

AGENDA

PLANNING COMMISSION
MONROE COUNTY
July 27, 2011
10:00 A.M.

MARATHON GOV'T CENTER
2798 OVERSEAS HIGHWAY
MARATHON, FL 33050

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMISSION:

Denise Werling, Chairman
Randy Wall, Vice Chairman
Jeb Hale
Elizabeth Lustberg
William Wiatt

STAFF:

Townsley Schwab, Senior Director of Planning and Environmental Resources
Susan Grimsley, Ass't County Attorney
Thomas D. Wright, Planning Commission Counsel
Joe Haberman, Planning & Development Review Manager
Mitch Harvey, Comp Plan Manager
Steven Biel, Sr. Planner
Barbara Bauman, Planner
Rey Ortiz, Planner
Barbara Mitchell, Sr. Planner
Gail Creech, Planning Commission Coordinator

COUNTY RESOLUTION 131-92 APPELLANT TO PROVIDE RECORD FOR APPEAL

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SUBMISSION OF PROPERTY POSTING AFFIDAVITS AND PHOTOGRAPHS

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SWEARING OF COUNTY STAFF

CHANGES TO THE AGENDA

-

APPROVAL OF MINUTES

MEETING

Continued Items:

1. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS TO AMEND THE FUTURE LAND USE MAP (FLUM) DESIGNATION FROM UNDESIGNATED TO RESIDENTIAL CONSERVATION (RC) FOR PROPERTY KNOWN AS WISTERIA ISLAND, HAVING REAL ESTATE PARCEL NUMBER 00123950-000000; PROVIDING FOR SEVERABILITY AND REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR THE TRANSMITTAL TO THE SECRETARY OF STATE AND THE DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE.

[M2010-108 SR PC 07.27.11.PDF](#)

[M2010-108 Ltr fr Ed Scales 6.29.11.PDF](#)

[M2010-108 Ltr fr Owen Trepanier for PC 7.27.11.PDF](#)

[M2010-108 Trepanier Response to SR.PDF](#)

2. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 114-67(C), REQUIRED OFF-STREET PARKING, REQUIRED NUMBER OF OFF-STREET PARKING SPACES, TO REVISE THE MINIMUM PARKING STANDARD FOR MULTIFAMILY DWELLING UNITS; 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.

[2011-051 SR PC 07.27.11.PDF](#)

3. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 110-73, DEVELOPMENT UNDER AN APPROVED CONDITIONAL USE PERMIT, TO FURTHER EXPLAIN WHEN A MINOR DEVIATION APPLICATION, A MAJOR DEVIATION APPLICATION OR AN AMENDMENT APPLICATION IS REQUIRED TO MODIFY THE DEVELOPMENT APPROVED BY A CONDITIONAL USE PERMIT; 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.

[2011-038 SR PC 07.27.11.PDF](#)

4. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS ESTABLISHING MONROE COUNTY CODE SECTION 114-21, RECYCLING, TO IMPLEMENT A RECYCLABLE MATERIALS RECYCLING PROGRAM FOR MULTIFAMILY AND NONRESIDENTIAL DEVELOPMENTS; 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.

[2011-040 SR PC 07.27.11.PDF](#)

5. AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTIONS 101-1, DEFINITIONS, AND 118-12(M)(4), SHORELINE SETBACK, DOCKING FACILITIES, ADJACENT PARCEL, TO CLARIFY WHAT ELEMENTS OF DOCKING FACILITIES MAY BE PERMITTED ON ADJACENT PARCELS OF LAND, 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.

[2011-037 SR PC 07.27.11.PDF](#)

New Item:

6. Immanuel Investments, Inc. dba Mrs Mac's Kitchen II, 99020 Overseas Highway, Key Largo, Mile Marker 99: A request for approval of a 5COP (beer, wine and liquor, on premise and package) alcoholic beverage special use permit. The subject property is legally described as Tracts D, E, and F Cape Subdivision (PB6-92), Key Largo, Monroe County, Florida, having real estate number 00522411.000400.

[2011-062 SR PC 07.27.11.PDF](#)

[2011-062 File.PDF](#)

[2011-062 Survey.PDF](#)

[2011-062 Exhibit for PC 07.27.11.PDF](#)

Pursuant to Section 286.0105 Florida Statutes and Monroe County Resolution 131-1992, if a person decides to appeal any decision of the Planning Commission, he or she shall provide a transcript of the hearing before the Planning Commission, prepared by a certified court reporter at the appellant's expense. For such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30 a.m. - 5:00 p.m., no later than five (5) calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711".

BOARD DISCUSSION

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GROWTH MANAGEMENT COMMENTS

1. Discussion Item on Entry Features for Key Haven Subdivision

[Discussion Item.PDF](#)

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RESOLUTIONS FOR SIGNATURE

ADJOURNMENT



MEMORANDUM
MONROE COUNTY GROWTH MANAGEMENT DIVISION
We strive to be caring, professional and fair

To: Monroe County Planning Commission

From: Mitchell N. Harvey, AICP
Comprehensive Planning Manager

Date: July 12, 2011

RE: Review of Proposed Future Land Use Map Designations
For Wisteria Island



BACKGROUND

Wisteria Island is an offshore island located approximately 500 feet north of Sunset Key in Key West Harbor. Wisteria is a vacant spoil island of approximately 21.35 upland acres that was created as a result of a Federal dredging project in Key West Harbor to provide access to maritime and navy ships.

Wisteria Island does not have a Future Land Use Map (FLUM) designation. The existing habitat on Wisteria Island is dominated by disturbed upland communities (20.04 acres). Disturbed wetland communities constitute 1.31 acres of the site. Review of the 1991 ADID (Advanced Identification Survey) indicated that there are no protected or listed species within Wisteria Island.

Based on the Property Appraiser's records, the island is privately-owned by FEB Corp. and has no road access or existing services or facilities. The lack of existing services and facilities requires special consideration when reviewing FLUM categories and their associated densities and intensities. Any services and facilities necessary to support development would have to either be provided on-site or through connections to the mainland that may require approvals from the City of Key West and the State of Florida.

SUMMARY OF PREVIOUS ACTIONS REGARDING WISTERIA ISLAND

In 2007, the property owner petitioned to have Wisteria Island annexed into the City of Key West. This request went to a public referendum which was defeated by the voters of Key West.

In 2009, FEB Corp, the property owner, approached Monroe County staff and asked if the County would be interested in partnering with them to participate in the State mooring field pilot program. In order for the property owner to create the upland mooring

field support facilities on Wisteria Island, such as a dingy dock, dock masters office, and bath house, a FLUM amendment would be required. The property owner subsequently submitted an application to amend the FLUM designation for Wisteria Island from undesignated to Mixed Use Commercial. The County staff determined that the density and intensity allowed under the Mixed Use Commercial designation would be too intensive for the site.

The applicant then submitted a concurrent Comprehensive Plan text amendment in the form of a Mixed Use Sub Area Policy amendment that would limit the density and intensity on Wisteria Island to 35 market rate units, 35 transient units (85 rooms maximum), and 39,500 square feet of non-residential use with a 100± slip mooring field. In the proposed amendment, all the allocated density and intensity would be transferred by the property owner from sender sites in the Lower Keys Planning Area to Wisteria Island and the property owner agreed to purchase and dedicate to the County 40 acres of environmentally sensitive land as mitigation. The applicant also agreed to preserve a 2 acre site on Wisteria Island for a public access beach. The applicant indicated that utilities such as electric, water, phone, cable, and sewer service would be extended from Sunset Key through a submerged land swap with the State to be negotiated by the property owner at a later date. Access to the island would be provided by the existing ferry that serves Sunset Key. The applicant indicated the City of Key West Utilities Department would be the sanitary sewer provider under a service agreement to be negotiated at a later date.

County staff communicated with the City of Key West staff regarding the proposed applications. In a letter dated May 6, 2010 (Attachment 1), the City of Key West planning director expressed concerns regarding concurrency assessment relative to City utilities, such as water; sewer; solid waste; transportation; treatment and transmission capacity; potential impacts on fire, police (including marine patrol unit); port and harbor facilities; environmental resources; ingress and egress to the island; and requested a description of proposed access, as well as anticipated support facilities, including parking. The County staff then participated in a City of Key West Development Review Committee meeting on May 27, 2010, on the proposed amendment, where these issues were discussed. Members of the public also expressed concerns about public access and the protection of endangered or threatened species that may presently be using the island.

On June 20, 2010, the Board of County Commissioners (BOCC) passed and adopted Resolution No. 193-2010 (Attachment 2), requesting input from the City Commission of Key West on the proposed changes to the Monroe County 2010 Comprehensive Plan Future Land Use Map for Wisteria Island of Mixed Use Commercial with a Sub Area Policy proposed by the property owner, FEB Corp.

On July 20, 2010, the City Commission of Key West passed and adopted Resolution No. 10-227 (Attachment 3), which stated: *“Notwithstanding that more detailed information and documentation regarding the impact of the proposed development of Wisteria Island and possible mitigation thereof remains outstanding, the city opposes any proposed*

amendment pending before the BOCC that generates extra-jurisdictional impacts which negatively affect the health, safety, and welfare of the City of Key West and its residents, including those related to utilities and hurricane modeling.”

On July 21, 2010, FEB Corp. withdrew its application for a FLUM designation of Mixed Use Commercial with a Sub Area Policy, in response to the City of Key West Resolution (Attachment 4).

At the regular BOCC meeting of July 21, 2010, the Board of County Commissioners discussed the proposed FLUM designation of Mixed Use Commercial for Wisteria with a Sub Area Policy, the response from the City of Key West, and the applicant’s subsequent withdrawal and made a motion requesting Staff to bring back to the BOCC a FLUM designation for Wisteria Island (Attachment 5).

On October 10, 2010, the Monroe County Development Review Committee held a public meeting to review the FLUM amendment from undesignated to Residential Conservation (RC) proposed by Monroe County Growth Management. Several issues and concerns were expressed by the property owner, which are summarized in Attachment 6.

On November 3, 2010, the Planning Commission held a public hearing to review the proposed FLUM Amendment from undesignated to Residential Conservation (RC) and voted 3-2 to recommend approval to the Board of County Commissioners; however, it was subsequently discovered that the adjacent property owner notice was not sent. Therefore, a second Planning Commission public hearing was scheduled for May 25, 2011.

On May 25, 2011, the Monroe County Planning Commission held a public hearing to review the staff recommendation to give Wisteria Island a FLUM designation of Residential Conservation (RC) (Attachment 7). Following the staff presentation, presentation by the property owner’s representative, public input, and Board discussion, the Planning Commission voted to continue the public hearing to July 27, 2011 and requested planning staff review the following alternative FLUM designations: Residential Low (RL), Residential Medium (RM), Residential High (RH), Mixed Use Commercial (MC), and Recreation (R). The Planning Commission also directed staff to review the Monroe County 2010 Comprehensive Plan to identify any inconsistencies with the adopted Goals, Objectives and Policies.

**THE FOLLOWING PROVIDES THE ADDITIONAL ANALYSIS
REQUESTED BY THE PLANNING COMMISSION
ON MAY 25, 2011.**

GOALS, OBJECTIVES AND POLICIES REVIEW

Exhibit A, attached, reviews the Comprehensive Plan descriptions for RC (proposed by staff for Wisteria Island), RL, RM, RH, MC, and R and all references to Offshore Islands in the Comprehensive Plan, with staff comments that describe whether the referenced Goal, Objective, or Policy is consistent or inconsistent with Wisteria Island proposed FLUM designations.

DENSITY/INTENSITY ANALYSIS

Table 1 summaries Future Land Use Densities and Intensities for RC, RL, RM, RH, MC, and R, pursuant to Policy 101.4.21, based upon an upland area of 21.35 acres for Wisteria Island. The maximum allowable density ranges from 5 dwelling units (du) in RC and R to 341 du in MC. The maximum allowable intensity ranges from 0 square feet in RM and RH to 418,502 square feet in MC. Transient uses (hotel/motel rooms or RV spaces) are also allowed in R (42 rooms/spaces), RH (213 rooms/spaces), and MC (320 rooms/spaces).

CONCURRENCY ANALYSIS

Table 2 reviews the Level of Service (LOS) impacts associated RC, RL, RM, RH, MC, and R, pursuant to Policy 301.1.1 (Transportation), Policy 701.1.1 (Potable Water), Policy 801.1.1 (Solid Waste), Policy 901.1.1 (Sanitary Sewer), Policy 1001.1.1 (Drainage), and Policy 1201.1.1 (Recreation).

(This does not include a concurrency analysis based upon the City of Key West's adopted level of service standards.)

BASED UPON THE REVIEW, THE FINDINGS OF FACT ARE:

1. The FLUM designation of Residential Conservation (RC) allows low density and intensity on privately owned land within the Comprehensive Plan. According to Policy 101.4.21 of the Monroe County Year 2010 Comprehensive Plan, a Future Land Use Map designation of RC has a maximum allocated density of 0.25 dwelling units per acre, which would allow a maximum of 5 units on 21.35 acres. The proposed RC FLUM designation does not alter the net potential residential development of the property. Any increases in density and intensity from RC may result in off-site impacts that would require approvals from the State of Florida and the City of Key West.

2. Policy 101.4.21 states that the corresponding land use (zoning) districts allowed under the RC FLUM category is Offshore Island (OS) and Native Area (NA). RC is consistent with the existing Land Use District of Off-Shore Island (OS). The proposed RC FLUM amendment would provide consistency between the Comprehensive Plan and the Land Development Regulations.
3. The FLUM designation of Recreation (R) allows the same density as RC (up to 5 units). R would also allow 42 of transient rooms or spaces, which include hotel/motel rooms and camping/RV spaces. Facilities and services required to support land uses allowed under the R FLUM designation must be provided on-site to be consistent with Key West Resolution No. 10-227. Off-site provision of services and facilities would require approvals from the State of Florida and the City of Key West.
4. The FLUM designations of RL, RM, RH, and MC would allow additional density and intensity and may require the provision of facilities and services from off-site sources in conflict with Key West Resolution No 10-227. Additionally, these designations are categorized as: areas that are partially developed; areas with subdivisions that were lawfully established and improved prior to the adoption of the comprehensive plan; improved subdivisions served by an existing roadway and potable water; and areas located near employment centers. While Wisteria Island is located adjacent to the City of Key West, it has no existing development, no existing subdivision plat, no physical connection to the mainland, and no connections, existing easements or commitments for the provision of facilities and services to serve high density residential development and/or commercial retail and office uses.
5. Policies 215.2.3, 217.4.2, and 1401.2.2 of the Monroe County Comprehensive Plan all state that no provision of public expenditures shall be made for new or expanded facilities in areas with saltmarsh and buttonwood wetlands or offshore islands not accessible by roads. Wisteria Island is an offshore island not accessible by roads and contains salt marsh and buttonwood wetlands; therefore, any use of public expenditures for facilities and services to support development on Wisteria Island would conflict with these Policies.
6. Objective 1301.1 states that full consideration be given to the impacts of development allowed by the Monroe County Comprehensive Plan upon the plans of adjacent municipalities. This objective requires Monroe County to coordinate with the City of Key West to ensure that the impacts of development allowed by the proposed FLUM amendment are considered by the County and City. Any changes to Wisteria Island's FLUM designation resulting in off-site impacts to the City of Key West would conflict with Key West Resolution No. 10-227.

CONCLUSIONS AND RECOMMENDATION

Staff recommends that the Planning Commission consider designating Wisteria Island Recreational Conservation (RC) for the following reasons:

1. The FLUM designation of Residential Conservation (RC) allows low density and intensity and is consistent with the Land Use District designation of Off-Shore Island (OS). RC has a maximum allocated density of 0.25 dwelling units per acre, which would allow a maximum of 5 units on 21.35 acres.
2. The island has no road access and has no existing services or facilities. Any services and facilities necessary to support development would have to either be provided on-site or through connections to the mainland. Any provision of facilities and services from off-site sources would require a submerged land swap with the State of Florida, which has not been initiated by the property owner or approved by the Florida Board of Trustees. The provision of off-site services and facilities would also require approvals from the City of Key West, which has not been initiated by the property owner.
3. Based upon the lack of existing facilities and services, the RC designation provides a reasonable use of the property without creating a need for additional infrastructure.
4. Any public expenditure for facilities and services to Wisteria Island would conflict with Policies 215.2.3, 217.4.2, and 1401.2.2 of the Monroe County Comprehensive Plan. An amendment to these policies would be required prior to any approval to provide public services and facilities from any off-site sources (Key West or Monroe County) necessary to support proposed land uses on Wisteria Island.
5. Any identified off-site impacts resulting from a FLUM change to Wisteria Island would require review and consideration from the City of Key West to be consistent with Objective 1301.1.
6. The FLUM designation of Residential Conservation (RC) is the best available designation of the existing categories.

ATTACHMENTS

1. May 6, 2010 Letter from Amy Kimball-Murley, City of Key West Planning Director
2. BOCC Resolution No.193-2010
3. City of Key West Resolution No.10-227
4. Wisteria FLUM Designation Withdrawal Letter dated July 21, 2010
5. BOCC Minutes of July 21, 2010

6. DRC Summary of October 18, 2010
7. Staff Report from May 25, 2011 Planning Commission Meeting
8. **Exhibit A**: Review of Comprehensive Plan descriptions for RC, RL, RM, RH, MC, R and all references to Offshore Islands in the Comprehensive Plan
9. **Table 1**: Wisteria Island Maximum Allocated Density and Intensity by FLUM Designation
10. **Table 2**: Level of Service (LOS) impacts associated RC, RL, RM, RH, MC, and R

EXHIBIT A

COMPREHENSIVE PLAN CONSISTENCY AND INCONSISTENCY REVIEW FOR WISTERIA ISLAND PROPOSED FLUM DESIGNATIONS

MAXIMUM DENSITY AND INTENSITY

Policy 101.4.21 identifies the density and intensity allowed by all FLUM designations. See **Table 1** for the maximum density and intensity permitted by each FLUM category reviewed for Wisteria Island.

FUTURE LAND USE ELEMENT

Policy 101.4.1

The principal purpose of the **Residential Conservation** land use category is to encourage preservation of open space and natural resources while providing for very low-density residential development in areas characterized by a predominance of undisturbed native vegetation. Low-intensity public uses and utilities are also allowed. In addition, Monroe County shall adopt Land Development Regulations which allow any other nonresidential use that was listed as a permitted use in the Land Development Regulations that was in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limit to what the pre-2010 LDR's allowed, whichever is more restricted. Maximum permitted densities shall be based upon the results of the habitat analysis required by Division 8 of the Monroe County Land Development Regulations, as amended.

Staff Comment: Wisteria Island is a 21.35-acre undeveloped offshore island with no connection to any other land mass. This fact requires special consideration when reviewing appropriate Future Land Use Map categories and their associated densities and intensities. Although Wisteria Island is presently predominated by exotic Australian Pine, and disturbed mangrove, and disturbed salt marsh, there is no existing development, no existing subdivision plat, no physical connection to the mainland, and no connections, existing easements or commitments for the provision of facilities and services. Under the Residential Conservation land use category, very-low density residential development, low density public uses and utilities are allowed, which could be accommodated on-site without impacting Monroe County or the City of Key West. Residential Conservation is also consistent with the (OS) Off-Shore Islands land development district as defined by Section 101-2(13)e of the Monroe County Code.

Policy 101.4.2

The principal purpose of the **Residential Low** land use category is to provide for low-density

residential development in partially developed areas with substantial native vegetation. Low intensity public and low intensity institutional uses are also allowed. In addition, Monroe County shall adopt Land Development Regulations which allow any other nonresidential use that was listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limit to what the pre-2010 LDR's allowed, whichever is more restricted.

Staff Comment: Residential Low land use category provides for low-density residential development in partially developed area with substantial native vegetation. Wisteria Island is not partially developed and contains no substantial native vegetation. While low density and intensity land uses are allowed, there are no facilities and services presently available to support the impact of development, therefore this category would not be consistent.

Policy 101.4.3

The principal purpose of the **Residential Medium** land use category is to recognize those portions of subdivisions that were lawfully established and improved prior to the adoption of this plan and to define improved subdivisions as those lots served by a dedicated and accepted existing roadway, have an approved potable water supply, and have sufficient uplands to accommodate the residential uses. Development on vacant land within this land use category shall be limited to one residential dwelling unit for each such platted lot or parcel which existed at the time of plan adoption. However, Monroe County shall adopt Land Development Regulations which allow nonresidential uses that were listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the uses are limited in intensity, floor area, density and to the type of use that existed on January 4, 1996 or limited to what the pre-2010 LDR's allowed, whichever is more restricted. Lands within this land use category shall not be further subdivided.

Staff Comment: There are no existing subdivisions on Wisteria Island and is not served by roads or an approved potable water supply, therefore this future land use category would not be consistent.

Policy 101.4.4

The principal purpose of the **Residential High** category is to provide for high-density single-family, multi-family, and institutional residential development, including mobile homes and manufactured housing, located near employment centers. In addition, Monroe County shall adopt Land Development Regulations which allow nonresidential uses that were listed as a permitted use in the Land Development Regulations that were in effect immediately prior to the institution of the 2010 Comprehensive Plan, and that lawfully existed on such lands on January 4, 1996 to develop, redevelop, reestablish and/or substantially improve provided that the use is limited in intensity, floor area, density and to the type of use that existed on January

4, 1996 or limited to what the pre-2010 LDR's allowed, whichever is more restricted.

Staff Comment: Wisteria Island has no road connections and there are no facilities or services available to accommodate high-density residential uses on Wisteria Island. Therefore, this category is not consistent until such time as there are commitments for facilities and services required to accommodate the impacts of development.

Policy 101.4.5

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

This land use category is also intended to allow for the establishment of mixed use development patterns, where appropriate. Various types of residential and non-residential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited. In order to protect environmentally sensitive lands, the following development controls shall apply to all hammocks, pinelands, and disturbed wetlands within this land use category:

1. only low intensity commercial uses shall be allowed;
2. a maximum floor area ratio of 0.10 shall apply; and
3. maximum net residential density shall be zero.

Staff Comment: Wisteria Island contains disturbed wetlands. According to Policy 101.4.5, only low intensity commercial uses shall be allowed; a maximum FAR of 0.10 shall apply; and the maximum net residential density shall be zero. There are no roads, facilities, or services presently available to Wisteria Island to service commercial retail and office uses. Therefore, this category is not consistent until such time as there are commitments for facilities and services required to accommodate the impacts of development.

Policy 101.4.9

The principal purpose of the **Recreation** land use category is to provide for public and private activity-based and resource-based recreational facilities. [9J-5.006(3)(c)1 and 7]

Staff Comment: The Recreation land use category provides for public and private activity based and resource based recreational facilities. It allows a similar density (0.25 units/ac) and an increased intensity (0.20 FAR) to Recreational Conservation. It also allows 2 room/spaces per acre, which would allow up to 42 unit transient uses. The close proximity to Key West, the proliferation of exiting water-based and water-dependent recreational uses surrounding the island, and the possible use of the Wisteria wreck site as an off-shore amenity, may make the Recreation land use category a compatible FLUM, provided that all required public services and facilities are accommodated on-site or approvals are obtained for off-site services and facilities.

Policy 101.4.21

Monroe County hereby adopts the following density and intensity standards for the future land use categories, which are shown on the Future Land Use Map and described in Policies 101.4.1 - 101.4.17:

Future Land Use Densities and Intensities			
Future Land Use Category And Corresponding Zoning	Allocated Density (per acre)	Maximum Net Density (per buildable acre)	Maximum Intensity (floor area ratio)
Agriculture (A) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.20-0.25
Airport (AD) (AD zoning)	0 du 0 rooms/spaces	N/A N/A	0.10
Conservation (C) (CD zoning)	0 du 0 rooms/spaces	N/A N/A	0.05
Education (E) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.30
Industrial (I) (I and MI zoning)	1 du 0 rooms/spaces	2 du N/A	0.25-0.60
Institutional (INS) (no directly corresponding zoning)	0 du 3-15 rooms/spaces	N/A 6-24 rooms/spaces	0.25-0.40
Mainland Native (MN) (MN zoning)	0.01 du 0 rooms/spaces	N/A N/A	0.10
Military (M) (MF zoning)	6 du 10 rooms/spaces	12 du 20 rooms/spaces	0.30-0.50
Mixed Use/Commercial (MC)^(a) (SC, UC, DR, RV, and MU zoning)	1-6 du 5-15 rooms/spaces	6-18 du 10-25 rooms/spaces	0.10-0.45
Mixed Use/Commercial Fishing (MCF) ^(a) (CFA, CFV ^(c) , CFSZ zoning)	Approx. 3-8 du 0 rooms/spaces	12 du 0 rooms/spaces	0.25-0.40
Public Facilities (PF) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.10-0.30
Public Buildings/Grounds (PB) (no directly corresponding zoning)	0 du 0 rooms/spaces	N/A N/A	0.10-0.30
Recreation (R) (PR zoning)	0.25 du 2 rooms/spaces	N/A N/A	0.20
Residential Conservation (RC) (OS and NA zoning)	0-0.25 du 0 rooms/spaces	N/A N/A	0-0.10
Residential Low (RL) (SS^(d), SR, and SR-L zoning)	0.25-0.50 du 0 rooms/spaces	5 du N/A	0.20-0.25
Residential Medium (RM) (IS zoning)	approx. 0.5-8 du (1 du/lot) 0 rooms/spaces	N/A N/A	0
Residential High (RH) (IS-D^(e), URM^(e), and UR^(f) zoning)	approx. 3-16 du (1-2 du/lot) 10 rooms/spaces	12 du 20 rooms/spaces	0

Notes:

- (a) "N/A" means that maximum net density bonuses shall not be available.
- (b) The allocated densities for submerged lands, salt ponds, freshwater ponds, and mangroves shall be 0 and the maximum net densities bonuses shall not be available.
- (c) The allocated density for CFV zoning shall be 1 dwelling unit per lot and the maximum net density bonuses shall not be available.
- (d) Maximum net density bonuses shall not be available to the SS district.
- (e) The allocated density for IS-D and URM zoning shall be 2 and 1 dwelling units per lot, respectively and the maximum net density bonuses shall not be available.
- (f) The maximum net density for the UR district shall be 25 for units where all units are designated as affordable housing.
- (g) For properties consisting of hammocks, pinelands or disturbed wetlands within the Mixed Use/ Commercial and Mixed Use/ Commercial Fishing land use categories, the floor area ratio shall be 0.10 and the maximum net residential density bonuses not apply.
- (h) Uses under the categories of Agriculture, Education, Institutional, Public Facilities, and Public Buildings and Uses, which have no directly corresponding zoning, may be incorporated into new or existing zoning districts as appropriate.
- (i) The Maximum Net Density is the maximum density allowable with the use of TDRs.

Staff Comment: See Table 1, Density and Intensity Analysis

Policy 101.12.4

Monroe County shall require that the following analyses be undertaken prior to finalizing plans for the siting of any new or the significant expansion (greater than 25 percent) of any existing public facility:

1. assessment of needs;
2. evaluation of alternative sites and design alternatives for the alternative sites; and,
3. assessment of direct and secondary impacts on surrounding land uses and natural resources.

The assessment of impacts on surrounding land uses and natural resources will evaluate the extent to which the proposed public facility involves public expenditures in the coastal high hazard area and within environmentally sensitive areas, including disturbed salt marsh and buttonwood wetlands, undisturbed beach berm areas, units of the Coastal Barrier Resources System, undisturbed uplands (particularly high quality hammock and pinelands), habitats of species considered to be threatened or endangered by the state and/or federal governments, **offshore islands**, and designated Tier I areas.

