

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 150071-SU,

KW RESORT UTILITIES CORPORATION RATE CASE

DIRECT TESTIMONY OF MAYTÉ SANTAMARIA

September 14, 2016

1 **Q. PLEASE STATE YOUR NAME, BUSINESS ADDRESS, AND OCCUPATION.**

2 A. My name is Ada Mayté Santamaria, and my business address is 2798
3 Overseas Highway, Suite 400, Marathon, Florida 33050. I am employed by
4 Monroe County as the Director in charge of Planning and Environmental
5 Resources.

6
7 **Q. ON WHOSE BEHALF ARE YOU TESTIFYING IN THIS DOCKET?**

8 A. I am testifying on behalf of the Board of County Commissioners of Monroe
9 County, Florida.

10
11 **Q. PLEASE DESCRIBE YOUR EDUCATION AND EXPERIENCE.**

12 A. I have a Bachelor of Science from the University of Florida in Zoology & Wildlife
13 Ecology and Conservation, and a Master of Science in Management, also from

1 the University of Florida. A copy of my Resume is provided as Exhibit AMS-1 to
2 my testimony.

3 From 2003 through 2005, I was employed by the University of Florida as a
4 Research Assistant, Staff Assistant and Teaching Assistant. In November 2005, I
5 was hired by the Florida Department of Community Affairs as a Community
6 Planner for Areas of Critical State Concern. The Area of Critical State Concern
7 (ACSC) Program protects areas containing environmental or natural resources,
8 historical or archaeological resources, and public facilities of major statewide
9 significance.

10 The Florida Keys ACSC was my principal responsibility. I provided technical
11 assistance to local governments, the development community, environmental
12 and civic organizations, and citizens regarding statutory and rule requirements
13 and comprehensive planning issues, particularly for environmental protection
14 and hurricane evacuation issues. I completed research and special projects,
15 participated in multidisciplinary teams and coordinated extensively with federal
16 and state agencies to avoid and minimize impacts to natural resources,
17 threatened and endangered species and water quality. I also reviewed
18 amendments to comprehensive plan amendments and land development
19 regulations for consistency with Florida Statutes and rules. I reviewed
20 development orders and environmental resource permits for consistency with
21 Florida Statutes and rules, local comprehensive plan elements and land

1 development regulations. I also assisted with the drafting of legislation, rules
2 and the Florida Keys ACSC annual reports to the Governor and Cabinet, and I
3 testified as an expert witness in comprehensive planning in three administrative
4 hearings.

5 In February 2010, I joined the Florida Department of Environmental
6 Protection as an Environmental Administrator in the Florida Coastal
7 Management Program (FCMP). I assisted with the management of the FCMP. I
8 reviewed and analyzed amendments to 24 sections of the Florida Statutes to
9 determine their effects on coastal resources and uses. I collaborated with
10 federal agencies and state agencies and evaluated consistency reviews of federal
11 agency activities, federally funded activities, and activities requiring federal
12 licenses or permits. I researched and analyzed data to complete performance
13 measure reports to the National Oceanic and Atmospheric Administration
14 ("NOAA") on achieving the objectives of the Coastal Zone Management Act,
15 coordinated the update of the Florida Assessment of Coastal Trends report
16 (assessing the status and trends of coastal resources and uses in Florida), and
17 drafted land acquisition proposals for submission to NOAA's Coastal and
18 Estuarine Land Conservation Program (CELCP) and assisted with the
19 administration of CELCP grants. I also directed the development of a GIS-based
20 public beach access guide and managed a Beach Access and Safety Program.

1 In March 2011, I joined Monroe County as the Assistant Director of Planning &
2 Environmental Resources. In December 2014, I was promoted to the Director of
3 Planning & Environmental Resources. I manage 8 sections (Comprehensive Planning,
4 Current Planning, Affordable Housing, Transportation Planning, Environmental
5 Resources, Marine Resources, GIS and Land Steward) with 28 employees. Collectively,
6 those sections assure that development in Monroe County is consistent with the
7 County's Comprehensive Plan and Land Development Code. I assure coordination and
8 consistency between the sections and assist with key decision making related to all
9 development approvals to ensure regulatory documents are enforced consistently,
10 including consistency with the County's Area of Critical State Concern designation. I
11 oversee the preparation of studies, reports, databases, land development regulation
12 amendments, comprehensive plan amendments, master plans, and design guidelines; as
13 well as key land use analysis related to vested rights and determinations of uses related
14 to all development regulations. I regularly present to the Board of County
15 Commissioners and represent the County at public hearings as well as at
16 intergovernmental and community meetings and workshops. I also manage the
17 Planning Commission, Development Review Committee and various other committees.

18
19 **Q. HAVE YOU PREVIOUSLY SUBMITTED TESTIMONY BEFORE THE FLORIDA PUBLIC**
20 **SERVICE COMMISSION ("COMMISSION" OR "PSC")?**

21 **A. No.**

1 **Q. HAVE YOU PREVIOUSLY TESTIFIED IN ANY ECONOMIC, ENVIRONMENTAL, LAND**
2 **USE, OR SIMILAR REGULATORY OR PERMITTING PROCEEDINGS?**

3 A. Yes, I have presented information in many public hearings and testified in a
4 number of quasi-judicial proceedings before the Board of County Commissioners
5 and the Monroe County Planning Commission regarding specific development
6 proposals and projects in which the applicant had coordination letters from
7 utilities regarding availability of water or wastewater service.

8
9 **Q. ARE YOU SPONSORING ANY EXHIBITS WITH YOUR TESTIMONY?**

10 A. Yes, I am sponsoring the following exhibits:

AMS-1	Resumé of Mayté Santamaria
AMS-2	2000 Monroe County Sanitary Master Wastewater Plan, "Hot Spot" Excerpt, Exh. 6-1
AMS-3	Monroe County Board of County Commissioners and Planning Commission Resolutions for the Bernstein Trust Project
AMS-4	Monroe County Board of County Commissioners and Planning Commission Resolutions for the Oceanside Marina Project
AMS-5	Monroe County Board of County Commissioners and Planning Commission Resolutions for the Stock Island Marina Village Project

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PURPOSE AND SUMMARY OF TESTIMONY

Q. PLEASE SUMMARIZE YOUR DUTIES AND RESPONSIBILITIES IN YOUR CURRENT POSITION AS THEY RELATE TO LAND USE, PLANNING, AND WASTEWATER SERVICE ON STOCK ISLAND.

A. In my current position, I am responsible for oversight of the Planning & Environmental Resources and assure that development in Monroe County is consistent with the County's Comprehensive Plan and Land Development Code. In that capacity, I review proposals/projects throughout unincorporated Monroe County, inclusive of South Stock Island, for consistency with land use policies, density and intensity standards, open space, environmental regulations, compatibility with surrounding uses, impact on community character, and effects on utilities and facilities. As part of these reviews, applicants must provide coordination letters and other data to ensure there is available water and wastewater capacity to serve the proposed development.

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A. My testimony provides factual information regarding projects that have been approved for development on South Stock Island.

Q. PLEASE SUMMARIZE THE MAIN CONCLUSIONS OF YOUR TESTIMONY.

1 A. There are four major development projects currently underway on South Stock
2 Island. All of them received approvals in the 2014 and 2015 time frame. On
3 most of them, construction is currently underway. The expected time frame for
4 completion of three projects is early to mid-2017.

5

6

LEGAL AND REGULATORY REQUIREMENTS

7 **Q. PLEASE DESCRIBE AND EXPLAIN ANY LEGAL OR REGULATORY REQUIREMENTS**
8 **FOR EXISTING RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL WATER USERS**
9 **THAT ARE NOT PRESENTLY CONNECTED TO KWRU'S SYSTEM TO BE**
10 **CONNECTED IN THE CONTEXT OF STATE STATUTES AND MONROE COUNTY**
11 **ORDINANCES REQUIRING CONNECTION TO A CENTRAL WASTEWATER SYSTEM.**

12 A. For purposes of this discussion, it is important to understand that Stock Island is
13 in the Florida Keys, which is an "Area of Critical State Concern" designated by the
14 Florida Legislature. Also, the requirements to connect to KWRU's system apply
15 not only to new residential customers and businesses, but also to existing
16 customers and businesses.

17 Section 403.086(10)(b), Florida Statutes, which Monroe County is responsible
18 for implementing, requires that the County, as well as all municipalities and
19 special sewage districts in Monroe County, "shall complete the wastewater
20 collection, treatment, and disposal facilities within its jurisdiction designated as
21 hot spots in the Monroe County Sanitary Master Wastewater Plan, dated June

1 2000,” and that the “required facilities and connections, and any additional
2 facilities or other adjustments required by rules adopted by the Administration
3 Commission under s. 380.0552, must be completed by December 31, 2015.”

4 In the referenced Monroe County Sanitary Master Wastewater Plan, the
5 “Unsewered K.W. Resort Utility Resort Area” is the highest ranked “hot spot” in
6 the Lower Keys area and the number-3-ranked hot spot for the entire Florida
7 Keys. Exhibit AMS-2 to my testimony is a copy of EXHIBIT 6-1 to that Plan, which
8 is a listing of the hot spots in the Lower Florida Keys, with rankings by order of
9 significance. Stock Island is the most critical area in the Lower Keys.

10 Monroe County’s adopted comprehensive plan provides that Monroe County
11 shall ensure that all development and redevelopment taking place within its
12 boundaries does not result in a reduction of the level-of-service requirements
13 established and adopted by the comprehensive plan. Additionally, that Monroe
14 County shall maintain level of service (“LOS”) standards for the following public
15 facility types required by Chapter 163, F.S.: sanitary sewer, solid waste, drainage,
16 and potable water. The Florida Statutes, the Monroe County Comprehensive
17 Plan and the Land Development Code, require that Monroe County shall ensure
18 that at the time a certificate of occupancy, or its functional equivalent is issued,
19 adequate sanitary wastewater treatment and disposal facilities are available to
20 support the development at the adopted level of service standards.

1 **Q. WHEN ARE THOSE UNITS THAT ARE NOT PRESENTLY CONNECTED TO KWRU**
2 **REQUIRED TO BE CONNECTED FOR WASTEWATER TREATMENT SERVICE?**

3 A. The applicable statutes and regulations require that ALL existing residential and
4 general service establishments had to be connected to KWRU's system as of
5 December 31, 2015, i.e., more than eight months ago. This means that all of the
6 residences and commercial establishments on Stock Island that are not presently
7 connected to KWRU's system must connect as soon as capacity exists to serve
8 them, subject to KWRU completing each physical connection. Further, all such
9 facilities are required by County ordinance to be connected to KWRU's system
10 within 30 days following completion of KWRU's new treatment plant. Monroe
11 County takes all reasonable and practicable steps to ensure compliance with the
12 statutes and its Sanitary Master Wastewater Plan.

13

14 **Q. ARE THERE SIMILAR REQUIREMENTS THAT APPLY TO NEW AND EXPANDED**
15 **RESIDENCES AND COMMERCIAL ESTABLISHMENTS IN KWRU'S SERVICE AREA?**

16 A. Yes. Section 403.086(10)(c), Florida Statutes, requires that "[a]fter December 31,
17 2015, all new or expanded domestic wastewater discharges must comply with
18 the treatment and disposal requirements" of the statute. In practical terms, this
19 means that all new residences and commercial establishments on Stock Island
20 must be connected to KWRU's system in order to obtain a certificate of
21 occupancy (CO). Building permits for new residences or expansion of existing

1 commercial establishments are not issued by Monroe County without a letter
2 from KWRU advising that capacity is available, or, in the alternative, the property
3 owner must produce a waiver from the Florida Department of Health allowing
4 for a holding tank or other similar situation.

5
6 **CURRENT MAJOR DEVELOPMENT ACTIVITIES AFFECTING DEMAND FOR WASTEWATER**
7 **TREATMENT SERVICE ON SOUTH STOCK ISLAND**

8 **Q. PLEASE TELL THE PUBLIC SERVICE COMMISSION AS MUCH AS YOU CAN**
9 **CONCERNING DEVELOPMENT PROJECTS ON SOUTH STOCK ISLAND THAT ARE**
10 **CURRENTLY UNDERWAY, INCLUDING ANY THAT HAVE CONNECTED TO KWRU'S**
11 **SYSTEM SINCE APRIL 1, 2016, AND ANY THAT ARE LIKELY TO CONNECT TO**
12 **KWRU'S SYSTEM BEFORE MARCH 31, 2018. PLEASE BE AS SPECIFIC AS**
13 **POSSIBLE.**

14 **A.** As mentioned above, South Stock Island is part of unincorporated Monroe
15 County. Therefore, all requests for building permits and development approvals
16 on South Stock Island go through the Monroe County Building Department and
17 the Monroe County Planning Department. I have reviewed the records in the
18 Planning Department, including related records from the Building Department
19 available to me, and based on that review, I offer the following information:

20 There are currently four large development projects underway on South
21 Stock Island, cumulatively expected to add at least 102,728 gallons per day of
22 wastewater flow that is treated by KWRU. Mr. Castle's direct testimony filed in

1 this case appears to suggest or state that all four projects had begun operating in
2 2014 and 2015. However, as shown below, all four are in some phase of
3 construction and are expected to come online and add the majority of their
4 additional ERCs, and associated wastewater flow, sometime during late 2016 or
5 2017. These are a property owned by the Benjamin Bernstein Trust; a project on
6 Peninsular Avenue commonly referred to as the Oceanside Marina project; a
7 substantial expansion of the Stock Island Marina Village by Longstock II, LLC,
8 commonly referred to as Stock Island Marina Village or the Longstock Project;
9 and the development by Monroe County of a public park referred to as the
10 Bernstein Park.

11 These four projects are expected to generate a total of 87,810 gallons per
12 day. Information submitted to my office indicates that at least three of the four
13 will be completed in early to mid-2017 at the latest.

14
15 **Q. PLEASE SUMMARIZE THE BERNSTEIN TRUST PROJECT, ITS DEVELOPMENT**
16 **STATUS, AND YOUR EXPECTATIONS FOR THE TIMING OF NEW WASTEWATER**
17 **FLows FROM THAT PROJECT AFTER JANUARY 1, 2015.**

18 The first project concerns a large property owned by the Benjamin Bernstein
19 Trust. In August 2015, the owners received approval from the Board of County
20 Commissioners for a Development Agreement for the redevelopment of the
21 property, to include up to a 122 room hotel, a restaurant with up to 150 seats

1 and a market, a marina, 40,000 sq. feet of non-residential development and the
2 preservation of a commercial fishing operation. (Monroe County Resolution No.
3 155-2015, Monroe County O.R. 2756/1023 (Aug. 17, 2015).) According to Mr.
4 Castle's direct testimony filed in this case, the Bernstein project will add 30,000
5 gpd. A permit was issued by the Building Department for demolition on the site
6 (Monroe County permit number 16101324). (Copies of the resolutions and
7 building permit for this project, without attachments, are included as Exhibit
8 AMS-3 to my testimony.) Other construction has not yet begun. The date of
9 project initiation and completion is not known. However, because the project
10 involves a hotel, restaurant, and other commercial ventures, we can reasonably
11 expect that the project will move forward and connect to the wastewater
12 system.

13
14 **Q. PLEASE SUMMARIZE THE OCEANSIDE PROJECT, ITS DEVELOPMENT STATUS,**
15 **AND YOUR EXPECTATIONS FOR THE TIMING OF NEW WASTEWATER FLOWS**
16 **FROM THAT PROJECT AFTER JANUARY 1, 2015.**

17 **A.** In 2013, Oceanside Investors, LLC, received approval from the Board of County
18 Commissioners (BOCC) for a Development Agreement for a project on Peninsular
19 Ave. The agreement was approved by the BOCC at a public hearing on December
20 11, 2013 and recorded on December 19, 2013. In 2014, Oceanside Investors
21 applied for an amendment to the development agreement. The First

1 Amendment was approved by the BOCC at a public hearing on December 10,
2 2014 and recorded on December 17, 2014. In late 2014, Oceanside Investors
3 applied for another amendment to the development agreement. The Second
4 Amendment was approved by the BOCC at a public hearing on June 10, 2015 and
5 recorded on July 20, 2015 (Monroe County Resolution No. 158-2015, Monroe
6 County O.R. 2751/1868). The Conditional Use Permits approved by the BOCC
7 and Planning Commission for the Oceanside Project include the construction of
8 79 new market rate residential dwelling units, construction of 17 hotel rooms,
9 and construction of a restaurant with up to 150 seats. The project includes
10 maintaining a condominiumized marina (98 wet slips), a boat barn (under
11 condominium ownership), 22 existing, market-rate permanent units (under
12 condominium ownership) and ancillary/accessory buildings (Monroe County
13 Planning Commission Resolution No. P04-14, recorded in Monroe County O.R.
14 Book 2689/Page 1053 (June 13, 2014) and Monroe County Planning Commission
15 Resolution No. P41-14, recorded in Monroe County O.R. Book 2745/Page 889
16 (June 12, 2015).) (Copies of the resolutions for this project, without
17 attachments, are attached to my testimony collectively as Exhibit AMS-4.)

18 Subsequently, in 2015 and 2016, the Building Department issued
19 approximately two dozen building permits in connection with this property. (I
20 can also make copies of building permits available to the Commission upon
21 request.) Oceanside Marina is currently under construction and will be occupied

1 probably in early 2017. Therefore, I expect the majority of the projected
2 wastewater flow from the Oceanside Project to begin before June 2017.
3 According to Mr. Castle's testimony, the Oceanside project will add
4 approximately 26,125 gpd or 271 ERCs.

