BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: November 16, 2005 Division: Growth Management

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

Staff Contact Person: Timothy J. McGarry

AGENDA ITEM WORDING: A public hearing to consider a request for Administrative Relief from Miles Teach, Lot 30, Block 2, Harris Ocean Park Subdivision, Key Largo, Real Estate Number #00447440.000000.

ITEM BACKGROUND: A building permit and ROGO allocation were applied for on October 15, 2001, (Year 9, Quarter 2). The applicant applied for Administrative Relief on November 24, 2004 (Year 13, Quarter 2) 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 purchase of the subject property.

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: _____
(Timothy J. McGarry, AICP)

DOCUMENTATION: Included X Not Required ____

DISPOSITION: _____ **AGENDA ITEM #** _____

RESOLUTION NO. –2005

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **DENYING** THE REQUEST FOR ADMINISTRATIVE RELIEF IN THE FORM OF A DWELLING UNIT ALLOCATION MADE BY MILES TEACH ON THE LOT DESCRIBED AS LOT 30, BLOCK 2, HARRIS OCEAN PARK ESTATES, KEY LARGO, RE#00447440.000000 AND OFFERING TO PURCHASE THE PROPERTY FOR CONSERVATION PURPOSES AS THE PREFERRED FORM OF ADMINISTRATIVE RELIEF.

WHEREAS, Miles Teach submitted an application for a building permit allocation under the Residential Rate of Growth Ordinance (ROGO) in October 2001; and

WHEREAS, the application has been in the ROGO system for at least four (4) consecutive years; and

WHEREAS, the Board of County Commissions (BOCC) has the authority to grant Administrative Relief under Section 9.5-122.2(f)(6) and may grant the applicant a building allocation, offer to buy the property at fair market value, or provide such other relief as may be necessary and appropriate; and

WHEREAS, the lot is not identified as being in the Conservation and Native Area (CNA), and received two (2) negative environmental points; and

WHEREAS, Board of County Commissioners Resolution #223-2004 directs staff to identify small parcels with indigenous hammock and pinelands for recommended purchase; and

WHEREAS, the subject property is in an area of indigenous hammock or pinelands; and

WHEREAS, 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; and

WHEREAS, the subject property, located in the Harris Ocean Park Subdivision, Key Largo is environmentally sensitive; and

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

1. The Miles Teach application for Lot 30, Block 2, Harris Ocean Park Estates Subdivision received two (2) negative environmental points and is located in the center of approximately 1.7 acres of contiguous hammock; and

2. The applicant has applied for Administrative Relief under Section 9.5-122.2(f)(6) of the Monroe County Code and Policy 101.6.1 of the 2010 Comprehensive Plan and 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; and

3. The applicant has been in the ROGO system for three of the last four annual allocations periods and therefore qualifies for Administrative Relief; and

4. The property does qualify under criteria established by Resolution #223-2004 for purchase by the Monroe County Land Authority of small parcels with indigenous hammock and pinelands; and

5. The property does qualify as environmentally sensitive under criteria established by Policy 101.6.5 and Policy 101.6.6 of the Monroe County Year 2010 Comprehensive Plan that directs the County to prioritize acquisition based on the environmental sensitivity of the land.

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

Administrative Relief is granted to Miles Teach on Lot 30, Block 2, Harris Ocean Park Subdivision in the form of an offer to purchase the subject property subject to the following conditions:

1. The applicant may elect to sell the property to Monroe County for conservation purposes, or to remain in the ROGO allocation system until such time as the application receives an allocation.

2. **PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the _____ day of _____, 2005.

Mayor Dixie Spehar _____
Mayor Pro Tem Charles "Sonny" McCoy _____
Commissioner George Neugent _____
Commissioner David Rice _____
Commissioner Murray Nelson _____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY_____
Mayor Dixie Spehar

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Date: 10-28-05

_____
DEPUTY CLERK

GROWTH MANAGEMENT DIVISION
88800 Overseas Highway
Tavernier, Florida 3300
Voice: (305) 852-7100
FAX: (305) 852-7103

BOARD OF COUNTY COMMISSIONERS
Mayor Dixie M. Sphere, District 1
Mayor Pro Tem Charles "Sonny" McCoy, District 3
George Neugent, District 2
David P. Rice, District 4
Murray E. Nelson, District 5

To: Board of County Commissioners

From: Timothy J. McGarry, Director
Department of Planning and Environmental Resources

Date: October 26, 2005

Subject: **Miles Teach, Administrative Relief Request**

Background on Subject Property:

The subject property is zoned Improved Subdivision (IS) and is located in the Harris Ocean Park Estates Subdivision, Lot 30, Block 2, Key Largo, Real Estate Number #00447440.000000. The applicant purchased the property in January of 2001. The sale price is listed in the assessor's records as $16,000.00. The current land value is listed in the assessor's records as $10,050.00. The applicant entered the Residential Rate of Growth Ordinance (ROGO) system on October 15, 2001, (Year 10, Quarter 2). Permit #01-3-2347.

