

AGENDA

DEVELOPMENT REVIEW COMMITTEE

-
Tuesday, December 1, 2009

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

Joe Haberman, Principal Current Planner

Thomas Lloyd, Planner

CHANGES TO THE AGENDA

MEETING

-
NEW ITEM:

-
1. Breezy Pines, LLC Properties, Big Pine Key, Mile Marker 30: A request for a minor conditional use permit for the transfer of three (3) ROGO exempt transient residential units from a sender site on Big Pine Key to a receiver site to be determined and approved at a future date. The sender site is legally described as parcels of land in Section 27, Township 66, Range 29, Big Pine Key, having real estate (RE) number 00111880.000020 (prior right-of-way abandonment) and parent real estate (RE) number 00111882 with split outs 000100 through 009800.

[29087 FILE.pdf](#)

[29087 SR DRC 12.01.09.PDF](#)

ADJOURNMENT

-

File #: **29087**

Owner's Name: Breezy Pines LLC
c/o Joe Cleghorn

Applicant: Breezy Pines LLC
c/o Joe Cleghorn

Agent: Trepanier & Associates

Type of Application: Minor - TRE

Key: Big Pine Key

RE: 00111882-000000

Additional Information added to File 29087

County of Monroe Growth Management Division

Office of the Director

2798 Overseas Highway

Suite #400

Marathon, FL 33050

Voice: (305) 289-2517

FAX: (305) 289-2854



Board of County Commissioners

Mayor George Neugent, Dist. 2

Mayor Pro Tem Sylvia J. Murphy, Dist. 5

Kim Wigington, Dist. 1

Heather Carruthers, Dist. 3

Mario Di Gennaro, Dist. 4

We strive to be caring, professional and fair

Date: 4/21/09

Dear Applicant:

This is to acknowledge submittal of your application for TRE CONDITIONAL USE PERMIT
Type of application

BREEZY PINES

Project / Name

to the Monroe County Planning Department.

Thank you.

A handwritten signature in black ink, appearing to be 'C. D.', is written over a horizontal line. The signature is stylized and somewhat cursive.

Planning Staff

End of Additional File 29087

APPLICATION
MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT



**Request for a Minor Conditional Use Permit for the Transfer of ROGO Exemption (TRE)
SENDER SITE APPROVAL**

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

Conditional Use, Transfer of ROGO Exemption Application Fee: \$1,740.00

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

Advertising Costs: \$245.00

Surrounding Property Owner Notification: \$3.00 for each property owner required to be noticed

Date of Submittal: / /
Month Day Year

Applicant / Agent:

Trepanier & Associates

Name

P.O. Box 2155, Key West, FL 33045-2155

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

(305) 293-8983

Daytime Phone

mchenkatar@owentrepanier.com

Email Address

Sender Site Property Owner:

Breezy Pines c/o Joe Cleghorn

Name

1421 First St., Key West, FL 33040

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

(305) 797-5184

Daytime Phone

APPLICATION

Sender Site Legal Description:

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

Please see attached.			Cudjoe
Block	Lot	Subdivision	Key
00111882-000000 broken into 98 Lots (please see		attached)	
Real Estate (RE) Number	Alternate Key Number		
29859 Overseas Highway	30		
Street Address (Street, City, State, Zip Code)		Approximate Mile Marker	

Sender Site Land Use District Designation: 98 RH/MC

Sender Site Existing Land Use: 98 URM/SC

Amount of dwelling units lawfully-established on Sender Site: 102

Amount of dwelling units to be transferred from Sender Site: 3

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

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

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

- Complete application (unaltered and unbound);
- Correct fee (check or money order to Monroe County Planning & Environmental Resources);
- Proof of ownership (i.e. Warranty Deed);
- Current Property Record Card(s) from the Monroe County Property Appraiser for sender site;
- Location map of sender site;
- Signed and Sealed Boundary Survey of sender site, prepared by a Florida registered surveyor – 6 sets (at a minimum, survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage by land use district; and total acreage by habitat);
- Typed name and address mailing labels of all property owners within a 300 foot radius of the sender site. This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 300 foot radius, each unit owner must be included

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

- Notarized Agent Authorization Letter (note: authorization is needed from all owner(s) of the sender site and receiver site properties)
- Any Letters of Development Rights Determinations
- Any Letters of Understanding pertaining to the proposed transfer

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

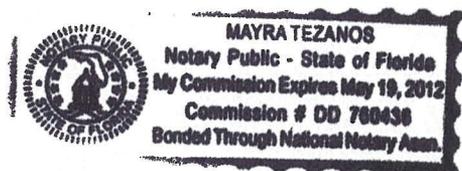
If for any reason the minor conditional use permit application requires review and consideration by the Monroe County Planning Commission, additional fees, mailing labels and copies of plans shall be required prior to item being scheduled for commission review.

APPLICATION

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

Signature of Applicant: [Handwritten Signature] Date: 9/24/09

Sworn before me this 24th day of September, 2009

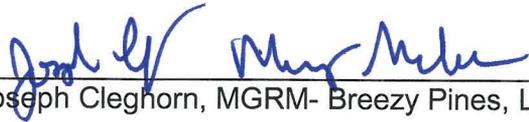


[Handwritten Signature]
Notary Public
My Commission Expires

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

Letter of Authorization

Breezy Pines, LLC authorizes Trepanier & Associates, Inc. to be my representative and act on my/our behalf.


Joseph Cleghorn, MGRM- Breezy Pines, LLC

Subscribed and sworn to (or affirmed) before me on 9-23-2009 (date) by
Joseph Cleghorn
Please print name

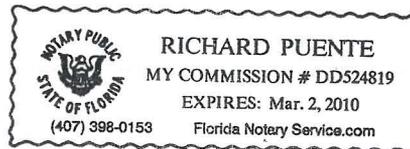
He/She is personally known to me or has presented _____
as identification.


Notary Signature & Seal My commission expires 3-2-2010
date

Richard Puente Name of Acknowledger printed or stamped

Notary Title or Rank

DD 524 819 Commission Number, if any



Doc# 1631016 03/07/2007 9:37AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

This Instrument Prepared By and Return to:

DAVID S. BERNSTEIN, ESQ.
Ruden, McClosky, Smith,
Schuster & Russell, P.A.
Post Office Box 14034
St. Petersburg, FL 33733

03/07/2007 9:37AM
DEED DOC STAMP CL: PW \$35,000.00

Doc# 1631016
Bk# 2277 Pg# 1079

Parcel No. 00111880 - 000100

Space above this line for recorder's use only

SPECIAL WARRANTY DEED

THIS INDENTURE made as of February 28, 2007, by and between BREEZY PINES R.V. ESTATES, LLLP, a Florida limited liability limited partnership ("Grantor"), for and in consideration of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations in hand paid, receipt of which is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases and conveys unto BREEZY PINES, LLC, a Florida limited liability company, whose address is 1421 First Street, Key West, Florida 33040 ("Grantee"), that certain real property in the County of Monroe, State of Florida, more fully described on Exhibit "A" attached hereto and made a part hereof by this reference.

TOGETHER with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, reversion, remainder and easement thereto belonging or in anywise appertaining.

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

And the Grantor does hereby covenant that, except for the title exceptions set forth on Exhibit "B" attached hereto and made a part hereof, Grantor does fully warrant the title to the above described real estate so hereby conveyed and will defend the same against the lawful claims, arising out of events occurring prior to the recording of this Deed, of all persons claiming by, through or under the Grantor, but against none other.

IN WITNESS WHEREOF, the Grantor aforesaid has set its hand and seal as of February 28 2007.

WITNESSES:

Print Name: RONNA SCHMERIN

Print Name: DAVID SCHMERIN

Address:

BREEZY PINES R.V. ESTATES, LLLP, a
Florida limited liability limited partnership

By: Stuart Perlman
STUART PERLMAN,
Authorized General Partner

401 South Old Woodward, Suite 470
Birmingham, MI 48009

Space above this line for recorder's use only

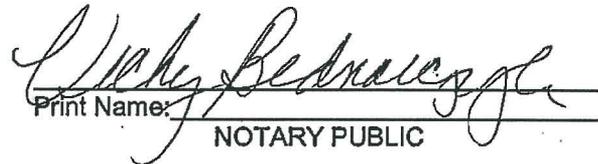
Doc# 1631016
Bk# 2277 P# 1080

STATE OF MICHIGAN
COUNTY OF OAKLAND

I hereby certify that on this 7th day of February, 2007, before me personally appeared STUART PERLMAN as Authorized General Partner of BREEZY PINES R.V. ESTATES, LLLP, a Florida limited liability limited partnership, to me known to be the person described in and who executed the foregoing instrument, and acknowledged the execution thereof to be his free act and deed as such Authorized General Partner on behalf of said partnership, for the use and purposes therein mentioned, and the said instrument is the act and deed of said partnership. He is ✓ personally known to me or has produced a _____ driver's license as identification.

WITNESS my signature and official seal at _____ in the County of Oakland and State of Michigan, the day and year last aforesaid.

My Commission Expires:


Print Name: _____
NOTARY PUBLIC

VICKY BEDNARCZYK
NOTARY PUBLIC WAYNE CO., MI
MY COMMISSION EXPIRES Jul 16, 2007
ACTING IN OAKLAND COUNTY, MI

EXHIBIT "A"
LEGAL DESCRIPTION

A parcel of land in the Southeast 1/4 of the Northeast 1/4 of Section 27, Township 66 South, Range 29 East, on Big Pine Key, Monroe County, Florida, being more particularly described by metes and bounds as follows:

Parcel I

Commencing at the Northeast corner of the Southeast 1/4 of the Northeast 1/4 of Section 27, Township 66 South, Range 29 East, run West along the North boundary line of the Southeast 1/4 of the Northeast 1/4 of said Section 27, for a distance of 390 feet to a point on the Westerly right-of-way line of a 40 foot road; thence run South along the Westerly right-of-way line of said 40 foot road for a distance of 301.11 feet to the POINT OF BEGINNING of the parcel of land hereinafter described; from said POINT OF BEGINNING continue running South along the Westerly right-of-way line of said 40 foot roadway for a distance of 305 feet to a point; thence bear West at right angles to the preceding course and along the Northerly right-of-way line of another 40 foot road for a distance of 318.62 feet to a point; thence bear North and at right angles to the preceding course for a distance of 305 feet to a point; thence bear East and at right angles to the preceding course for a distance of 318.62 feet to the POINT OF BEGINNING.

