

RESOLUTION NO. -2007

A RESOLUTION OF THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS PERMITTING THE REFUND OF PLANNING FEES

WHEREAS, Richard C. Beal (Caya Place, LLC d/b/a Skeeter's Marine Repair) submitted a Development Agreement Application dated 4/10/07 with applicable fees; and

WHEREAS, the Growth Management Department has deemed it infeasible to enter into a Development Agreement with Caya Place, LLC; and

WHEREAS, Monroe County Code 6-27(f) allows fees to be refunded with approval of the BOCC and upon recommendation by the County Administrator

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY FLORIDA:

1. The Board of County Commissioners does hereby approve the refund of fees.
2. This resolution shall become effective on the date adopted.

PASSED AND ADOPTED at a regular meeting of the Board of County Commissioners of Monroe County, Florida, held on the 19th day of September, 2007.

Mayor Mario De Gennaro _____
Mayor Pro Tem Dixie M. Spehar _____
Commissioner Charles "Sonny" McCoy _____
Commissioner George Neugent _____
Commissioner Sylvia Murphy _____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

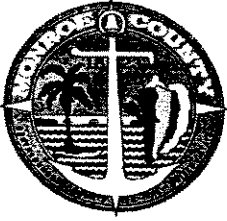
By: _____
Mayor Mario DiGennaro

(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK



By: _____



APPROVAL FOR REFUND IN THE AMOUNT OF

\$ _____ THIS
DAY OF _____, 2007.

COUNTY ADMINISTRATOR

REQUISITION FOR REFUND FROM COUNTY TREASURY

STATE OF FLORIDA, COUNTY OF MONROE
PURSUANT TO SECTION 193.40, FLORIDA STATUTES,

Mr. Richard C. Beal OF Post Office Box 430273 Big Pine Key, FL 33043
(PAYEE) (MAILING ADDRESS/P.O. BOX #)

HEREBY MAKES APPLICATION TO THE BOARD OF COUNTY COMMISSIONER FOR A REFUND

OF \$ 8172.75 OF MONEYS PAID TO THE COUNTY, AND AS GROUNDS THEREFORE
SET UP THE FOLLOWING FACTS: (STATE REASONS FOR REFUND)

Mr. Richard Beal filed a Development Agreement Application with our office in April of 2007. We proceeded with the processing of that application. Mr. Andrew Trivette the Growth Management Director met with Mr. Beal and they determined that the application and project are not viable at this time. We are requesting a refund in the amount of \$8172.75. The original application fee submitted by Mr. Beal was in the amount of \$9615.00, we are retaining 15% for staff time and processing fees, leaving the refund amount of \$8,172.75.


BUILDING OFFICIAL

ATTACHED HERETO IS ADDITIONAL PROOF TO ESTABLISH SUCH CLAIM, AS FOLLOWS:

STATE OF FLORIDA
COUNTY OF MONROE

SWORN AND SUBSCRIBED BEFORE ME THIS 13th DAY OF July, 2007.

BY Joe Paskalik, Building Official

MY COMMISSION EXPIRES:

SIGNATURE OF NOTARY PUBLIC - STATE OF FLORIDA

BE PAID FROM ACCT: _____

County of Monroe Growth Management Division

Planning & Environmental Resources Department

2798 Overseas Highway, Suite 410
Marathon, FL 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



Board of County Commissioners

Mayor Mario Di Gennaro, Dist. 4
Mayor Pro Tem Dixie Spehar, Dist. 1
George Neugent, Dist. 2
Charles "Sonny" McCoy, Dist. 3
Sylvia J. Murphy, Dist. 5

We strive to be caring, professional and fair

July 12, 2007

Richard C. Beal
Caya Place, LLC
P.O. Box 430273
Big Pine Key, FL 33043

RE: Richard C. Beal (Skeeters Marine) Development Agreement Application

Dear Mr. Beal:

The Planning Department is in receipt of your application dated 4/10/07 to the Monroe County Planning Commission. However, pursuant to the Memorandum dated 6/26/07 from Andrew Trivette your application cannot be processed any further by our Department, I am returning your completed application to you. We are also in the process of submitting a request to the BOCC for a refund of your application fee in the amount of \$9615.00.