5
6 **Q. PLEASE SUMMARIZE THE STOCK ISLAND MARINA VILLAGE PROJECT, ITS**
7 **DEVELOPMENT STATUS, AND YOUR EXPECTATIONS FOR THE TIMING OF NEW**
8 **WASTEWATER FLOWS FROM THAT PROJECT AFTER JANUARY 1, 2015.**

9 A. In 2014, Longstock II, LLC received approval from the Board of County
10 Commissioners for a Development Agreement for a project on Shrimp Ave.
11 Longstock also received Planning Commission approval of a Conditional Use
12 Permit to develop the Stock Island Marina Village by adding a 100-room hotel
13 with a 192-seat restaurant and tiki bar. (Development Agreement between
14 Monroe County and Longstock II, LLC, recorded July 30, 2014, in Official Records
15 Book 2696, at Page 1445; Monroe County Resolution No. 177-2014, recorded
16 August 20, 2014, in the Official Records Book 2699, at Page 1761; Monroe
17 County Planning Commission Resolution No. P43-14, recorded April 8, 2015, in
18 Official Records Book 2733, at Page 1848, and recorded August 28, 2015, in
19 Official Records Book 2758, at Page 203.) (Copies of the resolutions approving
20 this project are attached collectively to my testimony collectively as AMS-5.). I
21 have reviewed DEP permit 63485-066-DWC/CM issued for the project, which

1 included three bath houses; a fuel service building; 130 wet slips; a green
2 building; an engine building; a Keytex building; 100 hotel rooms; a 142 seat
3 restaurant and a 50 seat tiki bar ("pool bar"). According to the DEP wastewater
4 permit, the project is expected to add 16,680 gallons per day to the existing
5 30,742, for a total of 47,422 gpd. The reconfiguration of the docks and wet slips
6 and bathhouses for liveaboards was done at least a year ago, but the hotel is
7 under construction. The hotel and restaurant are expected to be in service in
8 early to mid-2017 and I believe that the substantial majority of the additional
9 wastewater flow will therefore occur before the end of June 2017. The DEP
10 permit that has been issued is only a dry line permit, because until the KWRU
11 plant expansion is complete the property owner cannot connect to the system.

12
13 **Q. PLEASE SUMMARIZE MONROE COUNTY'S BERNSTEIN PARK PROJECT, ITS**
14 **DEVELOPMENT STATUS, AND YOUR EXPECTATIONS FOR THE TIMING OF NEW**
15 **WASTEWATER FLOWS FROM THAT PROJECT AFTER JANUARY 1, 2015.**

16 **A.** The County is in the process of developing Bernstein Park. The park is located in
17 the middle of South Stock Island. The park is expected to add 1,435 gpd once
18 completed, which is expected to be in mid-2017.

1 **GENERAL OUTLOOK FOR DEVELOPMENT ON SOUTH STOCK ISLAND**

2 Q. **WHAT IS THE GENERAL OUTLOOK FOR ECONOMIC GROWTH AND ADDITIONAL**
3 **DEVELOPMENT ON STOCK ISLAND, AND WHAT, IF ANYTHING, DOES THIS IMPLY**
4 **FOR GROWTH IN THE AMOUNT OF WASTEWATER TREATMENT SERVICE THAT**
5 **KWRU CAN REASONABLY BE EXPECTED TO PROVIDE?**

6 A. The general outlook for economic growth and development on South Stock
7 Island is favorable and positive. Recent trends have generally reflected
8 additional development of high end transient or residential condominium
9 development, as well as commercial developments such as marinas and
10 restaurants. Being located near major employment centers within the City of
11 Key West, it is anticipated there will be additional growth on South Stock Island.

12
13 Q. **ARE YOU AWARE OF ANY SIGNIFICANT EVENTS OR EXPECTED EVENTS, E.G.,**
14 **BUSINESS CLOSINGS OR DEMOLITIONS OF SIGNIFICANT NUMBERS OF**
15 **RESIDENTIAL UNITS, THAT WOULD BE EXPECTED TO REDUCE THE DEMAND FOR**
16 **WASTEWATER TREATMENT SERVICE PROVIDED BY KWRU IN 2016, 2017, AND**
17 **2018?**

18 A. No, I am not aware of any such demand-dampening events either having
19 occurred or expected to occur over this time period.

1 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

2 **A. Yes.**

ADA MAYTE SANTAMARIA

*Marathon, Florida 33050 – Phone (305) 393-5556
Email Address: santamaria-mayte@monroecounty-fl.gov*

EDUCATION:

- M.S.** – University of Florida, Warrington College of Business, Gainesville, Florida, April 2005.
Master of Science in Management.
- B.S.** – University of Florida, Gainesville, Florida, May 2003. Bachelor of Science in Zoology with a
minor in Wildlife Ecology and Conservation.
- A.A.** – Broward Community College, Coconut Creek, Florida, May 2000. Associate of Arts in Biology.

EXPERIENCE:

Director of Planning & Environmental Resources Department, Monroe County (*December 2014 – Present*)
Assistant Director of Planning & Environmental Resources (*March 2011 – December 2014*)

Management of 8 sections (Comprehensive Planning, Current Planning, Affordable Housing, Transportation Planning, Environmental Resources, Marine Resources, GIS and Land Steward) with 28 employees, including employee recruitment and performance appraisals. Prepare work objectives, schedules, budgets (approx. \$5M), education/training and performance measures. Manage the Planning Commission, Development Review Committee and various other committees. Present at Monroe County public hearings and in meetings with various organizations and citizen groups. Coordinate, draft and process Comprehensive Plan (Comp Plan) and Land Development Code (LDC) amendments through public processes. Ensure amendments as well as development proposals are consistent with Florida Statutes, Administrative Rules, the Area of Critical State Concern designation, Comp Plan and LDC. Draft and review staff reports, ordinances, resolutions, contracts, proposed legislation and rule amendments. Evaluate proposals and develop recommendations to ensure compliance with all policy and regulatory documents. Research and analyze data for long-range and strategic planning projects. Facilitate intergovernmental coordination (Federal, State and local agencies), coordination with internal divisions/departments, and continual communication with consultants, attorneys and the public.

- Managed the completion of \$1.3M Comp Plan and LDC update project (1st comprehensive update to both documents in approx. 20 years), including coordinating consultants, setting goals and deadlines, presentations, research, analyzing amendments, editing, and managing contracts and deliverables.
- Drafted and coordinated the County's 1st military compatibility amendments, recognizing existing property rights (density, intensity and use) within a newly created Military Installation Area of Impact Overlay.
- Continue to facilitate intergovernmental coordination between the County and Naval Air Station Key West with monthly meetings and the exchange of information.
- Draft annual report to Governor and Cabinet on Area of Critical State Concern Requirements.
- Travel and present information before public officials in Washington D.C., Tallahassee and locally to promote and enhance policy priorities for the County and funding support.
- Continual review of procedures to recommend improvements to increase efficiency, improve documentation/electronic file maintenance and increase customer satisfaction.
- Testified as an expert witness in comprehensive planning in three administrative hearings.

Environmental Administrator, Florida Department of Environmental Protection
February 2010 – February 2011

Assisted the Coastal Program Administrator with the management of the Florida Coastal Management Program (FCMP), including grant management activities/budgets and the legal framework of the FCMP. Reviewed and analyzed legislative amendments to 24 Florida Statutes to determine effects on coastal resources and uses. Coordinated with FCMP partners (9 state agencies and 5 water management districts) and evaluated consistency reviews of federal agency activities, federally funded activities, and activities requiring federal licenses or permits. Collaborated with federal agencies to improve coordination and the efficiency/effectiveness of the federal consistency program. Researched and analyzed data to complete performance measure reports to NOAA to assess how the FCMP is achieving the objectives of the Coastal Zone Management Act. Managed a

Beach Access and Safety Program (creation and provision of access signs, uniform warning flags, rip current signs, brochures, and other educational/outreach materials). Coordinated and produced the Coastal Currents newsletter. Organized and participated in workshops, meetings and other events (coastal clean-ups). Supervised four employees, including recruitment, scheduling responsibilities, assessing training needs and conducting performance evaluations.

- Drafted three land acquisition proposals for submission to NOAA's Coastal and Estuarine Land Conservation Program (CELCP) and assisted with the administration of CELCP grants. Submissions ranked 6th, 8th and 20th in the national CELCP program.
- Directed the update of the Florida Assessment of Coastal Trends report (a report to assess the status and trends of coastal resources and uses in Florida).
- Directed the development of a GIS-based public beach access guide, including researching and analyzing information, formatting data for GIS applications and developing narrative content.

Community Planner, Florida Department of Community Affairs - Areas of Critical State Concern Program.
November 2005 – February 2010

Provided technical assistance to 10+ local governments on statutory and rule requirements and comprehensive planning issues, particularly for environmental protection, growth management and hurricane evacuation planning. Coordinated with senior management and staff from the office of the Governor to draft legislation, administrative rules, and the Florida Keys ACSC annual report to the Governor and Cabinet. Completed research and special projects, participated in multidisciplinary teams and coordinated with federal and state agencies to avoid and minimize impacts to natural resources, threatened and endangered species and water quality. Provided assistance to local governments in developing land development and environmental policies/regulations and provided recommendations on the potential effects of proposed regulations. Represented the Department at meetings with public officials, various organizations and citizen groups.

- Reviewed 30+ amendments annually to comprehensive plans and land development regulations for consistency with Chapter 380, Florida Statute (F.S.), Chapter 187, F.S., Chapter 163, Part II, F.S., and Rule 9J-5, Florida Administrative Code.
- Reviewed development orders and environmental resource permits for numerous local governments for consistency with Florida Statutes and Rules, local comprehensive plan elements and land development regulations.
- Testified as an expert witness in comprehensive planning in three administrative hearings.

Staff Assistant, University of Florida, Department of Zoology.
July 2004 – August 2005

Assistant to the Teaching Lab Specialist & Marine Collector. Researched and delivered engaging outreach & educational programs on marine life, ecology and conservation to small and large groups (to both adults and children) in informal settings with touch tanks and aquariums. Assisted with special event planning, designed and created exhibits, posters and identification labels, as well as provided logistical support. Assisted with the field collection of marine invertebrates, fishes, and plants using seine nets, trawls, dredges, plankton tows, and hand collection. Assisted with animal feeding, tank maintenance, water quality monitoring, animal care and propagation, curation of vertebrates and invertebrates, and field equipment maintenance. (Position originally a volunteer position)

Teaching Assistant, University of Florida, Warrington College of Business.

January 2005 - April 2005: Teaching Assistant for Principles of Entrepreneurship course with approximately 1,000 students. Assisted with assignments and essays, held weekly office hours, prepared and proctored exams, graded assignments and administered review sessions.

Research Assistant, University of Florida, Department of Zoology.

April 2003 – May 2004: Aquatic ecology lab (evolution, physiology, morphology), focused specifically on comparative studies of swamp fishes of the Lake Victoria basin of East Africa with different respiratory strategies. Assisted in the management of research facilities as well as laboratory experiments on the developmental plasticity of African cichlids. Performed digital photography for geomorphometric analysis, performed morphometric measurements, maintained data logs, performed data analysis and conducted literature

research. Performed aquaria maintenance on more than 50 tanks, responsible for the care and propagation of aquatic species, tested and maintained appropriate water quality, created protocols and schedules, assisted with three undergraduate research projects, trained and supervised eight undergraduate volunteers, purchased supplies, and performed administrative duties. Identified problems and determined improvements and solutions to meet and exceed research goals as well as ensure lab safety and security.

Laboratory Analyst, Advanced Technologies & Testing Laboratories, Inc.

January 2003 - April 2003: Performed quantitative and qualitative analysis on water samples (e.g. total bacteria, total organic carbon, conductivity, pH, phosphate, ammonia, nitrite, dissolved oxygen levels, etc.), performed data analysis and created client reports.

Student Research, University of Florida, Department of Zoology.

November 2002 - May 2003: Assisted on a project evaluating the swimming performance and critical swimming speed of African cichlid, *Pseudocrenilabrus multicolor victoriae*, raised under hypoxia and normoxia.

May 2002 - November 2002: Assisted on a project evaluating the suitability of using protein content of fecal samples as an index of protein content of foods consumed by black-and-white colobus, *Colobus guereza*, at the Miami Metro Zoo.

Publication: Chapman, C.A., T. Webb, R. Fronstin, M.D. Wasserman, and A.M. Santamaria. *Assessing dietary protein of colobus monkeys through fecal sample analysis: A tool to evaluate habitat quality*. African Journal of Ecology.

January 2002 - May 2002: Assisted with a project on the determinants of colobine abundance, performing quantitative analysis of vegetation samples (energy tests using bomb calorimetry, fiber content using the NDF & ADF procedure, and tests for lipids, proteins, saponins and cyanide).

Community Liaison Office Assistant, American Embassy in Pretoria, South Africa.

May 2002 - July 2002: Assisted with cultural experiences & events and coordinated marketing activities. Interacted with the American and South African public to communicate embassy objectives, provide event details, strengthen vendor and consumer relationships and provide other general information. Performed administrative duties, composed general business correspondence, and maintained files, supplies and resources.

TRAINING:

Numerous webinars and seminars (for example: Legislative Updates; A Primer on Land Surveys; and A Framework for Fair and Effective Zoning Hearings)

Graduate of Leadership Monroe County, Class XXI, April 2013.

Florida Division of Emergency Management, Transportation Interface for Modeling Evacuation (TIME), January 12-13, 2012.

Florida Division of Emergency Management, County Disaster Temporary Housing Planning and Task Force Operations, April 15, 2011.

Florida Department of Financial Services, Advancing Accountability, Best Practices for Contract and Grant Management, October 5, 2010.

17th & 16th Annual Growth Management Summit, May 30-31, 2007 and May 17-19, 2006.

Environmental Planning Course and Urban Design Analysis Course, Rutgers University, Bloustein Online Continuing Education for Planners, June - November 2006.

20th Annual Environmental Permitting Summer School, July 19-21, 2006.

Certificate in New Venture Creation, Center for Entrepreneurship & Innovation, University of Florida, 2005.

EXHIBIT 6-1**Hot Spot Areas and Rankings - Lower Keys**

Study Area				Area Rank by Region	Rank for Entire Keys
No.	Name	Wastewater Service Area	Hot Spot Area Name		
1	Stock Island	KW Resort Utility	Unsewered K.W. Resort Utility Resort Area	1	3
2	Boca Chica	Big Coppitt	Coppitt/Johnsonville/Gulfview Porpoise Point/Gulfrest Park and adjacent area along U.S. 1	2	5
3	Bay Point	Bay Point	Bay Point Subdivision and Saddlebunch Shores	3	6
11	Big Pine	Big Pine Regional	Whispering Pines (S)/ Sands/Grieser/ Ross Haven/Pat&Mary/Big Pine Cove, and adjacent area along U.S. 1	4	8
11	Big Pine	Big Pine Regional	Doctor's Arm/Lambert/Tropical Bay, Palma Villa, Whispering Pines (N)	5	11
10	Little Torch	Big Pine Regional	Coral Shores, Windward Beach Estates, Mate's Beach, Jolly Roger Estates, and area east of Mate's Beach south to Jolly Roger Estates	6	16
7	Summerland	Summerland/ Cudjoe/Upper Sugarloaf Regional	Summerland Key Cove/Summerland Cove Isle	7	23
11	Big Pine	Big Pine Regional	Eden Pines Colony	8	25
11	Big Pine	Big Pine Regional	Big Pine Key, Inc., Tropical Key Colony, Pine Channel Estates, Cahill Pines & Palms, and adjacent area along U.S. 1	9	26
6	Cudjoe	Summerland/Cudjoe/Upper Sugarload Regional	Cutthroat Harbor Estates, Cudjoe Ocean Shores	10	28
5	Upper Sugarloaf	Summerland/Cudjoe/Upper Sugarload Regional	Indian Mound Estates, Gulf Shores, Vacation Harbour	11	31
6	Cudjoe	Summerland/Cudjoe/Upper Sugarload Regional	Cudjoe Gardens	12	36
9	Ramrod	Big Pine Regional	Breezeswept Beach Estates, Ramrod Shores, and area along U.S. 1	13	39
2	Boca Chica	Big Coppitt	Rockland Key	14	41
11	Big Pine	Big Pine Regional	Port Pine Heights	15	42
2	Boca Chica	Big Coppitt	Boca Chica Ocean Shores, Tamarac Park	16	43
4	Lower Sugarloaf	Lower Sugar Loaf	Sugarloaf Shores, Orchid Park, adjacent area along U.S. 1	17	44



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Filed & Recorded in Official Records of
MONROE COUNTY ANY HEAVILIN



Doc# 2041980
Bk# 2756 P# 1023

**MONROE COUNTY, FLORIDA
RESOLUTION NO. 155 -2015**

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING A DEVELOPMENT AGREEMENT BETWEEN MONROE COUNTY, FLORIDA; ROGER BERNSTEIN, AS TRUSTEE OF THE BENJAMIN BERNSTEIN TRUST B; AND SAFE HARBOR SEAFOOD (AS SUCCESSOR IN INTEREST TO JOSEPH R. RACKMAN AND JEFFREY W. BOLOTIN, AS TRUSTEES OF THE ISLAND TRUST AGREEMENT DATED MARCH 10, 1989), CONCEPTUALLY APPROVING THE REDEVELOPMENT OF PROPERTY LOCATED AT 5700 FOURTH AVENUE, 5550 FIFTH AVENUE AND 6500 FRONT STREET, STOCK ISLAND, APPROXIMATE MILE MARKER 5, LEGALLY DESCRIBED AS A PORTION OF BLOCK 55, ALL OF BLOCK 56, AND A PORTION (LOT 13) OF BLOCK 57, THE VACATED PORTION OF FIFTH AVENUE PER RESOLUTION #28-1966, MALONEY SUBDIVISION (ALSO KNOWN AS MCDONALD'S PLAT), PLAT BOOK 1, PAGE 55, AND ADJACENT BAY BOTTOM, STOCK ISLAND, MONROE COUNTY, FLORIDA, AND HAVING REAL ESTATE (RE) NUMBERS 00123600.000100, 00123770.000000, 00127250.000000, 00127280.000000, 00127290.000000 AND 00127380.000000.