Except for passive recreational facilities on publicly-owned land, no new public community or utility facility other than water distribution and sewer collection lines or pump/vacuum/lift stations shall be allowed within Tier I designated areas or Tier III Special Protection Area unless it can be accomplished without clearing of hammock or pinelands. Exceptions to this requirement may be made to protect the public health, safety, and welfare, if all the following criteria are met:

1. No reasonable alternatives exist to the proposed location; and
2. The proposed location is approved by a supermajority of the Board of County Commissioners.

The site of the Key Largo Wastewater Treatment Facility (located at mile marker 100.5) with an allowed clearing of up to 4.2 acres shall not be subject to this policy.

Staff Comment: There are no public facilities presently planned for Wisteria Island. This Policy would apply once the need for public facilities is determined to support proposed land uses.

Policy 101.13.4

In conjunction with the evaluation of the existing TDR program pursuant to Policy 101.13.2, parcels within the following habitats and land use districts shall be designated as sender sites for Transferable Development Rights (TDRs):

Any parcel within these zoning categories:

Offshore Island (OS)	Sparsely Settled (SS)
Main land Native (MN)	Parks and Refuge (PR)
Native (NA)	Conservation (C)

Habitat of the following types which lie within any zoning category:

Freshwater wetlands
Saltmarsh/Butonwood wetlands
High quality high hammock
High quality low hammock
Moderate quality high hammock
Moderate quality low hammock
High quality pinelands
Low quality pinelands
Beach/berm
Palm Hammock
Cactus Hammock
Disturbed Wetlands

Staff Comment: Wisteria Island can only be used as a sender site under the TDR program, once allocated density has been assigned to it following the adoption of an applicable FLUM category.

Policy 102.7.1

By January 4, 1998, Monroe County shall expand its Geographic Information System to include the following:

1. offshore islands in the Upper, Middle and Lower Keys (in public and private ownership);
2. upland and wetland vegetation data for offshore islands in private ownership;
3. land use data for offshore islands in private ownership; and
4. public facilities and services.

Data shall be obtained using digital information made available to Monroe County through the Florida Advance Identification of Wetlands (ADID) Program and from the Florida Keys National Marine Sanctuary Management Plan program.

Staff Comment: ADID data for Wisteria Island is presently included within the County's GIS system. The GIS system shows that there are 1.31 acres of disturbed mangrove and 1.33 acres of disturbed salt marsh on Wisteria Island. The ADID data indicated no listed species.

Policy 102.7.2

By January 4, 1997, Monroe County shall adopt Land Development Regulations which will further restrict the activities permitted on offshore islands. These shall include the following:

1. development shall be prohibited on offshore islands (including spoil islands) which have been documented as an established bird rookery or nesting area (See Conservation and Coastal Management Policy 207.1.3.);
2. campgrounds and marinas shall not be permitted on offshore islands;
3. new mining pits shall be prohibited on offshore islands;
4. permitted uses by-right on islands (which are not bird rookeries) shall include detached residential dwellings, camping (for the personal use of the owner of the property on a temporary basis), beekeeping, accessory uses, and home occupations (subject to a special use permit requiring a public hearing);
5. temporary primitive camping by the owner, in which no land clearing or other alteration of the island occurs, shall be the only use of an offshore island which may occur without necessity of a permit;
6. the use of any motorized vehicles including, but not limited to, trucks, carts, buses, motorcycles, all-terrain vehicles and golf carts shall be prohibited on existing undeveloped offshore islands;
7. planting with native vegetation shall be encouraged whenever possible on spoil islands; and
8. public facilities and services shall not be extended to offshore islands.

Staff Comment: Staff recognizes the fact that there are no bird rookeries on Wisteria Island; therefore, development is not prohibited on Wisteria Island. Permitted uses by right in the Land Development Code shall include residential dwellings, camping for the personal use of the property owner, beekeeping, accessory uses, and home occupations subject to a special use permit requiring a public hearing. Planting with native vegetation shall be encouraged whenever possible on spoil islands. This Policy requires the adoption of Land Development Code provisions that prohibit the extension of public facilities and services to offshore islands. This last provision would require all facilities and services to be privately provided or may require an amendment to this policy and the Land Development Code.

Policy 102.7.3

Monroe County shall discourage developments proposed on offshore islands by methods including, but not limited to, designated offshore islands as Tier I Lands

Staff Comment: Wisteria Island is presently does not have a tier designation. The tier designation for Wisteria Island will be reviewed during the next round of County tier evaluations.

Policy 103.2.4

Upon adoption of the Comprehensive Plan, Monroe County shall require that the following analyses be undertaken prior to finalizing plans for the siting of any new public facilities or the significant expansion (greater than 25 percent) of existing public facilities:

1. assessment of needs
2. evaluation of alternative sites and design alternatives for the selected sites; and
3. assessment of impacts on surrounding land uses and natural resources.

The assessment of impacts on surrounding land uses and natural resources will evaluate the extent to which the proposed public facility involves public expenditures in the coastal high hazard area and within environmentally sensitive areas, including disturbed salt marsh and buttonwood wetlands, undisturbed beach/berm areas, units of the Coastal Barrier Resources System, undisturbed uplands (particularly high quality hammocks and pinelands), habitats of species considered to be threatened or endangered by the state and/or federal governments, offshore islands, and Conservation Land Protection Areas.

Monroe County shall require that public facilities be developed on the least environmentally sensitive lands and shall prohibit the location of public facilities on North Key Largo, unless no feasible alternative exists and such facilities are required to protect the public health, safety, or welfare.

Staff Comment: There are no public facilities presently planned for Wisteria Island. This Policy would apply once the need for public facilities is determined to support proposed land uses.

COASTAL AND CONSERVATION ELEMENT

Policy 204.1.1

Monroe County shall participate in the Florida Keys Advance Identification of Wetlands (ADID) Program. This program is designed to facilitate the regulatory process under Section 404 of the Clean Water Act of 1973 by providing comprehensive wetlands mapping and assessment information.

The proposed geographic scope of the ADID Program includes the entire Florida Keys, prioritized as follows:

1. privately-owned lands with development potential on the islands connected by US 1;
2. publicly-owned lands on the islands connected by US 1; and
3. offshore islands (which appear in imagery of the islands connected by US 1).

As part of the ADID Program, Monroe County shall:

1. inform and educate the public regarding wetlands protection and the application of information forthcoming from the ADID Program;
2. retain a consultant to map preliminary ACOE and DER jurisdictional lines;
3. compile wetlands mapping information on the County's geographic

- information system;
4. assist with development of a Florida Keys wetlands functional quality analysis;
 5. assist with the functional assessment of wetlands;
 6. assist with ground-truthing mapped information; and
 7. assist with preparing a draft Technical Support Document.

Staff Comment: ADID data for Wisteria Island is presently included within the County's GIS system. The GIS system shows that there are 1.31 acres of disturbed mangrove and 1.33 acres of disturbed salt marsh on Wisteria Island. The ADID data indicated no listed species.

Policy 207.1.2

Development shall be prohibited on offshore islands (including spoil islands) which have been documented as an established bird rookery, as identified on the current Protected Animal Species Map.

Staff Comment: The current Protected Animal Species Map does not indicate an established bird rookery on Wisteria Island.

Policy 207.9.1

By January 4, 1998, the Monroe County Biologist, in cooperation with DNR, FGFWFC, FWS, and the National Audubon Society Research Department shall update the list of offshore island bird rookeries where development shall be prohibited. Until the list is updated, the offshore islands which are established bird rookeries shall be defined as any offshore island designated as a known habitat for a nesting bird on the latest update of the Protected Animal Species Map. (See Policy 207.1.3, 207.9.1 and 1301.7.10.)

Staff Comment: The latest update of the Protected Animal Species Map does not indicate Wisteria Island as known habitat for a nesting bird.

GOAL 209

Monroe County shall discourage private land uses on its mainland, offshore islands and undeveloped coastal barriers, and shall protect existing conservation lands from adverse impacts associated with private land uses on adjoining lands.

Policy 215.2.3

No public expenditures shall be made for new or expanded facilities in areas designated as units of the Coastal Barrier Resources System, saltmarsh and buttonwood wetlands, or offshore islands not currently accessible by road, with the exception of expenditures for conservation and parklands consistent with natural resource protection, and expenditures necessary for public health and safety.

Staff Comment: This policy restricts the use of public funds to create or expand facilities on Wisteria Island, with the exception of expenditures for conservation and parklands consistent with natural resource protection and expenditure necessary for public health

and safety.

Policy 217.4.2

No public expenditures shall be made for new or expanded facilities in areas designated as units of the Coastal Barrier Resources System, undisturbed saltmarsh and buttonwood wetlands, or offshore islands not currently accessible by road, with the exception of expenditures for conservation and parklands consistent with natural resource protection, and expenditures necessary for public health and safety.

Staff Comment: This policy restricts the use of public funds to create or expand facilities on Wisteria Island, with the exception of expenditures for conservation and parklands consistent with natural resource protection and expenditure necessary for public health and safety.

INTERGOVERNMENTAL COORDINATION ELEMENT

Objective 1301.1

Monroe County shall establish or maintain coordination mechanisms to ensure that full consideration is given to the impacts of development allowed by the Monroe County Comprehensive Plan upon the plans of adjacent municipalities, adjacent counties of Dade and Collier, the region, the State and the Federal Governments, as well as the impacts of those entities' plans on the County.

Staff Comment: This Objective requires Monroe County to coordinate proposed FLUM amendments with adjacent municipalities. On May 6, 2010, the Key West planning director submitted a letter that provided several concerns regarding the proposed FLUM and Sub Area Policy amendments being considered by Monroe County (See Attachment 1). On May 27, 2010, County staff appeared before the Key West Development Review Committee to review the Comprehensive Plan amendments proposed for Wisteria Island, where several of these concerns were discussed.

On June 29, 2010, the Board of County Commissioners adopted Resolution No 193-2010, requesting “input from the City Commission of Key West on the proposed changes to the Sub Area policy and FLUM for Wisteria Island.” On July 20, 2010, the Key West City Commission adopted Resolution 10-227, which states: “the City opposes any proposed amendment pending before the BOCC that generate extra-jurisdictional impacts which negatively affect the health, safety and welfare of the City of Key West and its residents, including this related to utilities and hurricane modeling.” County staff therefore supports the position that it is the property owner’s responsibility to receive support from the City of Key West regarding off-site impacts prior to supporting any increase in the density and intensity presently allowed under the (OS) Off-Shore Island Land Use District.

Policy 1301.7.10

Monroe County shall implement the following species of special status identification and protection programs in coordination and cooperation with all pertinent agencies and

organizations, including but not limited to the following:

Subject	Entity/Entities
Prepare management guidelines for federally-designated wildlife species	DEP, FGFWFC, and USFWS
By January 4, 1998 prepare a list of undesirable exotic wildlife populations	FGFWFC and USFWS
Identify probable concentrated range of wildlife species of special status	DEP, The Nature Conservancy, FGFWFC, and USFWS
Promote recovery of threatened and endangered species by coordinating development review and protection of horizon sites	FGFWFC and USFWS
By January 4, 1998 update the list of offshore island rookeries and nesting areas where development shall be prohibited	DEP, National Audubon Society, USFWS, NOAA, and FGFWFC
Determine protection and habitat preservation measures to assist with recovery of the Indigo Snake, Key Largo Wood Rat, Silver Rice Rat, Key Largo Cotton Mouse and the Lower Keys Marsh Rabbit	USFWS and FGFWFC

Staff Comment: There are no listed rookeries and nesting areas on Wisteria Island.

CAPITAL IMPROVEMENTS ELEMENT

Policy 1401.2.2

No public expenditures shall be made for new or expanded facilities in areas designated as units of the Coastal Barrier Resources System, undisturbed saltmarsh and buttonwood wetlands, or offshore islands not currently accessible by road, with the exception of expenditures for conservation and parklands consistent with natural resource protection, and expenditures necessary for public health and safety. [9J-5.016(3)(c)1 and 9]

Staff Comment: This policy restricts the use of public funds to create or expand facilities on Wisteria Island, with the exception of expenditures for conservation and parklands consistent with natural resource protection and expenditure necessary for public health and safety.

Policy 1401.4.1

Monroe County shall adopt level of service (LOS) standards for the following public facility types: roads, sanitary sewer, solid waste, drainage, potable water, and parks and recreation. The LOS standards are established in the following sections of the Comprehensive Plan:

1. The LOS for roads is established in Traffic Circulation Policy 301.1.1;
2. The LOS for potable water is established in Potable Water Policy 701.1.1;
3. The LOS for solid waste is established in Solid Waste Policy 801.1.1;
4. The LOS for sanitary sewer is established in Sanitary Sewer Policy 901.1.1;
5. The LOS for drainage is established in Drainage Policy 1001.1.1; and
6. The LOS for parks and recreation is established in Recreation and Open Space Policy 1201.1.1.

Staff Comment: See Table 2 Concurrency Analysis.

**Monroe County 2010 Comprehensive Plan
Adopted Level of Service Standards (LOS)**

See **Table 2** for an analysis of the Level of Service (LOS) impacts associated with each FLUM category reviewed for Wisteria Island.

TRAFFIC CIRCULATION

Policy 301.1.1

For all County roads, Monroe County hereby adopts a minimum peak hour level of service (LOS) standard of D, based on the Florida Department of Transportation (FDOT) methodology for determination of LOS, as measured by peak hour traffic volume. The County shall maintain the level of service on County roads within five percent (5%) of LOS D.

POTABLE WATER

Policy 701.1.1

Monroe County hereby adopts the following level of service standards to achieve Objective 701.1 and shall use these standards as the basis for determining facility capacity and the demand generated by a development.

Level of Service Standards

- | | | |
|----|---------------------|---|
| 1. | Quantity: | |
| | Residential LOS | 66.50 gal./capita/day |
| | Non-Residential LOS | 0.35 gal./sq. ft./day |
| | Overall LOS | 132.00 gal./capita/day
(Ord. 021-2009) |

Equivalent Residential Unit 149.00 gallons per day
(2.24 average persons per
household x 66.5 gallons/capita/day)

2. Minimum Pressure:
20 PSI at customer service
3. Minimum Potable Water Quality:
Shall be as defined by the U.S. Environmental Protection Agency. (Part
143-National Secondary Drinking Standards, 40 CFR 143, 44FR 42198)

SOLID WASTE

Policy 801.1.1

Monroe County hereby adopts the following level of service standards to achieve Objective 801.1, and shall use these standards as the basis for determining facility capacity and the demand generated by a development. [9J-5.011(2)(c)2]

Level of Service Standards:

1. Collection Frequency:
Residential: a minimum of one time per two weeks – domestic refuse
 a minimum of one time per two weeks - yard trash
Commercial: by contract
2. Disposal Quantity:
5.44 pounds per capita per day or 12.2 pounds per day per ERU
(Equivalent Residential Unit)

Haul Out Capacity:
95,000 tons per year or 42,668 ERUs.
3. Duration of Capacity:
Sufficient capacity shall be available at a solid waste disposal site to
accommodate all existing and approved development for a period of at
three from the projected date of completion of the proposed development
or use

SANITARY SEWER

Policy 901.1.1

Monroe County shall ensure that at a time a development permit is issued, adequate sanitary wastewater treatment and disposal facilities are available to support the development at the adopted level of service standards, concurrent with

the impacts of such development.

Permanent Level of Service Standards

- (A) The permanent level of service standards for wastewater treatment in Monroe County are as provided in House Bill 1993 adopted by the 1999 Legislature.
- (B) The County and the State shall actively engage in an educational program to reduce demand for phosphate products.
- (C) The County shall require mandatory pump-out of septic tanks and require regular reports from qualified contractors to ensure proper seepage disposal.

DRAINAGE

Policy 1001.1.1

Water Quality Level of Service Standards - Minimum Water Quality:

1. All projects shall be designed so that the discharges will meet Florida State Water Quality Standards as set forth in Chapters 17-25 and 17-302, F.A.C, incorporated herein by reference. In addition, all projects shall include an additional 50% of the water quality treatment specified below, which shall be calculated by multiplying the volumes obtained in Section (a) by a factor of 1.5 , Retention/Detention Criteria (SFWMD Water Quality Criteria 3.2.2.2):
 - a) Retention and/or detention in the overall system, including swales, lakes, canals, greenways, etc., shall be provided for one of the three following criteria or equivalent combinations thereof:
 - (1) Wet detention volume shall be provided for the first inch of runoff from the developed project, or the total runoff of 2.5 inches times the percentage of imperviousness, whichever is greater.
 - (2) Dry detention volume shall be provided equal to 75 percent of the above amount computed for wet detention.
 - (3) Retention volume shall be provided equal to 50 percent of the above amounts computed for wet detention.
 - b) Infill residential development within improved residential areas or subdivisions existing prior to the adoption of this comprehensive plan must ensure that its post-development stormwater run-off will

not contribute pollutants which will cause the runoff from the entire improved area or subdivision to degrade receiving water bodies and their water quality as stated above.

- c) New Development and Redevelopment projects which are exempt from the South Florida Water Management District permitting process shall also meet the requirements of Chapter 40-4 and 40E-40, F.A.C.

PARKS AND RECREATION

Policy 1201.1.1

Monroe County hereby adopts the following level of service standards to achieve Objective 1201.1, and shall use these standards as the basis for determining recreation land and facility capacity:

Level of Service Standards for Neighborhood and Community Parks:

1. 0.82 acres per 1000 functional population of passive, resource-based neighborhood and community parks; and
2. 0.82 acres per 1000 functional population of activity-based neighborhood and community parks within each of the Upper Keys, Middle Keys, and Lower Keys subareas.

Table 1

Wisteria Island Maximum Allocated Density and Intensity by Future Land Use Map Designation

Wisteria Island Upland Area: 21.35 acres

Future Land use Category and Corresponding Zoning	Allocated Density (per acre)	Wisteria Island Minimum - Maximum Allocated Density	Minimum - Maximum Intensity (Floor Area Ratio)	Wisteria Island Minimum - Maximum Intensity
Residential Conservation (RC) (OS and NA)	0 - 0.25 du 0 rooms/spaces	0 - 5 du 0 rooms/spaces	0 - 0.10	0 - 93,000 square feet
Residential Low (RL) (SS, SR, and SR-L)	0.25 - 0.50 du 0 rooms/spaces	5 - 10 du 0 rooms/spaces	0.20 - 0.25	186,001 - 232,501 square feet
Residential Medium (RM) (IS)	0.5 - 8 du (1du/lot) 0 rooms/spaces	10 - 170 du 0 rooms/spaces	0	0
Residential High (RH) (IS-D, URM, and UR)	2 - 16 du (1-2 du/lot) 10 rooms/spaces	42 - 341 du 213 rooms/space	0	0
Mixed Use Commercial (MC) (SC, UC, DR, RV, and MU)	1 - 6 du 5 - 15 rooms/spaces	21 - 128 du 106 - 320 rooms/spaces	0.10 - 0.45	93,000 - 418,502 square feet
Recreation (PR)	0.25 du 2 rooms/spaces	5 du 42 rooms/spaces	0.2	186,001 square feet



EDWIN A. SCALES, III, P.A.
Attorney at Law

June 29, 2011

Christine Hurley, Division Director
Growth Management Division
Monroe County
2798 Overseas Highway
Marathon, Florida 33050

RE: Wisteria Island

Dear Christine:

As you are aware, I represent F.E.B. Corp., the owner of Wisteria Island.

As you are no doubt aware, for well over a year, the County's Growth Management staff, my client, the Monroe County Board of County Commissioners, the Monroe County Planning Commission, the Key West City Commission, and various other stakeholders have all been grappling with proposed development on Wisteria Island.

Most recently, the issue of an appropriate Future Land Use Map ("FLUM") designation has been consuming a great deal of the parties' time and effort.

In 2010, upon application of the owner, and after consultation with Growth Management staff, the Monroe County Planning Commission approved a FLUM amendment changing Wisteria Island's FLUM designation from "undesignated" to Mixed-Use Commercial ("MC") with a specified sub-area policy.

After a vote of the Key West City Commission, my client withdrew that application.

Christine Hurley, Division Director

June 29, 2011

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The same day that my client withdrew that application, the Board of County Commissioners directed Growth Management staff to proceed with an appropriate FLUM designation for Wisteria Island.

As a result, Monroe County Growth Management staff has recommended a Residential Conservation (“RC”) FLUM designation for Wisteria Island. This RC designation was considered by the Monroe County Planning Commission at their May 25, 2011 meeting. At that meeting, I argued that the RC designation – the most restrictive designation for private property – was, by definition, inappropriate for Wisteria Island.

In summary, while the RC designation is appropriate for the vast majority of off-shore islands in Monroe County, the designation is simply inappropriate and inapplicable to Wisteria Island because Wisteria Island is not an “. . . area characterized by a predominance of undisturbed native vegetation” as expressly contemplated in the Comprehensive Plan for areas to be designated “RC.” In fact, I believe it is undisputed that the existing habitat on Wisteria Island is dominated by disturbed upland non-native communities, and that the Island contains no protected or listed species. Unlike other off-shore islands in the County, only “patches” and “pockets” of native vegetation are on the Island.

Further, given the fact that Wisteria Island is a spoil island in close proximity to a very dense urban commercial area, and 700 feet from the developed island of Sunset Key, the RC designation is simply not appropriate for Wisteria Island.

At its May 25 meeting, on a unanimous vote, the Planning Commission referred the matter back to Growth Management staff to evaluate whether another existing FLUM designation would be more appropriate for Wisteria Island.

In reviewing the County’s Land Use and zoning categories, it is quite apparent that none of the County’s *existing* FLUM or zoning categories are appropriate for Wisteria Island because of the Island’s unique character. Additionally, Wisteria Island is in a favorable situation, in that virtually any development on the Island can utilize infrastructure services to be provided by the City of Key West, notably tertiary sewage treatment from a City facility that has 5 million gallons of unused

Christine Hurley, Division Director

June 29, 2011

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treatment capacity. Indeed, the Monroe County Commission acknowledged as much last year with their adoption of Resolution No. 193-2010 expressly requesting input from the City of Key West regarding the owner's prior application.

It is against this backdrop that my client will be submitting an application to Monroe County's Planning and Environmental Resources Department requesting text amendments to the Monroe County Comprehensive Plan and Land Development Regulations (and paying the applicable fees and advertising costs) for the County's consideration of a proposed "new" FLUM designation and zoning category to more appropriately address the distinctive and unique nature, physical characteristics, and proximity challenges associated with Wisteria Island ("Application").

Please be aware that, while my client has included proposed language for the "new" land use and zoning category with its Application, my client remains absolutely committed to working closely with, not only the County's Growth Management staff, but the City of Key West, the City of Key West Planning and Legal staff, the Department of Community Affairs (or its successors), the Navy, and other interested and affected stakeholders in developing a FLUM policy and zoning category for Wisteria Island that is balanced, fair, appropriate, and, to the extent possible, without serious objection.

We realize that this will be a very time consuming process. Fortunately, there are no time constraints, artificial or otherwise, and there is certainly no urgency or need to "rush" this process especially considering: (i) there is no pending development application, and (ii) the Island has remained "undesigned" for decades.

Thank you so very much for all of your time and effort, and for all of the hard work of Growth Management staff, in working with F.E.B. Corp. in an effort to establish, through a cooperative, collaborative process, an appropriate FLUM designation and zoning category for Wisteria Island which balances all of the stakeholders' (sometimes competing) objectives.

Christine Hurley, Division Director

June 29, 2011

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If you have any questions, comments or concerns, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Edwin A. Scales, III', with a long horizontal flourish extending to the right.

Edwin A. Scales, III

EAS/llr

cc: Members, Monroe County Board of County Commissioners
Members, Monroe County Planning Commission
Roman Gastesi, County Manager
Suzanne Hutton, County Attorney
John Wolfe, Esquire
Susan Grimsley, Assistant County Attorney

Creech-Gail

**Item #1 Wisteria (FLUM Amendment)
Letter from Owen Trepanier 7.20.11**

From: Owen Trepanier <owen@owentrepanier.com>
Sent: Thursday, July 21, 2011 1:26 PM
To: Creech-Gail
Cc: Hurley-Christine; Harvey-Mitch; Roger M. Bernstein; Tom McMurrain; Ed Scales; koenig@fkhlaw.com; ginny@keyslaw.net
Subject: Planning Commission Mtg 7/27/11 - Ltr to Commissioners
Attachments: Ltr to Planning Commissioners.pdf

Hi Gail,

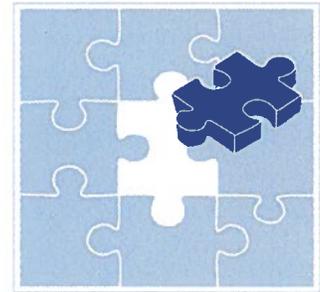
Attached is a letter to the Planning Commissioners regarding item 1 on the 07/27/11 agenda. We would like to request that this item be included with the Planning Commissions material for consideration, and also be part of the official record. Thanks so much.

Owen

Trepanier & Associates, Inc.

Land Planners & Development Consultants
402 Appelrouth Lane, P.O. Box 2155
Key West, FL 33045-2155
Ph. 305-293-8983
Fx. 305-293-8748

TREPANIER



& ASSOCIATES INC

LAND USE PLANNING
DEVELOPMENT CONSULTANTS

July 20, 2011

Monroe County Planning Commission
--Via Email --

RE: Wisteria FLUM Designation
Hearing Date: 07/27/11

Dear Honorable Planning Commissioners:

This letter is in regard to the FLUM designation process currently pursued by Monroe County to assign a Residential Conservation ("RC") designation to the Wisteria Island.

It does not seem possible to force Wisteria, a disturbed spoil island, into any of the existing Future Land Use Categories; therefore, FEB submitted an application to amend the text of the Comprehensive Plan on July 8th, 2011¹. The new amendment application proposes to create a category that fully accommodates and regulates the unique characteristics of Wisteria; yet does not impact the designations of any other islands in Monroe County.

The new application should initiate a collaborative process that includes all the stakeholders working together. In that regard, Wisteria's owner, F.E.B. Corporation, plans to conduct a series of public meetings, with affected stakeholders (including, but not limited to, County growth management staff, the City of Key West Planning Staff, City of Key West and County residents, the U.S. Navy, utility providers, and other stakeholders) to discuss the application, and to take input on the application, so that the "finished product" will be the result of a truly collaborative effort.

Creating a consistent and compatible category is the proper solution, and we are not alone in thinking this way. In a July 14th, 2011 letter from the DCA Secretary to the Growth Management Director², regarding the attached proposed amendment concept, the DCA stated they believed "that many, if not all of the issues, can be addressed with appropriate policy revisions".

Therefore, we respectfully request, that at the July 27th meeting this current initiative to designate Wisteria "RC", be postponed, so the County's planning staff can work cooperatively with the property owner and the interested stakeholders to create a consistent, collaborative, and compatible land use designation for Wisteria.

Amendment Concept:

Maritime Harbor Island, Purpose - Encourage the preservation and enhancement of open space and natural resources while recognizing the unique characteristics of islands within or adjacent to an urban area meeting the following criteria:

¹ Attached

² Attached

- Located within or adjacent to a deepwater commercial port designated in F.S. Sec. 403.021(9)(b);
- Located outside any Coastal Barrier Resource Area;
- Located outside any National Wildlife Refuge;
- Generally meets the County definition for disturbed lands; and
- Access to water at least four (4) feet below mean sea level at low tide.

