File #: 2014-173

Owner's Name: Magnolia 101 LLC

Applicant: Magnolia 101 LLC

Agent: Scott Black & Vernis & Bowling

Type of Application: Map Amendment - LUD

Key: Key Largo

RE: 00454520.000000
Additional Information added to File 2014-173
Dear Applicant:

This is to acknowledge submittal of your application for **LUD Map Amendment**

[Project/Name]

to the Monroe County Planning Department.

Thank you.

[Signature]

Planning Staff
1. CROWN CASTLE TOWERS 09 LLC
   4017 WASHINGTON RD PMB 353
   CANONSBURG, PA 15317-2520

2. DOHERTY ROBERT M AND YVETTE L/E
   13 BAY RD
   KEY LARGO, FL 33037-2924

3. JTW ACCOUNT SERIES LLC SERIES 1
   8409 N MILITARY TRL STE 107
   WEST PALM BEACH, FL 33410-6321

4. MAGNOLIA 101 LLC
   195 N AIRPORT RD
   TAVERNIER, FL 33070

5. TIITF
   3900 COMMONWEALTH BLVD
   TALLAHASSEE, FL 32399-3000

6. COUNTY OF MONROE
   1100 SIMONTON ST
   KEY WEST, FL 33040

7. FLORIDA KEYS AQUEDUCT AUTHORITY
   1100 KENNEDY DR
   KEY WEST, FL 33040-4021

8. KEY LARGO WASTEWATER TREATMENT
   DISTRICT
   PO BOX 370491
   KEY LARGO, FL 33037-0491

9. MONROE COUNTY COMPREHENSIVE PLAN
   LAND AUTHORITY
   1200 TRUMAN AVE STE 207
   KEY WEST, FL 33040-7270

10. SANTE CHRISTOPHER D AND PAMELA
    P O BOX 3006
    KEY LARGO, FL 33037

Verified GE
End of Additional File 2014-173
December 5, 2014

Monroe County Planning & Environmental Resources Department  
Marathon Government Center  
2798 Overseas Highway, Suite 400  
Marathon, FL 33050  

RE: Magnolia 101 LLC - Brian Lindback  
Our File No. 3516-131160

Dear Sir/Madam:

Attached you will find the following materials:

- Atlantic Trash & Transfer, LLC’s check in the amount of $5,236.00;
- Request for a Land Use District (LUD) Map Amendment Application;
- Warranty Deed by Ocean Recycling, LLC to Magnolia, LLC;
- Property Record Card of Magnolia, LLC;
- Location maps and photographs of Magnolia 101, LLC;
- Property Appraiser Radius Report;
- Applicants;
- Agent Authorization - LUD Amendment Application;
- Letter of Understanding;
- Florida Department of State Division of Corporations information; and
- Surveys of Magnolia 101, LLC.

Should you need any additional information or have any questions, please contact my office.

Sincerely,

Scott C. Black  
For the Firm

SCB:nr  
Enclosures  
cc: Brian Lindback (w/o enclosures)
REQUEST FOR A LAND USE DISTRICT (LUD) MAP AMENDMENT APPLICATION

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

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

Amendment to Land Use Map District (Residential) Application Fee: $4,131.00
Amendment to Land Use Map District Map (Non-Residential) Application Fee: $4,929.00

In addition to the above application fees, the following fees also apply to each application:
Advertising Costs: $245.00
Surrounding Property Owner Notification: $3.00 for each property owner required to be noticed
Technology Fee: $20.00

Date: 12/5/14

Property Owner:

Magnolia 101 LLC - Brian Lindback
Name
195 N Airport Rd. Tavernier, FL 33070
Mailing Address
805-451-2900
Daytime Phone
Atlantictreash@att.net
Email Address

Agent (if applicable):

Scott C. Black, Esq
Name
81990 Overseas Hwy, Islamorada Fl 33036
Mailing Address
305-664-4675
Daytime Phone
sblack@florida-law.com
Email Address

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

B-1 D-188 20 Ocean Acres Key Largo
Block Lot Subdivision Key
0045-45-20 155-8109
Real Estate (RE) Number Alternate Key Number
101 Magnolia Key Largo, Fl Approximate Mile Marker
Street Address 100 Oceanside
REQUEST FOR A LAND USE DISTRICT (LUD) MAP AMENDMENT APPLICATION

Current Land Use District Designation(s): Partial (SC) Partial (RE)

Proposed Land Use District Designation(s): Total (SC)

Current Future Land Use Map Designation(s): Mixed Use/Commercial (MC)

Tier Designation(s)

Total Land Area Affected in acres: 43,000 sq ft

Existing Use of the Property (If the property is developed, please describe the existing use of the property, including the number and type of any residential units and the amount and type of any commercial development):
Solid waste processing facility - Material Recovery Facility
Construction and demolition debris recycling

In accordance with Sec. 102-158, the BOCC may consider the adoption of an ordinance enacting the proposed change based on one or more of six factors. Please describe how one or more of the following factors shall be met (attach additional sheets if necessary):

1) Changed projections (e.g., regarding public service needs) from those on which the text or boundary was based:

2) Changed assumptions (e.g., regarding demographic trends):

3) Data errors, including errors in mapping, vegetative types and natural features described in volume 1 of the plan:

4) New issues:

Conflict between Official Land Use Map and Future Land Use Map. To resolve conflict lot 20 should be 100% (SC) - see letter of understanding- April 29, 2013

Page 2 of 4
Last Revised: April 2009
REQUEST FOR A LAND USE DISTRICT (LUD) MAP AMENDMENT APPLICATION

5) Recognition of a need for additional detail or comprehensiveness:

__________________________________________________________________________
__________________________________________________________________________

6) Data updates:

__________________________________________________________________________

In no event shall an amendment be approved which will result in an adverse community change of the planning area in which the proposed development is located. Please describe how the map amendment would not result in an adverse community change (attach additional sheets if necessary):

Map / zoning change will not change current use of property. Property surrounded by consistent commercial properties.

