

02/10/17

Mr. Patrick Wright, Senior Planner
City of Key West
3401 Flagler Avenue
Key West, FL 33040

RE: Revised Conditional Use Application
1421 First Street



Dear Mr. Wright:

As you may recall, on 10/15/15 we submitted a Conditional Use application to allow the construction of four affordable units for the above property. That application got hung up after DRC due to differing interpretations regarding the calculation of density and the resulting effect on the number of units permitted on the property.

Since that time we have revisioned the project and we respectfully seek to revise our application to one single-family market-rate dwelling.

As such, we are submitting the attached revised application and application fee reflecting the proposed change.

Included with the original application was the following application fee:

Standard Application Fee:	\$2,150.00
Affordable Housing Fee Reduction 50%:	<u>-\$1,075.00</u>
Total Application Fee previously paid:	\$1,075.00

Given that we are abandoning our attempt to build affordable housing, we are including a check in the amount of \$1,075.00 to make up the difference in the application fee.

Thank you and best regards.



Owen Trepanier

TREPANIER & ASSOCIATES INC.

P O Box 2155 Ph. 305-293-8983
Key West, FL 33045

5599

63-9138/2631

DATE 2-10-2017

PAY
TO THE
ORDER OF

City of Key West - Penny Dept | \$ 1075.-

DOLLARS



Security
Features on
Back



BRANCH BANKING AND TRUST COMPANY
1-800-BANK BBT BBT.com

FOR 1421 1st Conditional Use

Richard T. West

MP

TREPANIER & ASSOCIATES INC.

P O Box 2155 Ph: 305-293-8983
Key West, FL 33045

5329

63-9138/2631

DATE

10-15-2015

PAY
TO THE
ORDER OF

City of Key West -

\$ 1,075.-

DOLLARS



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Features
on
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BRANCH BANKING AND TRUST COMPANY
1-800-BANK BBT BBT.com

FOR Conditional use app fee -

Richard J. Monte

MP

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION
City of Key West Planning Department
3140 Flagler Avenue, Key West, FL 33040
(305) 809-3720



Development Plan & Conditional Use Application

Applications will not be accepted unless complete

Development Plan

Major _____

Minor _____

Conditional Use

 x

Historic District

Yes _____

No x

Please print or type:

- 1) Site Address 1421 First Street
- 2) Name of Applicant Trepanier & Associates, Inc.
- 3) Applicant is: Owner x Authorized Representative _____
 (attached Authorization and Verification Forms must be completed)
- 4) Address of Applicant 1421 First Street
 Key West FL, 33040
- 5) Applicant's Phone # 305-293-8983 Email owen@owentrepanier.com
- 6) **Email Address:** owen@owentrepanier.com
- 7) Name of Owner, if different than above Same as Above
- 8) Address of Owner _____
- 9) Owner Phone # _____ Email _____
- 10) Zoning District of Parcel CL RE# 00045100-000000
- 11) Is Subject Property located within the Historic District? Yes _____ No x
 If Yes: Date of approval _____ HARC approval # _____
 OR: Date of meeting _____
- 12) Description of Proposed Development and Use. Please be specific, list existing and proposed buildings and uses, number of dwelling units, parking, restaurant seats, vehicles proposed, etc. If there is more than one use, describe in detail the nature of each use (Give concise description here and use a separate sheet if necessary).
 Construct a single-family residential dwelling

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION
City of Key West Planning Department
3140 Flagler Avenue, Key West, FL 33040
(305) 809-3720



13) Has subject Property received any variance(s)? Yes _____ No x

If Yes: Date of approval _____ Resolution # _____

Attach resolution(s).

14) Are there any easements, deed restrictions or other encumbrances on the subject property?

Yes _____ No x

If Yes, describe and attach relevant documents.

-
- A. For both *Conditional Uses* and *Development Plans*, provide the information requested from the attached **Conditional Use and Development Plan** sheet.
- B. For *Conditional Uses* only, also include the **Conditional Use Criteria** required under Chapter 122, Article III, Sections 122-61 and 122-62 of the Land Development Regulations (see attached copy of criteria).
- C. For *Major Development Plans* only, also provide the **Development Plan Submission Materials** required under Chapter 108, Article II, Division 7, Sections 108-226 through 108-248 of the Land Development Regulations (see attached copy of criteria) and any additional information as determined by the Planning Staff.
- D. For both *Conditional Uses* and *Development Plans*, one set of plans MUST be signed & sealed by an Engineer or Architect.

Please note, development plan and conditional use approvals are quasi-judicial hearings and it is improper to speak to a Planning Board member or City Commissioner about the project outside of the hearing.

City of Key West
Planning Department



Verification Form

(Where Authorized Representative is an entity)

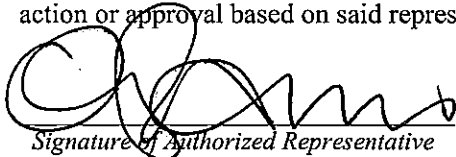
I, Owen Trepanier, in my capacity as President
(print name) (print position; president, managing member)
of Trepanier & Associates Inc.
(print name of entity serving as Authorized Representative)

being duly sworn, depose and say that I am the Authorized Representative of the Owner (as appears on the deed), for the following property identified as the subject matter of this application:

1421 1st Street

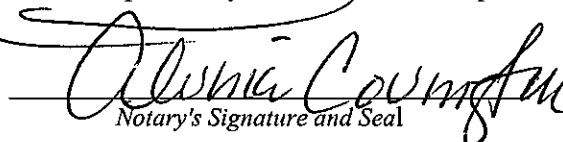
Street Address of subject property

All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect, any action or approval based on said representation shall be subject to revocation.


Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this 14th OCT 2015 by
date
Owen Trepanier
Name of Authorized Representative

He/She is personally known to me or has presented _____ as identification.


Notary's Signature and Seal



Alvina Covington
COMMISSION #FF913801
EXPIRES: August 27, 2019
WWW.AARONNOTARY.COM

Alvina Covington
Name of Acknowledger typed, printed or stamped

913801
Commission Number, if any

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS[Home](#)[Contact Us](#)[E-Filing Services](#)[Document Searches](#)[Forms](#)[Help](#)

Detail by Entity Name

Florida Profit Corporation

OWEN TREPANIER & ASSOCIATES, INC.

Filing Information

Document Number	P04000126065
FEI/EIN Number	43-2060722
Date Filed	08/30/2004
State	FL
Status	ACTIVE

Principal Address

1421 1st Street
Unit 101
KEY WEST, FL 33040

Changed: 04/09/2015

Mailing Address

P.O. BOX 2155
KEY WEST, FL 33045

Changed: 04/27/2005

Registered Agent Name & Address

PUENTE, RICHARD MR.
1024 THOMAS STREET
KEY WEST, FL 33040

Name Changed: 04/23/2012

Address Changed: 04/29/2010

Officer/Director Detail

Name & Address

Title PRES

TREPANIER, OWEN JMR.
1024 THOMAS STREET

Title VP

PUENTE, RICHARD MR.
1024 THOMAS STREET
KEY WEST, FL 33040

Annual Reports

Report Year	Filed Date
2013	04/29/2013
2014	04/07/2014
2015	04/09/2015

Document Images

04/09/2015 -- ANNUAL REPORT	View image in PDF format
04/07/2014 -- ANNUAL REPORT	View image in PDF format
04/29/2013 -- ANNUAL REPORT	View image in PDF format
04/23/2012 -- ANNUAL REPORT	View image in PDF format
04/27/2011 -- ANNUAL REPORT	View image in PDF format
04/29/2010 -- ANNUAL REPORT	View image in PDF format
04/28/2009 -- ANNUAL REPORT	View image in PDF format
04/29/2008 -- ANNUAL REPORT	View image in PDF format
04/26/2007 -- ANNUAL REPORT	View image in PDF format
04/27/2006 -- ANNUAL REPORT	View image in PDF format
04/27/2005 -- ANNUAL REPORT	View image in PDF format
08/30/2004 -- Domestic Profit	View image in PDF format



Scott P. Russell, CFA
Property Appraiser
Monroe County, Florida

Key West (305) 292-3420
Marathon (305) 289-2550
Plantation Key (305) 852-7130

Property Record Card -

Maps are now launching the new map application version.

Alternate Key: 1045691 Parcel ID: 00045100-000000

Ownership Details

Mailing Address:

OWEN TREPANIER & ASSOCIATES INC
1421 1ST ST
KEY WEST, FL 33040-3648

Property Details

PC Code: 17 - OFFICE BUILDINGS 1 STORY

Millage Group: 10KW

Affordable: No

Housing: No

Section- 05-68-25

Township-Range:

Property 1421 1ST ST UNIT: 102 KEY WEST

Location: 1421 1ST ST UNIT: 101 KEY WEST

Subdivision: Key West Realty Co's First Sub

Legal Description: KW KW REALTY CO'S FIRST SUB PB1-43 PT LTS 1 2 SQR 2 TR 21 50 FT X 101 FT FIRST ST CO JUDGE DOCKET 9-37A
OR334-587/88 OR334-538/41 OR334-545/47 OR1423-879/80 OR1649-581/83R/S OR2037-1987/88 OR2242-363 OR2561-1818/19
OR2687-1423/25

Click Map Image to open interactive viewer



Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	50	101	5,050.00 SF

Building Summary

Number of Buildings: 1
 Number of Commercial Buildings: 1
 Total Living Area: 1901
 Year Built: 1948

Building 1 Details

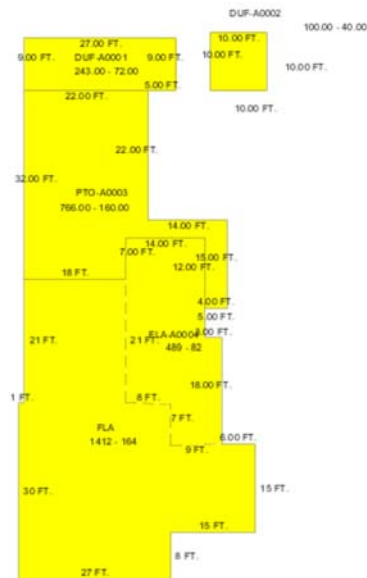
Building Type	Condition <u>G</u>	Quality Grade 400
Effective Age 12	Perimeter 246	Depreciation % 15
Year Built 1948	Special Arch 0	Grnd Floor Area 1,901
Functional Obs 0	Economic Obs 0	

Inclusions:

Roof Type	Roof Cover	Foundation
Heat 1	Heat 2	Bedrooms 0
Heat Src 1	Heat Src 2	

Extra Features:

2 Fix Bath	0	Vacuum	0
3 Fix Bath	2	Garbage Disposal	0
4 Fix Bath	0	Compactor	0
5 Fix Bath	0	Security	0
6 Fix Bath	0	Intercom	0
7 Fix Bath	0	Fireplaces	0
Extra Fix	5	Dishwasher	0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
0	DUF		1	1965					243
0	DUF		1	1965					100
0	PTO		1	2004					766
0	FLA		1	2004					489

1	FLA	1	1993	1,412
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Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
		DRV-INREST/FAST FOOD	100	N	N
	4874	OFF BLDG-1 STY-B	100	N	Y

Exterior Wall:

Interior Finish Nbr	Type	Area %
1323	AB AVE WOOD SIDING	26
1324	C.B.S.	74

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	UB2:UTILITY BLDG	180 SF	0	0	1969	1970	1	50
2	PT3:PATIO	260 SF	0	0	1959	1960	2	50
3	FN2:FENCES	108 SF	0	0	1959	1960	2	30

Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
09-1649	06/02/2009		900	Commercial	BUILD 20X20 L-SHAPED COUNTER TOP. ATTACHED TO THE FRONT OF THE BUILDING. COUNTER TOP TO BE MADE WITH 2X4 FRAME COVERED T&G
16 14-4463	10/22/2014		1,500	Commercial	BUILD NEW PARTION WALL 12 FT X 78" AND PAINT.
2 9603956	10/01/1996	12/01/1996	1,500	Commercial	RENOVATIONS
3 9603981	10/01/1996	12/01/1996	1,800	Commercial	MECHANICAL
4 9604014	10/01/1996	12/01/1996	4,850	Commercial	MECHANICAL
5 9604096	10/01/1996	12/01/1996	1,000	Commercial	ROOF
6 9604146	10/01/1996	12/01/1996	1,500	Commercial	ELECTRIC
7 9604397	11/01/1996	12/01/1996	400	Commercial	ELECTRIC
8 9604441	11/01/1996	12/01/1996	2,000	Commercial	RENOVATIONS
9 0100777	02/13/2001	10/31/2001	2,000	Commercial	REPLASTER OUTSIDE BUILDIN
10 0103992	12/19/2001	11/15/2002	4,000	Commercial	EXTERIOR SIGN
11 04-3693	01/12/2005	12/31/2004	15,800	Commercial	RENOVATE OFFICE BUILDING. BUILD ADA BATH ROOM AND RAMPS
12 05-1059	04/06/2005	12/31/2004	2,000	Commercial	INSTALL PAVERS PARKING & WALKWAYS
13 04-3286	10/13/2004	12/31/2004	2,400	Commercial	FRENCH DOORS
14 04-3606	11/19/2004	12/31/2004	2,400	Commercial	A/C
15 06-0505	01/27/2006	07/05/2006	10,000	Commercial	V-CRIMP & MODIFIED RUBBER ON FLAT ROOF.

