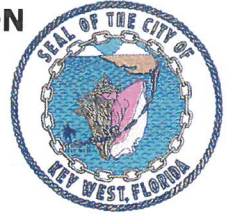


DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION
City of Key West Planning Department
1300 White Street, Key West, FL 33040
(305) 809-3720



RECEIVED
MAR 19 2018
BY: NLH

Development Plan & Conditional Use Application

Applications will not be accepted unless complete

Development Plan

Major
Minor

Conditional Use

Historic District

Yes

No

Please print or type:

- 1) Site Address 3228 Flagler Ave
- 2) Name of Applicant Trepanier & Associates, Inc.
- 3) Applicant is: Owner Authorized Representative
(attached Authorization and Verification Forms must be completed)
- 4) Address of Applicant 1421 1st Street unit 101
Key West, FL 33040
- 5) Applicant's Phone # 305-293-8983 Email lori@owentrepanier.com
- 6) **Email Address:** lori@owentrepanier.com
- 7) Name of Owner Land 10031, LLC; Land 113 LLC; Land 1701; Land 2421LLC; Land 2708 LLC; Land 4027 LLC;
Land 7009 LLC; Land 8351 LLC; Land 8601 LLC
- 8) Address of Owner 4900 W Hundred Rd., Chester, VA 23831
- 9) Owner Phone # c/o 305-293-8983 Email c/o lori@owentrepanier.com
- 10) Zoning District of Parcel CL RE# 00069040-000000
- 11) Is Subject Property located within the Historic District? Yes 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).

This application is a request for conditional use approval to redevelop a light industrial building on the rear of the property at 3228 Flagler Avenue into 8 residential dwellings (4 affordable, 4 market-rate). The front of the property is currently, and will continue to be, occupied by Dion's.

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION
City of Key West Planning Department
1300 White Street, Key West, FL 33040
(305) 809-3720



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

If Yes: Date of approval _____ Resolution # _____

Attach resolution(s).

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

Yes No

If Yes, describe and attach relevant documents.

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

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

City of Key West
Planning Department



Verification Form

(Where Authorized Representative is an Entity)

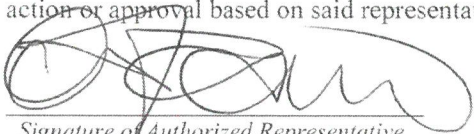
I, Owen Trepanier, in my capacity as President
(print name) (print position; president, managing member)
of Owen Trepanier & Associate, Inc.
(print name of entity serving as Authorized Representative)

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:

3228 Flagler Ave

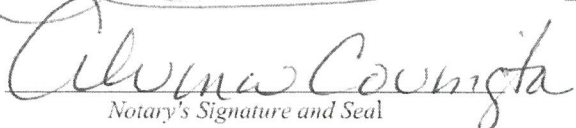
Street Address of subject property

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


Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this 2nd NOV 2017 by
Owen Trepanier
Name of Authorized Representative date

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


Notary's Signature and Seal

Alvin Covington
Name of Acknowledger typed, printed or stamped



Alvin Covington
COMMISSION #FF913801
EXPIRES: August 27, 2018
WWW.AARONNOTARY.COM

FF913801
Commission Number, if any

**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, Steven M Uphoff as
Please Print Name of person with authority to execute documents on behalf of entity

Managing Member of Uphoff Investments, LLC
Name of office (President, Managing Member) *Name of owner from deed*

authorize Trepanier & 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.

Steven M Uphoff
Signature of person with authority to execute documents on behalf on entity owner

Subscribed and sworn to (or affirmed) before me on this 8/29/16 by
date

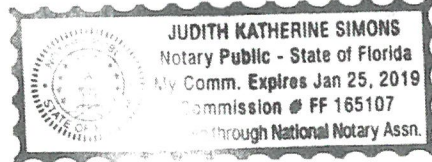
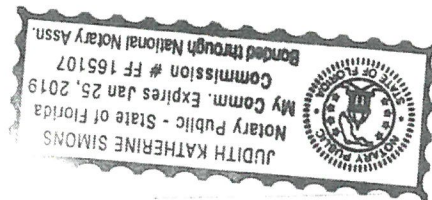
Steven M. Uphoff
Name of Authorized Representative

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

Judith Katherine Simons
Notary's Signature and Seal

Judith Katherine Simons
Name of Acknowledger typed, printed or stamped

FF 165107
Commission Number, if any



Detail by Entity Name

Foreign Limited Liability Company
UPHOFF INVESTMENTS, LLC

Filing Information

Document Number M16000000506
FEI/EIN Number 81-0635109
Date Filed 01/20/2016
State VA
Status ACTIVE

Principal Address

4900 WEST HUNDRED ROAD
CHESTER, VA 23831

Mailing Address

4900 WEST HUNDRED ROAD
CHESTER, VA 23831

Registered Agent Name & Address

LOWE, FRANCES CASEY
68 A FELI WAY
CRAWFORDVILLE, FL 32327

Authorized Person(s) Detail

Name & Address

Title MBR

UPHOFF, STEVEN M
4900 WEST HUNDRED ROAD
CHESTER, VA 23831

Annual Reports

Report Year	Filed Date
2017	01/27/2017

Document Images

[01/27/2017 -- ANNUAL REPORT](#) [View image in PDF format](#)

[01/20/2016 -- Foreign Limited](#) [View image in PDF format](#)

Detail by Entity Name

Foreign Limited Liability Company
LAND 10031, LLC

Filing Information

Document Number	M16000000458
FEI/EIN Number	81-0635109
Date Filed	01/19/2016
State	VA
Status	ACTIVE

Principal Address

4900 WEST HUNDRED ROAD
CHESTER, VA 23831

Mailing Address

4900 WEST HUNDRED ROAD
CHESTER, VA 23831

Registered Agent Name & Address

LOWE, FRANCES CASEY
68 A FELI WAY
CRAWFORDVILLE, FL 32327

Authorized Person(s) Detail

Name & Address

Title MBR

UPHOFF INVESTMENTS, LLC
4900 WEST HUNDRED ROAD
CHESTER, VA 23831

Annual Reports

Report Year	Filed Date
2017	04/24/2017

Document Images

[04/24/2017 -- ANNUAL REPORT](#) [View image in PDF format](#)

[01/19/2016 -- Foreign Limited](#) [View image in PDF format](#)

This Instrument prepared by & return to

Name: Frances C. Lowe, Esq.
Guilday, Schwartz, Simpson, West, Hatch & Lowe, P.A.
Address: 68 A Feli Way
Crawfordville, Florida 32327

02/11/2016 11:08AM
DEED DOC STAMP CL: Krys \$145,250.00

NOTE TO RECORDER: A DUPLICATE COUNTERPART OF THIS GENERAL WARRANTY DEED IS BEING RECORDED IN MIAMI-DADE COUNTY, FLORIDA. ALL DOCUMENTARY STAMP TAXES DUE IN CONNECTION WITH THE SALE OF REAL PROPERTY HEREIN ARE BEING PAID WITH THIS MONROE COUNTY RECORDATION.

GENERAL WARRANTY DEED

Doc# 2063429
Bk# 2781 Pg# 1779

Parties and Addresses

1.01. This General Warranty Deed (this "Deed") is made by and between Dion Commercial Properties, LLC, a Florida limited liability company, (the "Grantor"), whose principle business address is 638 United Street, Key West, Florida 33040, and LAND 10031, LLC as to a 11.077% interest, LAND 2708, LLC as to a 8.451% interest, LAND 113, LLC as to a 13.353% interest, LAND 1701, LLC as to a 11.077% interest, LAND 8601, LLC as to a 8.226% interest, LAND 7009, LLC as to a 9.644% interest, LAND 2421, LLC as to a 9.611% interest, LAND 4027, LLC as to a 13.410% interest, and LAND 8351, LLC as to a 15.151% interest, in Common among all of the aforelisted LLC's, all Virginia limited liability companies qualified to do business in Florida, (collectively the "Grantees"), whose principal business address is 4900 West Hundred Road, Chester, Virginia 23831.

Granting Clause

2.01. Grantor grants and conveys ownership of the property described below to Grantees, along with all of its rights and appurtenances, including any right, title, and interest of Grantor in adjacent streets, alleys, and rights-of-way.

Description of Property

3.01. The property consists of all the parcels of land and other structures on the land in the Counties of Miami-Dade and Monroe, of the State of Florida; (the "Property").

3.02. The legal description of the Property is described on **Exhibit A** attached to and incorporated herein.

Covenants by Grantor

5.01. Grantor makes the following covenants with Grantee:

- (1) That Grantor is lawfully seized of the Property described in this Deed.
- (2) That Grantor has the right to convey the Property described in this Deed to Grantee.
- (3) That the Property is free from all former mortgages, judgments, executions, and all other encumbrances.
- (4) That Grantor will warrant generally the Property conveyed by this Deed, so that Grantees will remain in peaceful ownership of the Property.
- (5) That Grantees shall have quiet possession of the Property, and Grantees will not be disturbed in possession of or removed from the Property by persons who have claims against the Property.
- (6) That Grantor will execute any further assurances as may be reasonably required by Grantees, to correct any defect in the title.

