BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: August 16, 2006 Division: Growth Management

Bulk Item: Yes ___ No X Department: Planning and Env. Resources

Staff Contact Person: Heather Beckmann

AGENDA ITEM WORDING: A public hearing to consider a request for Administrative Relief for Josue I. Roja/R and R Holding Corp., LLC., for Lot 37, Block 6, Winston Waterways Plat #2, Key Largo, Real Estate Number 00547080.000000.

ITEM BACKGROUND: A building permit and ROGO allocation were applied for on July 9, 2002. The applicant applied for administrative relief on October 17, 2005 and is within the allowable time frame to be eligible for administrative relief under Section 9.5-122.2(f) of the Monroe County Code.

Staff recommends that administrative relief be granted in the form of a dwelling unit allocation award.

PREVIOUS RELEVANT BOCC ACTION: N/A

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval.

TOTAL COST: N/A **BUDGETED:** Yes N/A No ___

COST TO COUNTY: N/A **SOURCE OF FUNDS:** N/A

REVENUE PRODUCING: Yes ___ No ___ **AMOUNT PER MONTH** ___ Year ___

APPROVED BY: County Atty. X OMB/Purchasing N/A Risk Management N/A

DIVISION DIRECTOR APPROVAL: _____
Ty Symroski, Growth Management Director

DOCUMENTATION: Included X Not Required ___

DISPOSITION: _____ **AGENDA ITEM #** _____

RESOLUTION NO. –2006

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST FOR ADMINISTRATIVE RELIEF MADE BY JOSUE ROJA FOR R AND R HOLDING CORPORATION, LLC ON THE PROPERTY DESCRIBED AS LOT 37, BLOCK 6, WINSTON WATERWAYS PLAT #2, KEY LARGO, RE #00547080.000000. THE RELIEF IS IN THE FORM OF ONE (1) DWELLING UNIT ALLOCATION.

WHEREAS, Josue Roja submitted an application for administrative relief under Sec. 9.5-122(f) of the Monroe County Land Development Regulations, and

WHEREAS, the Monroe County Board of County Commissioners makes the following findings of fact and conclusions of law;

1. Josue Roja's application for administrative relief is for Lot 37, Block 6, Winston Waterways #2. RE#00547080.000000.

2. The application has been in the ROGO system for at least four (4) consecutive years.

3. The Board of County Commissioners (BOCC) has the authority to grant administrative relief under Section 9.5-122(f)(6) and may grant the applicant a building allocation, offer to purchase the property at fair market value, or provide such other relief as may be necessary and appropriate.

4. The lot is not identified as being in the Conservation and Native Area (CNA), received no negative environmental points and (1) one positive environmental point.

5. Board of County Commissioners Resolution #223-2004 directs staff to identify small parcels with indigenous hammock or pinelands.

6. The subject property is not in an area of indigenous hammock or pinelands.

7. Policy 101.6.5 of the 2010 Comprehensive Plan provides criteria to be used for determining lands that are appropriate for acquisition and the criteria includes the environmental sensitivity of the vegetative habitat on the lot.

8. The subject property is zoned Improved Subdivision (IS), and is located in the Lime Grove Estates, Section #1 Subdivision and is not environmentally sensitive.

9. The applicant applied for administrative relief on October 17, 2005, under Section 9.5-122.2(f) of the Monroe County Code and Policy 101.6.1 of the 2010 Comprehensive Plan.

10. Section 9.5-122.2(f) of the Monroe County Code provides a mechanism whereby an applicant who has not received an allocation award in ROGO may apply to the Board of County Commissioners for administrative relief.

11. The Applicant has been in the ROGO system for three of the last four annual allocation periods and therefore qualifies for administrative relief.

12. The property does not qualify under criteria established by Resolution #223-2004 for purchase by the Monroe County Land Authority of small parcels with indigenous hammock and pinelands.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Administrative relief is granted to Josue Roja/R and R Holding Corporation, LLC., for Block 6, Lot 37, Winston Waterways Plat #2, Key Largo, in the form of a dwelling unit allocation award, subject to the following conditions:

1. The timing of the issuance of the permit shall be in accordance with the annual number of residential allocations defined by Policy 101.2.13 of the Monroe County Year 2010 Comprehensive Plan and as required by Section 9.5-122.2(f) of the Monroe County Code; and
2. The allocation award shall be taken out of the next quarterly allocation which occurs on October 13, 2006 or next available allocation period; and
3. The assignment of a nutrient reduction credit shall be required prior to issuance of the permit.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the _____ day of _____, 2006.

