#26011

EAGER FAMILY,

Limited Partnership dba

CALOOSA Campground Condo Association

ADMIN. APPEAL

To

P.C.

Additional Info Added to file #26011

Debby / File

GROWTH MANAGEMENT DIVISION
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Suite 400
Marathon, Florida 33050
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BOARD OF COUNTY COMMISSIONERS
Mayor Dixie M. Spehar, District 1
Mayor Pro Tem Charles "Sonny" McCoy, District 3
George Neugent, District 2
David P. Rice, District 4
Murray E. Nelson, District 5

October 11, 2005

Ms. Patricia M. Baloyra, Esq.
TEW Cardenal, LLP
1441 Brickell Ave.
15th Floor – Four Seasons Tower
Miami FL 33131

SUBJECT: Letter of Understanding (LOU) for Calusa Campground

Dear Ms. Baloyra,

Pursuant to Section 9.5-43 of the Monroe County Code (MCC) this document shall constitute a Letter of Understanding (LOU). On August 19, 2005 a Pre-Application Conference regarding the subject property was held at the Monroe County Planning Department office on Plantation Key.

Attendees of the August 19, 2005 meeting included Patricia M. Baloyra, Joe Guyarda (VP of Calusa); Manny Lopez (President); Jose "Pepe" Diaz (Zoning Committee Member) and Domingo Moya (Zoning Committee Member) (hereafter referred to as "the Applicant"); David Dacquisto, Director, Upper Keys Planning Team, Joel Reed Planner; Alex Score, Biologist (hereafter referred to as "Staff).

Materials presented for review included:

(a) Application
(b) Property RE#s
(c) Survey 2001
(d) Survey revised 1999
(e) Code enforcement search records

Background:

1. *Subject of Pre-Application Meeting:* In the June 16, 2005, pre-application cover sheet, representations of Calusa Campground requested a conference to discuss the possibility of re-zoning Calusa to a Destination Resort district. The request stated, "Calusa is a large campground containing approximately 350 privately-owned sites. Currently, Calusa is zoned as an RV District; yet some lot owners are using the land in a manner that has resulted in citations for violations of the Monroe County code. In an effort to end these citations and to legitimize the current, more permanent uses on the property, Calusa is seeking to up-zone to a district, which permits the current uses. The up-zoning

of this property to allow for a more permanent use would also help alleviate the current severe shortage of affordable housing in Monroe County."

2. *Affordable Housing:* Furthermore, the June 16, 2005 letter stated that changing the zoning would alleviate the current severe shortage of affordable housing in Monroe County. Calusa is a campground and as so is designated for transient residential use. Under its current RV zoning it has not been established nor intended to serve as affordable housing for Monroe County. The requested Destination Resort district is not generally considered as a location for affordable housing and like the RV district, no bonus in maximum net density is provided. If applicant would like to provide affordable housing then a condition of the permit could be to place deed restriction on the lots to be used as affordable housing.

3. *Conversion of Transient Accommodation to Permanent Residence:* An issue in changing the property to a zoning designation in which the transient sites may become permanent involves hurricane evacuation times. Rezoning to Destination Resort and the construction of detached dwellings does not in itself convert the sites from transient to permanent, however, actual conversion by their use for full time residences will. Based upon the Hurricane evacuation procedures which the county is in the process of codifying, if the RV sites are developed for full time residences, as is the stated goal in the pre-application cover letter, it will be necessary for a hurricane evacuation model to be run in which the 367 transient RV sites, as currently considered <u>transient</u> in the model, will be considered <u>permanent</u> in order to assess the effect on hurricane evacuation time.

4. *Number of RV Sites Recognized by the County:* The county recognizes 367 RV sites at Calusa Campground. The number of RV sites recognized for Calusa Campground exceeds the maximum net density normally allowed in the RV district. Calusa Campground is considered to be developed to maximum net density and no additional RV sites are allowed.

   The maximum net density in the Destination Resort would allow up to 408 units. Transfer of development rights would be required under the DR designation to exceed the 367 units already recognized.

   In a letter to Donald Craig, representative for Calusa Campground, dated June 7, 2001, Ed Koconis, Island Planning Team Director found that based on Health Department records, in 1977 the number of units on site increased from 140 units to 168 units. A further increase to 240 units took place in 1984. An increase to 360 units took place in 1985 and then to 450 units in 1986. No planning approvals were ever granted and "permits from the Health Department and FKAA can not and do not constitute Planning approval."

   Mr. Koconis determined based on research, that the county would recognize 367 RV spaces on the site. This number is reflected in the condominium agreement that gives owners a 1/367 undivided interest in the common area. There was no distinction made between RV sites and tent sites in the determination. Calusa Campground was simply credited with 367 RV sites and all 367 sites can be utilized for RV's.

   At the time of determination, Mr. Koconis reviewed three different site plans submitted by the campground owner. Of the three maps, two identified 367 transient sites. A color map used by Calusa Campground, undated, identifies 367 transient sites of which 22 are identified as tent sites. The comprehensive plan does not distinguish between types of transient sites, RV or tent, and no

distinction was made at the time when determining that the rights existed for 367 "transient sites" at Calusa Campground.

The Calusa Campground pre-app included a listing of 347 individual sites. This leaves 20 sites unaccounted for. At this time, it is unclear how many RV sites actually exist at Calusa Campground.

The last planning permit approval for Calusa Campground was based on a site plan submitted in 1989 that contained 375 sites. The planning approval granted was to move 11 sites and construct a 3,000 sq. ft. recreation hall. There are 12 sites identified on the colored site plan identified by Calusa as tent sites and that are not present on the 89 map. The area where the tent sites are identified on the southern boundary of the campground was shown as landscape/buffer yard on the 1989 site plan. It is unclear from the color map if the landscape/buffer yard was maintained when the tent sites were created. The map shows landscaping but the landscaping appears to be outside the boundaries of the campground.

The Calusa Campground map from 2001 identifies 345 RV sites, exclusive of common areas. There are 19 sites identified on the 2001 map identified as sites 1 through 10 and 12 through 20, 11 of which were the subject of the 1989 planning approval to relocate development rights from these sites farther to the south with new sites created along the canal. The 11 original sites would normally not be buildable due to the transfer of there development rights elsewhere on the site.

5. General Information

Current zoning – RV
Current FLUM – MC
Lot Size 28.34 Acres or 1,234,490 SF

Proposed zoning - DR
Proposed FLUM – MC, to remain

MCC, Section 9.5-267 – Maximum Residential Density - Transient Uses
RV – 15 Allocated / acre; 15 Max net / acre
DR - 10 Allocated / acre; 25 Max net / acre

MCC, Section 9.5-262 – Maximum Residential Density - Permanent Residential
RV (None)
DR 1 Allocated / acre; 18 Max net / acre

Tables representing maximum development potential do not consider all limiting factors including existing or proposed commercial development on the site. All sites must be suitable to the use proposed.

RV District - Single Use Transient Development

		ACRES	SQUARE FEET
Property		28.34	1,234,490
O.S.R.	20%	5.67	246,898
Remaining Property	80%	22.67	987,592

Single Use Development		Percent of Site used by Development	Potential Sites
RV (sites/acre) Allocated	15	100%	**425**
RV (sites/acre) Max Net	15	80%	**340**

*DR District - Single Use Permanent Residential Development**			
		ACRES	**SQUARE FEET**
Property		28.34	1,234,490
O.S.R.	20%	5.67	246,898
Remaining Property	80%	22.67	987,592

Single Use Development		Percent of Site used by Development	Potential Sites
Detached Dwellings (sites/acre) Allocated	1	100%	**28**
Detached Dwellings (sites/acre) Max Net	18	80%	**408**

* RVs are not permitted in the DR district.

Information based on discussions at the meeting and further staff research:

1. *RVs a nonconforming use in the Destination Resort district:* The applicant has asked for a rezoning from RV district to Destination Resort district. RVs are not permitted in the Destination Resort district and the existing use of sites for RV's would be considered a nonconforming use. Except for health and safety, no building permits could be issued unless development complied with the new zoning district. RV's could not be expanded in any way.

