**BOARD OF COUNTY COMMISSIONERS**
**AGENDA ITEM SUMMARY**

Meeting Date: August 16, 2006 Division: Growth Management

Bulk Item: Yes ___ No X Department: Planning and Environmental Res.

Staff Contact Person: Ty Symroski

**AGENDA ITEM WORDING:**

MONROE COUNTY PLANNING DEPARTMENT is requesting a Future Land Use Map Amendment from Residential Medium (RM) to Recreation (R) for property legally described as Part of Tracts A, F, & H, Sunrise Cay III Ocean Reef Plat No. 15, Ocean Reef, Monroe County, Florida, having Real Estate Number: 00569443.005201.

MONROE COUNTY PLANNING DEPARTMENT is requesting a Future Land Use Map Amendment from Recreation (R) to Residential Medium (RM) for property legally described as BLK 1 Lots 1-2-3-4 and 18-19 Sunrise Cay III Ocean Reef Plat No. 15, Ocean Reef, Monroe County, Florida, having Real Estate Numbers: 00569443.005200, 00569446.000100, 00569446.000300, 00569446.000400, 00569446.001800, and 00569446.001900.

MONROE COUNTY PLANNING DEPARTMENT is requesting a Land Use District Map amendment from Improved Subdivision (IS) to Parks & Refuge (PR) for property legally described as Part of Tracts A, F, & H, Sunrise Cay III Ocean Reef Plat No. 15, Ocean Reef, Monroe County, Florida, having Real Estate Number: 00569443.005201.

**(first of two public hearings)**

**ITEM BACKGROUND:**

This is a Planning Department-sponsored amendment. The Development Review Committee held a public hearing on this matter on April 11, 2006 and recommended approval of the amendment. The Planning Commission held a public hearing on this matter on June 28, 2006 and recommended approval of the amendment.

**PREVIOUS RELEVANT BOCC ACTION:** None

**CONTRACT/AGREEMENT CHANGES:** N/A

**STAFF RECOMMENDATIONS:** Approval

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

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

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

**APPROVED BY:** County Atty X OMB/Purchasing ___ Risk Management ___

**DIVISION DIRECTOR APPROVAL:** TS 8/11/06
Ty Symroski

**DOCUMENTATION:** Included X Not Required ___

**DISPOSITION:** ___ **AGENDA ITEM #** ___

# MONROE COUNTY YEAR 2010
# COMPREHENSIVE PLAN AMENDMENT
# FUTURE LAND USE MAP AMENDMENT FROM
# RESIDENTIAL MEDIUM (RM) TO RECREATION (R)

AND

# FUTURE LAND USE MAP AMENDMENT FROM
# RECREATION (R) TO RESIDENTIAL MEDIUM (RM)

AND

# LAND USE DISTRICT MAP AMENDMENT FROM
# IMPROVED SUBDIVISION (IS) TO PARKS & REFUGE (PR)

BOARD OF COUNTY COMMISSIONERS
KEY LARGO
AUGUST 16, 2006

PROPOSED FUTURE LAND USE MAP AMENDMENT
RESIDENTIAL MEDIUM (RM) TO RECREATION (R)

AND

FUTURE LAND USE MAP AMENDMENT
RECREATION (R) TO RESIDENTIAL MEDIUM (RM)

AND

PROPOSED LAND USE DISTRICT MAP AMENDMENT
IMPROVED SUBDIVISION (IS) TO PARKS & REFUGE (PR)

A REQUEST BY THE MONROE COUNTY PLANNING DEPARTMENT FOR A FUTURE LAND USE MAP (FLUM) AMENDMENT FROM RESIDENTIAL MEDIUM (RM) TO RECREATION (R) FOR PROPERTY LEGALLY DESCRIBED AS PART OF TRACTS A, F, & H, SUNRISE CAY III OCEAN REEF PLAT NO. 15, OCEAN REEF, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER: 00569443.005201.

A REQUEST BY THE MONROE COUNTY PLANNING DEPARTMENT FOR A FUTURE LAND USE MAP (FLUM) AMENDMENT FROM RECREATION (R) TO RESIDENTIAL MEDIUM (RM) FOR PROPERTY LEGALLY DESCRIBED AS BLK 1 LOTS 1-2-3-4 AND 18-19 SUNRISE CAY III OCEAN REEF PLAT NO. 15, OCEAN REEF, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBERS: 00569443.005200, 00569446.000100, 00569446.000300, 00569446.000400, 00569446.001800, AND 00569446.001900.

A REQUEST BY THE MONROE COUNTY PLANNING DEPARTMENT FOR A LAND USE DISTRICT MAP AMENDMENT FROM IMPROVED SUBDIVISION (IS) TO PARKS & REFUGE (PR) FOR PROPERTY LEGALLY DESCRIBED AS PART OF TRACTS A, F, & H, SUNRISE CAY III OCEAN REEF PLAT NO. 15, OCEAN REEF, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER: 00569443.005201.

RECOMMENDATIONS

| | |
|---|---|
| DRC: | April 11, 2006 |
| PC: | June 28, 2006 |

# BOCC TRANSMITTAL RESOLUTION

**RESOLUTION NO. -2006**

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **TRANSMITTING** TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS A REQUEST BY THE MONROE COUNTY PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT TO AMEND THE FUTURE LAND USE MAP (FLUM) OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FOR THE FOLLOWING PROPERTY FROM RESIDENTIAL MEDIUM (RM) TO RECREATION (R) FOR PROPERTY DESCRIBED AS PART OF TRACTS A, F, & H, SUNRISE CAY III OCEAN REEF PLAT NO. 15, OCEAN REEF, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER: 00569443.005201 AND TO AMEND THE FUTURE LAND USE MAP (FLUM) OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FROM RECREATION (R) TO RESIDENTIAL MEDIUM (RM) FOR PROPERTY DESCRIBED AS BLK 1 LOTS 1-2-3-4 AND 18-19 SUNRISE CAY III OCEAN REEF PLAT NO. 15, OCEAN REEF, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER: 00569443.005200, 00569446.000100, 00569446.000300, 00569446.000400, 00569446.001800, AND 00569446.001900.

---

**WHEREAS the Monroe County Board of County Commissioners makes the following findings of fact:**

1. The Development Review Committee held a meeting on April 11, 2006 and recommended to the Planning Commission that they approve the proposed Future Land Use Map Amendments.

2. The Planning Commission acting as the Local Planning Agency held a duly advertised public hearing on June 28, 2006 and made a recommendation to the Board of County Commissioners that they approve the proposed Future Land Use Map Amendments.

3. The Monroe County Board of County Commissioners held a public hearing for the purpose of considering the transmittal to the Florida Department of Community Affairs for review and comment of a proposed amendment to the Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, changing the future land use designation of the properties described above.

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

**Section 1.** The Board of County Commissioners does hereby adopt the recommendations of the Planning Commission pursuant to the draft ordinance for adoption of the proposed Future Land Use Map amendment.

**Section 2.** The Board of County Commissioners does hereby transmit the proposed amendment to the Florida Department of Community Affairs for review and comment in accordance with the provisions of Chapter 163.3184, Florida Statutes.

**Section 3.** The Monroe County staff is given authority to prepare and submit the required transmittal letter and supporting documents for the proposed amendment in accordance with the requirements of 9J-11.006 of the Florida Administrative Code; and

**Section 4.** The Clerk of the Board is hereby directed to forward a certified copy of this resolution to the Director of Planning.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the 16th day of August, 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

# BOCC ORDINANCE TO AMEND
# THE FUTURE LAND USE DISTRICT MAP (FLUM)

**ORDINANCE NO.:**

AN ORDINANCE BY THE MONROE COUNTRY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST FILED BY MONROE COUNTY PLANNING TO AMEND THE FUTURE LAND USE MAP (FLUM) OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FROM RESIDENTIAL MEDIUM (RM) TO RECREATION (R) FOR PROPERTY DESCRIBED AS PART OF TRACTS A, F, & H, SUNRISE CAY III OCEAN REEF PLAT NO. 15, OCEAN REEF, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER: 00569443.005201 AND TO AMEND THE FUTURE LAND USE MAP (FLUM) OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FROM RECREATION (R) TO RESIDENTIAL MEDIUM (RM) FOR PROPERTY DESCRIBED AS BLK 1 LOTS 1-2-3-4 AND 18-19 SUNRISE CAY III OCEAN REEF PLAT NO. 15, OCEAN REEF, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER: 00569443.005200, 00569446.000100, 00569446.000300, 00569446.000400, 00569446.001800, AND 00569446.001900.