Exceptions, Reservations, and Restrictions

6.01. The conveyance of this Property is made subject to the exceptions, reservations and restrictions listed and outlined on **Exhibit B** attached hereto and incorporated herein.

Parties Bound by This Deed

7.01. The covenants made in this Deed are legally binding on Grantor and all who lawfully succeed to Grantor's rights and responsibilities, including Grantor's heirs, personal representatives, successors in interest, and assigns. These covenants may be enforced by Grantees and all future owners of the Property, including Grantees' heirs, personal representatives, successors in interest, and assigns.

IN WITNESS WHEREOF, Grantor has signed and sealed this General Warranty Deed on February 8, 2016.

Francis C. Lowe
Witness Signature

Francis C. Lowe
Printed Name

DION COMMERCIAL PROPERTIES, LLC, a Florida limited liability company
By: Dion Partnership, Ltd., as Managing Member of Dion Commercial Properties, LLC
By: Larry Dion Corporation, as General Partner of DionPartnership Ltd.

By: Suzanne D. Banks
SUZANNE D. BANKS, as President

Judith K. Simons
Witness Signature

Judith K. Simons
Printed Name

STATE OF FLORIDA
COUNTY OF monroe

The foregoing instrument was acknowledged before me this 8th day of February, 2016, by SUZANNE D. BANKS, President of Larry Dion Corporation, General Partner of Dion Partnership, Ltd., managing member of Dion Commercial Properties, LLC, a Florida limited liability company, who is personally known to me or has produced X X as identification.



Lani E. Musgrove
Notary Public-State of Florida

Lani E. Musgrove
Printed Name:

My Commission Expires: _____

**EXHIBIT A
LEGAL DESCRIPTION**

The land referred to herein below is situated in the County of Miami-Dade, State of Florida, and is described as follows:

434 SW 1st Avenue, Homestead, Florida (Parcel ID: 10-7813-005-0020)

Lot 3, Brown's Re-Subdivision, according to the Map or Plat thereof as recorded in Plat Book 6, Page 60, of the Public Records of Miami-Dade County, Florida.

1500 North Krome Avenue, Homestead, Florida (Parcel ID: 10-7812-006-0011)

The East 145.00 feet of the South 250.00 feet of Block 1, of DOWNER PALMS DIVISION NO. 2, according to the Plat thereof, as recorded in Plat Book 14 at Page 28, of the Public Records of Miami-Dade County, Florida, being more particularly described as follows:

Beginning at the intersection of the South line of said Block 1 with a line that is 145.00 feet West of and parallel with the East line of said Block 1; thence run N90°00'00"E along the South line of said Block 1 for 119.91 feet to a point of curve; thence run Northeasterly along a circular curve concave to the Northwest having for its elements a radius of 25.00 feet and a central angle of 90°12'00" for an arc distance of 39.36 feet to a point of tangency with the East line of said Block 1; thence run N00°12'00"W along the East line of said Block 1 for 124.91 feet to a point; thence run N90°00'00"W for 145.00 feet to a point; thence run S00°12'00"E for 150.00 feet to the Point of Beginning.

16 North Krome Avenue, Florida City, Florida (Parcel IDs: 16-7824-000-0670; 16-7824-000-0761; 16-7824-000-0764)

From the Southeast corner of Section 24, Township 57 South, Range 38 East, Miami-Dade County, Florida, run North 50 feet and West 40 feet, for a Point of Beginning;

Thence run North along the West line of Krome Avenue, Florida City, as shown and designated on the Plat of INDUSTRIAL ADDITION NO. 2, according to the plat thereof, as recorded in Plat Book 30 at Page 80 of the Public Records of Miami-Dade County, Florida; a distance of 200 feet; thence run West parallel to the North line of Palm Avenue, a distance of 100 feet; thence run South, parallel to Krome Avenue, a distance of 40 feet; thence run West parallel to the North line of Palm Avenue, a distance of 100.36 feet; thence run South, parallel to Krome Avenue, a distance of 160 feet; thence run East along the North line of Palm Avenue, a distance of 200.36 feet to the Point of Beginning.

26917-29 S. Dixie Highway, Naranja, Florida (Parcel ID: 30-6933-006-0190)

Lots 6, 7, 8 and 9, Block 12, NARANJA PARK, SECOND ADDITION, according to the Plat thereof as recorded in Plat Book 60, at Page 67, of the Public Records of Miami-Dade County, Florida.

5 NE 15th Street, Homestead, Florida (Parcel ID: 10-7907-021-0580)

All of Lots 1 and 2 less the North 100 feet thereof and all of Lot 3 less the North 100 feet and East 15 feet thereof and also all of Lot 16 less the East 15 feet thereof and all of Lots 17 and 18, and all of Block 16, of DOWNER PALMS DIVISION NO. 1, according to the Plat thereof recorded in Plat Book 14, at Page 27, of the Public Records of Miami-Dade County, Florida, more particularly described as follows: Begin at a point on the West line of Lot 1, Block 16 of Downer Palms Division No. 1, according to the Plat thereof recorded in Plat Book 14, Page 27, of the Public Records of Miami-Dade County, Florida; said point being 100 feet South of, as measured at right angles to, the North line of said Lot 1 and its prolongation Westerly, thence run due South along the West line of Lots 1 and 18, Block 16, of said Downer Palms Division No. 1 for a distance 144.70 feet to the beginning of a tangential circular curve; thence run in a Southeasterly and Easterly direction along said curve having a radius of 25 feet through a

central angle of 90 degrees 00 minutes 15 seconds for an arc distance of 39.27 feet to the end of said curve; thence run North 89 degrees 59 minutes 45 seconds East along the South line of Lots 18, 17 and 16 Block 16 of said Downer Palms Division No. 1 for a distance of 111.13 feet to a point 15 feet West of, as measured at right angles to, the East line of Lot 16 Block 16 of said Downer Palms Division No. 1, thence run due North along a line parallel to and 15 feet West of, as measured at right angles to, the East line of Lot 16 Block 16 of said Downer Palms Division No. 1, for a distance of 169.70 feet to a point; said point being 100 feet South of, as measured at right angles to, the North line of Lots 1, 2 and 3, Block 16 of said Downer Palms Division No. 1, thence run South 89 degrees 59 minutes 45 seconds West along a line parallel to and 100 feet South of, as measured at right angles to, the North line of Lots 1, 2 and 3, Block 16 of said Downer Palms Division No. 1, for a distance of 136.13 feet to the Point of Beginning.

777 Homestead Boulevard, Homestead, Florida (Parcel ID: 10-7918-000-0220)

All that part of the South 208.71 feet of the West 208.71 feet of Tract 14, Block 3, Section 18, Township 57 South, Range 39 East, of MIAMI LAND DEVELOPMENT COMPANY SUBDIVISION according to the plat thereof recorded in Plat Book 5, at Page 10 of the Public Records of Miami-Dade County, Florida, lying East of the right-of-way of State Road No. 5 as shown on the plat thereof recorded in Plat Book 60 at Page 36, Sheet 3, of the Public Records of Miami-Dade County, Florida, more particularly described as follows:

Commencing at the S.W. corner of said Tract 14, being also the S.W. corner of the SE 1/4 of the SW 1/4 of SW 1/4 of Section 18; thence run East a distance of 63.36 feet along the South boundary of said Section 18 to the point of intersection with the arc of a curve, said point being the Point of Beginning of the Tract of land hereinafter described; thence run East along the South line of said Section 18, being also the South line of said Tract 14, a distance of 145.35 feet to a point; thence run N. 0°35'00" W. along a line that is parallel, to the West boundary of said Tract 14 and parallel to the West boundary of SE 1/4 of the SW 1/4 of the SW 1/4 of said Section 18 a distance of 208.71 feet to a point; thence run West along a line that is parallel to the South boundary of said Section 18 and parallel to the South boundary of said Tract 14 a distance of 128.79 feet to the point of intersection with a circular curve, said curve being the Easterly Right-of-Way Line of State Road No. 5; thence run Southwesterly 209.21 feet along the arc of said curve having a radius of 3761.83 feet, and a central angle of 3°11'11", and a chord bearing of S 3°26'44" W to the Point of Beginning.

444 SW 1st Avenue, Homestead, Florida (Parcel ID: 10-7813-005-0040)

Lot 5, Brown's Re-Subdivision, according to the Map or Plat thereof as recorded in Plat Book 6, Page 60, of the Public Records of Miami-Dade County, Florida.

412 South Flagler Avenue, Homestead, Florida (Parcel ID: 10-7813-048-0010 and 10-7813-048-0020) and 458 South Flagler Avenue, Homestead, Florida (10-7813-048-0031)

Lots 1 through 6 inclusive of NELSON'S ADDITION TO HOMESTEAD, FLA., according to the Plat thereof, as recorded in Plat Book 1, at Page 94, of the Public Records of Dade County, Florida, less the area bounded by the North line of said Lot 1, and bounded by the Easterly line of said Lot 1, and bounded by a 15 foot radius arc, concave to the Southwest, said arc being tangent to both of the last described lines.

