MONROE COUNTY, FLORIDA
PLANNING COMMISSION RESOLUTION NO. P01-10

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION RECOMMENDING APPROVAL OF AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AMENDING THE LAND USE DISTRICT MAP DESIGNATION FROM DESTINATION RESORT (DR), NATIVE AREA (NA) AND SUBURBAN COMMERCIAL (SC) TO MIXED USE (MU) FOR REAL ESTATE NUMBER 00118470.000000 AND FOR PORTIONS OF PARCELS HAVING REAL ESTATE NUMBERS 00118420.000000 AND 00117930.000000 DESCRIBED AS A PORTION OF GOVERNMENT LOT 3 AND PORTION OF GOVERNMENT LOT 4, SECTION 3, TOWNSHIP 67 SOUTH, RANGE 27 EAST AND A PORTION OF GOVERNMENT LOT 3, SECTION 34, TOWNSHIP 66 SOUTH, RANGE 27 EAST, SUGARLOAF KEY, MONROE COUNTY, FLORIDA AND A PORTION OF GOVERNMENT LOT 3, SECTION 34, TOWNSHIP 66 SOUTH, RANGE 27 EAST, SUGARLOAF KEY, MONROE COUNTY, FLORIDA AT 17001 OVERSEAS HIGHWAY, LOWER SUGARLOAF KEY, AT APPROXIMATELY MILE MARKER 17.

WHEREAS, On December 16, 2008, the Planning Commission approved Resolution P39-08 recommending approval to the BOCC amending the FLUM from Residential Conservation (RC) to Mixed Use / Commercial (MC).

WHEREAS, On January 26, 2009, the BOCC approved Resolution 002-2009 transmitting an ordinance for adoption to the Department of Community Affairs (DCA). There were no objections, recommendations or comments from the DCA on the proposed FLUM amendment.

WHEREAS, On June 2, 2009, the BOCC adopted Ordinance 019-2009 amending a FLUM change on real estate number 00118420.000000 and only on 379ft^2 the triangular portion located 110 feet west of Bat tower Road near U. S. 1 from Residential Conservation (RC) to Mixed Use / Commercial (MC),

WHEREAS, in the map amendment application to the Planning & Environmental Resources Department, received June 24, 2008 the Applicant requested that the land use district designation of three (3) parcels identified as Real Estate Numbers 00118420.000000, 00118470.000000 and 00117930.000000 be amended from Suburban Commercial (SC), Destination Resort (DR) and Native Area (NA) to Mixed Use (MU) land use district designation.

WHEREAS, the legal boundary of the text amendment is as follows:

Parcel A:

A portion of Government Lot 3 and Portion of Government Lot 4, Section 3, Township 67 South, Range 27 East and a portion of Government Lot 3, Section 34, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida and being more particularly described as follows (All references to Government Lot Lines are per Bailey's Survey of Sugarloaf Properties, December 22, 1972):

BEGIN at the intersection of the Northwesterly Line of U.S. Highway No. 1 (State Road No. 5) and the West line of Government Lot 3 of said Section 3, thence N 0 degrees 16' 32" E along the said Government Lot line for 60.28 feet; thence N 56'19'10" East along the said Northwesterly right of way line of U.S. Highway No. 1 for 644.56 feet; thence North 33 degrees 41' W for 147.88 feet, more or less to the Mean High Tide Line of Upper Sugarloaf Sound; thence meander said Mean High Tide Line with the following metes and bounds; thence S 52 degrees 19' 26" W for 139.22 feet; thence S 81 degrees 00' 25" W for 28.6 feet; thence N 49 degrees 28' 21" W for 36.77 feet; thence N 44 degrees 25' 27" W for 56.18 feet; thence N 83 degrees 14' 35" W for 35.52 feet; thence S 73 degrees 27' 37" W for 55.44 feet; thence N 42 degrees 13' 57" W and across a marina for 179.20 feet; thence continue meandering the Mean High Tide Line and a concrete seawall with the following metes and bounds: thence N 80 degrees 53' 10" W for 10.77 feet; thence S 70 degrees 37' 47" W for 107.27 feet; thence S 75 degrees 11' 6" W for 110.85 feet; thence North 31 degrees 25' 52" W for 7.55 feet; thence S 45 degrees 41' W for 20.0 Feet; thence S 12 degrees 56' 49" E for 17.13 feet; thence S 23 degrees 15' 23" E for 148.59 feet; thence S 22 degrees 11' 53" E for 87.98 feet; thence S 55 degrees 0014" W and across an open deep water pool for 96.97 feet; thence continue meandering said seawall and the Mean High Tide Line of Upper Sugarloaf Sound with the following metes and bounds; thence S 58 degrees 44' 30" W for 27.82 feet; thence South 71 degrees 47' 47" W for 29.56 feet; thence S 66 degrees 18' 30" W for 129.11 feet; thence S 77 degrees 18' 41" W for 49.7 feet; thence N 89 degrees 13' 39" W for 18.11 feet; thence S 80 degrees 45' 45" W for 75.01 feet; thence N 76 degrees 26' 39" W for 10.79 feet; thence S 86 degrees 24' 08" W for 12.48 feet; thence N 73 degrees 28' 09" W and across a canal for 136.57 feet; thence continue meandering the said Mean High Tide Line for the following metes and bounds; thence N 59 degrees 53' 45" W for 5.95 feet; thence S.75°02'38"W., a distance of 175.86 feet; thence S.14°57'22"E., a distance of 356.02 feet; thence S.59°39'59"W., a distance of 77.48 feet; thence S.30° 16'10"E., a distance of 269.50 feet to the said Northwesterly right of way line of U.S. Highway No. 1, thence N 56°19'10" E along the said Northwesterly right of way line of U.S. Highway No. 1 for

792.73 feet to the Point of Beginning. Parcel contains 557,839 square feet or 12.81 acres, more or less.

