

**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**



To: Chairman and Planning Board Members
From: Brendon Cunningham, Senior Planner
Through: Donald Leland Craig, AICP, Planning Director
Meeting Date: January 23, 2014

Agenda Item: **Minor Development Plan – 512-524 Eaton Street (RE# 00006500-000000; AK# 1006734 and RE# 00006500-000100, AK# 8792239)** - Request for Minor Development Plan approval and a waiver to landscape requirements for the reconstruction of existing commercial floor area for conversion to ancillary use to an existing dinner theater at property located in the HNC-1 zoning district per Sections 108-91(A)(1)(b) and 108-517 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Request: A minor development plan and landscape waiver to convert 2,422 square feet of existing office space at 524 Eaton Street to be used in conjunction with the existing theater at 512 Eaton Street and convert the remaining commercial floor area of 7,900 square feet at 524 Eaton Street into a single-family residence.

Applicant: Trepanier and Associates, Inc.

Property Owner: Tap All Potential, 512-524 Eaton, LLC

Location: 512-524 Eaton Street (RE# 00006500-000000; AK# 1006734 and RE# 00006500-000100, AK# 8792239)

Zoning: Historic Neighborhood Commercial (HNC-1) zoning



Background:

This project is comprised of the renovation of two properties with existing buildings housing commercial offices and a dinner theater. There have been various uses in the theater building starting out as a church, becoming a nightclub in various forms. In 2009, a Conditional Use application was approved for the dinner theater. The professional building has been continuously occupied until recently in anticipation of this request.

Request:

The applicant proposes converting existing office space into a second floor control room and recording studio for local and traveling artists performing at the dinner theater. The remainder of the professional office building would then be converted into a single family residence thus eliminating the nonconforming commercial floor area in the professional office building.

Surrounding Zoning and Uses:

North: HNC-1: Guesthouse
South: HNC-1: Guesthouse
East: HNC-1: Guesthouse
West: HRCC-1: Church

Process:

Development Review Committee Meeting: September 26, 2013
Planning Board Meeting: January 23, 2014
HARC Meeting: TBD
City Commission Meeting: TBD

Analysis – Evaluation for Compliance With The Land Development Regulations:

Section 108-91 A(1)b of the City of Key West Land Development Regulations requires that any proposed plan within the historic district including the addition or reconstruction of 500 to 2,499 square feet of gross floor area shall require a Minor Development plan. Section 108-196(a) of the Land Development Regulations states that “after reviewing a Major Development Plan or a Minor Development Plan for a property and staff recommendations, the Planning Board shall act by resolution to approve, approve with conditions, or disapprove it based on specific development review criteria contained in the Land Development Regulations and the intent of the Land Development Regulations and Comprehensive Plan.” A Minor Development Plan in the historic district is advisory to the City Commission.

Planning staff, as required by Chapter 108 of the City Code of Ordinances, has reviewed the following for compliance with the City’s Land Development Regulations and Comprehensive Plan:

| | Required/Allowed | Existing | Proposed |
|----------------------------|-------------------------|-----------------|-----------------|
| Zoning | HNC-1 | NA | NA |
| Flood Zone | X | NA | NA |
| Site Size | 4,000 sq. ft. | 12,584 sq. ft. | Same |
| Front Setback | 5’ | 4” | Same |
| Street-Side Setback | 7.5’ | 0’ | Same |

| | | | |
|---------------------------|-----|-------|------|
| Side Setback | 5' | 5.33' | 4" |
| Rear Setback | 15' | 0' | 3" |
| FAR | 1.0 | 1.3 | 0.68 |
| Building Coverage | 50% | 84% | 82% |
| Impervious Surface | 60% | 90% | 86% |
| Density per Acre | 16 | 5 | 1 |

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

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 analysis considers potable water, sanitary sewer, solid waste, drainage, vehicle trip generation and recreation. Section 94-36 requires a concurrency determination to be made concerning proposed development. This portion of the report shall serve as the required written determination of compliance.

The applicant provided a concurrency analysis as part of this application. Staff has reviewed the provided concurrency analysis report following criteria in Section 94-36 and determined that the proposed project meets the City’s requirements for concurrency management with the exception of stormwater management.

1. The anticipated public facility impacts of the proposed development:

The applicant has provided a concurrency analysis that demonstrates that the proposed redevelopment can be accommodated with existing essential services.

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

The existing services are expected to accommodate the proposed redevelopment project at the adopted level of service standards.

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

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

4. 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; and

There are no facility improvements or additions that are necessary to accommodate the impact of the proposed redevelopment other than storm water improvements.

5. The date such facility improvements or additions will need to be completed to be concurrent with the impacts on such facilities created by the proposed development:

Not applicable: there are no known facility improvements or additions that will need to be completed other than storm water improvements.

Fire Protection (Section 108-233 (8))

The building is required to be sprinkled. A separate application for setback variances is concurrent with this application to address emergency egress from the second floor.

Reclaimed water system (Section 108-233(9))

The applicant does not intend to install a cistern at this time.

Other Public Facilities (Section 108-233 (10)):

Based on comments received at the DRC meeting and project description, and based on the information in the concurrency analysis, the proposed minor development plan is not anticipated to increase adverse effects upon public facilities.

Appearance, Design and Compatibility (Section 108-234):

1. Compliance with Chapter 102; Articles 111, IV and V:

The City's Historic Architectural Review (H.A.R.C.) Planner reviewed the plans for discussion during the DRC meeting. The overall design is in keeping with the character of the historic district. However, a separate HARC approval will be required.

2. Compliance with Section 108-956:

The applicant has demonstrated that there is access to potable water and to wastewater disposal systems.

3. Compliance with Chapter 110; Article II:

Not applicable, this is the renovation and remodel of an existing building.

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

The project site is located in the HNC-1 zoning district which is a mixed use district. Commercial and residential uses are permitted. The property is surrounded by guesthouses and other commercial uses (see page 2)

1. Appearance of site and structures (Section 108-236 and 108-278):

The redevelopment plan exhibits harmonious overall design characteristics for the building and is in compliance with the performance standards stipulated in Sections 108-278 of the City Code. However, further HARC review and approval is required to assure design compliance.

2. Location and screening of mechanical equipment, utility hardware and waste storage areas (Section 108-279):

Mechanical equipment and utility hardware will be screened from view.

3. Utility lines (Section 108-282):

The department has not received comments from Keys Energy regarding the redevelopment for this property. Existing electric lines will be used.

- 4. Commercial and manufacturing activities conducted in enclosed buildings (Section 108-283):**
The dinner theater is entirely enclosed and will be sound proof.
- 5. Exterior Lighting (Section 108-284):**
Any exterior lighting will be attached to the building. Lighting will meet dark sky initiative requirements per the Comprehensive Plan.
- 6. Signs (Section 108-285):**
No signage has been proposed as part of the Minor Development Plan. Any new signage requires a Certificate of Appropriateness from HARC.
- 7. Pedestrian sidewalks (Section 108-286):**
There are existing sidewalks adjacent to the site on both Eaton and Bahama Streets.
- 8. Loading docks (Section 108-287):**
No loading docks are proposed as part of the Minor Development Plan.
- 9. Storage Areas (Section 108-288):**
All storage necessary for the operation of the theater will be inside the building.

On-Site and Off-Site Parking and Vehicular, Bicycle, and Pedestrian Circulation (Section 108-244):

Since the project is located within the Historic Commercial Pedestrian Oriented Area it does not require additional parking as there is no net increase in floor area. As the buildings take up the majority or entirety of their lots, all pedestrian circulation will occur on existing City sidewalks.

Housing (Section 108-245):

One single-family dwelling unit is proposed for this redevelopment. The property currently has one recognized BPAS unit which is to be utilized for this purpose. This unit has been counted in the hurricane evacuation study.

Economic Resources (Section 108-246):

The applicant has not provided any information as to the economic impacts to the city via ad valorem tax yields.

Special Conditions (Section 108-247):

The proposed development does not generally conflict with the intent of the HNC-1 district uses. The project is not located in a special zoning district and does not trigger any of the special considerations outlined in Section 108-247 of the City Code.

Construction Management Plan and Inspection Schedule (Section 108-248):

The proposed redevelopment is not phased.

Open Space, Screening, Buffers and Landscaping (Article V and VI) of Chapter 108:

There is minimal open space available on the site to add landscaping.

Request for Modification Section 108-517

The applicant has requested a modification to Section 108-412(a) to reduce minimum landscape area from 20% to 14%. And 108-413(b) to reduce the minimum depth of landscape along the street frontage from 10' to 3' provided. Staff supports the waiver of the street frontage buffer and open space as the structures occupy the sites in their majority or entirety.

Off-street Parking and Loading (Article VII) of Chapter 108:

The proposed Minor Development is located within the City's Historic Commercial Pedestrian-Oriented Area. The project will reduce parking needs by 37 spaces.

Stormwater and Surface Water Management (Article VIII):

Currently the site does not include stormwater management. The site lies in the X flood zone and is not normally susceptible to flooding. Further, the buildings cover 90% of the property leaving minimal space for stormwater management.

Flood Hazard Areas (Division 4 - Sections 108-821 through 108-927):

The property is within the FEMA X zone.

Utilities (Article IX):

The Department did not receive a response from FKAA. Keys Energy Services requires a set of plans at that time when the property becomes viable for its intended uses. The proposed project will use existing utility mains.

RECOMMENDATION:

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for Minor Development Plan be **approved** with the following conditions:

Conditions to be completed prior to the issuance of building permits:

1. The applicant receives a variance to the rear and side-yard setbacks.

Conditions to be completed prior to the issuance of certificate of occupancy:

2. The applicant maintain a programmable distributive sound system to assure compliance with the "unreasonable noise" definition of Section 26-191 of the Code of Ordinances, and that such sound system include a computerized sound monitoring system with real time monitoring access is provided to the City.
3. The building at 512 Eaton Street be sprinkled.
4. Any lighting fixtures shall meet "Dark Sky" lighting standards.
5. Applicant must receive a landscape buffer waiver per Sections 108.413 and 108.517 of the Code of Ordinances;
6. The building design and lighting, and signage shall be approved by HARC.

**Conditions subject to a Conditional Approval Permit, per Ordinance Number 10-22:
Conditions subject to associated annual inspection:**

1. The applicant expressly agrees to provide the City's agents unfettered access to the computer-generated reports and full, real-time web-based access to the digital monitoring of on-site acoustics for the purpose of assuring compliance with the conditions contained herein.

Draft Resolution

**PLANNING BOARD
RESOLUTION No. 2014-**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING APPROVAL OF A MINOR DEVELOPMENT PLAN FOR THE REDEVELOPMENT TO CONVERT 2,422 SQUARE FEET OF OFFICE SPACE AT 524 EATON STREET (RE#00006500-000000, AK#1006734) TO BE USED IN CONJUNCTION WITH THE EXISTING THEATER AT 512 EATON STREET (RE#00006500-000100, AK#8792239) AND CONVERT THE REMAINING COMMERCIAL FLOOR AREA INTO A SINGLE-FAMILY AT PROPERTY LOCATED AT 524 EATON STREET & PERSUANT TO SECTION 108-91 (A.)(1.) (b.) OF THE LAND DEVELOPMENT REGULATIONS OF KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject property is located in the Historic Neighborhood Commercial, (HNC-1), zoning district; and

WHEREAS, Section 108-91 A(1.)(a.) & (b.) of the Code of Ordinances requires Minor Development Plans for addition or reconstruction of 500 - 2,499 square feet of gross floor area for residential use and commercial; and

WHEREAS, the applicant proposes to convert 2,422 square feet of office space at 524 Eaton Street to be used in conjunction with the existing theater at 512 Eaton Street and convert the remaining commercial floor area at 524 Eaton into a single-family residence.

