

File #: 2021-080

Appellant: 6-7-8 US 1, LLC

Agent: Smith Hawks, PL
Barton W. Smith, Esq.

Type of Application: PC Appeal

Key: Big Coppitt Key

RE: 00149430-000000

Additional Information added to File 2021-080

End of Additional File 2021-080

APPLICATION
MONROE COUNTY, FLORIDA
PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT



**APPEAL TO THE PLANNING COMMISSION
[MUST BE RECEIVED WITHIN 30 CALENDAR DAYS OF THE DECISION]**

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

Application Fee: \$1500.00 (*required*)

Advertisement Fee: \$245.00 (*required*)

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

Pursuant to Monroe County Code Section 102-185, the Planning Commission shall hear and decide upon appeals to administrative actions regarding provisions of the Land Development Code, excluding those related to floodplain management and actions by the Historic Preservation Commission.

Date of Application: 05 / 07 / 2021
Month Day Year

Appellant:

6-7-8 US 1, LLC

c/o Agent

Appellant (Name of Person, Business or Organization)

Contact Name

c/o Agent

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

c/o Agent

c/o Agent

Appellant Phone #

Appellant Email Address

Agent Authorized to Act for Appellant (if applicable):

Smith Hawks, PL

Barton W. Smith

Agent (Name of Person, Business or Organization)

Contact Name

138 Simonton Street, Key West, FL 33040

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

(305) 296-7227

Primary Email: Bart@SmithHawks.com

Secondary Email: Brandi@SmithHawks.com

Agent Phone #

Agent Email Address

APPLICATION

Decision being appealed:

Letter of Understanding dated April 7, 2021, determining storage containers are not considered "outdoor storage" under the Code in a suburban commercial zoning district for the real property located at 313 Overseas Highway, Big Coppitt, Florida 33040; Monroe County, Florida Property Appraiser's Parcel ID.: 00149430-000000.

Date of decision being appealed: April 7, 2021

Property Owner of Affected Property (if applicable): **Check Box if not applicable**

6-7-8 US 1, LLC

Property Owner (Name of Person, Business or Organization)

c/o Agent

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

Legal Description of Affected Property (if applicable): **Check Box if not applicable**

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

6-7-8	1	COPPITT SUBD AMD	BIG COPPITT
Block	Lot	Subdivision	Key

00149430-000000	1194557
Real Estate (RE) / Parcel ID Number(s)	Alternate Key Number(s)

323 OVERSEAS HIGHWAY, BIG COPPITT KEY, FLORIDA 33040	11
Street Address (Street, City, State & Zip Code)	Approximate Mile Marker

A notice of appeal in the form prescribed by the Planning Director must be filed with the County Administrator and with the office or department rendering the decision, determination or interpretation within 30 calendar days of the decision. Failure to file such appeal shall constitute a waiver of any rights under this Land Development Code to appeal any decision, interpretation or determination made by an administrative official. Such notice shall be accompanied by the names and addresses of the owner, applicant, property owner, and adjacent property owners.

* * * * *

APPLICATION

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

- Completed application form (unaltered and unbound)
- Applicable fees (check or money order to *Monroe County Planning & Environmental Resources*)
- Full and unedited copy of the document(s) that provides the administrative decision being appealed **Tab A**
- Basis for the appeal in the nature of an initial brief and any evidence, including testimony, affidavits and the curriculum vitae of any expert witness that will be called (the brief must at a minimum state all grounds for the appeal, including but not limited to, the law being appealed and any facts necessary for interpretation of those laws) **Tab B**

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

- Agent Authorization form (*required if application is submitted on behalf of another party*) **Tab C**
- Proof of ownership (i.e. Warranty Deed) (*required if appellant is owner of a specific property that is subject of the appeal*) **Tab D**
- Property Record Card(s) from the Monroe County Property Appraiser (*required if a specific property(s) is subject of the appeal*) **Tab E**
- Typed name and address mailing labels of all property owners within a 600 foot radius of the property. This list should be compiled from the current tax rolls of the Monroe County Property Appraiser. In the event that a condominium development is within the 600 foot radius, each unit owner must be included. **Tab F**

Is there a pending code enforcement proceeding involving all or a portion of this property?

Yes No Code Case file # _____ Describe the enforcement proceedings and if this application is being submitted to correct the violation

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

Additional fees may apply pursuant to the approved fee schedule.

* * * * *

APPLICATION

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

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

Signature of Applicant: [Signature] Date: May 7, 2021

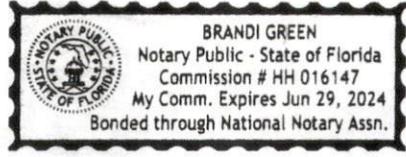
STATE OF FLORIDA
COUNTY OF MONROE

Sworn to and subscribed before me this 7th day of May, 2021, by means of physical presence or online notarization,

by BARTON W. SMITH, who is personally known to me ~~OR produced~~
(PRINT NAME OF PERSON MAKING STATEMENT)

[Signature] as identification.
(TYPE OF ID PRODUCED)

[Signature]
Signature of Notary Public, State of Florida
BRANDI GREEN



Print, Type or Stamp Commissioned Name of Notary Public
My commission expires: **06/29/2024**

Please submit or send the application package to:
Monroe County Administrator
The Gato Building
1100 Simonton Street, Key West, FL 33040

and to:

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

Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decides to appeal any decision made by the Planning Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Note: A transcript made from recordings or other secondary means does not provide a sufficiently accurate record of all the speakers. Therefore, such "secondary" transcripts may not be accepted as a valid verbatim transcript.

TAB A

Letter of Understanding Regarding Use of Storage/Shipping Containers at
323 Overseas Highway, Big Coppitt Key, Monroe County, Florida, Parcel
Identification No. 00149430-000000 dated April 7, 2021

County of Monroe

Planning & Environmental Resources Department
Marathon Government Center
2798 Overseas Highway, Suite 400
Marathon, FL 33050
Telephone: 305.289.2500
Telefax: 305.289.2536



Board of County Commissioners:
Mayor Michelle Coldiron, District 2
Mayor Pro Tem David P. Rice, District 4
Craig Cates, District 1
Eddie Martinez, District 3
Mike Forster, District 5

We strive to be caring, professional, and fair

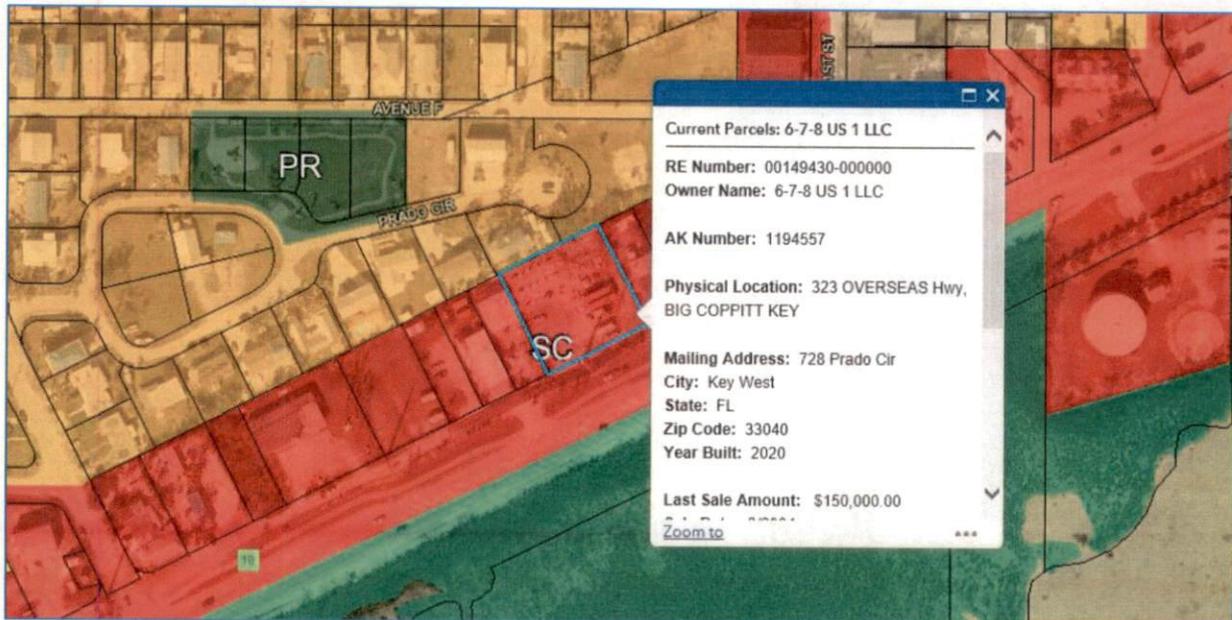
Via Electronic Mail to: Chris Deem, Esq.
chris@smithhawks.com

April 7th, 2021

6-7-8 US 1, LLC
728 Prado Cir.
Key West, FL 33040

SUBJECT: Letter of Understanding Regarding Use of Storage/Shipping Containers at 323 Overseas Highway, Big Coppitt Key, Monroe County, Florida, Parcel Identification No. 00149430-000000.

Pursuant to Monroe County Land Development Code Section 110-3, this document constitutes a Letter of Understanding (“LOU” or “formal letter”) provided as a courtesy following your request for a formal letter to utilize to perfect a local administrative appeal in accordance with the procedures and processes enumerated by the Monroe County Land Development Code (“LDC”). Specifically, the subject property owner-applicant (hereinafter “property owner” or “applicant”) is seeking a determination as to whether storage/shipping container structure(s) and their interior storage use can be considered “outdoor storage.”



Subject Property Outlined in Blue, With Land Use (Zoning) Districts Shown

SITE INFORMATION

Location: Big Coppitt Key (Gulf-side)

Address: 323 Overseas Highway

Legal Description: Lots 6, 7, and 8, Block 1, Amended Plat of Coppitt Subdivision (Plat Book 4, Page 50), Big Coppitt Key, Monroe County, Florida

Property Identification Number (PIN): 00149430-000000 (previously 00149450-000000 and 00149430-000000)

Property Owner/Applicant: 6-7-8 US 1, LLC

Size of Site: 22,500 square feet per the Office of the Monroe County Property Appraiser (MCPA)

Land Use (Zoning) District: Suburban Commercial (SC)

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

Tier Designation: Tier III

Flood Zone: AE 10, per Monroe County's Geographic Information System (GIS) Department

Existing Uses: Light Industrial

Existing Vegetation / Habitat: Scarified

Community Character of Immediate Vicinity: Light Industrial Uses, Single-Family Residences, Multi-Family Residences, Commercial Retail, Institutional, and Vacant Land

RELEVANT PRIOR COUNTY ACTIONS

On March 25th, 2015, Building Permit No. 10107038 was issued for construction of a new metal building with a 4,291 square foot slab, 2,523 square feet 1st-floor area, 444 square feet floor deck not under roof, 3,306 square foot roof, 90 linear feet of fence, and parking.

Following the property owner's application, on October 25th, 2017, Monroe County Development Order No. 05-17 was issued by the Senior Director of the Planning & Environmental Resources Department approving a Minor Conditional Use Permit application ("CUP") for the development of light industrial uses consisting of a 6,739 square foot self storage building and 2,250 square feet of outdoor storage area on the subject property. The property owner's CUP application indicated on its face that the outdoor storage area would accommodate the storage of vehicles. The CUP's approved site plan did not depict, delineate, or otherwise show any storage containers within the outdoor storage area of the site.

The below has been copied-and-pasted from the CUP application.

This application requests approval to construct one three story metal building to be used as a self-storage facility. Each floor will contain self storage units for a total of 6,739 square feet of non-residential floor area. The proposed development will span the existing two parcels and a Unity of Title will be recorded. Outdoor storage areas will be provided to accommodate vehicular storage. The site will be fenced with gated access to provide security as shown on the Site Plan. This development has been designed such that the existing Building Permit (#10107038) can be revised to accommodate the proposed structure.

Additional improvements to the site include construction of storm water containment structures, parking lot landscaping, landscape perimeter screening, exterior lighting, security fencing, and parking. The development will improve the functionality and

Big Coppitt Self Storage
Mitchell Planning & Design Inc.
Page 1 of 13

The CUP application received by Monroe County was filed by Barbara Mitchell of Mitchell Planning & Design Inc. on behalf of the property owner. The CUP application provided the below application narrative, at P. 7 of 13¹:

Monroe County Land Development Code Compliance:

a. Purpose of the Suburban Commercial (SC) Land Use District, Sections 130-1 and 130-42

Section 130-1 of the Monroe County Code states that "All development within each land district use district shall be consistent with the purposes stated for that land use district in this chapter."

Section 130-42 states that the purpose of the suburban commercial land use district is "to establish areas of commercial uses designated and intended primarily to serve the needs of the immediate planning area I which they are located."

Response: The proposal consists of the development of one 6,739 square foot structure containing a three story self storage building, outdoor storage, parking and landscaping. The project, will serve the needs of the immediate area, which is consistent with Section 130-1 and 103-42.

b. Permitted Uses Suburban Commercial District, Section 130-93
Minor Conditional Use: Section 130-93(b)(7)

Light industrial uses, provided that: a. The parcel proposed for development does not have an area of greater than two acres; b. the parcel proposed for development is separated from any established residential use by at least a class C bufferyard; and c. all outside storage areas are screened from adjacent uses by a solid fence, wall or hedge six feet in height.

