 KEY HAVEN TER	17 KEY HAVEN TER	FL	33040 33 CORAL WAY	FL	SOUTH STOCK ISLAND

300 Foot Radius

- Legend**
- the Buffer
 - the Buffer Target
 - Real Estate Number
 - Parcel Lot Text
 - Block Text
 - Hooks/Leads
 - Lot Lines
 - Easements
 - Road Centerlines
 - Water Names
 - Parcels
 - Shoreline
 - Section Lines



PALMIS

Monroe County Property Appraiser
 500 Whitehead Street
 Key West, FL

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

Appendix G

Letters of Coordination

KW Resort Utilities Corp.
6630 Front Street
Key West, Florida 33040

April 3rd, 2009

Stock Island Drug Store
5455 McDonald Ave,
Key West, Florida 33040

RE: Letter of coordination

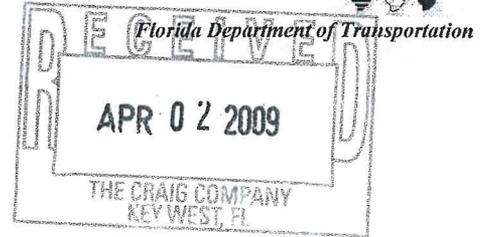
To Whom It May Concern:

KW Resort Utilities, at this time, does have the capacity to treat the sewage that will be generated from the above-mentioned property (1 commercial building w/14,594 sq. ft. and 7 residential units). KWRU will guarantee that the capacity will be available for at least the period of 1 year from the date of this letter. This time frame in which the capacity is held in reserve may be extended if both parties agree.

If you have any questions please call,



Doug Carter
General Manager
KWRU



March 31st, 2009

Mr. Jodell Roberts
The Craig Companies
600 White St.
Key West, Florida 33041

SUBJECT:

Coordination Letter for Stock Island Drug Store
5455 Mc Donald Ave., Stock Island, Fl.

Dear Mr. Roberts,

As per your March 30th, 2009 letter, I am sending this coordination letter, in order you may initiate the Permit Application Process.

I am enclosing FDOT Access and Drainage Permits Applications packages for your review and use.

The Department no longer performs conceptual reviews since Florida Administrative Codes Rule Chapter 14-96 was amended. Non-binding pre-application meeting are held upon request, in which staff are available to meet with you to give preliminary comments and provide guidance in the permit application process; such meeting is recommended.

Please submit the required permit application or schedule a pre-application meeting at your earliest convenience. If you have any further questions, please feel free to contact me.

Sincerely,


Ernesto Santisteban
Project Engineer

cc/ files



BOARD OF COUNTY COMMISSIONERS

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

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



490 63rd Street

Jodell Roberts
Planning Technician
The Craig Company
Via FAX

03/30/2009

RE: Letter of Coordination

Dear Jodell,

Pursuant to the requirements of the Monroe County Planning Department Development Permit Application, this shall serve as the letter of coordination between the Monroe County Fire Marshal's Office and the agent and/or property owner for the Drugstore/Market Rate project at MM5, on Stock Island.

1. The Fire Marshal's Office enforces the Florida Fire Prevention Code (2007) , The Florida Building Code(2007), National Fire Protection Code (NFPA 1), Life Safety Code (NFPA 101) and related NFPA standards as applicable.
2. All fire rated penetrations shall be caulked with a UL approved product per manufacturer's specifications. A detail sheet shall be included with the final set of approved and sealed plans on the fire stop system.
3. Approved fire hydrants shall be provided for building to meet necessary fire flow requirements as determined by the Fire Official, and approved by the Florida Keys Aqueduct Authority (FKAA).
4. Fire Department access shall comply with NFPA 1, Ch.18.
5. The Commercial building shall be protected by an automatic sprinkler and alarm system throughout.
6. If existing Fire Hydrants do not provide necessary fire flow, an additional hydrant(s) shall be placed at owner's expense as part of the project.

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

Sincerely

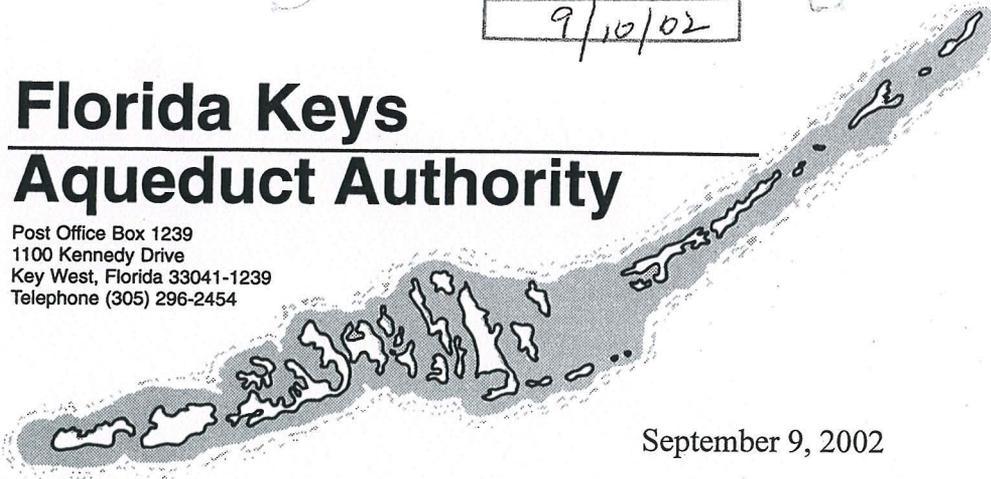
Steven M. Zavalney
Captain, Fire Prevention



Florida Keys Aqueduct Authority

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

received
9/10/02



John M. Koenig, Sr.
Chairman
Key West

Lynn C. Mapes
Grassy Key

Mary L. Rice
Secretary-Treasurer
Marathon

Linda B. Wheeler
Key West

Harry E. Cronin
Key Largo

Roger Braun
Executive Director

September 9, 2002

Barbara Mitchell
The Craig Company
P.O. Box 372
Key West, FL 33041-0372

RE: Proposed Eckerd's Store, Stock Island

Dear Ms. Mitchell:

In regard to your recent inquiry and submittal of information for the proposed development of the property referenced above.

The authority has determined that there is an existing 12" water main in front of the subject property on MacDonald Ave. and it appears adequate to provide water service to the subject property. However, a final determination cannot be made until such time as a complete set of plans for the development has been reviewed by the Authority.

Should you have any questions or require any further information please feel free to contact this office.

Sincerely Yours,

FLORIDA KEYS AQUEDUCT AUTHORITY

Edgar F. Nicolle, Jr.
Distribution Design Manager

EFN/cma

cc: Margaret Gil, Customer Service Manager KW
Kip Waite, Administrative Assistant/Policy



BOARD OF COUNTY COMMISSIONERS
MAYOR Charles "Sonny" McCoy, District 3
Mayor Pro tem Dixie M. Spehar, District 1
George Neugent, District 2
Bert Jimenez, District 4
Murray E. Nelson, District 5

Solid Waste Management
1100 Simonton Street, Room 2-284
Key West, Fl. 33040



September 5, 2002

Barbara Mitchell
The Craig Company
P.O. Box 372
Key West FL 33041-0372

Re: Stock Island Eckerd

Dear Ms. Mitchell:

The proposed plan for your project; including demolition waste, waste reduction, and recycling; shows adequate provision for solid waste and recycling management.

Waste Management, Inc. is available to assist in the set up of any additional recycling services. Please call 305-296-8297 for assistance.

Sincerely,

A handwritten signature in cursive script that reads 'Carol A. Cobb'.

Carol A. Cobb, Senior Administrator
Solid Waste Management

cc: Ed McGee, Monroe County Planning Department
via fax (x2536)



Received
11/20/03

(305) 295-1000
1001 James Street
PO Box 6100
Key West, FL 33041-6100
www.KeysEnergy.com

UTILITY BOARD OF THE CITY OF KEY WEST

November 13, 2003

Mr. Fred Gross
Director Lower Keys Planning Team
Monroe County Planning Department
2798 Overseas Highway, Suite 410
Marathon, FL 33050

RE: Stock Island Eckerd _____

Dear Mr. Gross:

This is to acknowledge that the above mentioned party has begun a coordination process with Keys Energy Services (Keys).

KEYS' Engineering Section requests that they be provided with a **Project Review Form** for the referenced project.

These *plans* are necessary in order for us to ensure that there is adequate service for your project, as well as our existing, surrounding customers.

Please return the *full set of plans and the Project Review Form* to one of our Customer Accounts Representatives.

Should you have any questions, please contact me at 295-1082.

Sincerely,

UTILITY BOARD-CITY OF KEY WEST

"Keys Energy Services"

Carl R. Jansen, General Manager

Mark Garcia

Customer Programs Representative

MG/sh

C:

D. Price, Engineering Supervisor

File: CUS-200

Utility Board Members

Robert R. Padron, Chairman Dr. Otha P. Cox, Vice-Chairman
Leonard H. Knowles, Member Gayle Swofford, Member Lou Hernandez, Member



received
11/20/03

(305) 295-1000
1001 James Street
PO Box 6100
Key West, FL 33041-6100
www.KeysEnergy.com

UTILITY BOARD OF THE CITY OF KEY WEST

November 17, 2003

Mr. Fred Gross
Director Lower Keys Planning Team
Monroe County Planning Department
2798 Overseas Highway, Suite 410
Marathon, Florida 33050

RE: STOCK ISLAND ECKERD
EMPLOYEE-HOUSING UNITS

Dear Mr. Gross:

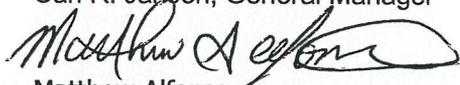
In reference to the above project, Keys Energy Services (KEYS) will need a full set of plans and a project review form to determine load requirements. Based on the submitted site plan, KEYS will service Eckerd's and the employee-housing units from MacDonald Ave. KEYS recommends underground primary and/or secondary 120/208 voltage for new 3-phase services.

KEYS has existing electrical facilities on MacDonald Ave., the driveway entrances may need to be adjusted accordingly to avoid conflicts with poles.

If you have any concerns, please advise Matthew Alfonso at 295-1054.

Sincerely,

UTILITY BOARD-CITY OF KEY WEST
"KEYS ENERGY SERVICES"
Carl R. Jansen, General Manager


Matthew Alfonso
Field Representative

MA/ba

C:
C. Jansen, General Manager
D. Finigan, Director of Engineering/Control Center
A. Tejada, Director of Customer Services
R. Rewolinski, Director T&D
D. Price, Engineering Services Supervisor
File:PLI-147

Utility Board Members
Robert R. Padron, Chairman Dr. Otha P. Cox, Vice-Chairman
Leonard H. Knowles, Member Gayle Swofford, Member Lou Hernandez, Member



received
11/18/03

Jeb Bush
Governor

Robert O. Agwunobi, M.D. M.B.A.
Secretary

November 17, 2003

Mr. Owen Trepanier
The Craig Company
P.O. Box 372
Key West, FL 33041-0372

Re: Stock Island Eckerd
Letter of Coordination

Dear Mr. Trepanier,

This letter will acknowledge receipt of your proposed redevelopment of a parcel upon which the Pearl Trailer Count on Stock Island had been located. The site is located a MM 5 and the RE number is 00124140-000000.

The Monroe County Health Department is the permitting authority for new establishments that produce domestic wastewater flows less than or equal to 10,000 gallons per day, and new establishments producing commercial wastewater sewage flows of less than or equal to 5,000 gallons per day. Establishments that exceed these estimated flows are regulated by the Florida Department of Environmental Protection.

A complete Plan Review to determine compliance with the provisions of chapter 64E-6 of the Florida Administrative Code, and Chapter 381 of the Florida Statutes is required when a completed application with all required documents is submitted to this department. The proposed onsite sewage treatment and disposal system must comply with the minimum requirements that are in effect at the time the application is submitted.

If you have any questions concerning this matter, please contact this office at any time. Your cooperation with the public health program of Monroe County and the State of Florida is greatly appreciated.

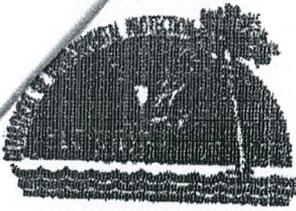
Yours truly,

A handwritten signature in black ink, appearing to read "William Brookman".

William Brookman MPH
Environmental Specialist III

CC: Frank Kruppa, DOH
Fred Gross/Monroe County Planning

MONROE COUNTY HEALTH DEPARTMENT
Environmental Health Services
85960 Overseas Highway Suite 5
Islamorada, Florida 33036 Phone: (305) 853-1901



John Bush
Governor

Department of Environmental Protection

South District Marathon Branch Office
2796 Overseas Highway, Suite 221
Marathon, Florida 33050-4278
Telephone 305/289-2310

February 20, 2004

Mr. Fred Gross
Director Lower Keys Planning Team
Monroe County Planning Department
2798 Overseas Highway, Suite 410
Marathon, FL 33050

Re: Monroe County - ERP
Florida Keys Ecosystem Management Area
Stock Island Eckerd

Dear Mr. Gross:

This letter is in response to your letter of coordination dated November 7, 2003, received by the Department November 12, 2003. A review of your submittal revealed that proposed construction activities may require permits from the South Florida Water Management District (SFWMD).

The Department and the Water Management districts have executed Operating Agreements that divide responsibilities for processing environmental resource permit applications in accordance with the type of activity involved. This division of responsibilities is summarized in Attachment 1 of the "Joint Application for Environmental Resource Permit/Authorization to Use Sovereign Submerged Lands/Federal Dredge and Fill Permit" booklet.

It appears your proposal should be processed by the South Florida Water Management District. Enclosed is a "Joint Application for Environmental Resource Permit/Authorization to Use Sovereign Submerged Lands/Federal Dredge and Fill Permit" booklet. Please submit your application to the following address:

South Florida Water Management District
P. O. Box 24680
West Palm Beach, Florida 33416-4680.

"More Protection, Less Process"

Received
2/23/04
SIS 2
CMT WAS
David B. Scrubs
Secretary
Bill Pils
Review of
DML
L.
2/23

10 acres -
0/

2 acres
impervious

(1.56 acres of
impervious)



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

CON 24-06

Application No.: 040325-2

April 23, 2004

PE&D INC
1010 KENNEDY DR #400
KEY WEST, FL 33040

Dear Sir or Madam:

Subject: Project: Eckerds - Stock Island

Location: Monroe County, S35/T67S/R25E
S35/T68S/R25E

District staff has given a cursory review of the information submitted March 25, 2004 for the above referenced project. Pursuant to Rule 40E-400.315, Florida Administrative Code(FAC), it appears that your project qualifies for a "No Notice General Permit for Activities in Uplands." Any off-site impacts, changes in land use, or future modifications to the activities may require review by the District. A copy of Rule 40E-400.315 is enclosed for your information. Please use this in the determination of notification requirements for future projects. A refund will be issued under separate cover, if necessary.

This does not relieve you of the responsibility of obtaining all necessary Federal, State, Local or special District authorizations prior to the start of any construction.

If you have any questions or require further assistance, please contact Carlos A. DeRojas, P.E. at (561) 682-6505.

Sincerely,

Carlos A. DeRojas, P.E.
Sr Supv Engineer
Palm Beach Service Center
CD/kd

Enclosures

c: Monroe County Engineer

GOVERNING BOARD

Nicolás J. Gutiérrez, Jr., Esq., *Chair*
Pamela Brooks-Thomas, *Vice-Chair*
Irela M. Bagué

Michael Collins
Hugh M. English
Lennart E. Lindahl, P.E.

Kevin McCarty
Harkley R. Thornton
Trudi K. Williams, P.E.

EXECUTIVE OFFICE

Henry Dean, *Executive Director*

40E-400.315 No Notice General Permit for Activities in Uplands.

(1) A no notice general permit is hereby granted for the construction or alteration of minor systems located entirely within uplands, provided that the proposed system meets all of the following criteria:

- (a) The total project area is less than 10 acres;
- (b) The total project area involves less than 2 acres of impervious surface;
- (c) No activities will impact wetlands or other surface waters;
- (d) No activities are conducted in, on, or over wetlands or other surface waters;
- (e) Drainage facilities shall not include pipes with diameters greater than 24 inches or the hydraulic equivalent and shall not utilize pumps in any manner;
- (f) The project is not part of a larger common plan of development or sale.

(2) A no notice general permit is hereby granted for the construction or alteration of surface water management systems, provided that the surface water management system meets all of the conditions of subsection (a), below, and all thresholds and conditions of at least one of the subsections (b) or (c), below.

(a) General Conditions.

- 1. The surface water management system design plans must be signed and sealed by a professional engineer or other individual authorized by law;
- 2. The surface water management system must meet the criteria specified in Rules 40E-4.301 and 40E-4.302, F.A.C.;
- 3. The project must not be located in natural water bodies, viable wetlands habitat, waters of the state, or a Florida Outstanding Water as listed in Rule 62-302.700, F.A.C.; and

4. The permittee must have obtained a works of the District permit pursuant to Chapter 40E-6, F.A.C., if the project proposes to connect with, place structures in or across or otherwise make use of works of the District.

(b) Thresholds and Additional Conditions Within Dade County.

- 1. The project must have less than 40 acres total land area with positive stormwater outfall or less than 320 acres total land area and less than 160 acres of impervious area with no positive stormwater outfall.
- 2. The project and surface water management system must have been approved by the Dade County Department of Environmental Resource Management or its successor agency subsequent to October 2, 1977.

(c) Thresholds and Additional Conditions Within Collier County.

- 1. The project must have less than 40 acres total land area.
- 2. The project and surface water management system must have been approved by Collier County subsequent to September 17, 1980.

Specific Authority 373.044, 373.113, 373.118, 373.171, 403.813, 403.814 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History- New 10-3-95, Amended 4-14-03.

Appendix H

Traffic Study



March 27, 2009

Ms. Barbara Mitchell
Vice President
The Craig Company
P.O. Box 970
Key West, Florida 33041-0970

Re: Stock Island Drug Store (Formerly Stock Island Eckerd)
Traffic Analysis

Dear Barbara:

We are pleased to provide to you the results of the trip generation analysis in connection with the modified site plan for the proposed drug store development to be located on Stock Island near Milemarker 5. Jacobs Engineering Group Inc. accepts the responsibility relative to the content, conclusions, and recommendations contained in this memorandum.

Sincerely,

JACOBS ENGINEERING GROUP INC.

Karl B. Peterson, P.E.
Senior Project Manager

Karl B. Peterson, P.E.
Florida Registration Number 49897
Engineering Business Number 2822

3/27/09

Stock Island Drug Store Monroe County, Florida

Trip Generation Analysis

INTRODUCTION

The Stock Island Drug Store project is a proposed pharmacy / drugstore development with a residential housing component planned to be located on the ocean side of US 1, near Milemarker 5, on Stock Island, Florida. The site is bounded by MacDonald Avenue on the south, Fourth Street (closed) on the east, and US 1 / Overseas Highway on the north. Access to the site is planned through one driveway on US 1 and one on MacDonald Avenue. In addition, there will be a connection between the subject property and the adjacent commercial property to the west.

A traffic impact report for this development was previously prepared and submitted in August 2002. The previous development program for this site consisted of a 14,129 SF pharmacy / drugstore with drive-through window and 13 residential dwelling units¹. At the present time, the site plan has been revised to reduce the number of residential dwelling units to seven (7) market rate units. As a result, the currently proposed development plan consists of a 14,129 SF pharmacy / drugstore with a drive-through window and seven (7) residential dwelling units.

