File #: 2016-101


Agent: Barton W. Smith, Esq.

Type of Application: Major

Key: Big Pine Key

RE: 00111420.001400, 00111420.001700
00111420.001500, 00111420.001800
00111420.001600, 00111420.002200
00111420.002100
Additional Information added to File 2016-101
A. GENERAL NOTES

1. All stormwater pollution control activities are subject to federal, state, and local regulations, and must be performed in accordance with established environmental standards. All construction activities, including excavation, earthwork, and fill placement, shall be completed in a manner that will minimize runoff and pollution of stormwater systems.

2. Stormwater pollution control practices are to be implemented through the development of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall be prepared in accordance with established guidelines and standards for stormwater management.

3. All excavation work shall be performed in accordance with established environmental standards, and all activities shall be coordinated with the appropriate regulatory agencies to ensure compliance with all applicable regulations.

4. Stormwater pollution control practices are to be implemented through the development of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall be prepared in accordance with established guidelines and standards for stormwater management.

5. Stormwater pollution control practices are to be implemented through the development of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall be prepared in accordance with established guidelines and standards for stormwater management.

B. SITE DESIGNATION

1. The site designation is [Site Name], located at [Address]. The site is subject to [listed conditions] and is designated for [listed purpose].

2. The site designation is [Site Name], located at [Address]. The site is subject to [listed conditions] and is designated for [listed purpose].

3. The site designation is [Site Name], located at [Address]. The site is subject to [listed conditions] and is designated for [listed purpose].

4. The site designation is [Site Name], located at [Address]. The site is subject to [listed conditions] and is designated for [listed purpose].

C. CONTROLS

1. Erasure and in-place repair of stormwater pollution control structures shall be performed in accordance with established environmental standards.

2. Stormwater pollution control practices are to be implemented through the development of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall be prepared in accordance with established guidelines and standards for stormwater management.

3. Stormwater pollution control practices are to be implemented through the development of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall be prepared in accordance with established guidelines and standards for stormwater management.

4. Stormwater pollution control practices are to be implemented through the development of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP shall be prepared in accordance with established guidelines and standards for stormwater management.
February 15, 2017

Mike Roberts
Senior Administrator
Monroe County Planning and Environmental Resources
2798 Overseas Highway; Suite 400
Marathon, Florida 33050

Dear Mr. Roberts:

The U.S. Fish and Wildlife Service (Service) has reviewed the maps, plans, and other information submitted by Monroe County Planning and Environmental Resources (County) for our review of the proposed construction of a Publix shopping center at the site of the existing Big Pine Flea Market, Big Pine Key, Florida. The information is being provided for the Service’s evaluation as to whether the project is consistent with the following terms and conditions of the Habitat Conservation Plan (HCP) Section 5.3.2 Avoidance and Minimization:

9. Expansion of private non-residential facilities will be restricted primarily to within the US-1 corridor.

19. No development will be allowed in Lower Keys marsh rabbit (Sylvilagus palustris hefneri; marsh rabbit) habitat. No residential or commercial development will be allowed within 500 meters of marsh rabbit habitat, with the exception of isolated areas (i.e., the green hatched areas on [HCP] Figure 2.2). Road widening activities along US-1 would occur within existing cleared and filled portions of the FDOT (Florida Department of Transportation) right-of-way.

In addition, the County has requested the Service’s evaluation as to whether the applicant’s approach to calculating the “H” impact is acceptable.

As previously discussed with the County, the Service has determined that “no development” in no. 19 - Section 5.3.2 Avoidance and Minimization, is intended to preclude new development and not redevelopment, as long as the redevelopment does not increase any threats to the species. Consequently, the Service finds that the proposed redevelopment is consistent with Section 5.3.2 Avoidance and Minimization no. 19 and Item G20 in Incidental Take Permit (ITP) of the Big
Pine/No Name Key HCP (which mirrors no. 19). This determination is based on the provision that the proposed redevelopment does not result in an increase in generated vehicle trips and includes a covenant restriction of keeping free-roaming cats, which would otherwise increase threats to the species.

Furthermore, the Service has determined that the proposed H calculation is not acceptable and should be revised to better reflect the use of the existing property by Key deer (*Odocoileus virginianus clavium*). The Service recommends that the applicant contact the Service and request technical assistance in evaluating the project’s affects to federally listed species. The applicant can submit their request to the Service via email at verobeach@fws.gov.

Thank you for your cooperation in the effort to protect fish and wildlife resources. If you have any questions regarding this letter, please contact Brian Powell at 772-469-4315.

Sincerely yours,

Roxanna Hinzman
Field Supervisor
South Florida Ecological Services Office
Date: December 19, 2016

Michael Roberts, CEP; PWS
Sr. Administrator / Environmental Resources
Monroe County Planning & Environmental Resources

From: Philip A. Frank

Re: Proposed Publix on Big Pine Key, Impacts to Key deer and other Threatened and Endangered Species

The purpose of this memo is to summarize potential impacts to Federally-listed plant and animal species associated with the proposed Publix project on Big Pine Key. The project involved re-development of the Big Pine Flea Market (BPFM) property and includes seven (7) parcels totaling 7.7 acres (Figure 1-3).

Because the proposed project is located on Big Pine Key, it is subject to the April 2006 Habitat Conservation Plan for Florida Key Deer and other Protected Species on Big Pine Key and No Name Key, Monroe County, Florida (HCP). The HCP addresses the incidental take of protected species that may result from development activities in Big Pine Key and No Name Key over a 20 year period. The types of activities covered under the HCP include residential development, commercial development and expansion, community and institutional facilities, and transportation improvements. Per the HCP, development will be concentrated on low quality habitat, lots located among canals, and areas near US-1.

In addition to the HCP, we also reviewed the 2012 UFSWS Species Assessment Guides (SAG’s) for those listed species not covered by the HCP, including the Silver rice rat, Stock Island tree snail and Key tree cactus.
HCP Allowed Activities

The HCP allows for re-development of commercial properties per Covered Activities (Page 4, Exec Summary): “Non-Residential Private Development: The County will authorize limited non-residential development as well as expansion or redevelopment of commercial facilities and community organizations such as religious institutions and civic clubs. The Applicants anticipate that no more than 60,000\(^1\) square feet of floor area will be added over 20 years.” In addition, under Section 5.3.2 - Avoidance and Minimization, item #8 states that new commercial development will be limited to infill in existing commercial areas on Tier 2 and Tier 3 lands, mainly along the US-1 corridor. All new commercial development will be limited to disturbed lands.

Therefore, re-development of the BPFM property is an activity allowed under the HCP. Because the proposed redevelopment of the BPFM site is an action covered under the HCP, ITP, and Monroe County LDR’s, no additional coordination with USFWS is needed. The County may estimate H associated with the re-development project and include that in the annual report to USFWS.

Mitigation for Key Deer Impacts

The project site is mapped by USFWS as habitat for the Key deer, and Key deer were observed foraging on the un-fenced portions of the property during a field visit. Therefore, the fact that key deer utilize the un-fenced portions of the BPFM is established. Indeed, the entirety of Big Pine Key is mapped as habitat for Key deer, and Key deer are known to utilize every habitat type on Big Pine Key, including developed sites. Currently 3.4 acres or approximately 45% of the BPFM are fenced, excluding Key deer from a significant amount of the property.

The HCP provides guidance on assessing impacts based on a PVA model that provides a reliable predictor of development impacts on the Key deer: Harvest (H), which is highly correlated with

\(^1\) According to the 10th Annual HCP Master list, since 2003, 8,409 square feet of commercial have been redeveloped. Notably, in 2007, per Monroe County Resolution P42-06, the Scotty’s Hardware store which measured 26,000 sf was redeveloped into a 16,510 sf Walgreens, reducing commercial retail by 9,490 sf.
estimates of impacts. H is used to measure impacts and mitigation in the HCP, with H equating to estimates of risk and additional human-related mortality.

H can be assigned to the re-development of commercial properties based on the assumption that if development occurs on a developed parcel (e.g., expansion or redevelopment), the impact of development equals the H of the footprint of the additional development. It is assumed that the impact of existing development has been already realized; therefore, the H of development that occurs in parcels already developed is associated with the footprint of the additional activity instead of the entire parcel area.

It is also assumed that the impact of the development activity on Key deer depends on the type of development and land use. Because roadway mortality is the largest cause of human-related mortality of Key deer, the H value for a development activity is multiplied by a factor that accounts for the traffic generated by the specific land use or type of activity.

Traffic patterns and Key Deer Mortality on US 1

The BPFM traffic is legendary, with Saturday traffic going to the market causing large traffic jams on the island, especially weekends during the tourist season (October – May). People travel to the flea market from throughout the Lower Keys, Key West, and Marathon; it is an extremely popular attraction that fills the parking lot and overflows to adjacent streets. The weekend traffic congestion associated the BPFM creates a dangerous gauntlet for Key deer crossing US 1.

The impact on traffic associated with the change in use from the BPFM to Publix has been analyzed in detail by Karl B. Peterson, P.E. with KBP Consulting. The Level 3 Traffic Study\(^2\) and supplemental Trip Generation Statement – Publix Big Pine Key\(^3\) demonstrate only a minimal increase in traffic associated with the proposed change in use (Attachment 1 - Trip Generation Statement). The development of the Publix will generate what is referred to as “phantom” or “ghost” trips, meaning that traffic to the Publix includes significant traffic already on the island for other purposes (e.g. instead of going to Winn Dixie, they go to Publix). Because of the “ghost”

\(\text{Page 3}\)

\(^2\) See Level 3 Traffic Study by Karl Peterson, P.E.

\(^3\) See Trip Generation Statement – Publix Big Pine Key by Karl Peterson, PE
trip phenomenon and considering existing traffic associated with the BPFM, the actual traffic impacts associated with the proposed Publix on Big Pine Key are anticipated to be relatively minor. Additionally, there will be a flattening out of traffic patterns, with the large influx of weekend traffic associated with the BPFM eliminated in favor of a more consistent traffic pattern. This flattening of traffic will be particularly evident during the peak season time periods.

**Calculation of “H” Impacts for Publix at the Big Pine Flea Market**

The re-development of the BPFM is clearly a unique situation where the existing developed area is expansive with fencing, vendor stalls, parking areas, landscape areas and several buildings spread out over a large area. The proposed re-development will involve the same area used by the flea market, but will include a single, large grocery store building with associated un-fenced parking areas and stormwater treatment areas. Thus, the assessment of additional H associated with the proposed project is not a straightforward calculation based on a square foot expansion of a footprint.

The HCP recognizes the complexity of using H to assess impacts to Key Deer, and includes an allowance for the County to be creative in the estimation of H impacts: “When unique development conditions are encountered that are not covered by the H-calculation formulas the county will propose a formula and explanation for the calculation to the Service for review and concurrence.” Tables 2.5 and 2.6 in the HCP provide the County guidance for assessing H for existing developed properties with a change in use / re-development. The following is proposed to address the assessment of H for the proposed Big Pine Flea Market re-development project.

There are seven parcels involved in the BPFM re-development (Figure 1, Table 1).

<table>
<thead>
<tr>
<th>PARCEL ID</th>
<th>Parcel Id Number</th>
<th>Current Development</th>
<th>Proposed Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>C</td>
<td>00111420-002100</td>
<td>Scarified/no habitat</td>
<td>Small right turn lane for trucks</td>
</tr>
<tr>
<td>J</td>
<td>00111420-002200</td>
<td>Flea Market/Fenced</td>
<td>Publix Parking Lot</td>
</tr>
<tr>
<td>I</td>
<td>00111420-001600</td>
<td>Flea Market/Fenced</td>
<td>Publix Store/Parking Lot</td>
</tr>
<tr>
<td>K</td>
<td>00111420-001700</td>
<td>Flea Market</td>
<td>Publix Store/Parking Lot</td>
</tr>
</tbody>
</table>
Table 1. Parcels proposed for the project with H values.

<table>
<thead>
<tr>
<th>PARCEL ID</th>
<th>Parcel Id Number</th>
<th>Current Development</th>
<th>Proposed Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>H</td>
<td>00111420-001500</td>
<td>Flea Market</td>
<td>Publix Store</td>
</tr>
<tr>
<td>L</td>
<td>00111420-001800</td>
<td>Flea Market/Isolated Wetland</td>
<td>Publix Store/Enhanced Wetland</td>
</tr>
<tr>
<td>G</td>
<td>00111420-001400</td>
<td>Scarified/no habitat</td>
<td>Stormwater retention, grass area</td>
</tr>
</tbody>
</table>

To calculate the amount of H lost because of the proposed project, several factors were evaluated including current use and condition of the property, extent of commercial development associated with the existing BPFM, extent and type of existing fencing associated with the BPFM, and potential mitigation parcels associated with the proposed project.

Of the 7.7 acres of property included in the proposed project, 3.4 acres (45%) of the total area is fenced as part of the BPFM use. The fencing can be described as partial as there are several pedestrian gaps in the fence, and the entire west side is an incomplete “fence” composed of 6 x 6 inch wood posts that serve as delineators to the BPFM commercial retail area. The removal of the existing 3.4 acres of fenced area as part of the proposed project will benefit Key deer by improving movement in the project vicinity.

The H values assigned to each parcel were obtained from the Monroe County Planning and Environmental Resources Department and are those values used to determine the Key deer harvest model in the HCP. The reduction in H values were estimated based on the extent of change in use per parcel, and comparing current to proposed site conditions. Proportional impacts to individual parcels were assessed based on the proposed project and biological judgment regarding Key deer habitat utilization.

The applicant for the project also has acquired three one-acre mitigation parcels, two are intact pine rockland habitat (Parcels D and E, Tier 1) and Parcel F (Tier 3) is partially fenced, disturbed, and in use as a storage lot. The applicant is proposing donation of these parcels including the restoration of Parcel F to offset H impacts associated with the proposed Publix project.

