

Agenda

PLANNING COMMISSION
MONROE COUNTY
November 17, 2009
10:00 A.M.

MARATHON GOV'T CENTER
2798 OVERSEAS HIGHWAY
MARATHON, FL
MONROE COUNTY, FL

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMISSION:

Randy Wall, Chairman
Jim Cameron, Vice Chairman
Denise Werling
Jeb Hale
Elizabeth Lustberg

STAFF:

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

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

SWEARING OF COUNTY STAFF

APPROVAL OF MINUTES

CHANGES TO THE AGENDA

-
-
-
-
-

MEETING

NEW ITEMS:

1. Siever's Marina, Inc., 21 Garden Cove Drive, Key Largo, Mile Marker 106: A request for approval of a Sign Variance to allow construction of a 22-foot high by 10-foot wide (including mounting structures), ground-mounted, off-premise sign on a vacant parcel. The subject parcel is legally described as Block 1, Lot 11, Ocean Isle Estates, (PB5-14), Key Largo, Monroe County, Florida, having Real Estate Number 00538170.000000.

[29086 FILE.PDF](#)

[29086 Site Plan 11.05.09.PDF](#)

[29086 SR PC 11.17.09.PDF](#)

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

3. An Ordinance by the Monroe County Board of County Commissioners amending Monroe County Code Section 102-55, Registration, Section 110-4, Determination of completeness and compliance, except for single-family dwellings, Section 110-7, Actions by decision-making persons and bodies, Section 110-37, Development permitted as of right, Section 110-69, Minor conditional uses, Section 110-70, Major conditional uses, Section 110-71, Final development plan subsequent to approval of conditional use permit, Section 110-73, Development under an approved conditional use permit, Section 110-98, Preliminary plat approval, Section 110-99, Final plat approval; eliminating references to the obsolete position of development review coordinator; reassigning the responsibilities and duties of the development review coordinator to the planning director; providing for severability; providing for repeal of conflicting provisions; providing for transmittal to the Department of Community Affairs and the Secretary of State; providing for codification; providing for an effective date.

[29094 PC 11.17.09 SR.PDF](#)

4. An Ordinance by the Monroe County Board of County Commissioners amending Monroe County Code Section 110-3, Preapplication conference; eliminating references to the obsolete position of development review coordinator; reassigning the responsibilities and duties of the development review coordinator to the planning director; amending the timeframe in which a letter shall be mailed to the applicant; providing for severability; providing for repeal of conflicting provisions; providing for transmittal to the Department of Community Affairs and the Secretary of State; providing for codification; providing for an effective date.

[29092 SR PC 11.17.09.PDF](#)

BOARD DISCUSSION

GROWTH MANAGEMENT COMMENTS

RESOLUTIONS FOR SIGNATURE

ADJOURNMENT



File #: **29086**

Owner's Name: Sievers Marina, Inc.

Applicant: Sievers Marina, Inc.

Agent: Christopher K. Bauer, P.E.

Type of Application: PC Sign Variance

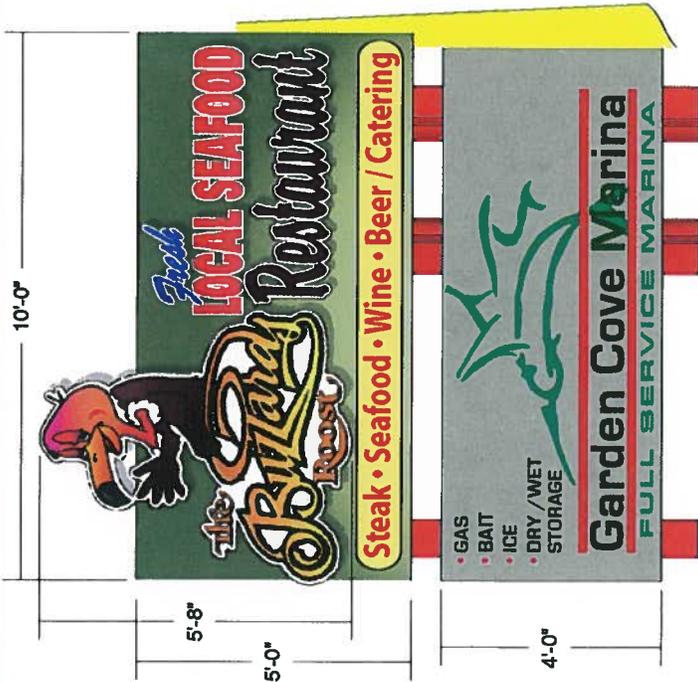
Key: Key Largo

RE #'s: 00538170-000000

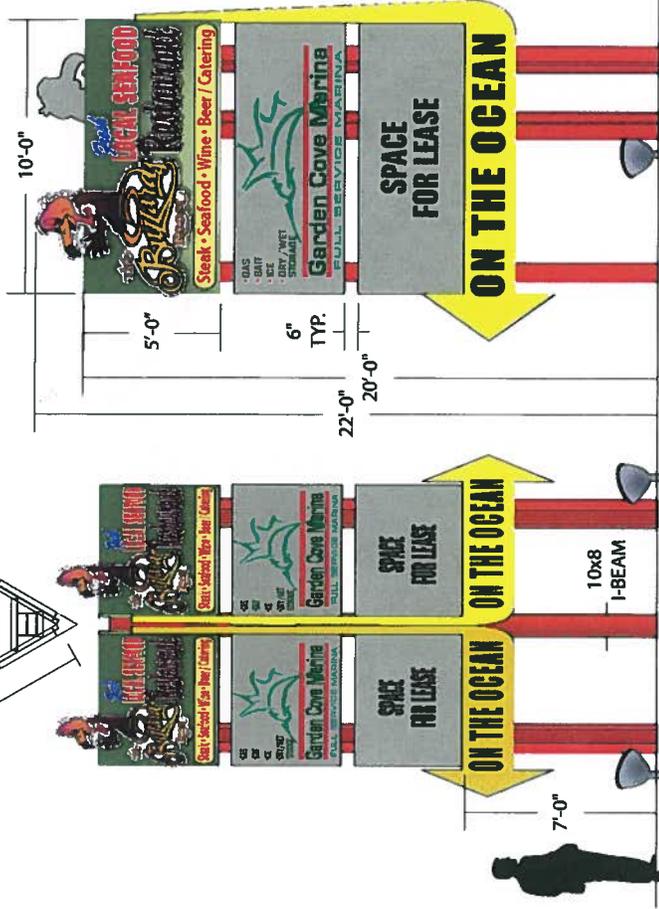
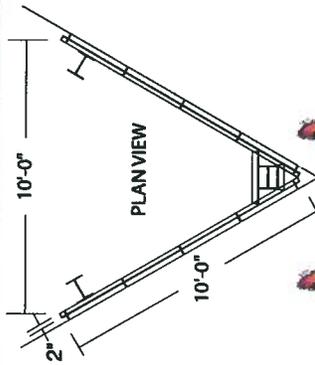
00538180-000000

00538190-000000

Additional Information added to File 29086



EXTERNALLY ILLUMINATED V-SHAPED FREESTANDING SIGN
 EACH PANEL TO BE MANUFACTURED OUT OF 1/8" THICK ALUMINUM PLATE
 WITH 2" ALUMINUM ANGLE FRAME CONSTRUCTION
 PANELS MOUNTED TO (3) 10"x8" STEEL I-BEAMS
 THE BUZZARDS ROOST SILHOUETTE PANEL, COMPUTER ROUTED OUT OF
 1/8" ALUMINUM PLATE AND MOUNTED TO BACKGROUND PANEL WITH 1" STAND-OFF
 ALL EXTERIOR METAL SURFACES TO BE PREPPED AND FINISHED IN
 EXTERIOR GRADE ACRYLIC POLYURETHANE, COLORS CONCEPTUAL AND TO BE DETERMINED
 ALL COPY AND GRAPHICS TO BE APPLIED VINYL DECORATIONS
 DISPLAY TO HAVE DIRECT BURIAL CONCRETE FOUNDATIONS - EXCAVATION BY OTHERS



(NOTE) EXTERNAL ILLUMINATION BY OTHERS

ART-KRAFT SIGN COMPANY, INC.

ART-KRAFT SIGN COMPANY IS NOT RESPONSIBLE
 FOR PHYSICAL ELECTRICAL HOOD-UP OF SIGN

CUSTOMER	THE BUZZARDS ROOST	DESIGN NO.	22490 B	REVISION	
SALES REP.	LORI	DESIGNER	WAYNE	SCALE AS SHOWN	DATE 9 - 18 - 09
		CUSTOMER APPROVAL			DATE

VISIT OUR WEB SITE AT
<http://www.Art-Kraft.com>
 Sales@Art-Kraft.com



DATE	10-05-07
SCALE	1"=100'
DRAWN BY	W.F. McCAIN
CHECKED BY	W.F. McCAIN
DATE	
DESIGNED BY	W.F. McCAIN
DATE	
APPROVED BY	
DATE	

W.F. McCAIN & ASSOCIATES
 1111 99TH STREET
 VENICE, FL 33596
 PHONE (727) 481-8888
 FAX (727) 481-8889
 WWW.WFMCAIN.COM

W.F. McCAIN & ASSOCIATES
 1111 99TH STREET
 VENICE, FL 33596
 PHONE (727) 481-8888
 FAX (727) 481-8889
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 WWW.WFMCAIN.COM

SEEVERS COMMERCIAL
 SURROUNDING LAND USE EXHIBIT
 KEY LARGO, FLORIDA

SHEET 1 of 1
 PROJECT NO. 0413

WILLIAM F. McCAIN, PE
 1111 99TH STREET
 VENICE, FL 33596

WILLIAM F. McCAIN, PE
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 VENICE, FL 33596

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 VENICE, FL 33596

WILLIAM F. McCAIN, PE
 1111 99TH STREET
 VENICE, FL 33596

WILLIAM F. McCAIN, PE
 1111 99TH STREET
 VENICE, FL 33596



County of Monroe
Growth Management Division

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



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

We strive to be caring, professional and fair

Date: 9-23-09

Dear Applicant:

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

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

Thank you.

Loil Creech

Planning Staff

End of Additional File 29086

APPLICATION
MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

RECEIVED
 SEP 23 2009
 BY: Planning *JRC*



Sign Variance Application to the Monroe County Planning Commission

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

Planning Commission Variance Application Fee: \$1,076.00

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: 9 / 23 / 09
 Month Day Year

Property Owner:

Sievers Marina, Inc
 Name
21 Garden Cove Drive, Key Largo, FL 33037
 Mailing Address (Street, City, State, Zip Code)
305-453-3746
 Daytime Phone
admin@wfmccain.com
 Email Address

Agent (if applicable):

Christopher K. Bauer, P.E.
 Name
1171 19th St., Vero Beach, FL 32960
 Mailing Address (Street, City, State, Zip Code)
772-770-1093
 Daytime Phone
admin@wfmccain.com
 Email Address

Legal Description of Property:

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

Block	Lot	Subdivision	Key
1	11, 12, 13	Ocean Isle Estates	Key Largo
538190, 538180, 538170		1661708	
21 Garden Cove Drive, Key Largo, FL 33037			106.5 +/-
Street Address (Street, City, State, Zip Code)		Approximate Mile Marker	

APPLICATION

Land Use District Designation(s):

see attached letter

Present Land Use of the Property:

see attached letter

Please describe why a variance to the sign regulations set forth in the Monroe County Code is required:

see attached letter

A variance shall be granted only where all of the following criteria are met. Please describe how each standard shall be met.

- 1) The literal interpretation and strict application of the provision and requirements of this division would cause undue and unnecessary hardship to the sign owner because of unique or unusual conditions pertaining to the specific building or parcel or property in question:

see attached letter

- 2) The granting of the requested variance would not be materially detrimental to the property owners in the vicinity:

see attached letter

- 3) The unusual conditions applying to the specific property do not apply generally to other properties in the county:

see attached letter

- 4) The granting of the variance will not be contrary to the general objective of this division of moderating the size, number and obtrusive placement of signs and the reduction of clutter:

see attached letter

- 5) The variance is not requested on the basis of economic hardship of the sign user:

see attached letter

APPLICATION

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 sign variance application (unaltered and unbound);
- Correct fee (check or money order to Monroe County Planning & Environmental Resources);
(under separate cover from Owner)
- Proof of property ownership (i.e. Warranty Deed);
- Current Property Record Card(s) from the Monroe County Property Appraiser;
- Location map;
- Photograph(s) of site from adjacent roadway(s);
- Photograph(s) of all existing signage;
- Site Plan (drawn to a scale of 1 inch equals 20 feet, except where impractical and the Director of Planning authorizes a different scale);
- Detail of Sign(s), including dimensional measurements of sign area (length, width and height); total height of structure (the vertical distance measured from the top of the structure to the finished ground elevation of the site at the base of the sign); location of sign (distance from property lines/drives for ground-mounted and position on building for wall-mounted); and all text and images to be shown on sign (drawn to scale to illustrate the sign face);
- Typed name and address mailing labels of all property owners within a 300 foot radius of the property. This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 300 foot radius, each unit owner must be included

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

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

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

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

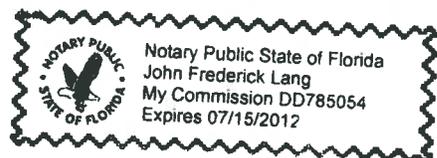
Signature of Applicant: _____

Date: _____

Sworn before me this 22nd day of SEPTEMBER 2009

John Frederick Lang
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.



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

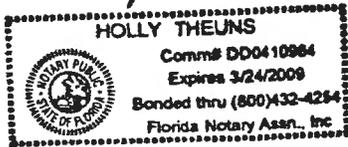
LETTER OF AUTHORIZATION

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: PROPS. SIEVERS MARINA INC

[Signature]



10/16/07

LETTER OF TRANSMITTAL

W.F. McCain & Associates, Inc.