457 South Flagler Avenue, Homestead, Florida (Parcel ID: 10-7813-005-0050)

Lot 6 of Brown's Re-subdivision, according to the map or plat thereof, recorded in Plat Book 6, Page 60, of the Public Records of Dade County, Florida.

467 South Flagler Avenue, Homestead, Florida (Parcel ID: 10-7813-005-0030)

Lot 4, Brown's Re-Subdivision, according to the Map or Plat thereof as recorded in Plat Book 6, Page 60, of the Public Records of Miami-Dade County, Florida.

The land referred to herein below is situated in the County of Monroe, State of Florida, and is described as follows:

1409 Overseas Highway, Marathon, Florida (Parcel ID: 00326840-000000)

1415 Overseas Highway, Marathon, Florida (Parcel ID: 00326820-000000)

1417-1421 Overseas Highway, Marathon, Florida (Parcel ID: 00326810-000000)

Lots 3, 4, 5, and 6, Block 2, PARRISH SUBDIVISION, according to the plat thereof recorded in Plat Book 2, Page 18, of the Public Records of Monroe County, Florida.

451 Overseas Highway, Big Coppitt Key, FL (Parcel ID: 00121470-000000)

A parcel of land in a part of Government Lots 2 and 3, all in Section 22 Township 67 South, Range 26 East on BIG COPPITT KEY, Monroe County, Florida, and being more particularly described by metes and bounds as follows: Commencing at the intersection of the South line of Government Lot 3, Section 22, Township 67 South, Range 26 East, and the West line of Government Lot 2, Section 22, Township 67 South, Range 26 East, bear West along the South line of Government Lot 3 a distance of 15 feet to a point; thence at right angles bear North 101.2' to a point of intersection with the South property line of Lot 1 of Big Coppitt Subdivision according to a Survey by C. G. Bailey, Registered Surveyor, dated September 1, 1958; thence at right angles bear East along said South property line of Lot 1 of Big Coppitt Subdivision a distance of 60' to a point; thence at right angles bear South a distance of 7' to a point; thence bear East 45 degrees South to a point of intersection with a line running North from the Northerly right of way line of U.S. Highway No. 1, 105' East of and parallel to the West line of Government Lot 2, Section 22, Township 67 South, Range 26 East; thence bear South along said parallel line of the intersection with the Northerly right of way line of U.S. Highway No. 1; thence bear Westerly along the Northerly right of way line of U.S. Highway No. 1 to a point of intersection with the West line of Government Lot 2, Section 22, Township 67 South, Range 26 East; thence bear North along said West line of Government Lot 2, 119.94 feet back to the point of beginning.

Together with the Grant of Easement and Joint Use Agreement, dated April 27, 2015, and recorded on April 29, 2015 in Official Records Book 2737, Page 2103, Public Records of Monroe County, Florida.

Tract A, Big Coppitt Key, Florida (Parcel ID: 00151010-000000)

Tract "A", Amended Plat of COPPITT SUBDIVISION, located in Government Lot 5, Section 22, Township 67 South, Range 26 East, BIG COPPITT KEY, according to the plat thereof, recorded in Plat Book 4, Page 50, of the Public Records of Monroe County, Florida.

Lot 1, Gulfview, Big Coppitt Key, Florida (Parcel ID: 00153330-000000)

Lot 1 of GULF VIEW, according to the Plat thereof recorded in Plat Book 3, at Page 17 of the Public Records of Monroe County, Florida, said property being on Big Coppitt Key, together with improvements thereon.

Lot 2, Gulfview, Big Coppitt Key, Florida (Parcel ID: 00153340-000000)

Lot 2 of GULF VIEW, according to the Plat thereof recorded in Plat Book 3, at Page 17 of the Public Records of Monroe County, Florida, said property being on Big Coppitt Key, together with improvements thereon.

3228 Flagler Ave, Key West, Florida (Parcel ID: 00069040-000000)

In RIVIERA SHORES SUBDIVISION, a subdivision of a part of the City of Key West, according to plat thereof recorded in Plat Book 3, Page 148, Public Records of Monroe County, Florida;

Begin at the Northeast corner of Block 2 of said subdivision, thence run in a Southwesterly direction along the Southeasterly right-of-way line of Flagler Avenue a distance of 100 feet;

Doc# 2063429
Bk# 2761 P# 1783

thence at a right angle and in a Southeasterly direction a distance of 120 feet to the Northwesterly right-of-way line of Riviera Drive; thence at a right angle and in a Northeasterly direction along the said Northwesterly right-of-way of Riviera Drive a distance of 100 feet to the corner of the intersection of the said Riviera Drive with Riviera Street; thence at a right angle and in a Northwesterly direction along the Southwesterly right-of-way line of Riviera Street a distance of 120 feet to the point of beginning.

Doc# 2063429
Bk# 2781 Pg# 1784

6203 Overseas Hwy, Marathon, Florida (Parcel ID: 00338730-000600)

A part of Tract 10 of EDMONDS ACREAGE TRACTS as recorded in Plat Book 2, Page 100, of the Public Records of Monroe County, Florida, and being more fully described as follows: From a point formed by the intersection of the West line of Government Lot 1, Section 11, Township 66 South, Range 32 East, and the Southerly boundary line of U.S. Highway No. 1, run Northeasterly along the Southerly boundary line of the said U.S. Highway No. 1 a distance of 498.1 feet to the point of beginning. From said point of beginning run due South a distance of 156.04 feet to a point; thence due West a distance of 104.44 feet to a point; thence due North a distance of 126.75 feet to a point; thence Northeasterly along the Southerly right-of-way line of U.S. Highway No. 1 a distance of 108.47 feet to the point of beginning.

6209 Overseas Highway, Marathon, Florida (Parcel ID: 00339960-000000)

Lots 1, 2, 3, and 4, inclusive in Block "C", SHERYL SUBDIVISION NO. 2, according to the Plat thereof as recorded in Plat Book 4, Page 43, of the Public Records of Monroe County, Florida; less that part of Lots 3 and 4 of Block C of SHERYL SUBDIVISION NO. 2 according to the Plat thereof as recorded in Plat Book 4 at Page 43 of the Public Records of Monroe County, Florida, being more particularly described as follows: Begin at the Northeast corner of said Lot 4; thence run S 0° 30'48" E, along the East line of said Lot 4, for 21.07 feet; thence run N 67° 31'05" W, through said Lots 4 and 3, for 32.46 feet to the point of intersection with the North line of said Lot 3; thence run N 73° 48'17" E along the North lines of said Lots 3 and 4, for 31.04 feet to the Point of Beginning.

81644 Overseas Hwy, Islamorada, Florida (Parcel ID: 00095130-000000)

On the Island of Upper Matecumbe, being a part of Government Lot 1, Section 32, Township 63 South, Range 37 East, according to a plat thereof made by George L. McDonald, C.E., recorded in Plat Book 1, Page 41, Public Records of Monroe County, Florida, as more particularly described as follows:

Commencing at a point on the Northwest side of the right of way of the Florida East Coast Railway Company, and now known as the Overseas Highway Road right of way, where the said land joins the Southwest boundary line of the Hugh Matheson property, and a/k/a Cephas Pinder property, and run thence along said Overseas Highway Road right of way in a Southwesterly direction 242 feet for a point of beginning; thence along said right of way in a Southwesterly direction 150 feet; thence at right angles in a Northwesterly direction 100 feet; thence at right angles in a Northeasterly direction 150 feet; thence at right angles in a Southeasterly direction 100 feet back to the point of beginning and out to said Overseas Highway right of way.

1127 (1124) Truman Avenue, Key West, Florida (Parcel ID: 00032360-000000)

On the Island of KEY WEST and being part of Tract 13, according to William A. Whitehead's Map of said Island, delineated in February, 829, more particularly described as follows:

Lots 1 and 2 and the Easterly 36 feet 11 inches of Lot 3, all in Block 1 of Tract 13, according to Gwynn's Diagram recorded in Deed Book "O", Page 195, Public Records of Monroe County, Florida.

24996 Overseas Highway, Summerland Key, Florida (Parcel ID: 00188900-000000)

Lot 1, Block 1, SUMMERLAND KEY COVE SUBDIVISION, according to the Plat thereof recorded in Plat Book 4, Page 35, of the Public Records of Monroe County, Florida.