_____Chairman

_____Planning Director

WHEREAS, the granting of a Minor Development Plan is consistent with the Land Development Regulations and the Comprehensive Plan; and

WHEREAS, the recommendation of approval of the Minor Development Plan is in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, the surrounding community or otherwise detrimental to the public welfare; and

WHEREAS, the approval is consistent with the criteria in the Code; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. That a Minor Development Plan to convert 2,422 square feet of office space at 524 Eaton Street to be used in conjunction with the existing theater at 512 Eaton Street and convert the remaining commercial floor area at 524 Eaton into a single-family residence per Section 108-91A.(1).(b.), under the Code of Ordinances of the City of Key West, Florida, is hereby recommended for City Commission approval for property located at 512-524 Eaton Street (RE#00006500-000000, AK#1006734 & re#00006500-000100, AK#8792239), as shown on the attached plans dated August 23, 2013 with the following conditions:

Conditions to be completed prior to the issuance of building permits:

1. The applicant receives a variance to the required rear and side-yard setbacks for emergency egress and ingress.

Conditions to be completed prior to the issuance of certificate of occupancy:

2. The buildings be sprinkled.
3. All lighting fixtures shall meet “Dark Sky” lighting standards.
4. Applicant must receive a landscape buffer waiver per Sections 108.413 and 108.517 of the Code of Ordinances;
5. The building design and lighting, and signage shall be approved by HARC.

Section 3. Full, complete, and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.

Section 4. This Minor Development Plan application recommended for approval to the City Commission, does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 5. This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 6. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications

_____Chairman

_____Planning Director

attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a duly noticed meeting held this 23 day of January, 2014.

Authenticated by the Chairman of the Planning Board and the Planning Director.

Richard Klitenick, Chairman
Key West Planning Board

Date

Attest:

Donald Leland Craig, AICP
Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

_____Chairman

_____Planning Director

Application

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 X

Conditional Use

Historic District

Yes X

No _____

Please print or type:

- 1) Site Address 512-524 Eaton Street, Key West, FL 33040
- 2) Name of Applicant Owen Trepanier & Associates, Inc.
- 3) Applicant is: Owner _____ Authorized Representative X
(attached Authorization and Verification Forms must be completed)
- 4) Address of Applicant 402 Appelrouth Lane
Key West, FL 33040
- 5) Applicant's Phone # (305)293-8983 Email Patrick@owentrepanier.com
- 6) **Email Address:** Patrick@owentrepanier.com
- 7) Name of Owner, if different than above Tapley Johnson
- 8) Address of Owner 425 Caroline Street, Key West, FL 33040
- 9) Owner Phone # (336) 214-4238 Email tap@tapkeywest.com
- 10) Zoning District of Parcel HNC-1 RE# 00006500-000000,00006500-000100
- 11) Is Subject Property located within the Historic District? Yes N/A No _____
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).

Converting 2,184 sq.ft. of office space at 524 Eaton Street to be used in conjunction with the existing theater at 512 Eaton and converting the remaining commercial floor area at 524 Eaton into a single-family home.

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 X No _____

If Yes: Date of approval 11/23/09 Resolution # 2009-042

Attach resolution(s).

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

Yes _____ No X - None Known

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.

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.

09/03/13

Mr. Donald Leland Craig, AICP, Planning Director
City of Key West
3140 Flagler Avenue
Key West, FL 33040

**Re: 512-524 Eaton Street
Minor Development Plan and Variance
(RE 00006500-000000, 00006500-000100)**



Dear Mr. Craig,

Please accept the attached documents and application as a formal request for a minor development plan pursuant to Sec. 108-91 for the properties located at 512-524 Eaton Street in the HNC-1. The scope of the development plan includes two properties with a combined site area of 12,584 sq. ft. The existing structures are currently an office building (524 Eaton Street) and a dinner theater (512 Eaton Street).

The application proposes to convert most of the existing commercial floor area within 524 Eaton to single-family residential use. Interior alterations are proposed to the adjacent theater to create a more functional lobby/ reception area, create an upstairs control/ recording room and increase the number and accessibility of the restrooms. The interior alterations to the theater trigger the minor development plan review process of Sec. 108-91.

The project will eliminate 8,214 sq. ft. existing nonconforming commercial floor area in the office building at 524 through its conversion to a single family home. The conversion will reduce the overall intensity associated with the site by 38% and existing parking demand by 37 spaces.

A setback variance is required to create improved emergency egress from the second floor of both the residence and the theater. Existing encroachments onto adjacent property will be eliminated.

Please don't hesitate to call me if you have any questions or need additional information.

Thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Patrick Wright', is located below the word 'Sincerely,'.

Patrick Wright

Verification

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 Owen Trepanier and 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:

512-524 Eaton Street, Key West, FL 33040
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.

[Handwritten Signature]
Signature of Authorized Representative

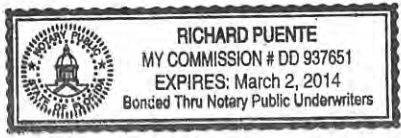
Subscribed and sworn to (or affirmed) before me on this Sept 5 2013 by
date

Owen Trepanier
Name of Authorized Representative

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

[Handwritten Signature]
Notary's Signature and Seal

Richard Puente
Name of Acknowledger typed, printed or stamped



DD 937651
Commission Number, if any

Authorization

City of Key West
Planning Department



Authorization Form
(Where Owner is a Business Entity)

Please complete this form if someone other than the owner is representing the property owner in this matter.

I, Tapley O. Johnson III as
Please Print Name of person with authority to execute documents on behalf of entity

Managing Member of Tap All Potential 512-524 Eaton LLC
Name of office (President, Managing Member) *Name of owner from deed*

authorize Owen Trepanier and Associates, INC.
Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the City of Key West.

[Signature]
Signature of person with authority to execute documents on behalf on entity owner

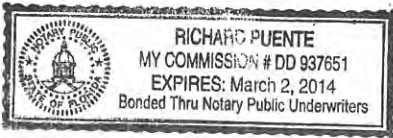
Subscribed and sworn to (or affirmed) before me on this Sept 5, 2013 by
date

[Signature] Owen Trepanier
Name of Authorized Representative

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

[Signature]
Notary's Signature and Seal

Richard Puente
Name of Acknowledger typed, printed or stamped



DD 937651
Commission Number, if any

Deed

NOTE TO CLERK/TAX EXAMINER: Actual consideration paid is \$ 3,500,000.00 .

This Instrument Prepared by and Return to:
Sanchez & Ashby, P.A.
1223 White St., Unit 104
Key West, FL 33040
(305) 293-0084

Parcel ID Number: 00006500-000000 & 006500-000100

Warranty Deed

This Indenture, Made this _____ day of **July**, 2013 A.D., **Between**
LYNN H. KEPHART, a married man

of the County of **MONROE**, State of **Florida**, grantor, and
TAP ALL POTENTIAL 512-524 EATON, LLC, a Florida limited liability
company
whose address is: **425 Caroline Street, KEY WEST, FL 33040**

of the County of **MONROE**, State of **Florida**, grantee.
Witnesseth that the GRANTOR, for and in consideration of the sum of

-----**TEN DOLLARS (\$10)**----- DOLLARS,
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of **MONROE** State of **Florida** to wit:

***The property herein conveyed DOES NOT constitute the HOMESTEAD**
property of the Grantor. The Grantor's HOMESTEAD address is
21966 RAFFY ROAD, CUDJOE KEY, FL 33042

***Subject to current taxes, easements and restrictions of record.**

Warranty Deed - Page 2

Parcel ID Number: 00006500-000000 & 006500-000100

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

Signed, sealed and delivered in our presence:

[Signature]
Printed Name: Michael Larson
Witness

[Signature] (Seal)
LYNN H. KEPHART
P.O. Address: 414 Simonton Street, KEY WEST, FL 33040

[Signature]
Printed Name: Jennifer G. Sanchez
Witness

STATE OF Florida
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this _____ day of **July**, 2013 by **LYNN H. KEPHART, a married man**

who is personally known to me or who has produced his **Florida driver's license** as identification.

[Signature]
Printed Name: Jennifer G. Sanchez
Notary Public
My Commission Expires:

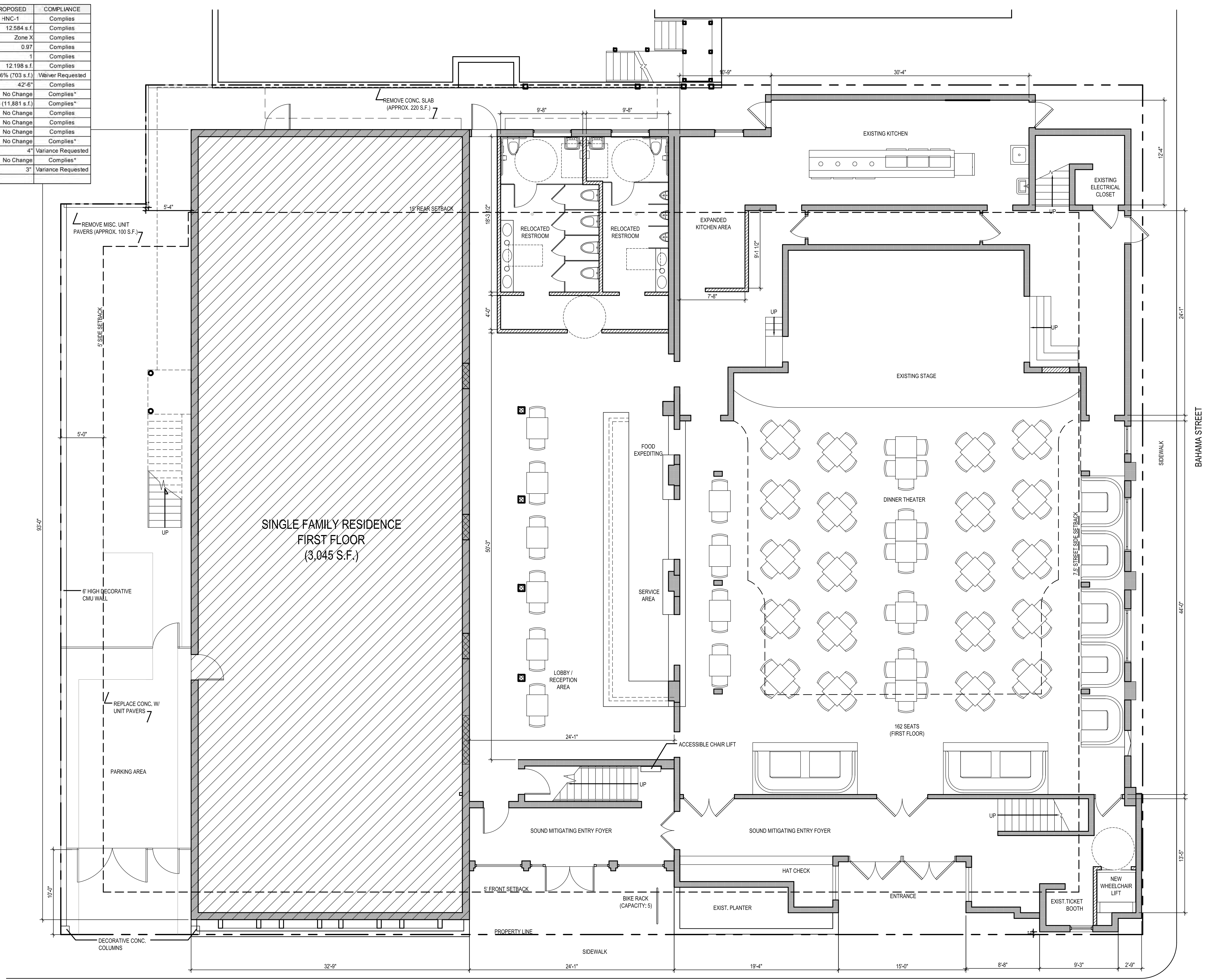


Survey

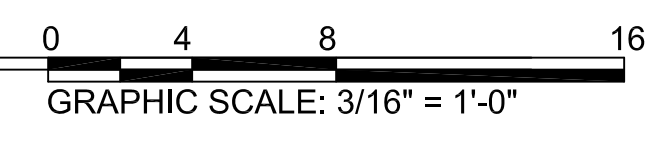
Site Plans

| SITE DATA | ALLOWED | EXISTING | PROPOSED | COMPLIANCE |
|--------------------------|------------------|--------------------|--------------------|--------------------|
| ZONING | HNC-1 | HNC-1 | HNC-1 | Complies |
| SITE SIZE | 12,584 s.f. | 12,584 s.f. | 12,584 s.f. | Complies |
| FEMA FLOOD ZONE | Zone X | Zone X | Zone X | Complies |
| FAR | 1 | 1.46 | 0.97 | Complies |
| DENSITY | 4.8 | 6 | 1 | Complies |
| COMMERCIAL FLOOR AREA | 12,584 s.f. | 18,418 s.f. | 12,198 s.f. | Complies |
| LANDSCAPING/OPEN SPACE | 27% (3,397 s.f.) | 4% (517 s.f.) | 6% (703 s.f.) | Waiver Requested |
| HEIGHT | 30' | 52'-6" | 42'-6" | Complies |
| BUILDING COVERAGE | 40% | 10,808 s.f. (81%) | No Change | Complies* |
| IMPERVIOUS SURFACE RATIO | 0.8 | 0.96 (12,087 s.f.) | 0.94 (11,881 s.f.) | Complies* |
| LOT SIZE | Min. 4,000 s.f. | 12,584 s.f. | No Change | Complies |
| LOT WIDTH | Min. 40' | 127.25' | No Change | Complies |
| LOT DEPTH | Min. 90' | 100' | No Change | Complies |
| FRONT SETBACK | Min. 10' | 4" | No Change | Complies* |
| SIDE SETBACK | Min. 5' | 54" | 4" | Variance Requested |
| STREET SIDE SETBACK | Min. 7.5' | 1.5' | No Change | Complies* |
| REAR SETBACK | Min. 15' | 0' | 3" | Variance Requested |

