

# STAFF REPORT

DATE: January 26, 2016

RE: **323 Whitehead Street (permit application # T16-7754)**

FROM: Karen DeMaria, City of Key West Urban Forestry Manager

An application was received requesting the removal of **(1) Frangipani and (1) Black Ironwood tree**. A site inspection was done on January 19, 2016 and documented the following:

Tree Species: Frangipani (Plumeria sp.)























On January 19, 2016, I received a complaint that the Banyan Resort was cutting down a frangipani tree. An inspection revealed that minor trimming had occurred to the canopy of the tree with some poor cuts but no violation at this time. I spoke to the general manager who stated the desire to cut the tree down due to ADA construction work that will be commencing once permits have been received. She was informed of the need to submit a tree removal application.

Diameter: 13.3"

Location: 60% (trunk has to be braced away from building)

Species: 50% (not on protected or not protected tree list)

Condition: 60% (fair-trunk has a lean)

Total Average Value = 56%

**Value x Diameter = 7.4 replacement caliper inches**



Tree Species: Black Ironwood (*Krugiodendron ferreum*)



Black  
Ironwood







Diameter: 5.1"

Location: 80%

Species: 100% (on protected tree list)

Condition: 60% (fair)

Total Average Value = 80%

**Value x Diameter = 4 replacement caliper inches**

**Recommendation: Recommend approval of the removal of one (1) Frangipani and one (1) Black Ironwood tree at 323 Whitehead Street to be replaced with a total of 11.4 caliper inches of dicot or fruit trees from approved list, FL#1, to be planted onsite.**



Palm to remain

Fishtail palms to be removed-no permit required







Base of Fishtail palms



## Karen DeMaria

---

**From:** Mehgan Heaps <gm@thebanyanresort.com>  
**Sent:** Friday, January 22, 2016 8:55 AM  
**To:** Karen DeMaria  
**Subject:** Re: FW: Tree removal application  
**Attachments:** banyan tiki - Ideal 12-28-15.pdf

Hi Karen,

Attached are the preliminary contractor's drawings. The trees aren't shown, but I can give you a brief description of the project. We are having to widen the existing building by 1ft to make sure we have enough room in the ADA compliant bathroom. Therefore, the frangipani will have to be removed as it leans up against the building as it stands now. Our ADA compliance is due to the lawsuit filed by Howard Cohen, the gentleman that sued many properties throughout Florida and Key West in 2015. We settled with his attorney as we already had an ADA plan in place, however, the public restrooms were not included. Therefore, we had to make adjustments to the tiki/bathroom plan accordingly. I will forward the engineer's drawings to you as soon as they are received. If you have any questions, please don't hesitate to contact me. Have a great day!

Mehgan Heaps

On Wed, Jan 20, 2016 at 3:09 PM, Karen DeMaria <[kdemaria@cityofkeywest-fl.gov](mailto:kdemaria@cityofkeywest-fl.gov)> wrote:

---

**From:** Karen DeMaria  
**Sent:** Wednesday, January 20, 2016 3:01 PM  
**To:** '[gm@thebanyanresorts.com](mailto:gm@thebanyanresorts.com)' <[gm@thebanyanresorts.com](mailto:gm@thebanyanresorts.com)>  
**Subject:** Tree removal application

Mehgan:

I need a copy of the plans for the area where you are requesting tree removal. You state that the trees must be removed due to ada compliance work on the bathrooms, I need additional information showing this. Do you have a building permit? Is there any other work being done on the property with tiki huts?

Sincerely,

Karen



Karen DeMaria

Urban Forestry Manager/Tree Commission

Certified Arborist

[305-809-3768](tel:305-809-3768)