2. *Open Space Requirements:* Pursuant to MCC, Section 9.5-262, and MCC, Section 9.5-347 the open space ratio for Calusa Campground under the proposed Destination Resort district or the existing RV district is 20%. The open space ratio will be applied to the whole parcel and is not a requirement for individual sites.

   The shoreline open space requirements pursuant to MCC, Section 9.5-349 is 40% along altered shorelines, including manmade canals, channels, and basins.

3. *180 Day Rule:* No RV may be located at one location for more than 180 days. The RV must be road ready and able to evacuate the area if required. The applicant asked for a clarification on the 180 day rule. Applicant thought that there was previous discussion regarding eliminating the rule. The county is reviewing the possibility of amending the RV rules. These are separate and apart from zoning and

would apply to RV's in any land use district. The 180 day rule is part of flood plain regulations and is not proposed for change. There is no proposed change to the requirement that RV's be road ready. Any rule change that is applicable specifically to RV's in the RV district would not apply to Calusa Campground if rezoned to Destination Resort, however, rules that apply broadly to RV's in any district would apply.

4. *Applicants Proposed Setbacks:* The applicant expressed an interest in providing 5 ft. front and rear yards and 2.5 ft. side yards. Staff indicated due to safety concerns a minimum distance of 10 feet between buildings was preferable. The separation distance between structures could not be less than as required by the fire marshal.

5. *Prior Zoning:* The property was zoned RU-5P and RU-6 prior to the rezoning to RV district with the westerly two-thirds zoned RU-5P and the easterly one-third zoned RU-6

   "Mobile homes" were a permitted use in the RU-5P district and were prohibited in the RU-6 district.

   "Travel trailers" were a permitted use in the RU-6 district and were prohibited in the RU-5P district.

   "Mobile homes," were defined as "a movable living unit … in excess of eight (8) feet in overall width and/or in excess of thirty-three (33) feet in overall length." "Travel Trailers," defined as "any vehicular portable structure on a chassis designed by the manufacturer as a temporary dwelling for travel, recreational, and vacation use and when equipped for the road, with a body width not exceeding eight (8) feet, and overall length not exceeding thirty three (33) feet, and weight not exceeding 4,500 pounds," were not permitted in eight district.

   The hurricane model utilized in determining evacuation times did not differentiate between mobile homes and RVs, each was considered a residential unit for the purpose of determining evacuation times.

6. *RU-5P, District Requirements:*

   Minimum yards: The minimum yards in the RU-5P district between "mobile homes" or any enclosed appurtenances and lot lines were:

   Front yard – 20 ft.
   Side yard – 15 ft.
   Rear yard – 10 ft.

   Minimum setback: Of any structure from the "mobile home park" boundary were:

   Street – 25 ft.
   Interior – 10 ft.

   Minimum setback from water:

   Any man-made waterway – 20 ft.
   Any natural waterway – 50 ft.

   Minimum setback from wetland:

   On scarified properties provided a Class "D" vegetated buffer is planted and maintained between development and the wetland – 25 ft

Sale of mobile home sites: Sites could not be sold in the RU-5P district without first rezoning to RU-5 and the sites sold were required to meet the requirements of the RU-5 district, which were more restrictive.

7. *RU-6 Minimum yards and setbacks:* The RU-6 district setbacks and buffer requirements are the same as for the RU-5P.

8. *Separation distance between structures RU-5P & RU-6:* There was a required setback of 10 ft. between any recreational vehicle, caper, tent or appurtenance and any other such unit.

9. *Current RV District Buffer Yard and Setback Zoning Regulations:*

   RV district required yards: The present zoning of RV does not have required yard setbacks.

   MCC, 9.5-286, Minimum setback from water:
   Any altered waterway – 20 ft.
   Any natural waterway – 50 ft.

   MCC 9.5-348 Minimum setback from wetland:
   On scarified properties provided a Class "D" vegetated buffer is planted and maintained between development and the wetland – 25 ft

   MCC, 9.5 9.5-377 District boundary buffers: A buffer yard is required between land uses. The RV district requires Class E buffer yards that vary in width from 30 ft. to 60 ft. in width depending on density of landscaping adjacent to IS and SR districts. A Class D buffer of 20 ft to 35 ft in width depending on the density of landscaping, is required adjacent the URM district.

10. *Current Destination Resort District Buffer Yard and Setback Zoning Regulations:*

    DR district required yards: The Destination Resort district requires the following minimum setbacks:
    Front yard – 50 ft.
    Rear yard – 30 ft.
    Side yards – 20 ft. first side yard with a total requirement for both sides of 35 ft.

    MCC, 9.5 9.5-377 District boundary buffers: The Destination Resort district requires Class D buffer yards of 20 ft to 35 ft in width depending on the density of landscaping, adjacent to the IS, SR and URM districts.

11. *Compliance with existing buffer yards and setbacks required:* Neither the RU-5P or RU-6 boundary yard requirements originally required, nor buffer yard requirements of the RV district appear to be met at present. Buffer yards and landscaping that was indicated on the map used for planning permit approval in 1989 appear to have been removed. An accurate survey prepared and signed by a licensed surveyor is required to determine where the property boundaries are and whether the landscape buffer has been removed and converted to another use.

    A condition of platting will be compliance with existing buffer yard and setback requirements.

A requirement of platting will be the designation of a building envelop on each buildable lot. The building envelope is the area of the lot that may be built upon after all required yards and landscape buffers are identified and excluded from the buildable area on the lot.

Setbacks on the individual sites will be established through a platting agreement. The setbacks that will be required depend to a great extent on the use of the property. RVs must remain road ready and no construction can be permitted that would interfere with the quick evacuation of Calusa Campground. At a minimum, a total setback of 10 feet will be required between buildings. The required side yard setback will be 5 ft.; however, the applicant may choose to develop as a zero lot line development with a 10 ft. side yard requirement on one side only. The setback must be consistent and reflected in the building envelop to ensure that there is a minimum 10 ft. setback between buildings.

In addition, all requirements of the fire marshal must be met.

13. *FEMA regulations:* New structures must conform to FEMA regulations and must be elevated appropriately. A site plan will be required with flood elevations identified.

13. *Agreement of property owners to be sought:* The general proposal to rezone and develop as a Destination Resort district is to be taken to the site owners for discussion. Staff does not have a copy of the Calusa Campground condominium association documents. It is not clear if the condominium association has the authority to negotiate on behalf of individual owners or what the requirements are for the association to be authorized to apply for a rezoning on behalf of individual owners. The MCC, Section 9.5-511 allows any landowner or other person having a contractual interest in a property, to petition for a rezoning. Generally, it is not possible to apply for a rezoning of property that you do not own or have a contractual interest in.

14. *Parking:* One parking space is required per RV space. Two parking spaces are required for a single family dwelling under the Destination Resort district regulations and new development would be required to comply with this requirement. Vehicles parking spaces may be located under a raised dwelling. Class "A" landscaping required for parking on more than six spaces are required in a Destination Resort district.

15. *Legal Access to Property:* At present, the entrance to Calusa Campground runs through property that is privately owned and not a part of the Calusa Campground property. No structure or land can be developed, used or occupied unless direct vehicular access is provided by a curb cut on U.S. 1 or other platted street. The parcel in question must be acquired and direct access to U.S. 1 provided prior to platting approval. Platting and rezoning cannot take place unless legal access to Calusa Campground is provided.

16. *Existing inventory of uses:* Staff requested a list of RV's types located on site. Applicants stated that there were approximately 15 "bus" type, self-propelled units on site and 10 to 15 of the larger park models.

17. *RVs must be road ready:* All RV's must be road ready and to the extent that "park models," are not road ready, they are not permitted in the present RV district and therefore already nonconforming.

18. *Nonconforming use of RV sites:* The County may enter into a separate compliance agreement with the site owners regarding the 180 day rule and compliance as part of the platting process. The compliance agreement may include a requirement that all RV's be made road ready or replaced with road ready models.

If the property is rezoned to Destination Resort, a time limit for compliance will be established for the replacement of all RVs with single family detached dwellings in compliance with the requirements of the Destination Resort district.

RV's spaces would become nonconforming as to use if the property is rezoned to Destination Resort. No building permits will be approved for RV sites unless the proposal is in full compliance with zoning and building requirements, except for those required for health and safety.