Conditions required prior to issuance of any Certificate of Occupancy within the MHI District:

- 10% of the island shall be developed as a public recreation area, with beach, swim area and public restrooms at no charge to the public
- Historic sites shall be public access at no charge to the public
- Open space shall be 45%
- Exotic removal program must be in place
- No participation in ROGO
- Pump out facilities must be provided
- Utilities must be available concurrent with the impacts of development
- Hurricane evacuation plan must be in compliance with Policy 216.1.8
- Fire prevention and suppression plan must be approved by the Fire Marshal

Thank you for your time and consideration,
Sincerely,



Owen Trepanier

Proposed Policy 101.4.20 Text Amendment

Additions underlined deletion ~~struck through~~.

3.0 Goals, Objectives and Policies

3.1 Future Land Use

GOAL 101

Monroe County shall manage future growth to enhance the quality of life, ensure the safety of County residents and visitors, and protect valuable natural resources. [9J-5.006(3)a]

Objective 101.4

Monroe County shall regulate future development and redevelopment to maintain the character of the community and protect the natural resources by providing for the compatible distribution of land uses consistent with the designations shown on the Future Land Use Map. [9J-5.006(3)(b) 3]

Policy 101.4.20

The principal purpose of the Maritime Harbor Island land use category is to encourage the preservation and enhancement of open space and natural resources while recognizing the unique characteristics of islands within or adjacent to urban areas meeting the following criteria:

- Located adjacent to a urban area;
- Located within or adjacent to a deepwater commercial port designated in F.S. Sec. 403.021(9)(b);
- Located outside any Coastal Barrier Resource Area;
- Located outside any National Wildlife Refuge;
- Generally meets the County definition for disturbed lands; and
- Access to water at least four (4) feet below mean sea level at low tide.

This land use category is intended to allow for the establishment of mixed use development patterns compatible with the island environment. Various types of residential and non-residential uses may be permitted; however, heavy industrial uses and similarly incompatible uses shall be prohibited. In order to protect environmentally sensitive lands, the following development controls shall apply:

1. prior to the issuance of a certificate of occupancy for any development a minimum of 10% of the island shall be reserved and developed as a public access recreation area with a beach, swimming area, and elevated public restroom facility for daytime use at no charge to the public;
2. historically significant sites shall be made available for public access at no charge to the public;

3. a minimum of 50% open space shall be required;
4. prior to issuance of a certificate of occupancy for any development, an invasive exotic removal program must be approved by the County Biologist;
5. properties designated MH shall be receiver sites for residential transferrable development rights (“TDRs”) and residential transferrable ROGO exemptions (“TRES”) and shall not be eligible to participate in ROGO;
6. fixed and mobile pump out shall be required for any non-residential docking facility;
7. only low intensity commercial uses shall be allowed;
8. prior to the issuance of any development order, utility facilities and services must be accommodated on site or available concurrent with the impacts of development;
9. prior to the issuance of a certificate of occupancy for any development a hurricane preparedness plan shall be prepared by the property owner, in compliance with Policy 216.1.8; and
10. prior to the issuance of a certificate of occupancy for any development a fire prevention and suppression plan shall be prepared by the applicant and approved by the Fire Marshall. [9J-5.006(3)(c)2,3,4,5,7,8]

Policy 101.4.21

Monroe County hereby adopts the following density and intensity standards for the future land use categories, which are shown on the Future Land Use Map and described in Policies 101.4.1 - 101.4.17: [9J-5.006(3)(c)7].

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STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

RICK SCOTT
Governor

BILLY BUZZETT
Secretary

July 14, 2011

Ms. Christine Hurley, Director
Growth Management Division
2798 Overseas Highway
Marathon, Florida 33050

Re: Wisteria Island

Dear Ms. Hurley:

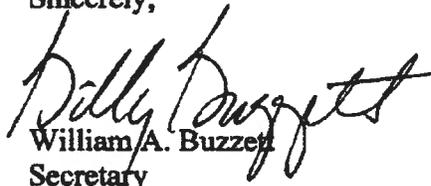
This week I met with Mr. Roger Bernstein and Mr. Tom McMurrain regarding Wisteria Island, a spoil island located immediately off the City of Key West. The purpose of the meeting was to inform the Department of Community Affairs (Department) of a new comprehensive plan amendment package relating to the island that was recently filed with Monroe County.

As you are aware, last year the Department voiced several concerns relating to an earlier amendment advanced for the same island. While we have not reviewed the new proposal, please note that the Department stands ready to assist the County in its review and consideration of the proposed amendment. It is my belief that many, if not all of the issues, can be addressed with appropriate policy revisions and commitments. Please feel free to contact Tom Beck, Director of the Division of Community Planning, at 850/922-1751, or Rebecca Jetton, Administrator of the Florida Critical Area program, at 850/922-1766.

On an unrelated matter, I plan to be in the Keys in mid-August for a meeting at the Naval Air Station and would like to schedule an opportunity to introduce myself to you.

Thank you.

Sincerely,


William A. Buzzett
Secretary

WAB/rd

Ms. Christine Hurley, Director
July 14, 2011
Page 2

cc: The Honorable Heathers Carruthers, Mayor
Tom Beck, Director, Division of Community Planning
Rebecca Jetton, Administrator, Area of Critical State Concern Program

Creech-Gail

From: Owen Trepanier <owen@owentrepanier.com>
Sent: Thursday, July 21, 2011 4:51 PM
To: Creech-Gail
Cc: Hurley-Christine; Harvey-Mitch; Roger M. Bernstein; Tom McMurrain; Ed Scales; koenig@fkhlaw.com; ginny@keyslaw.net
Subject: PC Mtg 7/27/11 - Staff Report Response
Attachments: Response to Staff Report.pdf

Hi Gail,

Attached is our response to the staff report. We would like to request that this item be included with the Planning Commissions material for consideration, and also be part of the official record.

Thanks so much.

Owen

Trepanier & Associates, Inc.

Land Planners & Development Consultants

402 Appelrouth Lane, P.O. Box 2155

Key West, FL 33045-2155

Ph. 305-293-8983

Fx. 305-293-8748

FEB Bullet Point Response to Growth Management Staff Report of 07/12/11

Issue	Report Summary	Agreement	FEB Comment
Wisteria's Characteristics	Wisteria is a "vacant spoil island", dominated by disturbed upland and wetland communities, with "no protected or listed species" in close proximity with a developed urban area.	Agree	
History	Wisteria's annexation defeated at referendum by the voters of Key West.	Disagree	The proposed annexation of Wisteria never went to public hearing or referendum.
RC designation does not alter development potential of the island	RC designation will not alter the potential residential development of property.	Disagree	RC designation allows both a decrease to 0 units and an increase to approximately 5 units
RC creates consistency between the Comp Plan and the LDRs	"RC FLUM amendment would provide consistency between the Comprehensive Plan and the Land Development Regulations".	Disagree	The Comprehensive Plan criteria for RC designation are a "predominance of undisturbed native vegetation". The staff report accurately characterizes Wisteria as a "vacant spoil island", dominated by disturbed upland and wetland communities, with "no protected or listed species" in close proximity with a developed urban area. Therefore, an RC designation will create and inconsistency between the land use map and the land use plan.
Consistency Analysis	RC is most consistent designation based on a lack of existing development, subdivisions, easements, or commitments for the provision of facilities and services.	Disagree	These are arbitrary measures not contained within the RC designation criteria of the Comp Plan.
Consistency Analysis	RC is the most consistent designation based on the ability to install facilities and services on site.	Disagree	In the case of all FLUM categories, facilities and services could be developed on site. Therefore, facilities and services is an arbitrary measure. In addition, the Comp Plan only requires facilities and services to be available concurrent with the actual impact of development.
Consistency Analysis	RC is the most consistent designation based on the availability of facilities and services.	Disagree	The report uses this "facilities and services" criteria to both support RC and not support MC. In the case of RC, the report states it is consistent because facilities and services (which do not currently exist) could be developed on site. While finding MC inconsistent because facilities and services do not currently exist on site.
Conclusion	RC is the most consistent future land use category	Disagree	MC is, in fact, the most consistent and compatible category. It encourages mixed use development patterns with strict density/intensity limiting factors based on the unique environmental characteristics of the land. However, the report disregards this and arbitrarily deems MC to be inconsistent based on a lack of existing "commitments for facilities and services required to accommodate the impacts of development".



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: Reynaldo Ortiz, Assoc. AIA, AICP, Planner

Date: July 18, 2011

Subject: *AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTION 114-67(C), REQUIRED OFF-STREET PARKING, REQUIRED NUMBER OF OFF-STREET PARKING SPACES, TO REVISE THE MINIMUM PARKING STANDARD FOR MULTIFAMILY DWELLING UNITS; 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.*

Meeting: July 27, 2011

1
2 I REQUEST
3

4 The Planning & Environmental Resources Department is proposing an amendment to the text
5 of §114-67(c) of the Monroe County Code. The purpose of the proposed amendment is to
6 address a growing concern that multifamily residential developments are unable to
7 accommodate their minimum parking needs under the current requirements.
8

9 II RELEVANT PRIOR COUNTY ACTIONS:
10

11 Policy 101.16.1 of the Monroe County 2010 Comprehensive Plan currently reads:
12

13 By January 4, 1998, Monroe County shall adopt Land Development Regulations which
14 provide for safe and convenient on-site traffic flow, adequate pedestrian ways and
15 sidewalks, and sufficient on-site parking for both motorized and non-motorized vehicles.
16

17 Policy 301.8.2 of the Monroe County 2010 Comprehensive Plan currently reads:
18

19 By January 4, 1997, Monroe County shall adopt revisions to the Land Development
20 Regulations to include guidelines and criteria consistent with nationally-recognized
21 standards which provide for safe and convenient on-site traffic flow, adequate pedestrian

1 ways and sidewalks, as well as sufficient on-site parking for both motorized and
2 nonmotorized vehicles.

3
4 MCC §114-67 was last revised with Ordinance No. 035-2005.

5
6 **III REVIEW**

7
8 Currently for multi-family developments, the minimum off-street parking requirements are
9 1.5 spaces per dwelling unit. The minimum parking standards do not consider the intensity
10 each dwelling unit may have, in terms of family size or number of bedrooms.

11
12 The current regulations within the Land Development Code addressing adequate parking
13 requirements for multifamily developments is not always proportionate to the number of
14 residents for each dwelling and visitors. In some multifamily areas the solution adopted by
15 residents has been to park or store vehicles in open space areas not approved for parking,
16 right-of-way, or neighboring properties. This may lead to internal disputes within the
17 community and could compromise life and safety for the development. The aim of this text
18 amendment is to introduce parking requirements that are proportionate to the size and
19 occupancy of the dwelling.

20
21 The current text within the Land Development Code is based on an assumption that each unit
22 will average a need for 1.5 parking spaces regardless of the number of residents per dwelling
23 unit. Lower parking requirements have been an option in communities which have sufficient
24 public transportation, car sharing programs, and other incentives to reduce the dependence on
25 the automobile. Monroe County is predominately a vehicular oriented community with limited
26 options for mobility. The dependency of the automobile causes multifamily development to
27 become overburdened with the demand placed on it by the residents and visitors. Presently,
28 staff does not have a mechanism in place that would alleviate under-parked dwelling units in
29 multifamily developments. Upon review, staff has found that using the number of bedrooms to
30 calculate the parking requirements is an effective solution.

31
32 Staff is proposing that the requirement be amended to vary based on the number of bedrooms:
33 1.5 spaces for 1 bedroom unit, 1.75 spaces for 2 bedroom units and 2 spaces for 3 or more
34 bedroom units. This would increase the parking required for developments with higher
35 populations.

36
37 To illustrate how the amendment would impact existing developments, the following table
38 shows how the development would change the standards for other recently approved multi-
39 family developments.

Analysis of Parking Requirements of Previously Approved Multi-family Projects.

<i>Project Name</i>	<i>Approval #</i>	<i>Parking Requirements at approval</i>	<i>Change in parking space requirements with proposed Section 114-67 update.</i>	<i>Change (+/-)</i>
Lakeview Gardens (Key Largo)	P27-08	184.5 spaces (123 units)	(9) 2-bedroom units x 1.75 = 15.75 spaces (114) 3-bedroom units x 2 = 228 spaces Total 243.75 spaces	+59.25
Blue Water (Tavernier)	P13-10	54 spaces (36 units)	(2) 1-bedroom units x 1.5 = 3 spaces (24) 2-bedroom units x 1.75 = 42 spaces (10) 4-bedroom units x 2 = 20 spaces Total 65 spaces	+11
Banyan Grove (Stock Island)	P41-10	72 spaces (48 units)	(27) 2-bedroom units x 1.75 = 47.25 spaces (21) 3-bedroom units x 2 = 42 spaces Total 89.25 spaces	+17.25

NOTE: An applicant shall continue to have the option to request a variance to the off-street parking requirements pursuant to §102-186 of Monroe County Code.

Therefore, staff recommends the following changes (deletions are ~~stricken-through~~ and additions are underlined):

Sec. 114-67. Required off-street parking.

* * * * *

(c) *Required number of off-street parking spaces.* The following is the number of parking spaces to be provided for each use:

<i>Specific Use Category</i>	<i>Minimum Required Number of Parking Spaces Per Indicated Unit of Measure</i>
Single-family dwelling units, including mobile homes on individual lots <u>or parcels</u>	2.0 spaces per dwelling unit or mobile home
Multifamily <u>residential developments</u> dwelling units	1.5 spaces per dwelling unit <u>1.5 spaces per each 1 bedroom dwelling unit, 1.75 spaces per each 2 bedroom dwelling unit and 2 spaces per each 3 or more bedroom dwelling unit</u>
Mobile home parks	1.0 space per <u>space or pad</u>
Commercial retail except as otherwise specified below	3.0 spaces per 1,000 sq. ft. of nonresidential floor area (nrfa) of building and 1.5 spaces per 1,000 sq. ft. of nonresidential floor area devoted to outdoor retail sales and display area
Eating and drinking establishments	14.0 spaces per 1,000 sq. ft. of nonresidential floor area and 7.0 spaces per 1,000 sq. ft. of unenclosed nonresidential floor area devoted to dining and/or bar area
Convenience stores	4.0 spaces per 1,000 sq. ft. of (nrfa)

Commercial recreation (indoor)	5.spaces per 1,000 sq. ft. of (nrfa)
Commercial recreation (outdoor)	5.0 spaces per 1,000 sq. ft. of the parcel that is devoted to the outdoor recreational activity, excluding areas used for parking and driveways, required yards and required landscaping and buffer areas
Theaters, conference, or activity centers	1.0 space per 3.0 actual seats or based on seating capacity
Offices	3.0 spaces per 1,000 sq. ft. of (nrfa)
Medical and dental clinics	4.0 spaces per 1,000 sq. ft. of (nrfa)
RV parks	1.0 space per pad
Hotels/destination resorts	1.0 space for first bedroom plus .5 space for each additional bedroom
Miniwarehouses/self storage center	3.0 spaces for the office use plus a parking aisle of 10 feet in width adjacent the storage unit access doors if outside access to the storage units is provided
Industrial uses; excluding repair and or servicing of vehicles	2.0 spaces per 1,000 sq. ft. of (nrfa)
Repair and or servicing of vehicles	3.0 spaces per service/repair bay or 3.0 spaces per 1000 sq. ft. of (nrfa) whichever is greater, the service/repair bays shall not be counted as parking spaces
Warehousing	1.0 space per 1,000 sq. ft. (nrfa)
Hospitals	1.8 spaces per bed
Churches	0.3 space per seat and/or 0.3 space per 24 inches for pews
Live-aboard	1.5 spaces per berth
Marinas and commercial fishing facilities	1.0 space per berth plus one space per four dry storage racks
Charter/guide boats, six or fewer passengers capacity	2.0 spaces per berth
Party and charter/guide boats, more than six passengers capacity	0.3 space per passenger capacity of vessel
Boat ramps	6.0 spaces per ramp; all spaces shall be a minimum of 14 feet by 55 feet, to accommodate trailers and oversized vehicles

1
2
3
4
5

* * * * *

IV RECOMMENDATION

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

10 Staff recommends that the Board of County Commissioners amend the Monroe County Code
11 as stated in the text of this staff report.



MEMORANDUM
MONROE COUNTY GROWTH MANAGEMENT DIVISION
We strive to be caring, professional and fair

To: Monroe County Planning Commission
Through: Townsley Schwab, Senior Director Planning & Environmental Resources
From: Barbara Mitchell, Senior Planner
Date: July 20, 2011
RE: *AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE 110-73, DEVELOPMENT UNDER AN APPROVED CONDITIONAL USE PERMIT, TO FURTHER EXPLAIN WHEN A MINOR DEVIATION APPLICATION, A MAJOR DEVIATION APPLICATION OR AN AMENDMENT APPLICATION IS REQUIRED TO MODIFY THE DEVELOPMENT APPROVED BY A CONDITIONAL USE PERMIT; 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.*

Meeting: July 27, 2011 (continued from June 22, 2011)

1
2 I REQUEST
3

4 The Planning and Environmental Resources Department is proposing amendments to the text
5 of § 110-73 of the Monroe County Code, which concerns the minor and major deviations of
6 approved conditional use permits.
7

8 II RELEVANT PRIOR ACTIONS AND BACKGROUND INFORMATION:
9

10 On March 29, 2011, the Development Review Committee (DRC) met to discuss the proposed
11 text amendments. Comments discussed by the DRC have been incorporated.
12

13 III REVIEW
14

15 The current text within the Land Development Code describing minor and major deviations
16 to conditional use permits is outdated and includes provisions that have not been
17 implemented in many years. Furthermore, this text amendment proposes to expand the
18 authority of the Planning Director when reviewing minor deviations to conditional uses as
19 well as clarify that developments deemed to have a conditional use are allowed to submit an
20 application for minor or major deviations when appropriate.
21

1 Therefore, the Planning Department recommends the following changes (deletions are
2 ~~stricken through~~ and additions are underlined).

3
4 **Sec. 110-73. Development under an approved conditional use permit.**

5
6 (a) *Effect of issuance of a conditional use approval.* Approval for a conditional use shall be
7 deemed to authorize only the particular use for which it is issued. A conditional use
8 approval shall not be transferred to a successive owner without notification to the
9 planning director within 15 days of the transfer.

10 (1) Unless otherwise specified in a major conditional use approval, all required
11 building permits and certificates of occupancy shall be procured within three
12 years of the date on which the major conditional use approval is recorded and
13 filed in the official records of Monroe County, or the major conditional use
14 approval shall become null and void with no further action required by the county.
15 Approval time frames do not change with successive owners. Extensions of time
16 to a major conditional use approval may be granted only by the planning
17 commission for periods not to exceed two years. There may be no more than two
18 extensions. Applications for extensions shall be made prior to the expiration
19 dates. Extensions to expired major conditional use approvals shall be
20 accomplished only by re-application for the major conditional uses. When a
21 hearing officer has ordered a conditional use approval initially denied by the
22 planning commission, the planning commission shall nonetheless have the
23 authority to grant or deny a time extension under this section. If the planning
24 commission denies a time extension, the holder of the conditional use may request
25 an appeal of that decision under chapter 102, article VI, division 2 by filing the
26 notice required by that article within 30 days of the written denial of the planning
27 commission.

28 (2) Unless otherwise specified in a minor conditional use approval, all required
29 building permits and certificates of occupancy shall be procured within three
30 years of the date on which the minor conditional use approval is recorded and
31 filed in the official records of Monroe County, or the minor conditional use
32 approval shall become null and void with no further action required by the county.
33 Approval time frames do not change with successive owners. Extensions of time
34 to a minor conditional use approval may be granted only by the planning director
35 for periods not to exceed one year. Applications for extensions shall be made
36 prior to the expiration dates. Extensions to expired minor conditional use
37 approvals shall be accomplished only by re-application for the minor conditional
38 uses. When a hearing officer has ordered a conditional use approval initially
39 denied by the planning director, the planning director shall nonetheless have the
40 authority to grant or deny a time extension under this section. If the planning
41 director denies a time extension, the holder of the conditional use may request an
42 appeal of that decision under chapter 102, article VI, ~~division 2~~ by filing the
43 notice required by that article within 30 days of the written denial of the planning
44 director.

45 (3) Development of the use shall not be carried out until the applicant has secured all
46 other permits and approvals required by this ~~chapter, this Code, Land~~

1 Development Code or regional, state and federal agencies and until the approved
2 conditional use is recorded in accordance with section 110-72.
3

4 ~~(b) Adjustments to approved conditional use approvals and inspection during development~~
5 ~~under a conditional use approval.~~

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

9 ~~(2) Inspections by department of planning. Following issuance of a conditional use~~
10 ~~approval, planning director shall review on a quarterly basis until the completion~~
11 ~~of the development all permits issued and construction undertaken, shall compare~~
12 ~~actual development and the approved plans and permits for development and the~~
13 ~~approved development schedule, if any, and shall report his findings in writing to~~
14 ~~the planning commission.~~

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

21 ~~a. Alteration of the location of any road or walkway by not more than five~~
22 ~~feet;~~

23 ~~b. Reduction of the total amount of open space by not more than five percent~~
24 ~~or reduction of the yard area or open space associated with any single~~
25 ~~structure by not more than five percent, provided that such reduction does~~
26 ~~not permit the required open space to be less than that required by section~~
27 ~~130-157; and~~

28 ~~c. Alteration of the location, type or quality of required landscaping elements~~
29 ~~of the conditional use permit.~~

30 ~~(4) Major deviations. If the holder of an approved conditional use wishes to make an~~
31 ~~adjustment to the approval that is not a minor deviation, approval of the planning~~
32 ~~commission in accordance with the provisions of subsection (b)(5) of this section~~
33 ~~must be obtained. If the planning director finds that the development is not~~
34 ~~proceeding in substantial accordance with the approved plans or schedule or that~~
35 ~~it fails in any other respect to comply with the conditional use approval issued or~~
36 ~~any provision contained in this chapter, that director shall immediately notify the~~
37 ~~planning director and the planning commission and may, if necessary for the~~
38 ~~protection of the public health, safety or welfare, notify the building official to~~
39 ~~issue a temporary order stopping any and all work on the development until such~~
40 ~~time as any noncompliance is cured. No action may be taken by the planning~~
41 ~~commission that effectively amends the conditional use approval except by way~~
42 ~~of the procedures set out in section 110-70.~~

43 ~~(5) Action by the planning commission. Within 30 working days following~~
44 ~~notification by the planning director that work is not proceeding in substantial~~
45 ~~accordance with the approved plans or schedule or in some other respect is not in~~
46 ~~compliance with the conditional use approval, the commission shall:~~

1 a. ~~Determine that action be taken to bring development into substantial~~
2 ~~compliance;~~
3 b. ~~Determine that the conditional use approval be revoked; or~~
4 c. ~~Authorize adjustments to the approved conditional use approval when~~
5 ~~such adjustments appear necessary in light of technical or engineering~~
6 ~~considerations first discovered during actual development and not~~
7 ~~reasonably anticipated during the initial approval process. Such~~
8 ~~adjustments shall be consistent with the intent and purpose of the~~
9 ~~conditional use approval as permitted, and shall be the minimum~~
10 ~~necessary to overcome the particular difficulty. No adjustment shall be~~
11 ~~inconsistent with the requirements of this chapter. Prior to considering~~
12 ~~action on such adjustments, the planning commission shall make inquiry~~
13 ~~of any person having information that may relate to the basis for~~
14 ~~consideration of an adjustment, but shall act as promptly and as~~
15 ~~expeditiously as possible. If the planning commission determines that an~~
16 ~~adjustment is necessary, it may, without public hearing, approve the~~
17 ~~following adjustments, provided that such adjustments do not have the~~
18 ~~effect of reducing the open space required under the provisions of section~~
19 ~~130-157:~~

- 20 1. ~~Alteration of the bulk regulations for any one structure by~~
21 ~~not more than five percent;~~
- 22 2. ~~Alteration of the location of any one structure or group of~~
23 ~~structures by not more than ten feet; and~~
- 24 3. ~~Alterations of such other requirements or conditions as~~
25 ~~were imposed in the approval of the conditional use or in approval~~
26 ~~of the final development plan by not more than five percent or, in~~
27 ~~the case of location, a variation of not more than ten feet from the~~
28 ~~location approved in the final plan, so long as in all cases such~~
29 ~~adjustments are in accord with the parameters established in the~~
30 ~~conditional use approval.~~

31 d. ~~In the event the building official has issued a temporary order stopping~~
32 ~~work as provided for herein, the planning commission shall, within 30~~
33 ~~working days from the date of the issuance of the temporary order:~~
34 1. ~~Proceed to revoke the conditional use approval; or~~
35 2. ~~Overrule the action of the building official, in which case~~
36 ~~the temporary order shall immediately become null and void.~~

37 (6) ~~Appeal before hearing officer.~~ The holder of a conditional use approval
38 ~~aggrieved by the decision of the planning commission made pursuant to~~
39 ~~subsection (b)(5) of this section may request an appeal before a hearing officer~~
40 ~~under chapter 102, article VI, division 2 by filing the notice required by that~~
41 ~~article within 30 days of the date of the written decision of the planning~~
42 ~~commission.~~

43
44 (e) ~~Other adjustments.~~ Any other adjustments or changes not specified in subsection (b) of
45 ~~this section shall be granted only in accordance with procedures for original approval of a~~
46 ~~conditional use, as set forth in section 110-63 et seq.~~

1
2 (b) Enforcement. Whenever the planning director has reason to believe the provisions and/or
3 conditions of a conditional use permit are being violated, he or she shall notify the
4 alleged violator by certified mail and require corrective action of the violation(s) within a
5 reasonable period of time, not to exceed thirty (30) days. If necessary, for the protection
6 of the public health, safety or welfare, the planning director may notify the building
7 official to issue a temporary order stopping any and all work on the development until
8 such time as the violation is cured. If the violation(s) is not corrected within the time
9 specified, the violation(s) shall be referred to the code compliance department for
10 enforcement.

11
12 (c) Deviations to a conditional use permit approval. Deviations may be made to
13 developments approved by conditional use permits and existing uses deemed to have
14 conditional use permits in accordance with section 101-4(c) as follows:

15
16 (1) Deviations that do not result in additional impact. After development approved
17 by a conditional use permit is complete pursuant to section 110-73(d),
18 improvements that do not result in additional impact may be approved as of right.
19 Such modifications are limited to the following:

- 20
21 a. Normal maintenance or repair to permit continuation of an approved use(s)
22 and/or structure(s);
23 b. Construction and/or installation of an accessory structure that does not reduce
24 the approved amount of open space for the site, does not alter any aspect of an
25 approved structure(s) and/or required landscaping, and meets all requirements
26 of this Land Development Code;
27 c. Replacement of an approved structure with a new structure that is for the same
28 use, within the same building footprint of the building to be replaced, and of
29 equal or lesser height of the building to be replaced. However in no event
30 shall the preceding language permit the continued existence of a
31 nonconforming use or nonconforming structure prohibited by chapter 102,
32 article III. Nonconformities;
33 d. Installation of additional landscaping or the replacement of approved
34 landscaping; or
35 e. Demolition of a structure that is not required by the development order.
36 f. For approved commercial retail uses only, a change of intensity from high to
37 medium or low or a change of intensity from medium to low.

38
39 The preceding improvements may not be permitted as of right if their approval
40 would result in a substantial change on the overall impact or intent of the
41 development order or violate a provision or condition of the development order.

