

Keri O'Brien

From: Donna Phillips
Sent: Monday, June 15, 2020 11:45 AM
To: Keri O'Brien
Cc: Roy Bishop
Subject: FW: Questions raised by request to forgive the Owner's and Rams Head's past violations of Res. # 2011-059 and to change the Owner's deal going forward without basis or consideration--and the Confusion to enforcement that will sow
Attachments: Exhibit C.pdf; Trash Pickup Locations (1).pdf; Photo - Trash Area.pdf

Hi Keri –

Please see below email and attachments Mark Furlane sent to Roy and Katie on Saturday. Could you please add these comments to the Planning Board record?

Please confirm.

Thank you,

Donna

From: Roy Bishop <rbishop@cityofkeywest-fl.gov>
Sent: Sunday, June 14, 2020 8:41 AM
To: Donna Phillips <donna.phillips@cityofkeywest-fl.gov>
Subject: Fwd: Questions raised by request to forgive the Owner's and Rams Head's past violations of Res. # 2011-059 and to change the Owner's deal going forward without basis or consideration--and the Confusion to enforcement that will sow

Hi Donna, can you talk to Katie please as to how this should be handled? Not sure of the current procedures. Previously we would send to the Clerk so it is part of public comment so the Planning Board would see this. Thanks, Roy

From: Mark Furlane <mfurlane@bnf-law.com>
Sent: Saturday, June 13, 2020 3:58 PM
To: Roy Bishop; Katie P. Halloran
Cc: Todd Santoro; Nancy Paulic
Subject: Questions raised by request to forgive the Owner's and Rams Head's past violations of Res. # 2011-059 and to change the Owner's deal going forward without basis or consideration--and the Confusion to enforcement that will sow

Dear Mr. Bishop, Ms. Halloran, and Planning Board Members:

Mr. Bishop, I noticed in the materials on the agenda for the requests with regard to amending Res. 2011-059 that there is a document nowhere referenced in the Request for Conditional Use change. It is called "Trash Pickup Locations" and I attach it? I assume it is from Rams Head and/or the Owner. Where did that come from? I also notice there is a picture purportedly from April 2020 in the agenda's links. It also is attached. Where did that come from and what is its purpose? We assume that too is from either the Owner or Rams Head.

Mr. Bishop, I believe that by now you have a good understanding of the real Res. #2011-059 Site Plan as approved. The photo attached from the agenda has no posts on it, although it shows the illegally constructed white picket fence on the right extending to the property line on Terry Lane and also shows the illegally constructed cement wall on the City's right of way—both constructed since Res. 2011-059 in derogation of the approved Site Plan.



This picture is old—as it does not show the posts installed last year by the Owner and/or Rams Head in derogation of the site plan and without permits from Building, HARC or the Tree Commission. See photo below and also part of site plan from Exhibit C to the Request, showing approved garbage storage, planter and bicycle spaces.