*Existing non-conformity pursuant Sec. 122-27



1 FIRST FLOOR / SITE PLAN
A-2.1 SCALE: 3/16"=1'-0"



NOT FOR CONSTRUCTION

Consultants:
Meridian Engineering
201 Front Street, Key West FL
Tel: 305-293-3263

Submissions / Revisions:
DEV PLAN APP - 2013.09.05
DEV PLAN APP, REV. 1: 2013.12.27

512-524 EATON STREET
KEY WEST, FL
MIXED USE REMODELING PROJECT

Drawing Size: 24x36 Project #: 13017

First Floor / Site Plan

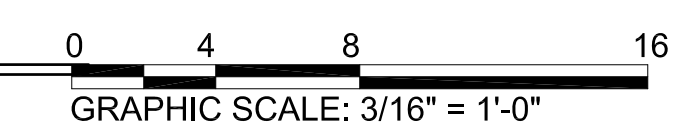
Sheet Number:
A-2.1

Submissions / Revisions:

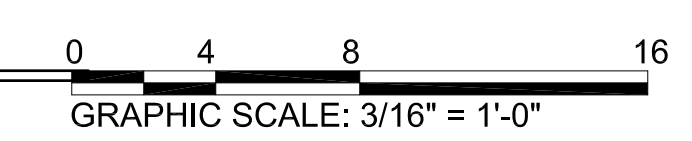
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2 EXISTING EAST ELEVATION
AE-3.1 SCALE: 3/16"=1'-0"



1 EXISTING NORTH (EATON ST.) ELEVATION
AE-3.1 SCALE: 3/16"=1'-0"

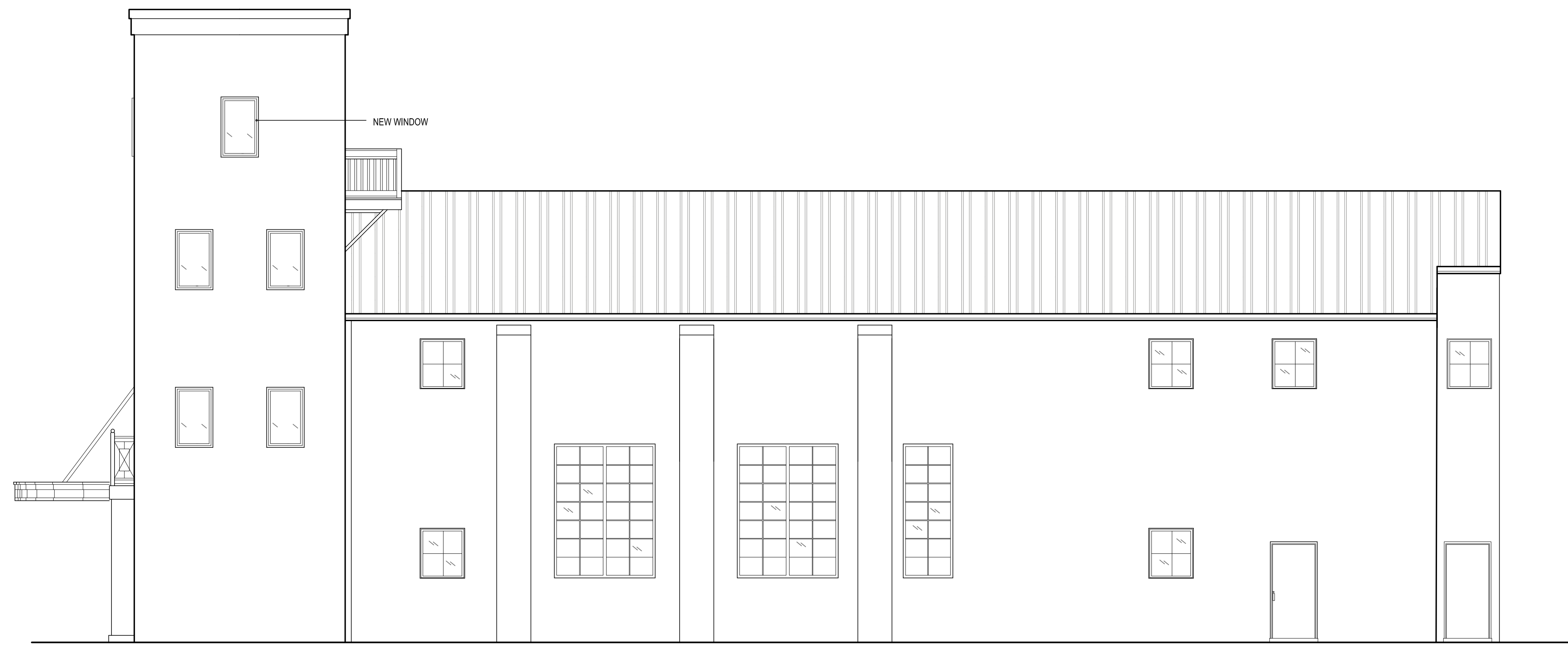


NOT FOR CONSTRUCTION

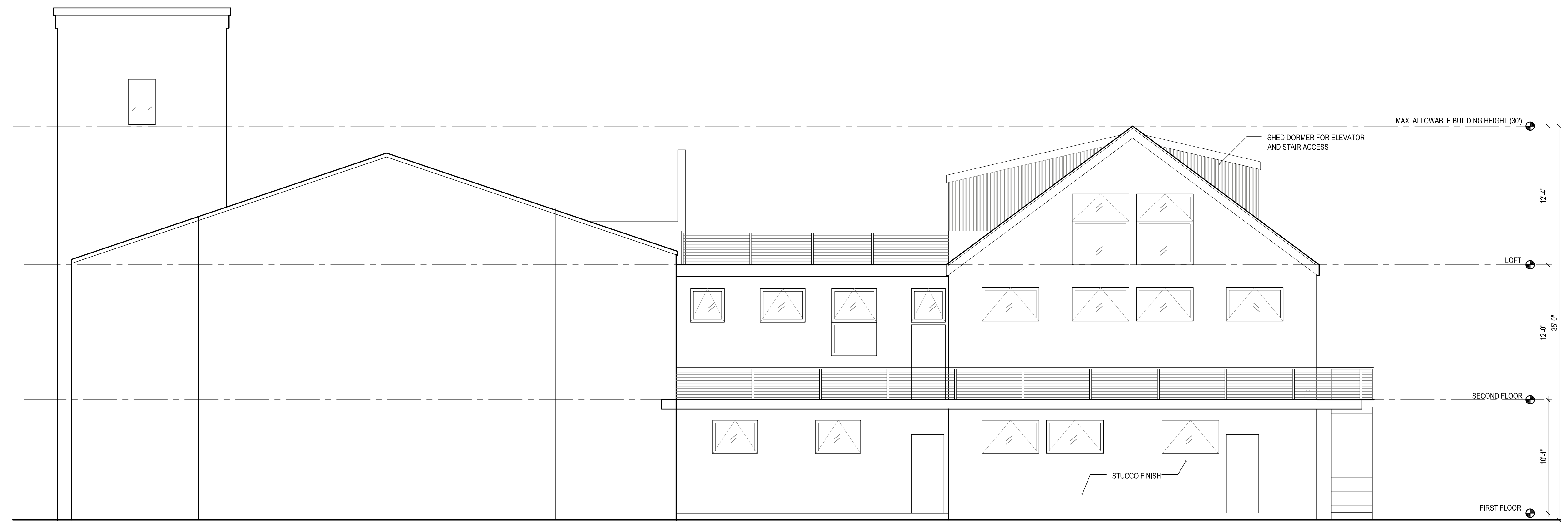
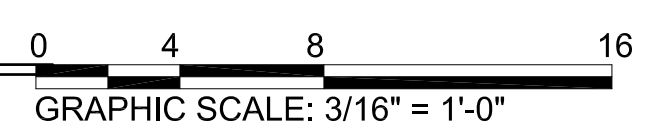
Consultants:
Meridian Engineering
201 Front Street, Key West FL
Tel: 305-293-3263

Submissions / Revisions:

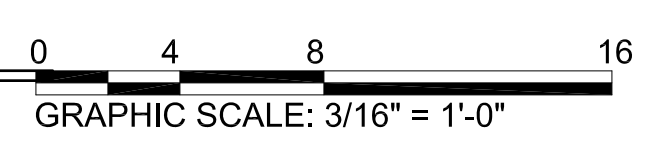
| |
|----------------------------------|
| REV PLAN APP - 2013.09.05 |
| REV PLAN APP, REV 1 - 2013.12.27 |
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2 WEST ELEVATION
SCALE: 3/16"=1'-0"



1 SOUTH ELEVATION
SCALE: 3/16"=1'-0"



512-524 EATON STREET
KEY WEST, FL
MIXED USE REMODELING PROJECT

Drawing Size: 24x36 | Project #: 13017

ELEVATIONS

Sheet Number:
A-3.2

SYMBOL KEY

- EMERGENCY LIGHTING - BATTERY PACK W/ CHARGER
- EXIT SIGN - ILLUMINATED
- FIRE STROBE - CEILING MOUNTED
- 2 HOUR FIRE SEPARATION

USE AND OCCUPANCY CLASSIFICATION: ASSEMBLY (A-2)

CONSTRUCTION CLASSIFICATION: III (exterior walls are of noncombustible materials and the interior building elements are of any material permitted by this code. fire-retardant-treated wood framing complying with section 2303.2 shall be permitted within exterior wall assemblies of a 2-hour rating or less.)

OCCUPANT LOAD: 285 (+ 12 EMPLOYEES) 297 TOTAL

EGRESS WIDTH REQUIRED:
2 X 140.5" 28.5 IN. EGRESS WIDTH REQD., (DOORS MIN. 32" CLEAR).