3700 N. Roosevelt Blvd, Key West, Florida (Parcel ID: 00066080-000000)

A parcel of land on the ISLAND OF KEY WEST, Monroe County, Florida and is part of Parcel No. 3 according to "PLAT OF SURVEY (on two sheets) part of lands formerly owned by Key West Improvement, Inc." as recorded in Plat Book 4, Page 69, Monroe County Official Records and more particularly described as follows:

From the intersection of the West line of said Parcel #3 and the Southerly right-of-way (curb) line of Roosevelt Boulevard go North 84 degrees 14 minutes 40 seconds East along said Southerly right-of-way (curb) line a distance of 266.89 feet to a point which point is the point of beginning;

thence continue North 84 degrees 14 minutes 40 seconds East along said Southerly right-of-way (curb) line a distance of 150 feet to a point, thence South 05 degrees 45 minutes 20 seconds East a distance of 224.82 feet to a point; thence South 84 degrees 14 minutes 40 seconds West a distance of 150 feet to a point; thence North 05 degrees 45 minutes 20 seconds West a distance of 224.82 feet back to the point of beginning.

Less and except the property granted to the State of Florida Department of Transportation, described in Official Records Book 2593, Page 957, of the Public Records of Monroe County, Florida.

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EXHIBIT B
EXCEPTIONS, RESERVATIONS and RESTRICTIONS

The land referred to herein below is situated in the County of Miami-Dade, State of Florida:

434 SW 1st Avenue, Homestead, Florida (Parcel ID: 10-7813-005-0020)

1. Ordinance Number 2006-06-26 recorded in Book 25166, Page 63.
2. Terms and conditions of any existing unrecorded lease(s), and all rights of lessee(s) and any parties claiming through the lessee(s) under the lease(s).

1500 North Krome Avenue, Homestead, Florida (Parcel ID: 10-7812-006-0011)

1. Oil, gas and mineral reservations contained in Deed from Board of Commissioners of Everglades Drainage District, recorded in Deed Book 2476, Page 69; as affected by: Instrument, recorded in Book 958, Page 570.
2. Oil, gas and mineral reservations contained in that certain Special Warranty Deed, recorded in Book 14290, Page 997.
3. Oil, gas and mineral reservations contained in that certain Special Warranty Deed, recorded in Book 18409, Page 3281.
4. Any claim that the Title is subject to a trust or lien created under The Perishable Agricultural Commodities Act (7 U.S.C. §§499a, et seq.) or the Poultry and Stockyards Act (7 U.S.C. §§181 et seq.) or under similar state laws.

16 North Krome Avenue, Florida City, Florida (Parcel ID: 16-7824-000-0670; 16-7824-000-0761; 16-7824-000-0764)

1. Any claim that the Title is subject to a trust or lien created under The Perishable Agricultural Commodities Act (7 U.S.C. §§499a, et seq.) or the Poultry and Stockyards Act (7 U.S.C. §§181 et seq.) or under similar state laws.

26917-29 S. Dixie Highway, Naranja, Florida (Parcel ID: 30-6933-006-0190)

1. Restrictions as shown on the plat of NARANJA PARK, SECOND ADDITION, as recorded in Plat Book 60, Page(s) 67, including, but not limited to, provisions for the following: Wells and the re-subdivision of Lots, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
2. Terms and provisions contained in Unity of Title, recorded in Book 11082, Page 806.
3. Grant of Easement granted to John Van Rachmuth, recorded in Book 13200, Page 3622.
4. Covenant Running With The Land in favor of Metropolitan Dade County, recorded in Book 13656, Page 3897, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
5. Covenant Running With The Land in favor of Metropolitan Dade County, recorded in Book 14311, Page 1666, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
6. Restrictions as set forth in Book 25754, Page 2274.
7. Agreement for Water and Sanitary Sewage Facilities recorded in Book 26655, Page 1434.
8. Covenant in favor of Miami-Dade County recorded in Book 26655, Page 1429.
9. Terms and conditions of the Unity of Title recorded in Book 26655, Page 1425.
10. Declaration of Covenants, Conditions and Restrictions recorded in Book 4339, Page 365, but deleting and covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).

11. Terms and conditions of any existing unrecorded lease(s), and all rights of lessee(s) and any parties claiming through the lessee(s) under the lease(s).
12. Any claim that the Title is subject to a trust or lien created under The Perishable Agricultural Commodities Act (7 U.S.C. §§499a, et seq.) or the Poultry and Stockyards Act (7 U.S.C. §§181 et seq.) or under similar state laws.

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5 NE 15th Street, Homestead, Florida (Parcel ID: 10-7907-021-0580)

1. Ordinance No. 85-12-111 recorded in Book 12780, Page 877.
2. Any claim that the Title is subject to a trust or lien created under The Perishable Agricultural Commodities Act (7 U.S.C. §§499a, et seq.) or the Poultry and Stockyards Act (7 U.S.C. §§181 et seq.) or under similar state laws.

777 Homestead Boulevard, Homestead, Florida (Parcel ID: 10-7918-000-0220)

1. Covenant Running with the Land recorded in Book 26748, Page 2068.
2. Order of Taking by City of Homestead recorded in Book 28978, Page 717.
3. Terms and conditions of any existing unrecorded lease(s), and all rights of lessee(s) and any parties claiming through the lessee(s) under the lease(s).
4. Any claim that the Title is subject to a trust or lien created under The Perishable Agricultural Commodities Act (7 U.S.C. §§499a, et seq.) or the Poultry and Stockyards Act (7 U.S.C. §§181 et seq.) or under similar state laws.

444 SW 1st Avenue, Homestead, Florida (Parcel ID: 10-7813-005-0040)

1. Reservations contained in Deed from Board of Commissioners of Everglades Drainage District, filed in Deed Book 3071, Page 301.
2. Reservations unto the State of Florida for oil, gas, minerals, fissionable materials and 200 foot State Road Right of Way as contained in Deed recorded in Deed Book 3071, Page 304. Note: The right of entry and exploration has been released pursuant to S270.11, F.S.
3. Ordinance Number 2006-06-26 recorded in Book 25166, Page 63.

412 South Flagler Avenue, Homestead, Florida (Parcel ID: 10-7813-048-0010 and 10-7813-048-0020) and 458 South Flagler Avenue, Homestead, Florida (10-7813-048-0031)

1. Covenant running with the land in favor of Metropolitan Dade County, recorded in Book 12438, Page 1998, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
2. Ordinance Number 2006-06-26 recorded in Book 25166, Page 63

457 South Flagler Avenue, Homestead, Florida (Parcel ID: 10-7813-005-0050)

1. Reservations unto the State of Florida for oil, gas, minerals, fissionable materials and 200 foot State Road Right of Way as contained in Deed recorded in Deed Book 2847, Page 65. Note: The right of entry and exploration has been released pursuant to S270.11, F.S.
2. Ordinance Number 2006-06-26 recorded in Book 25166, Page 63.

467 South Flagler Avenue, Homestead, Florida (Parcel ID: 10-7813-005-0030)

1. Reservations contained in Deed from Board of Commissioners of Everglades Drainage District, filed in Deed Book 3071, Page 306.
2. Ordinance Number 82-04-26 recorded in Book 11443, Page 1720
3. Reservations unto the State of Florida for oil, gas, minerals, fissionable materials and 200 foot State Road Right of Way as contained in Deed recorded in Deed Book 3071, Page 308. Note: The right of entry and exploration has been released pursuant to S270.11, F.S.
4. Ordinance Number 2006-06-26 recorded in Book 25166, Page 63.

The land referred to herein below is situated in the County of Monroe, State of Florida:

1409 Overseas Highway, Marathon, Florida (Parcel ID: 00326840-000000)

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1415 Overseas Highway, Marathon, Florida (Parcel ID: 00326820-000000)

1417-1421 Overseas Highway, Marathon, Florida (Parcel ID: 00326810-000000)

1. Sewer Lateral Wastewater Easement recorded in Book 2647, Page 1290.
2. Planning Commission Resolution No. PC01-05-05 recorded in Book 1706, Page 189.
3. Any claim that the Title is subject to a trust or lien created under The Perishable Agricultural Commodities Act (7 U.S.C. §§499a, et seq.) or the Poultry and Stockyards Act (7 U.S.C. §§181 et seq.) or under similar state laws.

451 Overseas Highway, Big Coppitt Key, FL (Parcel ID: 00121470-000000)

1. Easement according to instrument recorded in Book 457, Page 758.
2. Easement according to instrument recorded in Book 457, Page 759.
3. Terms and provisions contained in Instrument, recorded in Book 668, Page 43.
4. Terms and provisions contained in Instrument, recorded in Book 787, Page 234.
5. Notice of Environmental Resource or Surface Water Management Permit recorded in Book 2460, Page 131.
6. Any claim that the Title is subject to a trust or lien created under The Perishable Agricultural Commodities Act (7 U.S.C. §§499a, et seq.) or the Poultry and Stockyards Act (7 U.S.C. §§181 et seq.) or under similar state laws.

Tract A, Big Coppitt Key, Florida (Parcel ID: 00151010-000000)

1. Easement, according to instrument recorded in Book 390, Page 946.
2. Easement, according to instrument recorded in Book 457, Page 758.
3. Easement, according to instrument recorded in Book 457, Page 759.
4. Terms and provisions contained in Instrument, recorded in Book 668, Page 43.
5. Terms and provisions contained in Instrument, recorded in Book 787, Page 234.
6. Notice of Environmental Resource or Surface Water Management Permit recorded in Book 2460, Page 131.