Platting: Calusa Campground will be required to legally plat the property in order to come into compliance with the MCC whether or not a decision is made to rezone.

Platting of Calusa Campground is required pursuant to State Statute, Article XII, Subdivisions and Plats, Chapter 59-1578, Section 3. Whenever land in Monroe County, Florida, comprising one acre or more, is platted into lots, blocks, parcels, tracts or other portions, however designated, so as to comprise three (3) or more to the acre, a plat thereof shall be recorded in the Public Records of Monroe County, Florida.

The existing Calusa Campground configuration of sites has not been legally platted. A site plan was recorded in the County Recorders office in 2004 as part of a settlement agreement, however, recording a document with the County Recorder does not establish legal platting of land.

Article XII, Section 5 states: The Board of County Commissioners of Monroe County, Florida, shall have full and complete authority to regulate and prescribe the width and depth of lots or other sites, the width of streets, alleys, roads or other thoroughfares; adequate provisions for drainage of such subdivision or lands; the coinciding with drains, streets, alleys and drainage facilities existing in adjacent subdivisions or as may be required by the County as shall be determined from time to time by the Board of County Commissioners, the setbacks required from any public ways, all as a prerequisite to the approval of any such plat on any and all plats of lands lying outside any municipality in Monroe County, Florida.

The MCC further states in Sec. 9.5-81:

(f) The conveyance of land which involves the division of the land into two (2) parcels where plat approval is not obtained pursuant to this division shall include the following disclosure statement:

"The parcel of land described in this instrument is located in unincorporated Monroe County. The use of the parcel of land is subject to and restricted by the goals, policies and objectives of the Monroe County Plan and Development Regulations adopted as a part of, and in conjunction with and as a means of implementing the Monroe County Comprehensive Plan. The Land Development Regulations provide that no building permit shall be issued for any development of any kind unless the proposed development complies with each and every requirement of the regulations, including minimum area requirements for residential development. You are hereby notified that under the Monroe County Land

Development Regulations the division of land into parcels of land [which] are not approved as platted lots under the regulations confers no right to develop a parcel of land for any purpose."

Staff is unaware if the previous lot owner provided the required notice to buyers.

Calusa Campground must be officially platted prior to any rezoning. Furthermore, platting cannot be approved unless the applicant secures ownership of the land on which the present Calusa Campground access drive is situated. Calusa Campground does not appear to have legal access to U.S. 1 at the present time. The property through which the present Calusa Campground access drive passes is not owned by the condominium association and its status is unclear. No alternative road access exists.

As part of the platting process, a preliminary plat must be submitted to the county along with an agreement on the conditions of use for the lots specifying how the lots will be used in the future and binding all parties to the agreement.

Health Department may have a minimum lot area requirement.
305-853-1904

Staff does not have complete information on the number of sites that have been sold, how many remain with the original land owner, the number of RV sites and what representations were made to buyers regarding the status of the parcels.

Staff does not have a copy of the Calusa Campground condominium association documents. It is not clear who has authority to negotiate on behalf of individual owners or what the requirements are for the association to apply for a plat. Platting must include all properties and generally requires 100% agreement of all owners of property within the area to be platted.

The plat must include all of Calusa Campground. No land within the boundaries of the campground can be exempted from the platting process or excluded from the plat. The Platting will require agreement of all property owners.

All streets must meet the County engineering standards and be named.

As a condition of platting and part of a deed restriction, no commercial uses shall be allowed.

All fire marshal concerns must be addressed.

Lots must have sufficient area to accommodate an RV if the RV zoning remains and sized sufficient to accommodate a single family detached dwelling if rezoned to DR. Staff can not recommend a plat where lots are insufficient in area.

Platting Process for Subdivisions of 5 Lots or more:

Sec. 9.5-83. Preliminary plat approval.

All applicants for approval of a plat involving five (5) or more lots must submit a preliminary plat for approval in accordance with the code.

An application for preliminary approval is submitted to the county accompanied by a nonrefundable fee of $1.000.00.

The application must contain all required information in order to be considered complete and accepted by planning.

After a determination that the application for preliminary plat approval is complete, the application will go to the development review committee, which will prepare a recommendation and report for the planning commission. The planning commission will conduct a public hearing on the application. The planning commission will review the application, the recommendation of the development review committee, and the testimony at the public hearing, and will recommend granting preliminary plat approval, granting approval subject to specified conditions, or denying the application

Approval of a preliminary plat does not constitute approval of a final plat or permission to proceed with development. Preliminary approval is only authorization to proceed with the preparation of the documents required by the director of planning for a final plat.

An application for final plat approval must be filed within one (1) year of the date of preliminary plat approval. Unless the board of county commissioners grants an extension, failure to file such an application automatically shall render null and void the preliminary approval previously granted by the board.

Sec. 9.5-84. Final plat approval.

The developer must complete and submit to the county the final plat, along with all final construction plans, required documents, exhibits, legal instruments to guarantee performance, certificates properly executed by all required agencies and parties as required, and the recording fee, and any other documents or information as are required by the director of planning. After receipt of a complete application for final plat approval, the application and accompanying documents will be forwarded to the development review committee.

The development review committee will review all applications for final plat approval. If the plat conforms to the approved preliminary plat and all substantive and procedural requirements, the development review committee will recommend to the planning commission approval of the final plat or approval with conditions. If the committee finds that the plat does not substantially conform to the approved preliminary plat or the substantive and procedural requirements, the committee will recommend denial, specifying the area(s) of nonconformity.

The planning commission will review the application for final plat approval and the recommendation of the development review committee. If the commission finds that the final plat conforms to the approved preliminary plat and all substantive and procedural requirements, the commission will recommend to the board of county commissioners approval of the final plat, or approval with specified conditions, and will submit a report and written findings.

The board of county commissioners will conduct a public hearing on all applications for final plat approval.

The board of county commissioners will review the application, the recommendations of the development review committee and the planning commission, and the testimony at the public hearing, and shall grant final plat approval, grant approval subject to specified conditions, or deny the application.

19. *Rezoning Application:* This LOU is based upon the applicants desire to investigate a rezoning from RV to Destination Resort district as stated in their request in the pre-application dated June 16, 2005 and one of the recommendations in a letter dated June 9, 2005 from Mr. Timothy McGarry, Division Director of Growth Management.

    Pursuant to Section 9.5-214 the purpose of the Destination Resort (DR) district is to establish areas suitable for the development of planned tourist centers providing on-site residential, recreational, commercial and entertainment facilities of a magnitude sufficient to attract visitors and tourists for tenancies of three (3) or more days.

    The applicant has asked to develop permanent structures on the property. The DR district permits single-family detached dwellings as of right. Resort hotels are also permitted and both uses can be permitted in that they utilize the water-related natural resources of the Keys, and are to be located on sites of at least ten (10) gross acres where the location and character of the site and the development itself and amenities are such that off-site impacts will be reduced.

    The current use of the property as a "weekend" retreat is consistent with the purpose of the DR district. However, the actual utilization of the site for RV's would be inconsistent with the DR district designation. RVs <u>are not permitted</u> in the Destination Resort district.

    Platting must proceed rezoning and no rezoning will be approved until a plat for Calusa Campground is submitted and approved.

    Rezoning will take 6 months to 1 year and will require two BOCC hearings and review by the State of Florida.

    It is not clear if the condominium association has the authority to negotiate on behalf of individual owners or what the requirements are for the association to be authorized to apply for a rezoning on behalf of individual owners. The MCC, Section 9.5-511 allows any landowner or other person having a contractual interest in a property, to petition for a rezoning. Generally, it is not possible to apply for a rezoning of property that you do not own or have a contractual interest in.

    Land Use District Map Amendment Process:

    Any landowner or other person having a contractual interest in property desiring to petition the board of county commissioners for an amendment to the land use district map is required to file an application with the director of planning accompanied by a nonrefundable application fee of $2,090.00.

    The application will be forwarded to the development review committee to hold a public meeting to review and prepare a recommendation to the planning commission.

The planning commission and the board of county commissioners will each hold at least one (1) public hearing on the proposed land use district map amendment.