WHEREAS, during a public meeting held on June 10, 2015 the Monroe County Board of County Commissioners conducted a public hearing to review and consider a request filed by Attorney Barton W. Smith, on behalf of Roger Bernstein, as Trustee of the Benjamin Bernstein Trust B; and Safe Harbor Seafood (as successor in interest to Joseph R. Rackman and Jeffrey W. Bolotin, as Trustees of the Island Trust Agreement dated March 10, 1989), for a development agreement in accordance with §110-132 and §110-133 of the Monroe County Code and Florida Statutes Sec. 163.3220 *et. seq.*, the "Florida Local Government Development Agreement Act"; and

WHEREAS, the development agreement relates to the redevelopment of the subject property to include marina uses, heavy and light industrial uses (including boat building repair and storage), commercial fishing uses (including the manufacture, assembly, repair, maintenance and storage of traps, nets and other fishing equipment), hotel uses, commercial retail uses (including a restaurant with up to 150 seats and a market), and accessory uses. The residential

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density, under maximum net density, would not exceed 122 transient residential units (in the form of hotel rooms); and

WHEREAS, not including accessory structures related to the transient residential uses, the nonresidential floor area would not exceed 14,000 square feet. At least 35 percent of the upland area of the properties shall be reserved for working waterfront and water dependent uses. At least 20 percent of the dockage shall be reserved for commercial fishing vessels. new residential or nonresidential buildings shall not exceed 35 feet in height; and

WHEREAS, public access will be permitted to the Bernstein Property from 7:00 a.m. until dusk and the Bernstein Property is subject to a 10 foot public access walkway along the shoreline and 5 foot sidewalk along the perimeter compliant with County Code; and

WHEREAS, the Safe Harbor Seafood Property is currently used for commercial fishing uses and after consideration of the security and physical constraints of the parcel, the Monroe County BOCC has determined a public access walkway shall not be required on the Safe Harbor Seafood Property so long as it is used 100% for commercial fishing uses; and

WHEREAS, the development agreement establishes specific timeframes to ensure the subject properties are brought into compliance with County Codes to protect the public health, safety and welfare; and

WHEREAS, the development agreement involves the redevelopment of the site, located at 5700 Fourth Avenue, 5550 Fifth Avenue and 6500 Front Street, Stock Island, Florida, approximate mile marker 5 of the Overseas Highway (US 1); and

WHEREAS, the site is legally described as a portion of Block 55, all of Block 56, and a portion (Lot 13) of Block 57, the vacated portion of Fifth Avenue per Resolution #28-1966, Maloney subdivision (also known as McDonald's Plat), Plat Book 1, Page 55, and adjacent bay bottom, having Real Estate (RE) Numbers 00123600.000100, 00123770.000000, 00127250.000000, 00127280.000000, 00127290.000000 and 00127380.000000; and

WHEREAS, based upon the information and documentation submitted, the Board of County Commissioners makes the following Findings of Fact:

1. The subject property is located within a Maritime Industries (MI) Land Use (Zoning) District. Further, it is designated within a Mixed Use / Commercial (MC) category on the Future Land Use Map (FLUM) and within a Tier III district on the Tier Overlay District Map; and
2. In 2013, an amendment to the Monroe County Future Land Use Map was approved amending the future land use designation of the subject property from Industrial (I) to Mixed Use/Commercial (MC). The approval is memorialized by Ordinance #045-2013, approved by the Board of County Commissioners at a public hearing on December 11, 2013; and

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3. Section 163.3220, Florida Statutes, authorizes Monroe County to enter into development agreements with landowners and/or governmental agencies to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development; and
4. The development agreement, among other things, is intended to and shall constitute a development agreement among the Parties pursuant to the Florida Local Government Development Agreement Act, Section 163.3223, et seq., Florida Statutes; and
5. Development shall not be inconsistent with the Monroe County Code; and
6. Development shall not be inconsistent with the Monroe County Comprehensive Plan; and
7. Development on Stock Island shall not be inconsistent with the Master Plan for the Future Development of Stock Island and Key Haven, also known as the Stock Island/Key Haven CommuniKeys Plan; and
8. Development shall not be inconsistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; and
9. The Monroe County Planning Commission held a public hearing at its meeting on October 29, 2014, which was the first of two required public hearings, and recommended approval to the Board of County Commissioners; and

WHEREAS, based upon the information and documentation submitted, the Board of County Commissioners makes the following Conclusions of Law:

1. The request is consistent with the provisions and intent of the Monroe County Code;
2. The request is consistent with the provisions and intent of the Monroe County Year 2010 Comprehensive Plan;
3. The request is consistent with the Master Plan for the Future Development of Stock Island and Key Haven, also known as the Stock Island/Key Haven CommuniKeys Plan;
4. The request is consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern;
5. The Agreement, among other things, is intended to and shall constitute a development agreement among the Parties pursuant to the Florida Local Government Development Agreement Act, Section 163.3223, et seq., Florida Statutes;

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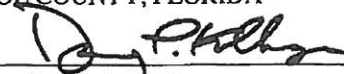
NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that the preceding Findings of Fact and Conclusions of Law support its decision to **APPROVE** the Development Agreement attached hereto.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of Monroe County, Florida, at a regular meeting held on the 10th of June, 2015.

Mayor Danny L. Kolhage	<u>YES</u>
Mayor <i>pro tem</i> Heather Carruthers	<u>YES</u>
Commissioner Sylvia Murphy	<u>NO</u>
Commissioner George Neugent	<u>YES</u>
Commissioner David Rice	<u>YES</u>

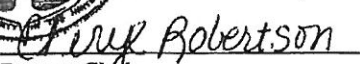
BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY:

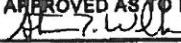

Mayor Danny L. Kolhage



AMY HEAVILIN, CLERK


Deputy Clerk

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:


STEVEN T. WILLIAMS
ASSISTANT COUNTY ATTORNEY
Date 5/22/15

FILED FOR RECORD
2015 JUN 20 AM 9:46
CLK. CIR. CL.
MONROE COUNTY, FLA

Docket No. 150071-SU
Bernstein Trust Project Resolution & Building Permit
Exhibit AMS-3, Page 5 of 6

Permit Information - Permit 16101324

http://egov.monroecounty-fl.gov/eGovPlus/permit/permit_all.aspx?permi...

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PERMIT INFORMATION

PLEASE NOTE: FEES LISTED ARE ESTIMATES ONLY. BEFORE WRITING ANY CHECKS, PLEASE CALL THE BUILDING DEPARTMENT TO CONFIRM.

Permit Number	16101324	RE	0012725000000
Permit Type	08	Balance Due	\$0.00
Property Address	5700 4TH AVE	Status	Closed

[Permit](#) | [Plan Reviews](#) | [Inspections](#) | [Fees](#) | [Contractors](#) | [All PERMIT](#)

PERMIT INFORMATION

Application Date	03-04-2016	Operator	ramtreze
Issued Date	03-24-2016	Operator	benderd
Master Number		Project Number	
C.O. Number		Operator	
C.O. Issued			
C-404 Type		Usage Class	COM
Applied Value	37620	Units	3100
Calculated Value	0	Contractor ID	01318

PROPERTY ON PERMIT

RE	0012725000000
Unit	
Address	5700 4TH AVE
City/State/Zip	STOCK ISLAND, FL 33040

OWNER ON PERMIT

Name	BERNSTEIN BENJAMIN RESIDUARY TR
Address	P.O. BOX 2455
City/State/Zip	KEY WEST, FL 33045-2455
Type	Private

APPLICANT

No Applicant Information on file for this permit

MISCELLANEOUS INFORMATION / NOTES

5700 4TH AVE., STOCK ISLAND MALONEY, STOCK ISLAND

DEMO

****NOTICE OF COMMENCEMENT REQUIRED****

PERMIT APPROVAL TO DEMO OF THE MAIN WOODEN

STRUCTURE (SHUTTER BUILDING). ALL INTERIOR STEEL

BEAQS, COLUMNS, AND SBC PERIMETER WALL PER PLANS

Docket No. 150071-SU
Bernstein Trust Project Resolution & Building Permit
Exhibit AMS-3, Page 6 of 6

Permit Information - Permit 16101324

http://egov.monroecounty-fl.gov/eGovPlus/permit/permit_all.aspx?permi...

IN FILE.
EXISTING CONCRETE BUILDING SLAB TO REMAIN.
NO ELECTRIC, MECHANICAL OR PLUMBING ON THIS
PERMIT.
NO OTHER WORK ALLOWED ON THIS PERMIT.

NOTICE: THIS PERMIT WAS APPROVED BASED SOLELY ON
THE INFORMATION PROVIDED US AT THE TIME OF
APPLICATION. IF CONFLICTING SITUATIONS ARE
ENCOUNTERED ON SITE ADDITIONAL FEES AND OR
REQUIREMENTS/RESTRICTIONS MAY APPLY.

BIO:
1)NO FILL THIS PERMIT.
2)NO LAND CLEAR THIS PERMIT.
3)STORMWATER TO BE RETAINED ON SITE.

PLANNING REVIEW
03/08/2016
PLANNING APPROVAL TO DEMO THE MAIN WOODEN
STRUCTURE (SHUTTER BUILDING) ACCORDING TO
SUBMITTED PLANS.
SUBJECT TO FOLLOWING CONDITIONS:
1. ANY DEVIATIONS SHALL REQUIRE PRIOR PLANNING
APPROVAL.
2. NO OTHER WORK ON THIS PERMIT.
MC

FLOODPLAIN APPROVAL:MW

ALL TRASH AND DEBRIS MUST BE REMOVED TO A LEGAL
DUMP SITE.
INSPECTIONS REQUIRED, INCLUDING FINAL.
DEEMED NON-DEVELOPMENT.
DEO EXEMPT.

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Doc# 1985962 06/13/2014 10:23AM
Filed & Recorded in Official Records of
MONROE COUNTY AMY HEVILIN

Doc# 1985962
Bk# 2689 Pg# 1053

**MONROE COUNTY, FLORIDA
PLANNING COMMISSION RESOLUTION NO. P04-14**

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION APPROVING THE REQUEST BY OCEANSIDE INVESTORS, LLC FOR AN AMENDMENT TO A MAJOR CONDITIONAL USE PERMIT IN ORDER TO REDEVELOP THE EXISTING MARINA BY IMPROVING THE MARINA'S FACILITIES, CONSTRUCTING 78 NEW MARKET RATE RESIDENTIAL DWELLING UNITS (WHICH MAY BE USED AS VACATION RENTALS), CONSTRUCTING 4 NEW HOTEL ROOMS, CONSTRUCTING A NEW RESTAURANT, AND CARRYING OUT ASSOCIATED SITE IMPROVEMENTS, AT PROPERTY LEGALLY DESCRIBED AS BLOCK 60, PORTIONS OF LOTS 1, 2 AND 3, BLOCK 61, PORTIONS OF LOTS 1, 2 AND 3, THE PORTION OF MALONEY AVENUE LYING BETWEEN BLOCKS 60 AND 61, MCDONALD'S PLAT, ALSO DESCRIBED AS PARCEL OF LAND IN SECTIONS 26, 34, 35 AND 36, TOWNSHIP 37 SOUTH AND RANGE 25 EAST, MONROE COUNTY, FLORIDA AND HAVING REAL ESTATE NUMBERS 00127420.000000 AND 00127420.000100.

WHEREAS, during a regularly scheduled public meeting held on February 26, 2014, the Monroe County Planning Commission conducted a review and consideration of a request filed by Barton W. Smith, on behalf of Oceanside Investors, LLC, for an amendment to a major conditional use permit in accordance with §110-70, §110-74 and §130-88 of the Monroe County Code; and

WHEREAS, the subject property is located at 5950 and 5970 Peninsular Avenue, Stock Island, approximate mile marker 5, and is legally described as Block 60, portions of Lots 1, 2 and 3, Block 61, portions of Lots 1, 2 and 3, the portion of Maloney Avenue lying between Blocks 60 and 61, McDonald's Plat, also described as parcel of land in Sections 26, 34, 35 and 36, Township 37 South and Range 25 East, Stock Island, Monroe County, Florida, having real estate numbers 00127420.000000 and 00127420.000100; and

WHEREAS, the major conditional use permit amendment is necessary for the property owner to improve the marina's facilities, construct 78 new market rate residential dwelling units (which may be used as vacation rentals), construct four new hotel rooms, construct a new restaurant, and carry out associated site improvements; and

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Bk# 2689 Pg# 1054

WHEREAS, on May 31, 2013, the applicant submitted an application for a development agreement (Planning Department File #2013-069). The agreement was approved by the Board of County Commissioners at a public hearing on December 11, 2013, and recorded in the official records of Monroe County on December 19, 2013. The agreement allows the transfer of the 46 market-rate Transferable ROGO Exemptions (TREs) from three sender sites to the subject property in accordance with §130-161.1 of the Monroe County Code. On the sender sites, the residential dwelling units in which the transferred market-rate permanent TREs are derived shall be converted to, or replaced with, an equivalent amount of 99-year deed-restricted affordable housing, prior to a CO being issued for market-rate permanent units at the subject property. The agreement also conceptually approved the scope of work of this major conditional use permit application and associated site plan; and

WHEREAS, the Planning Commission was presented with the following documents and other information relevant to the request, which by reference is hereby incorporated as part of the record of said hearing:

1. Major conditional use permit application (File #2013-068), received by the Monroe County Planning & Environmental Resources Department on May 31, 2013; and
2. Site Plan, entitled Overall Site Plan for Oceanside Resort & Marina, by Weiler Engineering Corporation (WEC) and dated February 12, 2014; and
3. Landscape Plan by Elizabeth Newland Landscape Architecture and dated February 12, 2014; and
4. Boundary Survey, by Frederick H. Hildebrandt, initially dated January 30, 1997 and last revised February 18, 2013; and
5. Level III Traffic Study by KBP Consulting, Inc. and dated May 2013 and updated February 28, 2014; and
6. Development Review Committee Resolution #04-14; and
7. Staff report prepared by Joseph Haberman, AICP, Planning & Development Review Manager, dated February 14, 2014; and
8. Sworn testimony of Monroe County Planning & Environmental Resources Department staff; and
9. Sworn testimony of the applicant and general public; and
10. Advice and counsel of Susan Grimsley, Assistant County Attorney, Steve Williams, Assistant County Attorney, and John Wolfe, Planning Commission Counsel; and

WHEREAS, based upon the information and documentation submitted, the Planning Commission makes the following Findings of Fact:

1. The subject property is located in a Mixed Use (MU) Land Use (Zoning) District; and
2. The subject property has a Future Land Use Map (FLUM) designation of Mixed Use / Commercial (MC); and
3. The subject property has a tier designation of tier III; and

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4. In 1996, a minor conditional use permit was approved for part of the subject property, 5970 Peninsular Avenue (RE #00127420.000100 only). The approval is memorialized by Development Order #12-96, approved by the Director of Planning on July 23, 1996, and recorded in the official records of Monroe County on September 6, 1996. The permit allowed for the construction of a 9,600 square foot storage building and other associated accessory improvements (Planning Department File #96045). The storage building received final approval by Building Permit #971-1325 in 1997 (with construction completed in 1999) and was later demolished under Permit #071-1892 in 2007; and
5. In 1997, an amendment to a major conditional use permit was approved for part of the subject property, 5950 Peninsular Avenue (RE #00127420.000000 only). The approval is memorialized by Planning Commission Resolution #P52-97, approved by the Planning Commission at a public hearing on July 10, 1997, signed by the Planning Commission Chair on August 18, 1999 and recorded in the official records of Monroe County on August 24, 1999. The amendment allowed for the construction of 22 attached residential dwelling units (market-rate), a 22,000 square foot boat storage building, an addition to an existing restaurant, and other associated accessory improvements (Planning Department File #97021). The boat storage building received final approval by Building Permit #011-2637 in 2001 (completed in 2002 as a 21,924 square foot building), the 22 attached residential dwelling units received final approval by Building Permits #011-2639 through #011-2661 (excluding #011-2644) in 2001 (completed in 2003), and the addition to the restaurant received final approval by Building Permit #021-2525 in 2002 (completed in 2003); and
6. In 1999, the County, the State of Florida Department of Community Affairs, Paradise Island Park, Inc. and Oceanside Investors' predecessor in interest (Key West Oceanside Marina) entered into a development agreement allowing the transfer of 22 market-rate Transferable ROGO Exemptions (TREs) from Paradise Island Park to the subject property. The development agreement was recorded in the official records of Monroe County on April 7, 2000 (Planning Department File #99039); and
7. In 2007, an amendment to a major conditional use permit was approved for the subject property, 5950 and 5970 Peninsular Avenue (RE #00127420.000000 and RE #00127420.000100, as well as other property associated with adjacent condominium developments). The approval is memorialized by Planning Commission Resolution #P21-07, approved by the Planning Commission at a public hearing on April 11, 2007, signed by the Planning Commission Chair on May 9, 2007, and recorded in the official records of Monroe County on July 13, 2007. The amendment allowed for the demolition of several buildings and construction of 32 attached residential dwelling units (market-rate); two boat barns; eight wet slips; and other associated accessory improvements (Planning Department File #26028). This project was not completed prior to the expiration of the major conditional use permit approval. Only minor improvements to the property associated with the approval were carried out; and