Parcel II

Four tracts of land in the Southeast 1/2 of the Northeast 1/4 of Section 27, Township 66 South, Range 29 East, on Big Pine Key, Monroe County, Florida, also being described as Tracts 1 and 4 and 2 and 5 of the "CAHILL TRACT" on an unrecorded sketch of survey made by C.G. Bailey, Registered Florida Land Surveyor Number 620, dated March 17, 1953, and being more particularly described by metes and bounds as follows:

Beginning at a point of intersection of the West line of Section 26, Township 66 South, Range 29 East and the centerline of U.S. Highway No. 1, run North 100 feet along the West line of Section 26, to a point; thence West along the North right-of-way line of U.S. Highway No. 1, for a distance of 350 feet to the POINT OF BEGINNING of the tracts hereinafter described; from said POINT OF BEGINNING continue bearing West along the North right-of-way line of U.S. Highway No. 1, for a distance of 200 feet to a point; thence in a Northerly direction paralleling the Section line of Section 26, Township 66 South, Range 29 East for a distance of 302.02 feet to a point on the South side of a 40 foot road or easement; thence Easterly along the Southerly side of said 40 foot road or easement for a distance of 200 feet to a point which is 350 feet West of the West line of said Section 26 and 302.55 feet North of the POINT OF BEGINNING; thence South for a distance of 302.55 feet back to the POINT OF BEGINNING.

Parcel III

TOGETHER WITH a non-exclusive right-of-way easement for ingress and egress over and across the property described in EXHIBIT "A" attached to Declaration of Right of Way Easement recorded in O.R. Book 1081, Page 1293, of the public records of Monroe County, Florida, being more particularly described as follows:

A parcel of land located in the SE 1/2 of the Northeast 1/4 of Section 27, Township 66 South, Range 29 East, on Big Pine Key, Monroe County, Florida, also described as the "CAHILL TRACT" on an unrecorded sketch of survey made by C.G. Bailey, Registered Florida Land Surveyor Number 620, dated March 17, 1953, and being more particularly described by metes and bounds as follows: Commencing at a point of intersection of the West line of Section 26, Township 66 South, Range 29 East and the centerline of U.S. Highway No. 1, run North 100 feet along the West line of said Section 26, to a point due East of the Southeast corner of Lot 1 of the "CAHILL TRACT"; thence run North 89 deg 52 min 48 sec West, a distance of 350.94 feet to the Southeast corner of Lot 1 of the "CAHILL TRACT"; thence run North 89 deg 53 min 31 sec West, a distance of 200.04 feet to the Southwest corner of Lot 2 of the "CAHILL TRACT"; thence run North 89 deg 53 min 08 sec West, a distance of 100.08 feet to the Southwest corner of Lot 3 of the "CAHILL TRACT"; thence continue

North 89 deg 53 min 08 sec West, a distance of 39.96 feet (40.00 feet by record) to the Southeast corner of Lot 7 of the "CAHILL TRACT"; thence run North 00 deg 00 min 27 sec West, a distance of 301.62 feet (301.69 feet by record) to a point on the Northeast corner of Lot 13 of the "CAHILL TRACT" for a POINT OF BEGINNING;

Thence from the POINT OF BEGINNING take the following courses:

1. run Westerly along the Northern boundary of said Lot 13 of the "CAHILL TRACT" a distance of approximately 18.62 feet to a point on the said Northern boundary due South of the Southwest corner of Lot 21 of the "CAHILL TRACT";
2. thence run due North a distance of 40 feet to the Southwest corner of Lot 21 of the "CAHILL TRACT";
3. thence run North 89 deg 58 min 45 sec East along the Southern boundary line of Lot 21 of the "CAHILL TRACT" to the Southeast corner of Lot 21 of the "CAHILL TRACT" a distance of 318.37 feet (318.62 feet by record);
4. thence run North 00 deg 01 min 29 sec East along the Eastern boundary line of Lot 21 of the "CAHILL TRACT" to the Northeast corner of said Lot 21 of the "CAHILL TRACT" a distance of 304.91 feet (305 feet by record)
5. thence run due East a distance of 40 feet to a point on the Western boundary of Lot 19 of the "CAHILL TRACT";
6. thence run South 00 deg 00 min 07 sec East along the Westerly boundaries of Lot 19 of the "CAHILL TRACT" to the Southwest corner of Lot 19 of the "CAHILL TRACT";
7. thence run Easterly along the Southerly boundary line of said Lot 19 of the "CAHILL TRACT" approximately 350 feet to the Southeast corner of said Lot 19 of the "CAHILL TRACT", abutting Sandy Circle Road;
8. thence run due South along the Western boundary line of said Sandy Circle Road a distance of 20 feet to a point due South of the Southeast corner of said Lot 19 of the "CAHILL TRACT";
9. thence run North 89 deg 56 min 52 sec West approximately 350 feet to a point due South of the Southwest corner of Lot 19 of the "CAHILL TRACT";
10. thence run South 00 deg 01 min 15 sec East to the Northeast corner of Lot 4 of the "CAHILL TRACT";
11. thence run South 89 deg 56 min 39 sec West along the Northern boundary of Lots 4 and 5 of the "CAHILL TRACT" a distance of 200.03 feet (200 feet by record) to the Northwest corner of Lot 5 of the "CAHILL TRACT";
12. thence run North 89 deg 59 min 36 sec West, a distance of 99.94 feet (100 feet by record) to the Northwest corner of Lot 6 of the "CAHILL TRACT";
13. thence continue running North 89 deg 59 min 36 sec West, a distance of approximately 40 feet to a point on the Northeast corner of Lot 13 of the "CAHILL TRACT" to the POINT OF BEGINNING.

EXHIBIT "B"
PERMITTED EXCEPTIONS

- 1 Taxes for the year 2007 and subsequent years.
- 2 Utility Easement along the West boundary recorded in O.R. Book 365, Page 919, of the public records of Monroe County, Florida. (as to Parcel II)
- 3 Unrecorded Cable Television Multiple Unit Agreement dated November 1, 1987, by and between Knut Wiedemann and TCI Cablevision of Florida, Inc., as shown in Warranty Deed recorded in O.R. Book 1076, Page 346, of the public records of Monroe County, Florida.
- 4 Terms and conditions of Declaration of Right of Way Easement recorded in O.R. Book 1081, Page 1293, of the public records of Monroe County, Florida. (as to Parcel III)
- 5 State Law under Chapter 76-190 and Chapter 22F-8.02, of the Florida Administrative Code for Land Planning for the Florida Keys Area of Critical State Concern recorded in O.R. Book 668, Page 43.
- 6 County Ordinance No. 10-1977, providing for Annual Levy on Garbage and Trash Collection Fees to be assessed upon this parcel of land, and Amendment thereof, County Ordinance No. 13-1978.

MONROE COUNTY
OFFICIAL RECORDS

Monroe County Property Record Card (133)

Alternate Key: 1140601 Roll Year 2009
 Effective Date: 2/26/2009 3:56:22 PM Run: 02/26/2009 03:56 PM

BREEZY PINES LLC
 1421 FIRST ST
 KEY WEST FL 33040

Parcel 00111880-000100-27-66-29 Nbhnd 544
 Alt Key 1140601 Mill Group 100H
 Affordable Housing No PC 3600
 FEMA Injunction ALL
 Inspect Date Next Review
 Business Name
 Physical Addr 29859 OVERSEAS HWY, 98, BIG PINE KEY

Associated Names

Name DBA Role
 BREEZY PINES LLC, Owner

Legal Description

27 66 29 BIG PINE KEY PT SE1/4 OF NE1/4 OR410-182 OR430-826 OR712-689Q/C OR712-692/693 OR870-495/496 OR972-2270/2271 RE: 11191 COMBINED FOR ASSESSING PURPOSES 5-1-87 OR1076-345(GERT) OR1076-346/348 OR1839-1882/85 OR2277-1079/83 DELETED PARCEL NOW SPLIT INTO INDIVIDUAL UNITS WITHIN BREEZY PINES RV ESTATES CONDOMINIUM SEE HDR NO 00111882-000000 AK 9088502 DONE FOR THE 2007 TAX ROLL 6/13/07. TS

Land Data 1.