Response: The proposed development will contain 1 three story commercial building to be used as a self storage facility. An additional outdoor area has been provided for outdoor storage. The entire site is fenced with landscape plantings for screening. The proposed garbage collection areas have been screened with a wooden fence. The parcel is less than 2 acres. There are two adjacent residential

Big Coppitt Self Storage
Mitchell Planning & Design Inc.
Page 7 of 13

The instant CUP application's application narrative, at P. 8 of 13, also offered the below intensity calculations²:

d. Density/Intensity, Section 130-164

Site area – 22,500 square feet or approximately .52 acres

Site Utility Analysis per Parcel:			(In Square Feet)	
	Existing	Proposed	Total	FAR
Non-Residential Development:				
Light Industrial	0	6,739	6,739	29.9%
Total Site Utility per Parcel:			99.8%%	

¹ Copied-and-pasted from the CUP application.

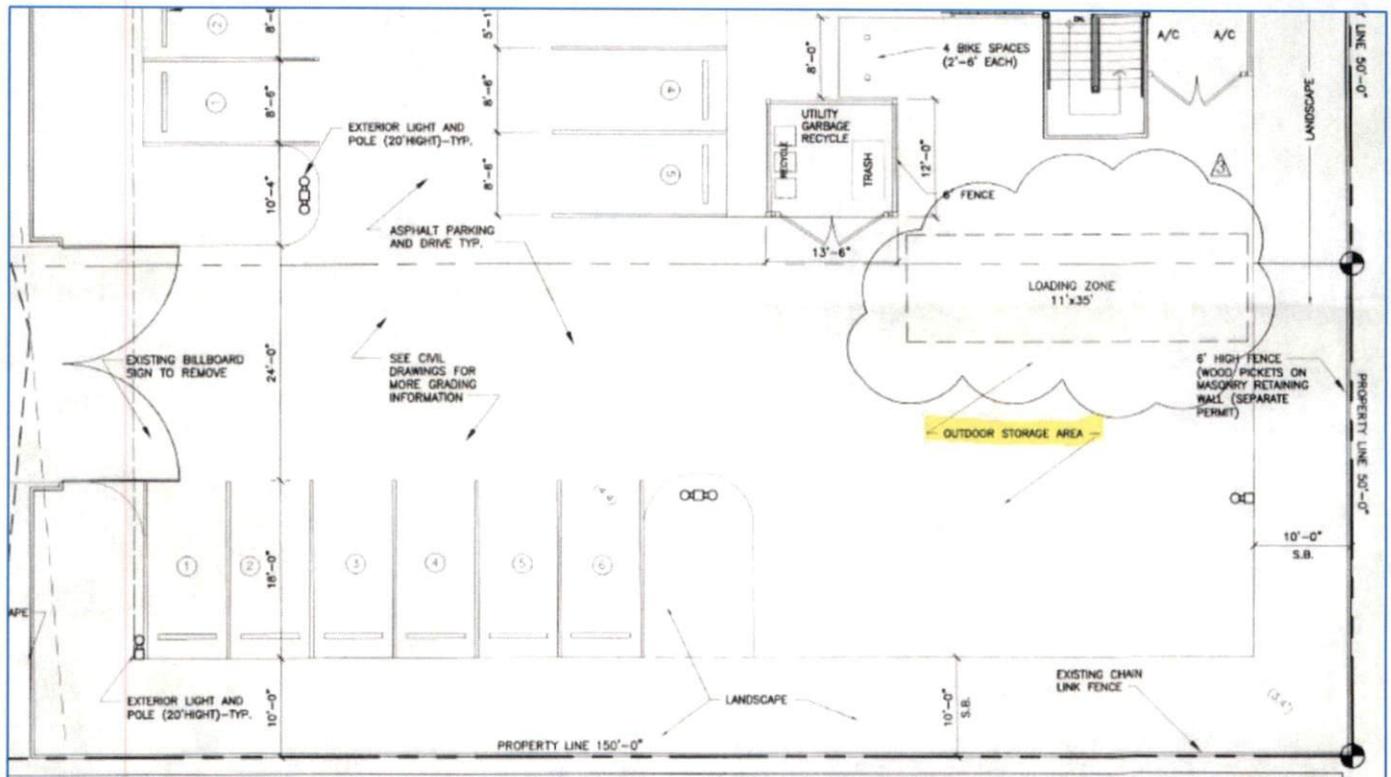
² Copied-and-pasted from the CUP application.

The Monroe County Planning & Environmental Resources Department’s professional staff report associated with the instant CUP application,³ prepared by Senior Planner Devin Tolpin and Senior Administrator of the Monroe County Environmental Resources Office Michael Roberts, on behalf of the Monroe County Planning & Environmental Resources Department, included the following intensity calculations⁴:

5. Land Use Intensities (LDC Chapter 130, Article V): *In compliance.*

Land Use	Floor Area Ratio (FAR)	Size of Site	Maximum Allowed	Amount of Floor Area	Potential Used
Light Industrial	0.30 FAR	22,500 SF	6,750 SF	6,739 SF	99.8%

The approved site plan associated with the approved CUP, showing outdoor storage area, showed the following⁵:



On December 12th, 2017, the property owner applied for Revision B to previously issued Building Permit No. 10107038, which included a three story commercial storage building.

A required Nonresidential Rate of Growth Ordinance (“NROGO”) allocation for 4,239 additional square feet was approved by the Monroe County Planning Commission on August 22nd, 2018, pursuant to Monroe

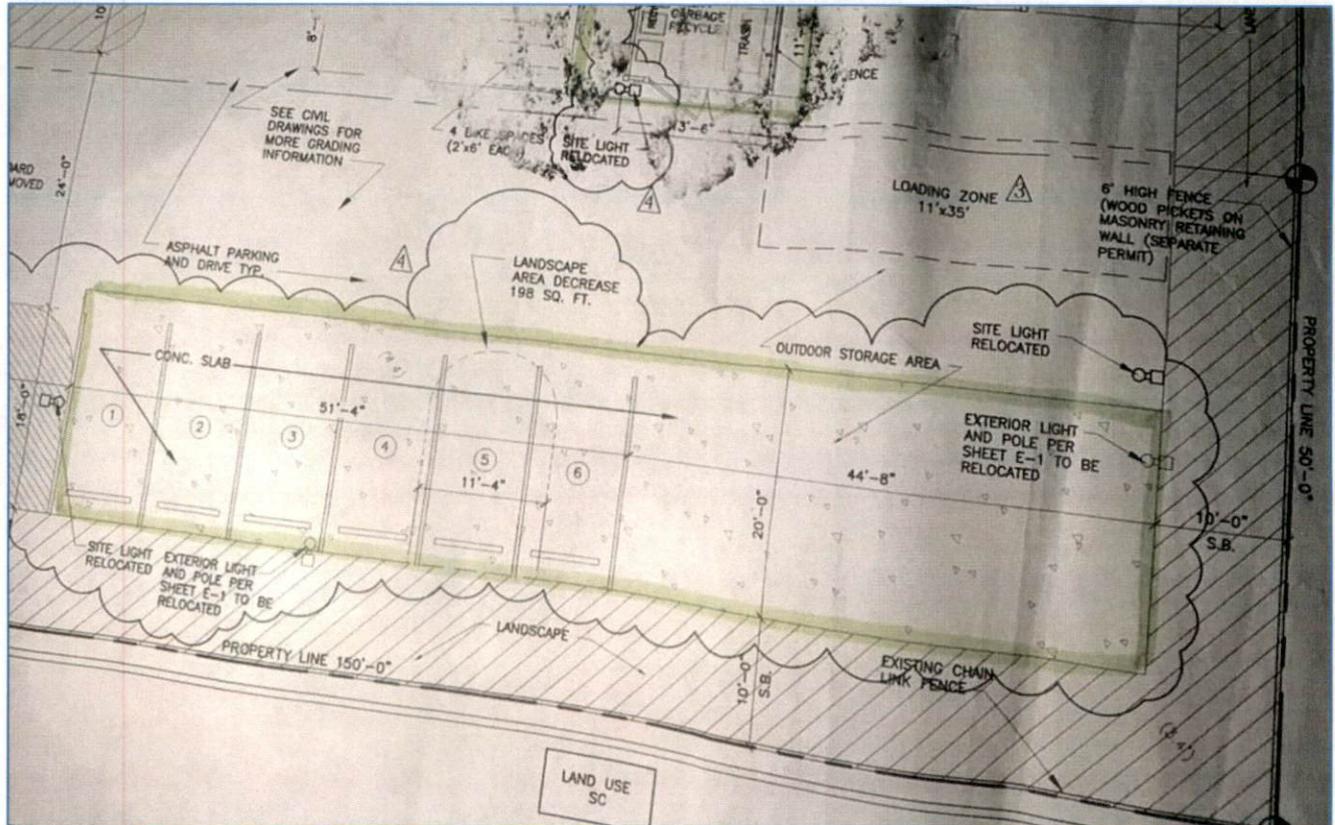
³ Maintained by the Monroe County Planning & Environmental Resources Department under Department File No. 2017-077.

⁴ Copied-and-pasted from the Department’s professional staff report.

⁵ Copied-and-pasted from Development Order No. 05-17.

County Planning Commission Resolution No. P17-18; the subject property had previously received an NROGO allocation of 2,500 square feet from Monroe County.

Revision C to Building Permit No. 10107038 was approved in January 2019 and included changes to the site's parking area. As represented below, the property owner's site plan approved under Revision C showed the area approved for outdoor storage and, as shown below, did not indicate any storage/shipping containers on the site⁶:



Subsequently, Revisions D, E, and F were requested by the property owner and approved by the Monroe County Planning & Environmental Resources Department. Revision F was issued on December 2nd, 2020, and the permit's final scope of work included a three story commercial storage (light industrial) building of 6,739 square feet, with parking and an outdoor storage area consistent with the plans approved under the CUP.

At the request of the applicant, Monroe County Planning & Environmental Resources Department professional staff conducted a final planning inspection for Building Permit No. 10107038 at the property on October 9th, 2020. The Department's professional staff performing the requested inspection found shipping containers on the site unlawfully in the location of the required parking spaces. Therefore, the inspection was failed, pursuant to fail code "NP – JOB: Not to Plan."

Again at the request of the applicant, Monroe County Planning & Environmental Resources Department professional staff conducted a second final planning inspection for Building Permit No. 10107038 at the property on October 28th, 2020. The Department's professional staff performing the requested inspection this time found that the above-referenced violative containers had been removed from the area permitted

⁶ Copied-and-pasted from Revision C.
Page 5 of 11

as parking, but had been relocated to the area approved as outdoor storage and were being used as interior storage. Therefore, the inspection was failed, pursuant to fail code "NP – JOB: Not to Plan."

Again at the request of the applicant, Monroe County Planning & Environmental Resources Department professional staff conducted a third final planning inspection for Building Permit No. 10107038 at the site on November 12th, 2020. The Department's professional staff performing the requested inspection this time found unlawful storage of materials on the site improperly in the location of the required parking spaces. Therefore, the inspection was failed, pursuant to fail code "NP – JOB: Not to Plan."

Again at the request of the applicant, Monroe County Planning & Environmental Resources Department professional staff conducted a fourth final planning inspection for Building Permit No. 10107038 at the property on November 16, 2020. The Department's professional staff performing the requested inspection this time found that the above-referenced unlawful storage of materials had been removed from the required parking areas and that the above-referenced violative shipping containers had been removed from the site. As a result of this action, the Monroe County Planning & Environmental Resources Department issued an approved, passed inspection.

REQUEST FOR DETERMINATION

The applicant has requested a determination as to whether storage/shipping container structure(s) and their interior storage use can be considered “outdoor storage” and placed in the designated outdoor storage area as represented on the approved site plan.

The applicant has described to the Monroe County Planning & Environmental Resources Department the desired use as storage containers that can be moved from the subject property to construction sites. The site inspection(s) described in the preceding narrative showed containers anchored in place with chains and used for interior storage, as follows.

Monroe County Planning & Environmental Resources Department Staff Inspection Photos Taken of the Site on October 28th, 2020 (Second Failed Inspection):

Showing containers anchored to concrete pad with chains:



Showing containers with interior storage:



Monroe County Land Development Code Requirements

A *shipping container*, also known as a *storage container*, is a **structure**. Monroe County LDC Section 101-1 defines **structure** as anything constructed, installed or portable, the use of which requires a location on a parcel of land:

Structure means anything constructed, installed or portable, the use of which requires a location on a parcel of land. The term includes, but is not limited to, buildings, roads, walkways of impervious materials, paths, fences, swimming pools, sport courts, poles, transmission lines, signs, cisterns, sewage treatment plants, sheds, docks, and other accessory construction.⁷

A shipping/storage container placed on a site for storage use would be a **light industrial use**, per the definition of the same in Monroe County LDC Section 101-1:

Industrial use, light means a use devoted to the manufacture, warehousing, assembly, packaging, processing, fabrication, indoor and outdoor storage, or distribution of goods and materials whether new or used and/or the substantial refinishing, repair and/or rebuilding of vehicles or vessels.

A shipping/storage container placed on site for storage use is also **floor area** as defined in LDC Section 101-1 which states, “*Floor area* means the sum of the gross covered and enclosed habitable areas of a building or any other covered and enclosed structure, measured from the exterior walls or from the centerline of party walls.”