__________________________________________________________________________

Has a previous Land Use District Map amendment application been submitted for this site within the past two years? Yes ___ No ___

Date: ___

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)

- Complete Land Use District Map amendment application (unaltered and unbound); and
- Correct fee (check or money order to Monroe County Planning & Environmental Resources); and
- Proof of ownership (i.e. Warranty Deed); and
- Current Property Record Card(s) from the Monroe County Property Appraiser; and
- Location map from Monroe County Property Appraiser; and
- Copy of current Land Use District Map (please request from the Planning & Environmental Resources Department prior to application submittal); and
- Copy of current Future Land Use Map (please request from the Planning & Environmental Resources Department prior to application submittal); and
- 300 foot radius map from Monroe County Property Appraiser Office
- List of surrounding property owners from 300 foot radius map
- Photograph(s) of site from adjacent roadway(s); and

Page 3 of 4
Last Revised: April 2009
REQUEST FOR A LAND USE DISTRICT (LUD) MAP AMENDMENT APPLICATION

☑ Signed and Sealed Boundary Survey, prepared by a Florida registered surveyor – sixteen (16) sets (at a minimum survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage marked with land use district; and total acreage shown with vegetative habitat); and

☑ Typed name and address mailing labels of all property owners within a 300 foot radius of the property (two (2) sets). 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

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

☑ Notarized Agent Authorization Letter (note: authorization is needed from all owner(s) of the subject property)

☑ Any other Monroe County documents including Letters of Understanding pertaining to the proposed Land Use District Map amendment

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

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

Signature of Applicant: ___________________________ Date: 12/1/14

Sworn before me this 4th day of December 2014

THERON C. SIMMONS
Commissioner Expires November 15, 2016

Please send or deliver the complete application package to:
Monroe County Planning & Environmental Resources Department
Marathon Government Center
2798 Overseas Highway, Suite 400
Marathon, FL 33050.
THIS INSTRUMENT PREPARED BY AND RETURN TO:
Carla L. Bahn
Coral Reef Title Company
83266 Overseas Highway
Islamorada, FL 33036
Property Appraiser's Parcel Identification (Folio) Numbers:
00454520; 00454230; 00454220 454110

THIS WARRANTY DEED, made the 3rd day of March, 2008 by Ocean Acres Recycling, LLC, a Florida Limited Liability Company, herein called the grantor, to Magnolia 101, LLC, a Florida Limited Liability Company whose post office address is 195 N. Airport Rd., Tavernier, FL 33070, hereinafter called the Grantee:

Whereas the 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 TEN AND 00/100 DOLLARS ($10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargain, sells, aliens, remises, releases, conveys and confirms unto the grantees all that certain land situate in MONROE County, State of Florida, viz.:

Squares 1, 4, 5 and 26, OCEAN ACRES, according to the Plat thereof, as recorded in Plat Book 1 at Page 188 of the Public Records of Monroe County, Florida.

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, and hereby 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, 2005.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signatures]

Witness #1 Signature: Carla L. Bahn
Witness #2 Printed Name: LAURIE SCANLAN
Witness #3 Printed Name: Carla L. Bahn

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 3rd day of March, 2008 by Carl E. Lindback, III, Managing Member of Ocean Acres Recycling, LLC, a Florida Limited Liability Company on behalf of the corporation. He/She is personally known to me or has produced [Redacted] as identification.

[Seal]

Notary Signature: Carla L. Bahn

Printed Notary Signature: Carla L. Bahn

MONROE COUNTY OFFICIAL PUBLIC RECORD
The offices of the Property Appraiser will be closed Thursday and Friday November 27th & 28th for Thanksgiving. Our offices will re-open Monday, December 1st, at 8 am.

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

Alternate Key: 1558109 Parcel ID: 00454520-000000

Ownership Details
Mailing Address:
MAGNOLIA 101 LLC
195 N AIRPORT RD
TAVERNIER, FL 33070

Property Details
PC Code: 10 - VACANT COMMERCIAL
Millage Group: 500K
Affordable Housing: No
Section-Township-Range: 28-61-39
Property Location: VACANT LAND KEY LARGO
Subdivision: OCEAN ACRES
Legal Description: OCEAN ACRES PB1-188 KEY LARGO BLK 20 G9-529-29 OR1111-1311/21PROBATE OR1111-1306 OR1393-184/213FJ OR1548-1551Q/C OR1548-1552 OR1972-1096/1100 OR2160-1063/64 OR2348-1824
Click Map Image to open interactive viewer

Land Details

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Appraiser Notes

CA2(2)= 1104 SF (BLDG PERMIT 91-3-3552)

Building Permits

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Parcel Value History

Certified Roll Values.

View Taxes for this Parcel.

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<th>Total Misc Improvement Value</th>
<th>Total Land 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 63,465 times.

