

**PLANNING BOARD
RESOLUTION NO. 2014-77**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD
GRANTING MAJOR DEVELOPMENT PLAN APPROVAL
PURSUANT TO SECTIONS 108-91.A.2.(A) AND 122-627 OF
THE LAND DEVELOPMENT REGULATIONS OF THE
CODE OF ORDINANCES OF THE CITY OF KEY WEST,
FLORIDA FOR THE CONSTRUCTION OF SEVEN (7)
PERMANENT RESIDENTIAL UNITS ON PROPERTY
LOCATED AT 1315 WHITEHEAD STREET (RE # 00036180-
000000; AK # 1037044) WITHIN THE HISTORIC HIGH
DENSITY RESIDENTIAL (HHDR) ZONING DISTRICT;
PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, Section 108-91 of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provides that within the Historic District, a Major Development Plan is required for the addition or reconstruction of five or more residential units; and

WHEREAS, Code Section 108-196(a) requires the Planning Board to review and approve, approve with conditions or deny the proposed Major Development Plan in an advisory capacity to the City Commission; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on November 20, 2014; and

WHEREAS, the granting of the Major Development Plan application is consistent with the criteria of the Code of Ordinances; and

WHEREAS, the Planning Board finds that the granting of the Major Development Plan is in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.



Vice-Chairman



Planning Director

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

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

Section 2. The Major Development Plan for the construction of seven permanent residential units on property located at 1315 Whitehead Street (RE # 00036180-000000; AK # 1037044) in the Historic High Density Residential (HHDR) Zoning District pursuant to Sections 108-91.A.2.(a) and 122-627 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida, as shown in the attached plans, is hereby approved with the following conditions:

General conditions:

1. The proposed development shall be consistent with the architectural plans by William Shepler, Architect, the civil plans by Allen E. Perez, P.E., and the landscape plans by Ladd B. Roberts, Landscape Architect; notwithstanding the revisions requested and recommended by staff.
2. A Building Permit Allocation System (BPAS) award of one residential dwelling unit with an ESFU of 1.0 shall be obtained prior to building permit issuance for the seventh proposed residence.
3. During all phases of demolition and construction, temporary fencing and erosion barriers shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.

4. Exterior lighting shall be shielded in accordance with City Code Section 108-284.

Conditions prior to the City Commission hearing:

5. The applicant shall address all of staff's and the DRC's concerns as outlined in the November 19, 2014 staff letter and the August 28, 2014 DRC minutes.

6. The applicant shall submit an irrigation plan pursuant to City Code Section 108-243(d).

Conditions prior to issuance of a building permit:


7. Approval of a Public Art Plan shall be obtained from the AIPP Board, pursuant to City Code Section 2-487, and may include payment of an in-lieu fee.

Conditions prior to issuance of a Certificate of Occupancy:

8. Per the correspondence dated October 23, 2014, the Applicant offered to voluntarily contribute one full permanent residential BPAS-exempt unit to the City as an in-lieu contribution to the City's work force housing requirements. Therefore, the Applicant shall execute a "Waiver and Release of Building Permit Allocation" affidavit prior to the issuance of the first Certificate of Occupancy for this Major Development Plan.

9. On-site artwork shall be installed and inspected by the City pursuant to Code Section 2-487.

10. The property owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance shall inspect the property on an annual basis upon reasonable notice to determine compliance with


Vice-Chairman


Planning Director


the above conditions.

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

Section 4. This Major Development Plan application approval by the Planning Board does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of the applicant's assertion of legal authority respecting the property.

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

Section 6. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order shall be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 45 days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the 45-day review period, the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.


Vice-Chairman


Planning Director

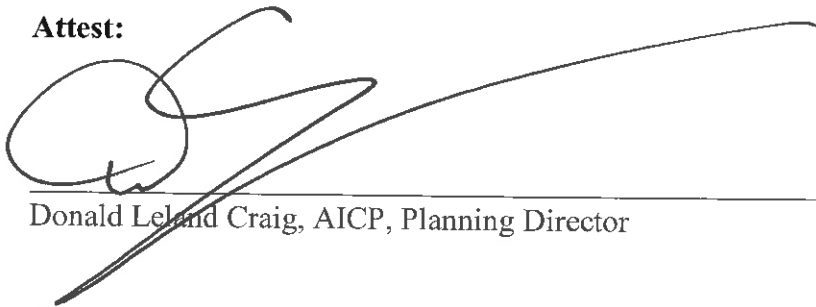
Read and passed on first reading at a regularly scheduled meeting held this 20th day of November, 2014.

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



Sam Holland, Jr., Planning Board Vice-Chairman 11/20/14
Date

Attest:



Donald Leland Craig, AICP, Planning Director 11/21/14
Date

Filed with the Clerk:



Cheryl Smith, City Clerk 11-21-14
Date



Vice-Chairman


Planning Director

141 30040000173
 Email: info@wsaarchitect.com
 133 Duval St. Suite 14
 Key West, FL 33460

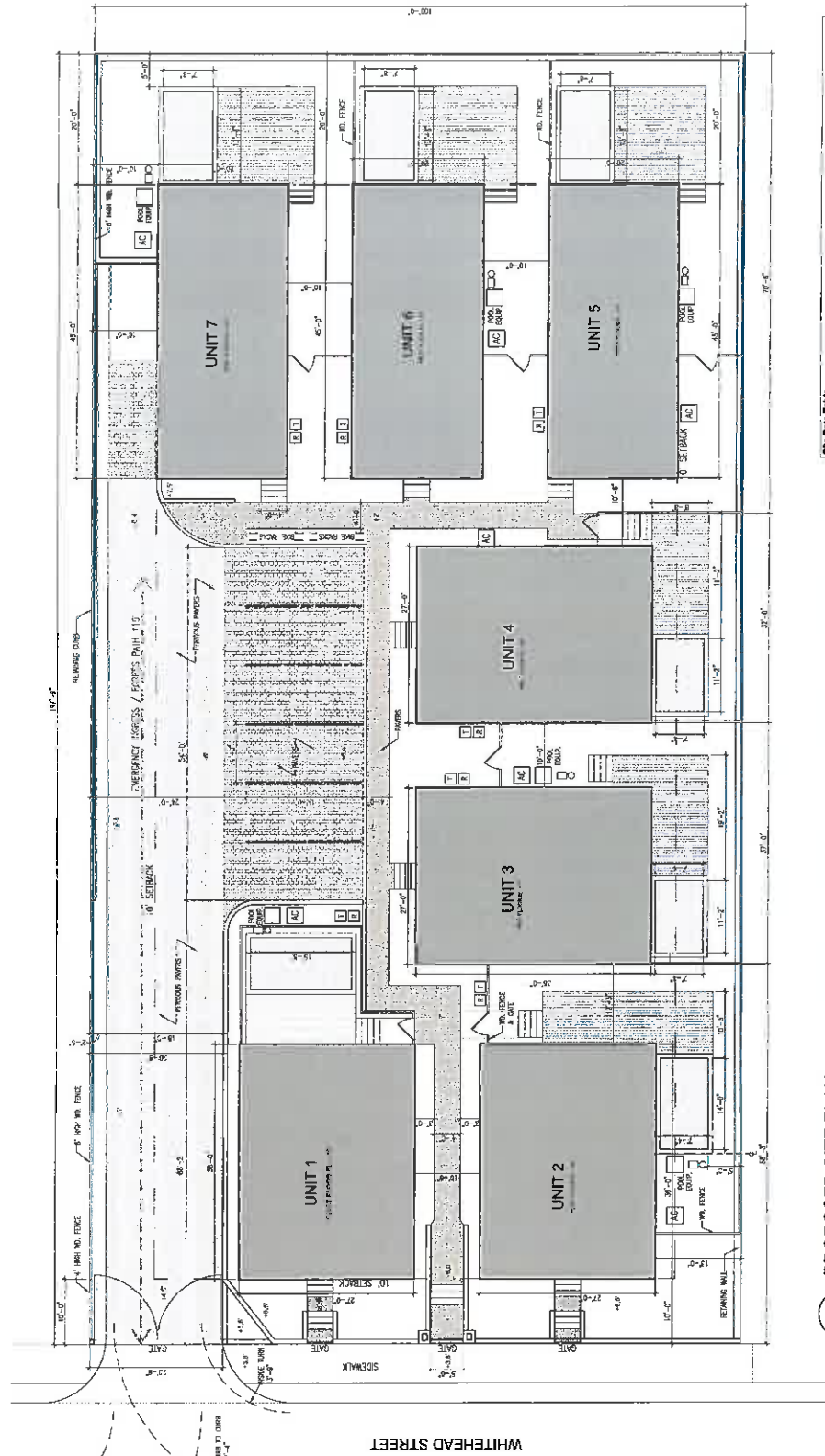
Comments:

RESIDENTIAL PROJECT
1315 WHITEHEAD STREET
 KEY WEST, FL

PROPOSED SITE PLAN

A-1.1

Scale: 1/8" = 1'-0"
 Date: 05/25/2014



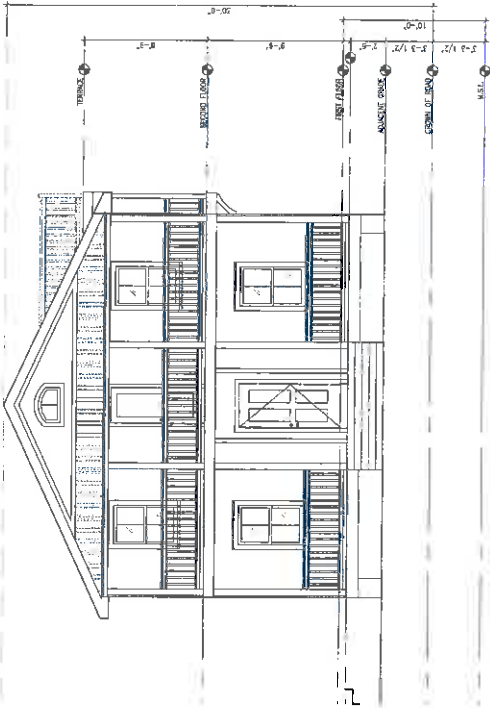
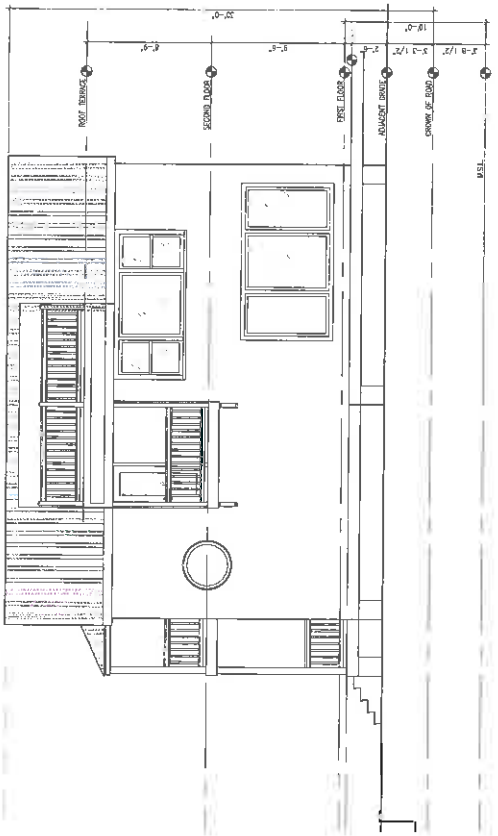
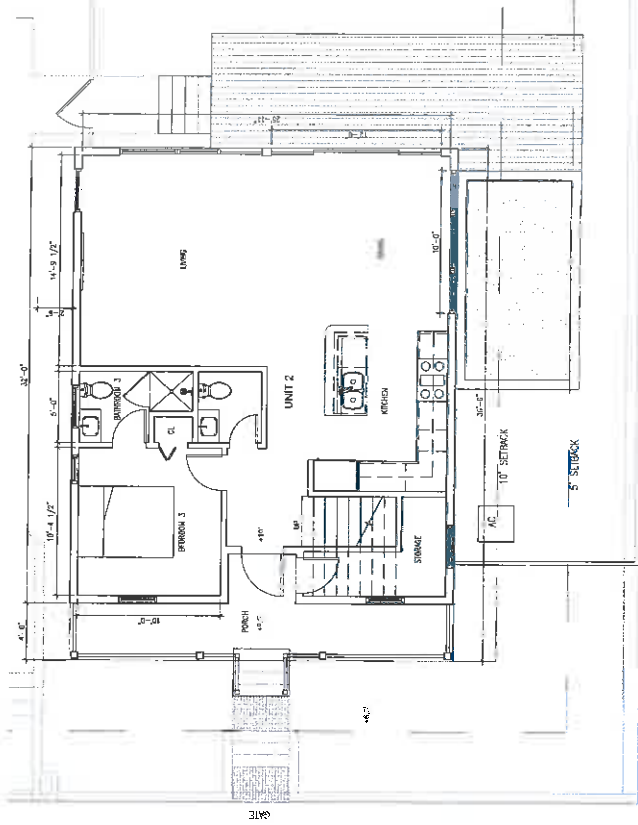
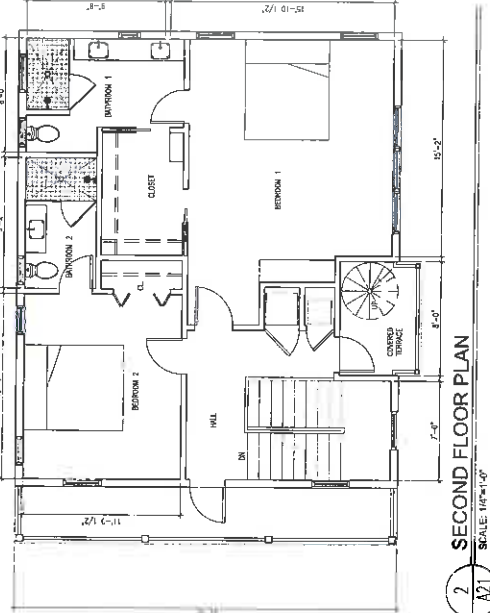
Site Data Table:

NO.	DESCRIPTION	AMOUNT	REMARKS
1	LOT AREA	10,000.00	AS SHOWN ON PREVIOUS PLAN
2	LOT AREA (EXCL. DRIVE)	9,500.00	
3	LOT AREA (EXCL. DRIVE & PATIO)	9,000.00	
4	LOT AREA (EXCL. DRIVE, PATIO & BALCONY)	8,500.00	
5	LOT AREA (EXCL. DRIVE, PATIO, BALCONY & POOL)	8,000.00	
6	LOT AREA (EXCL. DRIVE, PATIO, BALCONY, POOL & TERRACE)	7,500.00	
7	LOT AREA (EXCL. DRIVE, PATIO, BALCONY, POOL, TERRACE & PORCH)	7,000.00	
8	LOT AREA (EXCL. DRIVE, PATIO, BALCONY, POOL, TERRACE, PORCH & DECK)	6,500.00	
9	LOT AREA (EXCL. DRIVE, PATIO, BALCONY, POOL, TERRACE, PORCH, DECK & WALKWAY)	6,000.00	
10	LOT AREA (EXCL. DRIVE, PATIO, BALCONY, POOL, TERRACE, PORCH, DECK, WALKWAY & STAIRS)	5,500.00	
11	LOT AREA (EXCL. DRIVE, PATIO, BALCONY, POOL, TERRACE, PORCH, DECK, WALKWAY, STAIRS & FENCE)	5,000.00	
12	LOT AREA (EXCL. DRIVE, PATIO, BALCONY, POOL, TERRACE, PORCH, DECK, WALKWAY, STAIRS, FENCE & SIGNAGE)	4,500.00	
13	LOT AREA (EXCL. DRIVE, PATIO, BALCONY, POOL, TERRACE, PORCH, DECK, WALKWAY, STAIRS, FENCE, SIGNAGE & LIGHTING)	4,000.00	
14	LOT AREA (EXCL. DRIVE, PATIO, BALCONY, POOL, TERRACE, PORCH, DECK, WALKWAY, STAIRS, FENCE, SIGNAGE, LIGHTING & LANDSCAPING)	3,500.00	
15	LOT AREA (EXCL. DRIVE, PATIO, BALCONY, POOL, TERRACE, PORCH, DECK, WALKWAY, STAIRS, FENCE, SIGNAGE, LIGHTING, LANDSCAPING & UTILITIES)	3,000.00	
16	LOT AREA (EXCL. DRIVE, PATIO, BALCONY, POOL, TERRACE, PORCH, DECK, WALKWAY, STAIRS, FENCE, SIGNAGE, LIGHTING, LANDSCAPING, UTILITIES & EXTERIOR FINISHES)	2,500.00	
17	LOT AREA (EXCL. DRIVE, PATIO, BALCONY, POOL, TERRACE, PORCH, DECK, WALKWAY, STAIRS, FENCE, SIGNAGE, LIGHTING, LANDSCAPING, UTILITIES, EXTERIOR FINISHES & HARDWARE)	2,000.00	
18	LOT AREA (EXCL. DRIVE, PATIO, BALCONY, POOL, TERRACE, PORCH, DECK, WALKWAY, STAIRS, FENCE, SIGNAGE, LIGHTING, LANDSCAPING, UTILITIES, EXTERIOR FINISHES, HARDWARE & PAINT)	1,500.00	
19	LOT AREA (EXCL. DRIVE, PATIO, BALCONY, POOL, TERRACE, PORCH, DECK, WALKWAY, STAIRS, FENCE, SIGNAGE, LIGHTING, LANDSCAPING, UTILITIES, EXTERIOR FINISHES, HARDWARE, PAINT & FURNITURE)	1,000.00	
20	LOT AREA (EXCL. DRIVE, PATIO, BALCONY, POOL, TERRACE, PORCH, DECK, WALKWAY, STAIRS, FENCE, SIGNAGE, LIGHTING, LANDSCAPING, UTILITIES, EXTERIOR FINISHES, HARDWARE, PAINT, FURNITURE & ELECTRICAL)	500.00	

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

Handwritten signature and date: 11/21/14

Handwritten signature and date: 11/21/14

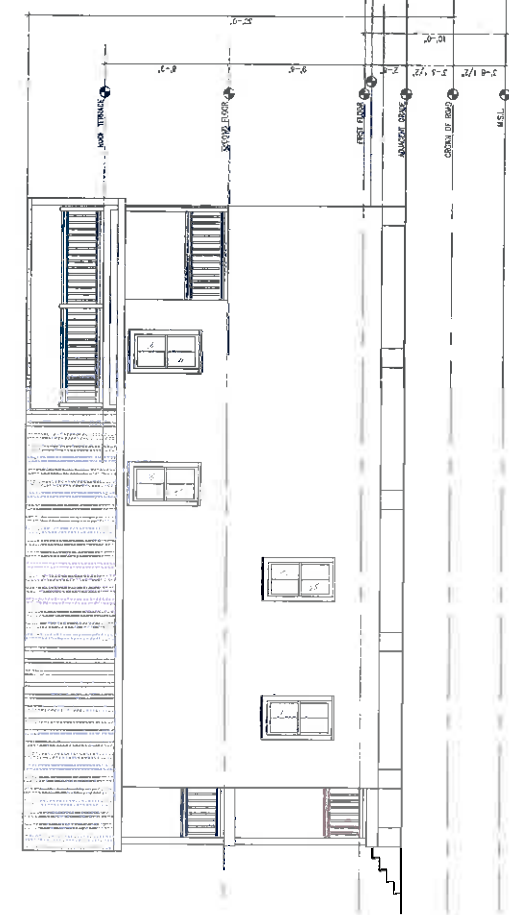


1 FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0"

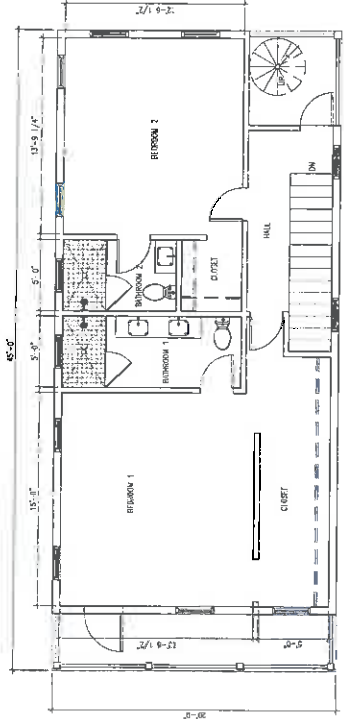
3 FRONT ELEVATION (WEST)
 SCALE: 1/4" = 1'-0"

HOUSE TYPE "A" - VARIATIONS AT UNITS 1-4

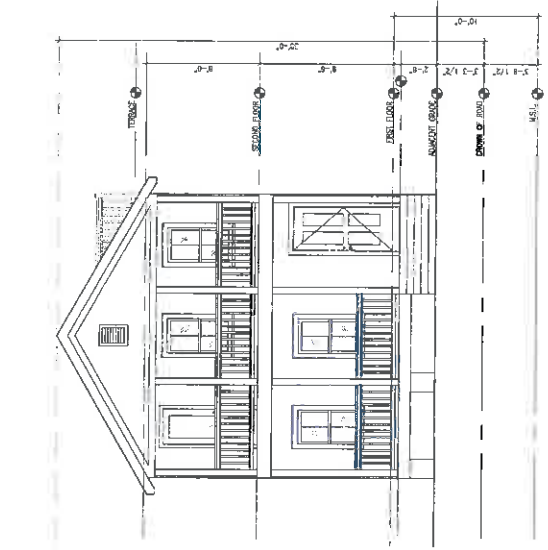
Handwritten notes:
 DS
 11/21/14
 WSA



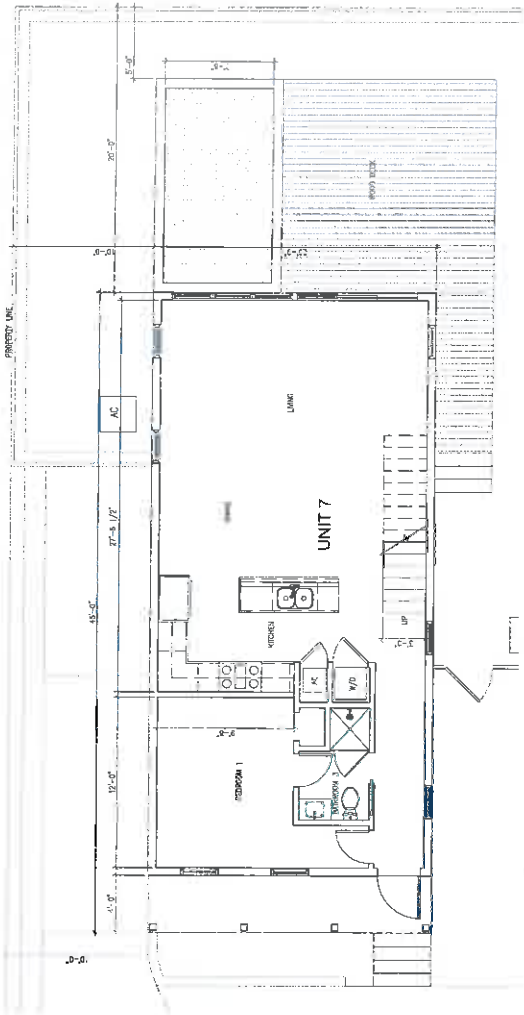
4 SIDE ELEVATION (SOUTH)
SCALE: 1/8"=1'-0"



