

File #: **2025-166**

Owner's Name: 21660 Overseas Highway,
LLC

Applicant: Spottswood, Spottswood,
Spottswood, & Sterling PLLC

Contact: Donald Craig/Richard
McChesney

Type of Application: LUD Amendment

Key: Cudjoe Key

RE #: 00174740-000100
00174770-000000
00174780-000000

Additional Information added to File 2025-166

End of Additional File 2025-166

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



RECEIVED
2025-11-16
AUG 05 2025

**MONROE COUNTY
PLANNING DEPT.**

Land Use District (Zoning) Map Amendment Application

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

Application Fee: \$5,570.00

The base fee includes two internal staff meetings with applicants; one Development Review Committee meeting, one Planning Commission public hearing; and one Board of County Commission public hearing. If this minimum number of meetings/hearings is exceeded, additional fees shall be charged pursuant to Fee Schedule Resolution and paid prior to the private application proceeding through public hearings.

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

Advertising Costs: \$245.00

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

Transportation Study Review: \$5,000.00 Deposit (any unused funds will be returned upon approval)

Advertising and Noticing Fees for Community Meeting: \$245.00 plus \$3.00/SPON

Date of Request: 6 / 26 / 2025
Month Day Year

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

Spottswood, Spottswood, Spottswood and Sterling PLLC Donald Craig/Richard McChesney

Applicant (Name of Person, Business or Organization)

Name of Person Submitting this Application

500 Fleming Street Key West, Florida 33040

Richard@spottswoodlaw.com

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

Richard@spottswoodlaw.com

305 294 9556

541 879 0183

305 924 0249

dcraig@spottswoodlaw.com

Work Phone

Home Phone

Cell Phone

Email Address

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

21660 Overseas Highway LLC

Ori Darmon

(Name/Entity)

Contact Person

7405 Miami Lakes Drive Miami Lakes FL 33014

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

954 638 0513

oridarmon@gmail.com

Work Phone

Home Phone

Cell Phone

Email Address

Legal Description of Property (if in metes and bounds, please attach separate sheet):

Prts of 11,12,13		Cudjoe Key	Cudjoe Key
Block	Lot	Subdivision	Key Name
00174740-000100; 00174770-000000; 00174780-000000		9105127,1226840,1226831	
Real Estate (RE) / Parcel ID Number		Alternate Key Number	
21660 Overseas Highway and vacant land adjacent thereto		Mile marker 22.5	
Street Address		Approximate Mile Marker	

Current Future Land Use Map Designation(s): MC and RC

Current Land Use District (Zoning) Designation(s): MC

Proposed Land Use District (Zoning) Designation(s): SC and NA

Total Land Area Affected by Proposed Land Use District (in acres): 0.47 acres

Tier Designation(s): Tier III

Is the property located within the Military Installation Area of Impact (MIAI): ☐ Yes ☐ No

Existing Use of the Property (If the property is developed, please describe the existing use of the property, including the number and type of any residential units and the amount and type of any nonresidential development):

Vacant land

Please describe the reason for the proposed Land Use District amendment (attach additional sheets if necessary):

The FLUM designation needs to be changed in order to allow a Land Use District
designation of Suburban commercial over the entire property, with the exception of Lot 10
which will retain its District designation of Native. This will allow the owner to propose a
comprehensive re-development plan for the entirety of the ownership.

The Board of County Commissioners may consider an amendment if the change is based on one or more of the following factors. Please describe how one or more of the following factors shall be met (attach additional sheets if necessary):

- 1) **Changed projections (e.g. regarding public service needs) from those on which the text was based**

Given the uncertainty of future availability of residential RoGO allocations a commercial use of all the lots subject to this application is warranted. The County placed an SC Land Use district designation on the three lots in this application. The county maps also indicate a Native (NA) on a portion of each of three of the lots even though all the lots are disturbed with no valuable native vegetation

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

Given the possible lack of RoGO allocations for either market rate or affordable use, a commercial use of the lots is a reasonable use of the land. The applicant will apply for NRoGO and transfer transient units from another location in order to make an economic use of the property.

- 3) **Data errors, including errors in mapping, vegetative types and natural features:**

See the attached biological assessment of the property. It is apparent that there is no native vegetation on these disturbed lots that merits a continued NA land use district on even a portion of them. The single family home on the URM lot may be used to satisfy the requirements of inclusionary housing. The proposed SC zoning will enable this with any associated development.

- 4) **New issues:**

The County supports a Tier change on five of the lots in the combined ownership which has allowed the application for FLUM change to be considered.

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

Not applicable

6) Data updates:

See items 3 and 4 above.

In no event shall an amendment be approved which will result in an adverse community change of the planning area in which the proposed development is located or to any area in accordance with a Livable CommuniKeys master plan. Please describe how the text amendment would not result in an adverse community change (attach additional sheets if necessary):

See attached narrative analysis.

* * * * *

Applicants requesting a Land Use District (Zoning) Map Amendment shall provide for community participation through a community meeting, as indicated in Code Section 102-159.

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

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

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

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

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

* * * * *

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

- ☒ Completed application form (unaltered and unbound)
- ☒ Correct fee (check or money order payable to *Monroe County Planning & Environmental Resources*)
- ☒ Proof of ownership (i.e., Warranty Deed)
- ☒ Ownership Disclosure Form
- ☒ Current Property Record Card(s) from the Monroe County Property Appraiser
- ☒ Location map
- ☒ Photograph(s) of site(s) from adjacent roadway(s)
- ☒ Signed and Sealed Boundary Survey(s), prepared by a Florida registered surveyor – three (3) sets (at a minimum, survey should include elevations; location and dimensions of all existing structures, paved areas and utility structures; all bodies of water on the site and adjacent to the site; total acreage by land use district; total acreage by habitat; and total upland area)
- ☒ A list of names and addresses of all real property owners within a 600 foot radius of the subject property(ies). 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
- ☒ Copy of current Land Use District Map (request from the Planning & Environmental Resources Department prior to application submittal)
- ☒ Copy of current Future Land Use Map (request from the Planning & Environmental Resources Department prior to application submittal)

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

- ☒ **Notarized Agent Authorization Letter** (note: authorization is needed from all owner(s) of the subject property)
- ☐ Traffic Study, prepared by a licensed traffic engineer (*required if application affects specific and defined area*)
- ☐ Transportation fee of \$5,000 to cover the cost of experts hired by the Department to review the traffic study – any unused funds deposited will be returned upon approval (*required if application affects specific and defined area*)

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

Additional fees may apply pursuant to the approved fee schedule.

* * * * *

Has a previous application been submitted for this site(s) within the past two years? ☐ Yes ☐ No

Is there a pending code enforcement proceeding involving all or a portion of the parcel(s) proposed for development? ☐ Yes ☐ No Code Case file #_____ Describe the enforcement proceedings and if this application is being submitted to correct the violation: _____

*

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*

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

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

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

Signature of Applicant: *Richard McChesney* Date: 6/23/25

STATE OF Florida

COUNTY OF monroe

Sworn to and subscribed before me, by means of either ☒ physical presence OR ☐ online notarization,

on 23 day of June, 2025 by Richard McChesney
(PRINT NAME OF PERSON MAKING STATEMENT)

Who is ☒ personally known to me OR ☐ produced _____ as
(TYPE OF ID PRODUCED)
identification.

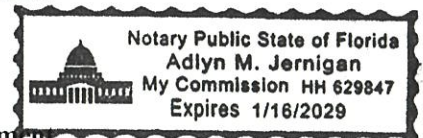
Adlyn Jernigan
SIGNATURE OF NOTARY PUBLIC

Adlyn Jernigan

PRINT, TYPE OR STAMP COMMISSIONED
NAME OF NOTARY PUBLIC
MY COMMISSION EXPIRES:

Send complete application package to:

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



AGENT AUTHORIZATION FORM

Date of Authorization: 07 / 23 / 2025
Month Day Year

I hereby authorize Richard J. McChesney & Don Craig of Spottswood Law Firm be listed as authorized agent
(Print Name of Agent)

representing 21660 Overseas Hwy LLC for the application submission
(Print Name of Property Owner(s) the Applicant(s))
of Zoning and FLUM change applications
(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)

Lot	Block	Subdivision	Key (Island)
Pt 11, 12 and 13			Cudjoe Key
00174740-000100, 00174770-000000, 00174780-000000			Prts of 1226840, 1226831, 19105127
Real Estate (RE) / Parcel ID Number			Alternate Key Number
21660 Overseas Hwy, Cudjoe Key and adjacent vacant lands			22.5
Street Address (Street, City, State & Zip Code)			Approximate Mile Marker

Authorized Agent Contact Information:

500 Fleming Street, Key West, FL 33040
Mailing Address (Street, City, State and Zip Code)

305-294-9556	305-924-0249 & 305-304-3884	Don@spottswoodlaw.com/Richard@spottswoodlaw.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: Zvi Yosifov Date: 07/23/25

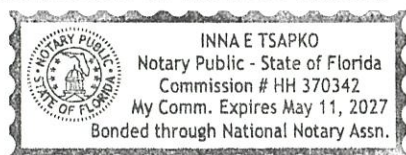
STATE OF Florida COUNTY OF Broward

Sworn to and subscribed before me, by means of either ☒ physical presence OR ☐ online notarization,

on 23rd day of July, 2025, by ZVI YOSIFOV
(PRINT NAME OF PERSON MAKING STATEMENT)

Who is ☐ personally known to me OR ☒ produced DRIVERS License as
(TYPE OF ID PROVIDED)
identification.

Inna E. Tsapko
SIGNATURE OF NOTARY PUBLIC



INNA E. TSAPKO
PRINT, TYPE OR STAMP COMMISSIONED
NAME OF NOTARY PUBLIC
MY COMMISSION EXPIRES: 05/11/2027

AGENT AUTHORIZATION FORM

Date of Authorization: 12 / 29 / 23
Month Day Year

I hereby authorize Don Craig of Spottswood, Spottswood, Spottswood & Sterling PLLC be listed as authorized agent
(Print Name of Agent)

representing 21660 Overseas Highway LLC for the application submission
(Print Name of Property Owner(s) the Applicant(s))

of Letter of Understanding, ROGO Exemption Transfer and Change of Tier Designation
(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)

See attached survey and legal description

Lot	Block	Subdivision	Key (Island)
AK 1226874, 1226866, 1226858, 1226840, 1226831, 9105127, 1226807			

Real Estate (RE) / Parcel ID Number	Alternate Key Number
21660 Overseas Hwy, Cudjoe Key	21.5

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

Authorized Agent Contact Information:

500 Fleming Street, Key West, FL 33040

Mailing Address (Street, City, State and Zip Code) richard@spottswoodlaw.com

305-294-9556 305-924-0249 dcraig@spottswoodlaw.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: [Signature] Date: 12/29/23

STATE OF Florida COUNTY OF Miami Dade

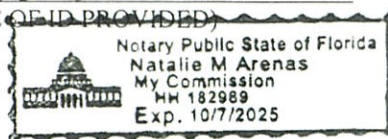
Sword to and subscribed before me, by means of either ☒ physical presence OR ☐ online notarization,

on 29 day of December, 2023, by Don Craig
(PRINT NAME OF PERSON MAKING STATEMENT)

Who is ☐ personally known to me OR ☒ produced Driver's license as
(TYPE OF ID PROVIDED)

identification.

[Signature]
SIGNATURE OF NOTARY PUBLIC



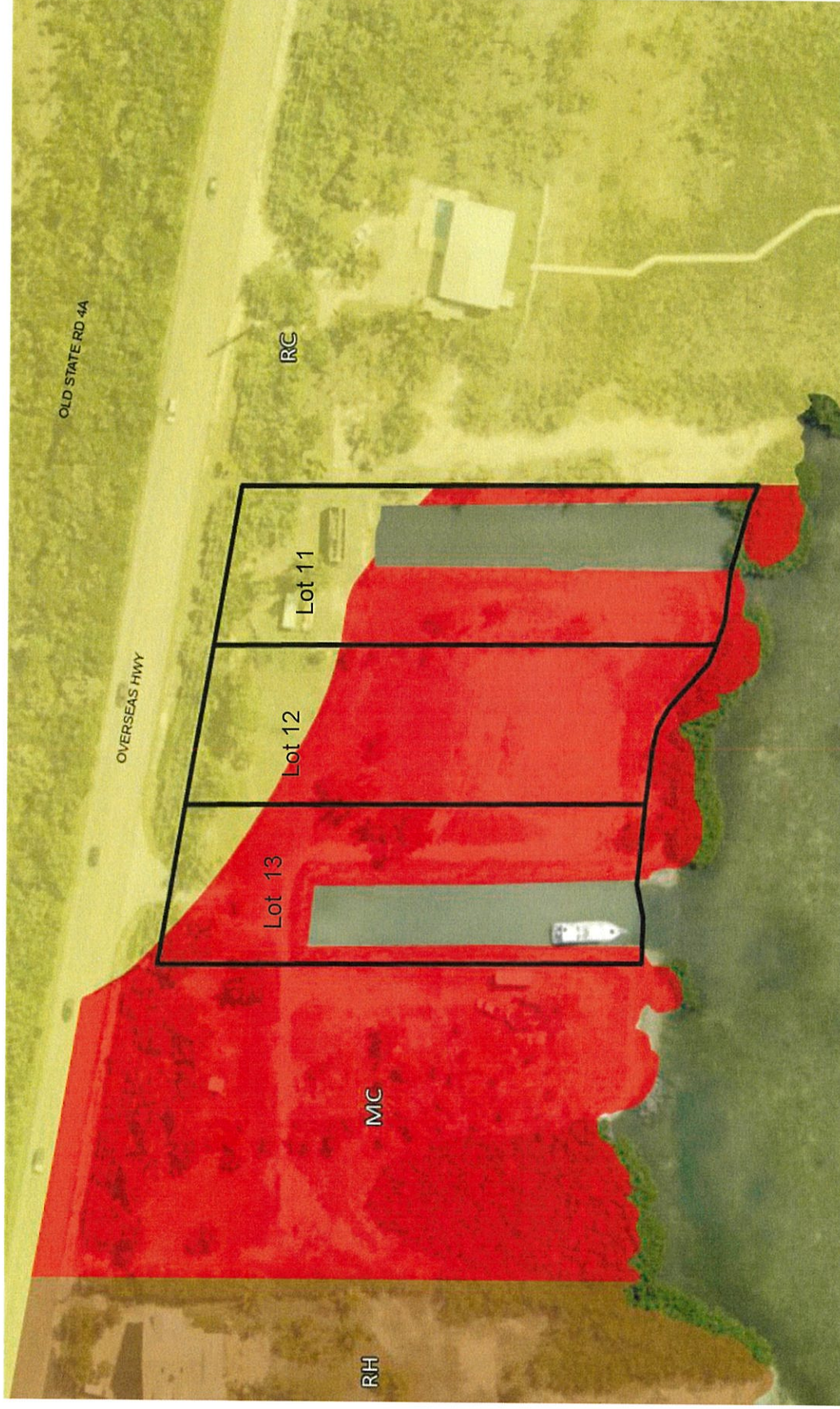
PRINT, TYPE OR STAMP COMMISSIONED
NAME OF NOTARY PUBLIC
MY COMMISSION EXPIRES:



21660 Overseas Highway, LLC (FUTURE LAND USE MAP)

Parcel Identification Numbers:

00174740-000100; 00174770-000000 & 00174780-000000



■ MC – Mixed Use/Commercial

■ RC – Residential Conservation

Property Record Cards

Monroe County, FL

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 00174740-000100
 Account# 9105127
 Property ID 9105127
 Millage Group 100C
 Location OVERSEAS Hwy, CUDJOE KEY
 Address
 Legal LOT 11 SACARMA PB2-48 CUDJOE KEY OR7-443 OR7-445 OR335-16 OR603-319 OR775-1957 OR802-2409 OR802-2410 OR972-518 OR975-1336
 Description OR2517-699 OR2779-2342 OR2779-2343 OR2815-1064 OR2871-387 OR2893-118 OR2893-121 OR2893-126 OR3213-1687 OR3277-1987
 (Note: Not to be used on legal documents.)
 Neighborhood 315
 Property Class VACANT RES (0000)
 Subdivision SACARMA
 Sec/Twp/Rng 29/66/28
 Affordable No
 Housing

Owner

[21660 OVERSEAS HIGHWAY LLC](#)
 7405 Miami Lakes Dr
 Miami Lakes FL 33014

Valuation

	2024 Certified Values	2023 Certified Values
+ Market Improvement Value	\$0	\$0
+ Market Misc Value	\$0	\$0
+ Market Land Value	\$180,441	\$142,371
= Just Market Value	\$180,441	\$142,371
= Total Assessed Value	\$156,608	\$142,371
- School Exempt Value	\$0	\$0
= School Taxable Value	\$180,441	\$142,371

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2024	\$180,441	\$0	\$0	\$180,441	\$156,608	\$0	\$180,441	\$0
2023	\$142,371	\$0	\$0	\$142,371	\$142,371	\$0	\$142,371	\$0

The Maximum Portability is an estimate only and should not be relied upon as the actual portability amount. Contact our office to verify the actual portability amount.

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
COMM/HWY/WATER (1MHW)	19,400.00	Square Foot	0	0
ENVIRONMENTALLY SENS (000X)	0.14	Acreage	0	0
(9500)	0.23	Acreage	0	0

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
5/23/2024	\$100	Warranty Deed	2463052	3277	1987	11 - Unqualified	Improved		

View Tax Info

[View Taxes for this Parcel](#)

Map



TRIM Notice

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Monroe County, FL

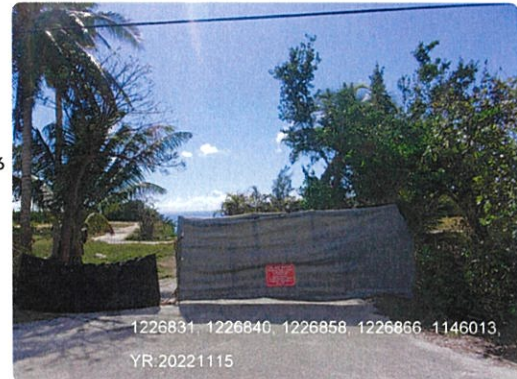
Disclaimer

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

Summary

Parcel ID 00174770-000000
 Account# 1226831
 Property ID 1226831
 Millage Group 100C
 Location VACANT OVERSEAS Hwy, CUDJOE KEY
 Address
 Legal LT 12 SACARMA PB-2-48 CUDJOE KEY OR7-443 OR603-319 OR802-2410-2411
 Description OR802-2409 OR2517-699/711WILL OR2871-387 OR2896-2079/80 OR3199-0226
 (Note: Not to be used on legal documents.)
 Neighborhood 10050
 Property Class COMMERCIAL (1000)
 Subdivision SACARMA
 Sec/Twp/Rng 29/66/28
 Affordable No
 Housing



Owner

[21660 OVERSEAS HIGHWAY LLC](#)
 7405 Miami Lakes Dr
 Miami Lakes FL 33014

Valuation

	2023 Certified Values	2022 Certified Values	2021 Certified Values	2020 Certified Values
+ Market Improvement Value	\$0	\$0	\$0	\$0
+ Market Misc Value	\$0	\$0	\$0	\$0
+ Market Land Value	\$557,845	\$557,845	\$557,845	\$557,845
= Just Market Value	\$557,845	\$557,845	\$557,845	\$557,845
= Total Assessed Value	\$557,845	\$346,592	\$315,084	\$286,440
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$557,845	\$557,845	\$557,845	\$557,845

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2022	\$557,845	\$0	\$0	\$557,845	\$346,592	\$0	\$557,845	\$0
2021	\$557,845	\$0	\$0	\$557,845	\$315,084	\$0	\$557,845	\$0
2020	\$557,845	\$0	\$0	\$557,845	\$286,440	\$0	\$557,845	\$0
2019	\$260,400	\$0	\$0	\$260,400	\$260,400	\$0	\$260,400	\$0
2018	\$223,200	\$0	\$0	\$223,200	\$223,200	\$0	\$223,200	\$0

The Maximum Portability is an estimate only and should not be relied upon as the actual portability amount. Contact our office to verify the actual portability amount.

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
COMM/HWY/WATER (1MHW)	31,000.00	Square Foot	0	0

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
10/18/2022	\$4,300,000	Warranty Deed	2395634	3199	0226	05 - Qualified	Vacant		
3/14/2018	\$600,000	Warranty Deed	2160066	2896	2079	43 - Unqualified	Improved	FISHER FAMILY 2012 TRUST 10/26/2012	
8/10/2017	\$100	Warranty Deed	2136857	2871	387	19 - Unqualified	Improved	FISHER LAVERNE B ESTATE	

View Tax Info[View Taxes for this Parcel](#)**Photos****Map****TRIM Notice**

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Monroe County, FL

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Summary

Parcel ID 00174780-000000
 Account# 1226840
 Property ID 1226840
 Millage Group 100C
 Location VACANT OVERSEAS Hwy, CUDJOE KEY
 Address
 Legal LT 13 SACARMA PB-2-48 CUDJOE KEY OR7-445 OR603-319 OR802-2410-11
 Description OR802-2409 OR2517-699/711WILL OR2871-387 OR2896-2079/80 OR3199-0226
 (Note: Not to be used on legal documents.)
 Neighborhood 10050
 Property Class COMMERCIAL (1000)
 Subdivision SACARMA
 Sec/Twp/Rng 29/66/28
 Affordable No
 Housing



Owner

[21660 OVERSEAS HIGHWAY LLC](#)
 7405 Miami Lakes Dr
 Miami Lakes FL 33014

Valuation

	2023 Certified Values	2022 Certified Values	2021 Certified Values	2020 Certified Values
+ Market Improvement Value	\$0	\$0	\$0	\$0
+ Market Misc Value	\$0	\$0	\$0	\$0
+ Market Land Value	\$557,845	\$557,845	\$557,845	\$557,845
= Just Market Value	\$557,845	\$557,845	\$557,845	\$557,845
= Total Assessed Value	\$557,845	\$346,592	\$315,084	\$286,440
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$557,845	\$557,845	\$557,845	\$557,845

Historical Assessments

Year	Land Value	Building Value	Yard Item Value	Just (Market) Value	Assessed Value	Exempt Value	Taxable Value	Maximum Portability
2022	\$557,845	\$0	\$0	\$557,845	\$346,592	\$0	\$557,845	\$0
2021	\$557,845	\$0	\$0	\$557,845	\$315,084	\$0	\$557,845	\$0
2020	\$557,845	\$0	\$0	\$557,845	\$286,440	\$0	\$557,845	\$0
2019	\$260,400	\$0	\$0	\$260,400	\$260,400	\$0	\$260,400	\$0
2018	\$223,200	\$0	\$0	\$223,200	\$223,200	\$0	\$223,200	\$0

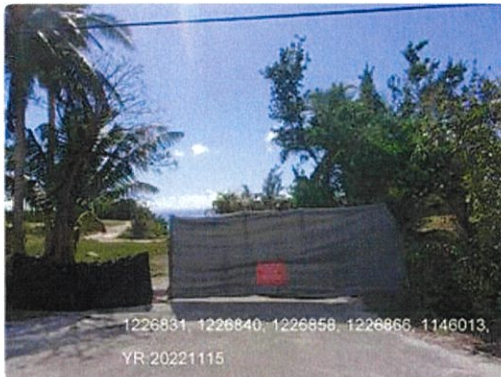
The Maximum Portability is an estimate only and should not be relied upon as the actual portability amount. Contact our office to verify the actual portability amount.

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
COMM/HWY/WATER (1MHW)	31,000.00	Square Foot	0	0

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
10/18/2022	\$4,300,000	Warranty Deed	2395634	3199	0226	05 - Qualified	Vacant		
3/14/2018	\$600,000	Warranty Deed	2160066	2896	2079	43 - Unqualified	Improved	FISHER FAMILY 2012 TRUST 10/26/2012	
8/10/2017	\$100	Warranty Deed	2136857	2871	387	19 - Unqualified	Improved	FISHER LAVERNE B ESTATE	

View Tax Info[View Taxes for this Parcel](#)**Photos****Map****TRIM Notice**

No data available for the following modules: Buildings, Yard Items, Permits, Sketches (click to enlarge).



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Last Data Upload: 1/12/2024, 5:07:51 AM

BOCC Ordinance



Kevin Madok, CPA

Clerk of the Circuit Court & Comptroller – Monroe County, Florida

March 5, 2025

Department of State
Administrative Code & Register
500 S Bronough Street
Tallahassee FL 32399-0250

To Whom It May Concern,

Attached is a copy of Ordinance 006-2025 by the Monroe County Board of County Commissioners amending the Monroe County Tier Overlay District Map from Tier III-A to Tier III, as requested by Spottswood, Spottswood, Spottswood and Sterling PLLC, on behalf of 21660 Overseas Hwy, LLC, for property located at 21660 Overseas Highway, Cudjoe Key, legally described as Lots 11 through 15, Sacarma Subdivision, according to the map or plat thereof as recorded in Plat Book 2, Page 48, of the Public Records of Monroe County, Florida, having Parcel ID Numbers 00174740-000100; 00174770-000000; 00174780-000000; 00174790-000000; And 00174800-000000; approximate Mile Marker 21.75; providing for severability; providing for repeal of conflicting provisions; providing for transmittal to the State Land Planning Agency and the Secretary of State; providing for amendment to the Tier Overlay District Map; providing for an effective date.

This Ordinance was adopted by the Monroe County Board of County Commissioners at a regular meeting, held in formal session, on February 19, 2025. Should you have any questions please feel free to contact me at (305) 292-3550.