Monroe County Monroe County Property Appraiser
Scott P. Russell, CFA
P.O. Box 1178 Key West, FL 33041-1176
Monroe County Property Appraiser - Radius Report

AK: 1558061 Parcel ID: 00454180-000000 Physical Location ATLANTIC DR KEY LARGO
Legal Description: ALL BK 16 AND BK 17 LESS THE S 66 FT OF THE E 69 FT OCEAN ACRES PB1-188 KEY LARGO OR504-591()
Owners Name: FLORIDA KEYS AQUEDUCT AUTHORITY
Address: 1700 KENNEDY DR KEY WEST FL 33040-4021

AK: 1557803 Parcel ID: 00454220-000000 Physical Location VACANT LAND KEY LARGO
Legal Description: OCEAN ACRES KEY LARGO PB1-188 LOTS 35-36 & 45 SEC. 28 TWP-61S R-30E SQR 4 OR504-591 OR1031-14750 OR1031
Owners Name: MAGNOLIA 101 LLC
Address: 195 N AIRPORT RD TAVERNIER FL 33070

AK: 0916314 Parcel ID: 00454490-000000 Physical Location 230 MAGNOLIA ST KEY LARGO
Legal Description: OCEAN ACRES PB1-88 KEY LARGO THE S 60 FT OF THE E 60 FT OF BK 17 OR504-591 OR1031-14750 OR1031
Owners Name: CROWN CASTLE TOWERS 09 LLC C/O CROWN CASTLE USA INC
Address: 4017 WASHINGTON RD PMB 535 CANSUNGBURG PA 15317-2220

AK: 1557708 Parcel ID: 00454230-000000 Physical Location VACANT LAND KEY LARGO
Legal Description: OCEAN ACRES KEY LARGO PB1-188 LOTS 35-36 & 45 W/ 2 SQR 2 066-500 OR504-878875 OR504-1473 OR1C
Owners Name: BOARD OF TRUSTEES OF THE INTL TMP TRUST FUND OF THE ST OF FL WPL DEPT OF ENV PRO DIV OF ST
Address: 3900 COMMONWEALTH BLVD MAIL STATION 115 TALLAHASSEE FL 32399-3000

AK: 1557919 Parcel ID: 00454330-000000 Physical Location VACANT LAND KEY LARGO
Legal Description: OCEAN ACRES KEY LARGO PB1-188 LOTS 35-36 & 45 SEC. 28 TWP-61S R-30E SQR 8 OR504-591 OR1031-14750 C
Owners Name: BOARD OF TRUSTEES OF THE INTL TMP TRUST FUND OF THE ST OF FL WPL DEPT OF ENV PRO DIV OF ST
Address: 3900 COMMONWEALTH BLVD MAIL STATION 115 TALLAHASSEE FL 32399-3000

AK: 9008896 Parcel ID: 00454490-000101 Physical Location MAGNOLIA ST KEY LARGO
Legal Description: BUILDING ONLY
Owners Name: S MOBILITY BMN FL 0241 BELL SOUTH UNREG TAX SECT C/O CROWN CASTLE SOUTH
Address: 4017 WASHINGTON RD PMB 535 CANSUNGBURG PA 15317-2220

AK: 1558113 Parcel ID: 00454550-000000 Physical Location VACANT LAND KEY LARGO
Legal Description: OCEAN ACRES PB1-188 KEY LARGO BLK 23 OR504-814 OR7 72-1647 OR1596-15737 FJ OR2235-168587
Owners Name: TITF
Address: 3900 COMMONWEALTH BLVD TALLAHASSEE FL 32399-3000

AK: 1557137 Parcel ID: 00453550-000000 Physical Location 219 OLEANDER DR KEY LARGO
Legal Description: BK 1 LT 6 SILVER LAKE PARK SUBD KEY LARGO PB4-95 O R520-28 OR532-488 DC OR824-489 OR1845-16982 Q
Owners Name: TOMKO GERALD G AND RACHEL K
Address: 219 OLEANDER DR KEY LARGO FL 33037

AK: 1557699 Parcel ID: 0045310-000000 Physical Location VACANT LAND KEY LARGO
Legal Description: BK 1 LT 2 SILVER LAKE PARK SUBD PB4-95 KEY LARGO OR R389-824/25 OR837-111 OR1468-126 OR1695-2023/7
Owners Name: COUNTY OF MONROE
Address: 500 WHITEHEAD ST KEY WEST FL 33040

AK: 1557129 Parcel ID: 0045340-000000 Physical Location VACANT LAND KEY LARGO
Legal Description: BK 1 LT 5 SILVER LAKE PARK SUBD KEY LARGO PB4-95 OR R541-46 OR1941-2450
Owners Name: MONROE COUNTY COMPREHENSIVE PLAN LAND AUTHORITY
Address: 1200 TRUMAN AVE STE 207 KEY WEST FL 33040-7270

AK: 1557690 Parcel ID: 0045380-000000 Physical Location VACANT LAND KEY LARGO
Legal Description: BK 10 LT 4 OCEAN ACRES KEY LARGO PB1-188 LOTS 5-3 6 & 45 SEC 28 TWP-61S R-30E SQR 4 OR504-591 OR504
Owners Name: BOARD OF TRUSTEES OF THE INTL TMP TRUST FUND OF THE ST OF FL DEPT OF ENV PRO DIV OF ST
Address: 3900 COMMONWEALTH BLVD MAIL STATION 115 TALLAHASSEE FL 32399-3000