---

**WHEREAS**, the Monroe County Board of County Commissioners, during a regular meeting held on August 16, 2006 conducted a review and consideration of the request filed by Monroe County Planning to amend the Future Land Use Map (FLUM) from Residential Medium (RM) to Recreation (R) for property described as Part of Tracts A, F, & H, Sunrise Cay III Ocean Reef Plat No. 15, Ocean Reef, Monroe County, Florida, having Real Estate Number: 00569443.005201 and amend the Future Land Use Map (FLUM) from Recreation (R) to Residential Medium (RM) for property described as BLK 1 Lots 1-2-3-4 and 18-19 Sunrise Cay III Ocean Reef Plat No. 15, Ocean Reef, Monroe County, Florida, having Real Estate Number: 00569443.005200, 00569446.000100, 00569446.000300, 00569446.000400, 00569446.001800, and 00569446.001900; and

**WHEREAS**, the Monroe County Planning Commission, during a regular meeting held on June 28, 2006 conducted a review of these same requests and recommended approval to the Board of County Commissioners; and

**WHEREAS**, the Monroe County Development Review Committee, during regular meetings held on April 11, 2006 conducted a review and consideration of these same requests and recommended approval to the Planning Commission; and

**WHEREAS**, the Board of County Commissioners examined the staff report prepared by Julianne Thomas, Planner on July 27, 2006; and

**WHEREAS,** the Board of County Commissioners makes the following **Findings of Fact:**

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. In accordance with **Section 9.5-511 (d) (5) (b):**

   **(ii.) Changed assumptions:**
   ORC is a gated, private community committed to meeting the commercial, personal and communication needs of its residents on site.

   **(iii.) Data errors**
   Staff believes that the R designation was meant for parcel 00569443.005201, not the six parcels it currently touches. Staff is seeking to remove this error and designate the appropriate parcel as PR and R.

   **(iv.) New issues**
   Staff recognized inconsistencies between the current land use designation, IS, and the FLUM designation of R. Further research showed that the R designation was improperly placed and staff seeks to clear this inconsistency and provide proper land use and FLUM designations.

   **(v.) Recognition of a need for additional detail or comprehensiveness:**
   Staff is seeking to minimize inconsistency between land use designation and FLUM designation. Staff also wants current use to be consistent with land use designation and FLUM designation when possible.
3. The subject property was zoned GU prior to 1986. This designation was for a general use district with the purpose of establishing an interim land classification pending action to rezone the property for another use.
4. The subject properties were assigned zoning of Improved Subdivision (IS) in 1986.
5. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, followed the land use district boundary and designated a future land use categories of Recreation (R) and/or Residential Medium (RM) for the IS parcels.
6. The Recreation (R) polygon was incorrectly placed on lots with individual homes.
7. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
8. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
9. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.

**WHEREAS**, the Board of County Commissioners makes the following **Conclusions of Law:**

1. This map amendment meets criteria (ii),(iii), (iv), and (v) outlined in Section 9.5-511 of the Monroe County Land Development Regulations.
2. This map amendment will not result in a negative impact or alter the character of the properties or the immediate vicinity.
3. Based on the Findings of Facts presented, the proposed land use and future land use map designations are appropriate for these properties and will allow the owners to make full use of the subject properties.

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

**Section 1.** The Board specifically adopts the findings of fact and conclusions of law stated above.

**Section 2.** The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan shall be amended as shown in on the attached map, hereby incorporated by reference and attached at Exhibit 1.

**Section 3**. If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 4.** This ordinance shall be filed in the Office of the Secretary of State of the State of Florida but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

**Section 5.** This ordinance is hereby transmitted by the Planning Department to the Department of Community Affairs for review and comment pursuant to Chapter 163, Florida.

**Section 6.** The Monroe County Staff is authorized to prepare and submit the required transmittal letter and supporting documents for the proposed amendment in accordance with the requirements of 9J-11.011 of the Florida Administrative Code.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

**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

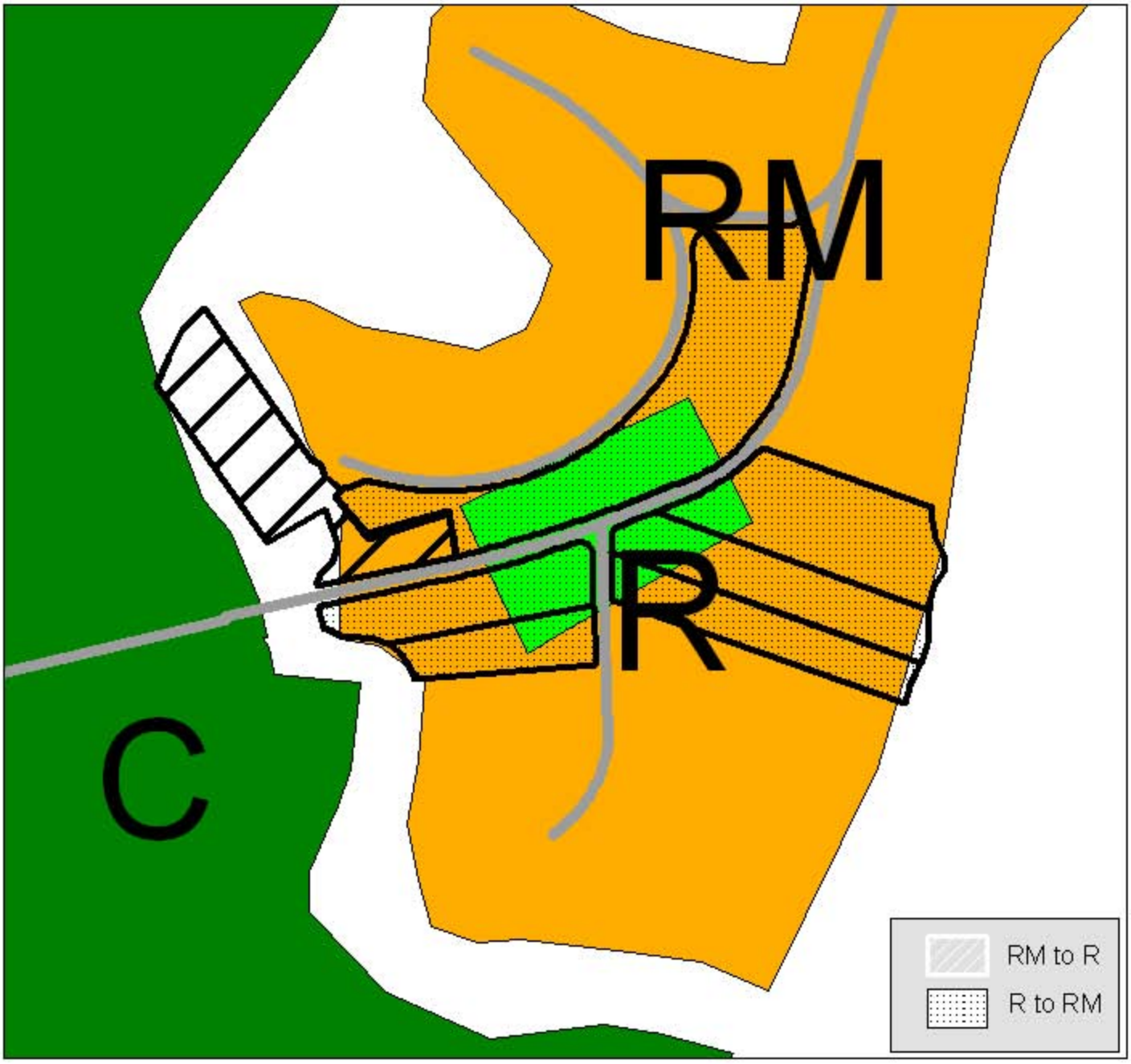
(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

_____
DEPUTY CLERK

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

# EXHIBIT 1: FUTURE LAND USE MAPS




**The Monroe County Year 2010 Comprehensive Plan Future Land Use Map is proposed to be amended as indicated above and briefly described as:**

Key: Key Largo

Mile Marker: Ocean Reef Club

Proposal: Change Future Land Use Map Designation from Residential Medium (RM) to Recreation (R) and from Recreation (R) to Residential Medium (RM)

