



# City of Key West, FL

City Hall  
1300 White Street  
Key West FL 33040

## Action Minutes - Final

### Tree Commission

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Tuesday, May 10, 2022

5:00 PM

City Hall

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**ADA Assistance:** It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number 1-800-955-8771 or for voice 1-800-955-8770 or the ADA Coordinator at 305-809-3811 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

**FOR VISUAL PRESENTATIONS:** Individuals are responsible to share their presentation at the meeting on their laptop through Zoom. For City Commission meetings the City Clerk's Office will need a copy for the agenda at least 6 days before the meeting.

**Call Meeting To Order - 5:00 P.M.**

#### Roll Call

**Present** 7 - Commissioner Bravo, Commissioner Cabanas, Commissioner Cullen, Commissioner Cunningham, Commissioner Fuller, Vice Chair Pope, and Chairman McRAE

#### Pledge of Allegiance to the Flag

**Approval of Agenda - The agenda was unanimously approved as amended.**

#### Administering the Oath by the Clerk of the Commission

#### Approval of Minutes

1 April 11, 2022

**Attachments:** [Minutes](#)

A motion was made by Commissioner Bravo, seconded by Commissioner Cabanas, that the Minutes be Approved. The motion passed by unanimous vote.

#### Presentations

- 2 Update on Key West's Strategic Plan, Key West Forward  
Presented by: Elisa Levy

Postponed to June 13, 2022

### Old Business

- 3 715 William Street/T2022-0002/Steven & Carol Schanker  
Represented by: Keith Brooks  
Requesting approval to remove (1) Mango and (1)  
Calophyllum tree.

Attachments:     [\(LARGE FILE\) Updated Report](#)

A motion was made by Vice Chair Pope, seconded by Commissioner Cullen, in accordance with Sec. 110-327, to approve the removal of (1) Calophyllum tree at 715 William Street to be replaced with 2.8 caliper inches of dicot or fruit trees from the approved list, FL #1, to be planted on site. The motion carried by the following vote:

Yes: 7 - Commissioner Bravo, Commissioner Cabanas, Commissioner Cullen, Commissioner Cunningham, Commissioner Fuller, Vice Chair Pope, and Chairman McRAE

Next, a motion was made by Commissioner Cunningham, seconded by Commissioner Cullen, in accordance with Sec. 110-328(1) that the removal of (1) Mango tree at 715 William Street be denied due to the size and location which makes it substantial in and easily accessible to public view. The motion carried by the following vote:

Yes: 7 - Commissioner Bravo, Commissioner Cabanas, Commissioner Cullen, Commissioner Cunningham, Commissioner Fuller, Vice Chair Pope, and Chairman McRAE

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1409 Albury Street/T2021-0201/Drew Siok

Represented by: Filip Popp

Requesting approval to remove (1) Gumbo Limbo tree.

Attachments:     [\(LARGE FILE\) Report and Application](#)

Item 4 and Item 5 were heard concurrently.

A motion was made by Commissioner Cunningham, seconded by Commissioner Cullen, in accordance with Sec. 110-327, to approve the removal of (1) Gumbo Limbo tree at 1409 Albury Street to be replaced with 11.6 caliper inches of dicot or fruit trees from the approved list, FL #1, to be planted on site or at another location as approved by the Urban Forestry Manager. The second was withdrawn by Commissioner Cullen due to further discussion.

Then, Commissioner Cunningham made a motion, seconded by Commissioner Bravo, to amend his first motion, in addition to the tree removal, to include a fine of \$1,000.00 based on the tree abuse at 1409 Albury Street. The motion was withdrawn by Commissioner Cunningham.

Then, a motion was made by Commissioner Bravo, seconded by Commissioner Cullen, in accordance with Sec. 110-327, to approve the removal of (1) Gumbo Limbo tree at 1409 Albury Street to be replaced with 11.6 caliper inches of dicot or fruit trees from the approved list, FL #1, to be planted on site or at another location as approved by the Urban Forestry Manager, and to include a fine of \$3,000.00 for two counts of violation for tree abuse and one count of violation for lack of a permit to be paid by the property owner.