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8. On May 31, 2013, the applicant submitted an application for a development agreement concerning the redevelopment of the property and the transfer of 46 market-rate Transferable ROGO Exemptions (TREs) from mobile home parks to the subject property (Planning Department File #2013-069). The agreement was approved by the Board of County Commissioners at a public hearing on December 11, 2013, and recorded in the official records of Monroe County on December 19, 2013. The agreement allows the transfer of the 46 market-rate TREs from three sender sites to the subject property in accordance with Monroe County Code §130-161.1. On the sender sites, the residential dwelling units in which the transferred market-rate permanent TREs are derived shall be converted to, or replaced with, an equivalent amount of 99-year deed-restricted affordable housing, prior to a CO being issued for market-rate permanent units at the subject property. The agreement also conceptually approved the scope of work of this major conditional use permit application and associated site plan; and
9. Some accessory development, such as the parking areas, is required to accommodate three condominiumized developments on or adjacent to the subject property; and
10. There are 22 existing attached residential dwelling units within three buildings on a property to the south of the subject property. This residential development was initially approved and permitted on the parcel of land identified by real estate #00127420.000000. After their completion in 2003, the 22 dwelling units were condominiumized and have been assessed individually by separate real estate numbers since 2004 (#00127430.000101 through #00127430.000211). As result of its past joint development with the subject property, aspects of this prior residential development affect the redevelopment of the subject property; however, the 22 dwelling units, facilities and areas owned by the condominium, Oceanside Residential Condominium Association, Inc., are not subject of this application; and
11. There is a boat storage building, providing 52 dry slips, on a separate property located within the boundary of the subject property in the northeast area. This development was initially approved and permitted on the parcel of land identified by real estate #00127420.000000. After its completion in 2002, the building was condominiumized and the 52 dry slips within have been assessed individually by separate real estate numbers since 2004 (#00127440.000100 through #00127440.005200). As result of its past joint development with the subject property, aspects of this prior development affect the redevelopment of the subject property; however, facilities and areas owned by the condominium, Oceanside East Dry Storage Condominium Association, Inc., are not subject of this application; and
12. There are 98 wet slips within the marina to the west of the subject property. This development was initially approved and permitted on the parcel of land identified by real estate #00127420.000000. These wet slips have been assessed under 98 separate real estate numbers since 1996 (#00127420.000601 through #00127420.000708). As result of its past joint development with the subject property, aspects of this prior development affect the redevelopment of the subject property; however, docking

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facilities and areas owned by the condominium, Oceanside Marina Condominium Association, Inc., are not subject of this application; and

13. On January 28, 2014, the application was reviewed by the Development Review Committee. At the meeting, staff requested that applicant revise the site and landscape plans and provide additional supporting information. In addition, staff requested that certain conditions be applied to any approval; and
14. Pursuant to §130-88 of the Monroe County Code, in the Mixed Use (MU) district, marinas may be permitted with a major conditional use permit provided that a) the parcel proposed for development has access to water at least four feet below mean sea level at mean low tide; b) the sale of goods and services is limited to fuel, food, boating, diving and sport fishing products; c) all outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six feet in height; and d) each non-waterside perimeter setback of the parcel proposed for development must have a class "C" bufferyard within a side yard setback of 10 feet; and
15. Pursuant to §130-88 of the Monroe County Code, in the Mixed Use (MU) district, attached residential dwelling units, where the total number is greater than four units, may be permitted with a minor conditional use permit provided that a) the structures are designed and located so that they are visually compatible with established residential development within 250 feet of the parcel proposed for development and b) the parcel proposed for development is separated from any established residential use by a class "C" bufferyard; and
16. Pursuant to §130-88 of the Monroe County Code, in the Mixed Use (MU) district, hotels of fewer than 50 rooms may be permitted with a minor conditional use permit provided that a) the use is compatible with established land uses in the immediate vicinity and b) one or more of the following amenities is available to guests: 1. swimming pool; 2. marina; and 3. tennis courts; and
17. Pursuant to §130-88 of the Monroe County Code, in the Mixed Use (MU) district, commercial retail, low and medium-intensity and office uses or any combination thereof of greater than 2,500 square feet but less than 10,000 square feet of floor area, may be permitted with a minor conditional use permit provided that provided that access to US 1 by way of a) an existing curb cut; b) signalized intersection; or c) a curb cut that is separated from any other curb cut on the same side of US 1 by at least 400 feet; and
18. Pursuant to §130-88 of the Monroe County Code, in the Mixed Use (MU) district, commercial fishing and accessory uses may be permitted as-of-right with a building permit; and
19. §110-67 of the Monroe County Code provides the standards which are applicable to all conditional uses. When considering applications for a conditional use permit, the Planning Commission shall consider the extent to which:

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- (a) The conditional use is consistent with the purposes, goals, objectives and standards of the Monroe County Year 2010 Comprehensive Plan and Monroe County Code; and
 - (b) The conditional use is consistent with the community character of the immediate vicinity of the parcel proposed for development; and
 - (c) The design of the proposed development minimizes adverse effects, including visual impacts, or the proposed use on adjacent properties; and
 - (d) The proposed use will have an adverse effect on the value of surrounding properties; and
 - (e) The adequacy of public facilities and services, including but not limited to roadways, park facilities, police and fire protection, hospital and Medicare services, disaster preparedness program, drainage systems, refuse disposal, water and sewers, judged according to standards from and specifically modified by the public facilities capital improvements adopted in the annual report required by the Monroe County Code; and
 - (f) The applicant for conditional use approval has the financial and technical capacity to complete the development as proposed and has made adequate legal provision to guarantee the provision and development of any open space and other improvements associated with the proposed development; and
 - (g) The development will adversely affect a known archaeological, historical or cultural resource; and
 - (h) Public access to public beaches and other waterfront areas is preserved as a part of the proposed development; and
 - (i) The proposed use complies with all additional standards imposed on it by the particular provision of this chapter authorizing such use and by all other applicable requirements of the Monroe County Code; and
20. Development shall not be inconsistent with the Monroe County Code; and
21. Development shall not be inconsistent with the Monroe County Comprehensive Plan; and
22. Development on Stock Island shall not be inconsistent with the Master Plan for the Future Development of Stock Island and Key Haven, also known as the Stock Island/Key Haven CommuniKeys Plan; and
23. Development shall not be inconsistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; and

WHEREAS, based upon the information and documentation submitted, the Planning Commission makes the following Conclusions of Law:

1. The application is consistent with the provisions and intent of the Monroe County Code; specifically:

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- a. With execution of attached conditions, the development is consistent with the purpose of the Mixed Use (MU) district, as set forth in §130-38; and
 - b. With execution of attached conditions, the land uses of the development are permitted uses in the Mixed Use (MU) district, as set forth in §130-88; and
 - c. With execution of attached conditions, the redevelopment shall meet all of the standards for a conditional use permit as set forth in §110-67; and
2. The application is consistent with the provisions and intent of the Monroe County Year 2010 Comprehensive Plan; specifically:
 - a. The development is consistent with the purpose of the Mixed Use / Commercial (MC) future land use category, as set forth in Policy 101.4.5; and
 3. The application is not inconsistent with the provisions and intent of the Master Plan for the Future Development of Stock Island and Key Haven; and
 4. The application is not inconsistent with any of the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; and

WHEREAS, at the February 26, 2014 public meeting, the Planning Commission considered the recommendations of staff and applied the following condition to be met prior to the issuance of a resolution for approval by the Planning Commission:

1. Prior to the issuance of a resolution approving the application, the applicant shall provide a revised traffic study indicating that the commercial retail use is low intensity (to be approved by the County's traffic consultant) or provide a revised site plan resulting in a 1.06 percentage drop to the cumulative land use intensity; and

WHEREAS, concerning the condition required to be met prior to the issuance of a resolution, the applicant provided a revised traffic study, which supports that the proposed commercial retail use is low intensity. The revised traffic study was approved by the County's traffic consultant, URS, on March 4, 2014; and

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** the request for an amendment to a major conditional use permit, subject to the following conditions:

1. Prior to the issuance of a building permit any building containing attached residential dwelling units, all required TDRs (70.51) shall be successfully transferred to the subject property via the process provided in MCC §130-160.
2. Prior to the issuance of a building permit any building containing attached residential dwelling units, required TREs shall be successfully transferred to the subject property via the process provided in MCC §138-22(2).

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3. Prior to the issuance of a certificate of occupancy for any new building, all required landscaping shall be formally approved by a Building Permit, planted and pass a final inspection by the County Biologist or his or her designee.
4. This major conditional use permit approval shall not relieve the property owner of any additional requirement of the development agreement between Monroe County, the current property owner, and other parties. The development agreement, approved by the BOCC at a public hearing on December 11, 2013 and recorded in the official records of Monroe County on December 19, 2013, may only be amended as allowed by the terms of the agreement, Monroe County Code and Florida Statutes.
5. A major conditional use permit is not a final approval for certain development. The applicant shall obtain a building permit(s) for any improvement requiring such an approval.
6. The scope of work has not been reviewed for compliance with Florida Building Code. Prior to the issuance of Building Permits, new development and structures shall be found in compliance by the Monroe County Building Department, Floodplain Administrator, and the Office of the Fire Marshal.
7. The Public Works Division shall review any proposed work within County public rights-of-way and the Division maintains the right to request revisions as it carries out its review of any application for an access permit. It is the responsibility of the applicant to obtain all required permits before starting work.
8. The boardwalk or walkway along the western shoreline is intended to enhance public access to the waterfront area shall be open to the public from dawn to dusk. Rules related to use and conduct may be established and enforced by the property owner.
9. The proposed architectural style and design of the buildings - as illustrated in the proposed floor plans, building elevations and renderings included in the application - has been reviewed and conceptually approved by this minor conditional use permit. Any modifications shall be reviewed by the Planning & Environmental Resources for consistency with this approval. Any minor modification of consistent design shall be approved administratively as a minor deviation by the Senior Director of Planning & Environmental Resources. Any substantial modification or any modification that does not utilize consistent design, as determined by the Senior Director of Planning & Environmental Resources, shall be approved as a major deviation following a review by the Planning Commission.
10. Areas approved as accessory to the hotel and attached residential dwelling units may only be utilized by occupants of the hotel and attached residential dwelling units. Conversion of such an area to another use shall require additional approvals if allowed.
11. If the development is gated, in order to provide public access, the gate(s) shall be open, at a minimum, from 7:00 am until dusk.

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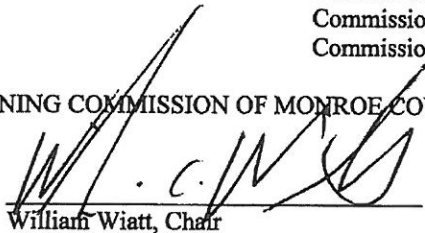
12. At least 20% of the total number of wet slips shall be reserved for and only utilized by licensed commercial fishing vessels.

PASSED AND ADOPTED BY THE PLANNING COMMISSION of Monroe County, Florida, at a regular meeting held on the 26th of February, 2014.

Chair Wiatt	<u>YES</u>
Commissioner Hale	<u>YES</u>
Commissioner Lustberg	<u>YES</u>
Commissioner Miller	<u>YES</u>
Commissioner Werling	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

BY


William Wiatt, Chair

Signed this 26th day of March, 2014.

MONROE COUNTY ATTORNEY
APPROVED AND FORM
Date: 3/26/14

FILED WITH THE

MAR 26 2014

AGENCY CLERK



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Filed & Recorded in Official Records of
MONROE COUNTY AMY HEAVILIN

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Bk# 2745 Pg# 889



**MONROE COUNTY, FLORIDA
PLANNING COMMISSION RESOLUTION NO. P41-14**

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION APPROVING THE REQUEST BY OCEANSIDE INVESTORS, LLC FOR AN AMENDMENT TO THE MAJOR CONDITIONAL USE PERMIT LAST APPROVED BY PLANNING COMMISSION RESOLUTION #P04-14, AT PROPERTY LEGALLY DESCRIBED AS BLOCK 46, LOTS 30, 31 AND ½ LOT 32, BLOCK 60, PORTIONS OF LOTS 1, 2 AND 3, BLOCK 61, PORTIONS OF LOTS 1, 2 AND 3, THE ABANDONED PORTION OF PENINSULAR AVENUE LYING BETWEEN BLOCK 46 AND BLOCK 60, THE ABANDONED PORTION OF MALONEY AVENUE LYING BETWEEN BLOCKS 60 AND 61, MCDONALD'S PLAT, ALSO KNOWN AS MALONEY SUBDIVISION (PLAT BOOK 1, PAGE 55), MONROE COUNTY, FLORIDA AND HAVING REAL ESTATE #S 00126210.000000, 00126220.000000, 00126230.000000, 00127420.000000 AND 00127420.000100.

WHEREAS, during a regularly scheduled public meeting held on November 19, 2014, the Monroe County Planning Commission conducted a review and consideration of a request filed by Barton W. Smith, on behalf of Oceanside Investors, LLC, for an amendment to a major conditional use permit in accordance with §110-70, §110-74 and §130-88 of the Monroe County Code; and

WHEREAS, the subject property is located at 5948, 5950 and 5970 Peninsular Avenue, Stock Island, approximate mile marker 5, and is legally described as Block 46, Lots 30, 31 and ½ Lot 32, Block 60, portions of Lots 1, 2 and 3, Block 61, portions of Lots 1, 2 and 3, the abandoned portion of Peninsular Avenue lying between Block 46 and Block 60, the abandoned portion of Maloney Avenue lying between Blocks 60 and 61, McDonald's Plat, also known as Maloney Subdivision (Plat Book 1, Page 55), Monroe County, Florida and having real estate (RE) #'s 00126210.000000, 00126220.000000, 00126230.000000, 00127420.000000 and 00127420.000100; and

WHEREAS, earlier in 2014, an amendment to a major conditional use permit was approved concerning the majority of the subject property- 5950 and 5970 Peninsular Avenue. The approval is memorialized by Planning Commission Resolution #P04-14, approved by the Planning Commission at a public hearing on February 26, 2014, signed by the Planning Commission Chair on March 26, 2014 and recorded in the official records of Monroe County on

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June 13, 2014. The amendment allowed for the property owner to improve the marina's facilities, construct 78 new market rate residential dwelling units (which may be used as vacation rentals), construct 4 new hotel rooms, construct a new restaurant, and carry out associated site improvements; and

WHEREAS, the application includes the following amendments to the approval memorialized by Resolution #P04-14:

- Expansion of the area of the subject property to include an adjacent property (commonly known as the Hickory House property) and a recently abandoned portion of right-of-way (Peninsular Avenue): Block 46, Lots 30, 31 and ½ Lot 32, Block 60, McDonald's Plat and the abandoned portion of the Peninsular Avenue right-of-way lying between Block 46 and Block 60; and
- Amendment of the acreage of the subject property to reflect the inclusion of the aforementioned adjacent property and abandoned road; and
- Amendment of the approved total number of hotel rooms allowed at the subject property from up to 4 hotel rooms to up to 17 hotel rooms; and
- Amendment of the approved site plan approved by the existing agreement to include the aforementioned adjacent property and abandoned road; and
- Amendment of the approved site plan to extend the 'boardwalk' along the western shoreline of the added adjacent property and abandoned road; and
- Amendment of the approved site plan to reflect modifications to previously approved building square footages (in part to accommodate the additional hotel rooms) and to show an additional building (accessory tiki bar); and
- Amend the approved site plan to reflect modifications to the off-street parking; and

WHEREAS, a development agreement concerning the subject property was approved by the Board of County Commissioners at a public hearing on December 11, 2013, and recorded in the official records of Monroe County on December 19, 2013. The agreement allows the transfer of the 46 market-rate Transferable ROGO Exemptions (TREs) from three sender sites to a receiver site (the subject property of this major conditional use permit) in accordance with §130-161.1 of the Monroe County Code. On the sender sites, the residential dwelling units in which the transferred market-rate permanent TREs are derived shall be converted to, or replaced with, an equivalent amount of 99-year deed-restricted affordable housing, prior to a CO being issued for market-rate permanent units at the receiver site. The agreement also conceptually approved the scope of work of this major conditional use permit application and its associated site plan; and

WHEREAS, an amendment to the development agreement concerning the subject property was approved by the Board of County Commissioners at a public hearing on December 10, 2014, and recorded in the official records of Monroe County on December 17, 2014. The amendment revised the boundaries of the receiver site (the subject property of this major conditional use permit application) and revised the conceptually approved scope of work and site plan; and

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WHEREAS, the Planning Commission was presented with the following documents and other information relevant to the request, which by reference is hereby incorporated as part of the record of said hearing:

1. Major conditional use permit application (File #2014-133), received by the Monroe County Planning & Environmental Resources Department on September 9, 2014; and
2. Site Plan, entitled Overall Site Plan for Occanside Resort & Marina, by Weiler Engineering Corporation (WEC) and dated November 6, 2014; and the Revised Site Plan for Oceanside Resort & Marina, by Weiler Engineering Corporation (WEC) and dated February 24, 2015; and
3. Landscape Plan by Elizabeth Newland Landscape Architecture and dated September 16, 2014; and
4. Boundary Survey, by Frederick H. Hildebrandt, initially dated January 30, 1997 and last revised October 2, 2014; and
5. Level III Traffic Study by KBP Consulting, Inc. and dated May 2013 and updated December 1, 2014; and
6. Planning Commission Resolution #P04-14; and
7. Development Review Committee Resolution #15-14; and
8. Staff report prepared by Joseph Haberman, AICP, Planning & Development Review Manager, dated November 14, 2014; and
9. Sworn testimony of Monroe County Planning & Environmental Resources Department staff; and
10. Sworn testimony of the applicant and general public; and
11. Comments and presentation by Barton Smith on behalf of Applicant; and
12. Advice and counsel of Steve Williams, Assistant County Attorney, and John Wolfe, Planning Commission Counsel; and

WHEREAS, based upon the information and documentation submitted, the Planning Commission makes the following Findings of Fact:

1. The subject property is located in a Mixed Use (MU) Land Use (Zoning) District; and
2. The subject property has a Future Land Use Map (FLUM) designation of Mixed Use / Commercial (MC); and
3. The subject property has a tier designation of tier III; and
4. In 1996, a minor conditional use permit was approved for part of the subject property, 5970 Peninsular Avenue (RE #00127420.000100 only). The approval is memorialized by Development Order #12-96, approved by the Director of Planning on July 23, 1996, and recorded in the official records of Monroe County on September 6, 1996. The permit allowed for the construction of a 9,600 square foot storage building and other associated accessory improvements (Planning Department File #96045). The storage building received final approval by Building Permit #971-