N

300

Feet

Property Description: RE 00569443.005201, 00569443.005200, 00569446.000100 00569446.000300, 00569446.000400, 00569446.001800, 00569446.001900

Map Amendment:

Land Use District Map #: 51 & 52

**Proposed Future Land Use Map Amendment: Aerial**

Key: Key Largo

Mile Marker: Ocean Reef Club

Proposal: Change Future Land Use Map Designation from Residential Medium (RM) to Recreation (R) and from Recreation (R) to Residential Medium (RM)

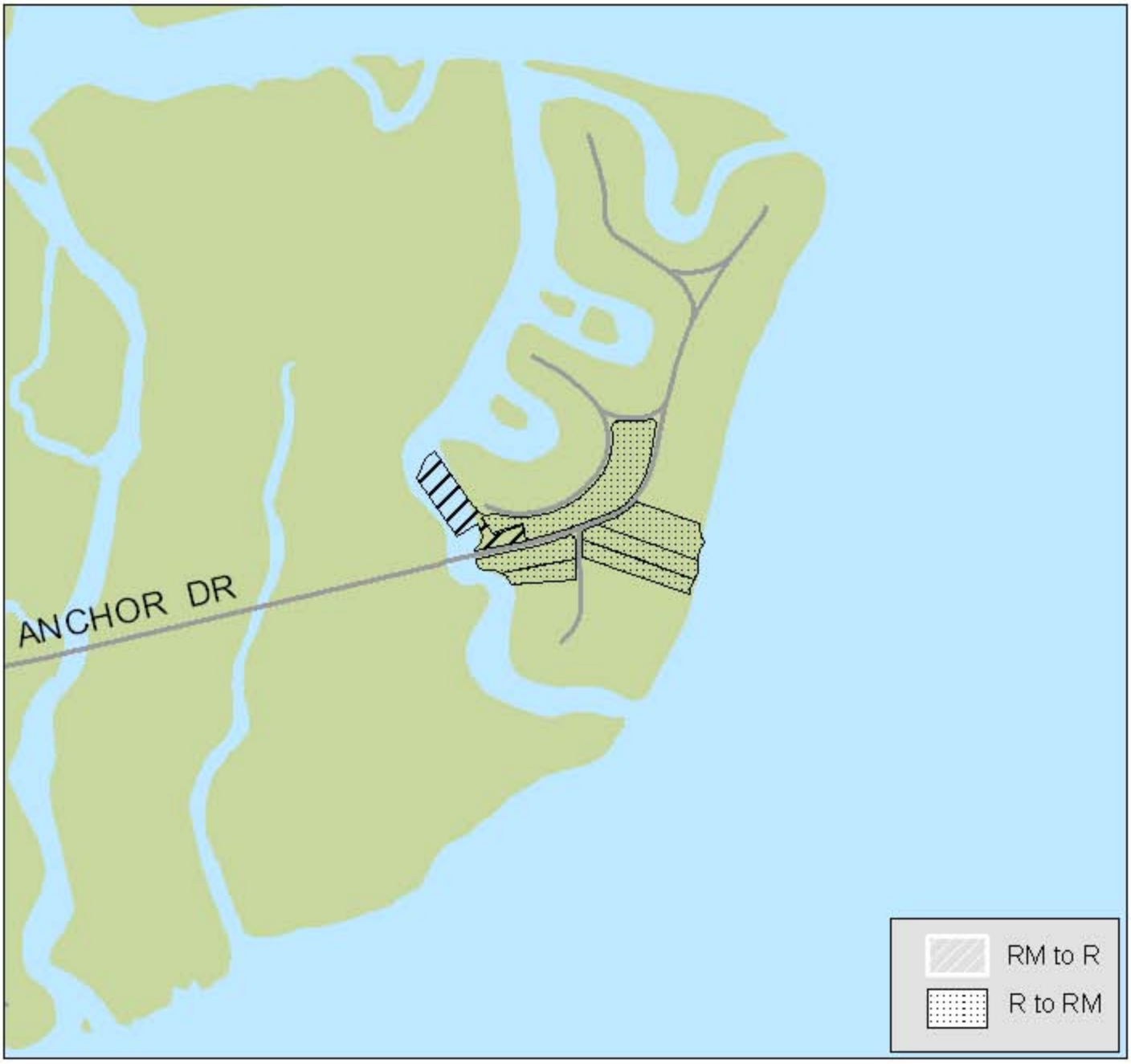
N

540

Feet

Property Description: RE 00569443.005201, 00569443.005200, 00569446.000100 00569446.000300, 00569446.000400, 00569446.001800, 00569446.001900

Map Amendment: Land Use District Map #: 51 & 52




**Proposed Future Land Use Map Amendment: Street Map**

Key: Key Largo

Mile Marker: Ocean Reef Club

Proposal: Change Future Land Use Map Designation from Residential Medium (RM) to Recreation (R) and from Recreation (R) to Residential Medium (RM)

N

840

Feet

Property Description: RE 00569443.005201, 00569443.005200, 00569446.000100 00569446.000300, 00569446.000400, 00569446.001800, 00569446.001900

Map Amendment: Land Use District Map #: 51 & 52

BOCC ORDINANCE TO AMEND
THE LAND USE DISTRICT MAP

**ORDINANCE NO.:**

AN ORDINANCE BY THE MONROE COUNTRY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST FILED BY MONROE COUNTY PLANNING TO AMEND THE LAND USE MAP DESIGNATION MAP FROM (IMPROVED SUBDIVISION) IS TO (PARK AND REFUGE) PR FOR PROPERTY DESCRIBED AS PART OF TRACTS A, F, & H, SUNRISE CAY III OCEAN REEF PLAT NO. 15, OCEAN REEF, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER: 00569443.005201

---

**WHEREAS**, the Monroe County Board of County Commissioners, during a regular meeting held on August 16, 2006 conducted a review and consideration of the request filed by Monroe County Planning to amend the Land Use Map Designation Map from (Improved Subdivision) IS to (Park and Refuge) PR for property described as Part of Tracts A, F, & H, Sunrise Cay III Ocean Reef Plat No. 15, Ocean Reef, Monroe County, Florida, having Real Estate Number: 00569443.005201; and

**WHEREAS**, the Monroe County Planning Commission, during a regular meeting held on June 28, 2006 conducted a review of these same requests and recommended approval to the Board of County Commissioners; and

**WHEREAS**, the Monroe County Development Review Committee, during regular meetings held on April 11, 2006 conducted a review and consideration of these same requests and recommended approval to the Planning Commission; and

**WHEREAS**, the Board of County Commissioners examined the staff report prepared by Julianne Thomas, Planner on July 27, 2006; and

**WHEREAS,** the Board of County Commissioners makes the following **Findings of Fact:**

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. In accordance with **Section 9.5-511 (d) (5) (b):**

   **(ii.) Changed assumptions:**

   ORC is a gated, private community committed to meeting the commercial, personal and communication needs of its residents on site.

   **(iii.) Data errors**

Staff believes that the R designation was meant for parcel 00569443.005201, not the six parcels it currently touches. Staff is seeking to remove this error and designate the appropriate parcel as PR and R.

**(iv.) New issues**

Staff recognized inconsistencies between the current land use designation, IS, and the FLUM designation of R. Further research showed that the R designation was improperly placed and staff seeks to clear this inconsistency and provide proper land use and FLUM designations.

**(v.) Recognition of a need for additional detail or comprehensiveness:**

Staff is seeking to minimize inconsistency between land use designation and FLUM designation. Staff also wants current use to be consistent with land use designation and FLUM designation when possible.

3. The subject property was zoned GU prior to 1986. This designation was for a general use district with the purpose of establishing an interim land classification pending action to rezone the property for another use.
4. The subject properties were assigned zoning of Improved Subdivision (IS) in 1986.
5. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, followed the land use district boundary and designated a future land use categories of Recreation (R) and/or Residential Medium (RM) for the IS parcels.
6. The Recreation (R) polygon was incorrectly placed on lots with individual homes.
7. The lot intended for the Recreation (R) FLUM was not given the appropriate Parks & Refuge (PR) zoning.
8. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
9. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
10. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.