Lot 1, Gulfview, Big Coppitt Key, Florida (Parcel ID: 00153330-000000)

1. Easement, according to instrument recorded in Book 457, Page 758.
2. Easement, according to instrument recorded in Book 457, Page 759.
3. Terms and provisions contained in Instrument, recorded in Book 668, Page 43.
4. Terms and provisions contained in Instrument, recorded in Book 787, Page 234.
5. Grant of Easement and Joint Use Agreement recorded in Book 2737, Page 2103.
6. Notice of Environmental Resource or Surface Water management Permit recorded in Book 2460, Page 131.

Lot 2, Gulfview, Big Coppitt Key, Florida (Parcel ID: 00153340-000000)

1. Easement, according to instrument recorded in Book 457, Page 758.
2. Easement, according to instrument recorded in Book 457, Page 759.
3. Terms and provisions contained in Instrument, recorded in Book 668, Page 43.
4. Terms and provisions contained in Instrument, recorded in Book 787, Page 234.

3228 Flagler Ave, Key West, Florida (Parcel ID: 00069040-000000)

1. Declaration of Covenants, Conditions and Restrictions recorded in Book 69, Page 381, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
2. Any claim that the Title is subject to a trust or lien created under The Perishable Agricultural Commodities Act (7 U.S.C. §§499a, et seq.) or the Poultry and Stockyards Act (7 U.S.C. §§181 et seq.) or under similar state laws.

3. Terms and conditions of any existing unrecorded lease(s), and all rights of lessee(s) and any parties claiming through the lessee(s) under the lease(s).

6203 Overseas Hwy, Marathon, Florida (Parcel ID: 00338730-000600)

1. Any claim that the Title is subject to a trust or lien created under The Perishable Agricultural Commodities Act (7 U.S.C. §§499a, et seq.) or the Poultry and Stockyards Act (7 U.S.C. §§181 et seq.) or under similar state laws

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6209 Overseas Highway, Marathon, Florida (Parcel ID: 00339960-000000)

1. Terms and provisions contained in Instrument, recorded in Book 668, Page 43.
2. Deed to State Road Department, recorded in Book 368, Page 630.
3. Terms and conditions of Settlement Agreement, recorded in Book 1383, Page 1790.
4. Declaration of Covenants, Conditions and Restrictions recorded in Book 121, Page 304, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
5. Terms and conditions of any existing unrecorded lease(s), and all rights of lessee(s) and any parties claiming through the lessee(s) under the lease(s).

81644 Overseas Hwy, Islamorada, Florida (Parcel ID: 00095130-000000)

1. Any claim that the Title is subject to a trust or lien created under The Perishable Agricultural Commodities Act (7 U.S.C. §§499a, et seq.) or the Poultry and Stockyards Act (7 U.S.C. §§181 et seq.) or under similar state laws.

1127 (1124) Truman Avenue, Key West, Florida (Parcel ID: 00032360-000000)

1. Subject to Restrictions imposed on property lying within the Historical Preservation Area of the City of Key West. Subject premises are within this area as stated in Executive Office of the Governor Administration Commission Chapter 27F-15 Land Planning Boundary and Principles for Guiding Development For the City of Key West recorded in OR Book 901, Page 201.
2. City of Key West Area of Critical State Concern, Rule 27F-15, of the Florida Administrative Code, adopted by the Administration Commission pursuant to Section 380.05 F.S. on February 7, 1984, effective February 28, 1994, recorded in Book 906, Page 200-208, of the Public Records of Monroe County, Florida.
3. Subject to City Ordinance No. 81-43 and Amendment 82-5 thereof, which provides for the assessment and collection of waste in the City of Key West, Monroe County, Florida.
4. Any claim that the Title is subject to a trust or lien created under The Perishable Agricultural Commodities Act (7 U.S.C. §§499a, et seq.) or the Poultry and Stockyards Act (7 U.S.C. §§181 et seq.) or under similar state laws.

24996 Overseas Highway, Summerland Key, Florida (Parcel ID: 00188900-000000)

1. Declaration of Covenants, Conditions and Restrictions recorded in Book 110, Page 497 , but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
2. Resolution No. 197-2012 recorded in Book 2588, Page 739.
3. Any claim that the Title is subject to a trust or lien created under The Perishable Agricultural Commodities Act (7 U.S.C. §§499a, et seq.) or the Poultry and Stockyards Act (7 U.S.C. §§181 et seq.) or under similar state laws.

3700 N. Roosevelt Blvd, Key West, Florida (Parcel ID: 00066080-000000)

1. Terms and conditions of the Right of Entry Agreement recorded in Book 1414, Page 2192.
2. The fact, as disclosed by that certain document or documents recorded in Book 1414, Page 2192, that some violation of the environmental protection laws may have occurred, which may affect the land.
3. Terms and Conditions as set forth in Deed recorded in Book 2593, Page 957.
4. Easement recorded in Book 93, Page 562.
5. Any claim that the Title is subject to a trust or lien created under The Perishable Agricultural Commodities Act (7 U.S.C. §§499a, et seq.) or the Poultry and Stockyards Act (7 U.S.C. §§181 et seq.) or under similar state laws.

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MONROE COUNTY
OFFICIAL RECORDS

Conditional Use

Chapter 122, Article III, Sections 122-61 and 122-62

Dion's Flagler Avenue Mixed Use

3228 Flagler Avenue, Key West, Florida (RE# 00069040-000000)

TREPANIER



& ASSOCIATES INC

LAND USE PLANNING
DEVELOPMENT CONSULTANTS



Executive Summary:

This application is a request for conditional use approval to redevelop a light industrial building on the rear of the property at 3228 Flagler Avenue into 8 residential dwellings (4 affordable, 4 market-rate). The front of the property is currently, and will continue to be, occupied by Dion's.

The four proposed affordable units are intended to meet (actually exceed) the minimum affordability requirements for this project and the residential development proposed at 638 United Street.

Proposed unit breakdown as follows:

First Residential Floor (over parking):

Unit 201 – Studio, approximately 556 sq. ft. (*deed-restricted affordable*)

Unit 202 – Studio, approximately 556 sq. ft. (*deed-restricted affordable*)

Unit 203 – 3 bed/3 bath, approximately 1,462 sq. ft. sq.

Unit 204 – 3 bed/3 bath, approximately 1,462 sq. ft. sq.

Second Residential Floor:

Unit 301 – Studio, approximately 556 sq. ft. (*deed-restricted affordable*)

Unit 302 – Studio, approximately 556 sq. ft. (*deed-restricted affordable*)

Unit 303 – 3 bed/3 bath, approximately 1,462 sq. ft. sq.

Unit 304 – 3 bed/3 bath, approximately 1,462 sq. ft. sq.

Key persons and entities (Sec. 108-228) involved in this project are as follows:

Owner: Land 10031, LLC
 Authorized Agent: Trepanier & Associates, Inc.
 Architect: Robert Steele, Bob Architecture
 William Shepler & Associates Architecture
 Engineer: Perez Engineering
 Surveyor: Florida Keys Land Surveying
 Landscape Architect: Ladd Roberts
 Legal and Equitable Owners: Land 1003, LLC; Land 10031, LLC; LAND 10031, LLC; LAND 113, LLC; LAND 1701, LLC; LAND 2421, LLC; LAND 2708, LLC; LAND 4027, LLC; LAND 7009, LLC; LAND 8351' LLC; and LAND 8601 LLC

Project Description (Sec. 108-229):

According to the Monroe County Property Appraiser, the existing CBS structure was built in 1969. The existing commercial site is used as a convenience store and service station fronting Flagler Avenue with a concrete block warehouse attached to the rear. Neither building is historic and are located outside the Historic District.

The retail/service station use will remain while the warehouse addition will be demolished and replaced by the proposed new residential development. The proposed residential multi-family structure will be detached from the retail building and two stories over parking. Eight residential dwellings are proposed (4 affordable and 4 market-rate). The property will feature a bocce court for tenant use as an outdoor recreational activity.

All required parking is provided on site with one additional auto space and 5 additional bicycle spaces.