42
43 (2) Minor Deviations. Minor deviations to conditional use permits may be approved
44 by the planning director. Such modifications are limited to the following:

- 45
46 a. Additional development that requires a deviation of up to 10 percent of one or

1 more the following requirements as follows:

- 2 1. Amount of off-street parking pursuant to section 114-67 or the approved
- 3 conditional use permit, whichever is more restrictive.
- 4 2. Amount of loading/unloading spaces pursuant to section 114-68 or the
- 5 approved conditional use permit, whichever is more restrictive;
- 6 3. Amount of landscaping pursuant to section 114-99 or the approved
- 7 conditional use permit, whichever is more restrictive;
- 8 4. Bufferyard width and/or plantings pursuant to sections 114-125 through
- 9 114-130 or the approved conditional use permit, whichever is more
- 10 restrictive;
- 11 5. Access pursuant to section 114-195 through 114-199 or the approved
- 12 conditional use permit, whichever is more restrictive;
- 13 6. Width of setbacks pursuant to section 130-186 or the approved conditional
- 14 use permit, whichever is more restrictive;
- 15 7. Amount of non-residential floor area pursuant to section 130-164 or the
- 16 approved conditional use permit, whichever is more restrictive; and/or
- 17 8. Amount of open space pursuant to sections 130-157, 130-162 and 130-164
- 18 or the approved conditional use permit, whichever is more restrictive.
- 19 b. Additional development that requires a deviation of up to 5 percent of one or
- 20 more the following requirements as follows:
- 21 1. Amount of dwelling units pursuant to section 130-157 or the approved
- 22 conditional use permit, whichever is more restrictive.
- 23 2. Amount of hotel-motel, recreational vehicle and/or institutional residential
- 24 dwelling units pursuant to section 130-162.
- 25 c. For approved commercial retail uses only, additional development or
- 26 redevelopment that requires a deviation of up to 10 percent of the approved
- 27 intensity in terms of trip generation.
- 28 d. Adjustments to the development plan schedule or phasing plan. However, in
- 29 no event may a minor deviation extend any final deadlines for completion as
- 30 such an approval may only be granted in accordance with subsection (a).

31 Development approved by a minor deviation shall be consistent with all

32 policies and requirements of the Comprehensive Plan and this Land

33 Development Code.

34 Concerning major conditional use permit approvals, regardless of compliance

35 with the preceding requirements, improvements or additional development

36 may not be permitted as a minor deviation if such would result in a substantial

37 change on the overall impact or intent of the development order or violate a

38 provision or condition of the development order. For approvals granted by the

39 planning commission, such improvements or additional development may

40 only be approved by a major deviation or an amendment to the major

41 conditional use permit.

42 Concerning minor conditional use permit approvals, regardless of compliance

43 with the preceding requirements, improvements or additional development

44

45

46

1 may not be permitted as a minor deviation if such would result in a substantial
2 change on the overall impact or intent of the development order. If the
3 development requiring the minor deviation meets the requirements, the
4 planning director may attach new conditions or adjust the original conditions
5 as necessary to carry out the purposes of the Comprehensive Plan and Land
6 Development Code and to prevent or minimize adverse effects on other
7 properties in the neighborhood.

8
9 Requests for minor deviations shall be submitted to the planning department
10 on a form prescribed by the planning director. Minor deviation approvals and
11 denials shall be provided to the applicant in writing and are subject to
12 administrative appeal to the planning commission.

13
14 (3) *Major Deviations to Minor Conditional Use Permits.* Major deviations to minor
15 conditional use permits may be approved by the planning director. Such
16 modifications are limited to the following:

17
18 a. Additional development that requires a deviation of 10.1 to 20 percent of one
19 or more the following requirements as follows:

20 1. Amount of off-street parking pursuant to section 114-67 or the approved
21 conditional use permit, whichever is more restrictive.

22 2. Amount of loading/unloading spaces pursuant to section 114-68 or the
23 approved conditional use permit, whichever is more restrictive;

24 3. Amount of landscaping pursuant to section 114-99 or the approved
25 conditional use permit, whichever is more restrictive;

26 4. Bufferyard width and/or plantings pursuant to sections 114-125 through
27 114-130 or the approved conditional use permit, whichever is more
28 restrictive;

29 5. Access pursuant to section 114-195 through 114-199 or the approved
30 conditional use permit, whichever is more restrictive;

31 6. Width of setbacks pursuant to section 130-186 or the approved conditional
32 use permit, whichever is more restrictive;

33 7. Amount of non-residential floor area pursuant to section 130-164 or the
34 approved conditional use permit, whichever is more restrictive; and/or

35 8. Amount of open space pursuant to sections 130-157, 130-162 and 130-164
36 or the approved conditional use permit, whichever is more restrictive.

37 b. Additional development that requires a deviation of 5.1 to 10 percent of one or
38 more the following requirements as follows:

39 1. Amount of dwelling units pursuant to section 130-157 or the approved
40 conditional use permit, whichever is more restrictive.

41 2. Amount of hotel-motel, recreational vehicle and/or institutional residential
42 dwelling units pursuant to section 130-162.

43 c. For approved commercial retail uses only, additional development or
44 redevelopment that requires a deviation of up to 10.1 to 20 percent of the
45 approved intensity in terms of trip generation.

46

1 Development approved by a major deviation shall be consistent with all
2 policies and requirements of the Comprehensive Plan and this Land
3 Development Code.

4
5 Regardless of compliance with the preceding requirements, improvements or
6 additional development may not be permitted as a major deviation if such
7 would result in a substantial change on the overall impact or intent of the
8 development order. If the development requiring the major deviation meets
9 the requirements, the planning director may attach new conditions or adjust
10 the original conditions as necessary to carry out the purposes of the
11 Comprehensive Plan and Land Development Code and to prevent or minimize
12 adverse effects on other properties in the neighborhood.

13
14 Requests for major deviations shall be submitted to the planning department
15 on a form prescribed by the planning director. Major deviation to minor
16 conditional use permit approvals and denials shall be provided to the applicant
17 in writing and are subject to administrative appeal to the planning
18 commission.

19
20 (4) *Major Deviations to Major Conditional Use Permits.* Major deviations to minor
21 conditional use permits may be approved by the planning commission. Such
22 modifications are limited to the following:

23
24 a. Additional development that requires a deviation of 10.1 to 20 percent of one
25 or more the following requirements as follows:

26 1. Amount of off-street parking pursuant to section 114-67 or the approved
27 conditional use permit, whichever is more restrictive.

28 2. Amount of loading/unloading spaces pursuant to section 114-68 or the
29 approved conditional use permit, whichever is more restrictive;

30 3. Amount of landscaping pursuant to section 114-99 or the approved
31 conditional use permit, whichever is more restrictive;

32 4. Bufferyard width and/or plantings pursuant to sections 114-125 through
33 114-130 or the approved conditional use permit, whichever is more
34 restrictive;

35 5. Access pursuant to section 114-195 through 114-199 or the approved
36 conditional use permit, whichever is more restrictive;

37 6. Width of setbacks pursuant to section 130-186 or the approved conditional
38 use permit, whichever is more restrictive;

39 7. Amount of non-residential floor area pursuant to section 130-164 or the
40 approved conditional use permit, whichever is more restrictive; and/or

41 8. Amount of open space pursuant to sections 130-157, 130-162 and 130-164
42 or the approved conditional use permit, whichever is more restrictive.

43 b. Additional development that requires a deviation of 5.1 to 10 percent of one or
44 more the following requirements as follows:

45 1. Amount of dwelling units pursuant to section 130-157 or the approved
46 conditional use permit, whichever is more restrictive.

1 2. Amount of hotel-motel, recreational vehicle and/or institutional residential
2 dwelling units pursuant to section 130-162.

3
4 c. For approved commercial retail uses only, additional development or
5 redevelopment that requires a deviation of up to 10.1 to 20 percent of the
6 approved intensity in terms of trip generation.

7
8 Development approved by a major deviation shall be consistent with all
9 policies and requirements of the Comprehensive Plan and this Land
10 Development Code.

11
12 Regardless of compliance with the preceding requirements, improvements or
13 additional development may not be permitted as a major deviation if such
14 would result in a substantial change on the overall impact or intent of the
15 development order. If the development requiring the major deviation meets
16 the requirements, the planning commission may attach new conditions or
17 adjust the original conditions as necessary to carry out the purposes of the
18 Comprehensive Plan and Land Development Code and to prevent or minimize
19 adverse effects on other properties in the neighborhood.

20
21 Requests for major deviations shall be submitted to the planning department
22 on a form prescribed by the planning director. Major deviations applications
23 shall be reviewed by the development review committee prior to the planning
24 commission public hearing. Major deviation to minor conditional use permit
25 approvals and denials shall be provided to the applicant in writing and are
26 subject to a hearing officer under chapter 102, article VI, division 2 by filing
27 the notice required by that article within 30 days of the date of the written
28 decision of the planning commission.

29
30 (5) Amendment to a Conditional Use Permit. Any adjustment, improvement or
31 additional development that is not permitted as of right, as minor deviation, or as
32 major deviation as set forth in subsections (c)(1), (c)(2), (c)(3) or (c)(4) shall be
33 processed as an amendment to a conditional use permit in accordance with section
34 110-74.

35
36 (6) Rounding. When units or measurements determining the required standards in
37 this section result in a fractional unit, any fraction up to and including one-half
38 shall be disregarded and fractions over one-half shall round to the next integer.

39
40 (7) Variances and waivers. Under no circumstances shall approval of a minor or
41 major deviation to a conditional use permit negate any requirement to obtain a
42 variance or waiver if the adjustments require such pursuant to this Land
43 Development Code. If a variance or waiver is necessary to show compliance
44 with any of the requirements set forth in subsections (c)(1), (c)(2), (c)(3) or (c)(4),
45 the variance or waiver shall be granted prior to the related minor or major
46 deviation approval.

1
2 (8) *Timeframe.* Deviations in accordance with this section may be approved during
3 construction or after issuance of a certificate of occupancy.
4

5 (d) *Inspections after development.*

6 (1) *Inspections by the Planning Department.* Following completion of the
7 development of a conditional use permit, the planning department shall review the
8 development for compliance with the use as approved. If it is determined that the
9 conditional use permit has been developed in accordance with the approval, then a
10 certificate of occupancy shall be issued in accordance with section 6-145. If the
11 planning director finds that the development, as completed, fails in any respect to
12 comply with the use as approved, he shall immediately notify the building
13 official, the planning commission, the board of county commissioners, and the
14 applicant of such fact. The building official shall not issue a certificate of
15 occupancy pursuant to section 6-145 until the planning commission has acted on
16 the planning director's notification of noncompliance.

17 (2) *Action by the planning commission.* Within 30 working days following
18 notification by the planning director, the commission shall:

- 19 a. Recommend that the finding of the planning director be overruled;
20 b. Recommend to the applicant modifications in the development to bring it into
21 accord with the terms and provisions of the final plan approval and the
22 conditional use permit; or
23 c. Revoke the conditional use permit, as well as all prior approvals and related or
24 resulting permits.

25 (3) *Appeal before hearing officer.* The holder of a conditional use permit approval
26 aggrieved by the decision of the planning ~~commission~~ director pursuant to
27 subsection (b)(~~5~~) of this section may request an appeal before a hearing officer
28 under chapter 102, article VI, division 2 by filing the notice required by that
29 article within 30 days of the date of the written decision of the planning
30 ~~commission~~ director.
31

32 IV RECOMMENDATION
33

34 Staff has found that the proposed text amendment would be consistent with the provisions of MCC
35 §102-158(d)(5)(b): 1. Changed projections (e.g., regarding public service needs) from those on
36 which the text or boundary was based; 2. Changed assumptions (e.g., regarding demographic
37 trends); 3. Data errors, including errors in mapping, vegetative types and natural features described
38 in volume I of the plan; 4. New issues; 5. Recognition of a need for additional detail or
39 comprehensiveness; or 6. Data updates. Specifically, staff has found that the proposed text
40 amendments are necessary due to Item 5 Recognition of a need for additional detail or
41 comprehensiveness.
42

43 Staff recommends the Planning Commission recommend the Board of County Commissioners
44 amend the 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 Planning & Environmental Resources
From: Barbara Mitchell, Senior Planner
Date: July 20, 2011
RE: *AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE 114-21, RECYCLING, TO IMPLEMENT A RECYCLABLE MATERIALS RECYCLING PROGRAM FOR MULTIFAMILY AND NONRESIDENTIAL DEVELOPMENTS; 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.*

Meeting: July 27, 2011 (continued from June 22, 2011)

18 I REQUEST

19

20 The Planning and Environmental Resources Department is proposing amendments to
21 establish the text of §114-21 of the Monroe County Code, which concerns the
22 implementation of the County's Recycling Master Plan.

23

24 II RELEVANT PRIOR ACTIONS AND BACKGROUND INFORMATION:

25

26 The State of Florida passed an amendment to Chapter 403.706, Local government solid
27 waste responsibilities. This legislation establishes specific goals for collection and reuse of
28 recyclable solid waste. The Monroe Solid Waste Department is in the process of developing
29 the recycling plan required by this legislation. In July 2009, the County began a single
30 stream recycling collection system that allowed residents to combine all recyclable materials
31 in a single container for curbside pickup.

32

33 Section 403.706(2)(c) requires local governments to implement ordinances that will require
34 commercial and multi-family properties to provide adequate space and containers for the
35 collection of recyclable material by the tenants and owners for properties that will receive a
36 Certificate of Occupancy by July 1, 2012. The amendment to Chapter 403.706 is included as
37 Attachment A.

38

1 The amendment to Chapter 403.706 includes a threshold population of 80,000. Monroe
2 County's current population (73,090) is beneath the 80,000 population criteria identified in
3 the subject statute (Source: U.S. Census Bureau, 2010 Census of Population, Public Law 94-
4 171 Redistricting Data File. Updated every 10 years)

5
6 III REVIEW
7

8 The current land development regulations do not have standards to implement the
9 aforementioned requirement. The US Green Building Council has provided guidelines for
10 the minimum recycling area for commercial buildings. These guidelines have been
11 incorporated and will serve the purpose of providing consistency with the requirements for
12 green building standards that are part of the LEED (Leadership in Energy and Environmental
13 Design) certification process.
14

15 During the June 22, 2011 Planning Commission meeting, the Commission reiterated their
16 commitment to recycling and the importance to Monroe County as a method of reducing
17 solid waste. At this meeting, the Commission continued the item and directed staff to
18 consider the impacts of the required recycling area size for commercial and multi-family
19 residential properties and carry out revisions to the proposed text if deemed necessary.
20

21 At the Planning Commission's direction, staff has deleted Minimum Dimensions for
22 residential recycling areas to provide more flexibility of design. To provide additional
23 flexibility for design, staff suggests a minimum setback of 5' from any side or rear property
24 line specifically for the location of recycling areas. In addition, staff has clarified the
25 requirement for implementation of this ordinance. Chapter 403.706 requires projects that
26 will receive a Certificate of Occupancy by July 1, 2012 and beyond provide areas for
27 recycling. Building Permits that do not require a Certificate of Occupancy are not required to
28 provide compliance with this ordinance although the applicant would be encouraged to do so.
29 Building Permits that include redevelopment of site design elements, such as renovation of
30 parking lots, changes, would be encouraged to incorporate areas for recycling.
31

32 Therefore, the Planning Department recommends the following changes (deletions are
33 ~~stricken through~~ and additions are underlined).
34

35 Sec. 114-21. Recycling.
36

37 Any nonresidential or multi-family residential development requiring a Certificate of
38 Occupancy or Certificate of Compliance on or after July 1, 2012 shall make adequate
39 provision for a recycling collection area in accordance with the following standards:
40

41 (1) Nonresidential Buildings:
42

43 The following are minimum space configurations per solid waste / recycling collection
44 area:
45

<u>Floor Area (square feet)</u>	<u>Minimum Collection Area (square feet)</u>
---------------------------------	--

<u>0 to 5,000</u>	<u>82</u>
<u>5,001 to 15,000</u>	<u>125</u>
<u>15,001 to 50,000</u>	<u>175</u>
<u>50,001 to 100,000</u>	<u>225</u>
<u>100,001 or greater</u>	<u>275</u>

1
2 (2) Multi-family Residential Developments:

3
4 The following are minimum space configurations per solid waste / recycling collection
5 area:
6

<u>Residential Dwelling Units</u>	<u>Minimum Collection Area (square feet)</u>
<u>3 to 10</u>	<u>144</u>
<u>11 to 15</u>	<u>216</u>
<u>16 to 30</u>	<u>240</u>
<u>31 to 35</u>	<u>264</u>

7
8 For multi-family residential developments consisting of 36 to 50 units, there shall be at
9 least two collection areas that, combined, meet minimum space configurations.

10
11 For multi-family residential developments consisting of more than 50 units, there shall at
12 least one collection area per 25 residential dwelling units that meets the minimum space
13 configurations.

14
15 Combinations of collection areas that, in total, meet the standards are also acceptable.

16
17 (3) Generally, the minimum collection areas shown above provide enough area for a typical
18 solid waste container (i.e. dumpster). If the collection area requires multiple solid waste
19 containers, then a minimum area of 6 feet by 10 feet (60 square feet) per each additional
20 solid waste container is recommended.

21
22 (4) Setback. Notwithstanding the provisions of section 130-186, a collection area may be set
23 back five (5) feet from any side yard property line.

24
25 (6) Screening. Collection areas shall be screened on at least three sides. Screening shall
26 consist of a solid or semi-opaque enclosure that shall not exceed six feet in height. The
27 enclosure shall provide a minimum of 1'6" clearance on each side of the container.

28
29 (7) Enclosure Design. Area required is measured from the interior dimensions of the
30 enclosure. Enough room should be provided to move and lift containers. The design of
31 the enclosure should make it easy to keep container lids shut at all times.

32
33 (7) Location. Exterior collection areas should be located in an area accessible and convenient
34 to the intended users (Typically no more that 200 feet from the farthest user). The
35 location of the collection area should not interfere with the primary use of the site. It
36 should be located in areas that can tolerate noise, odor and increased pedestrian and

1 vehicle traffic. The collection area should be designed to be easily accessible by all
2 collection vehicles.

3
4 IV RECOMMENDATION

5
6 Staff has found that the proposed text amendment would be consistent with the provisions of
7 MCC §102-158(d)(5)(b): 1. Changed projections (e.g., regarding public service needs) from
8 those on which the text or boundary was based; 2. Changed assumptions (e.g., regarding
9 demographic trends); 3. Data errors, including errors in mapping, vegetative types and
10 natural features described in volume I of the plan; 4. New issues; 5. Recognition of a need for
11 additional detail or comprehensiveness; or 6. Data updates. Specifically, staff has found that
12 the proposed text amendments are necessary due to Item 4 New Issues (Amendment to
13 Chapter 403.706 Fla. Stat.) and Item 5 Recognition of a need for additional detail or
14 comprehensiveness.

15
16 Staff recommends the Planning Commission recommend the Board of County
17 Commissioners amend the Monroe County Code as stated in the text of this staff report.

ATTACHMENT A

The 2010 Florida Statutes (including Special Section A) 403.706 Local government solid waste responsibilities.

(1) The governing body of a county has the responsibility and power to provide for the operation of solid waste disposal facilities to meet the needs of all incorporated and unincorporated areas of the county. Unless otherwise approved by an interlocal agreement or special act, municipalities may not operate solid waste disposal facilities unless a municipality demonstrates by a preponderance of the evidence that the use of a county designated facility, when compared to alternatives proposed by the municipality, places a significantly higher and disproportionate financial burden on the citizens of the municipality when compared to the financial burden placed on persons residing within the county but outside of the municipality. However, a municipality may construct and operate a resource recovery facility and related onsite solid waste disposal facilities without an interlocal agreement with the county if the municipality can demonstrate by a preponderance of the evidence that the operation of such facility will not significantly impair financial commitments made by the county with respect to solid waste management services and facilities or result in significantly increased solid waste management costs to the remaining persons residing within the county but not served by the municipality's facility. This section shall not prevent a municipality from continuing to operate or use an existing disposal facility permitted on or prior to October 1, 1988. Any municipality which establishes a solid waste disposal facility under this subsection and subsequently abandons such facility shall be responsible for the payment of any capital expansion necessary to accommodate the municipality's solid waste for the remaining projected useful life of the county disposal facility. Pursuant to this section and notwithstanding any other provision of this chapter, counties shall have the power and authority to adopt ordinances governing the disposal of solid waste generated outside of the county at the county's solid waste disposal facility. In accordance with this section, municipalities are responsible for collecting and transporting solid waste from their jurisdictions to a solid waste disposal facility operated by a county or operated under a contract with a county. Counties may charge reasonable fees for the handling and disposal of solid waste at their facilities. The fees charged to municipalities at a solid waste management facility specified by the county shall not be greater than the fees charged to other users of the facility except as provided in s. 403.7049(5). Solid waste management fees collected on a countywide basis shall be used to fund solid waste management services provided countywide.

(2)(a) Each county shall implement a recyclable materials recycling program that shall have a goal of recycling recyclable solid waste by 40 percent by December 31, 2012; 50 percent by December 31, 2014; 60 percent by December 31, 2016; 70 percent by December 31, 2018; and 75 percent by December 31, 2020. Counties and municipalities are encouraged to form cooperative arrangements for implementing recycling programs.

(b) In order to assist counties in attaining the goals set forth in paragraph (a), the Legislature finds that the recycling of construction and demolition debris fulfills an

important state interest. Therefore, each county must implement a program for recycling construction and demolition debris.

(c) In accordance with applicable local government ordinances, newly developed property receiving a certificate of occupancy, or its equivalent, on or after July 1, 2012, that is used for multifamily residential or commercial purposes, must provide adequate space and an adequate receptacle for recycling by tenants and owners of the property. This provision is limited to counties and municipalities that have an established residential, including multifamily, or commercial recycling program that provides recycling receptacles to residences and businesses and regular pickup services for those receptacles.

(d) If, by January 1 of 2013, 2015, 2017, 2019, or 2021, the county, as determined by the department in accordance with applicable rules, has not reached the recycling goals as set forth in paragraph (a), the department may direct the county to develop a plan to expand recycling programs to existing commercial and multifamily dwellings, including, but not limited to, apartment complexes.

(e) If the state's recycling rate for the 2013 calendar year is below 40 percent; below 50 percent by January 1, 2015; below 60 percent by January 1, 2017; below 70 percent by January 1, 2019; or below 75 percent by January 1, 2021, the department shall provide a report to the President of the Senate and the Speaker of the House of Representatives. The report shall identify those additional programs or statutory changes needed to achieve the goals set forth in paragraph (a). The report shall be provided no later than 30 days prior to the beginning of the regular session of the Legislature. The department is not required to provide a report to the Legislature if the state reaches its recycling goals as described in this paragraph.

(f) Such programs shall be designed to recover a significant portion of at least four of the following materials from the solid waste stream prior to final disposal at a solid waste disposal facility and to offer these materials for recycling: newspaper, aluminum cans, steel cans, glass, plastic bottles, cardboard, office paper, and yard trash. Local governments which operate permitted waste-to-energy facilities may retrieve ferrous and nonferrous metal as a byproduct of combustion.

(g) Local governments are encouraged to separate all plastics, metal, and all grades of paper for recycling prior to final disposal and are further encouraged to recycle yard trash and other mechanically treated solid waste into compost available for agricultural and other acceptable uses.

(h) The department shall adopt rules establishing the method and criteria to be used by a county in calculating the recycling rates pursuant to this subsection.

(i) Each county is encouraged to consider plans for composting or mulching organic materials that would otherwise be disposed of in a landfill. The composting or mulching plans are encouraged to address partnership with the private sector.

(3) Each county shall ensure, to the maximum extent possible, that municipalities within its boundaries participate in the preparation and implementation of recycling and solid waste management programs through interlocal agreements pursuant to s. 163.01 or other means provided by law. Nothing in a county's solid waste management or recycling program shall affect the authority of a municipality to franchise or otherwise provide for the collection of solid waste generated within the boundaries of the municipality.

(4)(a) In order to promote the production of renewable energy from solid waste, each megawatt-hour produced by a renewable energy facility using solid waste as a fuel shall count as 1 ton of recycled material and shall be applied toward meeting the recycling goals set forth in this section. If a county creating renewable energy from solid waste implements and maintains a program to recycle at least 50 percent of municipal solid waste by a means other than creating renewable energy, that county shall count 2 tons of recycled material for each megawatt-hour produced. If waste originates from a county other than the county in which the renewable energy facility resides, the originating county shall receive such recycling credit. Any county that has a debt service payment related to its waste-to-energy facility shall receive 1 ton of recycled materials credit for each ton of solid waste processed at the facility. Any byproduct resulting from the creation of renewable energy does not count as waste.

(b) A county may receive credit for one-half of the recycling goal set forth in subsection (2) from the use of yard trash, or other clean wood waste or paper waste, in innovative programs including, but not limited to, programs that produce alternative clean-burning fuels such as ethanol or that provide for the conversion of yard trash or other clean wood waste or paper waste to clean-burning fuel for the production of energy for use at facilities other than a waste-to-energy facility as defined in s. 403.7061. The provisions of this paragraph apply only if a county can demonstrate that:

1. The county has implemented a yard trash mulching or composting program, and
2. As part of the program, compost and mulch made from yard trash is available to the general public and in use at county-owned or maintained and municipally owned or maintained facilities in the county and state agencies operating in the county as required by this section.

(c) A county with a population of 100,000 or less may provide its residents with the opportunity to recycle in lieu of achieving the goal set forth in this section. For the purposes of this section, the “opportunity to recycle” means that the county:

- 1.a. Provides a system for separating and collecting recyclable materials prior to disposal that is located at a solid waste management facility or solid waste disposal area; or
- b. Provides a system of places within the county for collection of source separate recyclable materials.
2. Provides a public education and promotion program that is conducted to inform its residents of the opportunity to recycle, encourages source separation of recyclable materials, and promotes the benefits of reducing, reusing, recycling, and composting materials.

(5) As used in this section, “municipal solid waste” includes any solid waste, except for sludge, resulting from the operation of residential, commercial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. The term includes yard trash but does not include solid waste from industrial, mining, or agricultural operations.

(6) The department may reduce or modify the municipal solid waste recycling goal that a county is required to achieve pursuant to subsection (2) if the county demonstrates to the department that:

- (a) The achievement of the goal set forth in subsection (2) would have an adverse effect on the financial obligations of a county that are directly related to a waste-to-energy facility owned or operated by or on behalf of the county; and
- (b) The county cannot remove normally combustible materials from solid waste that is to be processed at a waste-to-energy facility because of the need to maintain a sufficient amount of solid waste to ensure the financial viability of the facility.

The goal shall not be waived entirely and may only be reduced or modified to the extent necessary to alleviate the adverse effects of achieving the goal on the financial viability of a county's waste-to-energy facility. Nothing in this subsection shall exempt a county from developing and implementing a recycling program pursuant to this act.

(7) In order to assess the progress in meeting the goal set forth in subsection (2), each county shall, by April 1 each year, provide information to the department regarding its annual solid waste management program and recycling activities.

(a) The information submitted to the department by the county must, at a minimum, include:

- 1. The amount of municipal solid waste disposed of at solid waste disposal facilities, by type of waste such as yard trash, white goods, clean debris, tires, and unseparated solid waste;
- 2. The amount and type of materials from the municipal solid waste stream that were recycled; and
- 3. The percentage of the population participating in various types of recycling activities instituted.

b) Beginning with the data for the 2012 calendar year, the department shall by July 1 each year post on its website the recycling rates of each county for the prior calendar year.

(8) A county or municipality may enter into a written agreement with other persons, including persons transporting solid waste on October 1, 1988, to undertake to fulfill some or all of the county's or municipality's responsibilities under this section.