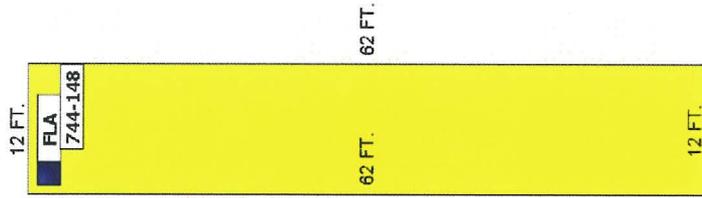
Line ID	Use	Front	Depth	Notes	# Units	Type	SOH %	Rate	Depth	Loc	Shp	Phys	Class	ROGO	Class Value	Just Value
15362	020D	0	0	Yes	157,583.00	SF	0.00		1.00	1.00	1.00	1.00		N		

Total Just Value

Monroe County Property Record Card (133)

Alternate Key: 1140601 Roll Year 2009
 Effective Date: 2/26/2009 3:56:22 PM Run: 02/26/2009 03:56 PM

Building Sketch 7500



Building Characteristics

Building Nbr	1	Building Type	R1	Perimeter	148	Functional Obs	0.00
Effective Age	19	Condition	A	Depreciation %	0.27	Economic Obs	0.00
Grnd Floor Area	744	Quality Grade	350	Year Built	1972	Special Arch	0

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

Roof Type 1	Roof Cover 7	Heat 1	1	Heat 2	0	Heat Src 1	4	Heat Src 2	0	Bedrooms	2	
Extra Features:	2 Fix Bath	0	4 Fix Bath	0	6 Fix Bath	0	Vacuum	0	Security	0	Garbage Disposal	0
	3 Fix Bath	1	5 Fix Bath	0	7 Fix Bath	0	Dishwasher	0	Fireplaces	0	Compactor	0

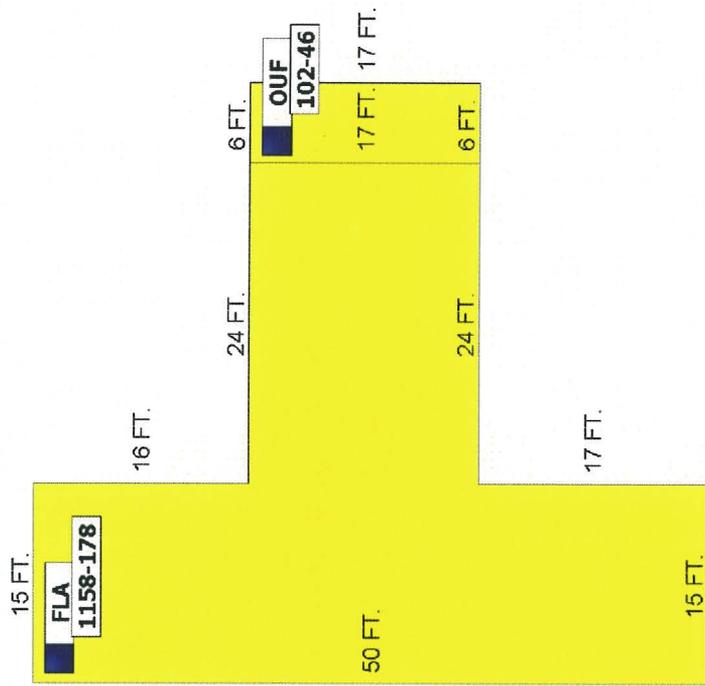
Sections

Type	Number	Exterior Wall Type	# Stories	Year Built	Attic	A/C	Basement %	Finished Bsmt %	Area	Sketch ID	SOH %
FLA	1	8:METAL/ALUM	1	1971	N	N	0.00	0.00	744	000	0.00

Monroe County Property Record Card (133)

Alternate Key: 1140601
 Effective Date: 2/26/2009 3:56:22 PM
 Roll Year 2009
 Run: 02/26/2009 03:56 PM

Building Sketch 41707



Building Characteristics

Building Nbr	2	Building Type	0	Perimeter	178	Functional Obs	0.00
Effective Age	30	Condition	A	Depreciation %	0.38	Economic Obs	0.00
Grnd Floor Area	1158	Quality Grade	250	Year Built	1944		
Fireplaces	0	3 Fix Bath	4	5 Fix Bath	0	7 Fix Bath	0
2 Fix Bath	0	4 Fix Bath	0	6 Fix Bath	0	Extra Fix	0

Sections

Type	Number	Wall Height	# Stories	Year Built	% Finished	Area	Sketch ID	SOH %
OUF	1	8	1	1986		102	001	0.00
FLA	2	8	1	1986		1,158	002	0.00

Interior Finish

Sec Nbr	Int Nbr	Description	Area %	Sprinkler	A/C	Total RCN	Ext Nbr	Wall Type	Area %	Wall Rate	RCN
191745	9264		100.00	N	N		2962	CONC BLOCK	100.00		
191746	9265	CAMP BLDG-D-	100.00	N	N						

Monroe County Property Record Card (133)

Alternate Key: 1140601 Roll Year 2009
 Effective Date: 2/26/2009 3:56:22 PM Run: 02/26/2009 03:56 PM

Miscellaneous Improvements												
Nbr	Impr Type	# Units	Type	SOH %	Length	Width	Year Built	Roll Year	Grade	Life	RCN	Depr Value
9	MH3:TRAILER PORCH	150	SF	0.00	10	15	1974	1975	4	50		
8	MH2:TRAILER CABANA	150	SF	0.00	10	15	1984	1985	2	50		
7	TK2:TIKI	128	SF	0.00	8	16	1989	1990	2	40		
6	PO6:COMM POOL	666	SF	0.00	18	37	1981	1982	2	50		
5	PT3:PATIO	584	SF	0.00	146	4	1981	1982	4	50		
4	FN2:FENCES	584	SF	0.00	146	4	1981	1982	4	30		
10	MH3:TRAILER PORCH	400	SF	0.00	10	40	1974	1975	4	50		
Total Depreciated Value												

Appraiser Notes

BREEZY PINES TRAILER PARK 11/16/99 REMOVED ALL OLD CALLS AS WE COULD NOT FIND THEM.033 2003 CUT OUT DONE
 DELETED PARCEL NOW SPLIT INTO INDIVIDUAL UNITS WITHIN BREEZY PINES RV ESTATES CONDOMINIUM SEE HDR NO 0011882-000000 AK 9088502 DONE FOR THE 2007
 TAX ROLL 6/13/07.

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	98-2464	Dec 3 1998 12:00AM		2,650	Residential	ROOFING FOR LOT A9
	005369	Jan 4 2001 12:00AM		2,150	Commercial	ROOFING
	06103372	May 26 2006 12:00AM		0		EXOTIC TREE REMOVAL - 1 ROYAL POINCIANA

Monroe County Property Record Card (133)

Alternate Key: 1140601 Roll Year 2009
 Effective Date: 2/26/2009 3:56:22 PM Run: 02/26/2009 03:56 PM

Value History

Tax Year	Val Meth	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Sr Ex	Tax Value
2008F	O	0	0	0	0	0	0	0	N	0
2007F	O	0	0	0	0	0	0	0	N	0
2006F	O	2,127,371	0	88,559	37,880	2,093,117	2,093,117	0	N	2,093,117
2005F	O	787,915	0	90,442	39,065	1,820,102	1,820,102	0	N	1,820,102
2004F	O	590,936	0	79,986	40,478	1,820,102	1,820,102	0	N	1,820,102
2003F	O	590,936	0	79,986	41,904	1,820,102	1,820,102	0	N	1,820,102
2002F	O	772,666	0	59,343	43,318	1,323,774	1,323,774	0	N	1,323,774
2001F	O	772,666	0	59,343	44,744	1,323,774	1,323,774	0	N	1,323,774
2000F	I	772,666	0	59,343	29,500	1,032,386	1,032,386	0	N	1,032,386
1999F	I	772,666	0	59,343	34,517	1,032,386	1,032,386	0	N	1,032,386
1998F	I	772,666	0	45,822	33,618	1,032,386	1,032,386	0	N	1,032,386
1997F	I	772,666	0	45,822	34,615	1,032,386	1,032,386	0	N	1,032,386
1996F	I	772,666	0	43,343	28,820	1,032,386	1,032,386	0	N	1,032,386
1995F	I	772,666	0	43,343	29,612	1,032,386	1,032,386	0	N	1,032,386
1994F	I	772,666	0	43,343	30,392	1,032,386	1,032,386	0	N	1,032,386
1993F	I	772,666	0	43,343	31,172	1,215,886	1,215,886	0	N	1,215,886
1992F	I	772,666	0	43,343	31,965	1,215,886	1,215,886	0	N	1,215,886
1991F	I	772,666	0	43,343	32,745	1,215,886	1,215,886	0	N	1,215,886
1990F	I	772,666	0	43,343	33,526	1,215,886	1,215,886	0	N	1,215,886
1989F	I	772,666	0	43,343	2,380	1,215,886	1,215,886	0	N	1,215,886
1988F	I	662,285	0	37,741	2,404	960,246	960,246	0	N	960,246
1987F	I	203,380	0	29,365	2,427	676,021	676,021	0	N	676,021
1986F	O	29,632	0	9,358	340	484,750	484,750	0	N	484,750
1985F	O	29,632	0	8,147	340	227,392	227,392	0	N	227,392
1984F	O	29,632	0	7,653	340	73,273	73,273	0	N	73,273
1983F	O	29,632	0	7,653	340	51,845	51,845	0	N	51,845
1982F	O	29,632	0	7,788	340	43,065	43,065	5,000	N	38,065

Monroe County Property Record Card (133)

Alternate Key: 1140601
 Effective Date: 2/26/2009 3:56:22 PM

Roll Year 2009
 Run: 02/26/2009 03:56 PM

Sales History

Book	Page	Sale Date	Instrument	Transfer Code	Q/U	Vacant	Sale Price
712	689	2/1/1969	Conversion Code	0	Q	I	3,500
870	495	1/1/1983	Warranty Deed	0	M	I	500,000
972	2270	5/1/1986	Warranty Deed	0	M	I	800,000
1076	346	12/1/1988	Warranty Deed	0	Q	I	1,139,000
2277	1079	2/28/2007	Warranty Deed	0	M	I	5,000,000

Monroe County Property Record Card (133)

Alternate Key: 9088502
Effective Date: 2/26/2009 3:06:56 PM
Roll Year 2009
Run: 02/26/2009 03:31 PM

BREEZY PINES LLC
1421 FIRST ST
KEY WEST FL 33040

Parcel 00111882-000000-27-66-29 Nbhd 8170
Alt Key 9088502 Mill Group 100H
Affordable Housing No PC 0400
FEMA Injunction
Inspect Date Next Review
Business Name
Physical Addr 29859 OVERSEAS HWY, BIG PINE KEY