Respectfully Submitted,

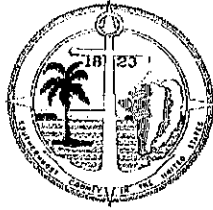
Kevin Madok, CPA, Clerk of
the Circuit Court & Comptroller &
ex-officio to the Monroe County
Board of County Commissioners
by: Liz Yongue, Deputy Clerk

cc: Planning and Environmental Resources
County Administrator
County Attorney
BOCC
File

KEY WEST
500 Whitehead Street
Key West, Florida 33040

MARATHON
3117 Overseas Highway
Marathon, Florida 33050

PLANTATION KEY
88770 Overseas Highway
Plantation Key, Florida 33070



**MONROE COUNTY, FLORIDA
MONROE COUNTY BOARD OF COUNTY COMMISSIONERS**

ORDINANCE NO. 006 -2025

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE MONROE COUNTY TIER OVERLAY DISTRICT MAP FROM TIER III-A TO TIER III, AS REQUESTED BY SPOTTSWOOD, SPOTTSWOOD, SPOTTSWOOD AND STERLING PLLC, ON BEHALF OF 21660 OVERSEAS HWY, LLC, FOR PROPERTY LOCATED AT 21660 OVERSEAS HIGHWAY, CUDJOE KEY, LEGALLY DESCRIBED AS LOTS 11 THROUGH 15, SACARMA SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 48, OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA, HAVING PARCEL ID NUMBERS 00174740-000100; 00174770-000000; 00174780-000000; 00174790-000000; AND 00174800-000000; APPROXIMATE MILE MARKER 21.75; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY AND THE SECRETARY OF STATE; PROVIDING FOR AMENDMENT TO THE TIER OVERLAY DISTRICT MAP; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Monroe County Planning and Environmental Resources Department (“Department”) received an application from Agent Don Craig on behalf of 21660 Overseas Hwy, LLC, property owner, requesting to amend the Tier Overlay District designation from Tier III-A to Tier III, for property located at 21660 Overseas Highway, Cudjoe Key, legally described as Lots 10 through 16 Sacarma Plat Book 2, Page 48, Cudjoe Key, having Parcel ID Numbers 00174740-000100, 00174770-000000, 00174780-000000, 00174790-000000, 00174800-000000, and 00174810-000000; and

WHEREAS, the Property is located at 21660 Overseas Highway, Cudjoe Key; and

WHEREAS, in accordance with Monroe County Land Development Code Section 102-159(a), the Applicant held a community meeting regarding the proposed amendment on April 9, 2024; and

WHEREAS, the Monroe County Development Review Committee (“DRC”) considered the proposed amendment at a regularly scheduled meeting held on the 27th day of August, 2024; and

1 **WHEREAS**, based upon the information and documentation submitted, the DRC Chair
2 recommended approval of the proposed amendment for Parcel ID Nos. 00174770-000000,
3 00174780-000000 00174790-000000, 00174800-000000, and 00174810-000000 and DENIAL of
4 the proposed amendment for Parcel ID No. 00174740-000100 (Lots 10 & 11 Sacarma) due to the
5 extent of Native Area (“NA”) Land Use District on Parcel ID No. 00174740-000100; and
6

7 **WHEREAS**, on October 7, 2024, the Agent for the applicant amended the application to
8 remove Lot 10 (east ½ of Parcel ID No. 00174740-000100) from the proposed Tier map
9 amendment; and
10

11 **WHEREAS**, on October 23, 2024, the Monroe County Planning Commission held a public
12 hearing to consider the amended proposal to amend the Tier Overlay District designation from
13 Tier III-A to Tier III, for Lots 11 through 16 only; and
14

15 **WHEREAS**, the Monroe County Planning Commission was presented with the following
16 documents and other information relevant to the request, which by reference is hereby incorporated
17 as part of the record of said hearing:
18

- 19 1. Request for a Tier Overlay District (“Tier”) Map Amendment application received by
20 the Monroe County Planning & Environmental Resources Department on January 18,
21 2024, as amended on October 7, 2024¹; and
- 22 2. Professional staff report prepared by Michael Roberts, C.E.P., P.W.S., Assistant
23 Director of Environmental Resources, dated September 17, 2024, and revised October
24 8, 2024; and
- 25 3. Sworn testimony of the applicant; and
- 26 4. Sworn testimony of Monroe County Planning & Environmental Resources Department
27 professional staff; and
- 28 5. The respective legal view(s) and/or argument of Assistant County Attorney Peter
29 Morris, and the advice and counsel of Planning Commission General Counsel Dirk
30 Smits; and
31

32 **WHEREAS**, based upon the information and documentation submitted, the Planning
33 Commission made the following findings of fact:
34

- 35 1. Monroe County Code § 102-158 states that map amendments are not intended to relieve
36 particular hardships, nor to confer special privileges or rights on any person, nor to
37 permit an adverse change in community character, analyzed in the Monroe County
38 Comprehensive Plan, but only to make necessary adjustments in light of changed
39 conditions or incorrect assumptions or determinations as determined by the findings of
40 the BOCC; and
- 41 2. Monroe County Code § 102-158(d)(7)(b.) provides that one or more of the following
42 criteria must be met for a map amendment:
 - 43 1. Changed projections (e.g., regarding public service needs) from those on which
44 the existing text or boundary was based;

¹ Monroe County Planning and Environmental Resources Department File No. 2024-016.

2. Changed assumptions (e.g., regarding demographic trends) from those on which the existing text or boundary was based;
3. Data errors, including errors in mapping, vegetative types and natural features which contributed to the application of the existing text or boundary;
4. New issues which arose after the application of the existing text or boundary;
5. Recognition of a need for additional detail or comprehensiveness;
6. Data updates; or
7. Consistency with the Comprehensive Plan and the principles for guiding development as defined in Section 380.0552, Florida Statutes.

3. Map amendments to the Monroe County Land Use District Map shall not be inconsistent with the Principles for Guiding Development in the Florida Keys Area of Critical State Concern; and

WHEREAS, based upon the information and documentation submitted, the Planning Commission made the following conclusions of law:

1. The proposed Tier Map amendment is not anticipated to adversely impact the community character of the surrounding area;
2. The proposed Tier Map amendment is consistent with Monroe County Land Development Code Section 130-130;
3. The proposed Tier Map amendment is consistent with the Goals, Objectives and Policies of the Monroe County Year 2030 Comprehensive Plan;
4. The proposed Tier Map amendment is consistent with the Principles for Guiding Development for the Florida Keys Area, Section 380.0552(7), Florida Statutes;

WHEREAS, on January 7, 2025, the applicant obtained a lot split from the separate-and-distinct constitutional Monroe County Property Appraiser's Office splitting Lot 10 and 11 into two (2) Parcel Identification Numbers, resulting in Lot 10 being Parcel ID No. 00174740-000200 and Lot 11 retaining the original Parcel ID No. of 00174740-000100; and

WHEREAS, at a regular meeting held on the 15th day of January, 2025, the Monroe County Board of County Commissioners ("BOCC", "Board", "Monroe County", or the "County") held a duly noticed public hearing to consider the adoption of the proposed amendment, considered the Department's professional staff report and provided for public comment and public participation in accordance with the requirements of state and local law and the procedures adopted thereto for public participation in the planning process; and

WHEREAS, on or about at the January 15th, 2025, public hearing, Barbara Von Harten, who through the "Von Harten Joint Dec. of Trust 2/18/2021 C/O Von Harten Ernest C. III Trustee, 14982 Bonaire Circle, Fort Myers, FL 33908", owns the nearby property located at 21650 Overseas Highway 110, Cudjoe Key, currently having Parcel ID No. 00174820-000110, and alleged that there was a conservation easement on Lot 16 without articulating in whose favor said conservation ran in favor of, and the BOCC requested for professional staff to pursue title work to ascertain the nature of said conservation easement, and unanimously voted to continue consideration of this matter at public hearing held on February 19, 2025; and

1 **WHEREAS**, professional staff confirmed through title work that there is a conservation
2 easement in favor of the Florida Department of Environmental Protection ("FDEP" or "DEP")
3 currently in effect on Lot 16, as recorded on September 3, 1993, at Book 1272, Page 0043,
4 Document Number 801513, of the Official Records of the Monroe County Clerk of Courts, *inter*
5 *alia*, for the protection of wetlands; and
6

7 **WHEREAS**, DEP's conservation easement on Lot 16 for the protection of wetlands
8 provides, to-wit:
9

 It is the purpose and intent of this Conservation Easement to
assure that the subject lands (with the exception of included
wetlands which are to be enhanced or created as specified in the
aforementioned permit) will be retained and maintained forever
predominantly in the natural vegetative and hydrologic condition
existing at the time of execution of this Conservation Easement.
The included wetlands which are to be enhanced or created shall be
maintained forever in the enhanced or created conditions required
by the aforementioned permit.

10

Except for such specific activities as authorized pursuant to Department of Environmental Regulation permit number 442019545, including, but not limited to, creation, enhancement and maintenance of wetlands as specified mitigation in said permit and construction, maintenance and reconstruction of the properly permitted fence as shown on Exhibit "A" hereto, the following activities are prohibited on the property subject to this Conservation Easement:

1. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground, with the exception of the properly permitted fence as shown on Exhibit A hereto;
 2. Dumping or placing of soil or other substances or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;
 3. Removal or destruction of trees, shrubs, or other vegetation including the trimming and/or alteration of mangrove vegetation; with exception of nuisance and exotic plant species as may be required by Grantee;
 4. Excavation, dredging or removal of loam, peat, gravel, soil, rock or other material substance in such manner as to affect the surface;
 5. Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition;
 6. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation;
 7. Acts or uses detrimental to such aforementioned retention and maintenance of land or water areas; and
 8. Acts or uses detrimental to the preservation of any features or aspects of the property having historical, archaeological or cultural significance..
- It is understood that the granting of this Conservation

Easement entitles the Grantee or its authorized representatives to enter the above-described land in a reasonable manner and at reasonable times to assure compliance.

The Grantor on behalf of itself and its successors or assigns hereby agrees to bear all costs and liability relating to the operation and maintenance of the lands subject to this Conservation Easement in the natural vegetative and hydrologic condition existing at the time of execution of this Conservation Easement, including the maintenance of enhanced or created wetlands in the vegetative and hydrologic condition required by the aforementioned permit, and Grantor does hereby indemnify and hold harmless the Grantee from same. The Conservation Easement hereby granted and the obligation to retain and maintain the land forever predominantly in the vegetative and hydrologic condition as herein specified shall run with the land and shall be binding upon the Grantor and its successors and assigns, and shall inure to the benefit of the Grantee and its successors and assigns.

The terms and conditions of this Conservation Easement may be enforced by the Grantee by injunctive relief and other appropriate available remedies, and Grantor consents that venue for such enforcement actions shall lie exclusively in the Circuit Court of the Sixteenth Judicial Circuit, in Monroe County, Florida. In any enforcement action in which the Grantee prevails, Grantee shall be entitled to recover reasonable attorney's fees and court costs in the trial and appellate courts, in addition to the cost of restoring the land to the natural vegetative and hydrologic

condition existing at the time of execution of this Conservation Easement or to the vegetative and hydrologic condition required by the aforementioned permit. These remedies are in addition to any other remedy, fine or penalty which may be applicable under Chapter 403, Florida Statutes.

Any forbearance on behalf of the Grantee to exercise its rights in the event of the failure of Grantor to comply with the provisions of this Conservation Easement shall not be deemed or construed to be a waiver of the Grantee's rights hereunder in the event of any subsequent failure of the Grantor to comply.

1
2
3 WHEREAS, Department professional staff has received communication from FDEP staff
4 who stated that "the Department plans on pursuing enforcement of the mangroves and
5 conservation easement violations via a consent order"; and
6

7 WHEREAS, based on Monroe County Code Section 130-130(e), which relates to
8 proposed amendments to the Tier Overlay District and states: "Unlawful conditions shall not be
9 recognized when determining existing conditions and regulatory requirements.", a significant
10 portion of Lot 16 is considered and deemed to be wetland habitat, which is included in Monroe
11 County Code Section 101-1's and the Monroe County Comprehensive Plan Glossary's definition
12 of what constitutes "environmentally sensitive lands"; and
13

14 WHEREAS, Monroe County Comprehensive Plan Policy 105.2.1 in relevant part defines
15 Tier I lands as follows: "Natural Area (Tier I): Any defined geographic area where all or a
16 significant portion of the land area is characterized as environmentally sensitive by the
17 policies of this Plan and applicable habitat conservation plan, is to be designated as a Natural
18 Area."; and
19

20 WHEREAS, based on the foregoing, Monroe County legal and Planning & Environmental
21 Resources Department professional staff recommend denial of a proposed amendment of Lot 16's
22 Tier designation from Tier III-A to Tier III; and
23

24 WHEREAS, at a regular meeting held on the 19th day of February, 2025, the Monroe
25 County Board of County Commissioners held a duly noticed public hearing to consider the
26 adoption of the proposed amendment, considered Monroe County professional staff's
27 recommendation and provided for public comment and public participation in accordance with the
28 requirements of state and local law and the procedures adopted thereto for public participation in
29 the planning process;
30

1 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
2 **COMMISSIONERS OF MONROE COUNTY, FLORIDA:**

3
4 **Section 1.** **Recitals and Legislative Intent.** The foregoing recitals and statements of
5 legislative intent are true and correct and are hereby incorporated as if fully stated
6 herein; and
7

8 **Section 2.** The properties currently bearing Parcel ID Numbers 00174740-000100; 00174770-
9 000000; 00174780-000000; 00174790-000000; and 00174800-000000, more
10 particularly legally described as Lots 11 through 15, Sacarma Subdivision,
11 according to the map or plat thereof as recorded in Plat Book 2, Page 48, of the
12 Official Records of Monroe County, Florida, which are currently designated as Tier
13 III-A, shall be designated Tier III as shown on the attached map, attached as
14 “**Exhibit 1.**” which is hereby incorporated by reference as if fully stated herein.
15

16 **Section 3.** **Construction and Interpretation.** The interpretation of this ordinance, and all
17 provisions of the Monroe County Codes, Comprehensive Plan, floodplain
18 management regulations, and Florida Building Code whose interpretation arises out
19 of, relates to, or is interpreted in connection with this ordinance, these being
20 necessary for the health, safety, and welfare of the residents of and visitors to
21 unincorporated Monroe County, shall be construed in favor of the Monroe County
22 BOCC, and such interpretations shall be entitled to great weight in adversarial
23 administrative proceedings, at trial, and on appeal.
24

25 **Section 4.** **Severability, Partial Invalidity, and Survival of Provisions.** If any provision of
26 this ordinance, or any section, subsection, or part or portion thereof, is held to be
27 invalid or unenforceable by any administrative hearing officer or court of
28 competent jurisdiction, the invalidity or unenforceability of such provision, or part
29 or portion thereof, shall neither limit nor impair the operation, enforceability, or
30 validity of any other provisions of this ordinance, or any remaining section(s),
31 subsection(s), part(s), or portion(s) thereof. All other provisions, parts, and portions
32 thereof shall continue unimpaired in full force and effect.
33

34 **Section 5.** **Repeal of Inconsistent Provisions.** All ordinances or parts of ordinance in conflict
35 with this ordinance are hereby repealed to the extent of said conflict. The repeal of
36 an ordinance herein shall not repeal the repealing clause of such ordinance or revive
37 any ordinance which has been repealed thereby.
38

39 **Section 6.** **Transmittal.** This ordinance shall be transmitted to the State Land Planning
40 Agency as required by F.S. 380.05(11) and F.S. 380.0552(9).
41

42 **Section 7.** **Filing and Effective Date.** This ordinance shall be filed in the Office of the
43 Secretary of the State of Florida but shall not become effective until approved by
44 the State Land Planning Agency and, if appealed, until the appeal is resolved
45 pursuant to Chapter 120 of the Florida Statutes.
46

1 **PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County,
2 Florida, at a regular meeting held on the 19th day of February, 2025.