Mayor Charles "Sonny" McCoy _____
Mayor Pro Tem, Dixie Spehar _____
Commissioner George Neugent _____
Commissioner _____
Commissioner Glenn Patton _____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY_____
Mayor Charles "Sonny" McCoy

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

_____
DEPUTY CLERK

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Jerry D. Sanders
Assistant County Attorney
DATE: 8/1/06

County of Monroe

Planning Department
2798 Overseas Highway Suite 410
Marathon, Florida 33050
Voice: (305) 289-2500
FAX: (305) 289-2536

Board of County Commissioners
Mayor Charles "Sonny" McCoy, Dist. 3
Mayor Pro Tem, Dixie Spehar, Dist. 1
Comm. George Neugent, Dist. 2
Comm. Dist. 4
Comm. Glenn Patton, Dist. 5

We strive to be caring, professional and fair

To: Board of County Commissioners

From: Ty Symroski, Growth Management Director

Date: July 25, 2006

Subject: **Mr. Josue I. Roja, Administrative Relief Request**
RE # 00547080.000000

I. BACKGROUND

The applicant is eligible for Administrative Relief having complied with all requirements of the dwelling unit allocation system and having been considered in at least three (3) of the last four consecutive annual allocation periods and having submitted their application for Administrative Relief no earlier than the third annual allocation period and no later than ninety (90) days following the close of the fourth allocation period.

Date Entered ROGO: July 9, 2002

Date Entered Administrative Relief: October 17, 2005

ROGO Score: 21

Planning: 14
- Pts: (+10) infill, (+4) perseverance

Building: 6
- Pts: (-1) Flood Zone A, (+4) Water/Energy Conservation, (+3) Structural Integrity

Environmental: 1
- Pts: (+1) Group 1, Disturbed Scarified

II. CURRENT CONDITIONS

Location: Lot 37, Block 6, Winston Waterways #2 Subdivision, Key Largo

Applicant: Josue I. Roja

Previous Owner: Ronald & Linda MacLeod

Current Owner: R & R Holding LLC

Zoning: Improved Subdivision (IS) **FLUM:** Residential Medium (RM) **Proposed Tier:** III Infill

2005 Taxable Value: $49,500 **Purchase Price in March of 2005:** $224,000.00

III. LEGAL ELIGIBILITY AND OPTIONS

Eligibility for Administrative Relief Options:
Section 9.5-122.2(f) of the Monroe County Land Development Regulations and Policy 101.6.1 or the 2010 Comprehensive Plan provides a mechanism whereby an application which has not received an allocation award in ROGO may apply to the Board of County Commissioners for Administrative Relief. The applicant is eligible for Administrative Relief having complied with all requirements of the dwelling unit allocation system and having been considered in at least three (3) of the last four consecutive annual allocation periods and having submitted their application for Administrative Relief no earlier than the third annual allocation period and no later than ninety (90) days following the close of the fourth allocation period.