November 24, 2014
<table>
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<tr>
<th>AK: 1058109</th>
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<th>Physical Location</th>
<th>VACANT LAND</th>
<th>Key Largo</th>
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<tr>
<td>Owners Name:</td>
<td>magnolia 101 llc</td>
<td>Applicant</td>
<td>Tavernier</td>
<td>FL 33070</td>
</tr>
<tr>
<td>Address:</td>
<td>195 N Airport Rd</td>
<td></td>
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<th>Physical Location</th>
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<th>Key Largo</th>
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<tr>
<td>Owners Name:</td>
<td>board of trustees of the intnl imp trust fund of the st of fl % fl dept of env pro div</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td>3900 commonwealth blvd mail station 115</td>
<td>Tallahassee</td>
<td>FL 32305-3000</td>
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<th>Parcel ID: 00087700-000000</th>
<th>Physical Location</th>
<th>10301 Overseas</th>
<th>Key Largo</th>
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<tr>
<td>Owners Name:</td>
<td>key largo wastewater treatment district</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td>PO Box 370-491</td>
<td>Key Largo</td>
<td>FL 33037-0491</td>
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<th>Physical Location</th>
<th>300 Atlantic Dr</th>
<th>Key Largo</th>
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</thead>
<tbody>
<tr>
<td>Owners Name:</td>
<td>santeri christopher d and pamela</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Address:</td>
<td>PO Box 3006</td>
<td>Key Largo</td>
<td>FL 33037</td>
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<th>VACANT LAND</th>
<th>Key Largo</th>
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<tr>
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<td>key largo wastewater treatment district</td>
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<tr>
<td>Address:</td>
<td>PO Box 491</td>
<td>Key Largo</td>
<td>FL 33037</td>
<td></td>
</tr>
</tbody>
</table>
FLORIDA KEYS AQUEDUCT AUTHORITY
1100 KENNEDY DRIVE
KEY WEST, FL 33040

CROWN CASTLE TOWERS 09, LLC
C/O CROWN CASTLE USA, INC.
4017 WASHINGTON ROD. PMB 353
CANONSBURG, PA 15317-2530

S MOBILITY BMIN FL 0241
BELLSOUTH UNREG TAX SECT
C/O CROWN CASTLE SOUTH
4017 WASHINGTON ROD. PMB 353
CANONSBURG, PA 15317-2530

COUNTY OF MONROE
C/O BOARD OF COUNTY COMMISSIONERS
500 WHITEHEAD STREET
KEY WEST, FL 33040

BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY
500 WHITEHEAD STREET
KEY WEST, FL 33040

ROBERT M. & YVETTE DOHERTY L/E
13 BAY ROAD
KEY LARGO, FL 33037

TIIFF
C/O DEP
3900 COMMONWEALTH BLVD.
MAIL STATION 115
TALLAHASSEE, FL 32399-3000

TIETF
C/O DEP
3900 COMMONWEALTH BLVD.
MAIL STATION 115
TALLAHASSEE, FL 32399-3000

MONROE COUNTY COMPREHENSIVE PLAN AUTHORITY
12000 TRUMAN AVE., SUITE 207
KEY WEST, FL 33040

JTW ACCOUNT SERIES LLC SERIES 1 C/O JTW INC. AGENT ASHTON DEPEYSTER G FLASH GP INC 8409 N. MILITARY TRAIL, SUITE 107 WET PALM BEACH, FL 33410-6321

KEY LARGO WASTE WATER TREATMENT DISTRICT
PO BOX 491
KEY LARGO, FL 33037-0491

CHRIS D & PAMELA SANTE
PO BOX 3006
KEY LARGO, FL 33037

BOARD OF TRUSTEES OF THE INTNL TRUST FUND OF THE ST OF FL & FL DEPT OF ENV PRO DIV OF ST LANDS 3900 COMMONWEALTH BLVD.
MAIL STATION 115
TALLAHASSEE, FL 32399-3000
December 1, 2014

Monroe County Planning and
Environmental Resources Department
Marathon Government Center
2798 Overseas Highway, Suite 400
Marathon, FL 33050

AGENT AUTHORIZATION - LUD MAP AMENDMENT APPLICATION

Property: 101 Magnolia, Key Largo FL
Owner: Magnolia 101 LLC
RE#: 00454520
Alt Key: 1558109

To Whom it May Concern:

This shall confirm that Brian Lindback, MGR, Magnolia 101 LLC, has authorized Scott Black, and Vernis and Bowling, to act as its agent with regard to its LUD map amendment application and request. Accordingly, please direct all communications regarding the map amendment request to our office. In accordance with the LUD amendment instructions, Mr. Lindback's notarized authorization is below. Please contact our office if anything further is needed to process the application request.

Sincerely,

Scott C. Black
For the Firm

STATE OF FLORIDA  
COUNTY OF MONROE  

I, Brian Lindback, hereby authorize Scott Black and Vernis and Bowling to act as my agent as it pertains to the LUD map amendment application.

Brian Lindback

The foregoing instrument was acknowledged before me this 44th day of December, 2014, by Brian Lindback, who is personally known to me or who has produced identification and who did take an oath.

THERON C. SIMMONS
NOTARY PUBLIC
MY COMMISSION EXPIRES: 11/15/16

WWW.NATIONAL-LAW.COM
April 29, 2013

William W. Riley
Bilzin Sumberg Attorneys at Law
1450 Brickell Avenue
Miami, FL 33131

SUBJECT: LETTER OF UNDERSTANDING CONCERNING FOUR (4) PARCELS OF LAND OWNED BY MAGNOLIA 101 LLC, LOCATED ON MAGNOLIA STREET, KEY LARGO AND HAVING REAL ESTATE NUMBERS 00454110.000000, 00454220.000000, 00454230.000000 AND 00454520.000000

Mr. Riley,

Pursuant to §110-3 of the Monroe County Code (MCC), this document shall constitute a Letter of Understanding (LOU). On February 6, 2013, a Pre-Application Conference regarding the above-referenced property was held at the office of the Monroe County Planning & Environmental Resources Department in Marathon. Attendees of the meeting included William Riley, Brian Lindback, and Howard Nelson (hereafter referred to as “the Applicant”) and Townsley Schwab, Senior Director of Planning & Environmental Resources, Michael Roberts, Senior Administrator of Environmental Resources, Joseph Haberman, Planning & Development Review Manager, and Kathleen Windsor, Code Compliance (hereafter referred to as “Staff”).