Jacobs Engineering Group Inc. has been retained by The Craig Company to conduct this trip generation analysis update. The purpose of this analysis is to document the anticipated change in trip generation between the previously approved development and the currently proposed development scenario.

¹ During the County's development review process, the density of the site was modified to include seven (7) residential dwelling units rather than 13. Although the revised site plan included six (6) fewer dwelling units than reflected in the traffic analyses, the referenced traffic impact analysis report was deemed to be acceptable with the originally proposed development intensity.

C:\Karl\Stock Island Drug Store\Stock Island Drug Store Trip Generation 03-27-09.doc

TRIP GENERATION

The trip generation analysis for the previously approved development was performed using the trip generation formulas / rates published in the Institute of Transportation Engineer's (ITE) *Trip Generation* (6th Edition). Since the previous traffic study was conducted, the 8th Edition of the *Trip Generation* report has been released. As a result, the "8th Edition" has been utilized for the revised development plan. For the purposes of trip generation, we offer the following information:

Previously Approved Development (Trip Generation, 6th Edition)

Residential Condominium / Townhouse (ITE Land Use #230):

Weekday trip generation rate: 5.86 trips / Dwelling Unit

Saturday trip generation rate: 5.67 trips / Dwelling Unit

Sunday trip generation rate: 4.84 trips / Dwelling Unit

Daily Weighted Average: 5.69 trips / Dwelling Unit

PM peak hour trip generation rate: 0.54 trips / Dwelling Unit (67% in / 33% out)

Pharmacy / Drugstore with Drive-Through Window (ITE Land Use #881):

Weekday trip generation rate: 88.16 trips / 1,000 SF

PM peak hour trip generation rate: 10.40 trips / 1,000 SF (49% in / 51% out)

Proposed Development (Trip Generation, 8th Edition)

Residential Condominium / Townhouse (ITE Land Use #230):

Weekday trip generation rate: 5.81 trips / Dwelling Unit

Saturday trip generation rate: 5.67 trips / Dwelling Unit

Sunday trip generation rate: 4.84 trips / Dwelling Unit

Daily Weighted Average: 5.65 trips / Dwelling Unit

PM peak hour trip generation rate: 0.52 trips / Dwelling Unit (67% in / 33% out)

Pharmacy / Drugstore with Drive-Through Window (ITE Land Use #881):

Weekday trip generation rate: 88.16 trips / 1,000 SF

PM peak hour trip generation rate: 10.35 trips / 1,000 SF (50% in / 50% out)

Table 1 on the following page summarizes the trip generation associated with the previously approved and the proposed development.

C:\Karl\Stock Island Drug Store\Stock Island Drug Store Trip Generation 03-27-09.doc

Table 1 Stock Island Drug Store Trip Generation Summary					
Land Use	Size	Daily Trips	PM Peak Hour Trips		
			In	Out	Total
<i>Approved Development</i>					
- Pharmacy w/ Drive Through	14,129 SF	1,246	72	75	147
- Residential	13 DU	74	5	2	7
Total		1,320	77	77	154
<i>Proposed Development</i>					
- Pharmacy w/ Drive Through	14,129 SF	1,246	73	73	146
- Residential	7 DU	40	3	1	4
Total		1,286	76	74	150
Difference:		-34	-1	-3	-4

Source: ITE Trip Generation (6th and 8th Editions) and Jacobs Engineering Group Inc. (2009).

As indicated in Table 1 above, the proposed development is projected to generate thirty-four (34) fewer trips on a daily basis as compared with the previously approved development scenario. During the PM peak period, the proposed development is also projected to result in a reduction in traffic. The difference in trips between the two development scenarios is four (4) during the PM peak period.

CONCLUSIONS

Based upon the foregoing trip generation analysis, it is apparent that the proposed development scenario (14,129 SF pharmacy with drive-through window and seven (7) market rate residential units) will result in a slight decrease in project trips on a daily basis and a peak hour basis as compared with the previously approved development scenario (14,129 SF pharmacy with drive-through window and 13 residential units). The decrease in the number of daily trips to be generated by this development is projected to be thirty-four (34) and the decrease in the number of PM peak hour trips is projected to be four (4).

Given the slight decrease in daily traffic and in PM peak period traffic, it is apparent that the revised development scenario for the Stock Island Drug Store site represents a minor deviation from the previously approved plan and, as such, further traffic analyses are not warranted.

Appendix I

Plans

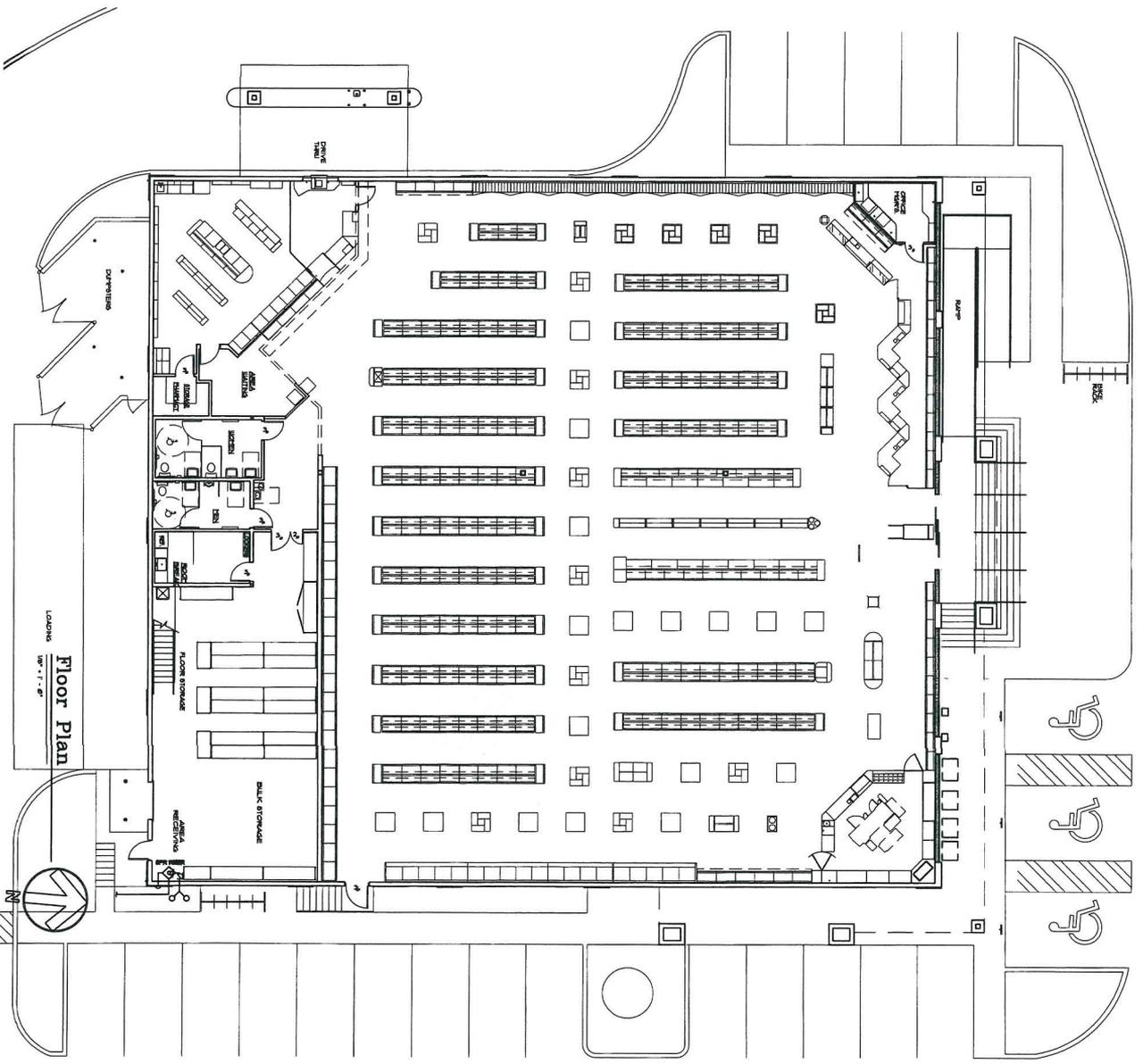
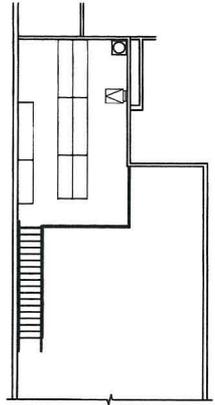
Survey

Site Plan, Floor Plans & Elevations

Landscape Plan

Drainage Plan

Mezzanine Plan
1/8" = 1' - 0"



Floor Plan
1/8" = 1' - 0"

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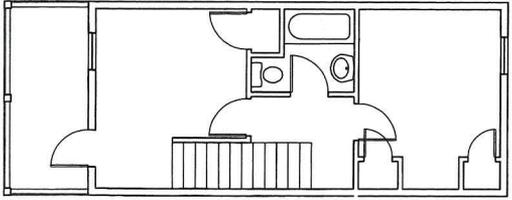
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date: 3/27/09
revision:
THOMAS E. POPE, P.A. ARCHITECT
7009 Shrimp Road #4, Key West FL
(305) 296 3611 TEPopePA@aol.com

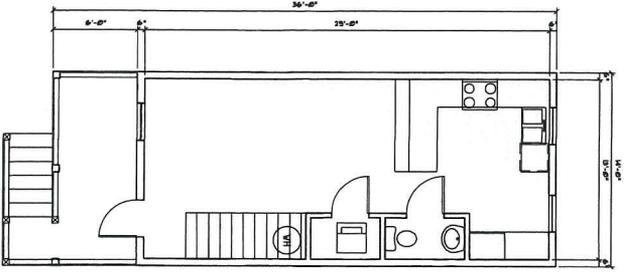
Stock Island Drug Store
Overseas Highway Stock Island, FL



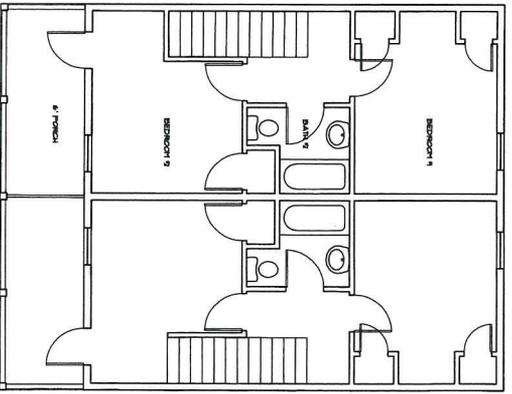
2nd Floor Plan
1/4" = 1' - 0"



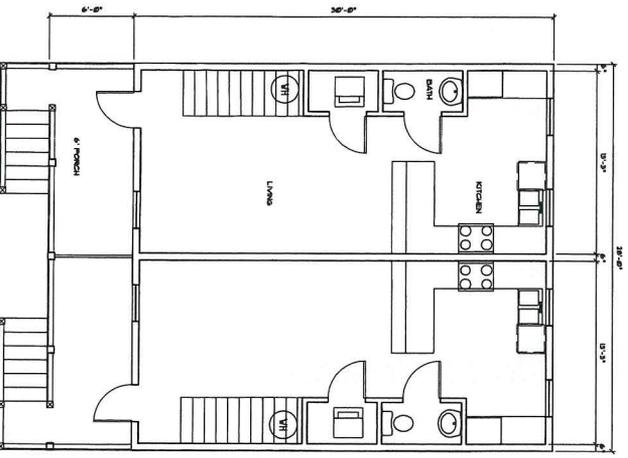
1st Floor Plan
1/4" = 1' - 0"



Typical Duplex
2nd Floor Plan
1/4" = 1' - 0"



Typical Duplex
1st Floor Plan
1/4" = 1' - 0"



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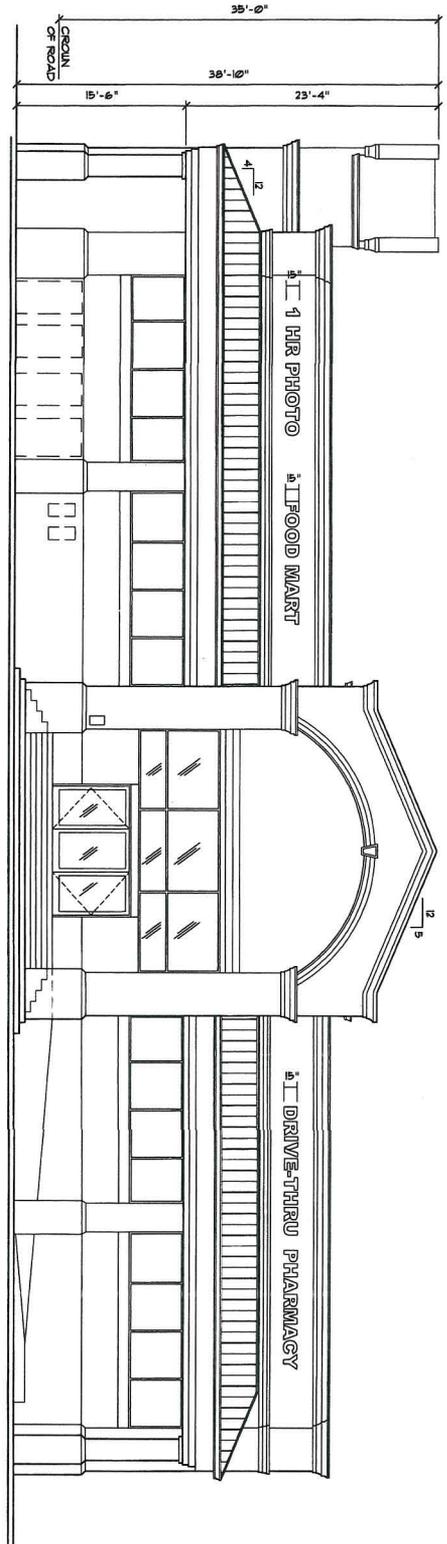
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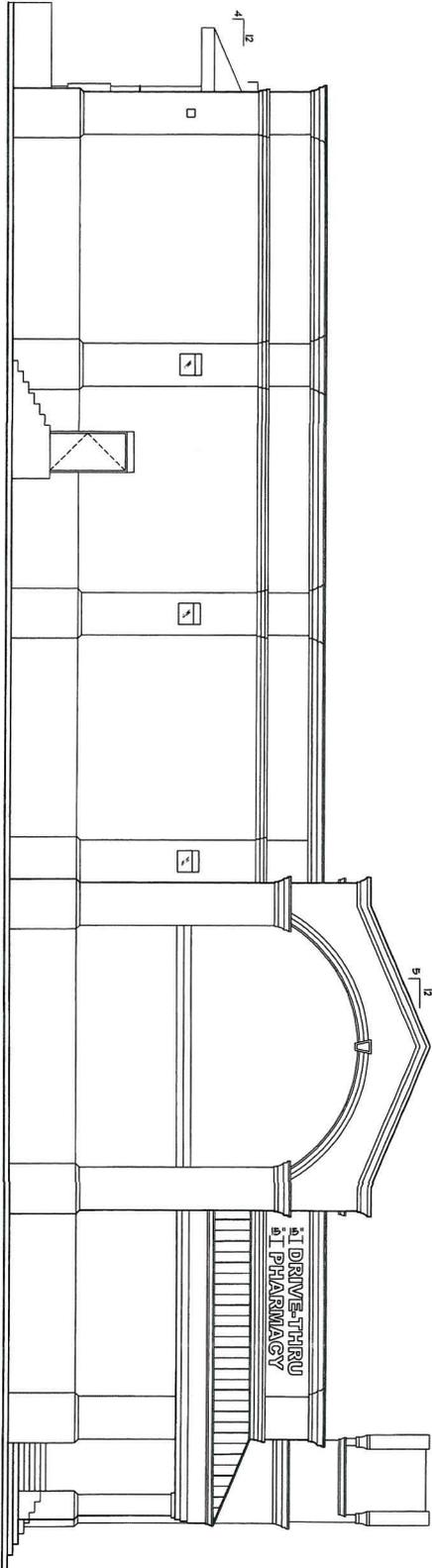
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(305) 296 3611 TEPopePA@aol.com

Stock Island Drug Store
Overseas Highway Stock Island, FL





Overseas Highway
North Elevation



East Elevation

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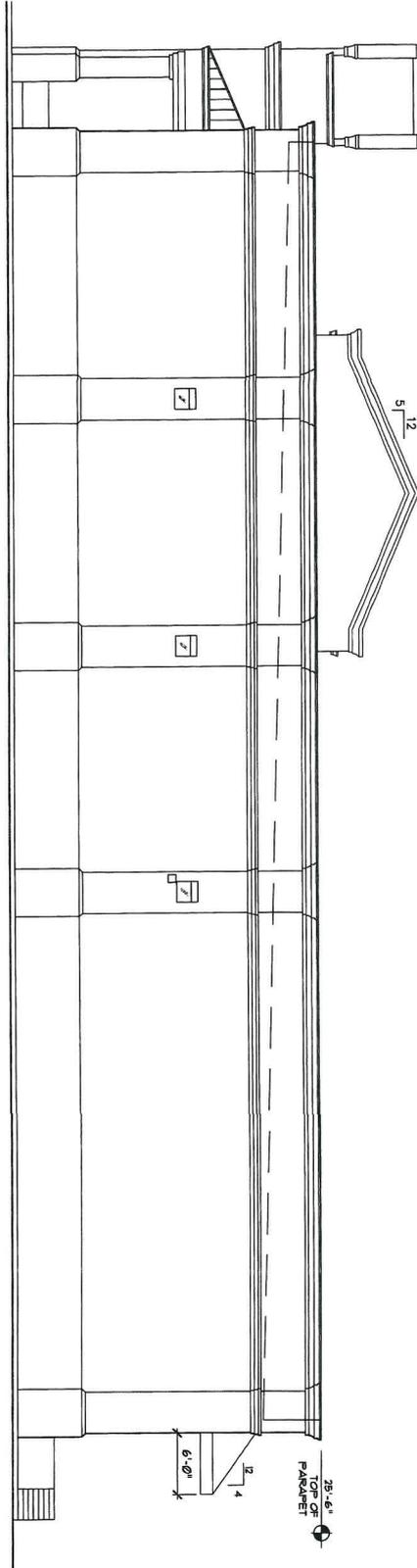
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DATE:
BY:
REVISION:

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7009 Shrimp Road #4, Key West FL
(305) 296 3611
TEPopePA@aol.com