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2015	232,194	1,675	105,371	339,240	339,240	0	339,240
2014	218,535	1,523	100,354	320,412	320,412	0	320,412

2013	218,535	1,523	100,354	320,412	320,412	0	320,412
2012	223,999	1,523	100,354	325,876	325,876	0	325,876
2011	232,194	1,523	200,707	434,424	434,424	0	434,424
2010	232,194	1,523	234,199	467,916	467,916	0	467,916
2009	237,657	1,523	292,749	531,929	531,929	0	531,929
2008	245,410	1,523	251,743	498,676	498,676	0	498,676
2007	196,823	1,523	328,250	526,596	526,596	0	526,596
2006	200,700	1,523	303,000	565,000	565,000	0	565,000
2005	205,160	1,523	227,250	565,000	565,000	0	565,000
2004	81,450	1,523	151,500	262,562	262,562	0	262,562
2003	81,450	1,523	79,790	262,562	262,562	0	262,562
2002	79,577	1,523	74,740	262,562	262,562	0	262,562
2001	79,577	1,523	74,740	231,613	231,613	0	231,613
2000	65,534	573	63,125	133,908	133,908	0	133,908
1999	65,534	587	63,125	133,908	133,908	0	133,908
1998	43,792	602	63,125	133,908	133,908	0	133,908
1997	43,792	616	53,025	133,908	133,908	0	133,908
1996	39,811	631	53,025	93,467	93,467	0	93,467
1995	39,811	645	53,025	93,481	93,481	0	93,481
1994	39,811	659	53,025	93,495	93,495	0	93,495
1993	38,481	0	53,025	91,506	91,506	0	91,506
1992	38,481	0	53,025	91,506	91,506	0	91,506
1991	38,481	0	53,025	91,506	91,506	0	91,506
1990	38,481	0	46,713	85,194	85,194	0	85,194
1989	38,481	0	45,450	83,931	83,931	0	83,931
1988	35,708	0	40,400	76,108	76,108	0	76,108
1987	35,013	0	31,563	66,576	66,576	0	66,576
1986	35,141	0	30,300	65,441	65,441	0	65,441
1985	33,966	0	20,200	54,166	54,166	0	54,166
1984	33,317	0	20,200	53,517	53,517	0	53,517
1983	33,317	0	20,200	53,517	53,517	0	53,517
1982	17,933	0	13,181	31,114	31,114	0	31,114

Parcel Sales History

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
5/30/2014	2687 / 1423	490,000	<u>WD</u>	<u>12</u>
3/23/2012	2561 / 1818	489,800	<u>WD</u>	<u>12</u>
8/27/2004	2037 / 1987	660,000	<u>WD</u>	<u>Q</u>
8/17/2000	1649 / 0581	320,000	<u>WD</u>	<u>Q</u>
9/1/1996	1423 / 0879	190,000	<u>WD</u>	<u>Q</u>

This page has been visited 379,960 times.

Monroe County Property Appraiser

06/04/2014 8:57AM
DEED DOC STAMP CL: Krys \$3,430.00

Prepared by and return to:

Monica Hornyak
Real Estate Closer
Spottswood, Spottswood & Spottswood
500 Fleming Street
Key West, FL 33040
305-294-9556
File Number: 14-107-EM
Will Call No.:

\$490,000

Doc# 1983990
Bk# 2687 Pg# 1423

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 30th day of May, 2014 between Keys Island Properties, LLC, a Florida limited liability company whose post office address is 1201 Simonton Street, Key West, FL 33040, grantor, and Owen Trepanier & Associates, Inc., a Florida Corporation, whose post office address is 1421 1st Street, Key West, FL 33040, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Monroe County, Florida** to-wit:

See Exhibit "A" Attached Hereto

Parcel Identification Number: 00045100-000000

SUBJECT TO: Taxes for the current and subsequent years.

SUBJECT TO: Conditions, limitations, easements and restrictions of record, if any.

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2013**.

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

Signed, sealed and delivered in our presence:

Brenda Bel
Witness Name: BRENDA BARRI
Amy N. Pierce
Witness Name: Amy N. Pierce

Keys Island Properties, LLC, a Florida limited liability company

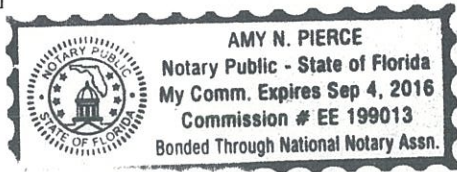
By: [Signature]
Gary Carney, President

(Seal)

State of Florida
County of Monroe

The foregoing instrument was acknowledged before me this 30th day of May, 2014 by Gary Carney, President of Keys Island Properties, LLC, a Florida limited liability company, on behalf of the company. ☒ He/she ☐ is personally known to me or ☒ [X] has produced a driver's license as identification.

[Notary Seal]



Amy N. Pierce
Notary Public

Printed Name: _____

My Commission Expires: _____

EXHIBIT "A"

On the Island of Key West and known on William. A. Whitehead's map of said Island delineated in February A.D. 1829 as part of Lots 1 and 2, Square 2, Tract 21 according to the Key West Realty Co.'s Subdivision Number 1 of Tract 21 and Salt Pond Lots Nos. 1, 2, 3, 4 and 5, more particularly described as follows:

Commencing at the corner of First Street and the County Road (Flagler Avenue), run in a Northwesterly direction a distance of 50 feet to a Point of Beginning; thence, at right angles, run in a Northeasterly direction a distance of 101 feet to a point; thence at right angles, run in a Northwesterly direction a distance of 50 feet to a point; thence at right angles, run in a Southwesterly direction a distance of 101 feet, to a point; thence at right angles, run in a Southeasterly direction a distance of 50 feet, back to the Point of Beginning

Single-Family Residential Dwelling

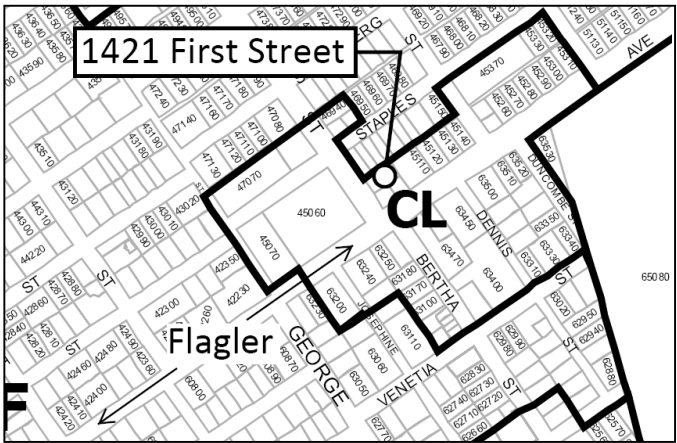
Conditional Use Approval Criteria Analysis
(Secs. 122-61 to 122-65)

1421 First Street (RE No. 00045100-000000)



Project Description:

This Conditional Use application is for the new construction of a single-family residential dwelling. Parking will be provided underneath. The existing commercial will be remain.



Identification of Key Persons:

Name of development:	1421 First Street
Developer:	Trepanier & Associates, Inc.
Scale:	As noted on Plans
Preparation and revision dates:	As noted on plans
Location:	1421 First Street, Key West, FL
Owner:	Trepanier & Associates, Inc.
Architect/ Engineer:	Will Shepler, Architect
Surveyor:	O'Flynn Surveying
Legal and Equitable Owners:	Trepanier & Associates, Inc. <ul style="list-style-type: none">• Owen Trepanier• Richard Puente

Solutions Statement:

Trepanier & Associates proposes building a single-family residential dwelling above parking behind their new offices at 1421 First Street.

Description of Proposed Development and Use:

Exterior stand alone construction of a single-family residential dwelling and associated site improvements.

1421 First Street • P.O. Box 2155 • Key West, FL • 33045-2155
Phone: 305-293-8983 • Fax: 305-293-8748 • Email: owen@owentrepanier.com

Site Data Table	Permitted/ Required	Existing	Proposed	Compliance
Zoning	--	CL	No Change	Complies
Flood Zone	--	AE-7	No Change	Complies
Size of Site	10,000 sq. ft.	5,050 sq. ft.	No Change	Complies
Height	40 ft.	<40 ft.	<40 ft.	Complies
Front Setback	20.2 ft.	0 ft.	No Change	Complies
Side Setback: Existing Structure	15 ft.	4 ft.	No Change	Complies
Proposed Structure	15 ft.	--	5 ft.	Variance
Street Side Setback: Existing Structure	20 ft.	2 ft.	No Change	Complies
Proposed Structure	20 ft.	--	5 ft.	Variance
Rear Setback	20.2 ft.	5 ft.	5 ft.	Variance
Density	2	0	1	Complies
F.A.R.	0.8	0.5	No change	Complies
Building Coverage	40%	54%	70%	Variance
Impervious Surface	60%	81%	74%	Complies
Parking	3	2	2	Complies
Handicap Parking	1	0	1	Variance
Bicycle/ Scooter parking	4.5	0	8	Complies
Open Space/ Landscaping	33%	19%	26%	Complies
Number & Type of Units	--	0	1 SFR	Conditional
Consumption Area/ # Seats	--	200 sq.ft./ 5 seats	No change	Complies

Other Project Information:

1. The target date for commencement shall follow entitlement approvals as quickly as possible.
2. Expected date of completion is within 1 year of commencement.
3. The proposed site plan is contained herewith.
4. This application proposes to construct four (4) new affordable residential units and associate site improvements as depicted on the plans.
5. Project is not a planned unit development.
6. The project will comply with federal flood insurance regulations.
7. This project is not located in an environmentally sensitive area.

Intergovernmental Coordination:

Coordination will occur through the building plan review process.

Schedule and Process:

The review process for conditional use will be pursuant to Sec. 122-63

10/20/15.....Submission Deadline

11/26/15.....Development Review Committee

12/17/15.....Planning Board

10 Days.....Planning Board Appeal Period

45 Days.....Department of Economic Opportunity Appeal Period

SPECIFIC CRITERIA FOR CONDITIONAL USE APPROVAL**Characteristics of proposed use (trip generation):**

Peak Hour Trip Generation	Week Day				Saturday		Sunday	
	Morning		Evening					
	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed
Restaurant - ITE 933 (Trips/ 1k sq. ft.)	63.50		52.40		No Data		No Data	
530 Sq. Ft.	33.66	33.66	27.77	27.77	--	--	--	--
Office - ITE 715 (Trips/1k sq. ft.)	1.80		1.73		No Data		No Data	
2,219 sq. ft.	3.99	3.99	3.84	3.84	--	--	--	--
SFR - ITE 210 (Trips/ unit)	0.75		1.01		0.94		0.86	
1 Unit	0.00	0.75	0.00	1.01	0.00	0.94	0.00	0.86
Total	37.65	38.40	31.61	32.62	0.00	0.94+	0.00	0.86+

Land use compatibility:

The attached analysis and plans demonstrate that the conditional use, including its proposed scale and intensity are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.

Site Size:

1421 First Street is located on the corner of First Street and Staples Lane. The site is 5,050 sq. ft. and has sufficient and adequate infrastructure to accommodate the proposed use. There are no proposed changes that will affect the site size.