2 SECOND FLOOR PLAN
SCALE: 1/8"=1'-0"



3 FRONT ELEVATION (WEST)
SCALE: 1/8"=1'-0"

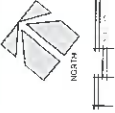


1 FIRST FLOOR PLAN
SCALE: 1/8"=1'-0"

HOUSE TYPE "B" - VARIATIONS AT UNITS 5-7

well
11/21/14
AC
11/21/14

1315 WHITEHEAD ST
 1315 WHITEHEAD STREET
 KEY WEST, FL 33040



TREE IMPACT PLAN

DATE 10.17.14

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		

Landscape Plans

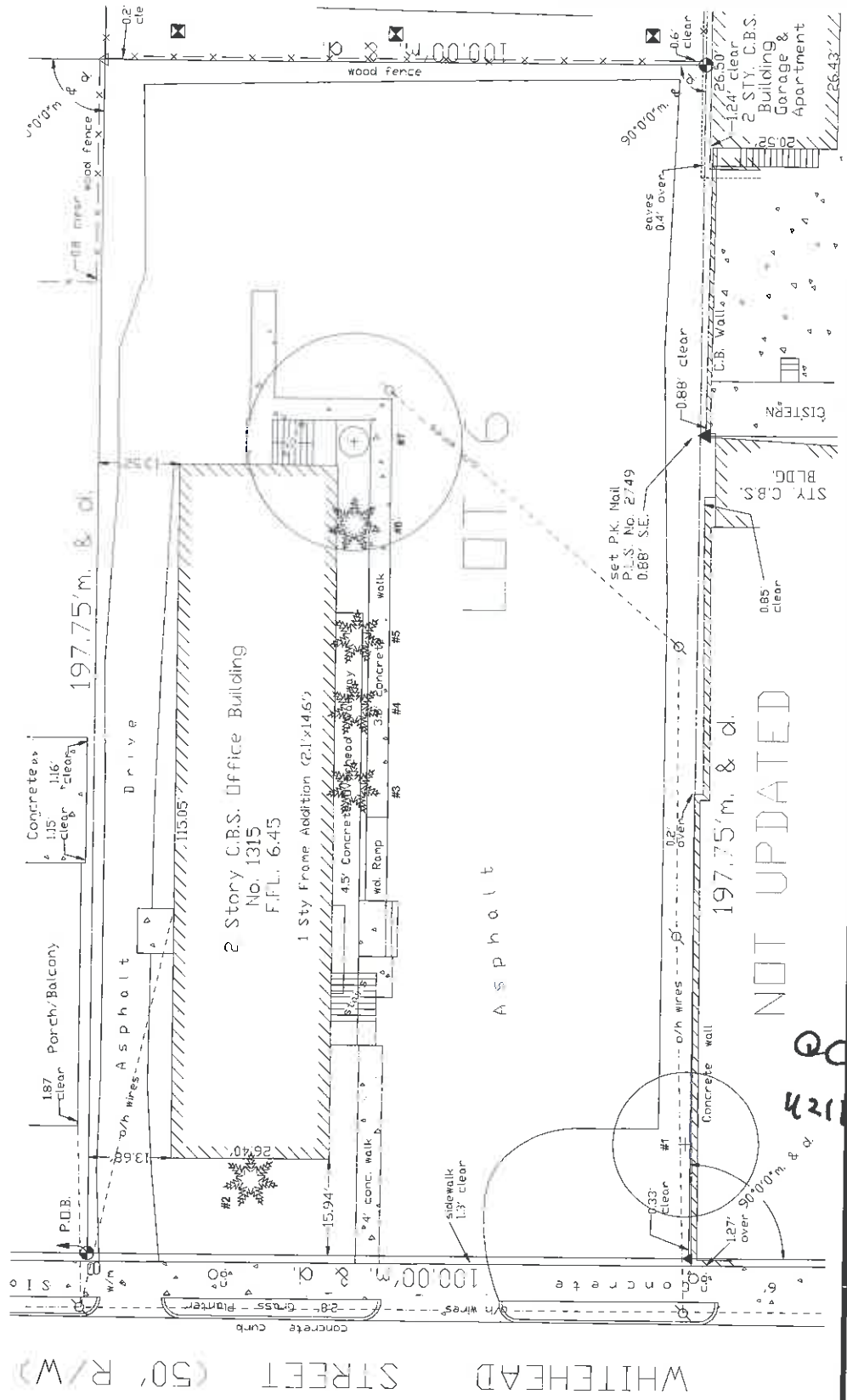
SHEET NUMBER

L-1

JOB NO. 1002 DRAWN BY: LBR
 CHECKED BY: LBR
 DATE: 10/17/14
 SCALE: AS SHOWN

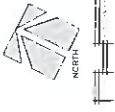
LANDWISE DESIGN

NO.	ITEM	QUANTITY	UNIT	NOTES
1	1" x 4" x 8" WALK	100	LF	
2	4" x 4" x 8" WALK	100	LF	
3	4" x 4" x 8" WALK	100	LF	
4	4" x 4" x 8" WALK	100	LF	
5	4" x 4" x 8" WALK	100	LF	
6	4" x 4" x 8" WALK	100	LF	
7	4" x 4" x 8" WALK	100	LF	
8	4" x 4" x 8" WALK	100	LF	
9	4" x 4" x 8" WALK	100	LF	
10	4" x 4" x 8" WALK	100	LF	
11	4" x 4" x 8" WALK	100	LF	
12	4" x 4" x 8" WALK	100	LF	
13	4" x 4" x 8" WALK	100	LF	
14	4" x 4" x 8" WALK	100	LF	
15	4" x 4" x 8" WALK	100	LF	
16	4" x 4" x 8" WALK	100	LF	
17	4" x 4" x 8" WALK	100	LF	
18	4" x 4" x 8" WALK	100	LF	
19	4" x 4" x 8" WALK	100	LF	
20	4" x 4" x 8" WALK	100	LF	
21	4" x 4" x 8" WALK	100	LF	
22	4" x 4" x 8" WALK	100	LF	
23	4" x 4" x 8" WALK	100	LF	
24	4" x 4" x 8" WALK	100	LF	
25	4" x 4" x 8" WALK	100	LF	
26	4" x 4" x 8" WALK	100	LF	
27	4" x 4" x 8" WALK	100	LF	
28	4" x 4" x 8" WALK	100	LF	
29	4" x 4" x 8" WALK	100	LF	
30	4" x 4" x 8" WALK	100	LF	
31	4" x 4" x 8" WALK	100	LF	
32	4" x 4" x 8" WALK	100	LF	
33	4" x 4" x 8" WALK	100	LF	
34	4" x 4" x 8" WALK	100	LF	
35	4" x 4" x 8" WALK	100	LF	
36	4" x 4" x 8" WALK	100	LF	
37	4" x 4" x 8" WALK	100	LF	
38	4" x 4" x 8" WALK	100	LF	
39	4" x 4" x 8" WALK	100	LF	
40	4" x 4" x 8" WALK	100	LF	
41	4" x 4" x 8" WALK	100	LF	
42	4" x 4" x 8" WALK	100	LF	
43	4" x 4" x 8" WALK	100	LF	
44	4" x 4" x 8" WALK	100	LF	
45	4" x 4" x 8" WALK	100	LF	
46	4" x 4" x 8" WALK	100	LF	
47	4" x 4" x 8" WALK	100	LF	
48	4" x 4" x 8" WALK	100	LF	
49	4" x 4" x 8" WALK	100	LF	
50	4" x 4" x 8" WALK	100	LF	



h/h/h/h
 4218

1315
WHITEHEAD ST
1016 WATERLOO STREET
KEY WEST, FL 32940



PLANT SCHEDULE & DETAILS

DATE 10.17.14

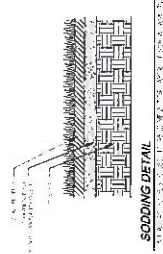
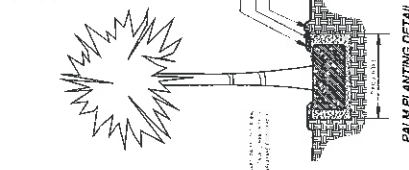
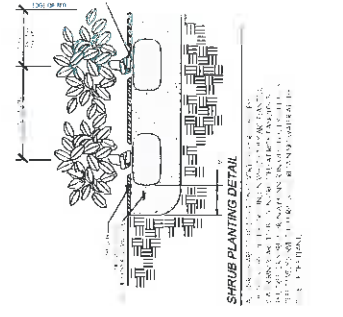
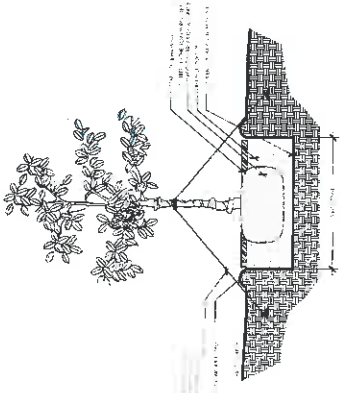
REVISIONS

No.	Date	Notes
1		
2		
3		
4		
5		
6		
7		

Landscape
Plans

SHEET NUMBER
L-3

JOHN W. HARTY LANDSCAPE ARCHITECT, INC.
1016 WATERLOO STREET, KEY WEST, FL 32940
TEL: 305-857-1111 FAX: 305-857-1112
WWW.JWHARTYLANDSCAPEARCHITECT.COM



GENERAL NOTES:
AT LEAST 70% OF THE SPECIFIED SPECIES FOR REQUIRED REPLACEMENT TREES SHALL BE NATIVE PLANT REQUIREMENT.
100% OF THE REQUIRED REPLACEMENT TREES SHALL BE NATIVE.
100% IRRIGATION COVERAGE SHALL BE PROVIDED TO ALL PROPOSED PLANTING AREAS. SADD SYSTEM SHALL BE INSTALLED TO PROVIDE IRRIGATION TO ALL PLANTING AREAS. ALL IRRIGATION SHALL CONFORM TO SECTION 313.12.10 OF THE CITY OF KEY WEST CODE. AS BUILT DRAWING REQUIRED.
ALL LARGE CANOPY AND RED LOCATED TREES SHALL UTILIZE IRRIGATION BUBBLERS AT BASE OF TREE.

Conceptual Planting Palette

CITY	COMMON NAME	BOTANICAL NAME	SIZE	NOTE	NATIVE
PALMS (17 palms)	SABAL PALM	Sabal palmetto	12'-18" db h	FL 41	NATIVE
	KEY WAX PALM	Thryallis minima	4'-6" db	FL 41	NATIVE
	SAY PALMETTO	Sarcocornia obovata	15' db h	FL 41	NATIVE
	ROYAL PALM	Roystonea regia	8" db 12' high, 10" db trunk	FL 41	NATIVE
TREES (9 canopy, 16 in 12' mitigation trees)	MANICAWAY	Spondylia m. Acacia	4" db 14-16' h, 16-12" db	FL 41	NATIVE
	WILD PINEAPPLE	Opuntia ficinifera	4" db 10-15' h	FL 41	NATIVE
	COURED LIMBO	Bursera simarouba	4" db 16-18' h	FL 41	NATIVE
	GREEN BUTTWOOD	Conocarpus erectus	4" db 12-14' h	FL 41	NATIVE
	SILVER BUTTWOOD	Shorea chinensis	2" db 10-12' h	FL 41	NATIVE
	CHAMPAGNE PINE	Quercus virginiana	1.5" db 8-10' h	FL 41	NATIVE
	LIONMOUTH	Quercus laevis	1.5" db 8-10' h	FL 41	NATIVE
	GREENWOOD	Quercus laevis	1.5" db 8-10' h	FL 41	NATIVE
	BURSERIA COPPER	Bursera simarouba	1.5" db 8-10' h	FL 41	NATIVE
	RELIQUARIA	Eugenia americana	1" db 8-10' h	FL 41	NATIVE
GROUND COVER (15 mitigation trees)	SPERMATOPHYTES	Various species	1' db 12" tall	FL 41	NATIVE
	MONOCOTYLOUS	Various species	1' db 12" tall	FL 41	NATIVE
	DIAPYCNES	Various species	1' db 12" tall	FL 41	NATIVE
	ERICACEAE	Various species	1' db 12" tall	FL 41	NATIVE
	RUPTIDIA	Various species	1' db 12" tall	FL 41	NATIVE
	POACEAE	Various species	1' db 12" tall	FL 41	NATIVE
	SCROPHULARIACEAE	Various species	1' db 12" tall	FL 41	NATIVE
	VERBENACEAE	Various species	1' db 12" tall	FL 41	NATIVE
	ASTRACEAE	Various species	1' db 12" tall	FL 41	NATIVE
	LABIATAE	Various species	1' db 12" tall	FL 41	NATIVE
URTICACEAE	Various species	1' db 12" tall	FL 41	NATIVE	

UW
11/21/14
4/21/14

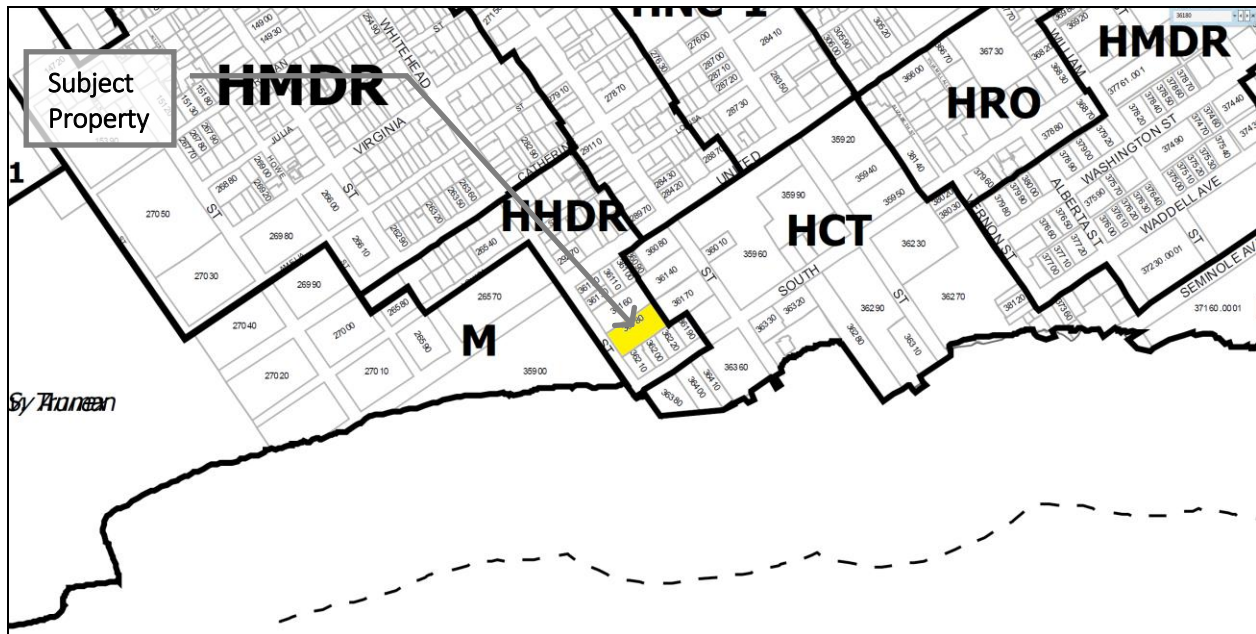
NOTE: CANOPY TREES PLANTED ALONG WALKWAYS SHALL BE SMALLER IN SIZE AND SETBACK FROM SIDEWALK.

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



To: Chair and Planning Board members
From: Kevin Bond, AICP, LEED Green Associate, Senior Planner
Through: Donald Leland Craig, AICP, Planning Director
Meeting Date: November 20, 2014
Agenda Item: **Major Development Plan – 1315 Whitehead Street (RE # 00036180-000000; AK # 1037044)** – A request for major development plan approval for the construction of seven permanent residential units on property located within the Historic High Density Residential (HHDR) Zoning District pursuant to Sections 108-91.A.2.(a) and 122-627 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

Request: Major development plan approval for the demolition of the existing nonresidential building and the construction of seven non-transient, single-family residential dwellings.
Applicant: Trepanier & Associates, Inc.
Property Owner: Southwhitehead, LLC
Location: 1315 Whitehead Street (RE # 00036180-000000; AK # 1037044)
Zoning: Historic High Density Residential (HHDR)



Background / Proposed Development:

The subject property is located in the 1300 block of Whitehead Street between United and South Streets within the HHDR Zoning District. The 0.45-acre property consists of a 6,010-square-foot, two-story commercial building last used as offices, which is a nonconforming use. The property is within the Key West Historic District. According to the Monroe County Property Appraiser, the building was built in 1968 and is a non-contributing structure. The property is located within three different FEMA flood zones: AE-8, AE-9 and VE-10.

The proposed development would demolish all existing structures and construct seven (7) new two-story, single-family residences. The plans call for seven (7) off-street parking spaces, new landscaping, and pools and decks for each unit. Four of the units were via a Transient Unit Transfer to be converted to non-transient use pursuant to Planning Board Resolution No. 2006-035, and two of the units are via a prior Beneficial Use Determination originally approved in August 2005. Documentation of these approvals is attached. The Applicant is requesting the seventh unit via the City’s Building Permit Allocation System (BPAS).

Major Development Plan review is required due to the construction of five (5) or more permanent residential units within the Historic District, pursuant to Section 108-91.A.2.(a) of the Land Development Regulations (LDRs) of the Code of Ordinances (the “Code”) of the City of Key West (the “City”).

Surrounding Zoning and Uses:

Surrounding properties are located within the HHDR, Historic Commercial Tourist (HCT) and Military (M) Zoning Districts. Surrounding uses include multifamily residential, a tourist attraction (the Key West Butterfly and Nature Conservatory), a recreational vehicle rental facility and parking lot (Tropical Rent-A-Car) and the Naval Air Station at Truman Annex. Zoning districts within 300 feet of the property are HHDR, HCT, M and Historic Residential Commercial Core – Duval Street Oceanside (HRCC-3). Other uses within 300 feet of the property include single-family residential, condominiums, hotels and guesthouses and the Southernmost Point tourist attraction.

Process:

Development Review Committee (DRC):	August 28, 2014
Tree Commission, Preliminary:	September 9, 2014 (approved)
Planning Board:	November 20, 2014 (pending)
HARC:	pending
Tree Commission, Final:	pending
City Commission:	pending
DEO review:	Up to 45 days, following local appeal period

Evaluation for Compliance with the Land Development Regulations (LDRs) and Comprehensive Plan

City Code Section 108-91.A.2.(a) requires the addition or reconstruction of five or more permanent residential units within the Historic District to be reviewed as a Major Development Plan. City Code Section 108-196(a) states after reviewing a Major Development Plan or a Minor Development Plan for a property and staff recommendations therefor, the Planning Board shall

act by resolution to approve, approve with conditions, or disapprove it based on specific development review criteria contained in the LDRs and the intent of the LDRs and comprehensive plan. The Planning Board resolution shall provide written comments documenting any conditions of approval that the Planning Board finds necessary to effectuate the purpose of Development Plan review and carry out the spirit and purpose of the Comprehensive Plan and the LDRs. If the Development Plan is recommended for disapproval, the Planning Board resolution shall specify in writing the reasons for recommending such denial. The Planning Board's decision on a Major Development Plan in the historic district shall be advisory to the City Commission.

Planning staff, as required by Chapter 108 of the City LDRs, has reviewed the following for compliance with the City's LDRs and Comprehensive Plan as summarized in the following table.

Project Data Summary				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Zoning District	HHDR			
Flood Zone	AE-8, AE-9, VE-10			
Site size	19,775 SF; 0.45 acres			
Maximum density	22 du/acre	0	7 units = 15.42 du/acre	+7 units / In compliance
Maximum floor area ratio	1.0	0.33	0.0	-0.33 / In compliance
Maximum height	30 feet	Not indicated; existing 2-story bldg	30 feet (*need more details, cannot verify)	In compliance*
Maximum building coverage	50%	17.6%	33%	+15.4 / In compliance
Maximum impervious surface	60%	81% (nonconforming)	57%	-24 / In compliance
Minimum lot size	4,000 SF	19,775 SF	19,775 SF	None
Minimum lot width	40 feet	100 feet	100 feet	None
Minimum lot depth	90 feet	197.75 feet	197.75 feet	None
Minimum front setback	10 feet	15.94 feet	10 feet	-5.94 feet / In compliance
Minimum side setback (northwest)	5 feet or 10% of lot width up to 15 feet	13.52 feet	10 feet	-3.52 feet / In compliance
Minimum side setback (southeast)	5 feet or 10% of lot width up to 15 feet	~55 feet	10 feet; 5 feet to pools & decks	-45 feet / In compliance
Minimum rear setback	20 feet	~67 feet	20 feet; 5 feet to pools & decks	-47 feet / In compliance
Minimum street side setback	5 feet	N/A	N/A	N/A

Project Data Summary				
Dimensional Requirement	Required/ Allowed	Existing	Proposed	Change / Variance Required?
Minimum vehicular parking (single-family or multiple-family)	1 space per dwelling unit x 7 units = 7 spaces	Not indicated, but at least 25 spaces	7 spaces	-18 spaces / In compliance
Minimum handicap parking	N/A	Not indicated	N/A	N/A
Minimum bicycle parking	None	Not indicated	14 spaces per application, but plans not clear	+14 / In compliance
Minimum open space	35%	5%	36%	+31 / In compliance
Landscaping	Code Ch 108, Arts V & VI	See analysis	See analysis	In compliance
Consumption area or number of seats		None	None	None

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

Comprehensive Plan Objective 9-1.5 directs the City to ensure that public facilities and services needed to support development are available concurrent with the impacts of new development. The analysis considers potable water, sanitary sewer, solid waste, drainage, vehicle trip generation and recreation. City Code Section 94-36 requires a concurrency review determination to be made concerning the proposed development. The Applicant provided a concurrency analysis as part of the Major Development Plan application. Staff reviewed the provided concurrency analysis following the criteria in City Code Section 94-36 and determines that public facilities are expected to accommodate the proposed development at the adopted level of service (LOS) standards. This portion of the report shall serve as the required written determination of compliance.

1. Potable water supply

The potable water LOS standard for residential uses is 93 gallons per capita per day, pursuant to City Code Section 94-68. The average household size in the City, as per the 2010 Census, is 2.15 persons. Utilizing this LOS standard, potable water demand is estimated as follows:

$$93 \text{ gallons} \times \text{average } 2.15 \text{ persons per household} \times 7 \text{ units} = 1,399.65 \text{ gal/day}$$

Therefore, the adopted potable water LOS standard is anticipated to be adequate to serve the proposed development. The property is currently serviced with potable water by the Florida Keys Aqueduct Authority (FKAA), which has been notified of the upcoming development and has available capacity to service the proposed development with the existing infrastructure currently in place.

2. Wastewater management

The sanitary sewer LOS standard for residential uses is 100 gallons per capita per day for permanent residents and 90 gallons per capita per day for seasonal residents, pursuant to City

Code Section 94-67. Utilizing this LOS standard, sanitary sewer capacity demand is estimated as follows:

Based on permanent residents: $100 \text{ gal/capita/day} \times 2.15 \text{ persons per household} \times 7 \text{ units} = 1,505 \text{ gal/day}$

Based on seasonal residents: $90 \text{ gal/capita/day} \times 2.15 \text{ persons per household} \times 7 \text{ units} = 1,354.5 \text{ gal/day}$

Therefore, the adopted sanitary sewer capacity LOS standard is anticipated to be adequate to serve the proposed development.

3. Water quality

The property is served by the City's central sewer system. The property is not adjacent to any bodies of water. Therefore, no adverse impacts to water quality are anticipated.

4. Stormwater management / drainage

The stormwater management or drainage LOS standard pursuant to City Code Section 94-69 is: i) post-development runoff shall not exceed predevelopment runoff for a 25-year storm event, up to and including an event with a 24-hour duration; ii) onsite treatment of the first one inch of rainfall must be provided to meet water quality standards; and iii) storm water facilities must be designed so as to not degrade any receiving water body.

A drainage plan was submitted indicating that a full stormwater management system would be installed and overall impervious area would be reduced. Stormwater would be retained on-site through exfiltration trenches and vegetated swales. Therefore, no adverse impacts to stormwater management or drainage facilities are anticipated.

5. Solid waste

The solid waste LOS standard for residential uses is 2.66 pounds per capita per day, pursuant to City Code Section 94-71. The proposed development is anticipated to accommodate 15.05 persons. Utilizing this LOS standard, the demand for solid waste collection and disposal capacity is estimated as follows:

Proposed development: $6.37 \text{ lb/capita/day} \times 15.05 \text{ persons} = 95.87 \text{ lbs/day}$

According to the City's General Services Division, the contract with Waste Management (WM) accounts for a 20 year "window" for waste processing at the Wheelabrator Waste-to-Energy site. There are other facilities in South Florida also owned by WM for continued use into the future. Therefore, the adopted solid waste LOS standard is anticipated to be adequate to serve the proposed development.

6. Roadways

The roadway LOS standard is set forth in City Code Section 94-72. Whitehead Street is classified as a principal arterial roadway with a minimum LOS of D. According to the 2011 Carrying Capacity Study, Whitehead Street had an existing LOS of D. Trip generation is

anticipated to decrease slightly on weekdays, but would increase on weekends. This is largely due to the commercial use being replaced by a residential use. The proposed development is not anticipated to negatively affect the adopted LOS standard.

7. Recreation

The recreation LOS standard is five acres of recreation and open space per 1,000 permanent residents pursuant to City Code Section 94-70. According to the 2013 Comprehensive Plan Data and Analysis, the City is currently providing ample recreation and open space. The proposed development is nonresidential in nature and therefore would have no impact on the adopted recreation LOS standard.

8. Fire Protection

The proposed development shall comply with the life safety requirements per the Fire Marshall's direction.

9. Reclaimed water system

Not proposed by the applicant.