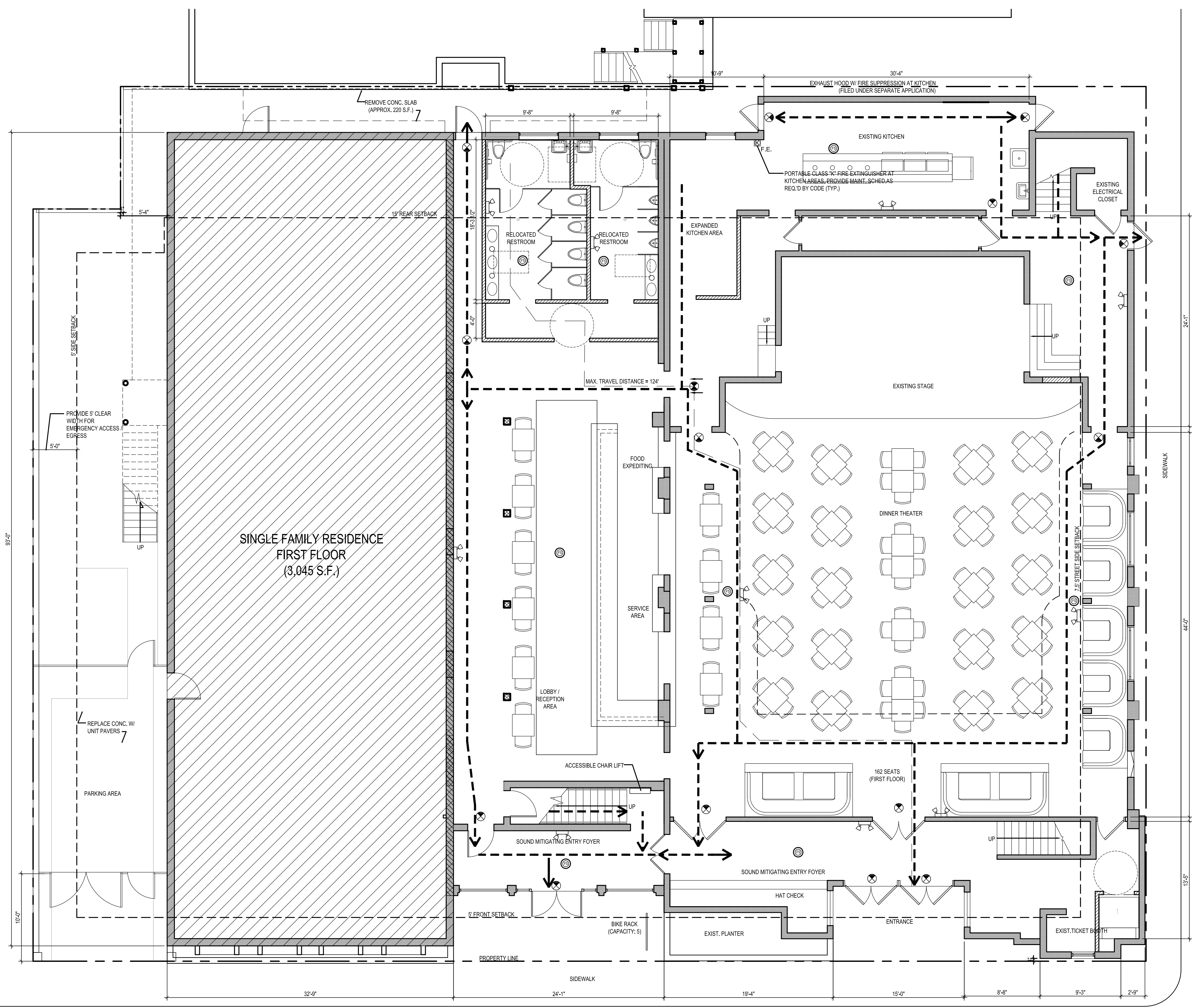
MIN. NUMBER OF EXITS REQUIRED: 2 (1-500 PERSONS / STORY)

ACCESSIBLE ROUTE WIDTH REQUIRED: 36" (DOORS MIN. 32" CLEAR)

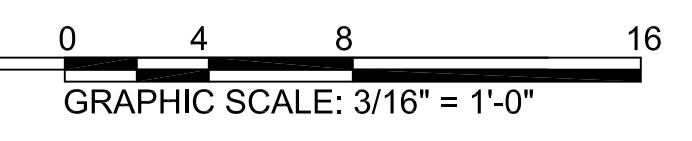
TABLE 1016.1 EXIT ACCESS TRAVEL DISTANCE:

MAX. EGRESS TRAVEL DISTANCE WITHOUT SPRINKLER SYSTEM = 200 FT.
PROPOSED MAX. TRAVEL DISTANCE = 124 FT.

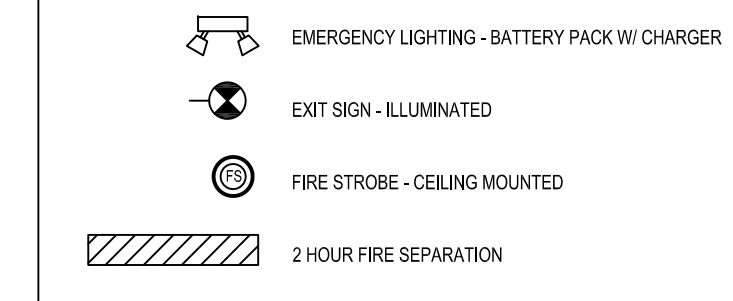
Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or authorized agent.



1 FIRST FLOOR / SITE PLAN
A-2.1 SCALE: 3/16"=1'-0"



SYMBOL KEY



USE AND OCCUPANCY CLASSIFICATION: ASSEMBLY (A-2)

CONSTRUCTION CLASSIFICATION: III (exterior walls are of noncombustible materials and the interior building elements are of any material permitted by this code. fire-retardant-treated wood framing complying with section 2303.2 shall be permitted within exterior wall assemblies of a 2-hour rating or less.)

OCCUPANT LOAD: 285 (+ 12 EMPLOYEES) 287 TOTAL

EGRESS WIDTH REQUIRED: 2 X 148.5", 28.5 IN. EGRESS WIDTH REQ'D., (DOORS MIN. 32" CLEAR).

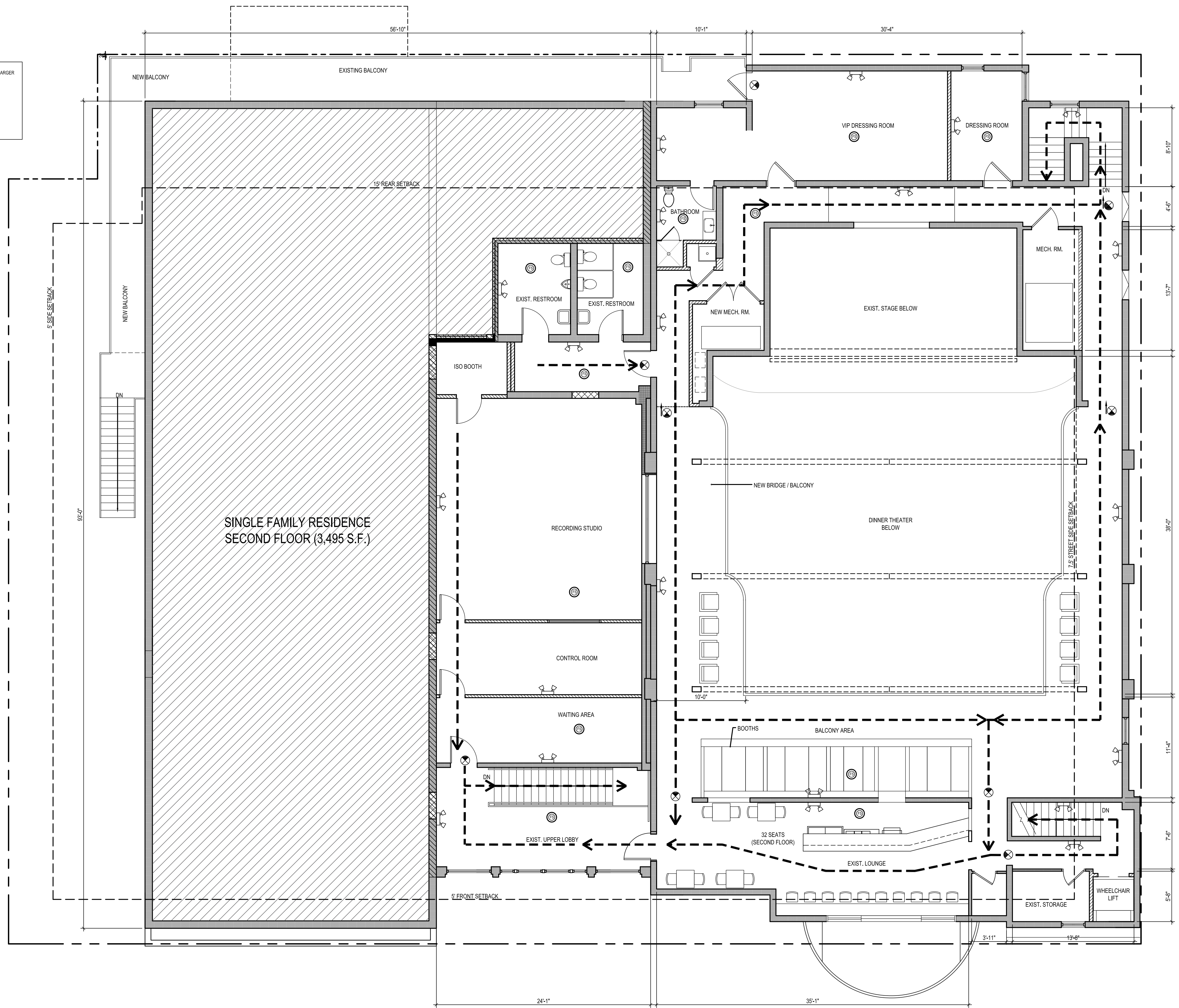
MIN. NUMBER OF EXITS REQUIRED: 2 (1-500 PERSONS / STORY)

ACCESSIBLE ROUTE WIDTH REQUIRED: 36" (DOORS MIN. 32" CLEAR)

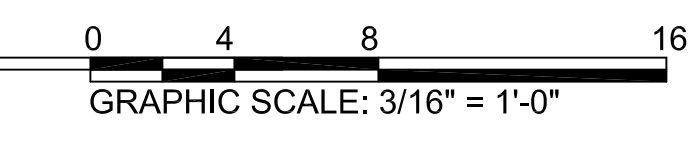
TABLE 1016.1 EXIT ACCESS TRAVEL DISTANCE:

MAX. EGRESS TRAVEL DISTANCE WITHOUT SPRINKLER SYSTEM = 200 FT.
PROPOSED MAX. TRAVEL DISTANCE = 124 FT.

Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or authorized agent.



1
A-2.2 **SECOND FLOOR PLAN**
 SCALE: 3/16"=1'-0"



Tel: 305-890-6191
 Email: info@wshepler.com
 Seat:

NOT FOR CONSTRUCTION

Consultants:
Meridian Engineering
 201 Front Street , Key West FL
 Tel: 305-293-3263

Submissions / Revisions:
 DEV PLAN APP - 2013.09.05
 DEV PLAN APP, REV. 1: 2013.12.27

512-524 EATON STREET
 KEY WEST, FL
MIXED USE REMODELING PROJECT

Drawing Size: 24x36 Project #: 13017

SECOND FLOOR LIFE SAFETY PLAN

Sheet Number:
LS-2

Date: - JANUARY 14, 2014
 ©2013 by William Shepler Architect

DRC
Minutes & Comments

Minutes of the Development Review Committee

September 26, 2013

Approved on October 24, 2013

FIRE DEPARTMENT:

Mr. Barroso asked the applicant to set up an appointment, so that the fire department can visually see the outdoor display set up to answer accessibility questions.

BUILDING OFFICIAL:

Mr. Wampler asked the applicant to set up an appointment, so that he can visually see the outdoor display set up to answer concerns about obscuring the exiting and the outdoor display being on public sidewalk.

SUSTAINABILITY COORDINATOR

No comments.

KEYS ENERGY:

No comments.

10. Minor Development Plan – 512 524 Eaton Street (RE# 00006500-000000; AK# 1006734 and RE# 00006500-000100, AK# 8792239) - Request for Minor Development Plan approval for the reconstruction of commercial floor area for conversion to a single-family dwelling at property located in the HNC-1 zoning district per Section 108-91(A)(1)(b) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Mr. Cunningham gave members an overview of the request.

The applicant, Mr. Wright, of Trepanier and Associates gave members an overview of the request.

DRC Member Comments:

ART IN PUBLIC PLACES:

No comments.

URBAN FORESTRY MANAGER:

Ms. DeMaria stated applicant will need to protect any vegetation and/or if removal is required, set up an appointment with her.