Site Data	Permitted/ Required	Existing	Proposed	Compliance
Zoning	CL	CL	CL	Conditional Use
Height	40 ft	15 ft. 6 in.	39 ft.	Complies
Site Size ¹	≥ 10,000 sq. ft.	21,982 sq. ft.	21,982 sq. ft.	Complies
Density:	16 u/ac (8 units)			
Market Rate	8 units	0	4 units	Complies
AH – Compact Infill Bonus	1 units	0	4 units	Complies
Floor Area Ratio Total	0.8	26% (5,741 sq. ft.)	12% (2,807 sq. ft.)	Complies
Building Coverage	40% (10,991 sq. ft.)	26% (5,741 sq. ft.)	38% (8,355 sq. ft.)	Complies
Impervious Surface	60% (13,189.2 sq. ft.)	~100% (~21,982 sq. ft.)	84% (18,477 sq. ft.)	Complies*
Open Space (Mixed use)	30% (6,725 sq. ft.) ²	<5%	16% (3,463 sq. ft.)	Complies*
Landscape	20% (4,396 sq. ft.)	<5%	16% (3,505 sq. ft.)	Complies*
Setback – Front	Minimum of 25 ft.	+25 ft.	+25 ft.	Complies
Setback – Side	15 ft.	0.8 ft.	5 ft.	Complies
Setback – Street Side	20 ft.	+20 ft.	20 ft.	Complies
Setback – Rear	Minimum of 25 ft.	25 ft.	25 ft.	Complies
Parking: auto	18	8	24	Complies
bicycle	8.8	0	18	Complies

*Improving an existing non-conformity

¹ According to the Monroe County Property Appraiser's Records
² Per Sec. 108-346

Sec. 122-62. – Specific criteria for approval:

(a) Findings.

A conditional use shall be permitted upon a finding by the planning board that the proposed use, application and, if applicable, development plan comply with the criteria specified in this section, including specific conditions established by the planning board and or the city commission during review of the respective application in order to ensure compliance with the comprehensive plan and the land development regulations.

(b) Characteristics of use:

(1) Scale and intensity

a. Floor area ratio

FAR for the CL zoning district is 0.8. Existing FAR is 26% with 5,741 square feet of commercial floor area. With the demolition of the warehouse space, the commercial floor area ratio will decrease to 12% with a reduction of 2,934 square feet of existing floor area.

b. Traffic generation

Table 1 Trip Generation Summary Dion's Flagler Avenue Mixed-Use - Key West, Florida								
Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Existing</i>								
Gas Station w/ C-Store	8 FP	1,643	51	49	100	57	55	112
Light Industrial	1,898 SF	9	2	0	2	0	2	2
Total (Existing)		1,652	53	49	102	57	57	114
<i>Proposed</i>								
Gas Station w/ C-Store	8 FP	1,643	51	49	100	57	55	112
Apartments	8 DU	59	1	3	4	4	2	6
Total (Proposed)		1,702	52	52	104	61	57	118
Difference (Proposed - Existing)		50	(1)	3	2	4	0	4

Compiled by: KBP Consulting, Inc. (December 2017).

Source: Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition).

c. Enclosed building square footage

Commercial retail: 2,807 sq. ft.

Residential: 5,548 sq. ft.

d. Proposed employment

Not applicable. No new employment is proposed. Existing employment for the retail/service station will remain the same.

e. Proposed number and type of service vehicles

Not applicable. No new service vehicles are proposed.

f. Off-street parking needs

The current parking situation is an existing non-conformity. The proposed reduction in commercial square footage will reduce that requirement from 20 spaces to 10, thereby bringing the property into conformity. Notwithstanding, the new residential use is designed to, not only meet, but to exceed the parking requirements.

The parking required for the proposed residential development is 4 auto spaces and 8 bike/scooter spaces. The design includes 13 auto spaces and 10 bicycle spaces.

Parking Demand		Area/ Units	Automobile		Bikes/Scooters	
			Req'd	Existing	Req'd	Existing
Existing	Commercial (1/300 sq. ft.)	5,741 sq. ft.	19.1	8	1.9	0
	Residential (2/MR Unit)	0 units	0	0	0	0
	Total			19.1	8	1.9
Proposed	Commercial (Existing nonconformity)	2,807 sq. ft.	9.3	8	0.9	8
	Residential (1/MR Unit)	4 MR units 4 Aff units	8	16	8.8	10
	Total			17.3	24	9.7

(2) On- or off-site improvement needs

a. Utilities

Concurrency Facilities and Other Utilities or Services are summarized as follows:

Levels of Service – The impacts of the proposed project are generally summarized as follows:

- The LOS analysis concludes that overall trip generation from the site will be expected to increase by approximately 50 trips per weekday and per weekend as part of the proposal.
- Supply of parking follows and exceeds the demand of the Land Development Regulations Section 108-572 and Section 122-1470.

- Potable water demand for the new residential development and neighborhood retail is estimated to increase from 908.9 to **2,548 gal/day**.
 - The wastewater flow for the new residential development and neighborhood retail is anticipated to increase from 86.98 to **2,190 gal/day**.
 - The recyclable waste LOS for the new residential development and neighborhood retail is anticipated to increase from 4.09 to **12.5 lbs/day**.
 - The solid waste LOS for the new residential development and neighborhood retail is anticipated to increase from 57.83 to **84.21 lbs/day**
 - The proposed change is not expected to impact Storm water LOS.
 - The proposed change is not expected to impact Recreation LOS.
 - The team will coordinate with FKAA to ensure the water pressure and flow will be adequate for fire protection for the type of construction proposed.
 - No adverse impacts to the quality of receiving waters are anticipated before, during or after construction.
 - Changes to the existing storm water management system is depicted on the attached plans.
- b. Public facilities
See concurrency analysis below.
- c. Roadway or signalization improvements
NA - No roadway or signalization improvements are required or proposed.
- d. Accessory structures or facilities
NA - No accessory structures or facilities are required or proposed.
- e. Other unique facilities/structures proposed as part of site improvements
NA - No other unique facilities/structures proposed as part of site improvements are required or proposed.
- (3) On-site amenities proposed to enhance site and planned improvements
- a. Open space
Open space will be improved from the existing <5% to 16%.
- b. Setbacks
All new setbacks are compliant.

c. Screening and buffers

Pursuant to Sec. 108-517, this is a formal request for modification to the standards of Ordinance No. 97-10, to allow the development as depicted on the associated development plans. This request is hereby filed with the city planning office.

This request is to modify landscape requirements of Sec. 108 because proposed landscaping, and associated mitigative techniques, are not contrary to the intent of the applicable regulations and a literal enforcement of the standards would be impractical. The property is an existing nonconformity relative to screening, buffers and landscaping. Significant improvements, as depicted on the plans, are proposed to screening, buffers and landscaping.

The specific modification requested is to Sec. 108-413(c) - Requirements along street frontage, Sec. 108-414(b) - Requirements for interior areas and Sec. 108-415(a) & (b) - Perimeter landscape requirements.

The above modification is requested in order to allow:

1. Protection, preservation, and enhancement of the integrity of the existing site.
2. No significant adverse impacts on the public interest, or on adjacent properties.
3. The modification to not be discriminatory, considering similar situations in the general area.
4. The creation of an alternative landscape solution which will achieve the purposes of the requirement through clearly superior design.
5. The reasonable application of the requirements without effectively depriving the owner and the community of reasonable use of the land for the intended purpose due to its unusual size, shape, and location.
6. The effect upon the owner without outweighing valid public purpose in imposing the requirement in this case.
7. The reasonable application of the requirements without being technically impractical.

d. Landscaped berms proposed to mitigate against impacts to adjacent sites

Berms are not proposed.

e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts.

This project proposes no use which would induce smoke, odor, noise or other noxious impacts.

(c) Criteria for conditional use review and approval:

(1) Land use compatibility.

As mentioned above, the project site is located in the Limited Commercial (CL) zoning district. The intent of the Commercial (CL) zoning district is to implement the HC future land use designation; it accommodates residential dwellings as well as business and professional offices. This commercial property is located along the 3200 block of Flagler Avenue, between Riviera Street and Kennedy Drive. This site is at the edge of the Commercial Limited zoning district and immediately adjacent to the Single-Family district. Flagler Avenue is a busy commercial thoroughfare with stretches of residential neighborhoods. This property is sided by offices to the south and a residential community to the north and east. The residential density is limited to 16 dwelling units per acre. This project seeks to meet the needs of residents by providing a total of 4 market-rate units and 4 affordable housing units.

(2) Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use.

As mentioned above, the site has sufficient size, adequate specifications, and infrastructure to accommodate the proposed use. Site data table is included. No variances are requested as part of this approval.

(3) Proper use of mitigative techniques.

No adverse impacts to adjacent land uses are anticipated, the community character is a mix of commercial/office space and single-family homes of various sizes, age and architectural style. Community infrastructure will not be burdened by this project.

(4) Hazardous Waste.

The proposed use will not produce any hazardous waste or use hazardous materials in its operation.

(5) Compliance with applicable laws and ordinances.

All applicable permits required from agencies other than the City of Key West will be obtained.

(6) Additional criteria applicable to specific land uses.

Residential Developments (Sec. 108-231):

This development plan satisfies criteria established in Chapter 102; Articles III, IV and V of Chapter 108; Section 108-956; and Article II of Chapter 110 of the Key West City Code in the following manner:

- Chapter 102 – This property is not located within the Historic District and is not subject to HARC approvals and process.
- Articles III, IV and V of Chapter 108 – As demonstrated by the site plan, trip generation analysis, and the site data calculations, the project complies with the requirements of the Articles.
- Section 108-956 – The project team will coordinate with FCAA to ensure access to potable water and a wastewater disposal system.
- Chapter 110 – As demonstrated in this application, the proposed development complies with the resource protection requirements of Chapter 110.