10. Other public facilities

Based on comments received from the DRC members, and based on the Applicant's concurrency analysis, all public facilities would be expected to accommodate the proposed development at the adopted LOS standards.

Appearance, design and compatibility (City Code Section 108-234)

The development plan shall satisfy criteria established in:

City Code Chapter 102 (historic preservation)

The property is located within the Key West Historic District and the proposed development would need to obtain Certificates of Appropriateness from the Historic Architectural Review Commission (HARC) for the proposed demolition of the existing non-contributing structure and the construction of the new residences prior to issuance of building permits.

Articles III (site plan), IV (traffic impacts) and V (open space, screening and buffers) of City Code Chapter 108 (planning and development)

The proposed site plan is analyzed in greater detail below. The open space provided would increase and new landscaping is proposed.

City Code Section 108-956 (potable water and wastewater)

Potable water and wastewater were found to be in compliance in the concurrency determination above.

Article II (archaeological resources) of City Code Chapter 110 (resource protection)

There are no known archaeological resources on the property. If any archeological resources are discovered during construction, the Applicant would be required to comply with this article of the LDRs.

Site location and character of use (City Code Section 108-235)

- (a) *Compliance.* The submitted development plan has been reviewed for compliance with all applicable performance criteria set forth in Code Chapter 94 (concurrency management), Code Chapter 102 (historic preservation), Code Chapter 106 (performance standards), Articles I and III through IX of Code Chapter 108 (planning and development), Code Chapter 110 (resource protection) and Code Chapter 114 (signs).
- (b) *Vicinity map.* The property is situated in the 1300 block of Whitehead Street between United and South Streets. A location map is indicated on the survey.
- (c) *Land use compatibility.* Properties within 100 feet are located within the HHDR, HCT and M Zoning Districts. Adjacent land uses within 300 feet include single-family residential, multifamily residential, condominiums, hotels and guesthouses, a tourist attraction (the Key West Butterfly and Nature Conservatory), a recreational vehicle rental facility and parking lot (Tropical Rent-A-Car), the Naval Air Station at Truman Annex and the Southernmost Point tourist attraction. No unincorporated parts of the county are located nearby, nor would any be impacted by the proposed development.
- (d) *Historic and archeological resource protection.* The project's impact on archaeological and historic resources is being coordinated through the DRC and would be reviewed by the HARC through a Certificate of Appropriateness.
- (e) *Subdivision of land.* No subdivision of land is proposed.

Appearance of site and structures (City Code Section 108-236)

The Applicant submitted a development plan that generally exhibits harmonious overall design characteristics in compliance with the performance standards stipulated in Code Sections 108-278 through 108-288, as analyzed and reflected in the staff recommendation below.

Site plan (City Code Section 108-237)

The Applicant submitted a site plan pursuant to City Code Section 108-237, which is analyzed in greater detail below.

Architectural drawings (City Code Section 108-238)

The Applicant submitted architectural drawings prepared by a professional architect registered in Florida pursuant to City Code Section 108-238.

Site amenities (City Code Section 108-239)

Proposed site amenities include seven (7) off-street parking spaces, internal walkways connecting to the public sidewalk, a new stormwater drainage system and increased open space and landscaping. This project also qualifies for the 1% set-aside for public art.

Site survey (City Code Section 108-240)

The Applicant submitted a site survey pursuant to City Code Section 108-240.

Soil survey (City Code Section 108-241)

Not applicable.

Environmentally sensitive areas (City Code Section 108-242)

No environmentally sensitive areas are located on or near the property, which is located within the AE-8, AE-9 and VE-10 flood zones.

Land clearing, excavation and fill, tree protection, landscaping and irrigation plan (City Code Section 108-243)

- (a) *Land clearing, excavation and fill.* All existing development would be demolished and existing landscaping would be removed. Tree mitigation is required and proposed.
- (b) *Tree protection.* Any existing trees and landscaping would be removed. The City’s Urban Forestry Manager and the Tree Commission are reviewing the proposed tree removal and landscape plans. Conceptual approval was granted on September 9, 2014.
- (c) *Landscaping plan.* The submitted plan indicates landscaping incorporated along the perimeter and street fronts of the property, as well as between the houses. Landscaped open space would increase from 5% to 36%. Full compliance with landscape buffer requirements of the LDRs is proposed. No modifications or waivers are requested as part of this application. No environmentally sensitive areas exist.
- (d) *Irrigation plan.* None provided, but an irrigation plan is a recommended condition.

On-site and off-site parking and vehicular, bicycle, and pedestrian circulation (City Code Section 108-244)

Currently, a parking lot for the former office building exists on the property with spaces for approximately 25 vehicles. The proposed plan would provide the minimum seven (7) required off-street parking spaces for the proposed seven (7) residential dwelling units.

There is no existing bicycle parking on the property. The submitted plans indicate bicycle parking, although the LDRs do not require bicycle parking for single-family residential uses.

Vehicular and bicycle circulation would be provided by a single driveway connection to Whitehead Street. Pedestrian circulation would be provided by proposed internal walkways.

Housing (City Code Section 108-245)

Seven (7) permanent (non-transient) residential dwelling units are proposed. The units are all two-story, three-bedroom single-family residences. Sizes range between 1,643 and 1,800 square feet. No information on price or rental range was provided, but the application states that units would be sold at market rates. No subdivisions or lots to be sold are proposed. The Applicant has proposed to contribute one full permanent residential BPAS-exempt unit to the City from a redevelopment project at 416 Louisa Street as an in-lieu contribution to the City’s work force housing requirements (see attached documentation). The Applicant would need to execute a “Waiver and Release of Building Permit Allocation” affidavit prior to the issuance of the first Certificate of Occupancy for this Major Development Plan. The proposed development involves the redevelopment of existing units or units from the City’s BPAS and therefore should have no detrimental effect on hurricane evacuation.

Economic resources (City Code Section 108-246)

An analysis of estimated average ad valorem tax yield from the proposed project was not submitted by the applicant. However, it is expected the tax yield would be greater than that from

the existing improvements on the property. No construction expenditure was given by the applicant. No estimated number of employees was given by the applicant.

Special considerations (City Code Section 108-247)

- (a) The relationship of the proposed development to the City's land use plans, objectives and policies is being evaluated as part of this analysis. The relationship of the proposed development to public facilities was evaluated above and no conflicts were identified.
- (b) The project is located within the historic district and the AE-8, AE-9 and VE-10 flood zones.
- (c) No unincorporated portions of the county would be impacted by the proposed development.
- (d) The project does not front a shoreline, so shoreline access would not be impeded.
- (e) No special facilities are proposed to accommodate bus ridership, nor are any expected for this type of use. The property is served by several City bus routes and the Lower Keys Shuttle, with bus stops located within a half-block to two blocks away.
- (f) The application does not highlight any special design features that are proposed to reduce energy consumption. However, the project would be required to comply with the energy efficiency requirements of the state and city building codes for new commercial buildings. Additionally, the unit subject to BPAS would be required to obtain a baseline LEED or FGBC green building certification and utilize a rainwater cistern.
- (g) The property is located within the AE-8, AE-9 and VE-10 flood zones and would not have any usable area below the bottom floor. The elevation plans indicate the first floor 2.5 feet above grade.
- (h) Private recreation facilities are proposed in the form of small pools for each unit.
- (i) Coordination with applicable agencies is being facilitated through the DRC.
- (j) No wetlands or submerged land would be impacted.

Construction management plan and inspection schedule (City Code Section 108-248)

The project would be completed in one phase. A detailed construction schedule was not submitted. Staff recommends that temporary construction fencing and erosion barrier be installed and maintained during all phases of demolition and construction. Staff recommends that all City streets and sidewalks shall be kept clean and safe during all phases of demolition and construction.

Truman Waterfront Port facilities (City Code Section 108-249)

Not applicable.

Site plan (City Code Chapter 108, Article III)

The City shall not approve a site plan unless a finding is made that such site plan conforms to all applicable sections of the LDRs, pursuant to City Code Section 108-276, as analyzed below.

Site location and character of use (City Code Section 108-277)

The suitability of the location for the proposed use is being determined in this analysis.

Appearance of site and structures (City Code Section 108-278)

The proposed building is a contemporary architectural design that would create an overall pleasing and harmonious environment with increased landscaped open space.

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

All mechanical equipment, utility hardware and waste storage areas as indicated on the plans would be screened by fences, landscaping or the houses themselves.

Front-end loaded refuse container location requirements (City Code Section 108-280)

None proposed.

Roll-off compactor container location requirements (City Code Section 108-281)

None proposed.

Utility lines (City Code Section 108-282)

In new construction, all utility lines shall be placed underground.

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

No commercial activities proposed.

Exterior lighting (City Code Section 108-284)

No exterior lighting information was provided. Light sources shall be shielded in accordance with City Code Section 108-284.

Signs (City Code Section 108-285)

No signs proposed.

Pedestrian sidewalks (City Code Section 108-286)

There is an existing public sidewalk along Whitehead Street. Internal walkways and a connection to the City sidewalk are proposed.

Loading docks (City Code Section 108-287)

No loading docks required or proposed.

Storage areas (City Code Section 108-288)

No exterior storage areas are proposed.

Land clearing, excavation or fill (City Code Section 108-289)

Being located within A and V flood zones, the proposed development must be designed to comply with City and federal regulations for development within floodplains. A proposed stormwater management would address drainage and runoff on the site. Vegetation removal is being reviewed by the Urban Forestry Manager and the Tree Commission. Staff recommends temporary fencing and silt barriers during demolition and construction to prevent soil and debris from running into City streets and sidewalks.

Landscaping (Code Chapter 108, Article VI)

A landscape plan is required as part of development plan review, pursuant to City Code Section 108-411. The submitted plan indicates landscaping incorporated along the perimeters of the

property and between the houses. Landscaped open space would increase above the existing amount. The Applicant intends to be in full compliance with all landscape buffer requirements of the LDRs, but some minor corrections or a request for modifications are required as outlined in the following table.

Landscaping Modification / Waiver Summary				
Landscaping Type	Minimum Required	Existing	Proposed	Change/Waiver
Land use buffer (Sec. 108-347) Proposed Use: Single-family, detached	Type B for multi-family residential uses along front and both sides; Type C for low impact use along rear; plant units required varies	None	Type B along north side, Type C along rear, none along south side	Type B buffer along south side, or modification required
Minimum landscaping requirement (Sec. 108-412)	35%	5%	36%	+31 / In compliance
Street frontage (Sec. 108-413)	Less than 0.5 acre site area = 10' wide, 40 plant units per 100 linear feet; minimum 40 plant units required	None	10' wide, 39 plant units	Minimum 40 plant units, or modification required
Interior parking areas (Sec. 108-414)	Not applicable	None	Not applicable	Not applicable
Perimeter parking landscaping (Sec. 108-415)	Not applicable	None	Not applicable	Not applicable
Nonvehicular use areas (Sec. 108-416)	Site with less than 30% nonvehicular open space (NOS): 4 trees / 2,000 SF NOS	None	8 trees required, 15 trees proposed	In compliance

Staff recommends that, if approved by the Planning Board, the Applicant be allowed to make the minor corrections to the plans outlined above to ensure full compliance with the LDRs rather than grant a modification to the landscaping requirements.

Off-street parking and loading (Code Chapter 108, Article VII)

Already addressed in above analysis.

Stormwater and surface water management (Code Chapter 108, Article VIII)

A stormwater management plan was submitted indicating that surface water management is designed for the 25-year/72-hour storm event, as required. Stormwater would be retained on-site through an exfiltration trench in the parking lot and vegetated swales. Staff recommends that the applicant consider using additional pervious material for parking surfaces, and that downspouts direct rainwater to cisterns for landscape irrigation or to on-site stormwater retention areas.

Utilities (Code Chapter 108, Article IX)

Access to potable water, access to wastewater disposal systems and conservation of potable water supply were analyzed in the above concurrency management determination and were found in compliance.

Art in Public Places (City Code Section 2-487)

The proposed development, being a Major Development Plan, qualifies for the City's Art in Public Places (AIPP) program, pursuant to City Code Section 2-487. The AIPP program requires 1% of construction costs to be set-aside for the acquisition, commission and installation of artwork on the subject property. The program applies to new construction projects exceeding \$500,000 and renovation projects exceeding \$100,000. A construction cost estimate was not provided by the applicant. A full public art plan would be required to be approved by the AIPP Board prior to building permit issuance.

RECOMMENDATION

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board that the request for Major Development Plan be **APPROVED** with the following conditions:

General conditions:

1. The proposed development shall be consistent with the architectural plans by William Shepler, Architect, the civil plans by Allen E. Perez, P.E., and the landscape plans by Ladd B. Roberts, Landscape Architect; notwithstanding the revisions requested and recommended by staff.
2. A Building Permit Allocation System (BPAS) award of one residential dwelling unit with an ESFU of 1.0 shall be obtained prior to building permit issuance for the seventh proposed residence.
3. During all phases of demolition and construction, temporary fencing and erosion barriers shall be installed and maintained. All adjacent City streets and sidewalks shall be kept clean and clear of construction debris.
4. Exterior lighting shall be shielded in accordance with City Code Section 108-284.

Conditions prior to the City Commission hearing:

5. The applicant shall address all of staff's and the DRC's concerns as outlined in the November 19, 2014 staff letter and the August 28, 2014 DRC minutes.
6. The applicant shall submit an irrigation plan pursuant to City Code Section 108-243(d).

Conditions prior to issuance of a building permit:

7. Approval of a Public Art Plan shall be obtained from the AIPP Board, pursuant to City Code Section 2-487, and may include payment of an in-lieu fee.

Conditions prior to issuance of a Certificate of Occupancy:

8. Per the correspondence dated October 23, 2014, the Applicant offered to voluntarily contribute one full permanent residential BPAS-exempt unit to the City as an in-lieu contribution to the City's work force housing requirements. Therefore, the Applicant shall execute a "Waiver and Release of Building Permit Allocation" affidavit prior to the issuance of the first Certificate of Occupancy for this Major Development Plan.
9. On-site artwork shall be installed and inspected by the City pursuant to Code Section 2-487.
10. The property owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance shall inspect the property on an annual basis upon reasonable notice to determine compliance with the above conditions.

Application

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



Development Plan & Conditional Use Application

RECEIVED

Applications will not be accepted unless complete

AUG 01 2014

Development Plan

Major

Minor

Conditional Use

**CITY OF KEY WEST
PLANNING DEPT.**

Historic District

Yes

No

Please print or type:

- 1) Site Address 1315 Whitehead Street
- 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 First Street, 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, if different than above Southwhitehead.LLC
- 8) Address of Owner 490 Martell Drive, Bloomfield Hills, MI 48304
- 9) Owner Phone # _____ Email _____
- 10) Zoning District of Parcel HHDR RE# 00036180-000000
- 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).

The property has most recently been used for commercial purposes, however, has remained vacant since approximately 2006. The existing structure on the property was built in 1969, and it does not appear that there was any prior residential use.

We are seeking to redevelop the site into seven (7) residential dwellings. Per code (Sec. 122-630), site size will support a density of ten (10) units, and by square footage (19,775) is the equivalent of four (4) single family home lots.

If approved, this property will be restored to a character and use which is consistent with the adjacent single- and multi-family residential properties.

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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.

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**Required Plans and Related Materials for both a Conditional Use and
Minor/Major Development Plan**

I. Existing Conditions.

- A) Recent Survey of the site by a licensed Surveyor showing all dimensions including distances from property lines, and including:
 - 1) Size of site;
 - 2) Buildings, structures, and parking;
 - 3) FEMA Flood Zone;
 - 4) Topography;
 - 5) Easements; and
 - 6) Location of Utility Lines (sewer, water, electric, cable) adjacent and extending into the site.
- B) Existing size, type and location of trees, hedges, and other features.
- C) Existing stormwater retention areas and drainage flows.
- D) A sketch showing adjacent land uses, buildings, and driveways.

II. Proposed Development: Plans at 11" X 17" (10,000 Sq. ft. or less); 24" X 36" if site is over 10,000 sq. ft.

- A) Site Plan to scale of with north arrow and dimensions by a licensed architect or engineer.
 - 1) Buildings
 - 2) Setbacks
 - 3) Parking:
 - a. Number, location and size of automobile and bicycle spaces
 - b. Handicapped spaces
 - c. Curbs or wheel stops around landscaping
 - d. Type of pavement
 - 4) Driveway dimensions and material
 - 5) Location of Utility Lines (sewer, water, electric, cable) adjacent and extending into the site.
 - 6) Location of garbage and recycling
 - 7) Signs
 - 8) Lighting
 - 8) Project Statistics:
 - a. Zoning
 - b. Size of site
 - c. Number of units (or units and Licenses)
 - d. If non-residential, floor area & proposed floor area ratio
 - e. Consumption area of restaurants & bars
 - f. Open space area and open space ratio
 - g. Impermeable surface area and impermeable surface ratio
 - h. Number of automobile and bicycle spaces required and proposed
- B) Building Elevations
 - 1) Drawings of all building from every direction. If the project is in the Historic District please submit HARC approved site plans.
 - 2) Height of building.
 - 3) Finished floor elevations and bottom of first horizontal structure
 - 4) Height of existing and proposed grades
- C) Drainage Plan: Existing & Proposed retention areas and calculations approved by the City Engineer. See one of the attached commercial and residential use Stormwater Retention Forms.
- D) Landscape Plan: Size, type, location and number of plants to be removed, kept, and installed. The plan must be approved by the City Landscape Coordinator through a letter of approval. If the project is a Major Development Plan a landscape design prepared by a licensed Landscape Architect is required per Section 108-511(b) of the Land Development Regulations.

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- III. **Solutions Statement.** Aspects of the design that address community issues including but not limited to water pollution from stormwater runoff, potable water conservation, waste disposal, recycling, energy conservation, affordable housing, and impacts on neighbors such as lighting, noise, traffic and parking.

Development Plan Submission Materials

Sec. 108-226. Scope.

A development plan, for the purposes of this division, shall include but not necessarily be limited to the requirements in this division. With the exception of sections 108-227 through 108-229, the city planner may waive or modify requirements, information and specific performance criteria for development plan review after rendering a finding in writing that such requirements:

- (1) Are not necessary prior to development plan approval in order to protect the public interest or adjacent properties;
- (2) Bear no relationship to the proposed project or its impacts; and
- (3) Are found to be impractical based on the characteristics of the use, including the proposed **scale**, density/intensity, and anticipated impacts on the environment, public facilities and adjacent land uses.

Sec. 108-227. Title block.

The development plan shall contain the following pertaining to the title block:

- (1) Name of development.
- (2) Name of owner/developer.
- (3) Scale.
- (4) North arrow.
- (5) Preparation and revision date.
- (6) Location/street address of development.

Sec. 108-228. Identification of key persons.

The development plan shall contain the following pertaining to identification of key persons:

- (1) Owner.
- (2) Owner's authorized agent.
- (3) Engineer and architect.
- (4) Surveyor.
- (5) Landscape architect and/or environmental consultant.
- (6) Others involved in the application.
- (7) A verified statement showing each and every individual person having a legal and/or equitable ownership interest in the subject property, except publicly held corporations whose stock is traded on a nationally recognized stock exchange, in which case the names and addresses of the corporation and principal executive officers together with any majority stockholders will be sufficient.

Sec. 108-229. Project description.

Project description should be included on the site plan sheet. The development plan shall contain the following pertaining to the project description:

- (1) Zoning (include any special districts).
- (2) Project site size (acreage and/or square footage).
- (3) Legal description.
- (4) Building size.
- (5) Floor area ratio, permitted and proposed.
- (6) Lot coverage, permitted and proposed.
- (7) Impervious surface.
- (8) Pervious surface.
- (9) Landscape areas.

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- (10) Parking spaces, permitted and proposed.
- (11) Delineation of location of existing and proposed structures.
- (12) Existing and proposed development type denoted by land use including density/intensity.
- (13) Setbacks.

Sec. 108-230. Other project information.

A general outline of the proposed development shall include the following criteria where applicable:

- (1) Proposed stages or phases of development or operation and facility utilization.
- (2) Target dates for each phase.
- (3) Expected date of completion.
- (4) Proposed development plan for the site.
- (5) A written description of characteristics of the proposed development (i.e., number and type of residential units; floor area by land use; number of tourist accommodations units; seating or parking capacities; number of hospital beds; any proposed outside facilities or areas to be used for storage, display, outside sales, waste disposal or similar use; and any other proposed uses).
- (6) For planned unit developments, indicate design techniques (i.e., clustering, zero lot line, or other techniques) used to reduce public facility costs, reduce disturbance of natural resources, and preserve scenic quality of the site.
- (7) Buildings and sitting specifications which shall be utilized to reduce damage potential and to comply with federal flood insurance regulations.
- (8) Protection against encroachment together with proposed mitigation measures to be employed within environmentally sensitive areas.

Sec. 108-231. Residential developments.

- (a) If the development includes residential units, the following characteristics shall be discussed in the written description:
 - (1) A breakdown of the proposed residential units by number of bedrooms;
 - (2) Tenure (i.e., owner-occupied or rental); and
 - (3) Structure type, such as single-family, duplex, multiple-family, mobile home.
- (b) Refer to division 10 of article V of chapter 122 for information and legal instruments needed to satisfy the city's affordable housing requirements.

Sec. 108-232. Intergovernmental coordination.

The development plan shall contain the following pertaining to intergovernmental coordination:

- (1) Provide proof of coordination with applicable local, regional, state and federal agencies, including but not limited to the following agencies that will be involved in the project:
 - a. South Florida Regional Planning Council (SFRPC).
 - b. City electric system (CES).
 - c. State department of environmental protection (DEP).
 - d. Army Corps of Engineers (ACOE).
 - e. South Florida Water Management District (SFWMD).
 - f. State department of transportation (DOT).
 - g. State department of community affairs (DCA).
 - h. Florida Keys Aqueduct Authority (FKAA).
 - i. State fish and wildlife conservation commission (F&GC).
 - j. The county.
- (2) Provide evidence that any necessary permit, lease or other permission from applicable local, regional, state and federal agencies has been obtained for any activity that will impact wetland communities or submerged land.
- (3) When intergovernmental coordination efforts are incomplete, the applicant shall provide evidence of good faith efforts towards resolving intergovernmental coordination issues.

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



CONDITIONAL USE CRITERIA

Sec. 122-61. Purpose and intent.

The purpose of this article is to ensure that a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity. This article sets forth provisions and criteria for consideration of conditional uses on specific sites. Conditional uses shall be permitted only upon a finding that the proposed use satisfies this article.

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 land development regulations. If the proposed conditional use is a major development pursuant to sections 108-165 and 108-166, the city commission shall render the final determination pursuant to section 122-63. A conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public's interest. An application for a conditional use shall describe how the specific land use characteristics proposed meet the criteria described in subsection (c) of this section and shall include a description of any measures proposed to mitigate against possible adverse impacts of the proposed conditional use on properties in the immediate vicinity.
- (b) Characteristics of use described. The following characteristics of a proposed conditional use shall be clearly described as part of the conditional use application:
- (1) Scale and intensity of the proposed conditional use as measured by the following:
 - a. Floor area ratio;
 - b. Traffic generation;
 - c. Square feet of enclosed building for each specific use;
 - d. Proposed employment;
 - e. Proposed number and type of service vehicles; and
 - f. Off-street parking needs.
 - (2) On- or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection (b)(1) of this section including the following:
 - a. Utilities;
 - b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in chapter 94;
 - c. Roadway or signalization improvements, or other similar improvements;
 - d. Accessory structures or facilities; and
 - e. Other unique facilities/structures proposed as part of site improvements.
 - (3) On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:
 - a. Open space;
 - b. Setbacks from adjacent properties;
 - c. Screening and buffers;
 - d. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites; and
 - e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts.