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

Date: 9.22.09
Job Number: 09-189
Attention: Joe Haberman
Re: Sievers Sign Variance Application

TO: Monroe County
Planning and Environmental Resources Department
Marathon Government Center
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

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

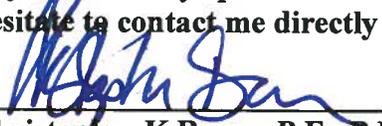
<u>COPIES</u>	<u>DESCRIPTION</u>
1	Justification Letter for Variance
1	Sign Variance Application
1	\$1,76.00 Application Fee
1	Proof of Ownership
1	Property Record Card
1	Photographs of site from adjacent roadway
1	Photograph of existing work of art on site
1	Site Plan (Includes location map and sign details)
1	Details of Sign (Color Rendering)
1	\$245.00 Advertising Costs
1	Address Mailing Labels
1	\$57.00 Surrounding Property Owner Notification (19 @ \$3.00/each)
1	Notarized Agent Authorization Letter

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:

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

Signed:  Copy to: Ron Sievers
Christopher K Bauer, P.E., P.L.S.
Director of Engineering

(Please notify us immediately if enclosures are not as noted)

September 22, 2009

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

Re: Buzzards Roost Restaurant and Garden Cove Marina
Sign Variance Application Justification to Monroe County Planning Commission

W. F. McCain & Associates, Inc. (WFM) would like to request a variance to Monroe County's existing sign ordinance on behalf of Ron Sievers, owner of the Buzzard's Roost restaurant and Garden Cove Marina in Key Largo near MM 106.5 Overseas Hwy (US-1). This letter and its attachments address the criteria set forth by Monroe County which is necessary to request a variance for the ordinance per the application provided by Monroe County. This letter is being provided in lieu of the Monroe County provided application to allow further elaboration on the necessary criteria for a variance than is allowed in the limited space on the application form. The following responses are numbered to correspond to the standards on the Monroe County application which must be met to grant a variance.

Land Use District Designation: The subject site is currently zone Improved Subdivision (IS), however, is currently in the process of being rezoned Suburban Commercial (SC). The FLUM designation for the site is Mixed Use/Commercial (MC). For purposes of this application, we are treating the site as a commercial area.

Present Land Use of the Property: Undeveloped Scarified Lot

Please describe why a variance to the sign regulations set forth in the Monroe County Code is required:

Due to the rules set forth by Section 142-3 (b)(1) of the Monroe County Code, off premises signs are prohibited.

A variance shall be granted only where all of the following criteria area met:

- 1) The literal interpretation and strict application of the provision and requirements of this division would cause undue and unnecessary hardship to the sign owner because of unique or unusual conditions pertaining to the specific building or parcel or property in question.**

Due to the literal and strict application of the ordinance, the proposed sign on the applicant's parcel along US-1 is technically considered a prohibited off-premises sign. However, in trying to meet with the goals and objectives of the community to promote tourism, waterfront development and a healthy local economy, the ordinance in this particular instance is in conflict with the Key Largo Livable Communikeys Plan (KLLCP) and the purpose of the ordinance itself. In this case, the sign proposed on the parcels along Overseas Highway (US-1) owned by the applicant will provide direction for tourists and locals to the same applicant owned restaurant and marina which do not have visibility from the US-1/ Overseas Highway corridor.

- 2) **The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.**

The granting of the requested variance would in no way whatsoever have a detrimental effect on adjacent property owners. In fact, the variance will allow an enhancement for the local businesses in the vicinity of the applicant's marina and restaurant and upgrade the use of the currently vacant undeveloped lot.

- 3) **The unusual conditions applying to the specific property do not apply generally to other properties in the county.**

In this specific case, the variance is requested to bolster visibility and traffic to the applicant's waterfront, tourism related business which is otherwise not available due to the business's location away from Overseas Highway (US-1). At this particular location at approximately MM 106.5 of Overseas Highway (US-1), traffic is just entering the keys and would otherwise have no indication of the location or existence of the waterfront location of Buzzard's Roost Restaurant or Garden Cove Marina without a directional sign available on the subject parcel. Therefore, due to specificity of the existing conditions and the nature of the proposed use, the request could not be generally applied to other properties in the county.

- 4) **The granting of the variance will not be contrary to the general objective of this division of moderation the size, number and obtrusive placement of signs and the reduction of clutter.**

The size and placement of the proposed sign will be in compliance with the provisions of the division. Since only one sign is proposed, no material clutter will be apparent.

- 5) **The variance is not requested on the basis of economic hardship of the sign user.**

The applicant currently operates a thriving business which does not depend solely on the variance being accepted. However, in meeting with the goals and objectives of the community to promote tourism, waterfront development and a healthy local economy, the variance will increase traffic to the applicant's restaurant and marina to bolster the overall local economy.

Please find the remaining required items for the requested variance attached. We look forward to working with you for the successful completion of the variance to build a sign as shown in the supporting documentation. If you have any questions, please do not hesitate to contact us in our office.

Regards,



Christopher K. Bauer, P.E., P.L.S., LEED AP
Director of Engineering

Attachments

Cc: Ron Sievers

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 PP DEP CLK

DEED DOC STAMPS 6650.00
12/31/1998 PP 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 PP 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.

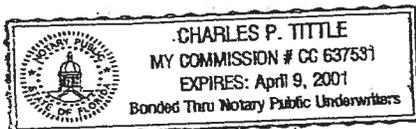
Sign _____
Print Charles P. Tittle
Sign Patricia Williams
Print PATRICIA J. WILLIAMS

Sign James Hartman (Seal)
Print James Hartman, President

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 11th 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 _____

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

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 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:

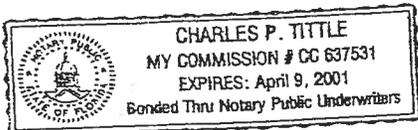
Sign _____
Print Charles P. Tittle
Sign _____
Print PATRICIA G. WILLIAMS

Sign _____ (Seal)
Print James Hartman

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 11th 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 _____

COMMITMENT

SCHEDULE A

OFFICE FILE NUMBER	COMMITMENT NUMBER	EFFECTIVE DATE	LOAN AMOUNT
¹ 10-5988	² 102229-105988	³ September 21, 2007 at 8:00 am	⁴ [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.

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

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

Property Record View

Alternate Key: 1661686 Parcel ID: 00538170-000000

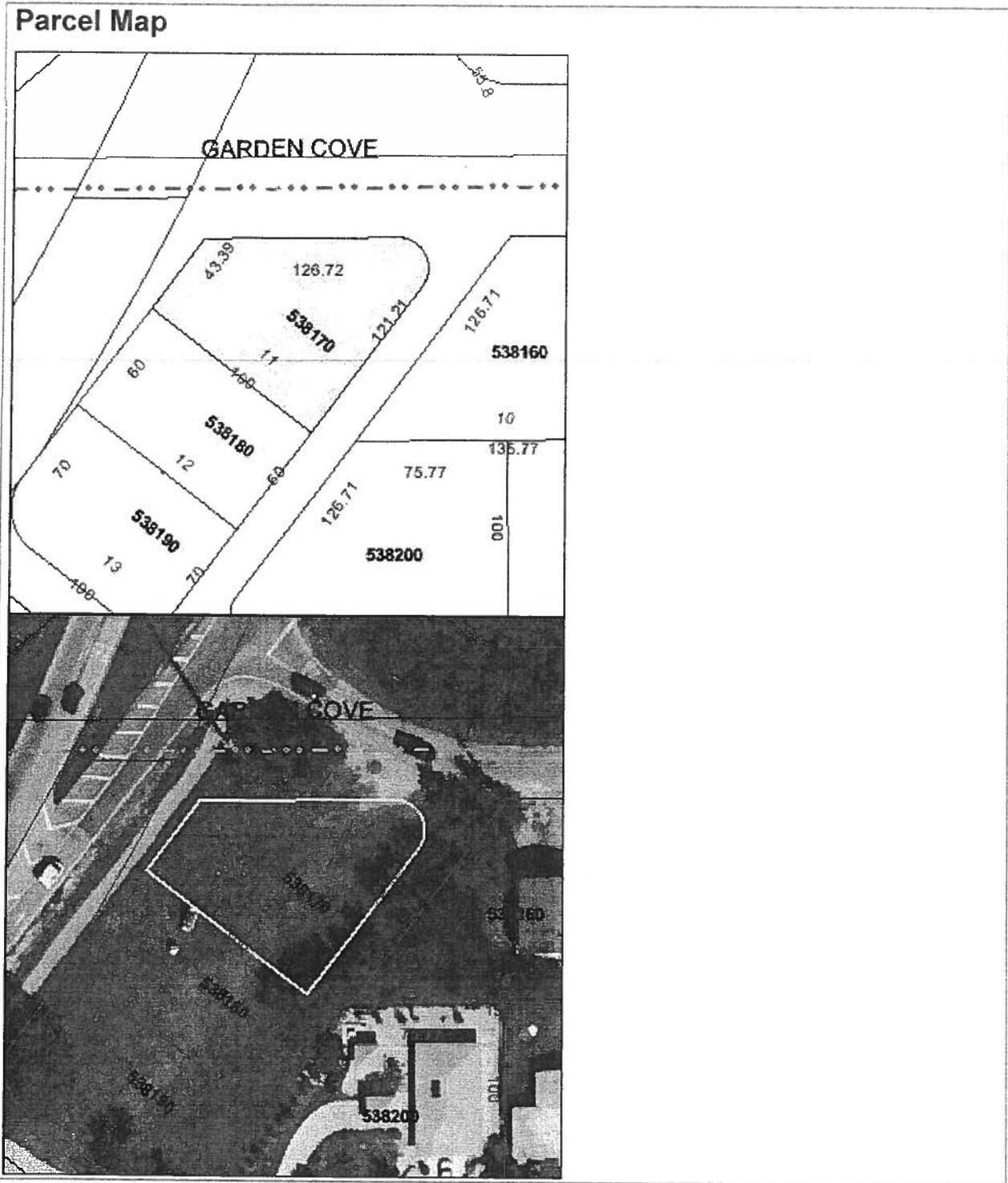
Ownership Details

Mailing Address:

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

Property Details

PC Code: 00 - VACANT RESIDENTIAL
Millage Group: 500K
Affordable Housing: No
Section-Township-Range: 06-61-40
Property Location: KEY LARGO
Subdivision: OCEAN ISLE ESTATE
Legal Description: BK 1 LT 11 OCEAN ISLE EST PB5-14 KEY LARGO OR374-1061-1062 OR1159-1631/32 OR2324-1649



Land Details

Land Use Code	Frontage	Depth	Land Area
1M0H - COMMERCIAL HIGHWAY	0	0	8,240.00 SF

Building Summary

Number of Buildings: 0
 Number of Commercial Buildings: 0

Total Living Area: 0
Year Built: 0

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2009	0	0	7,416	7,416	7,416	0	7,416
2008	0	0	8,652	8,652	8,652	0	8,652
2007	0	0	12,978	12,978	12,978	0	12,978
2006	0	0	12,978	12,978	12,978	0	12,978
2005	0	0	12,978	12,978	12,978	0	12,978
2004	0	0	12,978	12,978	12,978	0	12,978
2003	0	0	12,978	12,978	12,978	0	12,978
2002	0	0	12,978	12,978	12,978	0	12,978
2001	0	0	12,978	12,978	12,978	0	12,978
2000	0	0	12,978	12,978	12,978	0	12,978
1999	0	0	12,978	12,978	12,978	0	12,978
1998	0	0	12,978	12,978	12,978	0	12,978
1997	0	0	12,978	12,978	12,978	0	12,978
1996	0	0	12,978	12,978	12,978	0	12,978
1995	0	0	12,978	12,978	12,978	0	12,978
1994	0	0	18,540	18,540	18,540	0	18,540
1993	0	0	16,019	16,019	16,019	0	16,019
1992	0	0	16,019	16,019	16,019	0	16,019
1991	0	0	18,540	18,540	18,540	0	18,540
1990	0	0	16,686	16,686	16,686	0	16,686
1989	0	0	16,686	16,686	16,686	0	16,686
1988	0	0	16,686	16,686	16,686	0	16,686
1987	0	0	16,686	16,686	16,686	0	16,686
1986	0	0	16,686	16,686	16,686	0	16,686
1985	0	0	16,686	16,686	16,686	0	16,686
1984	0	0	16,686	16,686	16,686	0	16,686
1983	0	0	14,529	14,529	14,529	0	14,529
1982	0	0	14,529	14,529	14,529	0	14,529

Parcel Sales History

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

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
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10/2/2007	2324 / 1649	50,000	WD	Q
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This page has been visited 188,723 times.

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

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

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

Property Record View

Alternate Key: 1661694 Parcel ID: 00538180-000000

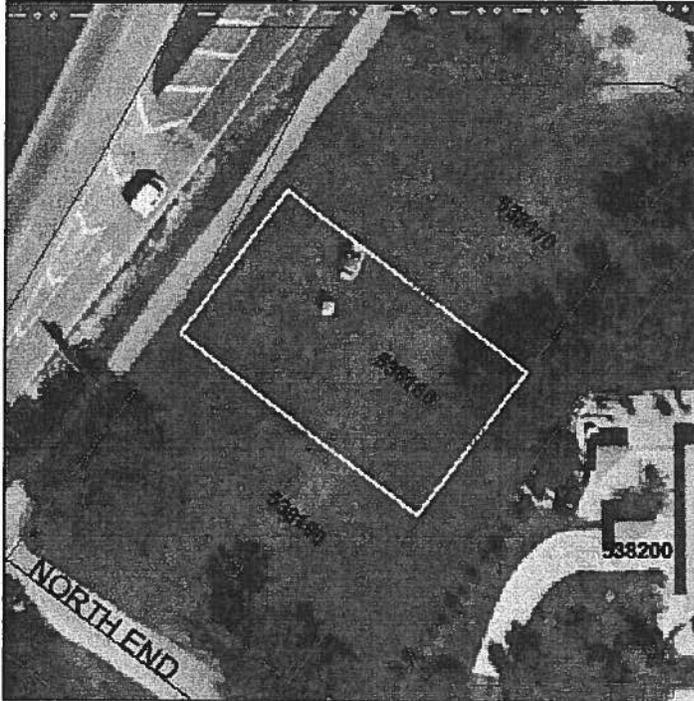
Ownership Details

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

Property Details

PC Code: 00 - VACANT RESIDENTIAL
Millage Group: 500K
Affordable Housing: No
Section-
Township- 06-61-40
Range:
Property Location: KEY LARGO
Subdivision: OCEAN ISLE ESTATE
Legal BK 1 LT 12 OCEAN ISLE EST PB5-14 KEY LARGO OR783-1500 OR786-1768 OR823-1110/1113Q/C OR901-
Description: 1784 OR1135-821(JB) OR1306-1933(JMH) OR1306-1932Q/C(JMH) OR1554-604(JMH) OR1554-605(JMH)
OR1554-606(JMH) OR1557-2254AFF(CMS) OR1561-1380C(JMH)

Parcel Map



Land Details

Land Use Code	Frontage	Depth	Land Area
1M0H - COMMERCIAL HIGHWAY	60	100	6,000.00 SF