Floor area means the sum of the gross covered and enclosed habitable areas of a building or any other covered and enclosed structure, measured from the exterior walls or from the centerline of party walls.

The maximum amount of floor area allowed on a site is determined by the maximum nonresidential land use “**Intensity**,” the measurement of the magnitude of nonresidential use on a site. Intensity is measured and expressed as a **floor area ratio** (“FAR”), which is defined in Monroe County LDC Section 101-1; the

⁷ As a corollary, the Florida Building Code (7th ed. 2020), at Section 202, defines “Building” as “Any structure used or intended for supporting or sheltering any use or occupancy.” and defines “Structure” as “That which is built or constructed.”

total floor area of the building(s) and/or any other covered and enclosed structure(s) on a site divided by the gross area of the site.

Intensity means an objective measurement of the magnitude of nonresidential use on a site. Intensity is measured and expressed as a floor area ratio (FAR) (see definition of *Floor Area Ratio*).

Floor area ratio (FAR) means the total floor area of the building(s) and/or any other covered and enclosed structure(s) on a site divided by the gross area of the site. FAR is the measurement of the intensity of building development on a site.

As stated in Monroe County LDC Section 130-164, the **maximum intensity for light industrial uses** within the Suburban Commercial (“SC”) land use district is 0.30. As stated in the Department’s above-referenced professional staff report for the subject property’s CUP, the site is currently utilizing 99.8% of its cumulative allowed density/intensity. Additional light industrial floor area would be limited to approximately eleven (11) square feet.

The following is copied-and-pasted from the Department’s above-referenced professional staff report:

5. Land Use Intensities (LDC Chapter 130, Article V): *In compliance.*

<i>Land Use</i>	<i>Floor Area Ratio (FAR)</i>	<i>Size of Site</i>	<i>Maximum Allowed</i>	<i>Amount of Floor Area</i>	<i>Potential Used</i>
Light Industrial	0.30 FAR	22,500 SF	6,750 SF	6,739 SF	99.8%

The minimum open space ratio requirement for the site (minimum of 0.20 open space, per Monroe County LDC Section 130-164) would also apply to the placement of any shipping/storage container on the site for storage use. In connection with the previous inspections, the property owner has proposed to place the containers in areas already approved to be paved or concrete, so this would not affect the site’s open space ratio, as proposed.

Shipping/storage containers used for commercial storage are **nonresidential floor area** as defined in Monroe County LDC Section 138-47 and are subject to **LDC Chapter 138, Article III – Nonresidential Rate of Growth Limitations (NROGO)** and require an NROGO allocation for all new and expanded nonresidential floor area. Such floor area would need to show compliance with the floor area ratio requirements prior to application for an NROGO allocation.

Nonresidential floor area means the sum of the total floor area for a nonresidential building or structure, as defined in Section 101-1. Additionally, covered and unenclosed boat racks with three or fewer sides not associated with retail sales of boats are not considered nonresidential floor area. Further, the term "nonresidential floor area" does not include space occupied by residential uses, including spaces occupied by a transient residential unit and an institutional-residential use as defined in Monroe County LDC Section 101-1.

A structure placed on the site for storage that is **not enclosed**, for example: Having only three sides and a roof, would still be a structure, but would not be floor area under the definitions enumerated in Monroe County LDC Section 101-1 and LDC Section 138-47, and would therefore not be subject to floor area ratio or NROGO requirements.

A shipping/storage container cannot be located in the required setbacks or within any required parking area. Per Monroe County LDC Section 131-1 and LDC Section 131-3, the required setbacks for the subject property in the pertinent land use district are as follows:

<i>Land Use District/ Land Use</i>	<i>Primary Front Yard (FT.)</i>	<i>Secondary Front Yard (FT.)</i>	<i>Primary Side Yard (FT.)</i>	<i>Secondary Side Yard (FT.)</i>	<i>Rear Yard (FT.)</i>
Suburban Commercial (SC)	25	15 (N/A for subject property)	10	5	10

A shipping/storage container cannot exceed the maximum height of 35 feet per Monroe County LDC Section 131-2.

The site must comply with the surface water management (stormwater) requirements per Monroe County LDC Section 114-3.

Temporary structures may be approved pursuant to Section 6-112 of the Monroe County Code of Ordinances if used in construction work or for temporary uses and events. Temporary structures require a special building permit and may be erected for a limited time of not more than six (6) months and must be completely removed upon expiration of the time stated in the relevant approved building permit, which shall be the minimum amount of time necessary to accommodate the temporary use. If the temporary structure is required for more than six (6) months for a construction-related project, a new building permit shall be applied for prior to the expiration of the original permit. Temporary uses are reviewed for compliance with Monroe County LDC Section 103-2 and shall not occur in any required setback or required parking area.

This formal letter addresses the requirements of the Monroe County Land Development Code only.⁸ Please also refer to the attached memorandum, dated March 15th, 2021, prepared and compiled by the Monroe County Building Department and the Monroe County Floodplain Management Office in conjunction with the Monroe County Planning & Environmental Resources Department in an effort to consolidate and clarify the building, floodplain, planning, and environmental regulations that apply to shipping/storage containers at non-residential (commercial) locations across the multiple disciplines and departments of the Monroe County Board of County Commissioners.

Pursuant to Monroe County LDC Section 110-3, you are entitled to rely upon the representations set forth in this formal letter as accurate under the regulations currently in effect. This formal letter does not provide any vesting to existing requirements or regulations. If the Monroe County Codes or Comprehensive Plan are amended, such development would be required to be consistent with all regulations and policies at the time of development approval. The Monroe County Planning & Environmental Resources Department acknowledges that all items required as a part of the application for development approval may not have been addressed, and consequently reserves the right for additional comment.

⁸ This Letter of Understanding shall not be deemed to have waived any defenses or legal or equitable remedies of the County, including but not limited to any sovereign, governmental, immunity, exemption, or protection against any suit, cause of action, appeal, or demand, and shall not constitute an admission of liability in connection with, related to, or arising out of its issuance.

You may appeal any decision, determination or interpretation made in this Letter of Understanding pursuant to Monroe County Land Development Code Section 102-185. A Notice of Appeal must be filed with the County Administrator of and for Monroe County, Florida, at 1100 Simonton Street, Gato Building, Key West, Florida 33040, within thirty (30) calendar days from the date of this formal letter's issuance. In addition, please submit a copy of your Notice of Appeal to the Monroe County Planning Commission's Planning Commission Coordinator, Monroe County Planning and Environmental Resources Department, 2798 Overseas Highway, Suite 410, Marathon, Florida 33050.

We trust that this information is of assistance. If you have any questions regarding the contents of this Letter of Understanding, or if we may further assist you with your project, please feel free to contact the Department's Marathon branch office at 305.289.2500.

Respectfully,

A handwritten signature in blue ink, appearing to read "Emily Schemper". The signature is fluid and cursive, with a large initial "E" and "S".

Emily Schemper, A.I.C.P., C.F.M.
Senior Director, Monroe County Planning & Environmental Resources Department

Encl.: Joint Interdepartmental Memorandum Dated 3.15.21

MEMORANDUM
MONROE COUNTY GROWTH MANAGEMENT DIVISION
We strive to be caring, professional, and fair.



To: Construction Industry
County Inspectors, Plans Examiners
FEMA Flood Managers

From: Rick Griffin, Building Official
Marathon, FL 33050

Emily Schemper, Senior Director of Planning & Environmental Resources
Marathon, FL 33050

Date: March 15, 2021

RE: Shipping/storage containers at non-residential (commercial) locations for storage only

SHIPPING/STORAGE CONTAINERS AT NON-RESIDENTIAL LOCATIONS FOR STORAGE ONLY

Shipping containers, also known as *storage containers*, when installed at a non-residential (commercial) property for storage use, are a structure and require a building permit. The permit application will be reviewed by the Planning & Environmental Resources Department and the Building Department including structural and flood plain review. The application will be reviewed for compliance with the Monroe County Comprehensive Plan, the Land Development Code (LDC), and Chapter 6 of the Code of Ordinances. These can be accessed at https://library.municode.com/fl/monroe_county. The permit application will also be reviewed for compliance with the current editions of the Florida Building Code (FBC) as well as FEMA regulations. Non-residential (commercial) structures are also subject to review by the Monroe County Fire Marshal's Office for compliance with the current edition of the Florida Fire Prevention Code.

The following is applicable for non-residential (commercial) storage. Each site is unique, and will be reviewed for compliance with all aspects of the code(s) including but not limited to:

- Each property in Monroe County is mapped within a land use (zoning) district which establishes the bulk regulations that control the use of land in that district consistent with the Land Development Code. The proposed use of a shipping/storage container structure is development and shall be consistent with the purposes stated for the land use district and the permitted and conditional uses as found in LDC Chapter 130. You can check your zoning on-line by following the research tips at: <http://www.monroecounty-fl.gov/698/Research-Tips>.
- Development permitted as of right shall submit an application for a building permit (LDC Sec. 110-37). Minor and major conditional uses require a building permit and additional approval through individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location (LDC Ch 110 Article III). Application for conditional use approval can be found at <http://www.monroecounty-fl.gov/189/Forms-Applications>.

- A shipping/storage container placed on site is a structure. LDC Section 101-1 defines structure as anything constructed, installed or portable, the use of which requires a location on a parcel of land.
- A shipping/storage container placed on site for storage use is floor area as defined in LDC Section 101-1 which states, “*Floor area* means the sum of the gross covered and enclosed habitable areas of a building or any other covered and enclosed structure, measured from the exterior walls or from the centerline of party walls.”
- The maximum nonresidential land use *Intensity*, the measurement of the magnitude of nonresidential use on a site, is provided in the table found in LDC Sec. 130-164. Intensity is measured and expressed as a floor area ratio (FAR) - the total floor area of the building(s) and/or any other covered and enclosed structure(s) on a site divided by the gross area of the site.
- The table in LDC Sec. 130-164 also provides the minimum open space ratio requirement per land use (zoning) district.
- Shipping/storage containers used for commercial storage are nonresidential floor area and are subject to LDC Chapter 138, Article III – Nonresidential Rate of Growth Limitations (NROGO) and require an NROGO allocation for all new and expanded nonresidential floor area except as exempted by LDC Sec. 138-50. Temporary structures do not require an NROGO allocation.
- Temporary structures may be approved pursuant to Section 6-112 of the Code of Ordinances if used in construction work or for temporary uses and events. Temporary structures require a special building permit and may be erected for a limited time of not more than six months and must be completely removed upon expiration of the time stated in the permit, which shall be the minimum amount of time necessary to accommodate the temporary use. If the temporary structure is required for more than six months for a construction-related project, a new building permit shall be applied for prior to the expiration of the original permit. Temporary uses are reviewed for compliance with LDC Section 103-2 and shall not occur in any required setback or required parking area.
- The shipping/storage container cannot be located in the required setbacks. Setbacks are based on the land use (zoning) district. You can check your zoning on-line by following the research tips at: <http://www.monroecounty-fl.gov/698/Research-Tips>. Once you know your land use (zoning) district, you can check LDC Section 131-1 and 131-2 for your required non-shoreline setbacks. For shoreline setback requirements refer to LDC Section 118-12.
- The shipping/storage container cannot exceed the maximum height of 35 feet per LDC Section 131-2.
- The site must comply with the surface water management (stormwater) requirements per LDC Section 114-3.
- Properties are subject to review for compliance with all requirements of LDC Chapter 118, Environmental Protection, including but not limited to the permitted clearing allowances per LDC Section 118-9 and other environmental and habitat conditions per LDC Section 118-10.
- Shipping/storage containers at historic properties and those properties located in the Tavernier Historic District are discouraged, and would be subject to review and approval at a public hearing by the Historic Preservation Commission, based on staff recommendation (LDC Chapter 135).