Stock Island Drug Store
Overseas Highway
Stock Island, FL





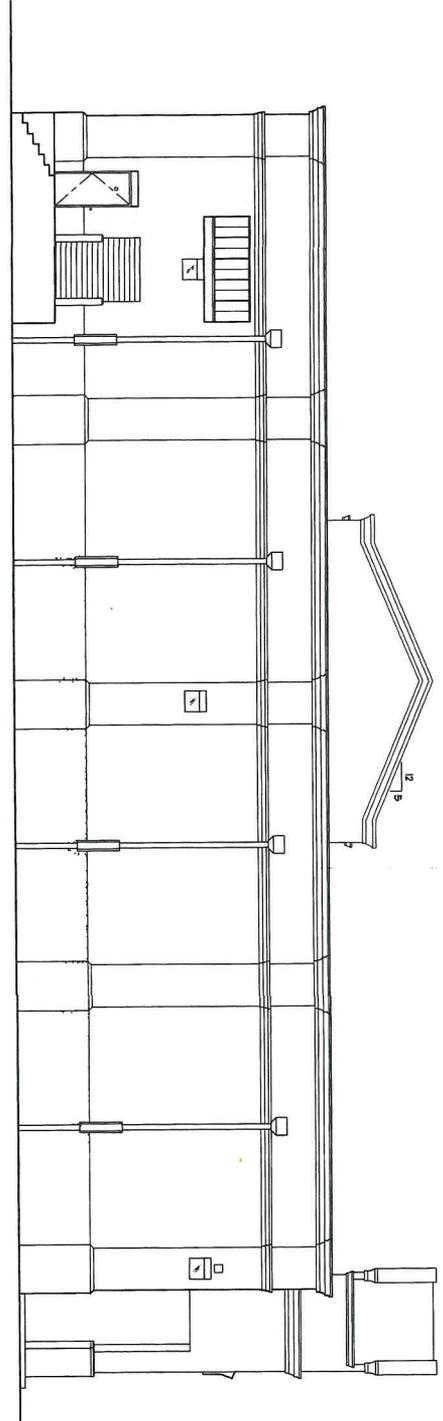
West Elevation

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3/27/09
revision:

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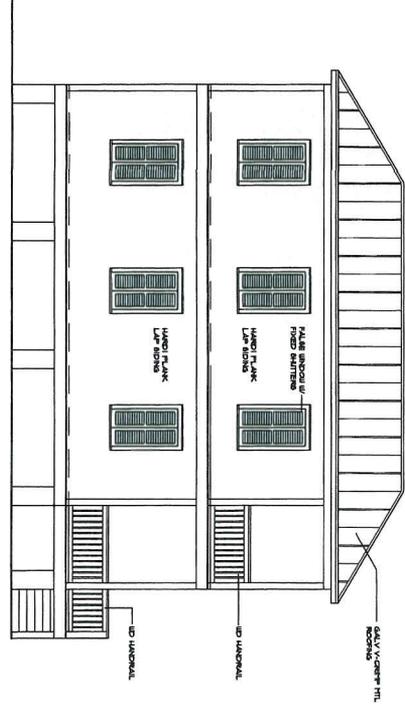


MacDonald Ave
South Elevation

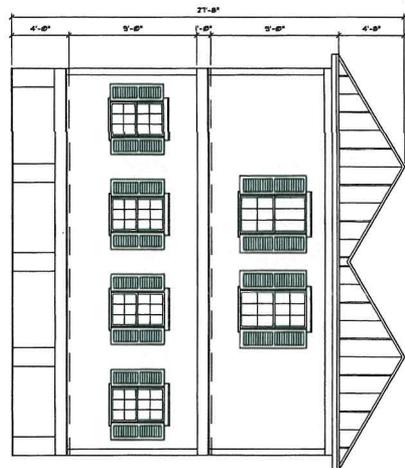
Stock Island Drug Store
Overseas Highway Stock Island, FL



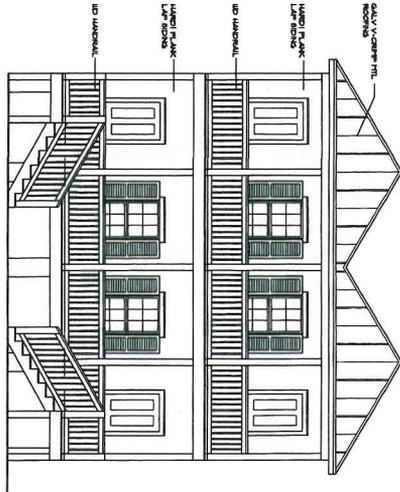
Side
North Elevation



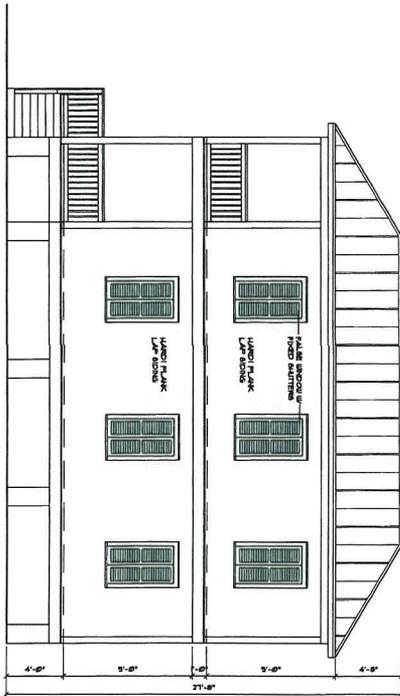
Rear
East Elevation



Front
West Elevation



Side
South Elevation



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A5

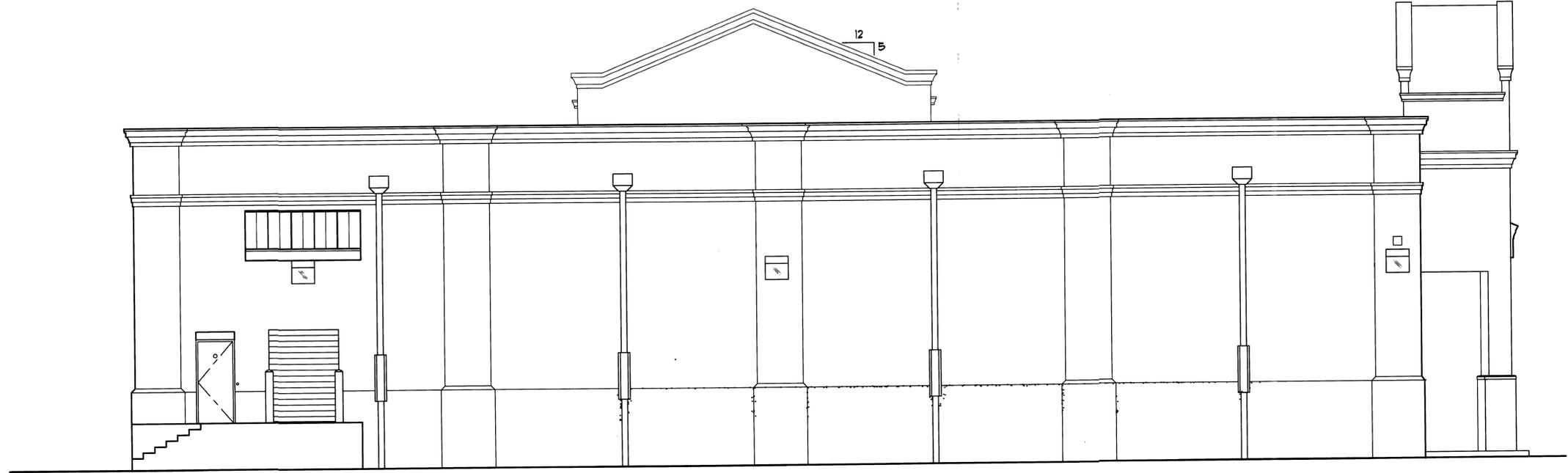
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(305) 296 3611 TEPopePA@aol.com

Stock Island Drug Store
Overseas Highway Stock Island, FL

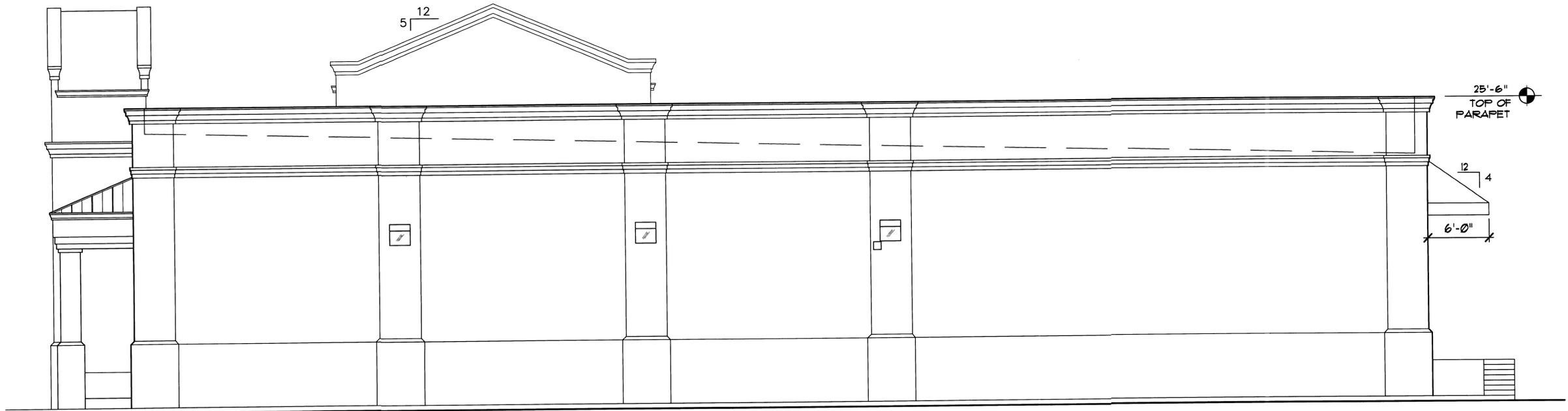


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**MacDonald Ave
South Elevation**

3/16" = 1' - 0"



West Elevation

3/16" = 1' - 0"

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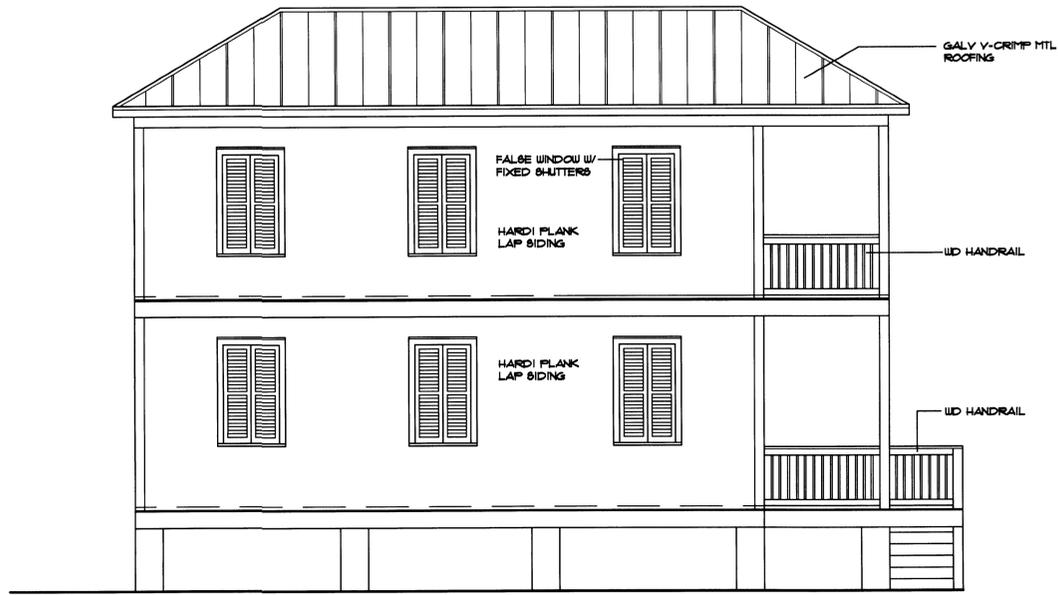
Stock Island Drug Store
Overseas Highway Stock Island, FL

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TEPopePA@aol.com
(305) 296 3611

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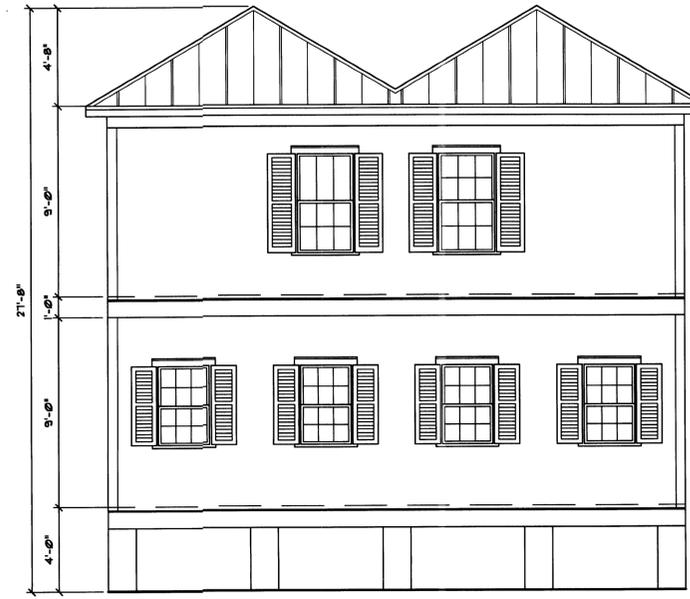
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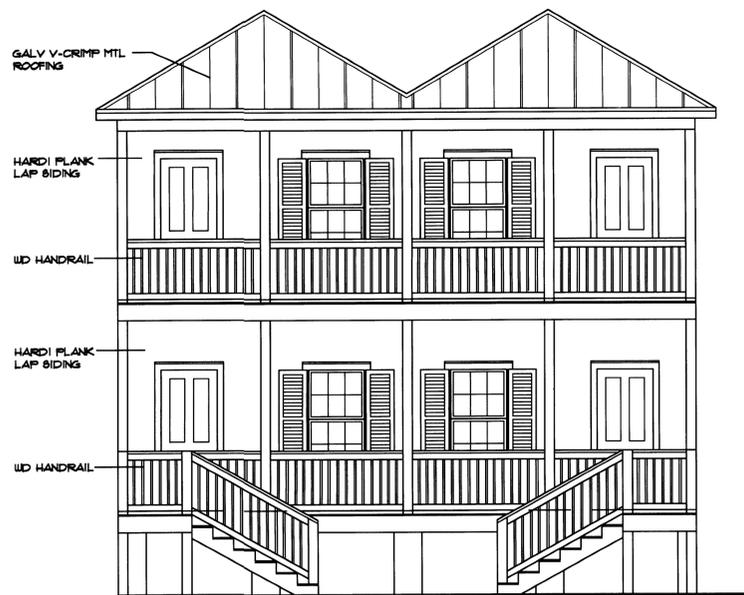
Side North Elevation

1/4" = 1' - 0"



Rear East Elevation

1/4" = 1' - 0"



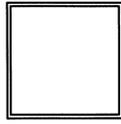
Front West Elevation

1/4" = 1' - 0"



Side South Elevation

1/4" = 1' - 0"



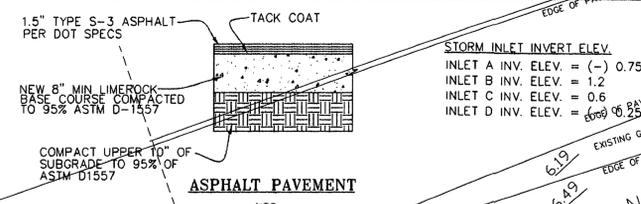
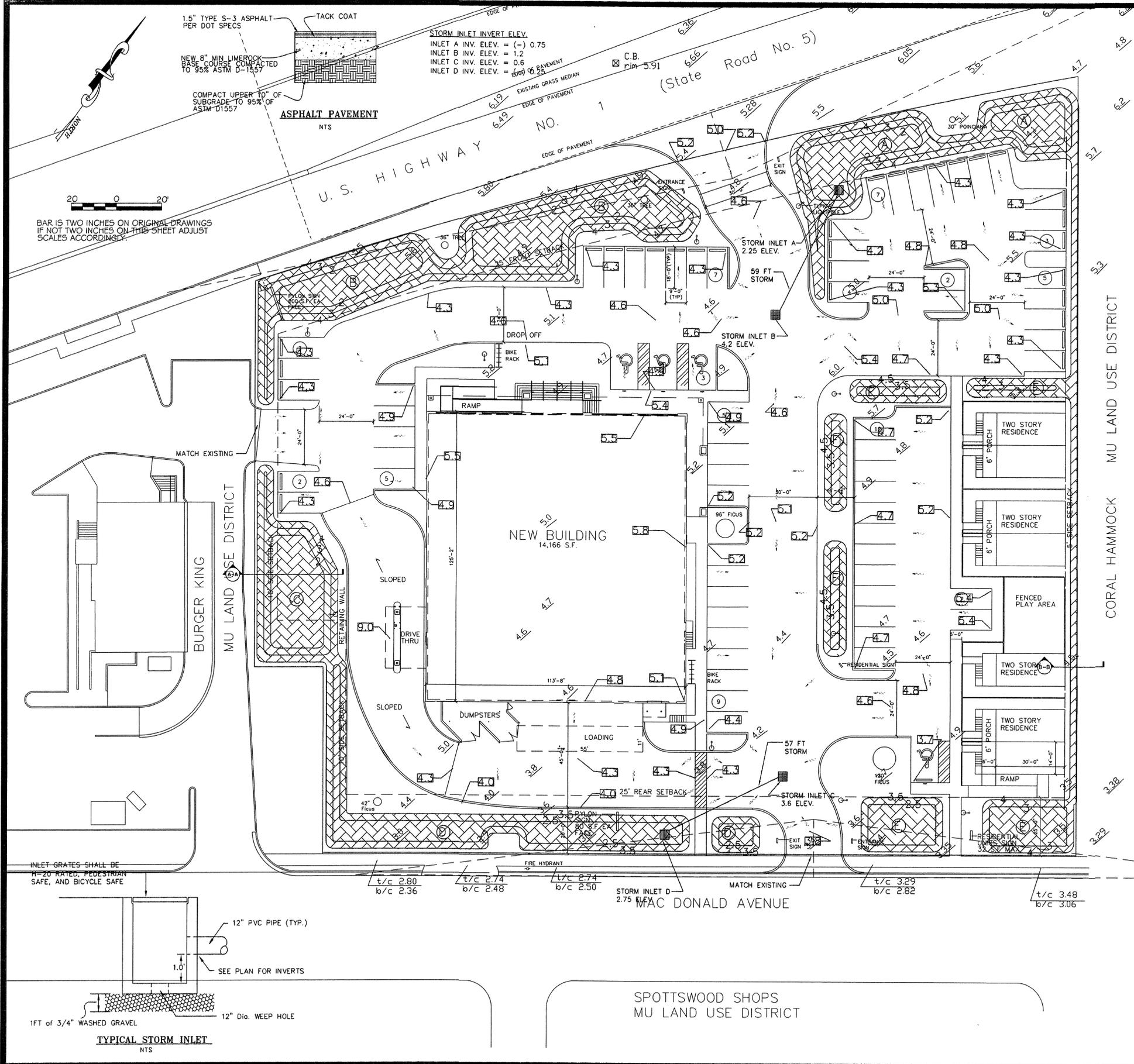
Stock Island Drug Store
 Overseas Highway Stock Island, FL

THOMAS E. POPE, P.A. ARCHITECT
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3/27/09
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STORM INLET INVERT ELEV.
 INLET A INV. ELEV. = (-) 0.75
 INLET B INV. ELEV. = 1.2
 INLET C INV. ELEV. = 0.6
 INLET D INV. ELEV. = 2.75

20 0 20'
 BAR IS TWO INCHES ON ORIGINAL DRAWINGS
 IF NOT TWO INCHES ON THIS SHEET ADJUST
 SCALES ACCORDINGLY.