Building Summary

Number of Buildings: 0
 Number of Commercial Buildings: 0

Total Living Area: 0
Year Built: 0

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2009	0	0	5,400	5,400	5,400	0	5,400
2008	0	0	6,300	6,300	6,300	0	6,300
2007	0	0	10,500	10,500	10,500	0	10,500
2006	0	0	10,500	10,500	10,500	0	10,500
2005	0	0	10,500	10,500	10,500	0	10,500
2004	0	0	10,500	10,500	10,500	0	10,500
2003	0	0	10,500	10,500	10,500	0	10,500
2002	0	0	10,500	10,500	10,500	0	10,500
2001	0	0	10,500	10,500	10,500	0	10,500
2000	0	0	10,500	10,500	10,500	0	10,500
1999	0	0	10,500	10,500	10,500	0	10,500
1998	0	0	10,500	10,500	10,500	0	10,500
1997	0	0	10,500	10,500	10,500	0	10,500
1996	0	0	10,500	10,500	10,500	0	10,500
1995	0	0	10,500	10,500	10,500	0	10,500
1994	0	0	15,000	15,000	15,000	0	15,000
1993	0	0	12,960	12,960	12,960	0	12,960
1992	0	0	12,960	12,960	12,960	0	12,960
1991	0	0	15,000	15,000	15,000	0	15,000
1990	0	0	13,500	13,500	13,500	0	13,500
1989	0	0	13,500	13,500	13,500	0	13,500
1988	0	0	13,500	13,500	13,500	0	13,500
1987	0	0	13,500	13,500	13,500	0	13,500
1986	0	0	13,500	13,500	13,500	0	13,500
1985	0	0	13,500	13,500	13,500	0	13,500
1984	0	0	13,500	13,500	13,500	0	13,500
1983	0	0	13,412	13,412	13,412	0	13,412
1982	0	0	13,412	13,412	13,412	0	13,412

Parcel Sales History

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

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
-----------	----------------------------	-------	------------	---------------

12/11/1998	1554 / 605	1	WD	M
12/10/1998	1554 / 604	20,000	WD	M
5/1/1994	1306 / 1933	1	WD	M
3/1/1994	1306 / 1932	1	QC	M
6/1/1990	1135 / 821	1	WD	M
12/1/1983	901 / 1784	52,000	WD	M

This page has been visited 188,718 times.

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

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

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

Property Record View

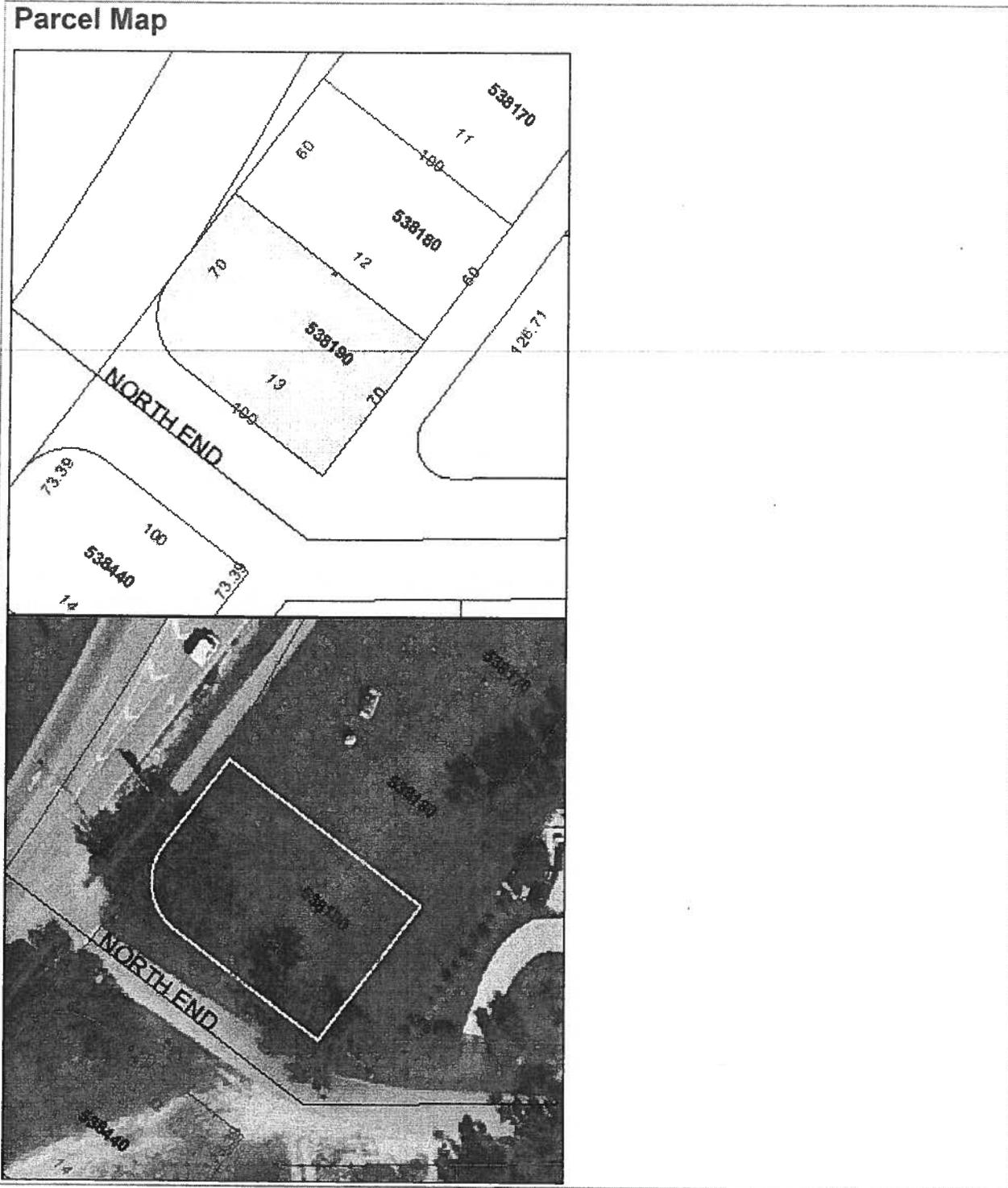
Alternate Key: 1661708 Parcel ID: 00538190-000000

Ownership Details

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

Property Details

PC Code: 00 - VACANT RESIDENTIAL
Millage Group: 500K
Affordable Housing: No
Section-
Township- 06-61-40
Range:
Property Location: KEY LARGO
Subdivision: OCEAN ISLE ESTATE
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) OR1554-606(JMH) OR1557-2254AFF(CMS) OR1561-1380C(JMH)



Land Details

Land Use Code	Frontage	Depth	Land Area
1M0H - COMMERCIAL HIGHWAY	70	100	7,000.00 SF

Building Summary

Number of Buildings: 0
 Number of Commercial Buildings: 0

Total Living Area: 0
Year Built: 0

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2009	0	0	6,300	6,300	6,300	0	6,300
2008	0	0	7,350	7,350	7,350	0	7,350
2007	0	0	12,250	12,250	12,250	0	12,250
2006	0	0	12,250	12,250	12,250	0	12,250
2005	0	0	12,250	12,250	12,250	0	12,250
2004	0	0	12,250	12,250	12,250	0	12,250
2003	0	0	12,250	12,250	12,250	0	12,250
2002	0	0	12,250	12,250	12,250	0	12,250
2001	0	0	12,250	12,250	12,250	0	12,250
2000	0	0	12,250	12,250	12,250	0	12,250
1999	0	0	12,250	12,250	12,250	0	12,250
1998	0	0	12,250	12,250	12,250	0	12,250
1997	0	0	12,250	12,250	12,250	0	12,250
1996	0	0	12,250	12,250	12,250	0	12,250
1995	0	0	12,250	12,250	12,250	0	12,250
1994	0	0	17,500	17,500	17,500	0	17,500
1993	0	0	15,120	15,120	15,120	0	15,120
1992	0	0	15,120	15,120	15,120	0	15,120
1991	0	0	17,500	17,500	17,500	0	17,500
1990	0	0	15,750	15,750	15,750	0	15,750
1989	0	0	15,750	15,750	15,750	0	15,750
1988	0	0	15,750	15,750	15,750	0	15,750
1987	0	0	15,750	15,750	15,750	0	15,750
1986	0	0	15,750	15,750	15,750	0	15,750
1985	0	0	15,750	15,750	15,750	0	15,750
1984	0	0	15,750	15,750	15,750	0	15,750
1983	0	0	15,086	15,086	15,086	0	15,086
1982	0	0	15,086	15,086	15,086	0	15,086

Parcel Sales History

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

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
-----------	----------------------------	-------	------------	---------------

12/11/1998	1554 / 605	1	WD	M
11/11/1998	1554 / 604	1	WD	M
5/1/1994	1306 / 1933	50,000	WD	M
3/1/1994	1306 / 1932	46,800	QC	M
6/1/1990	1135 / 821	55,000	WD	M
12/1/1983	901 / 1784	1	WD	M

This page has been visited 188,689 times.

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

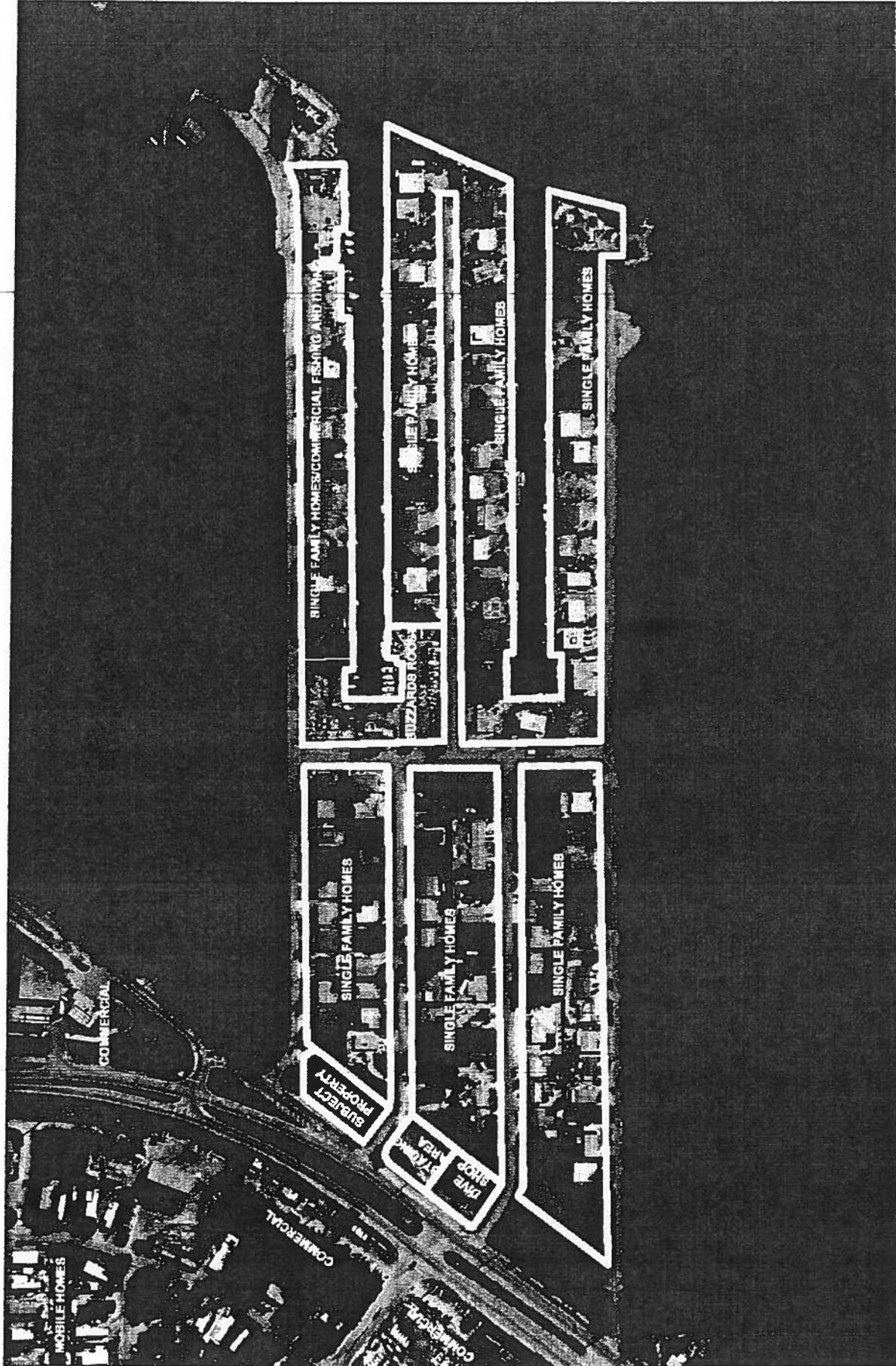
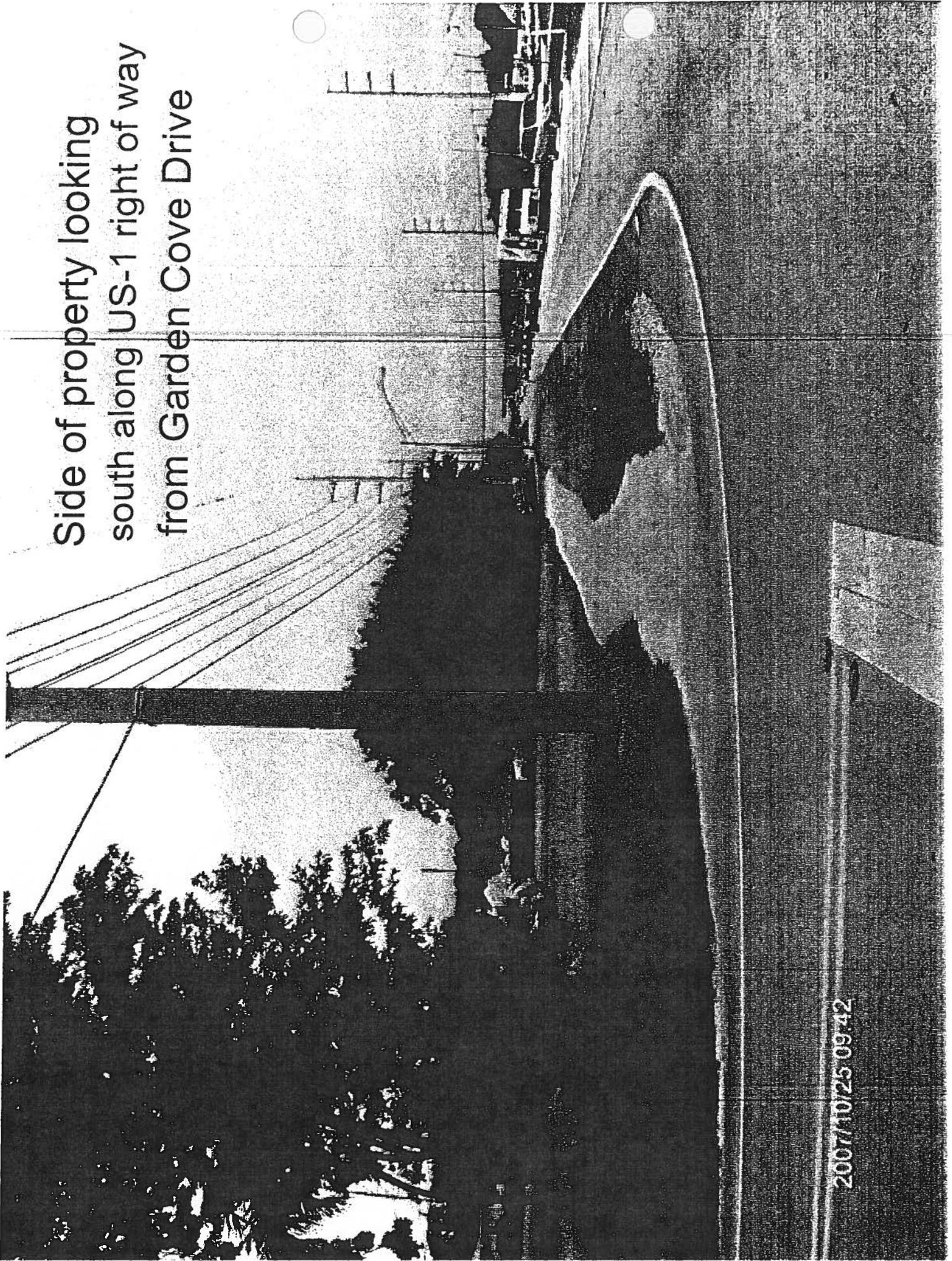


