

File #: 2019-223

Owner's Name: Florigan Group, LLC

Applicant: Smith Hawks, PL

Agent / Contact: Chelsea Vanadia

Type of Application: Major CUP

Key: Big Pine Key

RE #: 00111720.000000

Additional Information added to File 2019-223

PLANNING COMMISSION RESOLUTION NO. P43-04

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION **APPROVING** WITH CONDITIONS THE REQUEST FOR AN AMENDMENT TO A MAJOR CONDITIONAL USE FILED BY STRIKE ZONE CHARTERS, INC. FOR THE ADDITION OF 2,147 SQUARE FEET OF NON-RESIDENTIAL FLOOR AREA FOR STORAGE PURPOSES OF EQUIPMENT AND MATERIALS UTILIZED BY THE CHARTER BOAT BUSINESS LOCATED ON PROPERTY LEGALLY DESCRIBED AS "TOWNSHIP 66, SECTION 27, RANGE 29, PART OF LOT 1, BIG PINE KEY, MONROE COUNTY, FLORIDA." THE REAL ESTATE NUMBER IS 00111720.000000.

WHEREAS, during a regular scheduled meeting held on September 8, 2004, the Monroe County Planning Commission conducted a public hearing on the request filed by Strike Zone Charters, Inc. to add 2,147 square feet of non-residential floor area for storage purposes of equipment and materials used in the charter boat business; and

WHEREAS, Strike Zone Charters, Inc. is the owner of the above real property which is located on a parcel of land legally described as "Township 66, Section 27, Range 29, part of Lot 1, Big Pine Key, Monroe County, Florida; and

WHEREAS, the requested amount of non-residential square footage (2,147 sq. ft.) is subject to the Non-residential Rate of Growth Ordinance (NROGO); and

WHEREAS, the property is located in the Sub Urban Commercial (SC) land use district and the Future Land Use Map designation is Mixed Use/Commercial; and

WHEREAS, the Planning Commission was presented with the following evidence, which by reference is hereby incorporated as part of the record of said hearing:

1. Survey prepared by Harold Overbeck, PLS, dated 12/17/03, No. 93287.
2. Site plan for proposed new addition, signed and sealed by Glenn Gray & Associates, dated 5/6/04, Sheet 1 of 10.
3. Revised site plan, signed and sealed by Glenn Gray & Associates, dated 6/7/04, Sheet 1 of 10.
4. Aerial photos.
5. Monroe County Property Record Card.
6. Planning Commission Resolution P70-94.
7. Major Conditional Use Development Order #01-95.

8. Department of Community Affairs Settlement Agreement Case #95-3502DRI.
9. Vegetation survey prepared by Robert Smith, dated 9/25/94.
10. Conceptual drainage plan, prepared by Allen Perez, dated 1/27/04 (revised site plan dated 5/13/04 signed 5/14/04), Sheet C-1.
11. Monroe County Sheriff's theft reports, nos. 006409 and 123348.
12. Level I Traffic Study by Transport Analysis Professionals (TAP), dated October, 2003.
13. Pre-application Conference Letter of Understanding dated 8/18/04.
14. Additional traffic information from TAP, dated 3/25/04.
15. Letter from URS, dated 6/14/04.
16. Letter from URS, dated 6/21/04.
17. Public Comment Letters

WHEREAS, the Planning Commission has made the following Findings of Fact and Conclusions of Law based on the evidence presented:

1. Based on Condition #14 of Resolution P70-94, a hearing on an Amendment to a Major Conditional Use was conducted in order to receive approval for the requested 2,147 square feet of non-residential floor area for storage purposes. The 409 square feet of existing, unpermitted non-residential floor area used for storage shown on the site plan shall be included with the proposed 1,738 square feet of new non-residential floor area for a total of 2,147 square feet in order to legitimize the previously unpermitted floor area. Therefore, we conclude that the appropriate manner of review is being conducted for the proposed additional non-residential floor area.
2. Based on Section 9.5-124 of the Monroe County Land Development Regulations the additional non-residential floor area is subject to the Non-residential Rate of Growth Ordinance (NROGO) and must apply for an allocation as indicated in Section 9.5-124. Therefore, we conclude that the additional 2,147 square feet of non-residential floor area must receive an NROGO allocation prior to the issuance of a building permit.
3. Based on the plans submitted, the surface water management/conceptual drainage plan will be reviewed by the County Engineer following the recordation of this resolution. Therefore, we conclude that the stormwater management/conceptual drainage plan shall be reviewed and approved by the County Engineer prior to the issuance of a building permit.
4. Based on the letter from the Monroe County Traffic Consultant, dated June 21, 2004, the proposed additional non-residential floor area will not generate additional trips to the site. Therefore, we conclude that no additional trips will be generated.

5. Based on the letter from U.S. Fish and Wildlife, dated April 6, 2004, the proposed additional non-residential floor area will not have an adverse impact on threatened or endangered species. Therefore, we conclude that the proposed additional non-residential floor area is consistent with the Habitat Conservation Plan and the Big Pine Key Master Plan.
6. Based on the letter from the Department of Health, dated February 2, 2004, a review of the existing on-site wastewater treatment system is required to determine if the proposed additional non-residential floor area will necessitate upgrades to the existing system. Therefore, we conclude that a complete Plan Review by the appropriate agency to determine compliance with Chapter 64E-6 of the Florida Administrative Code (FAC) and Chapter 381 of the Florida Statutes must be conducted prior to the issuance of a building permit.
7. Based on the determination of the Director of Planning, until such time that the Big Pine Key Master Plan becomes effective, the proposed project shall compete in the NROGO with the entire subarea of the Lower Keys. At such time as the Master Plan becomes effective the proposed project would then compete only with other projects on Big Pine Key and No Name Key. Therefore, we conclude that the project shall compete with the Lower Keys subarea until the Big Pine Key Master Plan is in effect.
8. Based on Resolution P70-94 the U.S.1 major street buffer shall be reduced to a width of ten feet with no reduction in the required number and species of plants. The Biologist determined on a site visit that the existing vegetation in the U.S.1 bufferyard consists of four canopy trees, zero understory trees and forty-five shrubs. The requirement per Section 9.5-378 is eleven (11) canopy trees, five understory trees and forty-five shrubs. Therefore, we conclude that seven canopy trees and five understory trees must be added to what is currently in the U.S.1 bufferyard prior to the issuance of a building permit.
9. Based on the request of the Planning Commission, an additional condition shall be added to indicate that the proposed additional non-residential floor area and its use for storage purposes only is consistent with Resolution P70-94 and DCA Settlement Agreement #95-3502DRI. Furthermore, the granting of this request shall not abrogate any condition of Resolution P70-94 or Settlement Agreement #95-3502DRI. Therefore, we conclude that all conditions and requirements of Resolution P70-94 and Settlement Agreement #95-3502DRI not specifically changed by this Resolution are still in effect for Strike Zone Charters, Inc. and the granting of this request for 2,147 square feet of non-residential floor area shall not abrogate any condition of either document.
10. Based on Resolution P70-94, we conclude that any future changes to the site shall be accomplished via the amendment to a conditional use process.

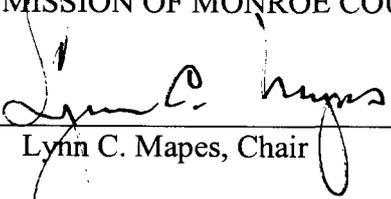
NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, that the preceding Findings of Fact and Conclusions of Law support its decision to **APPROVE** with conditions the request of Strike Zone Charters, Inc., for an Amendment to a Major Conditional Use to add 2,147 square feet of non-residential floor area for storage purposes only on a parcel of land legally described as "Township 66, Section 27, Range 29, part of Lot 1, Big Pine Key, Monroe County, Florida" subject to the following conditions:

1. The additional non-residential floor is subject to the NROGO and shall receive an allocation prior to the issuance of a building permit.
2. The applicant shall compete in the NROGO Lower Keys-wide until such time as the Big Pine Key Master Plan becomes effective and then the applicant shall compete against other applicants solely on Big Pine Key and No Name Key.
3. Prior to issuance of a building permit, approval of the surface water management plan by the County Engineer shall be provided.
4. A Plan Review shall be conducted by the Florida Department of Health and/or the Department of Environmental Protection to ensure compliance with Chapter 64E-6 of the F.A.C. and Chapter 381 of the Florida Statutes prior to the issuance of a building permit.
5. The U.S.1 bufferyard shall be brought into compliance with Resolution P70-94 via addition of seven (7) canopy trees and five (5) unnderstory trees prior to the issuance of a building permit.
6. All conditions of Resolution P70-94 and DCA Settlement Agreement #95-3502DRI not specifically changed by this Resolution remain in effect for Strike Zone Charters, Inc. and the granting of the request for additional non-residential floor area does not abrogate any condition associated with either document.
7. Any future changes to the site shall be accomplished via the amendment to a conditional use process.

PASSED AND ADOPTED by the Planning Commission of Monroe County, Florida, at a regular meeting held on the 8th day of September 2004.

Chair Lynn C. Mapes	<u>YES</u>
Vice Chair Denise Werling	<u>YES</u>
Commissioner David C. Ritz	<u>YES</u>
Commissioner Julio Margalli	<u>YES</u>
Commissioner James Cameron	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

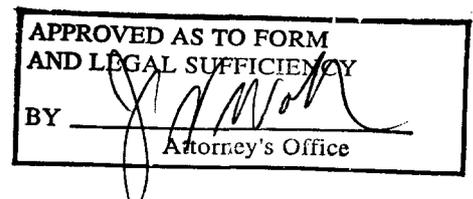
BY 
Lynn C. Mapes, Chair

Signed this 3rd day of November, 2004

MONROE COUNTY
OFFICIAL RECORDS

P43-04

Page 4 of 4



STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF COMMUNITY AFFAIRS,

Petitioner,

CASE NO. 95-3502DRI

vs.

LARRY THRELKELD AND STRIKE ZONE
CHARTERS, and MONROE COUNTY,
a political subdivision of the
State of Florida,

FILE #968879
BK#1424 PG#934
RCD Oct 02 1996 02:05PM
DANNY L KOLHAGE, CLERK

Respondents.

SETTLEMENT AGREEMENT

THIS AGREEMENT is entered into between Larry Threlkeld and Strike Zone Charters; and Monroe County; and the Department of Community Affairs ("DCA), an agency of the State of Florida, as a complete and final settlement of all claims raised in the above-styled appeal filed by DCA pursuant to s.380.07, Florida Statutes (F.S.).

WHEREAS, Larry Threlkeld and Strike Zone Charters are the owners of real property located at the corner of Ship's Way Drive and U.S. 1 on Big Pine Key, and further described as part of Government Lot 1, Section 27, Township 66 South, Range 29 East, Tallahassee Meridian, at approximately Mile Marker 30, in unincorporated Monroe County, Florida, as described in Resolution No. P70-94 attached hereto as Exhibit A; and

WHEREAS, Monroe County is a political subdivision of the State of Florida, and adopted Resolution No. P70-94 authorizing major conditional use at the above described location for a sport

fishing/dive operation limited to seven hundred (700) square feet of office/retail floor area, limited to the dive shop uses, on one acre of land with thirty-two (32) parking spaces, fuel storage of less than five hundred (500) gallons, and accessory structures, all serving a maximum of four dive/fishing charter boats having a total maximum capacity of 110 persons; and

WHEREAS, most of Monroe County, including the subject property, is located within the Florida Keys Area of Critical State Concern, as designated under ss.380.05 and 380.0552, F.S.; and;

WHEREAS, DCA is the state land planning agency having the power and duty to exercise general supervision of the administration and enforcement of Chapter 380, Florida Statutes, the Environmental Land and Water Management Act (the "Act"), and the rules and regulations promulgated thereunder, which include the Monroe County Comprehensive Plan and Land Development Regulations; and

WHEREAS, DCA is authorized by s. 380.032, F.S., to enter into an agreement with any landowner, developer or other governmental agency as may be necessary to effectuate the provisions and purposes of Chapter 380, F.S., or any related rule; and

WHEREAS, the Department timely appealed the subject resolution authorizing major conditional use to the Florida Land and Water Adjudicatory Commission pursuant to s.380.07, F.S.; and

WHEREAS, the parties hereto wish to avoid the expense and

delay of lengthy litigation and resolve the pending appeal of Resolution No. P70-94 under the terms and conditions set forth herein, which terms and conditions effectuate the provisions and purpose of the Act, and it is in their best interests to do so.

NOW, THEREFORE, in consideration of the terms and conditions set forth herein; and in consideration of the benefits to accrue to the parties to this agreement, the receipt and sufficiency of which are hereby acknowledged; and the full, complete and final settlement of all claims arising out of the above-styled appeal, the parties hereto agree as follows:

1. Representations. The representations set forth above are incorporated herein and are essential elements hereof.

2. Recitals. The parties hereby stipulate that the Owners shall adhere to and comply with all conditions of the major conditional use approved by Monroe County in Resolution No. P70-94 (Conditions 1-18, Exhibit A). In addition, Owners agree to adhere to and comply with the following conditions:

a. The parking area described in Conditions 1 and 2 of Exhibit A shall not be hard surfaced, and all parking shall be directed to the west end of the property along the western property line; and

b. Owners shall achieve the requirements of Condition 7, in part by erection of a fence along the landward side of the bulkhead on site, to be constructed of a material that will serve to block noise and light and to reduce the impacts of the subject business operation, so as to alleviate neighborhood disruption;

and

c. All exotic Australian Pines on site shall be removed;

and

d. The vegetation plans for the site, attached hereto as Exhibit B, shall be adhered to as sealed; shall be supported by a \$10,000.00 bond; and the vegetation activities shall be completed within one (1) year of the effective date of this agreement. The \$10,000 bond also shall cover other site improvements required by this agreement.

e. Owners shall comply with the assumptions utilized in the traffic impact study prepared in support of the charter fishing/dive operation being relocated at the subject site and restrict the number of daily trips for each vessel to two (2) trips per vessel, per day, not to exceed four (4) vessels under the ownership, operation and control of Owners at the subject site; and

f. Owners agree to use, and provide for their patrons' use, biodegradable soap, paper, garbage bags, etc., in order to decrease potential impacts of the operation to nearshore water quality; and

g. Owners shall extend only the bulkhead currently in place on the subject site, including, but not limited to, the addition of intermittent, regularly-spaced stairs to allow ease of access from the shore to the vessels in operation. No new separate bulkheads shall be constructed on the site.

3. Further Proceedings. Within five (5) days after this

settlement agreement is executed by all parties, the Department shall file its Notice of Voluntary Dismissal, dismissing this appeal with prejudice, and seek a final order from the Florida Land and Water Adjudicatory Commission concluding this appeal proceeding.

4. Caveat. The parties acknowledge their disagreement over whether the subject major conditional use approval is consistent with the Monroe County land development regulations and have entered into this settlement agreement solely in the spirit of compromise. This agreement shall not be deemed to constitute a waiver of any party's position with regard to the proper interpretation of the Monroe County Code, and shall not be given precedential effect with regard to any other permit issued by Monroe County.

5. Duplicate Originals. This Settlement Agreement may be executed in any number of originals, all of which evidence one agreement, and only one of which need be produced for any purpose.

6. Enforcement. This agreement may be enforced by any party as provided in Chapter 380, F.S., or as otherwise allowed by law. In the event of breach of this agreement, or if this agreement is based upon materially inaccurate information, the Department may terminate this agreement or file suit to enforce this agreement as provided in s.380.06 or 380.11, F.S., including a suit to enjoin all development.

7. Scope of Authority. This Agreement affects the rights

and obligations of the parties under Chapter 380, Florida Statutes. It is not intended to influence or determine the authority or decisions of any other state or local government or agency in issuance of any other permits or approvals that might be required by state law or local ordinance for any development authorized by this agreement.

8. Entirety of Agreement. The parties further agree that this Settlement Agreement contains the entire and exclusive understanding and agreement among the parties and may not be modified in any manner except by an instrument in writing and signed by the parties.

9. Binding Effect; Recordation of Agreement. This agreement is intended to and shall create a covenant running with the land, and shall be binding on the parties, their heirs, successors and assigns. Within ten (10) days after entry of a final order by the Florida Land and Water Adjudicatory Commission concluding this appeal, the Owner shall record this agreement in the public records of Monroe County, Florida, and shall promptly provide proof of recordation to Monroe County and the Department, including the official records book and page where this agreement is recorded. Proof of recordation shall be furnished by hand delivery or U.S. Mail, postage prepaid, to Monroe County by directing same to the Monroe County Planning Director, Growth Management Division, Marathon Regional Service Center, 2798 Overseas Highway, Suite 400, Marathon, Florida 33050; and to the Department by directing same to Mike McDaniel, Growth Management

Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

10. Release; Costs and Attorneys Fees. Each party hereto releases the other from any and all claims or demands arising out of the subject appeal of major conditional use approval. Each party shall bear its own costs and attorney fees incurred in connection with this proceeding.

11. Date of Agreement. The date of this agreement shall be the date that the Department signs and acknowledges this Agreement.

IN WITNESS THEREOF, the parties by and through their respective undersigned duly authorized representatives have executed this Agreement on the dates and year below written.


LARRY THRELKELD, individually and
d/b/a STRIKE ZONE CHARTERS

Witnesses: J Nicole Eller
Hattie Canada

STATE OF FLORIDA
COUNTY OF MONROE

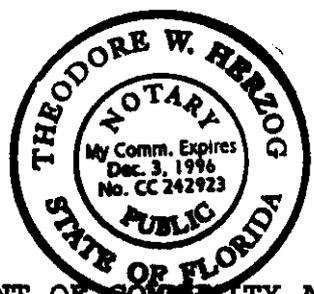
The foregoing instrument was acknowledged before me this 12th day of August, 1996, by LARRY THRELKELD, individually and d/b/a STRIKE ZONE CHARTERS who is personally known to me or who has produced has identification and who ~~did~~ (did not) take an oath.

Theodore W. Herzog
Notary Public

Name (typed, printed or stamped)

Commission Number

My Commission Expires:



DEPARTMENT OF COMMUNITY AFFAIRS

BY: Charles Pattison
CHARLES PATTISON
Director, Division of
Resource Planning and
Management
Dept. of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Approved as to form and
legal sufficiency:

John Brader
Assistant General Counsel
Dept. of Community Affairs

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 29th
day of August, 1996, by CHARLES PATTISON, of the
Department of Community Affairs, an agency of the State of
Florida, who is personally known to me and who did not take an
oath.