Materials presented for review included:

(a) Pre-Application Conference Request Form;
(b) Monroe County Property Record Cards;
(c) Monroe County Land Use District Map and Future Land Use Map; and
(d) Site Plan by unknown and not dated.

I. APPLICANT PROPOSAL

The Applicant is proposing to redevelop the site by expanding the area in which the existing waste separation facility was originally approved to utilize by Development Order #02-02
II. SUBJECT PROPERTY DESCRIPTION

1. The subject property is located at the eastern end of Magnolia Street on Key Largo, situated at approximate mile marker 100 on the Atlantic Ocean side of US 1. The business currently operating on the property is Atlantic Trash & Transfer LLC.

2. The property is comprised of four adjacent parcels, legally described as Squares (also referred to as Lots) 1, 4, 5, 20, Ocean Acres (PB1-188), Key Largo, Monroe County, Florida and assessed under real estate (RE) numbers 00454110.000000 (Lot 1), 00454220.000000 (Lot 4), 00454230.000000 (Lot 5) and 00454520.000000 (Lot 20). Note: The property is often referred to as part Lots 35, 36 and 45, which, as shown on the plat, underlie the squares referenced in the preceding legal description.

3. According to the Ocean Acres plat, Lot 1 consists of 38,020 SF of land area (190.1' x 200'), Lot 4 consists of 38,020 SF of land area (190.1' x 200'), Lot 5 consists of 38,000 SF of land area (190' x 200'), and Lot 20 consists of 43,000 SF of land area (215' x 200').

All calculations included in this letter are based on the dimensions provided on the plat, which may be inaccurate. A boundary survey was not submitted for review. In addition, the site plan submitted with the application did not provide the total amount of upland. A sealed boundary survey indicating the total amount of upland area shall be required at the time of application submittal for any development approval affecting open space or land use intensity. If the amount of upland area provided on the boundary survey differs from the dimensions on the plat, then calculations provided in this letter are subject to change.
III. RELEVANT PRIOR PLANNING & ENVIRONMENTAL RESOURCE DEPT. ACTIONS

1. In 1991, the Monroe County Building Department issued Building Permit #913-3552, approving the construction of a 1,104 SF unenclosed storage shed on Lot 20. This is the first building permit on file for the subject property. In 1999, the Building Department issued Building Permit #993-0162 approving security lighting for the outdoor storage area on Lot 20.

2. In 2002, a minor conditional use permit was issued for the construction of a 1,104 SF structure to be used as a waste separation facility on Lot 20 (Planning Department File #22016). The approval was memorialized by Development Order #02-02, signed by the planning director on April 28, 2002 and recorded in the official records of Monroe County on June 7, 2002.

3. In 2003, the Building Department issued Building Permit #023-3419, approving the construction of a 1,106 SF commercial building on Lot 20 and other site improvements related to Development Order #02-02 (note: the building permit file is filed with RE 00454110.000000, not RE 00454520.000000). The building received a certificate of occupancy on November 7, 2003. In addition, since 2002, several other building permits have been issued on Lot 20 to facilitate the waste separation facility.

IV. REVIEW

The following land development regulations directly affect the proposal; however, please note that there are other land development regulations not referred to nor described in this letter which may govern future development as well.

1. In 1992, a revised series of zoning maps, entitled the Official Land Use District Map, were adopted for all areas of the unincorporated county. This map series, dated 1988, consisted of 583 sheets scaled at 1”=20’. On the Official Land Use District Map, the subject property is partially within a Suburban Commercial (SC) land use (zoning) district (western side) and partially within a Suburban Residential (SR) land use (zoning) district (eastern side). Note: Lots 20 and 1 are partially SC and partially SR, while Lots 4 and 5 are entirely SR.

In 1993, a series of future land use maps associated with the comprehensive plan, entitled the Future Land Use Map (FLUM), were adopted for all areas of the unincorporated county. This map series, which became effective in 1997, consisted of 8 sheets scaled at 1”=2,000’.

Using the Monroe County GIS database - consistent with the boundaries of the SC district, the property is within a Mixed Use / Commercial (MC) FLUM category and consistent with the boundaries of the SR district, the property is within a Residential Low (RL) FLUM.
category. Note: Lots 20 and 1 are partially MC and partially RL, while Lots 4 and 5 are entirely RL.

The boundaries of the FLUM for the subject property and surrounding area as shown on the official FLUM Map are as follows:

As presented by Staff to the Applicant at the pre-application conference, the boundaries of the FLUM for the subject property and surrounding area as shown in the GIS database were as follows:

Magnolia 101 LLC, Key Largo, Letter of Understanding (File #2013-013)
At the pre-application conference, the Applicant did not dispute the land use district boundaries; however, the Applicant did dispute the FLUM boundaries as they are depicted in the county’s GIS database. Following an independent review of the official FLUM map, the Applicant asserted that the MC/RL boundary line runs north/south, not northeast/southwest. Under this interpretation, Lot 20 is designated MC in its entirety, as opposed to partially MC and partially RL.