FIGURE 1 - AERIAL PHOTO
SURROUNDING LAND USE

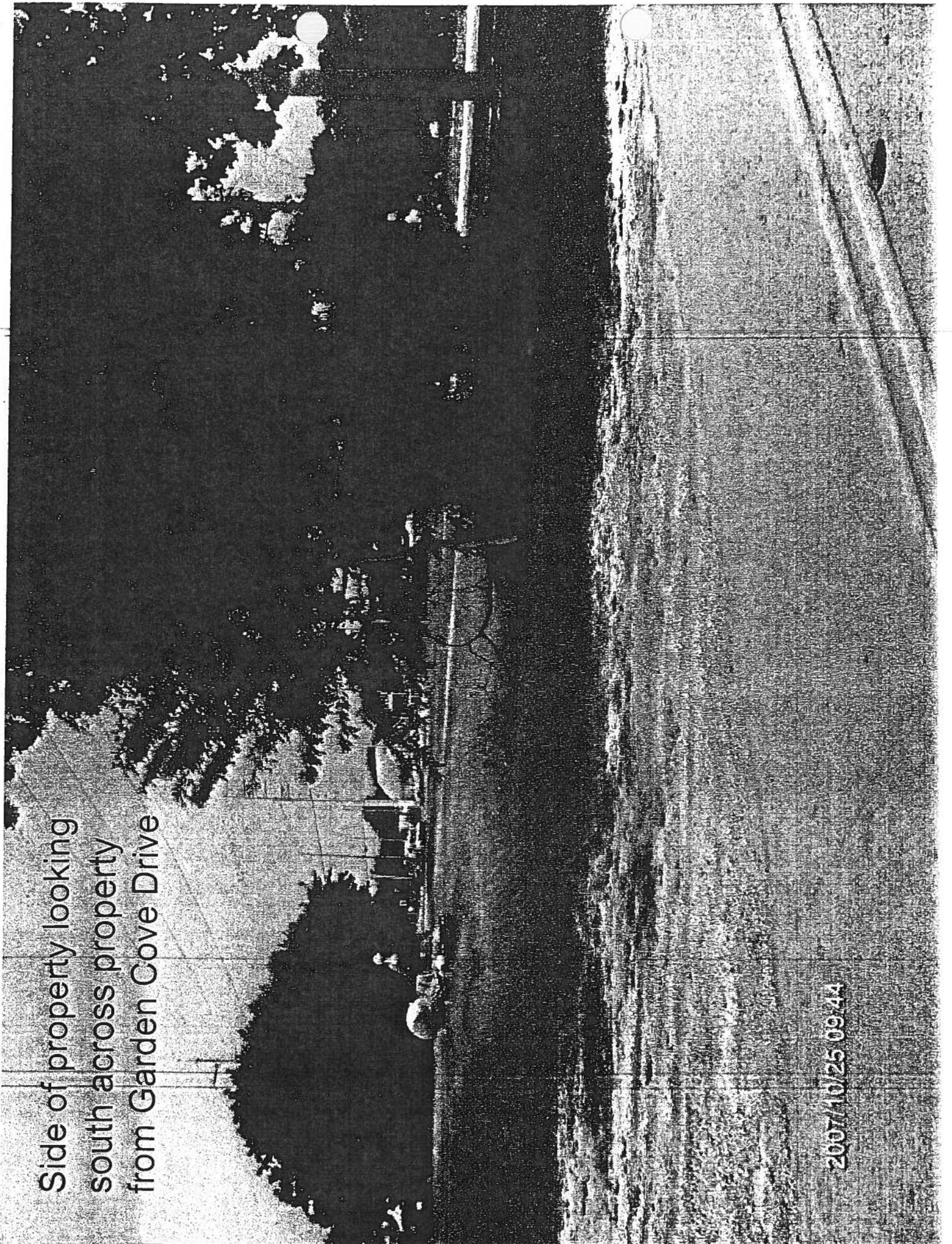
Side of property looking
south along US-1 right of way
from Garden Cove Drive

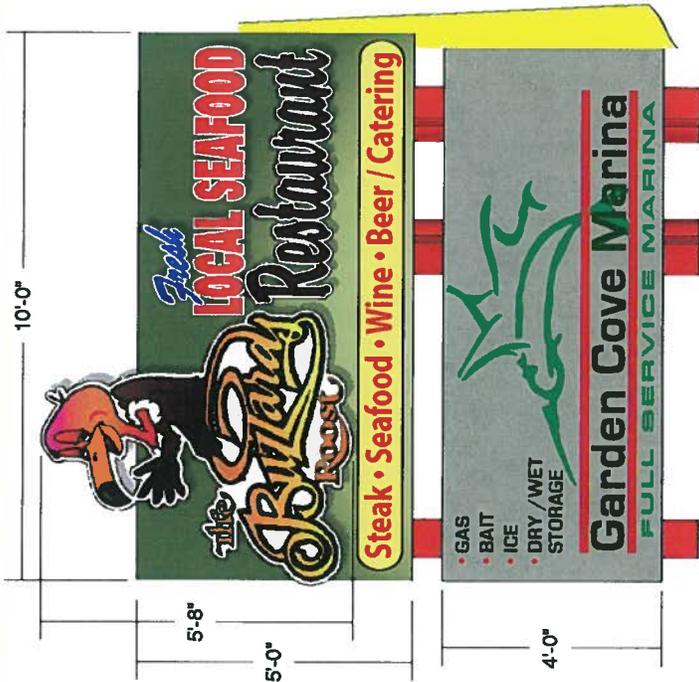


2007/10/25 09:42

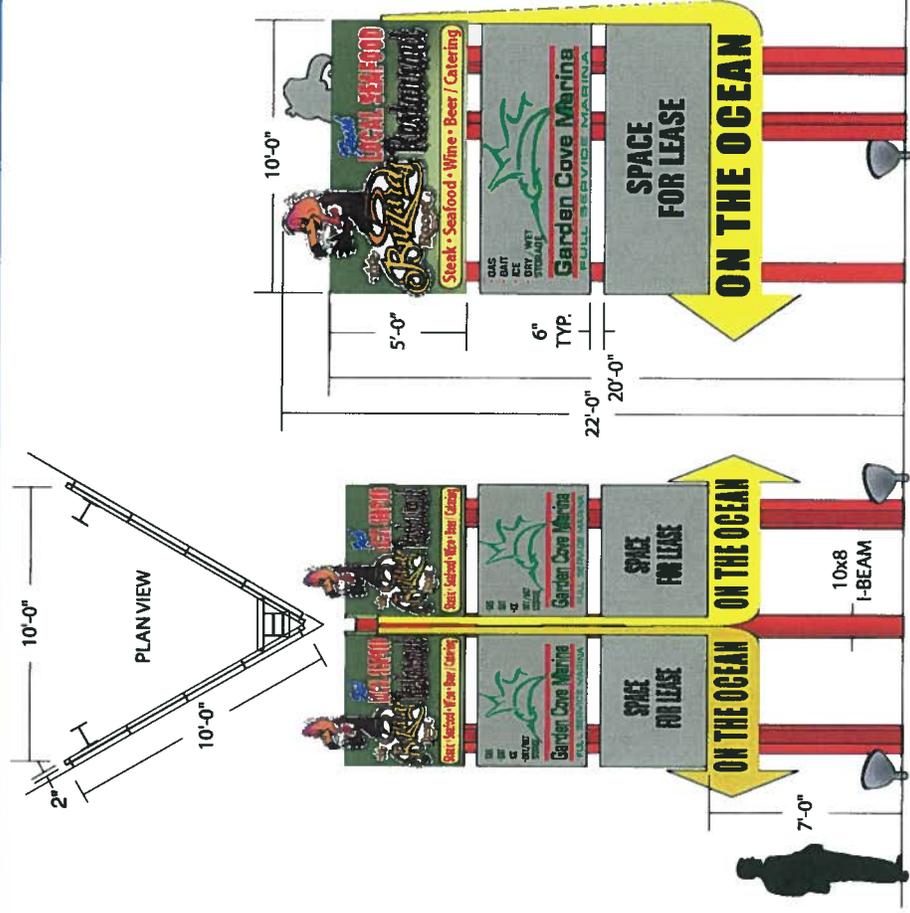
Side of property looking
south across property
from Garden Cove Drive

2007/10/25 09:44





EXTERNALLY ILLUMINATED V-SHAPED FREESTANDING SIGN EACH PANEL TO BE MANUFACTURED OUT OF 1/8" THICK ALUMINUM PLATE WITH 2" ALUMINUM ANGLE FRAME CONSTRUCTION PANELS MOUNTED TO (3) 10"x8" STEEL I-BEAMS THE BUZZARDS ROOST SILHOUETTE PANEL COMPUTER ROUTED OUT OF 1/8" ALUMINUM PLATE AND MOUNTED TO BACKGROUND PANEL WITH 1" STAND-OFF ALL EXTERIOR METAL SURFACES TO BE PREPPED AND FINISHED IN EXTERIOR GRADE ACRYLIC POLYURETHANE. COLORS CONCEPTUAL AND TO BE DETERMINED ALL COPY AND GRAPHICS TO BE APPLIED VINYL DECORATIONS DISPLAY TO HAVE DIRECT BURIAL CONCRETE FOUNDATIONS • EXCAVATION BY OTHERS



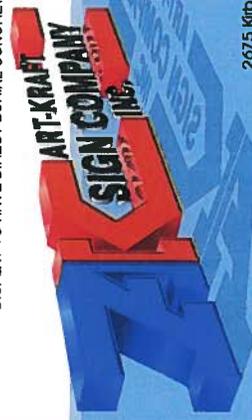
(NOTE) EXTERNAL ILLUMINATION BY OTHERS FRONT ELEVATION FACE ELEVATION

ART-KRAFT SIGN COMPANY, INC.

ART-KRAFT SIGN COMPANY IS NOT RESPONSIBLE FOR PHYSICAL ELECTRICAL LOOK-UP OR SIGN

VISIT OUR WEB SITE AT <http://www.Art-Kraft.com>
sales@Art-Kraft.com

CUSTOMER	THE BUZZARDS ROOST	DESIGN NO.	22490 B	REVISION		CUSTOMER APPROVAL	DATE
SALES REP.	LORI	DESIGNER	WAYNE	SCALE AS SHOWN	DATE 9 - 18 - 09		



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

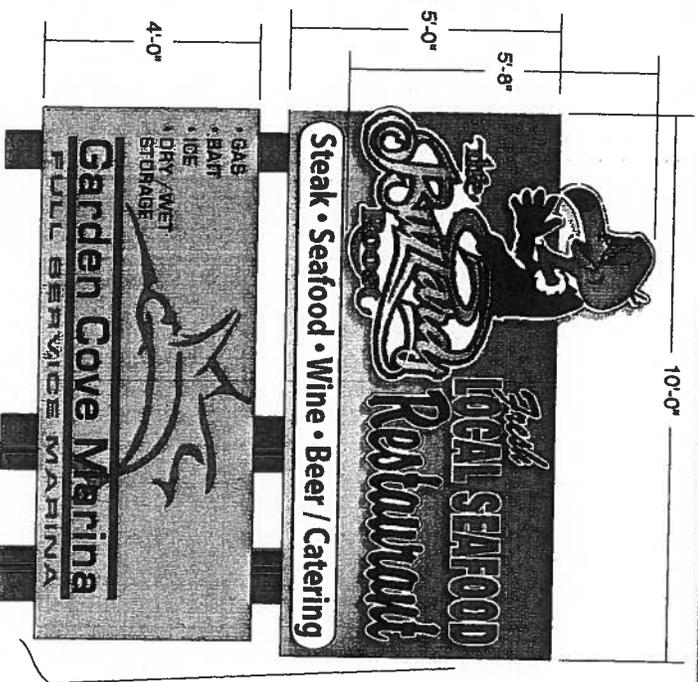
TIITF/ST.OF FL REC & PARKS
NEW MAHOGANY HAMMOCK
3900 COMMONWEALTH BLVD
MAIL STA 108
TALLAHASSEE, FL 32399-3000