DRAINAGE CALCULATIONS

WATER QUANTITY - PREDEVELOPMENT
 PROJECT AREA = 2.35 Ac.
 PERVIOUS AREA = 2.35 Ac.
 IMPERVIOUS AREA = 0.0 Ac.
 % IMPERVIOUS = 0.0%
 RAINFALL FOR 25yr/24hr EVENT (P) = 9.0 in.

DEPTH TO WATER TABLE = >3 FT
 DEVELOPED AVAILABLE STORAGE = 4.95 in.
 SOIL STORAGE (S) = 4.95 in.
 $Q_{pre} = \frac{(P-0.2S)^2}{(P+0.8S)}$ = 4.95 in.

WATER QUANTITY - POSTDEVELOPMENT
 PROJECT AREA = 2.35 Ac.
 PERVIOUS AREA = 0.79 Ac.
 IMPERVIOUS AREA = 1.56 Ac.
 % IMPERVIOUS = 66.4%
 RAINFALL FOR 25yr/24hr EVENT (P) = 9 in.

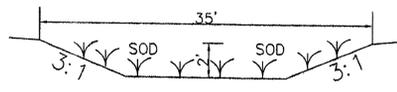
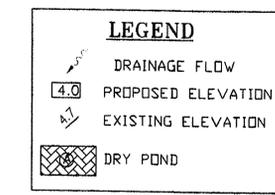
DEPTH TO WATER TABLE = >3 FT
 DEVELOPED AVAILABLE STORAGE = 4.95 in.
 SOIL STORAGE (S) = 1.66 in.
 $Q_{post} = \frac{(P-0.2S)^2}{(P+0.8S)}$ = 7.27 in.

POSTDEVELOPMENT - PREDEVELOPMENT
 $Q_{post} - Q_{pre} = 2.32$ in.
 VOLUME = $Q_{post} \times A = 5.45$ Ac-in

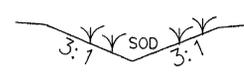
WATER QUALITY
 DRAINAGE BASIN AREA = 2.35 AC
 A) ONE INCH OF RUNOFF FROM DRAINAGE BASIN = 2.35 AC-in
 B) 2.5 INCHES TIMES PERCENT IMPERVIOUS = 3.48 AC-in

WATER QUANTITY ~vs~ WATER QUALITY
 5.45 AC-IN > 3.48 AC-IN

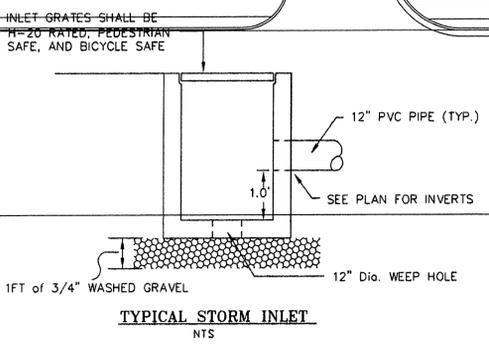
POND CALCULATIONS
 VOLUME REQUIRED = $3630 \times 5.45 = 19,784$ CF
 VOLUME PROVIDED:
 POND A 5,000 CF
 POND B 7,000 CF
 POND C 3,000 CF
 POND D 2,250 CF
 POND E 1,425 CF
 POND F 1,150 CF
 TOTAL 19,825 CF



SECTION A-A
 NOT TO SCALE



SECTION B-B
 NOT TO SCALE



CIVIL ENGINEERING • REGULATORY PERMITTING • CONSTRUCTION MANAGEMENT
 KEY WEST OFFICE
 1010 EAST KENNEDY DRIVE, SUITE 400
 KEY WEST, FL 34631
 TEL: (805) 239-9440 FAX: (305) 236-0243
 TAMPA OFFICE
 CONCOURSE CENTER
 3507 EAST FRANKLIN ROAD, SUITE 140
 TAMPA, FL 33611
 TEL: (813) 879-1616 FAX: (813) 288-0710
PEREZ ENGINEERING & DEVELOPMENT, INC

ALLEN E. PEREZ, P.E.
 Florida P.E. NO. 51168
 April 3, 2009

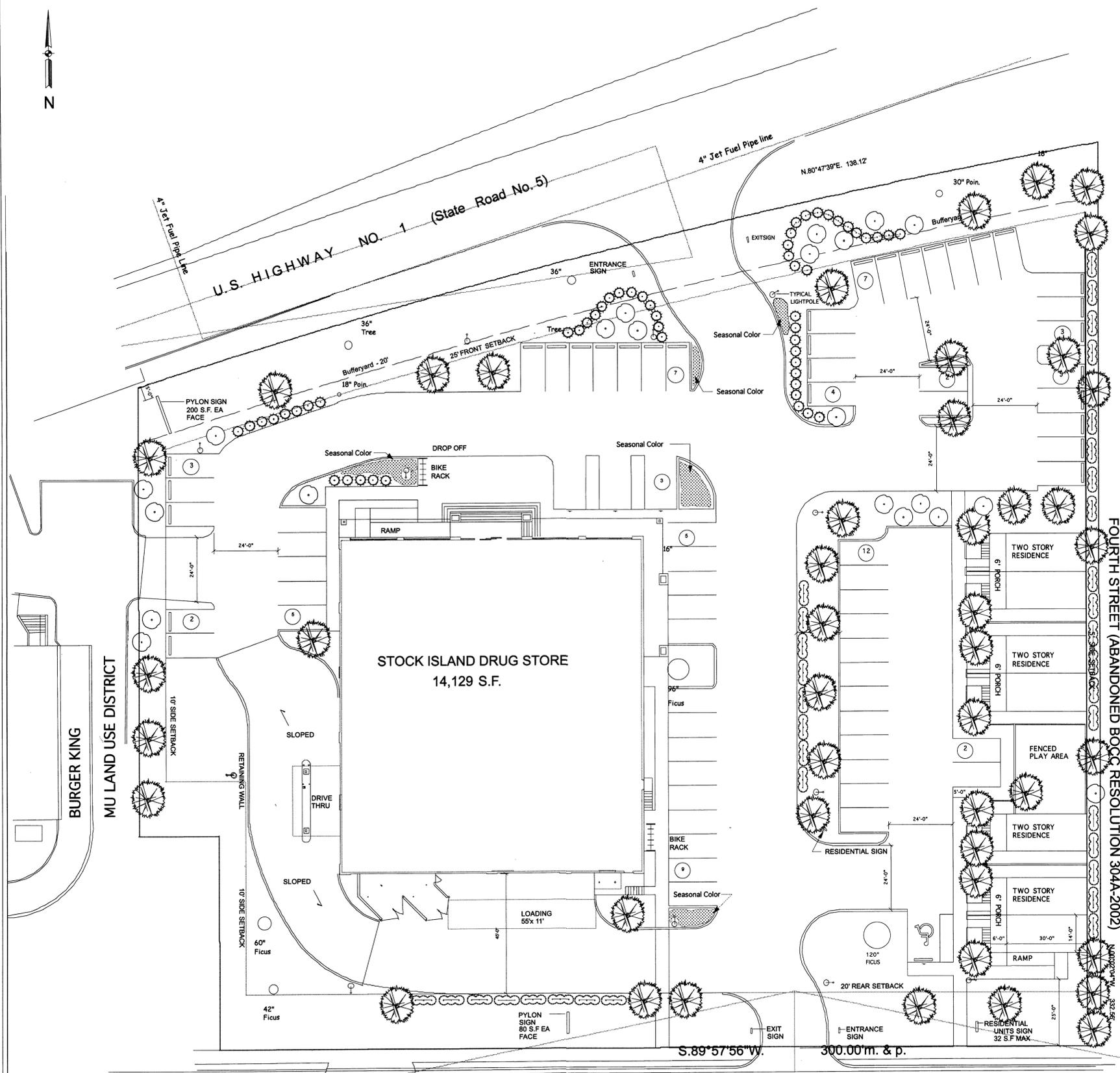
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 REVISIONS:

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STOCK ISLAND DRUG STORE
 STOCK ISLAND, FL 33040
DRAINAGE PLAN

JOB NO. 061008
 DRAWN: GWS
 DESIGNED: AEP
 CHECKED: AEP
 QC: _____
 SHEET: C-1

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 BY: 89045



M C C REQUIREMENTS

US HIGHWAY 1 BUFFER:

CLASS B: 365 LINEAR FEET @ 20' WIDE, US HIGHWAY 1.
CANOPY: 3.7 X 12 = 4 CANOPY TREES
UNDERSTORY: 3.7 X 4 = 2 UNDERSTORY TREES
SHRUBS: 3.7 X 4 = 15 SHRUBS

RESIDENTIAL BUFFER PER SECTION 9.5-248(c)(3)(b)

CLASS C: 330 LINEAR FEET @ 5' WIDE, CORAL ISLE (1/2 REQ'D BUFFER)
CANOPY: 3.3 X 5 = 16.5 / 2 = 8 CANOPY TREES
UNDERSTORY: 3.3 X 1.8 = 2/2 = 1 UNDERSTORY TREES
SHRUBS: 3.3 X 18 = 59 / 2 = 30 SHRUBS

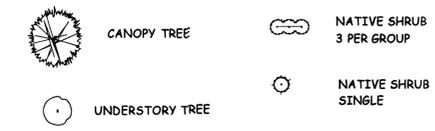
MAC DONALD AVENUE STREET TREES

BASED ON 300 LF @ 1 PER HUNDRED = 3 TREES
4 EXISTING TREES EXCEED REQUIREMENT

PARKING LOT LANDSCAPING

CLASS C: BASED ON 70 SPACES DIVIDED BY 24 = 2.92
430 S.F. X 2.92 = 1,257 SQUARE FEET
CANOPY: 2.92 X 2 = 6 CANOPY TREES
UNDERSTORY: NONE REQUIRED
SHRUBS: 2.92 X 5 = 15 SHRUBS

SYMBOL LEGEND



PLANT MATERIAL OPTIONS

CLASS	PLANT MATERIAL OPTIONS	SIZE	QUANTITY PROVIDED
Canopy Tree	Mahogany (<i>Swietenia mahagoni</i>), Gumbo Limbo (<i>Bursera simaruba</i>), Pigeon Plum (<i>Clusia rosea</i>), GreenButtonwood (<i>Conocarpus erectus</i>)	14-16' overall, 3" dbh minimum	CLASS B: 6 (3 PROPOSED + 3 EX.) CLASS C: 8 PKG. LOT: 19 (16 PROP. + 3 EX.)
Street Tree	Paradise Tree (<i>Simarouba glauca</i>), Satinleaf (<i>Chrysophyllum oliviforme</i>)	12-14' overall, 3" dbh minimum	MACDONALD: 5 (4 PROP. + 1 EX.) RESIDENTIAL: 7
Understory Tree	Geiger Tree (<i>Cordia sebestena</i>), Florida Thatch Palm (<i>Thrinax radiata</i>), Sweet Acacia (<i>Acacia farnesiana</i>)	5-6' overall, 1 5 gal minimum	CLASS B: 5 CLASS C: 1 PKG. LOT: 15
Shrub (Single & Group)	Jamaica Caper (<i>Capparis cynophallophora</i>), Firebush (<i>Hamelia patens</i>), Spanish Stopper (<i>Eugenia axillaris</i>), Fakahatchee Grass (<i>Tripsacum dactyloides</i>), Cocoplum (<i>Chrysobalanus icaco</i>), Silver buttonwood (<i>Conocarpus erectus sericeus</i>)	24-30" spread, 3 to 5 gal.	CLASS B: 19 CLASS C: 57 PKG. LOT: 57 MACDONALD: 24

LAND PLANNERS & DESIGNERS

THE CRAIG COMPANY

COMPREHENSIVE PLANNING
RESORT/TOURISM PLANNING
LAND USE REGULATIONS
DEVELOPMENT FEASIBILITY

MAILING ADDRESS: P.O. BOX 970
KEY WEST, FLORIDA 33041-0970

OFFICE LOCATION: 610 WHITE ST.
KEY WEST, FLORIDA 33040

SITE DESIGN
EXPERT WITNESS
LANDSCAPE DESIGN

PHONE: (305) 294-1515
FAX: (305) 292-1525
E-MAIL: barb@craigcompany.com

STOCK ISLAND DRUG STORE

STOCK ISLAND, MONROE COUNTY

FLORIDA

REVISIONS:

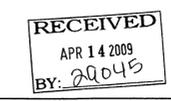
1	Survey Change	09.16.02
2	Housing and Setback Change	10.22.02
3	Resubmission for Conditional Use	04.10.09

CONCEPTUAL LANDSCAPE PLAN

Scale: 1" = 20' 0"

DRAWN BY: BBM DATE: 08.27.02

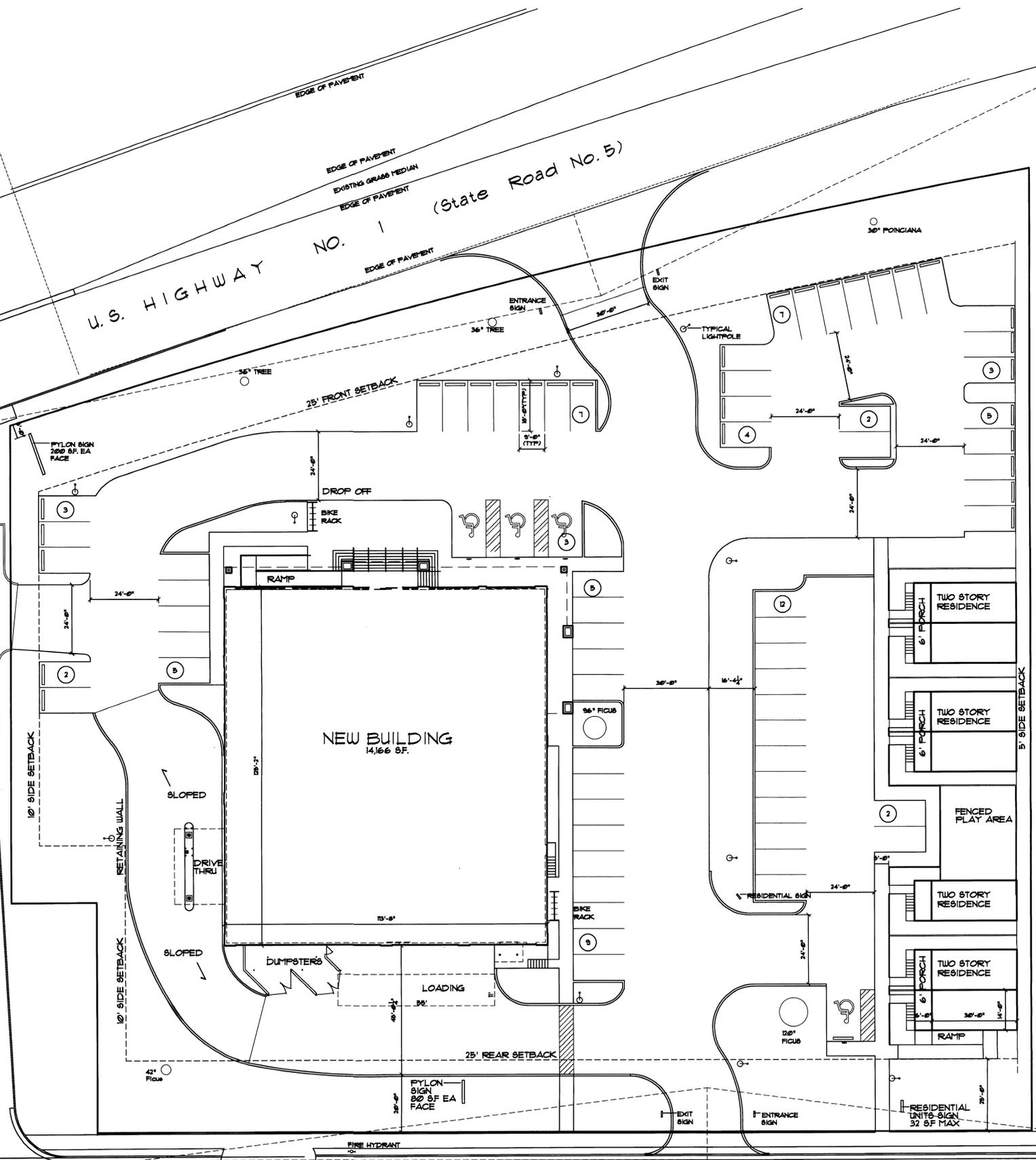
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STOCK ISLAND DRUG STORE

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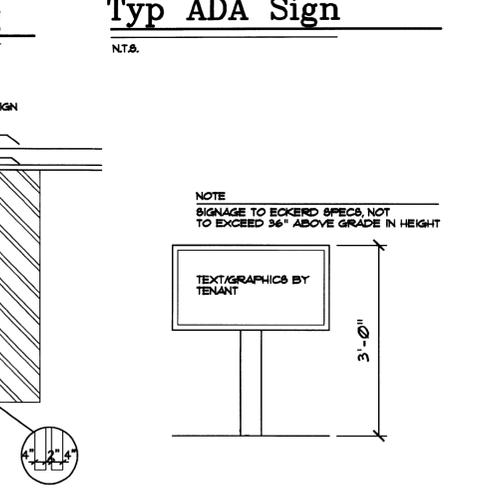
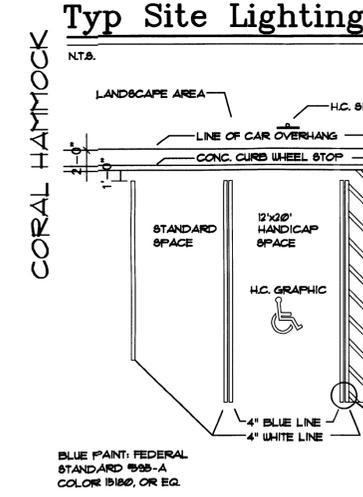
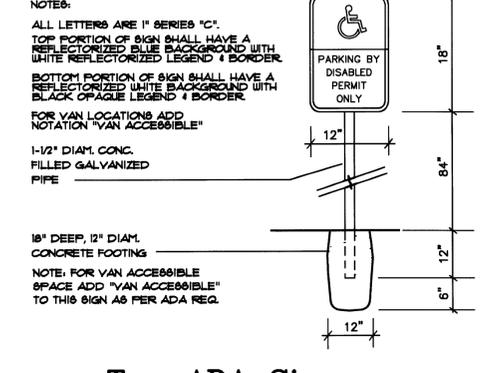
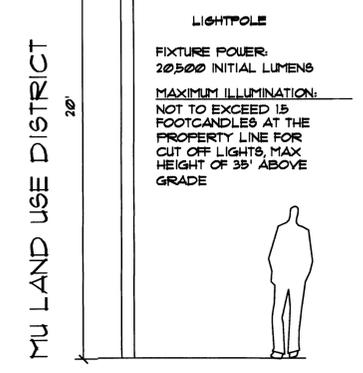
Site Plan
1" = 20'-0"



SITE ANALYSIS

ZONING	MU
SITE AREA	47,103,656+ (238 AC)
FLOOD ZONE	AE 9
MIN OPEN SPACE RATIO	0.2 (20,131 SF.)
PROPOSED OPEN SPACE RATIO	0.25
COMMERCIAL (INCLUDING OVER-HANGS)	19,500 SF.
1 HOUSING UNITS (# 840/UNIT)	9,800 SF.
ASPHALT PAVING	46,560 SF.
CONC WALKS	4,341 SF.
TOTAL IMPERVIOUS AREA	13,000 SF.