Pursuant to MCC §102-21(b)h., the planning director has the jurisdiction and the authority to render interpretations of the FLUM.

After a detailed review of the official FLUM map (attached), the planning director has concluded that the MC/RL line does in fact run north/south and not at an angle. Using geographic points on the map, staff has also concluded that Lot 20 is entirely within the MC future land use category; however, using the same logic, Lot 1, which is located northeast of Lot 20, is entirely within the RL future land use category.

The amended boundaries of the FLUM for the subject property and surrounding area as shown in the GIS database are as follows:

With this FLUM boundary interpretation, there is an inconsistency between the Official Land Use District Map and the official FLUM. The Applicant may submit a map amendment application to modify either map to resolve the inconsistency or await a county-initiated process that would address remedying the inconsistency (however please be aware that the county does not have any immediate plans to do so at this time or in the near future).
2. Lot 20 (RE 00454520.000000) is designated Tier III. Lot 1 (RE 00454110.000000, Lot 4 (RE 00454220.000000) and Lot 5 (RE 00454230.000000) are designated Tier I.

3. The Applicant’s proposal involves expanding the operations of the waste separation facility, which is a light industrial use, to all areas of Lot 20.

All of Lot 20 is MC on the official FLUM. A light industrial use would be consistent with the purpose of the MC future land use category as set forth Comprehensive Plan Policy 101.4.5, which is to provide for the establishment of commercial 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.

A portion of Lot 20 is SC on the Official Land Use District Map. Pursuant to MCC §130-43, light industrial use is consistent with the purpose of the SC district, which 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.

The remaining portion of Lot 20 is SR on the Official Land Use District Map. Pursuant to MCC §130-44, a light industrial use is not consistent with the purpose of the SR district, which is to establish areas of low- to medium-density residential uses characterized principally by single-family detached dwellings.

Prior to any approval allowing light industrial use of all of Lot 20, the Official Land Use District Map must be amended.

4. As shown on the proposed site plan, the Applicant is proposing to develop the subject property with a 900 SF “Class I Waste Transfer Building” and several accessory structures and outdoor storage areas associated with the light industrial use.

Pursuant to MCC §130-93, in the SC district, density-permitting, light industrial uses may be permitted with a minor conditional use permit, provided that a) the parcel proposed for development does not have an area of greater than two acres; b) the parcel proposed for development is separated from any established residential use by at least a class C buffer yard; and c) all outside storage areas are screened from adjacent use by a solid fence, wall or hedge at least six feet in height.

Pursuant to MCC §130-94, in the SR district, light industrial uses are not permitted.

Prior to any approval allowing light industrial use of all of Lot 20, the Official Land Use District Map must be amended.

5. If the Applicant successfully receives a map amendment to designate all of Lot 20 as SC, an amendment to the site’s minor conditional use permit will be required prior to the issuance of any building permits related to the expansion. Minor conditional use permit applications
are approved, approved with conditions or denied by the planning director following a public meeting of the Development Review Committee.

Pursuant to MCC §110-67, when considering applications for a minor conditional use permit, the planning director shall consider the extent to which 1) the conditional use is consistent with the purposes, goals, objectives and standards of the Comprehensive Plan and the MCC; 2) the conditional use is consistent with the community character of the immediate vicinity of the parcel proposed for development; 3) the design of the proposed development minimizes adverse effects, including visual impacts, or the proposed use on adjacent properties; 4) the proposed use will have an adverse effect on the value of surrounding properties; 5) the adequacy of public facilities and services, including, but not limited to, roadways, park facilities, police and fire protection, hospital and Medicare services, disaster preparedness program, drainage systems, refuse disposal, water and sewers, judged according to standards from and specifically modified by the public facilities capital improvements adopted in the annual report required by the Land Development Code; 6) the applicant for conditional use approval has the financial and technical capacity to complete the development as proposed and has made adequate legal provision to guarantee the provision and development of any open space and other improvements associated with the proposed development; 7) the development will adversely affect a known archaeological, historical or cultural resource; 8) public access to public beaches and other waterfront areas is preserved as a part of the proposed development; and 9) the proposed use complies with all additional standards imposed on it by the particular provision of the Land Development Code authorizing such use and by all other applicable requirements of the MCC.

6. If the Applicant successfully receives a map amendment to designate all of Lot 20 as SC, in the SC district, the following land use intensities apply:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Floor Area Ratio (FAR)</th>
<th>Size of Site</th>
<th>Maximum Allowed</th>
<th>Proposed Amount of Building Floor Area</th>
<th>Potential Used</th>
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<tr>
<td>Light industry</td>
<td>0.30 FAR</td>
<td>43,000 SF</td>
<td>12,900 SF</td>
<td>900 SF</td>
<td>7%</td>
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</table>

As proposed, the building would not exceed that allowed by the land use intensity requirements.

Note: there is not a FAR for light industrial uses in the SR district as such uses are not permitted.

7. In the SC district, there is a required open space ratio of at least 0.20 or 20 percent. In the SR district, there is a required open space ratio of at least 0.50 or 50 percent.

The site plan submitted in the application does not provide enough information to fully determine if the proposed development is in compliance with the open space requirements.
8. The required non-shoreline setbacks in the SC and SR districts are as follows: Front yard – 25'; Rear yard – 10'; and Side yard – 10'/15' (where 10' is required for one side and 15' is the minimum combined total of both sides).

There is a front yard setback requirement of 25’ along the right-of-way of Magnolia, a 5’ side yard setback requirement along the western property line, a 10’ side yard setback along the eastern property line and a 10’ rear yard setback along the southern property line.