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

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

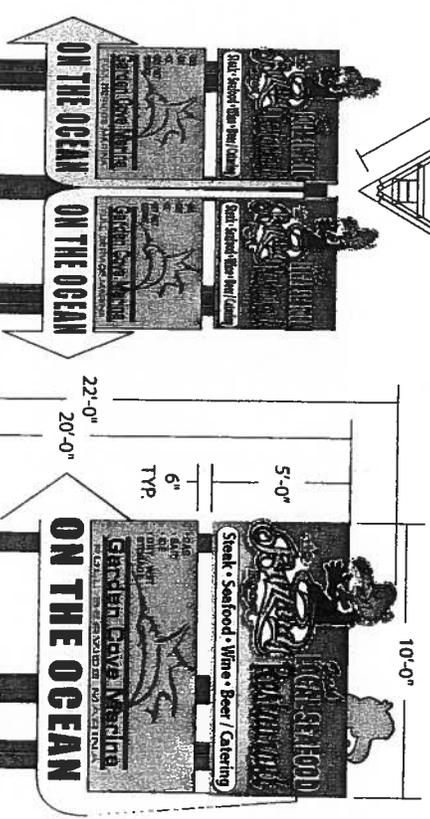
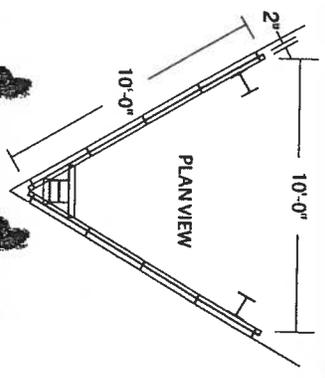
ALBERTO TRUJILLO JR
6871 WEST 2ND LANE'
HIALEAH, FL 33014

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



EXTERNALLY ILLUMINATED V-SHAPED FREESTANDING SIGN
 EACH PANEL TO BE MANUFACTURED OUT OF 1/8" THICK ALUMINUM PLATE
 WITH 2" ALUMINUM ANGLE FRAME CONSTRUCTION
 PANELS MOUNTED TO (3) 10X8 STEEL I-BEAMS
 THE BUZZARDS ROOST SILHOUETTE PANEL, COMPUTER ROUTED OUT OF
 THE ALUMINUM PLATE AND MOUNTED TO BACKGROUND PANEL WITH 1" STAND-OFF
 ALL EXTERIOR GRADE ACRYLIC POLYURETHANE, COLORS CONCEPITUAL AND TO BE DETERMINED
 DISPLAY TO HAVE DIRECT BURIAL CONCRETE FOUNDATIONS - EXCAVATION BY OTHERS

(NOTE: EXTERNAL ILLUMINATION BY OTHERS) FRONT ELEVATION



FACE ELEVATION

ART-KRAFT SIGN COMPANY, INC.

CUSTOMER	THE BUZZARDS ROOST	DESIGN NO.	22490 C	REVISION		CUSTOMER APPROVAL	
SALES REP	LORI	SCALE	AS SHOWN	DATE	11 - 3 - 09	DATE	
DESIGNER	WAYNE						

2075 Kirby Circle, NE, Atlanta, GA 30329 (321) 951-2400 (321) 951-2400 (321) 951-2400
 The design, in whole or in part, is the property of Art-Kraft Sign Company and may not be used without the express written permission of Art-Kraft Sign Company, Inc.

VISIT OUR WEB SITE!
<http://www.artkraft.com>
 301.951.2400



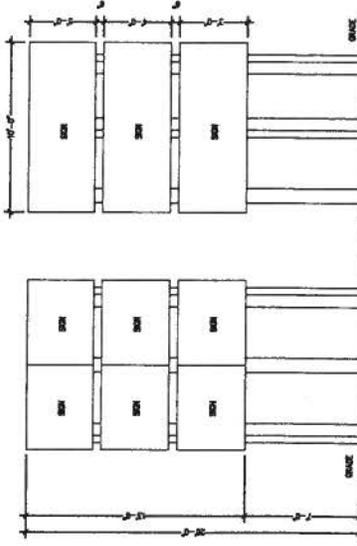
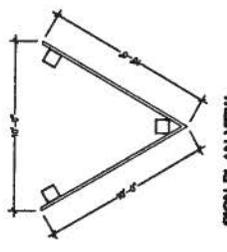
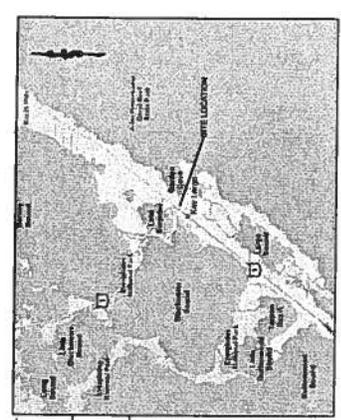
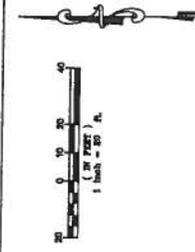
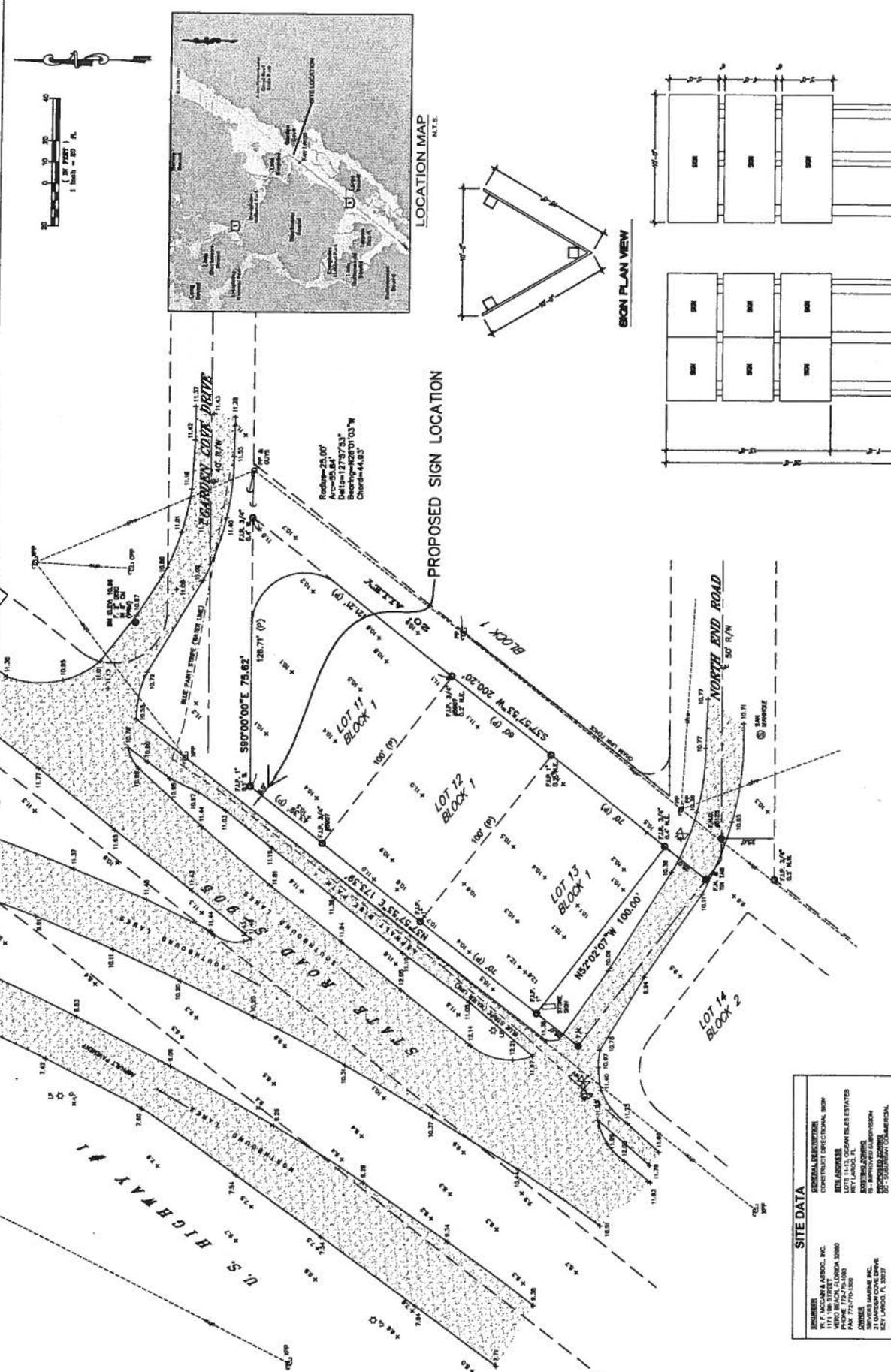
DATE	11/27/2018	
SCALE	1" = 20'	
PROJECT NO.	18-018	
DRAWN BY	W.F. MCCAIN	
CHECKED BY		
DATE		
REVISIONS		
NO.	DATE	DESCRIPTION

W.F. MCCAIN & ASSOCIATES, INC.
 PROFESSIONAL ENGINEERING & SURVEYING
 1171 19th Street
 Vero Beach, Florida 32980
 PHONE: (772) 775-1500
 FAX: (772) 775-1508

PROPOSED
 SIGN LOCATION

SIEVERS SIGN
 KEY LARGO, FLORIDA

SHEET
 of 1
 PROJECT NO.
 18-018



SITE DATA	
ENGINEER	GENERAL DESCRIPTION
W.F. MCCAIN & ASSOCIATES, INC.	CONTRACTOR DIRECTIONAL SIGN
1171 19th Street	KEY LARGO, FLORIDA 32980
VERO BEACH, FLORIDA 32980	KEY LARGO, FLORIDA 32980
PHONE: (772) 775-1500	PHONE: (772) 775-1500
FAX: (772) 775-1508	FAX: (772) 775-1508
REGISTERED PROFESSIONAL ENGINEER	REGISTERED PROFESSIONAL SURVEYOR
W.F. MCCAIN	W.F. MCCAIN
KEY LARGO, FLORIDA	KEY LARGO, FLORIDA
DATE: 11/27/2018	DATE: 11/27/2018
PROJECT NO.	SITE AREA
18-018	20,877 SQ. FT. ± 0.47 AC
KEY LARGO AREA	KEY LARGO AREA
6,400 SQ. FT.	6,400 SQ. FT.



MEMORANDUM

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

To: Monroe County Planning Commission
Through: Townsley Schwab, Senior Director of Planning & Environmental Resources
From: Thomas A. Lloyd, Planner *TAL*
Date: November 6, 2009
Subject: *Request for a Sign Variance, Siever's Marina, Inc.
Block 1, Lot 11, Ocean Isle Estates, (PB5-14), Key Largo,
Real Estate Number 00538170.000000*

Meeting: November 17, 2009

1
2 I REQUEST:
3

4 The applicant is requesting a sign variance to allow construction of an approximately
5 22-foot high by 10-foot wide (including mounting structures), ground-mounted, off-
6 premise sign on the vacant parcel. Were the parcel developed, a similar off-premise
7 sign would be allowed. Given the frontage of the subject, however, a sign of this size
8 would still require a variance. The variance then is twofold, as both the site and size
9 of the proposed signage requires approval. The sign would be for the benefit of
10 businesses located off US 1 on Garden Cove Drive. Although business names could
11 change in the future, the sign would currently advertise "The Buzzard's Roost" and
12 "Garden Cove Marina."



31
32 Subject Property (outlined in blue) (2006)

1
2
3 Location:

4 Address: 21 Garden Cove Drive, Key Largo, MM 106

5 Legal Description: Block 1, Lot 11, Ocean Isle Estates, (PB5-14), Key Largo

6 Real Estate Number: 00538170.000000
7

8 Applicant:

9 Owner: Siever's Marina, Inc

10 Agent: Christopher K. Bauer, P.E.
11

12 II PRIOR COUNTY ACTIONS:
13

14 On April 29, 2009, the Code Enforcement Department opened a case (CE09040168)
15 pertaining to existing unpermitted signage found at the corner of Garden Cove Drive
16 and SR-905. As off-premise signage on a vacant parcel is not permitted pursuant to
17 Monroe County code, a variance request for the construction of new signage to
18 replace the aforementioned unlawful, unpermitted signage was submitted on
19 September 23, 2009, and is the subject of this memorandum. On October 17, the
20 Code Enforcement case was closed pending future changes to the County's sign
21 ordinance. It should be noted, however, that the text amendments in progress would
22 not allow such an off-premise sign, and a variance would still be required.
23

24 III BACKGROUND INFORMATION:
25

26 A. Size of Site: 8,240 ft² (0.19 acres)

27 B. Land Use District: Improved Subdivision (IS)

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

29 D. Tier Designation: Tier 3

30 E. Existing Use: Undeveloped

31 F. Existing Vegetation / Habitat: Scarified

32 G. Community Character of Immediate Vicinity: Mixed Use – Commercial on
33 bayside of US 1 and Single-Family Residential on ocean side of US 1

34 H. Flood Zone: Zone X
35

36 IV REVIEW OF APPLICATION:
37

38 The subject property is situated on the southeastern side of SR-905 as it intersects
39 with Garden Cove Drive, near mile marker 106. The lot on which the sign would be
40 physically located has approximately 44 feet of frontage along US 1/SR-905 and is
41 part of a larger block of contiguous lots under common ownership which have
42 approximately 174 feet of frontage in total. An application to amend the land use
43 district designation of said lots from Improved Subdivision (IS) to Suburban
44 Commercial (SC) has been submitted and is currently being processed. The property
45 is bordered by the US-1 corridor and residential uses.
46



Project location with regard to Siever's Marina

Pursuant to MCC §142-6, a variance from the provision or requirements shall be granted only where the following standards are met:

- a. *The literal interpretation and strict application of the provision and requirements of this chapter would cause undue and unnecessary hardship to the sign owner because of unique or unusual conditions pertaining to the specific building or parcel or property in question:*

Off-premise signs are prohibited unless a variance is granted. The sign would serve as both advertisement and directional signage for business(es) found off of Garden Cove Road on Block 7, Lots 18-23, Ocean Isle Estates. Failure to grant a variance would give the applicant no signage along the US 1 and SR-905 corridors.

- b. *The granting of the requested variance would not be materially detrimental to the property owners in the vicinity:*

There are several other signs located in this area, as the US 1 corridor is commercial in nature. As proposed, the sign would be situated such that no other signage would be blocked. The lot on which the sign is proposed, along with those immediately adjacent to the south are held by the applicant. To the north and west, the property is fronted by roads (SR-905/US 1 and Garden Cove Drive). To the east, the lot abuts residential development, though the sign would be located on the opposite (northwest) corner of the lot.