Larvise Whittington
Notary Public

Larvise Whittington
Name (typed, printed or stamped)

Commission Number

My Commission Expires



Antoni

FILE #968879
 BK#1424 PG#942

RESOLUTION NO. P70-94

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION APPROVING THE REQUEST FILED BY LARRY THRELKELD FOR MAJOR CONDITIONAL USE APPROVAL OF A SPORT FISHING AND DIVE BOAT CHARTER BUSINESS, CONSISTING OF APPROXIMATELY 700 SQUARE FEET OF ENCLOSED RETAIL SPACE, ON ONE ACRE OF LAND, FACILITATING THE USE OF FOUR VESSELS WITH A TOTAL MAXIMUM CAPACITY OF 110 INDIVIDUALS ON PROPERTY LOCATED ON THE CORNER OF SHIPS WAY DRIVE AND US 1, AND FURTHER DESCRIBED AS PART OF GOVERNMENT LOT 1, SECTION 27, TOWNSHIP 66 SOUTH, RANGE 29 EAST, TALLAHASSEE MERIDIAN, BIG PINE KEY, MONROE COUNTY, FLORIDA, MILE MARKER 30, AND THE LAND USE DESIGNATION IS SUBURBAN COMMERCIAL.

WHEREAS, the Monroe County Planning Commission during a regular hearing held on December 13th, 1994, conducted a public hearing on the request filed by Larry Threlkeld for Strike Zone Charters requesting a major conditional use for a sport fishing/dive operation of four boats having a maximum capacity of 110 persons, an enclosed 700 square foot office/retail building, and fuel storage of less than 500 gallons.

WHEREAS, the Planning Commission was presented with the following evidence, which by reference is hereby incorporated as a part of the record of said hearing:

1. The Development Approval Application and Affidavit filed by Donald Craig, Agent, dated October 14th, 1994; and received by Monroe County on October 17th, 1994; and
2. The staff report prepared by Steve Ferris, Development Review Coordinator, and Dianna Stevenson, Biologist, dated October 27, 1994; and
3. The sworn testimony of the Growth Management Division staff, and the comments of Garth Collier, Esquire, Planning Commission Counsel; and
4. Presentations by Donald Craig, Agent representing applicant; Michael Halpern, Attorney representing applicant; Bob Smith, Biologist representing applicant; Dona Merritt, Paralegal representing applicant; and Pat McNeese, Biologist representing Citizens for Pine Channel Estates; and
5. The sworn testimony of Warren Lem; Jerri Valverde; Joan Johnson; Judy Woodrey; Vern Pokorski; and Alan Woolwich, all of whom spoke in opposition to the application; and

Page 1 of 5

MJSTRIKE.10/TXTDR, 011395

Initials mh

FILE #968879
BK#1424 PG#943

David Lively; Jerome Baker; Jay Marzella; Mike Hunt; Dona Merritt; Hazel Lefevra; John Raymond; Gayle Tippet; and Larry Threlkeld, all of whom spoke in favor of the application.

WHEREAS, the Planning Commission has made the following Findings of Fact and Conclusions of Law, based upon the above sworn testimony and evidence presented, and we find that:

1. The parking standard for "party boats" established in Section 9.5-351 of the County's code which requires one space per each passenger for a boat carrying five or more passengers, based upon Strike Zone's historical usage, is unrealistic and inappropriate, and should be waived pursuant to this conditional use procedure and Section 9.5-67 of the County's Code; and
2. The fishing and dive boat charter operation which has been ongoing for approximately ten months, has historically demonstrated an actual need for parking for a maximum of approximately twenty cars. Therefore, when allowing for special events, the establishment of thirty-two spaces on site should be appropriate for the project. These spaces must be clearly delineated pursuant to Section 9.5-354 of the County's Code; and
3. A variance of six inches for the front yard setback is a de minimis reduction; and, is hereby granted pursuant to Section 9.5-65 of the County's Code. This variance enhances the ability of the project to meet the standards applicable to all conditional uses, in that it allows for the recognition and the use of an existing small-scale building on site; and
4. The proposed bufferyard and open spaces on the design are in excess of those required by Section 9.5-379 and Section 9.5-343, respectively; however, authorization to locate the U.S. 1 bufferyard in an easement adjacent to the project site must be obtained; and
5. The proposed project is in general compliance with the County's land development regulations. The proposed fishing and diving charter business is compatible with the neighboring commercial uses, and serves the Planning Area it is located in, and consists of a commercial use having significantly less impact than other commercial uses which are potentially permittable on this SC zoned property; and
6. Under the Monroe County Code and the County's Building Department procedures, it is unlikely that a certificate of occupancy will be required to complete this project.

FILE #968879
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The inability to rely upon this regulatory measure to ensure the execution of all code requirements and conditions mandates the posting of an improvement guarantee by the applicant. The amount of this improvement guarantee must be sufficient to finance the cost of all improvements and actions stipulated as conditions of approval, or to comply with Monroe County Code; and

7. That the applicant's business is not in compliance with Section 9.5-403(b)(1) which prohibits the existing off-premise billboard; NOW THEREFORE,

BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, that the preceding Findings of Fact and Conclusions of Law, support their decision to APPROVE the major conditional use request filed by Strike Zone with the following conditions:

1. The applicable parking standards of Section 9.5-351 (c) for party boats shall be waived, and instead the applicant shall reduce the parking on site from the proposed sixty spaces to a total of thirty two parking spaces (of which two shall be handicapped accessible), pursuant to Section 9.5-67; and
2. The area which was originally proposed to include approximately thirty excess parking spaces, including eight in the side yard facing U.S. 1, shall be replaced by landscaping. The remaining parking spaces shall be clearly delineated with curb stops; and
3. A variance of six inches to the front yard setback (facing Ship's Way) is granted pursuant to Section 9.5-56; and
4. The open space calculations, the correct landscaping requirements, shaded parking, and the location and detail of the wall shall be shown on the plans; and
5. A legal agreement shall be provided authorizing the applicant's use of the 50' easement for the use as a bufferyard. The agreement must provide that the US 1 buffer will remain as a buffer to the project property, in perpetuity, or until such time as the County reduces its bufferyard standards; and
6. The U.S. 1 buffer shall be reduced to a width of ten (10) feet with no reduction in the required number and species of plants; and

FILE #968879
BK#1424 PG#945

7. The following conditions are necessary to ensure that the visual and auditory impacts of the project on the adjacent residential uses are ameliorated to the maximum extent feasible:
 - a) Hours of operation of the business are hereby limited to 8 AM to 8 PM (except that during daylight savings time the hour of closure shall be 9 PM); and
 - b) All patrons of the charter boats will be informed of the need to preserve and respect the privacy of residents along the canal; and
 - c) The use of lighting on site shall be restricted to business related uses only, and will not be directed towards the residential uses; and
8. The off-premise sign, located in the easement area in front of the site, will be removed; and
9. The on-site sewage disposal system shall be upgraded pursuant to current HRS standards, including a new drainfield with sand underlining; and
10. Approval from the Monroe County Public Works Department must be obtained for the project's connection to Ship's Way Drive; and
11. A spill containment plan shall be approved by the Monroe County Department of Environmental Resources; and
12. In no event shall any of the applicant's vessels release any petroleum products into Monroe County waters; and
13. There shall be no sale of petroleum products; and
14. The permitted use of the site is strictly limited to seven hundred (700) square feet of office/retail floor area, limited to the dive shop uses, on one acre of land with thirty-two (32) parking spaces, fuel storage of less than five hundred (500) gallons, and accessory structures, all serving a maximum of four (4) dive/fishing charter boats, having a total maximum capacity of 110 persons. Any change to this described development will require a new major conditional use review and approval; and
15. An improvement guarantee shall be submitted for legal review. The amount of the improvement guarantee shall cover 110% of the contract estimates for all required construction, including (1) driveways and access connections, (2) parking lot, (3) landscaping, (4)

FILE #968879
BK#1424 PG#946

- paving, (5) billboard removal, (6) fencing; and (7) the septic tank upgrade; and
16. A 1 1/2' x 1 1/2' sign shall be prominently displayed inside the building informing clients that the section of US Highway 1 in front of Strike Zone is a critical deer crossing area and that extra caution needs to be taken when driving; and
 17. The US Highway 1 buffer shall be reduced to a width of ten feet with no reduction in the required number and species of plants; and
 18. The applicant shall comply with the provisions for signs as enumerated in Section 9.5 of the Monroe County Code, and additionally, shall remove the existing off-premise billboard advertising the applicant's business.

PASSED AND ADOPTED by the Planning Commission of Monroe County, Florida, at a regular meeting held on the 13th day of December, 1994.

Chair Haskell	<u>YES</u>
Vice-Chair Hansley	<u>YES</u>
Commissioner Chaplin	<u>YES</u>
Commissioner Mannillo	<u>NO</u>
Commissioner Nugent	<u>NO</u>

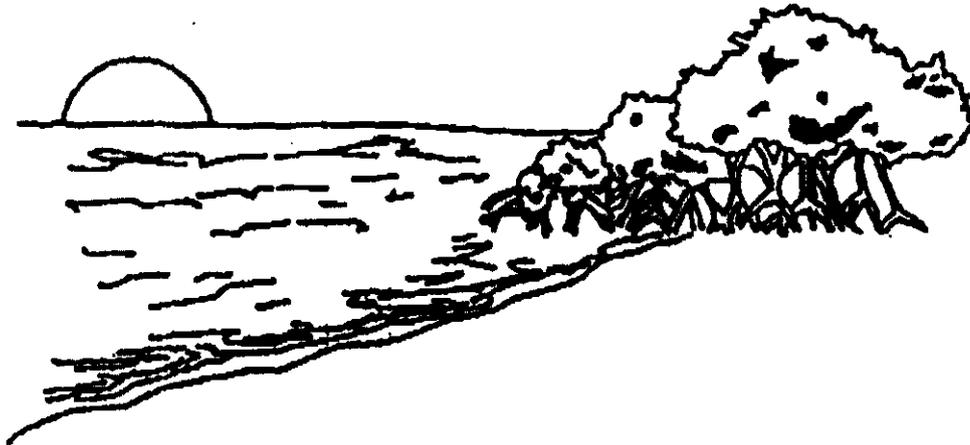
PLANNING COMMISSION OF
MONROE COUNTY, FLORIDA

BY *Monica Haskell*
Monica Haskell, Chair

Signed this 17 day of January, 1995

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY *[Signature]*
Attorney's Office



VEGETATION SURVEY

HABITAT TYPE: DISTURBED (740)

OWNER: STRIKE ZONE CHARTERS

**LEGAL: PT. GOVT. LOT 1, SECTION 27,
TOWNSHIP 66 S, RANGE 29 E,
BIG PINE KEY, MONROE COUNTY,
FLORIDA**

ZONING: SUBURBAN COMMERCIAL (SC)

DATE: SEPTEMBER 25, 1994

PERFORMED BY: ROBERT SMITH



**ROBERT SMITH COMPANY 116 NORTH DRIVE KEY LARGO, FLORIDA 33037
UPPER KEYS (305) 862-9186 LOWER/MIDDLE KEYS (305) 288-8986**

TABLE 1:

VEGETATION LIST

1) ACACIA, PINELAND	ACACIA PINETORUM	
2) ALLAMANDA, WILD	ALLAMANDA CATHARTICA	
3) ALOE	ALOE BARBADENSIS	
4) ASTER, PINELAND	ASTOR DUMOSUS	
5) AUSTRALIAN PINE	CASUARINA EQUISETIFOLIA	EX
6) BAUHINIAN ORCHID	BAUHINIA BLAKIANA	
7) BLACKBEAD	PITHECELLOBIUM GUADALUPENSE	
8) BLACKTORCH	ERITHALIS FRUTICOSA	
9) BLOLLY	GUAPIRA DISCOLOR	
10) BUTTONWOOD	CONOCARPUS ERECTUS	
11) BLUE DAZE	EVOLVULUS GLOMERATA	
12) BRAZILIAN PEPPERTREE	SCHINUS TEREBINTHEFOLIUS	EX
13) CACTUS, EXOTIC	OPUNTIA SP.	
14) CAMPHORWEED	PLUCHEA ODORATA	
15) CARISSA	IXORA COCCINEA	
16) COCONUT	COCOS NUCIFERA	
17) CORKTREE	THESPIESIA POPULNEA	EX
18) CROTON, PINELAND	CROTON LINEARIS	
19) DALIA	DALIA SP.	
20) DESMODIUM	DESMODIUM INCANUM	
21) DOGWOOD, JAMAICA	PISCIDIA PISCIPULA	
22) ELEUSINE	ELEUSINE INDICA	
23) FERN, ASPARAGUS	ASPARAGUS DENSIFLORUS	
24) FERN, BRACKEN	PTERIDIUM AQUILINUM	
25) FIG, BENJAMIN	FICUS BENJAMINA	
26) FIG, EXOTIC	FICUS SP.	
27) FIRECRACKER	RUSSELLIA EQUISETIFORMIS	
28) HIBISCUS	HIBISCUS ROSA-SINENSIS	
29) JOEWOOD	JAQUINA KEYENSIS	TH
30) LANTANA, WILD	LANTANA INVOLUCRATA	
31) LIME, KEY	CITRUS AURANTIFOLIA	
32) MAHOGANY	SWEITENIA MAHOGANI	TH
33) MELALEUCA	MELALEUCA QUINQUENERVIA	EX
34) MILKPEA	GALACTIA SPICIFORMIS	
35) MORNING GLORY	IPOMEA INDICA	
36) NIGHTSHADE, DEADLY	SOLANUM BAHAMENSIS	
38) NUTGRASS	FIMBRISYTLIS CASTANEA	
39) OLEANDER	NERIUM OLEANDER	
40) OYSTERPLANT	RHOEO SPATHACEA	EX
41) PALM, THATCH, FLORIDA	THRINAX RADIATA	
42) PAPAYA	CARICA PAPAYA	EX
43) PERIWINKLE	VINCA ROSEA	
44) PHILODENDRON	PHILODENDRON SPECIOSUM	
45) PINEAPPLE	BROMELIA PINGVIN	

FILE #968879
BK#1424 PG#949

46) POINSETTIA	POINSETTIA CYATHOPHORA	
47) POTATOWOOD	SOLANUM ERIANTHUM	
48) RABBIT BELLS	CROTOLARIA MARITIMA	
49) RHACOMA	CROSSOPETULUM RHACOMA	
50) ROSEWOOD	DALBERGIA SISSOO	
51) SANDSPUR	CENCHRUS SP.	
52) SEA GRAPE	COCOLOBA UVIFERA	
53) SEDGE, CHESNUT	ANDROPOGON VIRGINICUS	
54) SESUVIUM	SESUVIUM PORTULACASTRUM	
55) SCHEFFLERA	SCHEFFLERA ACTINOPHYLLA	
56) SMILAX	SMILAX HAVANENSIS	
57) SPANISH NEEDLES	BIDENS ALBA	
58) SPURGE	CHAMAESYCE SPP.	
59) SPURGE, DELTOIDEA	CHAMAESYCE DELTOIDEA	END
60) STYLOSANTHES	STYLOSANTHES CALICOLA	END
61) STYLOSANTHES	STYLOSANTHES HAMATA	
62) SWEETGRASS	SCHIZACHYRIUM SP.	
63) TABEBUIA	TABEBUIA CARAIBA	
64) TRAGIA	TRAGIA SAXICOLA	END
65) WALTHERIA	WALTHERIA INDICA	

EX = EXOTIC PEST PLANT
END = ENDEMIC
TH = THREATENED

FILE #968879
BK#1424 PG#950

TABLE 2:

SUBMERGED PLANTS WITHIN THE CANAL

1)	ACETABULARIA	ACETABULARIA CRENLATA
2)	BATOPHORA	BATOPHORA OERSTEDII
3)	BLUE-GREEN ALGAE	
4)	CAULERPA	CAULERPA SERTULARIODES
5)	CAULERPA	CAULERPA SPP.
6)	HALIMEDA	HALIMEDA OPUNTIA
7)	LAURENCIA	LAURENCIA POITEI
8)	PENICILLUS	PENICILLUS CAPITATUS
9)	PENICILLUS	PENICILLUS DUMETOSUS
10)	SEA LETTUCE	ULVA LACTUCA
11)	THALASSIA	THALASSIA TESTUDINUM
12)	UDOTEA	UDOTEA FLABELLUM

FILE #968879
BK#1424 PG#951

TABLE 3:

PLANT LIST FOR REVEGETATION

A. TREES:

- 1) SLASH PINE
- 2) RANDIA
- 3) PISONIA
- 4) BALSAM APPLE
- 5) WILLOW BUSTIC
- 6) WILD TAMARIND
- 7) COFFEE COLUBRINA

B. SHRUBS:

- 1) LIGNUM VITAE
- 2) CINNACORD
- 3) WILD COTTON
- 4) WILD COFFEE
- 5) SWEET ACACIA
- 6) HISBISCUS
- 7) SOLDIERWOOD

C. PALMS:

- 1) SILVER THATCH
- 2) KEYS THATCH
- 3) FLORIDA THATCH

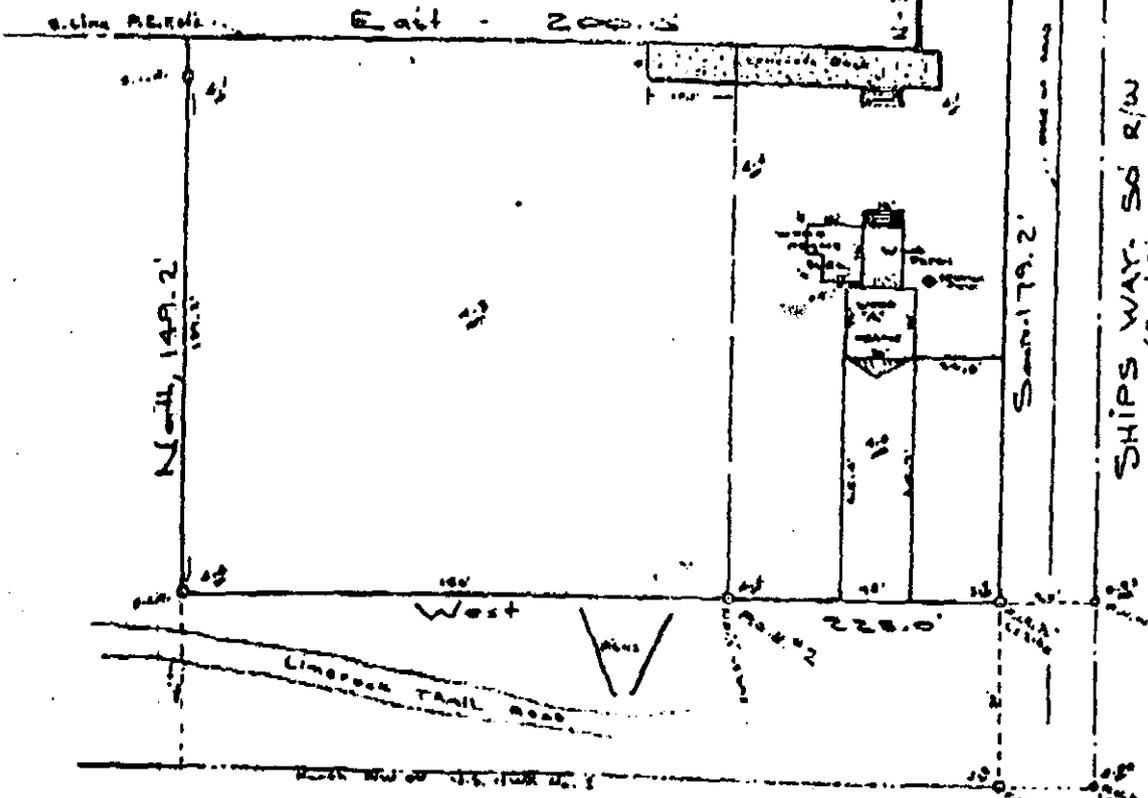
D. GROUND COVER:

- 1) ERNODEA
- 2) RAILROAD VINE
- 3) ASPARAGUS FERN

HALLAND LUT WILKINS CONE yncerters, inc.