Staff could not determine if the proposed new development would be in compliance as the site plan was not provided in scale.

9. The development would be subject to the following off-street parking requirements:

<table>
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<tr>
<th>Specific Use</th>
<th>Multiplier</th>
<th>Proposed</th>
<th>Required Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial</td>
<td>2 space / 1,000 SF</td>
<td>900 SF</td>
<td>1 space</td>
</tr>
</tbody>
</table>

If the site is open to the public, an additional handicap-accessible space shall be required. If there are 1 to 25 total parking spaces in a lot, at least one accessible parking space is required. Such spaces shall be designed and marked for exclusive use of those individuals who have a severe physical disability and have permanent or temporary mobility problems who have been issued either a disabled parking permit or a license plate. In addition, parking access aisles must be part of an accessible route to the building entrance. The access aisle shall be striped diagonally to designate it as a no-parking zone. Curb ramps must be located outside of the disabled parking spaces and access aisles.

All regular parking spaces, with the exception of parallel, must be at least 8’6” in width by 18’ in length. Parallel parking spaces must be 8’6” in width by 25’ in length. Handicap-accessible parking spaces must be at least 12’ in width with an access aisle of 5’ in width. Further, each required parking space shall have direct and unrestricted access to an aisle of the following minimum width:

<table>
<thead>
<tr>
<th>Parking Pattern</th>
<th>One Way Aisle Width</th>
<th>Two Way Aisle Width</th>
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</thead>
<tbody>
<tr>
<td>0 degrees</td>
<td>12’</td>
<td>24’</td>
</tr>
<tr>
<td>30/45 degrees</td>
<td>15’</td>
<td>24’</td>
</tr>
<tr>
<td>60 degrees</td>
<td>18’</td>
<td>24’</td>
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<tr>
<td>75 degrees</td>
<td>22’</td>
<td>24’</td>
</tr>
<tr>
<td>90 degrees</td>
<td>24’</td>
<td>24’</td>
</tr>
</tbody>
</table>

Parking is not shown on the proposed site plan.

10. All non-residential uses with 0 SF to 2,499 SF of floor area are required to have a loading/unloading space, measuring 11’ by 35’.

The proposed site plan shows a 15, by 80’ loading area.

11. A district bufferyard is required. Along a SC/SR boundary line, a class “D” district boundary bufferyard is required. A class “D” bufferyard has a minimum width of 20’ and
its planting requirements are described/illustrated in MCC §114-128. Existing vegetation may satisfy all or a portion of the bufferyard requirements.

A landscaping plan was not provided.

12. There are clearing limits for new development.

For Lot 20, which is tier III, 40 percent of upland native vegetation or 3,000 SF, whichever is greater, may be cleared; however, the maximum amount of clearing shall be no more than 7,500 SF of upland native vegetative area.

The clearing of parcels in tier III shall be limited to 7,500 SF per parcel. For parcels greater than 30,000 SF, with the exception of parcels on Big Pine Key and No Name Key, clearing for one driveway of reasonable configuration up to 18' in width is permitted to provide reasonable access to the property for each parcel and shall be exempt from maximum clearing limit of 7,500 SF. Clearing for a driveway shall be recommended by a county biologist and approved by the planning director. The proposed driveway design shall minimize fragmentation; avoid specimen trees; and take the shortest reasonable route. In no case shall clearing, including the driveway, exceed 20 percent of the entire site.

There has been previous clearing that has been carried out without the benefit of a building permit. Such clearing shall require after-the-fact approval with appropriate mitigation.

13. Mitigation will be required for qualifying native vegetation removed for development. The number, species and sizes of plants to be mitigated shall be identified in an existing conditions report prepared and submitted by the Applicant and approved by the County Biologist.

There has been previous clearing that has been carried out without the benefit of a building permit. Such clearing shall require after-the-fact approval with appropriate mitigation.

14. In accordance with MCC §118-7(1), to the maximum extent practicable, development shall be sited so as to preserve all 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 4”.

15. There is an existing access drive to the site, to/from Magnolia Street. As shown on the proposed site plan, access would remain the same.

16. A stormwater management plan shall be required as a part of any conditional use permit or building permit application that involves modifications to the site. This plan shall detail pre and post development water flow and storage on site with supporting calculations. Pursuant to MCC §114-3(e), water management areas shall be legally reserved to and maintained by the operational entity and be dedicated on the plat, deed restriction, or easements. Any change in the use of the property must comply with this regulation and any other requirements of the Comprehensive Plan and the Land Development Code. Stormwater
management areas shall be connected to a public road or other location from which operation and maintenance means of access are legally and physically available to the operational entity, in accordance with county land development regulations governing subdivision of land. As provided in MCC §114-3 (g), it is the responsibility of the applicant to provide a stormwater management plan for the development that contains sufficient information for the planning director to evaluate the environmental and stormwater discharge characteristics of the affected areas, the potential and predicted impacts of the proposed activity on community waters, and the effectiveness and acceptability of those measures proposed by the applicant for reducing adverse impacts. The stormwater management plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, calculations, explanations, and citations to supporting references, and any additional information deemed necessary by the planning director. The stormwater management plan must be sealed by an engineer registered in the state with experience in stormwater management and drainage design.

Note: Building Permit #103-7017 was issued on April 11, 2011 for stormwater-related improvement on Lot 20.