1 The applicant has proposed illuminating the sign with up-mounted flood lamps.
2 While staff is not reviewing the lighting for compliance with the outdoor lighting
3 standards at this time, any building permit issued for lighting would be reviewed
4 for compliance. This variance would be conditioned to minimize the impacts of
5 these lamps by both landscaping the disturbance area and by limiting the hours of
6 operation of the lights to times consistent with the hours of operation of the
7 businesses which it would serve. Additionally, the project would be conditioned
8 to provide for maintenance of the sign and landscaping in perpetuity to mitigate
9 negative impacts on the surrounding area. The off-premise sign, therefore, would
10 not negatively affect the community character.

- 11
12 c. *The unusual conditions applying to the specific property do not apply generally*
13 *to other properties in the county:*
14

15 As mentioned above, the subject property is fronted by roads (SR-905/US-1 and
16 Garden Cove Drive). While this is not in itself unique, the property is under
17 common ownership with commercial ventures served by Garden Cove Drive and
18 with no visibility from US 1. Further, if a business was located on the subject
19 parcel, signage would be allowed. This unique situation would allow these
20 commercial ventures an opportunity for both advertisement and directional
21 signage through approval of this variance.
22

- 23 d. *The granting of the variance will not be contrary to the general objective of this*
24 *chapter of moderating the size, number, and obtrusive placement of signs and the*
25 *reduction of clutter:*
26

27 As proposed, the off-premise sign would consist of two main panels, 10 feet by 5
28 feet and 10 feet x 4 feet, respectively. In addition to the panels, a standout
29 "buzzard" would project above the top panel approximately 2 feet, creating an
30 additional 6 square feet of area. Finally, the bottom of the proposed sign structure
31 contains a large directional arrow which projects both below and to the side of the
32 sign. This arrow is estimated at approximately 27 square feet of additional face
33 area. The total face area of the sign, therefore, is approximately 123 square feet
34 per face.
35

36 The variance would not be contrary to the objectives of the sign ordinance. An
37 approved off-premise sign, properly conditioned, could effectively advertise for
38 the subject business(es).
39

- 40 e. *The variance is not requested on the basis of economic hardship of the sign*
41 *user:*
42

43 Staff has no knowledge that the variance request is based solely on economic
44 hardship. In the submitted variance request, it is mentioned that the applicant
45 operates a thriving business. All fees associated with the sign variance
46 application have been paid.

1
2 V RECOMMENDATION:
3

4 Staff recommends APPROVAL to the Planning Commission for a sign variance to
5 permit construction of a 22-foot high by 10-foot wide (including mounting
6 structures), ground-mounted, off-premise sign on the property identified as real
7 estate number 00538170.000000 with the following conditions:
8

- 9 A. This variance is to allow for the construction of an off-premise sign advertising
10 only those businesses located on the off-site Siever's Marina property (Block 7,
11 Lots 18-23, Ocean Isle Estates). Any changes in copy, construction, or design
12 beyond those approved shall require additional Planning & Environmental
13 Resources Department and, if necessary, Planning Commission approval.
14
- 15 B. Prior to issuance of a Resolution, the applicant shall remove all unlawful signage
16 from the subject parcel, including but not limited to: the buoy, the car, and the
17 trailer.
18
- 19 C. Prior to issuance of a Resolution, a landscaping plan shall be submitted to the
20 Planning and Environmental Resources Department and approved by the Director
21 of said Department.
22
- 23 D. The required landscaping, as approved by the Director, shall remain consistent
24 with the approved plan, and shall be maintained in perpetuity, or so long as the
25 sign remains.
26
- 27 E. All structural supports and mounting hardware shall be painted a neutral tone.
28
- 29 F. All outdoor lighting illuminating the signage shall be limited to use only during
30 the hours of operation of the businesses for which the sign shall serve. The
31 applicant shall, along with installation of any and all lighting, install a timer
32 mechanism to ensure compliance.
33
- 34 G. All improvements associated with the construction of the off-premise sign,
35 including structure and lighting, shall be properly maintained at all times.
36 Improvements shall be maintained to ensure the appearance remains consistent
37 with approved conditions relating to appearance.
38
- 39 H. Should commercial activities at the Siever's Marina property (Block 7, Lots 18-
40 23, Ocean Isle Estates) be permanently abandoned, the off-premise sign shall be
41 rendered obsolete and shall be immediately removed. Within six (6) months after
42 abandonment of commercial activity, the applicant shall notify the Planning
43 Department of the abandonment and shall apply for and receive all appropriate
44 permits to restore the site disturbance to its pre-project condition.
45
46

1 VI PLANS REVIEWED:

2

3 A. Sign Variance Application

4 B. Site Plan with Elevations

5 C. Color Artistic Renderings of copy (Revised 11-3-09)

6

7 VII ATTACHMENTS:

8

9 A. Site Plan with Elevations

10 B. Color Artistic Renderings of copy (Revised 11-3-09)



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Monroe County Planning Commission

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

From: Joseph Haberman, AICP, Principal Planner *JH*

Date: November 5, 2009

Subject: *Proposed Ordinance to the Board of County Commissioners to amend the Monroe County Code Sections 102-55, Registration; 110-4, Determination of completeness and compliance, except for single-family dwellings; 110-7, Actions by decision-making persons and bodies; 110-37, Development permitted as of right; 110-69, Minor conditional uses; 110-70, Major conditional uses; 110-71, Final development plan subsequent to approval of conditional use permit; 110-73, Development under an approved conditional use permit; 110-98, Preliminary plat approval; & 110-99, Final plat approval*

Meeting: November 17, 2009

1
2 I REQUEST
3

4 The Planning & Environmental Resources Department is proposing amendments to the text
5 of §102-55, §110-4, §110-7, §110-37, §110-69, §110-70, §110-71, §110-73, §110-98 and
6 §110-99 of the Monroe County Code. The purpose of the proposed amendments is to
7 eliminate references to the obsolete position of development review coordinator and reassign
8 those responsibilities and duties of the development review coordinator to the planning
9 director.
10

11 II RELEVANT PRIOR COUNTY ACTIONS:
12

13 At the October 7, 2009 public hearing, members of the planning commission recommended
14 that staff review the entire land development code and remove all references to the now
15 obsolete position of "development review coordinator". This recommendation followed
16 staff's request to amend §102-21. Among other proposed amendments to §102-21, staff
17 recommended that §102-21(c) be deleted due to the fact that the position of development
18 review coordinator has been eliminated in the Planning & Environmental Resources
19 Department.
20

21 III REVIEW
22

23 The current text within the Land Development Code describing the job requirements and
24 functioning of the Planning & Environmental Resources Department is outdated.
25

1 Concerning the development review coordinator position, the position of development review
2 coordinator has been eliminated in the Planning & Environmental Resources Department. All
3 responsibilities of the position have been assumed by the Director of Planning and the Principal
4 Current Planner. Therefore, staff is recommending that the following sections of code be
5 amended only to replace “development review coordinator” with “planning director”:
6

7 NOTE: The reference to the development review coordinator in Sec. 110-73(a) is already being
8 addressed and corrected in another text amendment application in progress, which has already
9 been approved by the planning commission.

10
11 **(deletions are ~~stricken through~~ and additions are underlined):**
12

13 **Sec. 102-55. Registration.**
14

15 All claims of nonconforming uses and structures shall be registered with the ~~development~~
16 ~~review coordinator~~ planning director in a form provided by the director of planning within one
17 year of the service of individual notice by mail to all landowners of record of the adoption of
18 the plan and the requirement to register nonconforming uses and structures. Individual notice
19 by mail shall be deemed served upon the deposit of duly stamped notice in the U.S. mails
20 addressed to the owner of record according to the most recent listing of the property appraiser
21 of the county. Failure to register a claim of nonconforming use or structure within one year
22 after adequate legal notification by the director of planning shall constitute a waiver of the right
23 to claim nonconforming use status. Evaluation of nonconformity claims shall be on a case-by-
24 case basis by the director of planning based on the lawful nature of the use or structure when
25 established, subject to appeal as provided in article VI of this chapter. The board of county
26 commissioners, at its discretion, may direct the director of planning to issue notification by
27 category.
28

29 **Sec. 110-4. Determination of completeness and compliance, except for single-family**
30 **dwellings.**
31

32 Within 15 working days after an application for development approval has been received, the
33 ~~development review coordinator~~ planning director shall determine whether the application is
34 complete. If the ~~development review coordinator~~ planning director determines that the
35 application is not complete, he shall serve a written notice on the applicant specifying the
36 application's deficiencies. The ~~development review coordinator~~ planning director shall take no
37 further action on the application unless the deficiencies are remedied. If the ~~development~~
38 ~~review coordinator~~ planning director fails to make a determination of completeness within 15
39 working days, the application is deemed complete. Once the application is deemed complete,
40 the ~~development review coordinator~~ planning director shall cause the application to be
41 evaluated within ten working days for compliance with the county's land use regulations. If
42 the ~~development review coordinator~~ planning director determines that the application is not in
43 compliance, he shall serve a written notice explaining why this is so; and the application shall
44 be denied. If the application is determined to be in compliance with these land use
45 regulations, the ~~development review coordinator~~ planning director shall notify the applicant
46 and the secretary of the planning commission so that a public hearing may be scheduled no

1 earlier than 30 days following a determination of compliance and a notice given, if required,
2 and shall convene the development review committee. A determination of completeness shall
3 not constitute a determination of compliance with the substantive requirements of this
4 chapter.

5
6 **Sec. 110-7. Actions by decision-making persons and bodies.**
7

8 (a) Generally. All decision-making persons and bodies shall act in accord with time limits
9 established in this chapter except as provided in section 101-2(b). Action shall be taken as
10 promptly as possible in consideration of the interests of the citizens of the county.

11 (b) Findings. All decisions shall be in writing and adopted by resolution and shall include at
12 least the following elements:

- 13 (1) A summary of the information presented before the decision-making body;
- 14 (2) A summary of all documentary evidence provided to the decision-making
15 body or which the decision-making body considered in making its decision; and
- 16 (3) A clear statement of specific findings of fact and a statement of the basis
17 upon which such facts were determined, with specific reference to the relevant
18 standards set forth in this chapter, including, but not limited to, the standards in
19 section 110-67.

20 (c) Notification. Notification of a decision-making body's decision, by copy of the
21 resolution, shall be mailed by the ~~development review coordinator~~ planning director to the
22 applicant by certified mail.

23
24 **Sec. 110-37. Development permitted as of right.**
25

26 (a) Purpose. Uses permitted as of right are those uses that are compatible with other land uses
27 in a land use district, provided they are developed in conformity with this chapter.

28 (b) Application. An applicant for development approval for a use permitted as of right shall
29 submit an application for a building permit, together with a certificate of compliance, if
30 required, obtained pursuant to section 110-142 and a description of the proposed development,
31 to the building official.

32 (c) Action on the application. If the director of planning determines that the proposed
33 development is in compliance with all requirements of this Code and the Monroe County
34 Comprehensive Plan, and the building official determines that it is in compliance with the
35 Florida Building Code and the applicant for development approval has been awarded a
36 certificate of compliance, the building official shall issue a building permit with or without
37 conditions.

38 (d) Certified IS districts. This subsection authorizes the ~~development review coordinator~~
39 planning director to submit for certification by the board of county commissioners certain IS
40 areas herein defined which may be issued permits without review by the land planning
41 division.

42 (1) At any regularly scheduled meeting of the board of county commissioners,
43 certification may be given to those IS areas recommended for approval and listing by the
44 ~~development review coordinator~~ planning director.

45 (2) The ~~development review coordinator~~ planning director shall recommend from time to
46 time to the board of county commissioners any IS area that meets the following:

- 1 a. Documentation that all utilities and roads are in place consistent with the definition
2 of IS;
3 b. Documentation that all appropriate bulk regulations found in section 130-186 can
4 be followed, as well as the requirements of article V of this ~~chapter~~ chapter and chapter
5 130, article VI;
6 c. Provision for appropriate impact fee payments as required by chapter 126;
7 d. Provision for required landscaping as required by chapter 114, article IV; and
8 e. Provisions for adequate parking as required by chapter 114, article III and access
9 standards as required by chapter 114, article VII.
10 (3) Any certificate given by the board of county commissioners under this section shall be
11 in the form of a resolution that shall specify compliance with the requirements of
12 subsection (d)(2) of this section.
13

14 **Sec. 110-69. Minor conditional uses.**
15

- 16 (a) Applications for a minor conditional use permit. An application for a minor conditional
17 use permit shall be submitted to the ~~development review coordinator~~ planning director in the
18 form provided by the director of planning. If approval of a plat is required for the proposed
19 development, an application for plat approval shall be submitted in conjunction with the
20 application for a conditional use permit. If an application for a minor conditional use includes a
21 major conditional use, then the minor conditional use shall be considered in conjunction with
22 the major conditional use in accordance with the procedures of section 110-70.
23 (b) Review by the development review committee. An application for a minor conditional use
24 permit shall be reviewed by the development review committee. The development review
25 committee shall forward its report and recommendation on the application for a minor
26 conditional use permit to the director of planning within ten working days of its determination
27 of completeness.
28 (c) Decision by the director of planning. Within ten working days after receiving the report
29 and recommendation of the development review committee, the director of planning shall
30 render a development order granting, granting with conditions or denying the application for a
31 minor conditional use permit.
32 (d) Notice of grant of a minor conditional use permit. The director of planning shall give
33 notice of any development order granting a minor conditional use by sending a written notice
34 to all owners of real property located within 300 feet of the property that is subject to the minor
35 conditional use permit, and notice of the intent to issue the minor conditional approval shall be
36 published in newspapers of local circulation in the county by advertisement in the legal section.
37 The costs of publication and written notice are to be borne by the applicant. Notice by the
38 planning director shall be by regular mail on the day of the granting of the minor conditional
39 use.
40 (e) Consideration of a minor conditional use approval by the planning commission.
41 Consideration of a minor conditional use approval shall be governed by the provisions of
42 chapter 102, article VI.
43 (f) Public hearing on an application for a minor conditional use permit. The public hearing on
44 an application for minor conditional use, if requested by the applicant, an adjacent property
45 owner, or an aggrieved or adversely affected person, as defined by F.S. § 163.3215(2), or any

1 resident or real property owner, shall be conducted by the planning commission in accordance
2 with the provisions of section 102-185(e).
3

4 **Sec. 110-70. Major conditional uses.**
5

6 (a) Applications for major conditional uses. An application for a major conditional use permit
7 shall be submitted to the ~~development review coordinator~~ planning director in a form provided
8 by the director of planning.

9 (1) If approval of a plat is required for the proposed development, an application for plat
10 approval shall be submitted in conjunction with the application for a conditional use permit.
11 However, a major conditional use shall not become effective until the plat has been
12 approved by the board of county commissioners.