Yes: 7 - Commissioner Bravo, Commissioner Cabanas, Commissioner Cullen, Commissioner Cunningham, Commissioner Fuller, Vice Chair Pope, and Chairman McRAE

## Administrative Hearing

5

1409 Albury Street/TC2022-0004/Drew Siok

Represented by: Filip Popp

Trimming of tree canopy and roots without required permits. Trimming work was done improperly, tree abuse.

Attachments:    [Hearing Notice](#)  
                          [Staff Report](#)

Item 4 and Item 5 were heard concurrently.

A motion was made by Commissioner Cunningham, seconded by Commissioner Cullen, in accordance with Sec. 110-327, to approve the removal of (1) Gumbo Limbo tree at 1409 Albury Street to be replaced with 11.6 caliper inches of dicot or fruit trees from the approved list, FL #1, to be planted on site or at another location as approved by the Urban Forestry Manager. The second was withdrawn by Commissioner Cullen due to further discussion.

Then, Commissioner Cunningham made a motion, seconded by Commissioner Bravo, to amend his first motion, in addition to the tree removal, to include a fine of \$1,000.00 based on the tree abuse at 1409 Albury Street. The motion was withdrawn by Commissioner Cunningham.

Lastly, a motion was made by Commissioner Bravo, seconded by Commissioner Cullen, in accordance with Sec. 110-327, to approve the removal of (1) Gumbo Limbo tree at 1409 Albury Street to be replaced with 11.6 caliper inches of dicot or fruit trees from the approved list, FL #1, to be planted on site or at another location as approved by the Urban Forestry Manager, and to include a fine of \$3,000.00 for two counts of violation for tree abuse and one count of violation for lack of a permit to be paid by the property owner.

**Yes:** 7 - Commissioner Bravo, Commissioner Cabanas, Commissioner Cullen, Commissioner Cunningham, Commissioner Fuller, Vice Chair Pope, and Chairman McRAE

**Old Business Cont'd**

- 6                    601 Truman Avenue, 919 Simonton Street & 611 Truman Avenue/TP2021-00004/Venter Enterprises LLC  
Represented by: Trepanier & Associates, Inc  
Requesting Conceptual Landscape plan approval to redevelop the 601 Truman/919 Simonton property. The applicant has requested to install landscaping after groundwater meets Chapter 62-777 Contaminant Cleanup Target Levels, or if groundwater samples do not meet the levels within 5 years of the approval's effective date, the applicant will pay in-lieu fee for the amount of the proposed in ground landscaping and tree removal requirements.

**Attachments:**     [\(LARGE FILE\) Updated Report and Application](#)  
[Additional Information](#)

A motion was made by Vice Chair Pope, seconded by Commissioner Bravo, that the Conceptual Landscape Plan at 601 Truman Avenue and 919 Simonton Street be approved pending a review of the corner planters and line of sight issue and a mitigation fee of \$2,820.00 for the removal of the Avocado tree. The motion carried by the following vote:

**Yes:**   7 -   Commissioner Bravo, Commissioner Cabanas, Commissioner Cullen, Commissioner Cunningham, Commissioner Fuller, Vice Chair Pope, and Chairman McRAE

## **New Business**

- 7                    624 White Street/T2022-0110/Key West Literary Seminar  
Represented by: Arlo Haskell  
Requesting approval to remove (1) Bottlebrush tree.

**Attachments:**     [Application](#)  
[Staff Report](#)

A motion was made by Commissioner Cunningham, seconded by Commissioner Bravo, in accordance with Sec. 110-327, to approve the removal of (1) Bottlebrush tree at 624 White Street to be replaced with 2.9 caliper inches of dicot or fruit trees from the approved list, FL #1, to be planted on site. The motion carried by the following vote:

**Yes:**   7 -   Commissioner Bravo, Commissioner Cabanas, Commissioner Cullen, Commissioner Cunningham, Commissioner Fuller, Vice Chair Pope, and Chairman McRAE

- 8                    516 William Street/T2022-0115/Elizabeth Vance  
Represented by: Sean Creedon-Treeman  
Requesting approval to remove (1) Pitch Apple tree.