The estimated loss of H associated with the proposed project was estimated by combining all parcels into one unit and summing H values across all parcels. This was the most biologically sound scenario to consider since this is how the Key deer perceive the landscape, as a whole vs
individual parcels. The following data was obtained from the current site plan for the proposed project and current site conditions:

- **Net Site Area** = 7.62 ac = 331,770 sf
- **Existing Fenced Area** = 3.4 ac = 148,105 sf
- Total Un-fenced Area = 4.2 acres = 55%
- **Proposed Building Area** = 47,513 sf
- **H of parcels combined** = 0.055

<table>
<thead>
<tr>
<th>Site</th>
<th>Area (acres)</th>
<th>% Site Area</th>
<th>% H (0.055 total)</th>
<th>H Loss</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Fenced &amp; Developed Area, 20% H impact over fenced areas per HCP</td>
<td>3.4</td>
<td>45</td>
<td>0.0247</td>
<td>0.0049</td>
</tr>
<tr>
<td>Un-fenced Area, 20% H impact for accessory uses per HCP</td>
<td>2.4</td>
<td>32</td>
<td>0.0176</td>
<td>0.0035</td>
</tr>
<tr>
<td>Un-fenced Area, no proposed development (C,G)</td>
<td>1.8</td>
<td>23</td>
<td>0.0126</td>
<td>0.00</td>
</tr>
<tr>
<td>H Loss Total</td>
<td>7.6</td>
<td>100</td>
<td></td>
<td>0.0084</td>
</tr>
<tr>
<td>H Loss with 3X Mitigation Factor</td>
<td></td>
<td></td>
<td></td>
<td>0.0252</td>
</tr>
<tr>
<td>PARCEL ID</td>
<td>Parcel ID Number</td>
<td>Current Development</td>
<td>Proposed Development</td>
<td>H Factor</td>
</tr>
<tr>
<td>-----------</td>
<td>------------------</td>
<td>-------------------------------------</td>
<td>----------------------</td>
<td>----------</td>
</tr>
<tr>
<td>D</td>
<td>00111420-000900</td>
<td>None - high quality pine rockland habitat</td>
<td>Mitigation</td>
<td>0.0080</td>
</tr>
<tr>
<td>E</td>
<td>00111420-001000</td>
<td>None - high quality pine rockland habitat</td>
<td>Mitigation</td>
<td>0.0080</td>
</tr>
<tr>
<td>F</td>
<td>00111420-001200</td>
<td>Cleared, partially fenced, parking, dumping, exotic vegetation.</td>
<td>Mitigation</td>
<td>0.0067</td>
</tr>
</tbody>
</table>

**Summary Impacts vs Mitigation**

- **H Impacts** = 0.0252
- **H Mitigation On-site** = 0.0240
- **Difference** = 0.0012

Based on the above assessment, total loss of H associated with the proposed project = 0.0252, total H mitigation from habitat acquisition and restoration provided by the applicant = 0.0240, with a remaining H deficit = 0.0012. These results indicate that the proposed project will not have a significant adverse impact on the Key deer based on the harvest model established in the HCP, however an additional 0.0012 H will be required to meet the HCP mitigation requirements. This additional H could be obtained from the Monroe County H reserves, or acquired by the applicant directly.
Other Species Considered:

**Lower Keys Marsh Rabbit:** The proposed project site does not support suitable habitat for the Lower Keys marsh rabbit (LKMR). There are no salt marsh wetlands on the property, thus none will be impacted. There is mapped LKMR habitat located east of the property directly across a paved road, and the property is within the 500m LKMR buffer zone. Using the Species Assessment Guide for the LKMR (July 29, 2013), the project keys out to “refer to HCP for coverage” since one of the RE#’s is on the Real Estate Parcel List (00111420-001700) and is located on Big Pine Key. Thus, the HCP and also the SAG’s are used to assess potential impacts.

Section 5.2.2 (page 55) discusses potential impacts to the LKMR and states that the applicants anticipate no direct loss of Lower Keys marsh rabbit habitat as a result of covered activities, and that no impacts to identified marsh rabbit habitat will be permitted. Indirect effects to marsh rabbit habitat may result if development occurs near marsh rabbit habitat patches. For example, new development near marsh rabbit habitat may bring about stray domestic cats, which are a known cause of mortality for the marsh rabbit. In addition, an additional potential indirect effect of additional development in the vicinity of marsh rabbit habitat patches is the potential for road kills. It is of note that the HCP focuses on future residential development primarily, since this is deemed most detrimental due to the high likelihood of residential development increasing the number of free-ranging domestic cats.

The proposed re-development will not result in any anticipated increase in free-ranging cats, and will not introduce any additional traffic into LKMR habitats. Access to the site is over existing roads, and traffic will be controlled on the site into a defined parking lot. It is of note that currently parking at the Flea Market is rather informal, with cars able to access the site from all sides and parking areas in general areas rather than defined spaces.

Because the actual “take” of LKMR is difficult to detect per the HCP, the HCP directs the County to estimate the level of LKMR take by evaluating the acreage of overlap of development in or adjacent to the 500-meter wetland habitat buffers. Because this project involves the redevelopment of an already developed area, maintains or further confines existing traffic to the site, and will not
harbor free ranging cats or other domestic animals, the impact to the LKMR can be assumed negligible.

With regards to the LKMR, the proposed redevelopment of the Flea Market site is an action covered under the HCP, ITP, and Monroe County LDR's, therefore no additional coordination with USFWS is needed.

**Eastern Indigo Snake:** The proposed project site is partially mapped as habitat for the indigo snake, however the actual presence of this species on the property is extremely unlikely. Using the Species Assessment Guide for the indigo snake (July 29, 2013), the project keys out to “refer to HCP for coverage” since some of the property is mapped as habitat and one of the RE#'s is on the Real Estate Parcel List (00111420-001700) and is located on Big Pine Key. Thus, the HCP and SAG's are used to assess potential impacts.

In section 5.2.3 of the HCP, Eastern Indigo Snake, it states that “take” of eastern indigo snake habitat is expected in the covered area of the HCP. **Take of indigo snakes may occur when lots are cleared for development.** The County will ensure that the applicant receives a copy of the USFWS indigo snake protection measures, agrees to implement the measures, and posts the information brochure on-site.

A total of 1,351 acres of undeveloped land is in private ownership on Big Pine and No Name Key. A small portion of that may be developed over the next 20 years. The Applicants are requesting coverage for take of eastern indigo snakes resulting from an estimated 168 acres of development in possible indigo snake habitat. Monroe County will provide an annual report documenting yearly and cumulative acreages of impacts in all habitat types on Big Pine Key and No Name Key.

Thus, those areas of “developed lands” on the property that are considered potential snake habitat should be subtracted from the 168 acre total area allowed in the HCP. In addition, the Publix project will be developed following the Eastern Indigo Snake guidelines. With this, the County can assume the project is NLAA under the HCP and FEMA BO.
With regards to the Eastern Indigo Snake, the proposed redevelopment of the Flea Market site is an action covered under the HCP, ITP, and Monroe County LDR’s, therefore no additional coordination with USFWS is needed.

**Silver Rice Rat:** The proposed project site does not support suitable habitat for the SRR. There are no salt marsh wetlands on the property, thus none will be impacted. The one tiny disturbed wetland area is too small and isolated to provide habitat for the SRR. There is mapped SRR habitat located east of the property directly across a paved road, and the property is within the 500m SRR buffer zone. One of the parcels is on the Real Estate Parcel List (00111420-001700).

Using the Species Assessment Guide for the SRR (July 29, 2013), the project keys out to “NLAA” since the proposed project will not impact SRR native habitat.

With regards to the Silver Rice Rat, the proposed redevelopment of the Flea Market site is an action covered under the HCP, ITP, and Monroe County LDR’s, therefore no additional coordination with USFWS is needed.
Figure 1. Parcel map including parcels proposed for re-development and mitigation. The red outline represents the existing fenced area. The site plan is conceptual for reference only and does not represent the official submittal to Monroe County. See Figure 3 for the submitted site plan.
Figure 2. Parcels proposed for re-development with existing fenced area identified.
Figure 3. Proposed site plan.
ATTACHMENT 1 - TRIP GENERATION STATEMENT - PUBLIX BIG PINE KEY
PREAPARED BY: Karl B. Peterson, P.E., KBP Consulting
December 9, 2016

Barton W. Smith, Esq.
Smith Oropeza Hawks
138-142 Simonton Street
Key West, Florida 33040

Re: Publix – Big Pine Key
Trip Generation Statement

Dear Bart:

As you know, our firm recently completed a Monroe County Level 3 Traffic Impact Study for the proposed Publix Super Market (46,013 square feet) and a small retail space (1,500 square feet) to be located near mile marker 30.5 along Overseas Highway / US 1 on Big Pine Key, Florida. One of the primary elements of this study is a trip generation analysis. This analysis, which was based upon industry data for the small retail space and local data for the supermarket use, estimates that the proposed development will result in the following net new trips (excluding pass-by traffic) on the local roadway network:

- Daily: 1,776 Trips
- AM Peak Hour: 87 Trips (46 inbound and 41 outbound)
- Mid-day Peak Hour: 149 Trips (74 inbound and 75 outbound)
- PM Peak Hour: 201 Trips (98 inbound and 103 outbound)

Recently, the question has arisen amongst the project team concerning the actual number of new trips likely to be generated by this proposed development. The following sections of this memorandum explore traditional trip generation techniques, the topic of “ghost” (or, “phantom”) trips, documentation of the vehicle trips associated with the existing Big Pine Flea Market, and an estimation of the new trips likely to be generated by the proposed Publix development on Big Pine Key.

**Traditional Trip Generation Methodology**

The trip generation characteristics for various land uses are customarily based upon data contained in the most recent version of the *Trip Generation Manual* that is published by the Institute of Transportation Engineers (ITE). On occasion, data for unique land uses or land uses in specific locations is collected and utilized in order to better reflect real-world conditions. As mentioned previously, this was the approach taken for the supermarket component of the Publix Super Market project on Big Pine Key.

Generally speaking, this technique of estimating the number of vehicle trips associated with a particular use relies upon an independent variable such as number of dwelling units in a residential community, amount of building area for a proposed retail or office development, and number of students for an educational facility, to name a few. In essence, this approach utilizes trip generation data collected for various uses and develops corresponding trip generation rates and/or equations (e.g. number of trips per dwelling unit, number of trips per 1,000 square feet of retail space, or number of trips per student) for the purposes of estimating the number of trips associated with a proposed development. Typical time periods for these analyses are weekdays, AM peak hours, and PM peak hours.
“Phantom” or “Ghost” Trips

While the aforementioned trip generation methodology may do an acceptable job of predicting the number of trips likely to be generated by a specific use or development at the project’s driveway(s), it also frequently represents a significant overestimation of new trips on the area’s roadway network. This is because the traditional analytical approach to estimating trips does not take into consideration the substitutability effects of many land uses. In other words, most of the trips associated with a new development are not “new” but rather involve the reallocation of these trips from other similar uses. For example, assuming that the population of a certain area is generally constant, the presence of a new office building will not necessarily result in new trips. Instead, those motorists/employees that are already on the roadway network destined for a previously existing office building will simply re-route themselves to a new destination.

The potential exception to this phenomenon is the establishment of a new residential community. This is attributed to the fact that a new residential development or community may, in fact, represent an increase in the population of the area. This action would, in theory, result in more vehicle trips to more destinations. As such, it can be said that land uses themselves do not generate trips. It is the people (residents and visitors) that generate trips.

This gap between the number of trips likely to be generated by a new land use at the project’s driveway(s) and the actual number of new trips on the roadway network attributed to the new land use is commonly referred to as “phantom” or “ghost” trips. That is to say that these are the trips that are predicted to be generated by a new land use; however, not all of them are new trips because they are reassigned from other similar existing land uses located in the vicinity.

There are likely few land uses that exhibit a greater reassignment of traffic than that of a new supermarket. In other words, grocery shopping is a necessity for most households and the presence of new supermarket will typically result in a minor increase in new trips on the areawide roadway network. Most grocery trips previously destined for an existing supermarket will be rerouted to the new grocery store. The significance of this shift in traffic patterns will be a function of the quality, price, product selection, and convenience of both the old and new locations.

Research on this topic of “phantom” trips presented at the Transportation Research Board (TRB) 2013 Annual Meeting indicates that trips associated with general retail development may be overestimated by approximately 71% when comparing the traditional ITE method of trip generation analyses with the data collected in the 2009 National Household Travel Survey (NHTS). It is likely that the overestimation of trips for supermarkets is much higher.

Specifically regarding the proposed Publix on Big Pine Key, there is an existing and similarly sized Winn-Dixie supermarket located approximately 1,500 feet to the north. Given that the proposed Publix project does not contemplate any new residents on Big Pine Key, the number of new trips attributed to the proposed Publix Super Market is projected to be minimal. Conservatively, it is estimated that 75% to 85% of the trips associated with the proposed Publix are already on the roadway network today. And, not all of these trips will reassign themselves to the proposed Publix but rather, they may remain at the existing Winn-Dixie for reasons such as convenience and/or customer loyalty.

1 Phantom Trips, Overestimating the Traffic Impacts of New Development, Adam Millard-Ball, Environmental Studies Department, University of California, Santa Cruz.
**Existing Flea Market Trips**

There is an existing flea market located at the proposed Publix site on Big Pine Key. Although this facility is only open for business on Saturdays and Sundays, the amount of traffic generated by this site is significant, especially during the peak season. In order to estimate the traffic generated by the Big Pine Flea Market, traffic counts were performed on the weekend of October 22-23, 2016. The results of this effort are summarized below:

<table>
<thead>
<tr>
<th>October 22, 2016</th>
<th>October 23, 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Deer Run Trail Entrance</td>
</tr>
<tr>
<td></td>
<td>Inbound: 304 vehicles</td>
</tr>
<tr>
<td></td>
<td>Outbound: 285 vehicles</td>
</tr>
<tr>
<td></td>
<td>Overseas Highway Parking Lot</td>
</tr>
<tr>
<td></td>
<td>Inbound: 25 vehicles</td>
</tr>
<tr>
<td></td>
<td>Outbound: 21 vehicles</td>
</tr>
<tr>
<td></td>
<td>Quail Roost Trail</td>
</tr>
<tr>
<td></td>
<td>Inbound: 131 vehicles</td>
</tr>
<tr>
<td></td>
<td>Outbound: 176 vehicles</td>
</tr>
<tr>
<td></td>
<td>Total: 460 vehicles</td>
</tr>
<tr>
<td></td>
<td>Outbound: 482 vehicles</td>
</tr>
<tr>
<td></td>
<td>Total: 942 vehicles</td>
</tr>
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</table>

The total number of vehicle trips associated with the Big Pine Flea Market on the weekend of October 22-23, 2016 is 1,592 (785 inbound and 807 outbound). In order to account for average peak season conditions, the Florida Department of Transportation’s (FDOT’s) Peak Season Factor Category Report was consulted. For traffic counts collected on October 22nd and 23rd, the values should be increased by 15% to reflect average peak season conditions. Therefore, the number of weekend trips associated with this facility, when adjusted for average peak season conditions, is 1,831.

Trip generation rates and calculations in Monroe County are based upon a weighted average of weekdays and weekends. Given that the Flea Market is closed Monday through Friday, the number of daily trips on weekdays is zero. Therefore, the average number of daily trips (weekdays and weekend days) associated with the Big Pine Key Flea Market is 262.

**New Trips For Publix**

As a result of the “ghost” trip phenomenon and the traffic associated with existing flea market, the actual traffic impacts associated with the proposed Publix Super Market development on Big Pine Key are anticipated to be relatively minor on an areawide basis. In other words, project traffic on the access roadways (i.e. Deer Run Trail, Quail Roost Trail, and Chapman Lane) and driveways are expected to reflect the trip generation values presented in the analysis; however, impacts to Overseas Highway and the remaining roadways on Big Pine Key and other nearby Keys are expected to be minimal.

Since between 75% and 85% of the projected traffic for the proposed Publix supermarket is already on the roadway network and, on average, the flea market accounts for approximately 262 daily trips, the actual traffic impact associated with the proposed Publix supermarket is expected to be minimal. In other words, the trip generation analysis estimates that the proposed supermarket will generate 1,776 daily vehicle trips (after pass-by deductions). Assuming that approximately 75% to 85% of this traffic is already on the surrounding roadway network as a “supermarket” trip, this leaves between 266 and 444 daily vehicle trips (i.e. 15% of 1,776 daily trips and 25% of 1,776 daily trips).
And, when taking into consideration the elimination of the flea market trips (i.e. 262 daily trips), the result is a minimal increase between four (4) and 182 daily trips. It should also be noted that, on weekends, this area will likely exhibit a reduction in daily trips due to the significant activity associated with the flea market. This will be particularly evident during the peak season time periods.