POLICE DEPARTMENT

No comments.

HARC PLANNER:

May have some issues regarding the asymmetry of the new proposed dormers; they will be setback but may still be visible from the street.

ENGINEERING:

Minutes of the Development Review Committee

September 26, 2013

Approved on October 24, 2013

Construct storm water retention swales around pool, and plant with ground cover vegetation. Direct roof gutter downspouts into swales and back onto property.

FIRE DEPARTMENT:

Mr. Barroso commented that applicant will have to sit down with the Fire Department to work out a life safety plan before going to the Planning Board meeting.

BUILDING OFFICIAL:

Mr. Wampler asked if the building had been sprinkled, applicant responded, no. Mr. Wampler stated that it has to with the existing building code.

SUSTAINABILITY COORDINATOR:

No comments.

KEYS ENERGY:

No comments.

11. **Variance – 512 524 Eaton Street (RE# 00006500-000000; AK# 1006734 and RE# 00006500-000100, AK# 8792239)** – A request for side and rear-yard setback variances for the construction of emergency ingress and egress at property in the HNC-1 zoning district per Section 90-391 and Section 122-238(6)a.2 & a.3 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Mr. Cunningham gave members an overview of the request.

The applicant, Mr. Wright, of Trepanier and Associates gave members an overview of the request.

DRC Member Comments:

ART IN PUBLIC PLACES:

No comments.

URBAN FORESTRY MANAGER:

Ms. DeMaria stated applicant will need to protect any vegetation and/or if removal is required, set up an appointment with her.

POLICE DEPARTMENT

No comments.

HARC PLANNER:

May have some issues regarding the asymmetry of the new proposed dormers; they will be setback but may still be visible from the street.

ENGINEERING:

SunBiz Information



Detail by Entity Name

Florida Limited Liability Company

TAP ALL POTENTIAL 512-524 EATON, LLC

Filing Information

| | |
|------------------------|--------------|
| Document Number | L13000105765 |
| FEI/EIN Number | NONE |
| Date Filed | 07/26/2013 |
| State | FL |
| Status | ACTIVE |
| Effective Date | 07/25/2013 |

Principal Address

425 CAROLINE STREET
KEY WEST, FL 33040

Mailing Address

425 CAROLINE STREET
KEY WEST, FL 33040

Registered Agent Name & Address

JOHNSON, TAPLEY O, III
425 CAROLINE STREET
KEY WEST, FL 33040

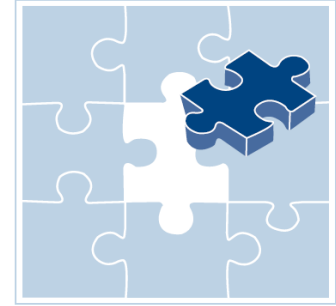
Name & Address

Title MGRM

JOHNSON, TAPLEY O, III
425 CAROLINE STREET
KEY WEST, FL 33040

Annual Reports**No Annual Reports Filed****Document Images**[07/26/2013 -- Florida Limited Liability](#)[View image in PDF format](#)

Additional Information



Project Analysis

512 and 524 Eaton Street

The following is complete analysis of the proposed project including development plan review and approval criteria.

Existing development is depicted in attached surveys and plans, including:

- | | | |
|--------------------|-----------------------|----------------------|
| ▪ Size of site | ▪ Topography | ▪ Adjacent land uses |
| ▪ Buildings | ▪ Easements | ▪ Adjacent buildings |
| ▪ Structures | ▪ Utility locations | ▪ Adjacent driveways |
| ▪ Parking | ▪ Existing vegetation | |
| ▪ FEMA flood zones | ▪ Existing stormwater | |

Proposed development is depicted in attached plans prepared by licensed engineers and architects, including:

- | | | |
|------------------------------------|-------------------------|--|
| ▪ Buildings | ▪ Garbage and recycling | ▪ Finished floor elevations |
| ▪ Setbacks | ▪ Signs | ▪ Height of existing and proposed grades |
| ▪ Parking: | ▪ Lighting | ▪ Drainage plan |
| ▪ Driveway dimensions and material | ▪ Project Statistics | ▪ Landscape Plan |
| ▪ Utility locations | ▪ Building Elevations | |
| | ▪ Height of buildings | |

Solutions Statement:

The proposed development is wholly consistent with the character and intent of the HNC-1 future land use designation and the current zoning district.

The scope of the development plan includes two properties with a combined site area of 12,584 sq. ft. The existing structures are currently an office building (524 Eaton Street) and a dinner theater (512 Eaton Street).

The application proposes to convert most of the existing commercial floor area within 524 Eaton to single-family residential use. Interior alterations are proposed to the adjacent theater to create a more functional lobby/ reception area, create an upstairs control/ recording room and increase the number and accessibility of restrooms. The interior alterations to the theater trigger the minor development plan review process of Sec. 108-91.

The project will eliminate 6,220 sq. ft. existing nonconforming commercial floor area in the office building at 524 through its conversion to a single family home. The conversion will reduce the overall intensity associated with the site by 57% and existing parking demand will be reduced by 37 spaces.

A setback variance is required to create improved emergency egress from the second floor of both the residence and the theater. Existing encroachments onto adjacent property will be eliminated.

Key persons and entities involved in this project are as follows:

Owner: Tap All Potential 512-524 Eaton LLC
 Authorized Agent: Trepanier & Associates, Inc.
 Architect: William Shepler
 Legal and Equitable Owners: Tap All Potential 512-524 Eaton, LLC. Manager Tapley O Johnson III

| SITE DATA | ALLOWED | EXISTING | PROPOSED | COMPLIANCE |
|--------------------------|------------------|--------------------|--------------------|--------------------|
| ZONING | HNC-1 | HNC-1 | HNC-1 | Complies |
| SITE SIZE | 12,584 s.f. | 12,584 s.f. | 12,584 s.f. | Complies |
| FEMA FLOOD ZONE | Zone X | Zone X | Zone X | Complies |
| FAR | 1.0 | 1.46 | .97 | Complies |
| DENSITY | 4.6 | 6 | 1 | Complies |
| COMMERCIAL FLOOR AREA | 12,584 s.f. | 18,418 s.f. | 12,198 s.f. | Complies |
| LANDSCAPING/OPEN SPACE | 27% (3,397 s.f.) | 4% (517 s.f.) | 6% (703 s.f.) | Waiver Requested |
| HEIGHT | 30' | 52'-6" | 42'-6" | Complies |
| BUILDING COVERAGE | 40% | 10,608 s.f. (81%) | No Change | Complies* |
| IMPERVIOUS SURFACE RATIO | 0.60 | 0.96 (12,067 s.f.) | 0.94 (11,881 s.f.) | Complies* |
| LOT SIZE | Min. 4,000 s.f. | 12,584 s.f. | No Change | Complies |
| LOT WIDTH | Min. 40' | 127.25' | No Change | Complies |
| LOT DEPTH | Min. 90' | 100' | No Change | Complies |
| FRONT SETBACK | Min. 10' | 4" | No Change | Complies* |
| SIDE SETBACK | Min. 5' | 5'4" | 4" | Variance Requested |
| STREET SIDE SETBACK | Min. 7.5' | 1.5" | No Change | Complies* |
| REAR SETBACK | Min. 15' | 0' | 3" | Variance Requested |

*Existing non-conformity pursuant Sec. 122-27

Other Project Information:

- The target date for commencement shall follow entitlement approvals as quickly as possible.

Intergovernmental Coordination

Required intergovernmental coordination shall be handled within the DRC process.

Schedule and Process:

Schedule is anticipated as follows:

1. Planning Board – January, 2014
2. City Commission – February, 2014

Phasing:

Construction will be single phased

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 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:

All necessary services exist on or are available to the site and will accommodate the proposed development at the 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 to be:

NA – No improvements required.

Fire Protection (Section 108-233 (8))

No objections are known to exist at this time.

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

The historic neighborhood commercial district - Truman/ Simonton (HNC-1) consists of Simonton, Truman Avenue, and White Street South Corridors. The HNC-1 district is located along major segments of Simonton Street, from Caroline South to United Street; Truman Avenue, from Simonton Street northeast to White Street; and White Street, from Truman Avenue south to United Street; and generally includes larger scale commercial uses oriented toward the motoring public.

57% of the site's nonconforming intensity will be eliminated. Parking demand will be reduced by 37 spaces.

Location and screening of mechanical equipment, utility hardware and waste storage areas (Section 108-279):

All mechanical equipment will be located appropriately and screened per HARC approval and in compliance with Section 108-279.

Utility lines (Section 108-282):

Utilities will be placed underground as appropriate.

Commercial and manufacturing activities conducted in enclosed buildings (Section 108-283):

All retail activities will take place within enclosed buildings. No outdoor storage or display has been applied for or approved.

Exterior Lighting (Section 108-284):

Per Section 108-284, all proposed lighting shall shield and arrange lighting sources to eliminate glare from roadways and streets and shall direct light away from properties lying outside the district. Shielding of lighting elements shall be accomplished by using directional fixtures or opaque shades. Street lighting is existing.

Signs (Section 108-285):

Proposed signage will be required by HARC to be harmonious with the urban design theme of the project, will be aesthetically pleasing and reinforce good principles and practices of streetscape design.

Pedestrian sidewalks (Section 108-286):

There is no new sidewalk proposed, pedestrian ingress and egress will be clearly marked and accessible as not to interfere with vehicular traffic or public right-of access.

Loading docks (Section 108-287):

N/A – None proposed/required

Storage Areas (Section 108-288):

N/A - No outdoor storage areas are proposed

On-Site and Off-Site Parking and Vehicular, Bicycle, and Pedestrian Circulation (Section 108-244):

This site is located within the Historic Commercial Pedestrian-Oriented Area and complies with the parking requirements of Articles IV and VII of Chapter 108. 57% of the site's nonconforming intensity will be eliminated. Parking demand will be reduced by 37 spaces.

Housing (Section 108-245):

One BPAS (ROGO)-Exempt single-family home will be re-established on site.

Economic resources (Section 108-246):

We are working with the Monroe County Property Appraiser's office to estimate the increase to the community's ad valorem tax base.

Special Conditions (Section 108-247):

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

The project is located within the HNC-1 zoning district and furthers the character of the district.

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

Construction Management Plan and Inspection Schedule (Section 108-248):

The construction will be completed in a single phase with the necessary demolition of the areas indicated on the floor plans and reconstruction to follow.

Open Space, Screening, Buffers and Landscaping (Article V and VI) of Chapter 108:

The proposed project will create additional impervious open space, but will still require a modification pursuant to Sec. 108-517 (below).

Request for Modification, Sec. 108-517

This application/ request for modification to the standards of this ordinance is hereby filed with the city planning office and shall be considered by the planning board after reviewing recommendations of the city planner or designated staff. The planning board shall render the final action.

This request is to modify:

- Sec. 108-412(a) from the requirement of 27%¹, 4% existing to 0% proposed.
- Sec. 108-413(b) from the requirement of 10ft to the 0ft existing

This site currently has only 10% open space (0.10), pervious surface or landscaping. The proposal will increase the open space ratio to 0.14.

The waiver in is the public interest as it allows the design of the site to conform to, and enhance, the Eaton Street corridor. The modification will not have an adverse impact on the public interest, or on adjacent property.

The modification is not discriminatory, considering similar situations in the general area. The project is bringing the property into greater conformance with the code.

Superior alternative. The development will provide new open space and landscape areas.

Protection of significant features. The waiver or modification will significantly enhance existing environmental features through the decrease in intensity, decrease in parking demand and increase in open space.

Deprivation of reasonable use. Strict application of the requirements would effectively deprive the owner of reasonable use of the land due to its location within the urban context of the Eaton Street corridor. The buffering requirements set forth in the code, can not be achieved given the development standards set forth and the urban character of Eaton Street.

¹ Pursuant to Sec. 108-346 (b) "The total open space provided by mixed uses shall be based on the percent of total square feet of floor area on site allotted to the respective residential and nonresidential uses."

Technical impracticality. Strict application of the requirement is technically impractical.