--

Mehgan Heaps

General Manager

The Banyan Resort

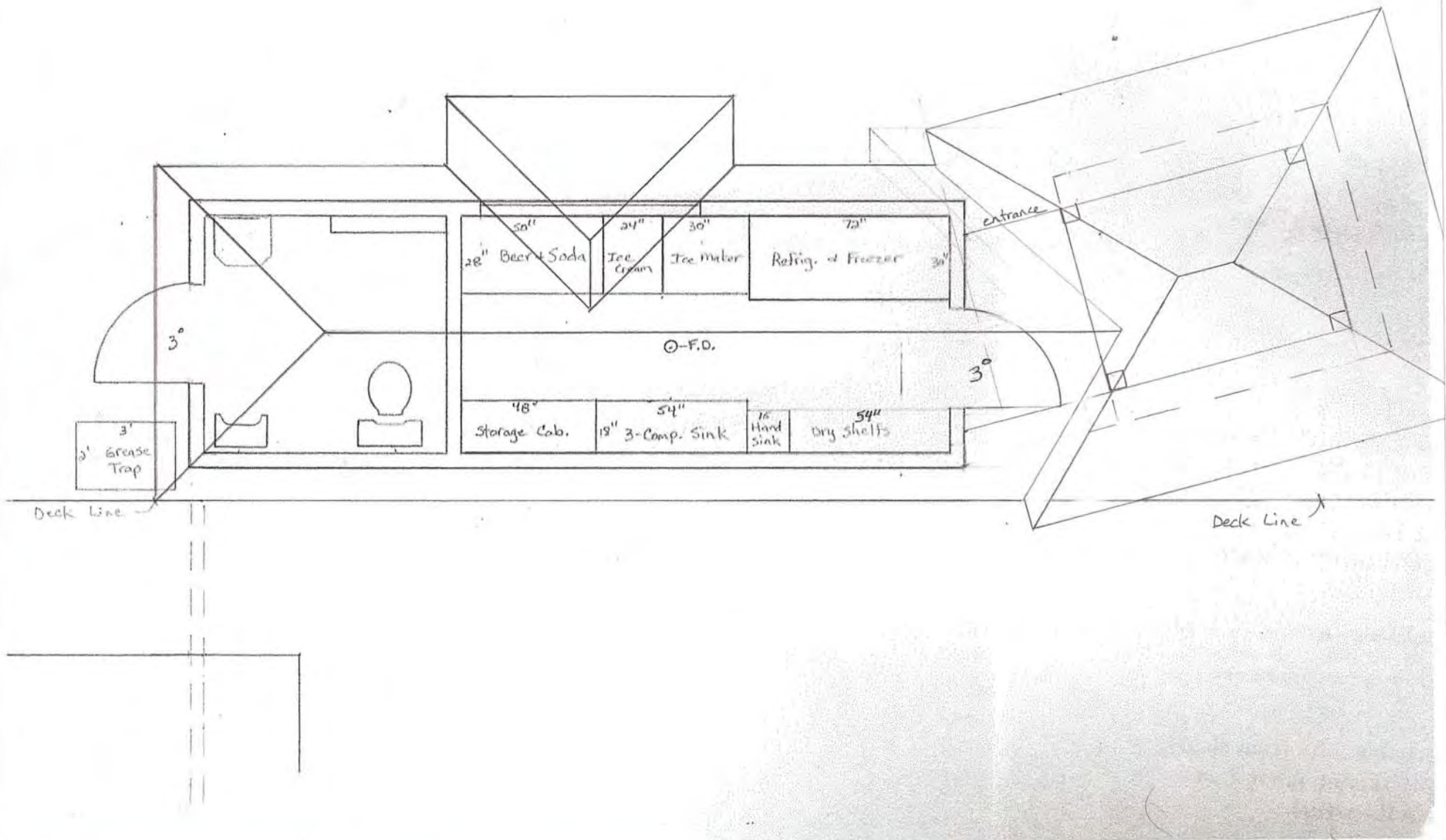
323 Whitehead Street

Key West, FL 33040

[www.thebanyanresort.com](http://www.thebanyanresort.com)

305-296-7786







# Application





7754

## Tree Permit Application

Please Clearly Print All Information unless indicated otherwise.

Tree Address 323 WHITEHEAD ST  
Cross/Corner Street WHITEHEAD & EATON  
List Tree Name(s) and Quantity FRANGIPANI (1), PALMS (2), MISC. TREE (1)  
Species Type(s) check all that apply ☒ Palm ☒ Flowering ☐ Fruit ☐ Shade ☒ Unsure  
Reason(s) for Application:

☒ REMOVE ☐ Tree Health ☒ Safety ☒ Other/Explain below  
☐ TRANSPLANT ☐ New Location ☐ Same Property ☐ Other/Explain below  
☐ HEAVY MAINTENANCE ☐ Branch Removal ☐ Crown Cleaning/Thinning ☐ Crown Reduction

Other/Explain IN ORDER TO MAKE OUR PUBLIC RESTROOM ADA COMPLIANT  
WE MUST REMOVE SURROUNDING TREES.