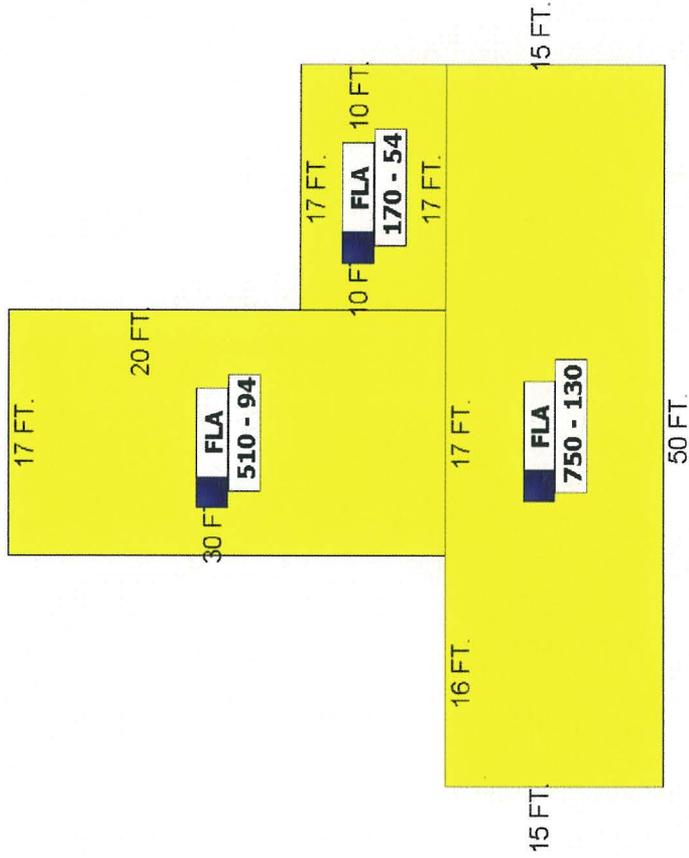
Associated Names

Name	DBA	Role
BREEZY PINES LLC,		Owner

Legal Description

BREEZY PINES RV ESTATES CONDOMINIUM (F/K/A RE00111880-000100 AK 1140601) OR2292-1537/1627DEC

Building Sketch 3250



Monroe County Property Record Card (133)

Alternate Key: 9088502 Roll Year 2009
 Effective Date: 2/26/2009 3:06:56 PM Run: 02/26/2009 03:31 PM

Building Characteristics
 Building Nbr 1 - Main office/dayroom Building Type 0 Perimeter 278 Functional Obs 0.00
 Effective Age 12 Condition A Depreciation % 0.15 Economic Obs 0.00
 Grnd Floor Area 1430 Quality Grade 250 Year Built 1944
 Fireplaces 0 3 Fix Bath 0 5 Fix Bath 0 7 Fix Bath 0
 2 Fix Bath 0 4 Fix Bath 0 6 Fix Bath 0 Extra Fix 18

Type	Number	Wall Height	# Stories	Year Built	% Finished	Area	Sketch ID	SOH %
FLA	0	8	1	1944		170	002	0.00
FLA	0	8	1	1944		510	001	0.00
FLA	0	8	1	1944		750	000	0.00

Interior Finish											
Sec Nbr	Int Nbr	Description	Area %	Sprinkler	A/C	Total RCN	Ext Nbr	Wall Type	Area %	Wall Rate	RCN
3808		CAMP BLDGS-B-	100.00	N	N			AB AVE WOOD SIDING	100.00		
0		CAMP BLDG-D-	100.00	N	N						
0		CAMP BLDGS-B-	100.00	N	N						

Miscellaneous Improvements												
Nbr	Impr Type	# Units	Type	SOH %	Length	Width	Year Built	Roll Year	Grade	Life	RCN	Depr Value
0	FN2:FENCES	414	SF	0.00	138	3	1981	1982	4	30		
0	PT3:PATIO	473	SF	0.00			1981	1982	4	50		
0	PO4:RES POOL	646	SF	0.00	38	17	1981	1982	2	50		
Total Depreciated Value												

Appraiser Notes
 SITE VISIT 2/8/08, ADD OFFICE/DAYROOM/LAUNDRY/RESTROOMS (ONE BUILDING) AND POOL, PUT PARCEL ON \$50. O/R, NL108
 MAIN BUILDING IS WOOD STUCCO - NO COMMERCIAL CALL FOR THIS.
 C.E. INCLUDES 1 STORY CBS & FRAME BUILDING BUILT IN 1944
 2 MOBILE HOME LOTS NOT YET DETERMINED. OWNER WILL ADVISE.

Building Permits						
Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	7102162	Jun 26 2007 12:00AM	Dec 30 2007 12:00AM	37,200		RENOVATIONS FOR RECREATIONAL BLDG

Monroe County Property Record Card (133)

Alternate Key: 9088502 Roll Year 2009
 Effective Date: 2/26/2009 3:06:56 PM Run: 02/26/2009 03:31 PM

Value History

Tax Year	Val Meth	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Sr Ex	Tax Value
2008F	0			67,569	19,674	50	50	0	N	50

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER AND ORIGINAL DOCUMENT SECURITY SCREEN ON BACK WITH PADLOCK SECURITY ICON

FULTON K&E LLC
36 CROSBY ST #100B
NEW YORK, NY 10013

BB&T
BRANCH BANKING AND TRUST COMPANY
KEY WEST, FLORIDA
63-9138/2631

1894

3/16/2009

PAY TO THE ORDER OF **TREPANIER & ASSOCIATES, INC.**

\$ **1,299.10**

One Thousand Two Hundred Ninety-Nine and 10/100*****
TREPANIER & ASSOCIATES, INC.
402 APPELROUTH LANE
KEY WEST, FL 33045-2155

DOLLARS
Security features included. Details on back.

MEMO **F105-0010 & F105-011**

⑈001894⑈ ⑆263191387⑆0145393847⑈

[Handwritten Signature]
AUTHORIZED SIGNATURE

MP

POSTED
BY *T* DATE *3/15*

County of Monroe

Growth Management Division

Planning & Environmental Resources

Department

2798 Overseas Highway, Suite 410

Marathon, FL 33050

Voice: (305) 289-2500

FAX: (305) 289-2536



Board of County Commissioners

Mayor George Neugent, Dist. 2

Mayor Pro Tem Sylvia J. Murphy, Dist. 5

Kim Wigington, Dist. 1

Heather Carruthers, Dist. 3

Mario Di Gennaro, Dist. 4

We strive to be caring, professional and fair

June 15, 2009

Sarah Davis
Trepanier & Associates
402 Appelrouth Lane
Key West, FL 33040

SUBJECT: LETTER OF UNDERSTANDING CONCERNING BREEZY PINES ESTATES, LOCATED AT 29859 OVERSEAS HIGHWAY, BIG PINE KEY, MILE MARKER 30, HAVING REAL ESTATE NUMBERS 00111882.00100 THROUGH 00111882.009800

Ms. Davis,

Pursuant to §110-3 of the Monroe County Code (MCC), this document shall constitute a Letter of Understanding (LOU). On April 28, 2009, a Pre-Application Conference regarding the above-referenced property was held at the office of the Monroe County Planning & Environmental Resources Department in Marathon.

Attendees of the meeting included Sarah Davis and Owen Trepanier (hereafter referred to as "the Applicant") and Joseph Haberman, Principal Planner & Tim Richard, Planner (hereafter referred to as "Staff").

Materials presented for review included:

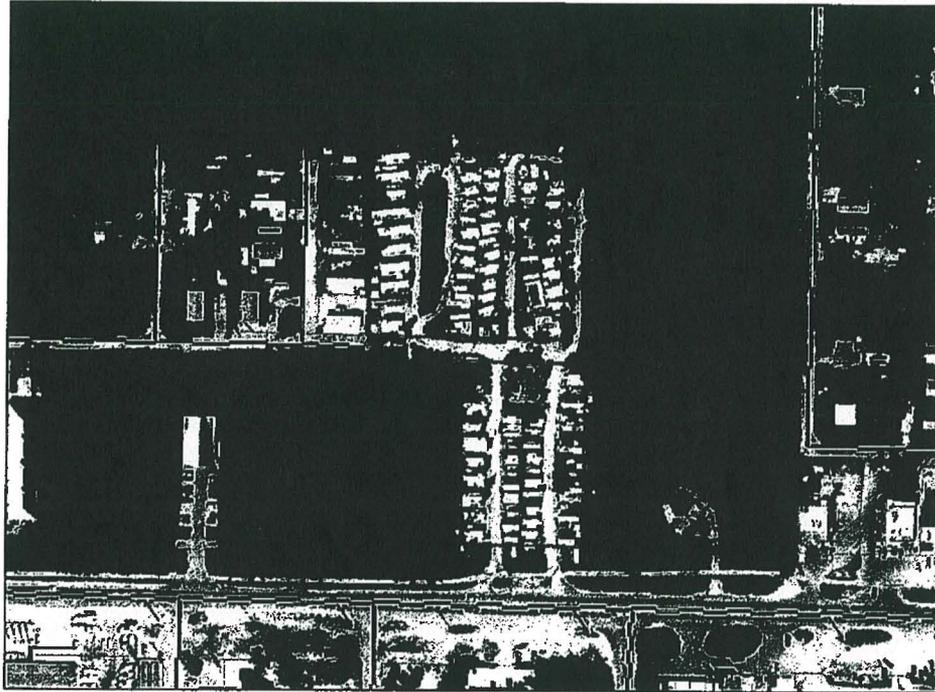
- (a) Pre-Application Conference Request Form;
- (b) Memorandum from Sarah Davis to Joseph Haberman, dated May 19, 2009;
- (c) Monroe County Property Record Cards; and
- (d) Monroe County Land Use District Map and Future Land Use Map

I. APPLICANT PROPOSAL

1. The Applicant is requesting that Staff establish what types of uses lawfully exist on the property and determine the number of recreational vehicle (RV) spaces and mobile homes

that may be reestablished and exempt from the Residential Rate of Growth Ordinance (ROGO). In addition, if there are nonconformities, the Applicant is requesting that Staff explain how these nonconforming uses and/or structures will be dealt with in the future.