13 (2) As a part of the application for major conditional use, an applicant shall be required to
14 submit the following, except for those inappropriate to the proposed development due to
15 the limited size or scale of the development as determined by the planning director:

16 a. An environmental designation survey consisting of:

17 1. A plan drawn to a scale of one inch equals 20 feet or less, except where
18 impractical and the planning director authorizes a smaller scale, and
19 showing the following:

20 (i) The location of property;

21 (ii) The date, approximate north point and graphic scale;

22 (iii) The acreage within the property;

23 (iv) The boundary lines of the property and their bearings and
24 distances;

25 (v) The topography and typical ground cover;

26 (vi) The general surface characteristics, water areas and drainage
27 patterns;

28 (vii) The contours at an interval of not greater than one foot or at
29 lesser intervals if deemed necessary for review purposes;

30 (viii) The 100-year flood-prone areas by flood zone;

31 (ix) The presently developed and/or already altered areas; and

32 (x) The location of mean high-water line;

33 2. A natural vegetation map and/or a map of unique environmental features
34 such as:

35 (i) Climax tropical hardwood hammocks;

36 (ii) Endangered species habitats; and

37 (iii) Major wildlife intensive use areas;

38 3. Aerial photographs of the property and surrounding area;

39 4. A review of historical and archeological sites by the Florida Division of
40 Archives, History and Records Management;

41 5. A review of unique environmental features such as:

42 (i) Climax tropical hardwood hammocks;

43 (ii) Endangered species habitats; and

44 (iii) Major wildlife intensive use areas;

45 6. Actual acreage of specific vegetation species or other environmental
46 characteristics;

1 7. General information relating to the property in regard to the potential
2 impact which development of the site could have on the area's natural
3 environment and ecology;

4 8. Environmental resources:

5 (i) If shoreline zones were identified, describe in detail any
6 proposed site alterations in the areas, including vegetation removal,
7 dredging, canals or channels; identify measures which have been
8 taken to protect the natural, biological functions of vegetation within
9 this area such as shoreline stabilization, wildlife and marine habitat,
10 marine productivity and water quality maintenance;

11 (ii) If tropical hammock communities or other protected vegetative
12 communities were identified, describe proposed site alteration in
13 those areas and indicate measures which were taken to protect intact
14 areas prior to, during and after construction;

15 (iii) Describe plans for vegetation and landscaping of cleared sites
16 including a completion schedule for such work;

17 9. Environmental resources-wildlife. Describe the wildlife species that
18 nest, feed or reside on or adjacent to the proposed site. Specifically identify
19 those species considered to be threatened or endangered. Indicate measures
20 that will be taken to protect wildlife and their habitats; and

21 10. Environmental resources-water quality:

22 (i) Identify any wastewater disposal areas, including stormwater
23 runoff, septic tank drain-fields, impervious surfaces and
24 construction-related runoff; describe anticipated volume and
25 characteristics. Indicate measures taken to minimize the adverse
26 impacts of these potential pollution sources upon the quality of the
27 receiving waters prior to, during, and after construction; identify the
28 near shore water quality; and identify how this development will not
29 adversely impact the near shore water quality.

30 (ii) Indicate the degree to which any natural drainage patterns have
31 been incorporated into the drainage system of the project;

32 b. A community impact statement, including:

33 1. General description of proposed development:

34 (i) Provide a general written description of the proposed
35 development; include in this description the proposed phases of
36 development or operation and facility use, target dates for each of
37 these, and date of completion; in addition, indicate the site size,
38 developing staging and appropriate descriptive measures such as
39 quantity and type of residential units, commercial floor area, tourist
40 accommodation units, seating and parking capacities; for residential
41 development, indicate the anticipated unit-per-acre density of the
42 completed project;

43 (ii) Identify aspects of the project design, such as a clustering,
44 which were incorporated to reduce public facilities costs and
45 improve the scenic quality of the development; describe building
46 and siting specifications which were used to reduce hurricane and

- 1 fire damage potential to comply with federal flood insurance
2 regulations and the comprehensive land use plan;
- 3 2. Impact assessment on public facilities and water supply:
4 (i) Identify projected daily potable water demands at the end of
5 each development phase and specify any consumption rates that
6 have been assumed for the projection;
7 (ii) Provide proof of coordination with the Florida Keys Aqueduct
8 Authority; assess the present and projected capacity of the water
9 supply system and the ability of such system to provide adequate
10 water for the proposed development; and
11 (iii) Describe measures to ensure that water pressure and flow will
12 be adequate for fire protection for the type of construction proposed;
- 13 3. Public facilities--Wastewater management:
14 (i) Provide proof of coordination with the Florida Department of
15 Health and Rehabilitative Services;
16 (ii) Provide projection of the average flows of wastewater
17 generated by the development at the end of each development phase;
18 describe proposed treatment system, method and degree of
19 treatment, quality of effluent, and location of effluent and sludge
20 disposal areas; identify method and responsibilities for operation
21 and maintenance of facilities;
22 (iii) If public facilities are to be used, provide proof of coordination
23 with the county waste collection and disposal district; assess the
24 present and projected capacity of the treatment and transmission
25 facilities and the ability of such facilities to provide adequate service
26 to the proposed development; and
27 (iv) If applicable, provide a description of the volume and
28 characteristics of any industrial or other effluents;
- 29 4. Public facilities--Solid waste:
30 (i) Identify projected average daily volumes of solid waste
31 generated by the development at the end of each phase; indicate
32 proposed methods of treatment and disposal;
33 (ii) Provide proof of coordination with county municipal services
34 district; assess the present and projected capacity of the solid waste
35 treatment and disposal system and the ability of such facilities to
36 provide adequate services to the proposed development; and
37 (iii) Comply with the requirements of section 114-200 concerning
38 any applicable traffic study;
- 39 5. Public facilities--Transportation:
40 (i) Provide a projection of the expected vehicle trip generation at
41 the completion of each development phase; describe in terms of
42 external trip generation and average daily and peak hour traffic;
43 (ii) If the project site is adjacent to U.S. 1, describe the measures,
44 such as setbacks and access limitations, which have been
45 incorporated into the project design to reduce impacts upon U.S. 1;
- 46 6. Housing:

- 1 (i) If the project includes residential development, provide
2 breakdown of the proposed residential units by price range or rental
3 range and type of unit such as single-family, duplex, townhouse,
4 etc.;
- 5 (ii) If lots are to be sold without constructed dwelling units,
6 indicate the number and percentage of such lots and the extent of
7 improvements to be made prior to sale;
- 8 (iii) Assess the potential of the proposed development to meet local
9 or regional housing needs; in particular, indicate any measures taken
10 to provide low- and moderate-income housing;

11 7. Special considerations:

- 12 (i) Describe the relationship of the proposed development to the
13 comprehensive land use plan objectives and policies; also indicate
14 relationships between existing or proposed public facilities plans;
15 identify any conflicts;
- 16 (ii) Indicate any relationships of the project to special land use and
17 development district such as airport noise and hazard zones, solid or
18 liquid waste treatment or disposal areas;
- 19 (iii) If applicable, assess the impact of the proposed development
20 upon other adjacent or nearby municipalities or counties;

21 8. The data and information provided in a community impact statement
22 shall be coordinated with data and other information and/or permits required
23 by local, regional, state or federal regulatory or reviewing agencies as
24 appropriate to the major conditional use proposed.

25 (b) Review by the development review committee. An application for a major conditional use
26 permit shall be reviewed by the development review committee. Within 15 working days after
27 the submission of a complete application for a major conditional use permit, the development
28 review committee shall forward a report and recommendation on the application for a major
29 conditional use permit to the planning commission.

30 (c) Public hearing on an application for a major conditional use permit. The planning
31 commission shall hold a public hearing on the application for a major conditional use permit
32 and shall within 45 working days of the submission of a complete application for a major
33 conditional use permit to the ~~development review coordinator~~ planning director issue a
34 development order granting, granting with conditions or denying the application for a major
35 conditional use permit.

36 (d) Notice of grant of a major conditional use permit. The director of planning shall give
37 notice of any development order granting a major conditional use by sending a written notice
38 to all owners of real property located within 300 feet of the property that is the subject of the
39 major conditional use permit, and notice of the intent to issue the major conditional approval
40 shall be published in newspapers of local circulation in the county by advertisement other than
41 in the legal notice section with the cost to be borne by the applicant. Notice by the planning
42 director shall be by regular mail within 15 days of the granting of the major conditional use.

43 (e) Appeal of a conditional use approved by the planning commission. The applicant, an
44 adjacent property owner, or any aggrieved or adversely affected person, as defined by F.S. §
45 163.3215(2), or any person who presented testimony or evidence at the public hearing
46 conducted pursuant to subsection (c) of this section may request an appeal of the planning

1 commission's major conditional use decision under chapter 102, article VI, division 2 by filing
2 the notice required by that article within 30 days after the publication of notice or sending of
3 the written notice by the county, whichever is later.
4

5 **Sec. 110-71. Final development plan subsequent to approval of conditional use permit.**
6

7 (a) Purpose. The final development plan is a more detailed plan for implementation of an
8 approved conditional use.

9 (b) Authority. The final plan representing conditions placed by the planning commission and
10 required for development approval shall be submitted to the director of planning within 60 days
11 of the rendering of the development order for the conditional use permit. The final plan may be
12 submitted in phases if phases have been approved as part of approval at the time of major
13 conditional use approval.

14 (c) Application. An application for final development plan approval shall include the
15 information specified in a form provided by the director of planning.

16 (d) Staff review. If the ~~development review coordinator~~ planning director shall find that the
17 application is complete, the application shall be reviewed by a development review committee,
18 who shall submit a report to the director of planning and planning commission within 15
19 working days of the date of a determination that the application is complete.

20 (e) Final plan approval. Unless final development plan approval has been reserved to the
21 planning commission as a condition of approval of a conditional use permit or by the
22 provisions pertaining to that land use district, the director of planning, upon a finding of
23 conformity with the conditional use approval, shall prepare a report of his findings. If final
24 action of a final development plan has been reserved to the planning commission, the planning
25 commission shall hear it at a regularly scheduled meeting and upon the recommendation of the
26 planning director shall approve a final development plan if it is deemed to be in conformity
27 with conditional use approval. If the plan is not in conformity, the planning commission shall
28 return the final plan to the applicant with a written statement of the changes that would make
29 the final plan conform. The planning commission shall consider the final plan at a regularly
30 scheduled hearing when requested by the applicant. Any final plan rejected by the planning
31 commission shall be deemed null and void if not resubmitted within 180 days unless tolled by
32 the filing of an appeal under subsection (e)(2) of this section.

33 (1) A final plan shall be deemed to be in conformity if it:

34 a. Evidences development within the parameters established by the planning
35 commission in the prior approval of the conditional use as to the total number of
36 dwelling units proposed by type of structure and number of bedrooms;

37 b. Evidences development within the parameters established by the planning
38 commission as to the total number of nonresidential structures;

39 c. Evidences development within the parameters established by the planning
40 commission as to the total square feet of building floor area proposed;

41 d. Evidences development within the parameters established by the planning
42 commission as to the total land area devoted to residential uses, commercial uses,
43 public and private open space, streets, off-street parking and loading areas and other
44 impervious surfaces;

45 e. Evidences development within the parameters established by the planning
46 commission for floor area ratio by type of development;

1 f. Evidences development within the parameters established in the prior approval of
2 the conditional use permit for the number of off-street parking and loading spaces for
3 each type of use;

4 g. Evidences development that is consistent with the stated purpose of the land use
5 district; and

6 h. Evidences conformity to such other criteria and/or conditions as were established by
7 the planning commission in the conditional use permit.

8 (2) The holder of an approved conditional use whose final development plan has been
9 denied by the planning commission may request an appeal hearing before a hearing officer
10 under chapter 102, article VI, division 2 by filing the notice required by that article within
11 30 days of the date of the written denial of the planning commission
12

13 **Sec. 110-73. Development under an approved conditional use permit.**
14

15 (a) Effect of issuance of a conditional use approval. Approval for a conditional use shall be
16 deemed to authorize only the particular use for which it is issued. A conditional use approval
17 shall not be transferred to a successive owner without notification to the development review
18 coordinator within five days of the transfer.

19 (1) Unless otherwise specified in the approved conditional use approval, application for a
20 building permit shall be made within six months of the date of the approval of the
21 conditional use, and all required certificates of occupancy shall be procured within two
22 years of the date of issuance of the initial building permit, or the conditional use approval
23 shall become null and void with no further action required by the county. Approval time
24 frames do not change with successive owners. An extension of time may be granted only
25 by the planning commission for a period not to exceed one year and only within the
26 original period of validity. When a hearing officer has ordered a conditional use approval
27 initially denied by the planning commission, the planning commission shall nonetheless
28 have the authority to grant or deny a time extension under this section. If the planning
29 commission denies a time extension, the holder of the conditional use may request an
30 appeal of that decision under chapter 102, article VI, division 2 by filing the notice required
31 by that article within 30 days of the written denial of the planning commission.

32 (2) Development of the use shall not be carried out until the applicant has secured all other
33 permits and approvals required by this chapter, this Code, or regional, state and federal
34 agencies and until the approved conditional use is recorded in accordance with section 110-
35 72.

36 (b) Adjustments to approved conditional use approvals and inspection during development
37 under a conditional use approval.

38 (1) Authorized. After a conditional use has been approved, adjustments may be approved
39 for major or minor deviations as set forth in subsections (b)(3) and (b)(4) of this section.

40 (2) Inspections by department of planning. Following issuance of a conditional use
41 approval, the director of planning shall review on a quarterly basis until the completion of
42 the development all permits issued and construction undertaken, shall compare actual
43 development and the approved plans and permits for development and the approved
44 development schedule, if any, and shall report his findings in writing to the planning
45 commission.

1 (3) Minor deviations. The director of planning may approve a minor deviation from the
2 final development plan and schedule. Minor deviations must be authorized in writing and
3 are subject to administrative appeal to the planning commission. Minor deviations that may
4 be authorized are those that appear necessary in light of technical and engineering
5 considerations brought to light by the applicant or the director of planning and shall be
6 limited to the following:

- 7 a. Alteration of the location of any road or walkway by not more than five feet;
- 8 b. Reduction of the total amount of open space by not more than five percent or
9 reduction of the yard area or open space associated with any single structure by not
10 more than five percent, provided that such reduction does not permit the required
11 open space to be less than that required by section 130-157; and
- 12 c. Alteration of the location, type or quality of required landscaping elements of
13 the conditional use permit.

