BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: August 18, 2004 Division: Growth Management

Bulk Item: Yes ___ No X Department: Planning and Environmental Resources

AGENDA ITEM WORDING:
A public hearing to consider a request for Administrative Relief from David Thompson for Block 8, Lot 26 of Key Largo Ocean Shores, RE# 00499310.000000.

ITEM BACKGROUND:
A building permit and ROGO allocation were applied for on April 13, 2000 (Year 8, Quarter 3). The applicant applied for administrative relief on May 4, 2004 (Year 12, Quarter 4) and is within the allowable time frame to be eligible for administrative relief under Section 9.5-122.2(f) of the Monroe County Land Development Regulations.

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

PREVIOUS RELEVANT BOCC ACTION: N/A

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval.

TOTAL COST: N/A **BUDGETED:** Yes N/A No ___
COST TO COUNTY: N/A **SOURCE OF FUNDS:** N/A

REVENUE PRODUCING: Yes ___ No X **AMOUNT PER MONTH** N/A **Year** ___

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

DIVISION DIRECTOR APPROVAL: _____
Timothy J. McGarry AICP

DOCUMENTATION: Included X To Follow ___ Not Required ___

DISPOSITION: _____ **AGENDA ITEM #** P8

Revised 2/27/01

KMC

RESOLUTION NO. - 2004

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **APPROVING** THE REQUEST FOR ADMINISTRATIVE RELIEF MADE BY DAVID THOMPSON ON THE LOT DESCRIBED AS LOT 26, BLOCK 8, KEY LARGO OCEAN SHORES, KEY LARGO, REAL ESTATE NUMBER 00499310.000000 IN THE FORM OF A DWELLING UNIT ALLOCATION AWARD.

WHEREAS, David Thompson has submitted an application for a building permit allocation under the Residential Rate of Growth Ordinance (ROGO) in April of 2000; and

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

WHEREAS, David Thompson has applied for administrative relief under Monroe County Code Section 9.5 122.2 (f); and

WHEREAS, the Board of County Commissioners (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 disturbed/scarified and the applicant received positive one point; 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 not 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 Key Largo Ocean Shores is not environmentally sensitive;

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

1) The Thompson property, Lot 26, Block 8, Key Largo Ocean Shores, ROGO application received no negative environmental points and one (1) positive environmental point; and
2) Policy 101.6.1 of the 2010 Comprehensive Plan and Section 9.5-122.2(f) of the Monroe County Land Development Regulations 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.
3) The applicant has been in the ROGO system for three of the last four annual allocation periods and therefore qualifies for administrative relief; and
4) The property does not qualify under criteria established by Resolution 223-2004 for purchase by the Monroe County Land Authority of small parcels with indigenous hammock and pinelands; and
5) The property does not qualify as environmentally sensitive under criteria established by Policy 101.6.5 and Policy 101.6.6 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 David Thompson for Lot 26, Block 8, Key Largo Ocean Shores, in the form of a dwelling unit allocation award, subject to the following conditions:

1. The timing of the issuance of the permit shall be in accordance with the annual number of residential allocations defined by Policy 101.2.13 and as required by Section 9.5-122.2 (f) of the Monroe County Code; and
2. The allocation award shall be taken out of the next quarterly allocation which closes October 13, 2004 (Quarter 1, Year 13); and
3. The assignment of a nutrient reduction credit shall be required prior to issuance of the permit.

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PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the _____ day of _____ 2004.

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

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY_____
Mayor Murray Nelson

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK

_____
DEPUTY CLERK

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Date: 7-29-04

Growth Management Division
2798 Overseas Highway
Suite 410
Marathon, Florida 33050
Phone: (305) 289-2500
FAX: (305) 289-2536

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

To: Board of County Commissioners

From: K. Marlene Conaway, Director
Department of Planning and Environmental Resources

Date: July 26, 2004

Subject: **David Thompson, Administrative Relief Request**

Background on Subject Property:
The subject property is zoned Improved Subdivision (IS) Land Use District and is located at Key Largo Ocean Shores Block 8, Lot 26, Key Largo, Real Estate Number 00499310.000000. The applicant purchase d the property in January of 2001; the price is listed in the assessor's records as $99,000. The applicant entered the Residential Rate of Growth Ordinance (ROGO) system on October 5, 2000.