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1325 in 1997 (with construction completed in 1999) and was later demolished under Permit #071-1892 in 2007; and

5. In 1997, an amendment to a major conditional use permit was approved for part of the subject property, 5950 Peninsular Avenue (RE #00127420.000000 only). The approval is memorialized by Planning Commission Resolution #P52-97, approved by the Planning Commission at a public hearing on July 10, 1997, signed by the Planning Commission Chair on August 18, 1999 and recorded in the official records of Monroe County on August 24, 1999. The amendment allowed for the construction of 22 attached residential dwelling units (market-rate), a 22,000 square foot boat storage building, an addition to an existing restaurant, and other associated accessory improvements (Planning Department File #97021). The boat storage building received final approval by Building Permit #011-2637 in 2001 (completed in 2002 as a 21,924 square foot building), the 22 attached residential dwelling units received final approval by Building Permits #011-2639 through #011-2661 (excluding #011-2644) in 2001 (completed in 2003), and the addition to the restaurant received final approval by Building Permit #021-2525 in 2002 (completed in 2003); and
6. In 1999, the County, the State of Florida Department of Community Affairs, Paradise Island Park, Inc. and Oceanside Investors' predecessor in interest (Key West Oceanside Marina) entered into a development agreement allowing the transfer of 22 market-rate Transferable ROGO Exemptions (TREs) from Paradise Island Park to the subject property. The development agreement was recorded in the official records of Monroe County on April 7, 2000 (Planning Department File #99039); and
7. In 2007, an amendment to a major conditional use permit was approved for the subject property, 5950 and 5970 Peninsular Avenue (RE #00127420.000000 and RE #00127420.000100, as well as other property associated with adjacent condominium developments). The approval is memorialized by Planning Commission Resolution #P21-07, approved by the Planning Commission at a public hearing on April 11, 2007, signed by the Planning Commission Chair on May 9, 2007, and recorded in the official records of Monroe County on July 13, 2007. The amendment allowed for the demolition of several buildings and construction of 32 attached residential dwelling units (market-rate); two boat barns; eight wet slips; and other associated accessory improvements (Planning Department File #26028). This project was not completed prior to the expiration of the major conditional use permit approval. Only minor improvements to the property associated with the approval were carried out; and
8. In 2013, a development agreement concerning the subject property was approved by the Board of County Commissioners at a public hearing on December 11, 2013, and recorded in the official records of Monroe County on December 19, 2013. The agreement allows the transfer of the 46 market-rate Transferable ROGO Exemptions (TREs) from three sender sites to a receiver site (the subject property of this major conditional use permit) in accordance with §130-161.1 of the Monroe County Code. On the sender sites, the residential dwelling units in which the transferred market-rate permanent TREs are derived shall be converted to, or replaced with, an equivalent

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amount of 99-year deed-restricted affordable housing, prior to a CO being issued for market-rate permanent units at the receiver site. The agreement also conceptually approved the scope of work of this major conditional use permit application and its associated site plan (Planning Department File #2013-069); and

9. In 2014, an amendment to a major conditional use permit was approved concerning the majority of the subject property- 5950 and 5970 Peninsular Avenue. The approval is memorialized by Planning Commission Resolution #P04-14, approved by the Planning Commission at a public hearing on February 26, 2014, signed by the Planning Commission Chair on March 26, 2014 and recorded in the official records of Monroe County on June 13, 2014. The amendment allowed for the property owner to improve the marina's facilities, construct 78 new market rate residential dwelling units (which may be used as vacation rentals), construct 4 new hotel rooms, construct a new restaurant, and carry out associated site improvements (Planning Department File #2013-68). The scope of work and site plan related to this project are being amended by this approval; and
10. In 2014, an amendment to the December 19, 2013 development agreement concerning the subject property was approved by the Board of County Commissioners at a public hearing on December 10, 2014, and recorded in the official records of Monroe County on December 17, 2014. The amendment revised the boundaries of the receiver site (the subject property of this major conditional use permit application) and revised the conceptually approved scope of work and site plan (Planning Department File #2014-112); and
11. Some accessory development, such as the parking areas, is required to accommodate three condominiumized developments on or adjacent to the subject property; and
12. There are 22 existing attached residential dwelling units within three buildings on a property to the south of the subject property. This residential development was initially approved and permitted on the parcel of land identified by real estate #00127420.000000. After their completion in 2003, the 22 dwelling units were condominiumized and have been assessed individually by separate real estate numbers since 2004 (#00127430.000101 through #00127430.000211). As result of its past joint development with the subject property, aspects of this prior residential development affect the redevelopment of the subject property; however, the 22 dwelling units, facilities and areas owned by the condominium, Oceanside Residential Condominium Association, Inc., are not subject of this application; and
13. There is a boat storage building, providing 52 dry slips, on a separate property located within the boundary of the subject property in the northeast area. This development was initially approved and permitted on the parcel of land identified by real estate #00127420.000000. After its completion in 2002, the building was condominiumized and the 52 dry slips within have been assessed individually by separate real estate numbers since 2004 (#00127440.000100 through #00127440.005200). As result of its past joint development with the subject property, aspects of this prior development

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affect the redevelopment of the subject property; however, facilities and areas owned by the condominium, Oceanside East Dry Storage Condominium Association, Inc., are not subject of this application; and

14. There are 98 wet slips within the marina to the west of the subject property. This development was initially approved and permitted on the parcel of land identified by real estate #00127420.000000. These wet slips have been assessed under 98 separate real estate numbers since 1996 (#00127420.000601 through #00127420.000708). As result of its past joint development with the subject property, aspects of this prior development affect the redevelopment of the subject property; however, docking facilities and areas owned by the condominium, Oceanside Marina Condominium Association, Inc., are not subject of this application; and
15. On November 17, 2014, the application was reviewed by the Development Review Committee. At the meeting, staff requested that applicant revise the site and landscape plans. In addition, staff requested that certain conditions be applied to any approval; and
16. Pursuant to §130-88 of the Monroe County Code, in the Mixed Use (MU) district, marinas may be permitted with a major conditional use permit provided that a) the parcel proposed for development has access to water at least four feet below mean sea level at mean low tide; b) the sale of goods and services is limited to fuel, food, boating, diving and sport fishing products; c) all outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six feet in height; and d) each non-waterside perimeter setback of the parcel proposed for development must have a class "C" bufferyard within a side yard setback of 10 feet; and
17. Pursuant to §130-88 of the Monroe County Code, in the Mixed Use (MU) district, attached residential dwelling units, where the total number is greater than four units, may be permitted with a minor conditional use permit provided that a) the structures are designed and located so that they are visually compatible with established residential development within 250 feet of the parcel proposed for development and b) the parcel proposed for development is separated from any established residential use by a class "C" bufferyard; and
18. Pursuant to §130-88 of the Monroe County Code, in the Mixed Use (MU) district, hotels of fewer than 50 rooms may be permitted with a minor conditional use permit provided that a) the use is compatible with established land uses in the immediate vicinity and b) one or more of the following amenities is available to guests: 1. swimming pool; 2. marina; and 3. tennis courts; and
19. Pursuant to §130-88 of the Monroe County Code, in the Mixed Use (MU) district, commercial retail, low and medium-intensity and office uses or any combination thereof of greater than 2,500 square feet but less than 10,000 square feet of floor area, may be permitted with a minor conditional use permit provided that provided that access to US 1 by way of a) an existing curb cut; b) signalized intersection; or c) a

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curb cut that is separated from any other curb cut on the same side of US 1 by at least 400 feet; and

20. Pursuant to §130-88 of the Monroe County Code, in the Mixed Use (MU) district, commercial fishing and accessory uses may be permitted as-of-right with a building permit; and
21. §110-67 of the Monroe County Code provides the standards which are applicable to all conditional uses. When considering applications for a conditional use permit, the Planning Commission shall consider the extent to which:
 - (a) The conditional use is consistent with the purposes, goals, objectives and standards of the Monroe County Year 2010 Comprehensive Plan and Monroe County Code; and
 - (b) The conditional use is consistent with the community character of the immediate vicinity of the parcel proposed for development; and
 - (c) The design of the proposed development minimizes adverse effects, including visual impacts, or the proposed use on adjacent properties; and
 - (d) The proposed use will have an adverse effect on the value of surrounding properties; and
 - (e) The adequacy of public facilities and services, including but not limited to roadways, park facilities, police and fire protection, hospital and Medicare services, disaster preparedness program, drainage systems, refuse disposal, water and sewers, judged according to standards from and specifically modified by the public facilities capital improvements adopted in the annual report required by the Monroe County Code; and
 - (f) The applicant for conditional use approval has the financial and technical capacity to complete the development as proposed and has made adequate legal provision to guarantee the provision and development of any open space and other improvements associated with the proposed development; and
 - (g) The development will adversely affect a known archaeological, historical or cultural resource; and
 - (h) Public access to public beaches and other waterfront areas is preserved as a part of the proposed development; and
 - (i) The proposed use complies with all additional standards imposed on it by the particular provision of this chapter authorizing such use and by all other applicable requirements of the Monroe County Code; and
22. Development shall not be inconsistent with the Monroe County Code; and
23. Development shall not be inconsistent with the Monroe County Comprehensive Plan; and
24. Development on Stock Island shall not be inconsistent with the Master Plan for the Future Development of Stock Island and Key Haven, also known as the Stock Island/Key Haven CommuniKeys Plan; and

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25. Development shall not be inconsistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; and

WHEREAS, based upon the information and documentation submitted, the Planning Commission makes the following Conclusions of Law:

1. The application is consistent with the provisions and intent of the Monroe County Code; specifically:
 - a. With execution of attached conditions, the development is consistent with the purpose of the Mixed Use (MU) district, as set forth in §130-38; and
 - b. With execution of attached conditions, the land uses of the development are permitted uses in the Mixed Use (MU) district, as set forth in §130-88; and
 - c. With execution of attached conditions, the redevelopment shall meet all of the standards for a conditional use permit as set forth in §110-67; and
2. The application is consistent with the provisions and intent of the Monroe County Year 2010 Comprehensive Plan; specifically:
 - a. The development is consistent with the purpose of the Mixed Use / Commercial (MC) future land use category, as set forth in Policy 101.4.5; and
3. The application is not inconsistent with the provisions and intent of the Master Plan for the Future Development of Stock Island and Key Haven; and
4. The application is not inconsistent with any of the Principles for Guiding Development in the Florida Keys Area of Critical State Concern.

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** the request for an amendment to a major conditional use permit, subject to the following conditions:

1. Prior to the issuance of a building permit any building containing attached residential dwelling units, all required TDRs shall be successfully transferred to the subject property via the process provided in MCC §130-160.
2. Prior to the issuance of a building permit any building containing attached residential dwelling units, required TREs shall be successfully transferred to the subject property via the process provided in MCC §138-22(2).
3. Prior to the issuance of a certificate of occupancy for any new building, all required landscaping shall be formally approved by a Building Permit, planted and pass a final inspection by the County Biologist or his or her designee.

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4. This major conditional use permit approval shall not relieve the property owner of any additional requirement of the development agreement between Monroe County, the current property owner, and other parties. The development agreement may only be amended as allowed by the terms of the agreement, Monroe County Code and Florida Statutes.
5. A major conditional use permit is not a final approval for certain development. The applicant shall obtain a building permit(s) for any improvement requiring such an approval.
6. The scope of work has not been reviewed for compliance with Florida Building Code. Prior to the issuance of Building Permits, new development and structures shall be found in compliance by the Monroe County Building Department, Floodplain Administrator, and the Office of the Fire Marshal.
7. The Public Works Division shall review any proposed work within County public rights-of-way and the Division maintains the right to request revisions as it carries out its review of any application for an access permit. It is the responsibility of the applicant to obtain all required permits before starting work.
8. The boardwalk or walkway along the western shoreline is intended to enhance public access to the waterfront area shall be open to the public from dawn to dusk. Rules related to use and conduct may be established and enforced by the property owner.
9. The proposed architectural style and design of the buildings - as illustrated in the proposed floor plans, building elevations and renderings included in the application - has been reviewed and conceptually approved by this major conditional use permit. Any modifications shall be reviewed by the Planning & Environmental Resources for consistency with this approval. Any minor modification of consistent design shall be approved administratively as a minor deviation by the Senior Director of Planning & Environmental Resources. Any substantial modification or any modification that does not utilize consistent design, as determined by the Senior Director of Planning & Environmental Resources, shall be approved as a major deviation following a review by the Planning Commission.
10. Areas approved as accessory to the hotel and attached residential dwelling units may only be utilized by occupants of the hotel and attached residential dwelling units. Conversion of such an area to another use shall require additional approvals, if allowed.
11. If the development is gated, in order to provide public access, the gate(s) shall be open, at a minimum, from 7:00 am until dusk.
12. At least 20% of the total number of wet slips shall be reserved for and only utilized by licensed commercial fishing vessels.

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13. The 'tiki bar' is being approved as an accessory structure/use. As such, patrons of the tiki bar must be limited to occupants of the dwelling units/hotel.

PASSED AND ADOPTED BY THE PLANNING COMMISSION of Monroe County, Florida, at a meeting held on the 19th of November, 2014.

Chair Wiatt	<u>YES</u>
Commissioner Lustberg	<u>ABSENT</u>
Commissioner Miller	<u>YES</u>
Commissioner Ramsay-Vickrey	<u>YES</u>
Commissioner Werling	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

BY


William Wiatt, Chair

Signed this 25th day of March, 2015.

MONROE COUNTY ATTORNEY
APPROVED AND FORW

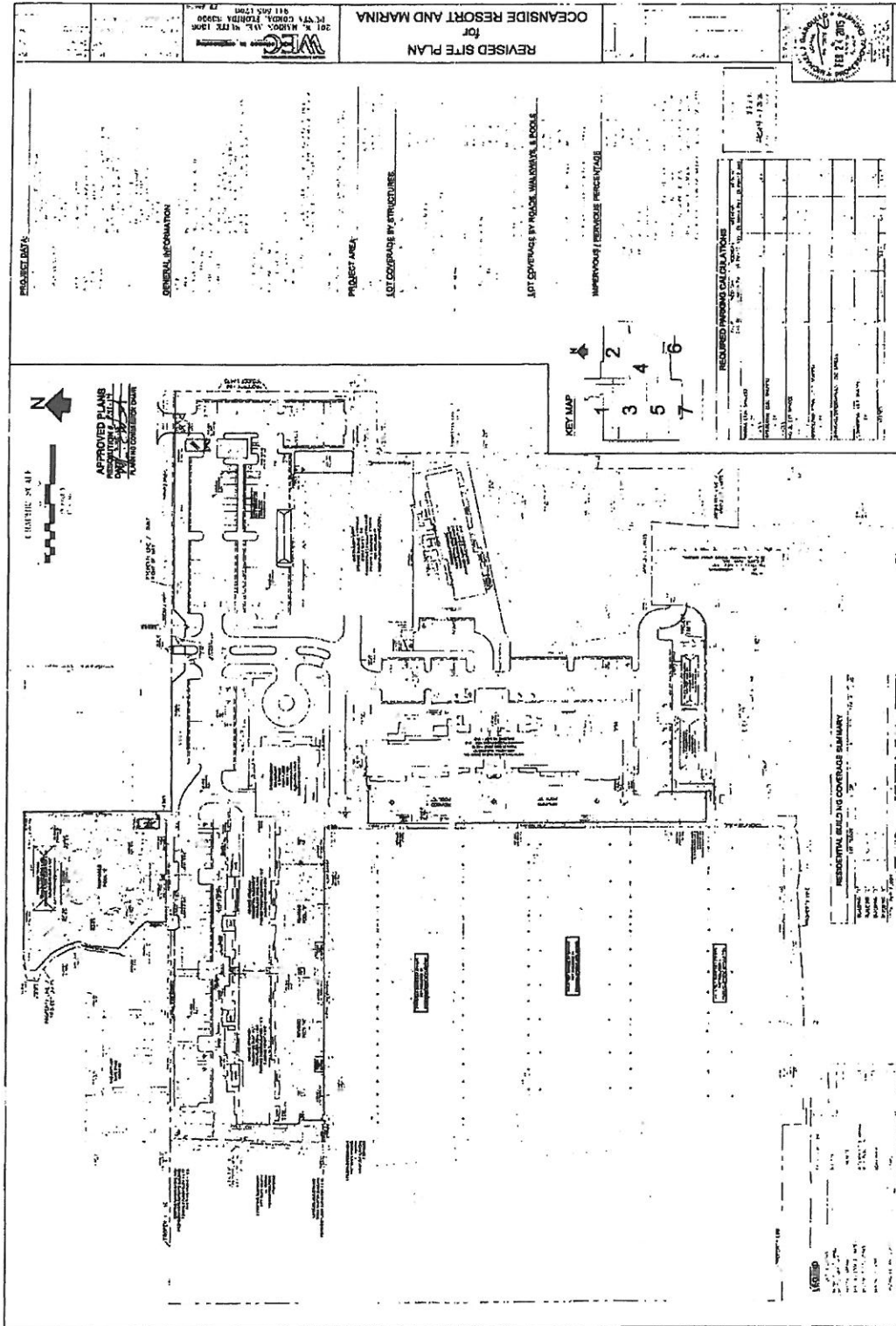
Date: 3/19/2015

FILED WITH THE

MAR 25 2015

AGENCY CLERK

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MONROE COUNTY ANY HEAVILIN



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MONROE COUNTY, FLORIDA
RESOLUTION NO. 158 -2015

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING A SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN AND AMONG MONROE COUNTY; SUMMERLAND PALMS INVESTORS, LLC; COCO PALMS DEVELOPERS, LLC; SUNCREST LANDING, LLC; SINGH INVESTORS, LLC; STOCK ISLAND HOLDINGS, LLC AND OCEANSIDE INVESTORS, LLC. THE ORIGINAL DEVELOPMENT AGREEMENT WAS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS AT A PUBLIC HEARING ON DECEMBER 11, 2013, AND RECORDED IN THE OFFICIAL RECORDS OF MONROE COUNTY ON DECEMBER 19, 2013. THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT WAS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS AT A PUBLIC HEARING ON DECEMBER 10, 2014, AND RECORDED IN THE OFFICIAL RECORDS OF MONROE COUNTY ON DECEMBER 17, 2014.

