

AGENDA

DEVELOPMENT REVIEW COMMITTEE

-  
Monday, October 19, 2009

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PURSUANT TO Florida Statute 286.011(1), the Development Review Committee of Monroe County will conduct a meeting on October 19, 2009 beginning at 10:00 AM at the Marathon Government Center, Conference & Media Room (1st Floor, 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:

Mitch Harvey, Comprehensive Plan Manager  
Kathy Grasser, Comprehensive Planner

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 ft<sup>2</sup> 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 Withdrawal Letter.PDF](#)

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NEW ITEMS:

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2. A RESOLUTION RECOMMENDING APPROVAL OF THE REQUEST BY W. F. MCCAIN, INC., ON BEHALF OF SIEVER'S MARINE, INC TO AMEND THE LAND USE DISTRICT DESIGNATION FROM IMPROVED SUBDIVISION (IS) TO SUBURBAN COMMERCIAL (SC) OF PROPERTY LEGALLY DESCRIBED AS BLOCK 1, LOTS 11, 12 AND 13, OCEAN ISLE ESTATES, MONROE COUNTY, FLORIDA AND HAVING REAL ESTATE NUMBERS 00538170.000000, 00538180.000000 AND 00538190.000000

[M27092 FILE.pdf](#)

[M27092 Map.pdf](#)

[M27092 Resolution No. DRC 9-09.PDF](#)

[M27092 SR DRC 10.19.09.PDF](#)

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3. 17001 & 17075 Overseas Highway, Sugar Loaf Key, Mile Marker 17: A request by Lloyd A. Good, Jr., to amend the Land Use District designation from Destination Resort (DR) and Sub Urban Commercial (SC) to Mixed Use (MU) in accordance with Section 130-88 of the Monroe County Code. The subject parcels are described as Section 3, Township 67, Range 27 Part Lot 3 & Part Lot 4 having real estate number 00118420.000000, Part Lot 3 having real estate number 00118470.000000 and Section 34 Township 66 Range 27 Part Lot 3 having real estate number 00117930.000000.

[M28098 SR DRC 10.19.09.pdf](#)

ADJOURNMENT

-

October 13, 2010

# The Craig Company

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

Mr. Joe Haberman, Principal Planner  
Monroe County Planning Department  
2798 Overseas Highway  
Marathon, Florida 33050



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

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

Phone: 305/294-1515  
Fax: 305/292-1525

E-mail: don@craigcompany.com

Subject: Banyan Grove – Withdrawal of Drugstore Application

Dear Joe:

Thanks for taking my call this morning. Yes I understand it is confusing having two open applications for the same property representing very different types of projects. This letter will confirm that the application by my client for the establishment of a drugstore on the Banyan Grove property on Stock Island is withdrawn.

My client wishes to proceed with the application I just submitted for the development of affordable housing on the site.

Obviously if the new application is not approved by the County my client reserves the right to resubmit an application for the development of a drugstore or other uses on the property.

Thanks for your assistance on this.

Very truly yours,

Donald L. Craig, AICP

DLC/jr

cc: Robert Spottswood and Peter Batty

File #: **M27092**

Project Name: **Sievers Marina, Inc.**

Common Name: **Sievers Marina, Inc.**

Type of Application: **FLUM & Map Amend.**

Key: **Key Largo**

RE #'s : **00538170.000000;**  
**00538180.000000; and**  
**00538190.000000**

**Additional Information added to File  
#M27092**

**Sievers Commercial**

**Key Largo, Florida**

**Request for Rezoning**

**And**

**Future Land Use Map Amendment**

**Justification**

**Revision 3**

**August 26, 2008**

*JUSTIFICATION 5*

## **Introduction:**

Key Largo is proud to promote their island as the first Key in the string of Florida Keys. As a tourist or other driver travels into Key Largo from mainland Florida, they cross mile marker 107 and enter a bend that directs all attention to lots 11-13 of Ocean Isle Estates located directly adjacent to and fronting U.S. 1, the Overseas Highway. As the lots exist today, they are vacant and cleared, providing little more than an eyesore where the actual "gateway" to the Keys exists. The properties' future land use designation of Residential Medium (RM) per the Monroe County Future Land Use Map (FLUM), and the current land use designation per the Monroe County Land Use District Map is Improved Subdivision (IS). Both of the existing land use designations prescribed for the subject properties along Overseas Highway (US-1) intend that development of the lots would consist of individual single family houses, which may actually do more to promote the problem of urban sprawl, rather than enhance the "gateway" to the Keys. This narrow corridor of lots fronting Overseas Highway (US-1) exemplifies the County staff and local community's concerns about protecting the character of the island, and promoting development of projects that create "a sense of place". It is the applicant's intent to amend the FLUM designation from RM to Mixed Use/Commercial (MC), with an intended zone of Suburban Commercial (SC) to allow development of the subject properties in a manner that is concurrent with the County's and local communities' goals and objectives. The factors that are used to justify amendment of the existing land use designation are covered in this report. The overriding justification for the FLUM amendment is an obvious one; individual single family homes do not belong on these sites.

## **Analysis and Rational for Change:**

The land surrounding the subject properties is comprised of a commercial fishing village to the Atlantic side which is supported by the Applicants' Buzzard's Roost Restaurant and Garden Cover Marina. A convenience store with gas station is located to the north along with other low to medium intensity retail stores in the general vicinity of the site. A visitor center/dive shop along with a construction staging area is located directly south of the project. Reference Figure 1 for an aerial map that shows the existing uses in the vicinity of the subject property.

Current land use in the vicinity of the site demonstrates the area's trending of compact mixed use "neighborhood" atmosphere. The Key Largo Livable Communikeys Plan (KLLCP), developed through both public and county staff input, recognizes the need for mixed use centers close to residential areas, which creates a greater sense of community identity. The ideal use for the subject properties would be a mix of low intensity commercial and affordable apartment/condo workforce housing units, which could potentially support the nearby Buzzards Roost Restaurant and Garden Cove Marina. The ability to

provide affordable housing units on this site would fill a vital need for workforce housing in the county and Key Largo in particular. The low intensity commercial use would serve not only as a buffer between Overseas Highway (US-1) and the existing single family residential units, but would also create the commercial environment along Overseas Highway (US-1) that is desired by County and the KLLCP in keeping with the current character of this stretch of the corridor.

It should also be noted that the existing IS zoning (reference Figure 2) and land use associated with the property would allow the proposed use through the major conditional use approval process. However, due to restrictions for the FLUM designation as Residential Medium (RM) on the Future Land Use Map (which is believed to be an error in the original map, reference Figure 3), the necessary commercial component is not a viable option. The Applicant, much like the Key Largo Livable Communities Plan (KLLCP), finds error in the comprehensive plan re-designating the property fronting the Overseas Highway in this area to a Future Land Use Map (FLUM) designation of Residential Medium (RM) in 1992. Due to the property's proximity to Overseas Highway (US-1), as well as other factors identified in this report, the FLUM designation of Mixed Use/Commercial (MC), and zoning of Suburban Commercial (SC) would be better suited for all the parcels of Ocean Isle Estates which are located directly adjacent to Overseas Highway (US-1). This use is currently exhibited by the lots that include the dive shop/Pennekamp Park welcome center (which was the original location of the Chamber of Commerce Welcome Center) and the construction staging area, and the majority of the Overseas Highway (US-1) corridor is currently zoned SC.

#### **Changed Projections:**

Since the Monroe County Comprehensive Plan's adoption in 1992 (based on the 1980 census data), the comprehensive plan and census data projected an even increase in future population through the entire county. The KLLCP addresses the need during this growth period to protect and enhance local community roots, while protecting local environmental resources. This application embodies the conclusions of the KLLCP; it replaces the single family residential (3 lots) adjacent to and fronting the Overseas Highway corridor with viable commercial and mixed class residential along a corridor of existing and prescribed suburban commercial development. The application for a FLUM amendment and re-zoning conforms to all the goals of the KLLCP. The change will allow development that is compatible with the goals of the KLLCP by protecting and enhancing local community life and minimizing the impact on Monroe County's environmental resources.

The combined lots on Overseas Highway (US-1) will not require any additional access on their frontage. The development will take advantage of two existing access points; i.e. N. End Road and Garden Cove Drive, and create an

interconnect between them allowing the abandonment of an existing undeveloped alley way to increase proper access traffic flow outside of the Overseas Highway. Even in the comprehensive plan, single family residential lot development was not properly addressed as single families and cars on a corridor road do not mix. It should be noted that within the nearby vicinity of the subject property, no other residential properties exist along the Overseas Highway (US-1) right of way other than Adam's Cut at approximately MM 103/104. 1/25

With the adoption of the KLLCP and the tier system, shifting in the planning philosophies along the Overseas Highway (US-1) corridor in areas of infill and meeting the "neighborhood communities" criteria including the provisions for a "walkable community" reducing area trip generation, this rezoning and FLUM amendment should be positively accepted.

The County will require all parcels to be combined into one developable lot at the time of site plan approval. This will, combined with the fact that the individual lots themselves are not large enough to support any mixed development, avoid individual lot sell-off and guarantee proper development as envisioned by the KLLCP. It should be noted that, not only will a Florida Department of Transportation (FDOT) curb cut for additional access not be sought from the FDOT, the FDOT will not grant one accept under the current single lot configuration.

**Changed Assumptions:**

The prescribed use of "mixed use development" per the KLLCP is an effective way of dealing with new growth issues in this part of the Keys vs. that of the Monroe County Comprehensive Plan designating this property as residential medium. Allowing Mixed Use/Commercial (MC) FLUM designation for this property creates a balance of environmental concerns; needs for housing in general, and fills a void for affordable housing. The allowance of this rezoning and FLUM amendment will serve as an enhancement to the surrounding area and the gateway to the Keys.

**Data errors, including errors in mapping:**

The IS land use designation for the subject parcels that are being proposed for rezoning to SC and FLUM amendment to MC is an obvious example of Key Largo residents' and planning staff concerns that the KLLCP for the area recommends a mixed use that provides workforce housing and a light commercial retail area where local residents can feel comfortable in an aesthetically pleasing environment. The IS designation given to the parcels was probably a part of a "package" designation requested by the developer of Ocean Isle Estates. The nature of the designation and factors leading to the designation

are better addressed by Monroe County planning officials who have easy access to records pertaining to the Ocean Isle development.

A portion of the Ocean Isle Estates subdivision currently includes a commercial fishing village supported by the marina and restaurant currently owned by the Applicant. The existing IS land use designation supports the Applicant's requested use for the subject property. Often, when broad brush comprehensive plans are quickly established at the beckoning of the state, pockets of unique development are often caught up by the basic underlying land use and not the specific character of the existing development or proximity to major thoroughfare related issues.

The KLLCP goes into great detail about the deficiencies of the existing FLUM. Under the heading of Goal 1 of the KLLCP, the narrative describes the tendency of the Monroe County Comprehensive Plan to have "down-zoned" many of the properties adjacent to Overseas Highway (US-1). The narrative then goes on to state that through the changed conditions and new information that has been brought forth since the Comprehensive Plan's adoption in 1986, it is now the goal of the County and the Community to restore the commercial use status along this corridor. Certainly, that is what the amendment of the FLUM to MC and rezone to SC would accomplish for the subject property.

#### **New Issues:**

Over time, since the Buzzard's Roost Marina and Restaurant first opened more than 30 years ago, the majority of the surrounding neighborhood has been built or has become a "fishing village" with the marina at its core. The neighborhood is supported to some extent with commercial development bordering Overseas Highway (US-1), commercial fishing, special district, mixed use commercial and improved subdivision. Through the recommendations in the KLLCP, the proposed FLUM amendment to MC and rezoning to SC enhances the surrounding uses, the adjacent "fishing village" and serves as a light commercial/residential buffer from Overseas Highway (US-1), blending into the other residential uses. With the ability to develop the property as a SC development, retail in support of the existing Village atmosphere could be built. The purpose of the existing IS district is to protect legally vested residential development rights to owners of lots in subdivisions that were established prior to the comprehensive plan. While existing plats at the time of the comprehensive plan development may have justified the IS designation, a closer review of the surrounding area indicates a strong correlation to the Suburban Commercial (SC) districts listed as to establish or conserve areas of commercial/mixed uses, and preserve these as areas representative of the character, economy and cultural history of the Florida Keys. The Applicant believes his request for rezoning to SC and FLUM amendment to MC will hold to this test and will assist with the integration of the overall local neighborhood culture.

### **Recognition of a need for additional detail or comprehensiveness:**

The proposed KLLCP to the Monroe County Comprehensive Plan establishes new priorities for detailed review for comprehensiveness regarding local communities in Key Largo. The consensus goals identified in the KLLCP are met by the implementation of the Applicant's re-zoning and FLUM amendment request as illustrated below. It is specifically noted in the KLLCP, Strategy 1.3, action item 1.3.7 (b) that commercial conformance status be preserved within the sections along the Overseas Highway (US-1) corridor. Although it is not a part of this application, it is suggested that Monroe County would pursue a change of zone and FLUM designation for the remaining Ocean Isle lots fronting Overseas Highway (US-1) to achieve a condition that is consistent with the goals of the KLLCP for the remaining lots adjacent to Overseas Highway (US-1). The applicant is currently making an effort to contact the adjacent owners within Ocean Isle estates to gain their support in the rezoning and FLUM amendment for the parcels along the Overseas Highway (US-1) right of way.

### **Land Use and Redevelopment**

- 1) Direct future growth to lands that are most suitable for development and encourage preservation of environmentally sensitive lands.*

The Applicant's property is in an optimal location for rezoning to SC and FLUM amendment to MC in that it affords upscale commercial, keeping with the fishing village appearance of the Keys to create a showcase at the entrance of Key Largo. The SC zone also allows a mix of residential above the commercial predominantly in support of affordable housing related back to the Buzzard's Roost Marina & Restaurant staff housing needs as well as housing needs in general. The proposed rezoning and FLUM amendment also eliminates single family housing units directly abutting a congested area of the Overseas Highway as well as removing the possibility of any new access points along Overseas Highway (US-1). This is all accomplished without any detriment to any environmentally sensitive lands, and if anything, through proper stormwater treatment facilities, will improve the environmental status quo over single family residential construction on existing platted lots.

### **Community Character**

- 2) Preserve and enhance important community qualities within the planning area that define Key Largo's casual village style atmosphere and natural environment and that enhance its status as the first island of the Florida Keys.*

As studied previously, the Applicant believes that the rezoning to SC and FLUM amendment to MC will not only fit into the surrounding existing

development but will enhance the “village style” atmosphere as a gateway view into Key Largo. The proposed development will provide an immediate visual enhancement over the existing 3 scarified lots.

*3) Protect and enhance historic, cultural and archeological resources within Key Largo to maintain the integrity of the community’s unique character.*

While the proposed development neither enhances historic or archeological resources, it does protect and enhance cultural aspects of the community while maintaining and enhancing the community’s unique character; village style construction, i.e. residential over commercial.

### **Housing**

*4) Maintain the availability of affordable housing and workforce housing for local residents while preserving the character of the community.*

The client’s incentive toward providing some workforce housing units in the project is driven by the needs of his own staff at Buzzard’s Roost Restaurant and Garden Cove Marina, just blocks away from the site. The rezoning to SC and FLUM amendment to MC allows significantly needed workforce housing to be built.

### **Environmental Protection**

*5) Preserve, manage, and restore where appropriate, the natural resources within the planning area by providing open space, protecting water quality and acquiring and managing environmentally sensitive lands.*

Given that the lots have been in their existing scarified state for such a long time, along with the required on-site stormwater treatment the project will provide, the request meets the environmental protection goal of the KLLCP.

### **Economic Development**

*6) Encourage redevelopment and infill development that supports and enhances the tourist based economy of the planning area.*

The request meets the economic development goal encouraging infill development while enhancing the tourism based economy. This will be accomplished with portions of the commercial business associated back to the Buzzard’s Roost Restaurant and Garden Cove Marina, additional island retail and a mix of workforce housing as previously stated.

*7) Recognize water-dependent and water-related commercial uses as an important source of economic sustainability within the planning area.*

As this goal recognizes the need to support water-dependent and water related commercial uses, the proposed rezoning and FLUM amendment will allow for the development of both support services for the Buzzard's Roost Restaurant and Garden Cove Marina as well as commercial development over the subject properties.

### **Transportation**

*8) Provide residents and visitors of the planning area with a safe and useable transportation system for vehicles, bicycles and pedestrians with opportunities for transit systems where appropriate.*

Workforce housing located within the subject property would enable residents the ability to walk to work at either the nearby existing commercial/retail developments or the proposed commercial developments that would be feasible with the change to the SC zone and MC FLUM designation. As stated by the KLLCP, developments that promote pedestrian activity are encouraged, and it would be desirable to decrease the need for additional trips, possibly congesting the Overseas Highway (US-1). The approval of the requested SC rezoning and FLUM amendment to MC will require joining of all 3 lots, potentially eliminating an additional access point to the Overseas Highway.

### **Recreation**

*9) Provide additional resources for enhancement of existing facilities, expansion of active and passive land-based recreation opportunities and seek to expand public shoreline access for water-based recreational activities for all age groups within the community.*

The proposed rezoning to SC and FLUM amendment to MC will allow the development of a portion of the project to serve as support for the Buzzard's Roost Restaurant and Garden Cove Marina thereby enhancing areas for water based activities.

### **Community Facilities**

*10) Provide adequate public facilities to serve the existing and future needs of the planning area.*

Public facilities are adequate to support the rezoning to SC as well as the FLUM amendment to MC that have been requested. The Applicant has satisfied the consensus goals identified in the KLLCP. Approval of the FLUM amendment to MC and rezoning to SC will only net a positive effect on the upper Key Largo area.

**Sievers Commercial  
Key Largo, Florida  
Request for Rezoning**

**And**

**Future Land Use Map Amendment**

**Justification**

**Revision 3**

**August 26, 2008**

*JUSTIFICATION 5*

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#### **New Issues:**

Over time, since the Buzzard's Roost Marina and Restaurant first opened more than 30 years ago, the majority of the surrounding neighborhood has been built or has become a "fishing village" with the marina at its core. The neighborhood is supported to some extent with commercial development bordering Overseas Highway (US-1), commercial fishing, special district, mixed use commercial and improved subdivision. Through the recommendations in the KLLCP, the proposed FLUM amendment to MC and rezoning to SC enhances the surrounding uses, the adjacent "fishing village" and serves as a light commercial/residential buffer from Overseas Highway (US-1), blending into the other residential uses. With the ability to develop the property as a SC development, retail in support of the existing Village atmosphere could be built. The purpose of the existing IS district is to protect legally vested residential development rights to owners of lots in subdivisions that were established prior to the comprehensive plan. While existing plats at the time of the comprehensive plan development may have justified the IS designation, a closer review of the surrounding area indicates a strong correlation to the Suburban Commercial (SC) districts listed as to establish or conserve areas of commercial/mixed uses, and preserve these as areas representative of the character, economy and cultural history of the Florida Keys. The Applicant believes his request for rezoning to SC and FLUM amendment to MC will hold to this test and will assist with the integration of the overall local neighborhood culture.

### **Recognition of a need for additional detail or comprehensiveness:**

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### **Land Use and Redevelopment**

- 1) Direct future growth to lands that are most suitable for development and encourage preservation of environmentally sensitive lands.*

The Applicant's property is in an optimal location for rezoning to SC and FLUM amendment to MC in that it affords upscale commercial, keeping with the fishing village appearance of the Keys to create a showcase at the entrance of Key Largo. The SC zone also allows a mix of residential above the commercial predominantly in support of affordable housing related back to the Buzzard's Roost Marina & Restaurant staff housing needs as well as housing needs in general. The proposed rezoning and FLUM amendment also eliminates single family housing units directly abutting a congested area of the Overseas Highway as well as removing the possibility of any new access points along Overseas Highway (US-1). This is all accomplished without any detriment to any environmentally sensitive lands, and if anything, through proper stormwater treatment facilities, will improve the environmental status quo over single family residential construction on existing platted lots.

### **Community Character**

- 2) Preserve and enhance important community qualities within the planning area that define Key Largo's casual village style atmosphere and natural environment and that enhance its status as the first island of the Florida Keys.*

As studied previously, the Applicant believes that the rezoning to SC and FLUM amendment to MC will not only fit into the surrounding existing

development but will enhance the “village style” atmosphere as a gateway view into Key Largo. The proposed development will provide an immediate visual enhancement over the existing 3 scarified lots.

*3) Protect and enhance historic, cultural and archeological resources within Key Largo to maintain the integrity of the community's unique character.*

While the proposed development neither enhances historic or archeological resources, it does protect and enhance cultural aspects of the community while maintaining and enhancing the community's unique character; village style construction, i.e. residential over commercial.

### **Housing**

*4) Maintain the availability of affordable housing and workforce housing for local residents while preserving the character of the community.*

The client's incentive toward providing some workforce housing units in the project is driven by the needs of his own staff at Buzzard's Roost Restaurant and Garden Cove Marina, just blocks away from the site. The rezoning to SC and FLUM amendment to MC allows significantly needed workforce housing to be built.

### **Environmental Protection**

*5) Preserve, manage, and restore where appropriate, the natural resources within the planning area by providing open space, protecting water quality and acquiring and managing environmentally sensitive lands.*

Given that the lots have been in their existing scarified state for such a long time, along with the required on-site stormwater treatment the project will provide, the request meets the environmental protection goal of the KLLCP.

### **Economic Development**

*6) Encourage redevelopment and infill development that supports and enhances the tourist based economy of the planning area.*

The request meets the economic development goal encouraging infill development while enhancing the tourism based economy. This will be accomplished with portions of the commercial business associated back to the Buzzard's Roost Restaurant and Garden Cove Marina, additional island retail and a mix of workforce housing as previously stated.

*7) Recognize water-dependent and water-related commercial uses as an important source of economic sustainability within the planning area.*

As this goal recognizes the need to support water-dependent and water related commercial uses, the proposed rezoning and FLUM amendment will allow for the development of both support services for the Buzzard's Roost Restaurant and Garden Cove Marina as well as commercial development over the subject properties.

### **Transportation**

*8) Provide residents and visitors of the planning area with a safe and useable transportation system for vehicles, bicycles and pedestrians with opportunities for transit systems where appropriate.*

Workforce housing located within the subject property would enable residents the ability to walk to work at either the nearby existing commercial/retail developments or the proposed commercial developments that would be feasible with the change to the SC zone and MC FLUM designation. As stated by the KLLCP, developments that promote pedestrian activity are encouraged, and it would be desirable to decrease the need for additional trips, possibly congesting the Overseas Highway (US-1). The approval of the requested SC rezoning and FLUM amendment to MC will require joining of all 3 lots, potentially eliminating an additional access point to the Overseas Highway.

### **Recreation**

*9) Provide additional resources for enhancement of existing facilities, expansion of active and passive land-based recreation opportunities and seek to expand public shoreline access for water-based recreational activities for all age groups within the community.*

The proposed rezoning to SC and FLUM amendment to MC will allow the development of a portion of the project to serve as support for the Buzzard's Roost Restaurant and Garden Cove Marina thereby enhancing areas for water based activities.

### **Community Facilities**

*10) Provide adequate public facilities to serve the existing and future needs of the planning area.*

Public facilities are adequate to support the rezoning to SC as well as the FLUM amendment to MC that have been requested. The Applicant has satisfied the consensus goals identified in the KLLCP. Approval of the FLUM amendment to MC and rezoning to SC will only net a positive effect on the upper Key Largo area.

**Petrick-Nicole**

---

**From:** Linda Marvin [Linda@wfmccain.com]  
**Sent:** Monday, April 07, 2008 11:38 AM  
**To:** Petrick-Nicole; Schwab-Townsley; Grasser-Kathy  
**Cc:** william@wfmccain.com; wfmcc2455@aol.com  
**Subject:** Sievers Map Amendment Engineer's Project 07-213

Nicole,

We are requesting a continuance for the above-referenced until the 4/22/08 DRC. Please forward a copy of the staff report as soon as it is available.