Attachments:     [Application](#)  
                          [\(LARGE FILE\) Staff Report](#)

A motion was made by Commissioner Bravo, seconded by Commissioner Cabanas, in accordance with Sec. 110-327, to approve the removal of (1) Pitch Apple tree at 516 William Street to be replaced with 7.5 caliper inches of dicot or fruit trees from the approved list, FL #1, to be planted on site. The motion failed by the following vote:

**No:** 4 - Commissioner Cunningham, Commissioner Fuller, Vice Chair Pope, and Chairman McRAE

**Yes:** 3 - Commissioner Bravo, Commissioner Cabanas, and Commissioner Cullen

- 9                    3545 Flagler Avenue/T2022-0120/City of Key West-Utility Board  
Represented by: Karen DeMaria, Urban Forestry Manager  
Requesting approval to remove (1) Gumbo Limbo tree.

Attachments:     [Application](#)  
                          [Staff Report](#)

A motion was made by Commissioner Bravo, seconded by Commissioner Cunningham, in accordance with Sec. 110-327, to approve the removal of (1) Gumbo Limbo tree at 3545 Flagler Avenue to be replaced with 6.9 caliper inches of dicot or fruit trees from the approved list, FL #1, to be planted on site. The motion carried by the following vote:

**Yes:** 7 - Commissioner Bravo, Commissioner Cabanas, Commissioner Cullen, Commissioner Cunningham, Commissioner Fuller, Vice Chair Pope, and Chairman McRAE

- 10                   1004 Seminary Street ROW/T2022-0121/City of Key West  
Represented by: Karen DeMaria, Urban Forestry Manager  
Requesting approval to remove (1) Woman's Tongue tree.

Attachments:     [Application](#)  
                          [Staff Report](#)  
                          [Public Comments](#)

A motion was made by Commissioner Cunningham, seconded by Vice Chair Pope, in accordance with Sec. 110-328(1) that the removal of (1) Woman's Tongue tree at 1004 Seminary Street be denied due to the size, location, historical importance, and condition that make it a unique and rare specimen for the site that is easily accessible in public view. The motion carried by the following vote:

**Yes:** 7 - Commissioner Bravo, Commissioner Cabanas, Commissioner Cullen, Commissioner Cunningham, Commissioner Fuller, Vice Chair Pope, and Chairman McRAE

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522 Elizabeth Street/T2022-0124/Blue Parrot LLC

Represented by: Kenneth King

Requesting approval to remove (1) Spanish Lime and (1) Royal Poinciana tree.

**Attachments:**     [Application](#)  
                                  [\(LARGE FILE\) Staff Report](#)

A motion was made by Commissioner Cunningham, seconded by Vice Chair Pope, in accordance with Sec. 110-327, to approve the removal of (1) Spanish Lime tree at 522 Elizabeth Street to be replaced with 17.4 caliper inches of dicot or fruit trees from the approved list, FL #1, to be planted on site. The motion carried by the following vote:

**Yes:** 7 - Commissioner Bravo, Commissioner Cabanas, Commissioner Cullen, Commissioner Cunningham, Commissioner Fuller, Vice Chair Pope, and Chairman McRAE

Next, a motion was made by Commissioner Cunningham, seconded by Commissioner Bravo, in accordance with Sec. 110-328(1) that the removal of (1) Royal Poinciana tree at 522 Elizabeth Street be denied due to the size, location, historical importance, and condition that make it a unique and rare specimen for the site. The motion carried by the following vote:

**Yes:** 7 - Commissioner Bravo, Commissioner Cabanas, Commissioner Cullen, Commissioner Cunningham, Commissioner Fuller, Vice Chair Pope, and Chairman McRAE

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1023 Thomas Street/T2022-0125/James & Diane Cronin

Represented by: Kenneth King

Requesting approval to remove (1) Royal Poinciana tree.