Reason for Request FOR ADA COMPLIANCE CONSTRUCTION

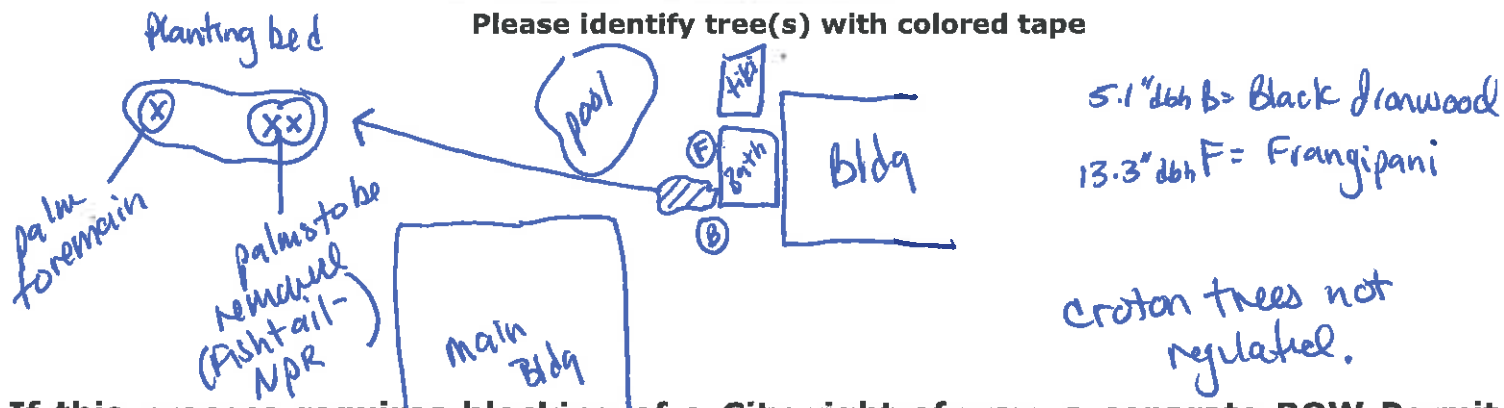
Property Owner Name MEHGAN HEAPS / THE BANYAN RESORT  
Property Owner eMail Address gm@thebanyanresort.com  
Property Owner Mailing Address 323 WHITEHEAD ST  
Property Owner Mailing City KEY WEST State FL Zip 33040  
Property Owner Phone Number (305) 296-7786  
Property Owner Signature [Signature]

Representative Name SAME AS ABOVE  
Representative eMail Address \_\_\_\_\_  
Representative Mailing Address \_\_\_\_\_  
Representative Mailing City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Representative Phone Number (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

NOTE: A Tree Representation Authorization form must accompany this application if someone other than the owner will be representing the owner at a Tree Commission meeting or picking up an issued Tree Permit.

Tree Representation Authorization form attached ☐

<<<<< Sketch location of tree in this area including cross/corner Street >>>>>



If this process requires blocking of a City right-of-way, a separate ROW Permit is required. Please contact 305-809-3740.





7754

## Tree Representation Authorization

Date: 1/19/16

Attendance at the Tree Commission meeting on the date when your request will be discussed is necessary in order to expedite the resolution of your application. This Tree Representation Authorization form must accompany the application if the property owner is unable to attend or will have someone else pick up the Tree Permit once issued.

Please Clearly Print All Information unless indicated otherwise.

Tree Address 323 WHITEHEAD ST.

Property Owner Name MEHGAN HEAPS / THE BANYAN RESORT

Property Owner eMail Address gm@thebanyanresort.com

Property Owner Mailing Address 323 WHITEHEAD ST.

Property Owner Mailing City KEY WEST State FL Zip 33040

Property Owner Phone Number (305) 296-7786

Property Owner Signature [Signature]

Representative Name SAME AS ABOVE

Representative eMail Address \_\_\_\_\_

Representative Mailing Address \_\_\_\_\_

Representative Mailing City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Representative Phone Number ( ) -

I MEHGAN HEAPS, hereby authorize the above listed agent(s) to represent me in the matter of obtaining a Tree Permit from the City of Key West for my property at the tree address above listed. You may contact me at the telephone listed above if there are any questions or need access to my property.

Property Owner Signature [Signature]

The forgoing instrument was acknowledged before me on this 19 day JAN 2016.

By (Print name of Affiant) MEHGAN HEAPS who is personally known to me or has produced \_\_\_\_\_ as identification and who did take an oath.

