

RE: KLF RE, LLC

07-17-22

To the Development Review Committee,

The Island of Key Largo Federation of Homeowner Associations is a community organization that advocates for the improved quality of life for its residential members. The most common complaints from neighborhood residents affecting the ability to enjoy their homes peacefully are: noise, parking encroachments, traffic safety and environmental degradation. With this in mind, we offer the following comments on the proposed major conditional use permit for KLF RE, LLC aka Key Largo Fisheries.

The KLF RE, LLC proposal seeks to acquire a major conditional use permit for an expansion to their restaurant and business that they previously expanded without benefit of a permit. The result of the unauthorized expansion has created neighborhood impacts that were expressed by the residential neighbors at the community meeting of July 7, 2022. There is now no need to surmise if there will be negative impacts to the community due to an expansion as it is already known. It seems the goal of the major conditional use permit would be to resolve the negative impacts and not just validate the unpermitted expansion.

As many of the neighbors stated, they are not opposed to Key Largo Fisheries as it has been a neighbor for a long time. However, the unauthorized expansion has taken a toll on the neighborhood.

The most often mentioned impact at the community meeting was the traffic and off-site parking that has created unsafe conditions for the neighbors. The off-site parking that is presently serving the unpermitted expansion requires Fisheries' clients to cross the street in several locations. Many do not seem to adhere to common safety practices for crossing a street by looking both ways and yielding to oncoming traffic. Many wander right out in front of oncoming vehicles. In addition, there are large commercial refrigerated trucks and delivery trucks coming and going as well as sharing the parking areas of the Fisheries compound. These trucks at times add to the congestion by blocking the road.

These safety concerns raise several issues. It may be these conflicts exist because the expansion is too dense given all the existing uses of the property. These uses include commercial fishing, trap storage, commercial charter boats, fish processing warehouse, seafood wholesale market, seafood retail market, a marina for transient and permanent vessels, and a restaurant with an alcohol license. Is the proposed parking plan and traffic throughways adequate and appropriately safe for all the shared uses of the property? Does the proposed major conditional use permit exceed the allowed density of the property? Might there be a need to pare down some of the uses?

The proposed site plan seems to be adding traffic conflicts by putting parking spaces in front of existing gates used by the commercial trucks, (see photo A). In addition, the site plan does not recognize the existing parking spaces in the setbacks/row. (See photos B, C and D). These unacknowledged parking spaces require vehicles to back out into the street. If these are legally allowed parking spaces, why are they not on the site plan? What will become of these spaces? Will landscaping and/or stormwater swales take their place? If so, will parking still be allowed in these spaces? If not allowed, how will that be known to drivers and enforced? If these spaces go away, will the proposed new spaces end up creating more parking or just relocate existing parking? Will there be a net increase in parking or just the status quo which is presently inadequate?

The parking areas are graveled. Is there a way to mark where each parking space is located so that the parking areas can be utilized at their most efficient use?

The parking plan will continue to require clients to cross the street at Ocean Way. Shouldn't there be a designated crosswalk with signage to alert both drivers and pedestrians? A crosswalk would also route pedestrians to the safest place to cross the street.

It is my understanding that it will be up to the code department to enforce the new parking plan. Since a lot of the parking violations seem to take place at night and on the weekends when code is not around, who can the citizens call on to resolve parking violations should there be any? Hopefully this permit will provide for a clear and adequate design so all vehicles will be where they should be with an enforcement plan that all can be reassured with.