The planning commission will review the application, the reports and recommendations of the department of planning and the development review committee, and the testimony given at the public hearing, and will submit its recommendations and findings to the board of county commissioners.

The board of county commissioners will consider the report and recommendation of the department of planning, the development review committee, and the planning commission and the testimony given at the public hearings.

The board of county commissioners may consider the adoption of an ordinance enacting the proposed change based on one (1) or more of the following factors:

(i) Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based;
(ii) Changed assumptions (e.g., regarding demographic trends);
(iii) Data errors, including errors in mapping, vegetative types and natural features described in volume I of the plan;
(iv) New issues;
(v) Recognition of a need for additional detail or comprehensiveness; or
(vi) Data updates;

However, in no event shall an amendment be approved which will result in an adverse community change of the planning area in which the proposed development is located.

In the event of a written protest against such amendment signed by the owners of twenty (20) percent or more either of the area of the lots or land included in the proposed amendment or of the lots or land immediately adjoining the property to be affected and extending two hundred (200) feet therefrom, such amendment shall not become effective except by the favorable vote of four (4) members of the board of county commissioners.

Except as provided in the paragraph above, the board of county commissioners may adopt the proposed amendment or the proposed amendment as modified by not less than a majority of its total membership.

If this property is subject to a conditional use approval, the Planning Commission is empowered under Section 9.5-63 to modify or deny any application based on their review of the appropriateness of the proposed development within the context of surrounding properties and compliance with the LDRs and 2010 Comprehensive Plan. In Section 9.5-65 the Planning Commission and the Planning Director are required to consider all aspects of the development, impacts on the community and consistency with the goals, objectives and standards of the plan and LDRs before granting conditional use approval, approval with conditions or denial of a project. Therefore, the intensities, densities and possibilities for setback waivers detailed in this LOU are subject to the Planning Commission and/or the Planning Director conditional use review and approval.

Pursuant to Section 9.5-43 of the Monroe County Land Development Regulations (LDRs), you are entitled to rely upon the representations set forth in this letter of understanding as accurate under the regulations currently in effect. This letter does not provide any vesting to the existing regulations, if the

Plan or LDRs are amended the property and/or project will be required to be consistent with all goals, objectives and standards at the time of development approval. The Planning Department acknowledges that all items required as a part of the application for development approval may not have been addressed at the April 27, 2005 meeting, and consequently reserves the right for additional department comment. The information provided in this letter may be relied upon, with the previous disclaimers, for a period of three years. The Planning Director upon the request of the landowner may review and reaffirm the representations set forth in this letter for an additional period of time.

We trust that this information is of assistance. If you have any questions regarding the contents of this letter, or if we may further assist you with your project, please feel free to contact our Plantation Key office at (305) 852-7100.

Sincerely yours,

K. Marlene Conaway

K. Marlene Conaway
Director of Planning and Environmental Resources

Cc: Timothy J. McGarry, AICP, Director of Growth Management
David Dacquisto, Island Planning Team Director
Ervin Higgs, Monroe County Property Appraiser
Alex Score, Senior Biologist

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FEBRUARY 7, 2006

MONROE COUNTY PLANNING DEPARTMENT
Attn: Planning Commission Coordinator
2798 Overseas Highway, Suite 410
Marathon, FL 33050-2227

Re: Appeal by Eager Family Limited Partnership

Dear Sir or Madam,

With reference to the appeal by Eager Family Limited Partnership, LLP I am enclosing the original letter of authority, a copy was supplied with the original Appeal Application due to time constraints.

I am also including the originals of two letters from the Law Firm representing Calusa Campground Condominium Association and Manatee Cove of Key Largo. Both of these letters indicate that the said entities join in the appeal filed by this office.

Thank you for your consideration.

Sincerely,

Gus H. Crowell, Esq.

RECEIVED
FEB - 9 2006
MONROE CO. PLANNING DEPT.

CC: County Administrator
Santiago Echemendia, Esq.
Client

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February 6, 2006

VIA FACSIMILE (305) 852.3242 AND U.S. MAIL

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Post Office Box 777
Tavernier, Florida 33070

Re: Joinder on Appeal of Monroe County's Determination of Platting Requirement

Dear Mr. Crowell:

This letter confirms that this law firm represents the Manatee Cove of Key Largo Condominium Association. Further, this letter confirms that we have been authorized by them to request a joinder on your appeal, which you will be filing later today. Please include this letter as part of your appeal. Note that in a conversation with a former Growth Management Director, Tim McGarry (after the County's initial written determination requiring replatting), Tim did indicate that the Manatee Cove was in fact platted, which apparently was unbeknownst to him, and that a replatting would not be required. Because the county's position vis-à-vis that conversation has not been memorialized and Tim is no longer with the County, we ask to join in your appeal to preserve our rights.

Thank you for your anticipated cooperation. Should you have any questions or if you need additional information, please don't hesitate to contact me.

Very truly yours,

Suzanne M. Besú, Esq.

cc: Santiago D. Echemendia, Esq.

RECEIVED
FEB - 9 2006
MONROE CO. PLANNING DEPT.

TEW · CARDENAS LLP
ATTORNEYS AT LAW
MIAMI · TALLAHASSEE · WASHINGTON DC

FOUR SEASONS TOWER
15TH FLOOR
1441 BRICKELL AVENUE
MIAMI, FLORIDA 33131-3407
T 305.536.1112
F 305.536.1116
WWW.TEWLAW.COM

SUZANNE M. BESÚ
WRITER'S DIRECT LINE: 305.536.8278
E-MAIL: smb@tewlaw.com

February 3, 2006

VIA FACSIMILE (305) 852.3242 AND U.S. MAIL

Gus Crowell
Law Offices of Gus H. Crowell, P.A.
Post Office Box 777
Tavernier, Florida 33070

Re: Joinder on Appeal of Monroe County's Determination of Platting Requirement

Dear Mr. Crowell:

This letter confirms that this law firm represents the Calusa Campground Condominium Association, Inc., and Manny Lopez individually. Further, this letter confirms that we have been authorized by them to request a joinder on your appeal, which you will be filing this coming Monday, February 6, 2006. Please include this letter as part of your appeal. Note that in a conversation with a former Growth Management Director, Tim McGarry (after the County's initial written determination requiring replatting), Tim did indicate that the Calusa Campground was in fact platted, which apparently was unbeknownst to him, and that a replatting would not be required. Because the county's position vis-à-vis that conversation has not been memorialized and Tim is no longer with the County, we ask to join in your appeal to preserve our rights.

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Very truly yours,

Suzanne M. Besú, Esq.

cc: Manny Lopez
Santiago D. Echemendia, Esq.

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MONROE CO. PLANNING DEPT.

Eager Family Limited Partnership, LP,
PO Box 954,
Williston, FL 32696

February 1st, 2006

Monroe County Planning Department
Attn: Planning Commission Coordinator
2798 Overseas Highway
Suit 410
Marathon, Florida 33050-2227

Re: Calusa Campground Condominium-Eager Family Limited Partnership, LLP, vs Monroe County, et al.

Dear Sir or Madam,

Please be advised that the undersigned is the President of the General Partner and therefore the duly authorized signatory on behalf of Eager Family Limited Partnership, LP, a Florida Limited Partnership. Eager Family Limited Partnership, LP is the owner of Units 1 through 20, inclusive, of Calusa Campground, a condominium situated on Key Largo, Florida

This letter will confirm that Attorney Gus H. Crowell, Esq., P.O. Box 777, Tavernier, Fl. 33070, 305 852-3206, Fax 305 852-3242, is the fully authorized representative of the Limited Partnership and is specifically appointed and fully authorized to represent us and act as agent in an appeal to the Planning Commission of Monroe County, Florida

GEORGE W. EAGER, JR., as President of Eager Investments, Inc., a Florida Corporation
General Partner of Eager Family Limited Partnership, L.P

Signed, sealed and delivered in the presence of:

Lisa N Mack
Witness (Signature) Lisa N. Mack

ROBERT J. MACK
Witness (Printed Name)

Lisa N Mack
My Commission DD336742
Expires September 24, 2008

RECEIVED
FEB - 9 2006
MONROE CO. PLANNING DEPT.