WHEREAS, during at a public hearing held on June 10, 2015, the Monroe County Board of County Commissioners conducted a public hearing to review and consider a request filed by Attorney Barton W. Smith, on behalf of Summerland Palms Investors, LLC; Coco Palms Developers, LLC; Suncrest Landing, LLC; Singh Investors, LLC; Stock Island Holdings, LLC and Oceanside Investors, LLC for a Development Agreement (Agreement) in accordance with Monroe County Code §110-132, §110-133 and §130-161.1 and Florida Statutes §163.3220 *et seq.*, the "Florida Local Government Development Agreement Act"; and

WHEREAS, the original development agreement was approved by the Board of County Commissioners at a public hearing on December 11, 2013, and recorded in the official records of Monroe County on December 19, 2013; and

WHEREAS, the first amendment to the development agreement was approved by the Board of County Commissioners at a public hearing on December 10, 2014, and recorded in the official records of Monroe County on December 17, 2014; and

WHEREAS, the current Agreement allows the transfer of Residential Rate of Growth Ordinance (ROGO) exemptions – known as Transferable ROGO Exemptions (TRE's) - from

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1 sender sites at 24930 Overseas Highway (22 market-rate permanent TRE's), 21585 Old State
2 Road 4A (17 market-rate permanent TRE's) and 5176 Suncrest Road (7 market-rate permanent
3 TRE's) to a receiver site at 5948, 5950 and 5970 Peninsular Avenue, in accordance with MCC
4 §130-161.1. On the sender sites, the residential dwelling units in which the transferred market-
5 rate permanent TRE's are derived shall be converted to, or replaced with, an equivalent amount
6 of deed-restricted affordable housing; and
7

8 **WHEREAS**, the Agreement involves the redevelopment of the receiver site located at
9 5950 and 5970 Peninsular Avenue, Stock Island, Florida. The site has historically been known as
10 Key West Oceanside Marina (Oceanside); and
11

12 **WHEREAS**, the following amendments are proposed to the existing agreement:

- 13 1. Include an abandoned portion of Peninsular Avenue right-of-way to the premises
14 associated with the Oceanside Marina property (a portion lying between Block 46
15 [east of the center of Lot 32] and Block 60). The abandonment petition was approved
16 by the BOCC on March 18, 2015.
- 17 2. Amend the acreage of the Oceanside Marina property to reflect the aforementioned
18 requested road abandonment.
- 19 3. Allow the transfer of one (1) additional TRE associated with a permanent residential
20 unit – from a sender site at 5350 3rd Avenue, Stock Island.
- 21 4. Amend the total number of units allowed at the Oceanside Marina property from up
22 to 78 to up to 79 new, market rate residential dwelling units.
- 23 5. Amend the total number of deed restriction and affordable ROGO allocations from 46
24 to 47 allocations and 23 to 24 moderate income affordable ROGO allocations.
- 25 6. Amend the conceptual site plan approved of the existing agreement to a) include the
26 aforementioned requested road abandonment; b) to modify the buildings to
27 accommodate 79 market rate residential dwelling units
28

29 **WHEREAS**, Stock Island the receiver site, located at 5948, 5950 and 5970 Peninsular
30 Avenue, Stock Island, is legally described as Block 46, Lots 30, 31 and ½ Lot 32, Block 60,
31 portions of Lots 1, 2 and 3, Block 61, portions of Lots 1, 2 and 3, the abandoned portion of
32 Peninsular Avenue lying between Block 46 and Block 60, the portion of Maloney Avenue lying
33 between Blocks 60 and 61, McDonald's Plat, also known as Maloney Subdivision (Plat Book 1,
34 Page 55), also described as a parcel of land in Sections 26, 34, 35 and 36, Township 37 South
35 and Range 25 East, having real estate #00126210.000000, #00126220.000000,
36 #00126230.000000, #00127420.000000 and #00127420.000100; and
37

38 **WHEREAS**, the Summerland Key sender site, located at 24930 Overseas Highway,
39 Summerland Key, is legally described as Lot 55 and a portion of Lot 54, Summerland Yacht
40 Harbor (Plat Book 2, Page 142), having real estate numbers #00194741.000100,
41 #00194741.000200, #00194741.000300, #00194741.000400, #00194741.000500,
42 #00194741.000600, #00194741.000700, #00194741.000800, #00194741.000900,
43 #00194741.001000, #00194741.001100, #00194741.001200, #00194741.001300,
44 #00194741.001400, #00194741.001500, #00194741.001600, #00194741.001700,
45 #00194741.001800, #00194741.001900, #00194741.002000, #00194741.002100 and
46 #00194741.002200; and

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Bk# 2751 Pg# 1870

1 **WHEREAS**, the Cudjoe Key sender site, located at 21585 Old State Road 4A, Cudjoe
2 Key, is legally described as Lot 30, Sacarina (Plat Book 2, Page 48), having real estate number
3 00174960.000000; and

4
5 **WHEREAS**, the Stock Island sender site, located at 5176 Suncrest Road, Stock Island, is
6 legally described as Lots 27 and 28, Sun Krest (Plat Book 1, Page 107), having real estate
7 number 00132680.000000; and

8
9 **WHEREAS**, the Stock Island sender site, located at 5350 3rd Avenue, Stock Island, is
10 legally described as Lots 19, 20, 21, 22 and 23, Block 53, McDonald's Plat, also known as
11 Maloney Subdivision (Plat Book 1, Page 55), having real estate number 00126770.000000

12
13 **WHEREAS**, the Agreement is required as part of an affordable housing incentive
14 program as set forth in §130-161.1 of the Monroe County Code; and

15
16 **WHEREAS**, the intent of the program outlined in §130-161.1 is to establish an
17 appropriate incentive for mobile home park owners to maintain mobile home park sites, mobile
18 home developments in Urban Residential Mobile Home (URM) and Urban Residential Mobile
19 Home Limited (URM-L) districts, and contiguous parcels under common ownership containing
20 mobile homes where any of the foregoing is presently serving as a primary source of affordable
21 housing in Monroe County (any of the foregoing being an "eligible sender site") by providing an
22 alternative development strategy to straightforward market-rate redevelopment; and

23
24 **WHEREAS**, the program outlined in §130-161.1 allows the transfer of market-rate
25 ROGO exemptions associated with lawfully established dwelling units (mobile homes) now
26 existing at an eligible sender site to be transferred to another site or sites in exchange for
27 maintaining an equal or greater number of deed-restricted affordable dwelling units within
28 Monroe County; and

29
30 **WHEREAS**, the Monroe County Planning Commission held a public hearing at its
31 meeting on April 29, 2015, which was the first of two required public hearings; and

32
33 **WHEREAS**, at the April 29, 2015, public hearing, the Planning Commission
34 recommended approval but did not provide a specific recommendation on the affordable income
35 (median vs. moderate) for the one (1) additional affordable deed-restricted unit; and

36
37 **WHEREAS**, based upon the information and documentation submitted, the Board of
38 County Commissioners makes the following Findings of Fact:

- 39
40 1. The receiver site, commonly known as Oceanside Marina, 5948, 5950 and 5970
41 Peninsular Avenue, Stock Island, is located within a Mixed Use (MU) Land Use
42 (Zoning) District. Further, it is designated within a Mixed Use / Commercial (MC)
43 category on the Future Land Use Map (FLUM) and within a Tier III district on the
44 Tier Overlay District Map;

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Bk# 2751 Pg# 1871

- 1 2. The Summerland sender site, 24930 Overseas Highway, Summerland Key, is located
2 within an Urban Residential Mobile Home (URM) Land Use (Zoning) District.
3 Further, it is designated within a Residential High (RH) category on the Future Land
4 Use Map (FLUM) and within a Tier III district on the Tier Overlay District Map;
5
- 6 3. The Cudjoe sender site, 21585 Old State Road 4A, Cudjoe Key, is located partially
7 within Native Area (NA), Urban Residential Mobile Home (URM) and Suburban
8 Commercial (SC) Land Use (Zoning) Districts. Further, it is designated partially
9 within Residential Conservation (RC), Residential High (RH) and Mixed Use /
10 Commercial (MC) categories on the Future Land Use Map (FLUM) and within a
11 Tier III district on the Tier Overlay District Map;
12
- 13 4. The Stock Island sender site, 5176 Suncrest Road, Stock Island, is located partially
14 within Mixed Use (MU) and Native Area (NA) Land Use (Zoning) Districts.
15 Further, it is designated partially within Mixed Use / Commercial (MC) and
16 Residential Conservation (RC) categories on the Future Land Use Map (FLUM) and
17 within Tier I or III districts on the Tier Overlay District Map (affordable housing
18 would be located entirely within the Tier III portion of the site);
19
- 20 5. The Stock Island sender site, 5350 3rd Avenue, Stock Island, is located within a
21 Mixed Use (MU) Land Use (Zoning) District. Further, it is designated within a
22 Mixed Use / Commercial (MC) category on the Future Land Use Map (FLUM) and
23 within a Tier III district on the Tier Overlay District Map;
24
- 25 6. On July 30, 2013, the original development agreement was reviewed by the
26 Development Review Committee;
27
- 28 7. The Monroe County Planning Commission held a public hearing at its meeting on
29 November 15, 2013, which was the first of two required public hearings, and
30 recommended approval of the original development agreement to the Board of
31 County Commissioners in Resolution P29-13;
32
- 33 8. On August 26, 2014, the first amendment to the development agreement was
34 reviewed by the Development Review Committee;
35
- 36 9. On November 19, 2014, the Monroe County Planning Commission held a public
37 hearing and recommended approval to the Board of County Commissioners of the
38 amended development agreement, as memorialized in Planning Commission
39 Resolution #P40-14;
40
- 41 10. On February 24, 2015, the second amendment to the development agreement was
42 reviewed by the Development Review Committee;
43
- 44 11. On April 29, 2015, the Monroe County Planning Commission held a public hearing
45 and recommend approval to the Board of County Commissioners of the second
46 amendment to the development agreement;

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12. Florida Statutes §163.3220 authorizes Monroe County to enter into development agreements with landowners and/or governmental agencies to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development; and

WHEREAS, based upon the information and documentation submitted, the Board of County Commissioners makes the following Conclusions of Law:

1. The request is consistent with the provisions and intent of the Monroe County Code;
2. The request is consistent with the provisions and intent of the Monroe County Year 2010 Comprehensive Plan;
3. The request is consistent with the provisions and intent of the Lower Keys (MM 14.2 – 29.0) Livable CommuniKeys Plan;
4. The request is consistent with the Master Plan for the Future Development of Stock Island and Key Haven, also known as the Stock Island/Key Haven CommuniKeys Plan;
5. The request is consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern;
6. The development agreement is required as part of an affordable housing incentive program as set forth in §130-161.1 of the Monroe County Code and furthers the provision of affordable housing in Monroe County;
7. The Agreement, among other things, is intended to and shall constitute a development agreement among the Parties pursuant to the Florida Local Government Development Agreement Act, Section 163.3223, et seq., Florida Statutes;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that the preceding Findings of Fact and Conclusions of Law support its decision to **APPROVE** the Second Amendment to the Development Agreement.

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Doc# 2038221
Bk# 2751 Pgn 1873

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of Monroe County, Florida, at a regular meeting held on the 10TH of June, 2015.

Mayor Danny L. Kohlage	<u>Yes</u>
Mayor <i>pro tem</i> Heather Carruthers	<u>Yes</u>
Commissioner Sylvia Murphy	<u>Yes</u>
Commissioner George Neugent	<u>Yes</u>
Commissioner David Rice	<u>Yes</u>

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY: Mayor Danny L. Kohlage

AMY HEAVILIN, CLERK

18 George Robertson
19 Deputy Clerk

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:
Steven T. Williams
STEVEN T. WILLIAMS
ASSISTANT COUNTY ATTORNEY
Date 5/22/15

STATE OF FLORIDA
COUNTY OF MONROE
This Copy is a True Copy of the
Original on File in this Office. Witness
my hand and Official Seal.
This 25 day of June
A.D., 20 15
AMY HEAVILIN
Clerk Circuit Court
Cheryl Robertson
By D.C.

FILED FOR RECORD
2015 JUN 25 AM 7:54
CLK. CIR. C.
MONROE COUNTY, FLA

Doc# 2009348
Bk# 2716 Pg# 2246



MONROE COUNTY, FLORIDA
RESOLUTION NO. 373 -2014

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING AN AMENDMENT TO THE DEVELOPMENT AGREEMENT BETWEEN AND AMONG MONROE COUNTY; SUMMERLAND PALMS INVESTORS, LLC; COCO PALMS DEVELOPERS, LLC; SUNCREST INVESTORS, LLC (SUCCESSOR IN INTEREST TO SUNCREST LANDING, LLC AND SINGH INVESTORS, LLC); AND OCEANSIDE INVESTORS, LLC. THE DEVELOPMENT AGREEMENT BEING AMENDED WAS APPROVED BY THE BOARD OF COUNTY COMMISSIONERS AT A PUBLIC HEARING ON DECEMBER 11, 2013, AND RECORDED IN THE OFFICIAL RECORDS OF MONROE COUNTY ON DECEMBER 19, 2013.

Doc# 2038221
Bk# 2751 Pg# 1918

WHEREAS, at a public hearing held on December 10, 2014, the Monroe County Board of County Commissioners conducted a public hearing to review and consider a request filed by Attorney Barton W. Smith, on behalf of Summerland Palms Investors, LLC; Coco Palms Developers, LLC; Suncrest Investors, LLC; and Oceanside Investors, LLC for an amendment to a Development Agreement (Agreement) in accordance with Monroe County Code §110-132, §110-133 and §130-161.1 and Florida Statutes §163.3220 *et. seq.*, the "Florida Local Government Development Agreement Act"; and

WHEREAS, the existing development agreement was approved by the Board of County Commissioners at a public hearing on December 11, 2013, and recorded in the official records of Monroe County on December 19, 2013;

WHEREAS, the existing development agreement allows the transfer of 46 Residential Rate of Growth Ordinance (ROGO) exemptions – known as Transferable ROGO Exemptions (TRE's) - from sender sites at 24930 Overseas Highway owned by Summerland Palms Investors, LLC ("Summerland Site") (22 market-rate permanent TRE's); 21585 Old State Road 4A owned by Coco Palms Developers, LLC ("Cudjoe Site") (17 market-rate permanent TRE's); and 5176 Suncrest Road owned by Suncrest Landing, LLC ("Stock Island Site") (7 market-rate permanent TRE's) to a receiver site at 5950 and 5970 Peninsular Avenue owned by Oceanside Investors, LLC ("Oceanside"), in accordance with §130-161.1 of the Monroe County Code. On the sender sites, the residential dwelling units from which the transferred market-rate TRE's are derived shall be converted to, or replaced with, deed-restricted affordable housing; and

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WHEREAS, the Agreement involves the redevelopment of the receiver site located on Peninsular Avenue, Stock Island, Florida. The site has historically been known as Key West Oceanside Marina (Oceanside); and

WHEREAS, the following amendments are proposed to the existing agreement:

1. Include an adjacent property to the premises associated with the Oceanside Marina property (Block 46, Lots 30, 31 and ½ Lot 32, Block 60, McDonald's Plat, having real estate #'s 00126210.000000, 00126220.000000 and 00126230.000000). The adjacent property is commonly known as the Hickory House property and Oceanside Investors, LLC has entered into a purchase and sale agreement with Monroe County;
2. Include an abandoned portion of Peninsular Avenue right-of-way to the premises associated with the Oceanside Marina property (a portion lying between Block 46 and Block 60). The abandonment was approved by the BOCC on June 30, 2014, as memorialized in Resolution #116-2014;
3. Amend the acreage of the Oceanside Marina property to reflect the aforementioned adjacent property and abandoned road;
4. Amend the total number of hotel rooms allowed at the Oceanside Marina property from up to 5 hotel rooms to up to 17 hotel rooms;
5. Amend the conceptual site plan approved by the existing agreement to a) include the aforementioned adjacent property, abandoned road and development thereon the added land area; b) to modify the hotel buildings to accommodate 17 hotel rooms and c) extend the approved 'boardwalk' along the western shoreline of the added adjacent property and abandoned road;
6. Allow the transfer of up to 12 vested transient residential dwelling units from Hawk's Cay on Duck Key (to fulfill ROGO requirements associated with up to 12 of the proposed 17 hotel rooms);
7. Replace Suncrest Landing, LLC, as a party to the agreement with its predecessor in interest, Suncrest Investors, LLC;
8. Replace Singh Investors, LLC, as party to the agreement with its predecessor in interest, Suncrest Investors, LLC; and

WHEREAS, Stock Island the receiver site, located at 5948, 5950 and 5970 Peninsular Avenue, Stock Island, is legally described as Block 46, Lots 30, 31 and ½ Lot 32, Block 60, portions of Lots 1, 2 and 3, Block 61, portions of Lots 1, 2 and 3, the abandoned portion of Peninsular Avenue lying between Block 46 and Block 60, the abandoned portion of Maloney Avenue lying between Blocks 60 and 61, McDonald's Plat, also known as Maloney Subdivision (Plat Book 1, Page 55), having real estate #00126210.000000, #00126220.000000, #00126230.000000, #00127420.000000 and #00127420.000100; and

WHEREAS, the Summerland Key sender site, located at 24930 Overseas Highway, Summerland Key, is legally described as Lot 55 and a portion of Lot 54, Summerland Yacht Harbor (Plat Book 2, Page 142), having real estate #00194741.000100, #00194741.000200, #00194741.000300, #00194741.000400, #00194741.000500, #00194741.000600, #00194741.000700, #00194741.000800, #00194741.000900, #00194741.001000, #00194741.001100, #00194741.001200, #00194741.001300, #00194741.001400,