- There are also standards and guidelines established in the Livable CommuniKeys Plans related to community character and aesthetics. These do not apply to all parcels and are generally identified in overlay districts. You can access the Livable CommuniKeys Plans at <http://www.monroecounty-fl.gov/184/Livable-CommuniKeys-Programs>
- To ensure the current edition of the Florida Fire Prevention Code is properly followed, the Fire Marshal's Office reviews proposed projects and construction plans for compliance. The Florida Fire Prevention Code can be accessed via the Fire Marshal & Fire Prevention Permits & Code Compliance page, <https://www.monroecounty-fl.gov/958/Permits-Code-Compliance>.
- Shipping/storage containers installed for a non-residential (commercial) use are subject to review for compliance with the current edition of the Florida Building Codes (FBC). FBC Section 107 requires construction documents be prepared by a registered design professional.
- Structural regulations of the Florida Building Code for flood design apply. Engineer Tie Down system or Foundation plans are required as part of the building permit application:
 - Shipping/storage containers are NOT considered *light* metal construction.
 - FBC 1612 requires the shipping/storage container structure within flood hazard areas to be designed and constructed to resist the effects of flood hazards and flood loads.
 - FBC 1612.4 requires that the design and construction of structures shall be in accordance with Chapter 5 of ASCE 7 and with ASCE 24. Structures must be connected and anchored to resist floatation, collapse or permanent lateral movement due to structural loads and stresses from flooding equal to the design flood elevation.
 - FBC 1612.4.1 prohibits dry floodproofing of nonresidential structure unless such structures are located outside of High Risk Flood Hazard areas and Coastal High Hazard Areas (VE and Coastal A zones).
 - FBC 1603.1.7 Flood Design Data requires for buildings located in whole or in part in flood hazard areas, the documentation pertaining to design, shall be included and the following information, referenced to the datum on the community's Flood Insurance Rate Map (FIRM), shall be shown, regardless of whether flood loads govern the design of the building:
 1. Flood design class assigned according to ASCE 24.
 2. In flood hazard areas other than coastal high hazard areas or coastal AE zones, the elevation of the proposed lowest floor, including the basement.
 3. In flood hazard areas other than coastal high hazard areas or coastal AE zones, the elevation to which any nonresidential building will be dry floodproofed.
 4. In coastal high hazard areas and coastal AE zones, the proposed elevation of the bottom of the lowest horizontal structural member of the lowest floor, including the basement.
 - FLOOD ZONE AE: Shipping containers of enclosed space, installed on site, regardless of size or value may be permitted if they meet all of the criteria outlined in [LDC Section 122-4\(b\)\(2\)](#) including:
 - The shipping/storage container must either be elevated, or be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of

buoyancy. Where a nonresidential structure is intended to be made watertight below the base flood level, a registered professional engineer or architect shall develop and/or review structural design specifications and plans for the construction and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions contained herein. A record of such floodproofing certification which shall include the specific elevation (in relation to mean sea level) to which structures are floodproofed shall be provided to the building department. Wet floodproofing is not acceptable.

- LDC Sec. 122-4(b)(3)b All nonresidential accessory structures, or enclosed areas, which meet the following criteria, may be permitted if: the use is restricted to limited storage and parking only; they meet the other requirements as outlined in subsection 122-4(b)(1)d; and the structures are properly anchored to prevent flotation, collapse and lateral movement. Limited storage means that which is incidental and accessory to the principal use of the structure and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Material items, chattel, inventory, stock, merchandise, wares, goods and all personal property intended to be used for the primary purpose of the non-residential use must be protected from flooding while housed within the shipping/storage container structure and therefore may not be stored below the base flood elevation (BFE).
- FLOOD ZONE VE: Shipping containers of enclosed space, installed on site, regardless of size or value may be permitted if they are elevated and meet all of the criteria set forth in Section 122-4(b)(5)a. Shipping containers are not of break away wall construction and do not meet the requirements of Section 122-4(b)(5)a and 122-4(b)(5)i for installation below base flood elevation in a VE zone and are prohibited below base flood.
 - FEMA Technical Bulletin 5 (adopted by BOCC resolution # 152-2020), Section 7.1 *Accessory Storage Structures*, requires structures made of material that is likely to create either damaging debris or flow and wave diversion problems to be constructed and elevated in compliance with NFIP requirements.
 - Section 122-4(b)(5)a requires that new construction within zones V1-30, VE or V shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is located at or above the base flood elevation level, with the space below the lowest horizontal structural member open or constructed with breakaway walls so as not to impede the flow of floodwaters. **Breakaway walls may be permitted for aesthetic purposes only** and must be designed to wash away in the event of abnormal wave action and in accordance with the provisions of Sections 122-4 (b)(5)g., (b)(5)h. and (b)(5)i. Shipping containers do not meet the break away wall requirement and must be elevated in a VE zone on an approved foundation. Please note, a design professional will be required to submit a V-zone certification and design load calculations for the structure.

- Section 122-4(b)(5)i. requires that walls and partitions below the base flood elevation, be designed to break away under the impact of abnormally high tides or wind-driven water without damage to the structural integrity of the building on which they are to be used. Shipping containers do not meet the break away wall requirement and are prohibited below base flood.
- Structural regulations of the Florida Building Code for wind design apply. Engineer Tie Down system or Foundation plans are required as part of the building permit application.
 - FBC 1603.1.4 Wind Design Data requires the following information related to wind loads shall be shown, regardless of whether wind loads govern the design of the lateral force-resisting system of the structure:
 1. Ultimate design wind speed, Vult, (3-second gust), miles per hour (km/hr) and nominal design wind speed, Vasd, as determined in accordance with Section 1609.3.1.
 2. Risk category.
 3. Wind exposure. Applicable wind direction if more than one wind exposure is utilized.
 4. Applicable internal pressure coefficient.
 5. Design wind pressures to be used for exterior component and cladding materials not specifically designed by the registered design professional responsible for the design of the structure, psf (kN/m²).

Useful references:

Monroe County's website is: <http://www.monroecounty-fl.gov/>

For additional Building Department information related to building and permitting:

<https://www.monroecounty-fl.gov/149/Building-and-Permitting>

You can access information from Planning & Environmental Resources Department at:

<http://www.monroecounty-fl.gov/178/Planning-Environmental-Resources>

You can access information on ROGO/NROGO system at:

<http://www.monroecounty-fl.gov/186/ROGONROGO-System>

You can access information on Floodplain Management at:

<http://www.monroecounty-fl.gov/173/Floodplain-Management>

You can access the Fire Marshal & Fire Prevention Permits & Code Compliance page at:

<https://www.monroecounty-fl.gov/958/Permits-Code-Compliance>

You can access the Property Appraiser's office information about your property at:

<http://qpublic.net/fl/monroe/>

You can access the Clerk of the Court records at:

<https://gov.kofiletech.us/FL-Monroe/>

Rick Griffin
Monroe County
Building Official
305-289-2521

Emily Schemper
Senior Director of Planning
& Environmental Resources
305-289-2500

TAB B

Initial Brief of Appeal

SMITH / HAWKS

ATTORNEYS AT LAW

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May 7, 2021

HAND DELIVERED

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ELECTRONIC MAIL & FEDEX **7736 6202 7988**

Emily Schemper, Director
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Marathon, Florida 33050
Email: Schemper-Emily@monroecounty-fl.gov

RE: Appeal Application: Letter of Understanding Regarding Use of Storage/Shipping Containers at 323 Overseas Highway, Big Coppitt Key, Monroe County, Florida, Parcel Identification No. 00149430-000000.

Please allow this correspondence to serve as the basis for this appeal (“Appeal”) as required in Monroe County’s Appeal to the Planning Commission form, pursuant to Section 102-185 of the Monroe County Land Development Code (“Code”). The owner of the property, 6-7-8 US 1 LLC, (the “Owner” or “Applicant”) is appealing the County’s formal determination, pursuant to the Letter of Understanding (“LOU”) dated April 7, 2021, that storage containers (hereafter, “Storage Containers”¹) are not considered “outdoor storage” under the Code in a suburban commercial zoning district on PIN 00149430-000000 (the “Property”). Applicant provides the following in support of the Appeal and will supplement the record prior to the final hearing as necessary.

APPEAL GROUNDS

¹ For purposes of clarity, “Storage Containers” refers to those types of containers used for storage as more particularly photographed on pages 7 and 8 of the LOU. The term as used here is usually considered interchangeable with the term “shipping containers” and “cargo containers,” and the difference in terminology typically refers to the use at the time, with “shipping” and “cargo” used while the container is in transit, and “storage” used while the container is used primarily for storage. *See, e.g.*, Polk County Ordinance No. 09-058 that amended Polk County’s Land Development Code, using “shipping,” “cargo,” and “storage” containers interchangeably.

Monroe County's (the "County") basis for the formal determination that Storage Containers cannot be used for outdoor storage is fundamentally flawed, and relies upon a misreading of the Code in order to deprive a property owner of its property rights in derogation of the law. On March 24, 2021, the County's Attorney, Bob Shillinger, provided a memo to the County's Planning and Environmental Resources Department reminding the County that "multiple Florida cases stand for the proposition that, because land development regulations are in derogation of the common law, such regulations should be construed in favor of the property owner in the absence of clear language in those regulations to the contrary."

Despite this recent instruction on the state of the law, the County's position in the LOU is that the portable Storage Containers cannot be placed in the area designated for outdoor storage, because, despite there being no clear language regarding the regulation and zoning of Storage Containers in the Code, the County is asserting that portable Storage Containers which will be moved to construction sites as needed actually constitute structures that would be subject to NROGO (non-residential rate of growth limitations) and extensive zoning regulations. The County's novel interpretation of the Code, created by the County *post hoc* after it had already decided to prohibit Owner's intended use of Property, is in derogation of the common law.

History of the Property and Procedural History

The genesis of this appeal requires little explanation. On March 25, 2015, Owner received Building Permit No. 10107038 to construct a new metal building. On October 27, 2017, Owner's application for a Minor Conditional Use Permit ("CUP") was approved. On page 7 of the CUP application, Owner stated that "[t]he proposed development will contain 1 three story commercial building to be used as a self storage facility. An additional outdoor area has been provided for outdoor storage." Importantly, the County had approved not just the 6,739 sq. ft. storage building, but also the additional 2,250 sq. ft. of outdoor storage.²

² The LOU incorrectly states, *inter alia*, that the shipping containers were "unlawfully in the location of the required parking spaces." LOU 5. The approved and *required parking spaces* for the Property are not located in the approved outdoor storage area and are located elsewhere on the Property; to the extent that the County is, after approval of the plans and approval of the final inspection, attempting to assert the right in this LOU to now require additional parking spaces because the outdoor storage area had vehicle striping for the *possible storage of vehicles and/or storage containers*, the County is in error, and does not provide any reasoning for such assertion.

However, when Owner requested a final planning inspection for Building Permit No. 10107038, Monroe County's Planning & Environmental Resources Department ("Planning Department", or, generally, the "County") repeatedly determined that the inspection was failed, and the job was "Not to Plan," on the basis that the Storage Containers that Owner had on the Property could not be used as outdoor storage. The County refused to issue an approved, passed inspection on October 9, October 28, and November 12, 2020. Only after the portable Storage Containers were removed from the outdoor storage area did the County issue an approved, passed inspection on November 16, 2020, for Building Permit No. 10107038.

Unfortunately, the County would not provide a written determination regarding the Code and its decision making-process. As such, there was no way to determine why the County was not allowing Storage Containers to be used as outdoor storage, as is and has been customary. The Owner had to file for a writ of mandamus on February 17, 2021, in the Sixteenth Judicial Circuit Court in and for Monroe County, Florida, to encourage the County to provide the written LOU and allow for this Appeal. *See* Case No. 2021-CA-118-K. As such, the reasoning provided in the LOU on April 7, 2021, is the County's after-the-fact attempts to rationalize the County's prior denials in 2020.

The Owner desires, from time to time, to temporarily store the Storage Containers in the area approved for outdoor storage as they "can be moved from the subject property to construction sites." LOU 7. Despite the approval of the outdoor storage area, the County has determined that the non-habitable Storage Containers that are solely used for storage are "structures" and/or "buildings" under the code, and therefore cannot be placed in the designated outdoor storage area. Importantly, this would mean that while the County had previously determined, and approved, 2,250 square feet of outdoor storage on a commercial lot, the County is going to insist that equipment, tools, wood, scaffolding and the other items that are allowed in the outdoor storage be placed on the ground, as opposed to within Storage Containers.

Legal Issues for the Appeal³

In order to properly understand the legal issues for this appeal, the following is an illustrative example of the County's position: imagine that instead of the Storage Containers, the Owner had a large, wheeled tool storage box on the outdoor storage area of the property. When the County came for the final inspection, and to issue a certificate of occupancy, the County refused to do so because there was a large, wheeled tool box on the property. In other words, because this temporary tool box wasn't on Owner's building plans; Owner is failed on the final inspection and is refused a certificate of occupancy. The Owner might complain, "It's just a tool box for storage. It's just temporary. There's nothing in the Code about tool boxes." And that's when the County would reply, "*Structure* means anything constructed, installed or portable, the use of which requires a location on a parcel of land." Code § 101-1.

That would be an unreasonable reading of the Code. The Code is not meant to be a game of "gotcha," wherein property owners have no idea of their rights. As further detailed below, the primary issues for this appeal are that (1) the County repeatedly alternates between expansive readings of its Code that would allow it to regulate anything using the Code without passing new regulations subject to public scrutiny, and cramped readings of other sections that ignore the clear text of the Code and show that it unambiguously does not apply; (2) the existence of the term "Storage Container" elsewhere in the County's Code, as well as the experience of the other jurisdictions in Florida, is indicative of the fact that regulation of Storage Containers is something that must be done expressly; and (3) court cases that have examined similar issues show that the County may not regulate Storage Containers *sub silentio* in its zoning ordinances.

The entirety of the LOU is such an ends-oriented reading of the Code that it alternates between expansive readings of some sections, such as what defines a structure, and then completely ignores the text of other sections. Looking at the definition of "structure," for example, by the expansive reading used by the County to try and fit *storage containers* within its ambit even

³ This appeal does not concern itself with the attached "SHIPPING/STORAGE CONTAINERS AT NON-RESIDENTIAL LOCATIONS FOR STORAGE ONLY" given that it does not have legal reasoning, was created solely for purpose of providing a post hoc justification and months after the County refused to pass the final inspection, and was purportedly addressed to the "Construction Industry" and dated March 15, 2021 despite not being released to same and only provided to Owner with the LOU on April 7th, 2021.

when storage containers are neither mentioned, nor similar to the other enumerated items, the County proves too much. The County acknowledges that there is no clear and specific textual reason to regulate storage containers as a structure.