ACKNOWLEDGMENT

STATE OF FLORIDA

COUNTY OF Levy

The foregoing instrument was acknowledged before me on February 3, 2006, GEORGE W. EAGER, JR., who is personally known to me or who produced a Florida Driver's License as identification.

{SEAL}

Lisa N Mack

NOTARY PUBLIC

Lisa N. Mack

printed name of Notary Public

Lisa N Mack
My Commission DD335742
Expires September 24, 2006

RECEIVED
FEB - 9 2006
MONROE CO. PLANNING DEPT.

End of Additional Information

#26011

MONROE COUNTY PLANNING DEPARTMENT
APPLICATION FOR ADMINISTRATIVE APPEAL TO PLANNING COMMISSION

Please note that the evidence and record which forms the basis for the appeal must be submitted with this application.

If new evidence or the basis for appeal is submitted at the Planning Commission hearing, the Planning Staff will request that the hearing be continued to the next Planning Commission meeting in the area (six weeks) so that the staff has the opportunity to prepare a response to the new evidence.
If the applicant does not submit the basis for the appeal with the application, the Planning Staff will recommend denial of the appeal.

PLEASE COMPLETE ALL OF THE FOLLOWING INFORMATION:

1) DECISION BEING APPEALED: Requiring the re-platting of Calusa Campground
2) DATE OF DECISION BEING APPEALED: DECEMBER 21, 2005

3) APPELLANT:

Name: EAGER FAMILY LIMITED PARTNERSHIP, LP, A Florida Limited Partnership

Address: P.O. Box 954

City/State/Zip: WILLISTON, FLORIDA 32696

Phone Number: (Home)352 528-2949(Work)352 528-2949 (Fax)352 528-6230

4) AGENT (If Applicable) :

Name: GUS H. CROWELL, Esq.

Address: P.O. Box 777

City/State/Zip: TAVERNIER, FLORIDA 33070

Phone Number:(Home)305 393-1026(Work)305 852-3206(Fax)305 852-3242

RECEIVED
FEB 6 2006
MONROE CO. PLANNING DEPT.

APPLICANT MUST SUBMIT A NOTARIZED LETTER AUTHORIZING THE AGENT TO ACT ON HIS BEHALF AND STATING THE AGENT'S NAME, ADDRESS, PHONE AND FAX NUMBER.
***SEE LETTER ATTACHED**

5) OWNER:

Name: Calusa Campground Condominium Association, a Condominium
Address:325 Calusa
City/State/Zip: Key Largo, Florida 33037
Phone Number: (Home) N/A (Work)305 451-9675 (Fax) 305 451-8062---

6) LEGAL DESCRIPTION OF PROPERTY: Lot ATTACHED EX A Block
Subdivision: SEE EXHIBIT A, attached
If in metes and bounds, attach legal description on separate sheet. Also,
KEY: KEY LARGO MM: 101.5

7) A) LAND USE DESIGNATION: RV
B) REAL ESTATE NUMBER(S): Too numerous to list

8) A COPY OF THE BASIS FOR THE APPEAL IN THE NATURE OF AN INITIAL BRIEF AND ANY EVIDENCE INCLUDING TESTIMONY, AFFIDAVITS AND THE CURRICULUM VITAE OF ANY EXPERT WITNESS THAT WILL BE CALLED MUST BE ATTACHED TO THIS APPLICATION The brief must at a minimum state all grounds for the appeal, including, but not limited to, the law being appealed and any facts necessary interpretation of those laws. (Attach additional sheets of paper if necessary.) SEE ATTACHED INITIAL BRIEF

9) NAMES AND ADDRESSES OF ALL EXPERT WITNESSES THAT YOU PROPOSE TO

CALL AT THE HEARING:
NONE AT THIS TIME-TO BE DETERMINED

10) Are there any pending codes violations on the property?

Yes_____ No X

If yes, please explain: We have heard that there may be individual violations but have no direct personal knowledge of same, the County would know this

11) A copy of the document(s), which comprise the administrative decision being appealed.
SEE EXHIBIT B, Attached

12) TYPED NAME AND ADDRESS MAILING LABELS of all adjacent landowners must accompany this application. Also, please provide the listing of the names, subdivision name, lot and block # and the RE #'s for each address and note those that are adjacent to the property. (Adjacent landowner means an owner of land sharing a boundary with another parcel of land. An intervening road, right-of-way, easement or canal does not destroy the adjacency of the two parcels.)

I certify that I am familiar with the information contained in this application, and that to the best of my knowledge such information is true, complete and accurate.

Signature of Applicant or Agent

2/4/06
Date

Sworn before me this 4th day of February, 2006 A.D.

NOTARY PUBLIC STATE OF FLORIDA
JOSEPH VETRICK
MY COMMISSION # DD 227113
EXPIRES: August 28, 2007
Bonded Thru Budget Notary Services

Notary Public
My Commission Expires

THE FOLLOWING INFORMATION MAY BE REQUIRED WITH YOUR APPLICATION:

Note: If supporting data such as blueprints or surveys are larger than 8 ½ x 14 inches, the applicant shall submit sixteen (16) copies of each. SUPPLIED WITH APPLICATION

- 16 Photographs of the subject property.
- Survey or site plan showing all proposed structures or subjects of this appeal. SAME AS SITE PLAN

APPEALS FROM ADMINISTRATIVE ACTIONS MUST BE FILED WITH THE COUNTY ADMINISTRATOR AND WITH THE PLANNING COORDINATOR WITHIN 30 WORKING DAYS OF THE DATE OF THE DECISION.

THE FOLLOWING NON-REFUNDABLE FEES MUST ACCOMPANY ALL APPEAL APPLICATIONS:

a) $950.00 Appeal Application Fee

b) $3.00 Notification fee per adjacent property owner.

c) $245.00 per Newspaper advertisement. (X 3 newspapers).

Your check should be made payable to: "Monroe County Planning Department" and submitted with your application to:

MONROE COUNTY PLANNING DEPARTMENT
Attn: Planning Commission Coordinator
2798 Overseas Highway, Suite 410
Marathon, FL 33050-2227

AND

A copy of the application to:
Tom Willi, Monroe
County Administrator
The Gato Building
1100 Simonton Street, Key West, FL 33040

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, NOTICE IS GIVEN THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE PLANNING COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH HEARING OR MEETING, THAT PERSON WILL

NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE THAT PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. SUCH RECORD TO BE AT THE COST OF THE APPELLANT. ALSO, MONROE COUNTY RESOLUTION #131-1992 REQUIRES THAT "IF A PERSON DECIDES TO APPEAL ANY DECISION OF THE PLANNING COMMISSION, HE SHALL PROVIDE A TRANSCRIPT OF THE HEARING BEFORE THE PLANNING COMMISSION, PREPARED BY A COURT REPORTER AT THE APPLICANT'S EXPENSE, WHICH TRANSCRIPT SHALL BE FILED AS PART OF THE RECORD ON APPEAL WITHIN THE TIME PROVIDED IN SECTION 9.5-521(f), MONROE COUNTY CODE."

Please Note: A transcript made from recordings or other secondary means does not provide a sufficiently accurate record of all the speakers. Therefore, such "secondary" transcripts may not be accepted as a valid verbatim t

Eager Family Limited Partnership, LP,
PO Box 954,
Williston, FL 32696

February 1st, 2006

Monroe County Planning Department
Attn: Planning Commission Coordinator
2798 Overseas Highway
Suit 410
Marathon, Florida 33050-2227

Re: Calusa Campground Condominium-Eager Family Limited Partnership, LLP, vs Monroe County, et al.