Thank you

Regards,

Linda

Linda Marvin  
W. F. McCain & Associates, Inc.  
772-770-1093-ph  
772-770-1508-fax  
admin@wfmccain.com

**Petrick-Nicole**

---

**From:** Linda Marvin [Linda@wfmccain.com]  
**Sent:** Wednesday, March 05, 2008 3:21 PM  
**To:** Tedesco-Debby; Schwab-Townsley; Petrick-Nicole  
**Cc:** william@wfmccain.com  
**Subject:** Sievers Map Amendment

Debby,

I am requesting a continuance for the Sievers Map Amendment Justification until 4/8/08 DRC. We are awaiting comments on our Draft justification from Growth Management prior to scheduling it to go before the Committee.

Please advise me of any concerns or comments regarding this request for continuance.

Thank you for your assistance.

Linda

Linda Marvin  
W. F. McCain & Associates, Inc.  
772-770-1093-ph  
772-770-1508-fax  
admin@wfmccain.com

**Sievers Commercial**

**Key Largo, Florida**

**Request for Rezoning**

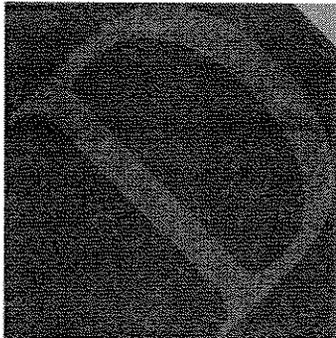
**And**

**Future Land Use Map Amendment**

**Justification**

**Revision 2**

**March 3, 2008**



## **Introduction:**

Key Largo is proud to promote their island as the first Key in the string of Florida Keys. As a tourist or other driver travels into Key Largo from mainland Florida, they cross mile marker 107 and enter a bend that directs all attention to the site proposed for re-development. As it exists today, the cleared site provides little more than an eyesore where the actual "gateway" exists. The properties' current future land use designation does not allow any development other than three individual single family houses (battling urban sprawl) and may actually do more to promote the problem rather than enhance the viewport to the Keys. A site such as the one proposed for development exemplifies the County staff and local community's concerns about the current land use designations as depicted in the Key Largo Livable Communikeys Plan (KLLCP). The factors that are used to justify overturning existing land use designations are covered in the Plan. The recommendations and reasoning behind those recommendations are defined by the site under consideration and are presented below. However, the overriding justification is an obvious one; individual single family homes do not belong on this site.

## **Analysis and Rational for Change:**

The property surrounding the subject properties is comprised of a commercial fishing village to the Atlantic side which is supported by the Applicants' restaurant and marina known as the "Buzzard's Roost". A convenience store is generally to the north along with other low to medium intensity retail stores in the general vicinity of the site.

Current land use in the vicinity of the site demonstrates the area's trending of a mixed use "neighborhood" atmosphere. The Key Largo Livable Communikeys Plan (KLLCP), developed through both public and county staff input, recognizes the need for mixed use parcels in areas similar to the Applicant's parcels as described above. The Applicant's proposed use would be a mix of low intensity commercial and apartment/condo living units comprised of both market value and workforce housing units in support of his existing Buzzard's Roost Restaurant and Marina.

It should also be noted that the existing zoning and land use associated with the property; i.e., Improved Subdivision (IS), would allow the proposed use through the major conditional use approval process. However due to restrictions for the property designation on the Future Land Use Map, this is not a viable option. The Applicant, much like the Key Largo Livable Communikeys Plan (KLLCP), finds error in the comprehensive plan re-designating the property fronting the Overseas Highway in this area to a Future Land Use Map (FLUM) designation of Residential Medium (RM) in 1992, and should qualify nicely as mixed use.

### **Changed Projections:**

Since the Monroe County Comprehensive Plan's adoption in 1992 (based on the 1980 census data), the comprehensive plan and census data projected an even increase in future population through the entire county. The KLLCP addresses the need during this growth period to protect and enhance local community roots, while protecting local environmental resources. This application embodies the conclusions of the KLLCP; it replaces the single family residential (3 lots) along and fronting the Overseas Highway corridor with viable mixed use commercial, mixed class residential in an area of mixed use neighborhood environment. The application for a FLUM amendment and re-zoning conforms to all the goals of the KLLCP. The change will allow development that is compatible with the goals of the KLLCP by protecting and enhancing local community life and minimizing the impact on Monroe County's environmental resources.

The combined lots on U. S. 1 will not require any additional access on their frontage. The development will take advantage of two existing access points; i.e. N. End Road and Garden Cove Drive, and create an interconnect between them allowing the abandonment of an existing undeveloped alley way to increase proper access traffic flow outside of the Overseas Highway. Even in the comprehensive plan, single family residential lot development was not properly addressed as single families and cars on a corridor road do not mix, as previously stated. Under the properties' current zoning, the proposed use is allowed with conditional use approval.

With the adoption of the KLLCP and the tier system, shifting in the planning philosophies along the U. S. No. 1 corridor in areas of infill and meeting the "neighborhood communities" criteria including the provisions for a "walkable community" reducing area trip generation, this rezoning and FLUM amendment should be positively accepted.

The County will require all parcels to be combined into one developable lot at the time of site plan approval. This will, combined with the fact that the individual lots themselves are not large enough to support any mixed development, avoid individual lot sell-off and guarantee proper development as envisioned by the KLLCP. It should be noted that, not only will a Florida Department of Transportation (FDOT) curb cut for additional access not be sought from the FDOT, the FDOT will not grant one except under the current single lot configuration.

**Changed Assumptions:**

The proscribed use of “mixed use development” per the KLLCP is an effective way of dealing with new growth issues in this part of the Keys vs. that of the Monroe County Comprehensive Plan designating this property as residential medium. Allowing “mixed use” designation for this property perpetuates a balance of environmental concerns; needs for housing in general, not to mention affordable housing in an area of existing development generally exhibiting the “mixed use” approach. The allowance of this rezoning and FLUM amendment will serve only to enhance the surrounding area and the gateway to the Keys.

**Data errors, including errors in mapping:**

The IS land use designation for the parcels that are being proposed for rezoning to MU and FLUM amendment is an obvious example of Key Largo residents’ and planning staff concerns that the KLLCP for the area recommends a mixed use that provides workforce housing and a light commercial retail area where local residents can feel comfortable in an aesthetically pleasing environment. The IS designation given to the parcels was probably a part of a “package” designation requested by the developer of Ocean Isle Estates. The nature of the designation and factors leading to the designation are better addressed by Monroe County planning officials who have easy access to records pertaining to the Ocean Isle development.

The area has long been predominantly a commercial fishing village supported by the marina and restaurant currently owned by the Applicant. The existing IS land use designation supports the Applicant’s requested use. Often, when broad brush comprehensive plans are quickly established at the beckoning of the state, pockets of unique development are often caught up by the basic underlying land use and not the specific character of the existing development or proximity to major thoroughfare related issues. The KLLCP identifies such areas and proposes to correct prior analysis and data errors restricting the use of the Applicant’s property as in the Figure 6 of the KLLCP: “boundaries of the Welcome Center overlay district in which the Applicant’s property is located”. The Applicant’s proposed development will be a corner stone of the “Welcome Center” overlay.

**New Issues:**

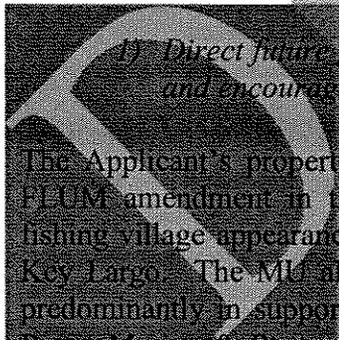
Over time, since the Buzzard’s Roost Marina and Restaurant first opened more than 30 years ago, the majority of the surrounding neighborhood has been built or has become a “fishing village” with the marina at it’s core.

The neighborhood is supported to some extent with commercial development bordering U. S. 1 “Overseas Highway”, commercial fishing, special district, mixed use commercial and improved subdivision. Through the recommendations in the KLLCP, the proposed FLUM amendment and rezoning to MU enhances the surrounding uses, the adjacent “fishing village” and serves as a light commercial/residential buffer from U. S. 1, blending into the other residential uses. The purpose of the existing IS district is to protect legally vested residential development rights to owners of lots in subdivisions that were established prior to the comprehensive plan. While existing plats at the time of the comprehensive plan development may have justified the IS designation, a closer review of the surrounding area indicates a strong drive to the mixed use (MU) districts listed as to establish or conserve areas of mixed uses, and preserve these as areas representative of the character, economy and cultural history of the Florida Keys. The Applicant believes his request for rezoning to MU and FLUM amendment will hold to this test and will assist with the integration of the overall local neighborhood culture.

**Recognition of a need for additional detail or comprehensiveness:**

The proposed KLLCP to the Monroe County Comprehensive Plan establishes new priorities for detailed review for comprehensiveness regarding local communities in Key Largo. The consensus goals identified in the KLLCP are met by the implementation of the Applicant’s re-zoning and FLUM amendment request as illustrated below.

**Land Use and Redevelopment**



*1) Direct future growth to lands that are most suitable for development and encourage preservation of environmentally sensitive lands.*

The Applicant’s property is in an optimal location for rezoning to MU and FLUM amendment in that it affords upscale commercial, keeping with the fishing village appearance of the Keys to create a showcase at the entrance of Key Largo. The MU also allows a mix of residential above the commercial predominantly in support of affordable housing related back to the Buzzard’s Roost Marina & Restaurant staff housing needs as well as housing needs in general. The proposed rezoning and FLUM amendment also eliminates single family housing units directly abutting a congested area of the Overseas Highway as well as removing the possibility of any new access points along U. S. 1. This is all accomplished without any detriment to any environmentally sensitive lands, and if anything, through proper stormwater treatment facilities, will improve the environmental status quo over single family residential construction on existing platted lots.

## **Community Character**

*2) Preserve and enhance important community qualities within the planning area that define Key Largo's casual village style atmosphere and natural environment and that enhance its status as the first island of the Florida Keys.*

As studied previously, the Applicant believes that the rezoning to MU and FLUM amendment will not only fit into the surrounding existing development but will enhance the "village style" atmosphere as a gateway view into Key Largo. The proposed development will provide an immediate visual enhancement over the existing 3 scarified lots.

*3) Protect and enhance historic, cultural and archeological resources within Key Largo to maintain the integrity of the community's unique character.*

While the proposed development neither enhances historic or archeological resources, it does protect and enhance cultural aspects of the community while maintaining and enhancing the community's unique character; village style construction, i.e. residential over commercial.

## **Housing**

*4) Maintain the availability of affordable housing and workforce housing for local residents while preserving the character of the community.*

The client's incentive toward providing some workforce housing units in the project is driven by the needs of his own staff at Buzzard's Roost, just blocks away from the site. The rezoning to MU and FLUM amendment allows for this as well as a return on his investment by allowing light commercial within the same development.

## **Environmental Protection**

*5) Preserve, manage, and restore where appropriate, the natural resources within the planning area by providing open space, protecting water quality and acquiring and managing environmentally sensitive lands.*

Given that the lots have been in their existing scarified state for such a long time, along with the required on-site stormwater treatment the project will provide, the request meets the environmental protection goal of the KLLCP.

## **Economic Development**

*6) Encourage redevelopment and infill development that supports and enhances the tourist based economy of the planning area.*

The request meets the economic development goal encouraging infill development while enhancing the tourism based economy. This will be accomplished with portions of the commercial business associated back to the Buzzard's Roost facility, additional island retail and a mix of workforce housing as previously stated, will support staffing at the Buzzard's Roost facility as well.

*7) Recognize water-dependent and water-related commercial uses as an important source of economic sustainability within the planning area.*

As this goal recognizes the need to support water-dependent and water related commercial uses, the proposed rezoning and FLUM amendment will allow for the development of both support services for the Buzzard's Roost as well as new viable commercial development.

## **Transportation**

*8) Provide residents and visitors of the planning area with a safe and useable transportation system for vehicles, bicycles and pedestrians with opportunities for transit systems where appropriate.*

The proposed rezoning and FLUM amendment has little effect in support of this goal except that the employees of Buzzard's Roost residing in the development will enjoy a walk to work. The approval of the requested MU rezoning and FLUM amendment will require joining of all 3 lots, potentially eliminating an additional access point to the Overseas Highway.

## **Recreation**

*9) Provide additional resources for enhancement of existing facilities, expansion of active and passive land-based recreation opportunities and seek to expand public shoreline access for water-based recreational activities for all age groups within the community.*

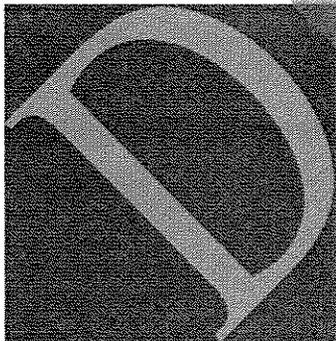
The proposed rezoning to MU and FLUM amendment will allow the development of a portion of the project to serve as support for the Buzzard's Roost Marina & Restaurant thereby enhancing areas for water based activities.

## Community Facilities

*10) Provide adequate public facilities to serve the existing and future needs of the planning area.*

Public facilities are adequate to support the rezoning to MU as well as the FLUM amendment that have been requested.

The Applicant has satisfied the consensus goals identified in the KLLCP. Approval of the FLUM amendment and rezoning to MU will only net a positive effect on the upper Key Largo area.



## Petrick-Nicole

---

**From:** Linda Marvin [Linda@wfmccain.com]  
**Sent:** Friday, February 22, 2008 3:56 PM  
**To:** Petrick-Nicole  
**Cc:** Schwab-Townsley; william@wfmccain.com  
**Subject:** Sievers Map Amendment 07-213

Nicole,

Per our earlier discussion, we are requesting a continuance for the above referenced to go before the DRC until 3/17/07.

Regards,

Linda

Linda Marvin  
W. F. McCain & Associates, Inc.  
772-770-1093-ph  
772-770-1508-fax  
admin@wfmccain.com

**Petrick-Nicole**

**From:** Linda Marvin [Linda@wfmccain.com]  
**Sent:** Monday, February 04, 2008 11:16 AM  
**To:** Petrick-Nicole; Handley-Heaven; Townsley-Schwab@monroecounty-fl.gov  
**Cc:** william@wfmccain.com  
**Subject:** RE: Siever's Marina 07-213

Nicole,

Thank you for this information. At this time, we would like to request a continuance until 3/3/08.

Regards,

Linda

Linda Marvin  
W. F. McCain & Associates, Inc.  
772-770-1093-ph  
772-770-1508-fax  
admin@wfmccain.com

---

**From:** Petrick-Nicole [mailto:Petrick-Nicole@monroecounty-fl.gov]  
**Sent:** Thursday, January 31, 2008 12:16 PM  
**To:** Linda Marvin  
**Cc:** Handley+Heaven; Schwab-Townsley  
**Subject:** RE: Siever's Marina 07-213

Linda,

We can only continue this item for DRC to a date certain.

The next available dates for DRC are as follows:

- Feb 20
- March 3
- March 17
- April 8
- April 22

If you wish to **table** this application to an unknown date you would have to submit another \$735.00 for advertising fees because we would have to re-advertise.

Please let me know the date you'd like to continue this application to or if you wish to table it.

Thanks!


*Nicole Petrick, CPM  
Planning Commission Coordinator*

*Marathon Gov't Center  
2798 Overseas Hwy., Suite 410  
Marathon, FL 33050  
Phone: (305)289-2522*

2/4/2008

Fax: (305) 289-2536

## HELP US HELP YOU!

**Please take a moment to complete our Customer Satisfaction Survey:**

<http://monroesurvey.virtualtownhall.net/survey.php?9acc14ae1b>

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

**From:** Linda Marvin [mailto:Linda@wfmccain.com]  
**Sent:** Thursday, January 31, 2008 11:35 AM  
**To:** Petrick-Nicole; Handley-Heaven; Schwab-Townsley  
**Cc:** william@wfmccain.com  
**Subject:** RE: Siever's Marina 07-213

Nicole,

I spoke with Heaven and there are still some minor modifications to be made to the justification. We are working on them but will not be able to make the 2/4/08 DRC. We would like to go before the committee with as strong a case as possible to receive a staff recommendation for approval and must, therefore, ask for a continuance until a date after we resubmit our revised justification.

Please advise.

Regards,

Linda

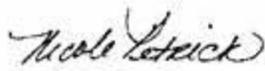
Linda Marvin  
 W. F. McCain & Associates, Inc.  
 772-770-1093-ph  
 772-770-1508-fax  
 admin@wfmccain.com

**From:** Petrick-Nicole [mailto:Petrick-Nicole@monroecounty-fl.gov]  
**Sent:** Wednesday, January 30, 2008 3:16 PM  
**To:** Linda Marvin  
**Cc:** Handley-Heaven; Schwab-Townsley  
**Subject:** RE: Siever's Marina 07-213

Linda,

I don't know yet. I have not received the Staff Report from the Planner yet. Heaven is being CC on this email. I will forward the report to you once received.

Thanks!




Nicole Petrick, CPM  
 Planning Commission Coordinator

Marathon Gov't Center  
 2798 Overseas Hwy., Suite 410  
 Marathon, FL 33050  
 Phone: (305) 289-2522  
 Fax: (305) 289-2536

2/4/2008

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**From:** Linda Marvin [mailto:Linda@wfmccain.com]  
**Sent:** Wednesday, January 30, 2008 3:09 PM  
**To:** Petrick-Nicole  
**Cc:** william@wfmccain.com  
**Subject:** RE: Siever's Marina 07-213

Nicole,

That's great news. Are we going to receive a recommendation for approval?

Thanks for all your help.

Linda

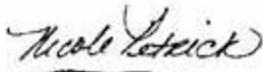
Linda Marvin  
 W. F. McCain & Associates, Inc.  
 772-770-1093-ph  
 772-770-1508-fax  
 admin@wfmccain.com

**From:** Petrick-Nicole [mailto:Petrick-Nicole@monroecounty-fl.gov]  
**Sent:** Wednesday, January 30, 2008 11:15 AM  
**To:** Linda Marvin; Handley-Heaven  
**Cc:** Bill McCain  
**Subject:** RE: Siever's Marina 07-213

Hi Linda,

Just a reminder that your project was continued to the 2/4/08 DRC meeting as requested in your email dated 1/21/08.

Thanks!




*Nicole Petrick, CPM  
 Planning Commission Coordinator*

*Marathon Gov't Center  
 2798 Overseas Hwy., Suite 410  
 Marathon, FL 33050  
 Phone: (305)289-2522  
 Fax: (305)289-2536*

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

**From:** Linda Marvin [mailto:Linda@wfmccain.com]  
**Sent:** Thursday, January 24, 2008 11:12 AM  
**To:** Petrick-Nicole; Handley-Heaven

2/4/2008

**Cc:** william@wfmccain.com  
**Subject:** Siever's Marina 07-213

Nicole and Heaven,

Attached is a "Draft" justification for Ron Siever's "Buzzard's Roost" project. Please review and comment. As we had discussed previously, if any changes are needed to gain a recommendation of approval, please contact me as soon as possible at 305-394-7743 or via e-mail to discuss. We would like to be on the earliest DRC possible with a recommendation for approval.

Thanks,

Linda

Linda Marvin  
W. F. McCain & Associates, Inc.  
772-770-1093-ph  
772-770-1508-fax  
admin@wfmccain.com

**Sievers Commercial**

**Key Largo, Florida**

**Request for Rezoning**

**And**

**Future Land Use Map Amendment**

**Justification**

**Revision 1**

**January 23, 2008**

## **Introduction:**

Key Largo is proud to promote their island as the first Key in the string of Florida Keys. As a tourist or other driver travels into Key Largo from mainland Florida, they cross mile marker 107 and enter a bend that directs all attention to the site proposed for re-development. As it exists today, the cleared site provides little more than an eyesore where the actual "gateway" exists. The properties' current future land use designation does not allow any development other than three individual single family houses (battling urban sprawl) and may actually do more to promote the problem rather than enhance the viewport to the Keys. A site such as the one proposed for development exemplifies the County staff and local community's concerns about the current land use designations as depicted in the Key Largo Livable Communikeys Plan (KLLCP). The factors that are used to justify overturning existing land use designations are covered in the Plan). The recommendations and reasoning behind those recommendations are defined by the site under consideration and are presented below.

## **Analysis and Rational for Change:**

The property surrounding the subject properties is comprised of a commercial fishing village to the Atlantic side which is supported by the Applicants' restaurant and marina known as the "Buzzard's Roost". A convenience store is generally to the north along with other low to medium intensity retail stores in the general vicinity of the site.

Current land use in the vicinity of the site demonstrates the area's trending of a mixed use "neighborhood" atmosphere. The Key Largo Livable Communikeys Plan (KLLCP), developed through both public and county staff input, recognizes the need for mixed use parcels in areas similar to the Applicant's parcels as described above. The Applicant's proposed use would be a mix of low intensity commercial and apartment/condo living units comprised of both market value and affordable housing units in support of his existing Buzzard's Roost Restaurant and Marina.

It should also be noted that the existing zoning and land use associated with the property; i.e., Improved Subdivision (IS), would allow the proposed use through the major conditional use approval process. The Applicant, much like the Key Largo Livable Communikeys Plan (KLLCP), finds error in the comprehensive plan re-designating the property fronting the Overseas Highway in this area to a Future Land Use Map (FLUM) designation of Residential Medium (RM) in 1992, and should qualify nicely as mixed use.

## **Changed Projections:**

Since the Monroe County Comprehensive Plan's adoption in 1992 (based on the 1980 census data), the comprehensive plan and census data

projected an even increase in future population through the entire county. The KLLCP addresses the need during this growth period to protect and enhance local community roots, while protecting local environmental resources. This application embodies the conclusions of the KLLCP; it replaces the single family residential (3 lots) along and fronting the Overseas Highway corridor with viable mixed use commercial, mixed class residential in an area of mixed use neighborhood environment. The application for a FLUM amendment and re-zoning conforms to all the goals of the KLLCP. The change will allow development that is compatible with the goals of the KLLCP by protecting and enhancing local community life and minimizing the impact on Monroe County's environmental resources.

The combined lots on U. S. 1 will not require any additional access on their frontage. The development will take advantage of two existing access points; i.e. N. End Road and Garden Cove Drive, and create an interconnect between them allowing the abandonment of an existing undeveloped alley way to increase proper access traffic flow outside of the Overseas Highway. Even in the comprehensive plan, single family residential lot development was not properly addressed as single families and cars on a corridor road do not mix, as previously stated. Under the properties' current zoning, the proposed use is allowed with conditional use.

With the adoption of the KLLCP and the tier system, shifting in the planning philosophies along the U. S. No. 1 corridor in areas of infill and meeting the "neighborhood" communities' criteria including the provisions for a "walkable community" reducing area trip generation, this rezoning and FLUM amendment should be positively accepted.

All parcels will be combined into one developable lot to avoid individual lot sell-off and guarantee proper development as envisioned by the KLLCP and a Florida Department of Transportation (FDOT) curb cut for additional access will not be sought from the FDOT.

**Changed Assumptions:**

The proscribed use of "mixed use development" per the KLLCP is an effective way of dealing with new growth issues in this part of the Keys vs. that of the Monroe County Comprehensive Plan designating this property as residential medium. Allowing "mixed use" designation for this property perpetuates a balance of environmental concerns; needs for housing in general, not to mention affordable housing in an area of existing development generally exhibiting the "mixed use" approach. The allowance of this rezoning and FLUM amendment will serve only to enhance the surrounding area and the gateway to the Keys.