AND

Parcel C

A portion of Government Lot 3, Section 34, Township 66 South, Range 27 East, Sugarloaf Key, Monroe County, Florida and being more particularly described as follows (All references to Government Lot Lines are per Bailey's Survey of Sugarloaf Properties, December 22, 1972):

COMMENCE at the intersection of the Northwesterly Line of U.S. Highway No. 1 (State Road No. 5) and the West line of Government Lot 3, Section 3, Township 67 South, Range 27 East, thence N 0° 16' 32" E along the said Government Lot line for 60.28 feet; thence N 56° 19' East along the said Northwesterly right of way line of U.S. Highway No. 1 for 644.56 feet; thence North 33° 41' W for 110.00 feet to the Point of Beginning; thence continue N 33° 41' W for a distance of approximately 37.88 feet to the point of intersection with the Mean High Tide Line of Upper Sugarloaf Sound; thence meander said Mean High Tide Line Northeasterly to a point, said point bears N 63°40'43" E from the first point of intersection with the said Mean High Tide Line at a distance of 125.84 feet from said point of intersection with the Mean High Tide Line; thence S 89°59'13" W for a distance of 39.25 feet; thence S 56°19'10" W for a distance of 157.47 feet back to the Point of Beginning. Parcel contains 4,077 square feet or 0.09 acres, more or less.

WHEREAS, the size of the proposed amendment is 10.89 acres on three parcels:

1. RE number 00118420.000000 is 8.63 acres
2. RE number 00118470.000000 is 1.55 acres
3. RE number 00117930.000000 is 0.68 acres

WHEREAS, the tier for real estate number 00118420.000000 has been undesignated pursuant to Final Order Number DC07-GM-166. This parcel will be evaluated by the Tier Designation Committee and recommendations made to the BOCC.

WHEREAS, based upon the information and documentation submitted, the Planning Commission makes the Findings of Fact and Conclusions of Law:

1. The proposed LUD amendment will change one parcel (RE 00118470.000000) and portions of two parcels (RE 00117930.000000 and RE 00118420.000000) from Destination Resort (DR), Suburban Commercial (SC) and Native Area (NA) land use district designations to Mixed Use (MU) land use district designation as seen on Mr. Good's boundary survey (Exhibit A).

2. Goal 101 of the Year 2010 Monroe County Comprehensive Plan manages future growth to enhance the quality of life.

3. Objective 101.4 Year 2010 Monroe County Comprehensive Plan maintains the community characters and protects natural resources by regulating future development and redevelopment.

4. Staff determined that the proposed map amendment is in accordance with MCC Section 102-158(d)(5)b(v) Recognition of a need for additional detail or comprehensiveness.

5. Staff finds proposed LUD amendment consistent with the Principles for Guiding Development as a whole and not inconsistent with any one principle.

6. The proposed area is cleared and scarified and will not significantly affect natural resources.

7. Staff has determined the proposed LUD designation to Mixed Use (MU) will change community character.

8. Local roads are already in place and have been well maintained.

9. The area is scarified. Effects on natural resources are not anticipated.

10. The proposed LUD amendment will encourage commercial development to remain on disturbed lands rather than encroaching on environmentally sensitive area.

11. The 2008 U. S. 1 Arterial Travel Time and Delay Study for Monroe County indicates a LOS of "D" on Sugarloaf Key (MM 16.5 to MM 20.5). Applications for new development located within backlogged or constrained segments are required to undergo a thorough traffic analysis as part of the review process.

12. The LUD amendment may have an affects on solid waste, potable water and wastewater.

13. The real estate office and auto body repair shop are nonconforming under the Destination Resort LUD designation.

14. The 379ft^2 of Native Area is not consistent with the future land use map of Mixed Use / Commercial.

15. The proposed Mixed Use LUD designation will bring both into accordance with the Land Development Regulations and Comprehensive Plan.

16. Land use district amendment is contingent on a final approval and effective date of the Lower Sugarloaf Key Overlay District text amendment;

WHEREAS, the Planning & Environmental Resources Department Staff has found that all of the required standards are met and recommends approval of the application; and

WHEREAS, the Monroe County Planning Commission held a public hearing in Marathon on March 24, 2010 and based on the facts presented at the meeting, the Planning Commission recommended approval of the request;

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, that the preceding Findings of Fact and Conclusions of Law support its decision to **RECOMMEND APPROVAL** to the Board of County Commissioners of a request by Mr. Lloyd A. Good, Jr., to amend the Land Use District Designation from Suburban Commercial (SC), Destination Resort (DR) and Native Area (NA) to Mixed Use (MU).

PASSED AND ADOPTED BY THE PLANNING COMMISSION of Monroe County, Florida, at a regular meeting held on the 24th day of March, 2010.

Chair Wall	____
Vice-Chair Cameron	____
Commissioner Hale	____
Commissioner Lustberg	____
Commissioner Werling	____

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

BY_____
Randolph D. Wall, Chair

Signed this _____ day of _____, 2010.