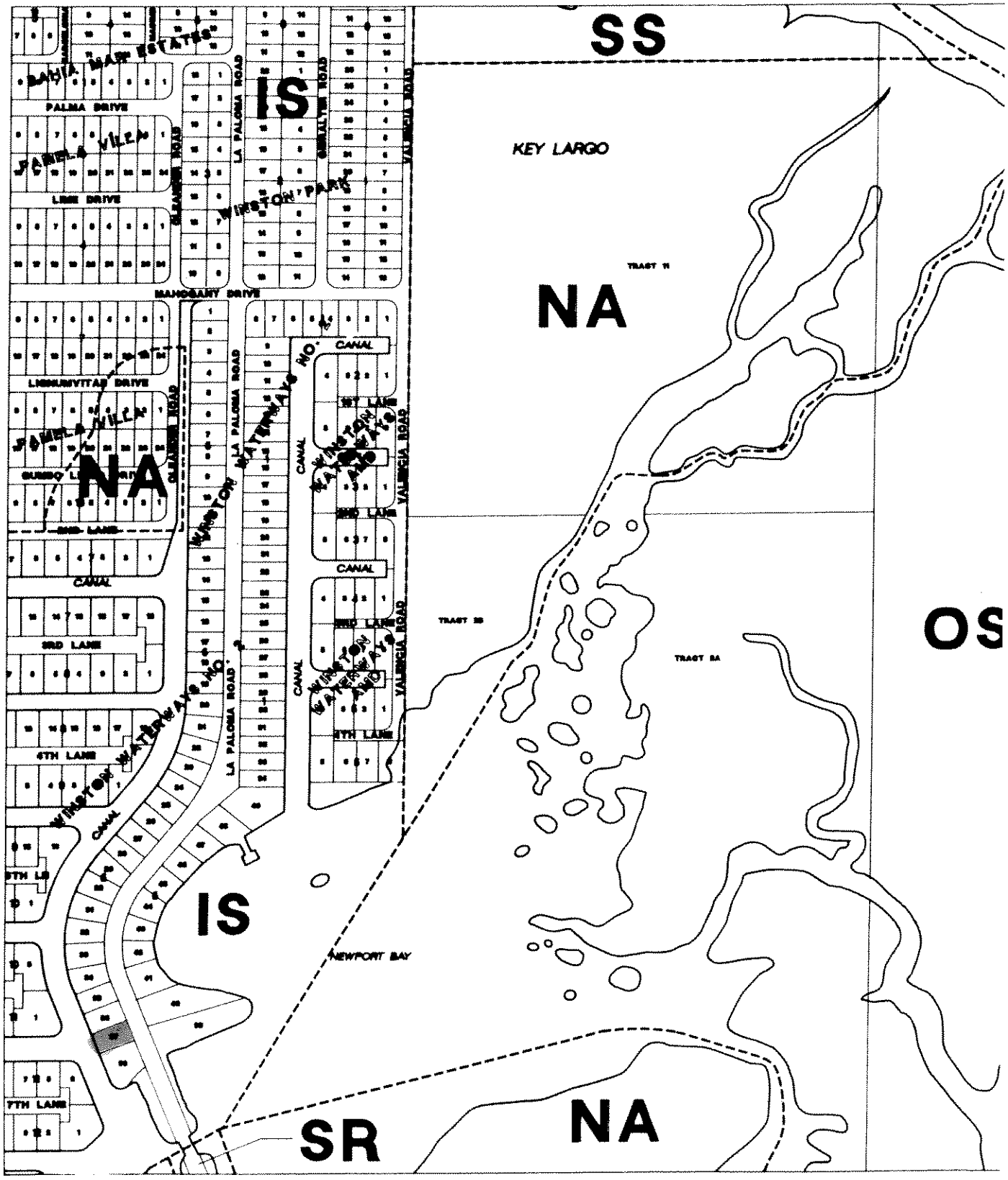
Relief Options under Administrative Relief:
The remedies available to an application for Administrative Relief pursuant to Section 9.5-122.2(f)(6) include issuance of one (1) ROGO allocation awarded, just compensation by purchase of the property, or such other relief as may be necessary or appropriate.

The subject property does not contain sensitive environmental features or any significant habitat for endangered or threatened species. It therefore does not meet the criteria established under the existing Policy 101.6.6 and Policy 102.4.2, or the proposed Policy 101.6.5 of the Year 2010 Comprehensive Plan for the purchase of property under Administrative Relief.

The applicant has requested administrative relief in the form of a granting of 1 (one) ROGO allocation and has not expressed a desire to sell the property to the County as provided for under Policy 101.6.1 of the Year 2010 Comprehensive Plan.

IV. RECOMMENDATIONS

It is recommended that the Board of County Commissioners find that the applicant has met the criteria and qualifies for Administrative Relief. It is further recommended that a Resolution be prepared that establishes this relief awarding one (1) ROGO allocation in the next quarterly ROGO allocation period which closes October 13, 2006, or the next available allocation period.