As a note, following the conference, staff waited to prepare this letter of understanding in order to give the applicant an opportunity to have further discussions with their client and to submit additional information.



Subject Property (outlined in blue) (2006)

II. SUBJECT PROPERTY DESCRIPTION

1. The property is located at 29859 Overseas Highway (US 1), Big Pine Key.
2. According to the Monroe County Property Appraiser's records, the property consists of 99 parcels of land. However, the Applicant asserts that the property consists of 102 parcels. Many of the parcels, established in 2007, have been sold into separate ownership. The remaining parcels are in the process of being sold by Breezy Pines LLC.
3. The parcels were not platted in accordance with the Land Development Code. Pursuant to MCC §110-96, plat approval shall be required for 1) the division of land into three or more parcels; 2) the division of land into two or more parcels where the land involved in the division was previously divided without plat approval within the prior two years; or 3) the division of land into two parcels where the disclosure statement required under MCC §110-96(f) is not attached to the conveyance.

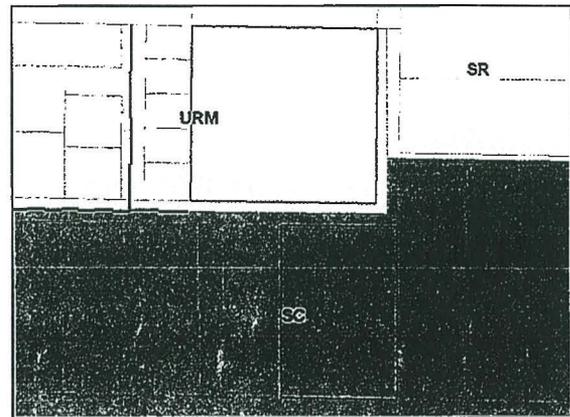
Therefore, although the lots were divided into more than three parcels (presumably by the property owner per only a condominium agreement not recognized by the Growth Management Division) and are being sold into separate ownership, Staff shall continue to recognize the subject property as a single parcel since the lots were not platted and the property is developed under a common plan and theme of development.

4. The parcels are legally described as parcels of land in Section 27, Township 66, Range 29, Big Pine Key, having real estate (RE) number 00111880.000020 (prior right-of-way abandonment) and parent real estate (RE) number 00111882 with split outs 000100 through 009800.
5. According to the county's GIS database, the property is approximately 4.4 acres. A boundary survey was not submitted. Therefore, all calculations included in this letter are based on the GIS data. A sealed boundary survey may be required at the time of application submittal for development approval. If the amount of upland area provided on a boundary survey differs, then calculations provided in this letter are subject to change.

III. REVIEW OF REDEVELOPMENT PROPOSAL

The following land development regulations directly affect the proposal (however, it is important to note that there are other land development regulations not referred to or described in this letter which may govern future development as well):

1. The property is divided within two Land Use Districts, Urban Residential Mobile Home (URM) and Suburban Commercial (SC). Consistent with the boundary lines of the land use districts, the property is also divided within two Future Land Use Map (FLUM) categories, Residential High (RH) and Mixed Use / Commercial (MC). The entire property has a tier designation of Tier 3.



2. The existing use is classified as a combination of RV (a type of transient residential) and mobile home (a type of permanent residential).

As defined in the Land Development Code, a permanent residential unit is a dwelling unit that is designed for, and capable of, serving as a residence for a full housekeeping unit which includes a kitchen composed of at least a refrigerator and stove. A transient residential unit is a dwelling unit used for transient housing such as a hotel or motel room, or space for parking a RV or travel trailer.

3. In the application, it is asserted that 102 dwelling units are lawfully-established and thereby exempt from the ROGO permit allocation system. According to the Applicant, the site currently has 23 active mobile home lots, 75 RV lots and four (4) non-active lots. Specifically, the northern portion of the site (designated URM) has 15 mobile homes and 45 RV spaces. The southern portion of the site has eight (8) mobile homes and 30 RV spaces. As a note, Staff did not inspect the mobile homes to determine if in fact meet the definition of RV or to otherwise ensure that they would meet the definition of mobile home.

The ROGO shall not apply to the redevelopment, rehabilitation or replacement of any lawfully-established residential dwelling unit which does not increase the number of residential dwelling units above that which existed on the site prior to the redevelopment, rehabilitation or replacement. Therefore, owners of land containing residential dwelling units shall be entitled to one unit for each such unit lawfully-established. Administrative Interpretation 03-108 provides the criteria to be used by Staff to determine whether or not a residential unit was lawfully-established:

- (a) A permit or other official approval from the Growth Management Division for the dwelling units:

Building permits establishing existing mobile homes and RV spaces were not located. However, the building permit history for the property supports the existence of a mobile home/RV park on the property.

- (b) If a permit or other official approval from the Growth Management Division is not available, the following information may be used to establish that a residential unit was lawfully-established:

Aerial Photography: Aerial photography from 1982 to 2008 confirms the continuous existence of a mobile home/RV park on the property. However, due to a lack of clarity in the aerial photography, the dense site layout of the park and the transient nature of RVs, Staff could not use the available photography to accurately determine the number of RVs, mobile homes in existence at any given time.

Monroe County Property Record Card: Of the 99 parcels, the Property Appraiser currently assesses 90 parcels under the property classification code of 00-Vacant Residential, eight (8) under 02-Mobile Home, and one (1) under 94-Right Of Way (All Roads). As a note, individually-owned parcels developed with mobile homes assessed separately from the parcel's tax roll or occupied by RVs are often classified as vacant residential by the Property Appraiser.

Utility records: Utility records were not submitted for review.

Whether the residential use could have been permitted under the pre-1986 zoning: Prior to 1986, the property was mainly within a RU-5P district (Mobile Home Park

Residential) with a small part within a BU-2 district (Medium Business). Mobile homes were permitted, but occupied RVs were not permitted. However, according to the records reviewed, the park may have been established at a time that would pre-date the adoption of the pre-1986 zoning ordinances.

Occupational Licenses: Occupational licenses were not submitted for review.

Other Information: In 1988, the Planning Department conducted a mobile home study for sites throughout the county. The 1988 mobile home study indicates that 101 total spaces were in existence at that time, 12 of which were mobile homes and 89 of which were RV spaces.

Based on a review of the records, the Planning & Environmental Resources Department has determined that 101 total lots are lawfully-established on the subject property, 12 of which are for permanent mobile homes and 89 of which are for transient RV spaces. This determination is primarily based on the 1988 mobile home study in which the Planning Department carried out a comprehensive, lot-by-lot review of the development on the site at that time, only a few years prior to the adoption of the ROGO.

In the application, it is asserted that 102 are lawful and this number is in part based on the mobile home study. Staff found that the site plan incorporated into the study only shows 101 numbered lots (see Attachment 1).

4. The property is divided within two Land Use Districts, URM (the northern section) and SC (the southern section).

In the URM District, mobile homes and RVs as provided in Florida Statutes Chapter 513 are permitted as-of-right. RV spaces, not as provided in Florida Statutes Chapter 513, are not permitted.

In the SC District, campgrounds may be permitted with a major conditional use permit, provided that: a) the parcel proposed for development has an area of at least five acres; b) the operator of the campground is the holder of a valid Monroe County occupational license; c) if the use involves the sale of goods and services, other than the rental of camping sites or RV parking spaces, such use does not exceed 1,000 ft² and is designed to serve the needs of the campground; and d) the parcel proposed for development is separated from all adjacent parcels of land by at least a class "C" buffer-yard. Mobile homes are not permitted and RV spaces that are not part of a campground are also not permitted.

Mobile homes in the SC portion of the site and RV spaces in the URM portion of the site are not permitted under the current regulations of the Land Development Code. Therefore, such mobile homes and RVs are considered non-conforming uses.

In addition, any RV spaces located in the SC portion of the site shall also be considered non-conforming uses if the above-mentioned requirements for a campground are not met. If the requirements are met, the site will be deemed to have a major conditional use permit in accordance with MCC §101-4(c) since the RV spaces were in existence prior to 1986.

Nonconforming uses of land or structures may continue only in accordance with the provisions of MCC §102-56.

5. According to the Applicant, there currently are 23 active mobile home lots, 75 RV lots and four (4) non-active lots in existence. The Applicant provided a site plan showing 98 lots, presumably created in 2009 (see Attachment 2).

The site plan provided by the Applicant does not entirely match the site plan contained within the 1988 mobile home study in terms of lot numbering, lot locations and mobile home/RV placement on lots. As a note, neither of the site plans is a professional document prepared by a registered architect or engineer.

Table 1 organizes the data available for the lot numbers by each of the studies.