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Bkn 2751 Pgn 1919

Doc# 2009348
Bk# 2716 Pg# 2248

#00194741.001500, #00194741.001600, #00194741.001700, #00194741.001800,
#00194741.001900, #00194741.002000, #00194741.002100 and #00194741.002200; and

WHEREAS, the Cudjoe Key sender site, located at 21585 Old State Road 4A, Cudjoe Key, is legally described as Lot 30, Sacarma (Plat Book 2, Page 48), having real estate #00174960.000000; and

WHEREAS, the Stock Island sender site, located at 5176 Suncrest Road, Stock Island, is legally described as Lots 27 and 28, Sun Krest (Plat Book 1, Page 107), having real estate #00132680.000000; and

WHEREAS, the development agreement is required as part of an affordable housing incentive program as set forth in §130-161.1 of the Monroe County Code; and

WHEREAS, the intent of the program outlined in §130-161.1 is to establish an appropriate incentive for mobile home park owners to maintain mobile home park sites, mobile home developments in Urban Residential Mobile Home (URM) and Urban Residential Mobile Home Limited (URM-L) districts, and contiguous parcels under common ownership containing mobile homes where any of the foregoing is presently serving as a primary source of affordable housing in Monroe County (any of the foregoing being an "eligible sender site") by providing an alternative development strategy to straightforward market-rate redevelopment; and

WHEREAS, the program outlined in §130-161.1 allows the transfer of market-rate ROGO exemptions associated with lawfully established dwelling units now existing at an eligible sender site to be transferred to another site or sites in exchange for maintaining an equal or greater number of deed-restricted affordable dwelling units within Monroe County; and

WHEREAS, the Monroe County Planning Commission held a public hearing at its meeting on November 19, 2014, which was the first of two required public hearings; and

WHEREAS, based upon the information and documentation submitted, the Board of County Commissioners makes the following Findings of Fact:

1. The receiver site, commonly known as Oceanside Marina, 5950 and 5970 Peninsular Avenue, Stock Island, is located within a Mixed Use (MU) Land Use (Zoning) District. Further, it is designated within a Mixed Use / Commercial (MC) category on the Future Land Use Map (FLUM) and within a Tier III district on the Tier Overlay District Map;
2. The Summerland sender site, 24930 Overseas Highway, Summerland Key, is located within an Urban Residential Mobile Home (URM) Land Use (Zoning) District. Further, it is designated within a Residential High (RH) category on the Future Land Use Map (FLUM) and within a Tier III district on the Tier Overlay District Map;
3. The Cudjoe sender site, 21585 Old State Road 4A, Cudjoe Key, is located partially within Native Area (NA), Urban Residential Mobile Home (URM) and Suburban

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Bk# 2751 Pg# 1920

Doc# 2009348
Bk# 2716 Pg# 2249

Commercial (SC) Land Use (Zoning) Districts. Further, it is designated partially within Residential Conservation (RC), Residential High (RH) and Mixed Use / Commercial (MC) categories on the Future Land Use Map (FLUM) and within a Tier III district on the Tier Overlay District Map;

4. The Stock Island sender site, 5176 Suncrest Road, Stock Island, is located partially within Mixed Use (MU) and Native Area (NA) Land Use (Zoning) Districts. Further, it is designated partially within Mixed Use / Commercial (MC) and Residential Conservation (RC) categories on the Future Land Use Map (FLUM) and within Tier I or III districts on the Tier Overlay District Map (affordable housing would be located entirely within the Tier III portion of the site);
5. On July 30, 2013, the existing development agreement was reviewed by the Development Review Committee;
6. On November 15, 2013, the Monroe County Planning Commission held a public hearing, which was the first of two required public hearings, and recommended approval to the Board of County Commissioners of the existing development agreement, as memorialized in Planning Commission Resolution #P29-13;
7. On August 26, 2014, the amended development agreement was reviewed by the Development Review Committee;
8. On November 19, 2014, the Monroe County Planning Commission held a public hearing and recommended approval to the Board of County Commissioners of the amended development agreement, as memorialized in Planning Commission Resolution #P40-14;
9. Florida Statutes §163.3220 authorizes Monroe County to enter into development agreements with landowners and/or governmental agencies to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development; and

WHEREAS, based upon the information and documentation submitted, the Board of County Commissioners makes the following Conclusions of Law:

1. The request is consistent with the provisions and intent of the Monroe County Code;
2. The request is consistent with the provisions and intent of the Monroe County Year 2010 Comprehensive Plan;
3. The request is consistent with the provisions and intent of the Lower Keys (MM 14.2 - 29.0) Livable CommuniKeys Plan;

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Doc# 2009348
Bk# 2716 P# 2250

4. The request is consistent with the Master Plan for the Future Development of Stock Island and Key Haven, also known as the Stock Island/Key Haven CommuniKeys Plan;
5. The request is consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern;
6. The development agreement is required as part of an affordable housing incentive program as set forth in §130-161.1 of the Monroe County Code and furthers the provision of affordable housing in Monroe County;
7. The Agreement, among other things, is intended to and shall constitute a development agreement among the Parties pursuant to the Florida Local Government Development Agreement Act, Section 163.3223, et seq., Florida Statutes.

Doc# 2038221
Bk# 2751 P# 1922

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that the preceding Findings of Fact and Conclusions of Law support its decision to APPROVE the First Amendment to the Development Agreement.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of Monroe County, Florida, at a regular meeting held on the 10th of December, 2014.

Mayor Danny L. Kolhage	<u>Yes</u>
Mayor <i>pro tem</i> Heather Carruthers	<u>Yes</u>
Commissioner Sylvia Murphy	<u>Yes</u>
Commissioner George Neugent	<u>Yes</u>
Commissioner David Rice	<u>Yes</u>

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY: [Signature]
Mayor Danny L. Kolhage

(SEAL)
ATTEST: AMY HEAVILIN, CLERK

[Signature]
Deputy Clerk

STATE OF FLORIDA
COUNTY OF MONROE

This Copy is a True Copy of the
Original on File in this Office. Witness
my hand and Official Seal.

This 12th day of December

A.D., 20 14

AMY HEAVILIN
Clerk Circuit Court

[Signature]
by D.C.

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:
[Signature]
STEVEN T. WILLIAMS
ASSISTANT COUNTY ATTORNEY
11/21/14



Dock# 1992406
Bk# 2696 P# 1488

MONROE COUNTY, FLORIDA
RESOLUTION NO. 177 -2014

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING A DEVELOPMENT AGREEMENT BETWEEN MONROE COUNTY, FLORIDA AND LONGSTOCK II, LLC, CONCEPTUALLY APPROVING THE REDEVELOPMENT OF STOCK ISLAND MARINA VILLAGE, LOCATED AT 700 AND 7009 SHRIMP ROAD, STOCK ISLAND, APPROXIMATE MILE MARKER 5, DESCRIBED AS PARCELS OF LAND IN SECTION 35, TOWNSHIP 67 SOUTH, RANGE 25 EAST, STOCK ISLAND, MONROE COUNTY, FLORIDA, AND HAVING REAL ESTATE (RE) NUMBERS 00123720.000100, 00123720.000200 AND 00123760.000200.

WHEREAS, during a public meeting held on July 16, 2014 the Monroe County Board of County Commissioners conducted a public hearing to review and consider a request filed by Attorney Barton W. Smith, on behalf of Longstock II, LLC, for a development agreement in accordance with §110-132 and §110-133 of the Monroe County Code and Florida Statutes Sec. 163.3220 *et. seq.*, the "Florida Local Government Development Agreement Act"; and

WHEREAS, the development agreement relates to the redevelopment of an existing mixed use marina, to include commercial retail, office, commercial fishing, light industrial and hotel uses. The residential density would not exceed 100 transient residential units. Not including accessory structures related to residential uses, the nonresidential floor area would not exceed 80,000 square feet. New residential or nonresidential buildings shall not exceed 35' in height; and

WHEREAS, the Agreement approves a conceptual site plan for development on the site, subject to further site plan approval by the Planning Commission; and

WHEREAS, the development agreement involves the redevelopment of the site, currently known as Stock Island Marina Village, located at 700 and 7009 Shrimp Road, Stock Island, Florida, approximate mile marker 5 of the Overseas Highway (US 1); and

WHEREAS, the site is described as parcels of land in Section 35, Township 67 South, Range 25 East, Stock Island, Monroe County, Florida, having Real Estate (RE) Numbers 00123720.000100, 00123720.000200 and 00123760.000200; and

Doc# 1992406
BKN 2598 Pgn 1489

WHEREAS, based upon the information and documentation submitted, the Board of County Commissioners makes the following Findings of Fact:

1. The subject property is located within a Maritime Industries (MI) Land Use (Zoning) District. Further, it is designated within a Mixed Use / Commercial (MC) category on the Future Land Use Map (FLUM) and within a Tier III district on the Tier Overlay District Map; and
2. In 2013, an amendment to the Monroe County Future Land Use Map was approved amending the future land use designation of the subject property from Industrial (I) to Mixed Use/Commercial (MC). The approval is memorialized by Ordinance #045-2013, approved by the Board of County Commissioners at a public hearing on December 11, 2013; and
3. The existing marina was established prior to 1986 and is thereby deemed to have a major conditional use permit pursuant to §101-4(c) of the Monroe County Code; and
4. Section 163.3220, Florida Statutes, authorizes Monroe County to enter into development agreements with landowners and/or governmental agencies to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development; and
5. The development agreement, among other things, is intended to and shall constitute a development agreement among the Parties pursuant to the Florida Local Government Development Agreement Act, Section 163.3223, et seq., Florida Statutes; and
6. Development shall not be inconsistent with the Monroe County Code; and
7. Development shall not be inconsistent with the Monroe County Comprehensive Plan; and
8. Development on Stock Island shall not be inconsistent with the Master Plan for the Future Development of Stock Island and Key Haven, also known as the Stock Island/Key Haven CommuniKeys Plan; and
9. Development shall not be inconsistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; and
10. The Monroe County Planning Commission held a public hearing at its meeting on May 28, 2014;, which was the first of two required public hearings, and recommended approval to the Board of County Commissioners in Resolution #P19-14;

Doc# 1992486
Bkn 2686 Pgn 1498

WHEREAS, based upon the information and documentation submitted, the Board of County Commissioners makes the following Conclusions of Law:

1. The request is consistent with the provisions and intent of the Monroe County Code;
2. The request is consistent with the provisions and intent of the Monroe County Year 2010 Comprehensive Plan;
3. The request is consistent with the Master Plan for the Future Development of Stock Island and Key Haven, also known as the Stock Island/Key Haven CommuniKeys Plan;
4. The request is consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern;
5. The Agreement, among other things, is intended to and shall constitute a development agreement among the Parties pursuant to the Florida Local Government Development Agreement Act, Section 163.3223, et seq., Florida Statutes;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that the preceding Findings of Fact and Conclusions of Law support its decision to APPROVE the Development Agreement between Monroe County, Florida and Longstock II, LLC attached hereto.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of Monroe County, Florida, at a regular meeting held on the 16th of July, 2014.

Mayor Sylvia Murphy
Mayor pro tem Danny L. Kohlage
Commissioner Heather Carruthers
Commissioner George Neugent
Commissioner David Rice

Yes
Yes
Yes
Yes
Yes

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY:

Sylvia Murphy
Mayor Sylvia Murphy



AMY HEAVILIN, CLERK

Deputy Clerk

Brenda Ballada

FILED FOR RECORD
2014 JUL 29 PM 1:31
CLERK OF CIRCUIT COURT
MONROE COUNTY, FLA
STATE OF FLORIDA
COUNTY OF MONROE
This is a true and correct copy of the
Original on file in the Office of the
my hand and Official Seal.
This *29th* day of *July*
A.D., 20 *14*
AMY HEAVILIN
Clerk Circuit Court
Brenda Ballada
D.C.

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
[Signature]
Date: *6-30-14*

Doc# 2023245 04/08/2015 10:55AM
Filed & Recorded in Official Records of
MONROE COUNTY AMY HEAVILIN

Doc# 2023245
Bk# 2733 Pg# 1848



**MONROE COUNTY, FLORIDA
PLANNING COMMISSION RESOLUTION NO. P43-14**

A RESOLUTION BY THE MONROE COUNTY PLANNING COMMISSION APPROVING THE REQUEST BY LONGSTOCK II, LLC FOR AN AMENDMENT TO THE MAJOR CONDITIONAL USE PERMIT IN ORDER TO REDEVELOP THE EXISTING MIXED USE MARINA, TO INCLUDE MARINA, COMMERCIAL RETAIL, OFFICE, COMMERCIAL FISHING, INDUSTRIAL AND HOTEL USES, AT PROPERTY DESCRIBED AS PARCELS OF LAND IN SECTION 35, TOWNSHIP 67 SOUTH, RANGE 25 EAST, MONROE COUNTY, FLORIDA AND HAVING REAL ESTATE NUMBERS 00123720.000100, 00123720.000200 AND 00123760.000200.

WHEREAS, during a public meeting held on October 29, 2014, the Monroe County Planning Commission conducted a review and consideration of a request filed by Barton W. Smith, on behalf of Longstock II, LLC, for an amendment to a major conditional use permit in accordance with §110-70, §110-74 and §130-85 of the Monroe County Code; and

WHEREAS, the subject property is located at 700 and 7009 Shrimp Road, Stock Island, approximate mile marker 5, and is legally described as parcels of land in Section 35, Township 67 South, Range 25 East, Stock Island, Monroe County, Florida, having real estate numbers 00123720.000100, 00123720.000200 and 00123760.000200.

WHEREAS, the major conditional use permit amendment is necessary for the property owner to redevelop the existing mixed use marina, to include marina, commercial retail, office, commercial fishing, light industrial and hotel uses; and

WHEREAS, on February 19, 2014, the applicant submitted an application for a development agreement concerning the redevelopment of the property (Planning Department File #2014-026). The agreement was approved by the Board of County Commissioners at a public hearing on July 16, 2014, and recorded in the official records of Monroe County on July 29, 2014. The agreement also conceptually approved the scope of work of this major conditional use permit application and associated site plan; and

WHEREAS, the Planning Commission was presented with the following documents and other information relevant to the request, which by reference is hereby incorporated as part of the record of said hearing:

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1. Major conditional use permit application (File #2013-027), received by the Monroe County Planning & Environmental Resources Department on February 19, 2014; and
2. Site Plan, entitled Master Site Concept for Stock Island Marina Village, by Weiler Engineering Corporation (WEC) and dated October 8, 2014; and
3. Landscape Plan by Elizabeth Newland Landscape Architecture and dated October 7, 2014; and
4. Level III Traffic Study by KBP Consulting, Inc. and dated October 2014; and
5. Development Review Committee Resolution #16-14; and
6. Staff report prepared by Matthew Coyle, Senior Planner, dated October 20, 2014; and
7. Sworn testimony of Monroe County Planning & Environmental Resources Department staff; and
8. Sworn testimony of the applicant and general public; and
9. Advice and counsel of Steve Williams, Assistant County Attorney, and John Wolfe, Planning Commission Counsel; and

WHEREAS, based upon the information and documentation submitted, the Planning Commission makes the following Findings of Fact:

1. The subject property is located in a Maritime Industries (MI) Land Use (Zoning) District; and
2. The subject property has a Future Land Use Map (FLUM) designation of Mixed Use / Commercial (MC); and
3. The subject property has a tier designation of tier III; and
4. The existing marina was established prior to 1986 and is thereby deemed to have a major conditional use permit; and
5. In 2012, a minor deviation to the major conditional use permit was approved allowing the reconfiguration of 173 of the site's 361 boat slips; and
6. In 2013, a minor deviation to the major conditional use permit was approved allowing new development atop the northernmost pier. The development included bath house buildings for occupants of the live-aboard vessels and a commercial building that included marine fuel services, a marina store and management offices; and
7. In 2013, an amendment to the Monroe County Future Land Use Map was approved amending the future land use designation of the subject property from Industrial (I) to Mixed Use/Commercial (MC). The approval is memorialized by Ordinance #045-2013, approved by the Board of County Commissioners at a public hearing on December 11, 2013; and

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8. A development agreement concerning the redevelopment of the property was approved by the Board of County Commissioners at a public hearing on July 16, 2014, and recorded in the official records of Monroe County on July 29, 2014; and
9. On August 26, 2014, the application was reviewed by the Development Review Committee. At the meeting, staff requested that applicant revise the site and landscape plans and provide additional supporting information. In addition, staff requested that certain conditions be applied to any approval; and
10. Pursuant to §130-85 of the Monroe County Code, in the Maritime Industries (MI) district, marinas may be permitted with a major conditional use permit provided that a) the parcel proposed for development has access to water at least four feet below mean sea level at mean low tide; b) the sale of goods and services is limited to fuel, food, boating, diving and sport fishing products; c) all outside storage areas are screened from adjacent uses by a solid fence, wall or hedge at least six feet in height; and d) each non-waterside perimeter setback of the parcel proposed for development must have a class "C" bufferyard within a side yard setback of 10 feet; and
11. Pursuant to §130-85 of the Monroe County Code, in the Maritime Industries (MI) district, hotels providing 50 or more rooms may be permitted with a major conditional use permit provided that access to U.S. 1 is by way of: a) an existing curb cut; b) a signalized intersection; or c) a curb cut that is separated from any other curb cut on the same side of U.S. 1 by at least 400 feet; and
12. Pursuant to §130-85 of the Monroe County Code, in the Maritime Industries (MI) district, commercial retail uses of less than 5,000 square feet of floor area, office uses of less than 5,000 square feet of floor area, light and heavy industrial uses, commercial fishing and accessory uses may be permitted as-of-right; and
13. §110-67 of the Monroe County Code provides the standards which are applicable to all conditional uses. When considering applications for a conditional use permit, the Planning Commission shall consider the extent to which:
 - (a) The conditional use is consistent with the purposes, goals, objectives and standards of the Monroe County Year 2010 Comprehensive Plan and Monroe County Code; and
 - (b) The conditional use is consistent with the community character of the immediate vicinity of the parcel proposed for development; and
 - (c) The design of the proposed development minimizes adverse effects, including visual impacts, or the proposed use on adjacent properties; and
 - (d) The proposed use will have an adverse effect on the value of surrounding properties; and
 - (e) The adequacy of public facilities and services, including but not limited to roadways, park facilities, police and fire protection, hospital and Medicare services, disaster preparedness program, drainage systems, refuse disposal, water and sewers, judged according to standards from and specifically modified by the