**WHEREAS**, the Board of County Commissioners makes the following **Conclusions of Law:**

1. This map amendment meets criteria (ii),(iii), (iv), and (v) outlined in Section 9.5-511 of the Monroe County Land Development Regulations.
2. This map amendment will not result in a negative impact or alter the character of the properties or the immediate vicinity.
3. Based on the Findings of Facts presented, the proposed land use and future land use map designations are appropriate for these properties and will allow the owners to make full use of the subject properties.

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

**Section 1.** The Board specifically adopts the findings of fact and conclusions of law stated above.

**Section 2.** The Land Use Designation Map of Monroe County shall be amended as shown in on the attached map, hereby incorporated by reference and attached at Exhibit 2.

**Section 3.** If any section, subsection, sentence, clause, item, change or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 4.** This ordinance shall be filed in the Office of the Secretary of State of the State of Florida but shall not become effective until a notice is issued by the Department of Community Affairs or Administration Commission approving the ordinance.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the 16th day of August 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

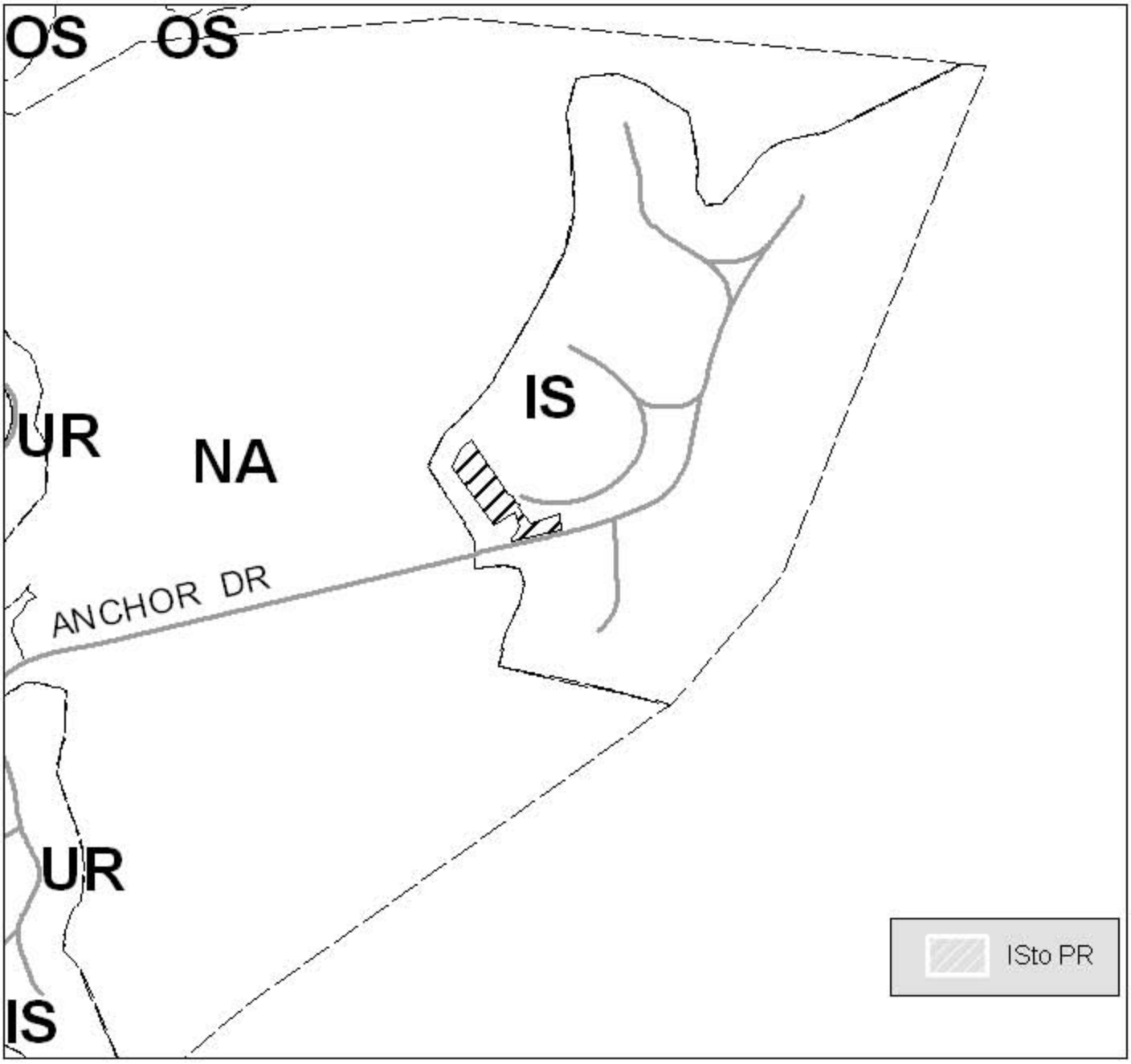
(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

_____
DEPUTY CLERK

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

# EXHIBIT 2: LAND USE DESIGNATION MAPS




**The Monroe County Land Use Map is proposed to be amended as indicated above and briefly described as:**

Key: Key Largo

Mile Marker: Ocean Reef Club

Proposal: Change Land Use Map Designation from Improved Subdivision (IS) to Parks and Refuge (PR)

Property Description: RE 00569443.005201

Map Amendment:

Land Use District Map #: 51 & 52

N

840

Feet

**Proposed Land Use Designation Amendment: Aerial**

Key: Key Largo

Mile Marker: Ocean Reef Club

Proposal: Change Land Use Map Designation from Improved Subdivision (IS) to Parks and Refuge (PR)

Property Description: RE 00569443.005201

Map Amendment:

N

380

Feet

Land Use District Map #: 51 & 52

**Proposed Land Use Designation Amendment: Street Map**

Key: Key Largo

Mile Marker: Ocean Reef Club

Proposal: Change Land Use Map Designation from Improved Subdivision (IS) to Parks and Refuge (PR)

Property Description: RE 00569443.005201

Map Amendment:

N

840

Feet

Land Use District Map #: 51 & 52

# PLANNING COMMISSION RESOLUTION

**PLANNING COMMISSION RESOLUTION NO.:**

A RESOLUTION BY THE MONROE COUNTRY PLANNING COMMISSION RECOMMENDING APPROVAL TO THE BOARD OF COUNTY COMMISSIONERS OF THE REQUEST FILED BY MONROE COUNTY PLANNING TO AMEND THE FUTURE LAND USE MAP (FLUM) OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FROM RESIDENTIAL MEDIUM (RM) TO RECREATION (R) AND THE LAND USE MAP DESIGNATION MAP FROM (IMPROVED SUBDIVISION) IS TO (PARK AND REFUGE) PR FOR PROPERTY DESCRIBED AS PART OF TRACTS A, F, & H, SUNRISE CAY III OCEAN REEF PLAT NO. 15, OCEAN REEF, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER: 00569443.005201 AND TO AMEND THE FUTURE LAND USE MAP (FLUM) OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FROM RECREATION (R) TO RESIDENTIAL MEDIUM (RM) FOR PROPERTY DESCRIBED AS BLK 1 LOTS 1-2-3-4 AND 18-19 SUNRISE CAY III OCEAN REEF PLAT NO. 15, OCEAN REEF, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER: 00569443.005200, 00569446.000100, 00569446.000300, 00569446.000400, 00569446.001800, AND 00569446.001900.

---

**WHEREAS**, the Monroe County Planning Commission, during a regular meeting held on April 11, 2006 conducted a review and consideration of the request filed by Monroe County Planning to amend the Future Land Use Map (FLUM) from Residential Medium (RM) to Recreation (R) and the Land Use Map Designation Map from (Improved Subdivision) IS to (Park and Refuge) PR for property described as Part of Tracts A, F, & H, Sunrise Cay III Ocean Reef Plat No. 15, Ocean Reef, Monroe County, Florida, having Real Estate Number: 00569443.005201 and amend the Future Land Use Map (FLUM) from Recreation (R) to Residential Medium (RM) for property described as BLK 1 Lots 1-2-3-4 and 18-19 Sunrise Cay III Ocean Reef Plat No. 15, Ocean Reef, Monroe County, Florida, having Real Estate Number: 00569443.005200, 00569446.000100, 00569446.000300, 00569446.000400, 00569446.001800, and 00569446.001900; and

**WHEREAS**, the Monroe County Development Review Committee, during a regular meeting held on April 11, 2006 conducted a review and consideration of the request filed by Monroe County Planning to amend the Future Land Use Map (FLUM) from Residential Medium (RM) to Recreation (R) and the Land Use Map Designation Map from (Improved Subdivision) IS to (Park and Refuge) PR for property described as Part of Tracts A, F, & H, Sunrise Cay III Ocean Reef Plat No. 15, Ocean Reef, Monroe

County, Florida, having Real Estate Number: 00569443.005201 and amend the Future Land Use Map (FLUM) from Recreation (R) to Residential Medium (RM) for property described as BLK 1 Lots 1-2-3-4 and 18-19 Sunrise Cay III Ocean Reef Plat No. 15, Ocean Reef, Monroe County, Florida, having Real Estate Number: 00569443.005200, 00569446.000100, 00569446.000300, 00569446.000400, 00569446.001800, and 00569446.001900 and recommended approval to the Planning Commission; and

**WHEREAS**, the Planning Commission examined the staff report prepared by Julianne Thomas, planner on June 21, 2006; and

**WHEREAS,** the Planning Commission made the following **Findings of Fact:**

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. In accordance with **Section 9.5-511 (d) (5) (b):**

   **(ii.) Changed assumptions:**
   ORC is a gated, private community committed to meeting the commercial, personal and communication needs of its residents on site.