**Data errors, including errors in mapping:**

The IS land use designation for the parcels that are being proposed for rezoning to MU and FLUM amendment is an obvious example of Key Largo residents' and planning staff concerns that the KLLCP for the area recommends a mixed use that provides affordable housing and a light commercial retail area where local residents can feel comfortable in an aesthetically pleasing environment. The IS designation given to the parcels was probably a part of a "package" designation requested by the developer of Ocean Isle Estates. The nature of the designation and factors leading to the designation are better addressed by Monroe County planning officials who have easy access to records pertaining to the Ocean Isle development.

The area has long been predominantly a commercial fishing village supported by the marina and restaurant currently owned by the Applicant. The existing IS land use designation supports the Applicant's requested use. Often, when broad brush comprehensive plans are quickly established at the beckoning of the state, pockets of unique development are often caught up by the basic underlying land use and not the specific character of the existing development or proximity to major thoroughfare related issues. The KLLCP identifies such areas and proposes to correct prior analysis and data errors restricting the use of the Applicant's property as in the Figure 6 of the KLLCP: "boundaries of the Welcome Center overlay district in which the Applicant's property is located". The Applicant's proposed development will be a corner stone of the "Welcome Center" overlay.

**New Issues:**

Over time, since the Buzzard's Roost Marina and Restaurant first opened some 40 years ago, the majority of the surrounding neighborhood has been built or has become a "fishing village" with the marina at it's core. The neighborhood is supported to some extent with commercial development bordering U. S. 1 "Overseas Highway", commercial fishing, special district, mixed use commercial and improved subdivision. Through the recommendations in the KLLCP, the proposed FLUM amendment and rezoning to MU enhances the surrounding uses, the adjacent "fishing village" and serves as a light commercial/residential buffer from U. S. 1, blending into the other residential uses. The purpose of the existing IS district is to protect legally vested residential development rights to owners of lots in subdivisions that were established prior to the comprehensive plan. While existing plats at the time of the comprehensive plan development may have justified the IS designation, a closer review of the surrounding area indicates a strong drive to the mixed use (MU) districts listed as to establish or conserve areas of mixed uses, and preserve these as areas representative of the character, economy and cultural history of the Florida Keys. The Applicant believes his request for rezoning to

MU and FLUM amendment will hold to this test and will assist with the integration of the overall local neighborhood culture.

**Recognition of a need for additional detail or comprehensiveness:**

The proposed KLLCP to the Monroe County Comprehensive Plan establishes new priorities for detailed review for comprehensiveness regarding local communities in Key Largo. The consensus goals identified in the KLLCP are met by the implementation of the Applicant's re-zoning and FLUM amendment request as illustrated below.

**Land Use and Redevelopment**

*1) Direct future growth to lands that are most suitable for development and encourage preservation of environmentally sensitive lands.*

The Applicant's property is in an optimal location for rezoning to MU and FLUM amendment in that it affords upscale commercial, keeping with the fishing village appearance of the Keys to create a showcase at the entrance of Key Largo. The MU also allows a mix of residential above the commercial predominantly in support of affordable housing related back to the Buzzard's Roost Marina & Restaurant staff housing needs. The proposed rezoning and FLUM amendment also eliminates single family housing units directly abutting a congested area of the Overseas Highway as well as removing the possibility of any new access points along U. S. 1. This is all accomplished without any detriment to any environmentally sensitive lands, and if anything, through proper stormwater treatment facilities, will improve the environmental status quo over single family residential construction on existing platted lots.

**Community Character**

*2) Preserve and enhance important community qualities within the planning area that define Key Largo's casual village style atmosphere and natural environment and that enhance its status as the first island of the Florida Keys.*

As studied previously, the Applicant believes that the rezoning to MU and FLUM amendment will not only fit into the surrounding existing development but will enhance the "village style" atmosphere as a gateway view into Key Largo. The proposed development will provide an immediate visual enhancement over the existing 3 scarified lots.

*3) Protect and enhance historic, cultural and archeological resources within Key Largo to maintain the integrity of the community's unique character.*

While the proposed development neither enhances historic or archeological resources, it does protect and enhance cultural aspects of the community while maintaining and enhancing the community's unique character; village style construction, i.e. residential over commercial.

### **Housing**

*4) Maintain the availability of affordable housing and workforce housing for local residents while preserving the character of the community.*

The client's incentive toward providing some workforce housing units in the project is driven by the needs of his own staff at Buzzard's Roost, just blocks away from the site. The rezoning to MU and FLUM amendment allows for this as well as a return on his investment by allowing light commercial within the same development.

### **Environmental Protection**

*5) Preserve, manage, and restore where appropriate, the natural resources within the planning area by providing open space, protecting water quality and acquiring and managing environmentally sensitive lands.*

Given that the lots have been in their existing scarified state for such a long time, along with the required on-site stormwater treatment the project will provide, the request meets the environmental protection goal of the KLLCP.

### **Economic Development**

*6) Encourage redevelopment and infill development that supports and enhances the tourist based economy of the planning area.*

The request meets the economic development goal encouraging infill development while enhancing the tourism based economy. This will be accomplished with portions of the commercial business associated back to the Buzzard's Roost facility, additional island retail and a mix of workforce housing as previously stated, will support staffing at the Buzzard's Roost facility as well.

*7) Recognize water-dependent and water-related commercial uses as an important source of economic sustainability within the planning area.*

As this goal recognizes the need to support water-dependent and water related commercial uses, the proposed rezoning and FLUM amendment will allow for the development of both support services for the Buzzard's Roost as well as new viable commercial development.

## **Transportation**

*8) Provide residents and visitors of the planning area with a safe and useable transportation system for vehicles, bicycles and pedestrians with opportunities for transit systems where appropriate.*

The proposed rezoning and FLUM amendment has little effect in support of this goal except that the employees of Buzzard's Roost residing in the development will enjoy a walk to work. The approval of the requested MU rezoning and FLUM amendment will require joining of all 3 lots, potentially eliminating an additional access point to the Overseas Highway.

## **Recreation**

*9) Provide additional resources for enhancement of existing facilities, expansion of active and passive land-based recreation opportunities and seek to expand public shoreline access for water-based recreational activities for all age groups within the community.*

The proposed rezoning to MU and FLUM amendment will allow the development of a portion of the project to serve as support for the Buzzard's Roost Marina & Restaurant thereby enhancing areas for water based activities.

## **Community Facilities**

*10) Provide adequate public facilities to serve the existing and future needs of the planning area.*

Public facilities are adequate to support the rezoning to MU as well as the FLUM amendment that have been requested.

The Applicant has satisfied the consensus goals identified in the KLLCP. Approval of the FLUM amendment and rezoning to MU will only net a positive effect on the upper Key Largo area.

**From:** Admin [admin@wfmccain.com]  
**Sent:** Monday, January 21, 2008 11:20 AM  
**To:** Handley-Heaven; Petrick-Nicole; Tedesco-Debby; Schwab-Townsley  
**Cc:** william@wfmccain.com  
**Subject:** RE: Continuing Map Amendment  
Nicole,

This e-mail is to verify our request for continuance of the Seivers Map Amendment application to the next DRC meeting scheduled for 2/4/08. We anticipate resubmitting our justification this week.

Thank you for your continued assistance.

Linda Marvin  
W.F. McCain & Associates, Inc.  
772-770-1093-p  
772-770-1508-f  
admin@wfmccain.com

---

**From:** Handley-Heaven [mailto:Handley-Heaven@MonroeCounty-FL.Gov]  
**Sent:** Friday, January 18, 2008 3:08 PM  
**To:** admin@wfmccain.com  
**Cc:** Schwab-Townsley; Tedesco-Debby  
**Subject:** Continuing Map Amendment

Dear Linda,  
We still have not received a second request for continuance for the Seiver's Marina Map Amendment. If you wish to continue please email either Nicole Petrick or Debbie Tedesco verifying your request to continue your application to the next DRC meeting.

Sincerely,

Heaven Handley  
Planner

**Monroe County Growth Management**  
88800 Overseas Highway  
Plantation Key, FL 33070  
(305)852-2505

**HELP US HELP YOU!**

**Please take a moment to complete our Customer Satisfaction Survey: [http://monroccofl.virtualtownhall.net/Pages/MonrocCoFL\\_WebDocs/css](http://monroccofl.virtualtownhall.net/Pages/MonrocCoFL_WebDocs/css)**

**Your feedback is important to us!**

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

**Petrick-Nicole**

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**From:** Linda Marvin [Linda@wfmccain.com]  
**Sent:** Wednesday, January 02, 2008 2:37 PM  
**To:** Petrick-Nicole; Handley-Heaven  
**Cc:** william@wfmccain.com  
**Subject:** Sievers DRC Request for continuance

Nicole,

Please reschedule the DRC for the map amendment portion of the above-referenced project currently scheduled for 1/7/08. As directed, we are expanding our justification to include concrete facts concerning the community and we request a continuance until details can be worked out with staff.

Please let us know the new date and if you require anything additional from us at this time.

Regards,

Linda Marvin  
W. F. McCain & Associates, Inc.  
772-770-1093-ph  
772-770-1508-fax  
admin@wfmccain.com

County of Monroe  
Growth Management Division

**Planning & Environmental Resources**

**Department**

2798 Overseas Highway, Suite 410

Marathon, FL 33050

Voice: (305) 289-2500

FAX: (305) 289-2536



**Board of County Commissioners**

Mayor Mario Di Gennaro, Dist. 4

Mayor Pro Tem Dixie Spehar, Dist. 1

George Neugent, Dist. 2

Charles "Sonny" McCoy, Dist. 3

Sylvia J. Murphy, Dist. 5

*We strive to be caring, professional and fair*

Date: 11/19/07  
Time: Courier from PK

Dear Applicant:

This is to acknowledge submittal of your application for Hum + Map  
Type of application

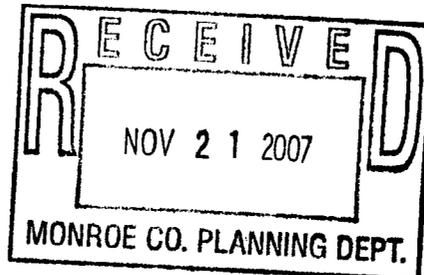
Seivers Marina Inc to the Monroe County Planning Department.  
Project / Name

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

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

Thank you.

Planning Staff



**End of Additional Information**  
**File # M27092**

# LETTER OF TRANSMITTAL

**W.F. McCain & Associates, Inc.**

1171 19<sup>th</sup> Street  
Vero Beach, Florida 32960  
Phone:(772) 770-1093  
Fax: (772) 770-1508  
www.wfmccain.com

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Date: 10/29/07  
Job Number: 07-213  
Attention: Julianne Thomas  
Heaven Handley  
Re: Buzzard's Roost

TO: Monroe County Planning Department  
88800 Overseas Hwy  
Tavernier, FL 33070

## WE ARE SENDING YOU:

---

<input checked="" type="checkbox"/> Attached	<input type="checkbox"/> Prints	<input type="checkbox"/> Specifications
<input type="checkbox"/> Under separate cover	<input type="checkbox"/> Plans	<input type="checkbox"/> Copy of Letter
<input type="checkbox"/> Shop drawings	<input type="checkbox"/> Samples	<input type="checkbox"/> Change Order

---

### COPIES

### DESCRIPTION

1	Cover Letter
1	Notarized Letter of Authorization
1	Map Amendment Application
1	Application Fee of \$4,950.00
12	Copies of 2 Photos
1	Justification Report (Draft)*
1	Zoning Map
1	Proof of Ownership for 3 Parcels
1	Property Record Cards for 3 Parcels
1	Set of Mailing Labels for Properties within 200 feet of the subject property

### THESE ARE TRANSMITTED AS CHECKED BELOW:

<input checked="" type="checkbox"/> For approval	<input type="checkbox"/> Approved as submitted
<input type="checkbox"/> for your use	<input type="checkbox"/> Approved as noted
<input type="checkbox"/> as requested	<input type="checkbox"/> Return for corrections
<input checked="" type="checkbox"/> For review and comments	

### REMARKS:

\*To be updated and made final upon receipt of County comments, if any.

If you have any questions or require any additional information, please don't hesitate to contact me directly at (772) 770-1093.

Signed: W. F. McCain Copy to: Ron Sievers  
W. F. McCain, P.E. File  
President/Principal Engineer

October 29, 2007

Monroe County Planning  
Key Largo, Florida

**Subject: Sievers Commercial Land Use Map Amendment  
Engineers Project No 07-213**

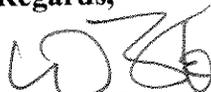
**Mrs. Heaven Handley:**

The enclosed Land Use Map Amendment application and corresponding attachments included are being submitted per discussions between Heaven Handley, James Hilliard, William McCain, and other planning staff over the last few weeks. It should be noted that the property record cards label Alternate Key: 1661686 (Mr. Sievers 3<sup>rd</sup> lot) owner of record as Louis T Rea which is incorrect. Enclosed with the property deeds of the other 2 properties we have included the Schedule A Title Commitment documents that prove the pending transfer of ownership to Mr. Sievers. Upon the recording of the property transaction, full documentation and deeds will be provided under separate cover.

We hope that the following satisfies planning staff requirements and will be prepared to answer any questions or provide any further information or documentation needed in order to complete the proposed amendment to the Land Use Maps.

Please do not hesitate to call 305-394-7743 or 772-770-1093 to speak to me or staff, if needed,

Regards,

  
William F McCain, P. E.  
President- Principal Engineer  
W.F. McCain and Associates

WFM:lm

Attachments

cc: Ron Sievers

RECEIVED  
10/24/07



Ph. 305. 453.3746  
Fax: 305. 451.1425

21 Garden Cove Dr. Key Largo, Fl. 33037  
Located at Garden Cove Marina MM.106.5 Oceanside

**Garden Cove Marina**

21 Garden Cove Dr. Key Largo, Fl. 33037  
MM.106.5 Oceanside  
Ph. 305. 451. 4694 Fax: 305. 451. 1425

**LETTER OF AUTHORIZATION**

This letter is to serve as the authorization for W.F. McCain & Associates, Inc., 1171 19th Street, Vero Beach, FL 32960 to act as authorized agent on behalf of Sievers Marina, Inc. in all City, County and State permitting actions.

Signed [Signature]

Date 10/16/07

Print Name: RONALD A. Sievers

Title: Pres. Sievers Marina, Inc

[Signature]  
HOLLY THEUNS  
Comms DD0410984  
Expires 3/24/2008  
Bonded thru (800)432-4264  
Florida Notary Assn., Inc

10/16/07

CC: WFM



**MONROE COUNTY PLANNING DEPARTMENT  
MAP AMENDMENT APPLICATION  
For Future Land Use Map and Zoning Map  
MCC Section 9.5-511**

Note: The applicant must complete the following information for an application to be accepted for review. Please type or print all requested information on this form. Attach additional sheets when necessary. All information, including the application and all other materials, excluding the original photographs, must be submitted on 8 1/2" x 11, paper. It is the applicant's responsibility to notify the Planning Department of any changes that may occur to the application as it is being processed.

A) Name(s) of Property Owner(s): Sievers Marina Inc.

Mailing Address:

Street 21 Garden Cove Dr.

City Key Largo State FL Zip Code 33037

Telephone: Office 1-305-453-3746 Home \_\_\_\_\_

B) Applicant Agent's Name (Circle One): William McCain

Company: W.F. McCain and Associates

Mailing Address:

Street 1171 19th St.

City Vero Beach State FL Zip Code 32961

Telephone: Office 772-770-1093 Fax 772-770-1508 Home \_\_\_\_\_

C) Legal Description of Property: Real Estate Number 538190, 538180, 538170

Key Largo Street EAST FRONTAGE OF US-1, N. OF N. END RD, S. OF GARDEN COVE DR.

Mile Marker 106 Section 6 Township 61 Range 40

Subdivision Ocean Isle Estate

Lot(s) 11, 12, 13 Block 1 Lot(s) \_\_\_\_\_ Block \_\_\_\_\_

Metes and Bounds description if not in a subdivision (attach additional sheet if necessary):

Applicant's Initials

D) Current Future Land Use Map Designation RM *MC* *CRS 9/18/08*  
 Proposed Future Land Use Map Designation ~~MU~~ ~~SC~~ ~~TDP~~ *for 5000 sq. ft. m.c.m.*  
 E) Current Land Use District Designation IS  
 Proposed Land Use District Designation ~~MU~~ ~~SC~~ ~~TDP~~ *for 5000 sq. ft. m.c.m.*  
 F) Size of Parcel 7000 sf, 6000 sf, 8240 sf (respectively), 21,240 sf total

*Christopher Bauer*  
*Thomas R. Thomas*  
*William*

G) Existing Use: If the property is developed, describe, in general terms, the existing use of the property such as the type of use, number of residential units, or the gross floor area of the commercial development. (If the property contains structures, submit a site plan in addition to your verbal description).

The site is cleared (developed) as part of the Ocean Isle Estates, but no structures currently exist.

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H) It is the applicant's responsibility to justify overturning existing land use designations previously set by the Board of County Commissioners. Below are the factors that the Board may consider in order to approve a proposed change, as prescribed by Section 9.5-511 (d)(5)(b) of the Monroe County Code. However, the Code prohibits any change, which would negatively, impact community character. If you need assistance in preparing a response, please call to schedule a pre-application conference with the planning department. You must submit all supporting information, documentation or exhibits for future public hearings at the time you submit this application so that the Planning Department may use it in preparing its recommendation. Information provided at a later date may not be considered by the Planning Department, Planning Commission or Board of County Commissioners.

1. Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based.
2. Changed assumptions (e.g., regarding demographic trends).
3. Data errors, including errors in mapping, vegetative types and natural features described in any section of the comprehensive plan.
4. New issues.
5. Recognition of a need for additional detail or comprehensiveness; or,
6. Data updates.

Applicant's Initials *[Signature]*

- D) Include 2 different photographs of the subject parcel(s) - 12 copies of each. Only original photos or color copies will be accepted. Aerial photos may not be used to meet this requirement but may be used for support information.
- J) Include a survey with a site plan if structures exist on the property.
- K) Include a copy of the zoning map, clearly marking the boundaries of the property being considered. The Planning Department will be able to assist you in obtaining a copy of the zoning map.
- L) Attach proof of ownership (i.e. copy of deed or tax bill).
- M) Include a copy of the property record card from the Property Appraiser's Office.
- N) Attach a notarized letter from the owner authorizing the applicant or agent to seek the amendment(s) and to represent the owner. All correspondence from Monroe County on this issue will be addressed to agent and not property owner(s), unless otherwise specified.
- (O) **MAILING LABELS** (Typed, Name and Address) of property owners within a 200 feet radius of the subject property(s). This list should be compiled from the current tax rolls located in the Property Appraiser's Office. **Also**, please provide the listing of the names, subdivision name, lot and block # and the RE #'s for each address and note those that are adjoining the property. Adjoining lots are not disrupted by a canal or street. When a condominium is adjoining the property within the two-hundred (200) feet, each unit owner must be included.
- P) The application must be accompanied by the appropriate fee. The fee schedule is as follows:

**\*Please Note: Higher fees are applied for any changes into Non-Residential.**

**Subject to additional fees; \$245.00 x 3 (\$735.00) for newspaper advertisements and \$3 per property owner notice  
Subject to technology fee of \$20.00 for records conversion, storage, and retrieval**

**Amendment to the Future Land Use Map and Land Use District Map**

<b>*(Non-Residential)</b>	<b>(Residential)</b>
<b>\$4,950.00</b>	<b>\$3,940.00</b>

**Amendment to the Future Land Use Map Only**

<b>*(Non-Residential)</b>	<b>(Residential)</b>
<b>\$4,020.00</b>	<b>\$3,010.00</b>

**Amendment to Land Use District Map Only**

<b>*(Non-Residential)</b>	<b>(Residential)</b>
<b>\$3,970.00</b>	<b>\$2,940.00</b>

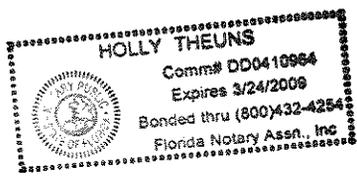
I certify that I am familiar with the information contained in this application, and, to the best of my knowledge such information is true, complete, and accurate. I also certify that I possess the authority to undertake the proposed amendment(s). I understand the submission of false information may lead to denial or revocation of the requested amendment(s).

Applicant: WFB Signature 10/29/07 Date William F. McCain Print Name

Notary

STATE OF Florida COUNTY OF Indian River  
BEFORE ME this day personally appeared William F. McCain  
who, is personally known to me or has produced \_\_\_\_\_  
as identification.  
Sworn to and subscribed before me this 27<sup>th</sup> day of October, A.D. 20 07.

NOTARY PUBLIC:  
Holly Theuns  
Print: Holly Theuns  
State of Florida  
My Commission Expires: 3/24/2009



Applicant's Initials WFB

MONROE COUNTY \*\*\*LIVE\*\*\*

Page 1 of 1

MISCELLANEOUS RECEIPT

RECEIPT # : 107271 PRINT DATE : 12/14/2007  
 RECEIPT DATE : 12/14/2007 PRINT TIME : 09:46:11  
 OPERATOR : tedescod  
 COPY # : 1

RECEIVED BY : tedescod CASH DRAWER: 2  
 REC'D. FROM : SIEVERS MARINE  
 UDF 106.1 :  
 UDF 106.2 :

NOTES : RE#00538170;00538180;00538190- 000000

FEE ID	AMOUNT	THIS RCPT	BALANCE
ZONING-011	4950.00	4950.00	0.00
TOTALS:	4950.00	4950.00	0.00

METHOD OF PAYMENT	AMOUNT	NUMBER
CHECK	4950.00	2807
TOTAL RECEIPT :	4950.00	

**SIEVERS MARINE, INC.**  
 548 OCEAN CAY DRIVE  
 KEY LARGO, FLORIDA 33037

EXPLANATION	AMOUNT
MAP Amendment	

63-928/670  
 BR. 2

2807

AMOUNT *Four Thousand Nine Hundred Fifty* DOLLARS

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER	CHECK AMOUNT
12/14/07	Monroe County		2807	\$ 4950. <sup>00</sup>

SIEVERS MARINE, INC.

*[Handwritten Signature]*

TIB BANK OF THE KEYS  
 KEY LARGO, FLORIDA 33037

⑈0002807⑈ ⑆067009280⑆ 20153 8837⑈06

**Sievers Commercial**

**Key Largo, Florida**

**Map Amendment Justification**

**October 29, 2007**

DRAFT

### **Introduction:**

Key Largo is proud to promote their island as the first Key in the string of Florida Keys. As a tourist or other driver travels into Key Largo from the mainland Florida, they cross mile marker 107 and enter a bend that directs all attention to the site proposed for re-development. As it exists today the cleared site provides little more than an eyesore where the actual "gateway" exists. The property's current land use designation does not allow much on the side of battling urban sprawl and may actually do more to promote the problem. A site such as the one proposed for development exemplifies the county staff and local communities concerns about the current land use designations. The six factors that are used to justify overturning existing land use designations are covered in the CommuniKeys Plan. The recommendations and reasoning behind those recommendations are defined by the site under consideration.

### **Changed projections from those on which the text or boundary was based:**

For many years the effect of the baby boomers retirement has been under analysis and theories of their possible movement into a more comfortable environment as they retire are not new. The projected population growth for the Florida Keys does not account for this soon to take place phenomenon and actually projects a very minor growth when compared to the rest of Florida.

It has also been known for many years that gas prices would rise as the world's petroleum sources diminish at an increasing rate. Monroe County and the Florida Keys authorities have been implementing plans for increased pedestrian and bicycle use but comfortable facilities easily accessed are still very much lacking. Mr. Sievers is

proposing to provide a light commercial retail environment that provides the atmosphere that will attract pedestrians and bicyclist.