Stormwater and Surface Water Management (Article VIII):

Stormwater management will be installed per the attached plans.

Flood Hazard Areas (Division 4 - Sections 108-821 through 108-927):

The proposed project is located in the X Flood Zone. All FEMA requirements will be met.

Utilities (Article IX):

Electrical service shall be provided by KEYS Energy. The proposed development project will use existing utility mains for potable and sewer water. Landscaping will consist of native and permitted species as shown on the proposed landscape plan.

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 development at 629 Duval.

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 standards²."

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) Existing capacity required based on site size: **188 gal/day**

The total capacity required for nonresidential use on 0.289 acres is:

$$650 \text{ gal/acres/day} \times 0.289 \text{ acres} = 188 \text{ gal/day}$$

- ii) Existing capacity required based on floor area: **275 gal/day**

² The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues.

The total capacity required for nonresidential use on .423 acres is:

$$650 \text{ gal/acres/day} \times 0.423 \text{ acres} = 275 \text{ gal/day}$$

- iii) Proposed capacity required based on site size: **188 gal/day**

The total capacity required for nonresidential use on 0.289 acres is:

$$650 \text{ gal/acres/day} \times 0.280 \text{ acres} = 188 \text{ gal/day}$$

- iv) Proposed capacity required based on floor area: **182 gal/day**

The total capacity required for residential use on 0.280 acres is:

$$650 \text{ gal/acres/day} \times 0.280 \text{ acres} = 182 \text{ gal/day}$$

Based on the concurrency management calculation prescribed in the Comprehensive Plan, there is no or minimal 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 2022³. 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

³ Excerpt from Analysis by Kenneth B. Metcalf, AICP, (Greenberg Traurig, P.A.), August 22, 2008.

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 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 MG - 5,272MG)/ 10 = 103.8 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) Existing capacity required based on site size: **190.7 gal/day**

The total capacity required for nonresidential use on 0.289 acres is:

$$660 \text{ gal/acres/day} \times 0.289 \text{ acres} = 190.7 \text{ gal/day}$$

- ii) Existing capacity required based on floor area: **279 gal/day**

The total capacity required for nonresidential use on .423 acres is:

$$660 \text{ gal/acres/day} \times 0.423 \text{ acres} = 279 \text{ gal/day}$$

- iii) Proposed capacity required based on site size: **190.7 gal/day**

The total capacity required for nonresidential use on 0.289 acres is:

$$660 \text{ gal/acres/day} \times 0.289 \text{ acres} = 190.7 \text{ gal/day}$$

- iv) Proposed capacity required based on floor area: **184.8 gal/day**

The total capacity required for residential use on 0.280 acres is:

$$660 \text{ gal/acres/day} \times 0.280 \text{ acres} = 184.8 \text{ gal/day}$$

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 utilized⁴. 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 impacted⁵."

This is a reconstruction of a previously existing residential dwelling. No recreational impacts are created.

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 impacted⁶."

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/day.

- i) Existing capacity required: **254.8 lbs/day**

The total capacity required for the nonresidential use of 40 employees⁷ is:

$$6.37 \text{ lb/capita/day} \times 40 \text{ employees} = 254.8 \text{ lbs/day}$$

Existing capacity required: 2.66 lbs/day: **15.96lbs/day**:

The total capacity required for the residential use of 6 units is:

$$2.66 \text{ lbs/capita/day} \times 1 \text{ Unit} = 15.96 \text{ lbs/day}$$

- ii) Proposed capacity required.: **63.07 lbs/day**

⁴ Per September 3, 2010 memo from Greg Smith, project Manager for CH2M Hill OMI (Exhibit III)

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

⁶ The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues.

⁷ Based on applicant's pro forma

⁸ Based on APA Estimating Guide pg 43 Table 4-2 "General Office"

The total capacity required for the nonresidential use of 2 employees⁹ is:

$$6.37 \text{ lb/capita/day} \times 2 \text{ people} = 12.74 \text{ lbs/day}$$

Proposed capacity required: 2.66 lbs/day: **2.66 lbs/day:**

The total capacity required for the residential use of 1 units is:

$$2.66 \text{ lbs/capita/day} \times 1 \text{ Unit} = 2.66 \text{ lbs/day}$$

Waste Management has more than enough capacity to handle the increase¹⁰.

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 drainage¹¹"

No new impervious surface is proposed.

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 improvements¹²."

| Trip Generation – Existing & Proposed | Peak Hour Weekday PM | |
|---|----------------------|----------|
| | Existing | Proposed |
| Live Theater ITE (441) 512 Eaton Street <i>0.04 Trips per Dwelling Unit</i> | 1.01 | 1.01 |
| General Office ITE (710) 524 Eaton Street <i>Trips per 1,000 sq. ft. of Gross Floor Area</i> | 15.00 | 0.00 |
| Single-Family ITE (210) 524 Eaton Street <i>0.02 Trips per 4,400 sq. ft. of Gross Floor Area</i> | 0.00 | 0.04 |
| Total | 16.01 | 1.05 |

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 Based on applicant's pro forma

¹⁰ Per January 25, 2010 memo from Jay Gewin, City of Key West (Exhibit V)

¹¹ The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues

¹² The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues

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: 150092-007-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"

PERMIT NO: 150092-007-WC/04

PERMIT ISSUE DATE: November 14, 2006

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:

- 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

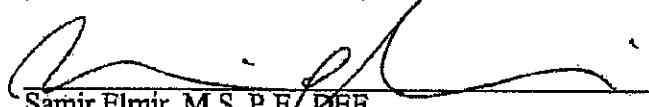

Samir Elmir, M.S., P.E./D.E.E.,
Division Director

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

October 14, 2008 Wastewater Memo

Sarah Davis

From: Greg.Smith@ch2m.com
Sent: Tuesday, October 14, 2008 11:20 AM
To: Sarah Davis
Subject: RE: OMI's capacity

Sarah,

Key West's wastewater treatment facility is permitted by the Florida Department of Environmental Protection to treat 10 mgd. Our annual average flow is currently 4.8 mgd. Your proposed development will have very little impact on Key West's wastewater treatment capacity.

Please let me know if you require any additional information. You can also see our website at www.keywestwastewater.com.

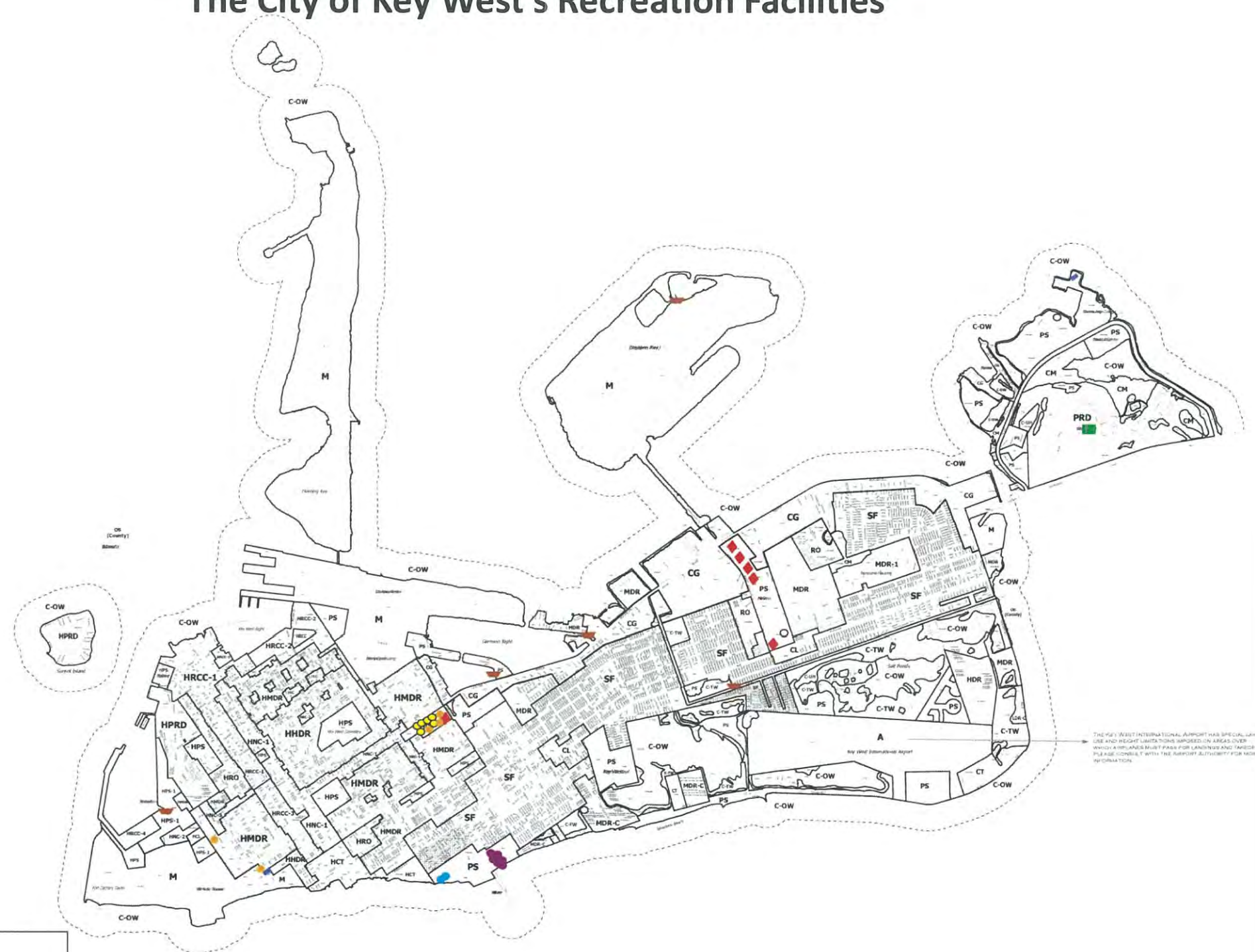
Best regards,

Greg Smith, Project Manager
CH2M Hill OMI
Key West, Florida
(305) 292-5102

Exhibit IV

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

The City of Key West's Recreation Facilities



THE KEY WEST INTERNATIONAL AIRPORT HAS SPECIAL LAND USE AND HEIGHT LIMITATIONS IMPOSED IN AREAS OVER WHICH A FLYOVER MUST PASS FOR LANDINGS AND TAKEOFFS. PLEASE CONSULT WITH THE AIRPORT AUTHORITY FOR MORE INFORMATION.