   **(iii.) Data errors**
   Staff believes that the R designation was meant for parcel 00569443.005201, not the six parcels it currently touches. Staff is seeking to remove this error and designate the appropriate parcel as PR and R.

   **(iv.) New issues**
   Staff recognized inconsistencies between the current land use designation, IS, and the FLUM designation of R. Further research showed that the R designation was improperly placed and staff seeks to clear this inconsistency and provide proper land use and FLUM designations.

   **(v.) Recognition of a need for additional detail or comprehensiveness:**
   Staff is seeking to minimize inconsistency between land use designation and FLUM designation. Staff also wants current use to be consistent with land use designation and FLUM designation when possible.
3. The subject property was zoned GU prior to 1986. This designation was for a general use district with the purpose of establishing an interim land classification pending action to rezone the property for another use.
4. The subject properties were assigned zoning of Improved Subdivision (IS) in 1986.
5. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, followed the land use district boundary and designated a future land use categories of Recreation (R) and/or Residential Medium (RM) for the IS parcels.
6. The Recreation (R) polygon was incorrectly placed on lots with individual homes.
7. The lot intended for the Recreation (R) FLUM was not given the appropriate Parks & Refuge (PR) zoning.
8. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
9. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.

10. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.

**WHEREAS**, the Planning Commission made the following **Conclusions of Law:**

1. This map amendment meets criteria (ii),(iii), (iv), and (v) outlined in Section 9.5-511 of the Monroe County Land Development Regulations.
2. This map amendment will not result in a negative impact or alter the character of the properties or the immediate vicinity.
3. Based on the Findings of Facts presented, the proposed land use and future land use map designations are appropriate for these properties and will allow the owners to make full use of the subject properties.

**NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA**, to recommend **APPROVAL** to the Monroe County Board of County Commissioners of the request filed by Monroe County Planning to amend the Future Land Use Map (FLUM) from Residential Medium (RM) to Recreation (R) and the Land Use Map Designation Map from (Improved Subdivision) IS to (Park and Refuge) PR for property described as Part of Tracts A, F, & H, Sunrise Cay III Ocean Reef Plat No. 15, Ocean Reef, Monroe County, Florida, having Real Estate Number: 00569443.005201 and amend the Future Land Use Map (FLUM) from Recreation (R) to Residential Medium (RM) for property described as BLK 1 Lots 1-2-3-4 and 18-19 Sunrise Cay III Ocean Reef Plat No. 15, Ocean Reef, Monroe County, Florida, having Real Estate Number: 00569443.005200, 00569446.000100, 00569446.000300, 00569446.000400, 00569446.001800, and 00569446.001900.

**PASSED AND ADOPTED** by the Planning Commission of Monroe County, Florida, at a regular meeting held on the 28th day of June 2006.

| | |
|---|---|
| Chair James D. Cameron | YES |
| Commissioner Sherry Popham | YES |
| Commissioner Randy D. Wall | YES |
| Commissioner Michelle Cates-Deal | YES |
| Commissioner Donna Windle | YES |

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

By _____
James D. Cameron, Chair

Signed this _____ day of _____, 2006

# DEVELOPMENT REVIEW COMMITTEE RESOLUTION

## DEVELOPMENT REVIEW COMMITTEE

A RESOLUTION BY THE MONROE COUNTRY DEVELOPMENT REVIEW COMMITTEE RECOMMENDING APPROVAL TO THE PLANNING COMMISSION OF THE REQUEST FILED BY MONROE COUNTY PLANNING TO AMEND THE FUTURE LAND USE MAP (FLUM) OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FROM RESIDENTIAL MEDIUM (RM) TO RECREATION (R) AND THE LAND USE MAP DESIGNATION MAP FROM (IMPROVED SUBDIVISION) IS TO (PARK AND REFUGE) PR FOR PROPERTY DESCRIBED AS PART OF TRACTS A, F, & H, SUNRISE CAY III OCEAN REEF PLAT NO. 15, OCEAN REEF, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER: 00569443.005201 AND TO AMEND THE FUTURE LAND USE MAP (FLUM) OF THE MONROE COUNTY YEAR 2010 COMPREHENSIVE PLAN FROM RECREATION (R) TO RESIDENTIAL MEDIUM (RM) FOR PROPERTY DESCRIBED AS BLK 1 LOTS 1-2-3-4 AND 18-19 SUNRISE CAY III OCEAN REEF PLAT NO. 15, OCEAN REEF, MONROE COUNTY, FLORIDA, HAVING REAL ESTATE NUMBER: 00569443.005200, 00569446.000100, 00569446.000300, 00569446.000400, 00569446.001800, AND 00569446.001900.

---

**WHEREAS**, the Monroe County Development Review Committee, during a regular meeting held on April 11, 2006 conducted a review and consideration of the request filed by Monroe County Planning to amend the Future Land Use Map (FLUM) from Residential Medium (RM) to Recreation (R) and the Land Use Map Designation Map from (Improved Subdivision) IS to (Park and Refuge) PR for property described as Part of Tracts A, F, & H, Sunrise Cay III Ocean Reef Plat No. 15, Ocean Reef, Monroe County, Florida, having Real Estate Number: 00569443.005201 and amend the Future Land Use Map (FLUM) from Recreation (R) to Residential Medium (RM) for property described as BLK 1 Lots 1-2-3-4 and 18-19 Sunrise Cay III Ocean Reef Plat No. 15, Ocean Reef, Monroe County, Florida, having Real Estate Number: 00569443.005200, 00569446.000100, 00569446.000300, 00569446.000400, 00569446.001800, and 00569446.001900; and

**WHEREAS**, the Development Review Committee examined the staff report prepared by Julianne Thomas, planner on March 31, 2006; and

**WHEREAS,** the Development Review Committee made the following **Findings of Fact:**

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. In accordance with **Section 9.5-511 (d) (5) (b):**

   **(ii.) Changed assumptions:**

   ORC is a gated, private community committed to meeting the commercial, personal and communication needs of its residents on site.

   **(iii.) Data errors**

   Staff believes that the R designation was meant for parcel 00569443.005201, not the six parcels it currently touches. Staff is seeking to remove this error and designate the appropriate parcel as PR and R.

   **(iv.) New issues**

   Staff recognized inconsistencies between the current land use designation, IS, and the FLUM designation of R. Further research showed that the R designation was improperly placed and staff seeks to clear this inconsistency and provide proper land use and FLUM designations.

   **(v.) Recognition of a need for additional detail or comprehensiveness:**

   Staff is seeking to minimize inconsistency between land use designation and FLUM designation. Staff also wants current use to be consistent with land use designation and FLUM designation when possible.

3. The subject property was zoned GU prior to 1986. This designation was for a general use district with the purpose of establishing an interim land classification pending action to rezone the property for another use.
4. The subject properties were assigned zoning of Improved Subdivision (IS) in 1986.
5. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, followed the land use district boundary and designated a future land use categories of Recreation (R) and/or Residential Medium (RM) for the IS parcels.
6. The Recreation (R) polygon was incorrectly placed on lots with individual homes.
7. The lot intended for the Recreation (R) FLUM was not given the appropriate Parks & Refuge (PR) zoning.
8. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
9. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
10. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.