17. No structure or building shall be developed that exceeds a maximum height of 35'. Height means the vertical distance between grade and the highest part of any structure, including mechanical equipment, but excluding chimneys; spires and/or steeples on structures used for institutional and/or public uses only; radio and/or television antenna, flagpoles; solar apparatus; utility poles and/or transmission towers; and certain antenna supporting structures with attached antenna and/or collocations as permitted in MCC Chapter 146. However, in no event shall any of the exclusions enumerated in this section be construed to permit any habitable or usable space to exceed the applicable height limitations.

Grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure, or the crown or curb of the nearest road directly adjacent to the structure, whichever is higher.

Building elevations were not provided.

18. A traffic study was not submitted. The projected trip generation and level of service of US 1 directly affect whether or not the redevelopment may be permitted or prohibited. The County's traffic consultant shall review the traffic impact analysis as part of a development approval application to determine to what extent the redevelopment will affect the level of service along US 1. According to the 2012 US 1 Arterial Travel Time and Delay Study, Segment 23 of US 1 had an “A” level of service.

19. No building permit shall be issued by the county for impact-producing development unless the applicant has paid the applicable impact fees. Therefore, for redevelopment that increases the amount of dwelling units and/or non-residential floor area above that existing on the site prior to redevelopment, an impact fee(s) will be assessed.
V. OTHER ISSUES CONCERNING THE PROPOSAL

1. As part of the previous approval authorized by Development Order #02-02, the County applied a condition requiring the property owner to place a conservation easement of the SR portion of Lot 20. The Applicant would like the County to remove this condition in order to allow the expansion of light industrial use on Lot 20 into the area previously conditioned for conservation. Staff would consider dissolving this condition if the Applicant placed additional land, such Tier I-designated Lot 1 (RE 00454110.000000, Lot 4 (RE 00454220.000000) and Lot 5 (RE 00454230.000000), into a new conservation easement and/or donated such land to the County. Such an arrangement shall only be reviewed in full and agreed upon during the amendment to the minor conditional use permit process.

2. Any development on Key Largo shall be consistent with all goals, strategies and action items of the Key Largo Livable Communities Plan. A copy of this plan will be provided upon request.

3. The Applicant inquired about the possibility of a successful road abandonment of Magnolia Street. Staff cannot make any recommendations related to a future application. The Applicant can submit a road abandonment petition and it will be processed in accordance with MCC §19-1:

Sec. 19-1. Abandonment of rights-of-way.
(a) No dedicated and accepted right-of-way in the county shall be abandoned where:
   (1) The right-of-way terminates on a body of open water; or
   (2) The right-of-way provides access to the public to land on open water; or
   (3) The abandonment would preclude a way for the public to maintain access to the water.
(b) In all other cases of abandonment, no right-of-way shall be abandoned unless there is an agreement to do so by all affected property owners. For purposes of this subsection, an affected property owner is the owner of property which, if the right-of-way is abandoned, will:
   (1) Have access that is currently used by that property owner eliminated;
   (2) Have the only platted access eliminated;
   (3) Have the paved area adjacent to that property increased for turn-around purposes; or
   (4) Be increased in size.
(c) A road may be abandoned only at the terminal portion of the road and in its full width unless the abandonment will comply with the County Code requirements for road, turn-around, and fire-rescue access and one of the following circumstances exists:
   (1) An adjacent lot owner has on the platted right-of-way or within a setback a substantial structure which predates the Special Session Law 59-1578 pertaining to maps, plats and right-of-way. The term "substantial structure" specifically does not include wood or metal fences, sheds or tiki huts or other items not listed which are accessory structures.
   (2) The abandonment is requested by a county department or governmental agency for a public purpose.
   (d) The board of county commissioners considers these a restriction on the rights of individuals who desire to abandon properties in accordance with F.S. § 336.09.

4. Prior to the issuance of any building permit, if such review is required, all proposed development shall be found in compliance by the Monroe County Building Department, the
Monroe County Public Works Division and the Monroe County Office of the Fire Marshal. Staff recommends that the Applicant coordinate with these offices prior to application submittal. The Planning & Environmental Resources Department does not review for compliance with the Florida Building Code.

5. The site is designated partially within AE-EL 8, AE-EL 9 and AE-EL 10 flood zones on the Federal Emergency Management Agency (FEMA)'s flood insurance rate maps. All new structures must be built to floodplain management standards that meet those for flood protection.

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Pursuant to MCC §110-3, you are entitled to rely upon the representations set forth in this letter as accurate under the regulations currently in effect. This letter does not provide any vesting to the existing regulations. If the Monroe County Code or Comprehensive Plan is amended, the project will be required to be consistent with all regulations and policies at the time of development approval. The Department acknowledges that all items required as a part of the application for development approval may not have been addressed at the meeting, and consequently reserves the right for additional comment.

You may appeal decisions made in this letter. The appeal must be filed with the County Administrator, 1100 Simonton Street, Gato Building, Key West, FL 33040, within thirty (30) calendar days from the date of this letter. In addition, please submit a copy of your application to Planning Commission Coordinator, Monroe County Planning & Environmental Resources Department, 2798 Overseas Highway, Suite 410, Marathon, FL 33050.

We trust that this information is of assistance. If you have any questions regarding the contents of this letter, or if we may further assist you with your project, please feel free to contact our Marathon office at (305)289-2500.

Sincerely yours,

Townsley Schwab,
Senior Director Planning & Environmental Resources

CC: Joseph Haberman, Planning & Development Review Manager
    Michael Roberts, Senior Administrator of Environmental Resources
    Mayte Santamaria, Assistant Director of Planning
    Ronda Norman, Director of Code Compliance
Detail by Entity Name

Florida Limited Liability Company

MAGNOLIA 101 LLC

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Changed: 03/15/2010

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