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- (c) Criteria for conditional use review and approval. Applications for a conditional use shall clearly demonstrate the following:
- (1) Land use compatibility. The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.
 - (2) Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use. The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure (i.e., refer to chapter 94 to ensure concurrency management requirements are met) and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.
 - (3) Proper use of mitigative techniques. The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.
 - (4) Hazardous waste. The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of city-approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The plan shall provide for appropriate identification of hazardous waste and hazardous material and shall regulate its use, storage and transfer consistent with best management principles and practices. No use which generates hazardous waste or uses hazardous materials shall be located in the city unless the specific location is consistent with the comprehensive plan and land development regulations and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources.
 - (5) Compliance with applicable laws and ordinances. A conditional use application shall demonstrate compliance with all applicable federal, state, county, and city laws and ordinances. Where permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The city may affix other conditions to any approval of a conditional use in order to protect the public health, safety, and welfare.
 - (6) Additional criteria applicable to specific land uses. Applicants for conditional use approval shall demonstrate that the proposed conditional use satisfies the following specific criteria designed to ensure against potential adverse impacts which may be associated with the proposed land use:
 - a. Land uses within a conservation area. Land uses in conservation areas shall be reviewed with emphasis on compliance with section 108-1 and articles III, IV, V, VII and VIII of chapter 110 pertaining to environmental protection, especially compliance with criteria, including land use compatibility and mitigative measures related to wetland preservation, coastal resource impact analysis and shoreline protection, protection of marine life and fisheries, protection of flora and fauna, and floodplain protection. The size, scale and design of structures located within a conservation area shall be restricted in order to prevent and/or minimize adverse impacts on natural resources. Similarly, public uses should only be approved within a wetland or coastal high hazard area V zone when alternative upland locations are not feasible on an upland site outside the V zone.
 - b. Residential development. Residential development proposed as a conditional use shall be reviewed for land use compatibility based on compliance with divisions 2 through 14 of article IV and divisions 2 and 3 of article V of this chapter pertaining to zoning district regulations, including size and dimension regulations impacting setbacks, lot coverage, height, mass of building, building coverage, and open space criteria. Land use compatibility also shall be measured by appearance, design, and land use compatibility criteria established in chapter 102; articles III, IV and V of chapter 108; section 108-956; and article II of chapter 110; especially protection of historic resources; subdivision of land; access, internal circulation, and off-

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- street parking; as well as possible required mitigative measures such as landscaping and site design amenities.
- c. Commercial or mixed use development. Commercial or mixed use development proposed as a conditional use shall be reviewed for land use compatibility based on compliance with divisions 2 through 14 of article IV and divisions 2 and 3 of article V of this chapter pertaining to zoning district regulations, including size and dimension regulations impacting floor area ratio, setbacks, lot coverage, height, mass of buildings, building coverage, and open space criteria. Land use compatibility also shall be measured by appearance, design, and land use compatibility criteria established in chapter 102; articles I, II, IV and V of chapter 108; section 108-956; and article II of chapter 110; especially protection of historic resources; subdivision of land; access, pedestrian access and circulation; internal vehicular circulation together with access and egress to the site, and off-street parking; as well as possible required mitigative measures such as landscaping, buffering, and other site design amenities. Where commercial or mixed use development is proposed as a conditional use adjacent to U.S. 1, the development shall be required to provide mitigative measures to avoid potential adverse impacts to traffic flow along the U.S. 1 corridor, including but not limited to restrictions on access from and egress to U.S. 1, providing for signalization, acceleration and deceleration lanes, and/or other appropriate mitigative measures.
 - d. Development within or adjacent to historic district. All development proposed as a conditional use within or adjacent to the historic district shall be reviewed based on applicable criteria stated in this section for residential, commercial, or mixed use development and shall also comply with appearance and design guidelines for historic structures and contributing structures and/or shall be required to provide special mitigative site and structural appearance and design attributes or amenities that reinforce the appearance, historic attributes, and amenities of structures within the historic district.
 - e. Public facilities or institutional development. Public facilities or other institutional development proposed as a conditional use shall be reviewed based on land use compatibility and design criteria established for commercial and mixed use development. In addition, the city shall analyze the proposed site location and design attributes relative to other available sites and the comparative merits of the proposed site, considering professionally accepted principles and standards for the design and location of similar community facilities and public infrastructure. The city shall also consider compliance with relevant comprehensive plan assessments of community facility and infrastructure needs and location impacts relative to service area deficiencies or improvement needs.
 - f. Commercial structures, uses and related activities within tidal waters. The criteria for commercial structures, uses and related activities within tidal waters are as provided in section 122-1186.
 - g. Adult entertainment establishments. The criteria for adult entertainment establishments are as provided in division 12 of article V of this chapter.

August 1, 2014

Donald Leland Craig, AICP, Director
Planning and Zoning Services
City of Key West
3140 Flagler Avenue
Key West, FL 33040

RE: Major Development Plan and Variance
1315 Whitehead Street (RE No. 00036180-000000)

TREPANIER



& ASSOCIATES INC
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

Dear Mr. Craig,

We are submitting the attached major development plan application to construct seven market-rate single-family residential units at the above referenced site. Currently, the site features a non-conforming structure consisting of 6,510 sq. ft. of vacant commercial floor area.

Thank you for your consideration in this matter.

Best Regards,

A handwritten signature in black ink, appearing to read 'Lori Thompson', written in a cursive style.

Lori Thompson

Project Analysis

Major Development Plan

1315 Whitehead Street
 (RE No. 00036180-000000)

Project Description (Sec. 108-229):

Demolish existing nonconforming vacant office building and construct seven single family residential dwellings in the HHDR district. No variances are requested.



The proposed redevelopment will alter existing intensity of the site in the following manner:

- Land Use Intensity: 30% decrease
- Comm. Floor Area: 100% decrease
- Parking Demand: 30% (16 sp.) decrease
- Trip Generation: Negligible Change
- Open Space: 15.4% increase
- Impervious Surf: 29% decrease
- Landscaping: 300% increase

Project Analysis:

The following is an analysis of the proposed project including development plan and conditional use approval criteria.

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

- | | | |
|-------------------------------------|----------------------------|------------------------|
| ▪ Name of Development | ▪ Location/ street address | ▪ Easements |
| ▪ Name of Owner/
Developer | ▪ Size of site | ▪ Utility locations |
| ▪ Scale | ▪ Buildings | ▪ Existing vegetation |
| ▪ North arrow | ▪ Structures | ▪ Existing storm water |
| ▪ Preparation and
revision dates | ▪ Parking | ▪ Adjacent land uses |
| | ▪ FEMA flood zones | ▪ Adjacent buildings |
| | ▪ Topography | ▪ Adjacent driveways |

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

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

Title Block (Sec. 108-227):

Name of development:..... 1315 Whitehead Street
Property Owner: Southwhitehead, LLC
▪ Jim Nichols, Registered Agent
▪ James Nichols, MGRM
Developer:..... PPKW, LLC
▪ Paul Misch, Registered Agent
▪ Paul Misch, MGRM
Scale:..... 1" = 10'-0"
Preparation and revision dates:..... As noted on plans
Location:..... 1315 Whitehead Street

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

Property Owner: Southwhitehead, LLC
▪ Jim Nichols, Registered Agent
▪ James Nichols, Title MGRM
Authorized Agent:..... Trepanier & Associates, Inc.
Architect:..... William Shepler
Engineer:..... Perez Engineering & Development, Inc.
Surveyor:..... Survey, Inc.
Landscape Architect:..... Landwise Design
Legal and Equitable Owners:..... Southwhitehead, LLC
▪ Jim Nichols, Registered Agent
▪ James Nichols, Title MGRM
PPKW, LLC
▪ Paul Misch, Registered Agent
▪ Paul Misch, Title MGRM

Solutions Statement:

The existing commercial floor area will be eliminated. Only the residential dwellings will be rebuilt. The plan fully complies with open space, landscaping and stormwater requirements. Onsite parking will conform to the parking requirements of the code.

The proposed redevelopment will alter existing intensity of the site in the following manner:

- Land Use Intensity: 30% decrease
- Comm. Floor Area: 100% decrease
- Parking Demand: 30% (16 sp.) decrease
- Trip Generation: Negligible Change
- Open Space: 15.4% increase
- Impervious Surf: 29% decrease
- Landscaping: 300% increase

Site Data Table:

Site Data	Permitted/ Required	Existing	Proposed	Compliance
Zoning	HHDR	HHDR	No Change	Complies
Min Lot Size	4,000 sq. ft.	19,775 sq. ft.	No Change	Complies
Legal Description	KW FILER BOYLE SUB N-476 LOT 6 SQR 3 TR 16			
Building Size	2 story commercial structure as depicted on the attached survey		2-story residential dwellings as depicted on the attached site plans	
Commercial F.A.R.	0.00 (0.0 sq. ft.)	32.9% (6,510 sq. ft.)	0.00 (0 sq. ft.)	Complies
Density (u/a)	16 u/a (7.6 units)	23 units	No Change	Complies
Height	30'	Unk.	30 ft.	Complies
Open Space	35% (6,921 sq.ft.)	5% (988.75 sq.ft.)	36% (7,062 sq.ft.)	Complies
Building Coverage	50% (9,887.5 sq.ft.)	17.6% (3,480 sq.ft.)	33% (6,492 sq. ft.)	Complies
Impervious Surface	60% (11,865 sq.ft.)	81% (16,082 sq.ft.)	57% (11,350 sq.ft.)	Complies
Pervious Surface		3,693 sq.ft.	7,621 sq.ft.	N/A
Landscape Area	20% (3,955 sq. ft.)	~5% (~988 sq. ft.)	20% (3,960 sq. ft.)	Complies
Landscape Buffers Front	10ft R.O.W. Buffer Sec. 108-413	None	10ft R.O.W. Buffer Sec. 108-413	Complies
Right Side	No Buffer, Sec. 108-347	None	No Buffer, Sec. 108-347	Complies
Left Side	Buffer B, Sec. 108-347	None	Buffer B, Sec. 108-347	Complies
Rear	Buffer C, Sec. 108-347	None	Buffer C, Sec. 108-347	Complies
Setbacks: Front	10 ft.	10 ft.	10 ft.	Complies
Right Side	10 ft.	10 ft.	10 ft.	Complies
Left Side	10 ft.	10 ft.	10 ft.	Complies
Rear	20 ft.	20 ft.	20 ft.	Complies
Parking – Auto	7 sp.	NA	7 sp.	Complies

Other Project Information (Sec. 108-230):

1. Construction is proposed in a single phase to progress steadily based on Key West LDRs, building codes, funding, and BPAS.
2. The target date for commencement shall follow entitlement approvals as quickly as possible.
3. Expected date of completion is within 1 year of commencement.
4. The proposed development plan is contained herewith.
5. This application proposes to construct seven, two-story residential dwellings as depicted on the plans.
6. Project is not a planned unit development.
7. The project will comply with federal flood insurance regulations.
8. This project is not located in an environmentally sensitive area.

Residential Developments (Sec. 108-231):

- 2 market-rate owner-occupied 3 bedroom/3 bath single family dwelling units
- 5 market-rate owner-occupied 3bedroom/2 ½ bath single family dwelling units

Intergovernmental Coordination (Sec. 108-232):

Coordination will occur through the Development Review Process of the City of Key West and all applicable Regional, State and Federal Agencies.

Schedule of Approval Process:

The following development approval schedule and process is anticipated:

Step	Date

1. Submit Applications	08/01/14
2. Tree Commission submission	08/20/14
3. Development Review Committee (DRC) Meeting	08/28/14
4. Tree Commission (conceptual design)	09/09/14
5. Historical Architecture Review Committee (HARC) submission	11/03/14
6. Planning Board Meeting	11/20/14
7. Tree Commission submission	11/19/14
8. Historical Architecture Review Committee (HARC)	11/25/14
9. Tree Commission	12/09/14
10. City Commission Meeting	01/06/14
11. City Commission Appeal Period	30 days
12. Florida Department of Economic Opportunity Appeal Period (45 days)	45 days

* Alternative submission date granted by Director of Community Development Services

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

1. Based on the City of Key West adopted level of service the potable water demand is not anticipated to change at the end of this single-phase development plan (pursuant to Sec. 94-68, the potable water LOS for nonresidential development is 650 gal/acre/day).

Potable water demand is estimated to be **2,604 gal/day**.

As demonstrated in the Concurrency Analysis below the supply system can provide adequate water for the proposed development, and there are no system improvements required to maintain the adopted level of service. The project team is coordinating with the FKAA and the City of Key West's Fire Department to determine that the water pressure and flow will be adequate for fire protection for the proposed type of construction.

2. Based on the City of Key West adopted level of service the wastewater demand is not anticipated to change at the end of this single-phase development plan (pursuant to Sec. 94-68, the wastewater LOS for nonresidential development at 660 gal/day/acre).

The wastewater flow is anticipated to be **105.6 gal/day**

As demonstrated in the Concurrency Analysis below no change is required in the capacity of the treatment and transmission facilities of wastewater. No system improvements are required to maintain the adopted level of service.

3. No adverse impacts to the quality of receiving waters are anticipated before, during or after construction.
4. Changes to the existing storm water management situation is depicted on the attached plans.
5. Solid waste (i.e. construction debris) generated by the project will be handled by a licensed waste hauler.
6. Potential Trip Generation: Please see the traffic analysis
7. The City of Key West's adopted level of service for recreational infrastructure is not affected by commercial development.
8. Fire hydrant locations, if necessary, will be determined as per DRC direction or as otherwise required by the Fire Department.

9. Reclaimed water use is not anticipated.
10. As demonstrated by the attached Concurrency Analysis, there will be no adverse effects on public facilities.

Appearance, design, and compatibility (Section 108-234):

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 located within the Historic District and will go through all appropriate HARC approvals as necessary.
- 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.
- Chapter 110 – As demonstrated in this application, the proposed development complies with the resource protection requirements of Chapter 110.

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

- (a) *Compliance.* This development plan complies with the requirements set forth in the Key West City Code as they pertain to Concurrency Management, Outdoor Displays and Nuisances, Resource Protection, Signs, and Articles I and III to IX of Chapter 108 of the Key West City Code.



- (b) *Vicinity Map.*

- (c) *Land Use Compatibility.* The project site is located in the Historic High Density Residential District (HHDR) zoning district. The intent of the Historic High Density Residential District is to accommodate historic high density residential development for permanent residents, including single-family, duplex, and multiple-family residential structures. It's purpose is to provide a management framework for preserving the residential character and historic quality of the old Town central residential community. Commercial use is not permitted in the HHDR district, which is the most recent use of the current structure on the site.

- (d) *Historic and archeological resource protection.* The site located within the Historic District. Any archeological resources will be protected as required.

- (e) *Subdivision of Land.* No subdivisions are anticipated.

Appearance of Site and Structures (Sec. 108-236):

Attached site plan complies with Sections 108-278 through 108-288 of the Key West City Code. (See below.)

Site Plan (Sec. 108-237):

Site plan of proposed development drawn consistently with Sec. 108-237 is attached.

Architectural Drawings (Sec. 108-238):

All architecture or engineering designs were prepared and sealed by a professional architect or engineer registered in the state pursuant to F.S. Ch. 471 and 481, respectively, consistent with the provisions of this Section.

Site Amenities (Sec 108-239):

The attached site plan includes proposed amenities which are required to comply with appearance, design and compatibility regulations outlined in chapter 102; articles III, IV and V of this chapter; section 108-956; and article II of chapter 110.

Site Survey (Sec 108-240):

Survey of the site is attached.

Soil Survey (Sec 108-241):

Soil surveys are not anticipated as part of this project.

Environmentally Sensitive Areas (Sec. 108-242):

No Environmentally sensitive areas exist on this site.

Land clearing, excavation and fill, tree protection, landscaping and irrigation plan (Sec. 108-243):

All proposed clearing, excavation and landscaping is depicted on attached plans.

On-site and off-site parking and vehicular, bicycle, and pedestrian circulation (Sec. 108-244):

All proposed on-site parking and vehicular, bicycle, or pedestrian circulation is depicted on attached plans.

There is a 6,510 sq. ft. reduction in commercial floor area and thus a commensurate reduction in commercial parking demand of 16 spaces. The seven proposed residential dwellings will require and provide of 7 on-site parking spaces.

Use	Floor Area (sq. ft. or units)		Parking Impact (spaces)		
	Existing	Proposed	Rqmt.	Existing	Proposed
Commercial	6,510 sq. ft.	0 sq. ft.	0.25 bike/auto	0	0
			1auto/ 300 sq.	23	0
Residential Dwellings	0 units	7 units	0 Bike/ auto	0	14
			1auto sp/ unit	0	7

Housing (Sec 108-245):

(a) Housing types shall be as follows:

Permanent: 7 units of approximately 2,000 sq. ft. sold at market-rates

(b) No lots are intended to be sold without constructed dwelling units.

(c) This market-rate project is a redevelopment of 4 existing BPAS-exempt units, 2 beneficial units, and 1 BPAS allocation.

(d) All units proposed for redevelopment are BPAS, BPAS-exempt, or beneficial use. All have been considered within the hurricane evacuation model.

Economic Resources (Sec 108-246):

Trepanier & Associates, Inc. has contacted the Monroe County Property Appraiser's office to seek assistance in estimating the average ad valorem tax yield from the proposed project.

Special Considerations (Sec 108-247):

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

This project complies with all City land use plans, objectives and policies.

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

The proposed development is single-phase. Construction is proposed to progress steadily based on Key West LDRs, building codes, and funding. Construction is expected to commence as soon as possible.

Truman Waterfront Port Facilities (Sec 108-249):

This project is not located at the Truman Waterfront Port

SITE PLAN SPECIFIC CRITERIA

Scope (Sec 108-276):

This site plan conforms to all applicable sections of land development regulations.

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

As depicted, the site has sufficient size, adequate specifications, and infrastructure to accommodate the proposed use.

Appearance of Site and Structures (Sec. 108-278):

This applications' development plan exhibits harmonious overall design characteristics in compliance with the performance standards stipulated in sections 108-278 through 108-288.

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 and receive HARC approval. As single family residences, each dwelling unit will be provided with the appropriate waste and recycling container as provided by waste management services.

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

NA - No Front-end loaded refuse containers are proposed.

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

NA - No Roll-off Compactor Containers are proposed.

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 commercial or manufacturing activities are proposed.

Exterior Lighting (Section 108-284):

All proposed lighting shall be dark sky-styled arranged to eliminate glare on roadways, streets and water, and shall direct light away from adjacent properties. Shielding of lighting elements shall be accomplished by using directional fixtures or opaque shades.

Signs (Section 108-285):

No signage is proposed.

Pedestrian sidewalks (Section 108-286):

The sidewalks in front of the property along Whitehead shall be constructed/ repaired pursuant to code requirements.

Loading docks (Section 108-287):

No loading docks are required or proposed.

Storage Areas (Section 108-288):

No outdoor storage areas are proposed.

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

(a) No site work shall be undertaken, without prior plan approval, which:

1. Impacts the 100-year floodplain or impacts a designated conservation area;
2. Redirects and/or increases or reduces off-site natural drainage or runoff from a site; or
3. Results in removal of vegetation.

(b) The attached stormwater management plan was prepared by a state-registered engineer and other competent professionals and demonstrates compliance with the city's surface water management performance criteria in article VIII of Chapter 108. In addition, the plans for land excavation or fill demonstrate that the proposed site alterations include mitigation techniques designed to comply with performance criteria addressing the following:

1. Native habitat protection as provided in articles III, IV, V and VII of chapter 110;
2. Site reclamation, including restoration of vegetative cover within disturbed upland open space; planting and stabilizing banks of drainageways with vegetation which is tolerant to anticipated changes in water levels, including hydric conditions as provided in articles III, IV and VII of chapter 110;
3. Sedimentation and soil erosion control will be provided pursuant to section 108-1 and articles III, IV and VII of chapter 110;
4. Aquifer recharge shall be protected pursuant to articles III, IV, VII and VIII of chapter 110;
5. Flood damage shall be prevented as provided in articles III, IV and VII of chapter 110; and
6. Tree and native vegetation shall be protected as provided in article VI of this chapter; and articles III, IV, V and VI of chapter 110.

(c) No borrow pits or mining activities are proposed as part of this application.

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

(a) Open space is proposed to be comprised of permeable open surfaces, excluding principal structures and impermeable surfaces. No parking or paved areas is proposed be included as open area. Active recreation areas are counted as open area.

(b) Open space for this project is proposed to be 35% as depicted on the plans.

(c) As depicted on the plans, open space and spaces between buildings required by this Article V, is proposed to be located and improved so as to reasonably serve the purposes for which the requirements are intended. These purposes include provision of adequate light and air, appropriate separation between buildings and uses, enhancement of privacy, sufficient area for recreation and leisure pursuits in residential areas, and to facilitate surface water drainage.

(d) The natural landscape of the site is proposed to be preserved as much as possible for purposes of enhancing the general appearance of the site as well as to prevent excessive stormwater runoff, erosion, siltation and dust. Prior to the issuance of a certificate of occupancy for a new development, the owner/applicant proposes to remove all nuisance and invasive exotic vegetation from the site for which a development order or permit is requested. Nuisance plants include those plants which may or may not be native, and their growth habits are hard to control or they exhibit some undesirable features. Invasive exotic vegetation is those plants which have been introduced into the area and may have undesirable growth habits or maintenance constraints.

Request for Modification (Sec. 108-517):

No modifications or waivers are requested.

Off-street parking and loading (Article VII):

Use	Floor Area (sq. ft. or units)		Parking Impact (spaces)		
	Existing	Proposed	Rqmt.	Existing	Proposed
Commercial	6,510 sq. ft.	0 sq. ft.	0.25 bike/auto	0	0
			1 auto/ 300 sq.	23	0
Residential Dwellings	0 units	7 units	0 Bike/ auto	0	14
			1 auto sp/ unit	0	7

Storm water and Surface Water Management (Article VIII):

Proposed changes to the existing storm water management system are shown on attached plans.

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

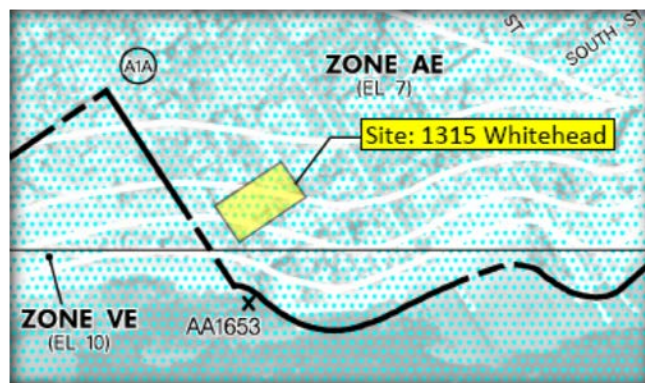
The proposed project is located in the VE-10, AE-9, and AE-8 flood zones.

Utilities (Article IX):

See Concurrency Analysis below.

CONCURRENCY ANALYSIS:

The City's Comprehensive Plan Objective 9-



1.5 directs the City to ensure that facilities and services needed to support development are available concurrent with the impacts of new development.

The following specific issues are analyzed:

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

The following concurrency analysis reflects the anticipated impacts resulting from the proposed project.

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

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

Commercial Analysis:

1. Existing nonresidential capacity required based on site size: **292.5 gal/day**.
The total capacity required for nonresidential use on **0.45 acres**:
 $650 \text{ gal/day} \times 0.45 \text{ acres} = \mathbf{292.5 \text{ gal/day}}$
2. Proposed nonresidential capacity required based on site size: **0.0 gal/day**.
The total capacity required for nonresidential use on **0.45 acres**:
 $\text{No nonresidential use proposed} = 0.0 \text{ gal/day}$
3. Existing nonresidential capacity required based on commercial floor area: **97.14 gal/day**
The total capacity required for nonresidential use on **0.14 acres**:
 $650 \text{ gal/day} \times 0.14 \text{ acres} = 97.14 \text{ gal/day}$
4. Proposed nonresidential capacity required based on commercial floor area: **0 gal/day**.
The total capacity required for nonresidential use on **0.14 acres**:
 $650 \text{ gal/day} \times 0.0 \text{ acres} = 0.0 \text{ gal/day}$

Residential Analysis:

1. Existing capacity required for residential use of **0 people** is: **0 gal/day**
The total capacity required for residential use for **0 people**:
 $93 \text{ gal/capita/day} \times 0 \text{ people} = 0 \text{ gal/day}$
2. Proposed capacity required for residential use of **28² people** is: **2,604 gal/day**
The total capacity required for residential use of **28 people**:

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

² Pursuant to City code 122.1472

$$93 \text{ gal/capita/day} \times 28 \text{ people} = 2,604 \text{ gal/day}$$

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

FKAA Supply Capacity:

The Florida Keys Aqueduct Authority (“FKAA”) has adequate supply capacity to serve the potential development. FKAA has constructed facilities on the mainland in Florida City to expand water supply for the Florida Keys. This permitted and constructed improvement enables FKAA to provide over 23 MGD, which will provide sufficient capacity through 2022³. Operational in 2011, the recent expansion of the R.O. plant will provide 6.0 MGD, which combined with the 17.0 MGD permitted withdrawal from the Biscayne Aquifer, increased available water supply to 23 MGD for the Florida Keys.