**WHEREAS**, the Development Review Committee made the following **Conclusions of Law:**

1. This map amendment meets criteria (ii),(iii), (iv), and (v) outlined in Section 9.5-511 of the Monroe County Land Development Regulations.
2. This map amendment will not result in a negative impact or alter the character of the properties or the immediate vicinity.
3. Based on the Findings of Facts presented, the proposed land use and future land use map designations are appropriate for these properties and will allow the owners to make full use of the subject properties.

**NOW THEREFORE, BE IT RESOLVED BY THE DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA**, to recommend **APPROVAL** to the Monroe County Planning Commission of the request filed by Monroe County Planning to amend the Future Land Use Map (FLUM) from Residential Medium (RM) to Recreation (R) and the Land Use Map Designation Map from (Improved Subdivision) IS to (Park and Refuge) PR for property described as Part of Tracts A, F, & H, Sunrise Cay III Ocean Reef Plat No. 15, Ocean Reef, Monroe County, Florida, having Real Estate Number: 00569443.005201 and amend the Future Land Use Map (FLUM) from Recreation (R) to Residential Medium (RM) for property described as BLK 1 Lots 1-2-3-4 and 18-19 Sunrise Cay III Ocean Reef Plat No. 15, Ocean Reef, Monroe County, Florida, having Real Estate Number: 00569443.005200, 00569446.000100, 00569446.000300, 00569446.000400, 00569446.001800, and 00569446.001900.

**PASSED AND ADOPTED** by the Development Review Committee of Monroe County at a regular meeting held on the 11th day of April, 2006.

| | |
|---|---|
| Heather Beckmann, Sr. Planner | YES |
| Ralph Gouldy, Sr. Administrator of Environmental Resources | YES |
| Clarence Feagin, Sr. Planner | YES |
| Julianne Thomas, Planner | YES |
| Department of Health (by FAX) | YES |
| Department of Public Works (by FAX) | YES |
| Department of Engineering (by FAX) | YES |

DEVELOPMENT REVIEW COMMITTEE OF MONROE COUNTY, FLORIDA

By_____
Heather Beckmann, DRC Chair

Signed this _____ day of _____, 2006

# STAFF REPORT

# Memorandum

To: Board of County Commissioners
From: Julianne Thomas, Planner
Alex Score, Biologist
Date: July 27, 2006
Re: Request for Future Land Use Map and Land Use District Map Amendments

---

**MEETING DATE:** August 16, 2006

**RE NUMBER:** 00569443.005201
**EXISTING FUTURE LAND USE MAP DESIGNATION:** Residential Medium (RM)
**PROPOSED FUTURE LAND USE MAP DESIGNATION:** Recreation (R)
**EXISTING ZONING DESIGNATION:** Improved Subdivision (IS)
**PROPOSED ZONING DESIGNATION:** Parks and Refuge (PR)
**PROPERTY OWNER:** Great American Insurance Co.
**AGENT:** None.

**PROPERTY INFORMATION**

**Key:** Key Largo **Mile Marker:** Ocean Reef
**Size of Parcel:** 97,203.8 S.F. or 2.23 acres

---

**RE NUMBER:** 00569443.005200
**EXISTING FUTURE LAND USE MAP DESIGNATION:** Recreation (R)
**PROPOSED FUTURE LAND USE MAP DESIGNATION:** Residential Medium (RM)
**EXISTING ZONING DESIGNATION:** Improved Subdivision (IS)
**PROPOSED ZONING DESIGNATION:** Improved Subdivision (IS)
**PROPERTY OWNER:** Ocean Reef Volunteer Fire Dept.
**AGENT:** None.

**PROPERTY INFORMATION**

**Key:** Key Largo **Mile Marker:** Ocean Reef
**Size of Parcel:** 173,190.9 S.F. or 3.97 acres; 1.35 acres being changed

---

**RE NUMBER:** 00569446.000100
**EXISTING FUTURE LAND USE MAP DESIGNATION:** Recreation (R)
**PROPOSED FUTURE LAND USE MAP DESIGNATION:** Residential Medium (RM)
**EXISTING ZONING DESIGNATION:** Improved Subdivision (IS)
**PROPOSED ZONING DESIGNATION:** Improved Subdivision (IS)
**PROPERTY OWNER:** Frank Dirco
**AGENT:** None.

**PROPERTY INFORMATION**

**Key:** Key Largo **Mile Marker:** Ocean Reef
**Size of Parcel:** 88,161.16 S.F. or 2.02 acres; 0.23 acres being changed

---

**RE NUMBER:** 00569446.000300
**EXISTING FUTURE LAND USE MAP DESIGNATION:** Recreation (R)
**PROPOSED FUTURE LAND USE MAP DESIGNATION:** Residential Medium (RM)
**EXISTING ZONING DESIGNATION:** Improved Subdivision (IS)
**PROPOSED ZONING DESIGNATION:** Improved Subdivision (IS)
**PROPERTY OWNER:** J. Ronald Terwilliger
**AGENT:** None.

**PROPERTY INFORMATION**
**Key:** Key Largo **Mile Marker:** Ocean Reef
**Size of Parcel:** 66,023.66 S.F. or 1.5 2 acres; 0.36 acres being changed

---

**RE NUMBER:** 00569446.000400
**EXISTING FUTURE LAND USE MAP DESIGNATION:** Recreation (R)
**PROPOSED FUTURE LAND USE MAP DESIGNATION:** Residential Medium (RM)
**EXISTING ZONING DESIGNATION:** Improved Subdivision (IS)
**PROPOSED ZONING DESIGNATION:** Improved Subdivision (IS)
**PROPERTY OWNER:** Circle P Investments of Florida LLC
**AGENT:** None.

**PROPERTY INFORMATION**
**Key:** Key Largo **Mile Marker:** Ocean Reef
**Size of Parcel:** 54,012.71 S.F. or 1.24 acres; 0.092 acres being changed

---

**RE NUMBER:** 00569446.001800
**EXISTING FUTURE LAND USE MAP DESIGNATION:** Recreation (R)
**PROPOSED FUTURE LAND USE MAP DESIGNATION:** Residential Medium (RM)
**EXISTING ZONING DESIGNATION:** Improved Subdivision (IS)
**PROPOSED ZONING DESIGNATION:** Improved Subdivision (IS)
**PROPERTY OWNER:** Samuel & Grace Heffner
**AGENT:** None.

**PROPERTY INFORMATION**
**Key:** Key Largo **Mile Marker:** Ocean Reef
**Size of Parcel:** 35,848.61 S.F. or 0.82 acres; 0.13 acres being changed

---

**RE NUMBER:** 00569446.001900
**EXISTING FUTURE LAND USE MAP DESIGNATION:** Recreation (R)
**PROPOSED FUTURE LAND USE MAP DESIGNATION:** Residential Medium (RM)
**EXISTING ZONING DESIGNATION:** Improved Subdivision (IS)
**PROPOSED ZONING DESIGNATION:** Improved Subdivision (IS)
**PROPERTY OWNER:** Samuel & Grace Heffner
**AGENT:** None.

**PROPERTY INFORMATION**
**Key:** Key Largo **Mile Marker:** Ocean Reef
**Size of Parcel:** 35,416.84 S.F. or 1.27 acres; 0.5 acres being changed

---

**Location Detail with Brief & Legal Descriptions:**

The properties are located on Key Largo in Ocean Reef. These properties are in Sunrise Cay, in the northeast portion of Ocean Reef.

A portion of the properties are proposed to change from Improved Subdivision (IS) to Parks and Refuge (PR) and Future Land Use Map (FLUM) change from Residential Medium (RM) to Recreation (R) is legally described as Part of Tracts A, F, & H, Sunrise Cay III Ocean Reef Plat No. 15, Ocean Reef, Monroe County, Florida, having Real Estate Number: 00569443.005201.

The remaining properties with a proposed FLUM change from R to RM are legally described as BLK 1 Lots 1-2-3-4 and 18-19 Sunrise Cay III Ocean Reef Plat No. 15, Ocean Reef, Monroe County, Florida, having Real Estate Number: 00569443.005200, 00569446.000100, 00569446.000300, 00569446.000400, 00569446.001800, and 00569446.001900.

**Existing Use:**

Parcel 00569443.005201 is currently being used as a parking lot for the adjacent boat docks.

Parcels 00569446.000100, 00569446.000300, 00569446.000400, 00569446.001800, and 00569446.001900 are owned privately and used for individual residences.