**Changed Assumptions:**

Since 1980 the median income level in the US has gone up 22%<sup>1</sup> where as the median home price in the Florida Keys area, 2006, according to the US Census Bureau is at \$657,900.<sup>2</sup> The 1980 median home price: \$54,700<sup>3</sup> (Miami data used due to lack of statistics for Monroe County). This represents an increase of 1,103%. The need for additional affordable housing is obvious and is recognized by Monroe County residents and planning officials. Mr. Sievers proposes to provide additional employee housing in the Key Largo area.

In addition to the exponential increase in property values and the logarithmic increase in income issues, Monroe County publishes on their "About" webpage, [http://monroecofl.virtualtownhall.net/Pages/MonroeCoFL\\_Admin/about](http://monroecofl.virtualtownhall.net/Pages/MonroeCoFL_Admin/about), "In 2004, Monroe County had the highest cost of living of all the counties in Florida."

**Data errors, including errors in mapping:**

The IS land use designation for the parcels that are being proposed for MU is an obvious example of Key Largo residents and planning staff concerns that the CommuniKeys plan for the area recommends as Mixed Use, that provides affordable housing and a light commercial retail area where local residents can feel comfortable in an aesthetically pleasing environment. The IS designation given to the parcels was probably a part of a "package" designation requested by the developer of Ocean Isle

Estates. The nature of the designation and factors leading to the designation are better addressed by Monroe County planning officials who have easy access to records pertaining to the Ocean Isle development.

**New Issues:**

The cost of gas is rapidly increasing and though home prices are plummeting the ability to receive home loans is taking a hard hit also. Combining the increase in gas prices with the lack of affordable housing, there could soon be a very large deficit of employees to work in the area of the Florida Keys. The 18 mile bike ride from the mainland is not feasible and with gas prices increasing the problem may come into full effect with little or no notice.

**Recognition of a need for additional detail or comprehensiveness:**

Please reference the Key Largo Livable CommuniKeys Plan that addressed local residents and planning staff concerns. The proposed development and corresponding change in land use designation exemplifies the concerns and recommendations.

**Data Updates:**

Day to day changes include rising gas prices, increasing population, recognition of environmental issues, lack of affordable housing, and much more. To provide for the greater area of conserved lands and increasing population, we must begin fully using the lands which are best suited for development.

**Conclusion:**

It comes as no alarm to anyone with a modern education recognizing the effect of urban sprawl and American citizens' dependence on oil to travel, that global warming is not to be dismissed as a myth. For many years people seeking privacy have spread out of urban areas into lands where the nearest grocery, place of employment or other needed necessities may be many miles away. Only recently has legislative actions began taking form to help counter "urban sprawl" and the disastrous effect that it has on the environment and life.

The development of the 2010 Comprehensive Plan and corresponding land use designations occurred during a time when the realizations of "urban sprawl" effects were just beginning to be analyzed or even noticed. Since the development of the 2010 plan, numerous amendments have been proposed and adopted to battle what is literally killing all forms of life. The Monroe County planning staff and community has accepted the need for infill development in addition to the need to conserve what precious natural resources still exist.

The Key Largo Communikeys Plan that brings together public and county staff inputs also recognizes the need for mixed use parcels that allow necessities once a great distance away, to be within safe walking distance of private residences. With an increasing focus on pollution caused by automobiles and the only obvious solution being a decrease in oil dependence, the proposed development will help to alleviate the need while at the same time provide an aesthetically pleasing environment that will certainly enrich community character.

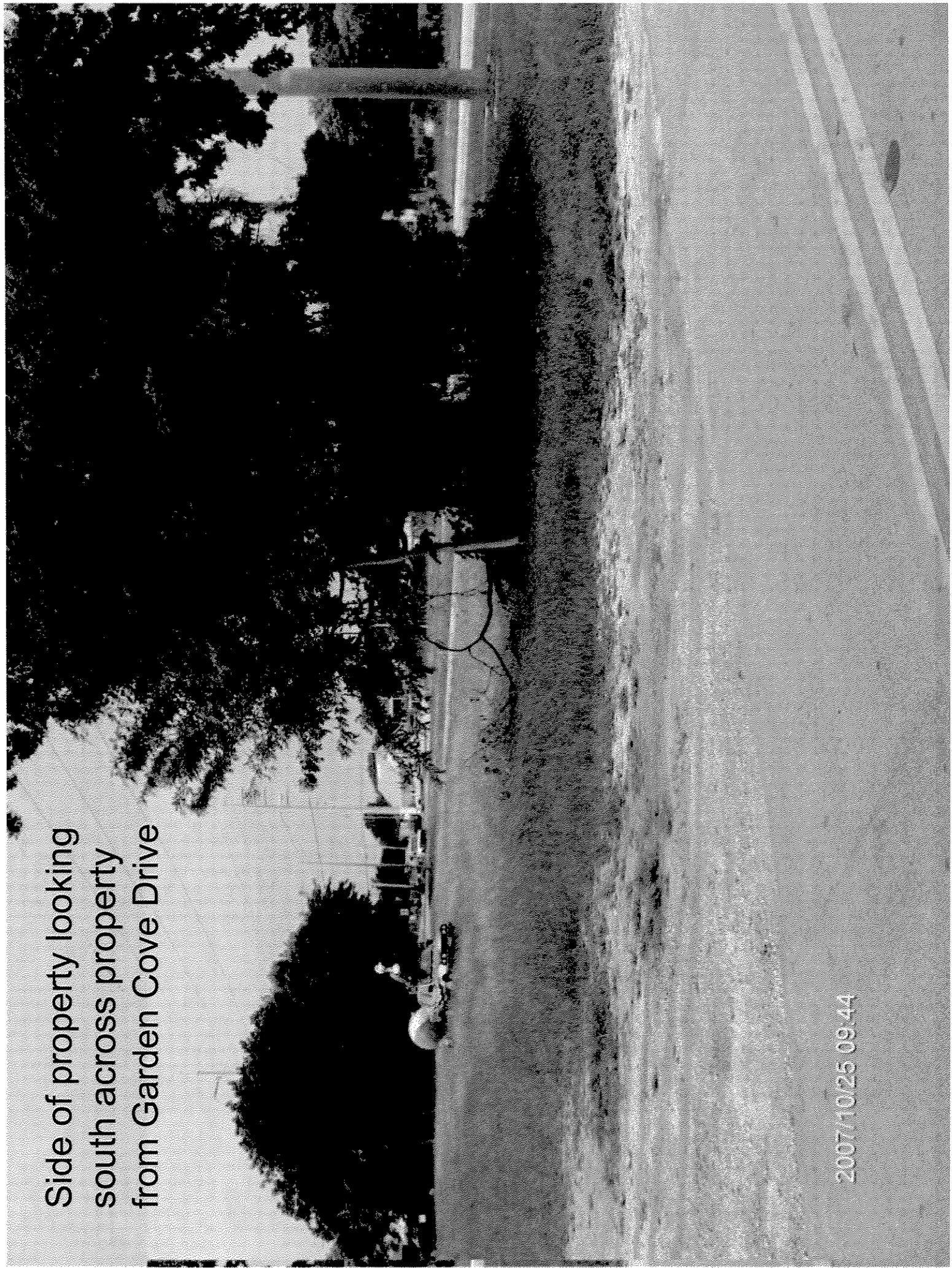
The same land use plan change that we are proposing is recommended by staff and the local community's CommuniKeys Plan. Mr. Sievers is only trying to push this recommendation forward at a faster pace on his property. The proposed change in land use, as stated above, exemplifies the Monroe County planning staff and Key Largo's local community concerns and recommendations for the future of the area, and in particularly Mr. Sievers' property as well.

DRAFT

- 1) Bureau of Transportation Statistics, Pocket Guide to Transportation 2007, US DOT, RITA
- 2) <http://factfinder.census.gov>, Monroe County
- 3) <http://www2.census.gov/prod2/decennial/documents/1980/tracts-cities/CensusTracts1980-MiamiFL.pdf>
- 4) Key Largo Livable CommuniKeys Plan, Key Largo Community Master Plan, Monroe County, Florida, May 2006

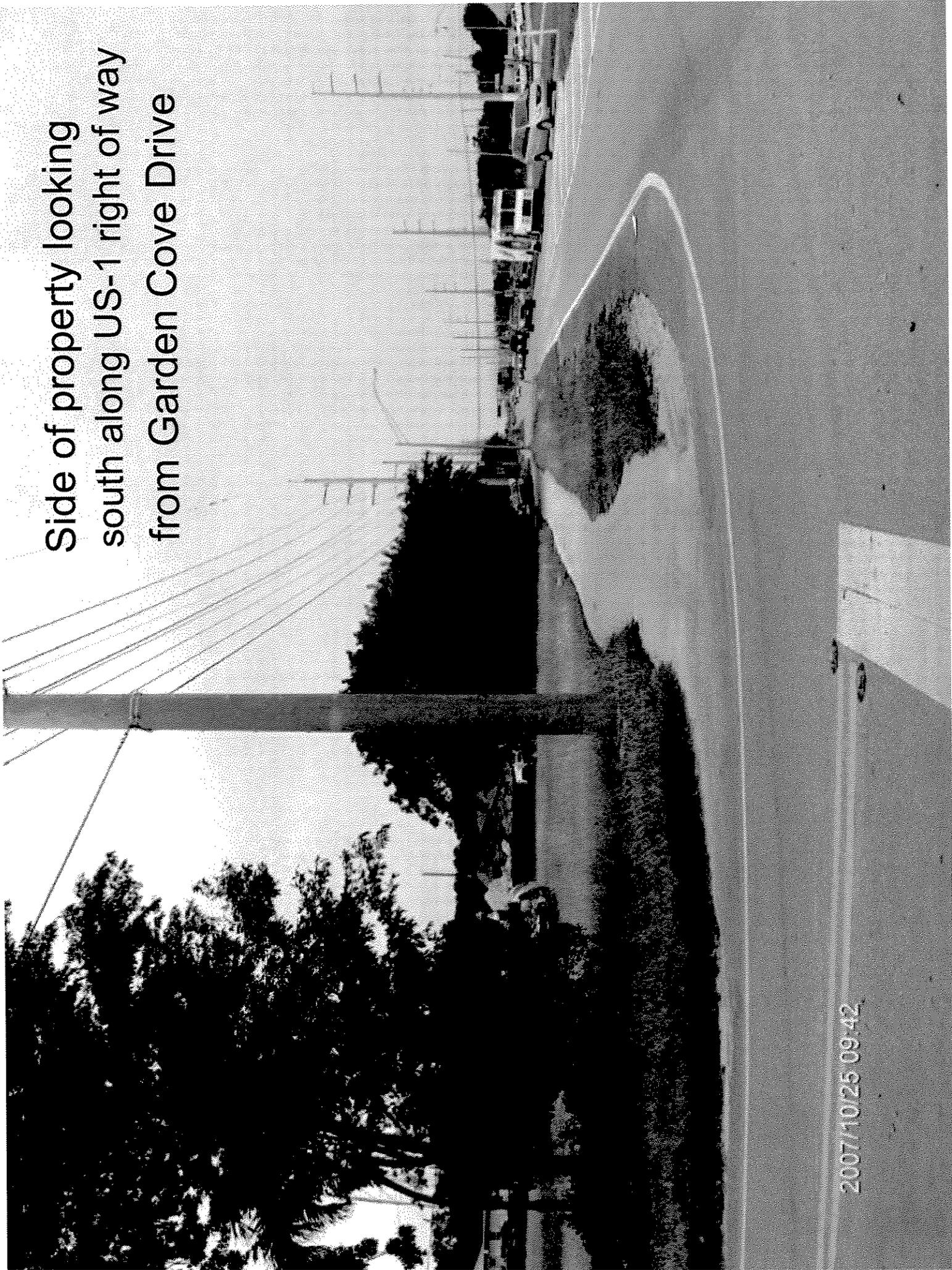
DRAFT

Side of property looking  
south across property  
from Garden Cove Drive



2007/10/25 09:44

Side of property looking  
south along US-1 right of way  
from Garden Cove Drive



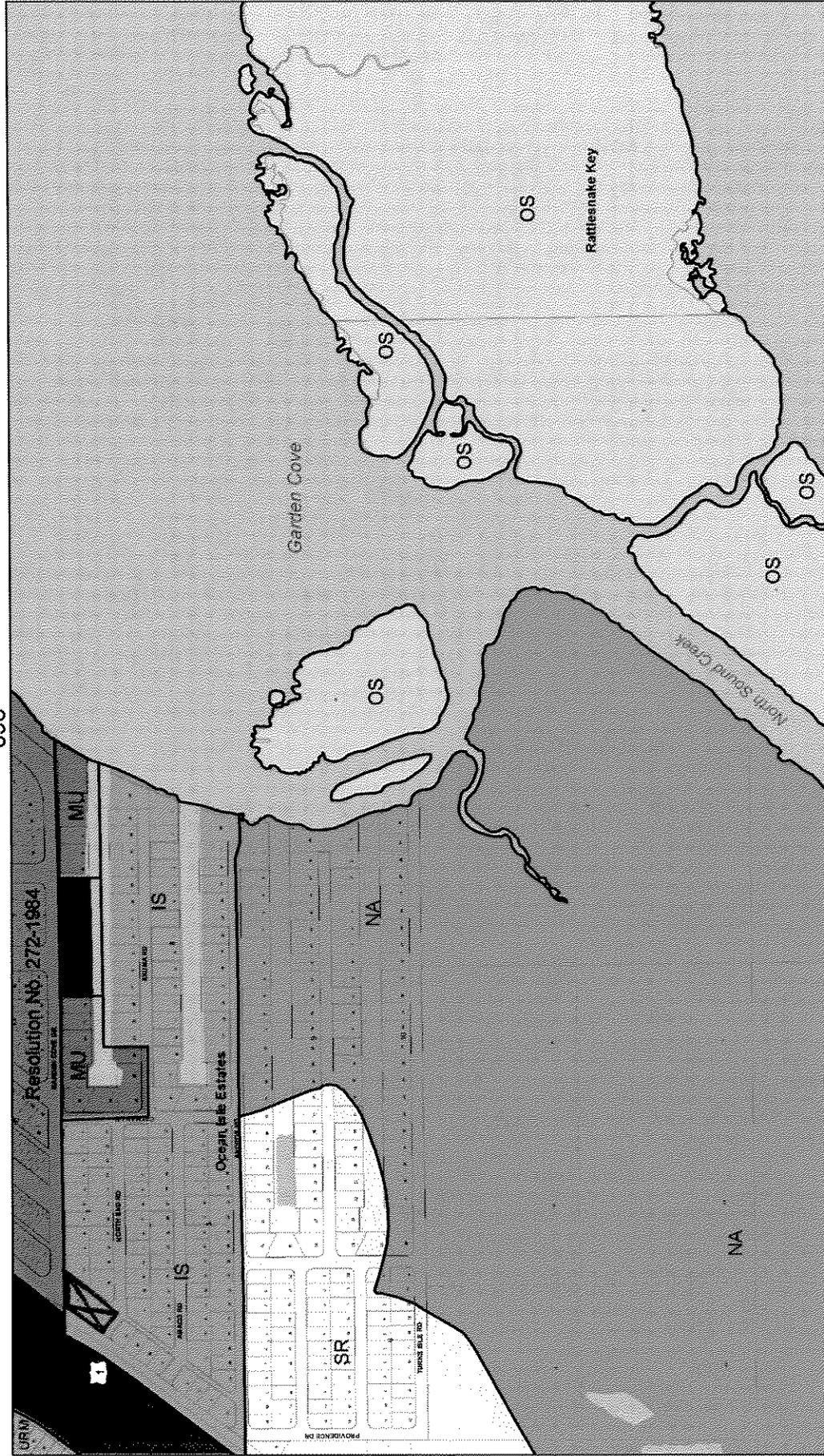
2007/10/25 09:42

**Site Proposed For Map Amendment**

093

098

104



106

100

Monroe County, Florida Land Use District Map

Supplement: 000 Date: January 17, 2007  
 Certified by the County Commission Resolution No. \_\_\_\_\_  
 Araf Joulani, Director of Planning & Environmental Resources  
 Andrew Trivette, Director of Growth Management

ACCC Area of County Critical Concern	IS Improved Subdivision	SS Sparsely Settled
AD Airport	IS-D Improved Subdivision (Duplex)	UC Urban Commercial
CD Conservation District	IS-DM Improved Subdivision (Duplex, Masonry)	UR Urban Residential
CE Commercial Area	IS-M Improved Subdivision (Masonry)	URM Urban Residential Mobile Home
CFD Commercial Fishing District	IS-MI Improved Subdivision (Masonry)	URML Urban Residential Mobile Home
CFV Commercial Fishing Village	MI Maritime Industries	UL United
DR Destination Resort	MI Mainland Native Area	ULM Urban Residential Mobile Home
I Industrial	MU Mixed Use	ULML Urban Residential Mobile Home
		SR-L Suburban Residential Limited

The base maps are not survey accurate, and the location of land use district boundaries in areas where vegetation, preemptions should be verified by the Monroe County biologist. These maps should be used for general information only and are not to be used in respect to other features on the same area. The engineer of record and County will not be responsible for any source of document errors or omissions in the information compiled by others which have been incorporated into these maps.

Sheet 099

This instrument prepared by:  
Charles P. Tittle, Esq.  
P.O. Box 535  
Tavernier, FL 33070

MONROE COUNTY  
OFFICIAL RECORDS

FILE # 1101853  
BK# 1554 PG# 606

[Space Above This Line For Recording Data]

**Warranty Deed**  
(Statutory Form - FS 689.02)

RCD Dec 31 1998 03:47PM  
DANNY L KOLHAGE, CLERK

**This Indenture**, made December 11, 1998, between James Hartman, party of the first part, whose post address is 21 Garden Cove Drive, Key Largo, FL 33037, and **Sievers Marine, Inc., a Florida Corporation**, party of the second part, and whose post office address is 21 Garden Cove Drive, Key Largo, FL 33037, and whose Taxpayer Identification Number is \_\_\_\_\_

**Witnesseth:**

DEED DOC STAMPS) 0.70  
12/31/1998 TH DEP CLK

That the said party of the first part, for and in consideration of the sum of \$10.00 and other valuable consideration, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, his heirs and assigns forever, the following described land, to wit:

Lots 12 and 13, Block 1, OCEAN ISLE ESTATES, according to the Plat thereof as recorded in Plat Book 5, Page 14, among the Public Records of Monroe County, Florida.

The above property is vacant and not the Homestead of the Grantor herein who resides in Illinois.

(For Information Only: Property Appraiser's Parcel Identification Number is \_\_\_\_\_)

Subject to easements, restrictions and reservations of record not coupled with a right of reverter and taxes for the current year.

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

Signed, sealed and delivered in the presence of:

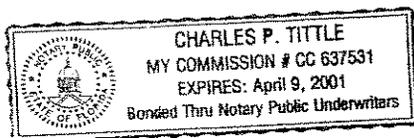
Sign \_\_\_\_\_  
Print Charles P. Tittle  
Sign \_\_\_\_\_  
Print PATRICIA G. WILLIAMS

Sign \_\_\_\_\_ (Seal)  
Print James Hartman

STATE OF FLORIDA  
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of December, 1998, by James Hartman who is personally known to me or who has produced \_\_\_\_\_ as identification and who (did) (did not) take an oath, and who did execute the foregoing instrument on behalf of the Trust.

{SEAL}



NOTARY PUBLIC: \_\_\_\_\_  
Sign Charles P. Tittle

MONROE COUNTY  
OFFICIAL RECORDS

This instrument prepared by:  
Charles P. Tittle, Esq.  
P.O. Box 535  
Tavernier, FL 33070

FILE # 1109212  
BK# 1561 PG# 1380

FILE # 1101852  
BK# 1554 PG# 605

[Space Above This Line For Recording Data]

RCD Feb 19 1999 02:34PM  
DANNY L KOLHAGE, CLERK

**Warranty Deed**  
(Statutory Form - FS 689.02)

RCD Dec 31 1998 03:46PM  
DANNY L KOLHAGE, CLERK

**This Indenture**, made December 11, 1998, between **Garden Cove Marina, Inc.** a Florida corporation, of the County of Monroe in the State of Florida, party of the first part, whose post address is 21 Garden Cove Drive, Key Largo, FL 33037, and **Sievers Marine, Inc.**, a Florida corporation, party of the second part, and whose post office address is 21 Garden Cove Drive, Key Largo, FL 33037, and whose Taxpayer Identification Number is \_\_\_\_\_,

**Witnesseth:** DEED DOC STAMPS 0.70  
02/19/1999 DEP CLK

DEED DOC STAMPS 6650.00  
12/31/1998 DEP CLK

That the said party of the first part, for and in consideration of the sum of \$10.00 and other valuable consideration, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, his heirs and assigns forever, the following described land, to wit:

Lots 18, 19, 20, 21, 22, and 23, Block 7, OCEAN ISLE ESTATES, according to the Plat thereof as recorded in Plat Book 5, Page 14, among the Public Records of Monroe County, Florida;

AND, MTG DOC STAMPS 2170.00  
02/19/1999 DEP CLK

Lots 12 and 13, Block 1, OCEAN ISLE ESTATES, according to the Plat thereof as recorded in Plat Book 5, Page 14, among the Public Records of Monroe County, Florida.

(For Information Only: Property Appraiser's Parcel Identification Number is \_\_\_\_\_)

Subject to easements, restrictions and reservations of record not coupled with a right of reverter and taxes for the current year. AND an existing mortgage with the remaining balance of \$620,000.00 which was recorded in OR Book 1265, Page 1351, Monroe County, Florida. Buyers agree to assume.

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

Signed, sealed and delivered in the presence of:

Garden Cove Marina, Inc.

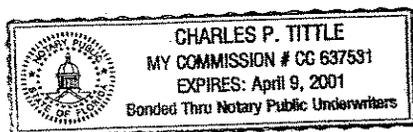
Sign \_\_\_\_\_  
Print Charles P. Tittle  
Sign \_\_\_\_\_  
Print PATRICIA J. WILLIAMS

Sign James Hartman (Seal)  
Print James Hartman, President

STATE OF FLORIDA  
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of December, 19 98, by James Hartman, President of Garden Cove Marina, Inc., who is personally known to me or who has produced \_\_\_\_\_ as identification and who (did) (did not) take an oath.

{SEAL}



NOTARY PUBLIC: \_\_\_\_\_  
Sign \_\_\_\_\_

# COMMITMENT

## SCHEDULE A

OFFICE FILE NUMBER	COMMITMENT NUMBER	EFFECTIVE DATE	LOAN AMOUNT
<sup>1</sup> 10-5988	<sup>2</sup> 102229-105988	<sup>3</sup> September 21, 2007 at 8:00 am	<sup>4</sup> [REDACTED]

1. Policy or Policies to be issued:  
**ALTA OWNER'S POLICY, FORM B** (amended 10/17/92)  
With Florida Modifications

Proposed Insured:

**Sievers Marine, Inc., a Florida Corporation**

2. **ALTA LOAN POLICY** (amended 10/17/92)  
With Florida Modifications

Proposed Insured:

3. The estate or interest in the land described or referred to in this Commitment and covered herein is a Fee Simple and title thereto is at the effective date hereof vested in:

**Louis T. Rea**

The Land is described as follows:

**Lot 11, Block 1, OCEAN ISLE ESTATES, according to the Plat thereof, as recorded in Plat Book 5 at Page 14 of the Public Records of Monroe County, Florida.**

CHICAGO TITLE INSURANCE COMPANY



By: *[Signature]* President

ATTEST

*[Signature]* Secretary

**NOTE:** This Commitment consists of insert pages labeled in Schedule A, Schedule B-Section 1, and Schedule B-Section 2. This Commitment is of no force and effect unless all schedules are included, along with any Rider pages incorporated by reference in the insert pages.