Total Lots (per 1988 site plan)	Lot # (per 2009 site plan)	Lot # (per 1988 site plan)	Current RE # (split out only)	2009 Use (per applicant)	1988 Use	Zoning	Conforming Use
1	Not shown	1 (south)	None provided	n/a	RV space	SC	n/a
2	2	2 (south)	000200	RV space	RV space	SC	Yes
3	3	3 (south)	000300	RV space	RV space	SC	Yes
4	4	4 (south)	000400	RV space	RV space	SC	Yes
5	5	5 (south)	000500	RV space	RV space	SC	Yes
6	6	6 (south)	000600	RV space	RV space	SC	Yes
7	7	7 (south)	000700	RV space	RV space	SC	Yes
8	8	8 (south)	000800	RV space	RV space	SC	Yes
9	9	9 (south)	000900	RV space	RV space	SC	Yes
10	10	10	001000	RV space	RV space	SC	Yes
11	11	11	001100	RV space	RV space	SC	Yes
12	12	12	001200	RV space	RV space	SC	Yes
13	13	13	001300	RV space	RV space	SC	Yes
14	14	14	001400	RV space	RV space	SC	Yes
15	15	15	001500	RV space	RV space	SC	Yes
16	16	16	001600	RV space	RV space	SC	Yes
17	17	17	001700	RV space	RV space	SC	Yes
18	18	18	001800	RV space	RV space	SC	Yes
19	19	19	001900	RV space	RV space	SC	Yes
20	20	20	002000	RV space	RV space	SC	Yes
21	21	21	002100	RV space	RV space	SC	Yes
22	Not shown	22	None provided	n/a	RV space	SC	n/a
23	23	23	002300	RV space	RV space	URM	No

24	24	24	002400	RV space	RV space	URM	No
25	25	25	002500	RV space	RV space	URM	No
26	26	26	002600	RV space	RV space	URM	No
27	27	27	002700	RV space	RV space	URM	No
28	28	28	002800	RV space	RV space	URM	No
29	29	29	002900	RV space	RV space	URM	No
30	30	30	003000	RV space	RV space	URM	No
31	31	31	003100	RV space	RV space	URM	No
32	32	32	003200	RV space	RV space	URM	No
33	33	33	003300	RV space	RV space	URM	No
34	34	34	003400	RV space	RV space	URM	No
35	35	35	003500	RV space	RV space	URM	No
36	36	36	003600	RV space	RV space	URM	No
37	37	37	003700	RV space	RV space	URM	No
38	38	38	003800	RV space	RV space	URM	No
39	39	39	003900	RV space	RV space	URM	No
40	40	40	004000	RV space	RV space	URM	No
41	41	41	004100	Mobile Home	RV space	URM	Yes*
42	42	42	004200	RV space	RV space	URM	No
43	43	43	004300	RV space	RV space	URM	No
44	44	44	004400	RV space	RV space	URM	No
45	45	45	004500	RV space	RV space	URM	No
46	46	46	004600	RV space	RV space	URM	No
47	47	47	004700	RV space	RV space	URM	No
48	48	48	004800	RV space	RV space	URM	No
49	49	49	004900	RV space	RV space	URM	No
50	50	50	005000	RV space	RV space	URM	No
51	51	51	005100	Mobile Home	RV space	URM	Yes*
52	52	52	005200	RV space	RV space	URM	No
53	53	53	005300	RV space	RV space	URM	No
54	Not shown	54	None provided	n/a	RV space	URM	n/a
55	59	1 (north)	005900	RV space	RV space	URM	No
56	58	2 (north)	005800	RV space	RV space	URM	No
57	57	3 (north)	005700	RV space	RV space	URM	No
58	56	4 (north)	005600	RV space	RV space	URM	No
59	55	5 (north)	005500	RV space	RV space	URM	No
60	54	6 (north)	005400	RV space	RV space	URM	No
61	A-19	07 (north)	007900	RV space	RV space	URM	No
62	1	08 (north)	000100	RV space	RV space	URM	No
63	22	09 (north)	002200	RV space	RV space	URM	No
64	A1	A1	006100	RV space	Mobile Home	URM	No
65	A2	A2	006200	Mobile Home	Mobile Home	URM	Yes
66	A3	A3	006300	Mobile Home	Mobile Home	URM	Yes
67	A4	A4	006400	Mobile Home	Mobile Home	URM	Yes
68	A5	A5	006500	Mobile Home	Mobile Home	URM	Yes
69	A6	A6	006600	Mobile Home	Mobile Home	URM	Yes
70	A7	A7	006700	Mobile Home	Mobile Home	URM	Yes
71	A8	A8	006800	Mobile Home	RV space	URM	Yes*
72	A9	A9	006900	Mobile Home	Mobile Home	URM	Yes
73	A10	A10	007000	Mobile Home	Mobile Home	URM	Yes
74	A11	A11	007100	RV space	RV space	URM	No
75	A12	A12	007200	Mobile Home	RV space	URM	Yes*

76	A13	A13	007300	RV space	RV space	URM	No
77	A14	A14	007400	RV space	RV space	URM	No
78	A15	A15	007500	Mobile Home	RV space	URM	Yes*
79	A16	A16	007600	RV space	RV space	URM	No
80	A17	A17	007700	RV space	RV space	URM	No
81	A18	A18	007800	Mobile Home	Mobile Home	URM	Yes
82	B1	B1	008100	Mobile Home	RV space	SC	No
83	B2	B2	008200	Mobile Home	RV space	SC	No
84	B3	B3	008300	RV space	Mobile Home	SC	Yes*
85	B4	B4	008400	Mobile Home	RV space	SC	No
86	B5	B5	008500	RV space	RV space	SC	Yes
87	B6	B6	008600	Mobile Home	RV space	SC	No
88	B7	B7	008700	RV space	RV space	SC	Yes
89	B8	B8	008800	Mobile Home	RV space	SC	No
90	B9	B9	008900	RV space	RV space	SC	Yes
91	B10	B10	009000	RV space	RV space	SC	Yes
92	B11	B11	009100	Mobile Home	RV space	SC	No
93	B12	B12	009200	RV space	RV space	SC	Yes
94	B13	B13	009300	RV space	RV space	SC	Yes
95	B14	B14	009400	Mobile Home	RV space	SC	No
96	B15	B15	009500	RV space	RV space	SC	Yes
97	B16	B16	009600	Mobile Home	RV space	SC	No
98	B17	B17	009700	RV space	RV space	SC	Yes
99	B18	B18	009800	RV space	RV space	SC	yes
100	Not shown	B19	None provided	n/a	RV space	SC	n/a
101	A-20	Manager Home	008000	Mobile Home	Mobile Home	URM	Yes
--	60	Not shown	006000	RV space	None provided	URM	No

* Considered conforming use; however change of use was not permitted.

There are 101 parcels, including the manager's home site on the 1988 site plan. There are 98 parcels on the 2009 site plan and according to the Property Appraiser's records.

Concerning discrepancies:

- Lots 1 (in the southern section), 22 (in the southern section), 54 and B19 are shown on the 1988 site plan; however none are shown on the 2009 site plan or recognized with real estate numbers.
- Lot 60 (also identified as RE 00111882.006000) is shown on the 2009 site plan; however it is not shown on the 1988 site plan.
- Lots 41, 51, A8, A12, A15, B1, B2, B4, B6, B8, B11, B14 and B16 are developed with mobile homes on the 2009 site plan; however the 1988 site plan shows RV spaces on each of the lots. This represents 13 changes from RV space to mobile home without the benefit of permits. Lots 41, 51, A8, A12 and A15 are designated URM. Lots B1, B2, B4, B6, B8, B11, B14 and B16 are designated SC.
- Lots A1 and B3 are developed with RV spaces on the 2009 site plan; however the 1988 site plan shows mobile homes on each of the lots. This represents two changes

from mobile home to RV space without the benefit of permits. Lot A1 is designated URM. Lot B3 is designated SC.

6. Although not lawfully-established, Lot 60 (also identified as RE 00111882.006000) may take the place of Lot 54 (Lot 60 is in and Lot 54 was in the URM District and Lot 60 is developed with a RV space and Lot 54 was developed with a RV space).
7. The Applicant asserted that their party is interested in preserving four transient ROGO exemptions in order to transfer off-site (however, Staff has since concluded that only three transient ROGO exemptions would be available for such action). The development rights associated with the three remaining parcels, Lots 1, 22 and B19, all of which were transient RV spaces, are eligible to transfer off-site.
8. The Applicant asserted that in order to bring the site into compliance to the greatest extent practical, the property owner proposes the following: "As the existing permanent dwellings deteriorate and require substantial improvement, as defined in [The Land Development Code], the permanent dwelling identified to "Convert" under the "Proposed Action" column in the "Non-conformity Analysis Chart" [in the May 19, 2009 Memorandum from Sarah Davis] will be eliminated and the individual lot will thenceforth cease to be used for permanent residential dwellings. As a result of the proposed actions, the number of permanent dwellings will conform to the number defined in the [1988] Mobile Home Survey."

The information provided within the Applicant's "Non-conformity Analysis Chart" does not entirely correspond with Staff's findings as provided in Table 1. In any event, the Applicant proposes to convert the unlawful mobile homes on Lots A12, A15, 41, 51, B1, B2, B4, B6, B11, B14 and B16 back to their last approved use of RV space as the units are substantially damaged or otherwise removed. However, this should also be expanded to include Lots A8 and B8. It is unknown why the Applicant excluded these lots, since both were also unlawfully converted from transient to permanent, which is prohibited.

After considering the Applicant's request Staff has determined the following:

The conversions of RV spaces to mobile homes on Lots 41, 51, A8, A12, A15, B1, B2, B4, B6, B8, B11, B14 and B16 were carried out without the benefit of permits. In addition, the conversions of mobile homes to RV spaces on Lots A1 and B3 were carried out without the benefit of permits.

Staff prefers that the property owner take advantage of the current opportunity, as many of the lots have not been sold into separate ownership as of the date of this letter, to convert all of the parcels back to their last approved status as RV space or mobile home (in 1988) as outlined in Table 1. However, if this is not possible, Staff presents the property owner with the following options that would bring the site into compliance over time and limit hardship.

Concerning Lots A1 and B3:

The Applicant may remove the RV space on Lot A1 and replace it with a mobile home and remove the RV space on Lot B3 and replace with a permanent dwelling unit as permitted in the SC District; however not a mobile home (its removal constituted substantial improvement).