Mitigative techniques:

The proposed use will not create negative impacts that require mitigation, therefore, no mitigative techniques are proposed.

Hazardous waste:

The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation.

Compliance with applicable laws and ordinances:

This conditional use shall comply with all applicable federal, state, county, and city laws and ordinances. Where permits are required from governmental agencies other than the city, these permits shall be obtained.

Additional criteria applicable to specific land uses:

- Land uses within a conservation area - The proposed project is not located in a conservation area.

- Mixed Use Development – This mixed use development is consistent and compliant with the with divisions 2 through 14 of article IV and divisions 2 and 3 of article V of this chapter pertaining to zoning district regulations, including size and dimension regulations impacting setbacks, lot coverage, height, mass of building, building coverage, and open space criteria. A variance is being sought to certain performance criteria.

ANALYSIS: EVALUATION FOR COMPLIANCE WITH THE LDRs

Concurrency Facilities and Other Utilities or Services (Section 108-233)

The anticipated public facility impacts of the proposed development:

The following concurrency analysis demonstrates that all anticipated development impacts to public facilities can be accommodated within current capacities.

The ability of existing facilities to accommodate the proposed development at the adopted level of service standards:

The following concurrency analysis demonstrates that all anticipated development impacts to existing facilities can be accommodated within current capacities and adopted levels of service.

Any existing facility deficiencies that will need to be corrected prior to the completion of the proposed development:

There are no existing facility deficiencies that will need to be corrected prior to completion of the proposed development.

The facility improvements or additions necessary to accommodate the impact of the proposed development at the adopted level of service standards and the entities responsible for the design and installation of all required facility improvements or additions:

There are no facility improvements or additions necessary to accommodate the impact of the proposed development at the adopted level of service standards.

The date such facility improvements or additions will need to be completed:

NA – No improvements required.

Fire Protection:

Key West Fire Department coordination shall be per DRC. No objections are known to exist at this time.

Site Location and Character of Use (Section 108-235):

The project site is located in the Commercial-Limited ("CL") zoning district. The CL zoning district is intended to serve limited commercial land uses such as neighborhood residential markets, specialized markets with customized market demands, and tourist-oriented markets. Based on the surrounding zoning and existing mixed land uses, the proposed conditional use is compatible with neighboring properties.

Location and screening of mechanical equipment, utility hardware and waste storage areas:

No changes are proposed.

Utility lines:

No changes proposed.

Commercial and manufacturing activities conducted in enclosed buildings:

All commercial activities shall be conducted in enclosed buildings

Exterior Lighting:

Appropriate dark-sky exterior lighting will be incorporated into the design.

Signs:

No new signage is proposed

Pedestrian sidewalks:

No changes proposed.

Loading docks:

No changes proposed.

Storage Areas:

No exterior storage areas are proposed. Interior storage shall be located in the side and rear portion of the property.

On-Site and Off-Site Parking and Vehicular, Bicycle, and Pedestrian Circulation:

Pursuant to Sec. 108-572 the parking demand for the existing and proposed uses are as follows:

Parking	Automobile			Bicycle		
	Req'd	Existing	Proposed	Req'd	Existing	Proposed
Restaurant (200 sq. ft. consumption area)	1	0	0	1	0	3

Office (2,219 sq. ft.)	7.3	2	2	1	0	3
SFR	1	0	0	1	0	4
Total	9.3	2	2	3	0	10

Housing:

A breakdown of the proposed residential units by price or rental range and type of unit.

Unit	Type	Size	Bed	Bath	Rental Range
1	SFR	~2k sq. ft.	4	4	Unk.

Economic resources:

No significant changes are anticipated.

Special Conditions:

The proposal complies with the goals, objectives and policies of the comprehensive plan and as demonstrated by the concurrency analysis there are no conflicts with the existing public facilities, such as wastewater treatment and transportation.

The project is located within the CL District and complies with the intent of the plan.

There is no impact on the unincorporated portion of the county.

Construction Management Plan and Inspection Schedule:

Construction shall comply with Sec. 108-248.

Open Space, Screening, Buffers and Landscaping:

Landscaping shall be comply with the requirements of the code.

Stormwater and Surface Water Management:

Stormwater shall incorporate best management practices.

Flood Hazard Areas:

Project shall comply with FEMA requirements as evidenced by the attached plans.

Utilities:

No changes proposed.

CONCURRENCY ANALYSIS:

The City's Comprehensive Plan Objective 9-1.5 directs the City to ensure that facilities and services needed to support development are available concurrent with the impacts of new development.

The following specific issues are outlined:

1. Potable Water & Sanitary Sewer
2. Recreation (for residential development only)
3. Solid Waste
4. Drainage
5. Roads/Trip Generation

The following concurrency analysis reflects the anticipated impacts resulting from the proposed conversion of existing commercial floor area to retail use.

Potable Water & Sanitary Sewer "Planned improvements in potable water and/or wastewater systems required to establish and/or maintain adopted water and wastewater levels of service. System improvements and proposed funding resources required for implementing any improvements required to establish and/or maintain adopted potable water and wastewater system level of service standards¹:"

Potable Water Sec. 94-68 sets the level of service for residential potable water at 93 gal/ capita/day and nonresidential at 650 gal/acre/day.

- i) The total nonresidential capacity required for the existing **0.12 acre** parcel is:

$$650 \text{ gal/acre/day} \times 0.12 \text{ acre} = \mathbf{75.4 \text{ gal/day}}$$

- ii) The total nonresidential capacity required for the proposed **0.12 acre** parcel is:

$$650 \text{ gal/acre/day} \times 0.12 \text{ acre} = \mathbf{75.4 \text{ gal/day}}$$

- iii) The total residential capacity required for the existing **0 capita** is:

$$93 \text{ gal/capita/day} \times 0 \text{ capita} = \mathbf{0.0 \text{ gal/day}}$$

- iv) The total residential capacity required for the proposed **4 capita** is:

$$93 \text{ gal/capita/day} \times 4 \text{ capita} = \mathbf{372.0 \text{ gal/day}}$$

¹ The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues.

Based on the concurrency management calculation prescribed in the Comprehensive Plan, there is a minimal 372.0 gal/day increase in the proposed capacity required by Key West Comprehensive Plan LOS standards; the Florida Keys Aqueduct Authority has the capacity to supply adequate service to this property, as demonstrated below.

FKAA Supply Capacity:

The Florida Keys Aqueduct Authority ("FKAA") has adequate supply capacity to serve the potential development. FKAA has constructed facilities on the mainland in Florida City to expand water supply for the Florida Keys. This permitted and constructed improvement enables FKAA to provide over 23 MGD, which will provide sufficient capacity through 2022². Operational in 2011, the recent expansion of the R.O. plant will provide 6.0 MGD, which combined with the 17.0 MGD permitted withdrawal from the Biscayne Aquifer, increased available water supply to 23 MGD for the Florida Keys.

Expanded Florida City R.O. Plant. The Department of Health issued Permit # 150092-007-wc/04 (Exhibit I) on November 14, 2006 to allow for the construction of an expanded reverse osmosis (R.O.) water plant in Florida City. The expanded water plant is designed to treat blended Floridian Aquifer water as an alternative water source to the Biscayne Aquifer. The permit design capacity of the expanded R.O. plant is 6 MGD.

Revised Water Use Permit. The SFWMD issued revised Water Use Permit (WUP) #13-00005-W (Exhibit II) on March 26, 2008, which recognizes the additional blended Floridian Aquifer capacity that will be provided by the expanded R.O. plant. Interim Water Use Allocations in the WUP permit provide FKAA with an allocation of 17.00 MGD (dry season) and 17.79 GPD (wet season) which may be withdrawn from the Biscayne Aquifer and allows FKAA to utilize the Stock Island and Marathon Reverse Osmosis plants for any demands exceeding the interim withdrawal limit, pending completion of the R.O. plant in Florida City. The Stock Island and Marathon R.O. plants have a combined capacity of 3.0 MGD providing an interim WUP water supply of 20.0 MGD during the dry season if needed. Once operational in 2010, the R.O. plant will provide an additional 6.0 MGD, which when combined with the 17.0 MGD permitted withdrawal from the Biscayne Aquifer, will increase available water supply to 23 MGD for the Florida Keys.

The interim allocation of 20 MGD (7,300 MG/year) through 2010 and 23 MGD after 2010 provides ample water supply to support the adopted amendment and allocated growth well beyond 10 years. The "Monroe

² Excerpt from Analysis by Kenneth B. Metcalf, AICP, (Greenberg Traurig, P.A.), August 22, 2008.

County 2007 Annual Public Facilities Report” documents historic water use in the Florida Keys. Water demand has fluctuated significantly on an annual basis, however when evaluated over a ten-year period, the data shows an increase in water demand of more than 1 billion gallons over the last 10 years with an annual average increase of approximately 104 MG/year. This increase in demand can be shown in the following calculation:

1996 annual water demand = 5,272 MG /year

2006 annual water demand = 6,310 MG /year

Average Annual Increase = $(6,310 \text{ MG} - 5,272 \text{ MG}) / 10 = 103.8 \text{ MG /year}$

Based on the average annual increase of 103.8 MG per year, the interim allocation would be sufficient for an additional 9.5 years of growth beyond 2006 or through 2015 until demand reaches the interim permitted withdrawal of 20 MGD (7,300 MG/year). Since completion of the Florida City facilities, the 23 MGD allocation is available to support yet another 9.5 years of growth. Based on these findings, sufficient permitted water supply is available to meet the needs of the Florida Keys through 2024.

Improvements Schedule/Status. Condition 30 of the WUP provides the R.O. plant and the associated Floridian deep wells that will provide 23 MGD of capacity through 2024:

- DEP Underground Injection and Control permit was obtained on May 21, 2008.
- Construction contracts were required within 180 days or by November 21, 2008;
- Testing is required within one year and 30 days from issuance of the permit or by June 21, 2009.
- The R.O. plant construction was completed in January, 2010.

Sanitary Sewer Sec. 94-67 sets the level of service for residential sanitary sewer at 100 gal/capita/day and nonresidential sanitary sewer at 660 gal/acre/day.

- i) the total nonresidential capacity required for the current **0.12 acre** parcel is:

$$660 \text{ gal/acre/day} \times 0.12 \text{ acres} = \mathbf{79.2 \text{ gal/day}}$$

- ii) the total nonresidential capacity required for the proposed project on **0.12 acre** parcel is:

$$660 \text{ gal/acre/day} \times 0.12 \text{ acres} = \mathbf{79.2 \text{ gal/day}}$$

- iii) the total residential capacity required for the current **0 capita** is:

$$100\text{gal/acre/day} \times 0 \text{ capita} = \mathbf{0.0 \text{ gal/day}}$$

- iv) the total residential capacity required for the proposed **4 capita** is:

$$100\text{gal/acre/day} \times 4 \text{ capita} = \mathbf{400 \text{ gal/day}}$$

The current wastewater treatment plant has the potential treatment capacity of 10 million gallons per day. Only 4.8 million gallons per day of capacity are currently utilized³. The current plant has the capacity to service this project's projected needs.

Recreation "In cases where residential development is proposed, information shall be submitted describing plans for accommodating recreational demands generated by the development, including demonstrated evidence that the City's adopted level of service for recreation shall not be adversely impacted⁴:"

The recreational requirements of the community will not be impacted in any appreciable manner with the addition of four affordable apartments.

Solid Waste- "Projected demand generated by the development on the solid waste disposal system and assurances that the City's adopted level of service for solid waste disposal shall not be adversely impacted⁵:"

Sec. 94-71 sets the level of service for residential solid waste disposal (1994-2010) at 2.66 lb/capita/day and nonresidential solid waste disposal at 6.37 lb/capita/day⁶.

- i) the total capacity required for the existing **8 employees**⁷ is:

$$6.37 \text{ lbs/capita/day} \times 8 \text{ employees} = \mathbf{51.0 \text{ lbs/day}}$$

- ii) the total capacity required for the proposed **8 employees** is:

$$6.37 \text{ lbs/capita/day} \times 8 \text{ employees} = \mathbf{51.0 \text{ lbs/day}}$$

- iii) the total capacity required for the existing **0 Capita** is:

$$6.37 \text{ lbs/capita/day} \times 0 \text{ capita} = \mathbf{0.0 \text{ lbs/day}}$$

- iv) the total capacity required for the proposed **4 capita**⁸ is:

³ Per September 3, 2010 memo from Greg Smith, project Manager for CH2M Hill OMI (Exhibit III)

⁴ The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues.