DESCRIPTION:
 parcel of land is a part of Government Lot 1, Section 17, Twp. 46S, Rng. 20E, on Big Pine Key, Monroe County, Florida, being more particularly described by notes and maps as follows: BEGINNING at the Southeast corner of Block 1, PINNACLES STATES SECTION ONE, according to the Plat thereof recorded in Plat Book No. 10, Public Records of Monroe County, Florida at the point of BEGINNING at the hereinafter defined parcel of land; from said point of beginning a South along the West right-of-way line of the Key for a distance of 179.2 feet; thence West, 149.2 feet to a point on a South line of Aforesaid Pinnacles States Section One; thence East, 30.0 feet; thence North, 30.0 feet; thence East, 11 feet back to the point of beginning.

DESCRIPTION:
 parcel of land is a part of Government Lot 1, Section 17, Twp. 46S, Rng. 20E, on Big Pine Key, Monroe County, Florida and being more particularly described by notes and bounds as follows: BEGINNING at the Southeast corner of Lot 1, Block 1, PINNACLES STATES SECTION ONE, according to the Plat thereof recorded in Plat Book No. 10, Public Records of Monroe County, Florida as run thence South along the West Right-of-way line of the Key for a distance of 179.2 feet; thence West, 75.0 feet for the DIMENSION of the hereinafter described parcel of land; thence North, 149.2 feet; thence East, 130.0 feet; thence South, 149.2 feet back to the Point of Beginning.



Surveyors Notes:
 S. 1. S. - met iron rod 1 1/2" with cap No. LK 2843
 P. 1. S. - found iron rod also as shown
 P. 1. P. - found iron pipe also as shown
 S. M. S. - set nail and sign No. LK 2843
 P. M. S. - found nail and sign No. as shown
 P. M. S. - found nail and sign
 P. M. S. - found nail and washer
 C. - centerline of right of way
 P. C. - point of curve
 P. I. - point of intersection
 R/W - right of way
 P. - property line
 Elevations are shown spot 2.00, and are U.S.C. & G.S. - 29.
 All lot angles are 90° unless shown otherwise.
 M.N.W. (Mean High Water) is approximate and does not purport to establish local high or tidal boundary property lines.
 P.O.B. - point of beginning

Let appear to be in Flood Zone AL
 a base flood elevation of 11 feet.
 U.S. Number 18187-1-1334-A (MAY 1955)
 to see no above signed encroachments
 to see not shown.
 Remarks: Redi wall in utility take on East side
of Shipway across NORTH "A" PR. 1140.

MAP IS NOT VALID UNLESS SEALED WITH A RAISED
 STAMP SEAL.
STAMP SEAL

Harold L. Overbeck
 Florida Registered Land Surveyor No. 291

MONROE COUNTY
 OFFICIAL RECORDS

FILE # 968879
 BK 1424 PG 952

RECORDER'S MEMO:
 LEGIBILITY OF WRITING, TYPING, OR PRINTING WAS
 UNSATISFACTORY ON THIS DOCUMENT WHEN RECEIVED

TESTIMONY
 I hereby certify that this Survey Meets The Minimum Requirements
 Chapter 21-204, Florida Administrative Code, pursuant to
 Law 872-023, Florida Statutes.

Drawn By: H-1
 11-93
 11-40
 Revision:

H. L. OVERBECK, INC.
 Surveyors
 P.O. Box 421348 Big Pine Key, Fl. 33943-1348
 (305)875-4310 Fax (305)872-0070

Section 17
 Township 46S Range 20E

SMITH/HAWKS
ATTORNEYS AT LAW



Barton W. Smith, Esq.
Chelsea C. Vanadia, Esq.
Telephone: (305) 296-7227
Facsimile: (305) 296-8448
Email: Bart@SmithHawks.com
Chelsea@SmithHawks.com

SENT VIA EMAIL AND USPS

December 9, 2019

Devin Tolpin, Senior Planner
Monroe County Planning and Environmental Resources
2798 Overseas Highway, Suite 400
Marathon, Florida 330510
Email: Tolpin-Devin@MonroeCounty-FL.Gov

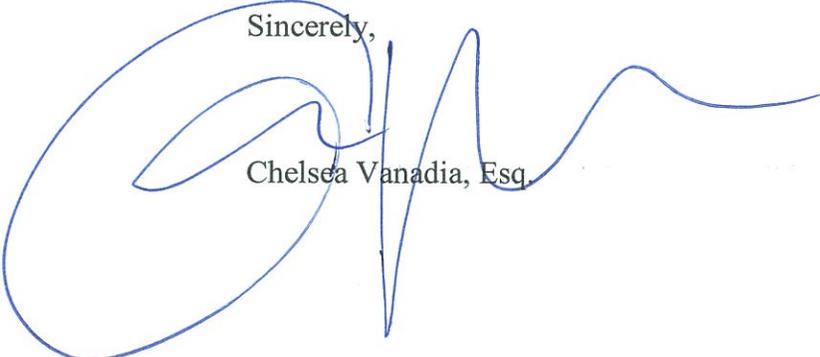
RE: **Florigan Group, LLC – Request for Amendment to Major Conditional Use Permit
File # 2019-223**

Dear Devin,

Please find enclosed Florigan Group, LLC's application for Amendment to a Major Conditional Use Permit with an amendment to Page 2 of the application adding nonresidential floor area on the site in accordance with the December 9, 2019 determination of Completeness. I have enclosed a copy package of this letter and the application amendment, and I request that you date stamp and return the package in the enclosed self-addressed envelope.

If you require anything further, please do not hesitate to contact our office.

Sincerely,


Chelsea Vanadia, Esq.

Enclosures
CV/AJD/jsc
Cc: (Electronically):

Brad Stein, Development Review Manager (Stein-Bradley@MonroeCounty-FL.Gov)

APPLICATION

Legal Description of Property:

(If in metes and bounds, attach legal description on separate sheet.)

1	1	Pine Channel Estates	Big Pine
Block	Lot	Subdivision	Key
00111720-000000			1140422
Real Estate (RE) Number		Alternate Key Number	
29675 Overseas Highway, Big Pine Key, Florida 33043		30	
Street Address (Street, City, State & Zip Code)		Approximate Mile Marker	

Land Use District Designation of Property:	Suburban Commercial
Present Land Use of Property:	Mixed Use Commercial
Proposed Land Use of Property:	Mixed Use Commercial
Total Area of Property:	0.84 Acres
Total Upland Area within Property:	0.84 Acres

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

 2 Total number of non-residential buildings
 Approx. 3,656 Total non-residential floor area in square feet

If residential dwelling units are proposed, please provide: N/A- no residential dwelling units are proposed

 Total number of residential buildings
 Total number of market-rate units
 Total number of 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

Applicants requesting a Major Conditional Use Amendment shall provide for public participation through a community meeting.

Scheduling. The applicant will coordinate with the Planning Director regarding the date, time and location of the proposed community meeting; however, all meetings are to be held on a weekday evening at a location close to the project site, between 45 and 120 days prior to the first of any public hearings required for development approval.

Notice of Meeting. The community meeting shall be noticed at least 15 days prior to the meeting date by advertisement in a Monroe County newspaper of general circulation, mailing of notice to surrounding property owners, and posting of the subject property.



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

[Previous On List](#) [Next On List](#) [Return to List](#)

No Events **No Name History**

Detail by Entity Name

Florida Limited Liability Company
FLORIGAN GROUP, LLC

Filing Information

Document Number	L17000131574
FEI/EIN Number	82-1918815
Date Filed	06/15/2017
Effective Date	06/15/2017
State	FL
Status	ACTIVE

Principal Address

29675 OVERSEAS HWY
BIG PINE KEY, FL 33043

Changed: 07/31/2017

Mailing Address

29675 OVERSEAS HWY
BIG PINE KEY, FL 33043

Changed: 07/31/2017

Registered Agent Name & Address

RONEY, KIM D
20943 7TH AVE WEST
CUDJOE KEY, FL 33042

Authorized Person(s) Detail

Name & Address

Title MGR

WOCHASKI, CHRIS A
1131 OCEAN DRIVE
SUMMERLAND KEY, FL 33042

Title MGR

BERMAN, LYNN
350 NORTH MAIN, UNIT 801
ROYAL OAK, FL 48067

Title MGR

DAVIES, GREG R
41253 CLAIRPOINTE
HARRISON TOWNSHIP, MI 48045

Title MGR

DAVIES, DAN R
20943 7TH AVE WEST
CUDJOE KEY, FL 33042

Title MGR

RONEY, KIM D
20943 7TH AVE WEST
CUDJOE KEY, FL 33042

Annual Reports

Report Year	Filed Date
2018	04/21/2018
2019	02/09/2019

Document Images

02/09/2019 -- ANNUAL REPORT	View image in PDF format
04/21/2018 -- ANNUAL REPORT	View image in PDF format
06/15/2017 -- Florida Limited Liability	View image in PDF format

[Previous On List](#) [Next On List](#) [Return to List](#)

No Events No Name History

Florida Department of State, Division of Corporations

End of Additional File 2019-223

SMITH/HAWKS
ATTORNEYS AT LAW

Barton W. Smith, Esq.
Chelsea C. Vanadia, Esq.
Telephone: (305) 296-7227
Facsimile: (305) 296-8448
Email: Bart@SmithHawks.com
Chelsea@SmithHawks.com

SENT VIA EMAIL AND FED-EX
No. 7769-7188-7277

November 13, 2019



Emily Schemper, AICP, CFM
Monroe County Planning and Environmental Resources
2798 Overseas Highway, Suite 400
Marathon, Florida 33050
Email: Schemper-Emily@MonroeCounty-FL.Gov

RE: **Florigan Group, LLC – Request for Amendment to Major Conditional Use Permit**

Dear Emily,

Please find enclosed Florigan Group, LLC's ("Applicant") application for Amendment to a Major Conditional Use Permit to eliminate the restriction of fuel sales on the property and to increase the gallons of fuel to be stored on the property located in Monroe County and bearing RE No. 00111720-000000 ("Property"). The requested amendment would resolve Monroe County Code Case No. CE19030042 ("Case"), which had a Final Order setting a compliance date of April 26, 2020.

Applicant received Monroe County Building Permit No. 18103388, issued November 11, 2018, which permitted Applicant to build a 5,000 gallon above ground fuel tank ("Permit"). The Permit, however, did not comply with Monroe County Planning Commission Resolution No. P70-94, dated January 17, 1994, approving a Major Conditional Use for the Property containing a condition that fuel storage shall be less than five hundred (500) gallons and that petroleum products could not be sold on the Property. The Permit was relied upon and the gas tank was built, which led to the complaint that began the Case.

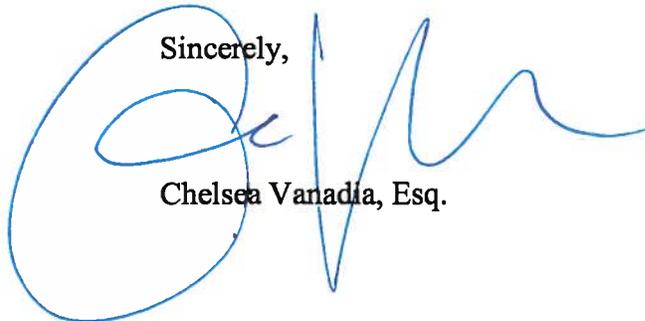
An Environmental Designation Survey, Landscape Plan, Stormwater/Surface Water Management Plan, Building Floor Plans, Building Elevations and Construction Management Plan have not been included as there is no proposed development and this Application is solely to request an amendment to resolve the Case and come into compliance. The Property is zoned Suburban Commercial and, as such, no buffer is required, and it follows that no Landscape Plan is required.

A Community Impact statement has not been included as the development has already occurred and there is no proposed development. All development on the Property has been completed in compliance with the Permit. The approval of this amendment would only provide a positive impact on the surrounding community as there is not another fuel dock in reasonable range for small vessels to refuel. Since Irma destroyed the Dolphin Marina on Little Torch, which will not be reopened, the nearest fuel docks are located at Big Pine Key Fishing Lodge which is over eleven and a half (11.5) miles away and Cudjoe Gardens Marina which is approximately ten (10) miles away.

Along with the application, please find a check in the amount of \$11,916.00 for application, advertising and SPON fees¹. The fee for the traffic study review has not been included as the increase in trips and traffic related to this Application are insignificant. Please allow this letter to serve as the Applicant's written description of the project. I have enclosed a copy package of the application and this letter, and I request that you please date stamp and return the package in the enclosed self-addressed envelope.

If you require anything further, please do not hesitate to contact our office.

Sincerely,



Chelsea Vanadia, Esq.

Enclosures
CV/AD/jsc

Cc: (Electronically):

Ilze Aguila, Sr. Planning Commission Coordinator (Aguila-Ilze@MonroeCounty-FL.Gov)

¹ This amount includes the \$300.00 for the Pre-Application Conference Request associated with this Application.

**APPLICATION
MONROE COUNTY
PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT**



Request for an Amendment to 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: \$11,400.00

In addition to the application fee, the following fees also apply:

Advertising Costs: \$245.00

Surrounding Property Owner Notification (SPON): \$3.00 for each property owner required to be noticed

Traffic Study Review: \$5,000.00

Advertising and Noticing fees for a community meeting: \$245.00 plus \$3.00/SPON

Date of Application: 11 / 13 / 2019
Month Day Year

Applicant / Agent Authorized to Act for Property Owner: (Agents must provide notarized authorization from all property owners.)

Smith Hawks, PL Barton Smith, Esq. & Chelsea Vanadia, 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@SmithHawks.com & Chelsea@SmithHawks.com
Work Phone Home Phone Cell Phone Email Address

Property Owner: (Business/Corp must include documents showing who has legal authorized to sign.)

Florigan Group, LLC Agent
(Name/Entity) Contact Person

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

Agent
Work Phone Home Phone Cell Phone Email Address

Approval (Development Order / Resolution) #: Resolution No. P70-94 and Resolution P43-04 (Tab 1)

APPLICATION

Legal Description of Property:

(If in metes and bounds, attach legal description on separate sheet.)

Table with 4 columns: Block, Lot, Subdivision, Key. Values include 1, 1, Pine Channel Estates, Big Pine, 00111720-000000, 1140422, 29675 Overseas Highway, Big Pine Key, Florida 33043, 30.

Table with 2 columns: Label, Value. Labels include Land Use District Designation of Property, Present Land Use of Property, Proposed Land Use of Property, Total Area of Property, Total Upland Area within Property. Values include Suburban Commercial, Mixed Use Commercial, 0.84 Acres.

If non-residential or commercial floor area is proposed, please provide: N/A- no non-residential or commercial floor area is proposed

- Total number of non-residential buildings
Total non-residential floor area in square feet

If residential dwelling units are proposed, please provide: N/A- no residential dwelling units are proposed

- Total number of residential buildings
Total number of market-rate units
Total number of 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 [x] No

Applicants requesting a Major Conditional Use Amendment shall provide for public participation through a community meeting.

Scheduling. The applicant will coordinate with the Planning Director regarding the date, time and location of the proposed community meeting; however, all meetings are to be held on a weekday evening at a location close to the project site, between 45 and 120 days prior to the first of any public hearings required for development approval.

Notice of Meeting. The community meeting shall be noticed at least 15 days prior to the meeting date by advertisement in a Monroe County newspaper of general circulation, mailing of notice to surrounding property owners, and posting of the subject property.

APPLICATION

Noticing and Advertising Costs. The applicant shall pay the cost of the public notice and advertising for the community meeting and provide proof of proper notice to the Planning Director.

The community meeting shall be facilitated by a representative from the Monroe County Planning & Environmental Resources Department and the applicant shall be present at the meeting.

PROOF OF PROPER NOTICING ON THE COMMUNITY MEETING WILL BE REQUIRED.

All of the following items must be included in order to have a complete application submission:

(Please check the box as each required item is attached to the application.)