Article III Site Plan (Sections 108-276 – 289)

Site Location and Character of Use (Section 108-277):

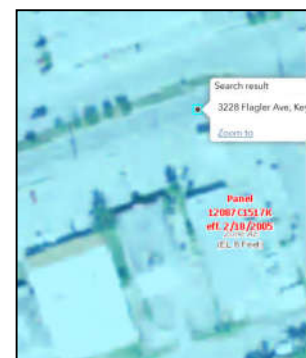
Location:

This commercial property is located along the 3200 block of Flagler Avenue, between Riviera Street and Kennedy Drive. This site is at the edge of the Commercial Limited zoning district and immediately adjacent to the Single-Family district. Flagler Avenue is a busy commercial thoroughfare with stretches of residential neighborhoods. This property is sided by offices to the south and a residential community to the north and east.



Legal Description:

Lots 9, 15 & 16, collectively known as 32228 Flagler Ave and located on the southern side of Flagler, just east of the intersection with Kennedy Dr. in the 'New Town' area of Key West.



Flood Zone:

According to the 2005 FEMA Flood Insurance Map, the property is located within the AE8-Zone. This means that the area is approximately 8 ft. above Base Flood Elevation (BFE) and inundated by 1% annual chance flooding. The proposed new development will be elevated at a height of 15.44 ft. for the first habitable floor; exceeding the required 1.0 ft. above base flood elevation as required by Sec. 14-38 as well as the BPAS requirement of 1.5 ft. above base flood elevation.

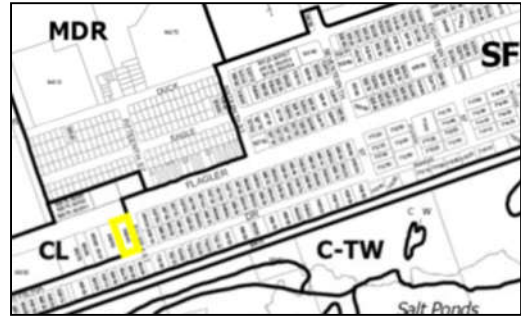
Future Land Use Map Designation ("FLUM"):

According to the City of Key West 2013 Comprehensive Plan, the property's FLUM designation is General Commercial ("CG").



Zoning ("CL")

According to the City of Key West Zoning Map, the property is zoned Limited Commercial ("CL").



The limited commercial district (CL) is established to implement comprehensive plan policies for areas designated "CL" on the comprehensive plan future land use map. The CL district shall accommodate limited commercial land uses with maximum gross floor area not exceeding 5,000 square feet, including total area both under roof and outside sales area, and which shall include shops catering primarily to the following markets:

- (1) Neighborhood residential markets within the immediate vicinity as opposed to citywide or regional markets;
- (2) Specialized markets with customized market demands; or
- (3) Tourist-oriented markets in the immediate vicinity.

In order to manage the impacts of future development on transportation and public facilities, the city shall limit the intensity of development in the CL district to activities generating no more than 100 trips per 1,000 square feet of gross leasable floor area per day. Areas designated for residential and limited commercial development shall not accommodate large scale retail sales and trade activities generally serving a citywide or regional market. Such stores usually differ from limited commercial shops since the former generally require a larger floor area, carry a relatively larger inventory, and require a substantially greater off-street parking area.

Uses which are not accommodated within the limited commercial area include the following: large scale discount stores or supermarkets; department stores; wholesale and warehousing activities; sales, service or repair of motor vehicles, machine equipment or accessory parts, including tire and battery shops; automotive services centers; and fast food establishments primarily serving in disposable containers and/or providing drive-in or drive-through facilities. In addition, the CL designation shall not accommodate transient residential uses, including motels or hotels and conversions from permanent residential use to transient residential use. However, existing motels within CL designated areas shall be grandfathered as lawful nonconforming uses.

Multiple-family residential dwellings are a permitted use in the CL zoning district.

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

All mechanical equipment and utility hardware will be appropriately screened. All waste storage areas will be screened from adjacent properties.

Front-end loaded refuse container requirements (Sec. 108-280):

A front-end loaded refuse container is not proposed for the residential development.

Roll-off Compactor Container location requirements (Sec. 108-281):

A roll-off container is not proposed as part of the operation of the residential development.

Utility lines (Section 108-282):

The proposed project will require installation of new utility services. Installation will be coordinated with appropriate utility agency and in accordance with Section 108-282.

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

No new commercial activities are proposed for this development. The existing service/filling station and retail mini mart will remain.

Exterior Lighting (Section 108-284):

All proposed lighting shall be shielded and lighting sources shall be arranged 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.

Signs (Section 108-285):

No new signage is proposed.

Pedestrian sidewalks (Section 108-286):

No new sidewalks are proposed.

Loading docks (Section 108-287):

No loading docks are required or proposed.

Storage Areas (Section 108-288):

Storage areas are proposed for use of tenants in each unit and will be located at the rear of the principle structure per code section 108-288.

Land Clearing, Excavation, and Fill (Sec 108-289):

There is no land clearing proposed. Tree removal will be reviewed and approved by the urban forester and the Tree Commission as needed.

Article IV. Traffic Impacts (Sections 108-316 – 319):

All traffic pathways, drives, curb cuts, parking space dimensions, access & egress patterns, parking space dimensions are all provided on the site plan in accordance with this article.

Coordination with associated utilities will be provided as required.

Article V. Open Space, Screening, Buffers and Landscaping (Sections 108-346 – 108-352

As mentioned above, Pursuant to Sec. 108-517, this is a formal request for modification to the standards of Ordinance No. 97-10, to allow the development as depicted on the associated development plans. Criteria for such waiver has been outlined previously in this analysis.

CONCURRENCY ANALYSIS:

Concurrency Facilities and Other Utilities or Services (Sec. 108-233):

The City’s Comprehensive Plan 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. Roads/Trip Generation
2. Potable Water
3. Sanitary Sewer
4. Solid Waste
5. Recyclables
6. Drainage

The following concurrency analysis reflects the proposed removal of existing commercial use and replacement with residential use of five units.

Policy 2-1.1.1- Transportation

The maximum predicted potential trip generation of the current land uses is less than the maximum predicted potential trip generation from the proposed land uses.

The LOS analysis concludes that overall trip generation from the site will be expected to increase by approximately 50 trips per day as part of the proposal.

Table 1 Trip Generation Summary Dion's Flagler Avenue Mixed-Use - Key West, Florida								
Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
<i>Existing</i>								
Gas Station w/ C-Store	8 FP	1,643	51	49	100	57	55	112
Light Industrial	1,898 SF	9	2	0	2	0	2	2
Total (Existing)		1,652	53	49	102	57	57	114
<i>Proposed</i>								
Gas Station w/ C-Store	8 FP	1,643	51	49	100	57	55	112
Apartments	8 DU	59	1	3	4	4	2	6
Total (Proposed)		1,702	52	52	104	61	57	118
Difference (Proposed - Existing)		50	(1)	3	2	4	0	4

Compiled by: KBP Consulting, Inc. (December 2017).
Source: Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition).

Notwithstanding the proposed trip generation, Policy 2-1.1.3: Dense Urban Land Area effectively eliminates the transportation concurrency requirement in favor of a prioritization of safety and function of existing roads and multi-modal transportation improvements (i.e. transit, air, boat, bicycles, pedestrianism, mixed-use development)

Policy 2-1.1.3: Dense Urban Land Area. The City of Key West is a substantially developed dense urban land area and is thereby exempted from transportation concurrency requirements for roadways. The City recognizes that its development characteristics make substantive expansion of capacity of the roadway system prohibitive. The City will therefore prioritize improving the safety and function of existing roads and multi-modal transportation improvements (i.e. transit, air, boat, bicycles, pedestrianism, mixed-use development) as its primary strategies for addressing current and projected transportation needs.

Policy 4-1.1.2.C – Potable Water

Based on the City of Key West adopted level of service the potable water demand is anticipated to increase at the end of this single-phase development plan (pursuant to Policy 4-1.1.2.C, the potable water LOS for residential and nonresidential development is 100 gal/capita/day)

The potable water flow is anticipated to be **2,548 gal/day**

Summary Response: The proposed redevelopment will increase the expected impact from the existing use of the property by approximately 1,639.1 gallons per day; however, it is not expected that the proposal will result in excess capacity on this public facility.

Designation	Residential		Commercial		Total
	LOS	Daily Capacity ³	LOS	Daily Capacity	
Proposed	100 g/capita/day	21.04 capita x 100g = 2,104 gal	100g/capita/day	2,807/ 1000*1.5833 ⁴ =4.44 x 100g = 444 gal	2,548 gal
Existing	100 g/capita/day	0 capita x 100g = 0 gal	100g/capita/day	5,741/ 1000*1.5833 ⁵ =9.08 x 100g = 908.9 gal	908.9 gal

The Aqueduct Authority has the capacity to supply adequate service to this property, as demonstrated below.