Mayor James K. Scholl, District 3
Mayor *Pro Tem* Michelle Lincoln, District 2
Craig Cates, District 1
David Rice, District 4
Holly Merrill Raschein, District 5

Yes
Yes
Yes
Yes
Yes

BOARD OF COUNTY COMMISSIONERS OF
MONROE COUNTY, FLORIDA

By:

James K. Scholl

Mayor James K. Scholl
MONROE COUNTY ATTORNEY
APPROVED AS TO FORM

Peter Morris
PETER MORRIS
ASSISTANT COUNTY ATTORNEY
Date: 2/20/25



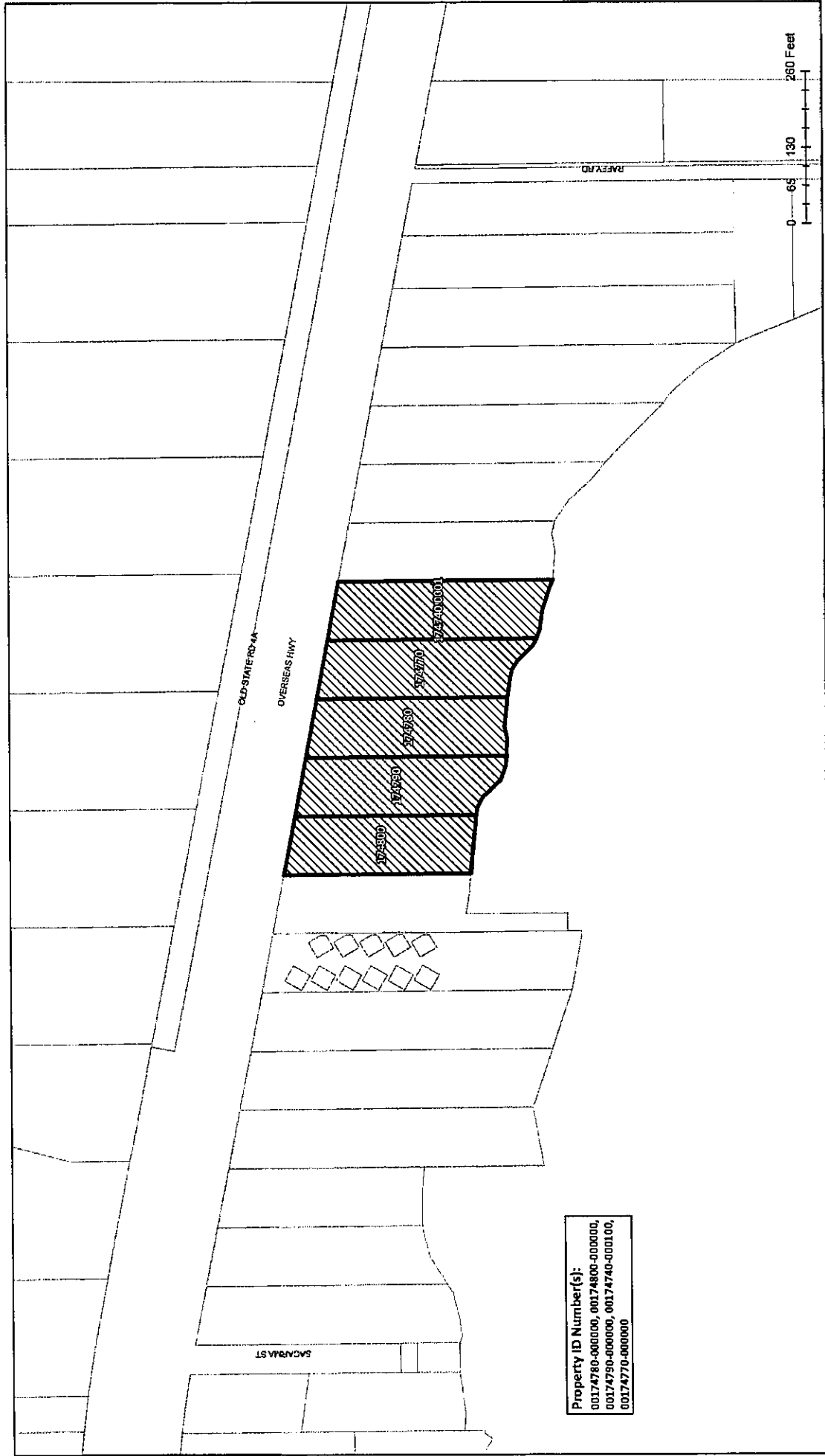
ATTEST: KEVIN MADOK, CLERK

Kevin Madok
AS DEPUTY CLERK

CLK. CIR. CL.
MONROE COUNTY, FLA

2025 MAR -5 AM 10: 21

FILED FOR RECORD



Property ID Number(s):
 00174780-000000, 00174800-000000,
 00174790-000000, 00174740-000100,
 00174770-000000

Ordinance 006- 2025



Amendment to Tier Overlay District
 Tier III-A to Tier III



This map has been prepared by the City of Sacramento, California, for the purpose of providing information to the public. It is not intended to be used for any other purpose. The City of Sacramento is not responsible for any errors or omissions in this map.



KeysNews.com
KEYS CITIZEN
Many Islands One Voice

The Florida Keys Only Daily Newspaper, Est. 1876

PO Box 1800, Key West FL 33041

P: (941) 206-1025 F: (305) 294-0768

legals@keysnews.com

MONROE CO PLANNING/ENVIRONMENTAL
RES
102050 OVERSEAS HWY
KEY LARGO FL 33037

Account: 423741

Ticket: 3947966

PUBLISHER'S AFFIDAVIT

STATE OF FLORIDA
COUNTY OF MONROE

[legal.text]

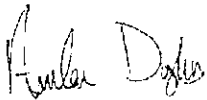
Before the undersigned authority personally appeared

_____ Amber Douglas _____, who on oath says that he or she is

The legal advertising representative of the Key West Citizen, a five day newspaper published in Key West, in Monroe County, Florida; that the attached copy of advertisement, being a legal notice in the matter of _____ was published in said newspaper in the issues of:

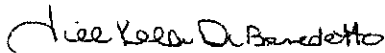
Saturday, December 28, 2024

Affiant further says that the Key West Citizen is a newspaper published in Key West, in said Monroe County, Florida and that the said newspapers has heretofore been continuously published in said Monroe County, Florida Tuesday thru Saturday weekly, and has been entered as periodicals matter at the post office in Key West, in said Monroe County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



(Signature of Affiant)

Affirmed and subscribed before me this 30th day of December 2024



(Notary Public Signature)

_____ Jill Kelli Di Benedetto _____
(Notary Public Printed Name)

My commission expires _____ 8/19/2027 _____

Personally Known X Produced Identification _____
Type of Identification Produced _____ (Notary Seal) _____



Compliance

Comprehensive Plan Consistency Statement

The proposed change of Comprehensive Plan Map designation from Residential Conservation (RC) to Mixed-Use Commercial (MC) and accompanying application for change of Land Use District from Native Area (NA) to Mixed-Use Commercial (MC) is consistent with the Goals and Policies of the Comprehensive Plan, as demonstrated below.

Analysis

The key Objectives and Policies that govern further development of lands capable of being developed are listed below with the rationale as to consistency presented.

Objective 101.1

Monroe County shall ensure that all development and redevelopment taking place within its boundaries does not result in a reduction of the level-of-service requirements established and adopted by this comprehensive plan. Further, Monroe County shall ensure that comprehensive plan amendments include an analysis of the availability of facilities and services or demonstrate that the adopted levels of service can be reasonably met. [F.S. § 163.3177; F.S. § 163.3180]

Policy 101.1.1

Monroe County shall maintain level of service (LOS) standards for the following public facility types required by Chapter 163, F.S.: sanitary sewer, solid waste, drainage, and potable water. Additionally, the County shall maintain LOS for roads, and parks and recreation. The LOS standards are established in the following sections of the Comprehensive Plan:

1. The LOS for roads is established in Traffic and Circulation Policy 301.1.1 and 301.1.2;
2. The LOS for potable water is established in Potable Water Policy 701.1.1;
3. The LOS for solid waste is established in Solid Waste Policy 801.1.1;
4. The LOS for sanitary sewer is established in Sanitary Sewer Policy 901.1.1;
5. The LOS for drainage is established in Drainage Policy 1001.1.1; and
6. The LOS for parks and recreation is established in Recreation and Open Space Policy 1201.1.1.

Rationale - The parcels are currently served by all the services requiring an LOS standard with no deficiencies of any type. The owners of the properties pay the service fees to FKAA and the Key commensurate with the allowed uses. The LOS for U.S. Highway 1 in this section of the highway has been determined to be at the "A" level. See attached 2023 US1 Arterial Travel Time and Delay Study dated June 2021.

Any new development will be concurrent with the facilities serving the site. Concurrency for all proposed development is assessed at the time of the development order approval.

Objective 101.2

As mandated by the State of Florida, pursuant to Section 380.0552, F.S. and Rule 28- 20.140, F.A.C., and to maintain the public health, safety, and welfare, Monroe County shall maintain a maximum hurricane evacuation clearance time of 24 hours and will coordinate with the State Land Planning Agency relative to the 2012 Memorandum of Understanding that has been adopted

between the County and all the municipalities and the state agencies.

Rationale- The anticipated new residential development increase to which this objective applies is very small compared to the number of currently developed units in the Florida Keys. The change in Zoning (Land Use District) will be an increase of one (1) unit in the allocated density. There are currently 34,388 households in the County: adding one potential unit based upon the current and proposed allocated density, which would require evacuation, is very, very small compared to that total number of households. If developed for commercial use, the residential potential is further decreased. The owner of the properties intends to develop the property as a hotel, which could only be accomplished with the transfer of existing transient units to this site, thus not affecting current evacuation times.

Objective 101.3

Monroe County shall regulate new residential development based upon the finite carrying capacity of the natural and man-made systems and the growth capacity, while maintaining a maximum hurricane evacuation clearance time of 24 hours.

Rationale- The proposed designation of Mixed-Use Commercial FLUM assures that, at most, only one more residential unit would be allowed on the property, consistent with hurricane evacuation policies of the Plan.

Policy 101.5.6

The principal purpose of the Mixed-Use/Commercial (MC) land use category is to provide for the establishment of mixed-use commercial land use (zoning) districts where various types of commercial retail and office may be permitted at intensities which are consistent with the community character and the natural environment. Employee housing and commercial apartments are also permitted. In addition, Mixed Use/Commercial land use districts are to establish and conserve areas of mixed uses, which may include maritime industry, light industrial uses, commercial fishing, transient and permanent residential, institutional, public, and commercial retail uses.

Rationale—As demonstrated, the parcels are located in an area that contains a wide range of uses immediately adjacent, including single-family homes, a gated multifamily facility with vacation rentals, and various commercial activities on both sides of the road to the west. The addition of additional commercial uses, already largely zoned for that purpose would be consistent with Policy 1201.56.

Policy 101.5.25

Monroe County hereby adopts the following density and intensity standards for the future land use categories, which are shown on the FLUM and described in Policies 101.5.1 — 101.5.20. [F.S. § 163.3177(6)(a)].

Rationale - The density range specified in this policy for Suburban Commercial Land Use district is 3.0 units allocated density and between 6 and 18 maximum net density. This range of densities

allows for the realistic development of the site as a Suburban Commercial designation. The property owner will not develop multi-family units on the property but will consider the acquisition and transfer of existing transient units for developing a resort. Thus, the character of the surrounding area will not be negatively impacted.