SCHEDULE A  
Commitment

**COMMITMENT  
CHICAGO TITLE INSURANCE COMPANY  
SCHEDULE B - SECTION 1**

Commitment Number: 102229-105988

Agent's File Number: 10-5988

(REQUIREMENTS)

I. The following are the requirements to be complied with:

1. Instruments creating the estate or interest to be insured which must be approved, executed, and filed for record, to wit:

Warranty Deed to be executed by **Louis T. Rea, joined by his spouse if married to Sievers Marine, Inc., a Florida Corporation.**

2. Payment of the full consideration to, or for the account of, the grantor or mortgagor.
3. Payment of all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable.

**COMMITMENT  
CHICAGO TITLE INSURANCE COMPANY**

**SCHEDULE B – SECTION 2**

Commitment Number: 102229-105988

Agent's File Number: 10-5988

(EXCEPTIONS)

II. Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company.

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured requires for value of record the estate or interest or mortgage thereon covered by this Commitment.
2. Standard Exceptions:
  - (a) Rights or claims of parties in possession not shown by the public records.
  - (b) Easements, or claims of easements, not shown by the public records.
  - (c) Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey and inspection of the premises.
  - (d) Any lien, or right to a lien, for service, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
  - (e) Taxes or special assessments which are not shown as existing liens by the public records.
  - (f) Any claim that any portion of said lands are sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands and lands accreted to such lands.
  - (g) Taxes and assessments for the year 2007 and subsequent years which are not yet due and payable.  
**GROSS TAXES FOR THE YEAR 2006, \$497.86, Paid 11/15/06, Parcel ID 00538170.000000**
  - (h) Any lien provided by Chapter 159.17, Florida Statutes, in favor of any city, village, town or port authority for unpaid service charges for service by any water system, sewer system, or gas system serving the lands herein described.
3. Standard Exceptions (b) and (c) may be removed from the policy when a satisfactory survey and surveyor's report and inspection of the premises is made.
4. Standard Exceptions (a) and (d) may be removed upon receipt of a satisfactory affidavit-indemnity from the party shown in title and in possession stating who is in possession of the lands and whether there are improvements being made at date of commitment or contemplated to commence prior to the date of closing which will not have been paid for in full prior to the closing.
5. The Provisions of Florida Statutes Section 380.0552, "The Florida Keys Area Protection Act," establishing a land use management system that protects and conserves the natural environment and community character of the Florida Keys.

(Continued)

**COMMITMENT  
CHICAGO TITLE INSURANCE COMPANY**

(Continued)

6. One-half interest in all oil, gas and minerals to Joe M. Dawson, as conveyed in Transfer of Mineral Rights, dated May 22, 1945, filed June 5, 1945 and recorded in Deed Book G-17, at Page 472 of the Public Records of Monroe County, Florida, which various fractional interests have subsequently assigned.
7. Conditions, restrictions and limitations as contained in Declaration of Covenants and Restrictions, filed August 10, 1960 in Official Records Book 192, at page 113; amended by instrument filed November 3, 1960 in Official Records Book 198 at page 460; amended by instrument filed December 12, 1961 in Official Records Book 235, page 404 of the Public Records of Monroe County, Florida.
8. Conditions as contained in Plat of OCEAN ISLE ESTATES as recorded in Plat Book 5, Page 14, of the Public Records of Monroe County, Florida.

**NOTE:** All of the recording information contained herein refers to the Public Records of Monroe County, Florida, unless otherwise indicated.

**NOTE:** On loan policies, junior and subordinate matters, if any, will not be reflected in Schedule B.

**MONROE COUNTY PROPERTY APPRAISER**

**PROPERTY INFORMATION FOR:**

Alternate Key: 1661708  
RE Number: 00538190-000000

**Property Details**

**OWNER OF RECORD**

SIEVERS MARINE INC  
21 GARDEN COVE DRIVE  
KEY LARGO FL 33037

**PHYSICAL LOCATION**

KEY LARGO

**LEGAL DESCRIPTION**

BK 1 LT 13 OCEAN ISLE EST PB5-14 KEY LARGO  
OR783-1500 OR786-1768 OR823-1110/1113Q/C OR901-  
1784 OR1135-821(JB) OR1306-1932Q/C(JMH) OR1306-  
1933(JMH) OR1554-604(JMH) OR1554-605(JMH)

**SUBDIVISION:**

OCEAN ISLE ESTATE

**SECTION, TOWNSHIP, RANGE**

06 - 61 - 40

**AFFORDABLE HOUSING**

No

**MILLAGE GROUP**

500K

**PC CODE**

0000 - VACANT RESIDENTIAL

**PROPERTY MAP**



**Land Details**

LAND USE CODE	FRONTAGE	DEPTH	LAND AREA
1M0H - COMMERCIAL HIGHWAY	70	100	7000 SF

**Parcel Value History**

TAX ROLL YEAR	BUILDING	MISCELLANEOUS IMPROVEMENTS	LAND	JUST	EXEMPTIONS (NOT INCLUDING SENIORS)	TAXABLE
2007	0	0	12,250	12,250	0	12,250
2006	0	0	12,250	12,250	0	12,250
2005	0	0	12,250	12,250	0	12,250
2004	0	0	12,250	12,250	0	12,250
2003	0	0	12,250	12,250	0	12,250
2002	0	0	12,250	12,250	0	12,250
2001	0	0	12,250	12,250	0	12,250
2000	0	0	12,250	12,250	0	12,250
1999	0	0	12,250	12,250	0	12,250
1998	0	0	12,250	12,250	0	12,250
1997	0	0	12,250	12,250	0	12,250
1996	0	0	12,250	12,250	0	12,250
1995	0	0	12,250	12,250	0	12,250
1994	0	0	17,500	17,500	0	17,500
1993	0	0	15,120	15,120	0	15,120
1992	0	0	15,120	15,120	0	15,120

1991	0	0	17,500	17,500	0	17,500
1990	0	0	15,750	15,750	0	15,750
1989	0	0	15,750	15,750	0	15,750
1988	0	0	15,750	15,750	0	15,750
1987	0	0	15,750	15,750	0	15,750
1986	0	0	15,750	15,750	0	15,750
1985	0	0	15,750	15,750	0	15,750
1984	0	0	15,750	15,750	0	15,750
1983	0	0	15,086	15,086	0	15,086
1982	0	0	15,086	15,086	0	15,086

**Parcel Sales History**

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

<u>SALE DATE</u>	<u>OFFICIAL RECORDS BOOK/PAGE</u>	<u>PRICE</u>	<u>INSTRUMENT</u>
12/1998	1554/605	1	<u>WD</u>
11/1998	1554/604	1	<u>WD</u>
05/1994	1306/1933	50,000	<u>WD</u>
03/1994	1306/1932	46,800	<u>QC</u>
06/1990	1135/821	55,000	<u>WD</u>
12/1983	901/1784	1	<u>WD</u>

**MONROE COUNTY PROPERTY APPRAISER**

**PROPERTY INFORMATION FOR:**

Alternate Key: 1661686  
 RE Number: 00538170-000000

**Property Details**

**OWNER OF RECORD**

REA LOUIS T  
 20449 BLUEBILL LANE  
 ONANCOCK VA 23417

**PHYSICAL LOCATION**

KEY LARGO

**LEGAL DESCRIPTION**

BK 1 LT 11 OCEAN ISLE EST PB5-14 KEY LARGO  
 OR374-1061-1062 OR1159-1631/32(VC)

**SUBDIVISION:**  
 OCEAN ISLE ESTATE

**SECTION, TOWNSHIP, RANGE**

06 - 61 - 40

**AFFORDABLE HOUSING** No

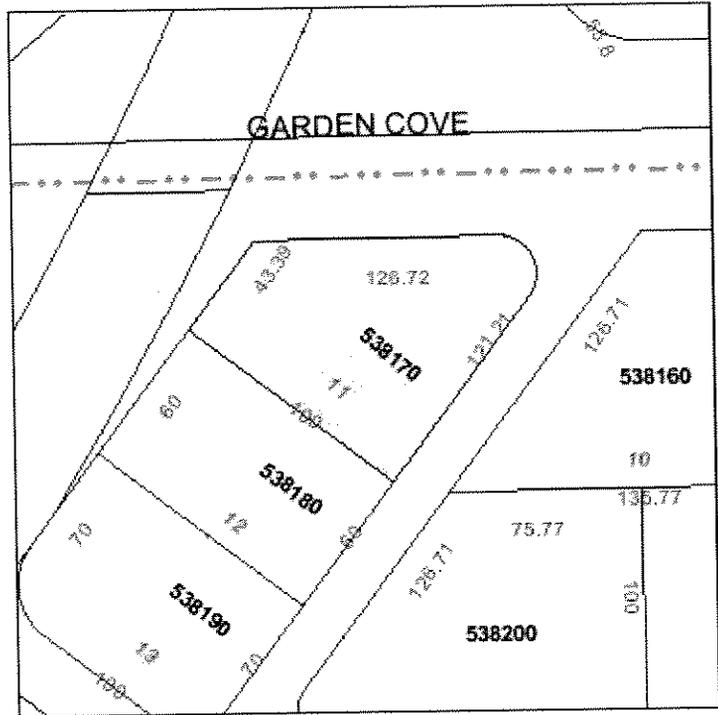
**MILLAGE GROUP**

500K

**PC CODE**

0000 - VACANT RESIDENTIAL

**PROPERTY MAP**



**Land Details**

LAND USE CODE	FRONTAGE	DEPTH	LAND AREA
1M0H - COMMERCIAL HIGHWAY	0	0	8240 SF

**Parcel Value History**

TAX ROLL YEAR	BUILDING	MISCELLANEOUS IMPROVEMENTS	LAND	JUST	EXEMPTIONS (NOT INCLUDING SENIORS)	TAXABLE
2007	0	0	12,978	12,978	0	12,978
2006	0	0	12,978	12,978	0	12,978
2005	0	0	12,978	12,978	0	12,978
2004	0	0	12,978	12,978	0	12,978
2003	0	0	12,978	12,978	0	12,978
2002	0	0	12,978	12,978	0	12,978
2001	0	0	12,978	12,978	0	12,978
2000	0	0	12,978	12,978	0	12,978
1999	0	0	12,978	12,978	0	12,978
1998	0	0	12,978	12,978	0	12,978
1997	0	0	12,978	12,978	0	12,978
1996	0	0	12,978	12,978	0	12,978
1995	0	0	12,978	12,978	0	12,978
1994	0	0	18,540	18,540	0	18,540
1993	0	0	16,019	16,019	0	16,019
1992	0	0	16,019	16,019	0	16,019



BIENVENIDO DIAZ  
5 GARDEN COVE DR  
KEY LARGO, FL 33037

SIEVERS MARINE INC  
21 GARDEN COVE DRIVE  
KEY LARGO, FL 33037

FRANCISCO CORREA & MARIA  
CRUZ  
PO BOX 74'  
KEY LARGO, FL '33037'

WILLIAM J HARRIS  
916 E RIDGE COURT  
CHAPIN, SC '29036'

RICHARDED E AND DORIS A  
JENSEN  
P O BOX 75  
WEST TROY, WI 53120-0075

SUSAN BLASS  
6 N END RD  
KEY LARGO, FL 33037

LOUIS T REA  
20449 BLUEBILL LANE  
ONANCOCK, VA 23417

GARY WAYNE & VICKI SMITH  
18 S EXUMA ROAD  
KEY LARGO, FL 33037

MURRAY L & PATRICIA A  
WAGGONER  
P O BOX 3230  
KEY LARGO, FL 33037'

JOSEPH M 'BRUNKE  
103491 OVERSEAS HWY  
KEY LARGO, FL '33037

ROLANDO R H & NILDA R  
SANTOS TRUSTEES  
1555 OBISPO AVENUE  
CORAL GABLES', FL 33134'

NORTH END ROAD LLC  
18744 MARLIN RD'  
MIAMI, FL 33157

LUIS E 'PEREZ  
3801 E 9TH LN  
HIALEAH, FL 33013

'DOT/ST.OF FL  
TALLAHASSEE, FL 32399

TIITF/ST.OF FL REC & PARKS  
NEW MAHOGANY HAMMOCK  
3900 COMMONWEALTH BLVD  
MAIL STA 108  
TALLAHASSEE, FL 32399-3000

REID FAMILY TRUST DTD  
12/9/97'  
6911 ROOSEVELT AVE  
MENTOR', OH '44060

'EDELTRAUT L HUGGLER  
6 ABACO ROAD  
KEY LARGO, 'FL' '33037'

ALBERTO TRUJILLO JR  
6871 WEST 2ND LANE'  
HIALEAH, FL 33014

EDELTRAUT L HUGGLER  
'6 ABACO ROAD  
KEY LARGO, FL 33037

1991	0	0	18,540	18,540	0	18,540
1990	0	0	16,686	16,686	0	16,686
1989	0	0	16,686	16,686	0	16,686
1988	0	0	16,686	16,686	0	16,686
1987	0	0	16,686	16,686	0	16,686
1986	0	0	16,686	16,686	0	16,686
1985	0	0	16,686	16,686	0	16,686
1984	0	0	16,686	16,686	0	16,686
1983	0	0	14,529	14,529	0	14,529
1982	0	0	14,529	14,529	0	14,529

**Parcel Sales History**

There are no sales for this parcel.

**MONROE COUNTY PROPERTY APPRAISER**

**PROPERTY INFORMATION FOR:**

Alternate Key: 1661694  
 RE Number: 00538180-000000

**Property Details**

**OWNER OF RECORD**

SIEVERS MARINE INC  
 21 GARDEN COVE DRIVE  
 KEY LARGO FL 33037

**PHYSICAL LOCATION**

KEY LARGO

**LEGAL DESCRIPTION**

BK 1 LT 12 OCEAN ISLE EST PB5-14 KEY LARGO  
 OR783-1500 OR786-1768 OR823-1110/1113Q/C OR901-  
 1784 OR1135-821(JB) OR1306-1933(JMH) OR1306-  
 1932Q/C(JMH) OR1554-604(JMH) OR1554-605(JMH)

**SUBDIVISION:**  
 OCEAN ISLE ESTATE

**SECTION, TOWNSHIP, RANGE**

06 - 61 - 40

**AFFORDABLE HOUSING** No

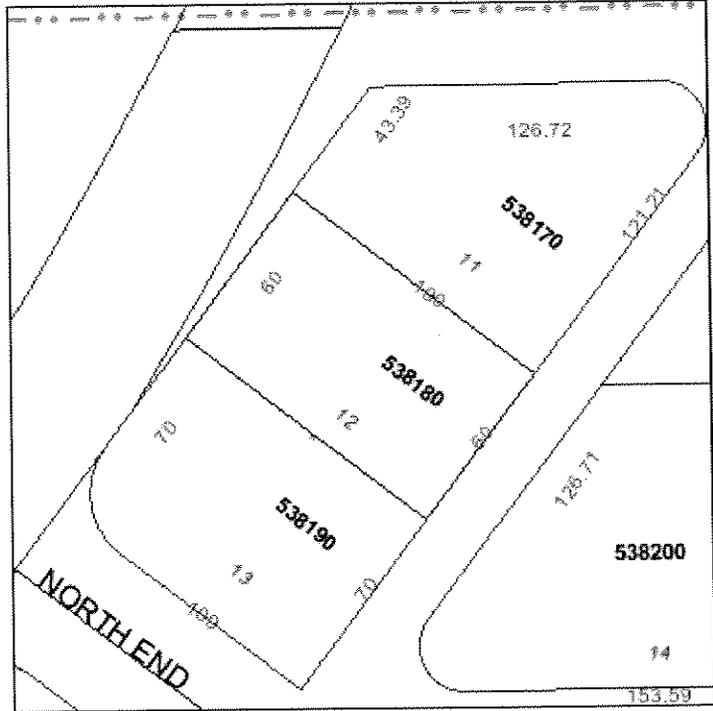
**MILLAGE GROUP**

500K

**PC CODE**

0000 - VACANT RESIDENTIAL

**PROPERTY MAP**



**Land Details**

LAND USE CODE	FRONTAGE	DEPTH	LAND AREA
1M0H - COMMERCIAL HIGHWAY	60	100	6000 SF

**Parcel Value History**

TAX ROLL YEAR	BUILDING	MISCELLANEOUS IMPROVEMENTS	LAND	JUST	EXEMPTIONS (NOT INCLUDING SENIORS)	TAXABLE
2007	0	0	10,500	10,500	0	10,500
2006	0	0	10,500	10,500	0	10,500
2005	0	0	10,500	10,500	0	10,500
2004	0	0	10,500	10,500	0	10,500
2003	0	0	10,500	10,500	0	10,500
2002	0	0	10,500	10,500	0	10,500
2001	0	0	10,500	10,500	0	10,500
2000	0	0	10,500	10,500	0	10,500
1999	0	0	10,500	10,500	0	10,500
1998	0	0	10,500	10,500	0	10,500
1997	0	0	10,500	10,500	0	10,500
1996	0	0	10,500	10,500	0	10,500
1995	0	0	10,500	10,500	0	10,500
1994	0	0	15,000	15,000	0	15,000
1993	0	0	12,960	12,960	0	12,960
1992	0	0	12,960	12,960	0	12,960

1991	0	0	15,000	15,000	0	15,000
1990	0	0	13,500	13,500	0	13,500
1989	0	0	13,500	13,500	0	13,500
1988	0	0	13,500	13,500	0	13,500
1987	0	0	13,500	13,500	0	13,500
1986	0	0	13,500	13,500	0	13,500
1985	0	0	13,500	13,500	0	13,500
1984	0	0	13,500	13,500	0	13,500
1983	0	0	13,412	13,412	0	13,412
1982	0	0	13,412	13,412	0	13,412

**Parcel Sales History**

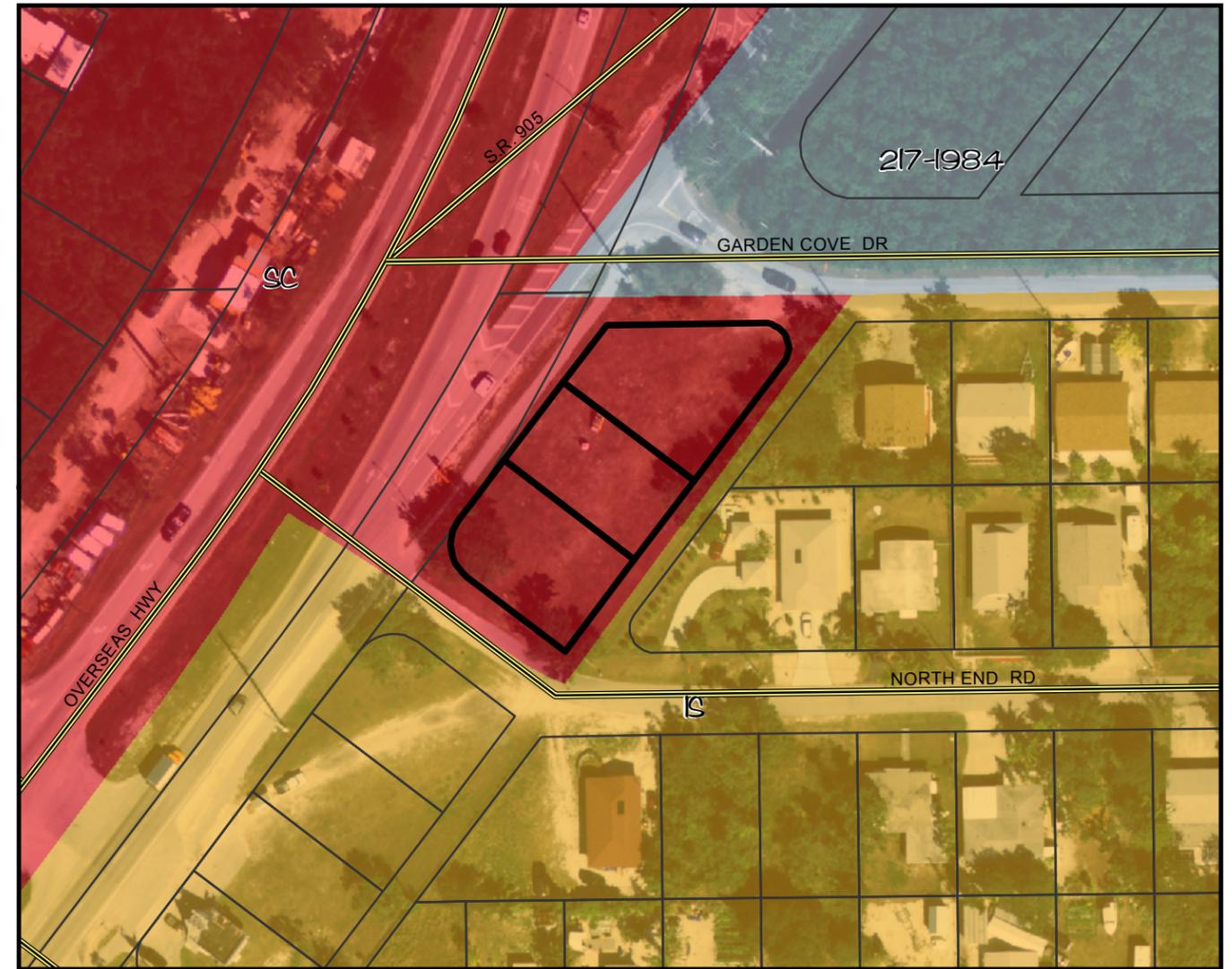
NOTE - OUR RECORDS ARE TYPICALLY TWO TO THREE MONTHS BEHIND FROM THE DATE OF SALE. IF A RECENT SALE DOES NOT SHOW UP PLEASE GIVE OUR OFFICE TIME TO PROCESS IT.