- LEGEND**
- Tennis Courts
 - Racquetball/Handball Courts
 - Basketball Courts
 - ◆ Softball/Baseball Diamonds
 - Swimming Pool
 - Golf Courses
 - ▭ Boat Ramps
 - Football/Soccer Fields
 - Bocce Courts

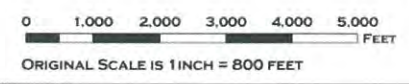


Exhibit V

October 17, 2008 Solid Waste 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

Property Appraiser Information

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: 8792239 Parcel ID: 00006500-000100

Ownership Details

Mailing Address:

KEPHART LYNN H
414 SIMONTON ST
KEY WEST, FL 33040

Property Details

PC Code: 18 - OFFICES BUILDINGS MULTI/STORY

Millage Group: 10KW

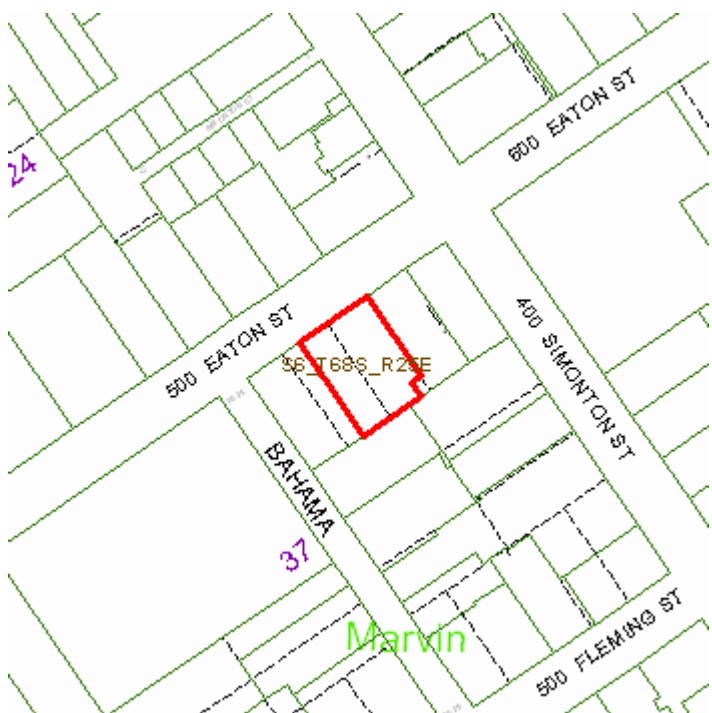
Affordable Housing: No

Section-Township-Range: 06-68-25

Property Location: 524 EATON ST KEY WEST

Legal Description: KW PT LOT 2 SQR 37 OR1177-2019/2022 OR2124-1877/83(RES NO 05-204)

Click Map Image to open interactive viewer





Land Details

| Land Use Code | Frontage | Depth | Land Area |
|-----------------------|----------|-------|-------------|
| 100D - COMMERCIAL DRY | 0 | 0 | 7,080.00 SF |

Building Summary

Number of Buildings: 1
Number of Commercial Buildings: 1
Total Living Area: 10122
Year Built: 1968

Building 1 Details

Building Type
Effective Age 18
Year Built 1968
Functional Obs 0

Condition A
Perimeter 600
Special Arch 0
Economic Obs 0

Quality Grade 450
Depreciation % 23
Grnd Floor Area 10,122

Inclusions:

Roof Type
Heat 1
Heat Src 1

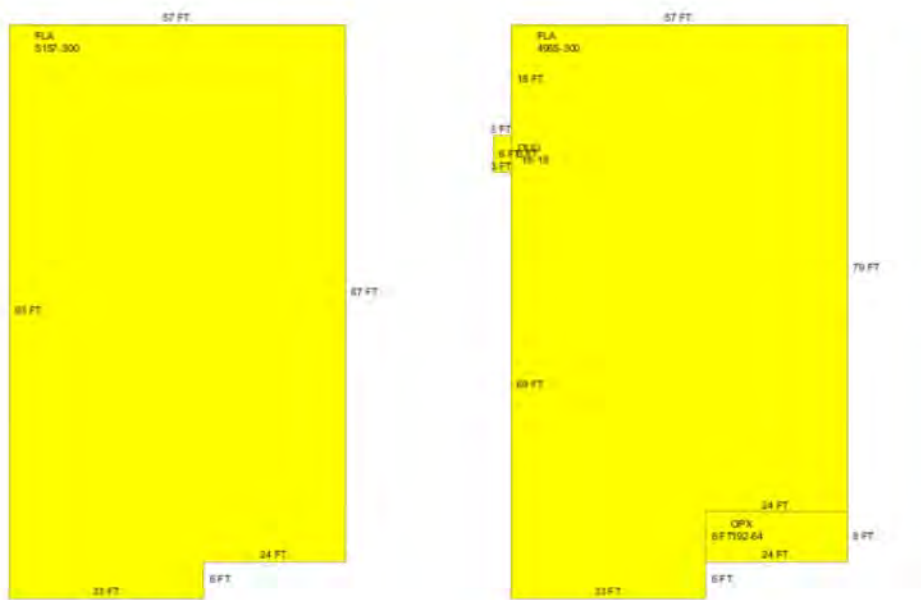
Roof Cover
Heat 2
Heat Src 2

Foundation
Bedrooms 0

Extra Features:

2 Fix Bath 0
3 Fix Bath 0
4 Fix Bath 0
5 Fix Bath 0
6 Fix Bath 0
7 Fix Bath 0
Extra Fix 17

Vacuum 0
Garbage Disposal 0
Compactor 0
Security 0
Intercom 0
Fireplaces 0
Dishwasher 0



Sections:

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|-----|------------|----------|-----------|------------|-------|-----|------------|---------------------|-------|
| 1 | <u>FLA</u> | | 1 | 1993 | | | | | 5,157 |
| 2 | <u>FLA</u> | | 1 | 1993 | | | | | 4,965 |
| 3 | <u>OPX</u> | | 1 | 1993 | | | | | 192 |
| 4 | <u>OUU</u> | | 1 | 1993 | | | | | 18 |

Interior Finish:

| Section Nbr | Interior Finish Nbr | Type | Area % | Sprinkler | A/C |
|-------------|---------------------|------------------|--------|-----------|-----|
| | 16322 | OFF BLDG-1 STY-B | 100 | N | Y |
| | 16323 | OFF BLDG-1 STY-B | 100 | N | Y |
| | 16324 | OPX | 100 | N | N |

Exterior Wall:

| Interior Finish Nbr | Type | Area % |
|---------------------|--------|--------|
| 5627 | C.B.S. | 100 |

Misc Improvement Details

| Nbr | Type | # Units | Length | Width | Year Built | Roll Year | Grade | Life |
|-----|-------------------|---------|--------|-------|------------|-----------|-------|------|
| 1 | PT5:TILE PATIO | 179 SF | 0 | 0 | 1992 | 1993 | 5 | 50 |
| 2 | AC2:WALL AIR COND | 1 UT | 0 | 0 | 1984 | 1985 | 1 | 20 |
| 3 | PT3:PATIO | 190 SF | 0 | 0 | 1998 | 1999 | 2 | 50 |
| 4 | FN2:FENCES | 444 SF | 0 | 0 | 1997 | 1998 | 2 | 30 |

Appraiser Notes

2006-01-17 CITY APPROVED OF TRANSFER OF (3) THREE TRANSIENT UNITS FROM 807-811 AK103898 SENDER) TO 512-526 EATON ST (AK1020834 RECEIVER)-SKI

2006-01-17 TRANSFER OF ONE(1) TRANSIENT UNIT FROM 1111 DUVAL ST. AK8776926-SENDER TO 512-526 EATON ST AK 1020834 RECEIVER-SKI

Building Permits

| Bldg | Number | Date Issued | Date Completed | Amount | Description | Notes |
|------|---------|-------------|----------------|--------|-------------|-------------------------|
| | 9500070 | 12/01/1995 | 08/01/1996 | 1 | | SIGN |
| | 9500093 | 12/01/1995 | 08/01/1996 | 1 | | ELECTRICAL |
| | 9500094 | 12/01/1995 | 08/01/1996 | 1 | | PLUMBING |
| | 9600290 | 01/01/1996 | 08/01/1996 | 450 | | AWNINGS |
| | 9500096 | 12/01/1995 | 08/01/1996 | 3,500 | | RENOVATIONS |
| 1 | 9802475 | 02/26/1999 | 08/16/1999 | 8,600 | Commercial | NEW V-CRIMP ROOF |
| 1 | 9901329 | 04/20/1999 | 08/16/1999 | 3,500 | Commercial | INSTALL 35 SQS V-CRIMP |
| | 9902915 | 09/03/1999 | 11/03/1999 | 23,000 | | REMODELING INTERIOR |
| | 9902915 | 11/16/1999 | 12/16/1999 | 23,000 | | REPLACE AC |
| | 99-3833 | 12/10/1999 | 11/25/2002 | 1,500 | | PARTITION WALL |
| | 99-3833 | 12/10/1999 | 11/25/2002 | 1,500 | | ELECTRIC |
| | 99-2717 | 02/10/2000 | 09/16/2002 | 1 | | NEW DOORS & WINDOWS |
| | 01-3515 | 10/26/2001 | 11/25/2002 | 25,000 | | INSTALL DOORS & BALCONY |
| | 02-2501 | 09/11/2002 | 11/25/2002 | 2,300 | | CHANGE 7.5 TON COND. |

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 |
|-----------|------------------|------------------------------|------------------|---------------------------|----------------------|---------------------|----------------------|
| 2013 | 972,489 | 3,374 | 876,169 | 1,451,967 | 1,451,967 | 0 | 1,451,967 |
| 2012 | 972,489 | 3,496 | 876,169 | 1,451,967 | 1,451,967 | 0 | 1,451,967 |
| 2011 | 1,023,008 | 3,633 | 973,521 | 2,000,162 | 1,800,565 | 0 | 2,000,162 |
| 2010 | 1,023,008 | 3,755 | 610,115 | 1,636,878 | 1,636,878 | 0 | 1,636,878 |
| 2009 | 1,073,527 | 3,877 | 679,995 | 1,757,399 | 1,757,399 | 0 | 1,757,399 |
| 2008 | 1,073,527 | 4,013 | 920,400 | 1,997,940 | 1,997,940 | 0 | 1,997,940 |
| 2007 | 830,743 | 4,136 | 920,400 | 1,755,279 | 1,755,279 | 0 | 1,755,279 |
| 2006 | 850,290 | 4,257 | 708,000 | 1,562,547 | 1,562,547 | 0 | 1,562,547 |
| 2005 | 795,210 | 4,396 | 637,200 | 1,436,806 | 1,436,806 | 0 | 1,436,806 |
| 2004 | 804,342 | 4,517 | 460,200 | 828,062 | 828,062 | 0 | 828,062 |
| 2003 | 804,342 | 4,638 | 283,200 | 828,062 | 828,062 | 0 | 828,062 |
| 2002 | 804,102 | 4,776 | 283,200 | 828,062 | 828,062 | 0 | 828,062 |
| 2001 | 804,102 | 4,898 | 283,200 | 828,062 | 828,062 | 0 | 828,062 |

| | | | | | | | |
|-------------|---------|-------|---------|---------|---------|---|---------|
| 2000 | 804,102 | 1,960 | 191,160 | 828,062 | 828,062 | 0 | 828,062 |
| 1999 | 804,102 | 816 | 191,160 | 996,078 | 996,078 | 0 | 996,078 |
| 1998 | 536,068 | 834 | 191,160 | 728,062 | 728,062 | 0 | 728,062 |
| 1997 | 536,068 | 853 | 177,000 | 713,921 | 713,921 | 0 | 713,921 |
| 1996 | 452,526 | 871 | 177,000 | 630,397 | 630,397 | 0 | 630,397 |
| 1995 | 452,526 | 890 | 177,000 | 630,416 | 630,416 | 0 | 630,416 |
| 1994 | 452,526 | 908 | 177,000 | 630,434 | 630,434 | 0 | 630,434 |
| 1993 | 451,486 | 0 | 177,000 | 628,486 | 628,486 | 0 | 628,486 |
| 1992 | 446,093 | 0 | 177,000 | 623,093 | 623,093 | 0 | 623,093 |
| 1991 | 446,093 | 0 | 177,000 | 623,093 | 623,093 | 0 | 623,093 |

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 |
|-----------|----------------------------|---------|------------|---------------|
| 6/1/1991 | 1177 / 2019 | 250,000 | <u>WD</u> | <u>M</u> |

This page has been visited 263,464 times.

Monroe County Monroe County Property Appraiser
 Scott P. Russell, CFA
 P.O. Box 1176 Key West, FL 33041-1176

Public Notices
(radius map & mailing list)

Public Meeting Notice

The Key West Planning Board will hold a public hearing at 6:00 p.m., January 23, 2014 at Old City Hall, 510 Greene Street, Key West, Florida, (Behind Sloppy Joe's Bar). The purpose of the hearing will be to consider a request for:

Minor Development Plan, Variance & Alcohol Sales Special Exception – 512-524 Eaton Street (RE# 00006500-000000; AK# 1006734 and RE# 00006500-000100, AK# 8792239) - Requests for reconstruction of commercial floor area for conversion to a single-family dwelling, a waiver to landscape requirements, side and rear-yard setback variances for the construction of emergency ingress and egress, and special exception to the prohibition of alcoholic beverage sales within 300 feet of a church, school, cemetery or funeral home for property located within the HNC-1 zoning district per Section 108-91(A)(1)(b), Section 90-391, Section 122-238(6)a.2 & a.3, and Section 18-28(b) of the Code of Ordinances of the City of Key West, Florida.