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

KBP CONSULTING, INC.

[Signature]

Karl B. Peterson, P.E.
Florida Registration Number 49897
Engineering Business Number 29939
July 15, 2016

Mr. Barton W. Smith, Esq.
Smith | Oropeza | Hawks, P.L.
138-142 Simonton Street
Key West, FL 33040

RE: 30250 Overseas Highway, Big Pine Key, Florida

Dear Mr. Smith:

This is to acknowledge that the above mentioned party has begun a coordination process with Keys Energy Services (KEYS).

KEYS’ Engineering Section requests that they be provided with a full set of plans and a Project Review Form (separate form for each new meter) for the referenced project.

These plans are necessary in order for us to ensure that there is adequate service for your project, as well as our existing, surrounding customers.

Please return the full set of plans and the Project Review Form to one of our Customer Programs Representatives.

Should you have any questions, please contact me at (305) 295-1080.

Sincerely,

Armando Mira
Customer Accounts Field Representative

AM/am

Enclosures

C:
M. Alfonso, Supervisor of Engineering
July 12, 2016

Gail Creech
Senior Planning Coordinator
Monroe County Planning & Environmental Resources
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

RE: Application for Major Conditional Use
Application No. 2016-101
30250 Overseas Highway, Big Pine Key, Florida

Dear Gail:

Enclosed please find Legal Descriptions for all parcels and the ownership disclosure that was errantly left out of the above referenced application. Additionally, based on my meeting with County staff, please find a copy of the Warranty Deed and Property Record Card for Parcel C identified on the survey dated November 11, 2015 being added to the application.

Please amend the application as follows:

Legal Description of Property:
(If in meters and bounds, attach legal description on separate sheet)
See attached legal descriptions

<table>
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<th>Lot</th>
<th>Subdivision</th>
<th>Key</th>
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<tbody>
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</table>

Real Estate (RE) Number
Alternate Key Number

Total Area of Property: 7.86 acres
Total Upland Area within Property: 7.82 acres

Sincerely,

Barton W. Smith, Esq.
For the Firm

BWS/llr
Enclosures
PARCEL LEGAL DESCRIPTIONS

PARCEL C:

PARCEL 4 AS PER NOT RECORDED SKETCH OF TROPIC ISLAND RANCHETTS, BIG PINE KEY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ON THE ISLAND OF BIG PINE KEY, MONROE COUNTY, FLORIDA, COMMENCE AT THE CENTER OF SECTION 26, TOWNSHIP 66 SOUTH, RANGE 29 EAST, THENCE DUE WESTERLY 848.125 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE DUE WESTERLY 249.375 FEET; THENCE DUE SOUTHERLY 160 FEET; THENCE DUE EASTERLY 249.375 FEET; THENCE DUE NORTHERLY 160 FEET BACK TO THE POINT OF BEGINNING.

PARCEL H:

PARCEL 14 AS PER NOT RECORDED SKETCH OF TROPIC ISLAND RANCHETTS, BIG PINE KEY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 66 SOUTH, RANGE 29 EAST, MONROE COUNTY, FLORIDA, BEAR EAST 222.5 FEET; THENCE BEAR NORTH 600 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREAFTER DESCRIBED; FROM SAID POINT OF BEGINNING, CONTINUE NORTH 200 FEET, THENCE BEAR EAST 222.5 FEET, THENCE BEAR SOUTH 200 FEET; THENCE BEAR WEST 222.5 FEET BACK TO THE POINT OF BEGINNING.

PARCEL I:

PARCEL 15 AS PER NOT RECORDED SKETCH OF TROPIC ISLAND RANCHETTS, BIG PINE KEY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 66 SOUTH, RANGE 29 EAST, BEAR EAST 222.5 FEET; THENCE BEAR NORTH 800 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREAFTER DESCRIBED; FROM SAID POINT OF BEGINNING, CONTINUE NORTH 200 FEET, THENCE BEAR EAST 222.5 FEET, THENCE BEAR SOUTH 200 FEET; THENCE BEAR WEST 222.5 FEET BACK TO THE POINT OF BEGINNING.
PARCEL J:

PARCEL 16 AS PER NOT RECORDED SKETCH OF TROPIC ISLAND RANCHETTS, BIG PINE KEY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE CENTER OF SECTION 26, TOWNSHIP 66 SOUTH, RANGE 29 EAST, THENCE DUE WESTERLY 652.50 FEET, THENCE DUE SOUTHERLY 160 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE DUE SOUTHERLY 160 FEET; THENCE DUE WESTERLY 445 FEET; THENCE DUE NORTHERLY 160 FEET; THENCE DUE EASTERLY 445 FEET TO THE POINT OF BEGINNING.

PARCEL K:

PARCEL 17 AS PER NOT RECORDED SKETCH OF TROPIC ISLAND RANCHETTS, BIG PINE KEY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTER OF SECTION 26, TOWNSHIP 66 SOUTH, RANGE 29 EAST, THENCE DUE WESTERLY 652.50 FEET; THENCE DUE SOUTHERLY 320 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE DUE SOUTHERLY 200 FEET; THENCE DUE WESTERLY 222.5 FEET; THENCE DUE NORTHERLY 200 FEET, THENCE DUE EASTERLY 222.5 FEET TO THE POINT OF BEGINNING.

PARCEL L:

PARCEL 18 AS PER NOT RECORDED SKETCH OF TROPIC ISLAND RANCHETTS, BIG PINE KEY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTER OF SECTION 26, TOWNSHIP 66 SOUTH, RANGE 29 EAST, THENCE DUE WESTERLY 652.50 FEET; THENCE DUE SOUTHERLY 520 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE DUE SOUTHERLY 200 FEET, THENCE DUE WESTERLY 222.5 FEET; THENCE DUE NORTHERLY 200 FEET, THENCE DUE EASTERLY 222.5 FEET TO THE PLACE OF BEGINNING.
Pursuant to Section 101-6 of the Land Development Code, this form shall accompany land-use related applications. The intent is to disclose the identity of true parties in interest to the public, thereby enabling the public to ascertain which parties will potentially benefit.

Any person or entity holding real property in the form of a partnership, limited partnership, corporation, assignment of interest, trust, option, assignment of beneficial or contractual interest, or any form of representative capacity whatsoever for others, except as otherwise provided, shall, during application submittal for a specified application types, make a public disclosure, in writing, under oath, and subject to the penalties prescribed for perjury. Exemptions to the requirements of this section include the beneficial interest which is represented by stock in corporations registered with the federal securities exchange commission or in corporations registered pursuant to Chapter 517, Florida Statutes, whose stock is for sale to the general public.

This written disclosure shall be made to the planning director at the time of application. The disclosure information shall include the name and address of every person having a beneficial or contractual interest in the real property, however small or minimal.

- If the property is owned fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest. (Use additional sheets if necessary):

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>% of Ownership</th>
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<tr>
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</tr>
</tbody>
</table>

- If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each. (Use additional sheets if necessary):

<table>
<thead>
<tr>
<th>Name and Address</th>
<th>% of Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td>O A Y, Inc.</td>
<td>James D. Young 50</td>
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<tr>
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<td>Oleva A. Young 50</td>
</tr>
<tr>
<td>O J Y, Inc.</td>
<td>James D. Young 50</td>
</tr>
<tr>
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<td>Oleva A. Young 50</td>
</tr>
<tr>
<td>O A and J D, Inc.</td>
<td>James D. Young 50</td>
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<td>Oleva A. Young 50</td>
</tr>
<tr>
<td>J D Y, Inc.</td>
<td>James D. Young 50</td>
</tr>
<tr>
<td></td>
<td>Oleva A. Young 50</td>
</tr>
</tbody>
</table>
- If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with the percentage of interest. (Use additional sheets if necessary):

```
<table>
<thead>
<tr>
<th>Name and Address</th>
<th>% of Ownership</th>
</tr>
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<tbody>
<tr>
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</tr>
</tbody>
</table>
```

* In the case of a trust, the four largest beneficiaries must also sign the affidavit.

- If the property is in the name of a GENERAL or LIMITED PARTNERSHIP, list the name of the general and/or limited partners. (Use additional sheets if necessary):

```
<table>
<thead>
<tr>
<th>Name and Address</th>
<th>% of Ownership</th>
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</tr>
</tbody>
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```

- If there is a CONTRACT FOR PURCHASE, with an individual or individuals, a Corporation, Trustee, or a Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners. (Use additional sheets if necessary):

```
<table>
<thead>
<tr>
<th>Name and Address</th>
<th>% of Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
```

* Please provide date of contract ________________

- If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust. (Use additional sheets if necessary):