Parcel 00569443.005200 is a large landscaped median.

**Existing Habitat:**

Parcel 00569443.005201 is cleared with a few trees and a bufferyard. This site includes a fringing mangrove and open water.

Parcels 00569446.000100, 00569446.000300, 00569446.000400, 00569446.001800, and 00569446.001900 are owned privately and used for individual residences. The habitat is cleared with some native and exotic landscaping.

Parcel 00569443.005200 is a large vegetated median with hammock and some exotics.

**Land Use and Habitat on the 1985 Existing Conditions Aerials:**

The 1985 existing conditions aerials classify this property as740 disturbed, 740.1.5 disturbed with hammock and exotics, and 512 fringing mangrove in panel #340.

**Neighboring Land Uses and Character:**

The surrounding properties are either native conservation areas or single family residences.

## ZONING AND LAND USE HISTORY

**Pre – 1986 Zoning:**

The subject property was zoned GU prior to 1986. This designation was for a general use district with the purpose of establishing an interim land classification pending action to rezone the property for another use.

**Considerations during 1986 comprehensive plan process:**

During the 1986 revisions to the Monroe County Land Development Regulations and land use designations (Ordinance 33-1986 dated February 28, 1986), the subject properties was

designated as IS with a FLUM of RM except for an area that crosses all parcels known with RE # 00569443.005201 with a Recreation (R) designation.

**Consideration during the 2010 comprehensive plan Process:**
During the ensuing Comprehensive Plan process which culminated in the adoption of the Monroe County Year 2010 Comprehensive Plan in 1996, efforts were made to eliminate inconsistencies between the existing Land Development Regulations and the newly formulated Comprehensive Plan and to apply FLUM designations that were consistent with the land use district designations. The property was given a FLUM designation of RM which was consistent with original IS land use district designation. The R FLUM remained.

**Map changes or boundary considerations since 1986:**
Staff is seeking this change to make the zoning consistent with the FLUM designation as well as current and projected use.

**<u>ANALYSIS AND RATIONAL FOR CHANGE (Pursuant to Section 9.5-511 (d) (5) b.)</u>**

**(i.) Changed projections:**
None

**(ii.) Changed assumptions:**
Ocean Reef Club (ORC) is a gated community and private club that limits access to the community by non-residents and non-members. The community is a de facto municipality providing its own sewer, garbage, police, fire protection and medical services. ORC is isolated, 12 miles from Key Largo and 30 minutes from Florida City and Homestead.

The original change in zoning was granted in part based on much of the vacant land along CR-905 being turned into a wildlife refuge. Staff believed that the environmentally sensitive nature of the lands could be protected by reducing the number of trips on CR-905. One way to reduce the number of trips is to provide for more services on site. The only way to provide more services on site is to create more areas which will allow for commercial development.

ORC provides amenities to its residents in the form of commercial retail services, offices, restaurants, offices, schools, and recreation opportunities.

**(iii.) Data errors:**
Staff believes that the R designation has always been intended for Parcel 00569443.005201 as this lot serves as a parking lot for the attached docks and marina facilities. Staff believes the intention was never that lots owned by individuals used for individual residences would have a FLUM designation of R.

**(iv.) New issues:**
Staff became aware that the FLUM was not changed for several areas in Ocean Reef that had zone changes. In doing research to remove inconsistencies, Staff noticed the R parcel that crosses into individually owned lots and seeks to change the zoning and FLUM designations to current and projected use.

**(v.) Recognition of a need for additional detail or comprehensiveness:**

Staff believes it is in the best interest for Monroe County and Ocean Reef to have an accurate land use map and FLUM map to allow all parcels to be used and developed to their fullest, most appropriate potential.

**(vi.) Data updates:**

None

## IMPACT AND POLICY ANALYSIS

**Comparison of development potential for the Current and Proposed Land Uses:**

*1.* ***Current Land development regulations (LDR's)***

00569443.005201 will go from IS to PR while all other RE #'s will remain as IS.

**Sec. 9.5-213. Purpose of the Improved Subdivision District (IS)**

The purpose of the IS district is to accommodate the legally vested residential development rights of the owners of lots in subdivisions that were lawfully established and improved prior to the adoption of this chapter. For the purpose of this section, improved lots are those which are served by a dedicated and accepted existing road of porous or nonporous material, that have a Florida Keys Aqueduct Authority approved potable water supply, and that have sufficient uplands to accommodate the proposed use in accordance with the required setbacks. This district is not intended to be used for new land use districts of this classification within the county.

**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.

**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.

*2.* ***Potential Land Uses with Proposed Map Amendment***

00569443.005201 will go from RM to R while the remaining properties will be changed from R to RM.

**Sec. 9.5-213. Purpose of the Improved Subdivision District (IS)**
The purpose of the IS district is to accommodate the legally vested residential development rights of the owners of lots in subdivisions that were lawfully established and improved prior to the adoption of this chapter. For the purpose of this section, improved lots are those which are served by a dedicated and accepted existing road of porous or nonporous material, that have a Florida Keys Aqueduct Authority approved potable water supply, and that have sufficient uplands to accommodate the proposed use in accordance with the required setbacks. This district is not intended to be used for new land use districts of this classification within the county.

**Sec. 9.5-224. Purpose of the Park and Refuge District (PR).**
The purpose of the PR district is to establish and protect areas as parks, recreational areas and wildlife refuges.

**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.

**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.

**Compatibility with adjacent land uses and effects on community character:**

**Density and Intensity**

Changing the land use designation and FLUM is not going to have any practical effect on land uses or community character. These changes are simply recognizing current use and if anything, protect the value of the land by ensuring current use will be able to continue.

**Use Compatibility**
Parcel 00569443.005201 is being used as a parking lot with docks. A land use designation of PR with a FLUM of R will permit these uses.

Parcels 00569446.000100, 00569446.000300, 00569446.000400, 00569446.001800, and 00569446.001900 are being used by individuals for single family homes. A land designation of IS with a FLUM of RM is consistent with this use.

Parcel 00569443.005200 is disturbed with hammock. Currently, ORC has no use planned, but expressed a desire for this median to have IS zoning with a FLUM of RM. Staff agrees this designation is appropriate for this parcel in this setting. ORC understands that setbacks for three front yards and compliance with all LDRs would have to be met before this parcel could be developed.

**Effects on Natural Resources Goal 102**
Goal 102 of the Year 2010 Comprehensive Plan states that Monroe County shall direct future growth to lands which are intrinsically most suitable for development and shall encourage conservation and protection of environmentally sensitive lands. Future development would be required to comply with all Monroe County Code, State and Federal environmental regulations.

These Land Use Designation changes and FLUM changes will not have an adverse effect on this goal.

**Effects on Public Facilities: Objective 101.11**
Monroe County shall implement measures to direct future growth away from environmentally sensitive land and towards established development areas served by existing public facilities. The proposed FLUM and Land Use District Map amendments will not affect Objective 101.11 and will encourage commercial development to remain on disturbed lands rather than encroaching on environmentally sensitive areas.

**Local Traffic, Parking, and Traffic Circulation**
The subject property is located in Ocean Reef, a gated community with limited access to non-members. Much of the travel within Ocean Reef is conducted using golf carts and staff has no evidence that there will be any local traffic, parking or traffic circulation issues created.

**Effects on Public Facilities**
ORC provides many of its own services in terms and anticipates no problem continuing to meet the community needs if this amendment is approved and enacted.

**<u>FINDINGS OF FACT AND CONCLUSIONS OF LAW:</u>**

1. **Section 9.5-511 (d)(5)b** of the Monroe County Code (MCC) allows the Board of County Commissioners to consider adopting an ordinance to enact map changes under six listed conditions.
2. In accordance with **Section 9.5-511 (d) (5) (b):**
   **(ii.) Changed assumptions:**
   ORC is a gated, private community committed to meeting the commercial, personal and communication needs of its residents on site.
   **(iii.) Data errors**

Staff believes that the R designation was meant for parcel 00569443.005201, not the six parcels it currently touches. Staff is seeking to remove this error and designate the appropriate parcel as PR and R.

**(iv.) New issues**

Staff recognized inconsistencies between the current land use designation, IS, and the FLUM designation of R. Further research showed that the R designation was improperly placed and staff seeks to clear this inconsistency and provide proper land use and FLUM designations.