If you wish to see the application or have any questions, you may visit the Planning Department during regular office hours at 3140 Flagler Avenue call 809-3720 or visit our website at www.keywestcity.com.

THIS NOTICE CAN NOT BE REMOVED FROM THE SITE UNTIL AFTER PLANNING BOARD DETERMINATION

YOU ARE WITHIN 300 FEET OF THE SUBJECT PROPERTY

The City of Key West Planning Board will be holding a Public Hearing:

Request: **Minor Development Plan, Variance & Alcohol Sales Special Exception – 512-524 Eaton Street (RE# 00006500-000000; AK# 1006734 and RE# 00006500-000100, AK# 8792239)** - Requests for reconstruction of commercial floor area for conversion to a single-family dwelling, a waiver to landscape requirements side and rear-yard setback variances for the construction of emergency ingress and egress, and special exception to the prohibition of alcoholic beverage sales within 300 feet of a church, school, cemetery or funeral home for property located within the HNC-1 zoning district per Section 108-91(A)(1)(b), Section 90-391, Section 122-238(6)a.2 & a.3, and Section 18-28(b) of the Code of Ordinances of the City of Key West, Florida.

Applicant/Owner: **Patrick Wright, Owen Trepanier & Associates**

Project Location: 512-524 Eaton

Date of Hearing: Thursday, January 23, 2014

Time of Hearing: 6:00 PM

Location of Hearing: Old City Hall, 510 Greene
City Commission Chambers

Interested parties may appear at the public hearing(s) and be heard with respect to the applications. Packets can be viewed online at www.keywestcity.com. Click on City Board & Committee Agendas. A copy of the corresponding application is available from the City of Key West Planning Department located at 3140 Flagler Avenue, Key West, Florida, Monday through Friday between the hours of 8:00 am and 5:00 pm.

Please provide written comments to the Planning Department, PO Box 1409, Key West, FL 33041-1409 , by FAX (305) 809-3978 or by email to Stacy L. Gibson at sgibson@keywestcity.com.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission or the City Commission with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

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 at 305-809-1000 or the ADA Coordinator at 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

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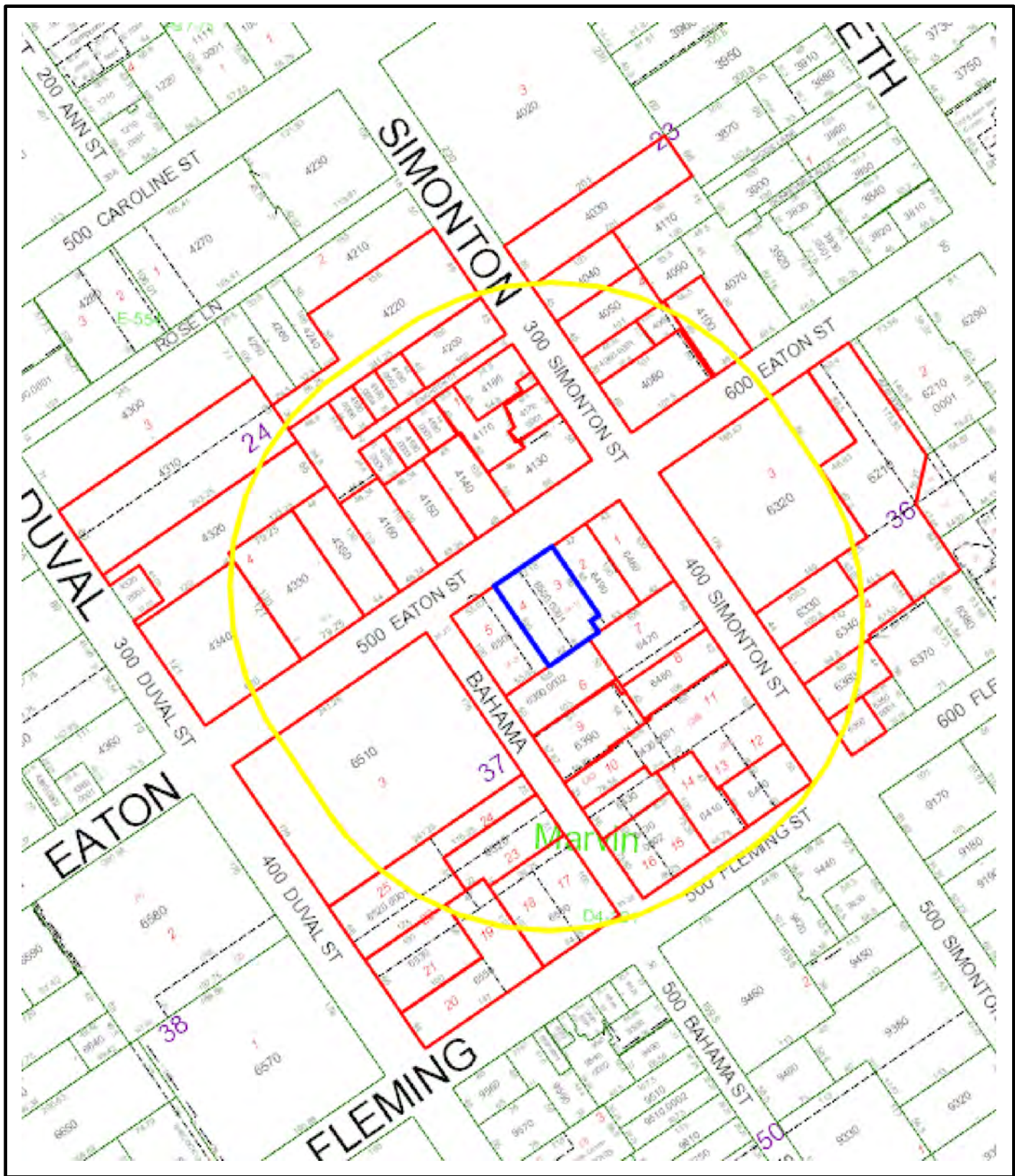
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Monroe County, Florida

512-524 Eaton

Printed: Jan 09, 2014



DISCLAIMER: The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.



| NAME | ADDRESS | UNIT | CITY | STATE | ZIP | COUNTRY |
|---|-------------------------|------|-------------------|-------|------------|---------|
| FELLING MICHAEL | 11199 OVERSEAS HWY | | MARATHON | FL | 33050-3460 | |
| TAP ALL POTENTIAL 512-524 EATON LLC | 425 CAROLINE ST | | KEY WEST | FL | 33040-6502 | |
| MOLONEY SUE CLAY | 320 SIMONTON ST | | KEY WEST | FL | 33040-6869 | |
| MOLONEY SUSAN | 326 SIMONTON ST | | KEY WEST | FL | 33040-6869 | |
| KEY WEST WOMANS CLUB | 319 DUVAL ST | | KEY WEST | FL | 33040-6687 | |
| ARTIST HOUSE LLC | 534 EATON ST | | KEY WEST | FL | 33040-6881 | |
| WHITE J LARRY | 685 E LONG LAKE RD | | BLOOMFIELD HIL MI | | 48304-2443 | |
| FIRST UNITED METHODIST CHURCH | PO BOX 669 | | KEY WEST | FL | 33041-0669 | |
| TOMITA GERALDINE | 531 FLEMING ST | | KEY WEST | FL | 33040-6879 | |
| TAYLOR DAVID F | 1702 LINDEN AVE | | NASHVILLE | TN | 37212-5112 | |
| FAVELLI GEORGEANN MARION LIVING TRUST 1/19/06 | 1523 PATRICIA ST | | KEY WEST | FL | 33040-5034 | |
| PILOT HOUSE LLC | 414 SIMONTON ST | | KEY WEST | FL | 33040-6815 | |
| SIMONTON COURT MANAGEMENT CO | 324 SIMONTON ST | | KEY WEST | FL | 33040-6869 | |
| NILES FAMILY LIVING TRUST 10/28/2002 | 4768 CAPE MAY AVE | | SAN DIEGO | CA | 92107-2226 | |
| COOPER LAND TRUST 12/26/1990 | 7705 NW 48TH ST STE 110 | | DORAL | FL | 33166-5454 | |
| FLORIDA KEYS FUNERAL SERVICES LLC | 418 SIMONTON ST | | KEY WEST | FL | 33040-6815 | |
| KEPHART LYNN H | 414 SIMONTON ST | | KEY WEST | FL | 33040 | |
| BCP LLC | 1409 SUN TER | | KEY WEST | FL | 33040-4081 | |
| INTER-OCEAN HOLDINGS LLC | 600 FLEMING ST | | KEY WEST | FL | 33040-6826 | |
| THORESEN ERLING T REVOCABLE TRUST 6/13/2013 | 3235 MARY ST | | MIAMI | FL | 33133-5234 | |
| CARRIAGE TRADE LIVING TRUST 10/22/2009 | 529 EATON ST | | KEY WEST | FL | 33040-6801 | |
| ONDERDONK GARY R AND DIANE M | 513 FLEMING ST STE 1 | | KEY WEST | FL | 33040-6861 | |
| SBM LLC | 66 WESTWIND RD | | LOUISVILLE | KY | 40207-1521 | |
| DAVIDSON JUDITH H | PO BOX 4210 | | KEY WEST | FL | 33041-4210 | |
| PISCHKE RICHARD AND JULIA L | 527 FLEMING ST | | KEY WEST | FL | 33040-6879 | |
| DEAN DONNA LOUISE REV TRUST | 14 W CYPRESS TER | | KEY WEST | FL | 33040-6235 | |
| ST PAULS CHURCH | PO BOX 1014 | | KEY WEST | FL | 33041-1014 | |
| KAVOURA DIMITRI | PO BOX 308 | | KEY WEST | FL | 33041-0308 | |
| CORLEY LUCY CLAY MOLONEY | 66 WESTWIND RD | | LOUISVILLE | KY | 40207 | |
| 328 SIMONTON STREET LLC | 205 ELIZABETH ST UNIT 1 | | KEY WEST | FL | 33040-6612 | |
| WONG SONG ENTERPRISES INC | PO BOX 4870 | | KEY WEST | FL | 33041-4870 | |
| SPOTTSWOOD PARTNERS II LTD | 500 FLEMING ST | | KEY WEST | FL | 33040-6891 | |
| RAPPAPORT ROBERT | 1107 KEY PLZ PMB 330 | | KEY WEST | FL | 33040-4086 | |
| 333 SIMONTON ST LLC | 18 ETTINGER RD | | WESTON | VT | 05161-6500 | |

| NAME | ADDRESS | UNIT | CITY | STATE | ZIP | COUNTRY |
|--|-------------------------|-------------|-------------|--------------|------------|----------------|
| DEAN DONNA LOUISE REV TRUST | 14 W CYPRESS TER | | KEY WEST | FL | 33040 | |
| DAVIDSON JUDITH H | PO BOX 4210 | | KEY WEST | FL | 33041-4210 | |
| HAWKINS RICHARD J | PO BOX 106 | | KEY WEST | FL | 33041-0106 | |
| BAHAMA 415 LLC | 2919 26TH ST W | | BRADENTON | FL | 34205-3737 | |
| THE STUDIOS OF KEY WEST INC | 600 WHITE ST | | KEY WEST | FL | 33040-7153 | |
| DADE LODGE NO 14 FREE AND ACCEPTED MASONS | PO BOX 608 | | KEY WEST | FL | 33041-0608 | |
| CARLOUGH WILLIAM ARTHUR REV TR AGREE 9/26/2003 | 417 SIMONTON ST | | KEY WEST | FL | 33040-6814 | |
| UNITED STATES OF AMERICA | 1776 PEACHTREE ST NW | | ATLANTA | GA | 30309-2309 | |
| FAR NIENTE LLC | 1920 N CLARK ST APT 17P | | CHICAGO | IL | 60614-5401 | |
| C & D PROPERTIES OF KEY WEST I LLC | PO BOX 4125 | | KEY WEST | FL | 33041-4125 | |
| GRIFFINS NEST LLC | 12687 SUMMERWOOD DR | | FORT MYERS | FL | 33908-6805 | |
| YATES DONALD AND KATHRYN | 611 EATON ST | | KEY WEST | FL | 33040-6802 | |