Permitting History:
A building permit and ROGO allocation were applied for on April 13, 2000 (Year 8, Quarter 3). The application scored seventeen (17) points: ten (10) points from planning; six (6) points from building; and positive one (1) point for biology as the subject property was determined to be disturbed/scarified by the Upper Keys Biologist.

Currently, with the addition of four perseverance points, the property scores twenty-one (21) points (as of Tuesday, July 13th, 2004). Since 2000 (Year 8, 3rd Quarter of ROGO), five (5) ROGO allocation awards have been issued to lots in the Key Largo Ocean Shores subdivision. These include Permit Numbers: 01-3-1796, 01-3-1889, 01-3-0905, 01-3-2514 and 03-3-1132.

The applicant applied for administrative relief on May 4, 2004 (Year 12, Quarter 4) and is within the allowable time frame to be eligible for administrative relief under Section 9.5-122.2(f) of the Monroe County Land Development Regulations.

Development Potential:
Zoning – The property is zoned Improved Subdivision (IS) which allows one single-family residential dwelling and accessory uses. As an Improved Subdivision, 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 is Tier III and has been identified as scarified by the Upper Keys Biologist. It is not an area of concern.

Neighboring Properties - The subdivision is almost entirely built out. Properties adjacent to the subject site are developed with single-family residences.

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 for any lots in environmentally sensitive lands. The subject lot received no negative points under Section 9.5-122.3 of the Land Development Regulations.

The applicant has not taken advantage of options available to him under the ROGO scoring system to increase his competitiveness in the ROGO system as most other applicants, who have received allocations have.

Smart Growth Initiative –Monroe County is in the process of adopting LDRs and a zoning overlay which will identify appropriate areas for future infill development and areas for acquisition. Goal 105 of the 2010 Comprehensive Plan directs the County to designate all lands into one of three Tiers for purposes of the land acquisition program and smart growth initiative. The tiers are defined in Policy 105.2.1.

The subject property is located in Key Largo Ocean Shores subdivision and meets the criteria for an Infill Area (Tier III) as defined in Goal 105. New development and redevelopment are to be highly encouraged.

BOCC Resolution No. 223-2004, is a resolution of the BOCC that limits the issuance of permits for land clearing. It further directs staff to identify and recommend for purchase by the Land Authority, small parcels containing indigenous hammocks and pinelands throughout Monroe county that are not covered by "Florida Forever" funds. The resolution states:
Monroe County's Growth Management Division is hereby directed to:

1. Closely monitor those small parcels in the CNA areas to prevent un-permitted clearing.

2. Limit the issuance of permits for land clearing so that the best interests of the public good, including the encouragement of building affordable housing, are protected.
3. Identify these small parcels, not covered by the "Florida Forever Funds" to the Land Authority for recommended purchase.

The subject parcel is not within a CNA area.

Eligibility for Administrative Relief Options:
Section 9.5-122.2(f) of the Monroe County Land Development Regulations and Policy 101.6.1 of the 2010 Comprehensive Plan 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. 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 annual allocation period.

Relief Options under Administrative Relief:
The remedies available to an applicant 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.