**(v.) Recognition of a need for additional detail or comprehensiveness:**

Staff is seeking to minimize inconsistency between land use designation and FLUM designation. Staff also wants current use to be consistent with land use designation and FLUM designation when possible.

3. The subject property was zoned GU prior to 1986. This designation was for a general use district with the purpose of establishing an interim land classification pending action to rezone the property for another use.
4. The subject properties were assigned zoning of Improved Subdivision (IS) in 1986.
5. The Future Land Use Map of the Monroe County Year 2010 Comprehensive Plan, which took effect on January 4, 1996, followed the land use district boundary and designated a future land use categories of Recreation (R) and/or Residential Medium (RM) for the IS parcels.
6. The Recreation (R) polygon was incorrectly placed on lots with individual homes.
7. The lot intended for the Recreation (R) FLUM - RE 00569443.005201- was not given the appropriate Parks & Refuge (PR) zoning.
8. **Section 9.5-511** prohibits any map amendments that would negatively impact community character. No negative impacts were identified.
9. **Objective 101.11** states that Monroe County shall ensure that at the time a development permit is issued, adequate public facilities are available to serve the development at the adopted level of service standards concurrent with the impacts of such development.
10. The **2005 Public Facilities Capacity Assessment Report** and the listed programs for stormwater and wastewater indicate that there are no significant concerns.

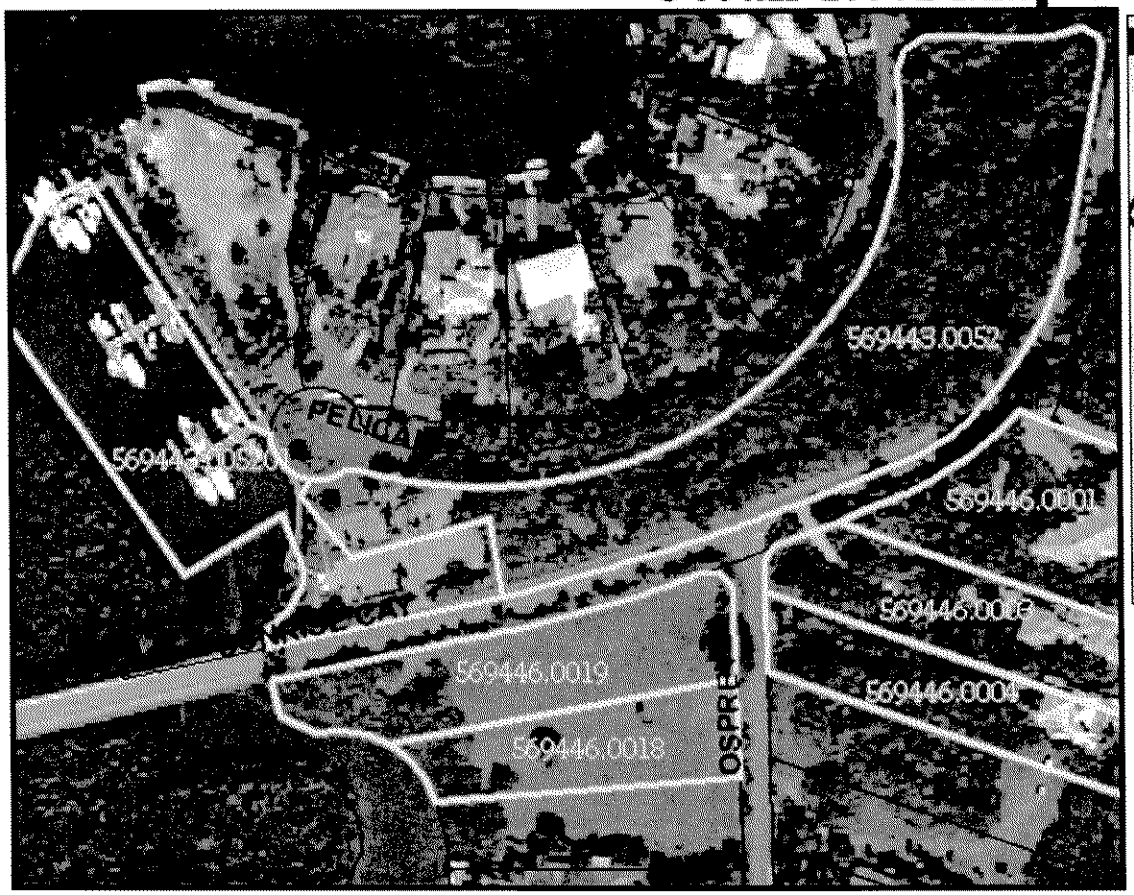
## CONCLUSIONS OF LAW:

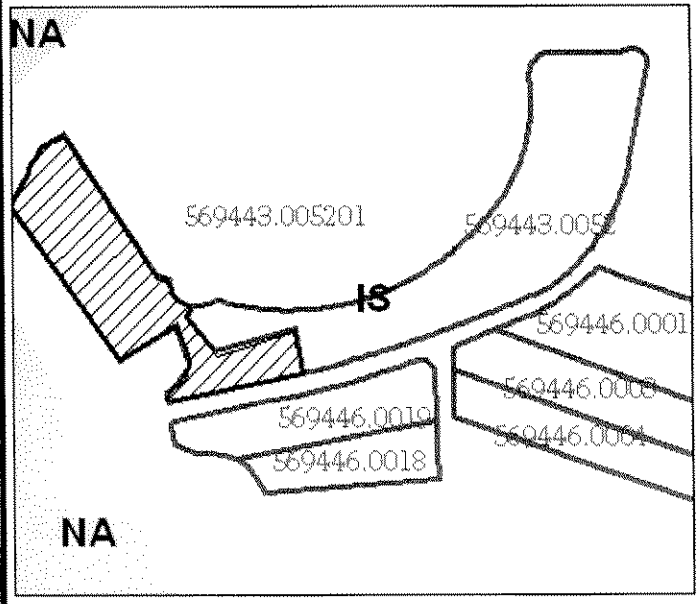
1. This map amendment meets criteria (ii), (iii), (iv), and (v) outlined in Section 9.5-511 of the Monroe County Land Development Regulations.
2. This map amendment will not result in a negative impact or alter the character of the properties or the immediate vicinity.
3. Based on the Findings of Facts presented, the proposed land use and future land use map designations are appropriate for these properties and will allow the owners to make full use of the subject properties.

## RECOMMENDATION:

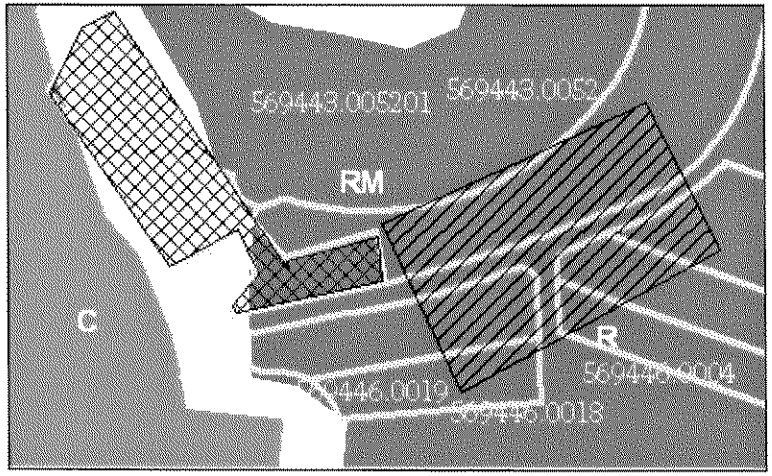
Based on the above Findings of Fact and Conclusions of Law, staff recommends **APPROVAL** to the Board of County Commissioners for the proposed Land Use Designation and Future Land Use Map amendment from IS to PR and RM to R for RE #: 00569443.005201 and Future Land Use Map amendments from R to RM for RE #'s: 00569443.005200, 00569446.000100, 00569446.000300, 00569446.000400, 00569446.001800, and 00569446.001900.

# Ocean Reef Map 8




The land use designation map is changing. The hatched area is changing from Improved Subdivision (IS) to Parks and Refuge (PR).




The future land use map designation is changing.

The cross-hatched area in RE# 569443.005201 is changing from Residential Medium (RM) to Recreation (R).

The hatched areas in RE# 569443.0052, 569446.0001, 569446.0003, 569446.004, 569446.0018, 569446.0019 are changing from Recreation (R) to Residential Medium (RM).