(9) In the development and implementation of a curbside recyclable materials collection program, a county or municipality shall enter into negotiations with a franchisee who is operating to exclusively collect solid waste within a service area of a county or municipality to undertake curbside recyclable materials collection responsibilities for a county or municipality. If the county or municipality and such franchisee fail to reach an agreement within 60 days from the initiation of such negotiations, the county or municipality may solicit proposals from other persons to undertake curbside recyclable materials collection responsibilities for the county or municipality as it may require. Upon the determination of the lowest responsible proposal, the county or municipality may undertake, or enter into a written agreement with the person who submitted the lowest responsible proposal to undertake, the curbside recyclable materials collection

responsibilities for the county or municipality, notwithstanding the exclusivity of such franchise agreement.

(10) In developing and implementing recycling programs, counties and municipalities shall give consideration to the collection, marketing, and disposition of recyclable materials by persons engaged in the business of recycling, whether or not the persons are operating for profit. Counties and municipalities are encouraged to use for-profit and nonprofit organizations in fulfilling their responsibilities under this act.

(11) A county and the municipalities within the county's boundaries may jointly develop a recycling program, provided that the county and each such municipality must enter into a written agreement to jointly develop a recycling program. If a municipality does not participate in jointly developing a recycling program with the county within which it is located, the county may require the municipality to provide information on recycling efforts undertaken within the boundaries of the municipality in order to determine whether the goal for municipal solid waste reduction is being achieved.

(12) It is the policy of the state that a county and its municipalities may jointly determine, through an interlocal agreement pursuant to s. 163.01 or by requesting the passage of special legislation, which local governmental agency shall administer a solid waste management or recycling program.

(13) The county shall provide written notice to all municipalities within the county when recycling program development begins and shall provide periodic written progress reports to the municipalities concerning the preparation of the recycling program.

(14) Nothing in this act shall be construed to prevent the governing body of any county or municipality from providing by ordinance or regulation for solid waste management requirements which are stricter or more extensive than those imposed by the state solid waste management program and rules, regulations, and orders issued thereunder.

(15) Nothing in this act or in any rule adopted by any agency shall be construed to require any county or municipality to participate in any regional solid waste management or regional resource recovery program until the governing body of such county or municipality has determined that participation in such a program is economically feasible for that county or municipality. Nothing in this act or in any special or local act or in any rule adopted by any agency shall be construed to limit the authority of a municipality to regulate the disposal of solid waste within its boundaries or generated within its boundaries so long as a facility for any such disposal has been approved by the department, unless the municipality is included within a solid waste management program created by interlocal agreement or special or local act. If bonds had been issued to finance a resource recovery or management program or a solid waste management program in reliance on state law granting to a county the responsibility for the resource recovery or management program or a solid waste management program, nothing herein shall permit any governmental agency to withdraw from said program if said agency's

participation is necessary for the financial feasibility of the project, so long as said bonds are outstanding.

(16) Nothing in this chapter or in any rule adopted by any state agency hereunder shall require any person to subscribe to any private solid waste collection service.

(17) To effect the purposes of this part, counties and municipalities are authorized, in addition to other powers granted pursuant to this part:

(a) To contract with persons to provide resource recovery services or operate resource recovery facilities on behalf of the county or municipality.

(b) To indemnify persons providing resource recovery services or operating resource recovery facilities for liabilities or claims arising out of the provision or operation of such services or facilities that are not the result of the sole negligence of the persons providing such services or operating such facilities.

(c) To waive sovereign immunity and immunity from suit in federal court by vote of the governing body of the county or municipality to the extent necessary to carry out the authority granted in paragraphs (a) and (b), notwithstanding the limitations prescribed in s. 768.28.

(d) To grant a solid waste fee waiver to nonprofit organizations that are engaged in the collection of donated goods for charitable purposes and that have a recycling or reuse rate of 50 percent or better.

(18) Each operator of a solid waste management facility owned or operated by or on behalf of a county or municipality shall weigh all solid waste when it is received. The scale used to measure the solid waste shall conform to the requirements of chapter 531 and any rules promulgated thereunder.

(19) In the event the power to manage solid waste has been granted to a special district or other entity by special act or interlocal agreement, any duty or responsibility or penalty imposed under this part on a county or municipality shall apply to such special district or other entity to the extent of the grant of such duty or responsibility or imposition of such penalty. To the same extent, such special district or other entity shall be eligible for grants or other benefits provided pursuant to this part.

(20) In addition to any other penalties provided by law, a local government that does not comply with the requirements of subsections (2) and (4) shall not be eligible for grants from the Solid Waste Management Trust Fund, and the department may notify the Chief Financial Officer to withhold payment of all or a portion of funds payable to the local government by the department from the General Revenue Fund or by the department from any other state fund, to the extent not pledged to retire bonded indebtedness, unless the local government demonstrates that good faith efforts to meet the requirements of subsections (2) and (4) have been made or that the funds are being or will be used to finance the correction of a pollution control problem that spans jurisdictional boundaries.

(21) Local governments are authorized to enact ordinances that require and direct all residential properties, multifamily dwellings, and apartment complexes and industrial,

commercial, and institutional establishments as defined by the local government to establish programs for the separation of recyclable materials designated by the local government, which recyclable materials are specifically intended for purposes of recycling and for which a market exists, and to provide for their collection. Such ordinances may include, but are not limited to, provisions that prohibit any person from knowingly disposing of recyclable materials designated by the local government and that ensure the collection of recovered materials as necessary to protect public health and safety.

(22) Nothing in this act shall limit the authority of the state or any local government to regulate the collection, transportation, processing, or handling of recovered materials or solid waste in order to protect the public health, safety, and welfare.



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 Planning & Environmental Resources
From: Barbara Mitchell, Senior Planner
Date: July 20, 2011
RE: *AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING MONROE COUNTY CODE SECTIONS 101-1, DEFINITIONS, AND 118-12(M)(4), SHORELINE SETBACK, DOCKING FACILITIES, ADJACENT PARCEL, TO CLARIFY WHAT ELEMENTS OF DOCKING FACILITIES MAY BE PERMITTED ON ADJACENT PARCELS OF LAND, 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.*

Meeting: July 27, 2011 (continued from June 22, 2011)

1 I REQUEST

2
3 The Planning and Environmental Resources Department is proposing amendments to the text
4 of §101-1 and §118-12(m)(4) of the Monroe County Code, concerning accessory use of
5 adjacent land and to clarify what elements of docking facilities may be permitted on adjacent
6 parcels of land.
7

8 II RELEVANT PRIOR ACTIONS AND BACKGROUND INFORMATION:

9
10 In 2006, the Board of County Commissioners (BOCC) approved Ordinance #036-2006 to
11 amend the Monroe County Code (MCC) to permit docking facilities on lands within 500 feet
12 of land containing the principal structure under certain conditions. Related to this current
13 proposed amendment, Ordinance #036-2006 stated that water service may be provided by
14 single hose bib and expressly prohibited electric service. However, the ordinance was
15 rejected by the Florida Department of Community Affairs (DCA), primarily because the
16 distance of 500 feet between the principal use parcel and the accessory use parcel. The DCA
17 also deemed it inconsistent regarding development on Tier I lands. Therefore, the
18 amendments approved by Ordinance #036-2006 are not within the MCC.
19

20 In 2009, the Planning Commission directed staff to further evaluate allowing additional
21 accessory uses on adjacent properties, including some uses related to docking facilities (note:
22 docking facilities without electric and water service on adjacent land are already permitted).

23 Staff presented a proposed text amendment that was similar to Ordinance #036-2006;
24 however it allowed development beyond that related to docking facilities and the elements
25 thereof. This draft ordinance was discussed during several public hearings held throughout
26 the summer and fall of 2009. Ultimately staff recommended denial of the proposed text
27 amendment due to the impact of storage on vacant lots in residential neighborhoods. The
28 draft ordinance did not progress beyond the Planning Commission.

29
30 III REVIEW

31
32 The Department of Planning and Environmental Resources has drafted the proposed text
33 amendment to allow limited electric and water service for docking facilities located on
34 adjacent parcels of land where the principal use is residential in nature. Several property
35 owners have approached the Growth Management Division requesting that such an
36 amendment be processed in part due to the need to provide electric service to davits and boat
37 lifts, which are considered components of docking facilities.

38
39 Furthermore, this text amendment proposes a definition for “adjacent parcels” to clarify the
40 difference between adjacent landowners and adjacent parcels of land. The definition for
41 adjacent landowners provides the criteria required for public notice procedures and remains
42 unchanged. The definition for an adjacent parcel of land is added to clarify the criteria used
43 as part of the development review process. In addition, a formatting change to the definition
44 of accessory uses is proposed.

45
46 Therefore, the Planning Department recommends the following changes (deletions are
47 ~~stricken through~~ and additions are underlined).

48
49 **Sec. 101-1. Definitions.**

50
51 * * * * *
52
53 ~~Accessory uses or accessory structures means a use or structure that is subordinate to and~~
54 ~~serves a principal use or structure; is subordinate in area, extent and purpose to the principal~~
55 ~~use or structure served; contributes to the comfort, convenience or necessity of occupants of~~
56 ~~the principal use or structure served; and is located on the same lot or on contiguous lots~~
57 ~~under the same ownership and in the same land use district as the principal use or structure.~~
58 ~~Accessory uses include the utilization of yards for home gardens, provided that the produce~~
59 ~~of the garden is for noncommercial purpose; however, in no event shall an accessory use or~~
60 ~~structure be construed to authorize a use or structure not otherwise permitted in the district in~~
61 ~~which the principal use is located, and in no event shall an accessory use or structure be~~
62 ~~established prior to the principal use to which it is accessory. Accessory uses shall not~~
63 ~~include guest units or any other potentially habitable structures. Habitable structures are~~
64 ~~considered to be dwelling units as defined in this section.~~

65
66 Accessory use or accessory structure means a use or structure that:
67 (a) Is subordinate to and serves an existing principal use or principal structure; and
68 (b) Is subordinate in area, extent and purpose to an existing principal use or principal

- structure served; and
 - (c) Contributes to the comfort, convenience or necessity of occupants of the principal use or principal structure served; and
 - (d) Is located on the same lot/parcel or on a lot/parcel that is under the same ownership as the lot/parcel on which the principal use or principal structure is located; and
 - (e) Is located on the same lot/parcel or on a contiguous lot/parcel as an existing principal use or principal structure, excluding accessory docking facilities that may be permitted on adjacent lots/parcels pursuant to section 118-12; and
 - (f) Is located in the same Land Use (Zoning) District as the principal use or principal structure, excluding off-site parking facilities pursuant to section 114-67.
- Accessory uses include the utilization of yards for home gardens, provided that the produce of the garden is for noncommercial purpose. In no event shall an accessory use or structure be established prior to the principal use to which it is accessory. Accessory uses shall not include guest units or any other potentially habitable structures. Habitable structures are considered to be dwelling units as defined in this section.

Adjacent landowner means an owner of land sharing a boundary with another parcel of land. For purposes of ~~the plan~~ this Land Development Code, an intervening road, right-of-way, or easement ~~or canal~~ shall not destroy the adjacency of the two parcels.

Adjacent parcel means a parcel of land sharing a boundary with another parcel of land at one or more points of intersection. For purposes of this Land Development Code, an intervening road, right-of-way or easement shall not destroy the adjacency of the two parcels.

* * * * *

Dock or docking facility means a fixed or floating structure built and used for the landing, berthing, and/or mooring of vessels or waterraft either temporarily or indefinitely. Docking facilities include, but are not limited to, wharves, piers, quays, slips, basins, ramps, posts, cleats, davits, piles or any other ~~structures~~ appurtenances or attachment thereto. For the purposes of this ~~chapter~~ Land Development Code, docks shall not include "water access walkways" as defined in this section.

* * * * *

Section 118-12. Shoreline Setback.

* * * * *

(m) *Docking facilities.* Docking facilities shall be permitted, provided that:

* * * * *

(4) *Adjacent parcel.* Notwithstanding the provisions of the ~~definition~~ definitions of

115 "accessory use or accessory structure" and "adjacent parcel" in section 101-1, docks
116 or docking facilities may be constructed on adjacent parcels under the same
117 ownership and within the same ~~zoning-district~~ Land Use (Zoning) District, provided
118 that a legally established principal use and/or structure exists on one parcel. In the
119 event that ownership of the adjacent parcel containing such an accessory dock is
120 severed from the parcel containing the principal use/structure, the dock and any other
121 improvements must be removed and the shoreline restored.

122
123 Utilities may be permitted for docks or docking facilities located on adjacent parcels,
124 however limited in the following manner:

- 125 a. The principal use served by the accessory dock or docking facility shall be a
126 single-family residence or two-family residence (duplex).
127 b. Electrical service shall be limited to 100 amp limited power service with a
128 maximum of four 20 amp circuits provided a sub meter is obtained from the
129 lot or parcel on which the single family residence or two-family residence is
130 located. Electric service may be permitted for dock or docking facility use
131 only.
132 c. Water service shall be limited to a single hose bib and metered from the lot or
133 parcel on which the single family residence or two-family residence is located.
134 d. Use of the dock or docking facility shall be restricted to occupants of the
135 principal residential use. Use by any other persons or entities shall be
136 expressly prohibited.
137 e. Parking of motorized vehicles or trailers is prohibited.
138 f. Storing of boats on a dry portion of the lot or parcel that is not considered part
139 of a dock or docking facility is prohibited.
140 g. Outdoor storage is prohibited.

141 142 IV RECOMMENDATION

143
144 Staff has found that the proposed text amendment would be consistent with the provisions of MCC
145 §102-158(d)(5)(b): 1. Changed projections (e.g., regarding public service needs) from those on
146 which the text or boundary was based; 2. Changed assumptions (e.g., regarding demographic
147 trends); 3. Data errors, including errors in mapping, vegetative types and natural features described
148 in volume I of the plan; 4. New issues; 5. Recognition of a need for additional detail or
149 comprehensiveness; or 6. Data updates. Specifically, staff has found that the proposed text
150 amendments are necessary due to Item 5 Recognition of a need for additional detail or
151 comprehensiveness.

152
153 Staff recommends the Planning Commission recommend the Board of County Commissioners
154 amend the 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
From: Barbara Bauman, Planner
Date: July 18, 2011
Subject: *Request for a 5COP (beer, wine and liquor, on premise and package) Alcoholic Beverage Special Use Permit, 99020 Overseas Highway, Key Largo, Real Estate # 00522411.000400 (File # 2011-062)*

Meeting: July 27, 2011

1 I REQUEST:

2
3 The Applicant is requesting approval of a 5COP (beer, wine and liquor, on premise and
4 package) alcoholic beverage special use permit.
5



Subject Property (outlined in blue) (2009)



1
2 Location:

3 Address: 99020 Overseas Highway, Key Largo, approximate mile marker 99.2 (Median
4 of US 1)
5

6 Legal Description: Tracts D, E, and F Cape Subdivision, (PB6-92), Key Largo
7

8 Real Estate (RE) Number: 00522411.000400
9

10
11 Applicant:

12 Property Owner: Immanuel Investments, Inc., dba Mrs. Mac's Kitchen II
13
14
15

16 **II RELEVANT PRIOR COUNTY ACTIONS:**

17
18 In 1984, Building Permit #C-15691 was issued for land clearing and to construct the existing
19 85' x 35' commercial retail building (in the form of a restaurant, Pizza Hut). The building,
20 which consists of 2,975 SF of commercial retail floor area, is deemed to have a minor
21 conditional use permit.
22

23 The nonresidential building is currently vacant. Recently, Building Permit #113-2378 was
24 issued for renovations and the property owner plans to reopen as a new restaurant, to do
25 business as Mrs. Mac's Kitchen II.
26

27 **III BACKGROUND INFORMATION:**

- 28
29 A. Size of Site: 35,458 SF (0.81 acres)
30 B. Land Use District: SC (Suburban Commercial)
31 C. Future Land Use Map (FLUM) Designation: Mixed Use/Commercial (MC)
32 D. Tier Designation: Tier 3
33 E. Existing Use: Vacant Building (formerly used as commercial retail and restaurant)
34 F. Existing Vegetation / Habitat: Scarified
35 G. Community Character of Immediate Vicinity: Mixed Use: Commercial Retail, Office,
36 Institutional and Residential
37 H. Flood Zone: X
38

39 **IV REVIEW OF APPLICATION:**

40
41 Pursuant to MCC §3-6(e), the Planning Commission shall give due consideration to the
42 following factors as they may apply to the particular application prior to rendering its
43 decision to grant or deny the requested permit:
44

45 *(1) The effect of such use upon surrounding properties and the immediate neighborhood as*
46 *represented by property owners within 500 feet of the premises:*
47

48 The subject property is within a SC district. Commercial retail uses, which include
49 restaurants, are permitted. The existing nonresidential commercial building was

1 previously used as a restaurant (Pizza Hut) and is now undergoing renovations to reopen
2 as a new restaurant.

3
4 The surrounding properties are developed with a variety of uses, including commercial
5 retail (including other restaurants), office, institutional (including a church) and
6 residential.

7
8 However, currently there is no business in the immediate vicinity that has an alcoholic
9 beverage special use permit. Prior to the Pizza Hut closing, the operator held a 1COP
10 (beer, on premise and package) alcoholic beverage license. However, as of March 31,
11 2006, the license became null and void.

12
13 Staff does not anticipate that an approved 5COP alcoholic beverage license will impact
14 neighboring properties.



Land Use District Map

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35
36 (2) *The suitability of the premises in regard to its location, site characteristics and intended
37 purpose. Lighting on the permitted premises shall be shuttered and shielded from
38 surrounding properties, and construction of such permitted properties will be
39 soundproofed. In the event music and entertainment is permitted, the premises shall be
40 air conditioned:*

41
42 The commercial retail building in which the alcohol sales would occur is already
43 approved to exist in its current configuration. The building was approved for commercial
44 retail use, at its current size and intensity.

1 No changes to the existing structure or lighting are proposed or required. If additional
2 lighting is proposed in the future, it will require a building permit and to be shuttered and
3 shielded from surrounding properties.
4

5 There is no outdoor seating area located on site. Any music and entertainment will be
6 located inside the air conditioned building. In the future, if outdoor seating or use is
7 proposed, it shall be required to receive approval from Monroe County.
8

9 *(3) Access, traffic generation, road capacities, and parking requirements:*
10

11 The site has sufficient and appropriate access points from southbound and northbound US
12 1. Prior building permit records pertaining to the site have indicated a total approved
13 enclosed floor area of 2,975 SF. The site parking is lawfully conforming with 42 parking
14 spaces, including two (2) handicap-accessible parking spaces, and a loading zone.
15 However, it should be noted that the location of the existing parking is lawfully non-
16 conforming as parking spaces along the property lines southbound and northbound of US
17 1 are within the currently required front yard setbacks.
18

19 The applicant did not submit a traffic impact study. However, based on studies generated
20 for similar applications, staff does not anticipate that an approved 5COP alcoholic
21 beverage special use permit will significantly or notably increase traffic to the site and the
22 site is already approved for commercial retail use. The reserve capacities along this
23 segment of US 1 are adequate.
24

25 *(4) Demands upon utilities, community facilities and public services:*
26

27 It is not anticipated that the issuance of a 5COP license will increase demands on utilities,
28 community facilities, or public services as the site has operated as commercial retail
29 approximately 27 years.
30

31 *(5) Compliance with the county's restrictions or requirements and any valid regulations:*
32

33 The site, as well as the development thereon, currently is in compliance or is lawfully
34 nonconforming with the County's restrictions, requirements and regulations.
35

36 **V RECOMMENDATION:**
37

38 Staff recommends approval to the Planning Commission for a 5COP Alcoholic Beverage
39 Special Use Permit with the following conditions. Note: Valid objections from surrounding
40 property owners found to be adversely affected may lead the Planning and Environmental
41 Resources Department to reevaluate the recommendation:
42

- 43 A. Alcoholic Beverage Special Use Permits issued by virtue of the Monroe County Code
44 shall be deemed to be a privilege running with the land. The sale of the real property
45 which has been granted an Alcoholic Beverage Special Use Permit shall
46 automatically vest the purchaser thereof with all rights and obligations originally

1 granted or imposed to or on the applicant. Such privilege may not be separated from
2 the fee simple interest in the realty.
3

4 B. In the event that the holder's license by the Department of Business and Professional
5 Regulation of the State of Florida expires and lapses, this Alcoholic Beverage Special
6 Use Permit approval shall be null and void as of the date of that expiration.
7 Additional approval by the Planning Commission shall be required to renew the
8 Alcoholic Beverage Special Use Permit.
9

10 C. Alcohol consumption shall occur only within seating areas approved by the Monroe
11 County Planning & Environmental Resources Department.
12

13 D. In the event the applicant is unable to secure a 5COP alcoholic beverage license from
14 the Department of Business and Professional Regulation of the State of Florida, then
15 this approval will allow the applicant to apply for a more restrictive license, including
16 but not limited to, a 5SRX, 2COP or 1COP alcoholic beverage license
17

1 **Attachment: Monroe County Code Section 3-6. Alcoholic Beverages**
2

3 (a) *Purpose and Intent:* This section is designed and intended to provide for reasonable regulation and control over
4 the sale of alcoholic beverages within the unincorporated areas of Monroe County by establishing an alcoholic
5 beverage use permit procedure and providing criteria to be utilized to assure that all future proliferation of alcoholic
6 beverage use enterprises within the unincorporated areas of the county be compatible with adjoining and
7 surrounding land uses and the county's comprehensive plan, and that alcoholic beverage use permits not be granted
8 where such uses will have an adverse impact upon the health, safety and welfare of the citizens and residents of the
9 county. All persons, firms, partnerships or corporations who have received approval from the zoning board or board
10 of county commissioners under the former provisions of section 19-218 of the Monroe County Code, as same
11 heretofore existed, shall retain all rights and privileges heretofore granted under said section.
12

13 (b) *Permits:* After the effective date of this ordinance, all persons, firms, partnerships or corporations desiring to
14 sell alcoholic beverages upon any premises located within the unincorporated areas of Monroe County and who
15 desire to do so upon a premises not heretofore approved by the zoning board or board of county commissioners
16 under the former section 19-218, shall obtain an alcoholic beverage use permit utilizing the procedure outlined in
17 subsection (d) below.
18

19 (c) *Classifications:* Corresponding to those alcoholic beverage license classifications as heretofore and hereafter
20 adopted by the State of Florida, alcoholic beverage use permits hereafter issued pursuant to this ordinance shall be
21 classified as follows:

- 22 (1) 1APS: Beer, package only;
- 23 (2) 1COP: Beer, on-premises and package;
- 24 (3) 2APS: Beer and wine, package only;
- 25 (4) 2COP: Beer and wine, on-premises and package;
- 26 (5) 6COP: Beer, wine and liquor, on-premises and package;
- 27 (6) 6COP SRX: Restaurant, no package sales;
- 28 (7) 6COP SR: Restaurant, package sale;
- 29 (8) 6COP S: Motel, package sales;
- 30 (9) 6COP SBX: Bowling, no package sales;
- 31 (10) 6COP SPX: Boat, no package sales;
- 32 (11) 3BPS: Beer, wine and liquor, package sales only;
- 33 (12) 3M: Additional license for 6COP, over three (3) bars;
- 34 (13) 12RT: Racetrack, liquor, no package sales.
35

36 (d) *Procedure:* The following procedure shall be followed on any application for an alcoholic beverage use permit
37 hereafter made:

- 38 (1) Applications for alcoholic beverage use permits shall be submitted to the director of planning in
39 writing on forms provided by the director. Such applications must be signed by the owner of the real
40 property for which the permit is requested. Lessees of the premises may apply for such permits provided
41 that proper authorization from the owner of the premises is given and the application for permit is cosigned
42 by such owner.
- 43 (2) Upon receipt of a properly completed and executed application for alcoholic beverage use permit
44 stating the exact classification requested along with the necessary fee, the director of planning shall
45 schedule a public hearing before the planning commission and shall advise the applicant of the date and
46 place of said public hearing.
- 47 (3) Notice of the application and of the public hearing thereon shall be mailed by the director of planning
48 to all owners of real property within a radius of five hundred (500) feet of the affected premises. In the case
49 of a shopping center, the five hundred (500) feet shall be measured from the perimeter of the entire
50 shopping center itself rather than from the individual unit for which approval is sought. Notice shall also be
51 provided in a newspaper of general circulation in the manner prescribed in section 110-5.
52 a. For the purposes of this ordinance, a shopping center shall mean a contiguous group of
53 individual units, in any combination, devoted to commercial retail low-intensity uses, commercial
54 retail medium-intensity uses, commercial retail high-intensity uses, and office uses, as those
55 phrases are defined in section 101-1, with immediate off-street parking facilities, and originally

1 planned and developed as a single project. The shopping center's single project status shall not be
2 affected by the nature of the ownership of any of the individual office or commercial retail units,
3 within the shopping center.

4 (4) At the hearing before the planning commission, all persons wishing to speak for or against the
5 application shall be heard. Recommendations or other input from the director of planning may also be
6 heard prior to any decision by the planning commission.
7

8 (e) *Criteria:* The planning commission shall give due consideration to the following factors as they may apply to
9 the particular application prior to rendering its decision to grant or deny the requested permit:

10 (1) The effect of such use upon surrounding properties and the immediate neighborhood as represented by
11 property owners within five hundred (500) feet of the premises. For the purposes of this section, "premises"
12 shall mean the entire project site of a shopping center.

13 (2) The suitability of the premises in regard to its location, site characteristics and intended purpose.
14 Lighting on the permitted premises shall be shuttered and shielded from surrounding properties, and
15 construction of such permitted properties will be soundproofed. In the event music and entertainment is
16 permitted, the premises shall be air conditioned.

17 (3) Access, traffic generation, road capacities, and parking requirements.

18 (4) Demands upon utilities, community facilities and public services.

19 (5) Compliance with the county's restrictions or requirements and any valid regulations.
20

21 (f) *Approval by Planning Commission:* The planning commission may grant approval based on reasonable
22 conditions considering the criteria outlined herein.
23

24 (g) *Where Permitted:* Alcoholic beverage use permits may be granted in the following land use districts: urban
25 commercial; suburban commercial; suburban residential where the site abuts U.S. 1; destination resort; mixed use;
26 industrial and maritime industries. Notwithstanding the foregoing, alcoholic beverage sales may be permitted at
27 restaurants, hotels, marinas and campgrounds regardless of the land use district in which they are located. Nothing
28 contained herein shall exempt an applicant from obtaining a major or minor conditional use approval when such is
29 otherwise required by the county development regulations in part II of this Code.
30

31 (h) *Transferability:* Alcoholic beverage use permits issued by virtue of this section shall be deemed to be a
32 privilege running with the land. The sale of the real property which has been granted an alcoholic beverage use
33 permit shall automatically vest the purchaser thereof with all rights and obligations originally granted or imposed to
34 or on the applicant. Such privilege may not be separated from the fee simple interest in the realty.
35

36 (i) *Appeals:* All persons aggrieved by the actions of the planning commission in granting or denying requested
37 alcoholic beverage permits may request an appeal hearing before a hearing officer under chapter 102, article VI,
38 division 2 by filing the notice required by that article within 30 days after the date of the written decision of the
39 planning commission.
40

41 (j) *Successive Applications:* Whenever any application for alcoholic beverage approval is denied for failure to
42 meet the substantive requirements of this ordinance, an application for alcoholic beverage approval for all or a
43 portion of the same property shall not be considered for a period of two (2) years unless a super-majority of the
44 planning commission decides that the original decision was based on a material mistake of fact or that there exists
45 changed conditions and new facts, not existing at the time of the original decision, which would justify entertaining
46 a new application before the expiration of the two-year period. However, in the case of a shopping center, as defined
47 in subsection (d) (3)a. of this section, this subsection shall only apply to the commercial retail unit within the
48 shopping center for which approval was sought and not the entire shopping center site itself.
49

File #: **2011-062**

Owner's Name: Immanuel Investments Inc.