However as an alternative to the preceding option, the Applicant may submit a letter requesting to “switch” the mobile homes since replaced with RV spaces on Lots A1 and B3 with RV spaces replaced with one or two of the mobile homes on Lots 41, 51, A8, A12 or A15 (designated URM). The letter must be addressed to the Director of Planning & Environmental Resources and specifically state which lots shall be switched. The letter shall not be binding until responded to in writing from the Director in the form of an addendum to this letter of understanding. Lots B1, B2, B4, B6, B8, B11, B14 and B16 are not eligible for this relocation as they designated SC, where mobile homes are not permitted. This would reduce the number of unlawful conversions to those on Lots B1, B2, B4, B6, B8, B11, B14 and B16 and the non-converted parcels of Lots 41, 51, A8, A12 and/or A15.

Concerning Lots A12, A15, 41, 51, B1, B2, B4, B6, B11, B14 and B16:

The Applicant proposed to convert the unlawful mobile homes on Lots A12, A15, 41, 51, B1, B2, B4, B6, B11, B14 and B16 back to their last approved use of RV space as the units are substantially damaged or otherwise removed. Staff is not in a position to agree to this request. Pursuant to MCC §6-107, except for building permits that are limited exclusively to addressing imminent risks to property and public health and safety, no building permit shall be issued for any use or improvement involving all or any portion of a parcel of land as defined in the Land Development Code that contains an unlawful use or improvement until the parcel is brought into compliance with the provisions the Land Development Code. By way of illustration and not limitation, permits may be issued for repairs and replacement of roof and other building structural components to the extent necessary to address imminent risks of property damage and to public safety and health, such as for, but not limited to, the repair of leaking roofs and damaged roofs, walls, foundation; and, violations of building, mechanical and electrical codes. Any such permit shall contain a provision requiring compliance with Land Development Code by the date specified in the permit.

Therefore, the Planning & Environmental Resources Department may only approve building permit applications for the type of work referred to in MCC §6-107. Any other work may not be permitted and the unlawful mobile home must be removed prior to any building permit being issued for that particular parcel.

In order to alleviate hardship, Staff shall not require the property owner bring all of the unlawful mobile homes and unlawful RV spaces into compliance at this time. Furthermore, Staff shall only consider building permits on a RE by RE basis. For

example, if the unlawful mobile home on Lot B1 is in need of a building permit which cannot be approved and therefore the structure has to be removed, only Lot B1 shall be affected. Staff shall not require the unlawful mobile homes on the other parcels to be removed at that time.

9. The only lawfully established mobile home in SC portion of the site was on Lot B3. It has since been removed; however replaced with an unlawful RV space. No new mobile homes may be located on the SC portion of the site, including Lot B3. However, as previously stated, Lot B3 may be replaced with another type of permanent dwelling unit that is permitted in the SC District.
10. There are 49 RV spaces in the URM portion of the site. It is presumed that none of these RVs are in compliance with Florida Statutes Chapter 513. Therefore they are all non-permitted uses and thereby non-conforming. However, unlike a typical structure, a RV space is not a structure but only a type of use in space. Therefore, it cannot be substantially improved as defined in the Land Development Code. As a result, the lawfully-established but non-conforming RV spaces may continue in accordance with the current code, specifically the provisions concerning nonconforming uses.

IV. OTHER ISSUES

1. A website for the development (<http://www.breezypinesrv.com>) implies that all lots are RV lots and that RV spaces may be used as "affordable housing": Per the website: "Individuals have the opportunity to enjoy all the rights and benefits of RV lot ownership in what will become one of the finest RV Resorts in the Florida Keys. The concept of lot ownership, which is relatively new to the Florida Keys will serve as a means of providing ownership opportunities to folks who believed that the possibility of ownership has passed them by. We are dedicated to ensuring that Breezy Pines continue as a mode of affordable housing in the Keys and will try to facilitate financing".

It is important that the property owner and prospective buyers are aware of and understand the following:

Lawful permanent mobile homes may not be used transiently and may not be replaced with RV spaces. If rented, mobile homes must be leased for tenancies of more than 28 days duration or they are considered an unlawful tourist housing use. Mobile home means a structure transportable in one or more sections which structure is eight body feet or more in width and over 35 feet in length, which structure is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein, including expandable RVs, known as "park models" designed and built as a permanent residence, the structure for which is 35 feet or less in length and in excess of eight feet in width.

Lawful RV spaces may not be used as a permanent residence and may be replaced with mobile homes. RV means a vehicle or portable structure built on a chassis and designed as a dwelling for travel, recreation or vacation for tenancies of less than six months; which has a transportable body width not exceeding eight feet and a length not exceeding 35 feet; and which does not qualify as mobile home; and: 1) the travel trailer or park trailer has been placed in a travel trailer park, campground or a storage yard; 2) the travel trailer or park trailer has current licenses required for highway travel; and 3) the travel trailer or park trailer is highway ready. This means that the travel trailer or park trailer is on its wheels or internal jacking system and attached to this site only by the quick disconnect-type utilities commonly used in campgrounds and trailer parks or by security devices. No permanent additions such as state rooms shall be permitted.

2. Staff did not locate an occupational license for the 98 units in existence. According to the Tax Collector's website, the only active account (96425) for Breezy Pines LLC is a trailer park and campground with 5 units.

Pursuant to the provisions of MCC §130-93, campgrounds may be permitted with a major conditional use permit, provided that the operator of the campground is the holder of a valid Monroe County occupational license.

If not already completed, the property owner needs to apply for an occupational license for all of the spaces in existence.

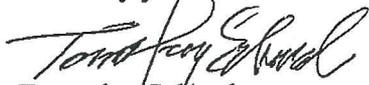
3. The site is deemed to have a major conditional use permit. None of the work described to Staff at the conference, which included improvements to existing lawful mobile homes and the construction of accessory structures for the occupants of the mobile homes and RVs (i.e. decks and sheds), shall require an amendment to the major conditional use permit. However, any substantial modifications to the site may require an amendment prior to their approval.

Pursuant to MCC §110-3, you are entitled to rely upon the representations set forth in this letter as accurate under the regulations currently in effect. This letter does not provide any vesting to the existing regulations. If the Monroe County Code or Year 2010 Comprehensive Plan are amended, the project will be required to be consistent with all goals, objectives and standards at the time of development approval. The Department acknowledges that all items required as a part of the application for development approval may not have been addressed at the meeting, and consequently reserves the right for additional comment.

You may appeal decisions made in this letter. The appeal must be filed with the County Administrator, 1100 Simonton Street, Gato Building, Key West, FL 33040, within thirty (30) calendar days from the date of this letter. In addition, please submit a copy of your application to Planning Commission Coordinator, Monroe County Planning & Environmental Resources Department, 2798 Overseas Highway, Suite 410, Marathon, FL 33050.

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

Sincerely yours,

A handwritten signature in black ink, appearing to read "Tom Schwab". The signature is written in a cursive, flowing style.

Townsley Schwab,
Senior Director Planning & Environmental Resources

Cc: Joe Paskalik, Building Official
Ronda Norman, Senior Director of Code Enforcement
Joseph Haberman, Principal Planner

Attachment 1

BREEZY PIPES

<i>Mobile Homes</i>		34	35	KVA	54	A1
		33	36		53	A12
		32	37		52	A13
		31	38		51	A14
		30	39		50	A15
		29	40		49	A16
	O1	28	41		48	A17
	O2	27	42		47	
	O3	26	43			
	O4	25	44			
	24	45				
O6	23	46				
O6	Treatment Plant	08	09		POOL	07

44



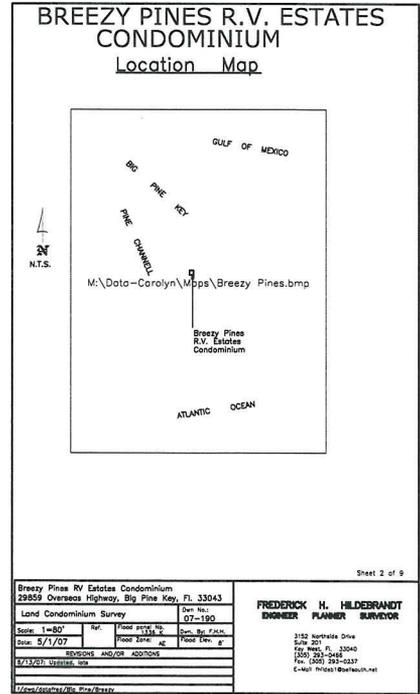
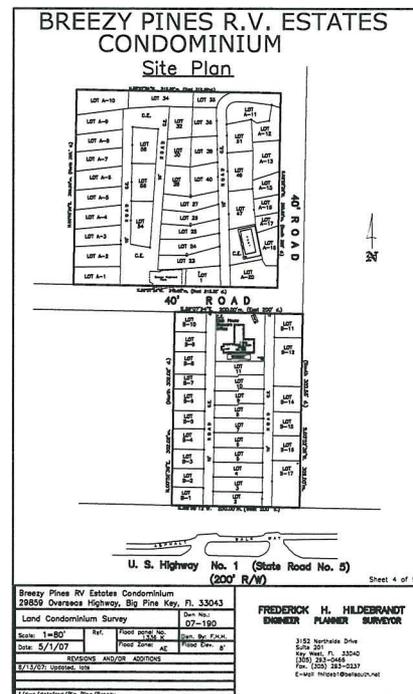
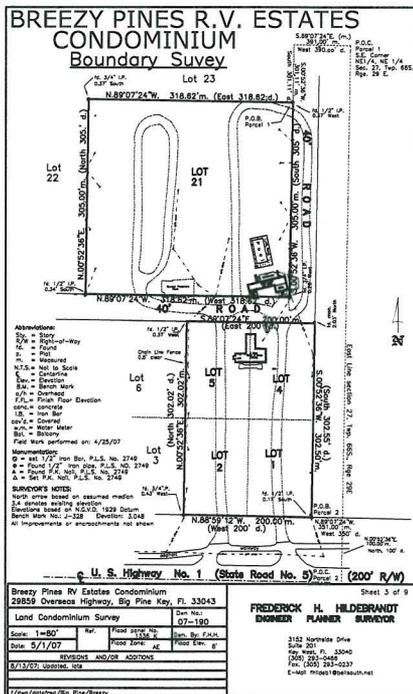
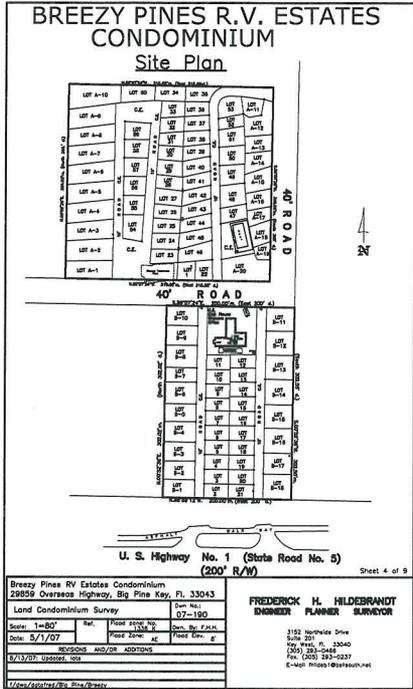
B10
B9
B8
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B6
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B4
B3
B2
B1