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

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

The interim allocation of 20 MGD (7,300 MG/year) through 2010 and 23 MGD after 2010 provides ample water supply to support the adopted amendment and allocated growth well beyond 10 years. The “Monroe County 2007 Annual Public Facilities Report” documents historic water use in the Florida Keys. Water demand has fluctuated significantly on an annual basis, however when evaluated over a ten-year period, the data shows an increase in water demand of more than 1 billion gallons over the last 10 years with an annual average increase of approximately 104 MG/year. This increase in demand can be shown in the following calculation:

$$\begin{aligned} 1996 \text{ annual water demand} &= 5,272 \text{ MG /year} \\ 2006 \text{ annual water demand} &= 6,310 \text{ MG /year} \\ \text{Average Annual Increase} &= (6,310 \text{ MG} - 5,272 \text{ MG}) / 10 = 103.8 \text{ MG /year} \end{aligned}$$

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

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

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

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

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

Commercial Analysis:

1. Existing nonresidential capacity required based on site size is: **297 gal/day**
The total capacity required for nonresidential use on **0.45 acres** is
 $660 \text{ gal/acre/day} \times 0.45 \text{ acres} = 297 \text{ gal/day}$
2. Proposed capacity required based on site size is: **0.0 gal/day**
The total capacity required for nonresidential use on **0.45 acres** is
No nonresidential uses are proposed = 0.0 gal/day
3. Existing nonresidential capacity required based on floor area is: **98.6 gal/day**
The total capacity required for nonresidential use on **0.14 acres** is
 $660 \text{ gal/acre/day} \times 0.14 \text{ acres} = 98.6 \text{ gal/day}$
2. Proposed capacity required based on floor area is: **0.0 gal/day**
The total capacity required for nonresidential use on **0.14 acres** is
No nonresidential uses are proposed = 0.0 gal/day

Residential Analysis:

1. Existing capacity required based on residential floor area is: **0 gal/day**
The total capacity required for **residential** use on **0 acres** is: 0 gal/day
 $660 \text{ gal/acre/day} \times 0 \text{ acres} = 0 \text{ gal/day}$
2. Proposed capacity required based on residential floor area is: **105.6 gal/day**
The total capacity required for residential use on **0.16 acres** is:
 $660 \text{ gal/acre/day} \times 0.16 \text{ acres} = 105.6 \text{ gal/day}$

The current wastewater treatment plant has the potential treatment capacity of 10 million gallons per day. Only 4.8 million gallons per day of capacity are currently utilized⁴. The current plant has the capacity to service this project's projected needs.

Recreation "In cases where residential development is proposed, information shall be submitted describing plans for accommodating recreational demands generated by the development, including demonstrated evidence that the City's adopted level of service for recreation shall not be adversely impacted⁵."

Recreational Level of Service Standards:

Activity	Requirement ⁶	Required ⁷	Existing ⁸
Tennis Courts	1 court per 7,500	3.10	6
Racquetball/Handball Courts	1 court per 10,000	2.33	4
Basketball Courts	1 court per 5,000	4.65	5 ⁹
Softball/Baseball Diamonds	1 diamond per 4,500	5.17	6
Swimming Pools	1 pool per 45,000	Less than 1	2 ¹⁰
Golf Courses	1 18-hole course per 50,000	Less than 1	1
Boat Ramps	1 ramp per 9,500	2.45	2 ¹¹
Football/Soccer Fields	1 field per 11,000	2.11	3
Bocce Courts	1 court per 9,500	2.45	6
Neighborhood Parks	2.5 acres per 1,000	46.52	236.5 acres ¹²
Community Parks	2.5 acres per 1,000	46.52	

The City has more than enough additional recreational capacity beyond the adopted level of service for recreational activities (excluding boat ramps) for the proposed site. The City currently has enough recreational facility capacity to meet this project's needs and the City's adopted recreational level of service will not be adversely impacted as a result of this project.

Solid Waste "Projected demand generated by the development on the solid waste disposal system and assurances that the City's adopted level of service for solid waste disposal shall not be adversely impacted¹³."

Sec. 94-71 sets the level of service for nonresidential solid waste disposal at 6.37 lb/capita/day.¹⁴

Commercial Analysis:

1. Existing capacity required for nonresidential solid waste: **121.03 lbs/day**
The total capacity required for the nonresidential use of **19 employees¹⁵** is:

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

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

⁶ Per Section 94-70 of the City of Key West Code

⁷ These calculations are based on the Key West and Monroe County Demographics found: <http://www.keywestchamber.org/PDF/demographics.pdf>, which assumes a population of 23,262.

⁸ Please see attached map for specific locations. (Exhibit IV)

⁹ One located at Douglas Gym, one at the MLK Community Center, and 3 at Bay View Park.

¹⁰ At the MLK Community Center and Florida Keys Community College

¹¹ One on 11th Street, one at Garrison Bight.

¹² The City of Key West Recreation Department was unable to provide the acreage of Neighborhood & Community Parks, however based on the 1993 Comprehensive Plan Table VII-1 Inventory of Public Parks there are 236.5 ac of parks. The parks are not differentiated by Community versus Neighborhood parks.

¹³ The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues.

¹⁴ American Planning Association, Planner's Estimating Guide

6.37 lb/capita/day x 19 employee= 121.03 lbs/day

2. **Proposed** capacity required for nonresidential solid waste: **0.0 lbs/day**
The total capacity required for the nonresidential use of **0 employees**¹⁶ is:
6.37 lb/capita/day x 0 employee= 0.0 lbs/day

Residential Analysis:

1. **Existing** capacity required for **residential** is: **0.0 lbs/day**
The total capacity required for the residential use of **0 people** is:
6.37 lb./capita/day x 0 people = 0.0 lbs/day
2. **Proposed** capacity required for **residential** is: **178.36 lbs/day**
The total capacity required for the residential use of **28 people** is:
6.37 lb./capita/day x 28 people = 178.36 lbs/day

Waste Management has more than enough capacity to handle the solid waste disposal¹⁷.

Drainage “Conceptual plan for accommodating storm water run-off and demonstrated evidence that the proposed drainage improvements shall accommodate storm water run-off without adversely impacting natural systems or the City’s adopted level of service for storm drainage¹⁸”

The proposed storm water/drainage system shall accommodate storm water run-off as depicted on the attached plans.

Roads/Trip Generation. The estimated trips for the peak hour generated by the most similar land use to the proposed is charted below. There are no anticipated on- or off-site improvements necessitated to accommodate the traffic impacts generated by the development.

This proposed revision alters the potential trip generation of the site in the following manner:

- Weekday: -10.8 trips/day
- Saturday: +55.27 trips/day
- Sunday: +55.08 trips/day

Trip Generation	Use		Week Day			Saturday			Sunday		
	Existing	Proposed	Rate	Existing	Prop	Rate	Existing	Prop	Rate	Existing	Prop
Commercial (ITE 710) Trips per 1k sq. ft.	6,510 sq. ft.	0.0 sq. ft.	11.95	77.79	0.0	2.37	15.43	0.0	0.98	6.38	0.0
Residential (ITE 210) Trips per unit	0 units	7 units	9.57	0.0	66.99	10.1	0.00	70.7	8.78	0.00	61.46

Exhibits

¹⁵ Based on Planner’s Estimating Guide, American Planning Association
¹⁶ Based on Planner’s Estimating Guide, American Planning Association
¹⁷ Per January 25, 2010 memo from Jay Gewin, City of Key West (Exhibit V)
¹⁸ The City of Key West’s Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues

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

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

Exhibit III – September 3, 2010 Wastewater Memo

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

Exhibit V – January 25, 2010 Solid Waste Memo



Memo

To: Mr. Owen Trepanier
Trepanier & Associates, Inc.

From: Allen E. Perez, P.E.

Date: October 20, 2014

Subject: **1315 Whitehead Street – Impervious Area Clarification**

This memo is in response to your question regarding the percentages of pervious vs. impervious surface on the stormwater management plan for the above project. The pervious vs. impervious area percentages used in the engineering stormwater calculations are based on commonly accepted best management practices, industry standards, Florida Statutes and Key West Code; they are not strictly based on the Key West Code only.

In the case of this project, our proposed system exceeds the minimum requirements of the Key West Code by approximately 1%. Based on the City Code definitions of impervious surface, the site will have an ISR of 57%. However, our calculations are based on a more stringent definition of impervious and the system is designed to account for a site that is 61% impervious. The 4% distinction results from our calculations which treat pervious driveways, pedestrian walkways and paths in the same as vehicular use areas. We find if we utilize this more stringent approach, the overall effectiveness of the system is dramatically enhanced.

However, to be clear, the site plan as proposed will have 57% impervious surface made up of impervious paving, structures, roofs and vehicular use areas as defined in the code. The 4% difference in our calculations includes pervious driveways and ground surface treatments that are not vegetation.

Key West Office:

1010 Kennedy Dr. Suite 201 • Key West, Florida 33040
tel: (305) 293-9440 Fax: (305) 296-0243

Exhibit I

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



Jeb Bush
Governor

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

Lillian Rivera, RN, MSN, Administrator

PERMITTEE:

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

PERMIT No: 150092-007-WC/04
DATE OF ISSUE: November 14, 2006
EXPIRATION DATE: November 13, 2011
COUNTY: MIAMI-DADE COUNTY
LAT/LONG.: 25°26'25" N / 80°30'33" W
SECTION/TOWNSHIP/RANGE:
PROJECT: Reverse Osmosis (RO) Expansion
Facility, 6.0 MGD Permeate production with
blending options at FKAA J.Robert Dean WTP
Florida City, Dade County

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

TO CONSTRUCT: A Reverse Osmosis, (RO) treatment facility with a permeate capacity of up to 6 Million Gallons per Day, (MGD) produced from Phase I, consisting of three (3) 1.5 MGD trains or Phase II, consisting of an additional 1.5 MGD or four (4) 1.5 MGD trains. The RO facility will be fully integrated with the existing lime softening plant. There will be the option of bypassing a limited amount of pretreated Floridan aquifer water and blending it with RU permeate thus adding alkalinity to the product water and increasing the overall plant "net" recovery. The RO system product water (degasified permeate/blended permeate) will be combined (blended) with existing lime softening plant product and a limited amount of cartridge-filtered Biscayne Aquifer RO bypass water. The blended product water will receive chemical addition and be transferred to existing finished water storage facilities and pumped to distribution with existing high service pumps. The water treatment plant construction permit application is for 6 MGD RO permeate capacity plus up to 3 MGD cartridge filtered Biscayne Aquifer blend flow and up to 0.576 MGD (400 gpm) pretreated Floridan Aquifer feed water bypass (which blends with RO permeate), and up to 0.7 MGD Floridan Aquifer water which blends with the existing lime softening facility influent Biscayne Aquifer water. The full operation of all the above described facility units could raise the Possible Facility Output Capacity to greater than 23.8 MGD existing permissible, plus 6.0 MGD covered under this permit application.
No other facilities or new wells are part of this permit.

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



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

"A"

PERMIT NO: 150092-007-WC/04
PERMIT ISSUE DATE: November 14, 2006

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.

2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.

3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.

4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.

5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.

6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.

7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:

- (a) Have access to and copy any records that must be kept under conditions of the permit;
- (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and

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PERMIT ISSUE DATE: November 14, 2006

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

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

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

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

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

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

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

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

13. This permit also constitutes:

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

PERMIT NO: 150092-007-WC/04

PERMIT ISSUE DATE: November 14, 2006

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

SPECIFIC CONDITIONS:

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

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

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

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

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

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

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

PERMIT NO: 150092-007-WC/04
PERMIT ISSUE DATE: November 14, 2006

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

Issued this 30th day of November 2006

STATE OF FLORIDA
DEPARTMENT OF HEALTH



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

Exhibit II

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



FORM #0289
Rev. 5/03

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

Date Issued: 13-MAR-2008

Expiration Date: March 13, 2028

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

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

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

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

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

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

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

Limiting Conditions are as follows:

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

South Florida Water Management
District, by its Governing Board

On March 13, 2008
By [Signature]
Deputy Clerk

LIMITING CONDITIONS

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

Public water supply

4. Source classification is:

Ground Water from:
Biscayne Aquifer
Floridan Aquifer System

5. Annual allocation shall not exceed 8751 MG.

Maximum monthly allocation shall not exceed 809.0088 MG.

The following limitations to annual withdrawals from specific sources are stipulated:

Biscayne Aquifer-: 6,492 MG:

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

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

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

This Permit is issued to:

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

7. Withdrawal facilities:

Ground Water - Existing:

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

Ground Water - Proposed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

--Deep Injection Well

Obtain FDEP Permit - March 31, 2008

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

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

--Complete reverse osmosis water treatment plant system

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

31.

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

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

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

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

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

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

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

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

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

32. Prior to any application to renew or modify this permit, the Permittee shall evaluate long term water supply alternatives and submit a long term water supply plan to the District. Within one year of permit issuance, the Permittee shall submit to the District an outline of the proposed plan. The assessment should include consideration of saline intrusion, wellfield protection, plans for compliance with applicable wellfield protection ordinances, expected frequencies and plans to cope with water shortages or well field failures, and conservation measures to reduce overall stresses on the aquifer.
33. For uses with an annual allocation greater than 10 MGD and a permit duration of 20 years, every five years from the date of permit issuance, the permittee shall submit a water use compliance report for review and approval by District Staff, which addresses the following:

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

Exhibit III

September 3, 2010 Wastewater Memo

Mehdi Benkhatar

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

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

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

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

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

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

Good afternoon Jay,

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

Thanks very much,

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

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

Exhibit V

January, 2010 Solid Waste Memo

Mehdi Benkhatar

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

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

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

Primarily due to ROGO limitations, lack of buildable space, and economic factors; the population of Key West is flat in recent years compared to the rest of Florida. Therefore we have not had to plan for continued growth as other high-growth areas of Florida had in better economic times. We currently are generating approximately 25,000 tons of solid waste per year. In better economic times, that figure was closer to 50,000 or slightly higher. The City plans on increasing its rate of recycling which should lessen the amount of solid waste generated. recyclables are shipped to a single-stream recycle facility also located on the mainland. ad ste

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

Authorization Form

City of Key West
Planning Department



Authorization Form
(Individual or Joint Owner)

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

I, Jim Nichols, Southwhitehead, LC authorize
Please Print Name(s) of Owner(s) as appears on the deed

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.


Signature of Owner

Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on this July 8, 2014
Date

by Jim Nichols MANAGING MEMBER, SOUTHWHITEHEAD LC
Name of Owner

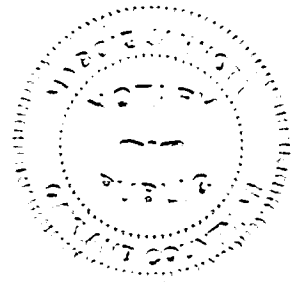
He/She is personally known to me or has presented Drivers License as identification.


Notary's Signature and Seal

Name of Acknowledger typed, printed or stamped

Commission Number, if any

MAGGIE JANNOTT
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF OAKLAND
My Commission Expires 4-24-2019
Acting in the County of OAKLAND



FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS



Detail by Entity Name

Florida Limited Liability Company

SOUTHWHITEHEAD, LLC

Filing Information

Document Number	L05000060493
FEI/EIN Number	203142917
Date Filed	06/17/2005
State	FL
Status	ACTIVE
Last Event	LC NAME CHANGE
Event Date Filed	07/19/2012
Event Effective Date	NONE

Principal Address

1315 WHITEHEAD STREET
KEY WEST, FL 33040

Mailing Address

490 Martell Drive
Bloomfield Hills, MI 48304

Changed: 02/02/2013

Registered Agent Name & Address

NICHOLS, JIM
221 SIMONTON STREET
KEY WEST, FL 33040

Name Changed: 07/19/2012

Address Changed: 07/19/2012

Authorized Person(s) Detail

Name & Address

Title MGRM

NICHOLS, JAMES
490 MARTELL DRIVE
BLOOMFIELD HILLS, MI 48304

Annual Reports

Report Year	Filed Date
2012	07/19/2012
2013	02/02/2013

Document Images[02/02/2013 -- ANNUAL REPORT](#)[View image in PDF format](#)[07/19/2012 -- LC Name Change](#)[View image in PDF format](#)[07/19/2012 -- Reinstatement](#)[View image in PDF format](#)[01/24/2009 -- ANNUAL REPORT](#)[View image in PDF format](#)[08/23/2008 -- ANNUAL REPORT](#)[View image in PDF format](#)[01/31/2007 -- ANNUAL REPORT](#)[View image in PDF format](#)[02/27/2006 -- ANNUAL REPORT](#)[View image in PDF format](#)[06/17/2005 -- Florida Limited Liability](#)[View image in PDF format](#)

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[V|w|h|#|r|#|#|a|u|g|d|#|G|h|s|d|u|p|h|q|w|#|i|#|w|h](#)



Detail by Entity Name

Florida Limited Liability Company

PP KW , LLC

Filing Information

Document Number	L13000059797
FEI/EIN Number	46-2683087
Date Filed	04/24/2013
State	FL
Status	ACTIVE
Effective Date	06/01/2013

Principal Address

101 GULFVIEW DR
ISLAMORADA, FL 33036

Mailing Address

101 GULFVIEW DR
ISLAMORADA, FL 33036

Registered Agent Name & Address

MISCH, PAUL
101 GULFVIEW DR
ISLAMORADA, FL 33036

Authorized Person(s) Detail

Name & Address

Title MGRM

MISCH, PAUL
101 GULFVIEW DR
ISLAMORADA, FL 33036

Annual Reports

Report Year	Filed Date
-------------	------------

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State of Florida, Department of State

Verification Form

**City of Key West
Planning Department**



Verification Form

(Where Authorized Representative is an entity)

I, OWEN TREPANIER, in my capacity as PRESIDENT
(print name) *(print position; president, managing member)*
of TREPANIER & ASSOCIATES, INC.
(print name of entity serving as Authorized Representative)

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

1315 WHITEHEAD ST.

Street Address of subject property

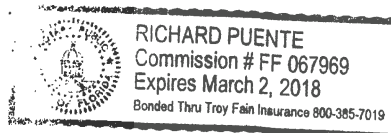
All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect,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

[Signature]
Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this August 19, 2014 by
date
Mr. Owen Trepanier
Name of Authorized Representative

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

[Signature]
Notary's Signature and Seal



Richard Puente
Name of Acknowledger typed, printed or stamped

FF 067969
Commission Number, if any

City of Key West
Planning Department



Verification Form
(Where Authorized Representative is an entity)

I, Paul Misch, in my capacity as Manager
(print name) (print position) president, managing member
of PPKW, LLC
(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:

1315 White head St.
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.

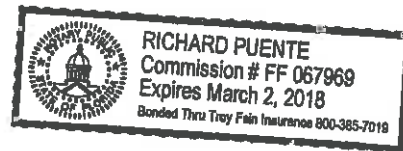
[Signature]
Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this 7/30/14 by
date
Paul Misch
Name of Authorized Representative

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

Richard Puente
Notary's Signature and Seal

Richard Puente
Name of Acknowledger typed, printed or stamped



FF067969
Commission Number, if any

**City of Key West
Planning Department**



Verification Form
(Where Authorized Representative is an entity)

aw

JAMES

I, Jim Nichols, in my capacity as MANAGING MEMBER
(print name) (print position; president, managing member)

aw

of Southwhitehead, LC
(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:

1315 Whitehead Street, Key West, Florida

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]
Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this 7-7-14 by
date

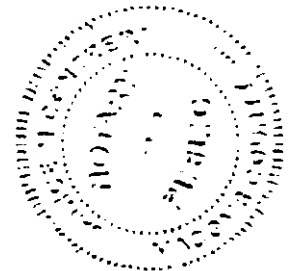
James Nichols
Name of Authorized Representative

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

[Signature]
Notary's Signature and Seal

JANICE M. CONTRERA
Name of Acknowledger typed, printed or stamped

JANICE M CONTRERA
NOTARY PUBLIC - STATE OF MICHIGAN
Commission Number, Term
COUNTY OF MACOMB
My Commission Expires 10-29-2018
Acting In the County of Oakland



Deed

Doc# 1533697 08/08/2005 12:01PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

Return to: (Enclose self addressed stamped envelope)
Name: STONES & CARDENAS
221 Simonton Street
Key West, FL 33040
(305) 294-0252

08/08/2005 12:01PM
DEED DOC STAMP CL: SG \$20,300.00

This Instrument Prepared By:

STONES & CARDENAS
221 Simonton Street
Key West, FL 33040
(305) 294-0252

Doc# 1533697
Bk# 2140 Pg# 982

WARRANTY DEED

THIS INDENTURE made this 15th day of July, 2005, by and between Southernmost, LTD, a Florida Limited Partnership, whose address is 566 Sylvan Drive, Winter Park, FL 32789, as Grantor, and SouthWhitehead, LC, a Florida limited liability company, whose address is 1315 Whitehead Street, Key West, FL 33040, as Grantee.

WITNESSETH: that said Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration to said Grantor, in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's successors, heirs, and assigns forever, the following described property, situate lying and being in the County of Monroe, State of Florida, to-wit:

Lot 6, of Square 3, according to the diagram of Division of Tract 16 on the Island of Key West made between Frederick Filer and John Boyle, recorded in Book N, page 476, of Monroe County, Florida Records.

Said lot commencing at a point on Whitehead Street 200 feet from the corner of United Street and the same distance from the corner of South Street and running thence along Whitehead Street in a Southeasterly direction 100 feet; thence at right angles in a Northeasterly direction 197 feet and 9 inches; thence at right angles in a Northwesterly direction 100 feet; thence at right angles in a Southwesterly direction 197 feet and 9 inches back to the place of beginning on Whitehead Street.

Parcel Identification Number: 00036180-000000

SUBJECT TO: Taxes for the year 2005 and subsequent years.

SUBJECT TO: Conditions, limitations, reservations and easements of record.

TOGETHER with all tenements, hereditaments and appurtenances, with every privilege, right,

* "Grantor" and "Grantee" are used for singular or plural, as context requires

title, interest and estate, reversion, remainder and easement thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of the said property; that it is free of all encumbrances except as above stated; that Grantor has good right and lawful authority to sell the same; and that the Grantee shall have quiet enjoyment thereof. The said Grantor hereby fully warrants the title to said property, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Southernmost, LTD, a Florida Limited Partnership

By: WBL Key West, Inc., a Florida Corporation
as General Partner

Eva R. Schrum
Witness Name: EVA R. SCHRUM

By: Greg Walker
Greg Walker, President

Sharon J. Fetherhuff
Witness Name: Sharon J. Fetherhuff

(Corporate Seal)

State of Maryland
County of Anne Arundel

The foregoing instrument was acknowledged before me this 12th day of July, 2005 by Greg Walker, President of WBL Key West, Inc., a Florida corporation as General Partner of Southernmost, LTD, a Florida Limited Partnership on behalf of the corporation and the partnership. He/she [] is personally known to me or [] has produced a driver's license as identification.

[Notary Seal]

Carlette R. Allen
Notary Public

Printed Name: Carlette R. Allen

My Commission Expires:



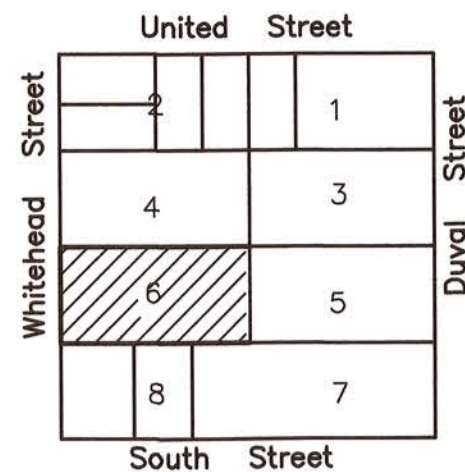
CARLETTE R. ALLEN
NOTARY PUBLIC
ANNE ARUNDEL COUNTY
MARYLAND
My Commission Expires Apr. 29, 2006

MONROE COUNTY
OFFICIAL RECORDS

Survey



1"=100'



LOCATION MAP

Sq. 3, Tr. 16, City of Key West

Legal Description:

Lot 6 of Square 3, according to the diagram of Division of Tract 16 on the Island of Key West made between Frederick Filer and John Boyle, recorded in Book N, page 476 of Monroe County, Florida Records.

Said Lot commencing at a point on Whitehead Street 200 feet from the corner of United Street and the same distance from the corner of South Street and running thence along Whitehead Street in a Southeasterly direction 100 feet; thence at right angles in a Northeasterly direction 197 feet and 9 inches; thence at right angles in a Northwesterly direction 100 feet; thence at right angles in a Southwesterly direction 197 feet and 9 inches back to the place of beginning on Whitehead Street.