MAX FAR	0.25 (25,914 SF.)
TOTAL SITE UTILITY	85.5%
COMMERCIAL DEVELOPMENT	54.5% OF SITE
RESIDENTIAL DEVELOPMENT	31.0% OF SITE
TOTAL BUILDABLE AREA: 190 ACRES	
MAXIMUM NET RESIDENTIAL DENSITY: 12 UNITS/AC	
150 X 12 = 22.8 UNITS, 1 PROPOSED UNITS/22.8 = 31.0 % OF SITE	
MAX HEIGHT	35'
SETBACKS	
FRONT	25'
REAR	20'
SIDE	5', 10'
PARKING REQUIRED	
COMMERCIAL	141 X 3 = 423 SPACES
ATTACHED RESIDENTIAL	6 X 15 = 9 SPACES
SINGLE RESIDENTIAL	1 X 2 = 2 SPACES
TOTAL	533 = 53 SPACES
PARKING PROVIDED	
COMMERCIAL	55 SPACES
RESIDENTIAL	15 SPACES
TOTAL	70 SPACES



INDEX

SITE PLAN	A1
COMMERCIAL FLOOR PLAN	A2
RESIDENTIAL FLOOR PLANS	A3
COMMERCIAL ELEVATIONS	A4
RESIDENTIAL ELEVATIONS	A5

Stock Island Drug Store
Overseas Highway
Stock Island, FL

THOMAS E. POPE, P.A. ARCHITECT
7009 Shrimp Road #4, Key West FL
TEPopePA@aol.com
(305) 296 3611

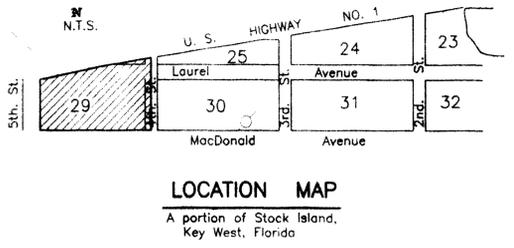
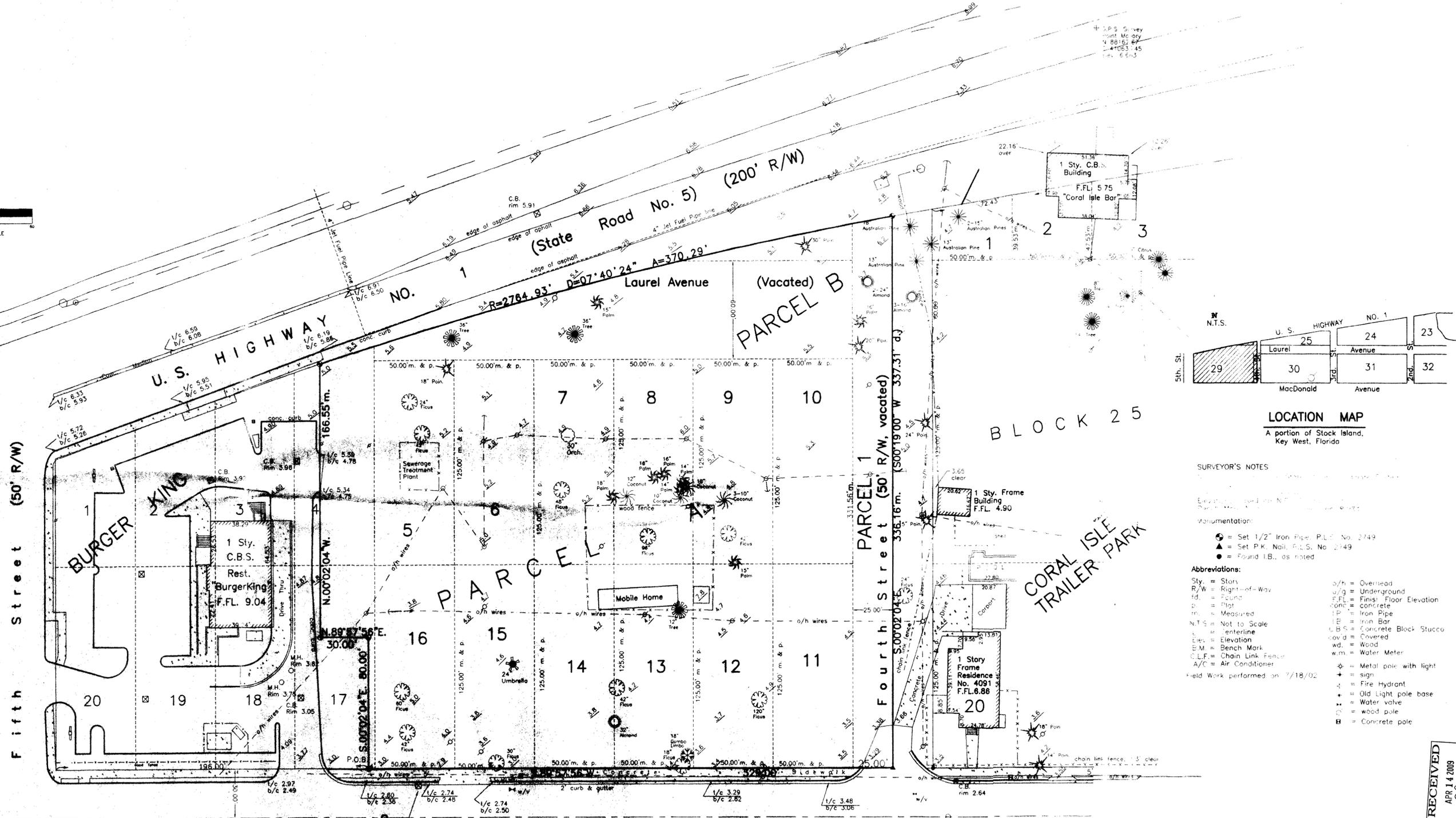
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APR 14 2009
BY: 29045

sheet:
S1

MAC DONALD AVENUE

SPOTTSWOOD SHOPS
MU LAND USE DISTRICT



- SURVEYOR'S NOTES**
- Field Work performed on 7/18/02
- Monumentation:**
- = Set 1/2" Iron Pipe, P.L.S. No. 2749
 - ▲ = Set P.K. Nail, P.L.S. No. 2849
 - = Found I.B., as noted
- Abbreviations:**
- Sty. = Story
 - R/W = Right-of-Way
 - fd. = Foliage
 - p. = Plot
 - m. = Measured
 - N.T.S. = Not to Scale
 - ent. = entrance
 - Elev. = Elevation
 - B.M. = Bench Mark
 - C.L.F. = Chain Link Fence
 - A/C = Air Conditioner
 - o/h = Overhead
 - u/g = Underground
 - F.F.L. = Finish Floor Elevation
 - con. = concrete
 - IP = Iron Pipe
 - IB = Iron Bar
 - C.B.S. = Concrete Block Stucco
 - cov'd = Covered
 - wd. = Wood
 - w.m. = Water Meter
 - ⊕ = Metal pole with light
 - + = sign
 - ⊕ = Fire Hydrant
 - ⊕ = Old light pole base
 - ⊕ = Water valve
 - ⊕ = wood pole
 - ⊕ = Concrete pole

LEGAL DESCRIPTION:

PARCEL A: A parcel of land on Stock Island, Monroe County, Florida and being a part of Square 29, as shown on STOCK ISLAND MALONEY SUBDIVISION AS RECORDED IN Plat Book 1 at Page 55 of the Public Records of the said Monroe County; said parcel being described by metes and bounds as follows:
COMMENCE AT THE Southwest corner of the said Square 29 and run thence East along the South boundary line of the said Square for a distance of 196.0 feet to the Point of Beginning of the parcel of land herein described; thence north and parallel with the East boundary of the said Square for a distance of 80.0 feet; thence West and parallel with the South boundary of the said Square for a distance of 30.0 feet; thence North and parallel with the East boundary line of the said Square for a distance of 167.26 feet to a point on the North boundary line of said Square; thence North 78°58'03" East along the said North boundary line of the said Square for a distance of 8.4 feet to a point of deflection; thence East and continuing along the said North boundary line of the said Square for a distance of 326.0 feet to the Northeast corner of the said Square; thence South along the East boundary of the said Square for a distance of 250 feet to the Southeast corner of said square; thence West along the South boundary line of the said Square for a distance of 304.0 feet back to the Point of Beginning.

PARCEL B: A parcel of land on Stock Island, Monroe County, Florida and being Block 26 and a portion of East Laurel Avenue, both as shown on STOCK ISLAND MALONEY SUBDIVISION as recorded in Plat Book 1 at Page 55 of the Public Records of the said Monroe County; said parcel being described by metes and bounds as follows:
BEGIN at the intersection of the West right of way line of 4th Street with the South right of way line of East Laurel Avenue and run thence West along the South right of way line of the said East Laurel Avenue for a distance of 326 feet, more or less, to the SE 1/4 right of way line of the said highway U.S. No. 1; thence NE 1/4 along the SE 1/4 right of way line of the said Highway U.S. No. 1 for a distance of 343 feet, more or less, to the NE corner of the said Block 26; said NE corner of the said Block 26 being north of the Point of Beginning.

LEGAL DESCRIPTION:

That portion of Fourth Street, Stock Island, Monroe County, Florida, lying between the North right of way line of Mac Donald Avenue and the South right of way line of U.S. Highway No. 1 more particularly described as follows:

PARCEL ONE:

Begin at the Southeast corner of Lot 11, Block 29, Plat Book 1, Page 55, as found in the Public Records of Monroe County, Florida, thence N 00°19'00" E along the Easterly property lines of Lots 11 and 10, Block 29 and the Easterly line of that parcel on East Laurel Avenue abandoned by Monroe County Resolution 294-1989 and the Easterly property line of Block 26 to a point on the Southerly right of way line of U.S. Highway 1; thence N 81°15'35" E a distance of 25.32 feet along the Southerly right of way line of U.S. Highway No 1 to a point thence S 00°19'00" W a distance of 337.31 feet along the centerline of Fourth Street to a point; thence N 89°41'00" W a distance of 25 feet along the North right of way line of Mac Donald Avenue to the Point of Beginning.

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. HILDEBRANDT
 Professional Land Surveyor & Mapper No. 2749
 Professional Engineer No. 36610
 State of Florida

NOT VALID UNLESS EMBOSSED WITH RAISED SEAL & SIGNATURE

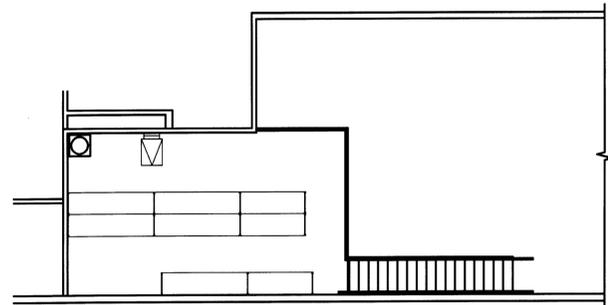
Spottwood Shops U.S. Highway No. 1, Key West, FL 33040		Dwn No.: 02-100
BOUNDARY SURVEY		Dwn. By: F.H.H.
Scale: 1"=30'	Sheet: 1228 H	Flood Elev.:
Date: 8/2/02	Head Corp: AE	Flood Elev.:
REVISIONS/ADDENDUMS		
Stock Island, Block 26		

FREDERICK H. HILDEBRANDT
 ENGINEER PLANNER SURVEYOR

3150 Northside Drive
 Suite 101
 Key West, FL 33040
 (305) 293-0466
 Fax: (305) 293-0237

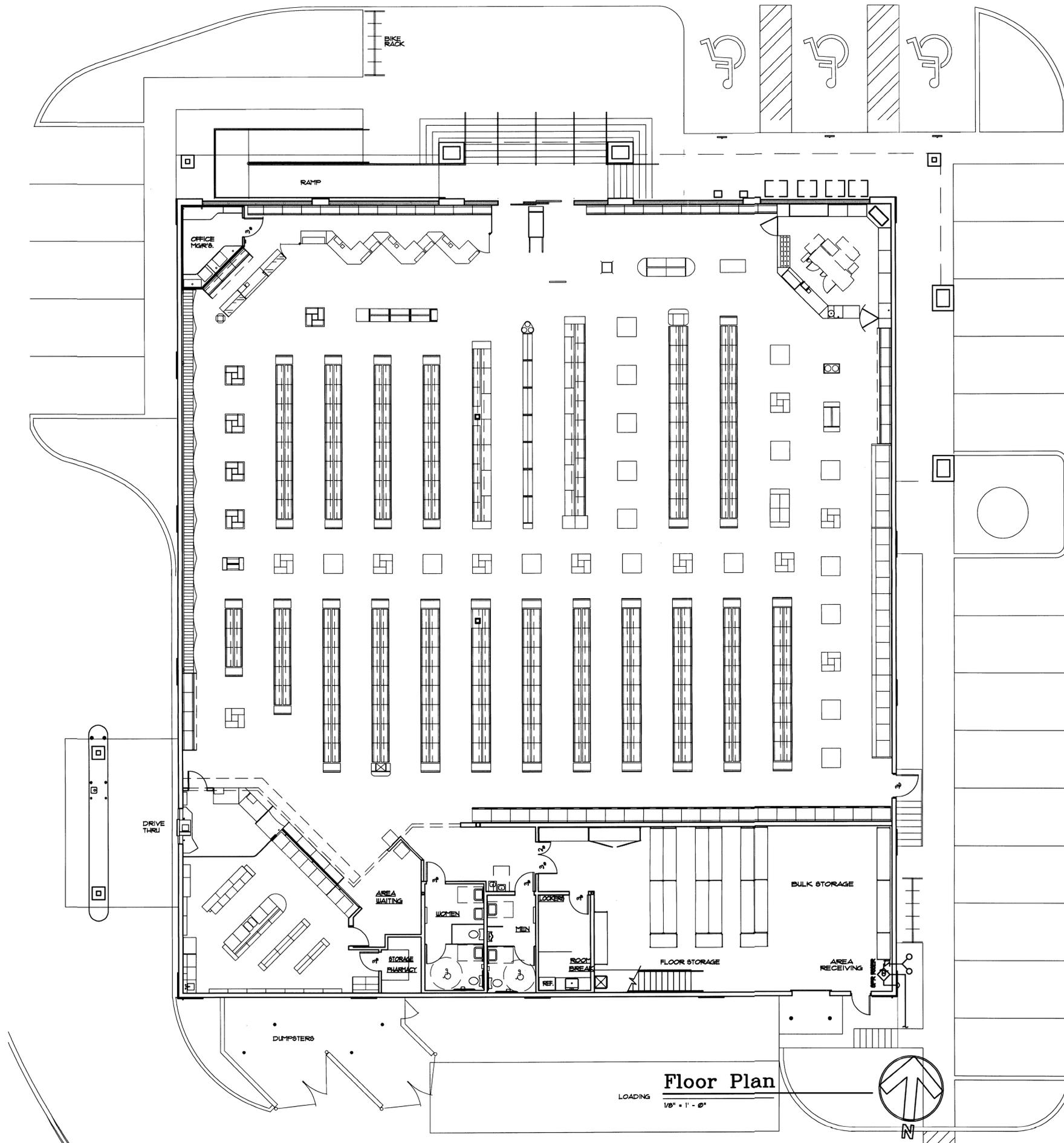
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 BY: 24045

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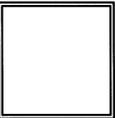
Mezzanine Plan

1/8" = 1' - 0"



Floor Plan

LOADING
1/8" = 1' - 0"



Stock Island Drug Store
Overseas Highway Stock Island, FL

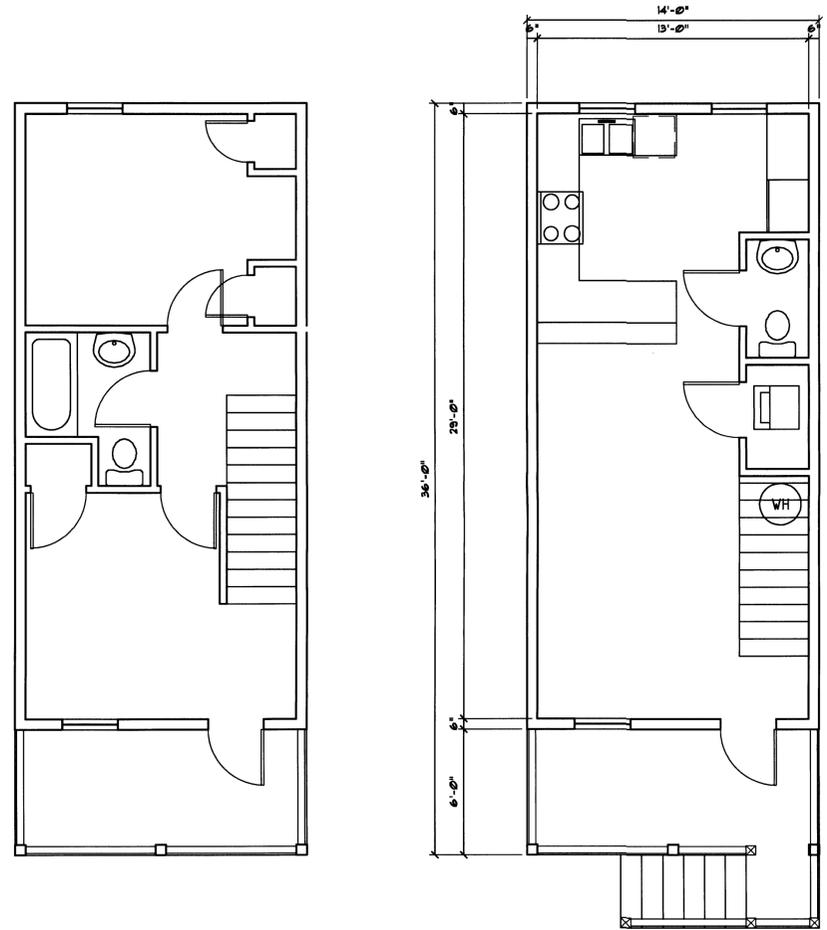
THOMAS E. POPE, P.A. ARCHITECT
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TEPopePA@aol.com
(305) 296 3611

date:
3/27/09
revision:

sheet:
A1

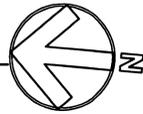
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BY: 29049

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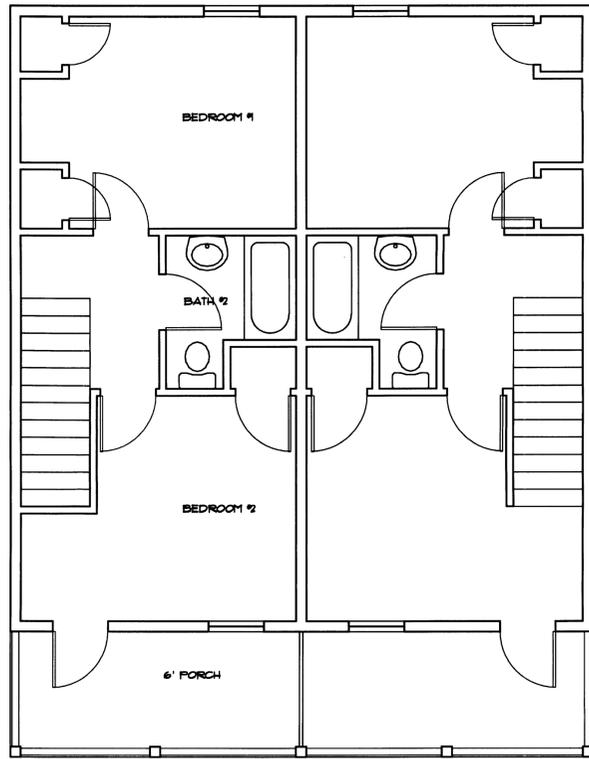
2nd Floor Plan