Please do not hesitate to contact me at (305) 289-2522 if you have any additional questions.

Sincerely,

Nicole Petrick
Planning Commission Coordinator

CERTIFIED MAIL

9615.00
1442.25 15%

8172.75

7002 2410 0000 9899 1901

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total	

Richard C. Beal
c/o Skeeters Marine
P.O. Box 430273
Big Pine Key, FL 33043

7/12/07
Postmark Here

27032

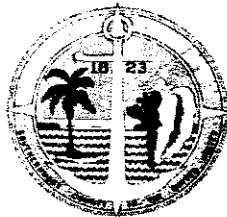
County of Monroe

Growth Management Division

Planning & Environmental Resources

Department

2798 Overseas Highway, Suite 410
Marathon, FL 33050
Voice: (305) 289-2500
FAX: (305) 289-2536



Board of County Commissioners

Mayor Mario Di Gennaro, Dist. 4
Mayor Pro Tem Dixie Spehar, Dist. 1
George Neugent, Dist. 2
Charles "Sonny" McCoy, Dist. 3
Sylvia J. Murphy, Dist. 5

We strive to be caring, professional and fair

June 26, 2007

Richard Beal
PO Box 430273
Big Pine Key, FL 33043

**SUBJECT: DEVELOPMENT AGREEMENT BETWEEN CAYA PLACE LLC AND MONROE COUNTY
AT 30641 & 30663 US HIGHWAY 1, BIG PINEKEY, COMMONLY KNOW AS SKEETERS
MARINE, RE #'s: 00111078.000000 & 00111078.000300**

Dear Mr. Beal,

The Planning and Environmental Resources Department is in receipt of your revised application dated June 1, 2007 for a Development Agreement between Monroe County and Caya Place LLC for the reservation and commitment to issue 8,250 square feet of nonresidential and 35 residential Rate of Growth Ordinance (ROGO) allocations, of which seven (7) were to be market rate and 28 were to be affordable.

We regret to inform you that at this time Monroe County can not enter into a Development Agreement as proposed due to the mitigation requirements of an Incidental Take Permit (ITP) the County, Florida Department of Community Affairs (DCA), and the Florida Department of Transportation (FDOT) have been issued from the United States Fish and Wildlife Service (USFWS).

In response to a moratorium on new development activities on Big Pine and No Name Key, due to a drop in the Level of Service on US Highway 1, FDOT proposed the three-laning of US Highway 1, in order to improve the Level of Service and allow for additional permitting of development activities and at the same time protect and conserve Key deer and their habitat. However, in order for any new development to occur, including road widening improvements to US 1, an ITP from the USFWS was required. Consequently, Monroe County, the FDOT, and the DCA applied for an ITP. To comply with the issuance criteria of the ITP, Monroe County and the co-applicants were required to develop a Habitat Conservation Plan (HCP) to mitigate the incidental take of the Key deer resulting from development activities. The mitigation measure proposed by the co-applicants was land acquisition. The applicants proposed to acquire and conserve habitat lands totaling three (3) times the harvest value (H value) impacted by development.

On June 9, 2006 USFWS issued the parties the ITP permit in response to a Habitat Conservation Plan (HCP) that describes the mitigation and minimization measures proposed to address the effects of future development. As a result, individual landowners do not necessarily need to receive an

individual ITP from the Fish and Wildlife Service but rather they are covered under the County's comprehensive ITP.