MONROE COUNTY, FLORIDA,
LAND USE DISTRICT MAP

DSGN
DR TD TRUEAX 2456 U114
CHK
APVD

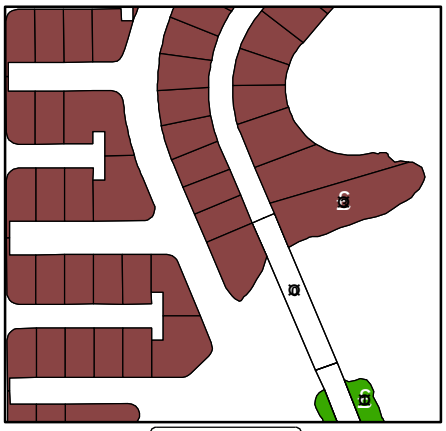
I CERTIFY THAT THIS IS AN OFFICIAL MONROE COUNTY LAND USE DISTRICT MAP AS REQUIRED AND ADOPTED BY THE MONROE COUNTY BOARD OF COMMISSIONERS BY RESOLUTION ON MAY, 1986, AS PROVIDED IN CHAPTER 380 OF THE FLORIDA KEYS COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATIONS, VOLUME III.

DIRECTOR, PLANNING DEPARTMENT

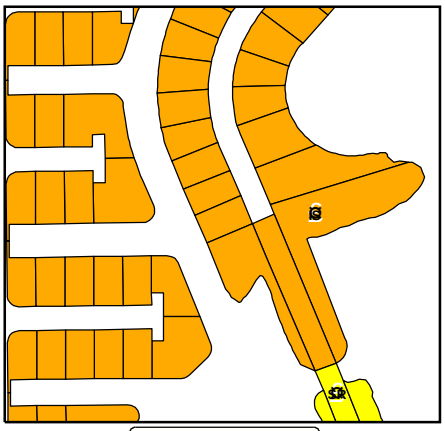
LEGEND
ADCC AREAS OF C
AD AIRPORT
CD CONSERVATI
CFA COMMERCIAL
CFBD COMMERCIAL
CFV COMMERCIAL
DR DESTINATIO

COMPOSITE
OVERLAY
SCREEN
OVERLAY IDENTIFICATION
PROJECT
FILE

Habitat Evaluation: Block 6 Lot 37 Winston Waterways #2 Key Largo
Applicant: R&R Holden; RE# 00547080-000000,



Tier Designation

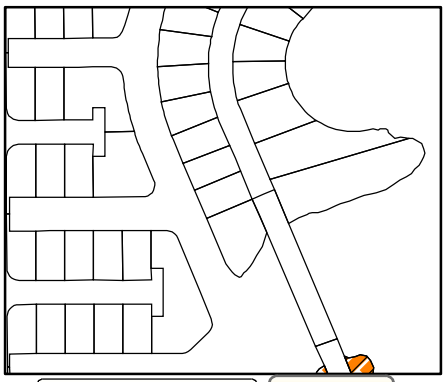


Land Use Designation

Protected Species

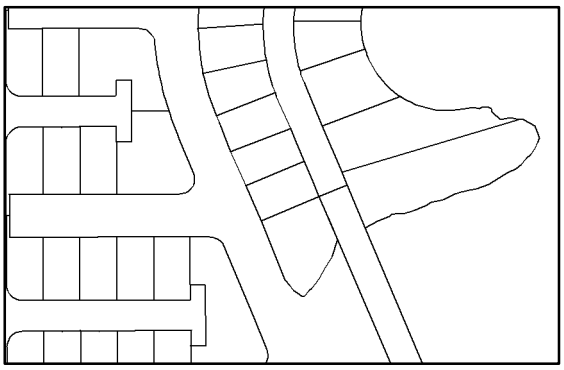
Average Number of Species Occuring

Species Richness	Value								
<all other values>	0	1	2	3	4	5	6	7	8	9	Parcel070505



Florida Forever Boundary

FF Boundary
Parcel070505



Keys Marsh Rabbit Buffer/Habitat

Habitat
Buffer

COUNTY of MONROE
KEY WEST FLORIDA 33040
(305) 294-4641
Environmental Resources

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

Prepared by: Andrew Omer Trivette