Instead, the County is asserting that they are allowed to regulate “anything constructed, installed or portable, the use of which requires a location on a parcel of land[.]” LOU 8. This definition used to include Storage Containers would *also include* the aforementioned large wheeled tool box, kiddie pools, bouncy houses, a portable basketball hoop, a slip ‘n slide, an inflatable Christmas decoration, and anything that can be placed on land in a temporary or permanent way. While all of these seem to be absurd examples, they are indicative of the overreach of the definition that the County is using in violation of the law and Owner’s property rights. *See* County Attorney’s Memo March 24, 2021; *accord Persaud Properties FL Investments LLC v. Town of Ft. Myers Beach*, 310 So. 3d 493, 495-96 (Fla. 2d DCA 2020) (collecting cases for the proposition that zoning ordinances are in derogation of the common law and zoning ordinances cannot regulate or alter legal relationships other than what was specifically and plainly announced; all land use must be construed strictly in favor of the right of the property owner to the unrestricted use of the property).

Moreover, the County has also disregarded the clear and unambiguous text of the Code in order to reach its conclusions. For example, in order to claim that the Code issue with the Storage Containers on the Property is that the Storage Containers are covered and enclosed, the County has ignored the most important part of the definition that they are citing:

Floor area means the sum of the gross covered and enclosed habitable areas of a building or any other covered and enclosed structure, measured from the exterior walls or from the centerline of party walls.

Code § 101-1. (emphasis supplied).⁴

⁴ For purposes of clarity, “or” is a coordinating conjunction that is presenting the choice, either inclusive or exclusive, between “building” or “other covered or enclosed structure,” both of which refer to back to “habitable areas.” The definition requires the measurement of the habitable area of the building or enclosed structure.

Looking at the Code's definition of "habitable areas" we see that this is a defined term; habitable areas have been defined as "any floor area for occupancy and equipped for uses including, but not limited to, kitchen, dining, living, family or recreation room, laundry, bedroom, bathroom, office, workshop, professional studio or commercial occupancy." *Id.* Shipping Containers are not subject to the "floor area" arguments that the County is making because Storage Containers do not contain habitable areas as the Storage Containers are not for "occupancy," "commercial occupancy," or otherwise similar to the items in the enumerated list. For this reason, the County may not use this definition and apply it to Storage Containers unless they have "habitable area."

By ignoring the habitable areas requirement of the floor area definition, the County bootstraps a meaning for Floor Area Ratio (which is defined using Floor Area); in doing so, the County then bootstraps that incorrect definition into Intensity, which is then further bootstrapped into a light industrial use. By ignoring the requirement that floor space is calculated only for habitable area, the County has ended up with the assertion that the use of the Storage Containers in an area approved for outdoor storage is, in fact, subject to a dizzying array of regulations that do not mention or contemplate Storage Containers; fortunately, none of them apply.

The LOU also discusses the purported problem with the NROGO (non-residential rate of growth ordinance). The reason that the County's position that Storage Containers fall within NROGO seems to make no sense is the position is not based in the Code. When citing NROGO's "nonresidential floor area," Code § 138-47, the County again fails to note that it cites back to the "total floor area ... as defined in Section 101-1." (emphasis supplied). This is the definition that requires habitable area, which the Storage Containers do not have. Simply put, the County's assertions don't make sense because the Land Development Code was not written to regulate the Storage Containers using these particular zoning provisions and definitions.

Importantly, the County knows exactly how to discuss Storage Containers within the Code without resorting to provisions that are not applicable. The Code explicitly differentiates between storage containers, buildings, and structures. Within a separate section of the Monroe County Code of General Ordinances, a *facility* is defined as "any building, equipment, structure, installation, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle,

offshore facility, onshore facility, offshore drilling unit, mobile offshore drilling unit, rolling stock, or aircraft.” MCC § 12-141. (emphasis supplied). This definition is instructive, as it evidences a clear textual determination that within an enumerated list, the County can and will differentiate between *buildings*, *structures*, and *storage containers*. The County cannot claim that an inability to differentiate between buildings, structures, and storage containers forces the County to misapply the Land Development Code.

Next, the experience of other jurisdictions in Florida is persuasive. When other jurisdictions want to regulate the use of Storage Containers, they pass specific ordinances related to same, and use the term “Storage Container” or “Cargo Container” as opposed to incorrectly asserting that Storage Containers are properly regulated using zoning ordinances that do not refer to Storage Containers. For example, Polk County passed an ordinance in 2009 regulating the use of “cargo containers” (and continuing to permit their use in non-residential properties) that was enacted into Polk County’s Land Development Code after public debate and vote. Polk County Ord. No. 09-058; Ch. 2, § 206 K, Polk County Land Development Code. Lee County Code § 34.3105 specifically regulates “shipping containers” *except when open storage is a permitted use*. Lauderdale Code § 5.38 defines storage buildings, sheds, and storage containers, and has regulations regarding same. Cape Coral Code § 5.9.8 prohibits storage containers generally, but has specific exemptions including allowing for their use in non-residential zoning districts. Miami-Dade has specific rules regarding “cargo container storage units” (j) that are different than “utility shed and pergolas” (l), which, in turn, are different than portable mini-storage units (i), and have been differentiated from “structures.” *See* Miami-Dade Code § 33-20. No jurisdiction in Florida, as far as can be determined, has attempted to regulate Storage Containers solely by resorting to zoning ordinances that do not refer to Storage Containers; all of them instead regulate Storage Containers by correctly passing ordinances to regulate Storage Containers after a full and fair process that takes into account the public.

Finally, a similar case decided by an appellate court shows the error in the County’s attempt to regulate this *sub silentio* (without an express regulation). In *Bullard v. Lake Cty. Code Enft Bd.*, 620 So. 2d 1041 (Fla. 5th DCA 1993), Lake County attempted to enforce its zoning ordinances on a property owner who dwelled in one travel trailer and used two other travel trailers for storage.

Id. at 1042. While Lake County was able to prohibit the use of the travel trailer as a residence in an agricultural area because Lake County's Code *specifically referenced travel trailers as excluded under dwelling units*, Lake County was reversed on the issue of storage because Lake County was attempting to use a general provision which, if read broadly, would disallow most activities not specifically permitted by Lake County's Code. *Id.* at 1043. This is almost exactly the same as the instant case, wherein the County is attempting to prevent the use of storage containers, in an area designated for outdoor storage, by using general provisions that had not previously been considered applicable, or (as in the case with *floor area*) by ignoring the plain text of the Code.

Conclusion

The Applicant understands that the County might want to regulate Storage Containers under the County's Land Development Code. Moreover, there would be occasions when it would be proper to do so under the Code; for example, if someone was using Storage Containers as housing or using it in a manner that was "commercial occupancy." However, as a matter of law, the Applicant must forcefully reject the County's position that the County may engage in this type of *ad hoc* zoning in derogation of Applicant's rights through an expansive misreading of the Code. Should the County wish to engage in specific regulation of Storage Containers as outdoor storage, then the County must engage the political process and allow input from the property owners and business owners it is regulating, as has every other jurisdiction in Florida that has chosen to regulate Storage Containers. Applicant respectfully requests that the Planning Commission reverse the determination made by the Planning Director with regard to the Planning Director's interpretation of the Land Development Code for one, or all, of the following reasons:

- A. Land that has an approved use for outdoor storage, and is on a commercial parcel with no other non-storage uses, may properly have storage containers.
- B. Storage containers used for storage may be placed in the designated outdoor storage area as represented on the approved site plan.
- C. The County's Land Development Code and Definitions may not be used to regulate storage containers in the manner of the Letter of Understanding, and any such zoning regulations regarding storage containers must be clear, unambiguous, and passed through the political process.
- D. The County may not disregard the defined term "habitable areas" when using the term "Floor Area" and all other land use terms derived from "Floor Area."

Additional Information Requested by the Planning Commission

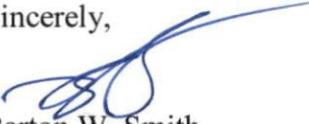
Documentary Evidence For The Planning Commission Appeal:

1. All documents contained within the appeal application.
2. All documents contained within the building permit application. (No. 10107038)
3. All documents contained within any and all Conditional Use Permit applications and responses thereto related to the building permit application.
4. All documents relevant to any requests, denials, or granting of any certificate of occupancy related to the building permit application.
5. All documents contained within the Letter of Understanding.
6. All documents referred to within the appeal, including but not limited to any and all building permit applications, Letters of Understanding, Conditional Use Permit applications, prior legal memoranda by the County, or certificates of occupancy.
7. All prior permits and correspondence and documents related to prior permits in relation to the Property.
8. All written correspondence between the County (and the County's agents) and the Applicant (and the Applicant's agents) regarding the appeal application, the building permit application, the Letter of Understanding, and any issues related to the Property since 2014.
9. All documents relied upon by the County in making any determination regarding the Letter of Understanding.
10. All documents relied upon by the County in making any determination regarding the March 15, 2021 inter-departmental memorandum.
11. All documents that the County might produce during pending or forthcoming public records requests related to the Property or this appeal.
12. All documents and/or correspondence related to Case No. 2021-CA-118-K.
13. Any and all versions of Monroe County's Code or Resolutions, as well as any law, decisional authority, or other document as would normally be admissible as judicially noticed by right or discretion under Fla. Stat. §§ 90.201, 90.202.
14. Any and all versions of the zoning laws or ordinances of other municipalities, counties, or jurisdictions within the state of Florida applicable to the issue of shipping, cargo, or storage containers and/or storage areas and/or storage buildings or facilities, as well as any law, decisional authority, or other document as would normally be admissible as judicially noticed by right or discretion under Fla. Stat. §§ 90.201, 90.202.
15. Any such further documents as might be relevant and not listed, and will be provided as a supplement to those documents already listed.

Witnesses for the Planning Commission Appeal:

1. Gary Burchfield (Managing Member of 6-7-8 U.S. 1, LLC).
2. Barbara Mitchell (Expert Witness).

Sincerely,



Barton W. Smith

BWS/bg

Enclosure: Barbara B. Mitchell's CV

Cc: *(Electronically)*: Ilze Aguila, Sr. Planning Commission Coordinator

BARBARA B MITCHELL

LEED® Accredited Professional _____



Professional Interest

Barbara Mitchell has experience as both a land use planner and landscape designer. Since 1996, Ms. Mitchell has worked as a land use planner in Monroe County, Florida. Her extensive knowledge of land use issues in Monroe County has been developed from employment in both the public and private sectors.

As a public servant, she developed extensive knowledge of the regulatory environment in the Florida Keys. Initially hired as a planning technician, she quickly worked through the ranks to become the Senior Administrator for Development Review. Her responsibilities included review of development applications as well as drafting ordinances to implement the Monroe County 2010 Comprehensive Plan. As Development Review Committee Chairperson, she reviewed development applications and prepared recommendations for the Monroe County Planning Commission.

When Ms. Mitchell left the public service for private practice, her knowledge and skills were employed assisting clients identify and achieve their development goals. The projects ranged from development of affordable housing communities, identification of development rights/entitlements, redevelopment of mixed-use projects, redevelopment of commercial parcels, and tourist/ resort redevelopment. She was a member of the Development Team selected to prepare a Master Plan for the redevelopment of Higgs Beach in Key West. Her extensive knowledge of the Monroe County Comprehensive Plan and Land Development Regulations provide her clients with both a current and historical basis as they identify and create their individual development goals. She has worked in all of the municipalities in the Florida Keys, many of them from their inception, as well as unincorporated Monroe County. Monroe County Growth Management Department retained Ms Mitchell to assist staff develop land development ordinances to implement policy changes to the land development codes. Recently, Ms. Mitchell completed a feasibility study for Kampground of America's (KOA) 28.5 acres site in Bar Harbor Maine.

Her interest and experience in landscape design assists her clients during the site planning process with the development of conceptual and planting plans.

Professional Experience

2010- Principal and President – Mitchell Planning & Design Inc.
2000-2010 Vice President – Craig Company of the Florida Keys, Inc.
1996-2000 Senior Administrator Policy & Planning Monroe County Florida
1992-1996 Landscape Designer Bayshore Nursery, Ramrod Key, Florida
1988-1991 Landscape Manager Green Scene Nursery, Fredericksburg, Va
1986-1988 Landscape Architect I, Greenhorne and Omara, Culpeper, VA
1980-1986 Analyst, Flight Systems inc. Rosalyn, VA

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Education

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Landscape Design, George Washington University, Washington, DC
Clockhouse School of Landscape Design, Denmans, England

Certifications

LEED® AP, United States Green Building Council (USGB)C

Memberships & Affiliations

United States Green Building Council

Honors and Awards

Redesign of Tuscawilla Park, Ocala Florida.
Second Place, 2012

University Honors: Dean's List, Department of Economics

TAB C

Executed Agent Authorization Form

AGENT AUTHORIZATION FORM

Date of Authorization: 05 / 4 / 2021
Month Day Year

I hereby authorize SMITH HAWKS, PL /BARTON SMITH, ESQ. be listed as authorized agent
(Print Name of Agent)

representing 6-7-8 US 1, LLC for the application submission
(Print Name of Property Owner(s) the Applicant(s))

of APPLICATION TO APPEAL TO THE PLANNING COMMISSION
(List the Name and Type of applications for the authorization)

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

6,7,& 8 1 COPPITT SUBD AMD BIG COPPITT
Lot Block Subdivision Key (Island)

00149430-000000 1194557

Real Estate (RE) Number Alternate Key Number

323 OVERSEAS HWY, BIG COPPITT KEY, FLORIDA 33030 11

Street Address (Street, City, State & Zip Code) Approximate Mile Marker

Authorized Agent Contact Information:

138 Simonton Street, Key West, FL 33040

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

(305)296-7227 BART@SMITHHAWKS.COM

Work Phone Home Phone Cell Phone Email Address

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

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

Signature of Property Owner: [Handwritten Signature]

Printed Name of Property Owner: GARY BURCHFIELD, as MGR. of 6-7-8 US 1, LLC

STATE OF FLORIDA COUNTY OF MONROE

Sworn to and subscribed before me this 4 day of MAY, 20 21,

by GARY BURCHFIELD, who is personally known to me OR produced
(Print Name of Person Making Statement)

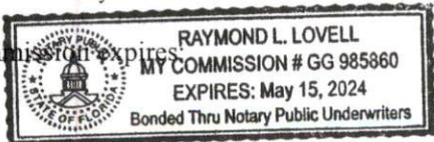
as identification.