**Attachments:**     [Application](#)  
                                  [Staff Report](#)

A motion was made by Vice Chair Pope, seconded by Commissioner Bravo, in accordance with Sec. 110-327, to approve the removal of (1) Royal Poinciana tree at 1023 Thomas Street to be replaced with 21.3 caliper inches of dicot or fruit trees from the approved list, FL #1, including at least (1) Royal Poinciana tree, to be planted on site. The motion carried by the following vote:

**Yes:** 7 - Commissioner Bravo, Commissioner Cabanas, Commissioner Cullen, Commissioner Cunningham, Commissioner Fuller, Vice Chair Pope, and Chairman McRAE

- 13                    1306-1310 Catherine Street/T2022-0126/Robert S. Bacon  
Represented by: Kenneth King  
Requesting approval to remove ~~(1) Spanish Lime~~ and (1)  
Sea Grape tree.

Attachments:     [Application](#)  
                          [\(LARGE FILE\) Staff Report](#)

A motion was made by Commissioner Bravo, seconded by Commissioner Cabanas, in accordance with Sec. 110-327, to approve the removal of (1) Sea Grape tree at 1306-1310 Catherine Street to be replaced with 11.8 caliper inches of dicot or fruit trees from the approved list, FL #1, to be planted on site. The motion carried by the following vote:

**Yes:** 7 - Commissioner Bravo, Commissioner Cabanas, Commissioner Cullen, Commissioner Cunningham, Commissioner Fuller, Vice Chair Pope, and Chairman McRAE

- 14                    1314 Petronia Street/T2022-0127/Kass Residential  
Properties LLC  
Represented by: Kenneth King  
Requesting approval to remove (1) Royal Poinciana tree.

Attachments:     [Application](#)  
                          [Staff Report](#)

A motion was made by Commissioner Cunningham, seconded by Commissioner Cullen, in accordance with Sec. 110-327, to approve the removal of (1) Royal Poinciana tree at 1314 Petronia Street to be replaced with 25 caliper inches of dicot or fruit trees from the approved list, FL #1, including at least (1) Royal Poinciana tree, to be planted on site. The motion carried by the following vote:

**No:** 1 - Vice Chair Pope

**Yes:** 6 - Commissioner Bravo, Commissioner Cabanas, Commissioner Cullen, Commissioner Cunningham, Commissioner Fuller, and Chairman McRAE

- 15                    2300 Staples Avenue/T2022-0129/Daniel Andrews  
Represented by: Kenneth King  
Requesting approval to remove (1) Gumbo Limbo tree.

Attachments:     [Application](#)  
                          [Staff Report](#)

A motion was made by Commissioner Bravo, seconded by Commissioner Cabanas, in accordance with Sec. 110-327, to approve the removal of (1) Gumbo Limbo tree at 2300 Staples Avenue to be replaced with 9.1 caliper inches of dicot or fruit trees from the approved list, FL #1, to be planted on site. The motion carried by the following vote:



**Yes:** 7 - Commissioner Bravo, Commissioner Cabanas, Commissioner Cullen, Commissioner Cunningham, Commissioner Fuller, Vice Chair Pope, and Chairman McRAE

16

1209 Truman Avenue/T2022-0130/Truman Avenue  
Condominium

Represented by: Kenneth King

Requesting approval to remove (1) Royal Poinciana tree.

**Attachments:**     [Application](#)  
                                 [Staff Report](#)

A motion was made by Commissioner Bravo, seconded by Vice Chair Pope, in accordance with Sec. 110-327, to approve the removal of (1) Royal Poinciana tree at 1209 Truman Avenue to be replaced with 13.3 caliper inches of dicot or fruit trees from the approved list, FL #1, including at least (1) Royal Poinciana tree, to be planted on site. The motion carried by the following vote:

**Yes:** 7 - Commissioner Bravo, Commissioner Cabanas, Commissioner Cullen, Commissioner Cunningham, Commissioner Fuller, Vice Chair Pope, and Chairman McRAE

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802 Southard Street/T2022-0131/Condon Family Trust

Represented by: Sean Creedon-Treeman

Requesting approval to remove (1) Royal Poinciana tree.