<u>SALE DATE</u>	<u>OFFICIAL RECORDS BOOK/PAGE</u>	<u>PRICE</u>	<u>INSTRUMENT</u>
12/1998	1554/605	1	<u>WD</u>
12/1998	1554/604	20,000	<u>WD</u>
05/1994	1306/1933	1	<u>WD</u>
03/1994	1306/1932	1	<u>QC</u>
06/1990	1135/821	1	<u>WD</u>
12/1983	901/1784	52,000	<u>WD</u>

# Monroe County Existing Land Use Amendment



Existing Conditions

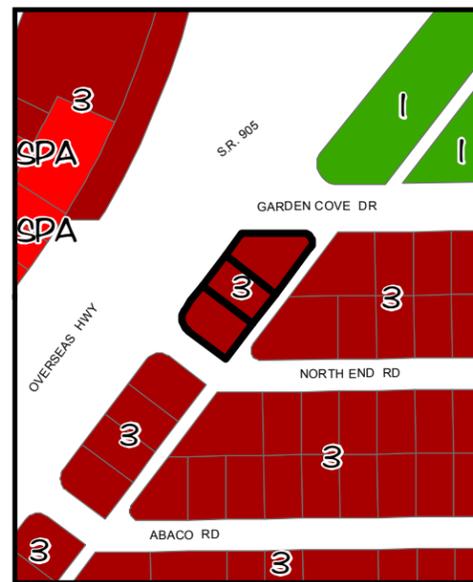


Proposed Conditions

Existing Land Use Designations: AD = Airport District; CD = Conservation District; CFA = Commercial Fishing Area; CFSD = Commercial Fishing Special District; DR = Destination Resort; I = Industrial; IS = Improved Subdivision; MF = Military Facilities; MI = Maritime Industries; MN = Mainland Native Area; MU = Mixed Use; NA = Native Area; OS = Offshore Island; PR = Park and Refuge; RV = Recreational Vehicle; SC = Suburban Commercial; SR = Suburban Residential; SS = Sparsely Settled; UC = Urban Commercial; UR = Urban Residential; URM = Urban Residential Mobile Home



Future Land Use



Tier Designation



**Growth Management Division**  
We strive to be caring, professional, and fair.

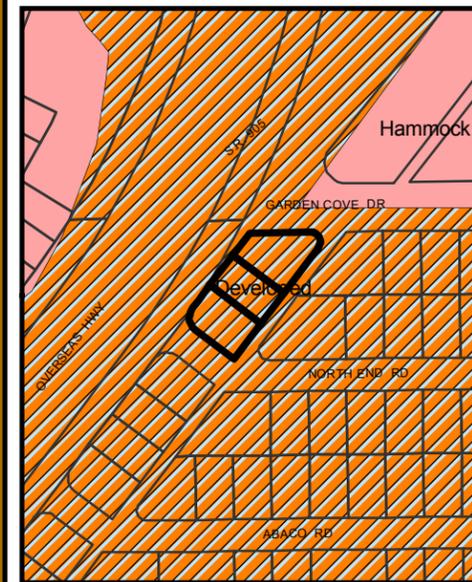
The Monroe County Existing Land Use is proposed to be amended as indicated above and briefly described as:

Key: Key Largo Mile Marker: 106 Map Amendment #: M27092  
Land Use District Map #: 99

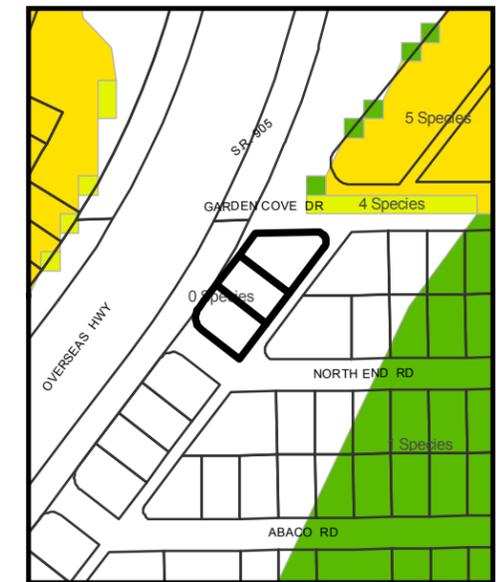
Proposal: Existing Land Use change of three parcels from Improved Subdivision (IS) to Suburban Commercial (SC).

Property Description:  
RE 00538170-000000, 00538180-000000 and 00538190-000000

This map is for use by the Monroe County Growth Management Division only. The data contained herein is not a legal representation of boundaries, parcels, roads, right of way, or other geographical data.



Habitat Type



Number of Protected Species

**MONROE COUNTY, FLORIDA  
DEVELOPMENT REVIEW COMMITTEE RESOLUTION NO. DRC9-09**

**A RESOLUTION RECOMMENDING APPROVAL OF THE REQUEST BY W. F. MCCAIN, INC., ON BEHALF OF SIEVER'S MARINE, INC TO AMEND THE LAND USE DISTRICT DESIGNATION FROM IMPROVED SUBDIVISION (IS) TO SUBURBAN COMMERCIAL (SC) OF PROPERTY LEGALLY DESCRIBED AS BLOCK 1, LOTS 11, 12 AND 13, OCEAN ISLE ESTATES, MONROE COUNTY, FLORIDA AND HAVING REAL ESTATE NUMBERS 00538170.000000, 00538180.000000 AND 00538190.000000**

---

**WHEREAS**, during a regularly scheduled public meeting held on October 19, 2009, the Development Review Committee of Monroe County conducted a review and consideration of a request by W. F. McCain, Inc., on behalf of Siever's Marine, Inc., for a land use district amendment in accordance with §102-158 of the Monroe County Code;

**WHEREAS**, the subject property is located at Mile Marker 106, Key Largo, Florida and is legally described as Block 1, Lots 11, 12 and 13, Ocean Isle Estates, Monroe County, Florida having real estate numbers 00538170.000000, 00538180.000000 and 00538190.000000;

**WHEREAS**, the Planning Commission reviewed the following documents and other information relevant to the request:

1. Staff report prepared by Kathy Grasser, Monroe County Comprehensive Planner, dated September 25, 2009;
2. BOCC Ordinance No. 2009-17a adopting the amendment of the Future Land Use Map (FLUM) from Residential Medium (RM) to Mixed Use / Commercial (MC);
3. Transmittal Resolution 2009-001 transmitting an ordinance for adoption to the Department of Community Affairs; and
4. Planning Commission Resolution No. P43-08 recommending approval to the BOCC to amend the Future Land Use Map (FLUM) from Residential Medium (RM) to Mixed Use / Commercial (MC);

**WHEREAS**, in the Land Use District and/or Future Land Use Map (FLUM) application to the Planning & Environmental Resources Department, received November 19, 2007, the Applicant requested to amend the Land Use District (LUD) designation from Improved Subdivision (IS) to Suburban Commercial (SC) for three (3) parcels, identified as Real Estate Numbers 00538170.000000, 00538180.000000 and 00538190.000000;

**WHEREAS**, based upon the information and documentation submitted, the Development Review Committee makes the following Findings of Fact and Conclusions of Law:

**WHEREAS**, The proposed land use district amendment is consistent with the provisions and intent Monroe County Comprehensive Plan Goals, Policies and Objectives, particularly Goals 101 and 105 and Objectives 101.4 and 105.1;

**WHEREAS**, the proposed land use district amendment is consistent with the provisions and intent of Chapter 102 of the Monroe County Code, Land Development Regulations particularly subsections 'new issues' and 'recognition of a need for additional detail or comprehensiveness;'

**WHEREAS**, the proposed land use district amendment is consistent with three (3) of the ten (10) goals in the Key Largo Livable CommuniKeys Plan, particularly with Goals 1, 6 and 10;

**WHEREAS**, the proposed land use district amendment is found to be consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern pursuant to F.S. Chapter 380.0552(7);

**WHEREAS**, the proposed land use district (LUD) amendment from Improved Subdivision (IS) to Suburban Commercial (SC) does not constitute an adverse change in community character;

**WHEREAS**, the proposed land use district (LUD) amendment is compatible with the local use;

**WHEREAS**, effects on natural resources are not anticipated;

**WHEREAS**, the proposed land use district (LUD) amendment will not affect Objective 101.11 and will encourage development to remain on disturbed lands rather than encroaching on environmentally sensitive area;

**WHEREAS**, the proposed land use district (LUD) amendment may affect solid waste, but not significantly;

**WHEREAS**, if or when the parcels are developed, potable water levels may be affected, but not significantly;

**WHEREAS**, if or when the parcels are developed, stormwater runoff will result from this land use map (LUD) amendment;

**WHEREAS**, Tier III is appropriate for infill development because of the location and amount of existing development in the areas designated and the absence of significant upland native habitat patches;

**WHEREAS**, during a regularly scheduled public meeting held on June 2, 2009, the BOCC adopted Ordinance 2009-17a amending the Future Land Use District Map from Residential Medium (RM) to Mixed Use / Commercial (MC) in accordance with Policy 101.4.5 of the Monroe County Year 2010 Comprehensive Plan and §102-158 of the Monroe County Code;

**WHEREAS**, during a regularly scheduled public meeting held on January 26, 2009, the BOCC approved Resolution 001-2009 transmitting an ordinance for adoption to the DCA. There were no objections, recommendations or comments from the DCA on the proposed FLUM amendment;

**WHEREAS**, during a regularly scheduled public meeting held on November 18, 2009, the Planning Commission conducted a review and consideration and approved Resolution P43-08 recommending approval to the BOCC to amend the Future Land Use Map from Residential Medium (RM) to Mixed Use / Commercial (MC) in accordance with Policy 101.4.5 of the Monroe County Year 2010 Comprehensive Plan and §102-158 of the Monroe County Code; and

**NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA**, that the information provided in the September 25, 2009 staff report and discussed at the October 19, 2009 meeting supports the decision to **RECOMMEND APPROVAL** to the Monroe County Planning Commission of the request by W. F. McCain, Inc., on behalf of Sievers Marine, Inc., to amend the land use district from Improved Subdivision (IS) to Suburban Commercial (SC).

Date: \_\_\_\_\_

\_\_\_\_\_  
Townsley Schwab  
Sr. Director of Planning and Environmental Resources &  
Chair of the Development Review Committee

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 Townsley Schwab, to me known to be the person described in and who executed the foregoing instrument and she acknowledged before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA



**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 *h 11*

**From:** Kathy Grasser, Comprehensive Planner *K9*

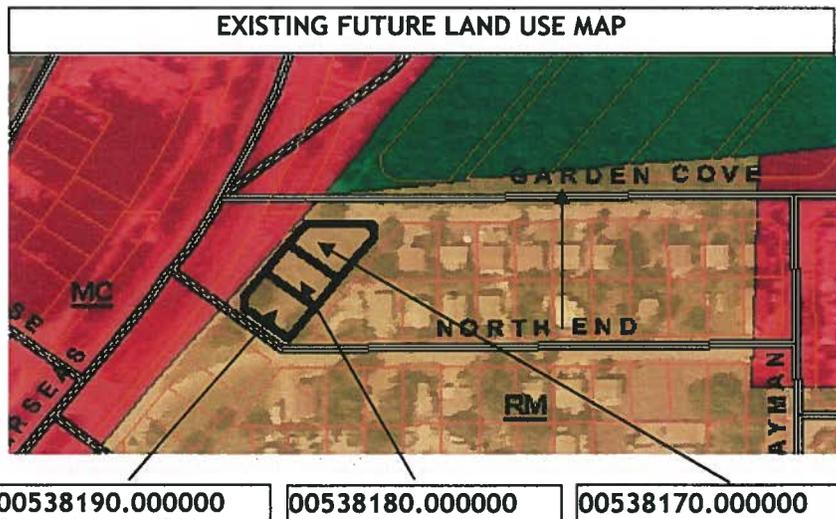
**Date:** September 25, 2009

**Subject:** Request for an Amendment to the Land Use District Map for Sievers Marine, Inc, Key Largo, Mile Marker 106, Real Estate Numbers 00538170.000000, 00538180.000000 and 00538190.000000

**Meeting:** October 19, 2009

**I REQUEST**

A request by the W. F. McCain & Associates, Inc., for Siever's Marine, Inc., to amend the current Land Use District Map (LUD) designation from Improved Subdivision (IS) to Sub Urban Commercial (SC).



- A. Address: Mile Marker 106, Key Largo, Florida
- B. Legal Description: Block 1, Lots 11, 12 and 13, Ocean Isle Estates, Monroe County, Florida
- C. Real Estate Number(s): 00538170.000000, 00538180.000000 and 00538190.000000
- D. Applicant/Petitioner: William McCain, WF McCain & Associates
- E. Property Owner: Siever's Marine, Inc.

1 **NOTE:** On June 2, 2009, the BOCC adopted an ordinance amending a future land use map  
2 (FLUM) change on three (3) parcels (RE numbers 00538170.000000, 00538180.000000, and  
3 00538190.000000) from Residential Medium (RM) to Mixed Use / Commercial (MC). The  
4 current land use district (LUD) designation of Improved Subdivision (IS) is currently  
5 inconsistent with the Mixed Use / Commercial (MC) FLUM designation.  
6

7 Any use allowed for the proposed land use is considered potential development, not only  
8 affordable housing. Affordable housing can be built in designated Monroe County land use  
9 districts. While there is a need for affordable housing, the data and the information provided  
10 by the applicant does not constitute a changed assumption justifying a map amendment.  
11

12 The proposed LUD amendment from Improved Subdivision (IS) to Sub Urban / Commercial  
13 (SC) does not guarantee future development for the two parcels. Currently, Growth  
14 Management does not have any pending applications for development on this property.  
15 When or if, Growth Management receives an application, it will be addressed at that time.  
16

## 17 **II PROCESS**

18 Amendments may be proposed by the Board of County Commissioners (BOCC), the  
19 Planning Commission, the Director of Planning, or the owner or other person having a  
20 contractual interest in property to be affected by a proposed amendment. The Director of  
21 Planning shall review and process map amendment applications as they are received and pass  
22 them onto the Development Review Committee and the Planning Commission for  
23 recommendation and final approval by the BOCC.  
24

25 The Planning Commission and the BOCC shall each hold at least one public hearing on a  
26 proposed amendment. The Planning Commission shall review the application, the reports  
27 and recommendations of the Department of Planning & Environmental Resources and the  
28 Development Review Committee and the testimony given at the public hearing. The  
29 Planning Commission shall submit its recommendations and findings to the BOCC. The  
30 BOCC shall consider the report and recommendation of and the testimony given at the public  
31 hearings and may either deny the application or adopt a resolution transmitting the proposed  
32 amendment to the Florida Department of Community Affairs (DCA). Ordinances are then  
33 reviewed by the DCA and returned to Monroe County with objections, recommendations and  
34 comments to be considered prior to adoption of the ordinance.  
35

## 36 **III RELEVANT PRIOR COUNTY ACTIONS**

37 On June 2, 2009, the BOCC adopted Ordinance 2009-17a amending the Future Land Use  
38 District Map from Residential Medium (RM) to Mixed Use / Commercial (MC).  
39

40 On January 26, 2009, the BOCC approved Resolution 001-2009 transmitting an ordinance for  
41 adoption to the Department of Community Affairs (DCA). There were no objections,  
42 recommendations or comments from the DCA on the proposed FLUM amendment.  
43

44 On November 18, 2009, the Planning Commission approved Resolution P43-08  
45 recommending approval to the BOCC amending the FLUM from Residential Medium (RM)  
46 Mixed Use / Commercial (MC).  
47

1 BACKGROUND INFORMATION

2 A. Size of Site:

3 RE: # 00538170.000000: 8,240 ft<sup>2</sup>

4 RE: # 00538180.000000: 6,000 ft<sup>2</sup>

5 RE: # 00538190.000000: 7,000 ft<sup>2</sup>

6 **Total Site Size: 21,240 ft<sup>2</sup> or ½ acre**

7 B. Current Land Use Map Designation: Improved Subdivision (IS)

8 Future Land Use Map Designation: Mixed Use / Commercial (MC)

9 C. Tier Designation: Tier III

10 D. Flood Zone: X

11 E. Existing Use:

12 RE: # 00538170.000000: Undeveloped

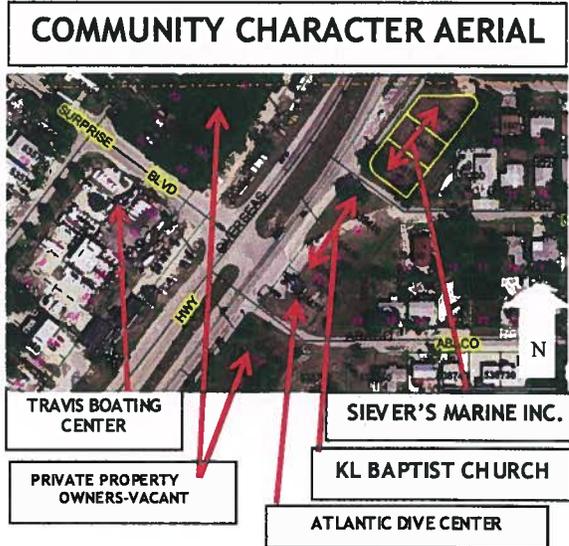
13 RE: # 00538180.000000: Undeveloped

14 RE: # 00538190.000000: Undeveloped

15 F. Existing Vegetation / Habitat: Cleared with some vegetation

16 G. Community Character of Immediate

17 Vicinity: The applicant's parcels are  
19 located at Mile Marker 106. They are  
21 located at the split of U.S. 1 and U.S. 905  
23 on the ocean side. Parcels to the north  
25 are owned by the State and are not  
27 developable. Parcels to the east contain  
29 single family residential dwelling units.  
31 The Baptist Church, the Atlantic Dive  
33 Center and four (4) privately owned  
35 vacant parcels are located to the south on  
37 U. S. 1. Across U. S. 1 is the Travis  
39 Boating Center and private vacant  
41 parcels. The Circle K gas station and  
43 convenience store are north of the  
45 applicant's parcels at the U. S. 1 and U.S.  
47 905 split.  
49



50  
51 IV REVIEW OF APPLICATION

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

54  
55 The proposed LUD amendment retains the community character and quality of life in the  
56 area. The proposed amendment is located in a Tier III area adjacent to the U. S. 1 corridor.  
57 Tier III is appropriate for development due to the lack of native habitat patches. The  
58 proposed amendment will retain the surrounding natural resources and direct future growth to  
59 this area. This is consistent with smart growth initiatives. The proposed Land Use District  
60 (LUD) amendment is consistent with the following provisions and intent of the Monroe  
61 County Year 2010 Comprehensive Plan.

62  
63 Goal 101: Monroe County shall manage future growth to enhance the quality of life,  
64 ensure the safety of County residents and visitors, and protect valuable natural resources.

1 Objective 101.4: Monroe County shall regulate future development and redevelopment  
2 to maintain the character of the community and protect the natural resources by providing  
3 for the compatible distribution of land uses consistent with the designations shown on the  
4 Future Land Use Map.  
5

6 Goal 105: Monroe County shall undertake a comprehensive land acquisition program  
7 and smart growth initiatives in conjunction with its Livable CommuniKeys Program in a  
8 manner that recognizes the finite capacity for new development in the Florida Keys by  
9 providing economic and housing opportunities for residents without compromising the  
10 biodiversity of the natural environment and the continued ability of the natural and  
11 manmade systems to sustain livable communities in the Florida Keys for future  
12 generations.  
13

14 Objective 105.1: Monroe County shall implement smart growth initiatives in conjunction  
15 with its Livable CommuniKeys and Land Acquisition Programs which promote  
16 innovative and flexible development processes to preserve the natural environment,  
17 maintain and enhance the community character and quality of life, redevelop blighted  
18 commercial and residential areas, remove barriers to design concepts, reduce sprawl, and  
19 direct future growth to appropriate infill areas.  
20

21 B. *Consistency of the proposed amendment with the provisions and intent of Chapter 102 of the*  
22 *Monroe County Code, Land Development Regulations:*  
23

24 The proposed LUD amendment is consistent with the provisions and intent of the Monroe  
25 County Code, Section 130-43 purpose of the Sub Urban Commercial (SC) district:  
26

27 The purpose of the SC district is to establish areas for commercial uses designed and  
28 intended primarily to serve the needs of the immediate planning area in which they are  
29 located. This district should be established at locations convenient and accessible to  
30 residential areas without the use of U. S. 1.  
31

32 In accordance with MCC Sec. 102-158(d)(5)b., the BOCC may consider the adoption of an  
33 ordinance enacting the proposed change based on one (1) or more of the following factors:  
34 *changed projections; changed assumptions; data errors; new issues; recognition of a need*  
35 *for additional detail or comprehensiveness; and data updates.* There was no applicant  
36 response for *data updates.*  
37

38 **APPLICANT RESPONSE:**

- 39 i. *Changed projections (e.g., regarding public service needs) from those on which the text*  
40 *or boundary was based;*  
41

42 Since the Monroe County Comprehensive Plan's adoption in 1992 (based on the 1980  
43 census data), the comprehensive plan and census data projected an even increase in future  
44 population through the entire county. The KLLCP (Key Largo Livable CommuniKeys  
45 Plan) addresses the need during this growth period to protect and enhance local  
46 community roots, while protecting local environmental resources. This application  
47 embodies the conclusions of the KLLCP; it replaces the single family residential (3 lots)  
48 adjacent to and fronting the Overseas Highway corridor with viable commercial and

1 mixed class residential along a corridor of existing and prescribed suburban commercial  
2 development. The application for a LUD amendment and re-zoning conforms to all the  
3 goals of the KLLCP. The change will allow development that is compatible with the  
4 goals of the KLLCP by protecting and enhancing local community life and minimizing  
5 the impact on Monroe County's environmental resources.  
6

7 The combined lots on Overseas Highway (U.S.-1) will not require any additional access  
8 on their frontage. The development will take advantage of two existing access points; i.e.  
9 N. End Road and Garden Cove Drive, and create an interconnect between them allowing  
10 the abandonment of an existing undeveloped alley way to increase proper access traffic  
11 flow outside of the Overseas Highway. Even in the comprehensive plan, single family  
12 residential lot development was not properly addressed as single families and cars on a  
13 corridor road do not mix. It should be noted that within the nearby vicinity of the subject  
14 property, no other residential properties exist along the Overseas Highway (U.S.-1) right  
15 of way other than Adam's Cut at approximately MM 103/104.  
16

17 With the adoption of the KLLCP and the tier system, shifting in the planning  
18 philosophies along the Overseas Highway (U.S.-1) corridor in areas of infill and meeting  
19 the "neighborhood communities" criteria including the provisions for a "walkable  
20 community" reducing area trip generation, this rezoning and LUD amendment should be  
21 positively accepted.  
22

23 The County will require all parcels to be combined into one developable lot at the time of  
24 site plan approval. This will, combined with the fact that the individual lots themselves  
25 are not large enough to support any mixed development, avoid individual lot sell-off and  
26 guarantee proper development as envisioned by the KLLCP. It should be noted that, not  
27 only will a Florida Department of Transportation (FDOT) curb cut for additional access  
28 not be sought from the FDOT, the FDOT will not grant one accept under the current  
29 single lot configuration.  
30

31 ii. *Changed assumptions (e.g., regarding demographic trends);*  
32

33 The prescribed use of "mixed use development" per the KLLCP is an effective way of  
34 dealing with new growth issues in this part of the Keys vs. that of the Monroe County  
35 Comprehensive Plan designating this property as residential medium. Allowing Mixed  
36 Use/Commercial (MC) LUD designation for this property creates a balance of  
37 environmental concerns; needs for housing in general, and fills a void for affordable  
38 housing. The allowance of this rezoning and LUD amendment will serve as an  
39 enhancement to the surrounding area and the gateway to the Keys.  
40

41 iii. *Data errors, including errors in mapping, vegetative types and natural features described*  
42 *in Volume 1 of the Monroe County Year 2010 Comprehensive Plan;*  
43

44 The IS land use designation for the subject parcels that are being proposed for rezoning to  
45 SC and LUD amendment to MC is an obvious example of Key Largo residents' and  
46 planning staff concerns that the KLLCP for the area recommends a mixed use that  
47 provides workforce housing and a light commercial retail area where local residents can  
48 feel comfortable in an aesthetically pleasing environment. The IS designation given to

1 the parcels was probably a part of a “package” designation requested by the developer of  
2 Ocean Isle Estates. The nature of the designation and factors leading to the designation  
3 are better addressed by Monroe County planning officials who have easy access to  
4 records pertaining to the Ocean Isle development.  
5

6 A portion of the Ocean Isle Estates subdivision currently includes a commercial fishing  
7 village supported by the marina and restaurant currently owned by the Applicant. The  
8 existing IS land use designation supports the Applicant’s requested use for the subject  
9 property. Often, when broad brush comprehensive plans are quickly established at the  
10 beckoning of the state, pockets of unique development are often caught up by the basic  
11 underlying land use and not the specific character of the existing development or  
12 proximity to major thoroughfare related issues.  
13

14 The KLLCP goes into great detail about the deficiencies of the existing LUD. Under the  
15 heading of Goal 1 of the KLLCP, the narrative describes the tendency of the Monroe  
16 County Comprehensive Plan to have “down-zoned” many of the properties adjacent to  
17 Overseas Highway (U.S.-1). The narrative then goes on to state that through the changed  
18 conditions and new information that has been brought forth since the Comprehensive  
19 Plan’s adoption in 1986, it is now the goal of the County and the Community to restore  
20 the commercial use status along this corridor. Certainly, that is what the amendment of  
21 the LUD to MC and rezone to SC would accomplish for the subject property.  
22

23 iv. *New issues;*

24 Over time, since the Buzzard’s Roost Marina and Restaurant first opened more than 30  
25 years ago, the majority of the surrounding neighborhood has been built or has become a  
26 “fishing village” with the marina at its core. The neighborhood is supported to some  
27 extent with commercial development bordering Overseas Highway (U.S.-1), commercial  
28 fishing, special district, mixed use commercial and improved subdivision. Through the  
29 recommendations in the KLLCP, the proposed LUD amendment to MC and rezoning to  
30 SC enhances the surrounding uses, the adjacent “fishing village” and serves as a light  
31 commercial/residential buffer from Overseas Highway (U.S.-1), blending into the other  
32 residential uses. With the ability to develop the property as a SC development, retail in  
33 support of the existing Village atmosphere could be built. The purpose of the existing IS  
34 district is to protect legally vested residential development rights to owners of lots in  
35 subdivisions that were established prior to the comprehensive plan. While existing plats  
36 at the time of the comprehensive plan development may have justified the IS designation,  
37 a closer review of the surrounding area indicates a strong correlation to the Suburban  
38 Commercial (SC) districts listed as to establish or conserve areas of commercial/mixed  
39 uses, and preserve these as areas representative of the character, economy and cultural  
40 history of the Florida Keys. The Applicant believes his request for rezoning to SC and  
41 LUD amendment to MC will hold to this test and will assist with the integration of the  
42 overall local neighborhood culture.  
43

44 v. *Recognition of a need for additional detail or comprehensiveness*

45  
46 The proposed KLLCP to the Monroe County Comprehensive Plan establishes new  
47 priorities for detailed review for comprehensiveness regarding local communities in Key  
48 Largo. The consensus goals identified in the KLLCP are met by the implementation of

1 the Applicant's re-zoning and LUD amendment request as illustrated below. It is  
2 specifically noted in the KLLCP, Strategy 1.3, action item 1.3.7 (b) that commercial  
3 conformance status be preserved within the sections along the Overseas Highway (U.S.-  
4 1) corridor. Although it is not a part of this application, it is suggested that Monroe  
5 County would pursue a change of zone and LUD designation for the remaining Ocean  
6 Isle lots fronting Overseas Highway (U.S.-1) to achieve a condition that is consistent with  
7 the goals of the KLLCP for the remaining lots adjacent to Overseas Highway (U.S.-1).  
8 The applicant is currently making an effort to contact the adjacent owners within Ocean  
9 Isle estates to gain their support in the rezoning and LUD amendment for the parcels  
10 along the Overseas Highway (U.S.-1) right of way.  
11

12 **STAFF RESPONSE:**

13 Staff finds the proposed land use district change, in accordance with MCC Sec. 102-  
14 158(d)(5)b, consistent with subsections '*new issues*' and '*recognition of a need for additional*  
15 *detail or comprehensiveness*'.