Applicant: Immanuel Investments Inc.

Agent: n/a

Type of Application: Alcoholic Beverage

Key: Key Largo

RE: 00522411-000400

Additional Information added to File 2011-062

County of Monroe
Growth Management Division

Planning & Environmental Resources

Department

2798 Overseas Highway, Suite 410

Marathon, FL 33050

Voice: (305) 289-2500

FAX: (305) 289-2536



Board of County Commissioners

Mayor Heather Carruthers, Dist. 3

Mayor Pro Tem David Rice, Dist. 4

Kim Wigington, Dist. 1

George Neugent, Dist. 2

Sylvia J. Murphy, Dist. 5

We strive to be caring, professional and fair

Date: 6-15-11

Time: _____

Dear Applicant:

This is to acknowledge submittal of your application for

Alcoholic Beverage
Type of application

Immanuel Investments Inc
Project / Name

to the Monroe County Planning Department.

Thank you.



Planning Staff

- Legend**
- the Buffer
 - the Buffer Target
 - Lot Lines
 - Easements
 - Road Centerlines
 - Water Names
 - Parcels
 - Shoreline
 - Section Lines

by GC 6.21.11

PALMIS

Monroe County Property Appraiser
500 Whitehead Street
Key West, FL

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

Date Created: June 21, 2011 1:48 PM



ACOSTA PEDRO ARNALDO
* 175 1ST ST S APT 411
SAINT PETERSBURG, FL 33701-4525

BILLINGS WILLIAM H AND MARIANNE S
1 DRURY DR
KEY LARGO, FL 33037

BROCH RICARDO B AND CARIDAD
6 DRURY DR
KEY LARGO, FL 33037

COUNTY OF MONROE
1100 SIMONTON ST
KEY WEST, FL 33040

DAYLEY EMIKO
PO BOX 370954
KEY LARGO, FL 33037-0954

FETTERS CATHERINE A L/E
130 POND CT
DEBARY, FL 32713

FLA KEYS AQUEDUCT COMM
P O BOX 1239
KEY WEST, FL 33040

GUASTAVINO MARIAN R
98980 OVERSEAS HWY UNIT 5
KEY LARGO, FL 33037-2366

HARDISON CATHY
PO BOX 2823
KEY LARGO, FL 33037

HOLZMAN HOMES CONDOMINIUM

BAKER JILL
98980 OVERSEAS HWY UNIT 4
KEY LARGO, FL 33037-2366

BLANCO GLADYS G
932 SW 136 PL
MIAMI, FL 33184

CARTER JOHN E SR REV TR DTD7/25/2005
9155 S DADELAND BLVD STE 1718
MIAMI, FL 33156

CRAMER DANA ANTHONY AND NADEZDA
MIKHAYLOVNA
9 DRURY DR
KEY LARGO, FL 33037

ECKHOFF ELIZABETH
98980 OVERSEAS HWY UNIT 1
KEY LARGO, FL 33037-2366

FIDDES DIANA LYNN
4 DRURY DR
KEY LARGO, FL 33037

FRESNEDA TRUST 08/23/09
969 BUSH ST UNIT 405
SAN FRANCISCO, CA 94109

HALE MICHAEL
66 FLORIDA DR
KEY LARGO, FL 33037-2595

HENDRICKS ROBERT A TRUSTEE
1114 GRAND ST
KEY LARGO, FL 33037

IMMANUEL INVESTMENTS INC
998 SHAW DR
KEY LARGO, FL 33037-2721

BELL JOHN AND MARTHA
605 SAILFISH TRAIL
KEY LARGO, FL 33037

BORN HARLEY L
23 BAY RD
KEY LARGO, FL 33037-2924

CLARK GEORGE D JR AND REBECCA A
P O BOX 168
KEY LARGO, FL 33037

DAVIS WILLIAM H
1010 SNAPPER LN
KEY LARGO, FL 33037

ELWELL ROSS D & ELWELL JANICE T/C
1757 OVERSEAS HIGHWAY
MARATHON, FL 33050

FIRST BAPTIST CHURCH OF KEY LARGO INC
99001 OVERSEAS HWY
KEY LARGO, FL 33037

GERSON DONALD M
6526 SOMERSET CIR
BOCA RATON, FL 33496-4021

HANSON WAYNE C AND MARJORIE H
PO BOX 2893
KEY LARGO, FL 33037

HERON BAY VENTURE LLC
102901 OVERSEAS HWY
KEY LARGO, FL 33037

KAZI FOODS OF KEY WEST INC
PO BOX 11239
ST THOMAS, VI 00801-4239

KEYSWAY INVESTMENTS INC
123 JOLLY ROGER DR
KEY LARGO, FL 33037

LEDESMA JOSE G AND MICHELLE
2 DRURY DR
KEY LARGO, FL 33037

MONROE COUNTY
502 WHITEHEAD ST
KEY WEST, FL 33040

NELSON DARLING JULINA
P O BOX 371154
KEY LARGO, FL 33037

OSIPOV KONSTANTIN
6 FISHERMANS TR
KEY LARGO, FL 33037

SCOTT BRIAN D
115 HARBOR DR
KEY LARGO, FL 33037

TIITF
3900 COMMONWEALTH BLVD
TALLAHASSEE, FL 32399-3000

WELLS FARGO BANK NA
3476 STATEVIEW BLVD
FORT MILL, SC 29715-7200

KLUTTZ WILLIAM EDWARD
104500 B-104 OVERSEAS HWY
KEY LARGO, FL 33037

LEDON GUILLERMO D & BERTHA
1050 W 33RD STREET
HIALEAH, FL 33012

MONROE COUNTY COMPREHENSIVE PLAN LAND
AUTHORITY
1200 TRUMAN AVE STE 207
KEY WEST, FL 33040-7270

NORTHSTAR RESORT ENTERPRISES CORP
4775 COLLINS AVE APT 4003
MIAMI BEACH, FL 33140-5208

POLSTON JANE REV LIV TR 8/14/07
12 DRURY DR
KEY LARGO, FL 33037

SNYDER CHRISTOPHER LEE
98980 OVERSEAS HWY UNIT 3
KEY LARGO, FL 33037-2317

VALLEY WILLIAM MERRILL
7 DRURY DR
KEY LARGO, FL 33037

KOZ JOSEPH P AND ANN L
14471 MIRAMAR PARKWAY STE 401
MIRAMAR, FL 33027

MDJ INVESTMENTS LLC
12 SOUTH DR
KEY LARGO, FL 33037-2921

MONROE COUNTY ROADWAY
500 WHITEHEAD STREET
KEY WEST, FL 33040

OLIVER RICHARD AND TRACY
98980 OVERSEAS HWY UNIT 2
KEY LARGO, FL 33037-2366

SANTE CHRISTOPHER & PAMELA
P O BOX 3006
KEY LARGO, FL 33037

TACO BELL OF AMERICA INC
P O BOX 35370
LOUISVILLE, KY 40232-5370

WAHBA ASHRAF AND VIOLET
PO BOX 372661
KEY LARGO, FL 33037-7661

JILL BAKER
98980 OVERSEAS HWY UNIT 4
KEY LARGO, FL 33037-2366

JOHN & MARTHA BELL
605 SAILFISH TRAIL
KEY LARGO, FL 33037

WILLIAM & MARIANNE BILLINGS
1 DRURY DR
KEY LARGO, FL 33037

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KEY LARGO, FL 33037-2924

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KEYSWAY INVESTMENTS INC
123 JOLLY ROGER DR
KEY LARGO, FL 33037

Labels from applicant. - we added 2 addresses

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2 DRURY DR
KEY LARGO, FL 33037

MONROE COUNTY
502 WHITEHEAD ST
KEY WEST, FL 33040

DARLING J NELSON
P O BOX 371154
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6 FISHERMANS TR
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115 HARBOR DR
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TITTE C/O DEP
3900 COMMONWEALTH BLVD
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FORT MILL, SC 29715-7200

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KEY LARGO, FL 33037-2921

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TAX #004404
P O BOX 35370
LOUISVILLE, KY 40232-5370

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MONROE COUNTY COMPREHENSIVE
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98980 OVERSEAS HWY UNIT 3
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WILLIAM M. VALLEY
7 DRURY DR
KEY LARGO, FL 33037

ACOSTA PEDRO ARNALDO
175 1st ST. S APT 411
SAINT PETERSBURG, FL 33701-4552

End of Additional File 2011-062

APPLICATION
MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT



Alcoholic Beverage Use Permit

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

Alcoholic Beverage Use Permit Application Fee: \$1,264.00

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: 6 / 14 / 2011
Month Day Year

Angela Witter

Property Owner:

Immanuel Investments Inc.

Name

Agent (if applicable): NA

Name

998 Shaw Dr. Key Largo Fl., 33037

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

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

305-451-7470

Daytime Phone

Daytime Phone

mrs.macs@terranova.net

Email Address

Email Address

Name of Lessee of Property: NA

(If property is leased, applicant must submit a notarized statement from the owner approving the submittal of this application)

Name

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

Daytime Phone

Email Address



APPLICATION

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

Tracts D, E and F PB6-92 Cape Key Largo
Block Lot Subdivision Key
00522411-000400326139 1641677
Real Estate (RE) Number Alternate Key Number
99020 Overseas Hwy mm 99.2
Street Address (Street, City, State, Zip Code) Approximate Mile Marker

Land Use District Designation(s): SC

Present Land Use of the Property: Restaurant

Total Land Area: 35,458 sq

Requested Type of Alcoholic Beverage: (Please check one)

- 1APS BEER, package only
- 1COP BEER, on premise and package
- 2APS BEER and WINE, package only
- 2COP BEER and WINE, on premise and package
- 3APS PACKAGE ONLY, included beer, wine and liquor
- 5COP BEER, WINE and LIQUOR, on premise and package
- adw 5SRX RESTAURANT, no package sales
- 5SR RESTAURANT, package sales
- 5S HOTEL, package sales
- 5SPX EXCURSION BOAT, no package sales
- 11C PRIVATE CLUB; CABANA CLUB
- 12RT RACETRACK, LIQUOR, no package sales

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

- Complete alcoholic beverage application (unaltered and unbound);
- Correct fee (check or money order to Monroe County Planning & Environmental Resources);
- Proof of ownership (i.e. Warranty Deed);
- Current Property Record Card(s) from the Monroe County Property Appraiser;
- Location map;
- Photograph(s) of site from adjacent roadway(s);
- Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – sixteen (16) sets or Signed and Sealed Site Plan, prepared by a Florida registered architect, engineer or landscape architect– sixteen (16) sets (drawn to a scale of 1 inch equals 20 feet, except where impractical and the

APPLICATION

Director of Planning authorizes a different scale). At a minimum, the boundary survey or site plan should include the following:

- Date, north point and graphic scale;
- Boundary lines of site, including all property lines and mean high-water lines;
- Locations and dimensions of all existing structures and drives;
- Adjacent roadways;
- Location and dimensions of all parking spaces (including handicap accessible, bicycle and scooter) and loading zones;
- Typed name and address mailing labels of all property owners within a 500 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 500 foot radius, each unit owner must be included;
- A certificate of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation or the Department of Agriculture and Consumer Services or the Department of Health or the Monroe County Health Department, stating that the place of business wherein the business is to be conducted meets all of the sanitary requirements of the state

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

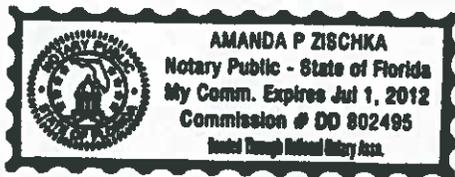
- Notarized Agent Authorization Letter (note: authorization is needed from all owner(s) of the subject property)
- Traffic Study, prepared by a licensed traffic engineer

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: *R. W. Witta* Date: June 14, 2011

Sworn before me this 14th day of June, 2011



Amanda P. Zischka
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.

Doc# 1834147 05/03/2011 2:57PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

THIS INSTRUMENT PREPARED BY AND RETURN TO:

Lisa L. Miller
Coral Reef Title Company
P.O. Box 1543
Key Largo, Florida 33037

05/03/2011 2:57PM
DEED DOC STAMP CL: RHONDA \$3,500.00

Doc# 1834147
Bk# 2515 Pg# 1875

Property Appraisers Parcel Identification (Folio) Numbers: 00522411.000400
10-6325

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED, made the 28th day of April, 2011 by First Bank, a corporation existing under the laws of Missouri, and having its principal place of business at 9801 Westheimer Road #1100, Houston, TX 77042, herein called the grantor, to Immanuel Investments, Inc., A Florida Corporation whose post office address is 998 Shaw Drive, Key Largo, FL 33037, hereinafter called the Grantee:
(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

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

Tracts D, E and F of Cape Subdivision, according to the map or plat thereof, as recorded in Plat Book 6, at Page 92, of the Public Records of Monroe County, Florida.

Subject to Easement filed in Official Records Book 1156 page 523 and Addendum recorded in Official Records Book 1156 page 526 both in the Public Records of Monroe County, Florida.

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

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

AND, the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2010.

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

(CORPORATE SEAL)

ATTEST: _____
Secretary

First Bank

Signed, sealed and delivered in the presence of:

Wayne Ballenger
Wayne Ballenger, Vice President

BRECK MANKAM
Witness #1 Signature
Witness #1 Printed Name

ARACELIS R. VALENCIA
Witness #2 Signature
Witness #2 Printed Name

STATE OF TEXAS

COUNTY OF HARRIS

The foregoing instrument was acknowledged before me this 27 day of April, 2011 by Wayne Ballenger, Vice President of First Bank on behalf of the corporation. He/She/They is/are personally known to me or has/have produced _____ as identification.

SEAL



Rosa A. Estraca
Notary Signature

ROSA A. ESTRACA
Printed Notary Name

My Commission Expires:
8-31-11

MONROE COUNTY
OFFICIAL PUBLIC RECORD

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

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

Property Record View

Alternate Key: 1641677 Parcel ID: 00522411-000400

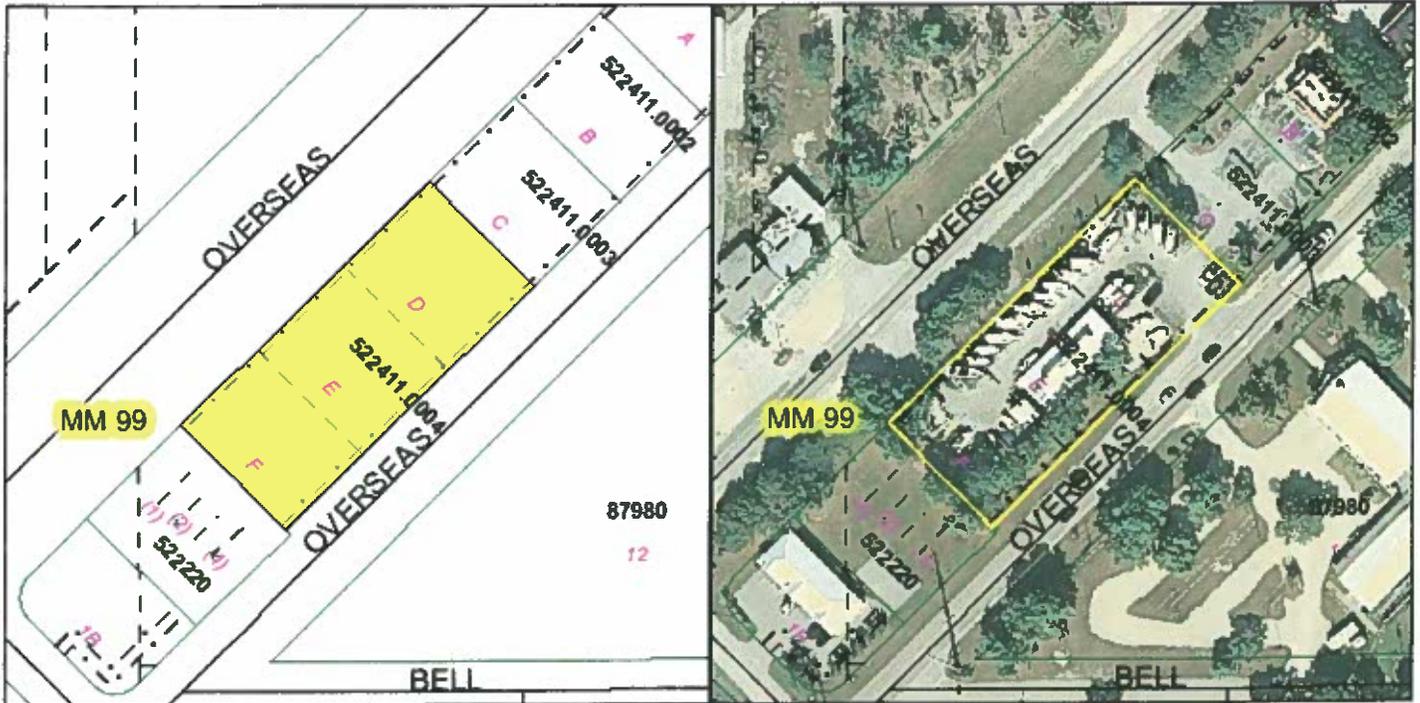
Ownership Details

Mailing Address:
IMMANUEL INVESTMENTS INC
998 SHAW DR
KEY LARGO, FL 33037-2721

Property Details

PC Code: 37 - AUTO DEALERS - NEW & USED
Millage Group: 500K
Affordable Housing: No
Section-Township-Range: 32-61-39
Property Location: 99020 OVERSEAS HWY KEY LARGO
Subdivision: CAPE SUBD
Legal Description: CAPE SUBDIVISION KEY LARGO PB6-92 TRACT D, E, F OR528-690 OR557-456 OR919-483/84 OR1538-29/32 OR1658-113/15 OR1728-812/14 OR1748-954/55 OR2178-1662/64C OR2180-1743/44TR/D OR2180-1809/17AFF OR2511-180 OR2515-1675

Parcel Map



Land Details

Land Use Code	Frontage	Depth	Land Area
100H - COMMERCIAL HIGHWAY	100	123	0.82 AC

Building Summary

Number of Buildings: 1
 Number of Commercial Buildings: 1
 Total Living Area: 2975
 Year Built: 1984

Building 1 Details

Building Type
 Effective Age 26
 Year Built 1984
 Functional Obs 0

Condition A
 Perimeter 240
 Special Arch 0
 Economic Obs 0

Quality Grade 250
 Depreciation % 33
 Grnd Floor Area 2,975

Inclusions:

Roof Type
 Heat 1
 Heat Src 1

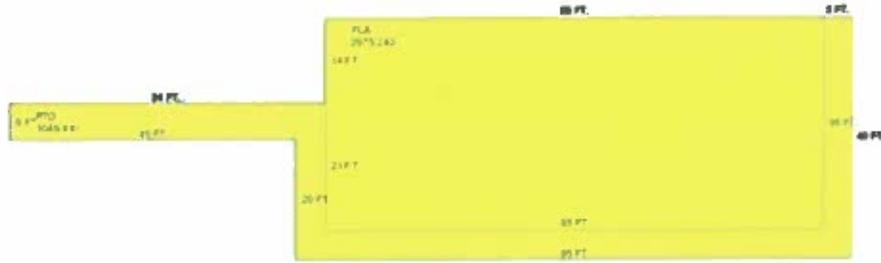
Roof Cover
 Heat 2
 Heat Src 2

Foundation
 Bedrooms 0

Extra Features:

2 Fix Bath 0
 3 Fix Bath 0
 4 Fix Bath 0
 5 Fix Bath 0
 6 Fix Bath 0
 7 Fix Bath 0
 Extra Fix 10

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



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	1984					2,975
2	OUF		1	1984					1,049

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	14239	1 STY STORE-B	100	N	Y
	14240	OUF	100	N	N

Exterior Wall:

Interior Finish Nbr	Type	Area %
4925	BRICK	100

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
0	CL2:CH LINK FENCE	1,500 SF	250	6	2007	2008	1	30
1	CL2:CH LINK FENCE	2,070 SF	345	6	2006	2007	1	30
1	AP2:ASPHALT PAVING	19,997 SF	0	0	1983	1984	3	25
2	CL2:CH LINK FENCE	1,248 SF	208	6	1983	1984	1	30
3	PT3:PATIO	360 SF	30	12	1983	1984	4	50

Appraiser Notes

TPP 8529082 - PIZZA HUT #012330
PIZZA HUT ROOF MAJOR DAMAGE AND INTERIOR DAMAGE NOT IN OPERATION .
5/7/07 ; NOW -" PERFORMANCE MARINE"

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	07304229	10/03/2007	11/16/2007	1		CHAIN LINK FENCE
	06301079	02/28/2006	09/26/2006	1		METAL ROOF

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
2010	208,000	66,196	205,500	479,696	479,696	0	479,696
2009	217,313	66,561	246,600	530,474	530,474	0	530,474
2008	217,313	66,936	534,300	818,549	818,549	0	818,549
2007	155,362	64,082	626,693	846,137	846,137	0	846,137
2006	172,221	61,005	123,000	356,226	356,226	0	356,226
2005	299,523	61,156	123,000	356,226	356,226	0	356,226
2004	305,760	61,307	123,000	490,067	490,067	0	490,067
2003	305,760	61,458	123,000	490,218	490,218	0	490,218
2002	305,760	61,609	123,000	490,369	490,369	0	490,369
2001	256,775	18,261	92,250	367,286	367,286	0	367,286
2000	258,088	7,989	83,025	349,102	349,102	0	349,102
1999	258,088	8,035	83,025	349,148	349,148	0	349,148
1998	207,656	8,778	83,025	299,459	299,459	0	299,459
1997	207,656	9,530	83,025	300,211	300,211	0	300,211
1996	188,779	10,275	83,025	282,079	282,079	0	282,079
1995	188,779	11,018	83,025	282,822	282,822	0	282,822
1994	188,779	11,771	83,025	283,575	283,575	0	283,575
1993	188,779	12,514	83,025	284,318	284,318	0	284,318
1992	188,779	13,258	83,025	285,062	285,062	0	285,062
1991	188,779	14,012	83,025	285,816	285,816	0	285,816
1990	188,779	14,755	64,575	268,109	268,109	0	268,109
1989	188,779	15,499	64,575	268,853	268,853	0	268,853
1988	172,743	10,742	43,050	226,535	226,535	0	226,535
1987	170,700	11,227	43,050	224,977	224,977	0	224,977
1986	170,856	11,712	36,900	219,468	219,468	0	219,468

1985	168,699	12,209	36,900	217,808	217,808	0	217,808
1984	0	0	36,900	36,900	36,900	0	36,900
1983	0	0	34,691	34,691	34,691	0	34,691
1982	0	0	34,691	34,691	34,691	0	34,691

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
4/27/2011	2515 / 1675	500,000	<u>WD</u>	<u>99</u>
3/30/2011	2511 / 180	100	<u>CT</u>	<u>12</u>
1/9/2006	2180 / 1743	1,000,000	<u>WD</u>	<u>Q</u>
9/13/2001	1728 / 0812	697,000	<u>WD</u>	<u>M</u>
9/26/2000	1658 / 0113	581,900	<u>WD</u>	<u>M</u>
8/25/1998	1538 / 29	400,000	<u>WD</u>	<u>M</u>
8/1/1984	919 / 483	220,000	<u>WD</u>	<u>M</u>

This page has been visited 3,776 times.