The proposed expansion of off-site parking will require clearing of a wetland lot (RE 00497600-000000). Will there be mitigation for that clearing? (See Exhibit E)

Presently, off-site parking along Ocean Bay Dr is impeding on a couple of Tier I Monroe County Land Authority lots (RE 00442570-000000 and RE 00442780-000000) eroding away the vegetation. How will that be addressed? (See exhibit F)

The next most mentioned complaint at the community meeting was the noise. The restaurant now offers amplified music as part of their ever- expanding uses. The neighbors are now impacted not only when using their neighborhood streets but when they are home trying to enjoy some respite from the growing commercialization of the Florida Keys. Though there is a noise ordinance in Monroe County, there is rarely any entity that is willing or seemingly able to enforce it. The county has not been able to successfully defend their noise ordinance to date. The code department does not work at night or on weekends when most of these violations take place. The Sheriff's Office has expressed a limitation in what they can do to enforce the noise ordinance. The code prohibits noise after certain hours but even within the allowed hours the code **limits** the noise to the property from which it originates.

Sec 17-130 It shall be unlawful, and an offense, for any person(s), to permit, cause, allow, amplify, create, emit, or sustain disturbing noise on any property, including air space thereof, located in unincorporated Monroe County.

Sec 17-129 *Disturbing noise* means noise that is an uninvited and disruptive level of sound that is unreasonably loud or that is raucous and jarring, due to volume, character, or duration, and that causes an actual interference with a person's ability to enjoy peacefully his residence or place of business.

As part of a recent court ruling (18-AP-10-K), Judge Koenig ruled "(Monroe) county could also more scrupulously enforce its noise ordinance... to address the noise that features so prominently in many of the citizens' complaints". So far there has not been any indication of more scrupulous enforcement. How than to address the noise issue? The county could put conditions on the permit, as they have done in the past, to address excessive noise or require a decibel meter be visible at all times. Possibly require a sound system that won't allow the amplification beyond the allowed dB per the code. We recommend the county pursue effective means of containing amplified sound so that it is restricted to the Fisheries property so that neighbors are not subjected to it and make it a condition of the permit.

We appreciate your diligence and thoroughness with this permit. It is very important that all new and amended development be accommodated within the property lines of the development so that the neighbors are not compromised in their enjoyment of their home.

It is possible the county needs to consider the escalating numbers of visitors to the Keys and be leery of variances and requests for exemptions when it comes to density and intensity. Recent approved projects have turned out to need more parking than their plan allowed for. A few examples are:

- Italian Food Company unofficial off-site parking is all along the FDOT ROW. "No parking" signs had to be added along the northbound US1 ROW. Parking still takes place along the southbound FDOT ROW.
- Bungalows off-site parking has been chased off of Thurmond Street, out of the Dameron building parking lot and now they are parking on a county owned parcel RE 00088010-000000 (as well as FDOT ROW next to it) while they vigilantly protect their own FDOT ROW from anyone parking there. Is there a county agreement for their use of the vacant county lot?

Thank you for your professional oversight of our planning codes The Keys are ever more popular but very land limited. Hopefully, we can keep the Keys pleasantly livable.

Thank You for considering our comments.

Dottie Moses

President
Island of Key Largo Federation of Homeowner Associations



Exhibit A



Exhibit B



Exhibit C



Exhibit D



Exhibit E



Exhibit F

From: Larry C <lcdiver@gmail.com>

Date: July 5, 2022 at 8:32:33 AM EDT

To: Raschein-Holly <Raschein-Holly@monroecounty-fl.gov>

Subject: Key Largo Fisheries Prposed Change

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CAUTION: This email originated from outside of the County. Whether you know the sender or not, do not click links or open attachments you were not expecting.

Dear Ms. Raschein,

I am writing regarding a proposal to rezone the Key Largo Fisheries property allowing for a restaurant and “other improvements”. My wife and I as well as many neighbors are quite concerned about this. Presently traffic is extremely high in the area, especially on weekends or even worse, holiday weekends.

Even on weekdays, cars line the streets on Ocean Bay and Ocean Way. During busy periods KLF will even have an employee at their parking lot entrance motioning for cars to go down the street.

As I don’t know how to voice my opinion opposing this, I contacted our mutual friend Amy Slate and she said that the County Planning Commission would be the first step, but she was unsure of who specifically. She then suggested that I contact you for guidance.

Thanks for your usual assistance!

Larry Connor
954 328 2035