- Completed application form
- Correct fee (check or money order payable to *Monroe County Planning & Environmental Resources*)
- Proof of ownership (i.e., Warranty Deed) (Tab 2)
- Current property record card(s) from the Monroe County Property Appraiser (Tab 3)
- Photograph(s) of site from adjacent roadway (Tab 4)
- Copy of the recorded conditional use permit and any previous modification approvals (Tab 1)
- Copy of the most recently approved site plan (Tab 5)
- Written description of project (See attached letter)

- 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) (See Tab 6)
- Environmental Designation Survey (prepared in accordance with Monroe County Code §110-70 a) N/A- See attached letter
- Community Impact Statement (prepared in accordance with Monroe County Code §110-70 b) N/A- See attached letter
- 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: (Tab 7)
 - 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
 - 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

APPLICATION

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: **N/A- See attached letter**
 - 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) **N/A- See attached letter**
- Building Floor Plans for all proposed structures and for any existing structures to be redeveloped – 8 sets (drawn at an appropriate standard architectural scale) **N/A- See attached letter**
- 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) **N/A- See attached letter**
- Traffic Study, prepared by a licensed traffic engineer **(Tab 8)**
- 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) **N/A- See attached letter**
- Construction Management Plan, stating how impacts on near shore water and surrounding property will be managed (i.e. construction barriers, hay bales, flagging) **N/A- See attached letter**
- Typed name and address mailing labels of all property owners within a 600 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 600 foot radius, each unit owner must be included **(Tab 9)**
- Radius report from Monroe County Property Appraiser supporting the required labels **(Tab 10)**
- Proof of Coordination are required from the following: **(Tab 11)**
 - 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

APPLICATION

If applicable, the following items must be included in order to have a complete application submission:
(Please check the box as each required item is attached to the application.)

- Notarized Agent Authorization and Disclosure of Interest (Tab 12)
- Vegetation Survey or Wetland delineation
- Construction Phasing Plan
- Additional Proof of Coordination may be required for your project, please contact with the Planning & (Tab 11) 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) (Per Email- FDEP they do not handle- it is FDOH)
 - 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)

Is there a pending code enforcement proceeding involving all or a portion of the parcel proposed for development?

Yes No Code Case file # CE19030042 Describe the enforcement proceedings and if this application is being submitted to correct the violation: This application is being submitted to resolve the issues related to the sale of fuel and the size of the fuel tank.

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

* * * * * * *

The applicant/owner hereby acknowledges and agrees that any staff discussions or negotiations about conditions of approval are preliminary only, and are not final, nor are they the specific conditions or demands required to gain approval of the application, unless the conditions or demands are actually included in writing in the final development order or the final denial determination or order.

APPLICATION

By signing this application, the owner of the subject property authorizes the Monroe County Planning & Environmental Resources staff to conduct all necessary site visits and inspections on the subject property.

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: 11/13/19

STATE OF FLORIDA

COUNTY OF MONROE

Sworn to and subscribed before me this 13th day of November, 2019,

by Chelsea Vanadia, who is personally known to me OR produced
(PRINT NAME OF PERSON MAKING STATEMENT)

N/A

(TYPE OF ID PRODUCED)

as identification.

[Signature]
Signature of Notary Public



Jess Miles Goodall

Print, Type or Stamp Commissioned Name of Notary Public

My commission expires:

Send complete application package to:

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

Antoni

FILE 1968879
BK#1424 PG#942RESOLUTION NO. R70-94

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION APPROVING THE REQUEST FILED BY LARRY THRELKELD FOR MAJOR CONDITIONAL USE APPROVAL OF A SPORT FISHING AND DIVE BOAT CHARTER BUSINESS, CONSISTING OF APPROXIMATELY 700 SQUARE FEET OF ENCLOSED RETAIL SPACE, ON ONE ACRE OF LAND, FACILITATING THE USE OF FOUR VESSELS WITH A TOTAL MAXIMUM CAPACITY OF 110 INDIVIDUALS ON PROPERTY LOCATED ON THE CORNER OF SHIPS WAY DRIVE AND US 1, AND FURTHER DESCRIBED AS PART OF GOVERNMENT LOT 1, SECTION 27, TOWNSHIP 66 SOUTH, RANGE 29 EAST, TALLAHASSEE MERIDIAN, BIG PINE KEY, MONROE COUNTY, FLORIDA, MILE MARKER 30, AND THE LAND USE DESIGNATION IS SUBURBAN COMMERCIAL.

WHEREAS, the Monroe County Planning Commission during a regular hearing held on December 13th, 1994, conducted a public hearing on the request filed by Larry Threlkeld for Strike Zone Charters requesting a major conditional use for a sport fishing/dive operation of four boats having a maximum capacity of 110 persons, an enclosed 700 square foot office/retail building, and fuel storage of less than 500 gallons.

WHEREAS, the Planning Commission was presented with the following evidence, which by reference is hereby incorporated as a part of the record of said hearing:

1. The Development Approval Application and Affidavit filed by Donald Craig, Agent, dated October 14th, 1994; and received by Monroe County on October 17th, 1994; and
2. The staff report prepared by Steve Ferris, Development Review Coordinator, and Dianna Stevenson, Biologist, dated October 27, 1994; and
3. The sworn testimony of the Growth Management Division staff, and the comments of Garth Coller, Esquire, Planning Commission Counsel; and
4. Presentations by Donald Craig, Agent representing applicant; Michael Halpern, Attorney representing applicant; Bob Smith, Biologist representing applicant; Dona Merritt, Paralegal representing applicant; and Pat McNeese, Biologist representing Citizens for Pine Channel Estates; and
5. The sworn testimony of Warren Lem; Jerri Valverde; Joan Johnson; Judy Woodrey; Vern Pokorski; and Alan Woolwich, all of whom spoke in opposition to the application; and

FILE 1968879
BK#1424 PG#943

David Lively; Jerome Baker; Jay Marzella; Mike Hunt; Dona Merritt; Hazel Lefevra; John Raymond; Gayle Tippett; and Larry Threlkeld, all of whom spoke in favor of the application.

WHEREAS, the Planning Commission has made the following Findings of Fact and Conclusions of Law, based upon the above sworn testimony and evidence presented, and we find that:

1. The parking standard for "party boats" established in Section 9.5-351 of the County's code which requires one space per each passenger for a boat carrying five or more passengers, based upon Strike Zone's historical usage, is unrealistic and inappropriate, and should be waived pursuant to this conditional use procedure and Section 9.5-67 of the County's Code; and
2. The fishing and dive boat charter operation which has been ongoing for approximately ten months, has historically demonstrated an actual need for parking for a maximum of approximately twenty cars. Therefore, when allowing for special events, the establishment of thirty-two spaces on site should be appropriate for the project. These spaces must be clearly delineated pursuant to Section 9.5-354 of the County's Code; and
3. A variance of six inches for the front yard setback is a de minimis reduction; and, is hereby granted pursuant to Section 9.5-66 of the County's Code. This variance enhances the ability of the project to meet the standards applicable to all conditional uses, in that it allows for the recognition and the use of an existing small-scale building on site; and
4. The proposed bufferyard and open spaces on the design are in excess of those required by Section 9.5-379 and Section 9.5-343, respectively; however, authorization to locate the U.S. 1 bufferyard in an easement adjacent to the project site must be obtained; and
5. The proposed project is in general compliance with the County's land development regulations. The proposed fishing and diving charter business is compatible with the neighboring commercial uses, and serves the Planning Area it is located in, and consists of a commercial use having significantly less impact than other commercial uses which are potentially permittable on this SC zoned property; and
6. Under the Monroe County Code and the County's Building Department procedures, it is unlikely that a certificate of occupancy will be required to complete this project.

FILE #968879
BK#1424 PG#944

The inability to rely upon this regulatory measure to ensure the execution of all code requirements and conditions mandates the posting of an improvement guarantee by the applicant. The amount of this improvement guarantee must be sufficient to finance the cost of all improvements and actions stipulated as conditions of approval, or to comply with Monroe County Code; and

7. That the applicant's business is not in compliance with Section 9.5-403(b)(1) which prohibits the existing off-premise billboard; NOW THEREFORE,

BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, that the preceding Findings of Fact and Conclusions of Law, support their decision to APPROVE the major conditional use request filed by Strike Zone with the following conditions:

1. The applicable parking standards of Section 9.5-351 (c) for party boats shall be waived, and instead the applicant shall reduce the parking on site from the proposed sixty spaces to a total of thirty two parking spaces (of which two shall be handicapped accessible), pursuant to Section 9.5-67; and
2. The area which was originally proposed to include approximately thirty excess parking spaces, including eight in the side yard facing U.S. 1, shall be replaced by landscaping. The remaining parking spaces shall be clearly delineated with curb stops; and
3. A variance of six inches to the front yard setback (facing Ship's Way) is granted pursuant to Section 9.5-66; and
4. The open space calculations, the correct landscaping requirements, shaded parking, and the location and detail of the wall shall be shown on the plans; and
5. A legal agreement shall be provided authorizing the applicant's use of the 50' easement for the use as a bufferyard. The agreement must provide that the US 1 buffer will remain as a buffer to the project property, in perpetuity, or until such time as the County reduces its bufferyard standards; and
6. The U.S. 1 buffer shall be reduced to a width of ten (10) feet with no reduction in the required number and species of plants; and

FILE #968879
BK#1424 PG#945

7. The following conditions are necessary to ensure that the visual and auditory impacts of the project on the adjacent residential uses are ameliorated to the maximum extent feasible:
 - a) Hours of operation of the business are hereby limited to 8 AM to 8 PM (except that during daylight savings time the hour of closure shall be 9 PM); and
 - b) All patrons of the charter boats will be informed of the need to preserve and respect the privacy of residents along the canal; and
 - c) The use of lighting on site shall be restricted to business related uses only, and will not be directed towards the residential uses; and
8. The off-premise sign, located in the easement area in front of the site, will be removed; and
9. The on-site sewage disposal system shall be upgraded pursuant to current HRS standards, including a new drainfield with sand underlining; and
10. Approval from the Monroe County Public Works Department must be obtained for the project's connection to Ship's Way Drive; and
11. A spill containment plan shall be approved by the Monroe County Department of Environmental Resources; and
12. In no event shall any of the applicant's vessels release any petroleum products into Monroe County waters; and
13. There shall be no sale of petroleum products; and
14. The permitted use of the site is strictly limited to seven hundred (700) square feet of office/retail floor area, limited to the dive shop uses, on one acre of land with thirty-two (32) parking spaces, fuel storage of less than five hundred (500) gallons, and accessory structures, all serving a maximum of four (4) dive/fishing charter boats, having a total maximum capacity of 110 persons. Any change to this described development will require a new major conditional use review and approval; and
15. An improvement guarantee shall be submitted for legal review. The amount of the improvement guarantee shall cover 110% of the contract estimates for all required construction, including (1) driveways and access connections, (2) parking lot, (3) landscaping, (4)

FILE 1968879
BK#1424 PG#946

paving, (5) billboard removal, (6) fencing; and (7) the septic tank upgrade; and

- 16. A 1 1/2' x 1 1/2' sign shall be prominently displayed inside the building informing clients that the section of US Highway 1 in front of Strike Zone is a critical deer crossing area and that extra caution needs to be taken when driving; and
- 17. The US Highway 1 buffer shall be reduced to a width of ten feet with no reduction in the required number and species of plants; and
- 18. The applicant shall comply with the provisions for signs as enumerated in Section 9.5 of the Monroe County Code, and additionally, shall remove the existing off-premise billboard advertising the applicant's business.

PASSED AND ADOPTED by the Planning Commission of Monroe County, Florida, at a regular meeting held on the 13th day of December, 1994.

Chair Haskell	<u>YES</u>
Vice-Chair Hansley	<u>YES</u>
Commissioner Chaplin	<u>YES</u>
Commissioner Mannillo	<u>NO</u>
Commissioner Nugent	<u>NO</u>

PLANNING COMMISSION OF
MONROE COUNTY, FLORIDA

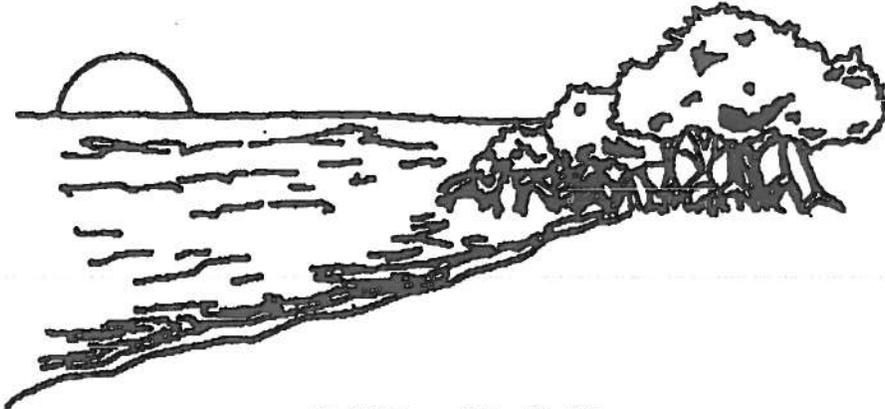
BY Monica Haskell
Monica Haskell, Chair

Signed this 17 day of January, 1995

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY [Signature]
Attorney's Office

FILE #968879
BK#1424 PG#947



VEGETATION SURVEY

HABITAT TYPE: DISTURBED (740)

OWNER: STRIKE ZONE CHARTERS

**LEGAL: PT. GOVT. LOT 1, SECTION 27,
TOWNSHIP 66 S, RANGE 29 E,
BIG PINE KEY, MONROE COUNTY,
FLORIDA**

ZONING: SUBURBAN COMMERCIAL (SC)

DATE: SEPTEMBER 25, 1994

PERFORMED BY: ROBERT SMITH



**ROBERT SMITH COMPANY 110 NORTH DRIVE KEY LARGO, FLORIDA 33087
UPPER KEYS (806) 862-9188 LOWER/MIDDLE KEYS (806) 280-8006**

TABLE 1:

VEGETATION LIST

1) ACACIA, PINELAND	ACACIA PINETORUM	
2) ALLAMANDA, WILD	ALLAMANDA CATHARTICA	
3) ALOE	ALOE BARBADENSIS	
4) ASTER, PINELAND	ASTOR DUMOSUS	
5) AUSTRALIAN PINE	CASUARINA EQUISETIFOLIA	EX
6) BAUHINIAN ORCHID	BAUHINIA BLAKIANA	
7) BLACKBEAD	PITHECELLOBIUM GUADALUPENSE	
8) BLACKTORCH	ERITHALIS FRUTICOSA	
9) BLOLLY	GUAPIRA DISCOLOR	
10) BUTTOWOOD	CONOCARPUS ERECTUS	
11) BLUE DAZE	EVOLVULUS GLOMERATA	
12) BRASILIAN PEPPERTREE	SCHINUS TEREBINTHEFOLIUS	EX
13) CACTUS, EKOTIC	OPUNTIA SP.	
14) CAMPHORWEED	PLUCHEA ODORATA	
15) CARISSA	IXORA COCCINEA	
16) COCONUT	COCOS NUCIFERA	
17) CORKTREE	THESPIESIA POPULNEA	EX
18) CROTON, PINELAND	CROTON LINEARIS	
19) DALIA	DALIA SP.	
20) DESMODIUM	DESMODIUM INCANUM	
21) DOGWOOD, JAMAICA	PISCIDIA PISCIPULA	
22) ELEUSINE	ELEUSINE INDICA	
23) FERN, ASPARAGUS	ASPARAGUS DENSIFLORUS	
24) FERN, BRACKEN	PTERIDIUM AQUILINUM	
25) FIG, BENJAMIN	FICUS BENJAMINA	
26) FIG, EKOTIC	FICUS SP.	
27) FIRECRACKER	RUSSELLIA EQUISETIFORMIS	
28) HIBISCUS	HIBISCUS ROSA-SINENSIS	
29) JOEWOOD	JAUQUINA KEYENSIS	TH
30) LANTANA, WILD	LANTANA INVOLUCRATA	
31) LIME, KEY	CITRUS AURANTIFOLIA	
32) MAHOGANY	SWEITENIA MAHOGANI	TH
33) MELALEUCA	MELALEUCA QUINQUENERVIA	EX
34) MILKPEA	GALACTIA SPICIFORMIS	
35) MORNING GLORY	IPOMEA INDICA	
36) NIGHTSHADE, DEADLY	SOLANUM BAHAMENSIS	
38) NUTGRASS	FIMBRISYTLIS CASTANEA	
39) OLEANDER	NERIUM OLEANDER	
40) OYSTERPLANT	RHOEO SPATHACEA	EX
41) PALM, THATCH, FLORIDA	THRINAX RADIATA	
42) PAPAYA	CARICA PAFAYA	EX
43) PERIWINKLE	VINCA ROSEA	
44) PHILODENDRON	PHILODENDRON SPECIOSUM	
45) PINEAPPLE	BROMELIA PINGVIN	

FILE #968879
BR#1424 PG#949

46) POINSETTIA	POINSETTIA CYATHOPHORA	
47) POTATOWOOD	SOLANUM ERIANTHUM	
48) RABBIT BELLS	CROTOLARIA MARITIMA	
49) RHACOMA	CROSSOPETULUM RHACOMA	
50) ROSEWOOD	DALBERGIA SISSOO	
51) SANDSPUR	CENCHRUS SP.	
52) SEA GRAPE	COCOLOBA UVIFERA	
53) SEDGE, CHESNUT	ANDROPOGON VIRGINICUS	
54) SESUVIUM	SESUVIUM PORTULACASTRUM	
55) SCHEFFLERA	SCHEFFLERA ACTINOPHYLLA	
56) SMILAX	SMILAX HAVANENSIS	
57) SPANISH NEEDLES	BIDENS ALBA	
58) SPURGE	CHAMAESYCE SPP.	
59) SPURGE, DELTOIDEA	CHAMAESYCE DELTOIDEA	END
60) STYLOSANTHES	STYLOSANTHES CALICOLA	END
61) STYLOSANTHES	STYLOSANTHES HAMATA	
62) SWEETGRASS	SCHISACHYRIUM SP.	
63) TABEBUIA	TABEBUIA CARAIBA	
64) TRAGIA	TRAGIA SAXICOLA	END
65) WALTHERIA	WALTHERIA INDICA	

EX = EXOTIC PEST PLANT
END = ENDEMIC
TH = THREATENED

FILE 1968879
BR#1424 PG#950

TABLE 2:

SUBMERGED PLANTS WITHIN THE CANAL

1) ACETABULARIA	ACETABULARIA CREMULATA
2) BATOPHORA	BATOPHORA OERSTEDII
3) BLUE-GREEN ALGAE	
4) CAULERPA	CAULERPA SERTULARIODES
5) CAULERPA	CAULERPA SPP.
6) HALIMEDA	HALIMEDA OPUNTIA
7) LAURENCIA	LAURENCIA POITEI
8) PENICILLUS	PENICILLUS CAPITATUS
9) PENICILLUS	PENICILLUS DUMETOSUS
10) SEA LETTUCE	ULVA LACTUCA
11) THALASSIA	THALASSIA TESTUDINUM
12) UDOTEA	UDOTEA FLABELLUM

FILE #968879
BK#1424 PG#951

TABLE 3:

PLANT LIST FOR REVEGETATION

A. TREES:

- 1) SLASH PINE
- 2) RANDIA
- 3) PISONIA
- 4) BALSAM APPLE
- 5) WILLOW BUSTIC
- 6) WILD TAMARIND
- 7) COFFEE COLUBRINA

B. SHRUBS:

- 1) LIGNUM VITAE
- 2) CINNACORD
- 3) WILD COTTON
- 4) WILD COFFEE
- 5) SWEET ACACIA
- 6) HISBISCUS
- 7) SOLDIERWOOD

C. PALMS:

- 1) SILVER THATCH
- 2) KEYS THATCH
- 3) FLORIDA THATCH

D. GROUND COVER:

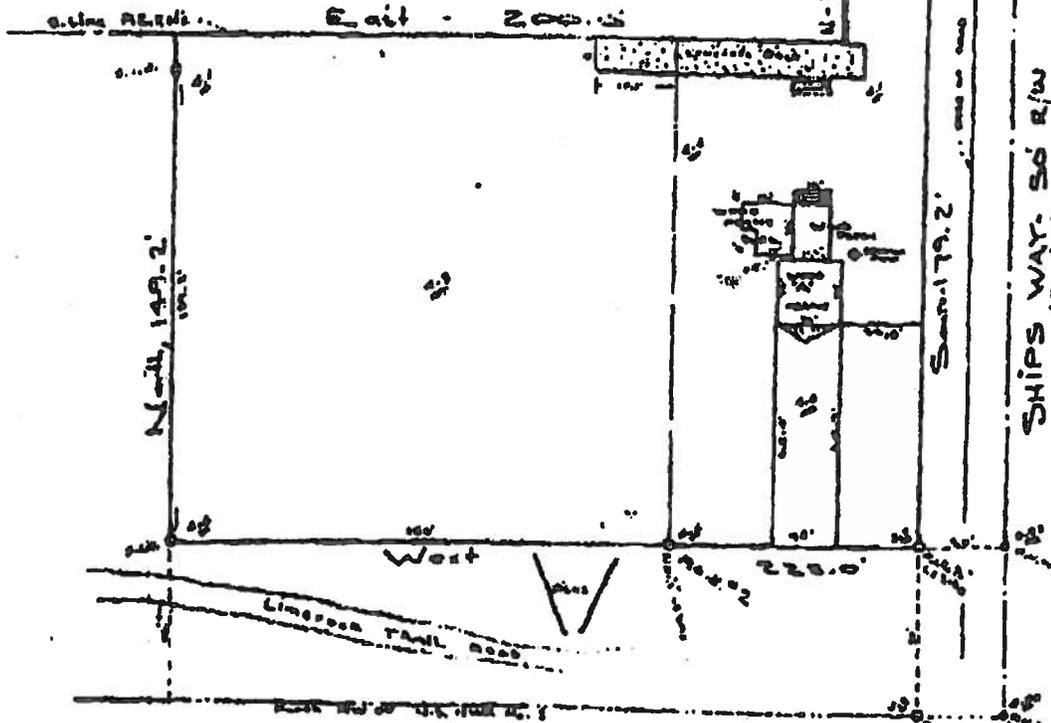
- 1) ERNODEA
- 2) RAILROAD VINE
- 3) ASPARAGUS FERN

101 00 '00 00:00 ymatters, inc.

FILE # 968879
BK# 1424 PG# 952

DESCRIPTION:
 Parcel of land in a part of Government Lot 1, Section 27, Township 36N, Range 18W, Big Pine Bay, Monroe County, Florida, and being more particularly described by notes and plat of the following character at the southeast corner of a 1/4 Section 1, First Channel, Shipway Section and according to the plat thereof recorded in Plat Book Page 50, Public Records of Monroe County, Florida at the point of beginning of the hereinafter verified parcel of land, from said point of beginning a South along the West right-of-way line of the way for a distance of 179.2 feet thence West, a South-thence North, 149.2 feet to a point on a South line of aforementioned First Channel thence North-thence East, 20.0 feet thence East, 20.0 feet thence East, 15 feet back to the point of beginning.

CONVEYANCE:
 Parcel of land in a part of Government Lot 1, Section 27, Township 36N, Range 18W, Big Pine Bay, Monroe County, Florida and being more particularly described by notes and plat of the following character at the southeast corner of the 1/4 Section 1, First Channel, Shipway Section and according to the plat thereof recorded in Plat Book Page 50, Public Records of Monroe County, Florida to wit: Parcel of land along the West right-of-way line of the way for a distance of 179.2 feet thence West, 20.0 feet for the West line of the hereinafter described parcel of land; thence North, 149.2 feet thence East, 20.0 feet thence East, 15 feet back to the point of beginning.



• See annex to be in front of AP
 • a base line station of 1 foot
 • S.W. corner of Section 1, Township 36N, Range 18W, Big Pine Bay, Monroe County, Florida
 to wit: as above stated over-enclosed
 to wit: as above stated over-enclosed
 to wit: as above stated over-enclosed

Monroe County
 H. L. OVERBECK, INC.
 Surveyors
 P.O. Box 421246 Big Pine Bay, Fl., 33422-1246
 33525791-4310 Fax: 33525792-4310

MONROE COUNTY
OFFICIAL RECORDS

RECORDER'S MEMO:
LEGIBILITY OF WRITING, TYPING, OR PRINTING WAS
UNSATISFACTORY ON THIS DOCUMENT WHEN RECEIVED

11-93	Drawn by: H. L. Overbeck	Section 27
11-93	Surveyed by: H. L. Overbeck	Township 36N Range 18W

Doc# 1482716 12/07/2004 11:56AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

Doc# 1482716
Bk# 2064 Pg# 788

PLANNING COMMISSION RESOLUTION NO. P43-04

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION APPROVING WITH CONDITIONS THE REQUEST FOR AN AMENDMENT TO A MAJOR CONDITIONAL USE FILED BY STRIKE ZONE CHARTERS, INC. FOR THE ADDITION OF 2,147 SQUARE FEET OF NON-RESIDENTIAL FLOOR AREA FOR STORAGE PURPOSES OF EQUIPMENT AND MATERIALS UTILIZED BY THE CHARTER BOAT BUSINESS LOCATED ON PROPERTY LEGALLY DESCRIBED AS "TOWNSHIP 66, SECTION 27, RANGE 29, PART OF LOT 1, BIG PINE KEY, MONROE COUNTY, FLORIDA." THE REAL ESTATE NUMBER IS 00111720.000000.

WHEREAS, during a regular scheduled meeting held on September 8, 2004, the Monroe County Planning Commission conducted a public hearing on the request filed by Strike Zone Charters, Inc. to add 2,147 square feet of non-residential floor area for storage purposes of equipment and materials used in the charter boat business; and

WHEREAS, Strike Zone Charters, Inc. is the owner of the above real property which is located on a parcel of land legally described as "Township 66, Section 27, Range 29, part of Lot 1, Big Pine Key, Monroe County, Florida; and

WHEREAS, the requested amount of non-residential square footage (2,147 sq. ft.) is subject to the Non-residential Rate of Growth Ordinance (NROGO); and

WHEREAS, the property is located in the Sub Urban Commercial (SC) land use district and the Future Land Use Map designation is Mixed Use/Commercial; and

WHEREAS, the Planning Commission was presented with the following evidence, which by reference is hereby incorporated as part of the record of said hearing:

1. Survey prepared by Harold Overbeck, PLS, dated 12/17/03, No. 93287.
2. Site plan for proposed new addition, signed and sealed by Glenn Gray & Associates, dated 5/6/04, Sheet 1 of 10.
3. Revised site plan, signed and sealed by Glenn Gray & Associates, dated 6/7/04, Sheet 1 of 10.
4. Aerial photos.
5. Monroe County Property Record Card.
6. Planning Commission Resolution P70-94.
7. Major Conditional Use Development Order #01-95.

Doc# 1482716
Bk# 2064 Pg# 789

8. Department of Community Affairs Settlement Agreement Case #95-3502DRI.
9. Vegetation survey prepared by Robert Smith, dated 9/25/94.
10. Conceptual drainage plan, prepared by Allen Perez, dated 1/27/04 (revised site plan dated 5/13/04 signed 5/14/04), Sheet C-1.
11. Monroe County Sheriff's theft reports, nos. 006409 and 123348.
12. Level I Traffic Study by Transport Analysis Professionals (TAP), dated October, 2003.
13. Pre-application Conference Letter of Understanding dated 8/18/04.
14. Additional traffic information from TAP, dated 3/25/04.
15. Letter from URS, dated 6/14/04.
16. Letter from URS, dated 6/21/04.
17. Public Comment Letters

WHEREAS, the Planning Commission has made the following Findings of Fact and Conclusions of Law based on the evidence presented:

1. Based on Condition #14 of Resolution P70-94, a hearing on an Amendment to a Major Conditional Use was conducted in order to receive approval for the requested 2,147 square feet of non-residential floor area for storage purposes. The 409 square feet of existing, unpermitted non-residential floor area used for storage shown on the site plan shall be included with the proposed 1,738 square feet of new non-residential floor area for a total of 2,147 square feet in order to legitimize the previously unpermitted floor area. Therefore, we conclude that the appropriate manner of review is being conducted for the proposed additional non-residential floor area.
2. Based on Section 9.5-124 of the Monroe County Land Development Regulations the additional non-residential floor area is subject to the Non-residential Rate of Growth Ordinance (NROGO) and must apply for an allocation as indicated in Section 9.5-124. Therefore, we conclude that the additional 2,147 square feet of non-residential floor area must receive an NROGO allocation prior to the issuance of a building permit.
3. Based on the plans submitted, the surface water management/conceptual drainage plan will be reviewed by the County Engineer following the recordation of this resolution. Therefore, we conclude that the stormwater management/conceptual drainage plan shall be reviewed and approved by the County Engineer prior to the issuance of a building permit.
4. Based on the letter from the Monroe County Traffic Consultant, dated June 21, 2004, the proposed additional non-residential floor area will not generate additional trips to the site. Therefore, we conclude that no additional trips will be generated.

Doc# 1482716
Bk# 2054 Pg# 790

5. Based on the letter from U.S. Fish and Wildlife, dated April 6, 2004, the proposed additional non-residential floor area will not have an adverse impact on threatened or endangered species. Therefore, we conclude that the proposed additional non-residential floor area is consistent with the Habitat Conservation Plan and the Big Pine Key Master Plan.
6. Based on the letter from the Department of Health, dated February 2, 2004, a review of the existing on-site wastewater treatment system is required to determine if the proposed additional non-residential floor area will necessitate upgrades to the existing system. Therefore, we conclude that a complete Plan Review by the appropriate agency to determine compliance with Chapter 64E-6 of the Florida Administrative Code (FAC) and Chapter 381 of the Florida Statutes must be conducted prior to the issuance of a building permit.
7. Based on the determination of the Director of Planning, until such time that the Big Pine Key Master Plan becomes effective, the proposed project shall compete in the NROGO with the entire subarea of the Lower Keys. At such time as the Master Plan becomes effective the proposed project would then compete only with other projects on Big Pine Key and No Name Key. Therefore, we conclude that the project shall compete with the Lower Keys subarea until the Big Pine Key Master Plan is in effect.
8. Based on Resolution P70-94 the U.S.1 major street buffer shall be reduced to a width of ten feet with no reduction in the required number and species of plants. The Biologist determined on a site visit that the existing vegetation in the U.S.1 bufferyard consists of four canopy trees, zero understory trees and forty-five shrubs. The requirement per Section 9.5-378 is eleven (11) canopy trees, five understory trees and forty-five shrubs. Therefore, we conclude that seven canopy trees and five understory trees must be added to what is currently in the U.S.1 bufferyard prior to the issuance of a building permit.
9. Based on the request of the Planning Commission, an additional condition shall be added to indicate that the proposed additional non-residential floor area and its use for storage purposes only is consistent with Resolution P70-94 and DCA Settlement Agreement #95-3502DRI. Furthermore, the granting of this request shall not abrogate any condition of Resolution P70-94 or Settlement Agreement #95-3502DRI. Therefore, we conclude that all conditions and requirements of Resolution P70-94 and Settlement Agreement #95-3502DRI not specifically changed by this Resolution are still in effect for Strike Zone Charters, Inc. and the granting of this request for 2,147 square feet of non-residential floor area shall not abrogate any condition of either document.
10. Based on Resolution P70-94, we conclude that any future changes to the site shall be accomplished via the amendment to a conditional use process.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF MONROE COUNTY, FLORIDA, that the preceding Findings of Fact and Conclusions of Law support its decision to **APPROVE** with conditions the request of Strike Zone Charters, Inc., for an Amendment to a Major Conditional Use to add 2,147 square feet of non-residential floor area for storage purposes only on a parcel of land legally described as "Township 66, Section 27, Range 29, part of Lot 1, Big Pine Key, Monroe County, Florida" subject to the following conditions:

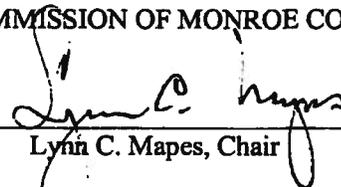
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Bk# 2064 Pg# 791

1. The additional non-residential floor is subject to the NROGO and shall receive an allocation prior to the issuance of a building permit.
2. The applicant shall compete in the NROGO Lower Keys-wide until such time as the Big Pine Key Master Plan becomes effective and then the applicant shall compete against other applicants solely on Big Pine Key and No Name Key.
3. Prior to issuance of a building permit, approval of the surface water management plan by the County Engineer shall be provided.
4. A Plan Review shall be conducted by the Florida Department of Health and/or the Department of Environmental Protection to ensure compliance with Chapter 64E-6 of the F.A.C. and Chapter 381 of the Florida Statutes prior to the issuance of a building permit.
5. The U.S.1 bufferyard shall be brought into compliance with Resolution P70-94 via addition of seven (7) canopy trees and five (5) unnderstory trees prior to the issuance of a building permit.
6. All conditions of Resolution P70-94 and DCA Settlement Agreement #95-3502DRI not specifically changed by this Resolution remain in effect for Strike Zone Charters, Inc. and the granting of the request for additional non-residential floor area does not abrogate any condition associated with either document.
7. Any future changes to the site shall be accomplished via the amendment to a conditional use process.

PASSED AND ADOPTED by the Planning Commission of Monroe County, Florida, at a regular meeting held on the 8th day of September 2004.

Chair Lynn C. Mapes	<u>YES</u>
Vice Chair Denise Werling	<u>YES</u>
Commissioner David C. Ritz	<u>YES</u>
Commissioner Julio Margalli	<u>YES</u>
Commissioner James Cameron	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

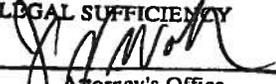
BY 
Lynn C. Mapes, Chair

Signed this 8th day of November, 2004

MONROE COUNTY
OFFICIAL RECORDS

P43-04

Page 4 of 4

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
BY <u></u> Attorney's Office

2500 K

17,500
17.50
17,518.5

Prepared by and return to:
Thomas D. Wright
Attorney at Law
Law Offices of Thomas D. Wright Chartered
9711 Overseas Highway
Marathon, FL 33050
305-743-8118
File Number: 17-330
Will Call No.:

Doc# 2131147 07/13/2017 12:40PM
Filed & Recorded in Official Records of
MONROE COUNTY KEVIN MADOK

07/13/2017 12:40PM
DEED DOC STAMP CL: Krys \$17,500.00

Doc# 2131147
Bk# 2864 Pg# 1056

Parcel Identification No. 00111720-000000/00111720-000200

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 30th day of June, 2017 between Strike Zone Charters, Inc., a Florida corporation whose post office address is 29675 Overseas Highway, Big Pine Key, FL 33043 of the County of Monroe, State of Florida, grantor*, and Florian Group, LLC, a Florida limited liability company whose post office address is 20943 - 7th Avenue West, Cudjoe Key, FL 33042 of the County of Monroe, State of Florida, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Monroe County, Florida, to-wit:

A Parcel of land in a part of Government Lot 1, Section 27, Township 66 South, Range 29 East, on Big Pine Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows:

Parcel 1

COMMENCE at the Southeast corner of Lot 1, Block 1, PINE CHANNEL ESTATES, SECTION ONE, according to the Plat thereof recorded in Plat Book 5, Page 99, of the Public Records of Monroe County, Florida, for the POINT or BEGINNING of the hereinafter described parcel of land; from said point of beginning run South along the West Right-of-Way line of Ships Way for a distance of 179.2 feet; thence West, 75.0 feet; thence North, 149.2 feet to a point on the South Line of aforementioned Pine Channel Estates Section One; thence East, 50.0 feet; thence North, 30.0 feet; thence East 25.0 feet back to the Point of Beginning.

Parcel 2

A parcel of land in a part of Government Lot 1, Section 27, Township 66 South, Range 29 East, on Big Pine Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows: COMMENCE at the Southeast corner of Lot 1, Block 1, PINE CHANNEL ESTATES, SECTION ONE, according to the Plat thereof recorded in Plat Book 5, Page 99, of the Public Records of Monroe County, Florida and run thence South along the West Right-of-Way line of Ships Way for a distance of 179.2 feet; thence West, 75.0 feet for the POINT OF BEGINNING of the hereinafter described parcel of land; thence continue West 150.00 feet; thence North, 149.2 feet to a man-made canal; thence East along said canal 150.0 feet. thence South 149.2 feet back to the POINT OF BEGINNING.