SURVEYOR'S NOTES:

North arrow based on plat assumed median Reference Bearing: R/W Whitehead Street 3.4 denotes existing elevation Elevations based on N.G.V.D. 1929 Datum Bench Mark No.: Basic Elevation: 14.324

Monumentation:

- ⊙ = Set 1/2" Iron Pipe, P.L.S. No. 2749
- ▲ = Set P.K. Nail, P.L.S. NO. 2749
- △ = Found P.K. Nail,

Abbreviations:

- | | | |
|----------------------------|---------------------------------|-------------------------------------|
| Sty. = Story | o/h = Overhead | P.C. = Point of Curvature |
| R/W = Right-of-Way | u/g = Underground | P.T. = Point of Tangency |
| fd. = Found | F.F.L. = Finish Floor Elevation | P.O.C. = Point of Commence |
| p. = Plat | L.B. = Low Beam | P.O.B. = Point of Beginning |
| m. = Measured | Rad. = Radial | P.B. = Plat Book |
| d. = Deed | Irr. = Irregular | pg. = page |
| M.H.W. = Mean High Water | conc. = concrete | Elec. = Electric |
| O.R. = Official Records | I.P. = Iron Pipe | Tel. = Telephone |
| Sec. = Section | I.B. = Iron Bar | Ench. = Encroachment |
| Twp. = Township | B. = Baseline | O.L. = On Line |
| Rge. = Range | C.B. = Concrete Block | C.L.F. = Chain Link Fence |
| N.T.S. = Not to Scale | C.B.S. = Concrete Block Stucco | ☒ = Concrete Utility Pole |
| Ⓢ = Centerline | cov'd. = Covered | ☉ = Wood utility Pole |
| Elev. = Elevation | P.I. = Point of Intersection | ☉ = Wood Utility Pole with Guy wire |
| B.M. = Bench Mark | wd. = Wood | ⊕ F.W. = Fire Well |
| R = Radius | | ⊕ M.W. = Montering Well |
| A = Arc (Length) | * = Light | ⊕ = Water Meter |
| D = Delta, (Central angle) | ⊙ = sign | ⊕ = Water Valve |
| w.m. = Water Meter | ⊕ E. = Electric Manhole | ☒ C.B. = Storm Water Catch Basin |
| Bal. = Balcony | ⊕ E. = Electric Utility Vault | Inv. = Invert |
| Pl. = Planter | ⊕ M.H. = Man Hole | B.P.Z. = Backflow Prevention Valve |
| Hydt. = Fire Hydrant | San. = Sanitary | P.V.C. = Polyvinyl Pipe |
| F.W. = Fire Well | | R.C.P. = Reniforced Concrete pipe |
| A/C = Air Conditioner | | + = Fire Hydrant |

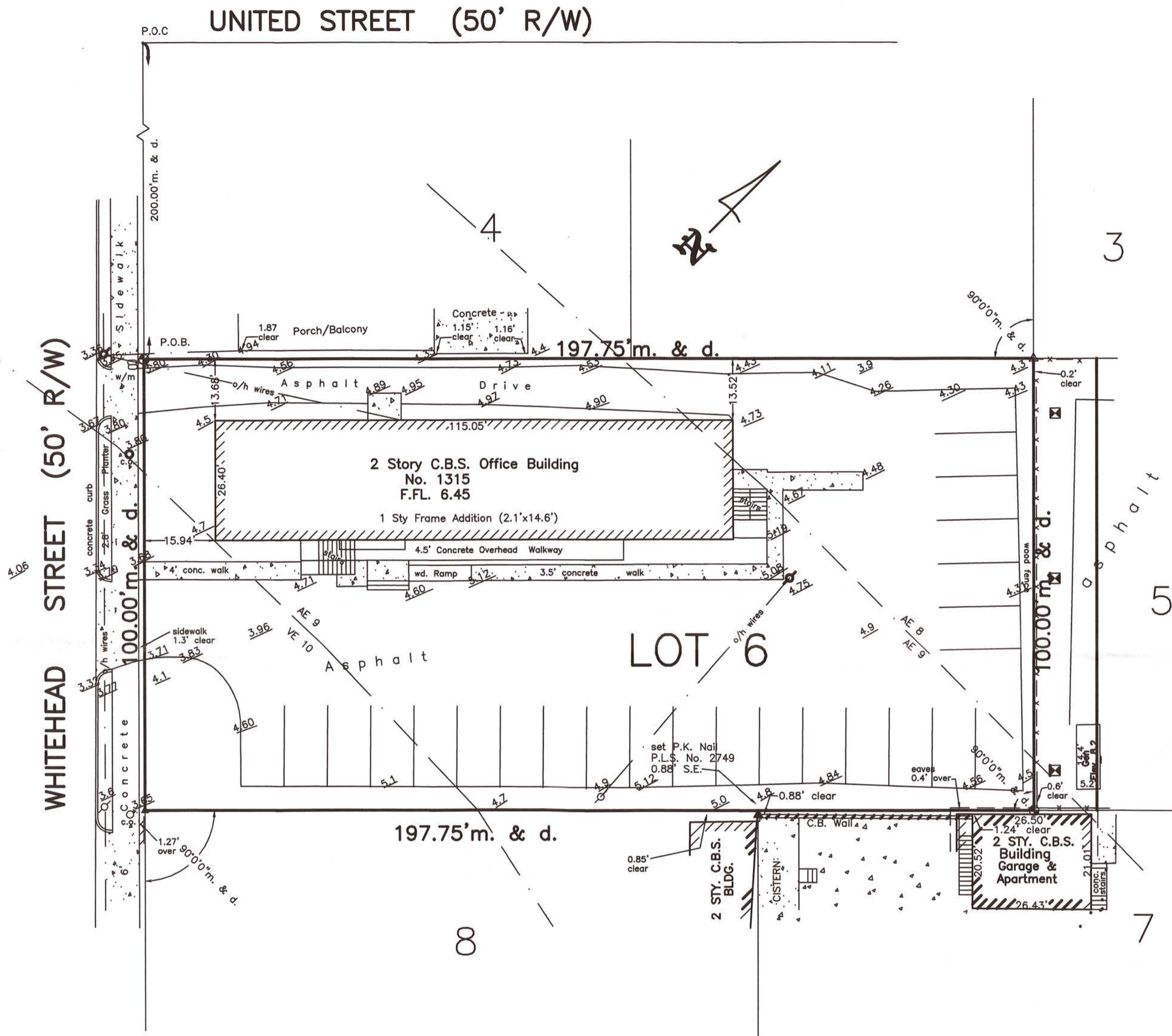
Field Work performed on: 7/11/14

CERTIFICATION:

I HEREBY CERTIFY that the attached BOUNDARY SURVEY is true and correct to the best of my knowledge and belief; that it meets the minimum technical standards adopted by the Florida Board of Land Surveyors, Chapter 5J-17, Florida Statute Section 472.027, and the American land Title Association, and that there are no visible encroachments unless shown hereon.

FREDERICK H. HILDEBRANDT
Professional Land Surveyor & Mapper No. 2749
Professional Engineer No. 36810
State of Florida

NOT VALID UNLESS EMBOSSED WITH RAISED SEAL & SIGNATURE



Plan 367

Trepavir & Associates 1315 Whitehead Street, Key West, Florida 33040			
BOUNDARY SURVEY		Dwn No.: 14-332	
Scale: 1"=20'	Ref. 182-55 file	Flood panel No. 1516 K	Dwn. By: F.H.H.
Date: 6/23/05		Flood Zone: AE- VE	Flood Elev. 9'-10'
REVISIONS AND/OR ADDITIONS			
5/16/06: Elevations			
6/19/14: Copy, not updated			
7/31/14: Updated, centerline elevation			
f:/data/fred/dwg/keywest/block150/1315whitehead			

ISLAND SURVEYING INC.
ENGINEERS PLANNERS SURVEYORS
3152 Northside Drive
Suite 201
Key West, Fl. 33040
(305) 293-0466
Fax. (305) 293-0237
fhildeb1@bellsouth.net
L.B. No. 7700

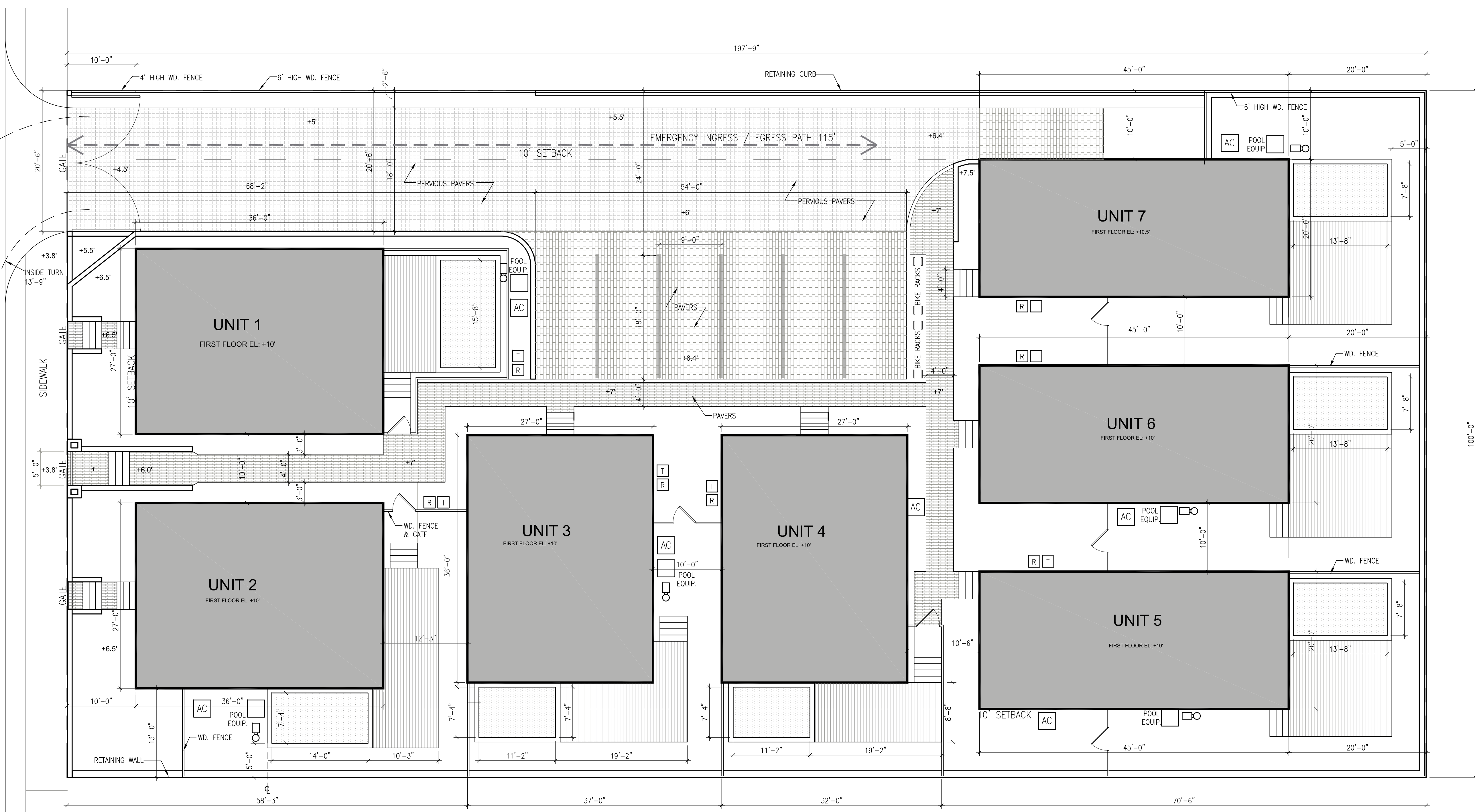
Plans

Consultants:

Submissions / Revisions:
PLANNING - 2014.10.20

1315 WHITEHEAD STREET
KEY WEST, FL
RESIDENTIAL PROJECT

WHITEHEAD STREET



1
A1 PROPOSED SITE PLAN
SCALE: 1/8"=1'-0"

Site Data	Permitted/ Required	Existing	Proposed	Compliance
Zoning	HHDR	HHDR	No Change	Complies
Min Lot Size	4,000 sq. ft.	16,775 sq. ft.	No Change	Complies
Legal Description	KW FILER BOYLE SUB N-478 LOT 6 SCR 3 TR 16			
Building Size	2-story commercial structure as depicted on the attached survey			
Commercial F.A.R.	0.00 (0.0 sq. ft.)	32.9% (6,510 sq. ft.)	0.00 (0 sq. ft.)	Complies
Density (u/a)	16 u/a (7.6 units)	23 units	No Change	Complies
Height	30'	Unk.	30 ft.	Complies
Open Space	35% (9,921 sq. ft.)	5% (988.75 sq. ft.)	36% (7,062 sq. ft.)	Complies
Building Coverage	50% (9,887.5 sq. ft.)	17.6% (3,480 sq. ft.)	33% (6,492 sq. ft.)	Complies
Impervious Surface	80% (11,885 sq. ft.)	81% (16,082 sq. ft.)	57% (11,350 sq. ft.)	Complies
Pervious Surface		3,893 sq. ft.	7,621 sq. ft.	N/A
Landscape Area	20% (3,955 sq. ft.)	~5% (~988 sq. ft.)	20% (3,960 sq. ft.)	Complies
Landscape Buffers Front	10ft R.O.W. Buffer Sec. 108-413	None	10ft R.O.W. Buffer Sec. 108-413	Complies
Right Side	No Buffer, Sec. 108-347	None	No Buffer, Sec. 108-347	Complies
Left Side	Buffer B, Sec. 108-347	None	Buffer B, Sec. 108-347	Complies
Rear	Buffer C, Sec. 108-347	None	Buffer C, Sec. 108-347	Complies
Setbacks:				
Front	10 ft.	10 ft.	10 ft.	Complies
Right Side	10 ft.	10 ft.	10 ft.	Complies
Left Side	10 ft.	10 ft.	10 ft.	Complies
Rear	20 ft.	20 ft.	20 ft.	Complies
Parking - Auto	7 sp.	NA	7 sp.	Complies

Drawing Size: 24x36 Project #: 14029

Title:

PROPOSED SITE PLAN

SCALE: 1/8" = 1'-0"
Sheet Number:

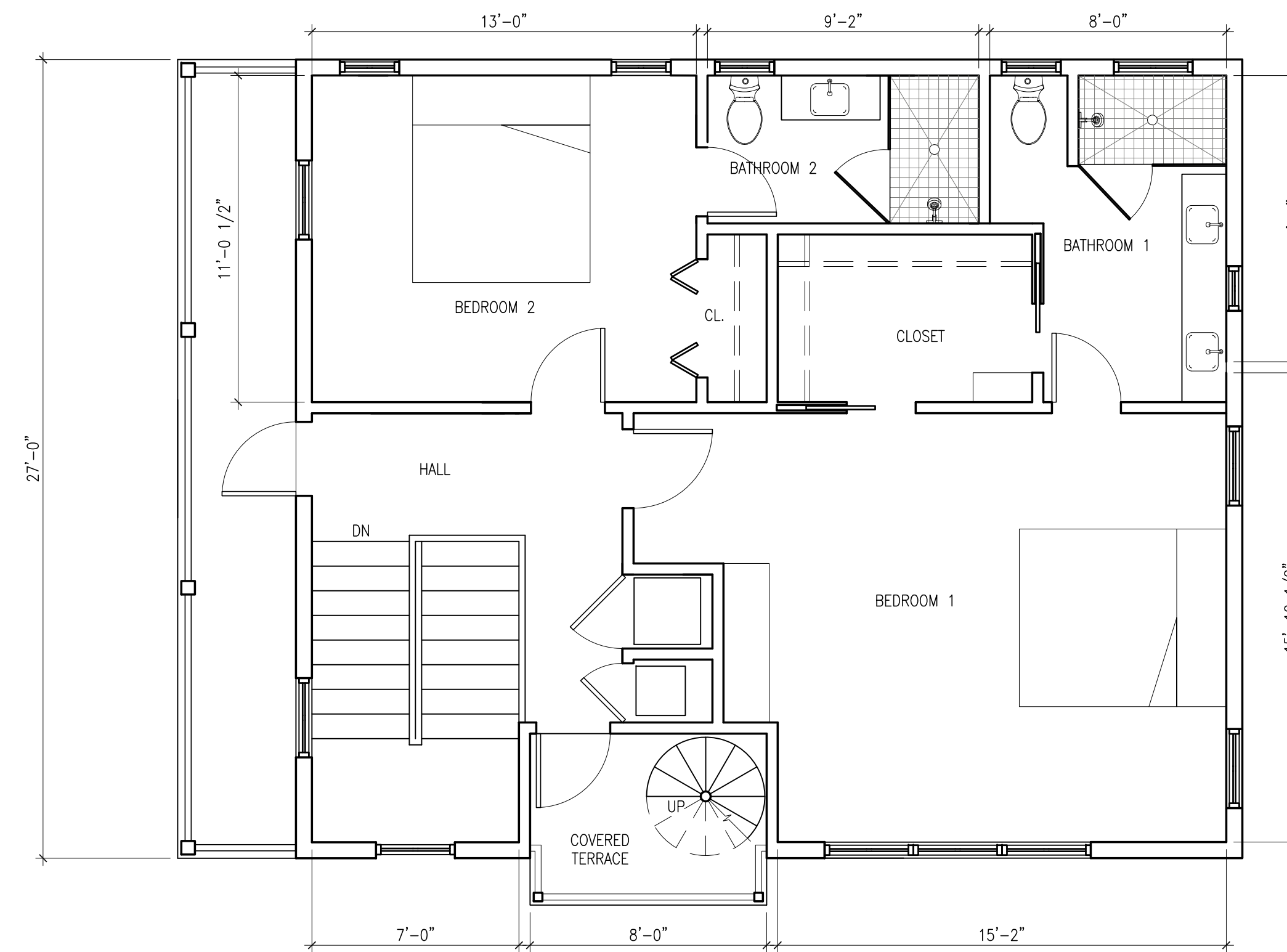
A-1.1



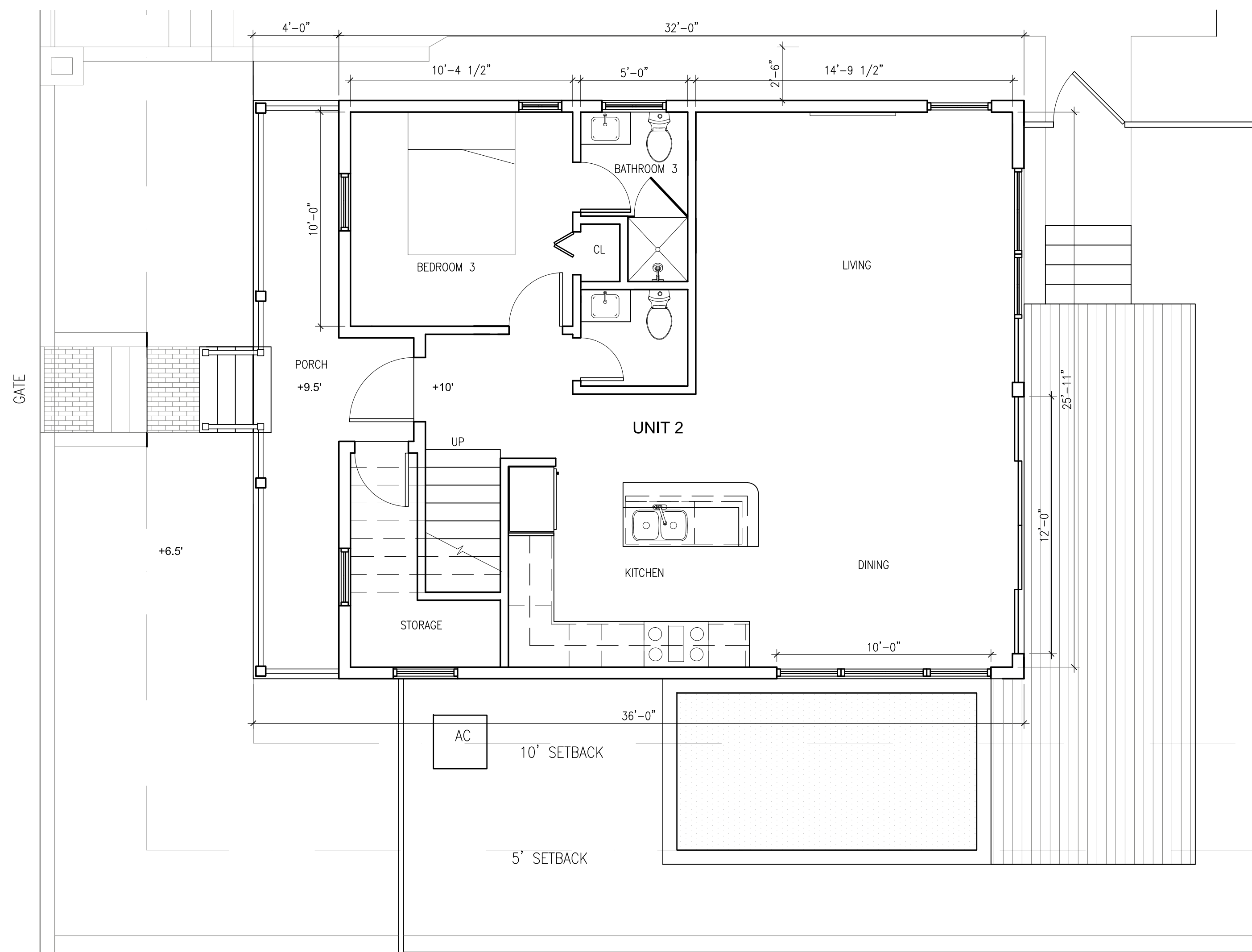
4 SIDE ELEVATION (SOUTH)
A21 SCALE: 1/4"=1'-0"



3 FRONT ELEVATION (WEST)
A21 SCALE: 1/4"=1'-0"



2 SECOND FLOOR PLAN
A21 SCALE: 1/4"=1'-0"



1 FIRST FLOOR PLAN
A21 SCALE: 1/4"=1'-0"

HOUSE TYPE "A" - VARIATIONS AT UNITS 1-4

Consultants:

Submissions / Revisions:
PLANNING - 2014.10.17

1315 WHITEHEAD STREET
KEY WEST, FL
RESIDENTIAL PROJECT

Drawing Size: 24x36 Project #: 14009

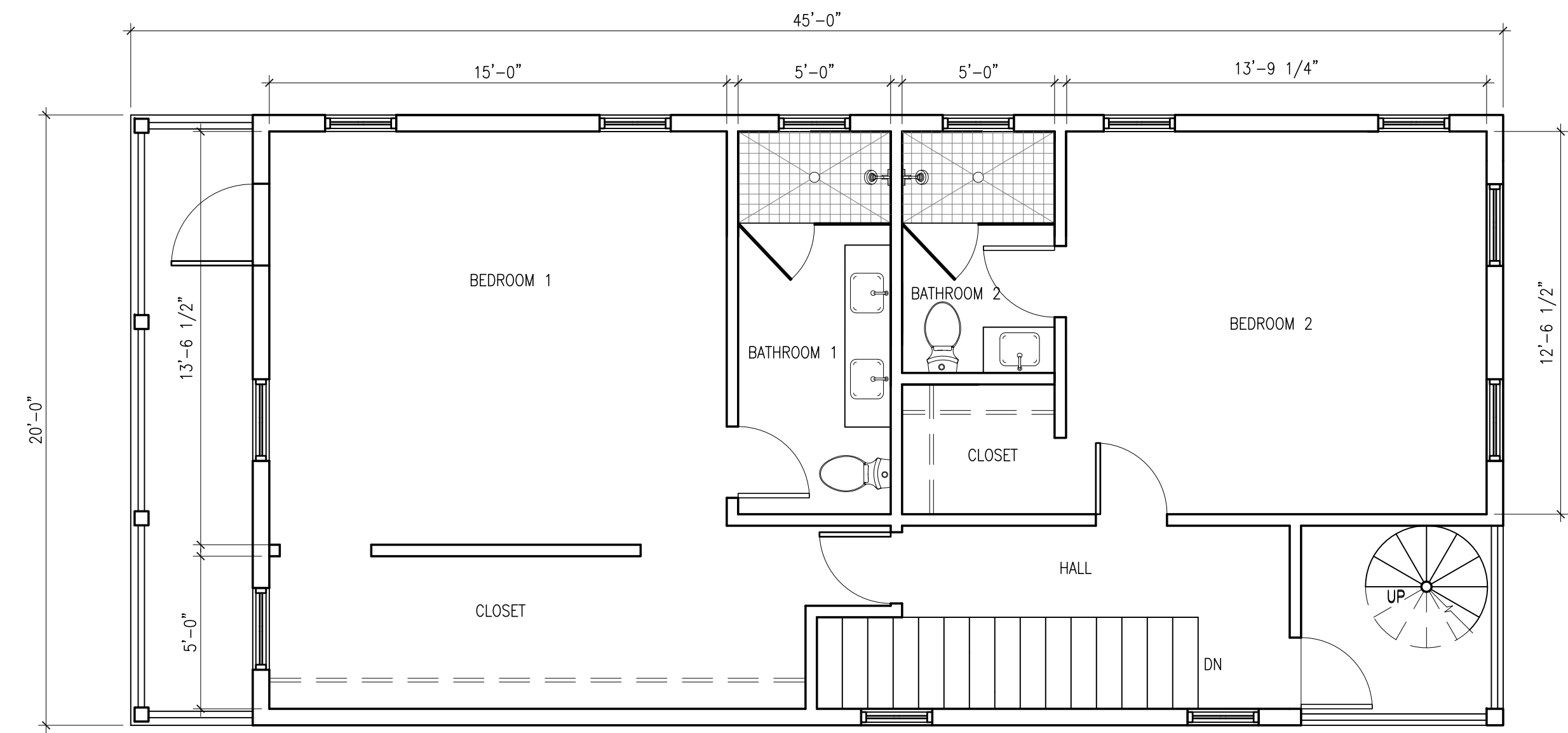
Title:
UNITS 1-4
-
FLOOR PLANS & ELEVATIONS