⁵ The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues.

⁶ For these calculations, we chose to use the number of employees to represent the "capita."

⁷ Actual Employees on site

⁸ Occupancy expectations per Key West Affordability Code

$$6.37 \text{ lbs/capita/day} \times 4 \text{ capita} = \mathbf{25.5 \text{ lbs/day}}$$

Based on the City's LOS standards there will be a projected reduction in solid waste generation on the site. Waste Management has more than enough capacity to handle the projected load

Drainage - "Conceptual plan for accommodating storm water run-off and demonstrated evidence that the proposed drainage improvements shall accommodate storm water run-off without adversely impacting natural systems or the City's adopted level of service for storm drainage⁹"

This site currently meets the minimum requirements through best management practices.

Roads/Trip Generation - "Estimated trips for the peak hour generated by the proposed land use(s) together with anticipated on- and off-site improvements necessitated to accommodate the traffic impacts generated by the development including, additional R/W, roadway improvements, additional paved laneage, traffic signalization, proposed methods for controlling access and egress, and other similar improvements¹⁰:"

Peak Hour Trip Generation	Week Day				Saturday		Sunday	
	Morning		Evening					
	Existing	Proposed	Existing	Proposed	Existing	Proposed	Existing	Proposed
Restaurant - ITE 933 (Trips/ 1k sq. ft.)	63.50		52.40		No Data		No Data	
530 Sq. Ft.	33.66	33.66	27.77	27.77	--	--	--	--
Office - ITE 715 (Trips/1k sq. ft.)	1.80		1.73		No Data		No Data	
2,219 sq. ft.	3.99	3.99	3.84	3.84	--	--	--	--
SFR - ITE 210 (Trips/ unit)	0.75		1.01		0.94		0.86	
1 Unit	0.00	0.75	0.00	1.01	0.00	0.94	0.00	0.86
Total	37.65	38.40	31.61	32.62	0.00	0.94+	0.00	0.86+

Exhibits

Exhibit I – Department of Health Permit #150092-007-wc/04

Exhibit II – Water Use Permit (WUP) #13-00005-W

Exhibit III – September 3, 2010 Wastewater Memo

Exhibit IV – Map of the City of Key West's Existing Recreation Services

Exhibit V – January 25, 2010 Solid Waste Memo

⁹ The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues

¹⁰ Ibid

Exhibit I

Department of Health Permit #150092-007-wc/04



Jeb Bush
Governor

M. Rony Francis, M.D., M.S.P.H., Ph.D.
Secretary

Lillian Rivera, RN, MSN, Administrator

PERMITTEE:

Florida Keys Aqueduct Authority (FKAA)
C/o Ray M. Shimokubo
PO BOX 1239, Kennedy Drive
Key West, Florida 33041-1239

PERMIT No: 130092-007-WC/04
DATE OF ISSUE: November 14, 2006
EXPIRATION DATE: November 13, 2011
COUNTY: MIAMI-DADE COUNTY
LAT./LONG.: 25°26'25" N / 80°30'33" W
SECTION/TOWNSHIP/RANGE:
PROJECT: Reverse Osmosis (RO) Expansion
Facility, 6.0 MGD Permeate production with
blending options at FKAA J.Robert Dean WTP
Florida City, Dade County

This permit is issued under the provisions of Chapter 403, Florida Statutes, and Florida Administrative Code Rule 62-4, 62-550, 62-555 & 62-560. The above named permittee is hereby authorized to perform the work shown on the application, technical specifications approved drawing(s), plans, and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

TO CONSTRUCT: A Reverse Osmosis, (RO) treatment facility with a permeate capacity of up to 6 Million Gallons per Day, (MGD) produced from Phase I, consisting of three (3) 1.5 MGD trains or Phase II, consisting of an additional 1.5 MGD or four (4) 1.5 MGD trains. The RO facility will be fully integrated with the existing lime softening plant.

There will be the option of bypassing a limited amount of pretreated Floridan aquifer water and blending it with RU permeate thus adding alkalinity to the product water and increasing the overall plant "net" recovery. The RO system product water (degasified permeate/blended permeate) will be combined (blended) with existing lime softening plant product and a limited amount of cartridge-filtered Biscayne Aquifer RO bypass water. The blended product water will receive chemical addition and be transferred to existing finished water storage facilities and pumped to distribution with existing high service pumps.

The water treatment plant construction permit application is for 6 MGD RO permeate capacity plus up to 3 MGD cartridge filtered Biscayne Aquifer blend flow and up to 0.576 MGD (400 gpm) pretreated Floridan Aquifer feed water bypass (which blends with RO permeate), and up to 0.7 MGD Floridan Aquifer water which blends with the existing lime softening facility influent Biscayne Aquifer water. The full operation of all the above described facility units could raise the Possible Facility Output Capacity to greater than 23.8 MGD existing permissible, plus 6.0 MGD covered under this permit application.

No other facilities or new wells are part of this permit.

TO SERVE: The Florida Keys Water Distribution System, Monroe County, Florida.



Samir Elmir, M.S., P.E., DEE, Division Director
Miami-Dade County Health Department
Environmental Health and Engineering
1725 N. W. 167th Street, Miami, Florida 33056
Tel: (305) 623-3500 Fax: (305) 623-3502
Email: Samir_elmir@doh.state.fl.us
Website: www.dadehealth.org

"A"

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
 - (a) Have access to and copy any records that must be kept under conditions of the permit;
 - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and

PERMIT NO: 150092-007-WC/04

PERMIT ISSUE DATE: November 14, 2006

- (c) Sample or monitor any substances or parameters at any location reasonably necessary to assure compliance with this permit or Department rules.

Reasonable time may depend on the nature of the concern being investigated.

8. If, for any reason, the permittee does not comply with or will be unable to comply with any condition or limitation specified in this permit, the permittee shall immediately provide the Department with the following information:

- (a) A description of and cause of noncompliance; and
- (b) The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence if the noncompliance. The permittee shall be responsible for any and all damages which may result and may be subject to enforcement action by the Department for penalties or for revocation of this permit.

9. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except where such use is prescribed by Section 403.111 and 403.73, F.S. Such evidence shall only be used to the extent it is consistent with the Florida Rules of Civil Procedure and appropriate evidentiary rules.

10. The permittee agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules.

11. This permit is transferable only upon Department approval in accordance with Rule 62-4.120 and 62-30.300, F.A.C., as applicable. The permittee shall be liable for any non-compliance of the permitted activity until the transfer is approved by the Department.

12. This permit or a copy thereof shall be kept at the work site of the permitted activity.

13. This permit also constitutes:

- (X) Determination of Best Available Control Technology (BACT)
- () Determination of Prevention of Significant Deterioration (PSD)
- () Certification of compliance with state Water Quality Standards (Section 401, PL 92-500)
- () Compliance with New Source Performance Standards

PERMIT NO: 150092-007-WC/04

PERMIT ISSUE DATE: November 14, 2006

14. When requested by the Department, the permittee shall within a reasonable time furnish any information required by law, which is needed to determine compliance with the permit. If the permittee becomes aware the relevant facts were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be corrected promptly.

SPECIFIC CONDITIONS:

1. The applicant is responsible for retaining the engineer of record in the application for supervision of the construction of this project and upon completion, the engineer shall inspect for complete conformity to the plans and specifications as approved.

2. All concrete coatings/admixtures, liners, grouts, hoses, tubings, and protective paints and coatings shall be listed by the National Sanitation Foundation as acceptable for contact with potable water.

3. Bacteriological points depicted on the plans may be modified with Department consent to meet convenient locations where taps would be inserted in the Main for Fire, Metering, Air Release or other connections but not less than 900 foot intervals for new mains. "Additionally, each part or system module shall be Bacteriologically cleared with 2 consecutive days of sampling before being placed in service as well as the final stream going to storage and subsequent service.

4. The Applicant or his designee shall notify The Department at the local DOH office of the start of the study/construction for purposes of allowing Department Personnel to observe the actual process.

5. The owner or permittee is advised that approval is given to the functional aspects of this project on the basis of representation, and data furnished to this division. There may be County, Municipal or other Local Regulations to be complied with by the owner or permittee prior to construction of the facilities represented by the plans referred to above.

6. This construction permit is issued with the understanding that pipe material and appurtenances used in this installation will be in accordance with the latest applicable AWWA & NSF Standards for public water supplies.

7. The applicant Public Water System as a condition of this permit is hereby advised they shall revert to (2) two-six Month periods of standard monitoring for Lead and Copper upon issuance of Clearance to put the facilities into service. If no Lead or Copper exceedance occurs within the 2-6 Month periods, the System may return to annual monitoring.

PERMIT NO: 150092-007-WC/04

PERMIT ISSUE DATE: November 14, 2006

8. Prior to placing a system into service, the applicant shall submit to the Department, if requested, one set of record drawings of the completed project with completed form DEP 62.555.910(9) [Certification of Construction Completion and Request for a Letter of Clearance to Place a Public Drinking water facility into Service] signed by the engineer of record. Drawings are to be at the same scale and in the same sequence as those submitted and approved for permit. Deviations from the original permitted drawings are to be highlighted and/or noted for the Department's review. Include with the DEP form the bacteriological clearance data, pressure test results and backflow inspection certification (if applicable).

Issued this 30th day of November 2006

STATE OF FLORIDA
DEPARTMENT OF HEALTH



Samir Elmir, M.S., P.E./D.E.E.,
Division Director

Exhibit II

Water Use Permit (WUP) #13-00005-W



FORM #0299
Rev. 5/03

SOUTH FLORIDA WATER MANAGEMENT DISTRICT
WATER USE PERMIT NO. RE-ISSUE 13-00005-W
(NON - ASSIGNABLE)

Date Issued: 13-MAR-2008

Expiration Date: March 13, 2028

Authorizing: THE CONTINUATION OF AN EXISTING USE OF GROUND WATER FROM THE BISCAYNE AQUIFER AND FLORIDAN AQUIFER SYSTEM FOR PUBLIC WATER SUPPLY USE WITH AN ANNUAL ALLOCATION OF 8750.84 MILLION GALLONS.

Located In: Miami-Dade County, S26/T57S/R38E

Issued To: FLORIDA KEYS AQUEDUCT AUTHORITY FKA
(FLORIDA KEYS AQUEDUCT AUTHORITY)
1100 KENNEDY DR
KEY WEST, FL 33401

This Permit is issued pursuant to Application No.050329-23, dated March 29, 2005, for the Use of Water as specified above and subject to the Special Conditions set forth below. Permittee agrees to hold and save the South Florida Water Management District and its successors harmless from any and all damages, claims or liabilities which may arise by reason of the construction, maintenance or use of activities authorized by this permit. Said application, including all plan and specifications attached thereto, is by reference made a part hereof.

Upon written notice to the permittee, this permit may be temporarily modified, or restricted under a Declaration of Water Shortage or a Declaration of Emergency due to Water Shortage in accordance with provisions of Chapter 373, Fla. Statutes, and applicable rules and regulations of the South Florida Water Management District.

This Permit may be permanently or temporarily revoked, in whole or in part, for the violation of the conditions of the permit or for the violation of any provision of the Water Resources Act and regulations thereunder.

This Permit does not convey to the permittee any property rights nor any privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation, or requirement affecting the rights of other bodies or agencies.

Limiting Conditions are as follows:

SEE PAGES 2 - 7 OF 7 (35 LIMITING CONDITIONS).

South Florida Water Management
District, by its Governing Board

On March 13, 2008
By [Signature]
Deputy Clerk

LIMITING CONDITIONS

1. This permit shall expire on March 13, 2028.
2. Application for a permit modification may be made at any time.
3. Water use classification:

Public water supply

4. Source classification is:

Ground Water from:
Biscayne Aquifer
Floridan Aquifer System

5. Annual allocation shall not exceed 8751 MG.

Maximum monthly allocation shall not exceed 809.0088 MG.

The following limitations to annual withdrawals from specific sources are stipulated:
Biscayne Aquifer-: 6,492 MG.