Parcel 3

COMMENCE AT THE SOUTHEAST CORNER OF LOT 1, BLOCK 1, PINE CHANNEL ESTATES, SECTION ONE ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT

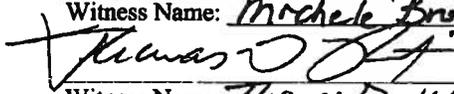
BOOK 5, PAGE 99 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA; THENCE NORTH 89 DEGREES 44'18" W ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 25.00 FT TO THE INTERSECTION WITH A CANAL RIGHT-OF-WAY LINE AS SHOWN ON SAID PLAT; THENCE ALONG SAID CANAL RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES S00 DEGREES 15'42" W, A DISTANCE OF 30.00 FEET; THENCE N 88 DEGREES 44'18" W A DISTANCE OF 199.88 FT TO THE NORTHWEST CORNER OF THE CERTAIN PARCEL OF LAND DESCRIBED IN A DEED TO STRIKE ZONE CHARTERS, INC., RECORDED IN OFFICIAL RECORDS BOOK 1287, PAGE 551, SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE 00 DEGREES 15'42" W ALONG THE WEST LINE OF SAID STIKE ZONE CHARTERS, INC., A DISTANCE OF 149.04 FT TO THE SOUTHWEST CORNER THEREOF; THENCE FOR NEW LINES THE FOLLOWING TWO COURSES: N 89 DEGREES 44'18" W A DISTANCE OF 15.00 FT; THENCE N 00 DEGREES 15'42" E A DISTANCE OF 149.04 FT TO THE INTERSECTION WITH THE ABOVE DESCRIBED CANAL RIGHT-OF-WAY LINE; THENCE S 89 DEGREES 44'18" EAST ALONG SAID CANAL RIGHT-OF-WAY LINE, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

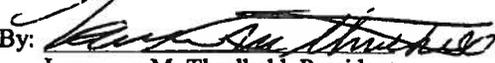
and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

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

Signed, sealed and delivered in our presence:


Witness Name: Michele Brossard

Witness Name: Thomas D. Wright

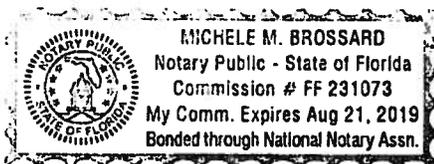
Strike Zone Charters, Inc., a Florida corporation
By: 
Lawrence M. Threlkeld, President

(Corporate Seal)

State of Florida
County of Monroe

The foregoing instrument was acknowledged before me this 30th day of June, 2017 by Lawrence M. Threlkeld, President of Strike Zone Charters, Inc., a Florida corporation, on behalf of the corporation. He/she is personally known to me or has produced a driver's license as identification.

[Notary Seal]





Notary Public
Printed Name: _____
My Commission Expires: _____



Disclaimer

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

By continuing into this site you assert that you have read and agree to the above statement.

Summary

Parcel ID 00111720-000000
 Account# 1140422
 Property ID 1140422
 Millage Group 100H
 Location 29675 OVERSEAS Hwy, BIG PINE KEY
 Address
 Legal 27 66 29 BIG PINE KEY PT LOT 1 OR366-143/144 OR785-4/5 OR818-1413 OR818-2090 OR845-955/957 OR1042-1104/05 OR1078-286/87 OR1189-1087/1089 OR1277-1396/97 OR1282-893/95 OR1287-551/52 OR1649-1419/20Q/C OR2864-1056/57
 Description (Note: Not to be used on legal documents)
 Neighborhood 10050
 Property Class STORE (1100)
 Subdivision
 Sec/Twp/Rng 27/66/29
 Affordable No
 Housing



Owner

FLORIGAN GROUP LLC
 20943 7th Ave W
 Cudjoe Key FL 33042

Valuation

	2019	2018	2017	2016
+ Market Improvement Value	\$368,404	\$346,088	\$0	\$0
+ Market Misc Value	\$92,508	\$71,878	\$0	\$0
+ Market Land Value	\$883,974	\$615,703	\$352,000	\$344,613
= Just Market Value	\$1,344,886	\$1,033,669	\$352,000	\$344,613
= Total Assessed Value	\$1,137,035	\$1,033,669	\$352,000	\$344,613
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$1,137,035	\$1,033,669	\$352,000	\$344,613

Land

Land Use (1100)	Number of Units	Unit Type	Frontage	Depth
	36,649.00	Square Foot	0	0

Commercial Buildings

Style 1 STY STORE-B / 11B
 Gross Sq Ft 5,681
 Finished Sq Ft 2,490
 Perimeter 0
 Stories 1
 Interior Walls DRYWALL
 Exterior Walls CUSTOM with 100% CUSTOM
 Quality 300 ()
 Roof Type IRR/CUSTOM
 Roof Material METAL
 Exterior Wall1 CUSTOM
 Exterior Wall2 CUSTOM
 Foundation CONC PILINGS
 Interior Finish DRYWALL
 Ground Floor Area
 Floor Cover SFT/HD WD
 Full Bathrooms 0
 Half Bathrooms 0
 Heating Type FCD/AIR DUCTED
 Year Built 2006
 Year Remodeled
 Effective Year Built 2012

Condition Code	Description	Sketch Area	Finished Area	Perimeter
EFD	ELEVATED FOUND	2,490	0	0
FLA	FLOOR LIV AREA	2,490	2,490	0
OPU	OP PR UNFIN LL	527	0	0
OPF	OP PRCH FIN LL	174	0	0
TOTAL		5,681	2,490	0

Yard Items

Description	Year Built	Roll Year	Quantity	Units	Grade
SEAWALL	1968	1969	1	440 SF	2
CONCRETE DOCK	1996	1997	1	1272 SF	4
RW2	1996	1997	1	424 SF	3
CONC PATIO	2006	2007	1	763 SF	2
CONCRETE DOCK	1968	1969	1	150 SF	4
UTILITY BLDG	1993	1993	1	120 SF	2
UTILITY BLDG	2006	2006	1	230 SF	2
COM CANOPY	2006	2007	1	775 SF	1

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
6/30/2017	\$2,500,000	Warranty Deed	2131147	2864	1056	35 - Unqualified	Improved
10/1/1993	\$200,000	Warranty Deed		1277	1396	Q - Qualified	Improved

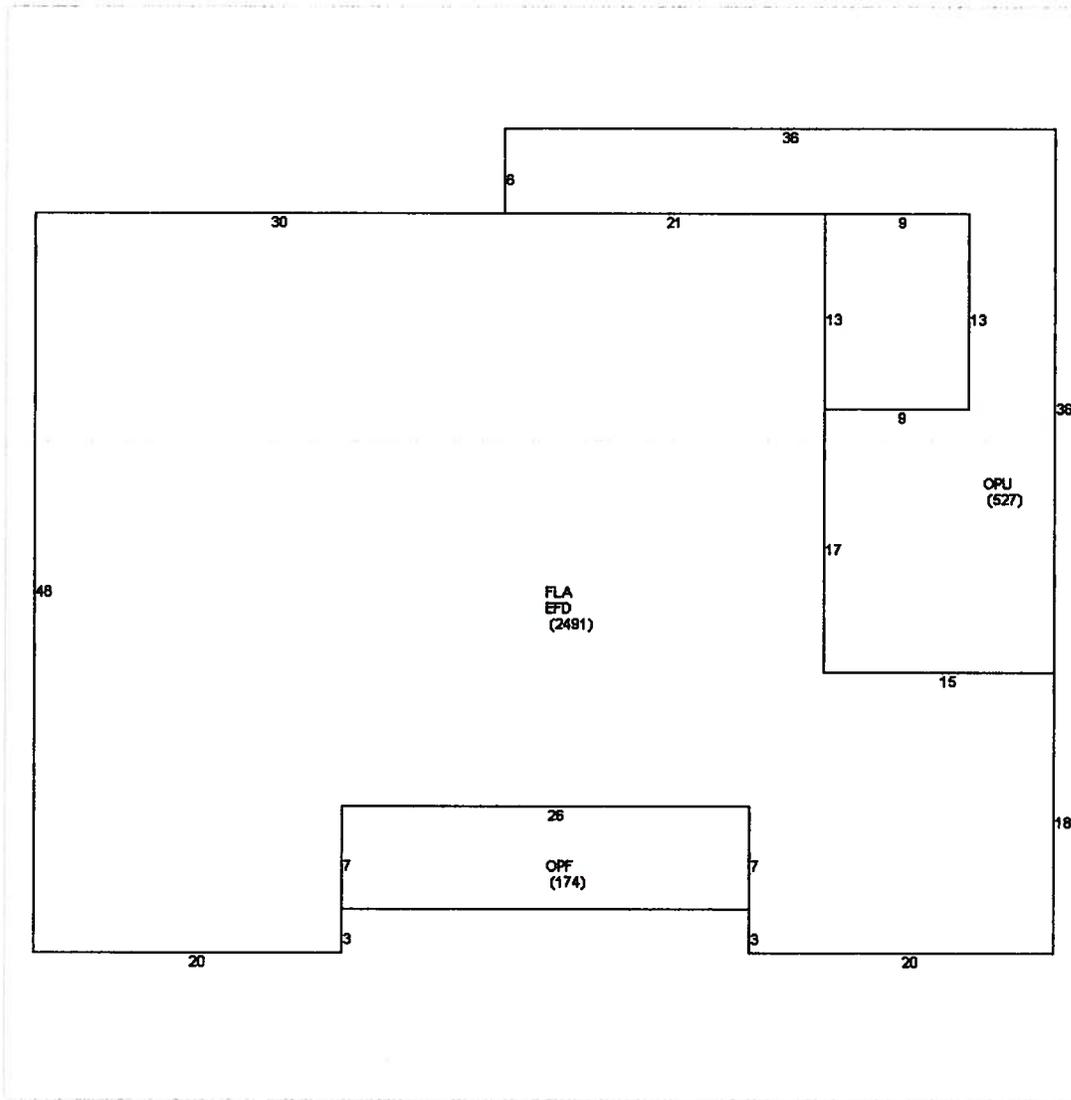
Permits

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
18103388	11/9/2018	3/9/2019	\$93,200	Commercial	INSTALL A 5,000 GAL TANK & DISPENSER WITH CONTROL CONSOLE (ABOVE GROUND)
04105187	5/12/2005	7/10/2006	\$150,000	Commercial	COMMERCIAL STORAGE - 2441 SF STORAGE ADDITION & RAISE EXISTING BLDG & HANDICAP RAMP
01102138	6/21/2001	7/10/2006	\$1,500	Commercial	INSTALL 720 SF CANOPY (ATF) - SEE # 04105187
00103451	8/3/2000	8/8/2000	\$1,500	Commercial	REPLACE & UPGRADE TO 200 AMP SERVICE & SUB FEED
93106985	11/1/1993	12/1/1993	\$3,500	Commercial	REMODELING COMMERCIAL BLDG DUE TO WATER DAMAGE - REPLACE WINDOWS, DOORS & PLYWOOD ON ROOF & PAINT / PLUMBING REPAIRS IN BATHROOM & RELOCATE TOILET

View Tax Info

[View Taxes for this Parcel](#)

Sketches (click to enlarge)



Photos



Map



TRIM Notice



2019 Notices Only

No data available for the following modules: Buildings, Mobile Home Buildings, Exemptions.

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose, likewise data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data you hereby understand and agree that the

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Last Data Upload: 10/21/2019, 5:42:52 AM

Version 2.3.14



Google Maps

US-1

00111720-000000

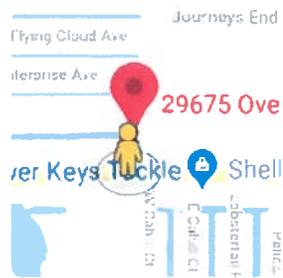


Image capture: Apr 2019 © 2019 Google

Big Pine Key, Florida



Street View - Apr 2019



Street View

View from adjacent roadway (Ships Way)



Legend

-  29675 Overseas Hwy
-  Strike Zone Charters Inc

Google Earth

© 2013 Google
© 2019 Google

8.91 ft

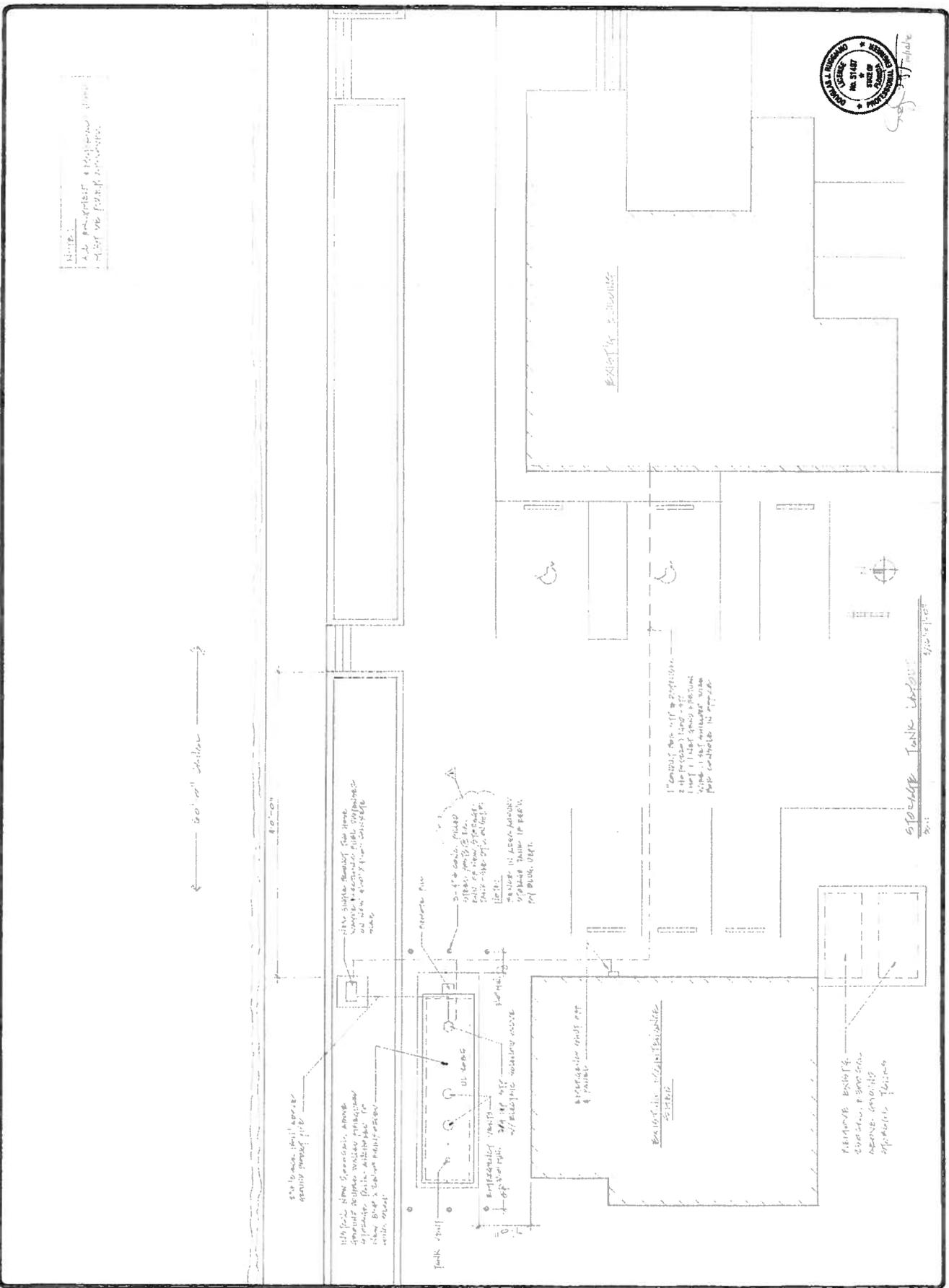
427

REVISIONS	BY

BIGGEST: BASED ON ALLOCATION
 SIZE OF DISTRIBUTION SYSTEM
 LOCAL OR LOCAL AREA
 MINIMAL FLOW RATE
 FLOW RATE (GPM) AND PRESSURE

STRIKE ZONE CHARTERS
 LEFT BLOCK - PIPE CHANGE EXPANSION SECTION
 DR. LUB. VENT.

