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July 25, 2019

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City Commission
City of Key West
P.O. Box 1409
Key West, Florida 33041-1409

Via U.S. Mail & Email
csmith@cityofkeywest-fl.gov

Re: Hearing August 6, 2019
Major Development Plan
2407-2409 North Roosevelt
RE# 00002280-000100 & 101

Dear City Commission:

This firm represents Richard Walker & Roosevelt Docks, LLC, the owners of the real property located at 2407 & 2409 North Roosevelt Blvd. Dr. Walker received correspondence from the City Clerk dated July 17, 2019, which stated that a hearing is scheduled before the Commission on August 6, 2019, to consider conditional use approval for 30 live aboard vessels/40 recreational vessels, with conditions, for his property. The consent of Dr. Walker and Roosevelt Docks was neither sought nor given for the project as proposed.

The property includes residential, commercial and professional uses plus a 75 slip recreational marina which is currently under construction. The two buildings on the property provide affordable office space to 13 small businesses and professionals with over 30 employees and to charitable and religious organizations, as well as two residential units, one of which is Dr. Walker's homestead. There are 12 existing on-site parking spaces and 20 off-site parking easement spaces located on the nearby Banana Bay hotel property.

On or about February 2, 2018, Dr. Walker and Roosevelt Docks entered into an agreement with Eric Dickstein and Owen Trepanier which set a limited time period during which Dickstein and Trepanier would use their best efforts to seek approvals to develop a "74 unit floating workforce housing project", in essence, converting the recreational marina to live aboard vessels. Dickstein and Trepanier do not have, nor have they ever had, an ownership interest in the property or a contract to purchase the property.

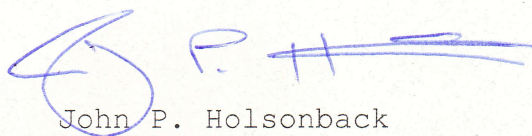
On November 3, 2018, Dr. Walker terminated the agreement with Trepanier and Dickstein for failure to pay amounts due under the agreement and failure to diligently pursue and use their best efforts to obtain approvals and permitting. On February 11, 2019, Dickstein and Trepanier initiated a lawsuit, which was served on Dr. Walker on March 18, 2019, seeking damages for wrongful termination of the agreement. Dickstein and Trepanier also filed and recorded a Notice of Lis Pendens against the property; however, the Lis Pendens was dissolved by court order entered on June 26, 2019, by Circuit Judge Timothy Koenig.

Notwithstanding the notice of termination, Dickstein and Trepanier thereafter pursued City of Key West zoning and use approvals. While doing so, Dickstein and Trepanier did not provide copies of applications to Dr. Walker and utilized an authorization form signed by Dr. Walker in 2013, a copy of which is attached. On March 21, 2019, Trepanier appeared before the City of Key West Planning Board to seek a parking variance and conditional use approval for 74 live aboard vessels. The Board unanimously denied the parking variance request. Upon Trepanier's request, the hearing on the conditional use was continued to May 16, 2019. Less than a week before the May hearing, Trepanier and Dickstein modified the request to reduce the total number of slips to 70, of which only 30 would be live aboard vessels. Importantly, in order to free up parking for residential vessels, Trepanier proposed surrendering the use and vacating all but one of the 13 nonresidential tenants. This would terminate the tenancies of 12 of the 13 small businesses and charities, disrupt their operations and displace over 30 employees and volunteer workers. Prior to the hearing, Dickstein and Trepanier's attorney was notified by the undersigned that: *"any requested permitting or zoning changes must not adversely impact the rights of existing tenants, jeopardize the pre-existing nonconforming uses allowed on the property or exceed the scope of the agreements which are currently the subject of litigation."* Contrary to such notification, Dickstein and Trepanier proceeded with the modified request which the Zoning Board recommended by a 4-2 vote.

On July 18, 2019, KW26 LLC, the owner of the Banana Bay hotel property, which includes the 20 off-site parking spaces, filed a lawsuit against Dr. Walker, Dickstein and Trepanier. The lawsuit asserts that surrendering and discontinuing the business office operations as proposed would violate the parking easement agreement and that the 20 off-site parking spaces cannot be used for residential purposes. KW26's lawsuit requests a court determination that would allow KW26 to terminate the parking easement. If KW26 prevails, available parking for the Walker property would be reduced from 32 spaces to just 12 spaces.

For the reasons previously set forth, Dr. Walker and Roosevelt Docks do not agree to any zoning modification which would: adversely impact the rights of existing tenants and their employees; surrender or adversely affect currently allowed nonconforming uses; jeopardize the 20 off-site parking spaces or constitute a breach of the parking easement agreement; impair the value of the property and security given for the existing mortgage; reduce the number of slips; and, otherwise be inconsistent with the scope of the terminated agreement which was limited to seeking approval for a "74 unit workforce housing project".

Very truly yours,

A handwritten signature in blue ink, appearing to read "J.P. Holsonback", with a large, stylized initial "J" and a horizontal line extending to the right.

John P. Holsonback

City of Key West
Planning Department



Authorization Form
(Individual Owner)

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

I, Richard C. Walker authorize
Please Print Name(s) of Owner(s) (as appears on the deed)

Owen Trepanier of 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.

Richard C. Walker

Signature of Owner


Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on this 20th May 2013 by
date

Owen Trepanier
Name of Authorized Representative

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

Mary M. Felger
Notary's Signature and Seal

 **MARY M. FELGER**
MY COMMISSION # DD 997122
EXPIRES: September 29, 2014
Bonded Thru Budget Notary Services

997122
Commission Number, if any