Policy 101.5.26

In order to continue to implement the Florida Keys Carrying Capacity Study, Monroe County shall promote the reduction in overall County residential density and the preservation of Monroe County's native habitat by enacting legislation which implements the following policy statements for private applications for future land use map amendments which increase allowable residential allocated density. Private application(s) means those applications from private entities with ownership of the upland development and parcel(s) of land or includes private upland development on County-owned land. Private applications requesting future land use map designation amendments received after the effective date of this ordinance (Nov. 20, 2012), which propose increases in allocated residential density shall be required, upon amendment approval, to comply with either option (1) or (2) below:

1. For every acre of land, and/or fractions thereof, where there is a request to increase residential density, a private applicant shall purchase and dedicate land to Monroe County for conservation that is a minimum of twice the size of the parcel subject to the proposed request and has a residential density development potential equal or greater to the density increase being requested. The following requirements apply:

- The dedicated land shall be designated as Tier I, Tier II or Tier III-A Special Protection Area and be located on Big Pine Key/No Name Key or be within the same subarea of unincorporated Monroe County as the proposed increase in residential density. Dedicated land may also be used by an applicant for ROGO points.
- The dedicated land shall contain predominantly non-scarified native upland habitat and/or undisturbed wetland habitat. The land shall be inspected by the Monroe County Biologist to assure it is acceptable for acquisition and donation.
- A restrictive covenant shall be recorded to extinguish the development rights on the donated land.
- The Future Land Use Map Designation for the donated land may be designated by the County as Conservation (C) or Preservation (P).

2. For each requested additional unit of residential density, a private applicant shall purchase and dedicate a lot designated as Improved Subdivision (IS) district on the Land Use (Zoning) District map to Monroe County to ensure the equivalent density requested is mitigated (excludes the dedication of lots for affordable housing). The following requirements apply:

Private applicants shall provide IS lots pursuant to a 1:1 (1 unit: 1 lot) ratio to mitigate the request for increased allowable residential density, pursuant to option (a) or (b) below:

(a) The dedicated IS lot(s) shall be designated as Tier I, Tier II or Tier III-A Special Protection Area and be located on Big Pine Key/No Name Key or be within the same subarea of unincorporated Monroe County as the proposed increase in residential density.

- The dedicated lot shall contain predominantly non-scarified native upland habitat and/or undisturbed wetland habitat. The IS lot(s) shall be inspected by the Monroe County Biologist to assure it is acceptable for acquisition and donation.

- A restrictive covenant shall be recorded to extinguish the development rights on the donated land.
- The dedicated IS lot(s) must still have 1 (one) unit of allocated density per lot (i.e., may not have sent density to another site via TDRs or have any other restriction on development rights via deed restriction or similar mechanism).
- The Future Land Use Map Designation for the donated land may be designated by the County as Conservation (C).

(b) The dedicated IS lot(s) shall be designated as Tier III, must have 1 unit of allocated density per lot and must be within the same subarea of unincorporated Monroe County as the proposed increase in residential density.

- The IS lot(s) shall be dedicated to Monroe County for the retirement of development rights; or
- The IS lot(s) may be dedicated to Monroe County for affordable housing projects.

For options (1) and (2) described above, the parcel which is the subject of the request to increase its residential density must be designated as Tier III and have existing public facilities and services and available central wastewater facilities. Under this policy, no net increase in residential density will be permitted.

Rationale - As expressed above, due to site size, the density limitations for the proposed Suburban Commercial (SC) designation at this location will be compatible with adjacent parcels that have the SC designation and will result in an additional density of one (1) residential unit. The property owner will comply with Policy 101.5.26 by the acquisition of lots or parcels of developable lands and the dedication of them to the County.

Policy 101.5.27

All development shall be subject to clearing limits defined by habitat and the location of the property in the Land Use Tier Overlay Maps and the wetland requirements in Policy 102.1.1. The clearing limits of upland native vegetation for properties in the Ocean Reef planned development shall be limited to 40 percent. Except as defined in Policy 101.11.2, clearing of upland native vegetative areas in the Tiers I, II, III and Tier III-A shall be limited to the following percentages or maximum square footage:

Rationale – The Tier designation of all the parts of the property ownership, with the exception of Lots 10 and 16, was changed in early 2025. It was Tier III-A and is now Tier III. It has no significant vegetation at all. Please see the attached Environmental Survey of the entire property. Therefore, the clearing limits of this policy will be met.

Policy 101.6.2

In order to encourage a compact form of residential growth that results in infill development in platted, improved subdivisions, the Point System shall be primarily based on the Tier system of land classification as set forth under Goal 105. To discourage and limit further growth in Tier I designated areas, the annual maximum number of residential permit allocations that may be awarded in Tier I shall be no more than three (3) each in the Upper and Lower ROGO subareas. Other criteria and corresponding points are allocated to encourage development to the most appropriate locations and discourage development from inappropriate locations.

Rationale- Any further residential development that will be allowed by the Suburban Commercial designation will occur on a parcel that is designated as Tier III. Therefore, this Policy directive is met.

Policy 101.6.3

In order to encourage a compact form of nonresidential growth, the Point System shall be primarily based on the Tier system of land classification as set forth under Goal 105. To discourage and limit further growth in Tier I designated areas, the Permit Allocation System shall limit and direct new nonresidential development primarily to areas designated as Tier III under Goal 105, not areas designated as a Special Protection Area (Tier 111 -A) and provide incentives for redevelopment of existing developed and vacant infill sites. Other criteria and corresponding points are available to encourage development to the most appropriate locations and discourage development from inappropriate locations. (See Policy 101.4.1.)

Rationale- See explanation above.

Policy 101.19.2

The Community Master Plans shall be incorporated into the 2030 Comprehensive Plan as a part of the plan and be implemented as part of the Comprehensive Plan. The following Community Master Plans have been completed in accordance with the principles outlined in this section and adopted by the Board of County Commissioners:

The Lower Keys Livable CommuniKeys Master Plan is incorporated by reference into the 2010 Comprehensive Plan. Only the Strategies denoted with a green checkmark in this Master Plan have been adopted and approved as equivalent to the term Objectives in the Comprehensive Plan. Only the Action Items denoted with a green checkmark in this Master Plan have been adopted equivalent to the term Policy in the Comprehensive Plan. Strategies and Action Items without a green checkmark next to them are not considered to be consistent with the definitions of "Objective" and "Policy" and therefore do not serve as equivalents. Adopted by Ordinance 012-2007.

Rationale- First, the Lower Keys CommuniKeys Plan clearly states the following:

“Strategies and Action Items without green check mark next to them are not considered to be consistent with the definitions of “Objective” and “Policy” as in Rule 9J-5.003 (82) and (90) FAC, respectively, and therefore do not serve as equivalents. Therefore, only those action items or objectives with the check mark apply. Those relevant action items are the following.

Action Item 1.3.7: Evaluate future FLUM change and Land Use District Map change requests for nonconforming uses, proposed changes in use, vacant parcels, and other requests, based mainly on comprehensive planning principles and the following community-goal related criteria:

- a. Promote infill, design flexibility, and transfer of density to community centers.
- b. Preserve commercial conformance status within sections along US-1, predominated by existing commercial businesses and disturbed lands.
- c. Encourage sun-setting of intensive commercial uses within sections along US-1, predominated by natural habitat or native-dominated landscape, relatively sparse development, and relatively few businesses.
- d. Preserve commercial use status for existing waterfront uses that support the tourist-based and

working waterfront-based economy.

e. Gives consideration to whether the property provides a unique or outstanding opportunity for enhancement of design, connectivity, and other community goals, especially along the US-1 corridor. “

Rationale - As demonstrated in the discussion of consistency with Comprehensive Plan policies the parcels are adjacent to commercial, and transient land uses and requires a Land Use District and FLUM category that is supportive of that activity rather than the mistaken conservation category on some parts of the parcels which is not appropriate due to this commercial adjacency. The proposed Suburban Commercial Land Use District is therefore consistent with Action Item 1.3.7 b.

Action Item 6.1.2: Review the existing land development regulations pertaining to density, intensity and site design layout and nonconforming uses/structures and coordinate and update these to encourage the retention of businesses that support the tourist-based economy and the design standards of the community including increased infill and mobility in Community Centers.

Rationale- The proposed FLUM category and Land Use District designations will allow these parcels near established commercial activities on the highway that serve the community to also be developed for a similar purpose.

Policy 102.2.2

Monroe County shall maintain environmental standards and environmental design criteria as indicated in policies adopted pursuant to Conservation and Coastal Management Objective 205.2 that protects native upland vegetation and promotes restoration of habitat values of native upland communities, including hardwood hammocks and pinelands.

Rationale – The parcel was recently changed from Tier III-A to Tier III, recognizing that it has no significant environmental resources.

Policy 105.1.3

Monroe County shall, through its development standards and Land Development Code, continue to foster the retention and redevelopment of small businesses on the U.S.1.

Rationale- The proposed Suburban Commercial designation will allow the parcel to be used in a way similar to the nearby commercial and transient uses. The Parcel has direct access to US 1 highway and the various businesses on either side of the highway nearby.

Summary - All other policies of the CommuniKeys Plan not cited either do not apply as they are action items for the County and other agencies to carry out, or do not apply to the requested change or are applied to any new development requested.

21660 Overseas Highway LLC FLUM Change Consistency with F. S. 380.0552(7) and Guiding Principles

The entirety of the text of F.S. 380.0552(7) is reproduced below. Following each statement of a “Guiding Principle(s)” is a discussion of how the proposed change of FLUM designation and Zoning is consistent with those principles.

PRINCIPLES FOR GUIDING DEVELOPMENT—State, regional, and local agencies and units of government in the Florida Keys Area shall coordinate their plans and conduct their programs and regulatory activities consistent with the principles for guiding development as specified in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, which is adopted and incorporated herein by reference. For the purposes of reviewing the consistency of the adopted plan, or any amendments to that plan, with the principles for guiding development, and any amendments to the principles, the principles shall be construed as a whole, and specific provisions may not be construed or applied in isolation from the other provisions. However, the principles for guiding development are repealed 18 months from July 1, 1986. After repeal, any plan amendments must be consistent with the following principles:

(a) Strengthening local government capabilities for managing land use and development so that local government is able to achieve these objectives without continuing the area of critical state concern designation.

Response: *The proposed change meets density-neutral policies because the allocated density of the Suburban Commercial land use district, when applied to the parcel of this size, creates a density of only one additional unit greater than that of the current Native (NA) land use district. This density increase will be offset by the purchase and dedication of developable land or parcels.*

(b) Protecting shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.

Response: *See Environmental Conditions Report. The site is not located on a body of water.*

(c) Protecting upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.

Response: *These scarified vacant parcels have no significant environmental resources.*

(d) Ensuring the maximum well-being of the Florida Keys and its citizens through sound economic development.

Response: The very limited additional development enabled by the proposed change will lessen sprawl and concentrate development on a parcel with full services rather than allowing development on scattered rural sites.

(e) Limiting the adverse impacts of development on the quality of water throughout the Florida Keys.

Response: See Above

(f) Enhancing natural scenic resources, promoting the aesthetic benefits of the natural environment, and ensuring that development is compatible with the unique historic character of the Florida Keys.

Response: Development potential will be minimized by the size of the lots and being adjacent to US Highway 1 and the open waters to the south.

(f) Protecting the historical heritage of the Florida Keys.

Response: There are no historic resources on site.

(g) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:

1. The Florida Keys Aqueduct and water supply facilities.
2. Sewage collection, treatment, and disposal facilities.
3. Solid waste treatment, collection, and disposal facilities.
4. Key West Naval Air Station and other military facilities.
5. Transportation facilities.
6. Federal parks, wildlife refuges, and marine sanctuaries.
7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties.
8. City electric service and the Florida Keys Electric Co-op; and
9. Other utilities, as appropriate.

Response: Any development on the site will meet all the LOS standards and rely on in-place services and utilities at this urban infill site. The site is not impacted by any military or airport site.

(h) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; the installation and proper operation and maintenance of onsite sewage treatment and disposal systems; and other water quality and water supply projects, including direct and indirect potable reuse.

Response: Any development enabled on-site will meet these standards.

(i) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(41) and 403.086(10) as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.

Response: The Lower Keys sewage treatment plant to which development would connect meets these standards.

(j) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys facility

Response: Public utilities are already in place, and the proposed amendment does not require the enlargement of any public facility.

(k) Making available adequate, affordable housing for all sectors of the population of the Florida Keys.

Response: Any additional development enabled by the amendment will meet any requirements for inclusionary housing.

(l) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post-disaster reconstruction plan.

Response: The proposed amendment is neutral to this principle, but all development on the site will comply with emergency event actions ordered. The development will be density neutral because of the small increase of one unit, which will be offset by the purchase and dedication of developable land elsewhere.

(m) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

Response: See above, and any proposed development will comply with all regulations and plans crafted by the County consistent with these principles.

Protecting the historical heritage of the Florida Keys.

Response: There are no historic resources on site.

- (n) Protecting the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
10. The Florida Keys Aqueduct and water supply facilities.
 11. Sewage collection, treatment, and disposal facilities.
 12. Solid waste treatment, collection, and disposal facilities.
 13. Key West Naval Air Station and other military facilities.
 14. Transportation facilities.
 15. Federal parks, wildlife refuges, and marine sanctuaries.
 16. State parks, recreation facilities, aquatic preserves, and other publicly owned properties.
 17. City electric service and the Florida Keys Electric Co-op; and
 18. Other utilities, as appropriate.

Response: Any development on site will meet all the LOS standards and relies on in-place services and utilities at this urban infill site. The site is not impacted by any military or airport site.