DATE	
BY	



ALL DIMENSIONS IN FEET AND INCHES
 UNLESS OTHERWISE SPECIFIED

← 50'-0" Section →

10'-0"

NEW STORAGE TANKS TO BE INSTALLED
 WITHIN EXISTING TANK FOOTPRINTS
 AS SHOWN ON ATTACHED DRAWINGS

2" x 4" WALLS, FINISH
 WITH 1/2" GYPSUM BOARD
 OVER 1" INSULATION
 FINISH WITH 1/2" GYPSUM BOARD
 OVER 1" INSULATION
 FINISH WITH 1/2" GYPSUM BOARD
 OVER 1" INSULATION

1" WALLS, FINISH
 WITH 1/2" GYPSUM BOARD
 OVER 1" INSULATION
 FINISH WITH 1/2" GYPSUM BOARD
 OVER 1" INSULATION

STORAGE TANK LAYOUT
 5/10/10

REMOVED EXISTING
 STORAGE TANKS
 AND INSTALLED
 NEW STORAGE TANKS



REVISIONS	DATE

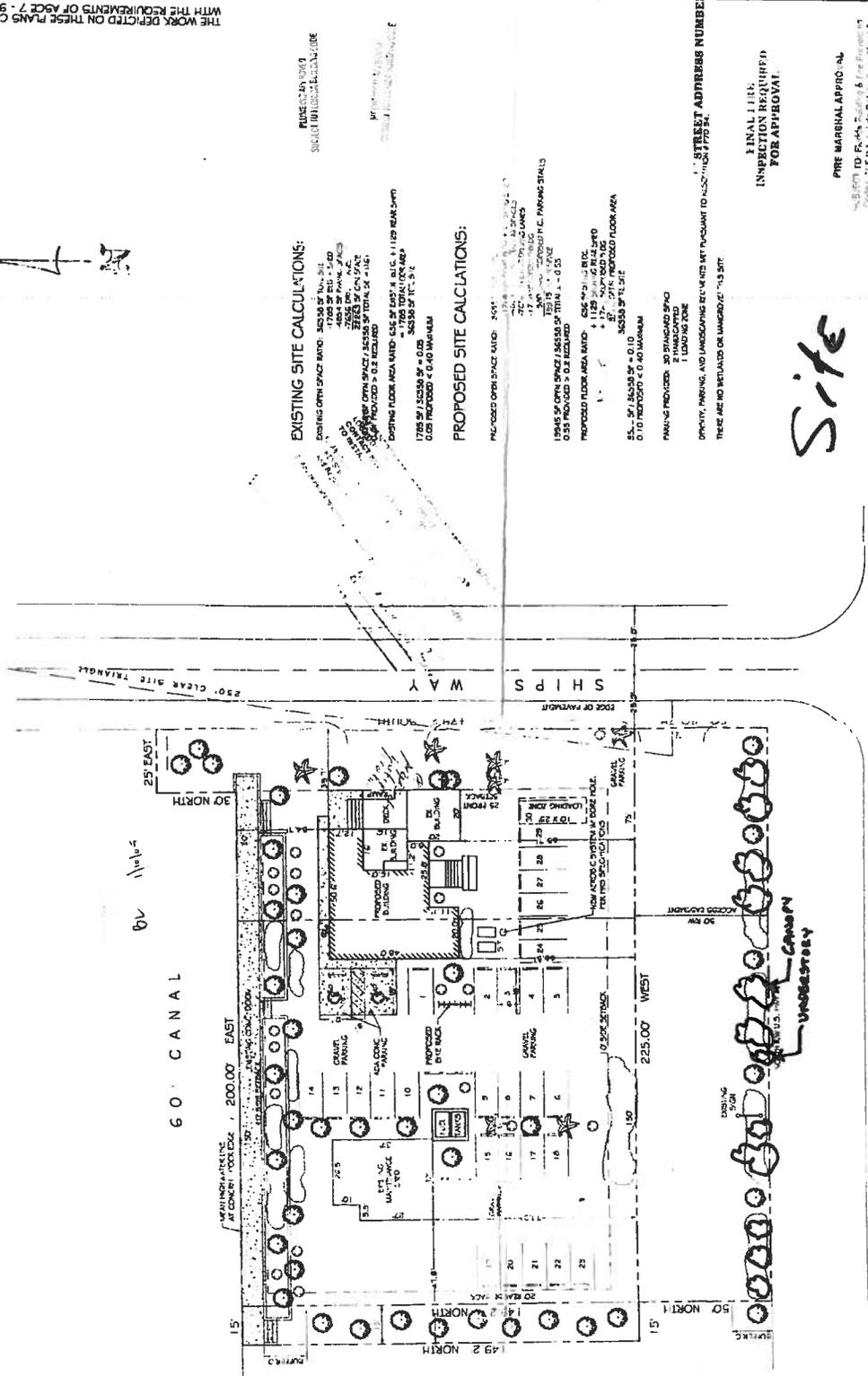


AN ACTION
 STRIKE ZONE CHARTERS
 LOT 1, BLOCK 1
 PINE CHANNEL, STATES SECTION 1
 DAD PINE KEY
 MONROE COUNTY, FL.

GLENN GRAY
 & Associates
 RESIDENTIAL DEVELOPMENT BY DESIGN

PROJECT NO.	11487
D.W.Z.	
DATE	11/20/84
SCALE	1"=20'

THE WORK DEPICTED ON THESE PLANS CONFORMS WITH THE REQUIREMENTS OF ASCE 7-98



EXISTING SITE CALCULATIONS:
 EXISTING OPEN SPACE RATIO: 0.35
 1944 SQ. FT. OPEN SPACE PROVIDED
 5550 SQ. FT. TOTAL FLOOR AREA
 0.35 PROVIDED > 0.35 REQUIRED

PROPOSED SITE CALCULATIONS:
 PROPOSED OPEN SPACE RATIO: 0.35
 1944 SQ. FT. OPEN SPACE PROVIDED
 5550 SQ. FT. TOTAL FLOOR AREA
 0.35 PROVIDED > 0.35 REQUIRED

FINAL LITERATURE INSPECTION REQUIRED FOR APPROVAL.

PRE-MARSHAL APPROVAL
 SUBJECT TO FLOOD HAZARD & FLOOD DAMAGE PREVENTION ACT (FEMA), LOCAL ORDINANCES, AND STATE AND FEDERAL REGULATIONS.
 MONROE COUNTY, FLORIDA

RECEIVED
 11/18/84
 2019-233

Site

041-5187 # 11/18/84

U.S. HIGHWAY NO.

11-9904
 CANOPY (Lumber Lumber)
 UNDEVELOPED (Lumber Lumber)

LU...
 PLANNING...

11/20/84
 11/20/84

ANY REPRODUCTION OR USE OF THESE PLANS WITHOUT THE WRITTEN PERMISSION OF GLENN GRAY & ASSOCIATES, INC. IS PROHIBITED.

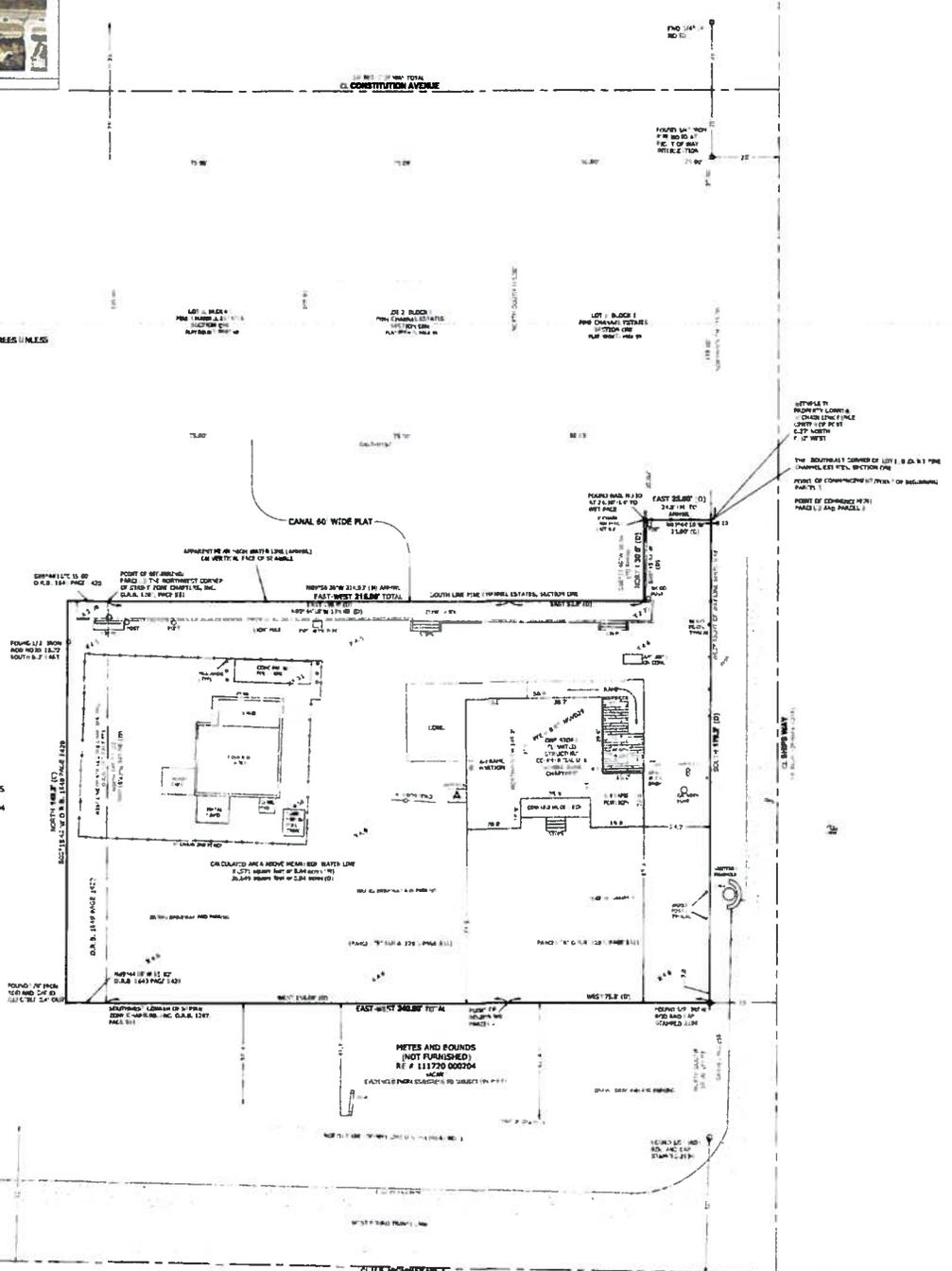
MAP OF BOUNDARY SURVEY
3 PARCELS OF LAND IN A PART OF GOVERNMENT LOT 1
SECTION 27, TOWNSHIP 66 SOUTH, RANGE 29 EAST
MONROE COUNTY, FLORIDA



BEARING BASE:
 NORTH-SOUTH ALONG THE WEST
 RIGHT-OF-WAY LINE OF SHIPS WAY

**ALL ANGLES DEPICTED ARE 90 DEGREES UNLESS
 OTHERWISE INDICATED**

ADDRESS
 29675 SHIPS WAY
 BIG PINE KEY, FLORIDA 33043



METES AND BOUNDS
 (NOT FURNISHED)
 REF # 111720 000204

METES AND BOUNDS
 (NOT FURNISHED)
 REF # 111720 000204

THE SOUTHWEST CORNER OF LOT 1 IS 20.11 FEET
 UNLESS OTHERWISE INDICATED BY THIS SURVEY
 POINT OF COMMENCEMENT FOR PARCELS 1, 2 & 3

LEGAL DESCRIPTION:
 A Parcel of land in a part of Government Lot 1, Section 27, Township 66 South, Range 29 East, on Big Pine Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows:

Parcel 1
 COMMENCE AT THE Southeast corner of Lot 1, Block 1, FINE CHANNEL ESTATES, SECTION ONE, according to the Plat thereof recorded in Plat Book 5, Page 99, of the Public Records of Monroe County, Florida, for the POINT OF BEGINNING of the hereinafter described parcel of land; from said point of beginning run South along the West Right-of-Way line of Ships Way for a distance of 179.2 feet; thence West, 75.0 feet; thence North, 149.2 feet to a point on the South Line of aforementioned Fine Channel Estates Section One; thence East, 50.0 feet; thence South, 30.0 feet; thence East, 25.0 feet back to the Point of Beginning.

Parcel 2
 A Parcel of land in a part of Government Lot 1, Section 27, Township 66 South, Range 29 East, on Big Pine Key, Monroe County, Florida, and being more particularly described by metes and bounds as follows: COMMENCE at the Southwest corner of Lot 1, Block 1, FINE CHANNEL ESTATES, SECTION ONE, according to the Plat thereof recorded in Plat Book 5, Page 99, of the Public Records of Monroe County, Florida, and run thence South along the West Right-of-Way line of Ships Way for a distance of 179.2 feet; thence West, 75.0 feet; thence North, 149.2 feet to the POINT OF BEGINNING of the hereinafter described parcel of land; thence, continue West 150.00 feet; thence North, 149.2 feet to a main-mole canal; thence East along said canal 150.0 feet; thence South 149.2 feet back to the POINT OF BEGINNING.

Parcel 3
 COMMENCE AT THE South-East corner of Lot 1, Block 1, FINE CHANNEL ESTATES, SECTION ONE according to PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 99 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, THENCE 88°54'11" W ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 23.00 FT TO THE INTERSECTION WITH A CANAL RIGHT-OF-WAY LINE AS SHOWN ON SAID PLAT; THENCE ALONG SAID CANAL RIGHT-OF-WAY LINE THE FOLLOWING TWO COURSES: 50°11'42" W A DISTANCE OF 30.00 FEET; 111°10'45" W A DISTANCE OF 199.85 FT TO THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN A DEED TO STRIKE ZONE CHARTERS, INC. RECORDED IN OFFICIAL RECORDS BOOK 1247 PAGE 551, SAID PUBLIC RECORDS AND THE POINT OF BEGINNING; THENCE 50°0'0" W ALONG THE WEST LINE OF SAID STRIKE ZONE CHARTERS, INC., A DISTANCE OF 149.04 FT., TO THE SOUTHWEST CORNER THEREOF; THENCE 10°14'00" W ALONG THE FOLLOWING TWO COURSES: 88°54'11" W A DISTANCE OF 15.00 FT; THENCE N00°15'42" E A DISTANCE OF 149.04 FT., TO THE INTERSECTION WITH THE ABOVE DESCRIBED CANAL; RIGHT-OF-WAY LINE; THENCE S88°44'47" E ALONG SAID CANAL RIGHT-OF-WAY LINE, A DISTANCE OF 15.00 FT., TO THE POINT OF BEGINNING.

RECEIVED
 JUN 23 2019

PLAT LAY OUT (2/19) UPDATE SURVEY, ADD ELEVATIONS, ADD AREA CALCULATION BY ERS

RECEE & ASSOCIATES
 77 NE FLORIDA BLVD, SUITE 111
 OFFICE 351-1548
 141120-000204

KBP CONSULTING, INC.

October 21, 2019

Chelsea Vanadia, Esq.
Smith Hawks
138 Simonton Street
Key West, FL 33040

**Re: Captain Hook's – Big Pine Key, Florida
Traffic Statement**

Dear Chelsea:

Captain Hook's is an existing marina and dive shop located on the north side of Overseas Highway / US 1 near Mile Marker 29.5 on Big Pine Key, Monroe County, Florida. More specifically, the subject site is located at 29675 Overseas Highway and the Parcel ID for the subject property is 00111720-000000. A project location map is presented in Attachment A to this memorandum.

While many of the structures and facilities on the subject site date back to the 1960s, a 5,000 gallon above ground fuel storage tank was recently installed along the northern boundary of the property. (A site plan for the overall property and a storage tank layout sketch plan are presented in Attachment B to this memorandum.) This tank is oriented toward the adjacent 60-foot canal that borders the site to the north and is intended to serve the charter boats operating at Captain Hook's as well as their other patrons that arrive by boat.

The referenced fuel storage tank was operational between March 12, 2019 and April 18, 2019 and during this 38-day period, an average of five (5) boats per day were served. And, fuel deliveries were received by truck on a bi-weekly basis. Based upon a review of operations and activities in previous years at Captain Hook's, it is estimated that fuel deliveries during the peak season (i.e. mid-January through mid-April) and during the lobster mini season (i.e. late July) could be as frequent as once per week.

From a traffic engineering aspect, the anticipated level of vehicular activity associated with the subject fuel tank is expected to be insignificant. At peak times of the year, it is expected that no more than two (2) trips per week would be generated by this element of the site – one (1) inbound trip by the fuel delivery truck and one (1) outbound trip. Furthermore, the actual number of additional trips on the surrounding roadway network attributed to the fuel delivery truck is expected to be zero (0) since this vehicle is likely to be on the roadway network serving other similar sites in the area.

Given the limited impacts of the subject fuel tank on the surrounding roadway network, no further traffic analyses or evaluations are warranted at this time. If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

KBP CONSULTING, INC.