1/4" = 1' - 0"



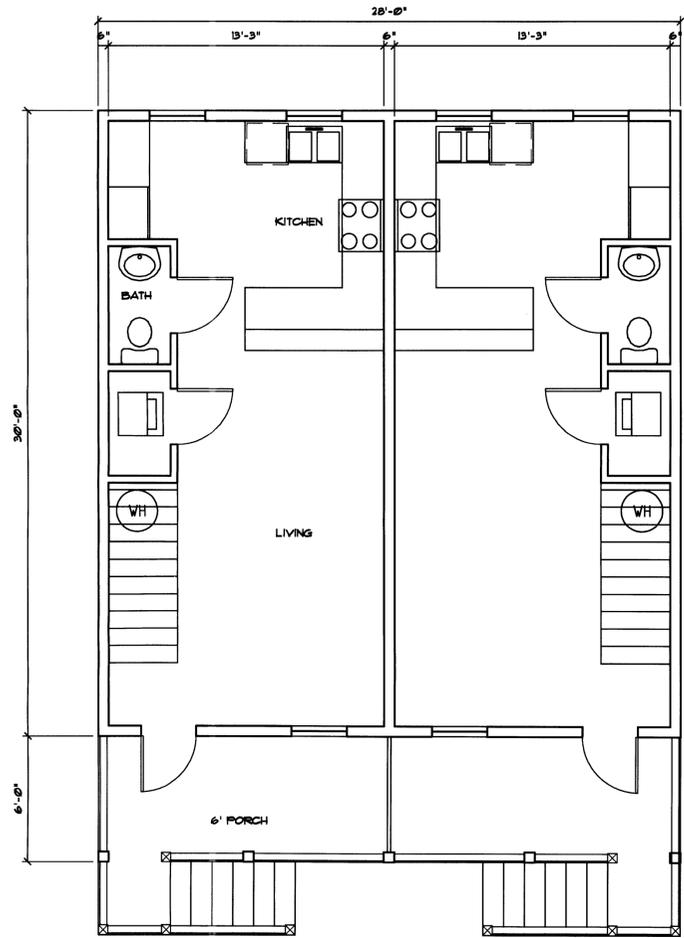
1st Floor Plan

1/4" = 1' - 0"



Typical Duplex
2nd Floor Plan

1/4" = 1' - 0"



Typical Duplex
1st Floor Plan

1/4" = 1' - 0"



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BY: 29046

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A2

THOMAS E. POPE, P.A. ARCHITECT
7009 Shrimp Road #4, Key West FL
TEPopePA@aol.com
(305) 296 3611

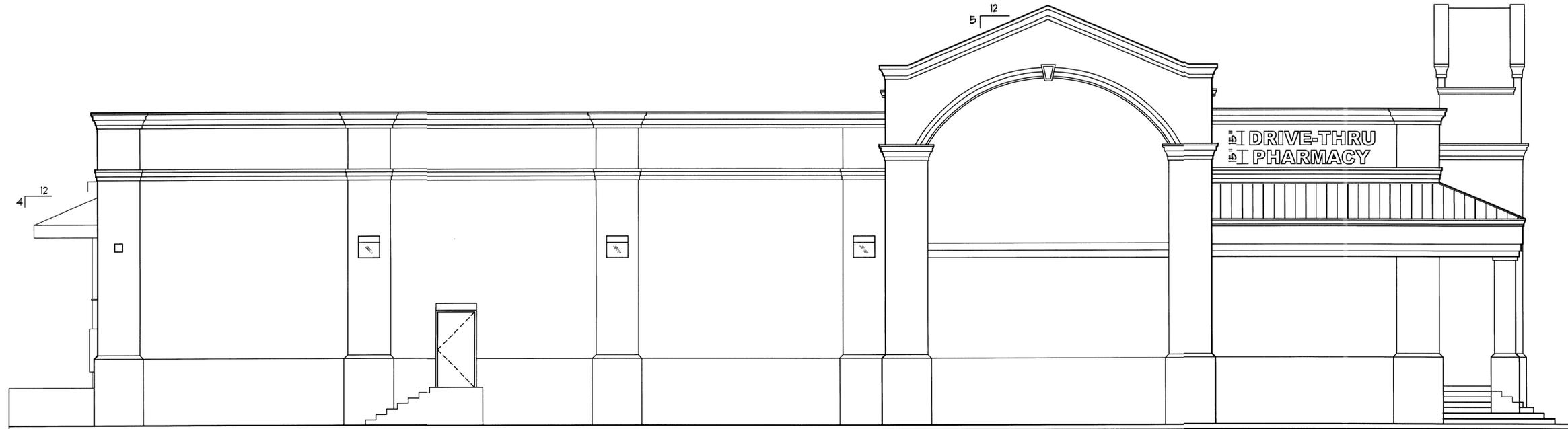
Stock Island Drug Store
Overseas Highway Stock Island, FL

date:
3/27/09
revision:



**Overseas Highway
North Elevation**

3/16" = 1' - 0"



East Elevation

3/16" = 1' - 0"

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Stock Island Drug Store
Overseas Highway Stock Island, FL

THOMAS E. POPE, P.A. ARCHITECT
7009 Shrimp Road #4, Key West FL
(305) 296 3611
TEPopePA@aol.com

date:
3/27/09
revision:

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APR 14 2009
BY: 29045

sheet:
A3

File #: M29062

Owner's Name: MDJ Investments LLC

Applicant: MDJ Investments LLC

Agent: Peter Bacheler, H L & Y

Type of Application: FLUM + LUD

Key: Key Largo

RE #: 00440100-000100



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

County of Monroe
Growth Management Division

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



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

We strive to be caring, professional and fair

Date: 5/29/09

Dear Applicant:

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

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

Thank you.

Shil Creech

Planning Staff

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

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

Property Record View

Alternate Key: 1539791 Parcel ID: 00440100-000000

Ownership Details

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

Property Details

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

Parcel Map

Total Living Area: 2968
Year Built: 1958

Building 1 Details

Building Type
Effective Age 24
Year Built 1958
Functional Obs 0

Condition A
Perimeter 292
Special Arch 0
Economic Obs 0

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

Inclusions:

Roof Type
Heat 1
Heat Src 1

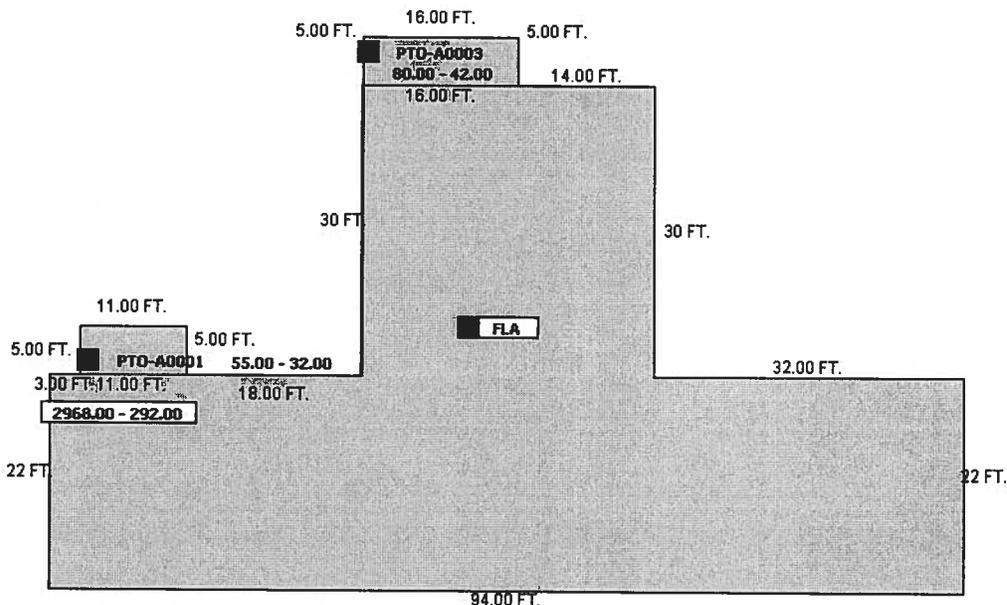
Roof Cover
Heat 2
Heat Src 2

Foundation
Bedrooms 0

Extra Features:

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

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



Sections:

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

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

Misc Improvement Details

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

Appraiser Notes

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

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

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

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

Building Permits

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

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

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

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

Parcel Sales History

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

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

This page has been visited 135,504 times.

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

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

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



RECEIVED

MAY 29 2009

[Handwritten signature]

MONROE CO. BUILDING DEPT.

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

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

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

New fee sched. 9/16/09

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

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

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

Property Owner:

MDI INVESTMENTS LLC
Name

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

305-852-8440
Daytime Phone

JLUPINO@TROPICALAW.COM
Email Address

Agent (if applicable):

PETER BACHELOR, HL & Y
Name

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

305-852-8440
Daytime Phone

PBACHELER@TROPICALAW.COM
Email Address

Legal Description of Property:

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

2 Block 13-18 Lots THOMPSONS Subdivision LARGO Key

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

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

APPLICATION

Current Land Use District Designation(s): SC

Proposed Land Use District Designation(s): SC

Current Future Land Use Map Designation(s): RL

Proposed Future Land Use Map Designation(s): MC

Total Land Area Affected: 27110.00 ±

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

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

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

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

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

N/A

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

N/A

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

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

APPLICATION

4) New issues:

N/A

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

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

6) Data updates:

N/A

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

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

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

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

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

APPLICATION

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

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

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

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

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

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

Sworn before me this 28th day of May, 2009

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

[Handwritten Signature]
 Notary Public
 My Commission Expires

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

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

DEED DOC STAMP CL: RHONDA \$3,885.00

Doc# 1515753
Bk# 2113 Pg# 912

Space Above This Line For Recording Data

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

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

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

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

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

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

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

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

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

Signed, sealed and delivered in the presence of:

Maureen J. Lee
Witness #1 Signature

Mark H. Gregg
Mark H. Gregg

MAUREEN C. LEE
Witness #1 Printed Name

Mary W. Fielder
Witness #2 Signature

Mary W. Fielder
Witness #2 Printed Name

STATE OF FLORIDA
COUNTY OF MONROE

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

SEAL



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

Mary W. Fielder
Notary Public

Printed Notary Name

My Commission Expires:

MONROE COUNTY
OFFICIAL PUBLIC RECORD



EAST DR

GROUPE TRL

SALFISH TRL

SR

BLUEFISH TRL

WOODWARD WAY

BLUEFISH TRL

OVERSEAS HWY

FISHERMANS TRL

FISHERMANS TRL

OVERSEAS HWY

SC

BELL RD

DRURY DR

68

DR DR

CFSD

COMMUNITY DEVELOPMENT



MINUTES

ZONING BOARD
 MONROE COUNTY
 SHERIFF SUB STATION
 MARATHON, FLORIDA

JULY 23, 1976
 1:00 P.M.

CALL TO ORDER:

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

PLEDGE OF ALLEGIANCE:

SALUTE TO THE FLAG.

ROLL CALL:

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

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

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

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

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

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

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

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

ZONING CHANGES - HOLD OVER ITEMS - JUNE 23, 1976

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

MINUTES
ZONING BOARD

-2-

JULY 23, 1976
1:00 P.M.

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

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

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

MOTION TO HOLD OVER CARRIED UNANIMOUSLY.

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

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

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

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

ZONING CHANGES - REGULAR ITEMS

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

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

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

MINUTES
ZONING BOARD

-3-

JULY 23, 1976
1:00 P.M.

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

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

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

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

MOTION CARRIED UNANIMOUSLY TO APPROVE THE REQUEST.

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

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

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

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

MOTION CARRIED UNANIMOUSLY TO HOLD THE TWO ITEMS OVER.

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

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

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

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

MINUTES
ZONING BOARD

JULY 23, 1976
1:00 P.M.

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

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

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

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

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

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

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

THE MOTION CARRIED UNANIMOUSLY TO APPROVE THE REQUEST.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Frank & Elliott

103400

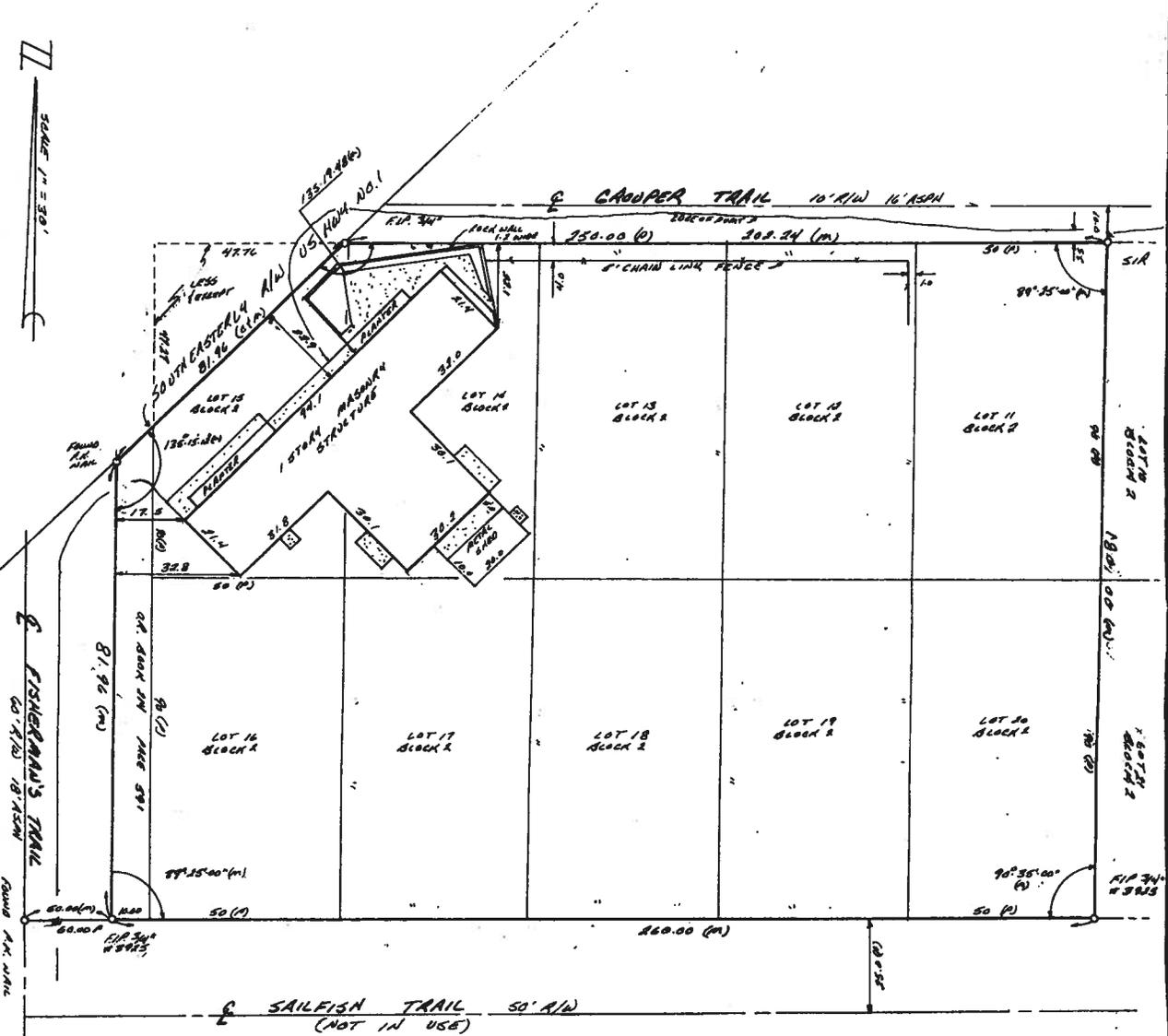
Surveyors, Engineers, Planners
10340 Hwy. Suite 9, Key Largo, Florida 33037
Ph. (305) 451-3636

A Division of MEGAVISION BUSINESS CORPORATION

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

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

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



CERTIFIED FOR BOUNDARY SURVEY

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

ABBREVIATION LEGEND:

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

SURVEYOR'S NOTES

- 1) (D)-DEED, (P)-PLAT, (M)-MEASURED, (C)-CALCULATED
- 2) ELEVATION DATUM N.A.
- 3) BENCHMARK N.A.
- 4) BASIS OF BEARINGS: E. COOPER TRAIL (ASSUMED WEST)
- 5) THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP, COMMUNITY NO. 42522, PANEL NO. 5041, EFFECTIVE DATE 12-17-81, AND THE ABOVE DESCRIBED PROPERTY APPEARS TO BE IN ZONE X, WITH A BASE ELEVATION OF 6.11 M.S.L.
- 6) NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS OF WAY, and/or OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN.
- 7) NOT VALID UNLESS SEALED.