Sheet Number:

A-2.1



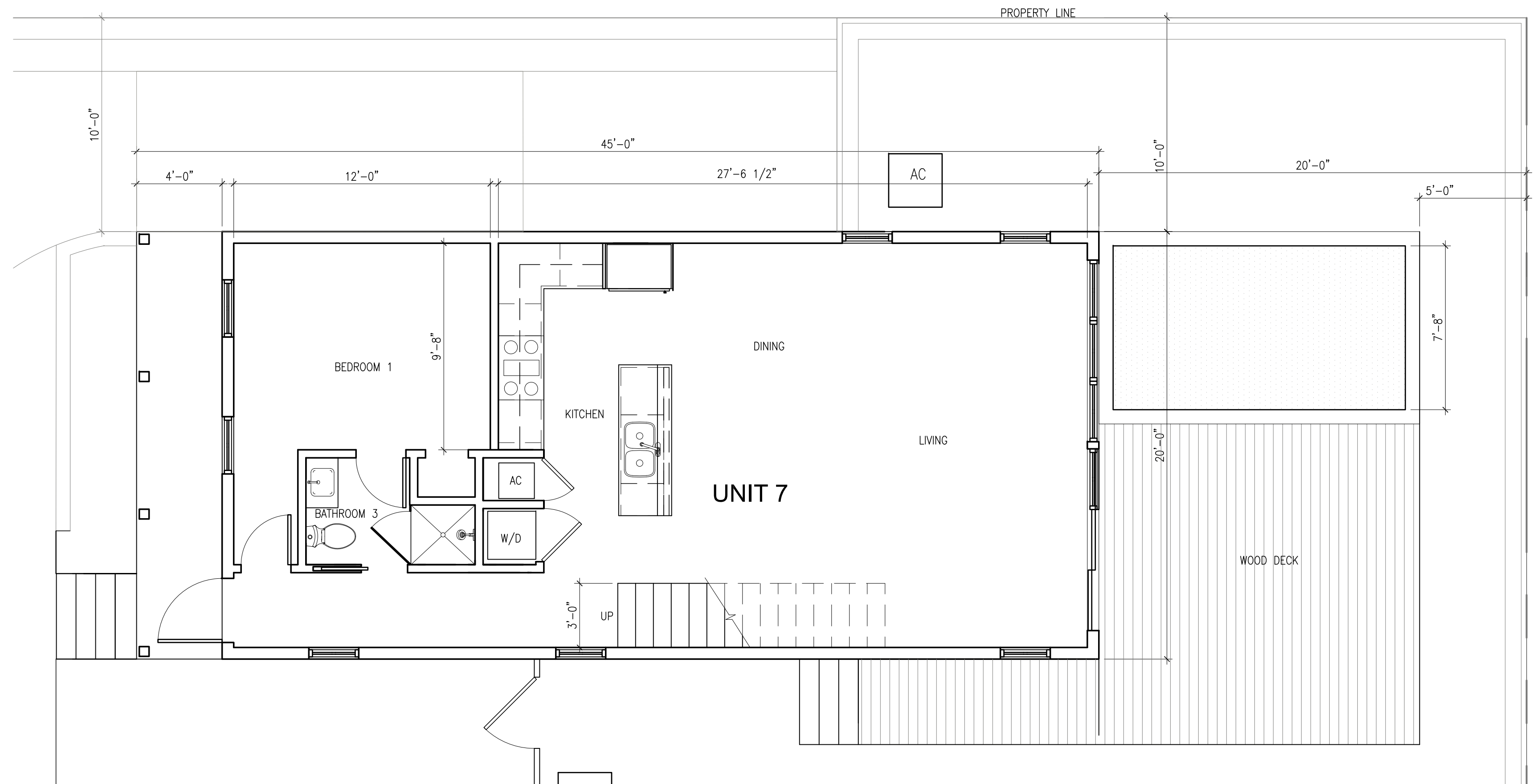
4 SIDE ELEVATION (SOUTH)
A21 SCALE: 1/4"=1'-0"



2 SECOND FLOOR PLAN
A21 SCALE: 1/4"=1'-0"



3 FRONT ELEVATION (WEST)
A21 SCALE: 1/4"=1'-0"



1 FIRST FLOOR PLAN
A21 SCALE: 1/4"=1'-0"

HOUSE TYPE "B" - VARIATIONS AT UNITS 5-7

Consultants:

Submissions / Revisions:
PLANNING - 2014.10.17

1315 WHITEHEAD STREET
KEY WEST, FL
RESIDENTIAL PROJECT

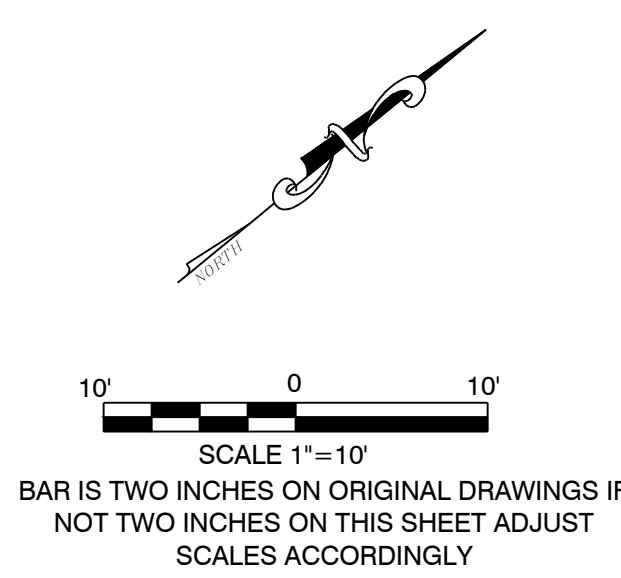
Drawing Size: 24x36 | Project #: 14009

Title:
UNITS 5-7
-
FLOOR PLANS & ELEVATIONS

Sheet Number:

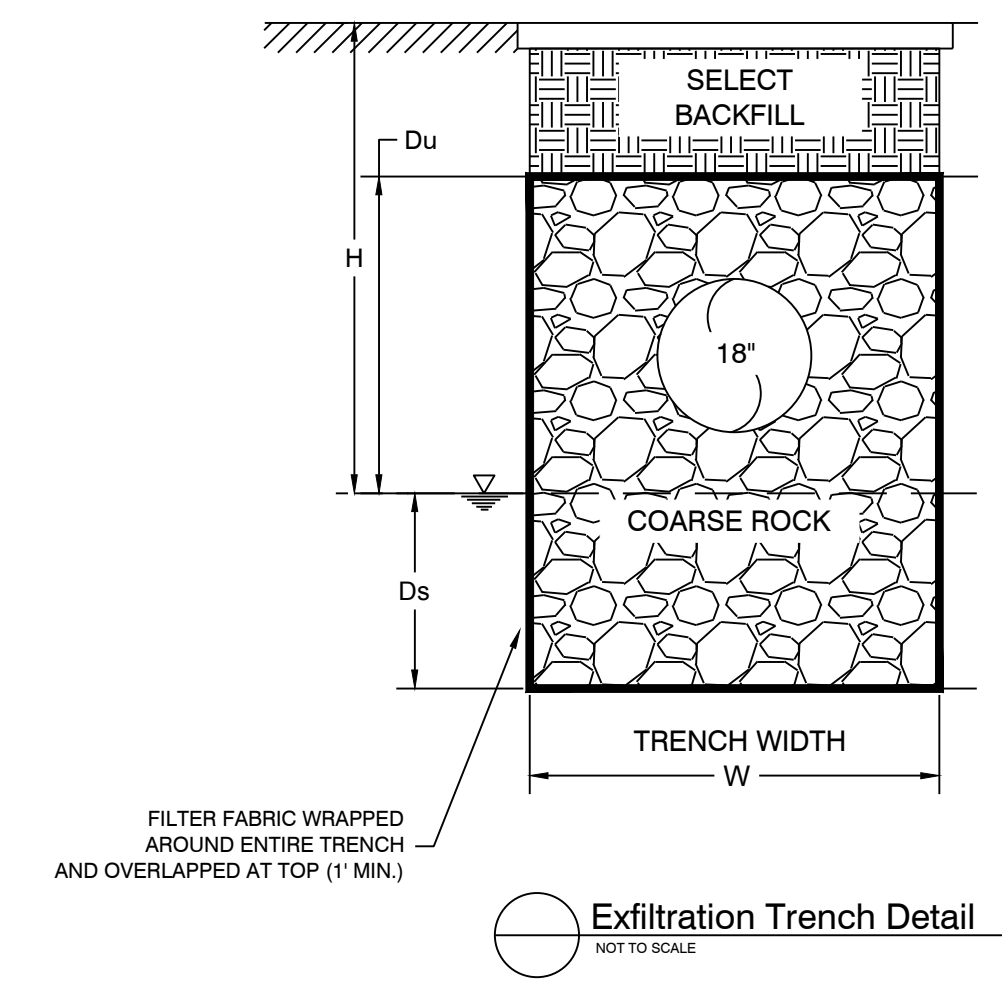
A-2.1

Date: - SEPTEMBER 4, 2014
©2014 by William Shepler Architect



LEGEND	
---	PROJECT LIMITS
[Hatched Box]	NEW ASPHALT PAVEMENT
[Solid Black Box]	ROOF AREA
[Dotted Box]	DRY RETENTION AREA
[Dashed Line]	EXISTING GRADE
[Solid Line]	PROPOSED GRADE
[Thick Solid Line]	STORMWATER PIPE
[Circle with 'X']	STORMWATER INLET (NYLOPLAST INLINE BASIN)
[Circle with 'X']	STORMWATER INLET (FDOT DITCH BOTTOM)
[Arrow]	STORMWATER FLOW
[Circle with 'M']	STORMWATER MANHOLE

NOTE: SYMBOLS IN LEGEND ARE NOT TO SCALE

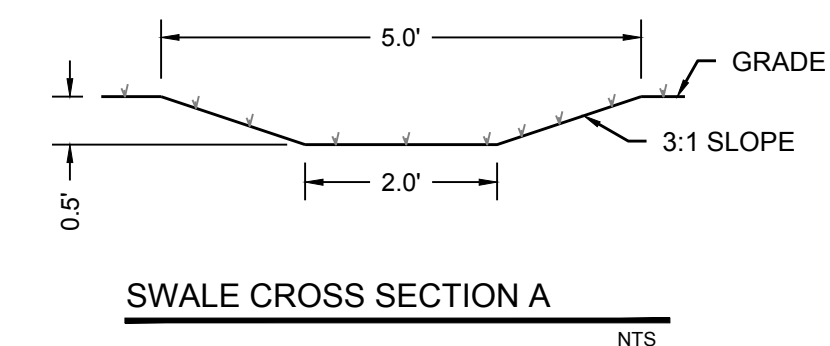
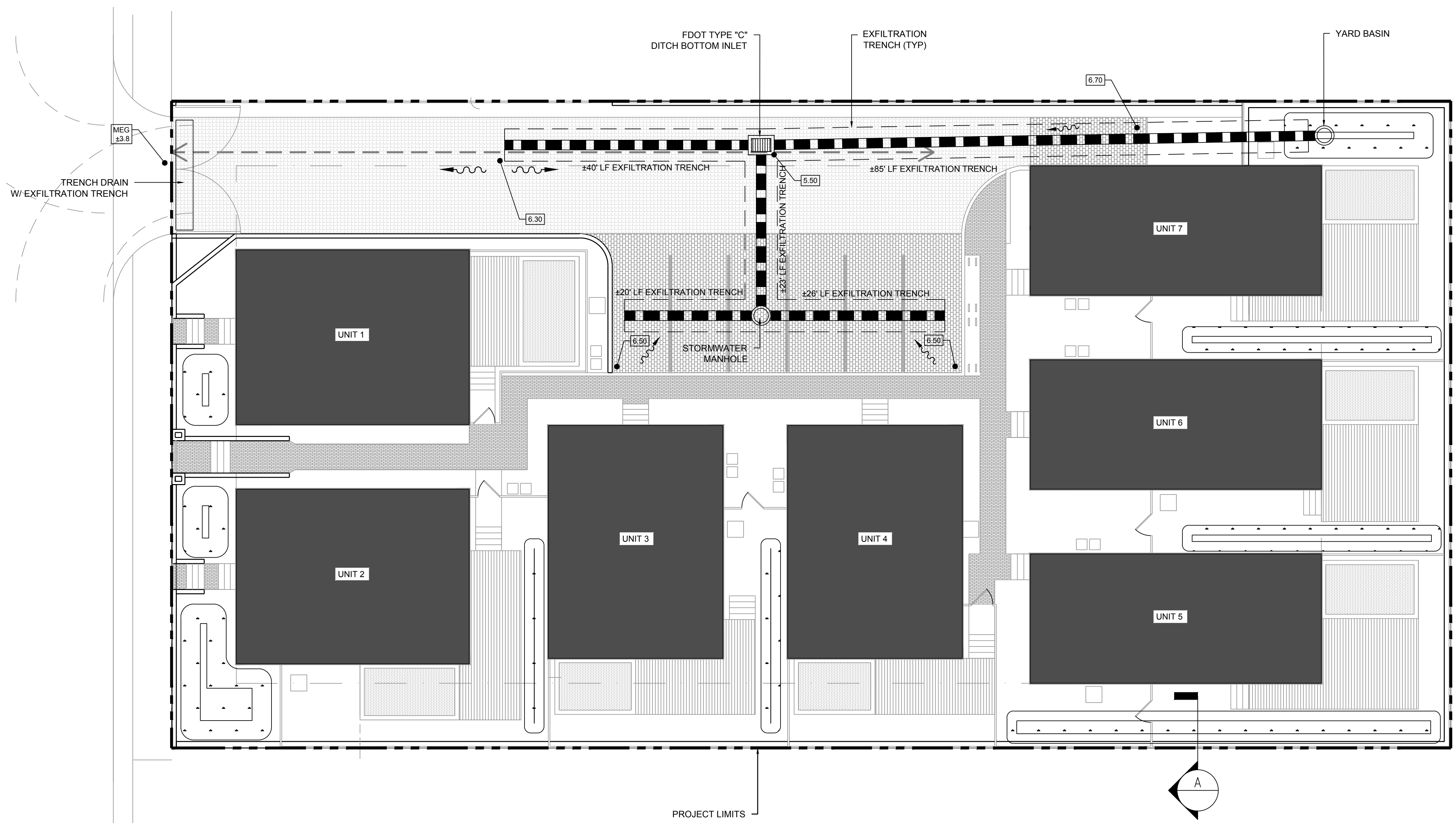


Water Quantity Calculations - 25yr/72hr Design Storm			
Water Quantity - Predevelopment			
Project Area	A =	0.454	ac
PerVIOUS Area		0.065	ac
Impervious Area		0.369	ac
% Impervious		81.32%	
Rainfall for 25yr/24hr event	P ₂₄ =	9	in
Rainfall for 25yr/3day event	P ₇₂ =	12.23	in
Depth to Water Table		3	ft
Predeveloped Available Storage		4.95	in
Soil Storage	S =	0.92	in
Q _{pre} = $\frac{(P_{72} - 0.25)^2}{(P_{72} + 0.85)}$	Q _{pre} =	11.19	in
Runoff Volume from 25 year/ 3 day storm	V _{25yr/72h} =	5.08	ac-in
Water Quantity - Postdevelopment			
Project Area	A =	0.454	ac
PerVIOUS Area		0.177	ac
Impervious Area		0.277	ac
% Impervious		61.0%	
Rainfall for 25yr/24hr event	P ₂₄ =	9	in
Rainfall for 25yr/3day event	P ₇₂ =	12.23	in
Depth to Water Table		3	ft
Developed Available Storage		4.95	in
Soil Storage	S =	1.93	in
Q _{post} = $\frac{(P_{24} - 0.25)^2}{(P_{24} + 0.85)}$	Q _{post} =	10.19	in
Runoff Volume from 25 year/ 3 day storm	V _{25yr/72h} =	4.62	ac-in
Postdevelopment - Predevelopment			
Q _{pre-post} = Q _{post} - Q _{pre}	Q _{pre-post} =	-1.00	in
Pre/Post Volume = Q _{pre-post} X A	V _{pre-post} =	-0.46	ac-in

*FOR THE PURPOSES OF THE DRAINAGE CALCULATIONS, THE PERMEABLE PAVERS ARE CONSIDERED IMPERVIOUS

Water Quality Calculations - 25yr/72hr Design Storm			
Water Quality			
Project Area	0.454	ac	19,775
Surface Water	0.000	ac	0
Roof Area	0.151	ac	6,588
Pavement/Walkways	0.126	ac	5,476
PerVIOUS area	0.177	ac	7,711
Impervious area for water quality (Site area for Water Quality - PerVIOUS area)	0.126	ac	5,476
% Impervious	28%		
A) One inch of runoff from project area	0.454	ac-in	
B) 2.5 inches times percent impervious (2.5 x percent impervious x (site area - surface water))	0.314	ac-in	
Comparison of Water Quality Methods			
	0.454	>	0.314
	ac-in		ac-in
Total Volume Required	0.454	ac-in	1,648
Pond Volume Provided	0.155	ac-in	562
Exfiltration Volume Provided	0.396	ac-in	1,403
Total Volume provided	0.541	ac-in	1,964

Exfiltration Trench Design	
Required trench length (L) =	
$\frac{V}{K(H^2W + 2H^2Du - Du^2 + 2H^2Ds) + 1.39 \times 10^{-4}(W)(Du)}$	
Assumed Hydraulic Conductivity, K =	0.0000145
H =	3.5 ft
W =	5 ft
Du =	2 ft
Ds =	2 ft
Volume of Trench, V =	0.299 ac-in
Trench Length Required =	150 FT
Trench Length Provided =	194 FT



CIVIL ENGINEERING • REGULATORY PERMITTING • CONSTRUCTION MANAGEMENT

PEREZ ENGINEERING & DEVELOPMENT, INC.

KEY WEST OFFICE
1010 EAST KENNEDY DRIVE, SUITE 201
KEY WEST, FLORIDA 33040
TEL: (305) 253-9440 FAX: (305) 256-0243

CERTIFICATE OF AUTHORIZATION NO. 8579

ALLEN E. PEREZ, P.E.
Florida P.E. NO. 51489
October 20, 2014

REVISIONS:	DATE	DESCRIPTION
1	OCTOBER 2014	ORIGINAL
2		
3		
4		
5		
6		

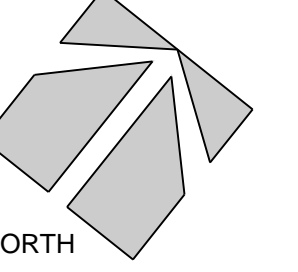
1315 WHITEHEAD STREET
KEY WEST, FL 33040
CONCEPTUAL DRAINAGE PLAN

PPKW, LLC
101 GULFVIEW DR
ISLAMORADA, FL 33036

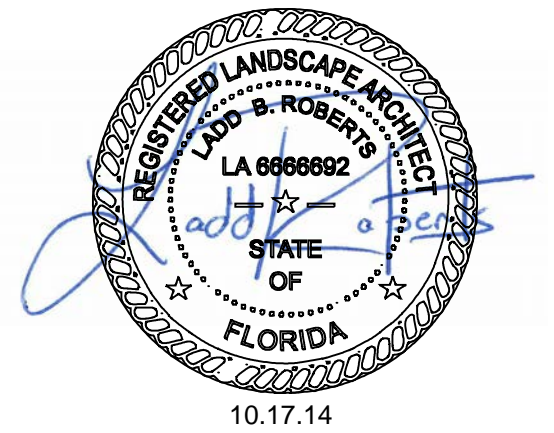
JOB NO.	141060
DRAWN	BGO
DESIGNED	AEP
CHECKED	AEP
QC	
SHEET	

1315 WHITEHEAD ST

1315 WHITEHEAD STREET
KEY WEST, FL 33040

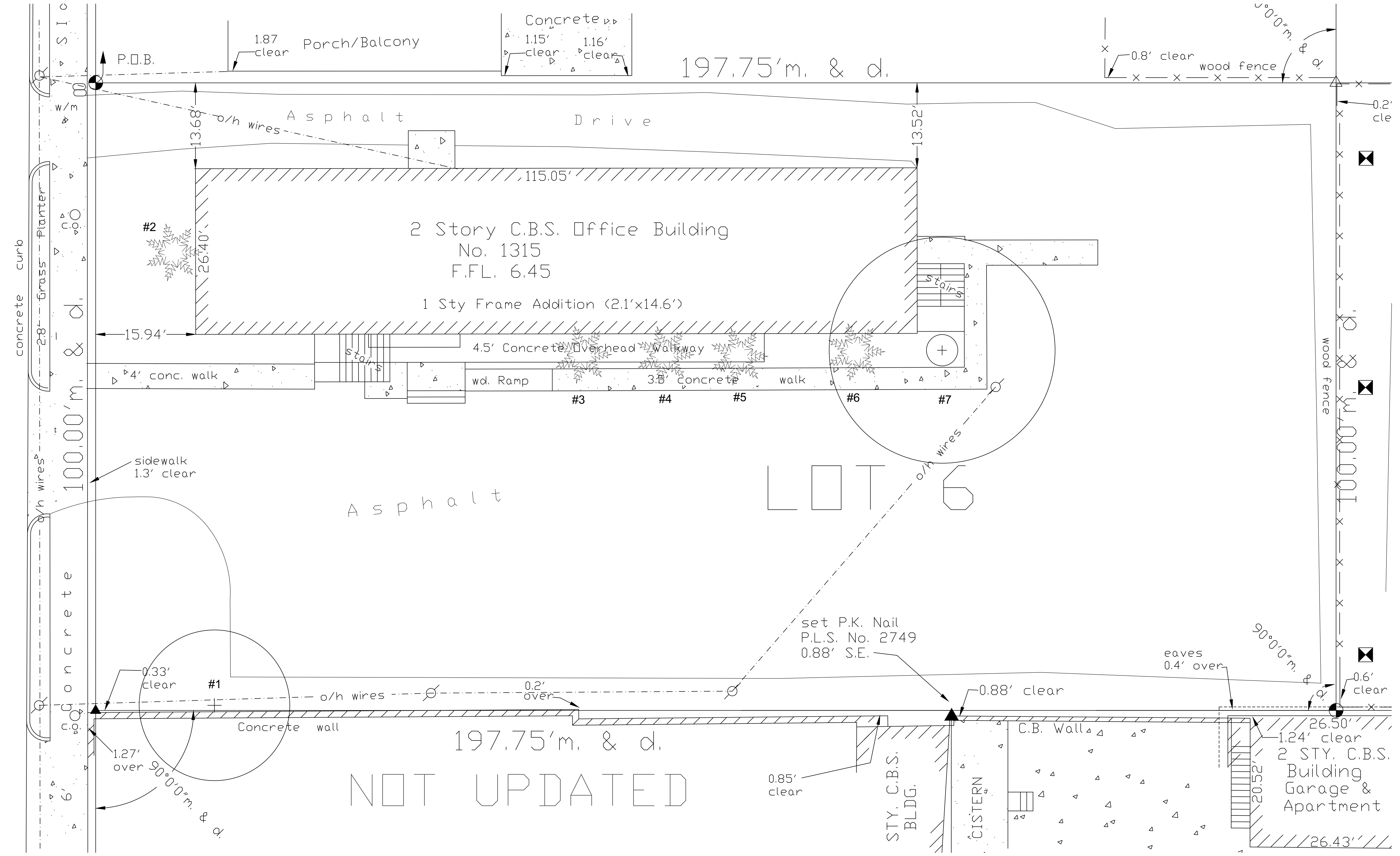


SCALE: 1/8" = 1'-0"