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

Attachment A

Captain Hook's – Big Pine Key

Project Location Map

Attachment B

Captain Hook's – Big Pine Key

Site Plan and Storage Tank Layout Plan

ALVAREZ ALFREDO
9113 NW 174th St
Hialeah, FL 33018

ARIAS JOSE
12950 SW 48th St
Miami, FL 33175

AURA ENTERPRISES LLC
9540 Looking Glass Ave
Portland, MI 48875

BALL BRUCE
PO Box 430235
Big Pine Key, FL 33043

BOARD OF TRUSTEES OF THE IITF
3900 The Capitol
Tallahassee, FL 32399

BRAUN FERNAND
PO Box 430660
Big Pine Key, FL 33043

BRUNET JULIE A
29753 Henry Ln
Big Pine Key, FL 33043

CARTER GWENDOLYN L
29544 Constitution Ave
Big Pine Key, FL 33043

CARTS KEYS LLC
30 E Cahill Ct
Big Pine Key, FL 33043

CARTWRIGHT WALLACE
30 Burton Hills Blvd
Nashville, TN 37215

CHESTON DORA M
13461 72nd Ct N
West Palm Beach, FL 33412

CHITWOOD JAMES
PO Box 430658
Big Pine Key, FL 33043

CLEVELAND MICHAEL J
8490 Ponce de Leon Rd
Miami, FL 33143

CORRA PRIME MANAGEMENT LLC
530 Johns Pass Ave
Madeira Beach, FL 33708

COUNTY OF MONROE
1100 Simonton St
Key West, FL 33040

DOT/ST.OF FL
FDOT
TALLAHASSEE, FL 32399

EGGETT GARY
29692 Enterprise Ave
Big Pine Key, FL 33043

FAUST LESLIE L
575 Oxbow Cir
Pagosa Springs, CO 81147

FLORIDA KEYS COMMUNITY LAND
TRUST INC
PO Box 420385
Summerland Key, FL 33042

FLORIGAN GROUP LLC
20943 7th Ave W
Cudjoe Key, FL 33042

FOUNTAIN KELLI
8 Boulder Dr
Key West, FL 33040

GOMEZ THOMAS RYAN
33 E Cahill Ct
Big Pine Key, FL 33043

GORSKI ELIZA B
29642 Constitution Ave
Big Pine Key, FL 33043

HALFMOON LANDING INC
2741 NE 39th Ct
Lighthouse Point, FL 33064

HELMKE CHAD D
279 Lobstertail Rd
Big Pine Key, FL 33043

HILL MARK
29657 Enterprise Ave
Big Pine Key, FL 33043

JAKIMIEC RICHARD
29767 Henry Ln
Big Pine Key, FL 33043

J-TILE LIV TR 4/27/2006
94 Cedar Hill Dr
Saint Marys, GA 31558

KALLEBERG ALAN
29741 Henry Ln
Big Pine Key, FL 33043

KEY WEST HMA PHYSICIAN
MANAGEMENT LLC
C/O ALTUS GROUP
SOUTHLAKE, TX 76092

KISER SAMUEL CURTIS
5385 Wpa Rd
Lamont, FL 32336

KRALICH SHIRLEY M
PO Box 148
Big Sandy, MT 59520

LEACH MICHELLE
29757 Henry Ln
Big Pine Key, FL 33043

LEAL ANDREA
29632 ENTERPRISE Ave
Big Pine, FL 33043

LOYD JOSEPH
29678 Constitution Ave
Big Pine Key, FL 33043

MARCH ALAN B
6728 Strawberry Ln
Jacksonville, FL 32211

MARTIN BARBARA L
61 W Cahill Ct
Big Pine Key, FL 33043

MCCLARNEY CARL BRADLEY
29678 Enterprise Ave
Big Pine Key, FL 33043

MCGOWAN BLANCHE S
3623 SW Pitch Way
Palm City, FL 34990

MERCURIO MATTHEW M
PO Box 3154
Coeur D Alene, ID 83816

MONROE COUNTY
500 WHITEHEAD STREET
KEY WEST, FL 33040

MONROE COUNTY BOARD OF COUNTY
COMMISSIONERS
1100 Simonton St
Key West, FL 33040

NORTH JOHN H
29681 Enterprise Ave
Big Pine Key, FL 33043

PAOLETTI MARY LOU
3419 Marshrun Dr
Grove City, OH 43123

PENA ORLANDO
16120 SW 60th St
Miami, FL 33193

PONTIN DALE H
PO Box 717
Kahuku, HI 96731

POON GINSIU TANG
29361 Forrestal Ave
Big Pine Key, FL 33043

REDDFISH OUTFITTERS LLC
1825 Fellowship Rd
Tucker, GA 30084

REYES CHRISTINE
5451 NW 172nd St
Miami Gardens, FL 33055

RING LARRY D
50 E Cahill Ct
Big Pine Key, FL 33043

RODRIGUEZ MARIANELA
1205 19th Ter
Key West, FL 33040

SCHEIDELL BARBARA
29624 Constitution Ave
Big Pine Key, FL 33043

SCHLOTTMAN CATHERINE S
29771 Henry Ln
Big Pine Key, FL 33043

SEA CENTER LLC
PO Box 430520
Big Pine Key, FL 33043

SEDA CYNTHIA LYNN
720 Mendez Way
Longwood, FL 32750

SENIOR DAVE W
400 Bartlow Rd
Georgetown, OH 45121

SHEPPERD MARIANNE H/W
29693 Enterprise Ave
Big Pine Key, FL 33043

SHIPS WAY INC
29438 Saratoga Ave
Big Pine Key, FL 33043

SINGLETON AND WHEELER LLC
2534 A Edison Ave
Fort Myers, FL 33901

SMITH EDWARD G
29669 Enterprise Ave
Big Pine Key, FL 33043

SOCARRAS JOSE B
530 SW 29th Rd
Miami, FL 33129

SPANO JOHN A
4695 Lee St
Cocoa, FL 32926

STRIKE ZONE CHARTERS INC
29690 Constitution Ave
Big Pine Key, FL 33043

TIITF
3900 The Capitol
Tallahassee, FL 32399

TIITF
C/O DEP
TALLAHASSEE, FL 32399

TSVETANOV CHRISTO
31 Birmingham Dr
Jackson, NJ 08527

VAZQUEZ MIGUEL
41 W Cahill Ct
Big Pine Key, FL 33043

VELASQUEZ JR GILBERT
10 Osage Dr
Miami Springs, FL 33166

WATSON ANGELA
2009 Brookstone Dr
Montgomery, AL 36117

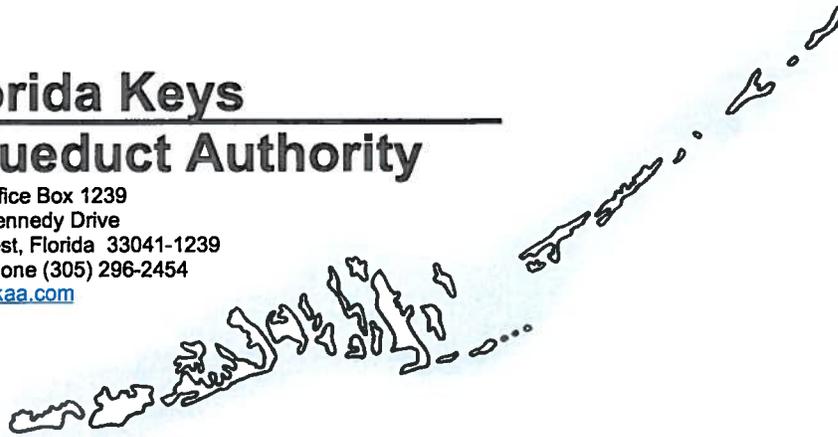
WEINBERG LAWRENCE REVOCABLE
TRUST 4/5/1994
850 W 43rd Ct
Miami Beach, FL 33140

WOOD CARMEN BELLEAU H/W
1121 Clipper Dr
Slidell, LA 70458



Florida Keys Aqueduct Authority

Post Office Box 1239
1100 Kennedy Drive
Key West, Florida 33041-1239
Telephone (305) 296-2454
www.fkaa.com



J. Robert Dean
Chairman
District 3

Richard J. Toppino
Vice-Chairman
District 2

David C. Ritz
Secretary/Treasurer
District 5

Cara Higgins
District 1

Antoinette M. Appell
District 4

Kirk C. Zuelch
Executive Director

10/1/2019

FLORIGAN GROUP LLC
29675 OVERSEAS HWY
BIG PINE KEY, FL. 33043

RE: 29675 OVERSEAS HWY
BIG PINE KEY, FL.
026685 - 602650

Please allow this letter to serve as documentation that the Florida Keys Aqueduct Authority has provided water service to the above referenced property since 1976 with one meter on the property.

It is anticipated that this information will be found both helpful and satisfactory. Please do not hesitate to contact us at 305-296-2454, if you request further assistance.

Sincerely,

FLORIDA KEYS AQUEDUCT AUTHORITY



(305) 295-1000
1001 James Street
PO Box 6100
Key West, FL 33040-6100
www.KeysEnergy.com

UTILITY BOARD OF THE CITY OF KEY WEST

October 21, 2019

Anthony j. Davila
Associate Attorney
Smith/Hawks Attorneys at Law
138 Simonton Street
Key West, FL 33040

RE: Strike Zone Charters
RE No. 00111720-000000

Dear Mr. Davila,

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

KEYS' Engineering Section has reviewed the plans submitted. KEYS does not have any objections as this load and facilities is on site and running.

Should you have any questions or require any further information please feel free to call me at 305.295.1055.

Sincerely,

A handwritten signature in blue ink that reads "Matthew Alfonso". The signature is fluid and cursive, with a long horizontal stroke at the end.

Matthew Alfonso
Supervisor of Engineering
Matthew.Alfonso@keysenergy.com

County of Monroe
The Florida Keys



BOARD OF COUNTY COMMISSIONERS

Mayor Sylvia J. Murphy, District 5
Mayor Pro Tem Danny L. Kolhage, District 1
Michelle Coldiron, District 2
Heather Carruthers, District 3
David Rice, District 4

Monroe County Fire Rescue
490 63rd Street Ocean
Marathon, FL 33050
Phone (305) 289-6088



11 October, 2019

Anthony Davila
Smith / Hawks Attorneys at Law
138 Simonton St.
Key West, FL 33040

Re: Proof of Coordination
Florigan Group, LLC
RE No.: 00111720-000000
29675 Overseas Highway
Big Pine Key, FL 33043

Mr. Davila,

A fuel tank was permitted for installation with a fire inspection completed 1 March, 2019. There are no complaints or violations of Monroe County Fire Codes or Florida Fire Prevention Code on file.

Monroe County Fire Marshal's Office is available to assist with coordinating life and fire safety code compliance.

Sincerely,

Craig Marston
Deputy Fire Marshal

Cc: File

County of Monroe
The Florida Keys



BOARD OF COUNTY COMMISSIONERS

Mayor Sylvia J. Murphy, District 5
Mayor Pro Tem Danny L. Kolhage, District 1
Michelle Coldiron, District 2
Heather Carruthers, District 3
David Rice, District 4

November 12, 2019

Attn: Anthony J. Davila – Smith/Hawks, Attorneys At Law
138 Simonton Street
Key West, FL. 33040

Ref: Florigan Group, LLC.
DBA - Strike Zone Charters
29675 Overseas Hwy.
Big Pine Key, FL 33043

Re: Letter of Coordination – PID 00111720-000000, ALK #1140422 – Gas Tank Project

Dear Mr. Davila,

After review and discussion with Waste Management, LLC. of the proposed plan for your client's project, the property shows adequate provision for solid waste management. If after the improvement/addition of services current receptacle does not provide adequate disposal, please inform your client to contact Waste Management at 305-296-8231, for a larger receptacle.

While recycling is not mandatory, it is strongly encouraged throughout the business community. I hope that Strike Zone Charters will support the recycling initiative with this additional business opportunity. If information is needed on how to set-up recycling for this business please discuss available options with Waste Management, LLC.

Sincerely,

A handwritten signature in blue ink that reads "Cheryl Sullivan". The signature is written in a cursive, flowing style.

Cheryl Sullivan, Director of Solid Waste Management
Monroe County, Florida

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Ron DeSantis
Governor

Scott A. Rivkee, MD
State Surgeon General

Vision: To be the Healthiest State in the Nation

October 2, 2019

Anthony J. Davila
aj@smithhawks.com

Dear Mr. Davila,

FL DOH-Monroe has no objections to your project. Central sewer has been connected, the old septic system has been abandoned, and the location has an approved water source. Other offices, such as the Monroe County Building Department may need to be consulted prior to this use.

Should you have any questions, please call 305.797.9252.

Sincerely,

James Rachal
Environmental Manager
FL DOH-Monroe

Chelsea Vanadia

From: Rios, Gus <Gus.Rios@FloridaDEP.gov>
Sent: Thursday, October 3, 2019 2:12 PM
To: Chelsea Vanadia
Cc: Anthony J. Davila; Jenipher S. Cabot; Golden, Jason; Ferguson, Travis; Hardie, Gary; Michael.Winkler@flhealth.gov
Subject: RE: Request for Proof of Coordination - FDEP

Hi Chelsea,

Mike Winkler from FDOH conducts the fuel storage inspections and handles the compliance for the storage tanks . Also, feel free to call me at any time.

Gustavo Rios
Program Administrator
Florida Department of Environmental Protection
South District Marathon Office
(305) 289-7081
Gus.Rios@FloridaDEP.gov

From: Chelsea Vanadia <Chelsea@smithhawks.com>
Sent: Thursday, October 3, 2019 2:02 PM
To: Rios, Gus <Gus.Rios@FloridaDEP.gov>
Cc: Anthony J. Davila <aj@smithhawks.com>; Jenipher S. Cabot <jen@smithhawks.com>; Golden, Jason <Jason.Golden@FloridaDEP.gov>; Ferguson, Travis <Travis.Ferguson@FloridaDEP.gov>; Hardie, Gary <Gary.Hardie@FloridaDEP.gov>
Subject: RE: Request for Proof of Coordination - FDEP

Hi Gus!

Hope al has been well. To clarify the email request, no construction is set to occur for this project- it has already been permitted, approved, and installed (see attached inspection report from your office). The County is requiring that an Amendment to a previously approved Major Conditional Use Permit be applied for to eliminate restrictions on fuel on the property to resolve a pending code violation case. This may be easier explained on a call, please let me know if you would be available to discuss.

Thank you,

Best regards,
CHELSEA VANADIA, ESQ.

S M I T H / H A W K S

ATTORNEYS AT LAW

138 SIMONTON STREET, KEY WEST, FLORIDA 33040 U.S.A.

TEL. 305-296-7227 FAX. 305-296-8448 WEB. SMITHHAWKS.COM

From: Rios, Gus <Gus.Rios@FloridaDEP.gov>
Sent: Thursday, October 03, 2019 1:00 PM
To: Anthony J. Davila <aj@smithhawks.com>
Cc: Ferguson, Travis <Travis.Ferguson@FloridaDEP.gov>; Hardie, Gary <Gary.Hardie@FloridaDEP.gov>; Golden, Jason <Jason.Golden@FloridaDEP.gov>
Subject: RE: Request for Proof of Coordination - FDEP

Good afternoon Mr. Davila,

If you need the department staff to review this project please send more detailed information on the construction activities associated with this project. You may send an email or letter describing the specific activities so we can advise you if the activities are within the department's jurisdiction or if they may need Department permits or authorization.

Thanks,

Gustavo Rios
Program Administrator
Florida Department of Environmental Protection
South District Marathon Office
(305) 289-7081
Gus.Rios@FloridaDEP.gov

From: Teyshak, Katie
Sent: Thursday, October 3, 2019 12:05 PM
To: Rios, Gus <Gus.Rios@FloridaDEP.gov>
Subject: FW: Request for Proof of Coordination - FDEP

Gus,
Please see request below.
Thanks,

Katie Teyshak
Administrative Assistant I
Florida Department of Environmental Protection
South District Marathon Branch Office
2796 Overseas Highway, Suite 221
Marathon, Florida 33050
Office: (305) 289-7069
katie.teyshak@floridadep.gov

From: Anthony J. Davila <aj@smithhawks.com>
Sent: Thursday, October 3, 2019 9:45 AM
To: Teyshak, Katie <Katie.Teyshak@FloridaDEP.gov>

Cc: Chelsea Vanadia <Chelsea@smithhawks.com>

Subject: Request for Proof of Coordination - FDEP

Good afternoon,

This firm is representing Florigan Group, LLC who is currently applying to Monroe County requesting an amendment to a conditional use to eliminate restrictions on fuel on property located on Big Pine Key, bearing Monroe County RE No. 00111720-000000. The Monroe County Planning and Environmental Resources Department notified us that proof of coordination from the Florida Department of Environmental Protection is required to be submitted with the Request for an Amendment to a Major Conditional Use application, and as such we are requesting the proof of coordination from you. Please find attached the site plans for the development that already exists on the property.

Please provide this firm with proof of coordination as required by Monroe County. Please do not hesitate to contact me if you need additional information. Thank you for your assistance in this matter.

Best regards,

Anthony J. Davila
Associate Attorney
AJ@smithhawks.com

SMITH/HAWKS

ATTORNEYS AT LAW

138 SIMONTON STREET, KEY WEST, FLORIDA 33040 U.S.A.

TEL. 305-296-7227 FAX. 305-296-8448 WEB. SMITHHAWKS.COM

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AGENT AUTHORIZATION FORM

Date of Authorization: 7 / 17 / 2019
Month Day Year

I hereby authorize Barton W. Smith, Esq., Chelsea Vanadia, Esq., Smith Hawks, PL be listed as authorized agent
(Print Name of Agent)

representing Florigan Group, LLC for the application submission
(Print Name of Property Owner(s) the Applicant(s))

of Request for an Amendment to Major Conditional Use Permit
(List the Name and Type of applications for the authorization)

for the Property described as: (if in metes and bounds, attach legal description on separate sheet)

Table with 4 columns: Lot, Block, Subdivision, Key (Island). Row 1: 1, 1, Pine Channel Estates, Big Pine. Row 2: 00111720-000000, 1140422. Row 3: Real Estate (RE) Number, Alternate Key Number. Row 4: 29675 Overseas Highway, Big Pine Key, Florida 33040, 29/30. Row 5: Street Address (Street, City, State & Zip Code), Approximate Mile Marker.

Authorized Agent Contact Information:

138 Simonton Street, Key West, FL 33040

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

(305)296-7227

Bart@SmithHawks.com & Chelsea@SmithHawks.com

Work Phone

Home Phone

Cell Phone

Email Address

This authorization becomes effective on the date this affidavit is notarized and shall remain in effect until terminated by the undersigned. This authorization acts as a durable power of attorney only for the purposes stated. The undersigned understands the risks and liabilities involved in the granting of this agency and accepts full responsibility for any and all of the actions of the agent named herein related to the processing of the services requested, application(s) and/or the acquisition of approvals/permits for the aforementioned applicant. The applicant(s) hereby indemnifies and holds harmless Monroe County, its officers, agents and employees for any damage to applicant caused by its agent or arising from this agency authorization.

Note: Agents must provide a notarized authorization from ALL current property owners.

Signature of Property Owner: [Handwritten Signature]

Printed Name of Property Owner: Kim D. Roney, as Manager of Florigan Group, LLC

STATE OF Florida COUNTY OF Monroe

Sworn to and subscribed before me this 17th day of July, 2019

by Kim D. Roney, who is personally known to me OR produced
(Print Name of Person Making Statement)

Florida Driver License R500-50A-6A-719-0 as identification.
(Print Name of ID Produced)

[Handwritten Signature]
Signature of Notary Public

NEIL GULLEY
Notary Public-State of Florida
Commission # GG 328517
My Commission Expires April 29, 2023
[Handwritten Signature]
Print, Type or Stamp Commissioned Name of Notary Public

My commission expires: April 29, 2023

**MONROE COUNTY, FLORIDA
PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT**



Disclosure of Interest

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):

<i>Name and Address</i>	<i>% of Ownership</i>

- 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):

<i>Name and Address</i>	<i>% of Ownership</i>

- 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):

Name and Address	% of Ownership

* 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):

Name and Address	% of Ownership
FLORIGAN GROUP, LLC	
KIM RONEY - 20943 7 th AVE WEST, CUDJOE KEY FL 33042	20 %
DAN DAVIES - 20943 7 th AVE WEST CUDJOE KEY, FL 33042	20 %
GREG DAVIES - 41253 CLAIRBOINTE ST. HARRISON TWP 48045	20 %
LYNN BERMAN - 350 N. MAIN UNIT 805, ROYAL OAK, MI 48067	20 %
CHRIS WOCHASKI 1131 OCEAN DR. SUMMER LAND KEY, FL 33042	20 %

- 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):

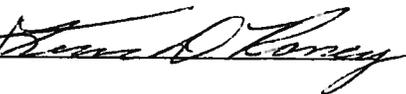
Name and Address	% of Ownership

* Please provide date of contract _____

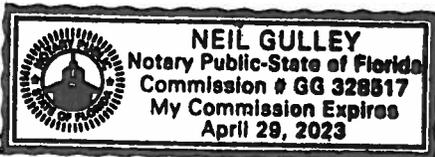
- If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust. (Use additional sheets if necessary):

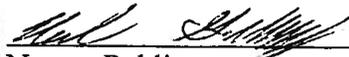
Name and Address

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: Kim D. Roney 
 State of Florida, County of Monroe

The foregoing instrument was acknowledged before me this 17th day of July, by 2019. He/she is personally known to me or has produced Florida Driver License R500-504-6 as identification. 717-0




 Notary Public
 My Commission Expires April 29, 2023