- (o) Protecting and improving water quality by providing for the construction, operation, maintenance, and replacement of stormwater management facilities; central sewage collection; treatment and disposal facilities; the installation and proper operation and maintenance of onsite sewage treatment and disposal systems; and other water quality and water supply projects, including direct and indirect potable reuse.

Response: Any development enabled on site will meet these standards.

- (p) Ensuring the improvement of nearshore water quality by requiring the construction and operation of wastewater management facilities that meet the requirements of ss. 381.0065(41) and 403.086(10). as applicable, and by directing growth to areas served by central wastewater treatment facilities through permit allocation systems.

Response: The Lower Keys sewage treatment plant to which development would connect meets these standards.

- (q) Limiting the adverse impacts of public investments on the environmental resources of the Florida Keys, facility

Response: Public utilities are already in place and the amendment does not require the enlargement of any public facility.

- (r) Making available adequate affordable housing for all sectors of the population of the Florida Keys.

Response: Any additional development enabled by the amendment will meet any requirements for inclusionary housing.

(s) Providing adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post-disaster reconstruction plan.

Response: The proposed amendment is neutral to this principle, but all development on site will comply with emergency event actions ordered. The development will be density neutral due to meeting the no new density requirements of the plan.

(t) Protecting the public health, safety, and welfare of the citizens of the Florida Keys and maintaining the Florida Keys as a unique Florida resource.

Response: See above, and any proposed development will comply with all regulations and plans crafted by the County consistent with these principles.

21660 Overseas Highway LLC

Zoning Change - State Law Consistency

The County Land Development Code requires that any proposed Comprehensive Plan Future Land Use Map amendment demonstrate consistency with several state planning statutes. The statutes are F.S. 163.3177, 163.3178, 163.3180, and 163.3184. Additionally, the county application requires compliance with F.S. 380.0552 (7), which is the statute governing the Area of Critical State Concern designation for Monroe County. By statute, the consistency statements are as follows:

F.S. 163.3177

This section of Florida Law is the detailed statement of standards and direction for local governments as they compile and draft their comprehensive plans. The statute also requires any amendments to those plans be consistent with the same principles and guidelines.

The proposed change of FLUM and Zoning is consistent with the requirements of this statute because of the following.

- **The property proposed for a change of FLUM is already served by utilities and improved roads. By maintaining only one unit increase in residential densities and focusing on transient/commercial development, it directs development to lands suitable for growth.**
- **The development enabled by the change will be within the projected population for the County and this portion of the Lower Keys.**
- **The character of land proposed for the FLUM change is suitable for development (See the attached Existing Conditions Report) and maintains development potential.**
- **The property meets the requirements of a well-located property that can be improved because it is immediately adjacent to US Highway 1 and already established commercial improvements.**
- **The property does not impact any military facility in the community because the nearest air operations facility is at least 15 miles away at Boca Chica Naval Air Station. The type of development enabled by the proposed change will not create any use that is inconsistent with the closest military facility, which is Boca Chica.**
- **The proposed change of the Comprehensive Plan Future Land Use Map will not impact the Boca Chica Naval Air Station. It is outside of any takeoff or landing zone. Furthermore, the proposed commercial/mixed-use designation is located at a position in the community that is outside any high-level noise zone.**
- **The Future Land Use Map change is one that recognizes that the current designation of Residential Conservation is entirely incorrect in that the property is bordered by commercial and institutional uses. The property has immediate access to US Highway 1, and in this section of the highway there are adjacent commercial transient uses.**
- **The Proposed FLUM designation is consistent with surrounding properties in that the allocated density and maximum net density will be limited by the fact that the size of the parcel limits the additional potential as-of-right density to only one market rate unit.**

F.S.163.3178

This statute gives direction to local communities and provides minimum standards for the preparation of the Coastal Management Element of the Comprehensive Plan. It provides the standards to assure that development adjacent to natural and man-made coastal resource systems at the water line or offshore does not negatively impact those resources.

The proposed change of the Future Land Use Map (FLUM) consistent with this statutory direction due to the following:

- **The proposed map amendment does not apply new market rate residential development potentials to the disturbed upland greater than one unit. Please see the attached Existing Conditions Report.**
- **The statute requires communities to plan and create Future Land Use Map designations that are consistent with adopted levels of service for hurricane evacuation. Because this FLUM amendment is oriented toward commercial development only, it will not negatively impact hurricane evacuation times predicated on the current Land Use District designation. This is because existing County policy requires that for every increase in density of residential units, offsetting density in developable land must be removed from possible public or private development, and/or down-zoned. With the proposed densities limited by the size of the site and the allocated density, Policy 101.5.26 is triggered for only one unit.**

F.S. 163.3180 -This section of state law requires that development and comprehensive plan map designations and regulatory schemes provide for concurrency. Concurrency means that public services serving development must be in place at the time development occurs and specifically provides that that concurrency determination be made before any certificate of occupancy is provided to development enabled by an existing or proposed FLUM change.

The proposed change of FLUM map designation and zoning is consistent with the statutory direction because:

- **The site has or is immediately adjacent to all the local services and utilities which have sufficient capacity now to serve the level of development proposed by the map change.**

F.S. 163.3184

This part of state law sets forth the method for adopting or amending the local Comprehensive Plan map and text. It also recognizes that a Zoning change application concurrent with a Comprehensive Plan map change application can be processed together, with the Zoning change being contingent on the FLUM change.

The proposed change of the Future Land Use Map is consistent with this statute due to the following.

- **The proposed application meets all the criteria set forth in the County's Land Development Code regulations regarding the submittal of such applications and support materials. A concurrent application for a change of Land Use District is also being processed.**

Environmental Evaluation Report



Terramar Environmental Services, Inc.
1241 Crane Boulevard
Sugarloaf Key, Florida 33042
(305) 393-4200 terramar.env@gmail.com

MEMORANDUM

Date: December 24, 2023

To: Don Craig, Director of Development, Spottswood Law Firm

From: Philip A. Frank, Ph.D.

RE: Habitat Assessment and Environmental Permitting Summary, Sacarma Subdivision
Parcels, Cudjoe Key

As requested, we completed a habitat assessment on the seven parcels of land located south of US Highway 1 on Cudjoe Key (Lots 10-16, Sacarma Subdivision). The assessment was completed based on current Boundary Surveys completed by Florida Keys Land Surveying and information available from the Monroe County Planning and Environmental Resources Department.

The parcels assessed include the parcels in the Sacarma subdivision:

Parcel ID	Parcel Upland Area
Lot 10 & 11, Sacarma	52,141.21 sf (1.20 ac)
Lot 12, 13, 14 & 15 Sacarma	115,022.68 sf (2.64 ac)
Lot 16, Sacarma	36,581.66 sf (0.84 ac)
Total Area	105,744 sf (4.68 ac)

The parcels were assessed for habitat types per the Monroe County Land Development Regulations (LDR's), Sec. 101-1 Definitions. The property was evaluated using current and historical aerial photographs and walking transects that traverse the various habitat types. Work was conducted on December 22, 2023. Mapping is approximate for the purposes of identifying approximate habitat types and was not a professional survey or intended for detailed development planning.

The following habitat types were identified on the parcels (see Figure 1) and summarized below:

Habitat types on Lots 10-16, Sacarma Subdivision based on habitat definitions in Sec.101-1 LDR's.	
Habitat	Notes
Disturbed Uplands	Scarified areas with limited vegetation. Mowed and maintained areas, residential development on Lot 16.
Disturbed Salt Marsh Wetlands	Low elevation, disturbed, mowed and maintained areas. Vegetation including buttonwood and wetland grasses and shrubs and saturated soils as wetland indicators.
Mangrove Wetlands	Tidal mangrove wetlands along open water shoreline.
Open Water – Canals	Two anthropogenic canals on property

Based on the County regulations, the following environmental regulations apply to specific habitat types:

Table 3. Habitat types and Environmental Design Criteria	
Habitat	Applicable Environmental Design Criteria
Disturbed Uplands	Development can be permitted subject to planning considerations. Setbacks from wetlands and open water and canal shorelines are a requirement. There are both open water and canal shoreline setbacks to consider. Setbacks from disturbed salt marsh wetlands are also required, unless the disturbed salt marsh wetlands are developed per US Army Corps of Engineers (USACE) and State Florida Department of Environmental Protection (FDEP) authorizations.
Disturbed Salt Marsh Wetlands	Development can be permitted subject to County, State and Federal wetland authorizations. Development of disturbed wetlands involves applications to US Army Corps of Engineers (USACE) and State Florida Department of Environmental Protection (FDEP) and Monroe County. Mitigation will be required for wetland impacts. Monroe County regulations regarding development in disturbed wetlands includes establishing a suitable KEYWEP score not above 5.5 score. A current KEYWEP would need to be completed by Monroe County to determine the development suitability of any disturbed wetlands.
Mangrove Wetlands	No development activities (except as specifically provided for in 118-10 for items like docks and boardwalks), are permitted in mangroves and salt ponds; the open space requirement is 100 percent.

Site Observations and Evaluation

These parcels combined are almost entirely disturbed land, either disturbed uplands or disturbed salt marsh wetlands. Lot 16 is developed with a residence and accessory shade structure. Lots 10-15 are being mowed and maintained as a landscaped yard area. No native upland habitat, hardwood hammock, was observed on the property. The only native vegetation community on the property are several patches of tidal mangrove forest that occur along the tidally connected open water shoreline.

Observations of wildlife were limited to the time spent during the field assessment. No wildlife observations were made other than a large number in non-native Green Iguana. Because the property is being maintained as an open landscape, wildlife utilization is obviously limited. In addition, the parcels are fragmented from expansive natural areas on Cudjoe Key by US 1 and development. The tidal mangrove habitats are the most intact natural community present on the property.

Wildlife utilization that could be reasonably anticipated for this property, given the levels of disturbance, include mainly highly mobile avian species such as resident and migratory birds, especially wading birds in the mangroves and along the shoreline. Listed species that require large areas of intact native habitats such as the silver rice rat and Lower Keys marsh rabbit would not be expected to utilize this property due to the ecological isolation and fragmentation imposed by US 1 and existing development.

Habitat Map

Lots 10, 11, 12, 13, 14, 15 & 16

Sacama Subdivision

Cudjoe Key, Monroe County, Florida

Survey Date: December 15, 2023

Total Upland Native (Hammock): 0.00 acres

Total Disturbed Salt Marsh Wetlands: 17,020 sf (0.0 acres)

Total Mangroves (Tidal): 55,284 sf (1.23 acres)

Habitat Type

Habitat Type

Salt marsh, Disturbed

Mangrove

Uplands, Disturbed

360 Feet

180

90

0



Site conditions, Lot 16, showing the existing residence and maintained yard area.



Site conditions, Lot 16, showing the accessory structure with mangrove in the background.



Site conditions, Lot 15-16, showing the large mangrove area that spans Lots 15 & 16.



Site conditions, Lot 16, showing the filled access to open water, mangroves to either side.



Site conditions, Lot 15, showing the maintained yard areas.



Site conditions, Lot 12 - 14, showing maintained yard areas.



Site conditions, Lot 12 - 14, showing maintained yard areas.



Site conditions, Lot 12 - 14, showing maintained yard areas.



Site conditions, Lot 12 - 15, showing typical disturbed salt marsh wetlands.



Site conditions, Lot 12 - 15, showing typical disturbed salt marsh wetlands.



Site conditions, Lot 10 & 11, showing typical maintained yard areas.



Site conditions, Lot 10 & 11, showing typical maintained yard areas.



Site conditions, Lot 10 & 11, showing typical maintained yard areas and the canal.



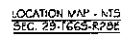
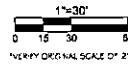
Site conditions, Lot 10 & 11, showing typical maintained yard areas and the canal.



Site conditions, Lot 10 & 11, showing typical disturbed salt marsh wetlands.



Site conditions, Lot 10 & 11, showing the large tidal mangrove wetland located on the eastern side of the parcel.

[illegible]

data 13 and 14. Sacramento, according to the plat thereof as recorded in plat book 2, page(s) 48, of the Public Records of Monroe County, Florida.

CERTIFIED TO:

[illegible]

500-44-0-00000, THE
COUNCIL AND THE BOARD
OF DIRECTORS

NOTE: FOUNDATIONS BELOW THE SURFACE ARE NOT THROWN. MEASURED DIMENSIONS (E.G., PLANTED OR CUT OFF DIMENSIONS) ARE INDICATED OTHERWISE.