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

00522411-000400



Parcels



Roads

Parcels



Zoning

- Airport
- Area of County Critical Concern
- Commercial Fish Areas
- Commercial Fishing Special District

Zoning (continued)

- Destination Resort
- Incorporated
- Industrial
- Improved Subdivision - /Duplex/Masonry
- Maritime Industries
- Military Facilities
- Mainland Native
- Mixed Use

Zoning (continued)

- Research Park
- Recreational Vehicle
- Sparsely Settled
- Suburban Commercial
- Suburban Residential -/Limited
- Urban Commercial
- Urban Residential
- Urban Residential Mobile Home
- Urban Residential Mobile Home

 Commercial Fishing Village

 Conservation District

 Native Area

 Offshore Island

 Park and Refuge

 Resolution 277-1986

Limited

2009 Orthophotography

 Red: Band_1

 Green: Band_2

 Blue: Band_3





Notes

Location map

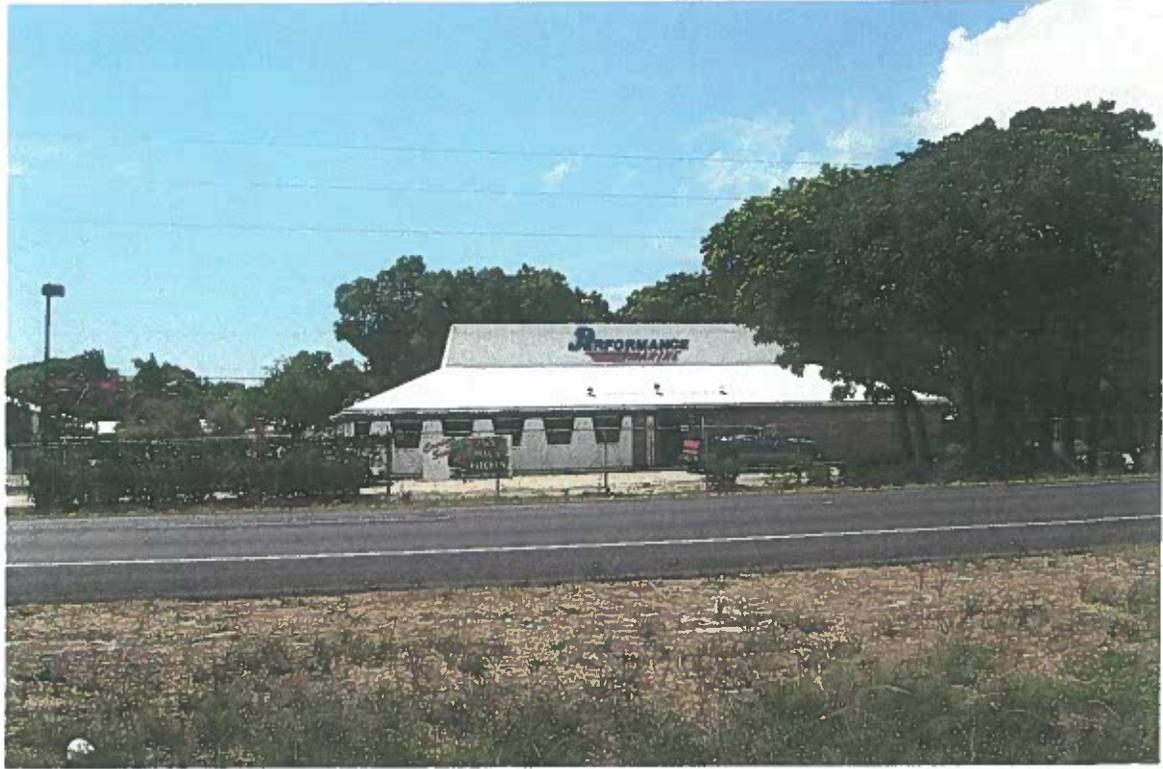
Map of:

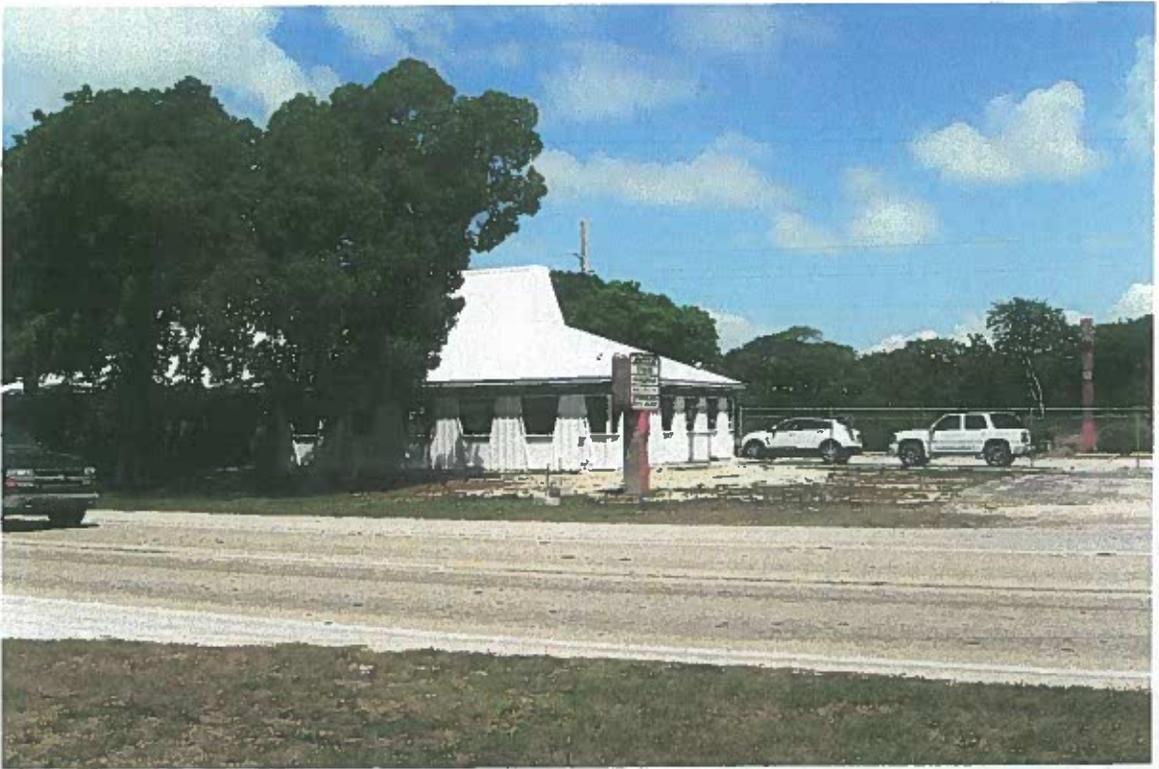
99020 Overseas Hwy
Key Largo, FL 33037-2452



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Monroe County Property Appraiser - Radius Report

AK: 9097152	Parcel ID: 00522221-000500	Physical Location: 98980 OVERSEAS HWY UNIT 5 KEY LARGO
Legal Description:	UNIT 5 HOLZMAN HOMES CONDOMINIUM OR2485-424/95 DEC OR2485-1789/90	
Owners Name:	GUASTAVINO MARIAN R	
Address::	98980 OVERSEAS HWY UNIT 5 KEY LARGO, FL 33037-2366	
AK: 9097149	Parcel ID: 00522221-000200	Physical Location: 98980 OVERSEAS HWY UNIT 2 KEY LARGO
Legal Description:	UNIT 2 HOLZMAN HOMES CONDOMINIUM OR2485-424/95 DEC OR2485-1931/32	
Owners Name:	OLIVER RICHARD AND TRACY	
Address::	98980 OVERSEAS HWY UNIT 2 KEY LARGO, FL 33037-2366	
AK: 9097150	Parcel ID: 00522221-000300	Physical Location: 98980 OVERSEAS HWY UNIT 3 KEY LARGO
Legal Description:	UNIT 3 HOLZMAN HOMES CONDOMINIUM OR2485-424/495 DE C OR2514-618/19	
Owners Name:	SNYDER CHRISTOPHER LEE	
Address::	98980 OVERSEAS HWY UNIT 3 KEY LARGO, FL 33037-2317	
AK: 8802528	Parcel ID: 00522220-000000	Physical Location: 98980 OVERSEAS HWY KEY LARGO
Legal Description:	PT LOT 18 BK 3 HARBOR SHORES PB3-56 KEY LARGO AND PT LOT 12 PB1-68 (.277 AC) OR569-	
Owners Name:	MONROE COUNTY	
Address::	502 WHITEHEAD ST KEY WEST, FL 33040	
AK: 9097148	Parcel ID: 00522221-000100	Physical Location: 98980 OVERSEAS HWY UNIT 1 KEY LARGO
Legal Description:	UNIT 1 HOLZMAN HOMES CONDOMINIUM OR2485-424/95 DE C OR2485-1940/41	
Owners Name:	ECKHOFF ELIZABETH	
Address::	98980 OVERSEAS HWY UNIT 1 KEY LARGO, FL 33037-2366	
AK: 9097147	Parcel ID: 00522221-000000	Physical Location: 98980 OVERSEAS HWY UNIT 1 - 5 KEY LARGO
Legal Description:	HOLZMAN HOMES CONDOMINIUM (E/K/A RE 00522220-00000 0 AK 8802528) OR2485-424/495 DEC	
Owners Name:	HOLZMAN HOMES CONDOMINIUM	
Address::		
AK: 9097151	Parcel ID: 00522221-000400	Physical Location: 98980 OVERSEAS HWY UNIT 4 KEY LARGO
Legal Description:	UNIT 4 HOLZMAN HOMES CONDOMINIUM OR2485-424/495 DE C OR2502-1513/14	
Owners Name:	BAKER JILL	
Address::	98980 OVERSEAS HWY UNIT 4 KEY LARGO, FL 33037-2366	
AK: 1640948	Parcel ID: 00521710-000000	Physical Location: 3 DRURY DR KEY LARGO
Legal Description:	BK 1 LT 19 HARBOR SHORES PB3-44 KEY LARGO OR512-65 3 OR602-764 OR609-896 OR778-515	
Owners Name:	HANSON WAYNE C AND MARJORIE H	
Address::	PO BOX 2893 KEY LARGO, FL 33037	
AK: 1640778	Parcel ID: 00521540-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	BK 1 LT 2 HARBOR SHORES PB3-44 KEY LARGO OR512-653 OR602-764 OR609-896 OR778-515 C	
Owners Name:	ACOSTA PEDRO ARNALDO	
Address::	175 1ST ST S APT 411 SAINT PETERSBURG, FL 33701-4525	
AK: 1641138	Parcel ID: 00521900-000000	Physical Location: 125 HARBOR DR KEY LARGO
Legal Description:	BK 2 LT 18 HARBOR SHORES PB3-44 KEY LARGO OR465-71 7 OR776-551 OR973-1480C/T OR101-	
Owners Name:	KOZ JOSEPH P AND ANN L	
Address::	14471 MIRAMAR PARKWAY STE 401 MIRAMAR, FL 33027	
AK: 8681925	Parcel ID: 00566490-000000	Physical Location: VACANT LAND KEY LARGO
Legal Description:	BLK 3 LT 9 EL DORADO HEIGHTS KEY LARGO PB1-203 G65 -163	
Owners Name:	FLA KEYS AQUEDUCT COMM	
Address::	P O BOX 1239 KEY WEST, FL 33040	
AK: 1640956	Parcel ID: 00521720-000000	Physical Location: 1 DRURY DR KEY LARGO
Legal Description:	BK 1 LT 20 HARBOR SHORES PB3-44 KEY LARGO OR512-65 3 OR602-764 OR609-896 OR778-515	
Owners Name:	BILLINGS WILLIAM H AND MARIANNE S	
Address::	1 DRURY DR KEY LARGO, FL 33037	
AK: 1641111	Parcel ID: 00521880-000000	Physical Location: 145 HARBOR DR KEY LARGO
Legal Description:	BK 2 LT 16 HARBOR SHORES PB3-44 KEY LARGO OR155-33 -34 OR1411-66 OR2032-1942/55F/J C	
Owners Name:	BORN HARLEY L	
Address::	23 BAY RD KEY LARGO, FL 33037-2924	

AK: 1640999 Parcel ID: 00521760-000000 Physical Location: 8 DRURY DR KEY LARGO
 Legal Description: BK 2 LT 4 HARBOR SHORES PB3-44 KEY LARGO OR538-176 CASE #80-56-CC-15 OR824-2322 OF
 Owners Name: HARDISON CATHY
 Address:: PO BOX 2823 KEY LARGO, FL 33037

AK: ~~8681879~~ Parcel ID: ~~00566440-000000~~ Physical Location: 1 THURMOND ST KEY LARGO
 Legal Description: ~~BLK 3 LT 4 EL DORADO HEIGHTS KEY LARGO PB1-203 G65 -163 OR638-858E~~
 Owners Name: ~~FLA KEYS AQUEDUCT COMM~~
 Address:: ~~P O BOX 1239 KEY WEST, FL 33040~~

AK: 1641472 Parcel ID: 00522260-000000 Physical Location: VACANT LAND KEY LARGO
 Legal Description: BK 6 LT 3 HARBOR SHORES PB3-56 KEY LARGO OR512-653 OR602-764 OR609-896 OR778-515 C
 Owners Name: COUNTY OF MONROE C/O BOCC
 Address:: 1100 SIMONTON ST KEY WEST, FL 33040

AK: 1640913 Parcel ID: 00521680-000000 Physical Location: 9 DRURY DR KEY LARGO
 Legal Description: BK 1 LT 16 HARBOR SHORES PB3-44 KEY LARGO OR512-65 3 OR602-764 OR609-896 OR778-515
 Owners Name: CRAMER DANA ANTHONY AND NADEZDA MIKHAYLOVNA
 Address:: 9 DRURY DR KEY LARGO, FL 33037

AK: 1641103 Parcel ID: 00521870-000000 Physical Location: 155 HARBOR DR KEY LARGO
 Legal Description: BK 2 LT 15 HARBOR SHORES PB3-44 KEY LARGO OR463-27 2 OR865-1262D/C
 Owners Name: DAYLEY EMIKO
 Address:: PO BOX 370954 KEY LARGO, FL 33037-0954

AK: 1641464 Parcel ID: 00522250-000000 Physical Location: VACANT LAND KEY LARGO
 Legal Description: BK 6 LT 2 HARBOR SHORES PB3-56 KEY LARGO OR512-653 OR602-764 OR609-896 OR778-515
 Owners Name: GERSON DONALD M
 Address:: 6526 SOMERSET CIR BOCA RATON, FL 33496-4021

AK: 1641146 Parcel ID: 00521910-000000 Physical Location: 115 HARBOR DR KEY LARGO
 Legal Description: BK 2 LT 19 HARBOR SHORES PB3-44 KEY LARGO OR596-14 OR596-13 OR779-1514 OR1099-642
 Owners Name: SCOTT BRIAN D
 Address:: 115 HARBOR DR KEY LARGO, FL 33037

AK: 1640930 Parcel ID: 00521700-000000 Physical Location: 5 DRURY DR KEY LARGO
 Legal Description: BK 1 LT 18 HARBOR SHORES PB3-44 KEY LARGO OR512-65 3 OR602-764 OR609-896 OR778-515
 Owners Name: CARTER JOHN E SR REV TR DTD7/25/2005 C/O KESHEN NELSON C P/R
 Address:: 9155 S DADELAND BLVD STE 1718 MIAMI, FL 33156

AK: 8681844 Parcel ID: 00566410-000000 Physical Location: 1 THURMOND ST KEY LARGO
 Legal Description: BLK 3 LT 1 AND 2 EL DORADO HEIGHTS KEY LARGO PB1-2 03 OR422-662 OR614-38D/C OR115
 Owners Name: NELSON DARLING JULINA
 Address:: P O BOX 371154 KEY LARGO, FL 33037

AK: ~~8681909~~ Parcel ID: ~~00566470-000000~~ Physical Location: VACANT LAND KEY LARGO
 Legal Description: ~~BLK 3 LT 7 EL DORADO HEIGHTS KEY LARGO PB1-203 G65 -163 OR638-858E~~
 Owners Name: ~~FLA KEYS AQUEDUCT COMM~~
 Address:: ~~P O BOX 1239 KEY WEST, FL 33040~~

AK: 1641481 Parcel ID: 00522270-000000 Physical Location: VACANT LAND KEY LARGO
 Legal Description: BK 6 LT 4 HARBOR SHORES PB3-56 KEY LARGO OR512-653 OR602-764 OR609-896 OR778-515 C
 Owners Name: MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY
 Address:: 1200 TRUMAN AVE STE 207 KEY WEST, FL 33040-7270

AK: 1640972 Parcel ID: 00521740-000000 Physical Location: 4 DRURY DR KEY LARGO
 Legal Description: BK 2 LT 2 HARBOR SHORES PB3-44 KEY LARGO OR571-767 OR808-1562 OR820-2226 OR1012-2
 Owners Name: FIDDES DIANA LYNN
 Address:: 4 DRURY DR KEY LARGO, FL 33037

AK: ~~8681887~~ Parcel ID: ~~00566450-000000~~ Physical Location: VACANT LAND KEY LARGO
 Legal Description: ~~BLK 3 LT 5 EL DORADO HEIGHTS KEY LARGO PB1-203 G65 -163 OR638-858E~~
 Owners Name: ~~FLA KEYS AQUEDUCT COMM~~
 Address:: ~~P O BOX 1239 KEY WEST, FL 33040~~

AK: ~~8681917~~ Parcel ID: ~~00566480-000000~~ Physical Location: VACANT LAND KEY LARGO
 Legal Description: ~~BLK 3 LT 8 EL DORADO HEIGHTS KEY LARGO PB1-203 G65 -163~~
 Owners Name: ~~FLA KEYS AQUEDUCT COMM~~
 Address:: ~~P O BOX 1239 KEY WEST, FL 33040~~

AK:	1640786	Parcel ID:	00521550-000000	Physical Location:	6 FISHERMANS TRL KEY LARGO
Legal Description:	BK 1 LT 3 HARBOR SHORES PB3-44 KEY LARGO OR512-653				OR602-764 OR609-896 OR778-515 C
Owners Name:	OSIPOV KONSTANTIN				
Address::	6 FISHERMANS TR				KEY LARGO, FL 33037
AK:	1640964	Parcel ID:	00521730-000000	Physical Location:	2 DRURY DR KEY LARGO
Legal Description:	BK 2 LT 1 HARBOR SHORES PB3-44 KEY LARGO OR532-32				OR712-309CT OR726-836 OR1096-16
Owners Name:	LEDESMA JOSE G AND MICHELLE				
Address::	2 DRURY DR				KEY LARGO, FL 33037
AK:	1640921	Parcel ID:	00521690-000000	Physical Location:	7 DRURY DR KEY LARGO
Legal Description:	BK 1 LT 17 HARBOR SHORES PB3-44 KEY LARGO OR512-65				3 OR602-764 OR609-896 OR778-515
Owners Name:	VALLEY WILLIAM MERRILL				
Address::	7 DRURY DR				KEY LARGO, FL 33037
AK:	1641006	Parcel ID:	00521770-000000	Physical Location:	10 DRURY DR KEY LARGO
Legal Description:	BK 2 LT 5 HARBOR SHORES PB3-44 KEY LARGO OR538-181				OR943-1032 OR1083-893Q/C(V)C OF
Owners Name:	CLARK GEORGE D JR AND REBECCA A				
Address::	P O BOX 168				KEY LARGO, FL 33037
AK:	1641154	Parcel ID:	00521920-000000	Physical Location:	105 HARBOR DR KEY LARGO
Legal Description:	BK 2 LT 20 HARBOR SHORES PB3-44 KEY LARGO OR625-27				OR735-339 OR735-340 OR761-164 C
Owners Name:	FETTERS CATHERINE A L/E				
Address::	130 POND CT				DEBARY, FL 32713
AK:	1640760	Parcel ID:	00521530-000000	Physical Location:	VACANT LAND KEY LARGO
Legal Description:	BK 1 LT 1 HARBOR SHORES PB3-44 KEY LARGO OR512-653				OR602-764 OR609-896 OR778-515 C
Owners Name:	FRESNEDA TRUST 08/23/09				
Address::	969 BUSH ST UNIT 405				SAN FRANCISCO, CA 94109
AK:	1641171	Parcel ID:	00521940-000000	Physical Location:	98900 OVERSEAS HWY KEY LARGO
Legal Description:	BK 3 LT 4 HARBOR SHORES KEY LARGO OR446-535 OR687-				428 OR1272-1625(JB)
Owners Name:	SANTE CHRISTOPHER & PAMELA				
Address::	P O BOX 3006				KEY LARGO, FL 33037
AK:	8581895	Parcel ID:	00566460-000000	Physical Location:	VACANT LAND KEY LARGO
Legal Description:	BLK 3 LT 6 EL DORADO HEIGHTS KEY LARGO PB1-203 G65				-163 OR638-858E
Owners Name:	FLA KEYS AQUEDUCT COMM				
Address::	P O BOX 1239				KEY WEST, FL 33040
AK:	8919549	Parcel ID:	00088160-000100	Physical Location:	2 THURMOND ST KEY LARGO
Legal Description:	32 61 39 ISLAND OF KEY LARGO PT LOTS 9-11 BCC 17-1				968 PT DISCLAIMED RD BCC 87-197
Owners Name:	HERON BAY VENTURE LLC				
Address::	102901 OVERSEAS HWY				KEY LARGO, FL 33037
AK:	1640794	Parcel ID:	00521560-000000	Physical Location:	VACANT LAND KEY LARGO
Legal Description:	BK 1 LT 4 HARBOR SHORES PB3-44 KEY LARGO OR512-653				OR602-764 OR609-896 OR778-515 C
Owners Name:	LEDON GUILLERMO D & BERTHA				
Address::	1050 W 33RD STREET				HIALEAH, FL 33012
AK:	1640981	Parcel ID:	00521750-000000	Physical Location:	6 DRURY DR KEY LARGO
Legal Description:	BK 2 LT 3 HARBOR SHORES PB3-44 KEY LARGO OR539-854				OR1256-619/22(CW) OR1256-623DC
Owners Name:	BROCH RICARDO B AND CARIDAD				
Address::	6 DRURY DR				KEY LARGO, FL 33037
AK:	1096881	Parcel ID:	00087980-000000	Physical Location:	99001 OVERSEAS HWY KEY LARGO
Legal Description:	32 61 39 A61932-22 ISLAND OF KEY LARGO PT LOT 12				OR408-150-152
Owners Name:	FIRST BAPTIST CHURCH OF KEY LARGO INC				
Address::	99001 OVERSEAS HWY				KEY LARGO, FL 33037
AK:	1096920	Parcel ID:	00088020-000000	Physical Location:	99060 OVERSEAS HWY KEY LARGO
Legal Description:	32 61 39 ISLAND OF KEY LARGO PT LOTS 4, 8, 9, 11 A				ND 12 OF PB1-68 AND LOT 3 BK 3 E I
Owners Name:	NORTHSTAR RESORT ENTERPRISES CORP				
Address::	4775 COLLINS AVE APT 4003				MIAMI BEACH, FL 33140-5208
AK:	1641456	Parcel ID:	00522240-000000	Physical Location:	126 HARBOR DR KEY LARGO
Legal Description:	BK 6 LT 1 HARBOR SHORES PB3-56 KEY LARGO OR588-1				26 OR776-742 OR837-924/25 OR1157
Owners Name:	KEYSWAY INVESTMENTS INC				
Address::	123 JOLLY ROGER DR				KEY LARGO, FL 33037

AK: 1641596	Parcel ID: 00522380-000000	Physical Location: VACANT LAND	KEY LARGO
Legal Description:	BK 6 LT 15 HARBOR SHORES PB3-56	KEY LARGO OR512-65	3 OR602-764 OR609-896 OR778-515
Owners Name:	HALE MICHAEL		
Address::	66 FLORIDA DR	KEY LARGO, FL 33037-2595	
AK: 1641014	Parcel ID: 00521780-000000	Physical Location: 12 DRURY DR	KEY LARGO
Legal Description:	BK 2 LT 6 HARBOR SHORES PB3-44	KEY LARGO OR512	-653 OR604-535 OR626-485 OR683-5
Owners Name:	POLSTON JANE REV LIV TR 8/14/07 C/O POLSTON JANE TRUSTEE		
Address::	12 DRURY DR	KEY LARGO, FL 33037	
AK: 1641120	Parcel ID: 00521890-000000	Physical Location: 135 HARBOR DR	KEY LARGO
Legal Description:	BK 2 LT 17 HARBOR SHORES PB3-44	KEY LARGO OR380-26	5 OR687-508D/C OR713-132 OR1411
Owners Name:	DAVIS WILLIAM H		
Address::	1010 SNAPPER LN	KEY LARGO, FL 33037	
AK: 1641448	Parcel ID: 00522230-000000	Physical Location: 98851 OVERSEAS HWY	KEY LARGO
Legal Description:	BK LT 2B HARBOR SHORES PB3-56 AND LT 3 BK 3 HARBOR	SHORES PB3-44 KEY LARGO OR4	
Owners Name:	ELWELL ROSS D & ELWELL JANICE T/C		
Address::	1757 OVERSEAS HIGHWAY	MARATHON, FL 33050	
AK: 1641642	Parcel ID: 00522411-000100	Physical Location: 99100 OVERSEAS HWY	KEY LARGO
Legal Description:	CAPE SUBDIVISION KEY LARGO PB6-92 TRACT A	OR560-53	3 OR771-111E OR860-10 OR2484-86
Owners Name:	WAHBA ASHRAF AND VIOLET		
Address::	PO BOX 372661	KEY LARGO, FL 33037-7661	
AK: 1641669	Parcel ID: 00522411-000300	Physical Location: VACANT LAND	KEY LARGO
Legal Description:	CAPE SUBDIVISION KEY LARGO PB6-92 TRACT C	OR514-79	0 OR1155-1898/1900D/C OR1155-19C
Owners Name:	TACO BELL OF AMERICA INC % TBC TAX #004404		
Address::	P O BOX 35370	LOUISVILLE, KY 40232-5370	
AK: 1541095	Parcel ID: 00441400-000000	Physical Location: VACANT LAND	KEY LARGO
Legal Description:	BK 7 LT 15 THOMPSONS SUBD-KEY LARGO PB1-147	G62-38	3-384 OR727-18 OR795-125/127 OR9
Owners Name:	MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY		
Address::	1200 TRUMAN AVE STE 207	KEY WEST, FL 33040-7270	
AK: 1540111	Parcel ID: 00440420-000000	Physical Location: VACANT LAND	KEY LARGO
Legal Description:	BK 3 LT 19 THOMPSONS SUBD-KEY LARGO PB1-147	OR539-	407 OR1374-903/04 OR2273-371AFF
Owners Name:	TIITF C/O DEP		
Address::	3900 COMMONWEALTH BLVD	TALLAHASSEE, FL 32399-3000	
AK: 1540829	Parcel ID: 00441130-000000	Physical Location: VACANT LAND	KEY LARGO
Legal Description:	THOMPSONS SUBD-KEY LARGO PB1-147 ELY 40 FT LOT 17	SQR 6 G33-334-335 OR287-400 OR14	
Owners Name:	MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY		
Address::	1200 TRUMAN AVE STE 207	KEY WEST, FL 33040-7270	
AK: 1540064	Parcel ID: 00440370-000000	Physical Location: 601 FISHERMANS TRL	KEY LARGO
Legal Description:	THOMPSONS SUBD-KEY LARGO PB1-147 PT LOT 16	SQR 3	J1-288 PROBATE DOCKET 9-117 OF
Owners Name:	KLUTTZ WILLIAM EDWARD		
Address::	104500 B-104 OVERSEAS HWY	KEY LARGO, FL 33037	
AK: 1540048	Parcel ID: 00440350-000000	Physical Location: VACANT LAND	KEY LARGO
Legal Description:	BK 3 LT 14 THOMPSONS SUBD-KEY LARGO PB1-147	G31-38	2 OR846-2492 OR854-1842/1843Q/C
Owners Name:	TIITF C/O DEP		
Address::	3900 COMMONWEALTH BLVD	TALLAHASSEE, FL 32399-3000	
AK: 1540102	Parcel ID: 00440410-000000	Physical Location: 504 BLUEFISH TRL	KEY LARGO
Legal Description:	BK 3 LT 18 THOMPSONS SUBD PB1-147	KEY LARGO J1-288	PROBATE DOCKET 9-117 OR845-18
Owners Name:	WELLS FARGO BANK NA		
Address::	3476 STATEVIEW BLVD	FORT MILL, SC 29715-7200	
AK: 1540838	Parcel ID: 00441140-000000	Physical Location: VACANT LAND	KEY LARGO
Legal Description:	THOMPSONS SUBD-KEY LARGO PB1-147 WLY 10 FT LOT 17	SQR 6 OR206-273-274	
Owners Name:	MONROE COUNTY ROADWAY		
Address::	500 WHITEHEAD STREET	KEY WEST, FL 33040	
AK: 1540129	Parcel ID: 00440430-000000	Physical Location: VACANT LAND	KEY LARGO
Legal Description:	BK 3 LT 20 THOMPSONS SUBD-KEY LARGO PB1-147	OR539-	407 OR979-123/24P/R OR2419-330
Owners Name:	HENDRICKS ROBERT A TRUSTEE C/O FRANCESCO LOUIS J		
Address::	1114 GRAND ST	KEY LARGO, FL 33037	

AK: ~~1541417~~ **Parcel ID:** 00441420-000000 **Physical Location:** VACANT LAND KEY LARGO
Legal Description: THOMPSONS SUBD-KEY LARGO PB1-147 WLY 10 FT LOT 18 SQR 7 OR206-180-181 OR795-125/12
Owners Name: MONROE COUNTY
Address:: 500 WHITEHEAD STREET KEY WEST, FL 33040

AK: ~~1540844~~ **Parcel ID:** 00441120-000000 **Physical Location:** VACANT LAND KEY LARGO
Legal Description: THOMPSONS SUBD-KEY LARGO PB1-147 WLY 10 FT LOT 16 SQR 6 OR206-273-274
Owners Name: MONROE COUNTY ROADWAY
Address:: 500 WHITEHEAD STREET KEY WEST, FL 33040

AK: ~~1540072~~ **Parcel ID:** 00440380-000000 **Physical Location:** VACANT LAND KEY LARGO
Legal Description: THOMPSONS SUBD-KEY LARGO PB1-147 W 10 FT LOT 16 SQ R 3 OR188-371-372
Owners Name: MONROE COUNTY
Address:: 500 WHITEHEAD STREET KEY WEST, FL 33040

AK: ~~1540784~~ **Parcel ID:** 00441090-000000 **Physical Location:** VACANT LAND KEY LARGO
Legal Description: THOMPSONS SUBD-KEY LARGO PB1-147 LOT 14 SQR 6 G33- 334-335 OR287-399 OR776-1378 OR
Owners Name: MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY
Address:: 1200 TRUMAN AVE STE 207 KEY WEST, FL 33040-7270

AK: ~~1540700~~ **Parcel ID:** 00441100-000000 **Physical Location:** VACANT LAND KEY LARGO
Legal Description: THOMPSONS SUBD-KEY LARGO PB1-147 LOT 15 SQR 6 G33- 334-335 OR287-399 OR776-1378 OR
Owners Name: MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY
Address:: 1200 TRUMAN AVE STE 207 KEY WEST, FL 33040-7270