```
<table>
<thead>
<tr>
<th>Name and Address</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
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</tr>
</tbody>
</table>
```

By signing this form, the signer certifies that he or she is a person who is familiar with the information contained in the form, and that to the best of his or her knowledge such information is true, complete and accurate.

Printed Name / Signature of Person Completing Form: ________________________________

State of Florida, County of Monroe

The foregoing instrument was acknowledged before me this __________ day of __________, by ____________________________, He/she is personally known to me or has produced ____________________________ as identification.

LINDA ROBICRAMAN
Notary Public - State of Florida
My Comm. Expires May 26, 2018
Commission # FL 126241

00068443 - Page 2 of 2

03/2013
WARRANTY DEED

FROM INDIVIDUAL TO CORPORATION

RAMCO FORM 34

This Warranty Deed Made the 5th day of MARCH A.D. 1986 by
hereinafter called the grantor,
OLEVA A. YOUNG, A MARRIED WOMAN
a corporation existing under the laws of the State of FLORIDA, with its permanent postoffice
address at
P.O. BOX 631
BIG PINE KEY, FL. 33043
hereinafter called the grantee,

(Witnesseth: That the grantor, for and in consideration of the sum of $10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alienates, releases, conveys and confirms unto the grantee, all that certain land situate in MONROE County, Florida, viz:

PARCEL 4 AS PER NOT RECORDED SKETCH OF TROPIC ISLAND RANCHETS, BIG PINE KEY, FLORIDA, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS PER SCHEDULE A ATTACHED HERETO AND MADE A PART HEREOF.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully estated in said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1985.

In Witness Whereof, the said grantor has hereunto set her hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Debra S. Dobbs

OLEVA A. YOUNG

STATE OF FLORIDA,
COUNTY OF MONROE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

OLEVA A. YOUNG

to me known to be the person described in and who executed the foregoing instrument and has acknowledged before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 5th day of MARCH, A.D. 1986.

Debra S. Dobbs
My. 872m. USCITY, May 9, 1986

This instrument prepared by: OLEVA A. YOUNG
Address P.O. BOX 631 BIG PINE KEY, FL. 33043
PARCEL FOUR AS PER NOT RECORD SKETCH OF TROPIC ISLAND
RANCHETTS

ON THE ISLAND OF BIG PINE KEY, MONROE COUNTY, FLORIDA,
BEGIN AT THE CENTER OF SECTION 26, TOWNSHIP 66, SOUTH;
RANGE 29; EAST; THENCE DUE WESTERLY 848.125 FEET TO THE
POINT OF BEGINNING; THENCE CONTINUE DUE WESTERLY 249.375 FEET;
THENCE DUE SOUTHERLY 160 FEET; THENCE DUE EASTERLY 249.375
FEET; THENCE DUE NORTHERLY 160 FEET BACK TO THE POINT OF
BEGINNING.

SUBJECT TO: RESTRICTIONS, EASEMENTS, CONDITIONS, LIMITATIONS,
OIL OR GAS AND MINERAL LEASES AND ALL MATTERS OF RECORD, IF ANY,
COMMON TO THE NEIGHBORHOOD AND TAXES OR ASSESSMENTS HEREAFTER.

Recorded in Official Records Book
in Monroe County, Florida
Record Verified
DANNY L. KELHAGE
Clerk Circuit Court
Property Record Card -
Maps are now launching the new map application version.

Alternate Key: 8642024 Parcel ID: 00111420-002100

Ownership Details
Mailing Address:
O A Y INC
PO BOX 187
WEBSTER, FL 33597-0187

Property Details
PC Code: 10 - VACANT COMMERCIAL
Millage Group: 100H
Affordable Housing: No
Section-Township-Range: 26-66-29
Property Location: VACANT LAND BIG PINE KEY
Legal Description: 26 66 29 BIG PINE KEY PT N1/2 OF SW1/4 PARCEL 4 TROPIC ISLAND RANCHETTES OR879-1999 OR852-1895/E OR967-1531/1532

Website tested on IE8, IE9, & Firefox. Requires Adobe Flash 10.3 or higher.
Click Map Image to open interactive viewer

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Appraiser Notes

4/24/2014 BEN. FIVE YEAR REVIEW. VACANT. FLEA MARKET PARKING.
### Parcel Value History

Certified Roll Values.

**View Taxes for this Parcel.**

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<th>Roll Year</th>
<th>Total Bldg Value</th>
<th>Total Misc Improvement Value</th>
<th>Total Land Value</th>
<th>Total Just (Market) Value</th>
<th>Total Assessed Value</th>
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<td>15,000</td>
</tr>
</tbody>
</table>

### Parcel Sales History

http://www.mcpafl.org/PropSearch.aspx  
7/12/2016
NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

There are no sales to display for this parcel.

This page has been visited 13,505 times.

Monroe County Property Appraiser
Scott P. Russell, CFA
P.O. Box 1176 Key West, FL 33041-1176
June 28, 2016

Barton W. Smith, Esq.
SMITH OROPEZA HAWKS, P.L.
138 - 142 Simonton Street
Key West, FL 33040

RE: Publix Supermarket
30250 Overseas Highway, Big Pine, Florida
RE # 00327910-000000, 00327920-000000, 00327990-000000, 00328000-000000, 00328010-000000,
00328020-000000, 00327150-000000 and 00328030-000000
Location #026632

Dear Mr. Kaiman;

This letter will serve as preliminary coordination of the above referenced project with the Florida Keys Aqueduct Authority.

There is an 8-inch on Quail Roost Trail, a 6-inch on Palomino Horse Trail and a 4-inch on Paradise Lane adjacent to proposed property. There is a 5/8” meter currently feeding one of proposed properties.

This development is in a low pressure sewer area and will require a lift station.

A complete set of Civil and Architectural plans will be required to determine meter requirements and system development charges.

Should you have any questions or require any further information please feel free to call me.

Sincerely,

Marnie L. Walterson
Distribution Design Supervisor

Florida Keys Aqueduct Authority

CC Christie Martin, Customer Service Manager-Key West
Yusi Bonachea, Customer Service Manager-Marathon
Sue Reich, Customer Service Manager-Tavernier
Dear Applicant:

This is to acknowledge submittal of your application for Major Conditional Use to the Monroe County Planning Department.

OJY, INC  O.A. 4 JD, INC, JDY, INC, to the Monroe County Planning Department.

Project / Name Agent: Smith Oropeza Hawks, PI

Thank you.

[Signature]
Debra Roberts
Planning Staff
Verified GC
End of Additional File 2016-101
APPLICATION
MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

Request for a Major Conditional Use Permit

An application must be deemed complete and in compliance with the Monroe County Code by the staff prior to the item being scheduled for review.

Major Conditional Use Permit Application Fee: $10,014.00

In addition to the application fee, the following fees also apply:
Advertising Costs: $245.00
Surrounding Property Owner Notification: $3.00 for each property owner required to be noticed
Traffic Study Review: $5,000.00

Date of Submittal: 06/28/2016
Month Day Year

Applicant/Agent Authorized to Act for the Property Owner:

Smith | Oropeza | Hawks, P.L. | Barton W. Smith, Esq.

Applicant (Name of Person, Business or Organization) | Name of Person Submitting this Application

138 Simonton Street, Key West, Florida 33040

Mailing Address (Street, City, State and Zip Code)

305-296-7227 | bart@smithoropeza.com
Daytime Phone | Email Address

Property Owner:


(Name/Entity) | Contact Person

PO Box 187, Webster, Florida 33597-0187

Mailing Address (Street, City, State and Zip Code)

Daytime Phone | Email Address

Legal Description of Property:
(If in metes and bounds, attach legal description on separate sheet)

See attached legal descriptions

Block | Lot | Subdivision | Key
RE: 00111420-002200, 00111420-001600, 00111420-001700, 00111420-001500, 00111420-001800, 00111420-001400
Alt. Key 8642041, 8641915, 8641931, 8641885, 8641974, 8641869

Real Estate (RE) Number | Alternate Key Number

00067536 - v1
Page 1 of 4
Last Revised June 2012
APPLICATION

30250 Overseas Highway, Big Pine Key, Florida 33040 MM30.5

Street Address (Street, City, State, Zip Code)  Approximate Mile Marker
Land Use District Designation of Property:  Suburban Commercial (SC)

Present Land Use of Property:  Commercial Retail (Medium)
Proposed Land Use of Property:  Commercial Retail (Medium)

Total Area of Property:  6.98 acres
Total Upland Area within Property:  6.94 acres

If non-residential or commercial floor area is proposed, please provide:

1________ Total number of non-residential buildings

47,513________ Total non-residential floor area in square feet

If residential dwelling units are proposed, please provide:

_________ Total number of residential buildings

_________ Total number of permanent, market-rate units

_________ Total number of permanent, affordable units

_________ Total number of transient units (hotel, recreational vehicle and/or campground)

Has a previous application been submitted for this site within the past two years?  Yes ___  No X_

All of the following must be submitted in order to have a complete application submittal:
(Please check as you attach each required item to the application)

☑ Completed application form
☑ Correct fee (check or money order to Monroe County Planning & Environmental Resources)
☑ Proof of ownership (i.e. Warranty Deed)
☑ Current property record card(s) from the Monroe County Property Appraiser
☑ Photograph(s) of site from adjacent roadway
☑ Written description of project
☑ Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – 8 sets (at a minimum, survey should include elevations; all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage; and total acreage by habitat)
☑ Environmental Designation Survey (prepared in accordance with Monroe County Code §110-70 a.)
☑ Community Impact Statement (prepared in accordance with Monroe County Code §110-70 b.)
☑ Signed and Sealed Site Plan, prepared by a Florida registered architect, engineer or landscape architect– 8 sets (drawn to a scale of 1:10 or 1:20). At a minimum, the site plan should include the following:

☐ Date, north point and graphic scale
☐ Boundary lines of site, including all property lines and mean high-water lines shown in accordance with Florida Statutes
APPLICATION

- All attributes from the boundary survey
- Future Land Use Map (FLUM) designation(s) of the site
- Land Use (Zoning) District designation(s) of site
- Tier designation(s) of the site
- Flood zones pursuant to the Flood Insurance Rate Map
- Setback lines as required by the Land Development Code
- Locations and dimensions of all existing and proposed structures, including all paved areas and clear site triangles
- Size and type of buffer yards and parking lot landscaping areas, including the species and number of plants (unless a separate landscape plan showing such is submitted)
- Extent and area of wetlands, open space preservation areas and conservation easements
- Delineation of habitat types to demonstrate buildable area on the site, including any heritage trees identified and any potential species that may use the site (certified by an approved biologist and based on the most current professionally-recognized mapping by the U.S. Fish and Wildlife Service) (unless a separate landscape plan showing such is submitted)
- Location of fire hydrants or fire wells
- The location of public utilities, including location of the closest available water supply system or collection lines and the closest available wastewater collection system or collection lines (with wastewater system provider) or on-site system proposed to meet required County and State of Florida wastewater treatment standards
- A table providing the total land area of the site, the total buildable area of the site, the type and square footage of all nonresidential land uses, the type and number of all residential dwelling units, the amounts of impervious and pervious areas, and calculations for land use intensity, open space ratio, and off-street parking

Landscape Plan by a Florida registered landscape architect – 8 sets (may be shown on the site plan; however, if a separate plan, drawn to a scale of 1:10 or 1:20). At a minimum, the landscaping plan should include the following:

- Date, north point and graphic scale
- Boundary lines of site, including all property lines and mean high-water lines shown in accordance with Florida Statutes
- Locations and dimensions of all existing and proposed structures, including all paved areas
- Open space preservation areas
- Existing natural features
- Size and type of buffer yards including the species, size and number of plants
- Parking lot landscaping including the species, size and number of plants
- Specimen trees, or threatened and endangered plants to be retained and those to be relocated or replaced
- Transplantation plan (if required)

Stormwater/ Surface Water Management Plan – 8 sets (including existing and proposed topography, all drainage structures, retention areas, drainage swales and existing and proposed permeable and impermeable areas)

Building Floor Plans for all proposed structures and for any existing structures to be redeveloped – 8 sets (drawn at an appropriate standard architectural scale)

Building Elevations for all proposed structures and for any existing structures to be modified – 8 sets (with the elevations of the following features referenced to NGVD: existing grade; finished grade; finished floor elevations (lowest supporting beam for V-zone development); roofline; and highest point of the structure)

Traffic Study, prepared by a licensed traffic engineer

Transportation fee of $5,000 to cover the cost of experts hired by the Growth Management Division to review the traffic study (any unused funds deposited will be returned upon permit approval)
APPLICATION

☒ Construction Management Plan, stating how impacts on near shore water and surrounding property will be managed (i.e. construction barriers, hay bales, flagging)

☒ Typed name and address mailing labels of all property owners within a 300 foot radius of the property. This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 300 foot radius, each unit owner must be included

☒ Radius report from Monroe County Property Appraiser supporting the required labels

☒ Proof of Coordination are required from the following:
  ☐ Florida Keys Aqueduct Authority (FKAA)
  ☐ Florida Keys Electric Cooperative (FKEC) or Keys Energy Services
  ☐ Monroe County Office of the Fire Marshal
  ☐ Monroe County Solid Waste Management
  ☐ Florida Department of Health if wastewater flows are less than or equal to 5,000 gallons per day
  ☐ or Florida Department of Environmental Protection if wastewater flows exceed 5,000 gallons per day

If applicable, the following must be submitted in order to have a complete application submittal:

☐ Notarized Agent Authorization
☐ Vegetation Survey or Habitat Evaluation Index
☐ Construction Phasing Plan
☐ Additional Proof of Coordination may be required for your project, please contact with the Planning & Environmental Resources Department to identify other agencies expected to review the project. Other agencies may include, but are not limited to:
  ☐ Key West Resort Utilities
  ☐ Key Largo Wastewater Treatment District (KLWTD)
  ☐ South Florida Water Management District (SFWMD)
  ☐ Florida Department of Transportation (FDOT)
  ☐ Florida Department of Environmental Protection (FDEP)
  ☐ Florida Department of State, Division of Historic Resources
  ☐ Florida Game and Freshwater Fish Commission (FGFFC)
  ☐ U.S. Army Corps of Engineers (ACOE)
  ☐ U.S. Fish and Wildlife Service (USFW)

If deemed necessary to complete a full review of the application, the Planning & Environmental Resources Department reserves the right to request additional information.

* * * * * * * * * * * *

I, the Applicant, 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: ___________________________ Date: 06/28/2016

Sworn before me this _____ day of ________, 2016

Notary Public
My Commission Expires

Please send the complete application package to the Monroe County Planning & Environmental Resources Department, Marathon Government Center, 2798 Overseas Highway, Suite 400, Marathon, FL 33050.
VIA HAND DELIVERY

June 28, 2016

Ms. Mayte Santamaria
Monroe County Planning Department
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

Major Conditional Use Application – 30250 Overseas Highway, Big Pine Key
Publix Supermarket

Dear Ms. Santamaria,

Please find enclosed O.J.Y. Inc., O.A.J., Inc., J.D.Y., Inc., and O.A.Y., Inc.’s (“Applicant”) application for a Major Conditional Use for the redevelopment of the Big Pine Key Flea Market located at 30250 Overseas Highway, Big Pine Key, Florida MM30. Further to this, please allow this letter to serve as the Applicant’s written description of the project and community impact statement.

WRITTEN DESCRIPTION OF PROJECT AND COMMUNITY IMPACT STATEMENT

1. Description of Project

The project consists of the redevelopment of the Big Pine Key Flea Market, a commercial retail use, into a Publix Supermarket, also a commercial retail use, consisting of 47,513 square feet with 217 parking spaces. The non-residential use shall be built one foot above base flood elevation.

2. Public Facilities
   a. Water and Wastewater

A letter of coordination has been provided by the Florida Keys Aqueduct Authority (FKAA) affirming there is adequate capacity of potable water and wastewater based on the proposed intensity provided for by the project. The FKAA letter of coordination is included with this application and incorporated herein by reference.