Potable water to the City of Key West is provided by the Florida Keys Aqueduct Authority (FKAA). The FKAA has the capacity to provide 23 million gallons per day to Monroe County as a result of: The South Florida Water Management District’s issuance of Water Use Permit #13-0005, which allocates 17 million gallons per day in the dry season; 17.79 million gallons per day which can be withdrawn from the Biscayne Aquifer; and six million gallons per day provided by a reverse osmosis treatment plant in Florida City. As documented above, the City is meeting its Level of Service Standard for Potable Water. The City projects a slight permanent population decrease, and only a slight increase in its functional population and non-residential development during short and long-range

³ For the purposes of LOS, “capita” was calculated as *proposed units x persons / household* using the 2009-2013 US Census Data - 2.63 persons per household

⁴ Planners Estimating Guide, p. 137: Table 11-1-Basic Impact Coefficients 1.5833 persons per 1,000 sf of Neighborhood retail

⁵ Planners Estimating Guide, p. 137: Table 11-1-Basic Impact Coefficients 1.5833 persons per 1,000 sf of Neighborhood retail

planning periods, so the current capacity should remain adequate. Ongoing capital improvements will be necessary to maintain and improve standards and service delivery.

Policy 4-1.1.2.A- Sanitary Sewage

Based on the City of Key West adopted level of service the sanitary sewer demand is anticipated to increase at the end of this single-phase development plan (pursuant to Policy 4-1.1.2.A, the sanitary sewer LOS for nonresidential development is 660 gal/acre/day) and the sanitary sewer LOS for residential development is 100 gal/capita/day).

The sanitary sewer flow is anticipated to be **2,190 gal/day**

Summary Response: The proposed redevelopment will increase the expected impact from the existing use of the property by 2,104 gallons per day; however, it is not expected that the proposal will result in excess capacity on this public facility.

Designation	Residential		Commercial		Total
	LOS	Daily Capacity ⁶	Rate	Daily Capacity	
Proposed	100 g/capita/day	21.04 capita x 100g = 2,104 gal	660 gal/acre/day	0.13 acres x 660 gal = 86.98 gal	2,190 gal
Existing	100 g/capita/day	0 capita x 100g = 0 gal	660 gal/acre/day	0.13 acres x 660 gal = 86.98 gal	86.98 gal

The City contracts out the operation of the Richard A. Heyman Environmental Pollution Control Facility, its wastewater treatment plant (Plant), and the associated collection system to Operations Management International, Inc. (OMI). The Plant currently has the capacity to treat 10 million gallons per day, exceeding the capacity required to achieve the existing Level of Service Standard by approximately seven million gallons per day. Actual daily flow is 4.5 million gallons per day. This is a reduction from eight (8) million gallons per day due to a 67 million dollars capital improvement to the City’s wastewater treatment during the past short term planning period, including \$56 million for collection system rehabilitation.

As documented above, the City is exceeding its Level of Service Standard for Wastewater. The City projects a slight permanent population decrease, and only a slight increase in its functional population and non-residential development, during the short and long-range planning periods, so the current capacity should remain adequate. Ongoing capital improvements and continuing conservation efforts will continue to maintain and improve service delivery.⁷

Policy 4-1.1.2.D- Solid Waste

Based on the City of Key West adopted level of service the solid waste demand is anticipated to increase at the end of this single-phase development plan (pursuant to Policy 4-1.1.2.D, the solid waste LOS for nonresidential development is 6.37

⁶ For the purposes of LOS, “capita” was calculated as *proposed units x persons / household* using the 2009-2013 US Census Data - 2.63 persons per household

⁷ City of Key West Comprehensive Plan Data and Analysis, Pg. A-16

lbs/capita/day) and the solid waste LOS for residential development is 2.66 lbs/capita/day).

The solid waste impact is anticipated to be **84.21 lbs/day**

Summary Response: The proposed redevelopment will increase the expected impact from the existing use of the property by 26.38 pounds per day; however, it is not expected that the proposal will result in excess capacity on this public facility.

Designation	Residential		Commercial		Total
	LOS	Daily Capacity ⁸	LOS	Daily Capacity ⁹	
Proposed	2.66 lbs/capita/day	21.04 capita x 2.66 lbs = 55.96 lbs	6.37 lbs/capita/day	2,807/1000*1.5833=4.44 x 6.37lbs= 28.31	84.21 lbs
Existing	2.66 lbs/capita/day	0 capita x 2.66 lbs = 0 lbs	6.37 lbs/capita/day	5,741/ 1000*1.5833=9.08 x 6.37lbs= 57.83 lbs	57.83 lbs

The City currently contracts with Waste Management of Florida, Inc. to collect, transfer and dispose of solid waste and residential recyclables. Commercial recyclables and other non-franchised collection services such as construction and demolition debris and yard waste are available on the open market to all licensed haulers. The City owns and operates a solid waste transfer station on Rockland Key that received 45,402.10 tons of solid waste for disposal and 3,607 tons of recyclables in 2009/10. Waste Management disposes of the solid waste collected in Monroe County, including the City of Key West, at its Central Sanitary Landfill in Broward County. In 2009 Waste Management Inc. reported a reserve capacity of 17 years at this facility. There is therefore an estimated reserve capacity of 15 years as of the date of this report.

As documented above, the City is meeting its Level of Service Standard for solid waste. The City projects a slight permanent population decrease, and only a slight increase in its functional population and non-residential development, during the short and long-range planning periods, and the current capacity should remain adequate. Ongoing capital improvements will be necessary to improve standards and service delivery.¹⁰

Policy 4-1.1.2. D- Recyclable Waste Generation Level of Service

Based on the City of Key West adopted level of service the recyclable waste demand is anticipated to increase at the end of this single-phase development plan (pursuant to Policy 4-1.1.2. D, the recyclable waste LOS for nonresidential development is 0.25 lbs/capita/day) and the recyclable waste LOS for residential development is 0.50 lbs/capita/day).

The recyclable waste impact is anticipated to be **12.5 lbs/day**

Summary Response: The proposed redevelopment will increase the expected impact from the existing use of the property by 8.41 pounds per day. The team will coordinate

⁸ For the purposes of LOS, "capita" was calculated as *proposed units x persons / household* using the 2009-2013 US Census Data - 2.63 persons per household

⁹ Planners Estimating Guide, p. 137: Table 11-1-Basic Impact Coefficients 1.5833 persons per 1,000 sf of Neighborhood Retail

¹⁰ City of Key West Comprehensive Plan Data and Analysis, Pg. A-17

with waste management services to provide an adequately sized waste & recycling container.

Designation	Residential		Commercial		Total
	LOS	Daily Capacity ¹¹	LOS	Daily Capacity ¹²	
Proposed	0.5 lbs/capita/day	21.04 capita x 0.5 lbs = 10.5 lbs	0.25 lbs/capita/day	2,807/1000*2.8536 ¹³ = 8.01 x 0.25lbs= 2.0 lbs	12.5 lbs
Existing	0.5 lbs/capita/day	0 capita x 0.5 lbs = 0 lbs	0.25 lbs/capita/day	5,741/1000*2.8536 ¹⁴ =16.38 x 0.25lbs= 4.09 lbs	4.09 lbs

Policy 4-1.1.2. E- Drainage Facilities Level of Service

The project is exempt from storm water management permitting requirements in accordance with Section 108-716(3), "Any maintenance, alteration, renewal, repair, use or improvement of an existing structure or the construction of any structure or modification thereto which does not create impervious surface exceeding 500 square feet. This shall not exempt the applicant from retaining the first one inch of rainfall on site as required by F.A.C. 17-25".

Existing Level of Service Standard

1. Post development runoff shall not exceed the pre-development runoff rate for a 25-year storm event, up to and including an event with a 24-hour duration.
2. Storm water treatment and disposal facilities shall be designed to meet the design and performance standards established in Chapter 62-25 Section 25.025, Florida Administrative Code, with treatment of the runoff from the first one inch of rainfall on-site to meet the water quality standards required by Chapter 62-302, Florida Administrative Code. Storm water facilities which directly discharge into "Outstanding Florida Waters" (OFW) shall provide an additional treatment pursuant to Section 62-25.025 (9), Florida Administrative Code.
3. Storm water facilities must be designed so as to not degrade the receiving water body below the minimum conditions necessary to assure the suitability of water for the designated use of its classification as established in Chapter 62-302 Florida Administrative Code.

¹¹ For the purposes of LOS, "capita" was calculated as *proposed units x persons / household* using the 2009-2013 US Census Data - 2.63 persons per household

¹² Adopted LOS 0.5/Adopted LOS 0.25= 2.00 multiplier; 4.03*2.00=8.06

¹³ Planners Estimating Guide, p. 137: Table 11-1-Basic Impact Coefficients 2.8536 persons per 1,000 sf of General Office

¹⁴ Planners Estimating Guide, p. 137: Table 11-1-Basic Impact Coefficients 2.8536 persons per 1,000 sf of General Office Retail