**Attachments:**     [Application](#)  
                                 [Updated Staff Report](#)

A motion was made by Commissioner Bravo, seconded by Commissioner Cabanas, in accordance with Sec. 110-327, to approve the removal of (1) Royal Poinciana tree at 802 Southard Street to be replaced with 21.8 caliper inches of dicot or fruit trees from the approved list, FL #1, including at least (1) Royal Poinciana tree, to be planted on site. The motion carried by the following vote:

**No:** 3 - Commissioner Cunningham, Commissioner Fuller, and Vice Chair Pope

**Yes:** 4 - Commissioner Bravo, Commissioner Cabanas, Commissioner Cullen, and Chairman McRAE

- 18                                1328 Duncan Street/T2022-0140/J.W. Parks  
Represented by: Gustavo Valdes-La Isla Tree & Landscape  
Requesting approval to remove (1) Spanish Lime tree.

**Attachments:**        [Application](#)  
                                  [\(LARGE FILE\) Staff Report](#)

A motion was made by Commissioner Cunningham, seconded by Commissioner Bravo, in accordance with Sec. 110-328(1) that the removal of (1) Spanish Lime tree at 1328 Duncan Street be denied due to the size, location, and historical importance that makes it a substantially unique specimen. The motion carried by the following vote:

**Yes:**    7 -    Commissioner Bravo, Commissioner Cabanas, Commissioner Cullen, Commissioner Cunningham, Commissioner Fuller, Vice Chair Pope, and Chairman McRAE

- 19                                Use of tree fund money to purchase and plant missing  
Coconut Palms on North Roosevelt Blvd.

**Attachments:**        [Report and Estimates](#)

A motion was made by Commissioner Bravo, seconded by Commissioner Cunningham, to approve the use tree fund money in the amount of \$5,900.00 to plant Coconut Palms on North Roosevelt Boulevard from Shade Tree, Inc. The motion carried by the following vote:

**Yes:**    7 -    Commissioner Bravo, Commissioner Cabanas, Commissioner Cullen, Commissioner Cunningham, Commissioner Fuller, Vice Chair Pope, and Chairman McRAE

### **Administrative Hearings Cont'd**

- 20                                1423 Rose Street/TC2022-0003/Joseph Diaz  
Removal of (1) Lignum vitae tree without benefit of a tree  
removal permit.

**Attachments:**        [Hearing Notice](#)  
                                  [Staff Report](#)

A motion was made by Vice Chair Pope, seconded by Commissioner Bravo, in accordance with Sec. 110-291, that the City of Key West enter into a compliance settlement agreement with the property owner for the improper removal of (1) Lignum Vitae tree at 1423 Rose Street without the benefit of a permit. The owner is requested to replant 12 caliper inches of dicot or fruit trees from the approved list, FL #1, including at least (1) Lignum Vitae tree, to be planted on site, which will be reviewed for completion in one year. The motion carried by the following vote:

**Yes:** 7 - Commissioner Bravo, Commissioner Cabanas, Commissioner Cullen, Commissioner Cunningham, Commissioner Fuller, Vice Chair Pope, and Chairman McRAE

21

1501 George Street/TC2020-0003/Michael Donoghue  
Property owner is requesting a modification to the Settlement Agreement to be able to pay a fee instead of planting approved trees on the property.

**Attachments:** [Report](#)

A motion was made by Commissioner Bravo, seconded by Vice Chair Pope, to approve the modification to the Settlement Agreement for a \$1,360.00 fee in lieu of replanting the required caliper inches of dicot or fruit trees from the approved list, FL #1. The property owner did not agree to this amendment to the Settlement Agreement and made a request to assess the case.

Then, a motion was made by Vice Chair Pope, seconded by Commissioner Cullen to deny the property owner's request. The motion carried by the following vote:

**Yes:** 7 - Commissioner Bravo, Commissioner Cabanas, Commissioner Cullen, Commissioner Cunningham, Commissioner Fuller, Vice Chair Pope, and Chairman McRAE

## Reports

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Urban Forestry Manager's Report

**Attachments:** [April 2022 Monthly Report](#)  
[Monroe County/IFAS Ext Newsletter May 2022](#)  
[Article-How Much Planting Space?](#)

Received and Filed

**Assistant City Attorney's Report**

**Commissioner Comments**

**Public Comment**

**Adjournment - 8:11 P.M.**