The HCP included conservation measures to protect Key deer movement corridors and provide habitat mitigation at a 3:1 ratio. Your proposed Development Agreement would not be in compliance with the 3:1 mitigation-to-impact ratio. Until such time that the County, DCA and the FDOT have the required amount of protected lands to maintain a 3:1 habitat mitigation ratio, we can not enter into an Agreement that would result in non-compliance with our Incidental Take Permit from the United States Fish and Wildlife

We thank you for your application and your understanding to this matter.

Sincerely,



Andrew Omer Trivette
Growth Management Division Director

AOT/hb

CC: Aref Joulani, Sr. Director of Planning and Environmental Resources
Lisa Tennyson, Affordable Housing coordinator
Clarence Feagin, Senior Planner
Heather Beckmann, Principal Planner
Susan Grimsley, Asst. County Attorney

MONROE COUNTY ***LIVE***

Page 1 of 1

MISCELLANEOUS RECEIPT

RECEIPT # : 99344

PRINT DATE : 05/21/2007

RECEIPT DATE : 05/21/2007

PRINT TIME : 08:50:45

OPERATOR : tedescod

COPY # : 1

RECEIVED BY : tedescod

CASH DRAWER: 2

REC'D. FROM : MAR-CAY.SKEETERS

UDF 106.1 :

UDF 106.2 :

NOTES : 27032 DEV AGREE

FEE ID	AMOUNT	THIS RCPT	BALANCE
RESEARCH-2	20.00	20.00	0.00
ZONING -1	30.00	30.00	0.00
ZONING-022	8830.00	8830.00	0.00
ZONING-031	735.00	735.00	0.00
TOTALS:	9615.00	9615.00	0.00

METHOD OF PAYMENT	AMOUNT	NUMBER
CHECK	9615.00	007374
TOTAL RECEIPT :	9615.00	

ORIGINAL CHECK HAS A COLORED BACKGROUND PRINTED ON CHEMICAL REACTIVE PAPER - SEE BACK FOR DETAILS

MAR-CAYA, INC.
D.B.A. SKEETER'S MARINE REPAIR
P.O. BOX 430273
BIG PINE KEY, FL 33043-0273

BANK OF AMERICA, NA
BIG PINE KEY, FL 33043-0273
63-4/630

007374

4-11-07

PAY TO THE ORDER OF

MONROE COUNTY PLANNING DEPT

\$ 9615.00

NINE THOUSAND SIX HUNDRED FIFTY FIVE

00/100

DOLLARS

APP FEE _____ \$ 30.00
AD FEE _____ 735.00
RECH FEE _____ 20.00
MEMO AD FEE @ 10403 _____ 30.00

[Signature]

Lee-Michelle

From: Coughlin-Emie
Sent: Monday, July 16, 2007 12:06 PM
To: Lee-Michelle
Subject: RE: Resolution to Bring \$ into 148-54500-590994

Refund

Michelle,

We will do the resolution for the August BOCC meeting.

Emie

From: Lee-Michelle
Sent: Monday, July 16, 2007 10:40 AM
To: Coughlin-Emie
Cc: Boan-Tina
Subject: Resolution to Bring \$ into 148-54500-590994

Hi Emie,

I just received a request for a refund for Development Agreement fees in the amount of \$8,172.75. My line item is short \$6,059.75. I could move the \$2,918 from 54500-590993, but that would leave the refund cost center dry.

Can you bring in the \$6k from reserves? Please let me know.

Thanks in advance!

Michelle Lee
Coordinator, Budget & Personnel
Monroe County Growth Management
2798 Overseas Highway, #400
Marathon, FL 33050
Ph: 305-289-2584; Fx: 305-289-2854
lee-michelle@monroecounty-fl.gov

HELP US HELP YOU!

Please take a moment to complete our Customer Satisfaction Survey:

<http://monrosurvey.virtualtownhall.net/survey.php?9acc14ae1b>

Please note: Florida has a very broad public records law. Most written communications to or from the County regarding County business are public records available to the public and media upon request. Your e-mail communication may be subject to public disclosure.