(Type of ID Produced)

[Handwritten Signature]
Signature of Notary Public

Raymond L. Lovell
Print, Type or Stamp Commissioned Name of Notary Public

My commission expires





[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company

6-7-8 US 1, LLC

Filing Information

Document Number	L04000011239
FEI/EIN Number	20-0714305
Date Filed	02/11/2004
Effective Date	02/11/2004
State	FL
Status	ACTIVE
Last Event	LC AMENDED/RESTATED
ARTICLE/NAME CHANGE	
Event Date Filed	10/24/2017
Event Effective Date	NONE

Principal Address

323 Overseas Highway
Key West, FL 33040

Changed: 03/01/2021

Mailing Address

800 SIMONTON STREET
KEY WEST, FL 33040

Changed: 07/11/2008

Registered Agent Name & Address

Burchfield, Gary A
800 Simonton Street
KEY WEST, FL 33040

Name Changed: 03/01/2021

Address Changed: 03/01/2021

Authorized Person(s) Detail**Name & Address**

Title MGRM

BURCHFIELD, GARY
 800 SIMONTON STREET
 KEY WEST, FL 33040

Annual Reports

Report Year	Filed Date
2019	04/05/2019
2020	02/19/2020
2021	03/01/2021

Document Images

03/01/2021 -- ANNUAL REPORT	View image in PDF format
02/19/2020 -- ANNUAL REPORT	View image in PDF format
04/05/2019 -- ANNUAL REPORT	View image in PDF format
03/30/2018 -- ANNUAL REPORT	View image in PDF format
10/24/2017 -- LC Amended/Restated Article/NC	View image in PDF format
01/13/2017 -- ANNUAL REPORT	View image in PDF format
01/25/2016 -- ANNUAL REPORT	View image in PDF format
01/07/2015 -- ANNUAL REPORT	View image in PDF format
01/14/2014 -- ANNUAL REPORT	View image in PDF format
01/24/2013 -- ANNUAL REPORT	View image in PDF format
01/09/2012 -- ANNUAL REPORT	View image in PDF format
01/12/2011 -- ANNUAL REPORT	View image in PDF format
01/05/2010 -- ANNUAL REPORT	View image in PDF format
09/30/2009 -- REINSTATEMENT	View image in PDF format
12/03/2008 -- Reg. Agent Change	View image in PDF format
07/11/2008 -- ANNUAL REPORT	View image in PDF format
09/05/2007 -- ANNUAL REPORT	View image in PDF format
03/17/2006 -- ANNUAL REPORT	View image in PDF format
11/02/2005 -- REINSTATEMENT	View image in PDF format
02/18/2004 -- Amendment	View image in PDF format
02/11/2004 -- Florida Limited Liability	View image in PDF format

TAB D

Proof of Ownership

This instrument Prepared by & Return to:
Charles McCoy
Atlantic Title & Abstract Co., LLC
701 Caroline Street, Key West, FL 33040

Folio No. 149430/149440/149450
File No. 2004-106

MONROE COUNTY
OFFICIAL RECORDS

FILE #1432414
BK#1985 PG#2113

RCD Mar 22 2004 03:58PM
DANNY L KOLHAGE, CLERK

DEED DOC STAMPS 1050.00
03/22/2004 DEP CLK

Warranty Deed

This Warranty Deed, dated this 12th day of March, 2004, by Carmelo Vitale a/k/a Carlos Carmelo Vitale, a single man, of 14655 S.W. 232 Street, Miami FL 33170, hereinafter called the Grantor, to 6-7-8 US 1, L.L.C., a Florida Limited Liability Company, of 728 Prado Circle, Key West FL 33040, hereinafter called the Grantee. See Attached Exhibit "A".

Witnesseth: That said Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in Monroe County Florida, viz:

Lot 6 and 7, Block 1, AMENDED PLAT OF COPPITT SUBDIVISION (a Resubdivision of Plat Book 3, Page 116), according to the Plat thereof, recorded in Plat Book 4, Page 50, of the Public Records of Monroe County, Florida and Lot 8, Block 1, AMENDED PLAT OF COPPITT SUBDIVISION (a Resubdivision of Plat Book 3, Page 116), according to the Plat thereof, recorded in Plat Book 4, Page 50, of the Public Records of Monroe County, Florida.

SUBJECT TO: Taxes for the year 2004 and all subsequent years, conditions, restrictions and reservations of record, zoning ordinances and easement for public utilities, if any.

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

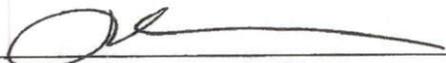
To Have and to Hold, the same in fee simple forever.

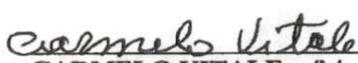
The subject property is not the homestead property of Grantor.

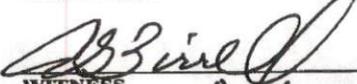
And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple, that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to 2003, reservations, restrictions and easements of record, if any.

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

Signed, sealed and delivered in our presence:


WITNESS
Printed name: Donna L. Pasker

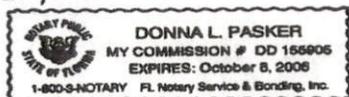

CARMELO VITALE, a/k/a
CARLOS CARMELO VITALE


WITNESS
Printed name: Andrew G. Birrell

STATE OF FLORIDA COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 12th day of March, 2004, by Carlos Carmelo Vitale, a/k/a Carmelo Vitale, who are known to me, or who have produced US DEJ photo ID as identification.

[seal]




Notary Public

FILE # 1432414
BK# 1985 PG# 2114

AFFIDAVIT

FILE NO: 2004-106

STATE OF FLORIDA
COUNTY OF MONROE

On this day before me the undersigned authority personally appeared Carmelo Vitale who being first duly sworn, deposes and says:

That my name is Carmelo Vitale and that I am one and the same person as Carlos Carmelo Vitale which name(s) appear(s) on papers used in connection with the sale and/or purchase and/or mortgaging of the following described property to wit:

Lot 6 and 7, Block 1, AMENDED PLAT OF COPITT SUBDIVISION (a Resubdivision of Plat Book 3, Page 116), according to the Plat thereof, recorded in Plat Book 4, Page 50, of the Public Records of Monroe County, Florida and Lot 8, Block 1, AMENDED PLAT OF COPITT SUBDIVISION (a Resubdivision of Plat Book 3, Page 116), according to the Plat thereof, recorded in Plat Book 4, Page 50, of the Public Records of Monroe County, Florida.

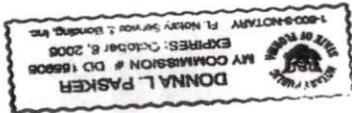
Dated, this 12 day of March, 2007

Carmelo Vitale
Carmelo Vitale

Sworn to and subscribed before me this 12 day of March, 2007, by Carmelo Vitale is personally known to me or who has produced a driver license as identification. + MS DOT ID CNT.

My commission expires:

Printed Name:
Notary Public
Serial Number



MONROE COUNTY
OFFICIAL RECORDS



Doc# 2173269 06/13/2018 1:53PM
Filed & Recorded in Official Records of
MONROE COUNTY KEVIN MADOK

PREPARED BY AND RETURN TO:
RICHARD M. KLITENICK
RICHARD M. KLITENICK, P.A.
1009 SIMONTON STREET
KEY WEST, FL 33040
305-292-4101
RECORDING PAID: \$18.50

Doc# 2173269
Bk# 2911 Pg# 1119

_____ space above this line for recording data _____

UNITY OF TITLE

THIS DECLARATION is made on this 12 day of June, 2018, by 6-7-8 US 1, LLC, a Florida limited liability company, which entity declares as follows:

WHEREAS, 6-7-8 US 1, LLC, a Florida limited liability company (hereinafter referred to as "DECLARANT"), is the owner of two (2) parcels of real property located in Monroe County, Florida, with the street addresses of *323-327 Overseas Highway, Key West, FL 33040*, more particularly described as follows:

LOT 6 AND 7, BLOCK 1, AMENDED PLAT OF COPPITT SUBDIVISION (A RESUBDIVISION OF PLAT BOOK 3, PAGE 116), ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 50, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA AND LOT 8, BLOCK 1, AMENDED PLAT OF COPPITT SUBDIVISION (A RESUBDIVISION OF PLAT BOOK 3, PAGE 116), ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 50, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

PARCEL IDENTIFICATION NUMBER: 00149450-000000; ALTERNATE KEY ("AK") NO.: 1194573
AND
PARCEL IDENTIFICATION NUMBER: 00149430-000000; ALTERNATE KEY ("AK") NO.: 1194557

WHEREAS, the DECLARANT recognizes and acknowledges that the herein described properties shall not be divided into separate parcels owned by several owners as long as the same is put to the hereinafter use; and,

WHEREAS, the undersigned DECLARANT hereby executes this written document to effect the above stated purpose.

NOW, THEREFORE, in consideration of other good and valuable consideration, the undersigned hereby agrees to restrict the use of the above-described real properties in the following manner:

1. The above Recitals are true and correct and are incorporated herein.
2. That the Two (2) parcels of property referred to herein shall be considered as one (1) plot and parcel of land, and that no portion of said lot and parcel of land shall be sold, transferred, devised or assigned separately, except in its entirety as one plot or parcel of land.
3. The undersigned DECLARANT further agrees that this Unity of Title is being made for the purposes of recognizing ad valorem taxation of the same as one (1) parcel by the County of Monroe, State of Florida, as well as the land development regulations of the County of Monroe, recognizing that the parcels be joined together in the herein described manner so that they are recognized as one (1) parcel of land.

TAB E

Monroe County Property Appraiser's Office
Property Record Card



Disclaimer

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

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

Summary

Parcel ID 00149430-000000
Account# 1194557
Property ID 1194557
Millage Group 100B
Location 323 OVERSEAS Hwy, BIG COPPITT KEY
Address
Legal BK 1 LTS 6-7-8 COPPITT SUB AMENDED PLAT BIG
Description COPPITT KEY PB4-50 OR564-756/59 OR603-208
 OR606-509 OR774-322/23 OR831-499 OR911-
 1521/25 OR1005-552 OR1079-829/30 OR1179-1749
 OR1867-2160 OR1867-2311/12 OR1942-1269/71
 OR1942-1272/74 OR1985-2113/14 OR2911-
 1119/1120
 (Note: Not to be used on legal documents.)
Neighborhood 10058
Property WAREHOUSE (4800)
Class
Subdivision COPPITT SUBD AMD
Sec/Twp/Rng 22/67/26
Affordable No
Housing



Owner

6-7-8 US 1 LLC
 728 Prado Cir
 Key West FL 33040

Valuation

	2020	2019	2018	2017
+ Market Improvement Value	\$0	\$0	\$0	\$0
+ Market Misc Value	\$0	\$0	\$0	\$0
+ Market Land Value	\$360,000	\$300,000	\$318,938	\$84,375
= Just Market Value	\$360,000	\$300,000	\$318,938	\$84,375
= Total Assessed Value	\$122,991	\$111,810	\$101,646	\$19,929
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$360,000	\$300,000	\$318,938	\$84,375

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
(4800)	22,500.00	Square Foot	0	0

Commercial Buildings

Style WAREHOUSE/MARINA C / 48C
Gross Sq Ft 8,582

Finished Sq Ft	6,912
Perimeter	1,614
Stories	3
Interior Walls	NONE
Exterior Walls	INSULATED METAL with 0% METAL SIDING
Quality	400 ()
Roof Type	REINFORC CONC with 0% FLAT OR SHED
Roof Material	ROLLED COMPOS
Exterior Wall1	INSULATED METAL
Exterior Wall2	METAL SIDING
Foundation	CONC PILINGS
Interior Finish	NONE
Ground Floor Area	
Floor Cover	CONC ABOVE GRD
Full Bathrooms	0
Half Bathrooms	1
Heating Type	FCD/AIR NON-DC
Year Built	2020
Year Remodeled	0
Effective Year Built	2020
Condition	AVERAGE

Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	6,912	6,912	864
OPU	OP PR UNFIN LL	696	0	318
OUF	OP PRCH FIN UL	974	0	432
TOTAL		8,582	6,912	1,614

Yard Items

Description	Year Built	Roll Year	Quantity	Units	Grade
COMM ELEVATOR	2020	Roll Year	1	1 UT	2
COMM ELEVATOR	2020	Roll Year	1	1 UT	1
WROUGHT IRON	2020	Roll Year	1	252 SF	1
WROUGHT IRON	2020	Roll Year	1	882 SF	3
ASPHALT PAVING	2020	Roll Year	1	1968 SF	2

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
3/12/2004	\$150,000	Warranty Deed		1985	2113	M - Unqualified	Improved
3/5/2003	\$70,000	Warranty Deed		1867	2311	M - Unqualified	Vacant

Permits

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
20100985	7/10/2020	12/10/2020	\$12,000	Commercial	INSTALL A DOUBLE SIDED POLE SIGN 120"X72" + 60 SQ. FT. --BACK LIT WALL SIGN 144"X72"=72 SQ. FT. ALUMINUM CABINET, ACRYLIC FACE WITH VINYL.
20101314	7/9/2020	7/29/2020	\$46,579	Commercial	INSTALL FIRE ALARM SYSTEM AND SECURITY ALARM SYSTEM
20100356	4/30/2020	12/27/2020	\$25,000	Commercial	
20100363	4/22/2020	11/20/2020	\$60,000	Commercial	NSTALL INTERIOR FIRE SPRINKLER SYSTEM
15103826	10/6/2018		\$18,000	Commercial	INSTALL 75LF RETAINING WALL/FENCE 6' HIGH
15103827	10/6/2015		\$18,000	Commercial	TO INSTALL 75 LF OF RETAINING WALL/ FENCE 6FT HIGH PER SEALED PLANS IN FILE.
10107034	3/25/2015	9/9/2016	\$266,428	Commercial	NEW METAL BLDG WITH PARKING BLDG #B AND FENCE AT REAR
10107038	3/25/2015	12/10/2020	\$877,365	Commercial	NEW METAL BLDG WITH PARKING BLDG #A, AND FENCE AT REAR NEW METAL BUILDING WITH: 4291 SF SLAB, 2523 SF 1ST FLOOR AREA, 444 SF FLOOR DECK NOT UNDER ROOF, 3306 SF ROOF , 90 LIN FT OF FENCE AND PARKING. A 6' HIGH WOOD FENCE AT REAR OF PROP. REVISION D: REVISED ENERGY CALCULATIONS.
10104690	9/9/2010	12/1/2010	\$1,000	Commercial	
10104692	9/9/2010	12/15/2015	\$0	Commercial	LAND CLEARING

10104692	9/9/2010	12/15/2015	\$1,000	Commercial	LAND CLEARING
98-0924	10/20/1998	11/30/1998	\$400	Commercial	LAND CLEAR
97101150	7/28/1997	7/28/1999	\$150	Commercial	
97100289	2/25/1997	2/25/1999	\$300	Commercial	
96101661	11/18/1996	11/18/1998	\$300	Commercial	
96101164	8/1/1996	8/1/1998	\$300	Commercial	
95101216	9/11/1995	9/11/1997	\$500	Commercial	

View Tax Info

[View Taxes for this Parcel](#)

Sketches (click to enlarge)



Map



TRIM Notice

2020 Notices Only

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



[User Privacy Policy](#)
[GDPR Privacy Notice](#)

[Last Data Upload: 5/5/2021, 2:24:14 AM](#)



Overview



Legend

- Centerline
- ... Easements
- Hooks
- Lot Lines
- Road Center
- Rights of Way
- Shoreline
- ☐ Condo Building
- Key Names
- ☐ Subdivisions
- ☐ Parcels

Parcel ID	00149430-000000	Alternate ID	1194557
Sec/Twp/Rng	22/67/26	Class	WAREHOUSE
Property Address	323 OVERSEAS Hwy BIG COPPITT KEY	Owner Address	6-7-8 US 1 LLC 728 Prado Cir Key West, FL 33040
District	100B		
Brief Tax	BK 1 LTS 6-7-8 COPPITT SUB AMENDED PLAT BIG COPPITT KEY PB4-50 OR564-756/59 OR603-208 OR606-509 OR774-322/23		
Description	OR831-499 OR911-1521/25 OR1005-552 OR1079-829/30 OR1179-1749 OR1867-2160 OR1867-2311/12 OR1942-1269/71 OR1942-1272/74 OR1985-2113/14 OR2911-1119/1120		
	(Note: Not to be used on legal documents)		

Date created: 5/5/2021
Last Data Uploaded: 5/5/2021 2:24:14 AM

Developed by  Schneider
GEO SPATIAL

TAB F

Radius Report; SPON Mailing Labels; and SPON list

**SPONS - Appeal of Letter of Understanding Regarding Use of Storage/Shipping Containers at
323 Overseas Highway, Big Coppitt Key, Monroe County, Florida, Parcel Identification No. 00149430-000000**

ParcelId	OwnerName	OwnerAddress1	OwnerCityStZip
1	00121380-000300	AGIN LINDA SANCHEZ	1520 Catherine St Key West, FL 33040
2	00149720-000000	ALBERNAS ORAIDA TORNA	116 4th St Key West, FL 33040
3	00149540-000000	ALVIN AND THE PAINTERS LLC	401 Avenue B Key West, FL 33040
4	00152760-000000	ANSON JUDITH J REVOCABLE TRUST	401 Avenue E Key West, FL 33040
5	00149780-000000	BALIUS ERVIN STROUD AND MARTHA ISAABEL JT REV TR AGR 1/13/2003	724 Prado Cir Key West, FL 33040
6	00153380-000000	BARROSO JR BARRY L	1014 White St Key West, FL 33040
7	00153350-000200	BERUBE ANGELA	10 1st St Key West, FL 33040
8	00152610-000100	BIONDI BILLY	545 Avenue E Key West, FL 33040
9	00149560-000000	BOBALOUS MM10 KEY WEST LLLP	16 Diamond Dr Key West, FL 33040
10	00149710-000000	BRUNO MILEIDYS MORENO	118 4th St Key West, FL 33040
11	00153180-000100; 00153180-000000; 00153300-000000; 00153200-000000	CAFFREY JOSEPH	17367 Allamanda Dr Summerland Key, FL 33042
12	00152840-000000; 00152720-000000; 00153090-000000; 00153100-000000; 00152820-000000; 00152830-000000	CALZADILLA ANTHONY A	361 Avenue E Key West, FL 33040
13	00121200-000000	CASTELLOTTI LISA	59 Jansen St Staten Island, NY 10312
14	00153140-000000	CHAMBLISS ANNA C	461 Avenue F Key West, FL 33040
15	00153220-000000; 00153130-000000	CJR PROPERTIES AVE F LLC	17377 Cayman Dr Summerland Key, FL 33042
16	00149800-000000	CLEMENTS JOSEPH P	728 Prado Cir Key West, FL 33040
17	00121380-000400	COBAS FRANCISCA CRUZ	3 Ed Swift Rd Key West, FL 33040
18	00149760-000000	COPPER DENISE R	722 Prado Cir Key West, FL 33040
19	00149670-000000	CUIFFO ANDIE	210 4th St Key West, FL 33040
20	00149790-000000	DAIDA SEAN K	726 Prado Cir Key West, FL 33040
21	00149460-000000	DAVIDSON COREY LEE	321 Overseas Hwy Key West, FL 33040
22	00153010-000000	DELGADO 2309 LLC	PO Box 787 Key West, FL 33041
23	00121560-000000	FLORIDA KEYS AQUEDUCT AUTHORITY	1100 Kennedy Dr Key West, FL 33040
24	00149420-000000	FLORIDA KEYS FUNERAL SERVICES LLC	328 Truman Ave Key West, FL 33040
25	00149400-000000; 00149410-000000	FLORIDA RESIDENTIAL INVESTMENTS INC	PO Box 208 Largo, FL 33779
26	00149500-000000	FMH2 LLC	3 Emerald Dr Key West, FL 33040
27	00121650-000100	FREE GAYLEN R	33 A Palmetto Dr Key West, FL 33040

**SPONS - Appeal of Letter of Understanding Regarding Use of Storage/Shipping Containers at
323 Overseas Highway, Big Coppitt Key, Monroe County, Florida, Parcel Identification No. 00149430-000000**

28	00149600-000000	GALO GUSTAVO ADOLFO	PO Box 5780	Key West, FL 33045
29	00149750-000000	GARCIA JR RAY	720 Prado Cir	Key West, FL 33040
30	00153640-000000	HABITAT FOR HUMANITY OF KEY WEST/ LOWER FL KEYS INC	PO Box 5873	Key West, FL 33045
31	00153400-000000	HERNANDEZ MICHAEL	21045 3rd Ave	Summerland Key, FL 33042
32	00153270-000000	JONES ROSEMERRI R	508 Avenue E	Key West, FL 33040
33	00152800-000000	KELLY MICHAEL T LIVING TRUST 06/04/2020	420 Avenue D	Key West, FL 33040
34	00152810-000000	KNIGHT CHAD	430 Avenue D	Key West, FL 33040
35	00152750-000000	KOZAREV NIKOLAY	3075 Flagler Ave	Key West, FL 33040
36	00153210-000000	KUCHINSKY KRISTI	430 Avenue E	Key West, FL 33040
37	00149520-000000	LA PREMIERE EGLISE EVANGELIQUE BAPTISTE HAITIENNE	311 Overseas Hwy	Key West, FL 33040
38	00149690-000000	LABRADA KIMBERLY R	750 Prado Cir	Key West, FL 33040
39	00121470-000000; 00153340-000000; 00153330-000000; 00151010-000000	LAND 10031 LLC	4900 W Hundred Rd	Chester, VA 23831
40	00153020-000000	LARSON DARLENE C REVOCABLE TRUST 11/20/2013	321 Avenue F	Key West, FL 33040
41	00149390-000000; 00149380-000000	LEWIS DELMAR J	1701 Jamaica Dr	Key West, FL 33040
42	00153160-000000	LINARES VICTOR	421 Avenue F	Key West, FL 33040
43	00153260-000000	LITTON ANDREW JAMES	518 Avenue E E	Key West, FL 33040
44	00152740-000000	LYONS MELISSA LYNNE	431 Avenue E	Key West, FL 33040
45	00153280-000000	MONGELLI DAVID E	504 Avenue E	Key West, FL 33040
46	00121650-000000; 00149610-000000; 00149640-000000; 00149630-000000; 00149620-000000	MONROE COUNTY	1100 Simonton St	Key West, FL 33040
47	00153150-000000	MOREJON TONY LOUIS	11606 Grand Bay Blvd	Clermont, FL 34711
48	00153250-000000	MUSARRA DEBORAH	115 NE Naranja Ave	Port Saint Lucie, FL 34983
49	00149840-000000; 00149830-000000; 00149810-000000; 00149820-000000	NEW LIFE TABERNACLE OF KEY WEST FLORIDA INC	PO Box 2813	Key West, FL 33045
50	00149680-000000; 00149650-000000; 00149660-000000	OSTROWICKI GABRIELE REVOCABLE TRUST 10/13/16	740 Prado Cir	Key West, FL 33040
51	00152660-000000	PIERCE MARJORIE SHARON DEC OF TRUST 06/05/2019	2305 Staples Ave	Key West, FL 33040
52	00152710-000100; 00152710-000000	PINS JOHN J	415 1st St	Key West, FL 33040
53	00153170-000000	PROANO XIMENA	300 3rd St	Key West, FL 33040

**SPONS - Appeal of Letter of Understanding Regarding Use of Storage/Shipping Containers at
323 Overseas Highway, Big Coppitt Key, Monroe County, Florida, Parcel Identification No. 00149430-000000**

54	00149770-000000	REYES OLIVIA	723 Prado Cir	Key West, FL 33040
55	00152980-000000	ROBERT JANICKI RENTALS LLC	724 Amelia St	Key West, FL 33040
56	00152610-000000	RODRIGUEZ JULIE ANN	22817 Privateer Dr	Summerland Key, FL 33042
57	00149570-000000	ROTTEN RALPH'S OF KEY WEST LLLP	16 Diamond Dr	Key West, FL 33040
58	00153120-000000; 00153230-000000	RUIZ CHRISTINA	1 W Cypress Ter	Key West, FL 33040
59	00152650-000000	SALIS PATRICIA MILLER	505 Avenue E	Key West, FL 33040
60	00149740-000000	SANDS ELDINE REV LIV TRUST	C/O SANDS TOBIN SUCCESSOR TRUSTEE	Jacksonville, FL 32225
61	00149730-000000	SANDS ELDINE REVOCABLE LIVING TRUST	C/O SANDS TOBIN SUCCESSOR TRUSTEE	Jacksonville, FL 32225
62	00149580-000000	SCOTTISH REIT TEMPLE ASSOCIATION OF KEY WEST FLORIDA INC	PO Box 1247	Key West, FL 33041
63	00121660-000000; 00153240-000000	SCOTTISH RITE TEMPLE ASSOC OF KW FL INC	PO Box 1247	Key West, FL 33041
64	00149700-000000	SELLERS ERIC P	710 Prado Cir	Key West, FL 33040
65	00152680-000000	SHAPIRO RYAN	510 Avenue D	Key West, FL 33040
66	00153070-000000	SOUCY PAMELA K	320 Avenue E	Key West, FL 33040
67	00121700-000000	STATE OF FLA DEPT OF TRANSPORTATION	1000 NW 111th Ave	Miami, FL 33172
68	00152700-000000	THRIFT BRINSON C	540 Avenue D	Key West, FL 33040
69	00152760-000100	TINK INVESTMENTS KEY WEST LLC	3075 Flagler Ave	Key West, FL 33040
70	00121720-000000; 00121080-000100	USA DEPARTMENT OF FISH AND WILDLIFE	1875 Century Blvd NE	Atlanta, GA 30345
71	00149480-000000; 00149470-000000	VACCA ARTHUR P AND DOLORES P REV LIV TR AG 5/7/13	1610 Laird St	Key West, FL 33040
72	00153290-000000	VALDEZ WENDY LYNN	67 Avenue F	Key West, FL 33040
73	00152990-000000	VICTORES DANIEL R	351 Avenue F	Key West, FL 33040
74	00152700-000200	VIDAL MATTHEW A	520 Avenue D	Key West, FL 33040
75	00152700-000100	WATSON OMAR	530 Avenue D	Key West, FL 33040
76	00153350-000100	WIACZEK MARK	12 1st St	Key West, FL 33040