16  
17 On June 2, 2009, the BOCC adopted an ordinance amending a FLUM change on three (3)  
18 parcels (RE numbers 00538170.000000, 00538180.000000, and 00538190.000000) from  
19 Residential Medium (RM) to Mixed Use / Commercial (MC). The current land use  
20 district designation of Improved Subdivision (IS) is currently inconsistent with the Mixed  
21 Use / Commercial (MC) FLUM designation. Upon BOCC adoption of the proposed land  
22 use district amendment of Suburban Commercial (SC), the LUD will become consistent  
23 with the current FLUM designation of MC.  
24

25 *C. Goals, Strategies and Action Items from the Key Largo Livable CommuniKeys Plan that*  
26 *directly pertain to the proposed development*  
27

28 **APPLICANT RESPONSE:**

29 The following is a response by the applicant on ten (10) out of the eleven (11) goals located  
30 in the Key Largo Livable CommuniKeys Plan (KLLCP), pertaining to the proposed LUD  
31 amendment.  
32

33 **Land Use and Redevelopment**

34 *Consensus Goal 1: Direct future growth to lands that are most suitable for development and*  
35 *encourage preservation of environmentally sensitive lands.*  
36

37 The Applicant's property is in an optimal location for rezoning to SC and LUD  
38 amendment to MC in that it affords upscale commercial, keeping with the fishing village  
39 appearance of the Keys to create a showcase at the entrance of Key Largo. The SC zone  
40 also allows a mix of residential above the commercial predominantly in support of  
41 affordable housing related back to the Buzzard's Roost Marina & Restaurant staff  
42 housing needs as well as housing needs in general. The proposed rezoning and LUD  
43 amendment also eliminates single family housing units directly abutting a congested area  
44 of the Overseas Highway as well as removing the possibility of any new access points  
45 along Overseas Highway (U.S.-1). This is all accomplished without any detriment to any  
46 environmentally sensitive lands, and if anything, through proper stormwater treatment  
47 facilities, will improve the environmental status quo over single family residential  
48 construction on existing platted lots.

1 Community Character

2 *Consensus Goal 2: Preserve and enhance important community qualities within the planning*  
3 *area that define Key Largo’s casual village style atmosphere and natural environment and*  
4 *that enhance its status as the first island of the Florida Keys.*

5  
6 As studied previously, the Applicant believes that the rezoning to SC and LUD  
7 amendment to MC will not only fit into the surrounding existing development but will  
8 enhance the “village style” atmosphere as a gateway view into Key Largo. The proposed  
9 development will provide an immediate visual enhancement over the existing 3 scarified  
10 lots.

11  
12 *Consensus Goal 3: Protect and enhance historic, cultural and archeological resources*  
13 *within Key Largo to maintain the integrity of the community’s unique character.*

14  
15 While the proposed development neither enhances historic or archeological resources, it  
16 does protect and enhance cultural aspects of the community while maintaining and  
17 enhancing the community’s unique character; village style construction, i.e. residential  
18 over commercial.

19  
20 Housing

21 *Consensus Goal 4: Maintain the availability of affordable housing and workforce housing*  
22 *for local residents while preserving the character of the community.*

23  
24 The client’s incentive toward providing some workforce housing units in the project is  
25 driven by the needs of his own staff at Buzzard’s Roost Restaurant and Garden Cove  
26 Marina, just blocks away from the site. The rezoning to SC and LUD amendment to MC  
27 allows significantly needed workforce housing to be built.

28  
29 Environmental Protection

30 *Consensus Goal 5: Preserve, manage, and restore where appropriate, the natural resources*  
31 *within the planning area by providing open space, protecting water quality and acquiring*  
32 *and managing environmentally sensitive lands.*

33  
34 Given that the lots have been in their existing scarified state for such a long time, along  
35 with the required on-site stormwater treatment the project will provide, the request meets  
36 the environmental protection goal of the KLLCP.

37  
38 Economic Development

39 *Consensus Goal 6: Encourage redevelopment and infill development that supports and*  
40 *enhances the tourist based economy of the planning area.*

41  
42 The request meets the economic development goal encouraging infill development while  
43 enhancing the tourism based economy. This will be accomplished with portions of the  
44 commercial business associated back to the Buzzard’s Roost Restaurant and Garden  
45 Cove Marina, additional island retail and a mix of workforce housing as previously  
46 stated.

1 *Consensus Goal 7: Recognize water-dependent and water-related commercial uses as an*  
2 *important source of economic sustainability within the planning area.*  
3

4 As this goal recognizes the need to support water-dependent and water related  
5 commercial uses, the proposed rezoning and LUD amendment will allow for the  
6 development of both support services for the Buzzard's Roost Restaurant and Garden  
7 Cove Marina as well as commercial development over the subject properties.  
8

9 Transportation

10 *Consensus Goal 8: Provide residents and visitors of the planning area with a safe and*  
11 *useable transportation system for vehicles, bicycles and pedestrians with opportunities for*  
12 *transit systems where appropriate.*  
13

14 Workforce housing located within the subject property would enable residents the ability  
15 to walk to work at either the nearby existing commercial/retail developments or the  
16 proposed commercial developments that would be feasible with the change to the SC  
17 zone and MC LUD designation. As stated by the KLLCP, developments that promote  
18 pedestrian activity are encouraged, and it would be desirable to decrease the need for  
19 additional trips, possibly congesting the Overseas Highway (U.S.-1). The approval of the  
20 requested SC (designation) rezoning and LUD amendment to MC will require joining of  
21 all 3 lots, potentially eliminating an additional access point to the Overseas Highway.  
22

23 Recreation

24 *Consensus Goal 9: Provide additional resources for enhancement of existing facilities,*  
25 *expansion of active and passive land-based recreation opportunities and seek to expand*  
26 *public shoreline access for water-based recreational activities for all age groups within the*  
27 *community.*  
28

29 The proposed rezoning to SC and LUD amendment to MC will allow the development of  
30 a portion of the project to serve as support for the Buzzard's Roost Restaurant and  
31 Garden Cove Marina thereby enhancing areas for water based activities.  
32

33 Community Facilities

34 *Consensus Goal 10: Provide adequate public facilities to serve the existing and future needs*  
35 *of the planning area.*  
36

37 Public facilities are adequate to support the rezoning to SC as well as the LUD  
38 amendment to MC that have been requested. The Applicant has satisfied the consensus  
39 goals identified in the KLLCP. Approval of the LUD amendment to MC and rezoning to  
40 SC will only net a positive effect on the upper Key Largo area.  
41

42 **STAFF RESPONSE:**

43 Three (3) of the ten (10) goals in the Key Largo Livable CommuniKeys Plan are consistent  
44 with the proposed LUD amendment. They are:

45 *Goal 1: Direct future growth to lands that are most suitable for development and*  
46 *encourage preservation of environmentally sensitive lands;*

47 *Goal 6: Encourage redevelopment and infill development that supports and enhances*  
48 *the tourist based economy of the planning area; and*

1                    *Goal 10: Provide adequate public facilities to serve the existing and future needs of the*  
2                    *planning area.*

3  
4                    The three (3) parcels are scarified and undeveloped. The land is suitable for future  
5                    development. The proposed amendment will not draw on any environmentally sensitive  
6                    lands. The proposed LUD amendment will encourage infill of the subject's parcels Tier  
7                    III land.

8  
9                    Monroe County's 2008 Public Facilities Capacity Assessment Report indicates there is  
10                    adequate capacity for potable water, solid waste, transportation, parks and recreation in  
11                    this area. On Cross Key (MM 106), the level of service (LOS) is rated "E." This is due to  
12                    construction on the new high-level bridge. Once the bridge construction is complete, the  
13                    LOS will most likely return to normal. All new development must comply with County,  
14                    State and Federal regulations.

15  
16                    D. *Consistency with the Principles for Guiding Development in the Florida Keys Area of*  
17                    *Critical State Concern pursuant to F.S. Chapter 380.0552(7)* For the purposes of reviewing  
18                    consistency of the adopted plan or any amendments to that plan with the principles for  
19                    guiding development and any amendments to the principles, the principles shall be construed  
20                    as a whole and no specific provision shall be construed or applied in isolation from the other  
21                    provisions.

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

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

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

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

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

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

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

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

- 40                    1. The Florida Keys Aqueduct and water supply facilities;
- 41                    2. Sewage collection and disposal facilities;
- 42                    3. Solid waste collection and disposal facilities;
- 43                    4. Key West Naval Air Station and other military facilities;
- 44                    5. Transportation facilities;
- 45                    6. Federal parks, wildlife refuges, and marine sanctuaries;

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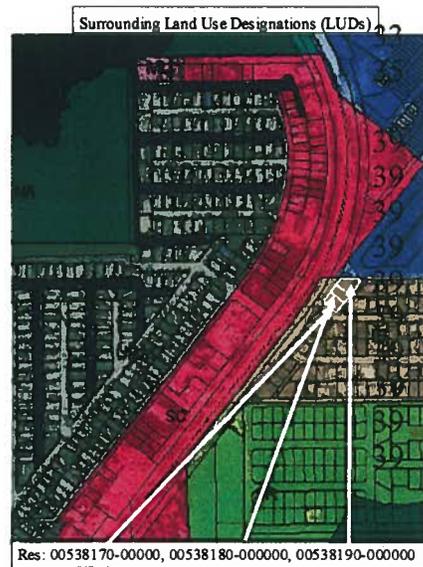
- 7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
  - 8. City electric service and the Florida Keys Electric Co-op; and
  - 9. Other utilities, as appropriate.
- (i). To limit the adverse impacts of public investments on the environmental resources of the Florida Keys.
  - (j). To make available adequate affordable housing for all sectors of the population of the Florida Keys.
  - (k). To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post disaster reconstruction plan.
  - (l). To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

**STAFF RESPONSE:**

The subject parcels are vacant and cleared. There are no natural resources on the three (3) parcels. The parcels are located on U. S. 1 and are adjacent to a variety of other mixed uses. Staff finds the proposed LUD amendment consistent with the Principles for Guiding Development as a whole and not inconsistent with any one principle.

**D. Impact on Community Character:**

MCC §102-158 maintains that amendments may not permit an adverse change in community character. The character of the immediate vicinity includes open space, mixed use and residential. The applicant's parcels are located at MM 106 and U.S. 1 south of the U.S. 1 and U.S. 905 split on the ocean side. A convenience store is located at the split and miscellaneous low to medium intensity retail stores are located in the surrounding area. Single-family residences are located along North End and Garden Cove Road. A few of the U. S. 1 parcels in this area are vacant and overgrown. The proposed land use map (LUD) amendment does not constitute an adverse change in community character.



**Local Use Compatibility**

The U.S. 1 corridor is Suburban Commercial (SC).

The land use designations of parcels to the east include Improved Subdivision (IS), Mixed Use (MU) and Commercial Fishing (CFA) districts. The parcels to the south have land use designations of Sub Urban Residential (SR) and Native Area (NA). The parcels to the north are owned by the State of Florida. The parcels across U. S. 1 have land use designations of Urban Residential Mobile Home (URM) and Native Area (NA). The proposed land use map (LUD) amendment is compatible with the local use.

1 Density and Intensity

2 The proposed LUD amendment from IS to SC will allow the following maximum  
3 nonresidential land use densities and intensities:  
4

<b>Improved Subdivision (IS)</b>			
Land Use Intensity			
Land use	Floor Area Ratio (FAR) Maximum	Size of Site (20% O.S.R. has been deducted)	Approximate Maximum ft <sup>2</sup> Allowed
Commercial Retail:			
Low Intensity	0.25	16,992	4,248
Medium Intensity	0.20	16,992	3,398
Office	0.25	16,992	4,248

5

<b>Sub Urban Commercial (SC) LUD Designation</b>			
Land Use Intensity			
Land use	Floor Area Ratio (FAR) Maximum	Size of Site (20% O.S.R. has been deducted)	Approximate Maximum ft <sup>2</sup> Allowed
Commercial Retail:			
Low Intensity	0.35	16,992	5,947
Medium Intensity	0.25	16,992	4,248
High Intensity	0.15	16,992	2,549
Office	0.40	16,992	6,797
Commercial Recreational	0.10	16,992	1,699
Institutional	0.30	16,992	5,098
Outdoor Recreational	0.10	16,992	1,699
Public Buildings and uses	0.30	16,992	5,098
Light Industrial	0.30	16,992	5,098

6 Detached dwellings of all types are a permitted use in the Improved Subdivision (IS)  
7 land use district. Vacation rentals are prohibited. Commercial retail of low- and  
8 medium intensity and office uses of less than 2,500ft<sup>2</sup> of floor area are permitted with  
9 a major conditional use.

10 Commercial retail, low- and medium intensity and office uses of less than 2,500ft<sup>2</sup> of  
11 floor area, institutional residential uses with less than ten (10) dwelling units,  
12 commercial apartments with less than six (6) dwelling units, commercial recreational  
13 and institutional uses, public buildings and uses, accessory uses, storage areas, and  
14 vocational rental uses are permitted uses in the SC land use district.  
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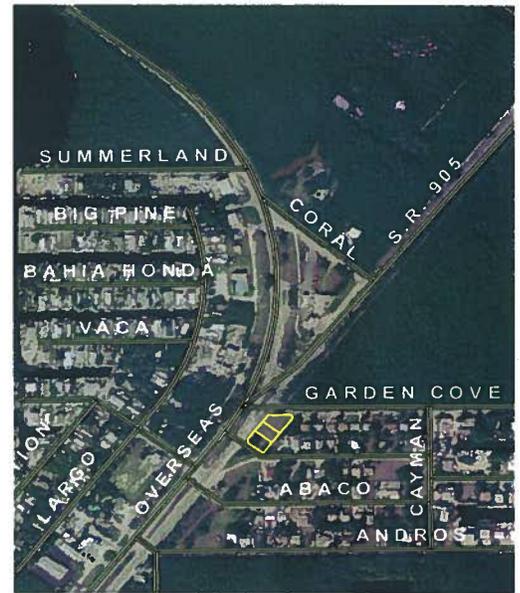
1 The size of the subject parcels are approximately 21,240ft<sup>2</sup>. Deducting the 20% open  
2 space ratio (O.S.R.), the buildable site is reduced to approximately 16,992ft<sup>2</sup>. The  
3 Improved Subdivision (IS) land use district permits between 3,398ft<sup>2</sup> and 4,248ft<sup>2</sup> of  
4 commercial floor area. The Suburban Commercial (SC) land use district allows  
5 between 1,699ft<sup>2</sup> and 5,947ft<sup>2</sup> of commercial floor area.  
6

7 The maximum residential density for the Improved Subdivision (IS) land use district  
8 is one (1) unit per lot. In the Suburban Commercial (SC) land use district between  
9 ten (10) and fifteen (15) hotel rooms, between five (5) and twenty (20) institutional  
10 rentals and ten (10) recreational rentals are permitted. However, the institutional and  
11 recreational rentals include recreational vehicle or campground spaces. These are  
12 considered transient uses. Transient uses are defined as a hotel or motel room,  
13 seasonal residential unit, or space for parking a recreational vehicle or travel trailer.  
14 Currently, there is a moratorium on transient uses. In July 2009, Monroe County  
15 amended and transmitted to DCA, Comprehensive Plan Policy 101.2.6 extending the  
16 moratorium on transient units. The proposed policy will be going back to the Board  
17 of County Commissioners for an adoption hearing sometime in November 2009.  
18

19 The proposed policy states “Monroe County shall adopt Land Development  
20 Regulations which prohibit new transient residential units including hotel or motel  
21 rooms, campground spaces, or spaces for parking a recreational vehicle or travel  
22 trailer until the average annual occupancy rate exceeds 90% as evidenced by the  
23 Tourist Development Council annual trend report of Monroe County Occupancy  
24 rates, at which time the Permit Allocation System shall allocate ten percent (10%) of  
25 annual residential market rate allocations to transient units.”  
26  
27

28  
29 Local Traffic, Parking and Circulation

30 U. S. 1 on Cross Key (MM 106-112.5) is  
31 located at the split of U. S. 1 and S.R. 905,  
32 north of the three (3) parcels. This stretch of  
33 road has a level of service (LOS) “E”  
34 indicating that the LOS exceeded the 5% trip  
35 allocation allowed. The draw bridge across the  
36 Jewfish Creek was replaced with a fixed high  
37 level bridge bringing the LOS rating down to  
38 an “E”. Once the construction is complete,  
39 travel speeds and level of service for this area  
40 are most likely to improve. The local  
41 neighborhood roads have been well  
42 maintained. The proposed LUD amendment  
43 may affect local traffic and parking, but not  
44 significantly.  
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61 Effects on Natural Resources

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

1 State and Federal environmental regulations. Because the subject property consists of  
2 cleared undeveloped lots, no additional clearing is anticipated. Effects on natural  
3 resources are not anticipated.  
4

5 Effects on Public Facilities

6 Objective 101.11 of the *Monroe County Year 2010 Comprehensive Plan* requires the  
7 County to direct future growth away from environmentally sensitive land and towards  
8 established development areas served by existing public facilities. The proposed  
9 LUD amendment will not affect Objective 101.11 and will encourage development to  
10 remain on disturbed lands rather than encroaching on environmentally sensitive area.  
11

12 Solid Waste

13 Monroe County has a solid waste haul out contract with Waste Management Inc.,  
14 which authorizes the use of in-state facilities through September 20, 2016, thereby  
15 providing the County with approximately eight (8) years of guaranteed capacity. The  
16 proposed land use map (LUD) amendment may affect solid waste, but not  
17 significantly.  
18

19 Potable Water

20 The average daily water demand is expected to slightly increase to 16.28 MGD over  
21 last year's of 16.02 MGD due to water shortage/drought conditions/water restriction  
22 and water conservation efforts. The construction of new water supply wells and a  
23 reverse osmosis water treatment facility provides an additional capacity of 6.0 MGD.  
24 The reverse osmosis desalination plant provides an additional 3.0 MGD of water for  
25 additional capacity. Staff feels if or when the parcels are developed potable water  
26 levels may be affected, but not significantly.  
27

28 Stormwater

29 Staff feels if or when the parcels are developed, stormwater runoff will result from  
30 this land use map (LUD) amendment. The applicant's properties, although in Tier  
31 III, are scarified but have not been developed. MCC Section 114-3, titled '*Surface*  
32 *Water Management Criteria*', establishes guidelines and criteria for the safe  
33 management and disposal of stormwater runoff from developed areas that will  
34 minimize or eliminate any resultant adverse impacts on the surface water,  
35 groundwater, and other natural resources of the county. Any change in the use of the  
36 property must comply with State and Federal regulations as well as the Monroe  
37 County Code, the Monroe County Comprehensive Plan and the Livable  
38 CommuniKeys Plans.  
39

40 Effects on Redevelopment/Infill Potential

41 Currently, the Buzzard's Roost sign stands on the subject parcels. The subject's  
42 parcels are in Tier III. Tier III is appropriate for infill development because of the  
43 location and amount of existing development in the areas designated and the absence  
44 of significant upland native habitat patches.



**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  
 Mitch Harvey, AICP, Comprehensive Plan Manager

**From:** Kathy Grasser, Comprehensive Planner

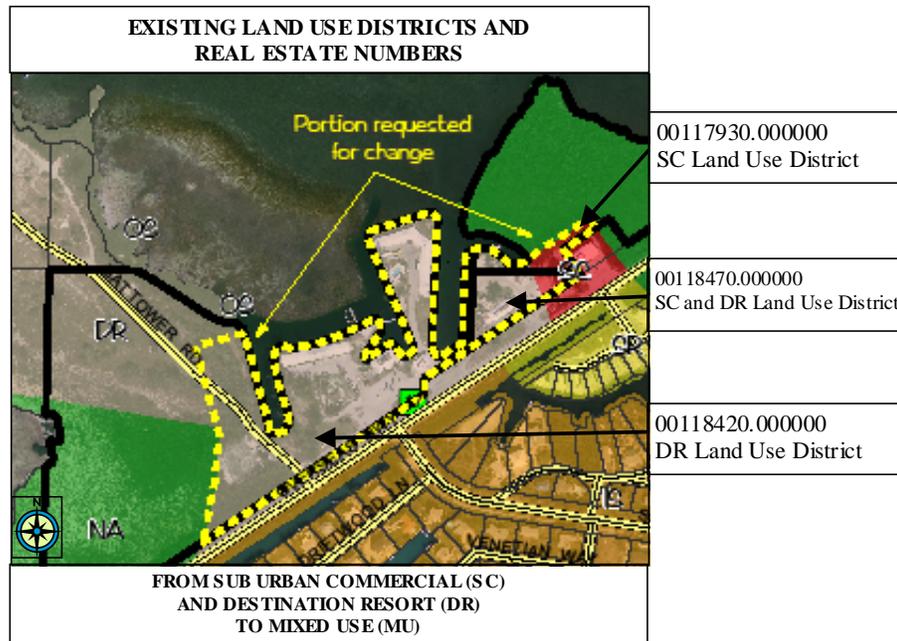
**Date:** October 16, 2009

**Subject:** Request for Amendment to the Land Use District Map by Mr. Lloyd A. Good, Jr., 17001 & 17075 Overseas Highway, Sugarloaf Key, Florida 33042, Mile Marker 17, Real Estate Number 00118420.000000, 00118470-00000 & 00117930-000000

**Meeting:** DRC October 19, 2009

**I. REQUEST**

A request by Lloyd A. Good, Jr., to amend the current Land Use District (LUD) designation from Destination Resort (DR) and Sub Urban Commercial (SC) to Mixed Use (MU) for the entire real estate number 00118470.000000 and portions of real estate numbers 00118420.000000 and 00117930.000000.