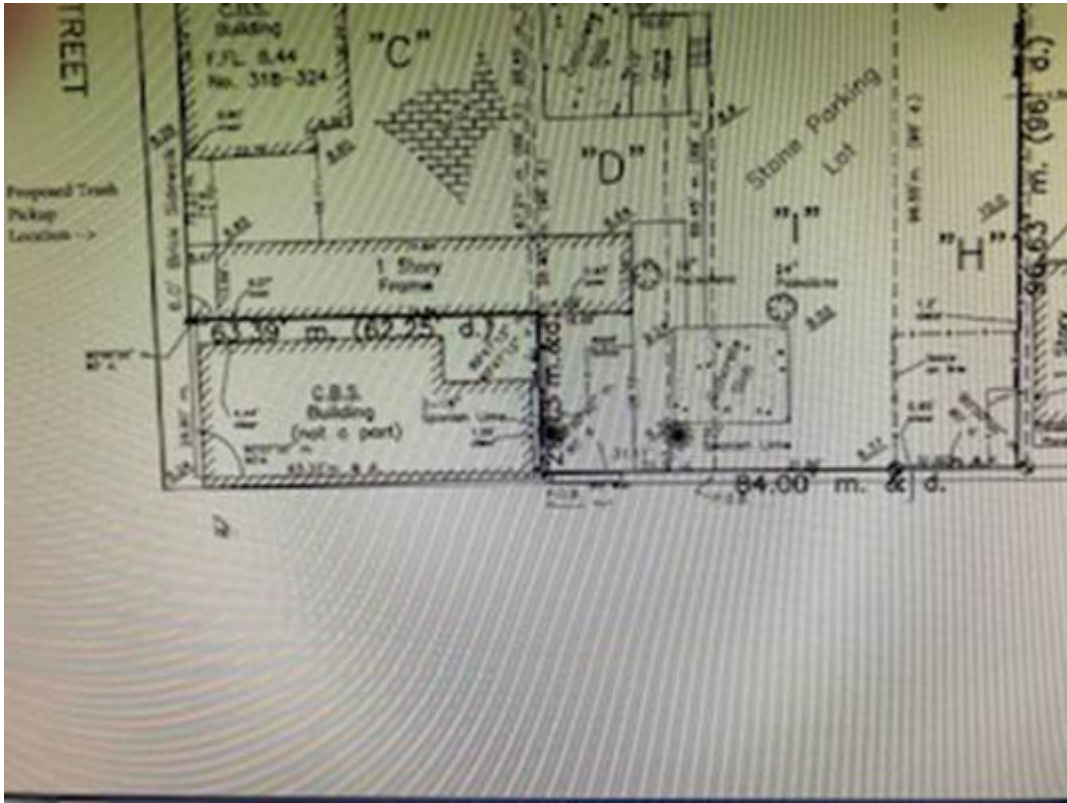


You will also observe in Exhibit C to the Request (purportedly, solely for relocation of the two bicycles), that it shows what was approved, not the unpermitted and illegal state of the Property today shown in the Pictures, all of which was built and operated in disregard and derogation of Res. 2011-059 and the approved site plan. Exhibit C was purportedly filed with the Request for movement of two bicycle, stating only, **“Finally, the Applicant requests to amend the site plan to relocate the two bicycle parking spaces which are currently located near the trash area and move them to be aligned with existing row of bicycle parking as reflected on the proposed site plan attached hereto as Exhibit C.”**

That is not a reason or justification for moving those two nonexistent bicycle spaces. Rather, it is an obvious attempt to align the space with Rams Head's and Owner's current illegally built storage of garbage and fence posts as shown in the pictures above. Moving those nonexistent bicycle spaces doesn't solve the problem of their past and on-going violations of the Res. 2011-059 approved Site Plan and the nonexistent bicycle spaces and nonexistent planters and all of the illegally built fences and historical and present unlawful garbage storage that violates their site plan conditions. Comparing both photos with the approved site plan—they show the

newer wall beyond the old stone wall on Terry Lane and the white wood fence in the pictures were built after and in derogation of the Res. 2011-059 site plan and planter buffering requirements. Those planter and bicycle spaces were never built.

Rams Head's and the Owner's ulterior motive and scheme for moving two nonexistent bicycle spaces become clear in the Request when you look at the bottom left of the "Proposed Trash Pickup Location" document that is in Planning Board's Agenda link, although not part of the Request. Copy is attached. It shows an L-shaped location for garbage storage—not the storage location and buffering required in the Res. 2011-059 site plan. Worse, posts shown in the above photo on Terry Lane establish they intend to take the entire buffering space they have already coopted for garbage storage for the entire existence of their operations under Res. 2011-059.



Inexplicably this proposed trash pickup location plat diagram also shows a fenced in area next to George Leonard's house on Terry Lane in the right bottom part where handicapped parking is supposed to exist. Given the Owner's past submission of the wrong plats for this Property to the City to get building permits on the Property that violate the Res. 2011-059 site plan to confuse the City's building department into permitting fences in the wrong locations, it seems obvious why this incorrect and misleading garbage storage site plan diagram is in the record as part of their trash pickup proposal. If Rams Head and the owner were being forthright they would have used the approved site plan and simply indicated on it "proposed pick up location," instead of submitting a plat survey with the wrong L shaped garbage storage location and other errant fenced in location by George's house that were never approved by the Planning Board. The Res, 2011-059 approved trash storage location is shown in the following approved plat survey and as shown must be twelve feet plus off of Terry Lane, with that space used for buffering (planter and bicycle spaces):



So I would urge the Staff and the Planning Board to be asking themselves these questions about the Request to move the two nonexistent bicycle spaces and the other related submissions in the Record agenda—

1. Where are the lawfully located walls on the Property of the storage location mandated by the Res. 2011-059 Site Plan to be completed before any approvals or licenses were issued?
2. Why are the illegal posts of the attempted illegal fence they were building right on the border of their property on Terry Lane rather than where the trash fencing is required to be located by the approved site plan, even while they refused and failed to build the mandated roof to date on the nonexistent mandated walls for garbage storage?
3. Where are those required Planters shown on the Plat of survey, and where are those two nonexistent bicycle spaces that were a condition of occupancy and business licenses, they now claim they want to move?
4. Why are they storing garbage and trash as shown in the picture link in the agenda for this item—where the garbage and trash are shown to be stored from the Back of the House of 318 Petronia all the way to their Terry Lane property line in derogation of the Conditions and site plan approved in Res. 2011-059 that it must be a small fraction of that area?
5. Why did they build a white wooden fence from the Back of the House of 318 Petronia to their post Res. 2011-059 illegally built two foot wall on the City's right of way on Terry Lane both in derogation of the garbage and trash locations on the site plan? The fence blocks the two required bicycle spaces that never existed
6. How is this Request a request to move two bicycle spaces? Isn't that aspect of the Request simply an attempt to legitimize twelve years of "in your face" neighbors and City of Key West on their illegal garbage and trash storage operations, and an attempt to legitimize them and buffering/planter violations, and their continued illegal use of the entire property space from the back of the house of 318 Petronia to

their property line on Terry Lane? It also looks like it may be an end run around parking spaces, given the fenced in area next to George's house they show on the site plan attached in the record relative to Res. 2011-059 relative to their noncompliant garbage/trash operations.

Since the Staff may be investigating the Request, I believe that if investigated and considered these questions and issues should be an insurmountable hurdle to granting any of the requests with regard to garbage/trash storage and operations. We hope any staff report on the Request will present the neighbor's positions together with Rams Head's and the Owner's positions, unlike what was the case in the FLUM/zoning matters on this Property.

Please forward this to the Planning Board members at your earliest convenience.

Thank you for your attention to this matter.

Mark Furlane, Owner 819 Terry Lane
Todd Santoro, Owner 818 Whitehead
Nancy Paulic, Owner 812 Terry Lane