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- public facilities capital improvements adopted in the annual report required by the Monroe County Code; and
- (f) The applicant for conditional use approval has the financial and technical capacity to complete the development as proposed and has made adequate legal provision to guarantee the provision and development of any open space and other improvements associated with the proposed development; and
 - (g) The development will adversely affect a known archaeological, historical or cultural resource; and
 - (h) Public access to public beaches and other waterfront areas is preserved as a part of the proposed development; and
 - (i) The proposed use complies with all additional standards imposed on it by the particular provision of this chapter authorizing such use and by all other applicable requirements of the Monroe County Code; and
14. Development shall not be inconsistent with the Monroe County Code; and
15. Development shall not be inconsistent with the Monroe County Comprehensive Plan; and
16. Development on Stock Island shall not be inconsistent with the Master Plan for the Future Development of Stock Island and Key Haven, also known as the Stock Island/Key Haven CommuniKeys Plan; and
17. Development shall not be inconsistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; and

WHEREAS, based upon the information and documentation submitted, the Planning Commission makes the following Conclusions of Law:

- 1. The application is consistent with the provisions and intent of the Monroe County Code; specifically:
 - a. With execution of attached conditions, the development is consistent with the purpose of the Maritime Industries (MI) district, as set forth in §130-36; and
 - b. With execution of attached conditions, the land uses of the development are permitted uses in the Maritime Industries (MI) district, as set forth in §130-85; and
 - c. With execution of attached conditions, the redevelopment shall meet all of the standards for a conditional use permit as set forth in §110-67; and
- 2. The application is consistent with the provisions and intent of the Monroe County Year 2010 Comprehensive Plan; specifically:
 - a. The development is consistent with the purpose of the Mixed Use / Commercial (MC) future land use category, as set forth in Policy 101.4.5; and

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3. The application is not inconsistent with the provisions and intent of the Master Plan for the Future Development of Stock Island and Key Haven; and
4. The application is not inconsistent with any of the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; and

WHEREAS, at the October 29, 2014 public meeting, the Planning Commission considered the recommendations of staff and applied the following conditions to be met prior to the issuance of a resolution for approval by the Planning Commission:

1. Prior to the issuance of a resolution by the Planning Commission approving this major conditional use permit, the applicant shall provide a revised traffic study which accounts for all of the existing and proposed uses on the site for review by the County's traffic consultant. This documentation shall be submitted within 90 days of the public hearing or the Planning Commission by reconsider the approval; and
2. Prior to the issuance of a resolution by the Planning Commission approving this major conditional use permit, Ordinance No. 011-2014 shall be effective.

WHEREAS, concerning the first condition required to be met prior to the issuance of a resolution, the applicant provided a revised traffic study, which accounts for all of the existing and proposed uses on the site. The revised traffic study was approved by the County's traffic consultant, URS, on January 9, 2015; and

WHEREAS, concerning the second condition required to be met prior to the issuance of a resolution, Ordinance No. 011-2014 became effective on November 5, 2014.

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** the request for an amendment to a major conditional use permit, subject to the following conditions:

1. Prior to the issuance of a building permit for any building containing transient dwelling units, all required TDRs shall be successfully transferred to the property via the process provided in MCC §130-160.
2. Prior to the issuance of a building permit for any building containing transient dwelling units, the required TREs (100) shall be successfully transferred to the property via the process provided in MCC §138-22(2).
3. This major conditional use permit approval shall not relieve the property owner of any additional requirement of the development agreement between Monroe County, the current property owner, and other parties. The development agreement may only be amended as allowed by the terms of the agreement, Monroe County Code and Florida Statutes.

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4. A major conditional use permit is not a final approval for certain development. The applicant shall obtain a building permit(s) for any improvement requiring such an approval.
5. The boardwalk or walkway along the shoreline is intended to enhance public access to the waterfront area shall be open to the public from dawn to dusk. Reasonable rules related to use and conduct may be established and enforced by the property owner.
6. The proposed architectural style and design of the buildings - as illustrated in the proposed floor plans, building elevations and renderings included in the application - has been reviewed and conceptually approved by this major conditional use permit. Any modifications shall be reviewed by the Planning & Environmental Resources for consistency with this approval. Any minor modification of consistent design shall be approved administratively as a minor deviation by the Senior Director of Planning & Environmental Resources. Any substantial modification or any modification that does not utilize consistent design, as determined by the Senior Director of Planning & Environmental Resources, shall be approved as a major deviation following a review by the Planning Commission. For the purposes of this condition any change of use to the boat barn shall be a substantial modification.
7. During the phased development plan, fencing or another appropriate barrier for safety shall be installed around active construction sites for safety.
8. Prior to the issuance of the Certificate of Occupancy for any new building, all required landscaping shall be formally approved by a Building Permit, planted and pass a final inspection by the County Biologist or his or her designee.
9. The scope of work has not been reviewed for compliance with Florida Building Code. Prior to the issuance of Building Permits, new development and structures shall be found in compliance by the Monroe County Building Department, Floodplain Administrator, and the Office of the Fire Marshal.
10. The Public Works Division shall review any proposed work within County public rights-of-way and the Division maintains the right to request revisions as it carries out its review of any application for an access permit. It is the responsibility of the applicant to obtain all required permits before starting work.
11. If the development is gated, in order to provide public access, the gate(s) shall be open, at a minimum, from 7:00 am until dusk.
12. At least 8,000 square feet of contiguous land area adjacent to the shoreline shall be preserved for marine related industrial use.
13. At least 3,000 SF of building floor area for marine related industrial use shall be provided/preserved on or adjacent to the area described in condition 12.

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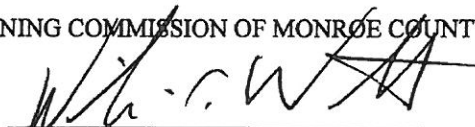
14. Boat slips one through seven shall be preserved for commercial "not for hire" vessels.

PASSED AND ADOPTED BY THE PLANNING COMMISSION of Monroe County,
Florida, at a regular meeting held on the 29th of October, 2014.

Chair Wiatt	<u>YES</u>
Commissioner Hale	<u>YES</u>
Commissioner Lustberg	<u>YES</u>
Commissioner Miller	<u>YES</u>
Commissioner Werling	<u>YES</u>

PLANNING COMMISSION OF MONROE COUNTY, FLORIDA

BY


William Wiatt, Chair

Signed this 21st day of JANUARY, 2015.

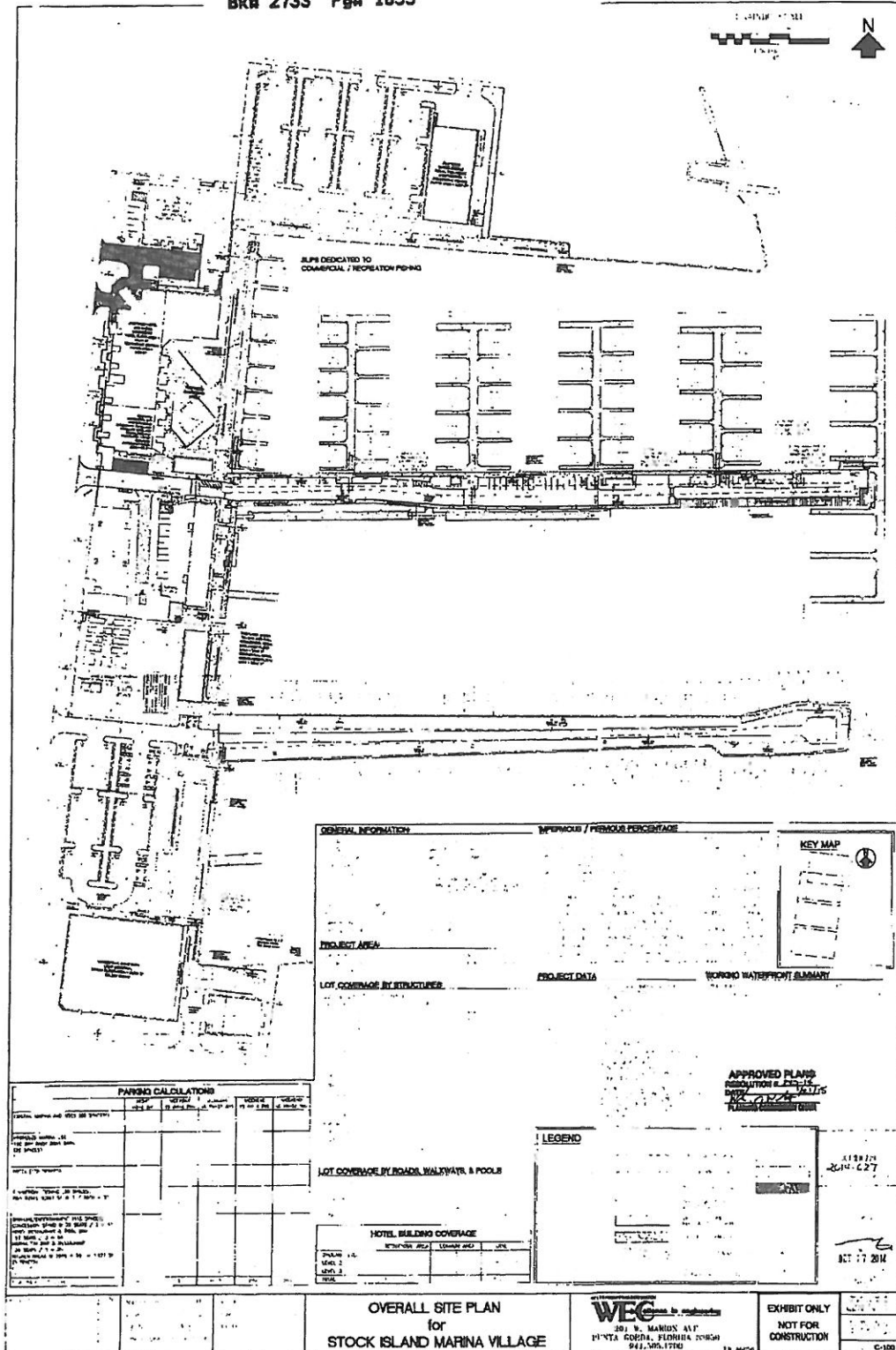
MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
Date: 1/21/2015

FILED WITH THE

JAN 21 2015

AGENCY CLERK

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Doc# 1994947 08/20/2014 2:48PM
Filed & Recorded in Official Records of
MONROE COUNTY AMY HEAVILIN



Doc# 1994947
Bk# 2699 Pg# 1761

MONROE COUNTY, FLORIDA
RESOLUTION NO. 177 -2014

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING A DEVELOPMENT AGREEMENT BETWEEN MONROE COUNTY, FLORIDA AND LONGSTOCK II, LLC, CONCEPTUALLY APPROVING THE REDEVELOPMENT OF STOCK ISLAND MARINA VILLAGE, LOCATED AT 700 AND 7009 SHRIMP ROAD, STOCK ISLAND, APPROXIMATE MILE MARKER 5, DESCRIBED AS PARCELS OF LAND IN SECTION 35, TOWNSHIP 67 SOUTH, RANGE 25 EAST, STOCK ISLAND, MONROE COUNTY, FLORIDA, AND HAVING REAL ESTATE (RE) NUMBERS 00123720.000100, 00123720.000200 AND 00123760.000200.

WHEREAS, during a public meeting held on July 16, 2014 the Monroe County Board of County Commissioners conducted a public hearing to review and consider a request filed by Attorney Barton W. Smith, on behalf of Longstock II, LLC, for a development agreement in accordance with §110-132 and §110-133 of the Monroe County Code and Florida Statutes Sec. 163.3220 *et. seq.*, the "Florida Local Government Development Agreement Act"; and

WHEREAS, the development agreement relates to the redevelopment of an existing mixed use marina, to include commercial retail, office, commercial fishing, light industrial and hotel uses. The residential density would not exceed 100 transient residential units. Not including accessory structures related to residential uses, the nonresidential floor area would not exceed 80,000 square feet. New residential or nonresidential buildings shall not exceed 35' in height; and

WHEREAS, the Agreement approves a conceptual site plan for development on the site, subject to further site plan approval by the Planning Commission; and

WHEREAS, the development agreement involves the redevelopment of the site, currently known as Stock Island Marina Village, located at 700 and 7009 Shrimp Road, Stock Island, Florida, approximate mile marker 5 of the Overseas Highway (US 1); and

WHEREAS, the site is described as parcels of land in Section 35, Township 67 South, Range 25 East, Stock Island, Monroe County, Florida, having Real Estate (RE) Numbers 00123720.000100, 00123720.000200 and 00123760.000200; and

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WHEREAS, based upon the information and documentation submitted, the Board of County Commissioners makes the following Findings of Fact:

1. The subject property is located within a Maritime Industries (MI) Land Use (Zoning) District. Further, it is designated within a Mixed Use / Commercial (MC) category on the Future Land Use Map (FLUM) and within a Tier III district on the Tier Overlay District Map; and
2. In 2013, an amendment to the Monroe County Future Land Use Map was approved amending the future land use designation of the subject property from Industrial (I) to Mixed Use/Commercial (MC). The approval is memorialized by Ordinance #045-2013, approved by the Board of County Commissioners at a public hearing on December 11, 2013; and
3. The existing marina was established prior to 1986 and is thereby deemed to have a major conditional use permit pursuant to §101-4(c) of the Monroe County Code; and
4. Section 163.3220, Florida Statutes, authorizes Monroe County to enter into development agreements with landowners and/or governmental agencies to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, and reduce the economic cost of development; and
5. The development agreement, among other things, is intended to and shall constitute a development agreement among the Parties pursuant to the Florida Local Government Development Agreement Act, Section 163.3223, et seq., Florida Statutes; and
6. Development shall not be inconsistent with the Monroe County Code; and
7. Development shall not be inconsistent with the Monroe County Comprehensive Plan; and
8. Development on Stock Island shall not be inconsistent with the Master Plan for the Future Development of Stock Island and Key Haven, also known as the Stock Island/Key Haven CommuniKeys Plan; and
9. Development shall not be inconsistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; and
10. The Monroe County Planning Commission held a public hearing at its meeting on May 28, 2014; which was the first of two required public hearings, and recommended approval to the Board of County Commissioners in Resolution #P19-14;

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WHEREAS, based upon the information and documentation submitted, the Board of County Commissioners makes the following Conclusions of Law:

1. The request is consistent with the provisions and intent of the Monroe County Code;
2. The request is consistent with the provisions and intent of the Monroe County Year 2010 Comprehensive Plan;
3. The request is consistent with the Master Plan for the Future Development of Stock Island and Key Haven, also known as the Stock Island/Key Haven CommuniKeys Plan;
4. The request is consistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern;
5. The Agreement, among other things, is intended to and shall constitute a development agreement among the Parties pursuant to the Florida Local Government Development Agreement Act, Section 163.3223, et seq., Florida Statutes;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that the preceding Findings of Fact and Conclusions of Law support its decision to APPROVE the Development Agreement between Monroe County, Florida and Longstock II, LLC attached hereto.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of Monroe County, Florida, at a regular meeting held on the 16th of July, 2014.

Mayor Sylvia Murphy
Mayor *pro tem* Danny L. Kohlage
Commissioner Heather Carruthers
Commissioner George Neugent
Commissioner David Rice

Yes
~~not present~~
Yes
Yes
Yes

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

BY: Sylvia Murphy
Mayor Sylvia Murphy



HEAVILIN, CLERK

Deputy Clerk

STATE OF FLORIDA
COUNTY OF MONROE
This Copy is a True Copy of the
Original on File in the Office. Witness
my hand and Seal of Office.
This 8th day of July
A.D., 2014
AMY HEAVILIN
Clerk
By: Amy Heavilin
D.C.

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM
[Signature]
Date: 07-30-14

CORRECTED VOTE COUNT
BK#2696 Pg#1488-90

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for Increase)
In Wastewater Rates in Monroe) DOCKET NO. 150071-SU
County By K W Resort Utilities)
Corp.) FILED: September 14, 2016
_____)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to the following, by electronic delivery, on this 14th day of September, 2016.

Kyesha Mapp
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
kmapp@psc.state.fl.us

Erik L. Sayler
Office of Public Counsel
c/o the Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399-1400
SAYLER.ERIK@leg.state.fl.us

Martin S. Friedman
766 N. Sun Drive, Suite 4030
Lake Mary, Florida 32746
mfriedman@ff-attorneys.com

Ann M. Aktabowski
Harbor Shores Condominium Unit
Owners Assoc., Inc.
6800 Maloney Avenue, Unit 100
Key West, Florida 33040
harborshoreshoa@gmail.com

Barton W. Smith
138-142 Simonton Street
Key West, FL 33040
bart@smithoropeza.com

Christopher Johnson
K W Resort Utilities
6630 Front Street
Key West, Florida 33040-6050
chriskw@bellsouth.net


Robert Scheffel Wright
Florida Bar No. 966721
schef@gbwlegal.com
John T. LaVia, III
Florida Bar No. 853666
jlavia@gbwlegal.com
Gardner, Bist, Bowden, Bush,
Dee, LaVia & Wright, P.A.
1300 Thomaswood Drive
Tallahassee, Florida 32308
(850) 385-0070 Telephone
(850) 385-5416 Facsimile

Attorneys for Monroe County