<table>
<thead>
<tr>
<th>Comprehensive Plan Potterable Water Policy 701.1.1</th>
<th>Max Potential Floor Area Square Feet</th>
<th>LOS Standard .35 Gal/sq.ft./day</th>
<th>Total LOS Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nonresidential LOS .35/gal/sq.ft./day</td>
<td>47,513.00 sf</td>
<td>.35</td>
<td>16,629.55 gal/day</td>
</tr>
</tbody>
</table>

b. **Solid Waste**

A letter of coordination has been provided by Waste Management affirming there is adequate solid waste removal and disposal capacity based on the proposed project.

c. **Transportation**

A level 3 traffic study has been provided by KBP Consulting evidencing compliance with the Comprehensive Plan’s Goal 301 and attendant Objectives and Policies.

3. **CONSISTENCY WITH COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATIONS**

The project intends to develop a commercial retail use (medium) within the Mixed Use/Commercial (MC) FLUM and Suburban Commercial (SC) zoning district. The principal purpose of the Mixed Use/Commercial (MC) future land use category is to provide for the establishment of mixed use commercial land use (zoning) districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. See Comp. Plan Policy 108.2.5. The property is designated Tier III. New development and redevelopment are to be highly encouraged on property’s designated Tier III. See Comp. Plan Policy 105.2.1.

The purpose of the Suburban Commercial zoning district is to establish areas for commercial uses designed and intended primarily to serve the needs of the immediate planning area in which they are located. This district should be established at locations convenient and accessible to residential areas without use of U.S. 1. See Monroe County Code of Ordinances 130-43. A Publix supermarket’s intent is to serve the shopping needs of the immediate planning area and US1 in Big Pine Key represents a convenient and accessible location for all residents located within the Big Pine and No Name Key subarea along with residents in Lower Keys subarea.
On behalf of my client, we would request to be placed on the next available Development Review Committee meeting. Thank you for your assistance in processing this application.

Sincerely,

[Signature]

Barton W. Smith, Esq.

Electronic Cc: Client
This Warranty Deed
Made the 5th day of MARCH A.D. 1986 by
OLEVA A. YOUNG, A MARRIED WOMAN
hereinafter called the grantor, to
O. A. Y. INC., a corporation existing under the laws of the State of FLORIDA, with its permanent post office address at P.O. BOX 631 BIG PINE KEY, FL. 33043
hereinafter called the grantee:

Witnesseth: That the grantor, for and in consideration of the sum of $10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, assigns, sells, alienates, remises, releases, conveys and confirms unto the grantee, all that certain land situate in MONROE COUNTY, Florida, viz:

PARCEL 16 AS PER NOT RECORDED SKETCH OF TROPIC ISLAND RANCHETS, BIG PINE KEY, FLORIDA, MORE PARTICULARLY DESCRIBED BY METERS AND BOUNDS AS
PER SCHEDULE A ATTACHED HERETO AND MADE A PART HEREOF.

Together with the appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seised of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against any lawful claims of all persons whosoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1985.

In Witness Whereof, the said grantor has hereunto set her hand and seal the day and year first above written.

Stated, sealed and delivered in our presence:

[Signature]
OLEVA A. YOUNG

STATE OF FLORIDA
COUNTY OF MONROE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

OLEVA A. YOUNG

to me known to be the person described in and who executed the foregoing instrument and has acknowledged before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 5th day of MARCH, A.D. 1986.

[Signature]

This Instrument prepared by: OLEVA A. YOUNG
Address P.O. BOX 631 BIG PINE KEY, FL. 33043
SCHEDULE A

PARCEL EIGHTEEN AS PER NOT RECORDED SKETCH OF TROPIC ISLAND RANCHETS

ON THE ISLAND OF BIG PINE KEY, MONROE COUNTY, FLORIDA, BEGIN AT THE CENTER OF SECTION 26, TOWNSHIP 66 SOUTH, RANGE 29 EAST, THENCE DUE WESTERLY 622.50 FEET; THENCE DUE SOUTHERLY 520 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE DUE SOUTHERLY 200 FEET; THENCE DUE WESTERLY 222.5 FEET; THENCE DUE NORTHERLY 200 FEET; THENCE DUE EASTERLY 222.5 FEET TO THE PLACE OF BEGINNING. SAID PARCEL BEING 44,500 SQUARE FEET.

SUBJECT TO: RESTRICTIONS, EASEMENTS, CONDITIONS, LIMITATIONS, OIL, GAS AND MINERAL LEASES AND ALL MATTERS OF RECORD, IF ANY, COMMON TO THE NEIGHBORHOOD AND TAXES OR ASSESSMENTS HEREAFTER.

Recorded in Official Records Book
In Monroe County, Florida
Record Verified
DANNY L. ECKHAGE
 Clerk Circuit Court
This Warranty Deed Made the 5th day of MARCH A.D. 1986 by
OLEVA A. YOUNG, A MARRIED WOMAN
henceforth called the grantor, to
O. A. Y., INC.
a corporation existing under the laws of the State of FLORIDA
with its permanent postoffice
address at P.O. BOX 631 BIG PINE KEY, FL. 33043
henceforth called the grantee:

Whereas said terms "grantor" and "grantee" include all the parties to this instrument and
the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations,

Witnesseth: That the grantor, for and in consideration of the sum of $10,000 and other
valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargain, sells, assigns, re-
news, releases, conveys and warrants unto the grantee, all that certain land situate in MONROE
County, Florida, viz:

PARCEL 13 AS PER NOT RECORDED SKETCH OF TROPIC ISLAND RANCHETS, BIG PINE KEY, FLORIDA, MORE
PARTICULARLY DESCRIBED BY METES AND BOUNDS AS PER SCHEDULE A ATTACHED HERETO AND MADE PART
HEREOF.

Together with all the tenements, hereditaments and appurtenances thereunto belonging or in any-
wise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land
in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the
grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of
all persons whatsoever; and that said land is free of all encumbrances, except taxes accruing subsequent
to December 31, 1985

In Witness Whereof, the said grantor has hereto set her hand and seal the day and year
first above written.

Signed, sealed and delivered in our presence:

OLEVA A. YOUNG

STATE OF FLORIDA,
COUNTY OF MONROE

I HEREBY CERTIFY that on this day, before me, an
officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

OLEVA A. YOUNG
to me known to be the person described in and who executed the foregoing instrument and has acknowledged
before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this

MARCH
A. D. 1986

This Instrument prepared by: OLEVA A. YOUNG
Address P.O. BOX 631 BIG PINE KEY, FL.
SCHEDULE A

PARCEL THIRTEEN AS PER NOT RECORDED SKETCH OF TROPIC ISLAND

BANFFETER

A TRACT OF LAND IN A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, T. 66 S., R. 29 E., BEING ON BIG PINE KEY MONROE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, T. 66 S., R. 29 E., BEAR EAST 222.5 FEET; THEN BEAR NORTH 400 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREBINAFTER DESCRIBED; FROM SAID POINT OF BEGINNING, CONTINUE NORTH, 200 FEET; THEN BEAR EAST 222.5 FEET; THEN BEAR SOUTH 200 FEET; THEN BEAR WEST 222.5 FEET BACK TO THE POINT OF BEGINNING.

Said Tract of land being 40,500 square feet.

SUBJECT TO: RESTRICTIONS, EASEMENTS, CONDITIONS, LIMITATIONS, OIL, GAS AND MINERAL LEASES AND ALL MATTERS OF RECORD, IF ANY, COMMON TO THE NEIGHBORHOOD AND TAXES OR ASSESSMENTS HEREAFTER.

Recorded in Official Records Book
In Monroe County, Florida
Record Verified

DANNY L. KOLHAAS
Clerk Circuit Court
This Warranty Deed Made the 5th day of MARCH, A.D. 1986 by
OLEVA A. YOUNG, A MARRIED WOMAN,
hereinafter called the grantor,
to
O. A. & J. D., INC.,
as corporation existing under the laws of the State of FLORIDA,
with its permanent postoffice address at
P.O. BOX 631, BIG PINE KEY, FL. 33043
hereinafter called the grantee.

(Wherever the term "grantor" and "grantee" include all the parties to this instrument and
the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporative
Witnessesth: That the grantor, for and in consideration of the sum of $10,000 and other
valuable considerations, receipt thereof is hereby acknowledged, hereby grants, bargain, sells, aliened, re-
mined, released, conveys and confirms unto the grantee, all that certain land situated in MONROE
County, Florida, viz:

PARCEL 15 AS PER NOT RECORDED SKETCH OF TROPIC
ISLAND RANCHETTS, BIG PINE KEY, FLORIDA, MORE
PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
PER SCHEDULE A ATTACHED HERETO AND MADE A PART
HEREOF.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any-
wise appurtenant.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seised of said land
in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the
grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of
all persons whatsoever; and that said land is free of all incumbrances, except taxes accruing subsequent
to December 31, 1985.

In Witness Whereof, the said grantor has hereunto set her hand and seal the day and year
first above written.

Signed, sealed and delivered in our presence:

OLEVA A. YOUNG

STATE OF FLORIDA,
COUNTY OF MONROE

STATE OF FLORIDA,
COUNTY OF MONROE

I HEREBY CERTIFY that on this day, before me, an
officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

OLEVA A. YOUNG

so to me known to be the person described in and who executed the foregoing instrument and has acknowledged
before me that she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 5th day of
MARCH A.D. 1986.

This Instrument prepared by: OLEVA A. YOUNG
Address: P.O. BOX 631, BIG PINE KEY, FL. 33043
SCHEDULE A

PARCEL FIFTEEN AS PER NOT RECORDED SKETCH OF TROPIC ISLAND RANCHETTS

A TRACT OF LAND IN A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, T., 66S., R., 29E., BEING ON BIG PINE KEY MONROE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, T. 66S., R. 29E., BEAR EAST 222.5 FEET; THERE BEAR NORTH 800 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; FROM SAID POINT OF BEGINNING, CONTINUE NORTH, 200 FEET; THERE BEAR EAST 222.5 FEET; THERE BEAR SOUTH 200 FEET; THERE BEAR WEST 222.5 FEET BACK TO THE POINT OF BEGINNING.

SAID TRACT OF LAND BEING 44,500 SQUARE FEET.

SUBJECT TO: RESTRICTIONS, EASEMENTS, CONDITIONS, LIMITATIONS, OIL, GAS AND MINERAL LEASES AND ALL MATTERS OF RECORD, IF ANY, COMMON TO THE NEIGHBORHOOD AND TAXES OR ASSESSMENTS HEREAFTER.
This Warranty Deed Made the 5th day of MARCH A.D. 1986 by JAMES D. YOUNG, SR., A MARRIED MAN to D. Y., INC., a corporation existing under the laws of the State of FLORIDA, with its permanent post office address at P.O. BOX 631 BIG PINE KEY, FL. 33043
hereinafter called the grantee:

(Revise and include the terms "grantor" and "grantee" include all and every party to this instrument and the heirs, legal representatives and assigns of individuals, and the successor and assigns of corporations)

Witnesseth: That the grantor, for and in consideration of the sum of $100.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, assigns, sells, alienates, releases, renews, conveys and confirm unto the grantee, all that certain land situate in Monroe County, Florida, viz:

PARCEL 16 AS PER NOT RECORDED SKETCH OF TROPIC ISLAND RANCHETTES, BIG PINE KEY, FLORIDA, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ARE PER SCHEDULE A ATTACHED HERETO AND MADE A PART HEREOF.

Together with all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1985.

IN WITNESS WHEREOF, the said grantor has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Debra S. Dobbs
JAMES D. YOUNG, SR.

STATE OF FLORIDA
COUNTY OF MONROE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared JAMES D. YOUNG, SR., to me known to be the person described in and who executed the foregoing instrument and has acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State aforesaid this 5th day of MARCH, A.D. 1986.

Debra S. Dobbs
My comm. exp. Exp. April 1987

This Instrument prepared by: JAMES D. YOUNG, SR.
Address P.O. BOX 631 BIG PINE KEY, FL. 33043
SCHEDULE A

PARCEL SIXTEEN AS PER NOT RECORDED SKETCH OF TROPIC ISLAND
RANCHETTS

ON THE ISLAND OF BIG PINE KEY, MONROE COUNTY, FLORIDA,
BEGIN AT THE CENTER OF SECTION 26, TOWNSHIP 66 SOUTH,
RANGE 29 EAST, THENCE DUE WESTERLY 652.50 FEET; THENCE
DUE SOUTHERLY 160 FEET TO THE POINT OF BEGINNING; THENCE
CONTINUE DUE SOUTHERLY 160 FEET; THENCE DUE WESTERLY 445
FEET; THENCE DUE NORTHERLY 160 FEET; THENCE DUE EASTERNLY
445 FEET TO THE POINT OF BEGINNING,
SAID PARCEL BEING 71,200 SQUARE FEET.

SUBJECT TO: RESTRICTIONS, EASEMENTS, CONDITIONS, LIMITATIONS,
OIL, GAS AND MINERAL LEASES AND ALL MATTERS OF RECORD, IF ANY,
COMMON TO THE NEIGHBORHOOD AND TAXES OR ASSESSMENTS HEREAFTER.

Recorded in Official Records Book
In Monroe County, Florida
Record Verified
DANNY L. KOLLEAGE
Clerk Circuit Court.
This Warranty Deed Made the 5th day of MARCH, A.D. 1986 by JAMES D. YOUNG, SR., A MARRIED MAN
hereinafter called the grantor, to J. D. Y., INC., a corporation existing under the laws of the State of FLORIDA, with its permanent postal office address at P.O. BOX 631, BIG PINE KEY, FL. 33043 hereinafter called the grantee:

Witnesseth: That the grantor, for and in consideration of the sum of $10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargain, sells, alienates, remises, releases, conveys and confirms unto the grantee, all that certain land situate in MONROE County, Florida, viz:

PARCEL 14 AS PER NOT RECORDED SKETCH OF TROPIC ISLAND RANCHETES, BIG PINE KEY, FLORIDA, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS PER SCHEDULE A ATTACHED HERETO AND MADE A PART HEREOF.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons wheresoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1985.

In Witness Whereof, the said grantor has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Debra L. Debra

STATE OF FLORIDA,
COUNTY OF MONROE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared JAMES D. YOUNG, SR., to me known to be the person described in and who executed the foregoing instrument and has acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 5th day of MARCH, A.D. 1986.

This instrument prepared by: JAMES D. YOUNG, SR.
Address: P.O. BOX 631, BIG PINE KEY, FL. 33043
SCHEDULE A

PARCEL FOURTEEN AS PER NOT RECORDED SKETCH OF TROUT ISLAND

A TRACT OF LAND IN A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, T., 66S., R., 29E., BEING ON BIG PINE KEY MONROE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUDS AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 26, T., 66S., R., 29E., BEAR EAST 222.5 FEET; THENCE NORTH 200 FEET TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREBEFOR DESCRIBED; FROM SAID POINT OF BEGINNING, CONTINUE NORTH, 200 FEET; THENCE EAST 222.5 FEET; THENCE SOUTH 200 FEET; THENCE WEST 222.5 FEET BACK TO THE POINT OF BEGINNING.

SAID TRACT OF LAND BEING 44,500 SQUARE FEET.

SUBJECT TO: RESTRICTIONS, EASEMENTS, CONDITIONS, LIMITATIONS, OIL, GAS AND MINERAL LEASES AND ALL MATTES OF RECORDE, IF ANY, COMMON TO THE NEIGHBORHOOD AND TAXES OR ASSESSMENTS HEREAFTER.

Recorded in Official Records Book
In Monroe County, Florida
Recorded:验证

DANNY L. MCCLAGE
Clay Circuit Court
This Warranty Deed Made the __ day of MARCH A.D. 1986 by
JAMES D. YOUNG, SR., A MARRIED MAN
hereinafter called the grantor,
to
J. D. Y., INC.
a corporation existing under the laws of the State of FLORIDA, with its permanent postoffice
address at P.O. BOX 631 BIG PINE KEY, FL 33043
hereinafter called the grantee;
Wherever used herein the terms "grantor" and "grantee" include all the parties in this instrument, and
the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations;
Witnesseth: That the grantor, for and in consideration of the sum of $10.00 and other
valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alienates,
transfers, conveys and confirms unto the grantee, all that certain land situate in MONROE
County, Florida, viz:

PARCEL 17 AS PER NOT RECORDED SKETCH OF TROPIC
ISLAND RANCHETTE, BIG PINE KEY, FLORIDA, MORE
PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
PER SCHEDULE A ATTACHED HERETO AND MADE A PART
HEREOF.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any-
wise appurtenant.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenant with said grantee that the grantor has lawfully seized of said land
in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the
grantor hereby warrants the title to said land and will defend the same against the lawful claims of
all persons whomever; and that said land is free of all encumbrances, except taxes accruing subsequent
to December 31, 1985

In Witness Whereof, the said grantor has hereunto set his hand and seal the day and year
first above written.

Signed, sealed and delivered in our presence:

[Signatures]

STATE OF FLORIDA,
COUNTY OF MONROE

I HEREBY CERTIFY that on this day, before me, an
officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

JAMES D. YOUNG, SR.

to be known to be the person described in and who executed the foregoing instrument and
before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this

MARCH, A.D. 1986

My comm. exp. May 5, 1986

This instrument prepared by: JAMES D. YOUNG, SR.
Address P.O. BOX 631 BIG PINE KEY, FL 33043