6. Pursuant to Rule 40E-1.6105, F.A.C., Notification of Transfer of Interest in Real Property, within 30 days of any transfer of interest or control of the real property at which any permitted facility, system, consumptive use, or activity is located, the permittee must notify the District, in writing, of the transfer giving the name and address of the new owner or person in control and providing a copy of the instrument effectuating the transfer, as set forth in Rule 40E-1.6107, F.A.C.

Pursuant to Rule 40E-1.6107 (4), until transfer is approved by the District, the permittee shall be liable for compliance with the permit. The permittee transferring the permit shall remain liable for all actions that are required as well as all violations of the permit which occurred prior to the transfer of the permit.

Failure to comply with this or any other condition of this permit constitutes a violation and pursuant to Rule 40E-1.609, Suspension, Revocation and Modification of Permits, the District may suspend or revoke the permit.

This Permit is issued to:

Florida Keys Aqueduct Authority
1100 Kennedy Drive
Key West, Florida 33401

7. Withdrawal facilities:

Ground Water - Existing:

2 - 24" X 60' X 2000 GPM Wells Cased To 35 Feet
3 - 24" X 56' X 2000 GPM Wells Cased To 36 Feet
1 - 20" X 60' X 2100 GPM Well Cased To 20 Feet
2 - 24" X 57' X 2000 GPM Wells Cased To 37 Feet
1 - 24" X 60' X 1400 GPM Well Cased To 24 Feet
1 - 20" X 1300' X 2000 GPM Well Cased To 880 Feet
1 - 24" X 60' X 1400 GPM Well Cased To 20 Feet

Ground Water - Proposed:

4 - 17" X 1300' X 2000 GPM Wells Cased To 880 Feet

8. Permittee shall mitigate interference with existing legal uses that was caused in whole or in part by the permittee's withdrawals, consistent with the approved mitigation plan. As necessary to offset the interference, mitigation will include pumpage reduction, replacement of the impacted individual's equipment, relocation of wells, change in withdrawal source, or other means.

Interference to an existing legal use is defined as an impact that occurs under hydrologic conditions equal to or less severe than a 1 in 10 year drought event that results in the:

(1) Inability to withdraw water consistent with provisions of the permit, such as when remedial structural or operational actions not materially authorized by existing permits must be taken to address the interference; or

(2) Change in the quality of water pursuant to primary State Drinking Water Standards to the extent that the water can no longer be used for its authorized purpose, or such change is imminent.

9. Permittee shall mitigate harm to existing off-site land uses caused by the permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the District will require the permittee to modify withdrawal rates or mitigate the harm. Harm caused by withdrawals, as determined through reference to the conditions for permit issuance, includes:

(1) Significant reduction in water levels on the property to the extent that the designed function of the water body and related surface water management improvements are damaged, not including aesthetic values. The designed function of a water body is identified in the original permit or other governmental authorization issued for the construction of the water body. In cases where a permit was not required, the designed function shall be determined based on the purpose for the original construction of the water body (e.g. fill for construction, mining, drainage canal, etc.)

(2) Damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use; or

(3) Land collapse or subsidence caused by reduction in water levels associated with consumptive use.

10. Permittee shall mitigate harm to the natural resources caused by the permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the District will require the permittee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to the conditions for permit issuance includes:

(1) Reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/salt water interface,

(2) Reduction in water levels that harm the hydroperiod of wetlands,

(3) Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond,

(4) Harmful movement of contaminants in violation of state water quality standards, or

(5) Harm to the natural system including damage to habitat for rare or endangered species.

11. If any condition of the permit is violated, the permit shall be subject to review and possible modification, enforcement action, or revocation.

12. Authorized representatives of the District shall be permitted to enter, inspect, and observe the permitted system to determine compliance with special conditions.
13. The Permittee is advised that this permit does not relieve any person from the requirement to obtain all necessary federal, state, local and special district authorizations.
14. The permit does not convey any property right to the Permittee, nor any rights and privileges other than those specified in the Permit and Chapter 40E-2, Florida Administrative Code.
15. Permittee shall submit all data as required by the implementation schedule for each of the limiting conditions to: S.F.W.M.D., Supervising Hydrogeologist - Post-Permit Compliance, Water Use Regulation Dept. (4320), P.O. Box 24680, West Palm Beach, FL 33416-4680.
16. In the event of a declared water shortage, water withdrawal reductions will be ordered by the District in accordance with the Water Shortage Plan, Chapter 40E-21, F.A.C. The Permittee is advised that during a water shortage, pumpage reports shall be submitted as required by Chapter 40E-21, F.A.C.
17. Prior to the use of any proposed water withdrawal facility authorized under this permit, unless otherwise specified, the Permittee shall equip each facility with a District-approved operating water use accounting system and submit a report of calibration to the District, pursuant to Section 4.1, Basis of Review for Water Use Permit Applications.

In addition, the Permittee shall submit a report of recalibration for the water use accounting system for each water withdrawal facility (existing and proposed) authorized under this permit every five years from each previous calibration, continuing at five-year increments.

18. Monthly withdrawals for each withdrawal facility shall be submitted to the District quarterly. The water accounting method and means of calibration shall be stated on each report.
19. The Permittee shall notify the District within 30 days of any change in service area boundary. If the Permittee will not serve a new demand within the service area for which the annual allocation was calculated, the annual allocation may then be subject to modification and reduction.
20. Permittee shall implement the following wellfield operating plan:
The Biscayne Aquifer wellfield shall be operated according to the restrictions outlined in Limiting Conditions 5, 25, 26, and 27 of this permit. Upon completion and operation of the Reverse Osmosis system, pursuant to the schedule outlined in Limiting Condition 30, the Floridan Aquifer wellfield will be operated to provide the balance of the demands beyond those restrictions.
21. Permittee shall determine unaccounted-for distribution system losses. Losses shall be determined for the entire distribution system on a monthly basis. Permittee shall define the manner in which unaccounted-for losses are calculated. Data collection shall begin within six months of Permit issuance. Loss reporting shall be submitted to the District on a yearly basis from the date of Permit issuance.
22. Permittee shall maintain an accurate flow meter at the intake of the water treatment plant for the purpose of measuring daily inflow of water.
23. The Permittee shall continue to submit monitoring data in accordance with the approved saline water intrusion monitoring program for this project.
24. The Water Conservation Plan required by Section 2.6.1 of the Basis of Review for Water Use Permit Applications within the South Florida Water Management District, must be implemented in accordance with the approved implementation schedule.
25. In addition to the allocation specified in Limiting Condition 5, the permittee may apply a Special Event Peaking Factor Ratio of 1.3:1 to compensate for temporary increased demand during seasonal and Special Events up to a maximum daily withdrawal of 33.57 MG. The source limitations imposed by

Limiting Conditions 5 and 26 apply to the Special Event Peaking Factor Ratio. The permittee must notify the District in writing no less than 24 hours prior to applying this Special Event Peaking Factor Ratio and must specify the proposed duration of the use of the Special Event Peaking Factor Ratio. The use of the Special Event Peaking Factor Ratio shall be noted on the monthly pumpage reports.

26. In addition to the allocations specified in Limiting Conditions 5 and 25, during the dry season (December 1 to April 30), FCAA shall limit their average day withdrawals from the Biscayne Aquifer to 17 MGD, calculated on a monthly basis. The remaining dry season demands shall be provided by the reverse osmosis system. During the remainder of the year from May 1 to November 30, the withdrawals from the Biscayne Aquifer shall be limited to the Base Condition water use for the Biscayne Aquifer of 6,492 MGY, or an average day of 17.79 MGD. Demands in excess of these volumes shall be provided by the Floridan Aquifer System wells and the emergency desalination facilities.
27. Prior to the availability of the Floridan Aquifer reverse osmosis system, dry season demand in excess of the Biscayne Aquifer pumpage limitations specified in Limiting Condition 26 shall be obtained from emergency sources pursuant to Limiting Condition 29.
28. In addition to the monthly reporting required in Limiting Condition 18, and prior to the operation of the Reverse Osmosis system, on the 15th day of each month during and immediately following the dry season extending from December 1 to April 30, FCAA shall file a written report with the District ("mid-month report") evaluating the following: 1) the daily pumpage to date during the last 30 days; and 2) any daily pumpage distribution for the remainder of the dry season as necessary to comply with the 17 MGD Biscayne Aquifer average dry season limitation. Such report shall also identify any remedial actions necessary to ensure compliance that through the remainder of the dry season the applicable Biscayne Aquifer pumpage limitations described above will be met. This report shall replace the other reports required by the Consent Agreement (including the June 15 post-dry season report and the February 15th mid-dry season additional demand report). Such mid-month report shall be evaluated by District staff and revised by the District as necessary to achieve compliance with the above. Upon completion and operation of the Reverse Osmosis system, pursuant to the schedule outlined in Limiting Condition 30, this report requirement shall cease and the monthly Biscayne Aquifer withdrawals shall be reported as required by Limiting Condition 18 of this permit.
29. In order to reduce the potential for violating the 17 MGD Biscayne Aquifer average monthly withdrawal limitation during the dry season, FCAA must to the greatest extent practical utilize the emergency desalination facilities FCAA owns and operates at Stock Island and Marathon, which are potentially capable of treating saline water at rates up to 3.0 MGD. The FCAA shall use these two emergency desalination facilities as an alternative source of water in order to assist in limiting its dry season Biscayne Aquifer withdrawals. The FCAA's ability to use, and extent of use, of these emergency desalination facilities shall be subject to not causing (i) significant adverse affects to FCAA's water treatment or distribution system; or (ii) a violation of any applicable primary or secondary drinking water standards.
30. The permittee shall adhere to the following schedule for the construction and operation of the Floridan Aquifer System reverse osmosis wellfield and treatment facility:
- Florida Keys Aqueduct Authority - Schedule for Construction and Operation of Floridan Aquifer Production Well, Floridan Aquifer Reverse Osmosis Treatment Facility, and Demineralized Concentrate Disposal Well
- Reverse osmosis water treatment plant expansion
Award Contract - September 30, 2007
Complete Construction - December 31, 2009

--Deep Injection Well

Obtain FDEP Permit - March 31, 2008

Award Contract - 152 days after receiving FDEP Underground Injection Control Permit

Complete Drilling and Testing - 1 year and 30 days after receiving FDEP Underground Injection Control Permit

--Complete reverse osmosis water treatment plant system

Begin and Stabilize Operation - 2 years and 60 days after receiving FDEP Underground Injection Control Permit

31.

In the event that a milestone specified in the alternative water supply schedule and plan contained in Limiting Condition 30 is going to be missed, the permittee shall notify the Executive Director of the District in writing explaining the nature of the delay, actions taken to bring the project back on schedule and an assessment of the impact the delay would have on the rates of withdrawals from the Everglades water bodies and associated canals as defined in District CUP rules. The District will evaluate the situation and take actions as appropriate which could include: a) granting an extension of time to complete the project (if the delay is minor and doesn't affect the Everglades Waterbodies or otherwise violates permit conditions), b) take enforcement actions including consent orders and penalties, c) modify allocations contained in this permit from the Biscayne Aquifer including capping withdrawal rates until the alternative water supply project(s) are completed (in cases where the delay would result in violations of permit conditions) or d) working with the Department of Community Affairs to limit increase demands for water until the alternative water supply project is completed. In addition, Permittee shall make to the District payment of funds as identified below for non-compliance with any timeline for development of the Floridan Aquifer System production and treatment system as provided in Limiting Condition 30, as follows:

A. Reverse Osmosis Plant construction and operation timelines in Limiting Condition 30

-- Award Contract - \$2,000.00 per week

-- Complete Construction - \$2,000.00 per week

B. Floridan Deep Injection Well(s) Construction and Operation

-- Award Contract - \$2,000.00 per week

-- Complete drilling and Testing - \$2,000.00 per week

-- Complete reverse Osmosis Water Treatment Plant System - \$2,000.00 per week

-- Begin and Stabilize Operation - \$2,000.00 per week

32. Prior to any application to renew or modify this permit, the Permittee shall evaluate long term water supply alternatives and submit a long term water supply plan to the District. Within one year of permit issuance, the Permittee shall submit to the District an outline of the proposed plan. The assessment should include consideration of saline intrusion, wellfield protection, plans for compliance with applicable wellfield protection ordinances, expected frequencies and plans to cope with water shortages or well field failures, and conservation measures to reduce overall stresses on the aquifer.