Dear Sir or Madam,

Please be advised that the undersigned is the President of the General Partner and therefore the duly authorized signatory on behalf of Eager Family Limited Partnership, LP, a Florida Limited Partnership. Eager Family Limited Partnership, LP is the owner of Units 1 through 20, inclusive, of Calusa Campground, a condominium situated on Key Largo, Florida

This letter will confirm that Attorney Gus H. Crowell, Esq., P.O. Box 777, Tavernier, Fl. 33070, 305 852-3206, Fax 305 852-3242, is the fully authorized representative of the Limited Partnership and is specifically appointed and fully authorized to represent us and act as agent in an appeal to the Planning Commission of Monroe County, Florida

GEORGE W. EAGER, JR., as President of Eager Investments, Inc., a Florida Corporation
General Partner of Eager Family Limited Partnership, L.P

Signed, sealed and delivered in the presence of:

Lisa N Mack
Witness (Signature) LISA N. MACK

Lisa N Mack
My Commission DD336762
Expires September 24, 2006

ROBERT J. MACK
Witness (Printed Name)

ACKNOWLEDGMENT

STATE OF FLORIDA

COUNTY OF Levy

The foregoing instrument was acknowledged before me on February 3, 2006, GEORGE W. EAGER, JR., who is personally known to me or who produced a Florida Driver's License as identification.

{SEAL}

Lisa N Mack

NOTARY PUBLIC

Lisa N Mack

printed name of Notary Public

Lisa N Mack
My Commission DD335742
Expires September 24, 2006

INITIAL BRIEF.

(To accompany appeal application)

On behalf of: Calusa Campground, a Condominium-Eager Family Limited Partnership, LLP **

FACTS:

The Monroe County Building Official improperly ordered the Calusa Campground Condominium Association that the Calusa Campground, a Condominium had to re-plat the property on which the condominium is situated and further that no building permits will be issued for activities within the condominium until such re-platting is accomplished and approved by Monroe County Eager Family Limited Partnership, (hereinafter "Eager") was not notified of this ruling by the building official until Eager attempted to sell certain units it owns within the condominium and then found out only indirectly.

Eager is the developer of Calusa Campground, a Condominium and Eager is the current owner of approximately twenty (20) Units in the condominium. Eager is joined in this appeal by the condominium association which represents all of the owners and members of Calusa Campground, a condominium. There is a fully recorded very accurate site plan, based upon a survey, recorded in the public records of Monroe County. Copies are provided with this application.

Eager had contracted to sell twenty (20) of their remaining Units in the condominium to Mr. Peter O. Dalton. During Mr. Dalton's research into the property and inquiries as to obtaining permits to complete work to supply necessary utilities to the said Units. Mr. Dalton was at first advised permits could be obtained. Later just before the scheduled closing date, his experts were told that no permits would be issued for any work within the condominium until such time as a Plat is approved and recorded. This statement is apparently based upon Monroe County Code, Sec. 9.5-81 (b) which refers to Plats for land which is divided into parcels. Eager challenged the validity of the decision and requested relief. The Building Official denied the request in a letter dated December 21, 2005.

ARGUMENT:

Monroe County's reliance upon the referenced Code provision is improper. This Condominium is not subject to platting requirements, or re-platting, for a number of reasons.

First, the property is already platted. A glance at the legal description of this property shows that the land is included in two plats already recorded in Monroe County. There is no provision in the Monroe County Code that would support a re-platting of lands already platted.

Second, it is clear that there is no provision in the Monroe County Code or in applicable Florida Law that requires a condominium to be platted. The County has not required all of the other condominiums in Monroe County to record plats or to re-plat their property. Under the Florida Condominium Act, condominiums must be treated uniformly with other properties.

Third, and most obvious, is that this is a Condominium under the laws of the State of Florida and as such its creation is not a "division of land" into parcels. The condominium is a single entity that individuals own portions of. It is a form of multi-person ownership.

One need look no further than the definitions contained in the Florida Condominium Act to discover what the legal nature of a Condominium is in reality.

Florida Statute, Sec. 718.103 (11) provides:

> " "**Condominium**" means that form of ownership of real property created pursuant to this chapter, which is comprised entirely of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements."

Sec. 718.103 (13) provides:

> " "**Condominium property**" means the lands, leaseholds, and personal property that are subjected to condominium ownership. whether or not contiguous, and all improvements thereon and all easements and rights appurtenant thereto intended for use in connection with the condominium"

Sec. 718,103 (27), provides:

> " "**Unit" means a part of the condominium property** which is subject to exclusive ownership. A unit may be in improvements, land, or land and improvements together, as specified in the declaration." (emphasis supplied)

According to Florida Law, a condominium is therefore not a division or sub-division of land, it is one condominium. Units are part of the condominium, not separate parcels.

Forth, there is also no need for a Plat to describe the property or to serve any legitimate purpose or for a way to identify the property. Florida Statute, Sec. 718.109. Legal description of condominium parcels, provides:

"Following the recording of the declaration, a description of a condominium parcel by the number or other designation by which the unit is identified in the declaration, together with the recording data identifying the declaration, shall be a **sufficient legal description** for all purposes." emphasis supplied

Fifth, the declaration for this condominium was recorded in the Public Records of Monroe County in 1999. Therefore, even if, assuming for the purposes of argument, the creation of the Condominium was somehow a "division of land", then any attempt by Monroe County to enforce the Platting provision is barred by the Monroe County Code, Sec. 6.3-14, Passage of four years a bar to prosecutions. That section states quite clearly that after four years of an offending occurrence, prosecution is **forever barred**.

The Property Appraiser has been able to identify each Unit and prepare a separate tax bill without re-platting.

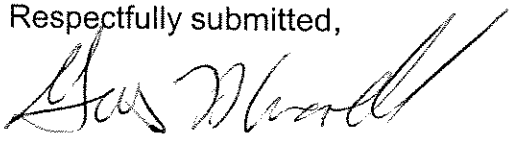
CONCLUSION:

The property is already platted and therefore the Monroe County Code provisions as to platting are irrelevant. Even if the property were not platted, the creation of a condominium does not require platting in the absence of a specific Code provision applicable to condominiums since a condominium is not a subdivision of land. The is no purpose to be served by re-platting the property in question since it is already fully identified and is the subject of an accurate recorded site plan.

There is no legitimate basis for the Building Official's decision. There is no reason that a re-platting is needed. The refusal to issue any permits within the condominium is adversely affecting the value of individuals property, suppressing sales and otherwise causing damages.

The decision to require re-platting of Calusa Campground should be reversed.

Respectfully submitted,



Gus H. Crowell, Esq.

** Calusa Campground Condominium Association joins in this appeal, see Exhibit "C" to the application for appeal.

LEGAL DESCRIPTION

PARCEL A

Lots 2, 3, and 4, in Section 28, Township 61 South, Range 39 East, MODEL LAND COMPANY'S PLAT, according to the Plat thereof, as recorded in Plat Book 1, at Page 68, of the Public Records of Monroe County, Florida.

AND

PARCEL B

Lots 15 through 21, inclusive, Block 3, SUNSET WATERWAYS, according to the Plat thereof, as recorded in Plat Book 4, at Page 31, of the Public Records of Monroe County, Florida.

EXHIBIT "A" - LEGAL DESCRIPTION

EXHIBIT A

County of Monroe

Growth Management Division
2798 Overseas Highway
Suite 410
Marathon, Florida 33050
Voice: 305.289. 2500
FAX: 305.289. 2536

Board of County Commissioners
Mayor Charles "Sonny" McCoy, District 3
Mayor Pro Tem Murray E. Nelson, District 5
George Neugent, District 2
David Rice, District 4
Dixie Spear, District 1

December 21, 2005

Mr. Gus H. Crowell, P.A.
Attorney At Law
P.O. box 777
Tavernier, Florida 33070

RE: **Calusa Campground-Eager Family Limited Partnership, LLP Vs Monroe County et al.**

Dear Mr. Crowell:

In your letter of December 8, 2005, to the Growth Management Division, you opined that the County's refusal to authorize the issuance of permits until a plat is approved and recorded for the Calusa Campground condominium development is wrongful and improper. You base your opinion on citations in the Florida Statutes that condominiums are not divisions of land by definition and therefore not a division of land into parcels or lots. You go on to further argue that no need exists for a plat to describe the property or serve any other legal purpose.

The County Growth Management Division begs to differ with your opinion. Monroe County Code, Section 9.5-81(a) requires that the division of land into three or more parcels receive plat approval. Section 9.5-81(b) prohibits the issuance of a building permit, except for single-family detached dwelling and accessory uses, unless final plat approval is received and recorded.