1           **Address:**                           17001 & 17075 Overseas Highway, Sugarloaf Key,  
2   Florida Mile Marker 17  
3           **Real Estate Number(s):**   All of RE 00117930.000000 and portions of  
4   RE numbers 00118420.000000 and 00118470.000000  
5           **Legal Description:**           Section 3 Township 67 Range 27 Y67703-03  
6   Sugarloaf Key PT Lot 3 & PT Lot 4  
7           **Applicant/Property Owner:** Lloyd A. Good, Jr.  
8

9           **NOTE:**

10           The LUD amendment does not guarantee future development for the three (3) parcels.  
11           Currently, Growth Management does not have any pending applications for development  
12           on this property. When or if, Growth Management receives an application, it will be  
13           addressed at that time.  
14

15   **II.   PROCESS**

16           Amendments may be proposed by the Board of County Commissioners (BOCC), the  
17           Planning Commission, the Director of Planning, or the owner or other person having a  
18           contractual interest in property to be affected by a proposed amendment. The Director of  
19           Planning shall review and process map amendment applications as they are received and  
20           pass them onto the Development Review Committee and the Planning Commission for  
21           recommendation and final approval by the BOCC.  
22

23           The Planning Commission and the BOCC shall each hold at least one public hearing on a  
24           proposed amendment. The Planning Commission shall review the application, the  
25           reports and recommendations of the Department of Planning & Environmental Resources  
26           and the Development Review Committee and the testimony given at the public hearing.  
27           The Planning Commission shall submit its recommendations and findings to the BOCC.  
28           The BOCC shall consider the report and recommendation of and the testimony given at  
29           the public hearings and may either deny the application or adopt an ordinance approving  
30           the proposed amendment. Ordinances are then reviewed by the Florida Department of  
31           Community Affairs.  
32

33   **III.   RELEVANT PRIOR COUNTY ACTIONS**

34           On June 2, 2009, the BOCC adopted Ordinance 019-2009 amending a FLUM change on  
35           real estate number 00118420.000000 and only on the triangular portion located 110 feet  
36           west of Bat tower Road near U. S. 1 from Residential Conservation (RC) to Mixed Use /  
37           Commercial (MC).  
38

39           On January 26, 2009, the BOCC approved Resolution 002-2009 transmitting an  
40           ordinance for adoption to the Department of Community Affairs (DCA). There were no  
41           objections, recommendations or comments from the DCA on the proposed FLUM  
42           amendment.  
43

1 On December 16, 2009, the Planning Commission approved Resolution P39-08  
2 recommending approval to the BOCC amending the FLUM from Residential  
3 Conservation (RC) to Mixed Use / Commercial (MC).  
4

5 **IV. BACKGROUND INFORMATION**

6  
7 **Land Use District (LUD) Designations**

8  
9 RE 00118420.000000: Destination Resort (DR), Native Area (NA)  
10 RE 00117930.000000: Sub Urban Commercial (SC), Native Area (NA)  
11 Located behind the fire station  
12 RE 00118470.000000: Destination Resort (DR)  
13

14 **Total Size of Parcel Proposed to be Amended**

15

Real Estate Numbers	Total Size of Parcel	Size of Parcel Proposed to be Amended
RE 00118420.000000	26.39 acres	415,519 ft <sup>2</sup> (9.5 acres)
RE 00117930.000000	15.61 acres	29,975 ft <sup>2</sup> (.68 acres)
RE 00118470.000000	54,728 ft <sup>2</sup> (1.26 acres)	54,728 ft <sup>2</sup> (1.26 acres)
<b>TOTAL SIZE OF PARCELS</b>	<b>43.26 acres</b>	
<b>TOTAL PARCELS PROPOSED TO BE AMENDED</b>		<b>500,222 (11.44 acres)</b>

16  
17 **Tier Designation**

18  
19 RE 00118420.000000: Tier 3  
20 RE 00117930.000000: Tier 1, Tier 3  
21 RE 00118470.000000: Tier 3  
22

23 **Flood Zone**

24  
25 AE, VE (EL 12)  
26

27 **Existing Use**

28  
29 Hotel, Office, apartment, restaurant and dockage for motel guests  
30  
31  
32  
33  
34



1 natural and manmade systems to sustain livable communities in the  
2 Florida Keys for future generations.

- 3  
4 4. Objective 105.1: Monroe County shall implement smart growth initiatives  
5 in conjunction with its Livable CommuniKeys and Land Acquisition  
6 Programs which promote innovative and flexible development processes  
7 to preserve the natural environment, maintain and enhance the community  
8 character and quality of life, redevelop blighted commercial and  
9 residential areas, remove barriers to design concepts, reduce sprawl, and  
10 direct future growth to appropriate infill areas.

11  
12 B. *Consistency of the proposed amendment with the provisions and intent of*  
13 *Chapters 102 of the Monroe County Code, Land Development Regulations:*

14  
15 The proposed LUD amendment is consistent with the provisions and intent of the  
16 Monroe County Code, Section 130-88 Mixed Use (MU) District purpose which  
17 states ‘to establish or conserve areas of mixed uses, including commercial fishing,  
18 resorts, residential, institutional and commercial uses, and preserve these as areas  
19 representative of the character, economy and cultural history of the Florida Keys.

20  
21 In accordance with MCC Sec. 102-158(d)(5)b., the BOCC may consider the  
22 adoption of an ordinance enacting the proposed change based on one (1) or more  
23 of the following factors: *changed projections; changed assumptions; data errors;*  
24 *new issues; recognition of a need for additional detail or comprehensiveness; and*  
25 *data updates.* There were no applicant responses for *changed projections,*  
26 *changed assumptions and new issues.* The ‘*data error*’ and ‘*data updates*’ factors  
27 are not applicable to the LUD amendment.

28  
29 **APPLICANT RESPONSE:**

30 *Recognition of a need for additional detail or comprehensiveness;*

31 The use of the area as a bank or real estate office or tire repair shop is  
32 nonconforming in the DR zone but not in the MU zone.

33  
34 *Data errors:*

35 Any portion of the area RE 00118420-000000 zoned as NA should have  
36 originally been DR. This area is NA should now be MU.

37  
38 *Data updates:*

39 This property has traditionally been used for the uses permitted in a mixed use  
40 zone as distinguished from the DR zone.

1 **STAFF RESPONSE**

2  
3 Staff has determined that the proposed map amendment is in accordance with MCC  
4 Section 102-158(d)(5)b(v) '*Recognition of a need for additional detail or*  
5 *comprehensiveness*' based on the following data and analysis.  
6

7 **History of the property**

8  
9 In 1960, a 24-unit motel building was built. At one time there was the existence of fifty-  
10 five (55) transient dwellings and one (1) permanent dwelling located in the motel office.  
11 There are five (5) buildings on RE 00118420.000000. Accordingly, in a letter of  
12 Development Rights Determination dated August 9, 2006, staff determined that twenty-  
13 four (24) transient dwelling units in the eastern wing of the motel and thirty-one (31)  
14 transient dwelling units in the western wing of the motel are lawfully-established.  
15

16 There are also three (3) existing lawfully-established non-residential structures on the  
17 parcel and consist of the motel office and lobby building, restaurant and marina.  
18

19 As of April 9, 2008, Building Permit 081-1303 was issued to demolish the 24-unit motel,  
20 a pool, and a lift station.  
21

22 **Land Use District History**

23  
24 Prior to 1986, the area had a land use district designation of a General Use District and a  
25 Business Use District.  
26

27 **General Use District**

28  
29 The GU land use district did not allow for the development or redevelopment of any  
30 structure except for single family dwellings and clubs. This district was established as an  
31 interim land classification pending action to rezone the property to a residential, business  
32 or industrial classification. The marina is located in RE 00118420.000000 and was zoned  
33 GU, prior to 1986. Marinas were not listed in this land use category.  
34

35 **BU-1, Light Business District**

36  
37 The hotel and retail establishments are located on RE 00118420.000000 and RE  
38 00118470.000000 and were zoned BU-1. Professional services, business services, banks,  
39 post offices, ticket offices, drug stores, and other retail services were permitted. This  
40 district is intended to protect and enhance the areas best suited for preservation of  
41 businesses related to neighborhood, tourist, and resort retail sales and business, personal  
42 and professional services.  
43  
44  
45

1 Sub Urban Commercial Current Land Use District

2  
3 After the 1986 zoning took effect, the small area behind the fire station and part of the  
4 northwestern parcel on RE 00117930.000000 was rezoned to Sub Urban Commercial  
5 (SC). The purpose of the SC district is to establish areas for commercial uses designed  
6 and intended primarily to serve the needs of the immediate planning area in which they  
7 are allocated. This district should be established at locations convenient and accessible to  
8 residential areas without use of U.S. 1.

9  
10 Permitted Uses

11  
12 Commercial retail, low- and medium-intensity and office uses of less than 2,500 ft<sup>2</sup> of  
13 floor area, institutional residential uses of less than ten (10) dwelling units, commercial  
14 apartments of less than six (6) dwelling units and accessory use are permitted as of right.

15  
16 Commercial retail, low- and medium-intensity and offices uses of less than 10,000ft<sup>2</sup> of  
17 floor area, commercial retail uses of high intensity of less than 2,500 ft<sup>2</sup> of floor area,  
18 institutional residential uses involving ten to twenty dwelling units, commercial  
19 apartments of six to eighteen dwelling units and hotels of fewer than 25 rooms are  
20 permitted as minor conditional uses subject to certain criteria.

21  
22 Commercial retail of low- and medium-intensity and office uses of greater than 10,000ft<sup>2</sup>  
23 of floor area, commercial retail uses of high intensity greater than 2,500ft<sup>2</sup> of floor area,  
24 institutional residential uses of 20 or more dwelling units, hotels providing more than  
25 25 rooms and marinas are permitted as a major conditional use subject to certain criteria.

26  
27 Destination Resort Current Land Use District

28  
29 After 1986, most of RE 00118470.000000 and 00118420.000000 were rezoned to the  
30 Destination Resort (DR) land use district. The purpose of the DR district is to establish  
31 areas suitable for the development of planned tourist centers providing on-site residential,  
32 recreational, commercial and entertainment facilities of a magnitude sufficient to attract  
33 visitors and tourists for tenancies of three or more days.

34  
35 Permitted Uses

36  
37 The DR maximum floor area for the commercial retail category in MC Code Section 130-  
38 74 states that no structure or land in the county shall hereafter be developed, used or  
39 occupied unless expressly authorized in a land use district in this article.

40  
41 Single family detached dwellings, vacation rentals are permitted uses. One or more  
42 resort hotels subject to certain criteria are permitted with a minor conditional use.  
43 Marinas, employee and attached residential dwelling units are permitted as a major  
44 conditional use subject to certain criteria.

1 Mixed Use Proposed Land Use District

2  
3 The proposed amendment will change one parcel (RE 00118470.000000) and a portion of  
4 two parcels (RE 00117930.000000 and RE 00118420.000000) from Destination Resort  
5 (DR) and Sub Urban Commercial (SC) land use districts to Mixed Use (MU) land use  
6 district. The purpose of the MU district is to establish or conserve areas of mixed use,  
7 including commercial fishing, resorts, residential, institutional and commercial uses and  
8 preserve these as areas representative of the character, economy and cultural history of  
9 the Florida Keys.

10  
11 Permitted Uses

12  
13 Detached residential dwellings, commercial retail and low- and medium-intensity and  
14 office uses of less than 2,500ft<sup>2</sup>, institutional uses, residential uses of less than ten  
15 dwelling units, commercial apartments involving less than six dwelling units and  
16 accessory uses are permitted as of right.

17  
18 Attached residential dwelling units, commercial recreational uses, commercial retail, low-  
19 and medium-intensity and offices of less than 10,000ft<sup>2</sup> of floor area, high-intensity  
20 commercial retail uses of less than 2,500ft<sup>2</sup> and commercial apartments involving six to  
21 18 dwelling units are permitted as a minor conditional use are subject to certain criteria.

22  
23 Commercial retail, low- and medium-intensity uses and offices of less than 10,000ft<sup>2</sup> of  
24 floor area, commercial retail, high-intensity uses and office uses of greater than 2,500 ft<sup>2</sup>,  
25 attached residential dwelling units, marinas, and hotels providing more than 50 rooms are  
26 permitted as a major conditional use with certain conditions.

27  
28 Conditional uses in the MU land use category require individual review of their location,  
29 design and configuration and the imposition of conditions in order to ensure the  
30 appropriateness of the use at a particular location.

31  
32 **IMPACT ON COMMUNITY CHARACTER**

33  
34 MCC §102-158 maintains that amendments may not permit an adverse change in  
35 community character. U.S. 1 serves as a commercial corridor in the immediate area of  
36 Sugarloaf Lodge. Sugarloaf Lodge was established in the 1960s and has continuously  
37 operated as a motel and restaurant to present day. The property has waterfront and  
38 provides dockage for guests staying at the Sugarloaf Lodge facilities. There is also a  
39 marina on the property.

40  
41 Based on this information and the following, staff finds the proposed LUD amendment  
42 from Destination Resort (DR) and Sub Urban Commercial (SC) land use districts to  
43 Mixed Use (MU) land use district may effect community character, but not significantly.  
44  
45

1 **APPLICANT RESPONSE**

2  
3 The uses proposed for the mixed use zone are consistent with the uses the area has had  
4 for over forty years.

5  
6 **STAFF RESPONSE**

7  
8 **Local Use Compatibility**

9  
10 The subject parcels are adjacent to and north of U. S. 1. The existing uses on the  
11 property currently contain an office, apartment, restaurant and dockage for motel guests.  
12 Prior to April 9, 2008, a 24-unit motel stood on the property. Building permit 081-1303  
13 was issued to demolish the structure. In a letter of Development Rights Determination,  
14 dated August 9, 2006, staff determined there are 55 transient dwelling units located on  
15 RE 00118420.000000. Staff additionally  
16 determined there are three (3) existing lawfully-  
17 established non-residential structures on the  
18 parcel which consist of a motel, office and  
19 lobby building, restaurant and marina.

20  
21 Currently, the three subject parcels have land  
22 use districts of Destination Resort (DR) and  
23 Sub Urban Commercial (SC). Parcels  
24 surrounding the subject parcels have land use  
25 district designations of Sub Urban Commercial  
26 (SC), Improved Subdivision (IS), Sub Urban  
27 Residential (SR) and Native Area (NA).

SURROUNDING LAND USE DISTRICTS

28  
29 **Density and Intensity (attached Exhibit 2)**

30  
31 Institutional and recreational rentals include recreational vehicle or campground spaces.  
32 These are considered transient uses. Transient uses are defined as a hotel or motel room,  
33 seasonal residential unit, or space for parking a recreational vehicle or travel trailer.  
34 Currently, there is a moratorium on transient uses. In July 2009, Monroe County  
35 amended and transmitted to DCA, Comprehensive Plan Policy 101.2.6 extending the  
36 moratorium on transient units. The BOCC will consider the adoption of this policy in  
37 November 2009.

38  
39 The proposed policy states “Monroe County shall adopt Land Development Regulations  
40 which prohibit new transient residential units including hotel or motel rooms,  
41 campground spaces, or spaces for parking a recreational vehicle or travel trailer until July  
42 31, 2010.

1           Open Space Requirement  
2

3           There is a 20% open space requirement for nonresidential development in the  
4           existing Sub Urban Commercial (SC) and Destination Resort (DR) and the  
5           proposed Mixed Use (MU) land use district designation. After calculating out the  
6           required open space, the SC district has a potential development area of 0.53 acres  
7           (22,935ft<sup>2</sup>), the DR district has a potential development area of 8.6 acres  
8           (377,242ft<sup>2</sup>) and the proposed MU district has a potential development area of 9.1  
9           acres (400,177ft<sup>2</sup>).  
10

11           MC Code Section 130-164 Maximum Nonresidential Land Intensities and Open Space  
12

13           The potential maximum floor area allowed in the SC district ranges from 2,294ft<sup>2</sup>  
14           to 9,174ft<sup>2</sup>. The DR district allows, under the Institutional category, 113,173ft<sup>2</sup>  
15           of potential development. The proposed MU district maximum floor area ranges  
16           between 40,018ft<sup>2</sup> and 160,071ft<sup>2</sup>.  
17

18           MC Code Section 130-162 Maximum Hotel-Motel, Recreational Vehicle and  
19           Institutional Residential Densities  
20

21           The SC district allows a maximum of five (5) rooms per acre and up to ten (10)  
22           rooms per buildable area (maximum net density). The DR district allows a  
23           maximum of 86 rooms per acre and a maximum net density of 215 rooms per  
24           buildable area. The proposed MU district has the potential to allow up to 91  
25           rooms per acre and a maximum net density range of ninety-one (91) to 182 rooms  
26           per buildable area.  
27

28           MC Code Section 130-157 Maximum Residential Density and District Open Space  
29

30           The 0.53 acres of the SC district allows no dwelling units per acre and three (3)  
31           dwelling units per buildable acre (maximum net density). The 8.6 acres of the  
32           DR district allows no dwelling units per acre and 10% of approved floor area may  
33           be allocated to employee housing. The proposed 9.1 acres of the MU district  
34           allows a maximum of nine (9) dwelling units per acre and a maximum net density  
35           of up to 109 dwelling units per buildable area.  
36

37           **NOTE:**

38           The LUD amendment does not guarantee future development for the three (3)  
39           parcels. Currently, Growth Management does not have any pending applications  
40           for development on this property. When or if, Growth Management receives an  
41           application, it will be addressed at that time.  
42

1 Local Traffic, Parking and Circulation

2  
3 The subject parcel is located on U. S. 1  
4 in Lower Sugarloaf Key. Including Bat  
5 Tower Road, there are ample driveways  
6 available to enter into and exit out of  
7 the property. However, the property is  
8 only accessible by U.S. 1. Parking is  
9 available for all establishments on the  
10 three subject parcels. The local  
11 neighborhood roads have been well  
12 maintained.

13  
14 The 2009 U. S. 1 Arterial Travel Time  
15 and Delay Study for Monroe County  
16 indicates a LOS of “D” on Sugarloaf  
17 Key (MM 16.5 to MM 20.5). U.S. Highway No. 1 is required to maintain a level of  
18 service (LOS) of “C” in order to support additional development. However, county  
19 regulations and FDOT policy allow segments that fail to meet LOS C standards to receive  
20 a traffic allocation not to exceed 5% below the LOS C standard. Sugarloaf Key has  
21 reserve capacity within the 5% allocation. The resulting flexibility will allow a limited  
22 amount of additional land development to continue until traffic speeds are measured  
23 again next year or until remedial actions are implemented. This segment is a candidate  
24 for being designated either “backlogged” or “constrained” by FDOT. Applications for  
25 new development located within backlogged or constrained segments are required to  
26 undergo a thorough traffic analysis as part of the review process.

27  
28 Currently, Monroe County does not have a development application on file for this  
29 property. A thorough traffic analysis is required as part of the review process and will be  
30 considered when or if a development application is submitted.

31  
32 Effect on Natural Resources

33  
34 The subject parcels are scarified and have been developed since the 1960s. Because the  
35 subject property consists of cleared developed lots, no additional clearing is anticipated  
36 for the proposed development. Effects on natural resources for the proposed area are not  
37 anticipated.

38  
39 Effects on Public Facilities

40  
41 Objective 101.11 of the *Monroe County Year 2010 Comprehensive Plan* requires the  
42 County to direct future growth away from environmentally sensitive land and towards  
43 established development areas served by existing public facilities. The proposed LUD  
44 amendment will not affect Objective 101.11 and will encourage development to remain  
45 on disturbed lands rather than encroaching on environmentally sensitive areas.

1  
2 In a Request for an Amendment to a Minor Conditional Use Permit, dated June 9, 2008,  
3 it was determined that Sugarloaf Lodge currently operates an existing sewage treatment  
4 plant under DEP permit FLA 014893. The proposed LUD amendment may affect public  
5 facilities, but not significantly.  
6

7 Solid Waste  
8

9 Monroe County has a solid waste haul out contract with Waste Management LLC, which  
10 authorizes the use of in-state facilities through September 20, 2016, thereby providing the  
11 County with approximately eight (8) years of guaranteed capacity. The FLUM  
12 amendment may have an insignificant effect on solid waste.  
13

14 Potable Water  
15

16 In March 2008, South Florida Water Management District (SFWMD) approved the  
17 FCAA's modification of WUP 13-00005-5-W for a 20-year allocation from the Biscayne  
18 and Floridian Aquifers. The WUP provides an annual allocation of 8,751 Million  
19 Gallons (MG) or 23.98 MGD and a maximum monthly allocation of 809 MG with a  
20 limited annual withdrawal from the Biscayne Aquifer of 6,492 MG or 17.79 MGD and an  
21 average dry season (December 1<sup>st</sup>-April 30<sup>th</sup>) of 17.0 MGD. The 100 gallons per person  
22 per day standard is commonly accepted as appropriate and is reflected in Policy 701.1.1  
23 of the Monroe County Year 2010 Comprehensive Plan.  
24

25 Stormwater  
26

27 MCC Section 114-3, titled '*Surface Water Management Criteria*', establishes guidelines  
28 and criteria for the safe management and disposal of stormwater runoff from developed  
29 areas that will minimize or eliminate any resultant adverse impacts on the surface water,  
30 groundwater, and other natural resources of the county. Any change in the use of the  
31 property must comply with State and Federal regulations as well as the Monroe County  
32 Code, the Monroe County Comprehensive Plan and the Livable CommuniKeys Plans.  
33

34 Effects on Redevelopment/Infill Potential  
35

36 The proposed area is cleared, scarified and developed. Objective 102.3.1 of the Monroe  
37 County Year 2010 Comprehensive Plan directs the County to encourage infill  
38 development where existing lands are already substantially developed, served by  
39 complete infrastructure facilities and within close proximity to established commercial  
40 areas and have few sensitive or significant environmental features.  
41

42 The proposed LUD amendment will encourage infill development to remain on already  
43 existing developed land.  
44

1 C. *Consistency with the Principles for Guiding Development in the Florida Keys*  
2 *Area of Critical State Concern pursuant to F.S. Chapter 380.0552(7)*  
3

4 For the purposes of reviewing consistency of the adopted plan or any amendments  
5 to that plan with the principles for guiding development and any amendments to  
6 the principles, the principles shall be construed as a whole and no specific  
7 provision shall be construed or applied in isolation from the other provisions.  
8

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

- 1 k. To provide adequate alternatives for the protection of public safety and  
2 welfare in the event of a natural or manmade disaster and for a post disaster  
3 reconstruction plan.
- 4 l. To protect the public health, safety, and welfare of the citizens of the Florida  
5 Keys and maintain the Florida Keys as a unique Florida resource.

6  
7 **STAFF RESPONSE**  
8

9 The property has an existing marina in place. The parcels proposed for the amendment  
10 are located in a Tier III area. This area is scarified and historically, had a hotel, other  
11 amenities and local businesses on the property since the 1960s. Lawfully established  
12 transient units and other structures have been determined by county staff on the proposed  
13 area. Sugarloaf Lodge has been in existence since the 1960s and has become part of the  
14 local heritage.

15  
16 Staff finds proposed LUD amendment consistent with the Principles for Guiding  
17 Development as a whole and not inconsistent with any one principle.  
18