THE FOLLOWING IS A LIST OF APPROVALS THAT MAY BE OBTAINED IN THE STATE:

1. <u>State of New York</u> 2. <u>State of New York</u> 3. <u>State of New York</u>	4. <u>State of New York</u> 5. <u>State of New York</u> 6. <u>State of New York</u>	7. <u>State of New York</u> 8. <u>State of New York</u> 9. <u>State of New York</u>
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$\mu = 1.20 \times 10^{-2} \text{ m}$
 $\sigma = 2.0 \times 10^{-3} \text{ m}$
 $\mu = 1.20 \times 10^{-2} \text{ m}$
 $\sigma = 2.0 \times 10^{-3} \text{ m}$

1. $2x^2 + 3x - 5$	2. $x^2 - 4x + 7$	3. $3x^2 - 2x + 1$
4. $x^2 + 5x - 6$	5. $4x^2 - 7x + 3$	6. $x^2 - 9x + 14$
7. $2x^2 + 11x + 12$	8. $x^2 - 6x + 8$	9. $3x^2 - 10x + 7$
10. $x^2 + 7x + 10$	11. $4x^2 - 12x + 9$	12. $x^2 - 8x + 15$

[illegible]

$\mathcal{H}_1 = \{ \text{H}_1, \text{H}_2, \text{H}_3, \text{H}_4 \}$ $\mathcal{H}_2 = \{ \text{H}_1, \text{H}_2, \text{H}_3, \text{H}_4 \}$ $\mathcal{H}_3 = \{ \text{H}_1, \text{H}_2, \text{H}_3, \text{H}_4 \}$ $\mathcal{H}_4 = \{ \text{H}_1, \text{H}_2, \text{H}_3, \text{H}_4 \}$	$\mathcal{H}_1 = \{ \text{H}_1, \text{H}_2, \text{H}_3, \text{H}_4 \}$ $\mathcal{H}_2 = \{ \text{H}_1, \text{H}_2, \text{H}_3, \text{H}_4 \}$ $\mathcal{H}_3 = \{ \text{H}_1, \text{H}_2, \text{H}_3, \text{H}_4 \}$ $\mathcal{H}_4 = \{ \text{H}_1, \text{H}_2, \text{H}_3, \text{H}_4 \}$	$\mathcal{H}_1 = \{ \text{H}_1, \text{H}_2, \text{H}_3, \text{H}_4 \}$ $\mathcal{H}_2 = \{ \text{H}_1, \text{H}_2, \text{H}_3, \text{H}_4 \}$ $\mathcal{H}_3 = \{ \text{H}_1, \text{H}_2, \text{H}_3, \text{H}_4 \}$ $\mathcal{H}_4 = \{ \text{H}_1, \text{H}_2, \text{H}_3, \text{H}_4 \}$
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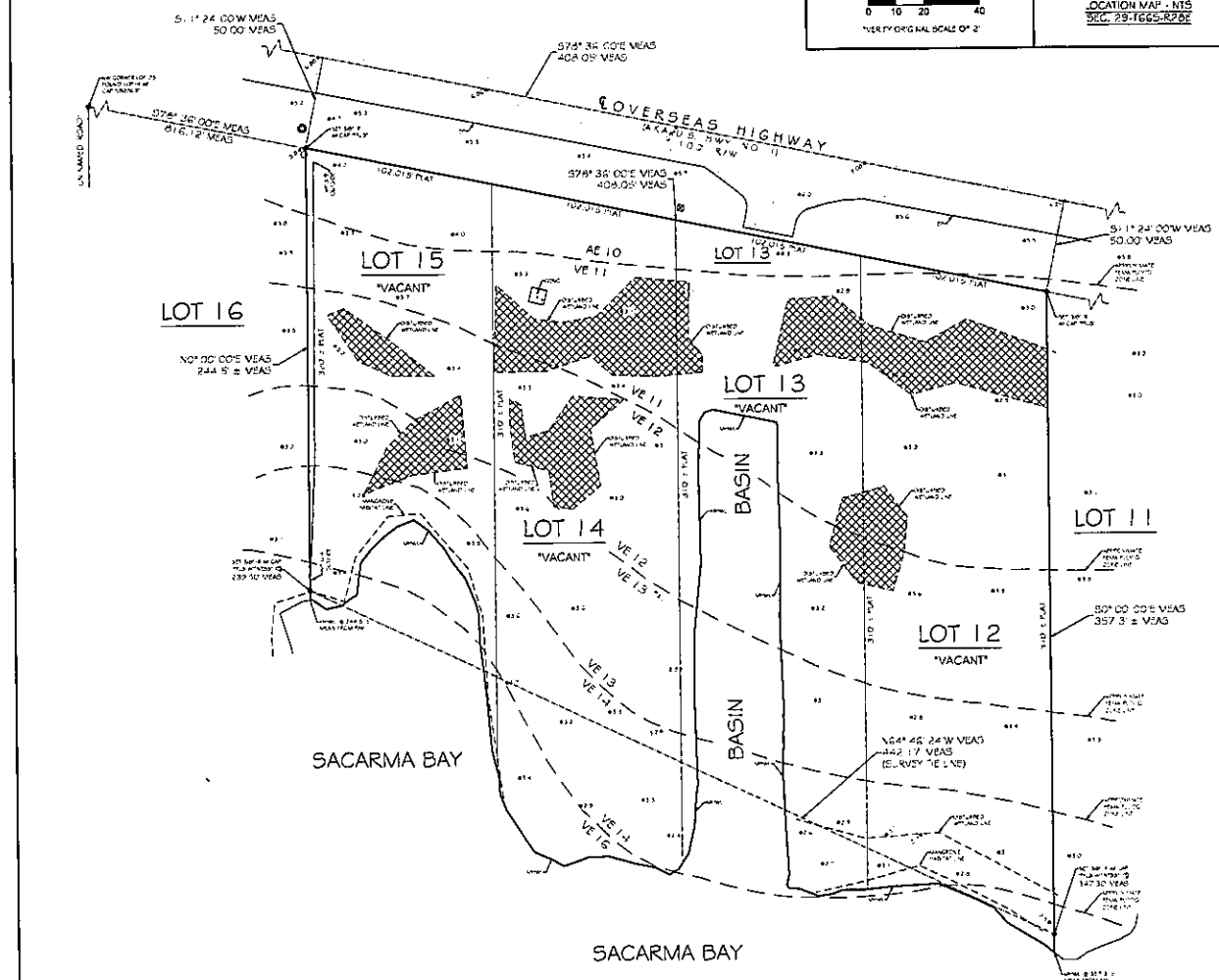
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Table 1

FLORIDA KEYS
LAND SURVEYING
21450 CRYSTALAS WAY, SUITE 100

BOUNDARY SURVEY
OVERSEAS HIGHWAY
CUDJOE KEY, MONROE COUNTY, STATE OF FLORIDA

JOB NO.: 23-220	CHECKED BY: MPB	SHEET 1 OF 1
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[illegible]

lots 2, 3, 4 AND 5 Sacama, according to the plat thereof as recorded in plat book 2, page(s) 46, of the public records of Monroe County, Iowa.

NOTE: LEGAL DESCRIPTIONS HAVE BEEN FURNISHED BY THE CLIENT OR OWNER REPRESENTATIVE. ADDITIONS OR DELETIONS TO SURVEY MAP OR REFERENCE MAP WITHOUT WRITTEN CONSENT OF THE SURVEY PARTY. THIS POLICY IS SHOWN HEREIN REPRESENTING THE SURVEYORS OPINION OF THE ACCURACY OF THE SURVEY MAP. THIS POLICY DOES NOT APPLY TO THE FIELD OF PHYSICAL SCIENCE OR SUCH AS DISCOLORATION, VEGITATION, MODIFICATIONS OR ABRASION OF THE SURVEY MAP OR INSTRUMENTS. SUCH CHANGES WILL BE SHOWN ON THE SURVEY MAP AS THEY APPEAR AT THE TIME OF THE SURVEY.

	DATA ENTRY DATA MANAGE INVENTORY CONCEPTS, LOGISTICS AND MATERIALS CUSTOMER LIGHT POLE SUSTAINABLE COMMUNITIES SUSTAINABLE COMMUNITIES		100% GREEN ELECTRICITY WATER-REDUCING WOOD-REDUCING 100% SUSTAINABLE 100% SUSTAINABLE 100% SUSTAINABLE 100% SUSTAINABLE 100% SUSTAINABLE
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1030  END

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REM ***** END OF SUBROUTINE *****
 RETURN
 END

CERTIFIED TO:

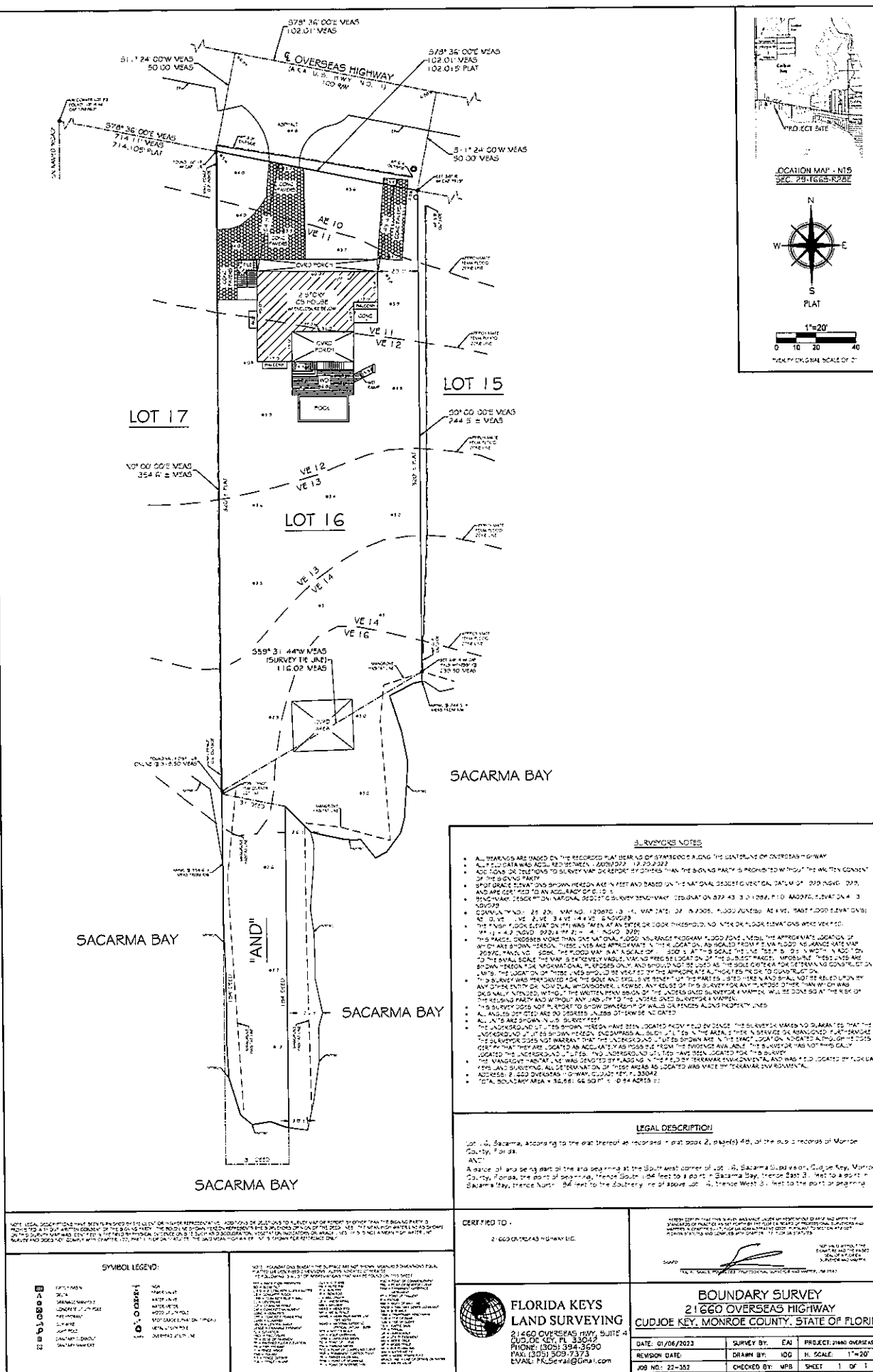
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NOT IN QUANTALITY
OF GROWTH AND THE RATIO
OF THE RATIO
TO THE RATIO



**FLORIDA KEYS
LAND SURVEYING**
21460 OVERSEAS HWY, SUITE
CUD, OR KEY, FL 33042
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CUDJOE KEY, MONROE COUNTY, STATE OF FLORIDA		
DATE: 01/13/2023	SURVEY BY: EAI	PROJECT: 21688 OVERSEAS HW
REVISION DATE:	DRAWN BY: IDC	H. SCALE: 1"=30'
JOB NO.: 23-352	CHECKED BY: MPB	SHEET 1 OF 1



Location Map

Location Map



Calculations 21660 OSH Cudjoe LLC

All areas approximate from GIS

Data Source: Monroe County GIS Department

Lot 12 Area Calculation: Zoning

Total Land Area AMHW = 33,360 sf

Zoning NA = 7,673 sf SC = 25,687 sf

Lot 13 Area Calculations: Zoning

Total Land Area AMHW = 23,096 sf

Zoning NA = 2,594 sf SC = 20,502 sf

N

Lot 16

Lot 15

Lot 13

Lot 10 & 11

Lot 10 & 11

Lot 14

Lot 12

37812.10 sf

31500.09 sf

32947.89 sf

2594.00 sf

7673.27 sf

10034.60 sf

20,502.17 sf

25687.30 sf

26040.80 sf

35572.10 sf

Legend

Parcels

ZONE

NA

SC

URM

GIS Maps



Habitat Map
Lots 10, 11, 12, 13, 14, 15 & 16
Sacarma Subdivision
Cudjoe Key, Monroe County, Florida
Survey Date: December 15, 2023

Total Upland Native (Hammock): 0.00 acres
Total Disturbed Salt Marsh Wetlands: 17,020 sf (0.0 acres)
Total Mangroves (Tidal): 55,284 sf (1.23 acres)