14 (4) Major deviations. If the holder of an approved conditional use wishes to make an
15 adjustment to the approval that is not a minor deviation, approval of the planning
16 commission in accordance with the provisions of subsection (b)(5) of this section must be
17 obtained. If the director of planning finds that the development is not proceeding in
18 substantial accordance with the approved plans or schedule or that it fails in any other
19 respect to comply with the conditional use approval issued or any provision contained in
20 this chapter, that director shall immediately notify the ~~development review coordinator~~
21 planning director and the planning commission and may, if necessary for the protection of
22 the public health, safety or welfare, notify the building official to issue a temporary order
23 stopping any and all work on the development until such time as any noncompliance is
24 cured. No action may be taken by the planning commission that effectively amends the
25 conditional use approval except by way of the procedures set out in section 110-70.

26 (5) Action by the planning commission. Within 30 working days following notification by
27 the director of planning that work is not proceeding in substantial accordance with the
28 approved plans or schedule or in some other respect is not in compliance with the
29 conditional use approval, the commission shall:

- 30 a. Determine that action be taken to bring development into substantial
31 compliance;
- 32 b. Determine that the conditional use approval be revoked; or
- 33 c. Authorize adjustments to the approved conditional use approval when such
34 adjustments appear necessary in light of technical or engineering considerations
35 first discovered during actual development and not reasonably anticipated during
36 the initial approval process. Such adjustments shall be consistent with the intent and
37 purpose of the conditional use approval as permitted, and shall be the minimum
38 necessary to overcome the particular difficulty. No adjustment shall be inconsistent
39 with the requirements of this chapter. Prior to considering action on such
40 adjustments, the planning commission shall make inquiry of any person having
41 information that may relate to the basis for consideration of an adjustment, but shall
42 act as promptly and as expeditiously as possible. If the planning commission
43 determines that an adjustment is necessary, it may, without public hearing, approve
44 the following adjustments, provided that such adjustments do not have the effect of
45 reducing the open space required under the provisions of section 130-157:

- 1 1. Alteration of the bulk regulations for any one structure by not more than
- 2 five percent;
- 3 2. Alteration of the location of any one structure or group of structures by
- 4 not more than ten feet; and
- 5 3. Alterations of such other requirements or conditions as were imposed in
- 6 the approval of the conditional use or in approval of the final development
- 7 plan by not more than five percent or, in the case of location, a variation of
- 8 not more than ten feet from the location approved in the final plan, so long
- 9 as in all cases such adjustments are in accord with the parameters
- 10 established in the conditional use approval.

11 d. In the event the building official has issued a temporary order stopping work as

12 provided for herein, the planning commission shall, within 30 working days from

13 the date of the issuance of the temporary order:

- 14 1. Proceed to revoke the conditional use approval; or
- 15 2. Overrule the action of the building official, in which case the temporary
- 16 order shall immediately become null and void.

17 (6) Appeal before hearing officer. The holder of a conditional use approval aggrieved by

18 the decision of the planning commission made pursuant to subsection (b)(5) of this section

19 may request an appeal before a hearing officer under chapter 102, article VI, division 2 by

20 filing the notice required by that article within 30 days of the date of the written decision of

21 the planning commission.

22 (c) Other adjustments. Any other adjustments or changes not specified in subsection (b) of

23 this section shall be granted only in accordance with procedures for original approval of a

24 conditional use, as set forth in section 110-63 et seq.

25 (d) Inspections after development.

26 (1) Inspections by planning department. Following completion of the development of a

27 conditional use, the planning department shall review the development for compliance with

28 the use as approved. If it is determined that the conditional use has been developed in

29 accordance with the approval, then a certificate of occupancy shall be issued in accordance

30 with section 6-145. If the director of planning finds that the development, as completed,

31 fails in any respect to comply with the use as approved, he shall immediately notify the

32 building official, the ~~development review coordinator~~ planning director, the planning

33 commission, the board of county commissioners, and the applicant of such fact. The

34 building official shall not issue a certificate of occupancy pursuant to section 6-145 until

35 the planning commission has acted on the planning director's notification of

36 noncompliance. ~~see~~

37 (2) Action by planning commission. Within 30 working days following notification by the

38 director of planning, the commission shall:

- 39 a. Recommend that the finding of the director of planning be overruled;
- 40 b. Recommend to the applicant modifications in the development to bring it into
- 41 accord with the terms and provisions of the final plan approval and the conditional
- 42 use permit; or
- 43 c. Revoke the conditional use permit, as well as all prior approvals and related or
- 44 resulting permits.

45 (3) Appeal before hearing officer. The holder of a conditional use approval aggrieved by

46 the decision of the planning commission pursuant to subsection (b)(5) of this section may

1 request an appeal before a hearing officer under chapter 102, article VI, division 2 by filing
2 the notice required by that article within 30 days of the date of the written decision of the
3 planning commission
4

5 **Sec. 110-98. Preliminary plat approval.**
6

7 (a) Generally. All applicants for approval of a plat involving five or more lots shall submit a
8 preliminary plat for approval in accordance with the provisions of this section.

9 (b) Application. An application for preliminary approval shall be submitted to the
10 ~~development review coordinator~~ planning director in accordance with the provisions of this
11 section, accompanied by a nonrefundable fee as established from time to time by the board of
12 county commissioners. The application shall contain the information required on a form
13 provided by the director of planning.

14 (c) Staff review. After a determination that the application for preliminary plat approval is
15 complete under the provisions of section 110-4, the ~~development review coordinator~~ planning
16 director shall submit the application to the development review committee, which shall prepare
17 a recommendation and report for the commission.

18 (d) Public hearing and action by the planning commission. The planning commission shall
19 conduct a public hearing on an application for preliminary plat approval of a subdivision
20 involving five or more lots, in accordance with the requirements of sections 110-6 and 110-7.
21 The commission shall review such applications, the recommendation of the development
22 review committee, and the testimony at the public hearing, and shall recommend granting
23 preliminary plat approval, granting approval subject to specified conditions, or denying the
24 application at its next meeting following submittal of the report and recommendation of the
25 development review committee.

26 (e) Effect of approval of preliminary plat. Approval of a preliminary plat shall not constitute
27 approval of a final plat or permission to proceed with development. Such approval shall
28 constitute only authorization to proceed with the preparation of such documents as are required
29 by the director of planning for a final plat.

30 (f) Limitation on approval of preliminary plat. An application for final plat approval shall be
31 filed within one year of the date of preliminary plat approval. Unless an extension is granted by
32 the board of county commissioners, failure to file such an application automatically shall
33 render null and void the preliminary approval previously granted by the board.
34

35 **Sec. 110-99. Final plat approval.**
36

37 (a) Generally. All applicants for approval of a plat shall submit a final plat for approval in
38 accordance with the provisions of this section.

39 (b) Application. It shall be the responsibility of the developer to complete, have in final form,
40 and submit to the ~~development review coordinator~~ planning director for final processing the
41 final plat, along with all final construction plans, required documents, exhibits, legal
42 instruments to guarantee performance, certificates properly executed by all required agencies
43 and parties as required in this article, and the recording fee, and any other documents or
44 information as are required by the director of planning. After receipt of a complete application
45 for final plat approval, as determined in accordance with section 110-4, the ~~development~~

1 ~~review coordinator~~ planning director shall submit the application and accompanying
2 documents to the development review committee.

3 (c) Review and action by development review committee. The development review
4 committee shall review all applications for final plat approval.

5 (1) If the committee determines that a final plat for a subdivision involving fewer than
6 five lots conforms to the substantive and procedural requirements of this chapter, the
7 committee shall approve the final plat or approve it with conditions at its next regular
8 meeting 15 working days after receipt of a complete application from the ~~development~~
9 ~~review coordinator~~ planning director, or as soon thereafter as practical. Final plats that are
10 approved by the committee shall be placed on the consent agenda of the next regularly
11 scheduled meeting of the board of county commissioners and shall become final unless
12 removed from the consent agenda by the affirmative vote of three members of the board. If
13 a final plat is removed from the consent agenda, the board shall not modify or reject the
14 decision of the committee unless the board finds that the record does not contain competent
15 substantial evidence to support approval. If the committee denies final plat approval, the
16 applicant may appeal such denial to the board, which shall consider the application and any
17 additional testimony submitted by the applicant and other persons and shall approve the
18 final plat, approve it with conditions, or deny final plat approval.

19 (2) For a final plat for a subdivision involving five or more lots, if the plat conforms to the
20 approved preliminary plat and the substantive and procedural requirements of this chapter,
21 at its next regular meeting or as soon as practical after receipt of a complete application, the
22 development review committee shall recommend to the planning commission approval of
23 the final plat or approval with conditions. If the committee finds that the plat does not
24 substantially conform to the approved preliminary plat or the substantive and procedural
25 requirements of this chapter, the committee shall recommend denial, specifying the area of
26 nonconformity.

27 (d) Review and action by the planning commission. The planning commission shall review all
28 applications for final plat approval involving five or more lots and the recommendation of the
29 development review committee. If the commission finds that the final plat conforms to the
30 approved preliminary plat and the substantive and procedural requirements of this chapter, and
31 commission shall recommend to the board of county commissioners approval of the final plat,
32 or approval with specified conditions, and shall submit a report and written findings in
33 accordance with section 110-7.

34 (e) Public hearing by the board of county commissioners. The board of county commissioners
35 shall conduct a public hearing on all applications for final plat approval involving five or more
36 lots in accordance with the procedures of section 110-6(c).

37 (f) Action by the board of county commissioners. For proposed subdivisions involving five or
38 more lots, the board of county commissioners shall review the application, the
39 recommendations of the development review committee and the planning commission, and the
40 testimony at the public hearing, and shall grant final plat approval, grant approval subject to
41 specified conditions, or deny the application, in accordance with the provisions of section 110-
42 7.

1 IV RECOMMENDATION

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

11
12 Therefore, staff recommends that the Board of County Commissioners amend the
13 Monroe County Code as stated in the text of this staff report.



MEMORANDUM

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

To: Monroe County Planning Commission
Through: Townsley Schwab, Senior Director of Planning & Environmental Resources *TS*
From: Joseph Haberman, AICP, Principal Planner *JH*
Date: November 5, 2009
Subject: *Proposed Ordinance to the Board of County Commissioners to amend the Monroe County Code Section 110-3, Preapplication conference*

Meeting: November 17, 2009

1
2 I REQUEST
3

4 The Planning & Environmental Resources Department is proposing amendments to the text
5 of §110-3 of the Monroe County Code. The purpose of the proposed amendment is to
6 eliminate references to the obsolete position of development review coordinator, reassign
7 those responsibilities and duties of the development review coordinator to the planning
8 director/planning department staff and amend the timeframe in which a letter of
9 understanding shall be mailed to the applicant.

10
11 II RELEVANT PRIOR COUNTY ACTIONS:
12

13 At the October 7, 2009 public hearing, members of the planning commission recommended
14 that staff review the entire land development code and remove all references to the now
15 obsolete position of "development review coordinator". This recommendation followed
16 staff's request to amend §102-21. Among other proposed amendments to §102-21, staff
17 recommended that §102-21(c) be deleted due to the fact that the position of development
18 review coordinator has been eliminated in the Planning & Environmental Resources
19 Department.

20
21 III REVIEW
22

23 The current text within the Land Development Code describing the functioning of the Planning
24 & Environmental Resources Department is outdated. Concerning the development review
25 coordinator position, the position of development review coordinator has been eliminated in
26 the department. All responsibilities of the position have been assumed by the Director of
27 Planning and the Principal Current Planner.

28
29 The current text within the Land Development Code providing the timeframe in which a letter
30 of understanding shall be mailed to an applicant is not practical and does not reflect current
31 practice. Upon review, staff has found that the department is not always able to mail letters of

1 understanding to applicants within the stated five (5) working day timeframe. Although many
2 letters of understanding are mailed to the applicant within five (5) working days, other
3 applications involve very complex and multifaceted projects that require more time for staff to
4 review and consider how the county's regulations shall be applied and/or interpreted. A more
5 realistic and feasible timeframe, that remains fair and timely to the applicant, is required. In
6 addition, language is required that provides for circumstances in which staff has to await the
7 submittal of additional information prior to issuing a letter of understanding.
8

9 NOTE: The references to the development review coordinator in other sections is already being
10 addressed and corrected in other text amendment applications in progress.
11

12 (deletions are ~~stricken through~~ and additions are underlined):
13

14 **Sec. 110-3. Preapplication Pre-application conference.**
15

16 An applicant for development approval may request ~~in writing a preapplication~~ a pre-
17 application conference with ~~the development review coordinator~~ planning department staff by
18 submitting an application to the planning department. Prior to the conference, the applicant
19 shall provide to the ~~development review coordinator~~ planning department a description of the
20 proposed development including its character, location and magnitude ~~of the proposed~~
21 development. The purpose of this ~~meeting~~ conference is to acquaint the participants with the
22 requirements of ~~these~~ the land development regulations, applicable comprehensive plan
23 policies and the views and concerns of the county. The substance of the ~~preapplication pre-~~
24 application conference shall be recorded in a letter of understanding prepared by the
25 ~~development review coordinator~~ planning department staff and signed by the ~~director of~~
26 planning planning director. The letter shall be mailed to the applicant within ~~five working~~ 30
27 days after the conference, except under those circumstances where additional information is
28 required by planning department staff following the conference. In those situations, the
29 planning director cannot issue a letter until all required information is submitted and reviewed.
30 The letter ~~of understanding~~ shall set forth the subjects discussed at the conference and the
31 county's position in regard to the subject matters discussed. The applicant shall be entitled to
32 rely upon representation made at the conference only to the extent such representations are set
33 forth in the letter ~~of understanding~~. A letter of understanding shall not provide any vesting to
34 requirements and regulations. The development shall be required to be consistent with all
35 regulations and policies at the time of development approval. The planning director
36 acknowledges that all items required as a part of the application for development approval may
37 not have been addressed at the conference, and consequently reserves the right for additional
38 comment.
39

40 **IV RECOMMENDATION**
41

42 Staff has found that the proposed text amendment would be consistent with the provisions of
43 §102-158(d)(5)(b): 1. Changed projections (e.g., regarding public service needs) from those
44 on which the text or boundary was based; 2. Changed assumptions (e.g., regarding
45 demographic trends); 3. Data errors, including errors in mapping, vegetative types and
46 natural features described in volume I of the plan; 4. New issues; 5. Recognition of a need for

1 additional detail or comprehensiveness; or 6. Data updates. Specifically, staff has found that
2 the proposed text amendments are necessary due to new issues.

3

4 Therefore, staff recommends that the Board of County Commissioners amend the
5 Monroe County Code as stated in the text of this staff report.