33. For uses with an annual allocation greater than 10 MGD and a permit duration of 20 years, every five years from the date of permit issuance, the permittee shall submit a water use compliance report for review and approval by District Staff, which addresses the following:

1. The results of a water conservation audit that documents the efficiency of water use on the project site using data produced from an onsite evaluation conducted. In the event that the audit indicates additional water conservation is appropriate or the per capita use rate authorized in the permit is exceeded, the permittee shall propose and implement specific actions to reduce the water use to acceptable levels within timeframes proposed by the permittee and approved by the District.
2. A comparison of the permitted allocation and the allocation that would apply to the project based on current District allocation rules and updated population and per capita use rates. In the event the permit allocation is greater than the allocation provided for under District rule, the permittee shall apply for a letter modification to reduce the allocation consistent with District rules and the updated population and per capita use rates to the extent they are considered by the District to be indicative of long term trends in the population and per capita use rates over the permit duration. In the event that the permit allocation is less than allowable under District rule, the permittee shall apply for a modification of the permit to increase the allocation if the permittee intends to utilize an additional allocation, or modify its operation to comply with the existing conditions of the permit.
34. If at any time there is an indication that the well casing, valves, or controls leak or have become inoperative, repairs or replacement shall be made to restore the system to an operating condition. Failure to make such repairs shall be cause for filling and abandoning the well, in accordance with procedures outlined in Chapters 40E-3 and 40E-30, Florida Administrative Code.
35. It has been determined that this project relies, in part, on the waters from the Central and Southern Florida Project, and as such is considered to be an indirect withdrawal from an MFL water body under recovery (Everglades). The 2005-2006 Lower East Coast Water Supply Plan Update (February, 2007), which is the recovery plan for the Everglades, incorporates a series of water resource development projects and operational changes that are to be completed over the duration of the permit and beyond. If the recovery plan is modified and it is determined that this project is inconsistent with the approved recovery plan, the permittee shall be required to modify the permit consistent with the provisions of Chapter 373, Florida Statutes.

Exhibit III

September 3, 2010 Wastewater Memo

Mehdi Benkhatar

To: Jay Gewin
Subject: RE: Wastewater Capacity for the City of Key West

From: Jay Gewin [mailto:jgewin@keywestcity.com]
Sent: Friday, September 03, 2010 8:27 AM
To: Mehdi Benkhatar
Cc: Owen Trepanier
Subject: RE: Wastewater Capacity for the City of Key West

The City of Key West transports its wastewater to its state of the art wastewater treatment facility located on Fleming Key. The facility is permitted to treat 10 million gallons per day (mgd), and currently the average daily influent flow is 4.8 mgd. This average daily flow can go much higher during heavy rain and flood events, up to the capacity of the plant a few times during the year.

The Wastewater Treatment Plant is of course, the final destination for wastewater after it passes through the City's collection system. The capacity of the collection system varies at different locations on the island, as the wastewater passes through a series of lift stations on its way to the Treatment Plant.

*Jay Gewin
Utilities Manager
City of Key West
305-809-3902*

From: Mehdi Benkhatar [mailto:mehdi@owentrepanier.com]
Sent: Thursday, September 02, 2010 4:17 PM
To: Jay Gewin
Cc: Owen Trepanier
Subject: Wastewater Capacity for the City of Key West

Good afternoon Jay,

The City is asking Trepanier & Associates for information regarding the Key West's wastewater capacity. Would you be able to provide me a short memo similar to the one below explaining the current wastewater capacity situation?

Thanks very much,

Mehdi Benkhatar
Planner/Development Specialist
Trepanier & Associates, Inc.
305-293-8983

From: Jay Gewin [mailto:jgewin@keywestcity.com]
Sent: Monday, January 25, 2010 4:53 PM
To: Mehdi Benkhatar
Cc: Owen Trepanier
Subject: RE: Solid Waste Capacity for the City of Key West

Exhibit IV

Map of the City of Key West's Existing Recreation Services

The City of Key West's Recreation Facilities



Exhibit V

January, 2010 Solid Waste Memo

Mehdi Benkhatar

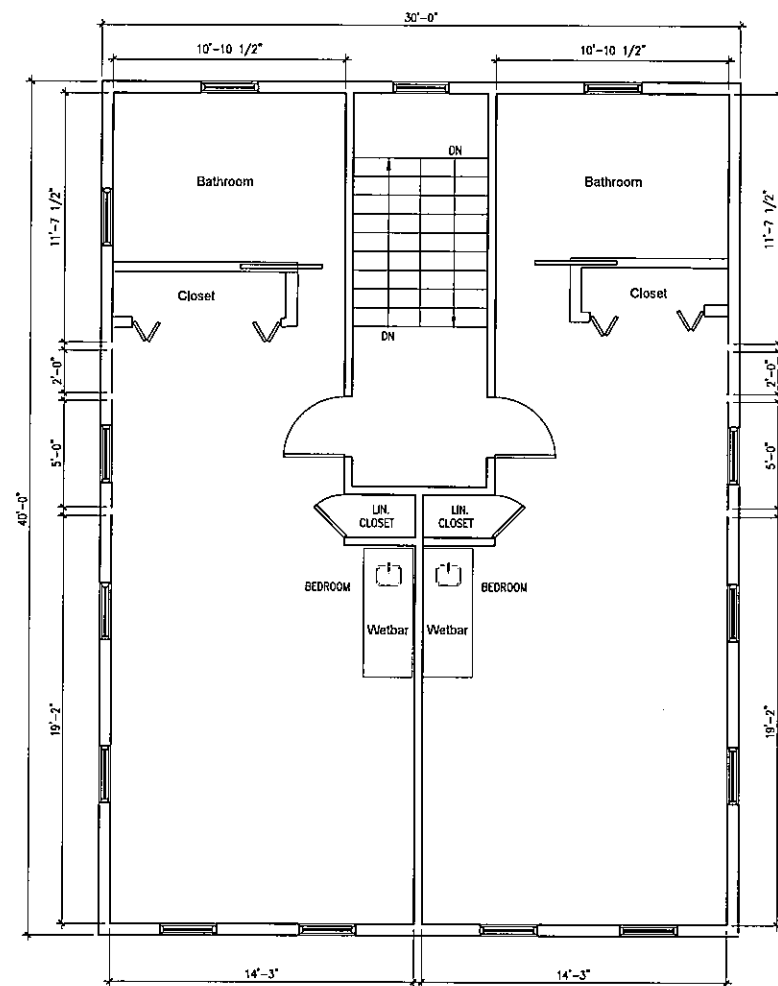
Subject: FW: Solid Waste Capacity for the City of Key West

From: Jay Gewin [mailto:jgewin@keywestcity.com]
Sent: Monday, January 25, 2010 4:53 PM
To: Mehdi Benkhatar
Cc: Owen Trepanier
Subject: RE: Solid Waste Capacity for the City of Key West

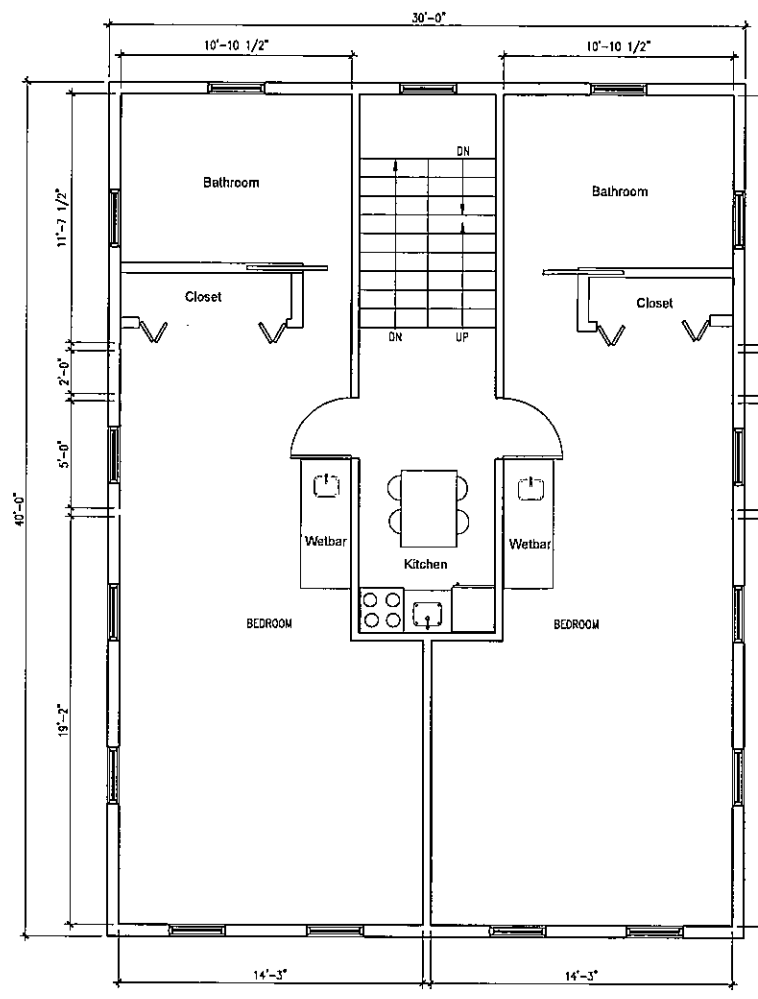
The City of Key West ships its solid waste to one of two waste-to-energy facilities on the mainland, that are shared by other municipalities. Those facilities are capable of receiving 2,500 tons per day, and currently they are only receiving about 70% of that capacity. Our contractor, Waste Management, has informed us that we are in no way exceeding our capacity.

Primarily due to ROGO limitations, lack of buildable space, and economic factors; the population of Key West has remained flat in recent years compared to the rest of Florida. Therefore we have not had to plan for continued growth as other high-growth areas of Florida had in better economic times. We currently are generating approximately 15,000 tons of solid waste per year. In better economic times, that figure was closer to 50,000 or slightly higher. However, the City plans on increasing its rate of recycling which should lessen the amount of solid waste generated. Currently, recyclables are shipped to a single-stream recycle facility also located on the mainland.

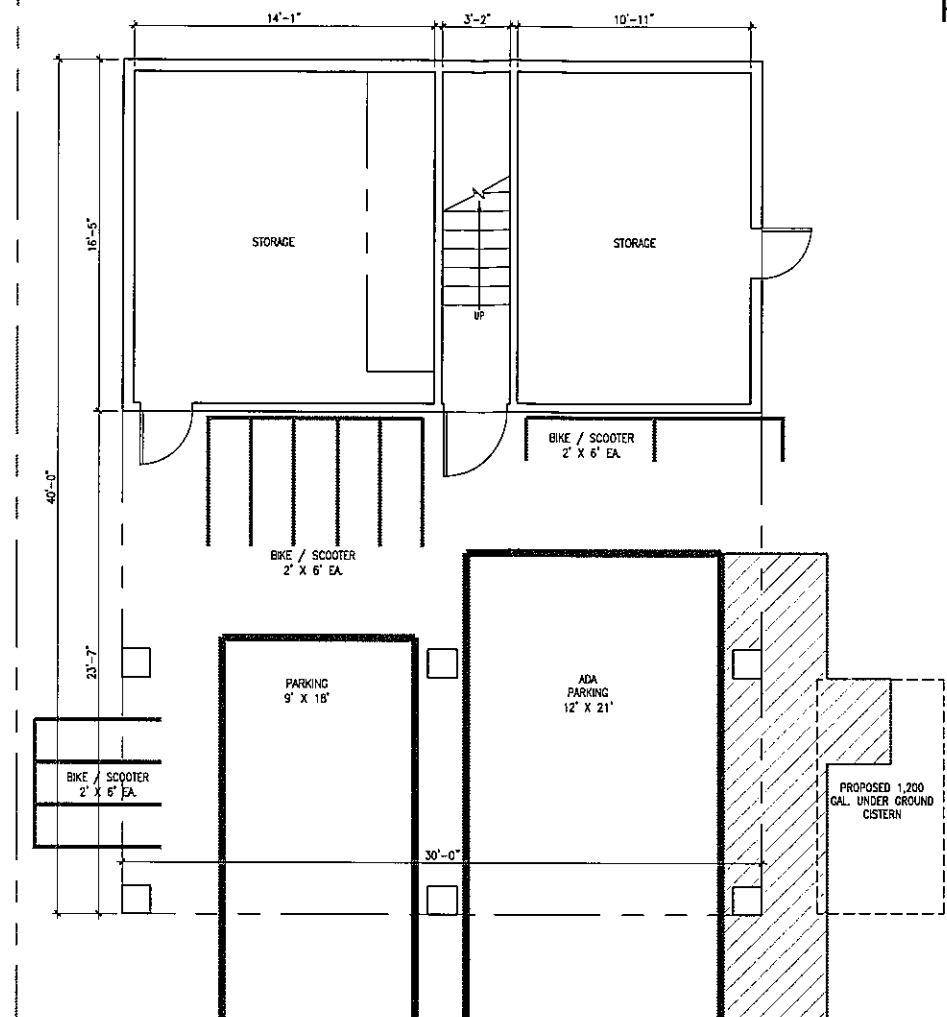
*Jay Gewin
Utilities Manager
City of Key West
305-809-3902*