Permitting History:

A building permit and ROGO allocation were applied for on October 15, 2001, (Year 10, Quarter 2). The application scored thirteen (13) points; ten (10) points from planning, five 5 points from the building department with six (6) points for building features and minus one (-1) point for construction in an AE-8 flood zone. The building permit application did not include a cistern or reverse osmosis system, and therefore the maximum building points could not be assigned. In addition the application received minus two (-2) points from environmental resources as the subject property was determined to be low quality hammock (Habitat Protection Group 2) by the Upper Keys Biologist.

Currently, with the addition of three perseverance points, the property scores sixteen (16) points. The applicant will be awarded one more perseverance point at the end of the 2nd quarter of Year 15, January 13, 2006 for a total of twenty-one (17) points.

The property is located on Atlantic Avenue and is surrounded by vacant lots. There are three (3) vacant lots to the west, five (5) to the east, four (4) to the south across Atlantic Avenue and four (4) more vacant lots to the north at the rear of the property. Each lot is 5000 Sq. Ft., making a total of 80,000 Sq. Ft. of contiguous undeveloped hammock (approximately 1.7 acres) surrounding the property. The rest of the Harris Ocean Park Subdivision is less than fifty (50) percent developed.

There have been five (5) ROGO allocations granted in this subdivision, and another eight (8) are currently in the system awaiting an allocation. A list of permits allocated and issued, along with the ROGO allocation year is attached as Appendix A.

The applicant applied for Administrative Relief on November 24, 2004, (Year 14, Quarter 2) 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.

Development Potential:

Zoning – The property is zoned Improved Subdivision (IS) allows single-family residential dwellings and accessory uses. As an IS lot, it has no TDR value under the current code.

Future Land Use Map (FLUM) – The FLUM indicates the property to be Residential Medium (RM) which is intended for single-family residential use.

Land Type - The subject property was determined to be low quality hammock by the Upper Keys Biologist. The property was given a point assignment of negative two (-2) for being in Habitat Group 2 which is defined in Section 9.5-122.3(7) and includes the following: High hammock (low quality); Low hammock (low quality); Scarified land with saltmarsh and buttonwood; and scarified land with beach/berm (design/standards). This is the second least environmentally sensitive category of the four described in Section 9.5-122.3(7).

ROGO- The ROGO point system is designed to direct growth to protect natural resources and to encourage infill development of improved subdivision lots. In response to Objectives 101.5 of the Monroe County 2010 Comprehensive Plan which directs the County to protect natural resources, Land Development Regulations (LDRs) have been adopted that score minus ROGO points in environmentally sensitive lands. The subject lot received two (-2) negative points under Section 9.5-122.3 of the Land Development Regulations, and is not identified as being in the Conservation and Natural Areas (CNA).

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) include issuance of an allocation award or just compensation by purchase of the property or such other relief as may be necessary or appropriate.

Although the subject property does not contain any significant habitat for endangered or threatened animal species, it does contain sensitive environmental features. Therefore the subject property does

meet the guidelines established under Policy 101.6.6 and Policy 102.4.2 of the Year 2010 Comprehensive Plan for the purchase of property under Administrative Relief.

The applicant has indicated that he does not wish to sell the property to the County as provided for under Policy 101.6.1 of the Year 2010 Comprehensive Plan.

Staff Analysis:

The Growth Management Division has reviewed the application and determined it is not appropriate to offer an allocation award to this applicant. The property contains environmentally sensitive lands, received two negative points (-2) in ROGO and is located within a subdivision with other lots containing fragmented and contiguous hammock. Furthermore, the land is contained within a hammock patch of one acre or greater in area, which would be within a proposed Special Protection Area.

The appropriate County action for this property is to offer to purchase the property from the lot owner. If the owner chooses not to sell to the County, the application may remain in the ROGO system and accrue two points (+2) for each year over four years that he continues in ROGO. The granting of an allocation award is not the preferred relief option and is not consistent with the policies for Administrative Relief under the Year 2010 Comprehensive Plan.

Recommendation:

It is recommended that the Board of County Commissioners find that the applicant has met the criteria and qualifies for Administrative Relief, and that the form of this relief is an offer to purchase the lot for fair market value by Monroe County.

cc: Timothy J. McGarry, AICP, Director of Growth Management
Mark Rosch, Monroe County Land Authority