The Calusa Campground, formerly owned by the Eager family, through the recording of the declaration for the condominium, was "divided" into individual lots with common elements. The "form" of ownership is not the issue, it is the physical and legal act of dividing a parcel into separate parcels or lots.

The County's position was upheld in recent rulings by a judge in the 16th Circuit case, GAP Properties of SW Florida, Inc. v. Board of County Commissioners of Monroe County, Case No. 2004-CA-1321-K, where a parcel of land was divided into individual lots for sale to individuals without receiving necessary plat approval. Case law in Florida supports the County's contention that where a division of a parcel of land occurs, the developer or owners are subject to County regulations and ordinances. See *Orange West, LTD v. City of Winter Garden, 528 So. 2d. 84 (Fla. 5th DCA 1988.)*

EXHIBIT B

To claim that such platting serves no legitimate purpose fails to recognize that such division of lots creates additional public concerns that must be considered for development approval. These concerns include, the overall density of the property, open space and buffer requirements, life and safety issues, proper siting of structures on individual lots, storm drainage, and buffer and other development standards that must be met by the property.

Your letter further states that any attempt by the County to enforce the platting provision is barred by the Monroe County Code, Section 6.3-14. Please note that this provision applies to code enforcement prosecution, and has nothing to do the issuance of permits pursuant to Section 9.5-81(b), Monroe County Code. The County is not pursuing any code enforcement action for violation of Section 9.5-81(a).

Should you care to discuss this matter in further detail, please don't hesitate to contact me.

Sincerely,

Timothy J. McGarry, AICP
Director of Growth Management

Cc: Mr. John R. Collins, County Attorney
Ms. Patricia M. Baloyra, Esquire
Mr. Aref Joulani, Administrator, Development Review and Design

TEW · CARDENAS LLP
ATTORNEYS AT LAW
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F 305.536.1116
WWW.TEWLAW.COM

SUZANNE M. BESÚ
WRITER'S DIRECT LINE: 305.536.8278
E-MAIL: smb@tewlaw.com

February 3, 2006

VIA FACSIMILE (305) 852.3242 AND U.S. MAIL

Gus Crowell
Law Offices of Gus H. Crowell, P.A.
Post Office Box 777
Tavernier, Florida 33070

Re: Joinder on Appeal of Monroe County's Determination of Platting Requirement

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Thank you for your anticipated cooperation. Should you have any questions or if you need additional information, please don't hesitate to contact me.

Very truly yours,

Suzanne M. Besú, Esq.

cc: Manny Lopez
Santiago D. Echemendia, Esq.

EXHIBIT C

LIST OF ADJACENT PROPERTY OWNERS

1. Alternate Key: 1096113
RE Number: 00087560-000000
Owner of record BARKETT THOMAS & BARKETT THOMAS JR TRUSTEES
(THOMAS BARKETT REV TRUST 3/29/90)
2000 SW 4TH AVENUE
MIAMI FL 33129
Physical Location KEY LARGO
Legal Description 28 61 39 A61928-31 ISLAND OF KEY LARGO
PT LOTS 7-10 OR398-213 OR1139- 1767(CW)
Section, Township, Range 28 - 61 - 39

2. Alternate Key: 1095168
RE Number: 00086590-000000
Owner of Record NATURE CONSERVANCY THE
222 S WESTMONTE DRIVE SUITE 300
ALTAMONTE SPRINGS FL 32714 Physical Location KEY LARGO
Legal Description 21 61 39 ISLAND OF KEY LARGO PB4-130 PT GOV LOT 8 OR PT TR 8 OR564-755 OR1786-2445/46QC(CW) OR1888-379/83(CW) Section, Township, Range 21 - 61 - 39

3. Alternate Key: 1095150
RE Number: 00086580-000000
Owner of record MNM'S OF THE KEYS, INC
611 LA PALOMA RD
KEY LARGO FL 33037
Physical Location KEY LARGO
Legal Description 21 61 39 ISLAND OF KEY LARGO PB4-130 PT GOV LOT 7 OR PT TR 7 & PT GOVT LOT 8 OR PT TR 8 OR564-755 OR1786-2445/46QC OR1860-1670/73 OR2142-629/31 Section, Township, Range 21 - 61 – 39

4. Alternate Key: 1095931
RE Number: 00087350-000000
Owner of Record STARION INVESTMENTS LLC
101 GIARDINO DR
ISLAMORADA FL 33036 Physical Location 101000 OVERSEAS HWY KEY LARGO
Legal Description 28 61 39 ISLAND OF KEY LARGO PT LOT 8 OR554-253 OR701-878 OR704-29 OR796-1825/26 OR854-1942QC OR854-1943/45 OR1869-1191/93 OR2167-937/39
Section, Township, Range 28 - 61 - 39

5. Alternate Key: 1095877
RE Number: 00087300-000000
Owner of Record EAGER GEORGE W SR
325 CALUSA
KEY LARGO FL 33037 Physical Location KEY LARGO
Legal Description 28 61 39 ISLAND OF KEY LARGO LOT 1 OR463-189/191 OR468-422-424 (UNRECORDED M/L ON FILE-CAW) OR1042-1740 OR1398-184/213FJ OR1598-1470Q/C(LG) Section, Township, Range 28 - 61 - 39

6. Alternate Key: 1649031
RE Number: 00529810-000000
Owner of Record REED MARTIN A AND MARY
65 WATERWAYS DR
KEY LARGO FL 33037 Physical Location 65 WATERWAYS DR KEY LARGO
Legal Description BK 2 LTS A4 & 5 SUNSET WATERWAYS PB4-31 KEY LARGO OR536-618 OR809-2225 OR851-1680 OR928-2142 OR1123-638 OR1158-1434 OR1367-2161AFF OR1426-155/56 OR1530-815 OR1590-1126 OR1988-187 Section, Township, Range 28 - 61 - 39

7. Alternate Key: 1649058
RE Number: 00529830-000000
Owner of Record ZARZA LEIDA DIAZ DE
APARTADO 50260
CARACAS 1050-A Physical Location KEY LARGO
Legal Description BK 2 LT 6 SUNSET WATERWAYS PB4-31 KEY LARGO OR536-618 OR811-1498 (U/R DC ON FILE)JB Section, Township, Range 28 - 61 - 39

8. Alternate Key: 1649066
RE Number: 00529840-000000
Owner of Record ZARZA LEIDA DIAZ DE
APARTADO 50260
CARACAS 1050-A Physical Location KEY LARGO
Legal Description BK 2 LT 7 SUNSET WATERWAYS PB4-31 KEY LARGO OR536-618 OR811-1493 (U/R DC ON FILE)JB Section, Township, Range 28 - 61 - 39

9. Alternate Key: 1649074
RE Number: 00529850-000000
MCCLURE JAMES SCOTT AND JEAN MARIE
4620 NE 5 AVE
FORT LAUDERDALE FL 33334 Physical Location KEY LARGO
Legal Description BK 2 LT 8 SUNSET WATERWAYS PB4-31 KEY LARGO OR536-618 OR840-279 OR1871-711OR2133-1889/90 Section, Township, Range 28 - 61 – 39

10. Alternate Key: 1649082
RE Number: 00529860-000000
GENTILE MICHAEL & KATHY
60 WATERWAYS DRIVE
KEY LARGO FL 33037 Physical Location 60 WATERWAYS DR KEY LARGO
Legal Description BK 2 LT 9 SUNSET WATERWAYS PB4-31 KEY LARGO OR536-618 OR819-1207 OR1137-803(JB) OR1139-1654AFF(JB) Section, Township, Range 28 - 61 - 39

11. Alternate Key: 1649091
RE Number: 00529870-000000
SANTE CHRIS & PAM
P O BOX 3006
KEY LARGO FL 33037 Physical Location 58 WATERWAYS DR KEY LARGO
Legal Description BK 2 LT 10 SUNSET WATERWAYS PB4-31 KEY LARGO OR536-618 OR808-1578 OR892-70 OR1023-2210(JB) Section, Township, Range 28 - 61 – 39