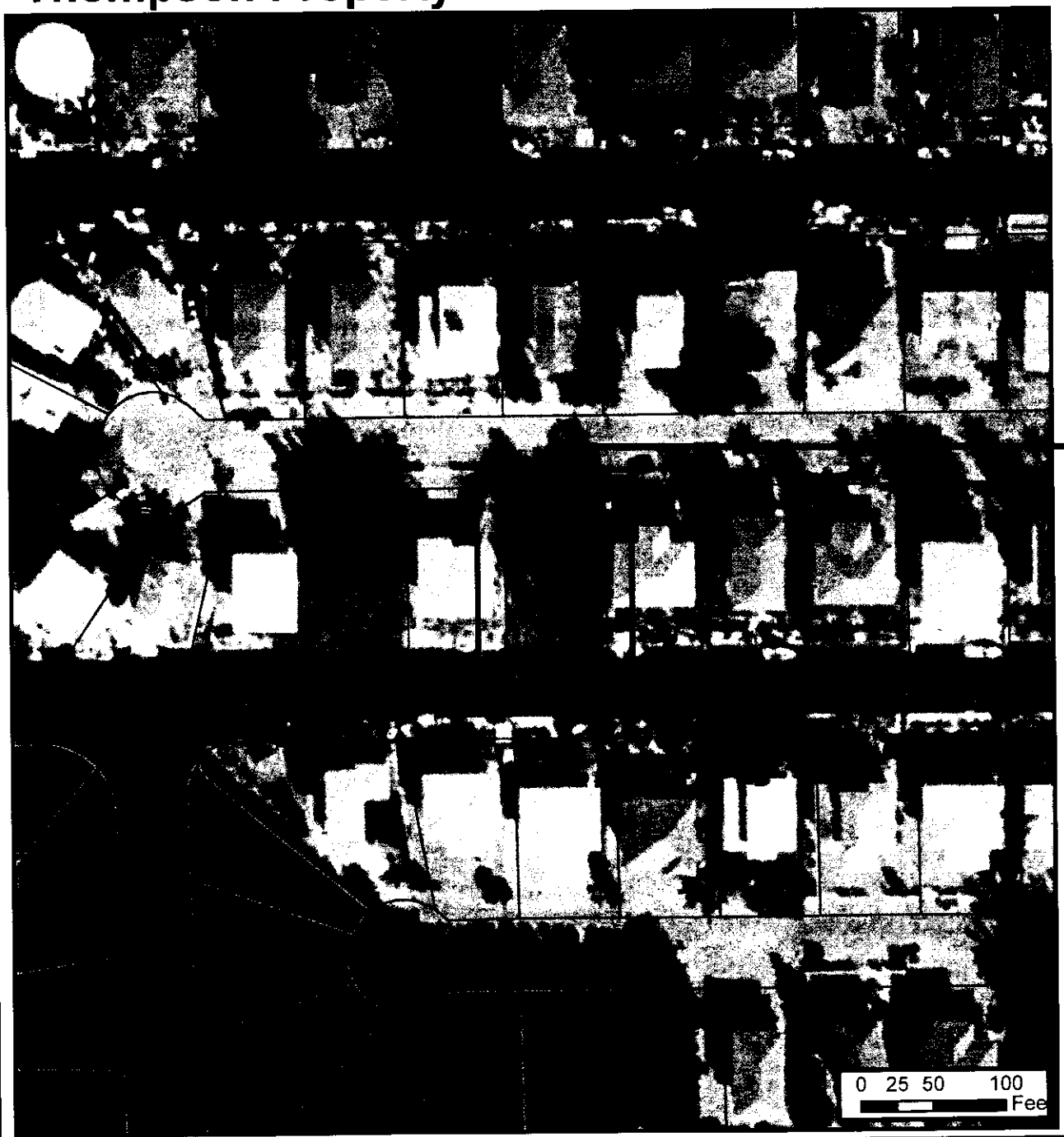
The subject property does not contain sensitive environmental features or any significant habitat for endangered or threatened animal species. It therefore does not meet the criteria established under Policy 101.6.6 and Policy 102.4.2 of the Year 2010 Comprehensive Plan for the purchase of property under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

Staff Analysis:
The Growth Management Division has reviewed the application and recommends the award of a ROGO allocation to the applicant.

Recommendation:
It is recommended that the Board of County Commissioners find that the applicant has met the criteria and qualifies for Administrative Relief. It is further recommended that an order be prepared that establishes this relief in the form of a dwelling unit allocation in the next quarterly ROGO allocation period which closes October 13, 2004.

Cc: Timothy J. McGarry, AICP, Director of Growth Management
Mark Rosch, Monroe County Land Authority
Joel Reed, Planner
Richard Collins, Esq.

Thompson Property - Ocean Shores Subdivision (RE 00499310.000000)

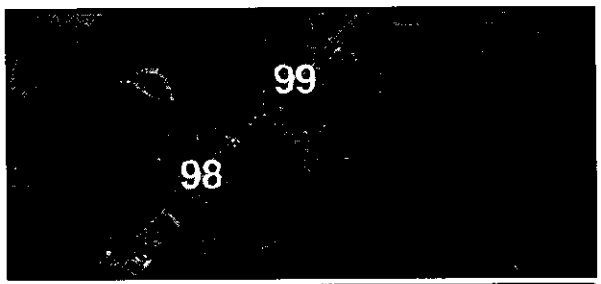


= Tier III

= Tier II

= Tier I

2003 Aerial Photographs



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.
7/04

JK