DATE 4.13.93

103400 103400 103400



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

To: Development Review Committee

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

From: Kathy Grasser, Comprehensive Planner *KG*

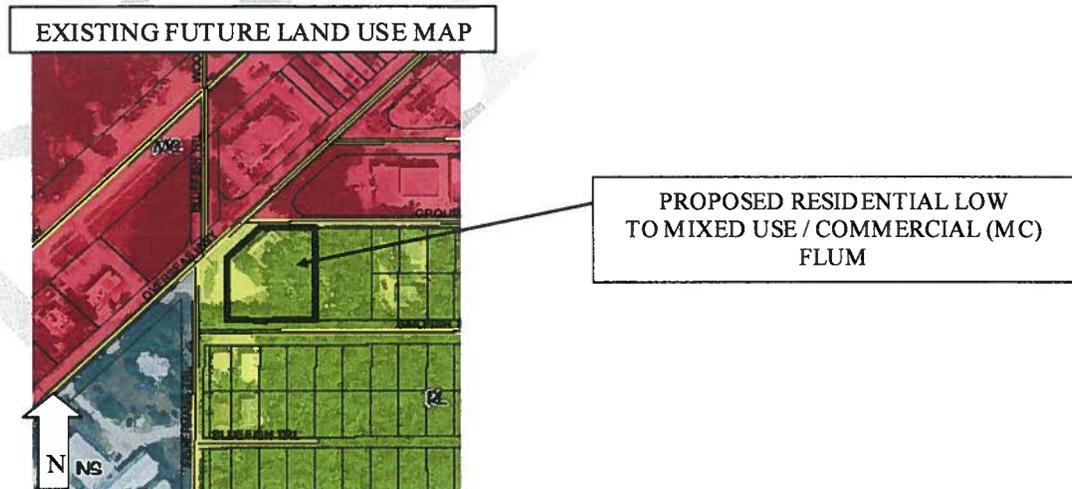
Date: September 25, 2009

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

Meeting: October 6, 2009

I REQUEST

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



- A. Address: Mile Marker 99.1, Key Largo, Florida
- B. Legal Description: Thompson's Subdivision, Key Largo, PB1-147 Lots 13-18 Monroe County, Florida
- C. Real Estate Number: 00440100.000000
- D. Applicant/Petitioner: Mr. Peter Bacheler, Hershoff Lupino & Yagel LLP
- E. Property Owner: MDJ Investments LLC

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

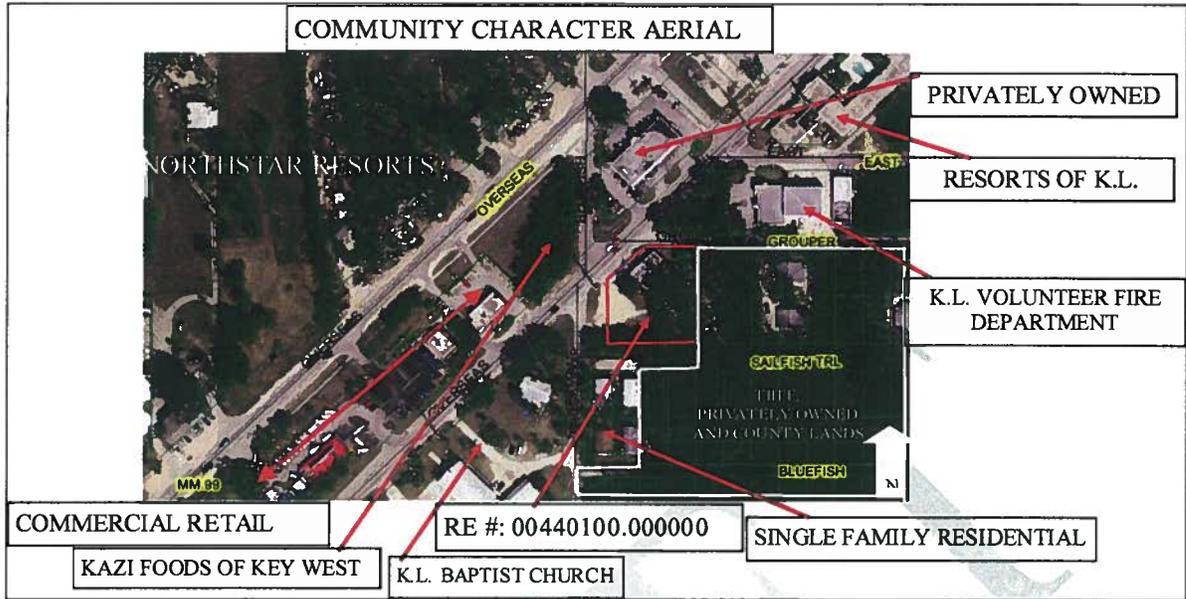
7 **II PROCESS**

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

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

25 **BACKGROUND INFORMATION**

- 26 A. Size of Site: 0.62 Acres (27,1107ft²)
27 B. Future Land Use Map (FLUM) Designation: Residential Low (RL)
28 C. Tier Designation: Tier I
29 D. Flood Zone: X
30 E. Existing Use: Office building leased to oral surgeon, land title agency and general
31 contractor offices
32 F. Existing Vegetation / Habitat: Most of the lot is disturbed with a number of large
33 canopy trees remaining. Most of the understory plants have been removed and have
34 been replaced with exotics. Approximately 10-15% of the lot is undisturbed
35 hammock mostly along Grouper Trail.
36 G. Community Character of Immediate Vicinity: The applicant's parcel is located at
37 Mile Marker 99.1 on the ocean side. Parcels to the east and southeast contain federal,
38 county and privately owned lands. The Key Largo Volunteer Fire Department is
39 directly north of the subject parcel. The Key Largo Baptist Church is south of the
40 subject parcel. Parcels in the U. S. 1 medium contain commercial retail and some
41 privately owned lands. Northstar Resorts owns the land across from the subject
42 property on the gulf side.



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III REVIEW OF APPLICATION

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

The proposed FLUM amendment retains the community character and quality of life in the area. The proposed amendment is located in a Tier I area and is adjacent to the U. S. 1 corridor. The proposed amendment will retain the surrounding natural resources and direct future growth to this area where appropriate on the parcel. This is consistent with smart growth initiatives and the provisions and intent of the Monroe County Year 2010 Comprehensive Plan.

Goal 101: Monroe County shall manage future growth to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources.

Objective 101.4: Monroe County shall regulate future development and redevelopment to maintain the character of the community and protect the natural resources by providing for the compatible distribution of land uses consistent with the designations shown on the Future Land Use Map.

Policy 101.4.5: The principal purpose of the Mixed Use / Commercial land use category is to provide for the establishment of commercial zoning districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community and the natural environment. Employee housing and commercial apartments are also permitted.

The land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate. Various types of residential and non-residential uses may be permitted; however, heavy industrial uses and similarly

1 incompatible uses shall be prohibited. In order to protect environmentally sensitive
2 lands, the following development controls shall apply to all hammocks, pinelands and
3 disturbed wetlands within this land use category:
4

- 5 1. Only low intensity commercial uses shall be allowed;
 - 6 2. A maximum floor area ratio of 0.10 shall apply; and
 - 7 3. Maximum net residential density shall be zero
- 8

9 Goal 105: Monroe County shall undertake a comprehensive land acquisition program
10 and smart growth initiatives in conjunction with its Livable CommuniKeys Program
11 in a manner that recognizes the finite capacity for new development in the Florida
12 Keys by providing economic and housing opportunities for residents without
13 compromising the biodiversity of the natural environment and the continued ability of
14 the natural and manmade systems to sustain livable communities in the Florida Keys
15 for future generations.
16

17 Objective 105.1: Monroe County shall implement smart growth initiatives in
18 conjunction with its Livable CommuniKeys and Land Acquisition Programs which
19 promote innovative and flexible development processes to preserve the natural
20 environment, maintain and enhance the community character and quality of life,
21 redevelop blighted commercial and residential areas, remove barriers to design
22 concepts, reduce sprawl, and direct future growth to appropriate infill areas.
23

24 **B. Consistency of the proposed amendment with the provisions and intent of Chapter 102 of**
25 **the Monroe County Code, Land Development Regulations:**
26

27 In accordance with MCC Sec. 102-158(d)(5)b., the BOCC may consider the adoption of
28 an ordinance enacting the proposed change based on one (1) or more of the following
29 factors: *changed projections; changed assumptions; data errors; new issues; recognition*
30 *of a need for additional detail or comprehensiveness; and data updates.* There was no
31 applicant response for *changed projections, changed assumptions, new issues or data*
32 *updates.*
33

34 **APPLICANT RESPONSE:**
35

36 *Data errors:*

37 Data error when zoning maps created. Building on the property has been operating
38 since 1958. Property has been taxed as commercial property since 1958.
39

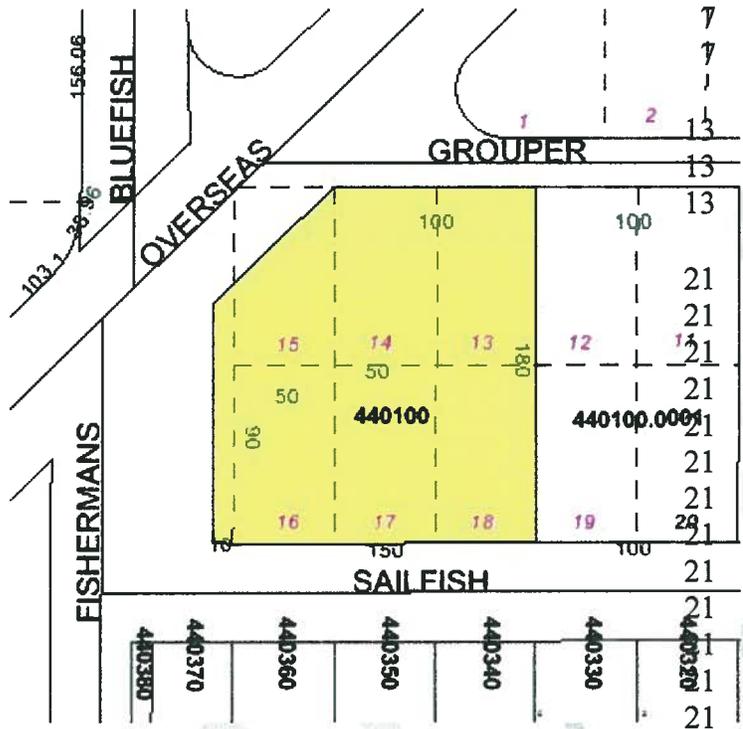
40 *Recognition of a need for additional detail or comprehensiveness*

41 Monroe County minutes from July 23, 1976 confirm a zoning change to BU-1.
42
43
44
45
46

STAFF RESPONSE:

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

HISTORY OF THE PROPERTY:



- The property originally consisted of lots 11-20.
- The existing 2,968 ft² building was constructed in 1957.
- On July 23, 1976 MC Zoning Board adopted Resolution 20-1975 approving a zoning change to BU-1 on the property with a special use permit approving retail sales for furniture and clothing only. Minutes from the Monroe County Zoning Board, dated July 23, 1976 indicate a change

of zoning from RU-1 to BU-1 on lots 13, 14, 15, 16 and 17 only with special approval for furniture and clothing retail sales. The motion carried unanimously by 3:1 with one (1) absent voter. The BU-1 zoning allowed professional services such as business services, banks, clothing stores and other retail stores. Apartments were permitted as a principal use. Residential use, industrial and manufacturing uses were prohibited.

- Building Permit Number C1809 was issued on August 13, 1976 for land clearing on Blocks 13, 14, 15 and 16 on U. S. 1 and Grouper Trail.
- Building Permit Number C2051 was issued on November 19, 1976 for electrical service. The permit states 'install 3 sub feeds and 3-150 amp services – one (1) for each store.'
- Building Permit Number C10736 was issued on January 19, 1982 for a commercial sign.
- In 2004, offices were leased to Florida Title, All Keys Mortgage and Kenneth Grossman TCF. In 2006 the office building was leased to Keys Center for Microscopic Endodontics, Florida Tile of the Keys and All Keys Mortgage.

- 1 • On May 9, 2007, Lots 11, 12, 19 and 20 were split off and sold to the State of
2 Florida.
- 3
- 4 • Today, the offices are leased to an oral surgeon, a land title agency and general
5 contractor.
- 6

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

12
13 **C. Goals, Strategies and Action Items from the Key Largo Livable CommuniKeys Plan that**
14 **directly pertain to the proposed development**

15
16 **STAFF RESPONSE:**

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

19
20 *Goal 1: Direct future growth to lands that are most suitable for development and*
21 *encourage preservation of environmentally sensitive lands.*

22
23 The parcel is adjacent to U. S. 1. There are two (2) parcels adjacent to and north of
24 the subject property in Tier 1 and have a future land use map designation of Mixed
25 Use / Commercial (MC). Currently, a 2,968ft² building sits on the 27,110ft² parcel.
26 Most of the lot is disturbed with a number of large canopy trees remaining.

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

- 34 (a). To strengthen local government capabilities for managing land use and
35 development so that local government is able to achieve these objectives
36 without the continuation of the area of critical state concern designation.
- 37 (b). To protect shoreline and marine resources, including mangroves, coral
38 reef formations, seagrass beds, wetlands, fish and wildlife, and their
39 habitat.
- 40 (c). To protect upland resources, tropical biological communities, freshwater
41 wetlands, native tropical vegetation (for example, hardwood hammocks
42 and pinelands), dune ridges and beaches, wildlife, and their habitat.
- 43 (d). To ensure the maximum well-being of the Florida Keys and its citizens
44 through sound economic development.

- 1 (e). To limit the adverse impacts of development on the quality of water
2 throughout the Florida Keys.
- 3 (f). To enhance natural scenic resources, promote the aesthetic benefits of the
4 natural environment, and ensure that development is compatible with the
5 unique historic character of the Florida Keys.
- 6 (g). To protect the historical heritage of the Florida Keys.
- 7 (h). To protect the value, efficiency, cost-effectiveness, and amortized life of
8 existing and proposed major public investments, including:
- 9 1. The Florida Keys Aqueduct and water supply facilities;
10 2. Sewage collection and disposal facilities;
11 3. Solid waste collection and disposal facilities;
12 4. Key West Naval Air Station and other military facilities;
13 5. Transportation facilities;
14 6. Federal parks, wildlife refuges, and marine sanctuaries;
15 7. State parks, recreation facilities, aquatic preserves, and other
16 publicly owned properties;
17 8. City electric service and the Florida Keys Electric Co-op; and
18 9. Other utilities, as appropriate.
- 19 (i). To limit the adverse impacts of public investments on the environmental
20 resources of the Florida Keys.
- 21 (j). To make available adequate affordable housing for all sectors of the
22 population of the Florida Keys.
- 23 (k). To provide adequate alternatives for the protection of public safety and
24 welfare in the event of a natural or manmade disaster and for a post
25 disaster reconstruction plan.
- 26 (l). To protect the public health, safety, and welfare of the citizens of the
27 Florida Keys and maintain the Florida Keys as a unique Florida resource.

28 **STAFF RESPONSE:**

29 The subject parcel contains one (1) 2,968ft² building. According to the Monroe County
30 Property Appraiser's Office, the building has been in existence since 1958. The office
31 tenants (title agency, dentist and general contractor) are compatible uses for the
32 neighborhood.

33
34 **Impact on Community Character:**

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

38
39
40
41
42
43



Local Use Compatibility

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

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

Density and Intensity

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

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

In the Mixed Use / Commercial (MC) future land use map district, up to six (6) dwelling units and fifteen (15) rooms/spaces per acre, are permitted. Eighteen (18) dwelling units and up to twenty-five (25) rooms/spaces per buildable acre are allowed for maximum net density. The maximum floor area ratio is between 10% and 45%. Density for maximum net per buildable area may not be permitted and the floor area ratio may be reduced to 10% due to the hammock located on the subject property. Currently, Growth Management does not have any pending building applications for development on this property. When or if, Growth Management receives an application, it will be addressed at that time.

Currently, there is a moratorium on transient uses. Transient uses are defined as a hotel or motel room, seasonal residential unit, or space for parking a recreational vehicle or travel trailer. In July 2009, Monroe County amended and transmitted to DCA, Comprehensive Plan Policy 101.2.6 extending the moratorium on transient units. The proposed policy will be going back to the Board of County Commissioners for an adoption hearing sometime in November 2009.

The proposed policy states “Monroe County shall adopt Land Development Regulations which prohibit new transient residential units including hotel or motel

rooms, campground spaces, or spaces for parking a recreational vehicle or travel trailer until the average annual occupancy rate exceeds 90% as evidenced by the Tourist Development Council annual trend report of Monroe County Occupancy rates, at which time the Permit Allocation System shall allocate ten percent (10%) of annual residential market rate allocations to transient units.”

Any change on the property must comply with State and Federal regulations as well as the Monroe County Code, the Monroe County Comprehensive Plan and the Livable CommuniKeys Plans.

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

Local Traffic, Parking and Circulation

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



Effects on Natural Resources

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

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

Effects on Public Facilities

Objective 101.11 of the *Monroe County Year 2010 Comprehensive Plan* requires the County to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities. The proposed FLUM amendment will not affect Objective 101.11 and will encourage

1 development to remain on disturbed lands rather than encroaching on
2 environmentally sensitive areas. The proposed FLUM amendment may affect
3 public facilities, but not significantly.
4

5 Solid Waste

6 Monroe County has a solid waste haul out contract with Waste Management Inc.,
7 which authorizes the use of in-state facilities through September 20, 2016, thereby
8 providing the County with approximately eight (8) years of guaranteed capacity.
9 The proposed future land use map (FLUM) amendment may affect solid waste,
10 but not significantly.
11

12 Potable Water

13 The average daily water demand is expected to slightly increase to 16.28 MGD
14 over last year's of 16.02 MGD due to water shortage/drought conditions/water
15 restriction and water conservation efforts. The construction of new water supply
16 wells and a reverse osmosis water treatment facility provides an additional
17 capacity of 6.0 MGD. The reverse osmosis desalination plant provides an
18 additional 3.0 MGD of water for additional capacity.
19

20 Stormwater

21 MCC Section 114-3, titled '*Surface Water Management Criteria*', establishes
22 guidelines and criteria for the safe management and disposal of stormwater runoff
23 from developed areas that will minimize or eliminate any resultant adverse
24 impacts on the surface water, groundwater, and other natural resources of the
25 county. Any change in the use of the property must comply with State and Federal
26 regulations as well as the Monroe County Code, the Monroe County
27 Comprehensive Plan and the Livable CommuniKeys Plans.
28

29 Effects on Redevelopment/Infill Potential

30 Sheet 267 of the 1985 Habitat Maps shows the subject parcel as disturbed (740).
31 The map shows at least five (5) canopy trees left after the permitted clearing in
32 1976. No hammock was located on the property at that time. Currently, canopy
33 trees are still present and undisturbed hammock is found along Grouper Trail. If
34 an application for a development permit was pursued on this parcel, a site visit to
35 the property would be mandatory for additional analysis. Federal, State and
36 County regulations shall be followed, particularly MC Code Section 118-9(a-c)
37 on open space requirements.
38
39
40

Monroe County Conservation Lands
Purchased with FCT Grant Funding
Upper Sugarloaf Key
Map 1 of 11



0 210 420 840 Feet



subject parcels are shown in blue

Monroe County Conservation Lands
Purchased with FCT Grant Funding
Cudjoe Acres - Cudjoe Key
Map 2 of 11