Habitat Type
Habitat Type
Salt marsh, Disturbed
Mangrove
Uplands, Disturbed

Photos

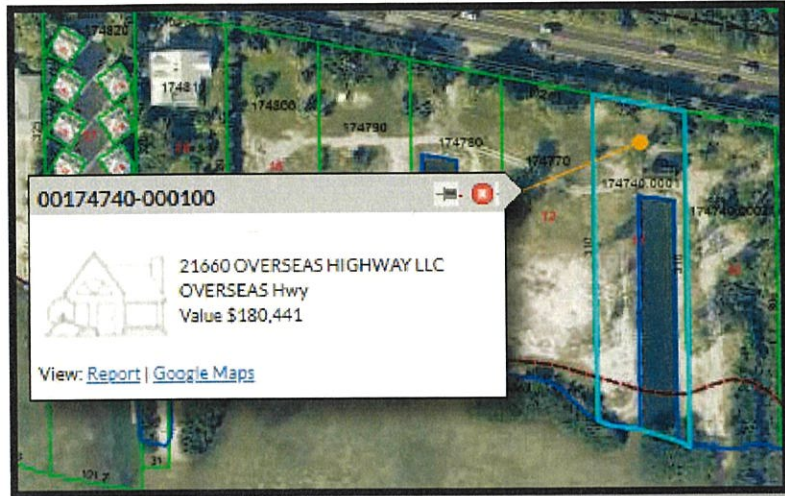
Photos

21660 Overseas Hwy Lot 10 RE# 00174740-000200



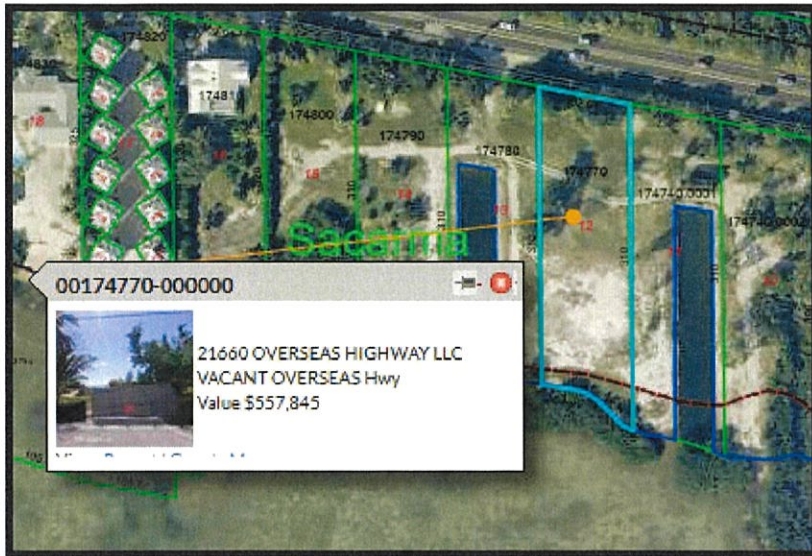
Photos

21660 Overseas Hwy Lot 11 RE# 00174740-000100



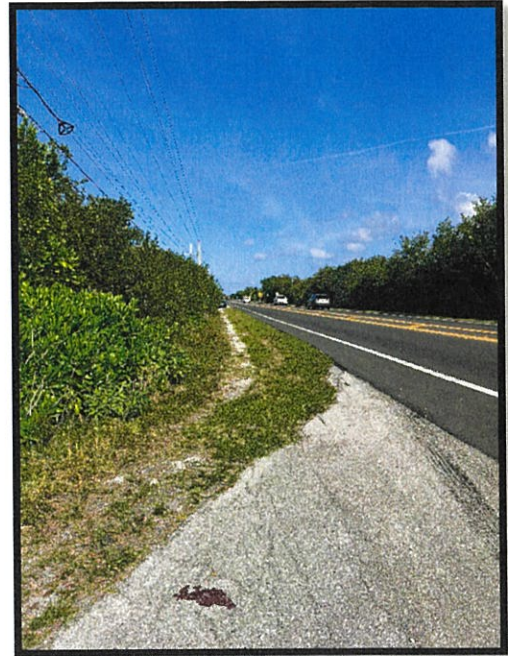
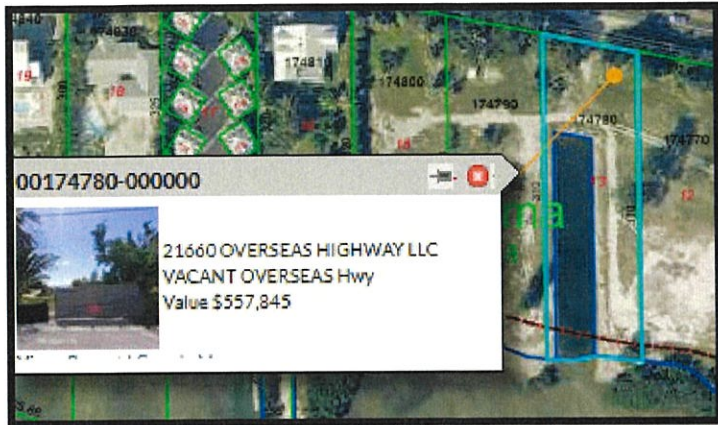
Photos

21660 Overseas Hwy Lot 12 RE# 00174770-000000



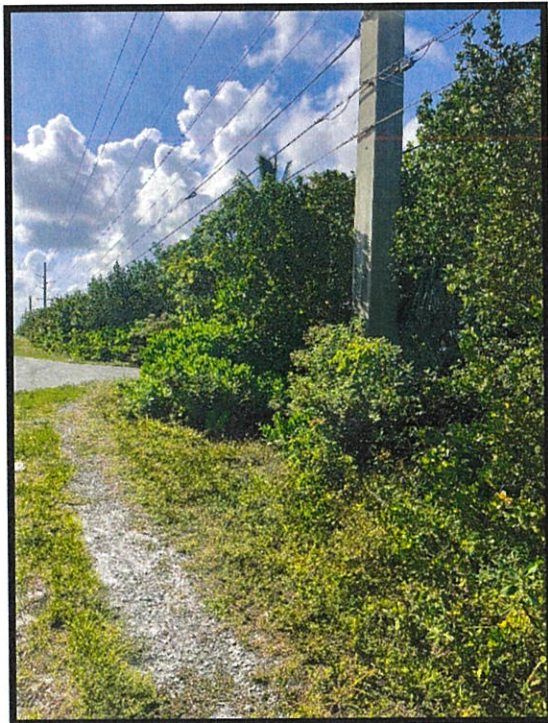
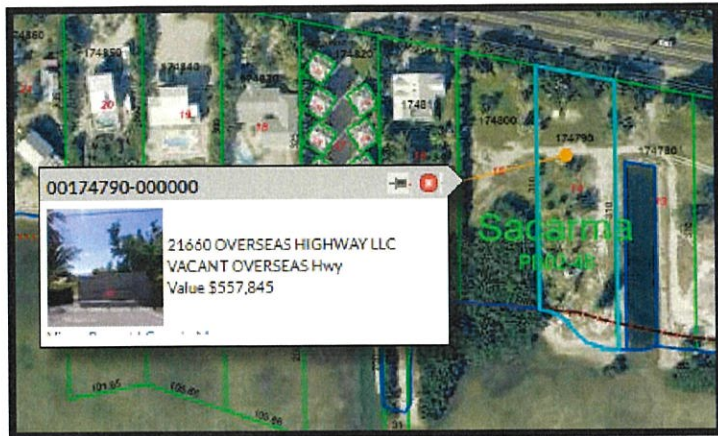
Photos

21660 Overseas Hwy Lot 13 RE# 00174780-000000



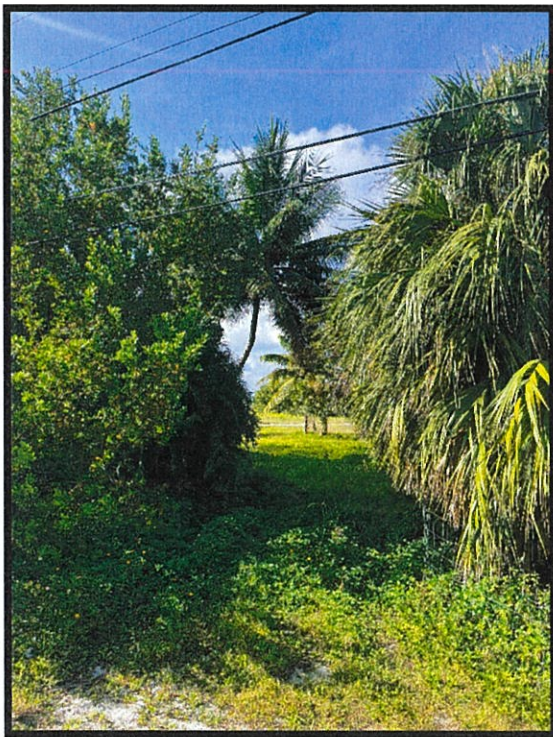
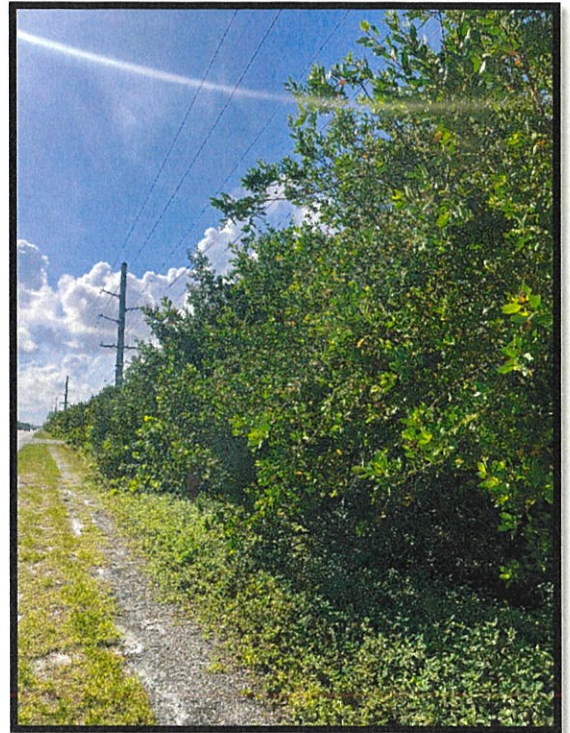
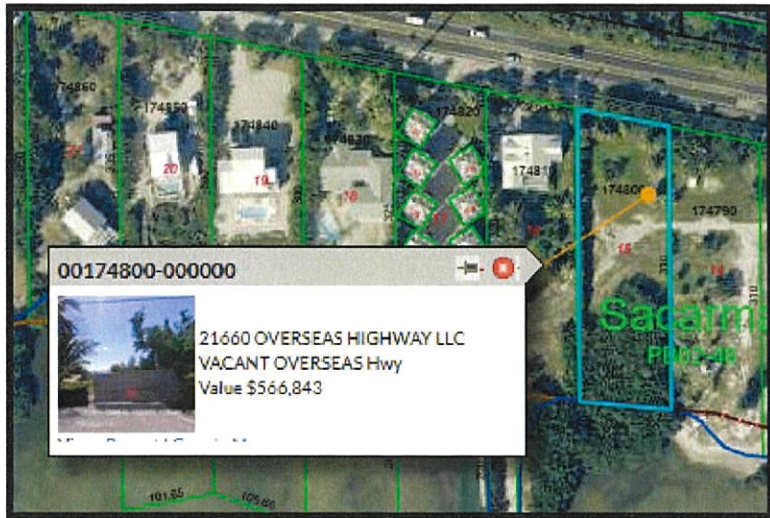
Photos

21660 Overseas Hwy Lot 14 RE# 00174790-000000



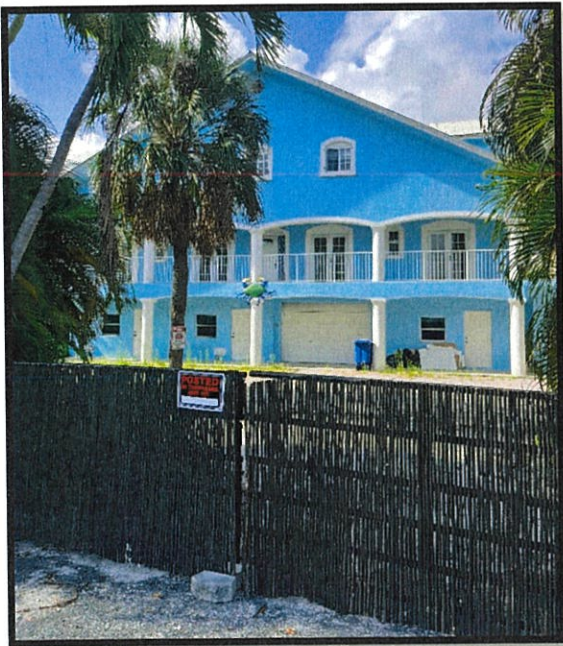
Photos

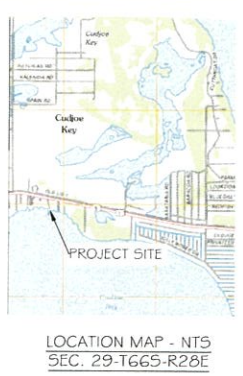
21660 Overseas Hwy Lot 15 RE# 00174800-000000



Photos

21660 Overseas Hwy Lot 16 RE# 00174810-000000





- | | | |
|------------------|-----------------|-----------------------------|
| DATE: 10/10/2023 | SURVEY BY: EAI | PROJECT: 21660 OVERSEAS HWY |
| REVISION DATE: | DRAWN BY: IDG | H. SCALE: 1"=30' |
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