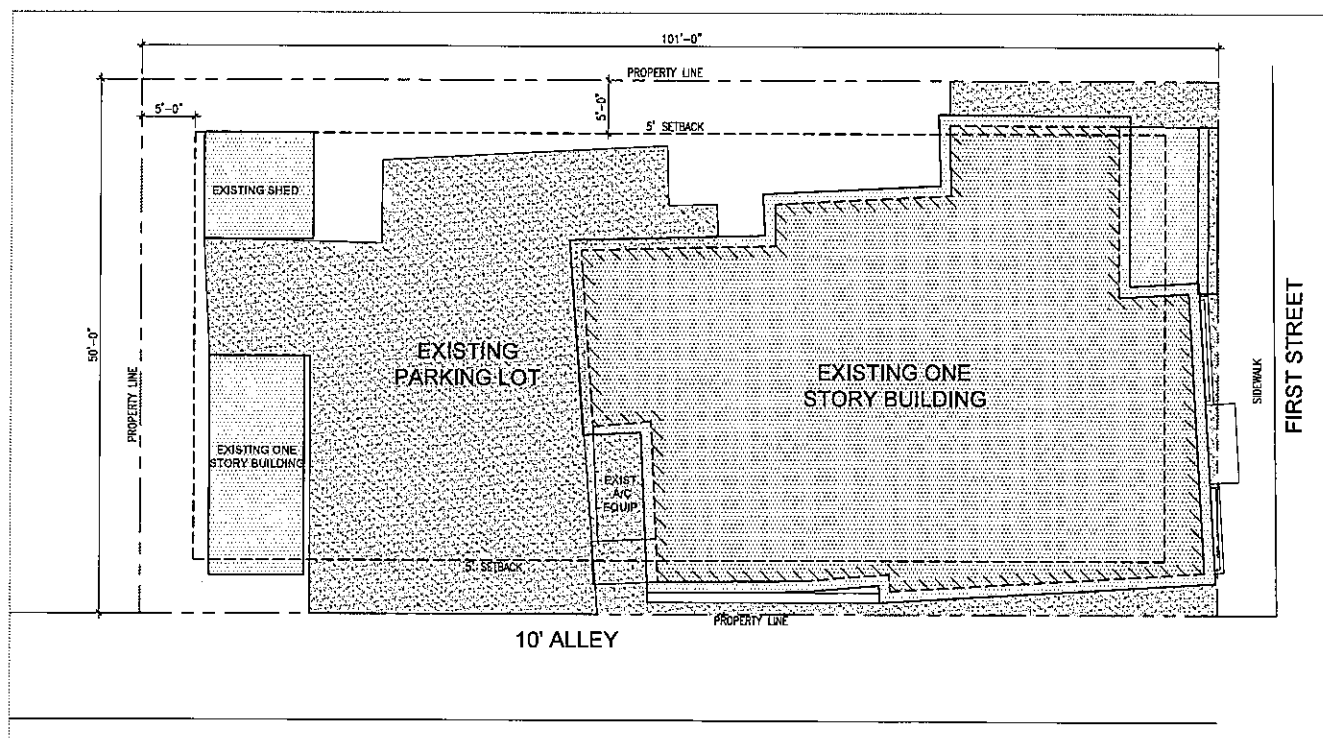
5
A2.1 **THIRD LEVEL PLAN**
SCALE: 1/4"=1'-0"



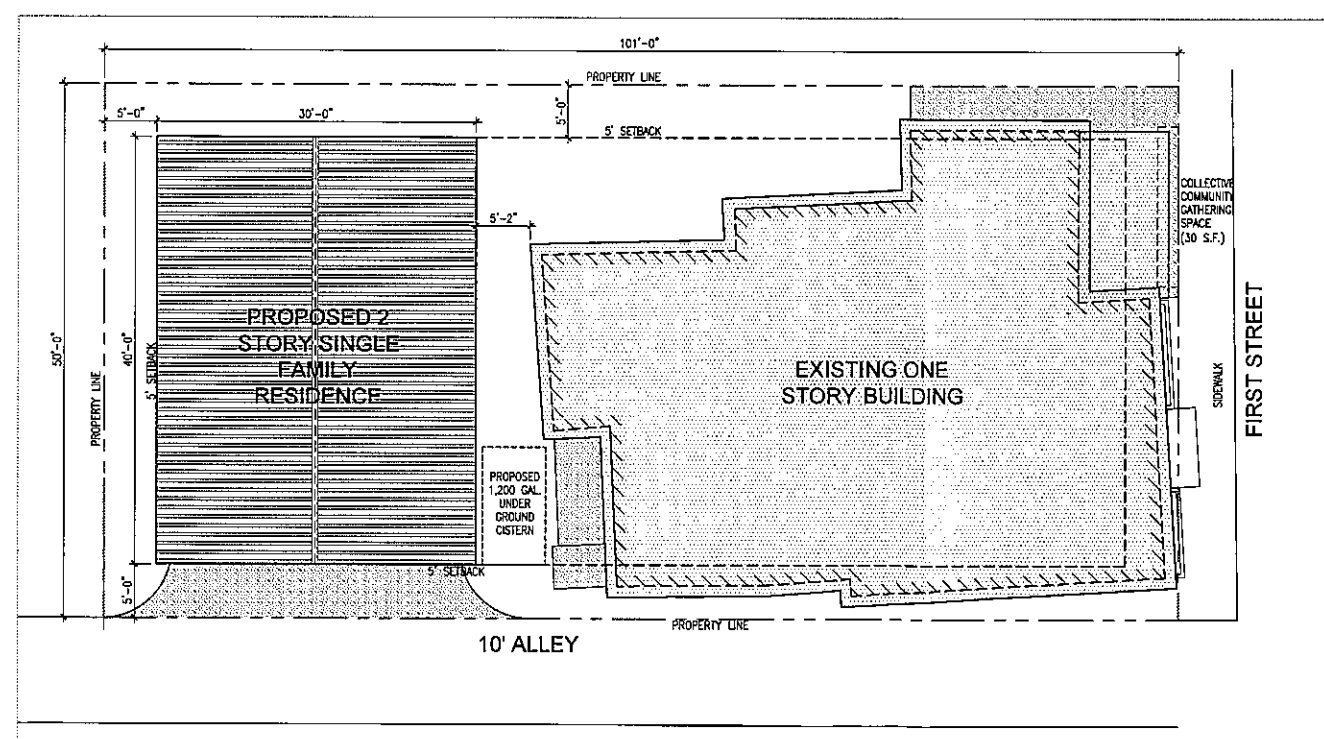
4
A2.1 **SECOND LEVEL PLAN**
SCALE: 1/4"=1'-0"



3
A2.1 **GROUND LEVEL PLAN**
SCALE: 1/4"=1'-0"



2
A2.1 **EXISTING SITE PLAN**
SCALE: 1/8"=1'-0"



1
A2.1 **PROPOSED SITE PLAN**
SCALE: 1/8"=1'-0"

Consultants:

Submissions / Revisions:
PLANNING SUBMISSION - 2017.2.3

1421 FIRST STREET
KEY WEST, FL
NEW SINGLE FAMILY RESIDENCE

Drawing Size: 24x36
Project #: 15505

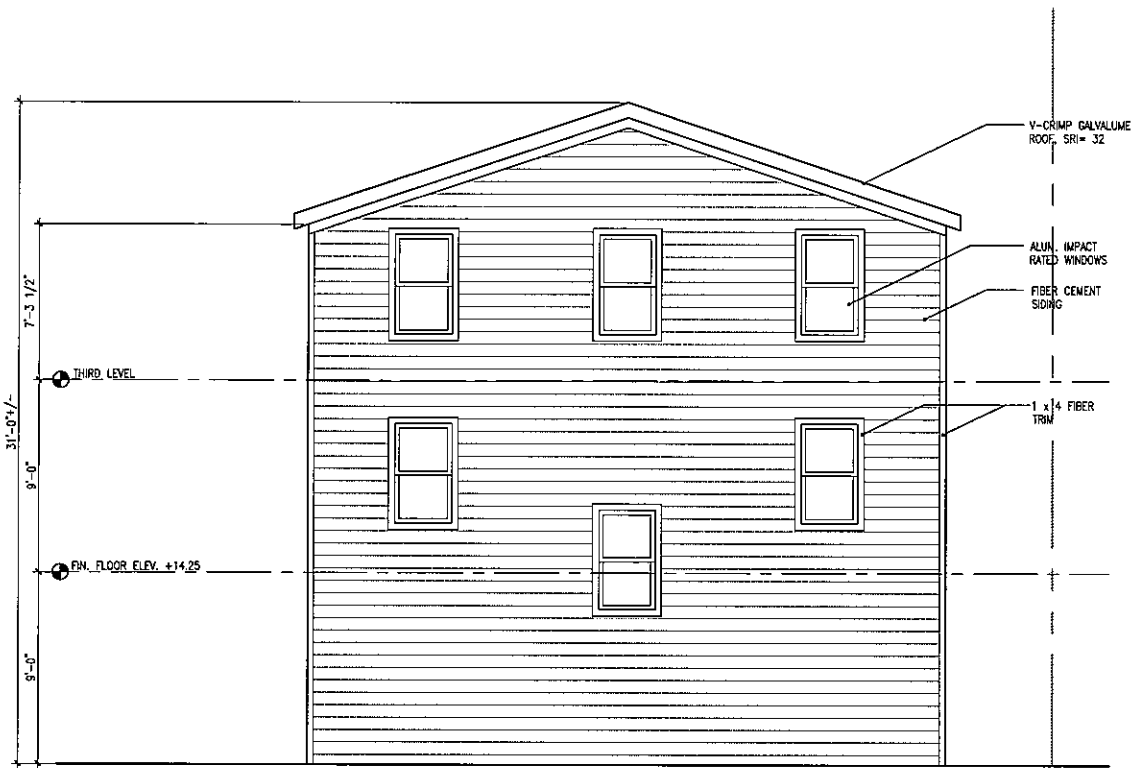
Title:

PROPOSED ELEVATIONS

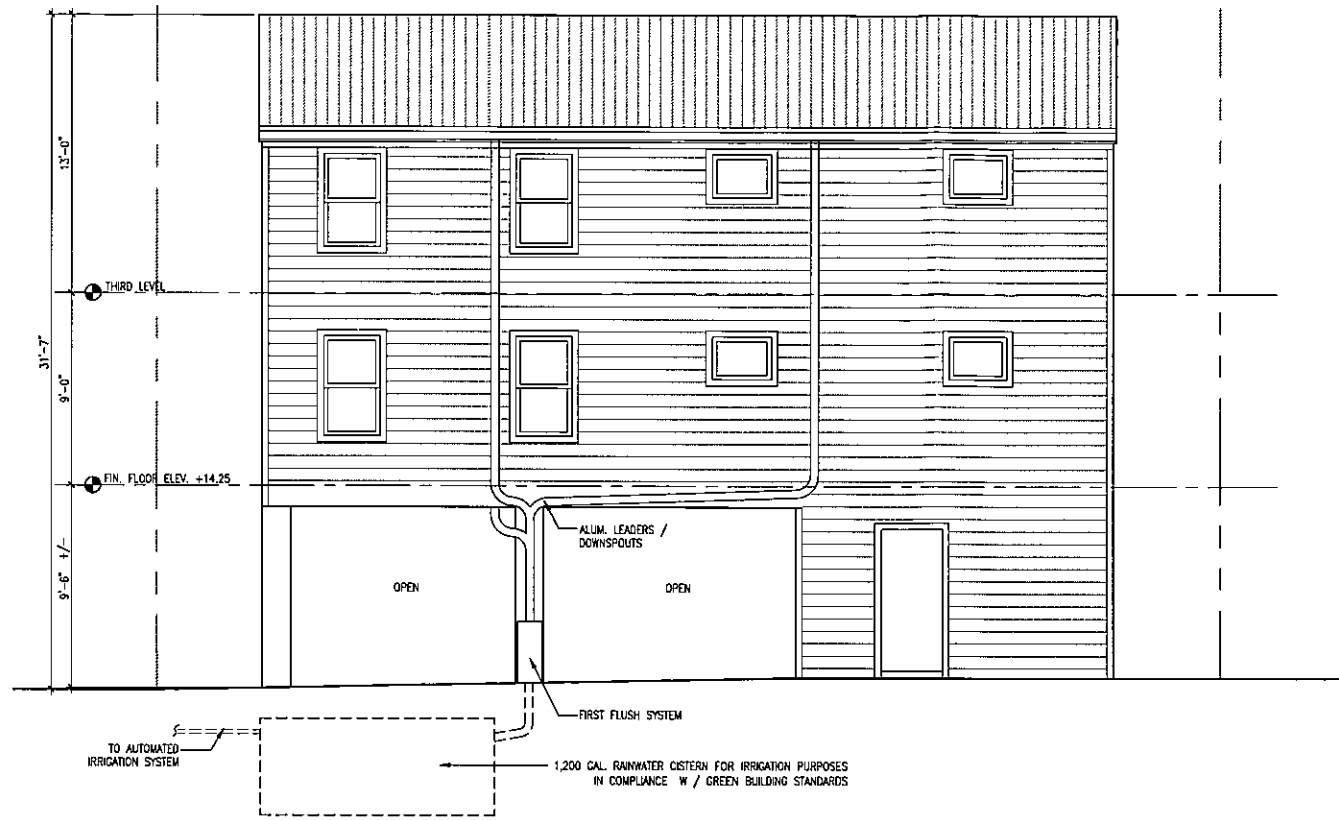
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A-3.1

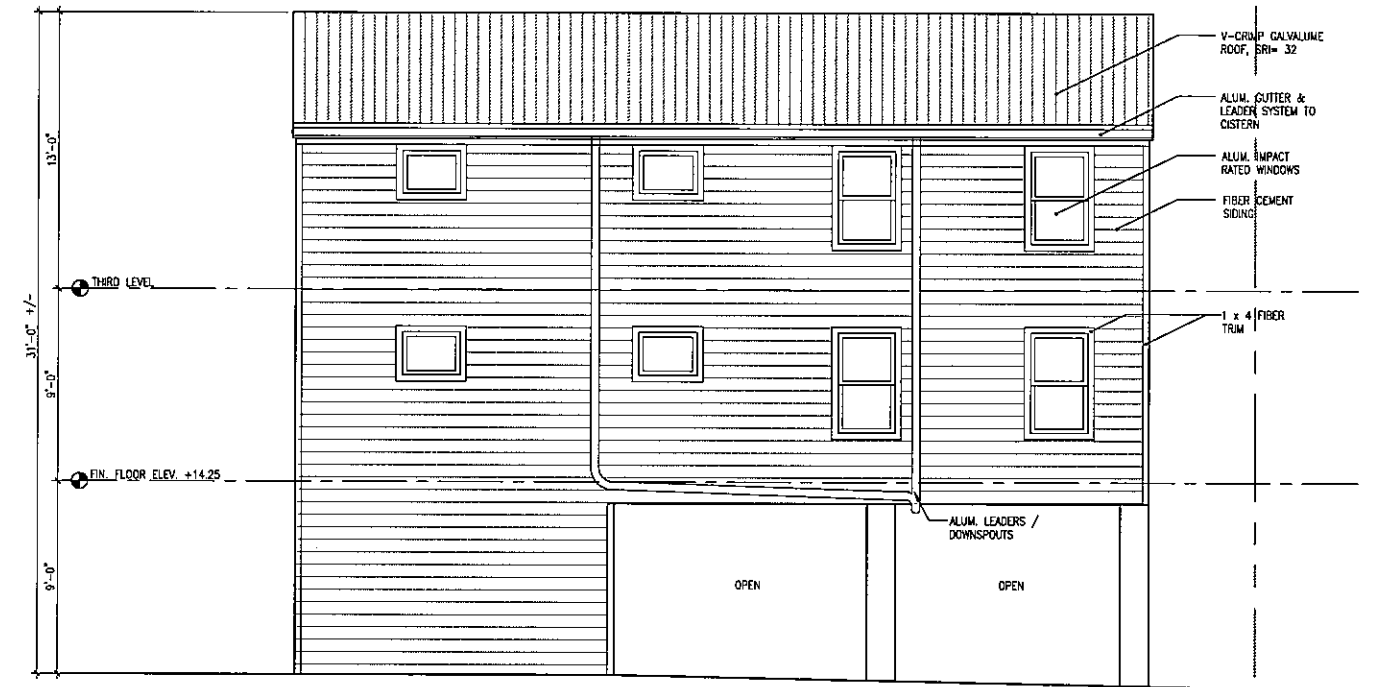
Date: - JANUARY 31, 2017
©2017 by William Shepler Architect



3
A3.1
SOUTH ELEVATION
SCALE: 1/4"=1'-0"



2
A3.1
WEST ELEVATION
SCALE: 1/4"=1'-0"

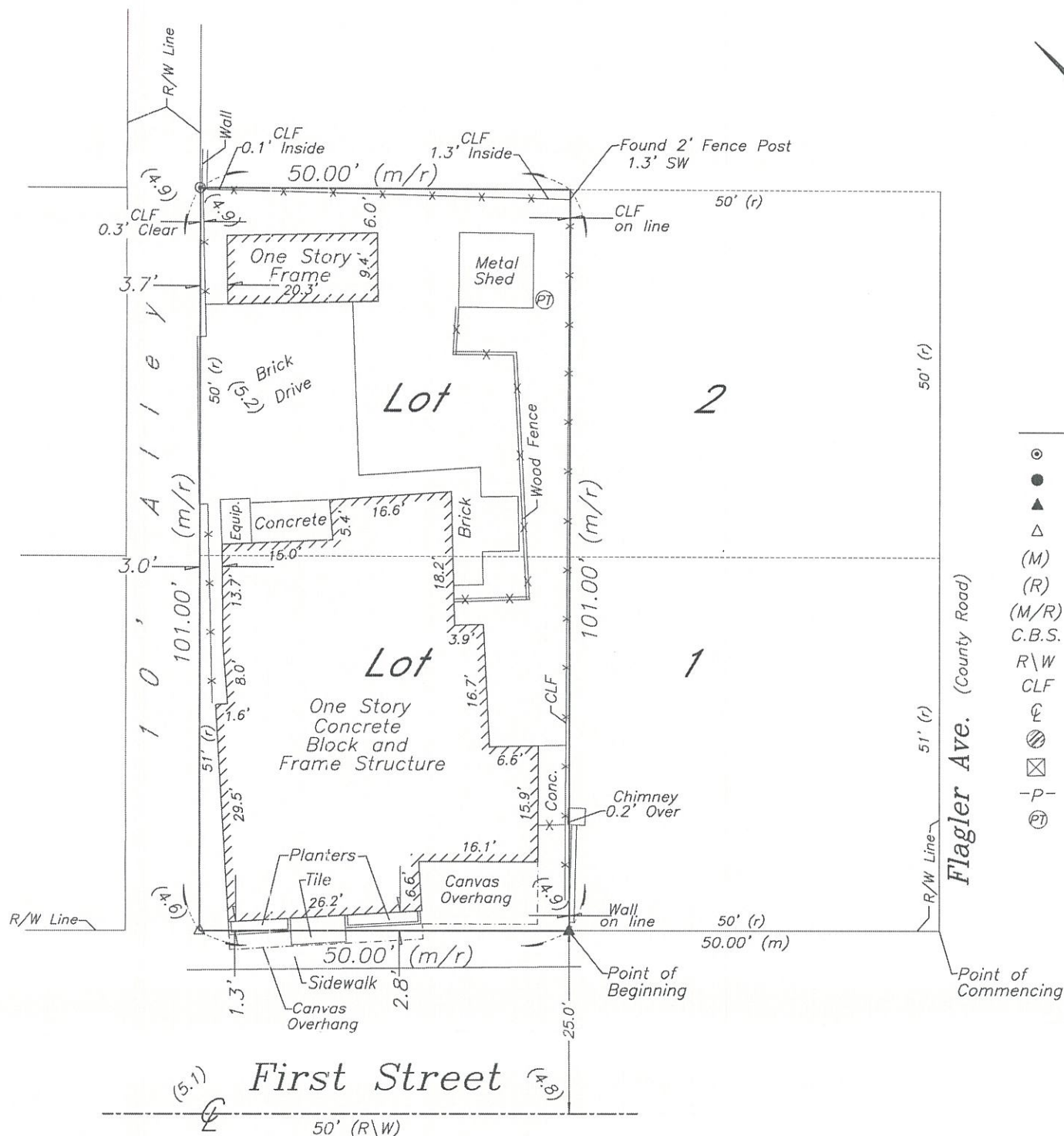


4
A3.1
EAST ELEVATION
SCALE: 1/4"=1'-0"



1
A3.1
NORTH ELEVATION
SCALE: 1/4"=1'-0"

Boundary Survey Map of Part of Lots 1 & 2, Square 2, Tract 21, KEY WEST REALTY CO'S FIRST SUBDIVISION



LEGEND

- Found 3/4" Iron Pipe (No ID)
- Found 1/2" Iron Rod (PTS)
- ▲ Found Nail & Disc (5234)
- △ Set Nail & Disc (6298)
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- C.B.S. Concrete Block Structure
- R\W Right of Way
- CLF Chain Link Fence
- ⊙ Centerline
- ⊙ Wood Utility Pole
- ⊙ Concrete Utility Pole
- P- Overhead Utility Lines
- ⊙ Propane Tank

NOTES:

1. The legal description shown hereon was furnished by the client or their agent.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. Street address: 1421 First Street, Key West, FL.
5. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
6. Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
7. North Arrow is assumed and based on the legal description.
8. Date of field work: May 23, 2014.
9. Ownership of fences is undeterminable, unless otherwise noted.
10. Adjoiners are not furnished.
11. Elevations are shown in parenthesis and refer to Mean Sea Level N.G.V.D. 1929 Datum.

BOUNDARY SURVEY OF: On the Island of Key West and known on William A. Whitehead's map of said Island delineated in February A.D. 1829 as part of Lots 1 and 2, Square 2, Tract 21 according to the Key West Realty Co.'s Subdivision Number 1 of Tract 21 and Salt Pond Lots Nos. 1,2,3,4 and 5, more particularly described as follows: Commencing at the corner of First Street and the County Road (Flagler Avenue), run in a Northwesterly direction a distance of 50 feet to a point of beginning; thence, at right angles, run in a Northeasterly direction a distance of 101 feet to a point; thence at right angles, run in a Northwesterly direction a distance of 50 feet to a point; thence at right angles run in a Southwesterly direction a distance of 101 feet to a point; thence at right angles, run in a Southeasterly direction a distance of 50 feet, back to the point of beginning.

BOUNDARY SURVEY FOR: Owen Trepanier & Associates, Inc.;
First State Bank of the Florida Keys;
Spottswood, Spottswood & Spottswood;
Chicago Title Insurance Company;

J. LYNN O'FLYNN, INC.

J. Lynn O'Flynn, PSM
Florida Reg. #6298

May 25, 2014

THIS SURVEY
IS NOT
ASSIGNABLE

J. LYNN O'FLYNN, Inc.



Professional Surveyor & Mapper
PSM #6298

3430 Duck Ave., Key West, FL 33040
(305) 296-7422 FAX (305) 296-2244