SCHEDULE A

PARCEL SEVENTEEN AS PER NOT RECORDED SKETCH OF TROPIC ISLAND

ON THE ISLAND OF BIG PINE KEY, MONROE COUNTY, FLORIDA,
BEGIN AT THE CENTER OF SECTION 26, TOWNSHIP 66 SOUTH,
RANGE 29 EAST, THENCE DUE WESTERLY 625.50 FEET; THENCE
DUE SOUTHERLY 320 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUE DUE SOUTHERLY 200 FEET; THENCE DUE
WESTERLY 222.5 FEET; THENCE DUE NORTHERLY 200 FEET;
THENCE DUE EASTERLY 222.5 FEET TO THE PLACE OF BEGIN-
NING. SAID PARCEL BEING 44,300 SQUARE FEET.
SUBJECT TO: RESTRICTIONS, EASEMENTS, CONDITIONS, LIMIT-
ATIONS, OIL, GAS AND MINERAL LEASES AND ALL MATTERS OF
RECORD, IF ANY, COMMON TO THE NEIGHBORHOOD AND TAXES OR
ASSESSMENTS HEREAFTER.

Recorded in Official Records Book
In Monroe County, Florida
Record Verified
DANNY L. KOLHAGE
Clk. Circuit Court
The offices of the Property Appraiser will be closed Monday July 4th for Independence Day.

Property Record Card -
Maps are now launching the new map application version.

Return to Search Results | Modify Search | New Search | Send Email to MCPA Regarding this Parcel | Estimate Taxes on this Parcel

Previous Record | Alternate Key: 8641869 | Parcel ID: 00111420-001400 | Next Record

Ownership Details
Mailing Address:
O A Y INC
PO BOX 187
WEBSTER, FL 33597-0187

Property Details
- PC Code: 10 - VACANT COMMERCIAL
- Millage Group: 100H
- Affordable Housing: No
- Section: 26-66-29
- Township: 26-66-29
- Range: 
- Property Location: VACANT LAND BIG PINE KEY
- Legal: 26 66 29 BIG PINE KEY PT E1/2 OF N1/2 OF SW1/4 PARCEL 13 (1.02AC) TROPIC
- Description: ISLAND RANCHETTES OR879-2003/2004 OR952-1895/E OR967-1533/1534

Click Map Image to open interactive viewer

Monroe County Links
- Monroe County Home Page
- BOCC
- Growth Management
- Building Dept.
- Code Compliance
- FEMA Flood Insurance Info

Monroe County Constitutional Officers
- Clerk of the Courts
- Sheriff's Office
- Elections Supervisor
- Tax Collector

Monroe County Cities
- City of Key West
- City of Marathon
- City of Key Colony Beach
- City of Layton
- Islamorada, Village of Islands

First Time Home Buyer (IRS)
- Cancellation of Debt Flyer (English)
- Cancellation of Debt Flyer (Spanish)
- 1st Time Homebuyers Factsheet
- 1st Time Homebuyers Basic Information
- 1st Time Homebuyers Scenarios
- 1st Time Homebuyers Q & A's

IRS Links
- Make Work Pay Credit
- Energy Conservation Credit

Other Links

Land Details

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Appraiser Notes

4/24/2014 BEN, FIVE YEAR REVIEW.

Parcel Value History
Certified Roll Values.

View Taxes for this Parcel.

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<th>Roll Year</th>
<th>Total Bldg Value</th>
<th>Total Misc Improvement Value</th>
<th>Total Land Value</th>
<th>Total Just (Market) Value</th>
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Parcel Sales History

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for

the sale record to be processed. Thank you for your patience and understanding.

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This page has been visited 158,975 times.

Monroe County Property Appraiser
Scott P. Russell, CFA
P.O. Box 1176 Key West, FL 33041-1176
The offices of the Property Appraiser will be closed Monday July 4th for Independence Day.

Property Record Card -
Maps are now launching the new map application version.

Ownership Details
Mailing Address:
J D Y INC
PO BOX 187
WEBSTER, FL 33597-0187

Property Details
PC Code: 10 - VACANT COMMERCIAL
Millage 100H
Affordable: No
Housing: 26-66-29
Section: 26-66-29
Township: 26-66-29
Range: VACANT LAND BIG PINE KEY
Location: Legal 26 66 29 BIG PINE KEY PT 1/2 OF 1/2 OF SW1/4 PARCEL 14 (1.02) TROPIC
Description: ISLAND RANCHETTES OR879-2001/2002 OR952-1895/E OR667-1539/1540

Click Map Image to open interactive viewer

### Parcel Value History

Certified Roll Values.

**View Taxes for this Parcel.**

<table>
<thead>
<tr>
<th>Roll Year</th>
<th>Total Bldg Value</th>
<th>Total Misc Improvement Value</th>
<th>Total Land Value</th>
<th>Total Just (Market) Value</th>
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This page has been visited 158,928 times.

Monroe County Property Appraiser
Scott P. Russell, CFA
P.O. Box 1176 Key West, FL 33041-1176
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Property Record Card -
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Return to Search Results | Modify Search | New Search | Send Email to MCPA Regarding this Parcel | Estimate Taxes on this Parcel

Ownership Details

Mailing Address:
O A AND J D INC
PO BOX 187
WEBSTER, FL 33597-0187

Property Details

PC Code: 10 - VACANT COMMERCIAL
Millage: 10H
Affordable Housing: No
Property Location: VACANT LAND BIG PINE KEY

Legal Description: 26 66-29 BIG PINE KEY PT E1/2 OF N1/2 OF SW1/4 PARCEL 15 (1.02AC) TROPIC
Description: ISLAND RANCHETTES OR879-2013/2014 OR952-1885/E OR967-1535/1536

Click Map Image to open interactive viewer

Monroe County Links
» Monroe County Home Page
» BOCC
» Growth Management
» Building Dept.
» Code Compliance
» FEMA Flood Insurance Info

Monroe County Constitutional Officers
» Clerk of the Courts
» Sheriff’s Office
» Elections Supervisor
» Tax Collector

Monroe County Cities
» City of Key West
» City of Marathon
» City of Key Colony Beach
» City of Layton
» Islamorada, Village of Islands

First Time Home Buyer (IRS)
» Cancellation of Debt Flyer (English)
» Cancellation of Debt Flyer (Spanish)
» 1st Time Homebuyers Fact Sheet
» 1st Time Homebuyers Basic Information
» 1st Time Homebuyers Scenarios
» 1st Time Homebuyers Q & A’s

IRS Links
» Make Work Pay Credit
» Energy Conservation Credit

Other Links

Land Details

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Appraiser Notes

4/24/2014 BEN. FIVE YEAR REVIEW.

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Parcel Value History

Certified Roll Values.

View Taxes for this Parcel.

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<th>Roll Year</th>
<th>Total Bldg Value</th>
<th>Total Land Value</th>
<th>Total Just (Market) Value</th>
<th>Total Assessed Value</th>
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WEBSTER, FL 33597-0187

Property Details

PC Code: 10 - VACANT COMMERCIAL
Millage Group: 100H
Affordable Housing: No
Section: 26
Township: 66-20
Range: 9
Property Location: VACANT LAND BIG PINE KEY
Legal: 26 66 29 BIG PINE KEY PT E1/2 OF N1/2 OF SW1/4 PARCEL 17 (1.02AC) TROPIC
Description: ISLAND RANCHETTES OR879-1995/1996 OR867-1541/1542

Click Map Image to open interactive viewer
# Parcel Value History

Certified Roll Values.

**View Taxes for this Parcel.**

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# Parcel Sales History

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<table>
<thead>
<tr>
<th>Sale Date</th>
<th>Official Records Book/Page</th>
<th>Price</th>
<th>Instrument</th>
<th>Qualification</th>
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<tbody>
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<td>879 / 1995</td>
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This page has been visited 158,903 times.

Monroe County Property Appraiser  
Scott P. Russell, CFA  
P.O. Box 1176 Key West, FL 33041-1176
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Property Record Card -
Maps are now launching the new map application version.

Return to Search Results | Modify Search | New Search | Send Email to MCPA Regarding this Parcel | Estimate Taxes on this Parcel

Ownership Details
Mailing Address:
O A Y INC
PO BOX 187
WEBSTER, FL 33597-0187

Property Details
PC Code: 10 - VACANT COMMERCIAL
Millage Group: 100H
Affordable Housing: No
TOWNSHIP: 26-66-29
Range: Property Location: VACANT LAND BIG PINE KEY
Legal Description: 26 66 29 BIG PINE KEY PT E1/2 OF N1/2 OF SW1/4 PARCEL 18 (1.02AC) TROPIC

Click Map Image to open interactive viewer

Monroe County Links
» Monroe County Home Page
» BOCC
» Growth Management
» Building Dept.
» Code Compliance
» FEMA Flood Insurance Info

Monroe County Constitutional Officers
» Clerk of the Courts
» Sheriff's Office
» Elections Supervisor
» Tax Collector

Monroe County Cities
» City of Key West
» City of Marathon
» City of Key Colony Beach
» City of Layton
» Islamorada, Village of Islands

First Time Home Buyer (IRS)
» Cancellation of Debt Flyer (English)
» Cancellation of Debt Flyer (Spanish)
» 1st Time Homebuyers Fact Sheet
» 1st Time Homebuyers Basic Information
» 1st Time Homebuyers Scenarios
» 1st Time Homebuyers Q&A's

IRS Links
» Make Work Pay Credit
» Energy Conservation Credit

Other Links

Previous Record Alternate Key: 8641974 Parcel ID: 00111420-001800 Next Record

Land Details

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Appraiser Notes

4/24/2014 BEN, FIVE YEAR REVIEW.

Building Permits
### Parcel Value History

Certified Roll Values.

**View Taxes for this Parcel.**

<table>
<thead>
<tr>
<th>Roll Year</th>
<th>Total Bldg Value</th>
<th>Total Misc Improvement Value</th>
<th>Total Land Value</th>
<th>Total Just (Market) Value</th>
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Parcel Sales History

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<th>Instrument</th>
<th>Qualification</th>
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Scott P. Russell, CFA
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Property Record Card -
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Return to Search Results | Modify Search | New Search | Send Email to MCPA Regarding this Parcel | Estimate Taxes on this Parcel

Previous Record Alternate Key: 8642041 Parcel ID: 00111420-002200 Next Record

Ownership Details
Mailing Address:
O J Y INC
PO BOX 187
WEBSTER, FL 33597-0187

Property Details
- PC Code: 11 - STORES ONE STORY
- Millage Group: 100H
- Affordable Housing: No
- Section:
- Township: 26-66-29
- Range:
- Property Location: 30250 OVERSEAS HWY BIG PINE KEY
- Legal: 26 66 29 BIG PINE KEY PT N1/2 OF SW1/4 (PARCEL 16) TROPIC ISLAND
- Description: RANCHETTES OR679-1999 OR952-1895/E OR967-1537/1538

Click Map Image to open interactive viewer
Land Details

<table>
<thead>
<tr>
<th>Land Use Code</th>
<th>Frontage</th>
<th>Depth</th>
<th>Land Area</th>
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Building Summary

Number of Buildings: 1
Number of Commercial Buildings: 1
Total Living Area: 508
Year Built: 1983
Building Details

Building Type
Effective Age 24
Year Built 1983
Functional Obs 0

Inclusions:
Roof Type
Heat 1
Heat Src 1

Condition
Perimeter 159
Special Arch 0
Economic Obs 0

Extra Features:
2 Fix Bath 0
3 Fix Bath 0
4 Fix Bath 0
5 Fix Bath 0
6 Fix Bath 0
7 Fix Bath 0
Extra Fix 6

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Appraiser Notes

FLEA MARKET

4/24/2014 BEN. FIVE YEAR REVIEW.

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Parcel Value History

Certified Roll Values.

View Taxes for this Parcel.
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</table>

**Parcel Sales History**

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

There are no sales to display for this parcel.
Existing Conditions Report

Monroe County Planning and Environmental Resources Department

Subject Property: Big Pine Key Flea Market Property
30250 Overseas Highway
Big Pine Key, Monroe County, Florida

Date of Report: May 19, 2016

Date of Site Visits: April 26, 2016

Prepared by:

Terramar Environmental Services, Inc.
1241 Crane Boulevard
Sugarloaf Key, Florida 33042
(305) 393-4200 terramar@bellsouth.net
**Background**

The subject property includes several parcels located in a commercial area at 30250 Overseas Highway, Big Pine Key, aka the Big Pine Flea Market.

<table>
<thead>
<tr>
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<th>AK</th>
<th>Area (ac)</th>
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<td>1.02</td>
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<tr>
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<td>00111420-002200</td>
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<td>1.02</td>
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<tr>
<td><strong>Total Area</strong></td>
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<td><strong>6.73</strong></td>
</tr>
</tbody>
</table>

The property has an existing outdoor flea market and is proposed to be re-developed. The property is zoned Suburban Commercial and Tier III by Monroe County (Figure 1).

The purpose of this existing conditions report is to establish the environmental conditions and protected environmental resources on the parcel and to determine mitigation required for the removal of protected vegetation.

**Site Conditions**

The current site includes six different parcels extensively disturbed with existing commercial structures, driveways, parking areas and various shopping structures present on the property. The parcels are scarified and disturbed from human impacts. The southeastern corner of the site contains a small wetland area that appears to collect stormwater runoff. The vegetation of this disturbed wetland area includes red mangrove, green buttonwood, and sawgrass along the edges, suggesting fresh water as the hydrologic inputs. Adjacent to the disturbed wetland area to the west is a disturbed upland area with fill piles, demolition debris, and a combination of native and non-native plants (Figure 3).

Protected vegetation (as defined by Monroe County) includes Thatch palms, Silver palms, Slash pines (> 4” DBH) as well as shrubs including Locustberry, Blackbead and Necklace pod. The majority of the vegetation present is located on the eastern half of the property in the parking area.

**Site Plan**

A site plan prepared by Consulting Engineering & Science, Inc. was used to prepare this Existing Conditions Report and estimate project impacts. The site plan was imported into ArcView GIS using the CAD import function and the location of protected vegetation overlaid onto the site plan (Figure 2).

**Plant Species List**

Table 1 lists the plant species observed on the subject parcel.
<table>
<thead>
<tr>
<th>Latin Name</th>
<th>Trade Name</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Pithecellobium keyense</em></td>
<td>Blackbead</td>
<td>Native, Threatened</td>
</tr>
<tr>
<td><em>Avicennia germinans</em></td>
<td>Black Mangrove</td>
<td>State, Regulated per Mangrove Protection Act</td>
</tr>
<tr>
<td><em>Conocarpus erectus</em></td>
<td>Buttonwood</td>
<td>Native</td>
</tr>
<tr>
<td><em>Thrinax radiata</em></td>
<td>Keys Thatch Palm</td>
<td>State – Endangered</td>
</tr>
<tr>
<td><em>Bursera simaruba</em></td>
<td>Gumbo Limbo</td>
<td>Native</td>
</tr>
<tr>
<td><em>Piscidia piscipula</em></td>
<td>Jamaica Dogwood</td>
<td>Native</td>
</tr>
<tr>
<td><em>Brysonima lucida</em></td>
<td>Locustberry</td>
<td>State – Threatened</td>
</tr>
<tr>
<td><em>Psidium longipes</em></td>
<td>Longstalked Stopper</td>
<td>Native</td>
</tr>
<tr>
<td><em>Myrsine floridana</em></td>
<td>Myrsine</td>
<td>Native</td>
</tr>
<tr>
<td><em>Sophora tomentosa</em></td>
<td>Necklace Pod</td>
<td>County, Regionally Important</td>
</tr>
<tr>
<td><em>Metopium toxiferum</em></td>
<td>Poisonwood</td>
<td>Native</td>
</tr>
<tr>
<td><em>Pisonia rotundata</em></td>
<td>Pisonia</td>
<td>Native</td>
</tr>
<tr>
<td><em>Randia aculeata</em></td>
<td>Randia</td>
<td>Native</td>
</tr>
<tr>
<td><em>Rhizophora mangle</em></td>
<td>Red Mangrove</td>
<td>State, Regulated per Mangrove Protection Act</td>
</tr>
<tr>
<td><em>Coccoloba uvifera</em></td>
<td>Seagrape</td>
<td>Native</td>
</tr>
<tr>
<td><em>Casasia clusifolia</em></td>
<td>Seven Year Apple</td>
<td>Native</td>
</tr>
<tr>
<td><em>Cococinthera argentiata</em></td>
<td>Silver Palm</td>
<td>State – Threatened</td>
</tr>
<tr>
<td><em>Pinus elliottii var densa</em></td>
<td>Slash Pine</td>
<td>Native</td>
</tr>
<tr>
<td><em>Eugenia foetida</em></td>
<td>Spanish Stopper</td>
<td>Native</td>
</tr>
<tr>
<td><em>Ficus aurea</em></td>
<td>Strangler Fig</td>
<td>Native</td>
</tr>
<tr>
<td><em>Acacia farnesiana</em></td>
<td>Sweet Acacia</td>
<td>Native</td>
</tr>
<tr>
<td><em>Manilkara bahamensis</em></td>
<td>Wild Dilly</td>
<td>State – Threatened</td>
</tr>
</tbody>
</table>

**Threatened and Endangered Species Impact Assessment**

The re-development of the Big Pine Flea Market site will involve re-development of existing disturbed upland areas with scattered vegetation. The only significant environmental feature on the property, the disturbed wetland area, will be preserved per the proposed site plan. The project will occur within existing disturbed sites and existing roadways. No native habitats including pine rocklands, hardwood hammocks, or wetlands will be impacted by the project. Best management practices will be implemented during construction to avoid any adverse direct or indirect impacts to listed species, native habitats or other wildlife.

In order to assess the potential impacts of the proposed project on protected animal species, an evaluation of all Federally-listed animal species known to use the property, or with the potential to use the property were evaluated.

**Threatened or Endangered Species Not Evaluated for Potential Impacts**

Several Federally-listed threatened or endangered species occur in the vicinity of the proposed project and in Monroe County, Florida, including nearby coastal waters. However, the following list of species have never been documented to occur in or frequent the vicinity of the proposed