APPENDIX A

ROGO ALLOCATIONS FOR HARRIS OCEAN PARK ESTATES

YEAR 1 – JULY 1992 – JULY 1993

NONE

YEAR 2 – JULY 1993 – JULY 1994

NONE

YEAR 3 – JULY 1994 – JULY 1995

95-3-0564
93-3-12354

YEAR 4 – JULY 1995 – JULY 1996

95-3-1329
95-3-2628

YEAR 5 – JULY 1996 – JULY 1997

97-3-0726

YEAR 6 – JULY 1997 – JULY 1998

NONE

YEAR 7 – JULY 1998 – JULY 1999

NONE

YEAR 8 – JULY 1999 - JULY 2000

NONE

YEAR 9 – JULY 2000 – JULY 2001

NONE

YEAR 10 – JULY 2001 – JULY 2002

NONE

YEAR 11 – JULY 2002 – JULY 2003

NONE

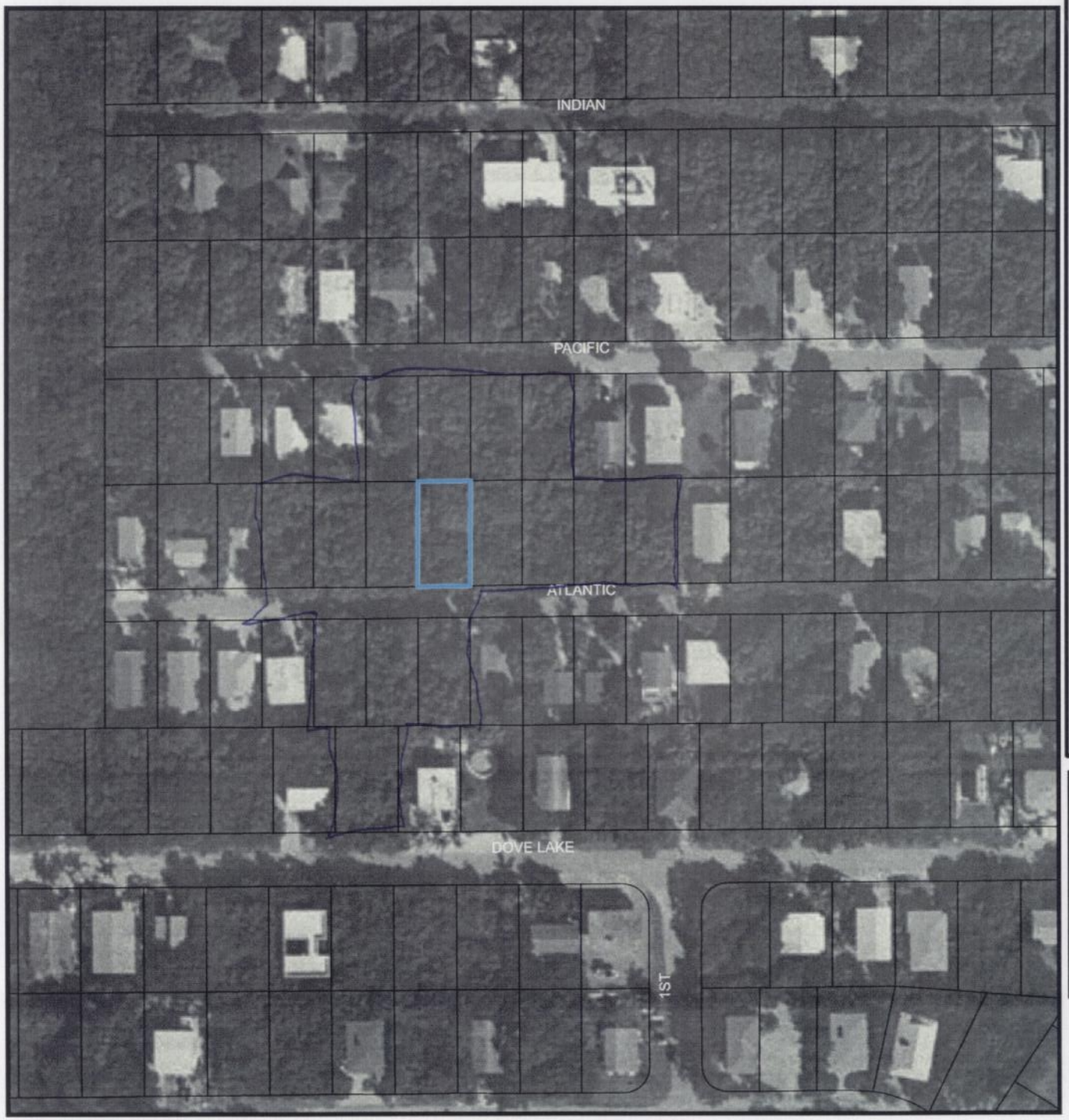
YEAR 12 – JULY 2003 – JULY 2004

NONE

YEAR 13 – JULY 2004 – JULY 2005

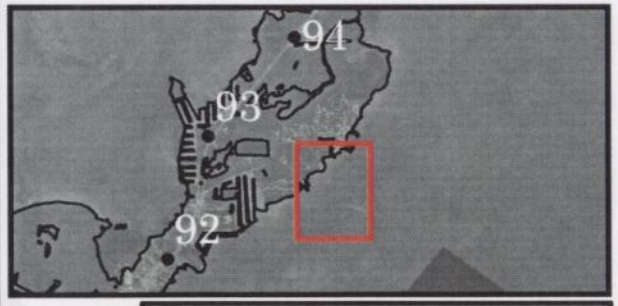
NONE

00447440.000000 Miles Teach



Property line = +/- 10 feet

2003 Aerial Photos



This map is for Monroe County Growth Management Division purposes only. The data contained herein is illustrative only and may not accurately depict boundaries, parcels, roads, right of ways, or identification information.

7/1/JK 2005

Permit# 01-3-2347
RE#00447440.000000
Applicant: Miles Teach
Legal Description: Lot 30, Block 2, Harris Ocean Park Estates