ASTURIAS RD

VALENCIA RD

SPAIN BLVD

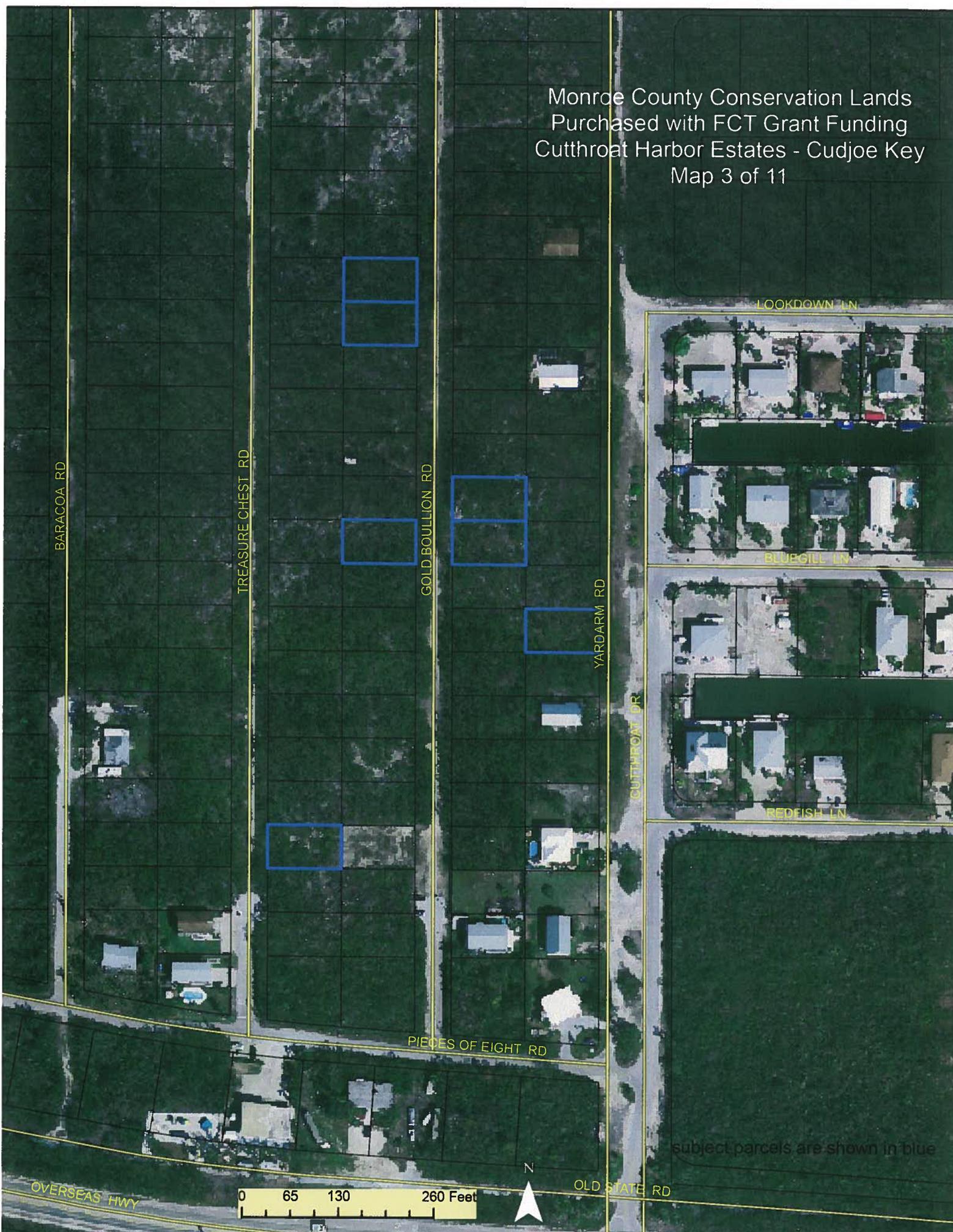
DISTURBED PINE RD

0 90 180 360 Feet



subject parcels are shown in blue

Monroe County Conservation Lands
Purchased with FCT Grant Funding
Cutthroat Harbor Estates - Cudjoe Key
Map 3 of 11



subject parcels are shown in blue

Monroe County Conservation Lands
Purchased with FCT Grant Funding
Summerland Estates - Summerland Key
Map 4 of 11



SHORE DR

KATHERINE ST

MARGARET ST

41ST ST

40TH ST

subject parcels are shown in blue

0 45 90 180 Feet



Monroe County Conservation Lands
Purchased with FCT Grant Funding
Big Pine Key
Map 5 of 11



SHIPS WAY

JOURNEYS END RD

HENRY LN

SANDY CIR

OVERSEAS HWY

CAHILL CT

CAHILL CT

LOBSTER TAIL RD

PELICAN LN

NEWFOUND HARBOR RD

HORVATH RD



0 85 170 340 Feet

subject parcels are shown in blue



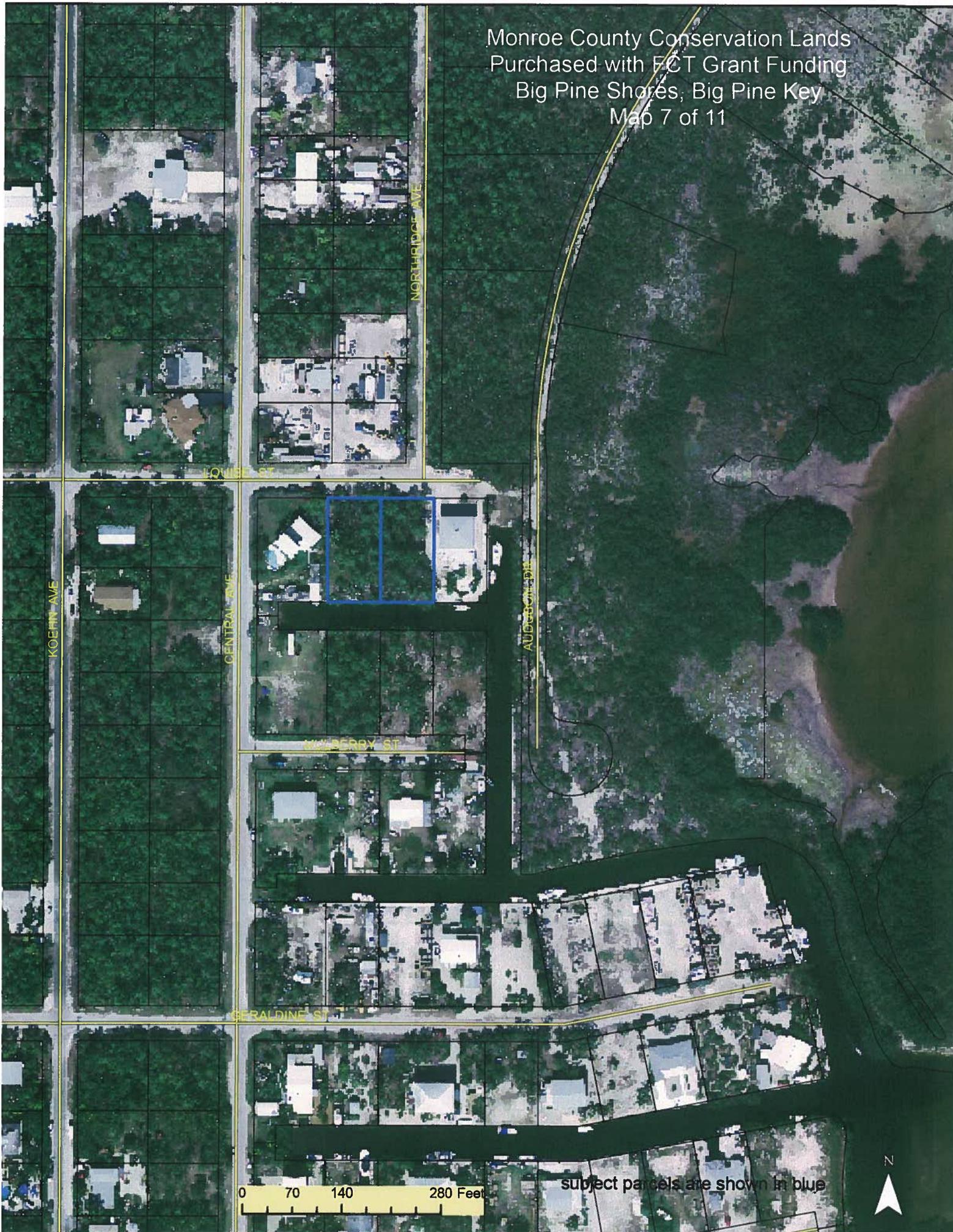
Monroe County Conservation Lands
Purchased with FCT Grant Funding
Big Pine Key
Map 6 of 11



0 35 70 140 Feet

subject parcels are shown in blue

Monroe County Conservation Lands
Purchased with FCT Grant Funding
Big Pine Shores, Big Pine Key
Map 7 of 11



0 70 140 280 Feet

subject parcels are shown in blue



Monroe County Conservation Lands
Purchased with FCT Grant Funding
Adobe Casa Court, Key Largo
Map 8 of 11



CASA COURT DR

0 30 60 120 Feet

subject parcels are shown in blue



Monroe County Conservation Lands
Purchased with FCT Grant Funding
Bay Haven Subdivision, Key Largo
Map 9 of 11



BAY HARBOR DR

NORTH DR

MANGROVE AVE

MAYTOWN AVE

BAYVIEW AVE

OVERSEAS HWY

CENTRAL AVE

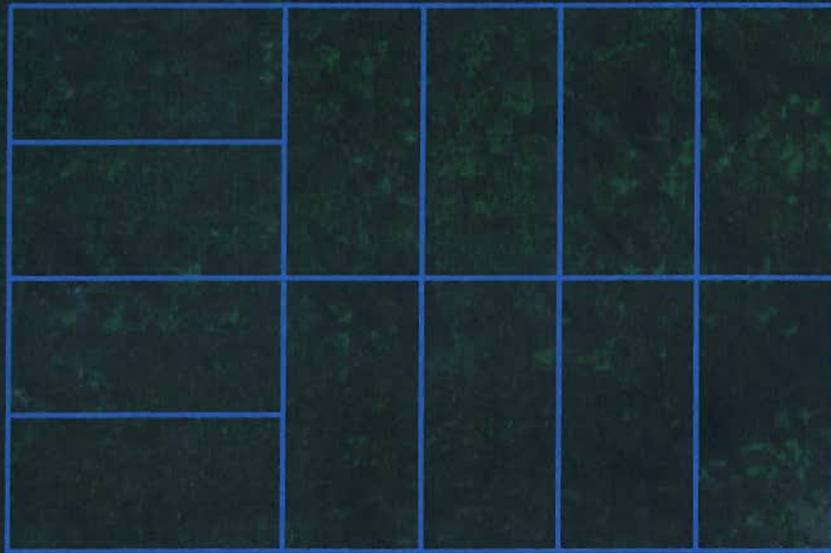
MERIDIAN AVE

0 70 140 280 Feet

subject parcels are shown in blue

N

Monroe County Conservation Lands
Purchased with FCT Grant Funding
Thompson's Subdivision, Key Largo
Map 10 of 11



Monroe County Conservation Lands
Purchased with FCT Grant Funding
Anglers' Park, Key Largo
Map 11 of 11



SWEETING RD

OVERSEAS HWY

DOLPHIN AVE

BONITO AVE

BARRACUDA BLVD

BARRACUDA BLVD

BLUE RUNNER ST



subject parcels are shown in blue





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

To: Development Review Committee
Through: Townsley Schwab, Senior Director of Environmental & Planning Resources *TS*
Mitch Harvey, AICP, Comprehensive Planning Manager *m/h*
From: Kathy Grasser, Comprehensive Planner *KG*
Date: September 25, 2009
Subject: Request for amendments on 127 county-owned vacant parcels to the current Land Use District (LUD) map.

DRC Meeting: October 6, 2009

I REQUEST

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

The 127 parcels are contained within eight (8) LUD categories, shown below.

EXISTING ZONING	#
COMMERICAL FISHING DISTRICT	3
IMPROVED SUBDIVISION	96
IMPROVED SUBDIVISION / NATIVE AREA	2
IMPROVED SUBDIVISION / DUPLEX	2
NATIVE AREA	5
SUB URBAN COMMERCIAL	6
SUBURBAN RESIDENTIAL	12
SUB URBAN RESIDENTIAL / LIMITED	1
TOTAL	127

II PROCESS

Amendments may be proposed by the Board of County Commissioners (BOCC), the Planning Commission, the Director of Planning, or the owner or other person having a

1 contractual interest in property to be affected by a proposed amendment. The Director of
2 Planning shall review and process map amendment applications as they are received and pass
3 them on to the Development Review Committee and the Planning Commission for
4 recommendation and final action by the BOCC.

5
6 The Planning Commission shall hold at least one public hearing on a proposed FLUM/LUD
7 amendment. The Planning Commission shall review the application, the reports and
8 recommendations of the Department of Planning & Environmental Resources and the
9 Development Review Committee, and the testimony given at the public hearing, and shall
10 submit its recommendations and findings to the BOCC.

11
12 The BOCC shall hold at least one public hearing on a proposed FLUM amendment. The
13 BOCC shall consider the report and recommendation of and the testimony given at the public
14 hearings and may either deny the FLUM application or adopt a resolution upon transmitting
15 the proposed FLUM amendment to the DCA. Ordinances are then reviewed by the Florida
16 Department of Community Affairs and returned to the County with objections,
17 recommendations and comments to be considered prior to adoption of the ordinance. Then,
18 an adoption hearing is scheduled for the BOCC.

19
20 Once the FLUM ordinance becomes effective, the BOCC considers the LUD report and
21 recommendation of and the testimony given at the public hearing and may either deny or
22 adopt the application upon transmitting the proposed LUD amendment to the DCA.
23 Ordinances are then reviewed by the Florida Department of Community Affairs and returned
24 to the County with objections, recommendations and comments.

25 26 RELEVANT PRIOR COUNTY ACTIONS

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

35 36 III BACKGROUND INFORMATION

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

1
2 SUMMARY:

- 3 A. Total Area Proposed to be Amended: 28.87 acres.
4 B. Tier: Tier 1
5 C. Existing Use: Vacant.
6 D. Community Character: The community character of the immediate vicinity of each of
7 the 127 parcels range from vacant lands to lands that contain mixed use / commercial
8 uses.
9

10 REVIEW OF APPLICATION

- 11 A. *Consistency of the proposed amendment with the provisions and intent of the Monroe*
12 *County Comprehensive Plan*

13
14 The proposed Conservation District (CD) LUD amendment will preserve the natural and
15 historic resources and provide passive recreational uses. Once the LUD is adopted,
16 28.87 acres of Tier I land will remain vacant in perpetuity. By amending the LUD to the
17 Conservation District (CD) zoning category will enable Tier I county owned vacant lands
18 to preserve the natural environment in perpetuity. Growth will be directed to lands more
19 suitable for development.

20
21 Goal 105: Monroe County shall undertake a comprehensive land acquisition
22 program and smart growth initiatives in conjunction with its Livable
23 CommuniKeys Program in a manner that recognizes the finite capacity for new
24 development in the Florida Keys by providing economic and housing
25 opportunities for residents without compromising the biodiversity of the natural
26 environment and the continued ability of the natural and manmade systems to
27 sustain livable communities in the Florida Keys for future generations.

28
29 Objective 105.1: Monroe County shall implement smart growth initiatives in
30 conjunction with its Livable CommuniKeys and Land Acquisition Programs
31 which promote innovative and flexible development processes to preserve the
32 natural environment, maintain and enhance the community character and quality
33 of life, redevelop blighted commercial and residential areas, remove barriers to
34 design concepts, reduce sprawl, and direct future growth to appropriate infill
35 areas.
36

- 37 B. *Consistency of the proposed amendment with the provisions and intent of Chapter 102 of*
38 *the Monroe County Code, Land Development Regulations:*

39
40 Monroe County Code Sec. 130-28 states that the purpose of the conservation district
41 (CD) is to provide an area acquired for conservation purposes or subject to deed
42 restrictions limiting the use of the property for conservation purposes.

43
44 In accordance with MCC Sec. 102-158(d)(5)b., the BOCC may consider the adoption of
45 an ordinance enacting the proposed change based on one (1) or more of the following

1 factors: changed projections; changed assumptions; data errors; new issues; recognition
2 of a need for additional detail or comprehensiveness; and data updates. The following
3 criteria are not applicable to the proposed LUD amendments: *changed projections,*
4 *changed assumptions; data errors; new issues;* and *data updates.* Staff finds the proposed
5 LUD amendments in accordance with MC Sec. 102-158, consistent with subsection
6 '*recognition of a need for additional detail or comprehensiveness*'.

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

17
18 The grant agreement requires that the County amend the zoning designations of any
19 properties purchased using this grant to a conservation designation. Fifteen years after
20 the grant agreement was executed, this amendment still needs to occur.

21
22 C. *Consistency with the Principles for Guiding Development in the Florida Keys Area of*
23 *Critical State Concern pursuant to F.S. Chapter 380.0552(7).* For the purposes of
24 reviewing consistency of the adopted plan or any amendments to that plan with the
25 principles for guiding development and any amendments to the principles, the principles
26 shall be construed as a whole and no specific provision shall be construed or applied in
27 isolation from the other provisions.

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

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

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

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

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

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

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

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

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

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

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

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

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

21 All parcels are located in Tier 1 and will remain vacant. The proposed LUD change for
22 the 28.87 acres will not affect natural resources. Staff finds proposed LUD amendment
23 consistent with the Principles for Guiding Development as a whole and not inconsistent
24 with any one principle.
25

26 **LIVABLE COMMUNIKEYS PLANS**

27 By amending the future land use map to the Conservation district (CF) zoning category
28 will enable 127 Tier I county-owned vacant parcels to be preserved in their natural
29 environment in perpetuity. Growth will be directed to lands more suitable for
30 development. The amendments are consistent with the Livable CommuniKeys Plans
31 (LCP) goals of Big Pine / No Name Key, Tavernier, and Key Largo.
32

33 **Big Pine Key / No Name Key**

34 Goal 1: Direct future growth to lands that are intrinsically most suitable for
35 development and encourage conservation and protection of
36 environmentally sensitive lands by using the relative wildlife habitat value
37 of land as a basis for development decisions on Big Pine Key and No
38 Name Key.
39

40 Goal 6: Provide facilities for the active and passive recreational needs of all age
41 groups in the community while avoiding unnecessary impacts to the
42 protected species.
43

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

5 **Key Largo LCP**

6 Strategy 9.3: Enhance current passive recreational areas to provide adequate
7 accessibility and outdoor education opportunities to all users,
8 while maintaining the sensitive natural and cultural resources
9 within the planning area.
10

11 Action Item 9.3.1: Provide a variety of appropriate quality passive recreational
12 activities and outdoor educational opportunities where consistent
13 with overarching environmental conservation responsibilities.
14

15 Action Item 9.3.4: Prioritize the acquisition of public recreational lands to maximize
16 the preservation of scenic vistas, undeveloped views, and access
17 to water resources.
18

19 **Tavernier LCP**

20 Goal 1: Direct future growth to lands that are most suitable for development,
21 prevent sprawl into less developed areas and encourage preservation of
22 environmentally sensitive lands.
23

24 Goal 2: Preserve and protect the qualities of neighborhoods between Tavernier
25 creek bridge and mile marker 97 - its small town unique character, lush
26 natural environment and water orientation.
27

28 Goal 6: Preserve, manage, and restore where appropriate, the natural resources
29 within the planning area, taking care to preserve open space and protect
30 water quality and to acquire environmentally sensitive lands.
31

32 Goal 10: Enhance existing park facilities and provide additional resources for active
33 and passive land-based recreation and protect shoreline access for water
34 based recreational activities for all age groups within the community.
35

36 D. *Impact on Community Character:*

37 MCC Section 102-158 maintains the proposed LUD amendments may not permit an
38 adverse change in community character. Passive recreational uses are a permitted use in
39 the Conservation District (CD) land use category (MCC Section 130-76). No minor or
40 major conditional uses are permitted.
41

42 The lands are vacant and will be used for passive recreational uses and to preserve the
43 natural character of the land. The proposed LUD amendments will require the lands to
44 remain vacant in perpetuity. Therefore, the following factors will not be affected by the
45 FLUM amendment: *local use compatibility, density and intensity, local traffic and*

1 *parking, effects on public facilities, traffic circulation, solid waste, potable water, effects*
2 *on redevelopment/infill potential and stormwater.*

3
4 The proposed LUD amendment will preserve existing natural resources. Monroe County Code
5 Sec. 130-28 states that the purpose of the conservation district (CD) is to provide an area
6 acquired for conservation purposes or subject to deed restrictions limiting the use of the property
7 for conservation purposes. The proposed LUD change on the 127 parcels to Conservation
8 District (CD) for the 28.87 acres will preserve the natural and historic resources and compatible
9 passive recreational uses for publicly owned lands.

10
11 VIII. RECOMMENDATION:

12
13 Staff recommends APPROVAL