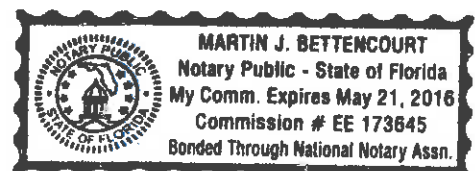
### NOTARY PUBLIC

Sign Name: [Signature]

Print Name: MARTIN BETTENCOURT

My Commission Expires: MAY 21 2016

Notary Public - State of Florida (seal)





**FLORIDA DEPARTMENT OF STATE  
DIVISION OF CORPORATIONS****Detail by Officer/Registered Agent Name****Florida Not For Profit Corporation**

THE BANYAN TREE OF KEY WEST CONDOMINIUM AND OWNERS ASSOCIATION, INC.

**Filing Information**

<b>Document Number</b>	766069
<b>FEI/EIN Number</b>	59-2735297
<b>Date Filed</b>	12/10/1982
<b>State</b>	FL
<b>Status</b>	ACTIVE
<b>Last Event</b>	AMENDMENT AND NAME CHANGE
<b>Event Date Filed</b>	03/18/1992
<b>Event Effective Date</b>	NONE

**Principal Address**

323 WHITEHEAD STREET  
KEY WEST, FL 33040

Changed: 11/07/1991

**Mailing Address**

323 WHITEHEAD STREET  
KEY WEST, FL 33040

Changed: 11/07/1991

**Registered Agent Name & Address**

HEAPS, MEHGAN  
323 WHITEHEAD STREET  
KEY WEST, FL 33040

Name Changed: 08/22/2014

Address Changed: 09/20/2006

**Officer/Director Detail****Name & Address**

Title S

Oliver, Richard-Kerr  
7525 WHISPERING OAK DR.  
Hanahan, SC 29410



## Title VP

LACY, BRUCE  
160 PINE TREE DRIVE  
HONEYBROOK, PA 19344

## Title D

LACHAT-LYNCH, AMY  
820 WINDSOR LANE  
KEY WEST, FL 33040

## Title President

CIMINI, JOSEPH  
4307 EDGEWATER DRIVE  
LAKE CHARLES, LA 70605

## Title Director

Jackson, James  
222 CHURCH ST.  
Turtle Creek, PA 15145

## Title T

MYERS, JERRY  
POB 10  
SAINT JAMES CITY, FL 33956

## Title Director

Vann, Harry L  
11 FAIRFIELD PLAZA  
AVONDALE ESTATES, GA 30002

Annual Reports

Report Year	Filed Date
2014	01/07/2014
2014	08/22/2014
2015	02/11/2015

Document Images[02/11/2015 -- ANNUAL REPORT](#)[View image in PDF format](#)[08/22/2014 -- AMENDED ANNUAL REPORT](#)[View image in PDF format](#)[01/07/2014 -- ANNUAL REPORT](#)[View image in PDF format](#)[01/31/2013 -- ANNUAL REPORT](#)[View image in PDF format](#)[03/16/2012 -- ANNUAL REPORT](#)[View image in PDF format](#)



[04/15/2011 -- ANNUAL REPORT](#)[View image in PDF format](#)[01/21/2010 -- ANNUAL REPORT](#)[View image in PDF format](#)[01/15/2009 -- ANNUAL REPORT](#)[View image in PDF format](#)[01/04/2008 -- ANNUAL REPORT](#)[View image in PDF format](#)[01/11/2007 -- ANNUAL REPORT](#)[View image in PDF format](#)[09/20/2006 -- ANNUAL REPORT](#)[View image in PDF format](#)[05/01/2006 -- ANNUAL REPORT](#)[View image in PDF format](#)[08/02/2005 -- Reg. Agent Change](#)[View image in PDF format](#)[03/25/2005 -- ANNUAL REPORT](#)[View image in PDF format](#)[01/09/2004 -- ANNUAL REPORT](#)[View image in PDF format](#)[02/10/2003 -- ANNUAL REPORT](#)[View image in PDF format](#)[02/17/2002 -- ANNUAL REPORT](#)[View image in PDF format](#)[03/12/2001 -- ANNUAL REPORT](#)[View image in PDF format](#)[02/16/2000 -- ANNUAL REPORT](#)[View image in PDF format](#)[02/24/1999 -- ANNUAL REPORT](#)[View image in PDF format](#)[03/12/1998 -- ANNUAL REPORT](#)[View image in PDF format](#)[03/10/1997 -- ANNUAL REPORT](#)[View image in PDF format](#)[03/14/1996 -- ANNUAL REPORT](#)[View image in PDF format](#)[03/20/1995 -- ANNUAL REPORT](#)[View image in PDF format](#)