12. Alternate Key: 1649317
RE Number: 00530090-000000
Owner of Record NOREM DARRYL V
27 HARBOR DR
KEY LARGO FL 33037 Physical Location 27 HARBOR DR KEY LARGO
Legal Description SUNSET WATERWAYS PB4-31 KEY LARGO LOT 13 BK 3 OR536-618 OR826-95 OR840-284 OR894-1690 OR962-1084/85 OR1013-1525C/T OR1123-1088 OR1480-1012 OR1559-1928AFF OR1847-1463 OR1852-471 Section, Township, Range 28 - 61 - 39

13. Alternate Key: 1649325
RE Number: 00530100-000000
MANIAN ALBERT & VILMA
RD 5 15 CANAL DR
KEY LARGO FL 33037 Physical Location 15 CANAL DR KEY LARGO
Legal Description BK 3 LT 14 SUNSET WATERWAYS PB4-31 KEY LARGO OR278-356/57 OR278-358/59 OR812-2319 OR862-2234Q/C OR1000-563Q/C OR1011-1634/43 OR1011/1653JB Section, Township, Range 28 - 61 – 39

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NATURE CONSERVANCY THE
222 S WESTMONTE DRIVE SUITE 300
ALTAMONTE SPRINGS FL 32714

MNM'S OF THE KEYS, INC
611 LA PALOMA RD
KEY LARGO FL 33037

STARION INVESTMENTS LLC
101 GIARDINO DR
ISLAMORADA FL 33036

EAGER GEORGE W SR
325 CALUSA
KEY LARGO FL 33037

REED MARTIN A AND MARY
65 WATERWAYS DR
KEY LARGO FL 33037

ZARZA LEIDA DIAZ DE
APARTADO 50260
CARACAS 1050-Venezuela

ZARZA LEIDA DIAZ DE
APARTADO 50260
CARACAS 1050-Venezuela

MCCLURE JAMES SCOTT AND JEAN MARIE
4620 NE 5 AVE
FORT LAUDERDALE FL 33334

GENTILE MICHAEL & KATHY
60 WATERWAYS DRIVE
KEY LARGO FL 33037

SANTE CHRIS & PAM
P O BOX 3006
KEY LARGO FL 33037

NOREM DARRYL V
27 HARBOR DR
KEY LARGO FL 33037

MANIAN ALBERT & VILMA
RD 5 15 CANAL DR
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FEBRUARY 6, 2006

16 COPIES OF CALUSA SITE PLAN AND SURVEY AS EXHIBITS TO APPEAL BY:

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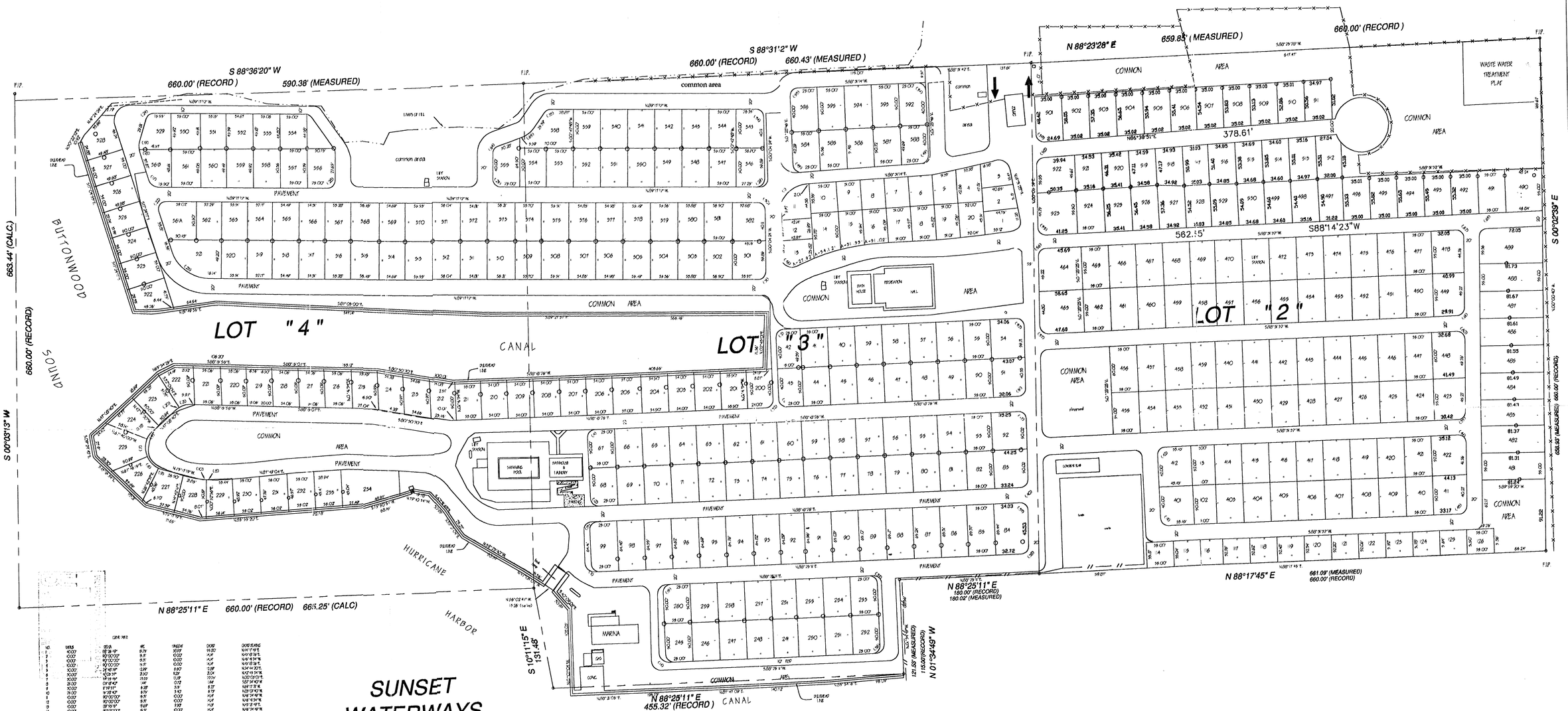

SUNSET WATERWAYS

(PLAT BOOK 4, PAGE 31)

GRAPHIC SCALE

60 0 30 60 120 240

(IN FEET)
1 inch = 60 ft.

SURVEYOR'S NOTES

1) NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED.
2) NO INFORMATION OF RECORD REGARDING EASEMENTS, RIGHT OF WAY, AND OWNERSHIP HAVE BEEN SHOWN THIS SURVEY EXCEPT AS SHOWN.
3) THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
4) THE PURPOSE OF THIS SURVEY IS TO SHOW THE ACTUAL OCCUPATION OF LOTS
5) THIS AS-BUILT PLAN IS NOT FOR SALE, AN AMENDED PLAT MUST BE DONE FIRST (Revision will require lots owner will Renumbered)
6) THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON
7) THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY
8) EXAMINATION OF ABSTRACT OF TITLE WILL HAVE TO BE MADE TO DETERMINE RECORDED INSTRUMENTS, IF ANY, AFFECTING PROPERTY
9) LEGAL DESCRIPTION FURNISHED BY CLIENT

LEGEND

- FIRE HYDRANT
- CATCH BASIN
- POWER POLE
- CATCH BASIN
- MAILBOX
- IP CONCRETE PIPE

ABBREVIATIONS

F.I.P.	FOUND IRON PIPE
S.I.P.	SET IRON PIPE
S.N.P.	SET NAIL AND PIPE
F.N.P.	FOUND NAIL AND PIPE
S.N.D.	SET NAIL AND DISK

REVISIONS:	DATE:
THIS SURVEY WAS PERFORMED	DATE: MAY 4, 2001

CARLOS A. HERNANDEZ
LAND SURVEYOR AND MAPPER
LICENSE NO. LS 5269
STATE OF FLORIDA

GENERAL SERVICES GROUP, INC
LAND SURVEYORS AND MAPPERS
9069 NW 159 STREET UNIT 103
MIAMI, FL 33018
PHONE (305) 821-0015 FAX (305) 821-2912
LB 6930

AS-BUILT SURVEY PREPARED FOR CALUSA CAMP GROUND CONDO

SHEET 2 OF 2 | DWG. 01-500

MONROE COUNTY
OFFICIAL RECORDS