6-7-8 US 1 LLC
728 Prado Cir
Key West, FL 33040

AGIN LINDA SANCHEZ
1520 Catherine St
Key West, FL 33040

ALBERNAS ORAIDA TORNA
116 4th St
Key West, FL 33040

ALVIN AND THE PAINTERS LLC
401 Avenue B
Key West, FL 33040

ANSON JUDITH J REVOCABLE TRUST
401 Avenue E
Key West, FL 33040

BALIUS ERVIN STROUD AND MARTHA IS.
724 Prado Cir
Key West, FL 33040

BARROSO JR BARRY L
1014 White St
Key West, FL 33040

BERUBE ANGELA
10 1st St
Key West, FL 33040

BIONDI BILLY
545 Avenue E
Key West, FL 33040

BOBALOUS MM10 KEY WEST LLLP
16 Diamond Dr
Key West, FL 33040

BRUNO MILEIDYS MORENO
118 4th St
Key West, FL 33040

CAFFREY JOSEPH F
17367 Allamanda Dr
Summerland Key, FL 33042

CAFFREY JOSEPH
17367 Allamanda Dr
Summerland Key, FL 33042

CALZADILLA ANTHONY A
361 Avenue E
Key West, FL 33040

CASTELLOTTI LISA
59 Jansen St
Staten Island, NY 10312

CHAMBLISS ANNA C
461 Avenue F
Key West, FL 33040

CJR PROPERTIES AVE F LLC
17377 Cayman Dr
Summerland Key, FL 33042

CLEMENTS JOSEPH P
728 Prado Cir
Key West, FL 33040

COBAS FRANCISCA CRUZ
3 Ed Swift Rd
Key West, FL 33040

COPPER DENISE R
722 Prado Cir
Key West, FL 33040

CUIFFO ANDIE
210 4th St
Key West, FL 33040

DAIDA SEAN K
726 Prado Cir
Key West, FL 33040

DAVIDSON COREY LEE
321 Overseas Hwy
Key West, FL 33040

DELGADO 2309 LLC
PO Box 787
Key West, FL 33041

FLORIDA KEYS AQUEDUCT AUTHORITY
1100 Kennedy Dr
Key West, FL 33040

FLORIDA KEYS FUNERAL SERVICES LLC
328 Truman Ave
Key West, FL 33040

FLORIDA RESIDENTIAL INVESTMENTS IN
PO Box 208
Largo, FL 33779

FMH2 LLC
3 Emerald Dr
Key West, FL 33040

FREE GAYLEN R
33 A Palmetto Dr
Key West, FL 33040

GALO GUSTAVO ADOLFO
PO Box 5780
Key West, FL 33045

GARCIA JR RAY
720 Prado Cir
Key West, FL 33040

HABITAT FOR HUMANITY OF KEY WEST/
PO Box 5873
Key West, FL 33045

HERNANDEZ MICHAEL
21045 3rd Ave
Summerland Key, FL 33042

JONES ROSEMERRI R
508 Avenue E
Key West, FL 33040

KELLY MICHAEL T LIVING TRUST 06/04/21
420 Avenue D
Key West, FL 33040

KNIGHT CHAD
430 Avenue D
Key West, FL 33040

KOZAREV NIKOLAY
3075 Flagler Ave
Key West, FL 33040

KUCHINSKY KRISTI
430 Avenue E
Key West, FL 33040

LA PREMIERE EGLISE EVANGELIQUE B/
311 Overseas Hwy
Key West, FL 33040

LABRADA KIMBERLY R
750 Prado Cir
Key West, FL 33040

LAND 10031 LLC
4900 W Hundred Rd
Chester, VA 23831

LARSON DARLENE C REVOCABLE TRUS
321 Avenue F
Key West, FL 33040

LEWIS DELMAR J
1701 Jamaica Dr
Key West, FL 33040

LINARES VICTOR
421 Avenue F
Key West, FL 33040

LITTON ANDREW JAMES
518 Avenue E E
Key West, FL 33040

LYONS MELISSA LYNNE
431 Avenue E
Key West, FL 33040

MONGELLI DAVID E
504 Avenue E
Key West, FL 33040

MONROE COUNTY
1100 Simonton St
Key West, FL 33040

MONROE COUNTY
500 Whitehead St
Key West, FL 33040

MOREJON TONY LOUIS
11606 Grand Bay Blvd
Clermont, FL 34711

MUSARRA DEBORAH
115 NE Naranja Ave
Port Saint Lucie, FL 34983

NEW LIFE TABERNACLE OF KEY WEST
PO Box 2813
Key West, FL 33045

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PO BOX 2813
KEY WEST, FL 33045

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Key West, FL 33040

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16 Diamond Dr
Key West, FL 33040

RUIZ CHRISTINA
1 W Cypress Ter
Key West, FL 33040

SALIS PATRICIA MILLER
505 Avenue E
Key West, FL 33040

SANDS ELDINE REV LIV TRUST
C/O SANDS TOBIN SUCCESSOR TRUSTE
369 Greencastle Dr
Jacksonville, FL 32225

SANDS ELDINE REVOCABLE LIVING TRU
C/O SANDS TOBIN SUCCESSOR TRUSTE
369 Greencastle Dr
Jacksonville, FL 32225

SCOTTISH REIT TEMPLE ASSOCIATION C
PO Box 1247
Key West, FL 33041

SCOTTISH RITE TEMPLE ASSOC OF KW
PO Box 1247
Key West, FL 33041

SELLERS ERIC P
710 Prado Cir
Key West, FL 33040

SHAPIRO RYAN
510 Avenue D
Key West, FL 33040

SOUCY PAMELA K
320 Avenue E
Key West, FL 33040

STATE OF FLA DEPT OF TRANSPORTATI
1000 NW 111th Ave
Miami, FL 33172

THRIFT BRINSON C
540 Avenue D
Key West, FL 33040

TINK INVESTMENTS KEY WEST LLC
3075 Flagler Ave
Key West, FL 33040

USA DEPARTMENT OF FISH AND WILDLI
1875 Century Blvd NE
Atlanta, GA 30345

VACCA ARTHUR P AND DOLORES P REV
1610 Laird St
Key West, FL 33040

VALDEZ WENDY LYNN
67 Avenue F
Key West, FL 33040

VICTORES DANIEL R
351 Avenue F
Key West, FL 33040

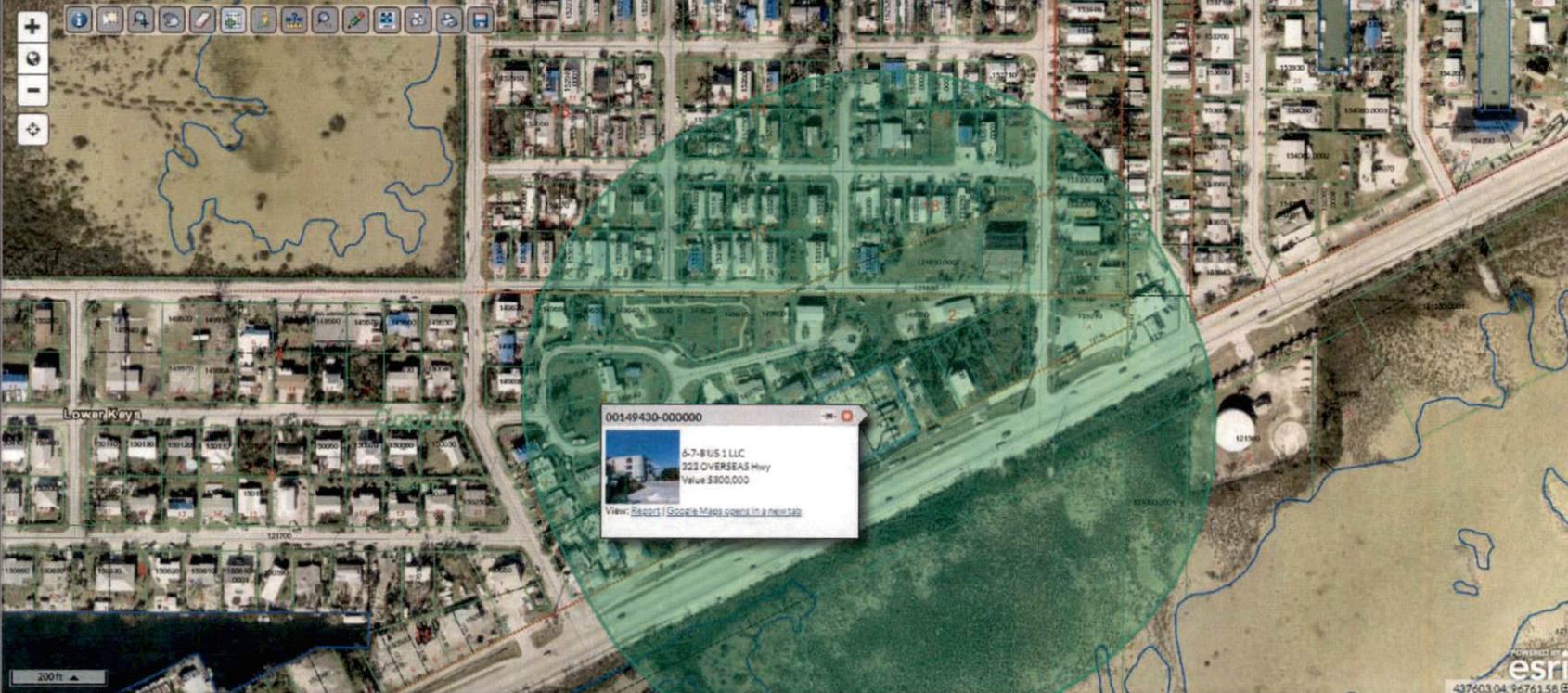
VIDAL MATTHEW A
520 Avenue D
Key West, FL 33040

WATSON OMAR
530 Avenue D
Key West, FL 33040

WIACZEK MARK
12 1st St
Key West, FL 33040

- Layer List Legend
- Quick Links:
- Real Property Search
 - Tangible Property Search
 - View Map

- Layers:
- Annotation
 - Block Anno
 - Conservation Anno
 - Dimension Anno
 - Lot Anno
 - Official Anno
 - Parcel Anno
 - POI Anno
 - Road Anno
 - Ro/W Anno
 - Subdivision Anno
 - Water Anno
 - Buildings
 - Major Roads
 - Centerline
 - Easements
 - Hooks
 - Lot Lines
 - Road Center
 - Rights of Way
 - Section Lines
 - Shoreline
 - Condo Building
 - Qualified Condo Sales
 - Qualified Parcel Sales
 - Conservation Easement
 - Key Names
 - Subdivisions
 - Parcels
 - Personal Property
 - Section Poly
 - County Outline
 - 2018 Aerial Photography
 - 2015 Aerial Photography
 - 2012 Aerial Photography



Results:

Parcel ID - 00149430-000000
 Alt Id - 1194557
 Address - 323 OVERSEAS Hwy
 Owner - 6-7-8 US 1 LLC
 View: [Report](#) | [Google Maps opens in a new tab](#)

00149430-000000



6-7-8 US 1 LLC
 323 OVERSEAS Hwy
 Value \$800,000

[View: Report](#) | [Google Maps opens in a new tab](#)

Parcel ID	00149430-000000	Alternate ID	1194557	Owner Address	6-7-8 US 1 LLC
Sec/Twp/Rng	22/67/26	Class	WAREHOUSE		728 Prado Cir
Property Address	323 OVERSEAS Hwy				Key West, FL 33040
	BIG COPPITT KEY				
District	100B				
Brief Tax	BK 1 LTS 6-7-8 COPPITT SUB AMENDED PLAT BIG COPPITT KEY PB4-50 OR564-756/59 OR603-208 OR606-509 OR774-322/23 OR831-499 OR911-1521/25 OR1005-552 OR1079-829/30 OR1179-1749 OR1867-2160 OR1867-2311/12 OR1942-1269/71 OR1942-1272/74 OR1985-				
Description	2113/14 OR2911-1119/1120				
	(Note: Not to be used on legal documents)				