project or the Lower Florida Keys, and therefore, the probability of these species being affected either directly or indirectly by the proposed project is negligible. As such, the following list of species were not analyzed in this biological assessment and will not be considered further because the likelihood of any adverse impacts to these species from the proposed project is negligible and can be discounted (Table 2).

<table>
<thead>
<tr>
<th>Common name</th>
<th>Scientific name</th>
<th>Status</th>
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</thead>
<tbody>
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<td>Schaus' swallowtail butterfly</td>
<td><em>Heraclides aristodemus ponceanus</em></td>
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<tr>
<td>Small-tooth sawfish</td>
<td><em>Pristis pectinata</em></td>
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</tr>
<tr>
<td>Atlantic sturgeon</td>
<td><em>Aciroperastrus oxyrinchus desotoi</em></td>
<td>Threatened</td>
</tr>
<tr>
<td>West Indian manatee</td>
<td><em>Triechus manatus latirostris</em></td>
<td>Endangered</td>
</tr>
<tr>
<td>Florida Panther</td>
<td><em>Puma (=Felis) concolor coryi</em></td>
<td>Endangered</td>
</tr>
<tr>
<td>Key Largo cotton mouse</td>
<td><em>Peromyscus gossypinus allapaticola</em></td>
<td>Endangered</td>
</tr>
<tr>
<td>Key Largo woodrat</td>
<td><em>Neotoma floridana smalli</em></td>
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<tr>
<td>Hawksbill sea turtle</td>
<td><em>Eretmochelys imbricata imbricata</em></td>
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<tr>
<td>Leatherback sea turtle</td>
<td><em>Dermochelys coriacea</em></td>
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<tr>
<td>Loggerhead sea turtle</td>
<td><em>Caretta caretta careta</em></td>
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<tr>
<td>Green sea turtle (Florida population)</td>
<td><em>Chelonia mydas mydas</em></td>
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<tr>
<td>Kemp’s ridley sea turtle</td>
<td><em>Lepidochelys kempi</em></td>
<td>Endangered</td>
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<tr>
<td>American crocodile (and critical habitat)</td>
<td><em>Crocodylus acutus</em></td>
<td>Threatened</td>
</tr>
<tr>
<td>Everglade snail kite</td>
<td><em>Rostrhamus sociabilis plumbeus</em></td>
<td>Endangered</td>
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<tr>
<td>Cape Sable seaside sparrow</td>
<td><em>Ammodramus maritimus mirabilis</em></td>
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<tr>
<td>Bachman's warbler</td>
<td><em>Vermivora bachmanii</em></td>
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<tr>
<td>Wood Stork</td>
<td><em>Mycteria americana</em></td>
<td>Threatened</td>
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<tr>
<td>Piping Plover (and critical habitat)</td>
<td><em>Charadrius melodus</em></td>
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<tr>
<td>Roseate tern</td>
<td><em>Sterna dougallii dougallii</em></td>
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<tr>
<td>Red knot</td>
<td><em>Calidris canutus rufa</em></td>
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</tr>
<tr>
<td>Cape Sable thoroughwort</td>
<td><em>Chromolaena frustrata</em></td>
<td>Endangered</td>
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</table>
Threatened or Endangered Species Evaluated for Potential Impacts

In order to evaluate the potential for impacts resulting from the proposed project on Federally listed animal species, and extensive list of species was considered. The information on the status of threatened and endangered species presented below was summarized from a variety of sources including published thesis and dissertations, peer-reviewed scientific literature, and Recovery Plans and Biological Opinions prepared by the U.S. Fish and Wildlife Service.

A review of the most current information available indicated the following threatened and endangered species could be potentially impacted by the proposed project because these species potentially occur within or in the vicinity of the proposed project (Table 3).

<table>
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<tr>
<th>Common name</th>
<th>Scientific name</th>
<th>FWS Status</th>
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<tr>
<td>Key deer</td>
<td>Odocoileus virginianus clavium</td>
<td>Endangered</td>
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<tr>
<td>Lower Keys marsh rabbit</td>
<td>Sylvilagus palustris hefneri</td>
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<tr>
<td>Silver rice rat</td>
<td>Oryzomys palustris natator</td>
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<tr>
<td>Eastern indigo snake</td>
<td>Drymarchon corais couperi</td>
<td>Threatened</td>
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<tr>
<td>Stock Island tree snail</td>
<td>Orthalicus reses reses</td>
<td>Endangered</td>
</tr>
<tr>
<td>Garber’s spurge</td>
<td>Chamaesyce garberi</td>
<td>Endangered</td>
</tr>
<tr>
<td>Key tree cactus</td>
<td>Pilosocereus robinii</td>
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</tr>
<tr>
<td>Florida semaphore cactus</td>
<td>Consolea corallicola</td>
<td>Endangered</td>
</tr>
<tr>
<td>Miami blue butterfly</td>
<td>Cyclargus (=Hemiargus) thomasi bethunebakeri</td>
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</tr>
<tr>
<td>Bartram’s hairstreak butterfly</td>
<td>Strymon acis bartrami</td>
<td>Endangered</td>
</tr>
<tr>
<td>Florida leafwing butterfly</td>
<td>Anaea troglodyta floridalis</td>
<td>Endangered</td>
</tr>
</tbody>
</table>

Evaluation of Impacts by Species

**Key deer** – The proposed project site is mapped by USFWS as known habitat for the Key deer, and key deer were observed foraging on the parcel during a field visit. Indeed, the entirety of Big Pine Key is mapped as habitat for Key deer, and Key deer are known to utilize every habitat type on Big Pine Key, including developed sites.

Currently, portions of the Big Pine Key Flea Market property are partially fenced, restricting Key deer movement. The proposed project will eliminate this fencing and thus a potential hazard.
Using the Species Assessment Guide for Key deer, the proposed project keys out to be evaluated under the Habitat Conservation Plan for Big Pine and No Name Keys.

**Lower Keys marsh rabbit** – The Lower Keys marsh rabbit is endemic to the Lower Keys and inhabits tidal, brackish, and transitional upland and freshwater environments. The County’s boundary map land cover types containing suitable habitat for the Lower Keys marsh rabbit include six habitat classifications. These land cover types include pinelands, scrub mangrove, freshwater wetland, salt marsh, buttonwood, and beach berm.

The proposed project site does not support suitable habitat for the Lower Keys marsh rabbit (LKMR). There are no salt marsh wetlands on the property, thus none will be impacted. There is mapped LKMR habitat located east of the property directly across a paved road, and the property is within the 500m LKMR buffer zone.

![Lower Keys marsh rabbit mapped habitat relative to project site.](image)

Using the Species Assessment Guide for the LKMR, the project keys out to a “May Effect” since it is within the LKMR buffer area and is located on Big Pine Key, therefore coordination with the USFWS is necessary.

**Silver rice rat** - The silver rice rat (SRR) occurs on thirteen islands in the Lower Keys: Big Pine, Little Pine, Howe, Water, Middle Torch, Big Torch, Summerland, Raccoon, Johnston, Ramrod, Cudjoe, Upper Sugarloaf, and Saddlebunch. The silver rice rat is restricted to a narrow range of wetland habitat types. Populations are widely distributed and they occur at extremely low densities.
Silver rice rats use low intertidal and low salt marsh habitats during activity periods, and swales in the low salt marsh are primary foraging sites. Buttonwood transitional salt marsh is at a higher elevation than other salt marsh habitats, and is used for foraging and nesting. Silver rice rat also occurs at comparable densities in both scrub and fringe mangrove communities. Mitchell (1996) conducted additional work on silver rice rats and found that reproductive activity is occurring in freshwater habitat and that animals regularly use freshwater marsh on Big Torch Key.

![Silver rice rat mapped habitat relative to project site.](image)

The proposed project site does not support suitable habitat for the SRR. There are no salt marsh wetlands on the property, thus none will be impacted. There is mapped SRR habitat located east of the property directly across a paved road, and the property is within the 500m SRR buffer zone.

Using the Species Assessment Guide for the SRR, the property keys out to a “May Effect” since it is within the SRR buffer area and is located on Big Pine Key, therefore coordination with the USFWS is necessary.

**Eastern indigo snake** - The Florida Keys are on the extreme southern end of the indigo snake’s range. The indigo snake population in the Florida Keys is very small. Verified observations are rare and scattered. Indigo snake surveys conducted on Big Pine and No Name Key in 2006 and 2007 and the indigo snake was not observed.

The proposed project site is partially mapped as habitat for the indigo snake, however the actual presence of this species on the property is extremely unlikely.

Using the Species Assessment Guide for the indigo snake, the property keys out to a “NLAA” since the proposed project will not remove or modify the indigo snake’s native habitat. The applicant will received a copy of the USFWS indigo snake protection measures and will agreed to implement the measures, and post the information brochure on-site.
**Stock Island tree snail** – The Stock Island tree snail is an arboreal snail inhabiting hardwood hammocks of the Keys. Its historic range includes the islands of Stock Island and Key West. Individuals of the species have since been relocated to other hammocks in the Keys and the mainland. Today, populations of snails occur throughout the Keys in hardwood hammocks. The USFWS has records of 27 populations, 25 in the Keys and 2 in mainland Dade County.

The proposed project site is not a documented tree snail location, and no native hardwood hammock habitat is on the property. Using the Species Assessment Guide for the tree snail, the project keys out to a “No Effect” since the proposed project is not a known location, and will not remove or modify the tree snail’s native habitat.
Garber's spurge, Key tree cactus and Florida semaphore cactus: The property was surveyed extensively for vegetation, including listed plants. The listed cacti are large, conspicuous plants, and none were observed. The Garber's spurge is a small but distinctive plant known to colonize roadides and disturbed areas throughout the Keys, however none were observed. The Garber's spurge appears to be impacted adversely by Key deer browsing on Big Pine and No Name Key, and may be extirpated or extremely rare as a result of herbivory pressure.

Because no Species Assessment Guides have been developed for the Garber's spurge, Key tree cactus and Florida semaphore cactus, these assessments could not be evaluated.

Miami blue butterfly, Bartram's hairstreak butterfly and Florida leafwing butterfly:

The Miami blue is a coastal butterfly reported to occur in openings and around the edges of hardwood hammocks and other communities adjacent to the coast that are prone to frequent natural disturbances: pinelands, coastal berm hammocks, dunes, and scrub. In the Keys, the Miami Blue was most abundant near disturbed hammocks and also in pine rocklands on Big Pine Key. In 2003, the USFWS contracted the North American Butterfly Association (NABA) to perform systematic surveys in south Florida and the Keys to identify all sites at which 21 targeted butterflies, including the Miami blue, could be found. Despite considerable survey effort (i.e., 187 surveys performed), the Miami blue was not located at any location except Bahia Honda State park, located several miles to the east of Big Pine Key.

The Florida leafwing and Bartram's scrub-hairstreak occur only within pine rocklands, specifically those that retain their mutual and sole hostplant, pinelands croton. Adult butterflies will also make use of rockland hammock and hydric pine flatwood vegetation when interspersed within the pine rockland habitat. In the Lower Florida Keys, Big Pine Key retains the largest undisturbed tracts of pine rockland habitat, mainly under public ownership and managed for conservation. Although the Bartram's scrub-hairstreak is extant on Big Pine Key, the Florida leafwing is believed to be extirpated from Big Pine Key since it has not been seen on the island since 2006.

The proposed project site is not located near any known occupied habitat for the Miami Blue, and does not support the pine rockland habitats required by the Florida leafwing and Bartram's scrub-hairstreak. Therefore, it can be reasonably concluded that the proposed project will not adversely impact these butterflies.

Because no Species Assessment Guides have been developed for the Miami blue butterfly, Bartram's hairstreak butterfly and Florida leafwing butterfly, these assessments could not be evaluated.
Vegetation Impacts

Monroe County required that the removal of any listed threatened, endangered, commercially exploited, and regionally important native plant species and all native trees with a diameter at breast height (DBH) of greater than four inches shall require payment to the county environmental land management and restoration fund in an amount sufficient to replace each removed plant or tree on a 2:1 basis (Attachment 1 - Monroe County Code, Sec. 118-8 (a)).

The Site Survey and Vegetation Map (Figure 4) identifies the location of protected vegetation and Table 2 provides a summary of protected plants to be removed, retained or relocated as the result of the proposed project.

<table>
<thead>
<tr>
<th>Total Parcel</th>
<th>Total Removed</th>
<th>Total Retained</th>
<th>Total Relocated</th>
<th>Latin Name</th>
<th>Trade Name</th>
<th>Status</th>
<th>Size Class</th>
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<td><em>Pithecellobium keyense</em></td>
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<td>Keys Thatch Palm</td>
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<tr>
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<td>0</td>
<td>Keys Thatch Palm</td>
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<td><em>Sophora tomentosa</em></td>
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<td>1</td>
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<td>4</td>
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</tbody>
</table>
The mangroves observed within the wetland area were not surveyed and are not included in the mitigation assessment. Mangroves are protected by the State of Florida and measures to either protect this shrub on site or mitigate for removal should be implemented separately.

**Mitigation Requirements**

Mitigation for removal of protected plants is required per Sec. 118-8 of the Monroe County Code: "The removal of any listed threatened, endangered, commercially exploited, and regionally important native plant species and all native trees with a diameter at breast height (DBH) of greater than four inches shall require payment to the county environmental land management and restoration fund in an amount sufficient to replace each removed plant or tree on a 2:1 basis. The number, species, and sizes of trees and plants to be mitigated shall be identified in an existing conditions report..."

A total of 224 protected trees will be removed as a result of the proposed project and mitigated for per Monroe County mitigation fees. The mitigation fee required for protected vegetation impacts will be calculated by Monroe County Planning and Environmental Resources.
Figure 1. Current zoning and tier per Monroe County Planning and Environmental Resources Department.
Figure 2. Site Plan prepared by Consulting Engineering & Science, Inc.
Figure 3. Habitat types as determined by on-site investigation. Habitat polygons were established based on vegetative cover and mapped in GIS using a Trimble data logger.
Figure 4 (composite). Protected vegetation (e.g. listed plants, native plants > 4" DBH) on the subject parcel mapped onto a 2015 aerial photo.
Sec. 118-2. - Existing conditions report.

As part of an application for approval on lands containing upland native vegetation communities, the applicant shall prepare and submit an existing conditions report, including a survey that identifies the distribution and quality of native habitats and any observed endangered/threatened or protected species within the parcel or lot proposed to be developed in accordance with the standards of this chapter. The existing conditions report will be prepared by a biologist qualified under section 102-25 in a form approved by the director of planning and contain, at a minimum, the following:

(1) **Cover page.** The cover page shall contain the following:
   a. Legal description of parcel, including the real estate number.
   b. Property owner's name and address.
   c. Date of report and site visits.
   d. Consultant's name, agency and contact information.
   e. Consultant's signature.

(2) **Summary.** A general description of the site, including discussion of habitat type, important features and presence and location of any disturbed areas.

(3) **Plant species list.** A list of species found in the survey provided in a matrix of the following five columns:
   a. Column 1, Removed: estimates the number of that plant will be removed.
   b. Column 2, Retained: indicates that one or more of that plant will remain.
   c. Column 3, Common plant name.
   d. Column 4, Scientific name.
   e. Column 5, Status: threatened, endangered, or regionally important and other native species four inches or greater in diameter at four feet in height and exotic or pest plant status.

(4) **Animal species list.** A list of the endangered, threatened, or protected animal species observed during the site survey.

(5) **Site plan.** A site plan at a scale of one inch equals 20 feet or greater showing the location of all native plant species that are threatened, endangered, or regionally important and areas of disturbance and exotic species.

Sec. 118-8. - Mitigation standards and county environmental land management and restoration fund.

(a) Mitigation Standards - The removal of any listed threatened, endangered, commercially exploited, and regionally important native plant species and all native trees with a diameter at breast height (DBH) of greater than four inches shall require payment to the county environmental land management and restoration fund in an amount sufficient to replace each removed plant or tree on a 2:1 basis. The number, species, and sizes of trees and plants to be mitigated shall be identified in an existing conditions report approved by the county biologist in accordance with the minimum size requirements set forth in section 114-101.
(b) Mitigation Fees determination - The mitigation fee shall be based on the replacement cost of the specific plants and trees. The costs for replacement plants and trees shall be based upon a price schedule maintained and updated annually by the county biologist. This schedule shall be based on price quotes by at least three private plant nurseries within the county or Miami-Dade County.

(c) County Environmental land Management and Restoration Fund - The board of county commissioners may establish a special revenue fund called the Monroe County Environmental Land Management and Restoration Fund. Revenues and fees deposited in this fund shall be used for restoration and management activities of public resource protection and conservation lands, as specifically detailed by resolution of the board of county commissioners.
April ___, 2016
(Date)

I hereby authorize Barton W. Smith, Esq. and Patrick Dolezal be listed as authorized agents
(Name of Agents)

for O. A. Y., INC. for the Conditional Use application submittal
(Name of Property Owner(s) the Applicant(s))

For the property described as follows:

Parcel 4 as per not recorded sketch of Tropic Island Ranchette, Big Pine Key, Florida, more particularly described as follows:

On the Island of Big Pine Key, Monroe County, Florida, commence at the center of Section 26, Township 66 South, Range 29 East, thence due Westerly 848.125 feet to the Point of Beginning; thence continue due Westerly 249.375 feet; thence due Southerly 160 feet; thence due Easterly 249.375 feet; thence due Northerly 160 feet back to the Point of Beginning.

Real Estate Number 00111420-002100

AND

Parcel 18 as per not recorded sketch of Tropic Island Ranchette, Big Pine Key, Florida, more particularly described as follows:

Commence at the center of Section 26, Township 66 South, Range 29 East, thence due Westerly 652.50 feet; thence due Southerly 520 feet to the Point of Beginning; thence continue due Southerly 200 feet; thence due Westerly 222.5 feet; thence due Northerly 200 feet; thence due Easterly 222.5 feet to the Place of Beginning.

Real Estate Number 00111420-001800

AND

Parcel 13 as per not recorded sketch of Tropic Island Ranchette, Big Pine Key, Florida, more particularly described as follows:

Commencing at the Southwest corner of the Northeast Quarter of the Southwest Quarter of Section 26, Township 66 South, Range 20 East, bear East 222.5 feet; thence bear North 400 feet to the Point of Beginning of the tract of land hereinafter described; from said Point of Beginning, continue North 200 feet; thence bear East 222.5 feet; thence bear South 200 feet; thence bear West 222.5 feet back to the Point of Beginning.
This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until April 1, 2018 unless terminated by a sale of the property. This authorization acts as a durable power of attorney only for the purposes stated.

Note: Authorization is needed from each owner of the subject property. Therefore, one or more authorization forms must be submitted with the application if there are multiple owners.

_____________________________
Property Owner(s) Signature

OLEVA A. YOUNG
President
O. A. Y., INC.

_____________________________
Printed Name of Owner(s)

NOTARY:

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 12 day of April, 2016 by OLEVA A. YOUNG, as President of O.A.Y., INC., who is __personally known ___ or who produced identification (FL DL Y520641357010) (Type of Identification), did / did not take an oath.

_____________________________
NOTARY PUBLIC

My Commission Expires: May 29, 2018
April 1, 2016
(Date)

I hereby authorize Barton W. Smith, Esq. and Patrick Dolezal be listed as authorized agents
(Name of Agents)

for J.D.Y., INC. for the Conditional Use application submittal
(Name of Property Owner(s) the Applicant(s))

For the property described as follows:

Parcel 14 as per not recorded sketch of Tropic Island Ranchetts, Big Pine Key, Florida, more particularly
described as follows:

Commencing at the Southwest corner of the Northeast Quarter of the Southwest Quarter of Section 26,
Township 66 South, Range 29 East, Monroe County, Florida, bear East 222.5 feet; thence bear North 600
feet to the Point of Beginning of the tract of land hereinafter described; from said Point of Beginning,
continue North 200 feet; thence bear East 222.5 feet; thence bear South 200 feet; thence bear West 222.5
feet back to the Point of Beginning.

Real Estate Number: 00111420-001500

AND

Parcel 17 as per not recorded sketch of Tropic Island Ranchetts, Big Pine Key, Florida, more particularly
described as follows:

Commence at the center of Section 26, Township 66 South, Range 29 East, thence due Westerly 652.50
feet; thence due Southerly 320 feet to the Point of Beginning; thence continue due Southerly 200 feet;
 thence due Westerly 222.5 feet; thence due Northerly 200 feet; thence due Easterly 222.5 feet to the
Point of Beginning.

Real Estate number: 00111420-001700

Key (island):
- Big Pine Key

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect
until April 1, 2018 unless terminated by a sale of the property. This authorization acts as a
durable power of attorney only for the purposes stated.
Note: Authorization is needed from each owner of the subject property. Therefore, one or more authorization forms must be submitted with the application if there are multiple owners.

Property Owner(s)

JAMES D. YOUNG, SR.
President
J.D.Y., INC.

Printed Name of Owner(s)

NOTARY:

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 12 day of April, 2016 by JAMES D. YOUNG, SR., as President of J.D.Y., INC., who is personally known ________________________________________
or who produced identification: PEOL (Type of Identification), and who did / did not take an oath.

NOTARY PUBLIC

My Commission Expires: May 20, 2018

MARIA BELEN ESPINOSA
Notary Public - State of Florida
My Comm. Expires May 20, 2018
Commission # FF 125013
Bonded Through National Notary Assn.
April __, 2016  
(Date)

I hereby authorize Barton W. Smith, Esq. and Patrick Dolezal be listed as authorized agents  
(Name of Agents)

for O. A. & J. D., INC. for the Conditional Use application submittal  
(Name of Property Owner(s) the Applicant(s))

For the property described as follows:

Situated on Big Pine Key, in the County of Monroe, and the State of Florida, located within the Northwest Quarter of Section 26, Township 66 South, Range 29 East, and bounded and described as follows:

Commence at the center of Section 26, Township 66 South, Range 29 East, thence due Westerly 990 feet to the Point of Beginning; thence due Northerly 166.08 feet to the Southerly right-of-way line of U.S. Highway No. 1; thence bear North 89° 59' West along the said Southerly right-of-way line of U.S. Highway No. 1, 107.50 feet; thence due Southerly 166.33 feet; thence due Easterly 107.50 feet to the Point of Beginning.

Real Estate No. 00111700-000000

AND

Parcel 15 as per not recorded sketch of Tropic Island Ranchetts, Big Pine Key, Florida, more particularly described as follows:

Commencing at the Southwest corner of the Northeast Quarter of the Southwest Quarter of Section 26, Township 66 South, Range 29 East, bear East 222.5 feet; thence bear North 800 feet to the Point of Beginning of the tract of land hereinafter described; from said Point of Beginning, continue North 200 feet; thence bear East 222.5 feet; thence bear South 200 feet; thence bear West 222.5 feet back to the Point of Beginning.

Real Estate Number: 00111420-001600

Key (island): Big Pine Key

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until April 1, 2018 unless terminated by a sale of the property. This authorization acts as a durable power of attorney only for the purposes stated.
Note: Authorization is needed from each owner of the subject property. Therefore, one or more authorization forms must be submitted with the application if there are multiple owners.

Property Owner(s)
Signature

OLEVA A. YOUNG
President
O.A. & J.D., INC.

Printed Name of Owner(s)

NOTARY:

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 11th day of April, 2016 by OLEVA A. YOUNG, as President of O.A. & J.D., INC. who is personally known ______________________ or who produced identification E1 DL (Type of Identification), and who did / did not take an oath.

NOTARY PUBLIC

My Commission Expires: May 20, 2018

MARIA BELEN ESPINOSA
Notary Public - State of Florida
My Comm. Expires May 20, 2018
Commission # FF 125013
Bonded Through National Notary Assn.
April __, 2016
(Date)

I hereby authorize Barton W. Smith, Esq., and Patrick Dolezal be listed as authorized agents.
(Name of Agents)

for O. J. Y., INC., for the Conditional Use application submittal
(Name of Property Owner(s) the Applicant(s))

For the property described as follows:

A tract of land in a part of the Southeast Quarter of the Northwest Quarter of Section 26, Township 66 South, Range 29 East, on Big Pine Key, Monroe County, Florida and being more particularly described as follows:

Commencing at the Southeast corner of the Northwest Quarter of Section 26, bear West, along the South line of the Northwest Quarter of Section 26, 846 feet to the Point of Beginning of the tract of land hereinafter described; thence bear North, 165.44 feet to the Southerly right-of-way line of U.S. Highway No. 1; thence bear North 89° 51’ West, along said Southerly right-of-way line of U.S. Highway No. 1, 144 feet; thence bear South, 166.08 feet to the South line of said Southeast Quarter of the Northwest Quarter of Section 26; thence bear East along said South line, 144 feet, back to the Point of Beginning.

Real Estate Number: 00111670-000101

AND

Parcel 16 as per not recorded sketch of Tropic Island Ranchetts, Big Pine Key, Florida, more particularly described as follows:

Begin at the center of Section 26, Township 66 South, Range 29 East, thence due Westerly 652.50 feet; thence due Southerly 160 feet to the Point of Beginning; thence continue due Southerly 160 feet; thence due Westerly 445 feet; thence due Northerly 160 feet; thence due Easterly 445 feet to the Point of Beginning.

Real Estate numbers: 00111420-002200

Key (island): Big Pine Key

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until April 1, 2018 unless terminated by a sale of the property. This authorization acts as a durable power of attorney only for the purposes stated.
Note: Authorization is needed from each owner of the subject property. Therefore, one or more authorization forms must be submitted with the application if there are multiple owners.

James D. Young Sr.
Property Owner(s)
Signature
JAMES D. YOUNG, SR.
President
O.J.Y., Inc.

Printed Name of Owner(s)

NOTARY:

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 12th day of March, 2016 by JAMES D. YOUNG, SR., as President of O.J.Y., INC., who is personally known ________________ or who produced identification ________________ (Type of Identification), and who did / did not take an oath.

Maria Belen Espinosa
NOTARY PUBLIC
My Commission Expires: May 20, 2018
ALTA/ACSM LAND TITLE SURVEY / PLAT OF
BOUNDARY AND TOPOGRAPHIC SURVEY

FOR-

THE FERBER COMPANY

A PORTION OF SECTION 26, TOWNSHIP 66 SOUTH, RANGE 29 EAST
BIG PINE KEY, MONROE COUNTY, FLORIDA

SURVEY NOTES:
2. THE SURVEY WAS CONDUCTED USING ALTA/ACSM LAND TITLE SURVEY PROFESSIONAL STANDARDS.
3. THE SURVEY WAS APPLIABLE FOR USE AS PLAT OR SUBDIVISION SURVEY AND FOR OTHER PROFESSIONAL PURPOSES.
4. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE ALTA/ACSM LAND TITLE SURVEY PROFESSIONAL STANDARDS.

SCHEDULE OF EXCEPTIONS:

NOTE: THIS SCHEDULE OF EXCEPTIONS IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED TO BE USED AS A SUBSTITUTE FOR THE ORIGINAL SURVEY DOCUMENT.

NOTES:

1. THE SURVEY WAS CONDUCTED USING ALTA/ACSM LAND TITLE SURVEY PROFESSIONAL STANDARDS.
2. THE SURVEY WAS APPLIABLE FOR USE AS PLAT OR SUBDIVISION SURVEY AND FOR OTHER PROFESSIONAL PURPOSES.
3. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE ALTA/ACSM LAND TITLE SURVEY PROFESSIONAL STANDARDS.

DATE OF SURVEY: JULY 25, 2013

SURVEYOR: [NAME]

Dewberry

LOCATED IN SECTION 26, TOWNSHIP 66 SOUTH, RANGE 29 EAST

BIG PINE KEY
MONROE COUNTY, FLORIDA
A. GENERAL NOTES

1. STORMWATER POLLUTION PREVENTION PLAN (SPWPP) is designed to prevent any discharge of pollutants from site activities that may impair the navigable waters of the U.S. or waters of the contiguous zone to the extent feasible. The plan is written in accordance with the requirements of the Federal Water Pollution Control Act (the Clean Water Act) as amended, and the Florida Administrative Code (FAC) Chapter 62-71. The plan is intended to minimize the potential for stormwater pollution by controlling the discharge of pollutants from stormwater activity to surface water bodies in accordance with the requirements of the Florida Administrative Code (FAC) Chapter 62-71.

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6. STORMWATER POLLUTION PREVENTION PLAN (SPWPP) is designed to prevent any discharge of pollutants from site activities that may impair the navigable waters of the U.S. or waters of the contiguous zone to the extent feasible. The plan is written in accordance with the requirements of the Federal Water Pollution Control Act (the Clean Water Act) as amended, and the Florida Administrative Code (FAC) Chapter 62-71. The plan is intended to minimize the potential for stormwater pollution by controlling the discharge of pollutants from stormwater activity to surface water bodies in accordance with the requirements of the Florida Administrative Code (FAC) Chapter 62-71.

7. STORMWATER POLLUTION PREVENTION PLAN (SPWPP) is designed to prevent any discharge of pollutants from site activities that may impair the navigable waters of the U.S. or waters of the contiguous zone to the extent feasible. The plan is written in accordance with the requirements of the Federal Water Pollution Control Act (the Clean Water Act) as amended, and the Florida Administrative Code (FAC) Chapter 62-71. The plan is intended to minimize the potential for stormwater pollution by controlling the discharge of pollutants from stormwater activity to surface water bodies in accordance with the requirements of the Florida Administrative Code (FAC) Chapter 62-71.

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B. SITE DESCRIPTION

1. CONSTRUCTION ACTIVITY

1.1. A DECK WILL BE BALANCED TO A PERCENT MEETING MINIMUM 700 LINEAR FEET AS THE LIMITS OF THE CONSTRUCTION SITE.

1.2. THE CONSTRUCTION ACTIVITY WILL OCCUR UP TO A PERCENT MEETING MINIMUM 700 LINEAR FEET AS THE LIMITS OF THE CONSTRUCTION SITE.

2. EXISTING USE OF THE SITE

2.1. THE CONSTRUCTION ACTIVITY WILL OCCUR UP TO A PERCENT MEETING MINIMUM 700 LINEAR FEET AS THE LIMITS OF THE CONSTRUCTION SITE.

3. CONSTRUCTION ACTIVITY

3.1. THE CONSTRUCTION ACTIVITY WILL OCCUR UP TO A PERCENT MEETING MINIMUM 700 LINEAR FEET AS THE LIMITS OF THE CONSTRUCTION SITE.

4. CONSTRUCTION ACTIVITY

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7. CONSTRUCTION ACTIVITY

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C. CONTROLS

1.1. THE CONSTRUCTION ACTIVITY WILL OCCUR UP TO A PERCENT MEETING MINIMUM 700 LINEAR FEET AS THE LIMITS OF THE CONSTRUCTION SITE.

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