AK: ~~1540030~~ **Parcel ID:** 00440340-000000 **Physical Location:** VACANT LAND KEY LARGO
Legal Description: BK 3 LT 13 THOMPSONS SUBD-KEY LARGO PB1-147 G31-38 2 OR846-2492 OR854-1842/1843Q/C
Owners Name: MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY
Address:: 1200 TRUMAN AVE STE 207 KEY WEST, FL 33040-7270

AK: ~~1540099~~ **Parcel ID:** 00440400-000000 **Physical Location:** VACANT LAND KEY LARGO
Legal Description: THOMPSONS SUBD-KEY LARGO PB1-147 W 10 FT LOT 17 SQ R 3 OR188-371-372
Owners Name: MONROE COUNTY
Address:: 500 WHITEHEAD STREET KEY WEST, FL 33040

AK: ~~1540854~~ **Parcel ID:** 00441160-000000 **Physical Location:** VACANT LAND KEY LARGO
Legal Description: THOMPSONS SUBD-KEY LARGO PB1-147 LOT 19 SQR 6 G33- 334-335 OR287-400 OR1462-1048DC
Owners Name: MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY
Address:: 1200 TRUMAN AVE STE 207 KEY WEST, FL 33040-7270

AK: 1540081 **Parcel ID:** 00440390-000000 **Physical Location:** 509 FISHERMANS TRL KEY LARGO
Legal Description: THOMPSONS SUBD-KEY LARGO PB1-147 PT LOT 17 SQR 3 J 1-288 PROBATE DOCKET 9-117 OR8
Owners Name: BLANCO GLADYS G
Address:: 932 SW 136 PL MIAMI, FL 33184

AK: ~~1540883~~ **Parcel ID:** 00441110-000000 **Physical Location:** VACANT LAND KEY LARGO
Legal Description: THOMPSONS SUBD-KEY LARGO PB1-147 ELY 40 FT LOT 18 SQR 6 G33-334-335 OR287-399 OR7
Owners Name: MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY
Address:: 1200 TRUMAN AVE STE 207 KEY WEST, FL 33040-7270

AK: 1096903 **Parcel ID:** 00088000-000000 **Physical Location:** VACANT LAND KEY LARGO
Legal Description: 32-61-39 ISLAND OF KEY LARGO PT LOTS 8 & 12 PB1-68 (A/K/A LOTS 1 THRU 5 BLK 7 SUNSE
Owners Name: KAZI FOODS OF KEY WEST INC
Address:: PO BOX 11239 ST THOMAS, VI 00801-4239

AK: ~~1090944~~ **Parcel ID:** 00088010-000000 **Physical Location:** VACANT LAND KEY LARGO
Legal Description: 32 61 39 ISLAND OF KEY LARGO PT LOT 8 PB 1-60 OR9 9-22-23
Owners Name: MONROE COUNTY
Address:: 500 WHITEHEAD STREET KEY WEST, FL 33040

AK: ~~1541180~~ **Parcel ID:** 00441410-000000 **Physical Location:** VACANT LAND KEY LARGO
Legal Description: THOMPSONS SUBD-KEY LARGO PB1-147 ELY 40 FT LOT 18 SQR 7 G62-383-384 OR727-18 OR79
Owners Name: MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY
Address:: 1200 TRUMAN AVE STE 207 KEY WEST, FL 33040-7270

AK: ~~1540840~~ **Parcel ID:** 00441150-000000 **Physical Location:** VACANT LAND KEY LARGO
Legal Description: THOMPSONS SUBD-KEY LARGO PB1-147 LOT 18 SQR 6 G33- 334-335 OR287-400 OR1462-1048DC
Owners Name: MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY
Address:: 1200 TRUMAN AVE STE 207 KEY WEST, FL 33040-7270

AK: 1540773	Parcel ID: 00441080-000000	Physical Location: VACANT LAND	KEY LARGO
Legal Description:	THOMPSONS SUBD-KEY LARGO PB1-147 LOT 13 SQR B G33-		334-335 OR287-399 OR776-1378 OR'
Owners Name:	MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY		
Address::	1200 TRUMAN AVE STE 207	KEY WEST, FL 33040-7270	
AK: 1641677	Parcel ID: 00522411-000400	Physical Location: 99020 OVERSEAS HWY	KEY LARGO
Legal Description:	CAPE SUBDIVISION KEY LARGO PB6-92 TRACT D, E, F OR		528-690 OR557-456 OR919-483/84 OI
Owners Name:	IMMANUEL INVESTMENTS INC		
Address::	998 SHAW DR	KEY LARGO, FL 33037-2721	
AK: 1641651	Parcel ID: 00522411-000200	Physical Location: 99000 OVERSEAS HWY	KEY LARGO
Legal Description:	CAPE SUBDIVISION KEY LARGO PB6-92 TRACT B OR522-22		0 OR872-512 OR1155-1902(CW) OR1
Owners Name:	TACO BELL OF AMERICA INC % TBC TAX #004404		
Address::	P O BOX 35370	LOUISVILLE, KY 40232-5370	
AK: 1539791	Parcel ID: 00440100-000000	Physical Location: 99101 OVERSEAS HWY UNIT 3	KEY LARGO
Legal Description:	THOMPSONS SUBD-KEY LARGO PB1-147 LOTS 13-18 SQR 2		D5-197 J1-288 OR88-40/41 OR88-40/4
Owners Name:	MDJ INVESTMENTS LLC		
Address::	12 SOUTH DR	KEY LARGO, FL 33037-2921	
AK: 1540056	Parcel ID: 00440360-000000	Physical Location: 605 SAILFISH TRL	KEY LARGO
Legal Description:	BK 3 LT 15 THOMPSONS SUBD-KEY LARGO PB1-147 J1-2		88 PROBATE DOCKET 9-117 OR845-
Owners Name:	BELL JOHN AND MARTHA		
Address::	605 SAILFISH TRAIL	KEY LARGO, FL 33037	

JUNE 2, 2011

IMMANUEL INVESTMENTS INC
998 SHAW DR
KEY LARGO, FL 33037

Re: Division of Hotels and Restaurants Plan Review
License Type: 2010 PERMANENT FOOD SERVICE
Application No. 602367
File No. 249285 **Log No. HQ-11-4664**

Dear Plan Review Applicant:

Congratulations on your decision to operate a restaurant in Florida! I have approved the public food service establishment plans for MRS MAC'S KITCHEN II, 99020 OVERSEAS HWY, KEY LARGO, FL 33037, as of June 2, 2011, **with the following condition(s)**:

- 1. ADDITIONAL HANDWASHING SINKS WILL BE REQUIRED IN THE FOOD PREPARATION AREAS IF HANDWASHING VIOLATIONS ARE OBSERVED.**
- 2. PROVIDE ADEQUATE OVERHEAD PROTECTION FOR OUTSIDE ICE MACHINE(S).**
- 3. WHEN STORED OUTSIDE, ICE MACHINE(S) MUST BE LOCATED IN AN AREA PROTECTED FROM CUSTOMERS.**
- 4. ICE MACHINE WILL BE REQUIRED TO BE RELOCATED INSIDE NEAR A CONVENIENTLY LOCATED HANDWASHING SINK IF HANDWASHING VIOLATIONS AND/OR CROSS CONTAMINATION VIOLATIONS ARE OBSERVED.**

Please have the above information or proof of compliance with the conditions ready for the inspector at your opening inspection. The conditions listed above are required to pass your opening inspection. Please include the file number and log number listed above on any documents submitted. Your plans are only approved as submitted to us **and** with the above conditions. Changes in proposed operational procedures may require additional equipment and certain changes may require a new plan review. If you decide to change the menu, equipment or operation, please notify us immediately.

If you have not yet applied for your food service license, you should submit your Application for Food Service License and the correct fees to Tallahassee now. Please make sure to submit the completed application and fees early enough to receive your license by your planned opening date. You can find licensing information and forms online at www.myfloridalicense.com. A license fee calculator is located on our website at www.myfloridalicense.com/dbpr/hr/licensing/foodfees.html, which can help you determine the cost of your food service license.

For help with the license application process, to have an application mailed to you, or if you have any questions, please call our Customer Contact Center at 850.487.1395 between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday.

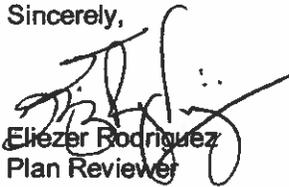
For faster processing, please attach a copy of this letter to the **top** of your completed license application along with a check or money order for the appropriate license fee. Submit the packet to: Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 N. Monroe Street, Tallahassee, FL 32399-0783. Before mailing, please make sure you have completed the license application, paid the correct license fee and attached a copy of this letter to the top of your licensing packet. An incomplete or incorrect licensing packet will delay the licensing process.

Your plan approval is valid for one year from the date of this letter, so you must license the proposed establishment before then. If your plan approval expires after a year, you may have to complete the plan review process including fee payment again. If you are no longer in charge of this project, please forward this letter to the correct person or company.

When the construction is complete, please call our Customer Contact at 850.487.1395 to request contact from an inspector to schedule an opening inspection. Be ready to provide the file number located at the top of this letter. Please allow 1-2 days for the inspector to contact you to schedule the inspection.

Good luck with your enterprise!

Sincerely,



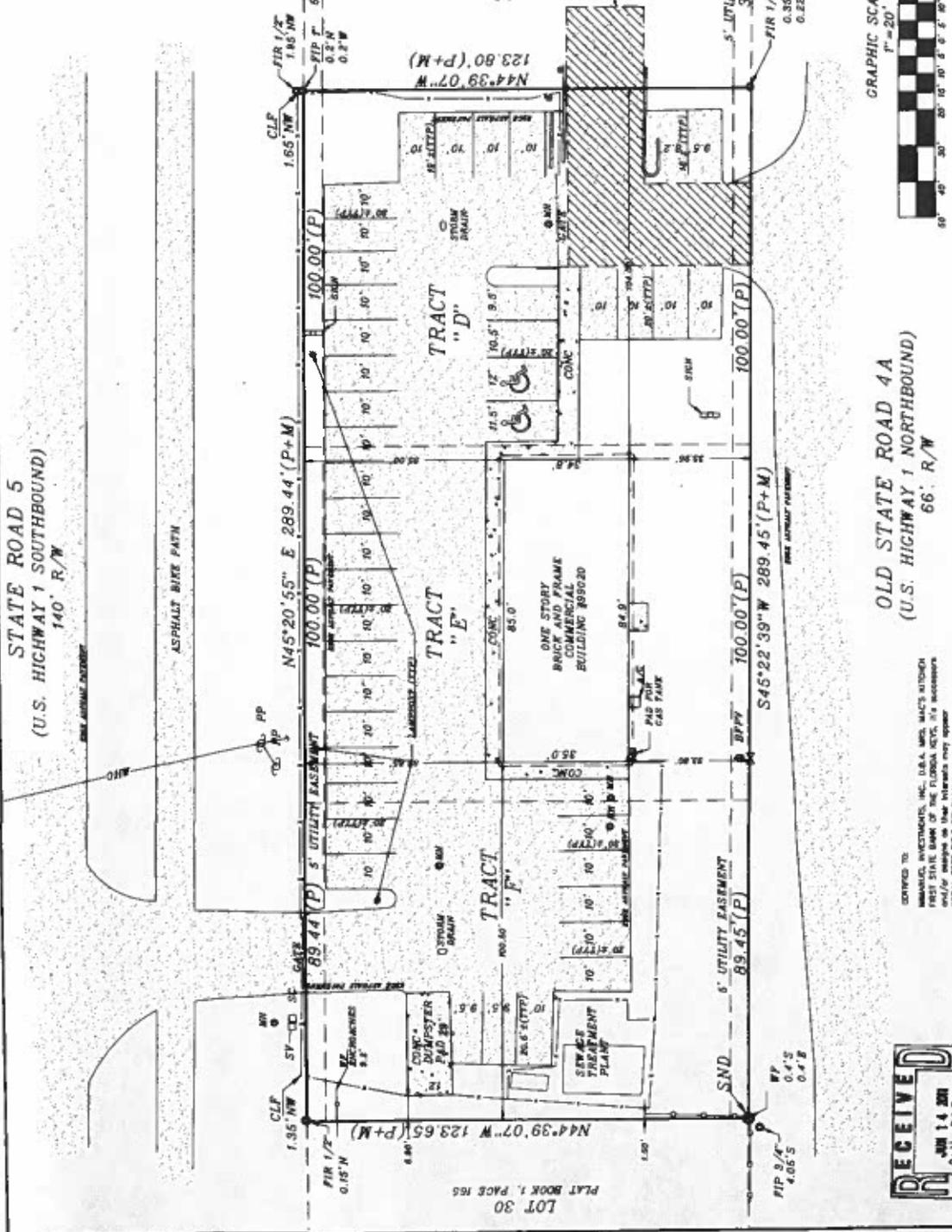
Eliezer Rodriguez
Plan Reviewer

ENCLOSURE(S)

JOB No. K11057
 SEC. 32, TWP. 61 S., RGE. 39 E.
 MONROE COUNTY, FLORIDA

LEGAL DESCRIPTION:
 TRACTS D, E, AND F,
 CAPE SUBDIVISION, ACCORDING
 TO THE PLAT THEREOF,
 AS RECORDED IN PLAT BOOK 6,
 PAGE 92 OF THE PUBLIC
 RECORDS OF MONROE COUNTY,
 FLORIDA.

SUNSET COVE
 P.B. 1-P 165
 LOTS 1-5
 O.R. 229-P.294,295



LAWRENCE FRANK LAND SURVEYING LLC
 SURVEYORS & LAND PLANNERS
 83088 OVERSEAS HIGHWAY, SUITE 300, TAMPA, FLORIDA 33608
 Phone (813) 564-0784 FAX (813) 564-0886
 CERTIFICATE OF AUTHORIZATION NUMBER LB 7896

DATE: 04-12-11
 SCALE: 1"=20'
 SHEET NO: 06/09/11
 JOB NO: K11057

ABBREVIATION LEGEND:

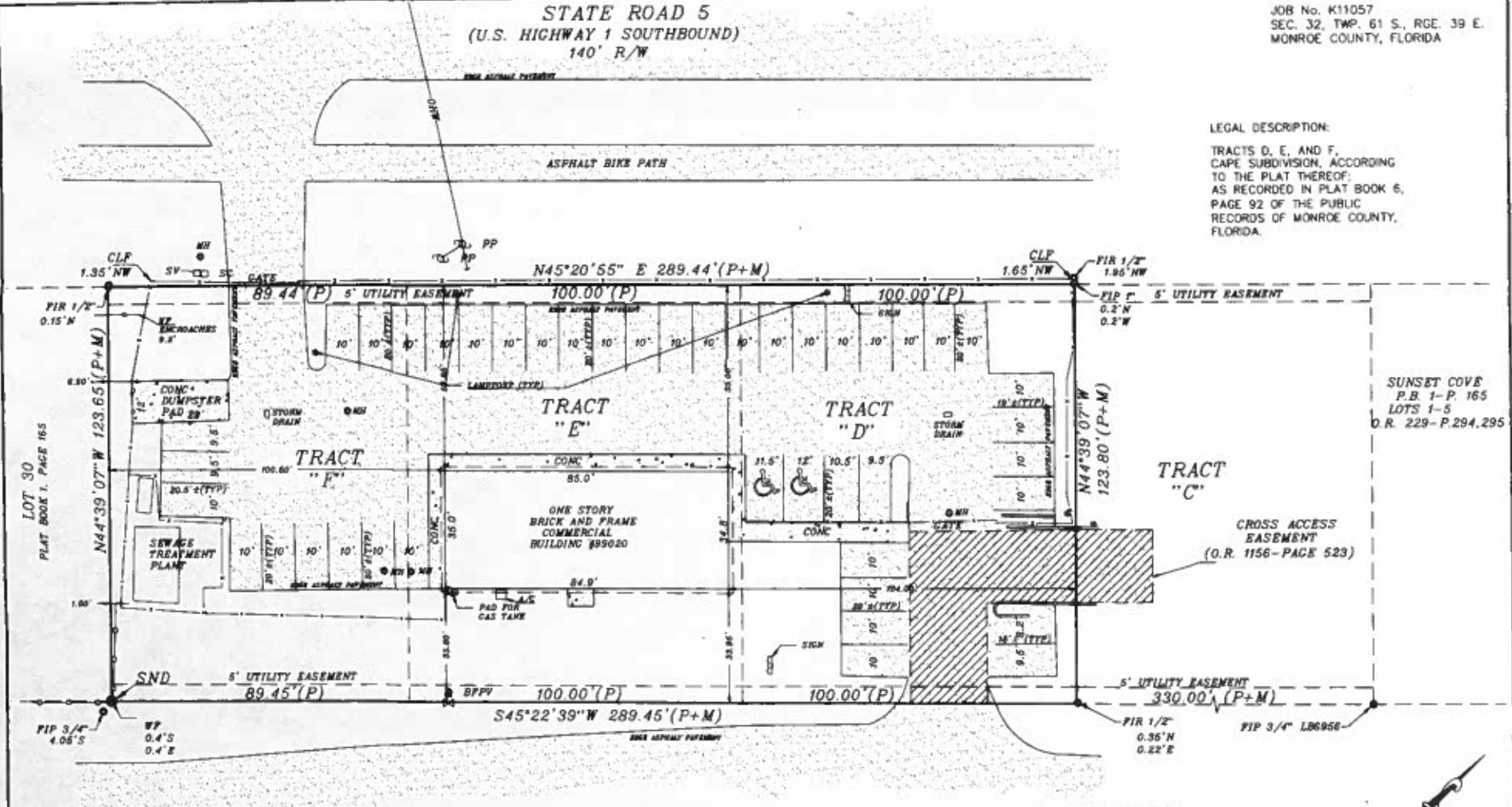
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P.L.A.	PLAT BOOK NO. SEE RECORDED
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P.C.	PLAT CORNER
P.F.	PLAT FENCE
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STATE ROAD 5
(U.S. HIGHWAY 1 SOUTHBOUND)
140' R/W

JOB No. K11057
SEC. 32, TWP. 61 S., RGE. 39 E.
MONROE COUNTY, FLORIDA

LEGAL DESCRIPTION:
TRACTS D, E, AND F,
CAPE SUBDIVISION, ACCORDING
TO THE PLAT THEREOF:
AS RECORDED IN PLAT BOOK 6,
PAGE 92 OF THE PUBLIC
RECORDS OF MONROE COUNTY,
FLORIDA.

SUNSET COVE
P.B. 1-P. 165
LOTS 1-5
O.R. 229-P.294,295



OLD STATE ROAD 4A
(U.S. HIGHWAY 1 NORTHBOUND)
66' R/W



RECEIVED
JUN 14 2011
apl-dka
MONROE CO. PLANNING DEPT.

CERTIFIED TO:
MANUEL INVESTMENTS, INC., D.B.A. MRS. MAC'S KITCHEN
FIRST STATE BANK OF THE FLORIDA KEYS, it's successors
and/or assigns as their interests may appear
CORAL REEF TITLE COMPANY
CHICAGO TITLE INSURANCE COMPANY

SURVEYOR'S NOTES:

1. ALL CORNERS FOUND HAVE NO NUMBER DESIGNATING PREVIOUS SURVEYOR OR COMPANY EXCEPT AS SHOWN.
2. ALL BEARINGS AND DISTANCES ARE MEASURED PER PLAT UNLESS OTHERWISE NOTED.
3. NO UNDERGROUND ENCROACHMENTS, FOUNDATIONS OR UTILITIES HAVE BEEN LOCATED OR SHOWN UNLESS OTHERWISE NOTED.
4. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY AND/OR OWNERSHIP WERE FURNISHED THIS SURVEYOR EXCEPT AS SHOWN HEREON.
5. ELEVATION DATUM: N/A
6. BASIS OF BEARINGS: PLAT
7. THIS IS TO CERTIFY THAT I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAP, COMMUNITY No.125129, PANEL No. 0929 K, EFFECTIVE DATE 2/18/03, AND THE HEREON DESCRIBED PROPERTY APPEARS TO BE IN ZONE X.
8. THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.
9. UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

ABBREVIATION LEGEND:

F.I.R.	FOUND IRON ROD, SIZE INDICATED	SEC.	SECTION
S.I.R.	SET IRON ROD, 3/4" U.S. No. 6019	TWP.	TOWNSHIP
F.I.P.	FOUND IRON PIPE, SIZE INDICATED	RGE.	RANGE
F.N.D.	FOUND NAIL AND DISK	(D)	DEED
S.R.D.	SET NAIL AND DISK, U.S. No. 4918	(M)	MEASURED
F.C.M.	FOUND CONCRETE MONUMENT	(C)	CALCULATED
P.A.M.	PERMANENT REFERENCE MONUMENT	CONC.	CONCRETE
P.C.P.	PERMANENT CONTROL POINT	CONV.	CONVEX
P.I.	POINT OF INTERSECTION	MH	MANHOLE
P.C.	POINT OF CLAY	CLF	CHAIN LINK FENCE
P.O.B.	POINT OF BEGINNING	WF	WOOD FENCE
R/W	RIGHT-OF-WAY	ELEV.	ELEVATION
CP	CONC. POWER POLE	M	METER
PP	POWER POLE	D.H.	ROOF OVERHANG
OW	OVERHEAD WIRE	APP.	APPROXIMATE
N.S.E.	NORTH, SOUTH, EAST, WEST	O.R.	OFFICIAL RECORD
M.H.	MEAN HIGH WATER	SC	SEWER CONNECTION
O.B.A.	OVERHEAD BUSINESS AS	SV	SEWER VENT
B.P.P.V.	BACK FLOW PREVENTION VALVE		

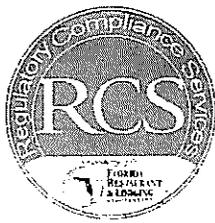
LAWRENCE FRANK LAND SURVEYING LLC
SURVEYORS • LAND PLANNERS
83286 OVERSEAS HIGHWAY, SUITE 300, ISLAMORADA, FLORIDA 33034
Phone (305) 664-0764 FAX (305) 664-0816

CERTIFICATE OF AUTHORIZATION NUMBER LB 7886

CERTIFIED FOR BOUNDARY SURVEY
HEREBY CERTIFY THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 3J-17.009 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.007, FLORIDA STATUTES.

SCALE: 1"=20'
DATE: 04-12-11
DRAWN BY: [Signature]
REVIEWED: 06/09/11
JOB NUMBER: K11057

99020 OVERSEAS HIGHWAY



1-800-537-9863

#2011-062
July 27, 2011

**Regulatory Compliance Employee Training Meeting
Alcoholic Beverage Laws/Regulations**

Mrs. Marc's Kitchen, Key Largo, FL 3/27/11
Location City, State Date

Topic of Discussion and Training

Age
Regulatory Agency Powers
Identification Policies
Effects of Alcohol
Intoxicated Patron Intervention
State Alcoholic Beverage Laws

Local Ordinances/Regulations
License Requirements
Use of Force
Responsible Alcohol Service
Illegal Drug Activity Prevention

TYPE OF MEETING: (New or Update) Update

MEETING CONDUCTED BY: (RCS Representative) Steve Wilson

Please print your name **CLEARLY**. Include your signature, date of birth and job title.

PRINT NAME	SIGNATURE	D.O.B.	POSITION
1. Patricia Tebo	<i>Patricia Tebo</i>	12/26/1965	Server
2. Whitney Collins	<i>Whitney Collins</i>	11/25/82	Server
3. MARQUESE BLACK	<i>Marquesa Black</i>	6/15/84	Server
4. Lolita Kashidain	<i>Lolita Kashidain</i>	2/29/81	Server
5. Dawn Jones	<i>Dawn Jones</i>	5/15/85	Server
6. Vanessa Dickers	<i>Vanessa Dickers</i>	9/11/84	Server
7. SARAH ARKIN	<i>Sarah Arkin</i>	12.27.69	SERVER
8. Paula Little	<i>Paula Little</i>	8/11/81	Server
9. Elena Koshova	<i>Elena Koshova</i>	6/26/89	Server
10. KAT SKODLIK	<i>Kat Skodlik</i>	8/27/85	SERVER
11. Jessica Collozo	<i>Jessica Collozo</i>	11/1/87	Server
12. Katie Schweiss	<i>Katie Schweiss</i>	10/15/85	SERVER
13. Lindsey Perkins	<i>Lindsey Perkins</i>	11/5/87	Server
14. KC Fluenterfeldt	<i>KC Fluenterfeldt</i>	7/2/89	SERVER
15. RAMON ESCOBAR	<i>Ramon Escobar</i>	8/17/86	Server
16. Angela Wittke	<i>Angela Wittke</i>	2/11/65	Owner
17. PAMELLA DITON	<i>Pamella Ditton</i>	5/25/67	Server
18. Kristina Foreman	<i>Kristina Foreman</i>	4/8/83	Server
19.			
20.			
21.			
22.			
23.			



Discussion Item for Entry Features for Key Haven Subdivision Staff Report

MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Planning Commission

Through: Townsley Schwab, Acting Director of Planning and Environmental Resources *TS*

From: Reynaldo Ortiz, Assoc. AIA, AICP, Planner *RO*

Date: July 22, 2011

Subject: Item for Discussion concerning Entry Features for Key Haven Subdivision

For: Meeting of October 8, 2008

Meeting: July 27, 2011

The Planning and Environmental Resources Department is exploring amendments to the text of the Monroe County Code concerning entry features on Raccoon Key (AKA Key Haven). The general purpose of the amendments is to establish parameters to allow entry features as part of a fence permit. The current requirements of limiting the height of the fence in Key Haven to six feet would be amended to allow for entry features within approved design standards.

At the April 13th 2011, the Planning Commission had passed Resolution No. P15-11 denying a variance of twenty-five feet from the required twenty-five foot front yard setback for construction of a gatehouse. At the meeting the applicant had provided images of several sites in Key Haven that appear to have architectural elements exceeding the allowed parameters of current Monroe County Code.

Staff had researched the sites provided by the applicant and initial findings indicate that an exploration of Monroe County Code is practical. Staff is requesting direction from the Planning Commission to further research the possibilities to amend Monroe County Code to facilitate entry features within Key Haven.

A) 22 Arbutus Drive



B) 21 Key Haven Terrace



C) 17 Birchwood



D) 25 Arbutus



E) 3 Key Haven



F) 8 Cypress Terrace



Key Haven Gateway Data

	A	B	C	D	E	F
General Information	22 Arbutus Drive RE00134430-000000 Yes None found Yes	21 Key Haven Terrace RE00135790-000000 Yes None found Yes	17 Birchwood RE00136510-000000 None found None found No	25 Arbutus Drive RE00134760-000000 None found None found No	3 Key Haven Terrace RE00135700-000000 Yes None found No	8 Cypress Terrace RE00139220-000000 Yes None found No
Permitted Fence	Yes	Yes	None found	None found	Yes	Yes
Permitted Entry Gate	None found	None found	None found	None found	None found	None found
ATF Permit for Fence	Yes	Yes	No	No	No	No
Permit Number	8101531	A18478, 87100344, 07104594	N/A	N/A	10001427	A13053
Approved Height per permit	4ft	6ft	N/A	N/A	4ft	3ft conc. Block with 2 ft wrought iron
Code Case regarding fence	Yes	Yes	None found	None found	Yes	None found
Code Case Number (s) for fence	CE08040003, CE10020071	CE07100193	N/A	N/A	CE10080037	N/A
Approximate Aerial Distance to subject site (Miles)	0.36	0.57	0.24	0.33	0.53	0.3
Other		Google Image does not show Gateway	House built 1988	House built 1963		House built 1986
						