Laundry
Rec Hall
Restrooms
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B11
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B18
B19

131

Attachment 2



111840

BOARD OF TRUSTEES OF THE INTNL
3900 COMMONWEALTH BLVD MAIL STA
115

TALLAHASSEE. FL 32399-3000

243960

GOLDEN CHRISTOPHER D & SHERI L
PO BOX 549
BIG PINE KEY, FL 33043-0549

244010

TRILSCH PETER
27362 ANTIGUA LN
RAMROD KEY, FL 33042

111900

KEY WEST HMA INC
14400 METCALF
OVERLAND PARK, KS 66223

111880.000205

MACKENZIE WILLIAM D
P O BOX 5185
SEVIERVILLE, TN 37864-5185

111880.00019999999

SEGELKEN WILLIAM AND KIMBERLY
29771 HENRY LN
BIG PINE KEY, FL 33043

111980.0001

BOARD OF TRUSTEES OF THE INTNL
IMP TRUST FUND OF
3900 COMMONWEALTH BLVD MAIL
STATION 115

111880

MONROE COUNTY COMPREHENSIVE
PLAN LAND AUTHORITY
1200 TRUMAN AVE
KEY WEST. FL 33040-7270

111882

BREEZY PINES RV ESTATES
CONDOMINIUM

244000

MEYER JEFFREY B & SHIRLEY MARY E
E/S &
29842 OVERSEAS HIGHWAY
BIG PINE KEY. FL 33043

111940

MONROE COUNTY BOARD OF COUNTY
COMMISSIONERS
500 WHITEHEAD STREET
KEY WEST. FL 33040

111880.000206

KIMMELL ANDREW R
29775 HENRY LN
BIG PINE KEY, FL 33043

111880.000202

SENIOR DAVE W
400 BARTLOW ROAD
GEORGETOWN, OH 45121

246132.0001

BIG TIME ENTERPRISES INC
PO BOX 430508
BIG PINE KEY, FL 33043-0508

111980

BOARD OF TRUSTEES OF THE INTNL
IMP TRUSTFUND OF
3900 COMMONWEALTH BLVD MAIL
STATION 115

243950

SEACAMP ASSOCIATION INC
1300 BIG PINE AVE
BIG PINE KEY, FL 33043

244020

TRILSCH PETER
27362 ANTIGUA LN
RAMROD KEY, FL 33042

111880.00003

MONROE COUNTY BOARD OF COUNTY
COMMISSIONERS
500 WHITEHEAD STREET
KEY WEST. FL 33040

111880.000207

CHENAULT JAMES E & WENDY L
29757 HENRY LANE
BIG PINE KEY, FL 33043-3136

111880.000208

BRUNET JULIE A
29753 HENRY LN
BIG PINE KEY, FL 33043

111920

BOARD OF TRUSTEES OF THE INTNL
3900 COMMONWEALTH BLVD MAIL STA
115

TALLAHASSEE. FL 32399-3000

111830

BOARD OF TRUSTEES OF THE INTNL
3900 COMMONWEALTH BLVD MAIL STA
115

TALLAHASSEE. FL 32399-3000



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

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

From: Thomas A. Lloyd, Planner 

Date: November 20, 2009

Subject: *A request for a minor conditional use permit for the transfer of three (3) ROGO exempt transient residential units from a sender site on Big Pine Key to a receiver site to be determined and approved at a future date.*

Meeting: December 1, 2009

1 I REQUEST:

2
3 The applicant is requesting a minor conditional use permit in order to transfer three (3)
4 ROGO exempt transient residential units from a sender site on Big Pine Key, commonly
5 known as Breezy Pines Estates, to one or more sender sites to be determined and approved at
6 a future date.

7
8 Applicant

9 Owner: Breezy Pines c/o Joe Cleghorn

10 Agent: Trepanier & Associates

11
12 II RELEVANT PRIOR COUNTY/CITY ACTIONS:

13
14 On April 28, 2009, a Pre-Application Conference regarding the above-referenced property
15 was held at the office of the Monroe County Planning & Environmental Resources
16 Department in Marathon.

17
18 On June 15, 2009, Planning staff issued a Letter of Understanding (LOU), which outlined
19 uses lawfully in existence on the property. Staff determined that 89 recreational vehicle
20 (RV) spaces and 12 mobile homes were lawfully established and may be reestablished,
21 exempt from the Residential Rate of Growth Ordinance (ROGO). Additionally, the LOU
22 addressed how nonconforming uses and/or structures on the site could be remedied in the
23 future.

24
25 III BACKGROUND INFORMATION:

26
27 Sender Site Location:

28 Address: 29859 Overseas Highway (US 1), Big Pine Key, mile marker 30 (gulf side)

29 Legal Description: Parcels of land in Section 27, Township 66, Range 29, Big Pine Key

1 Real Estate (RE) Numbers: 00111880.000020 (prior right-of-way abandonment) and
2 parent real estate (RE) number 00111882 with split outs 000100 through 009800
3



23 Sender Site (outlined in blue) (2009)
24

25 Size of Site: approx. 4.4 acres

26 Land Use District: Urban Residential-Mobile Home (URM)/Suburban Commercial (SC)

27 Future Land Use Map (FLUM) Designation(s): Residential Low (RL); Residential High
28 (RH); Mixed Use/Commercial (MC)

29 Existing Use: Transient and permanent residential

30 Existing Vegetation / Habitat: Scarified

31 Community Character of Immediate Vicinity: Predominately a mixture of undeveloped
32 lands and single-family residential with some commercial uses along the US 1 corridor
33

34 **IV REVIEW OF APPLICATION:**
35

36 Pursuant to MCC §138-22(2)a., a hotel room, mobile home, dwelling unit, or recreational
37 vehicle/campground space that is lawfully established is eligible for transfer off-site.
38

39 In the previously mentioned letter of understanding between Monroe County and Trepanier
40 & Associates, dated June 15, 2009, an in-depth analysis of the subject parcel is outlined.
41 Specifically, Staff cites site plans from both 1988 and 2009, Monroe County Property
42 Appraiser records, aerial photography, and the Monroe County Mobile Home Study of 1988
43 as resources which were utilized during the research process. As a result of this analysis,
44 Staff found that, “the Applicant asserted that their party is interested in preserving four
45 transient ROGO exemptions in order to transfer off-site (however, Staff has since concluded
46 that only three transient ROGO exemptions would be available for such action). The

1 development rights associated with the three remaining parcels, Lots 1, 22 and B19, all of
2 which were transient RV spaces, are eligible to transfer off-site.” The remaining 98 lawfully
3 established RV spaces and mobile homes shall remain on-site.
4

5 It should also be noted that when a future receiver site is chosen, a separate Minor
6 Conditional Use Permit will be required to evaluate the suitability of both structural and site
7 conditions, pursuant to MCC §138-22(2)b.1. Should multiple sites be chosen, that is all units
8 not transferred to the same site, separate Minor Conditional Use Permits will be required for
9 each sender site (up to three). Finally, if this application is approved by the Director of
10 Planning & Environmental Resources, the 3 transient transferable Residential Rate of Growth
11 Ordinance (ROGO) allocations shall be assigned unique identifier numbers to be tracked by
12 the Planning & Environmental Resources Department.
13

14 V RECOMMENDATION:

15
16 Staff recommends APPROVAL to the Director of Planning & Environmental Resources with
17 the following conditions:
18

- 19 a. Prior to issuance of any building permit authorizing the development of a dwelling unit,
20 all or part of which is derived from a transferred development right, a deed of transfer
21 shall be recorded in the chain of title of the transferor parcel containing a covenant
22 prohibiting the further use of the transferor parcel for residential purposes other than as
23 excess open space or yard appurtenant to a residential use that is located on a parcel of
24 land that meets the density requirements of the Monroe County Comprehensive Plan and
25 Monroe County Land Development Code.
26
- 27 b. This development order only establishes the subject parcel as an eligible sender site for
28 three (3) transient transferable Residential Rate of Growth Ordinance (ROGO)
29 allocations. Under current regulations, a new minor conditional use permit application
30 and development order shall be required for each non-related receiver site identified in
31 the future. Receiver site(s) shall be reviewed for eligibility and compliance with the
32 Monroe County Comprehensive Plan and Land Development Code at that time.