EXISTING TREE IMPACT SCHEDULE								CONDITION (%)				
TREE #	LOCAL NAME	BOTANICAL NAME	NOTES	APPRX. DSH	HEIGHT	SPREAD	Remove	Location	Species	Condition	Mit. Req.	Total
1	Seaside Mahoe	Thespesia populnea	Category I Invasive-Exotic	16"	18'	14'	X	0	0	0	n	0
2	Christmas Palm	Adonidia Sp.	Regulated - replace w/Native Palm 4' min. hgt.	twin 6" ea	16'	14'	X	0	0	0	n	0
3	Christmas Palm	Adonidia Sp.	Unprotected	6"	8'	6'	X	0	0	0	n	0
4	Christmas Palm	Adonidia Sp.	Unprotected	6"	8'	6'	X	0	0	0	n	0
5	Christmas Palm	Adonidia Sp.	Unprotected	6"	8'	6'	X	0	0	0	n	0
6	Areca Palm	Dyopsis lutescens	Unprotected	12"	12'	4-8'	X	0	0	0	n	0
7	Strangler Fig	Ficus aurea	Specially Protected, Foundation & Bldg Issues	70"	30'	30'	X	40	100	60	y	66
8	Womans Tongue		Unprotected	na			X	0	0	0	n	0
Total Mitigation %											66%	

WHITEHEAD STREET (50' R/W)



TREE IMPACT PLAN

DATE 10.17.14

REVISIONS:		
No.	Date	Notes
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Landscape Plans

SHEET NUMBER:

L-1

JOB #: 14007 DRAWN BY: LBR
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2922 TAPESTRY PARK CIRCLE, SUITE 201 JACKSONVILLE, FL 32246 904.343.4194

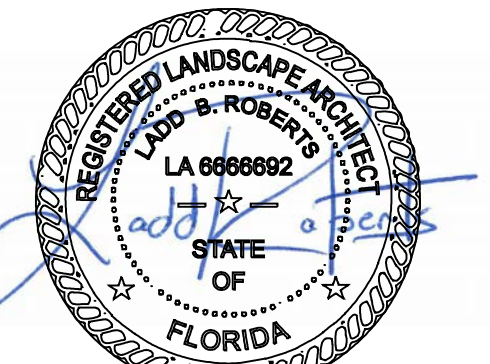
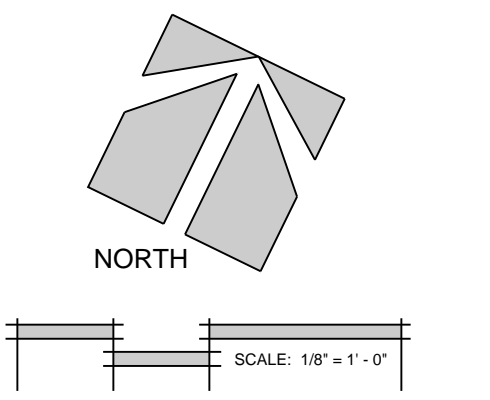
LANDSCAPE CALCULATIONS - Chapter 108.346 to 108.347			
108.346 OPEN SPACE RESIDENTIAL USE = 35% REQ. OF TOTAL SITE AREA (19,775)	REQUIRED 35% / 6,921 SF	PROVIDED 36% / 7,062 SF	
108.347 REQUIRED SCREENING			
NORTH ADJACENCY - MULTI-FAMILY 3' "B" Buffer @ 45 PU's per 100'			
198 LF Requires 89 PU's (1.98 x 45 = 89.1)			
	PLANT PROVIDED	x PLANT UNITS	PU'S PROVIDED
Canopy Trees	0	10	0
Understory Trees	9	3	27
Shrubs	64	1	64
TOTAL PU'S PROVIDED			91
SOUTH ADJACENCY - SINGLE-FAMILY NO BUFFER REQUIRED			
198 LF Requires 0 PU's (1.98 x 0 = 0)			
	PLANT PROVIDED	x PLANT UNITS	PU'S PROVIDED
Canopy Trees	0	10	0
Understory Trees	0	3	0
Shrubs	0	1	0
TOTAL PU'S PROVIDED			0
EAST ADJACENCY - LOW IMPACT 5' "C" Buffer @ 72 PU's per 100'			
100 LF Requires 72 PU's (1.00 x 72 = 72)			
	PLANT PROVIDED	x PLANT UNITS	PU'S PROVIDED
Canopy Trees	5	10	50
Understory Trees	5	3	15
Shrubs	7	1	7
TOTAL PU'S PROVIDED			72
WEST ADJACENCY - SEE STREET FRONTAGE Section 108.413			

LANDSCAPE CALCULATIONS - Chapter 108.412 to 108.416			
108.412(a) MINIMUM LANDSCAPE AREA MINIMUM LANDSCAPE 20% OF BLDG. SITE AREA	REQUIRED 20% / 3,955 SF	PROVIDED 20% / 3,960 SF	
108.412(b) MINIMUM NATIVE PLANT REQUIREMENT 70%			
NATIVE PLANTS (70% Minimum)	100	75%	
EXOTIC PLANTS (30% Maximum)	34	25%	
108.413 MINIMUM STREET FRONTAGE LANDSCAPING ALONG ROW (LESS THAN .5 ACRES = 10' WIDTH / 40 PLANT UNITS PER 100 LF)			
82 LF Street Frontage / 100 LF = .82 x 40 PU's = 32.8 PU'S REQUIRED			
	PLANT PROVIDED	x PLANT UNITS	PU'S PROVIDED
Canopy Trees	2	10	20
Understory Trees	1	3	3
Shrubs	16	1	16
TOTAL PU'S PROVIDED			39
108.414 INTERIOR LANDSCAPE REQUIREMENT NOT APPLICABLE			
108.415 PERIMETER LANDSCAPE REQUIREMENT NOT APPLICABLE			
108.416 NON-VEHICULAR OPEN SPACE (NOS) TREE REQUIREMENT	REQUIRED	PROVIDED	
3,960 SF / 20% NOS REQUIRES 4 Trees / 2,000 SF of NOS (3,960 SF / 2,000 = 1.98 x 4 Trees = 7.9 Trees Required)	7.9	15 (4-Trees / 11- Palms)	

GENERAL INFORMATION & TREE MITIGATION	
ZONING	HHDR
GROSS SITE AREA	.45 ACRES OR 19,775 SF
BUILDING COVERAGE	33.0% OR 6,492 SF
IMPERVIOUS SURFACE AREA	SEE CIVIL
TREE MITIGATION CALCULATIONS	
TREES IMPACTED	DSH INCHES REMOVED
PROTECTED TREES IMPACTED	70"
MITIGATION REQUIRED (66%) (70" x .66 = 21.6")	46"
DSH INCHES PROVIDED (4" DSH MIN. TREES)	12 Trees / 48"

1315
WHITEHEAD ST

1315 WHITEHEAD STREET
KEY WEST, FL 33040



LANDSCAPE PLAN

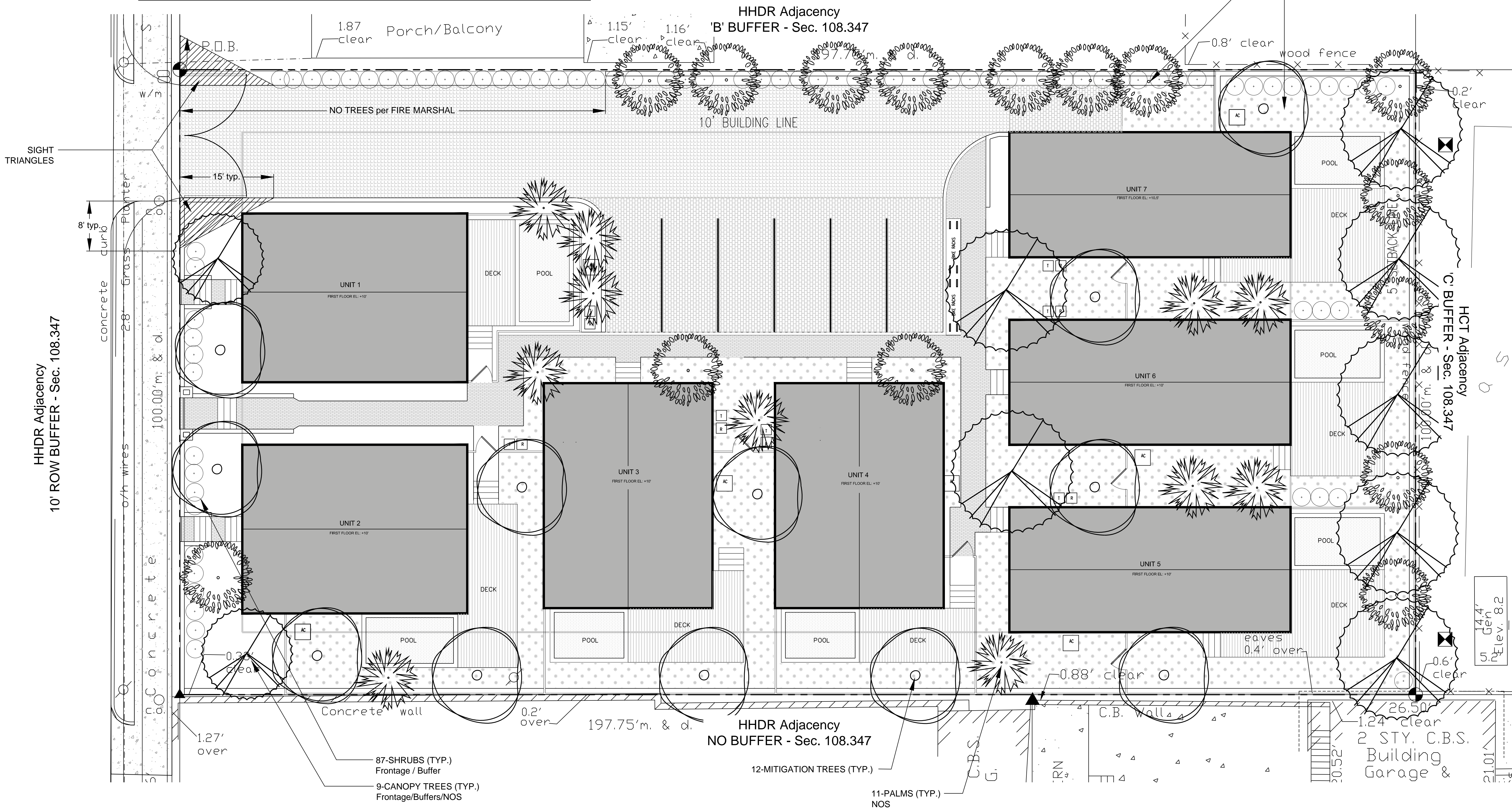
DATE 10.17.14

REVISIONS:		
No.	Date	Notes
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Landscape
Plans

SHEET NUMBER:
L-2

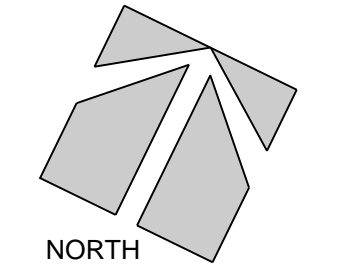
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1315 WHITEHEAD STREET
KEY WEST, FL 33040



SCALE: 1/8" = 1'-0"

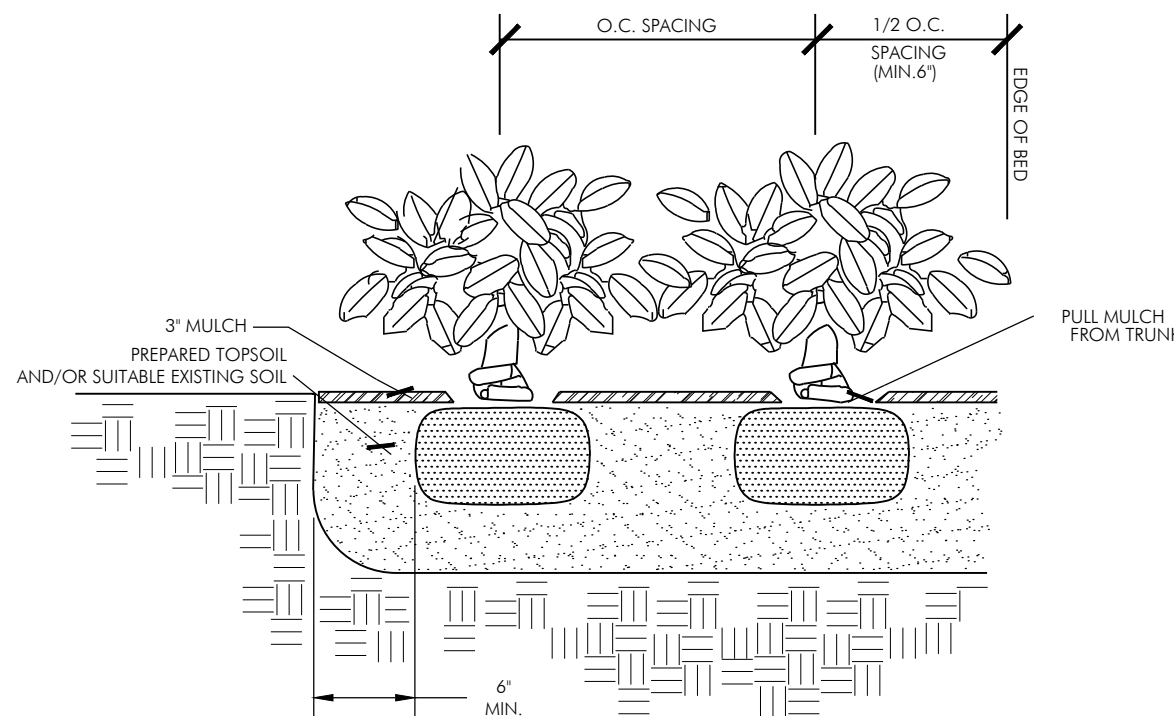


10.17.14

PLANT SCHEDULE & DETAILS

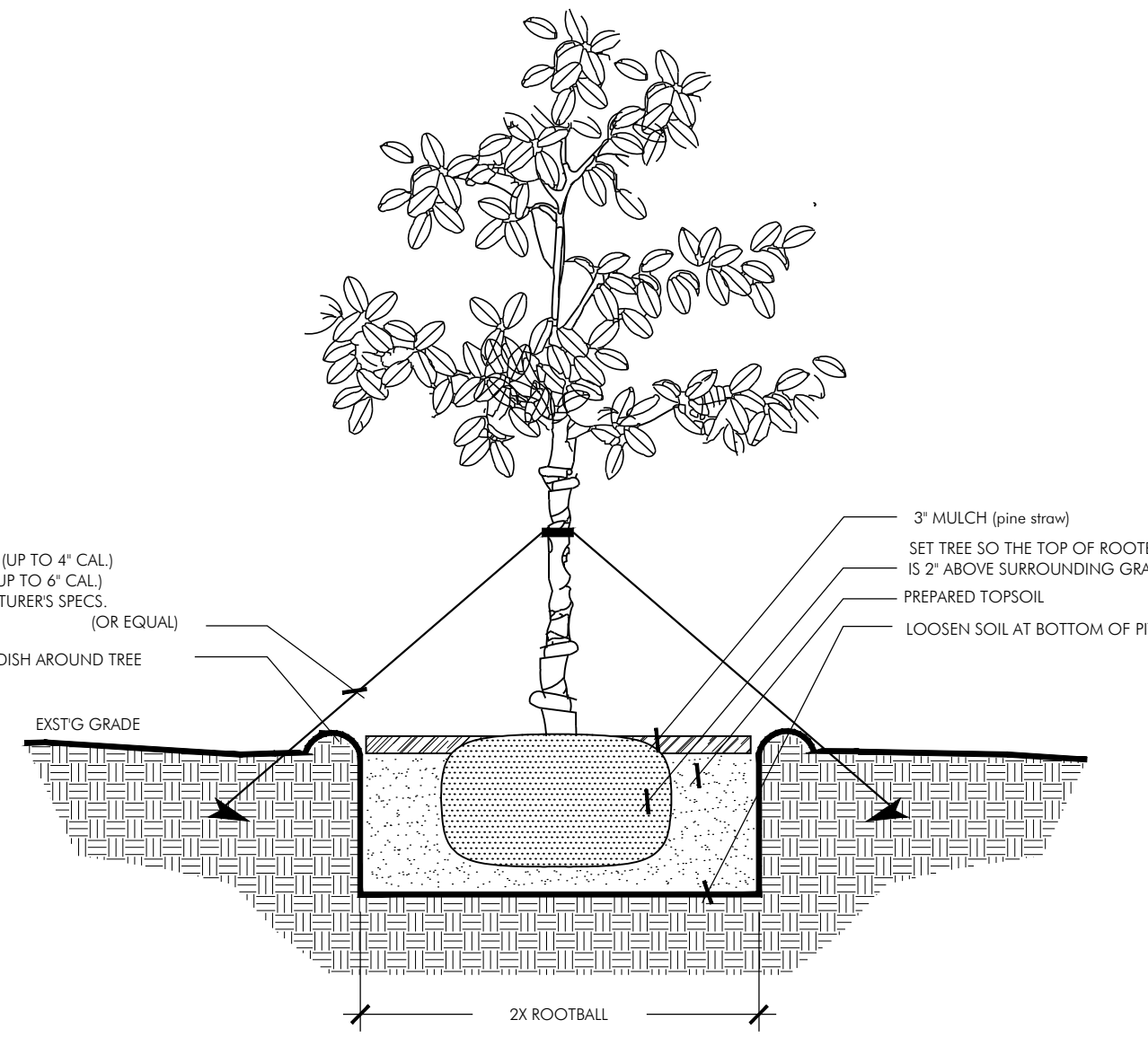
DATE 10.17.14

REVISIONS:		
No.	Date	Notes
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SHRUB PLANTING DETAIL

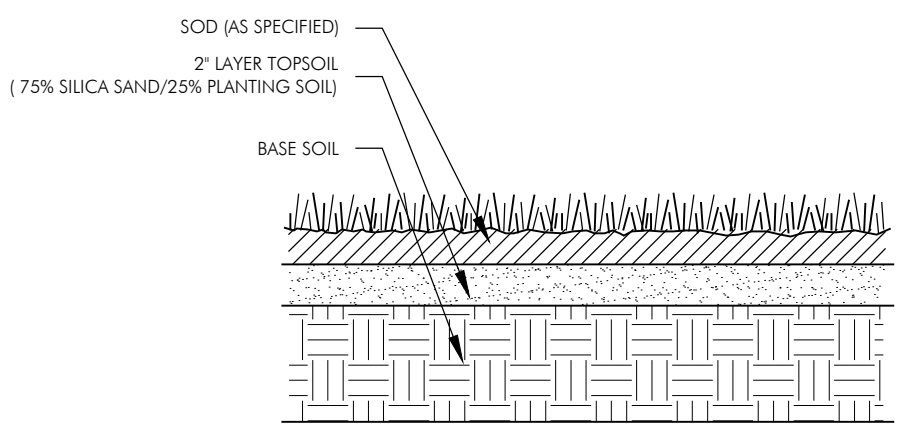
ALL SHRUBS ARE TO BE POSITIONED VERTICALLY REGARDLESS OF THE SLOPE OF THE GROUND IN WHICH THEY ARE PLANTED. WATER RINGS ARE TO BE CONSTRUCTED AT RIGHT ANGLES TO THE TREE OR SHRUB OR IN A MANNER IN WHICH THEY WILL MOST EFFECTIVELY SERVE THE PURPOSE OF RETAINING WATER AT THE BASE OF THE PLANT.



TREE PLANTING DETAIL

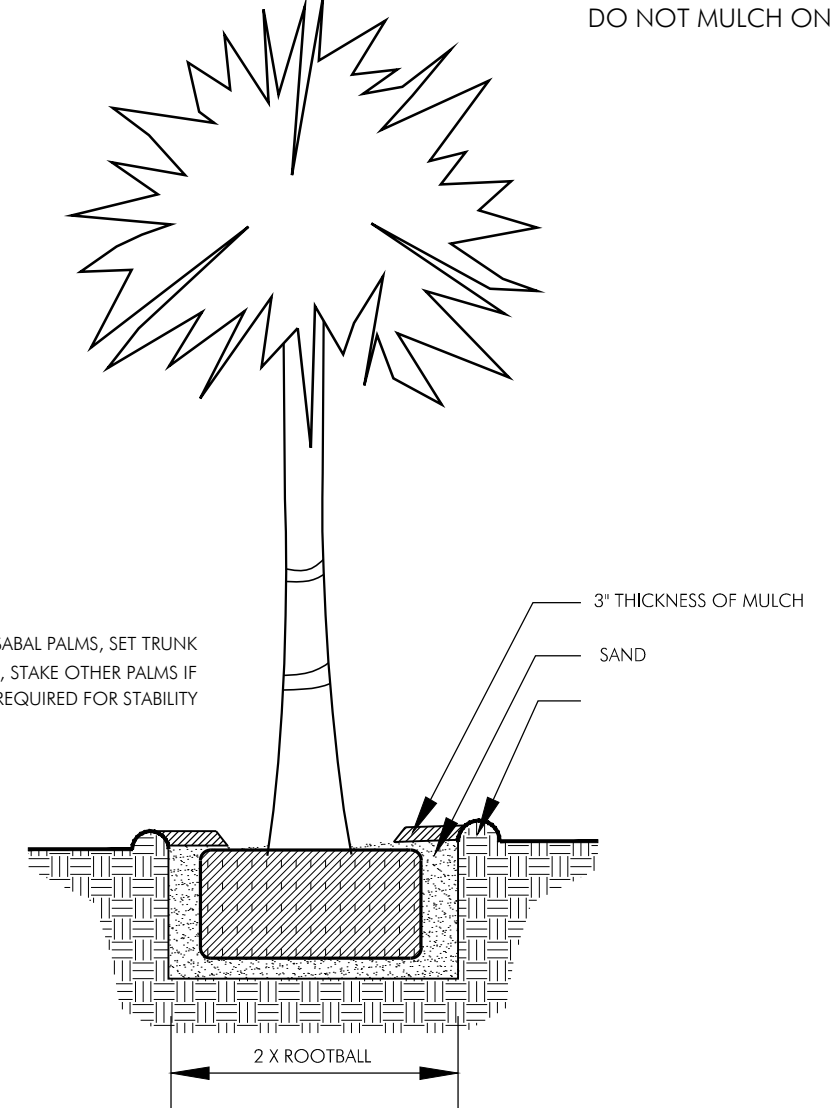
ALL TREES ARE TO BE POSITIONED VERTICALLY REGARDLESS OF THE SLOPE OF THE GROUND IN WHICH THEY ARE PLANTED. WATER RINGS ARE TO BE CONSTRUCTED AT RIGHT ANGLES TO THE TREE OR SHRUB OR IN A MANNER IN WHICH THEY WILL MOST EFFECTIVELY SERVE THE PURPOSE OF RETAINING WATER AT THE BASE OF THE PLANT.

THE ROOTBALL OF THE TREE SHOULD BE POSITIONED IN THE HOLE SO THAT THE FINISH GRADE OF THE BACKFILL SOIL AND LANDSCAPE SOIL IS 2" LOWER THAN THE TOP OF THE ROOTBALL. MULCH SHOULD COVER THE EDGE OF THE ROOTBALL, DO NOT MULCH ON TOP OF ROOTBALL.



SODDING DETAIL

ALL AREAS TO BE SODDED TO RECEIVE 2" TOP LAYER OF SILICA SAND/PLANTING SOIL AS INDICATED.



PALM PLANTING DETAIL

GENERAL NOTES:

AT LEAST 70% OF THE SPECIFIED SPECIES FOR REQUIRED MATERIAL WILL BE NATIVE AS STIPULATED IN THE MINIMUM NATIVE PLANT REQUIREMENT.

100% OF THE REQUIRED REPLACEMENT TREES SHALL BE NATIVE.

100% IRRIGATION COVERAGE SHALL BE PROVIDED TO ALL PROPOSED PLANTING AREAS. SAID SYSTEM SHALL BE DESIGN TO MAXIMIZE WATER CONSERVATION AND SHALL CONFORM TO SECTION 3-13.12: 'C' OF THE CITY OF KEY WEST CODE. AS BUILT DRAWING REQUIRED.

ALL LARGE CANOPY AND RELOCATED TREES SHALL UTILIZE IRRIGATION BUBBLERS AT BASE OF TREE.

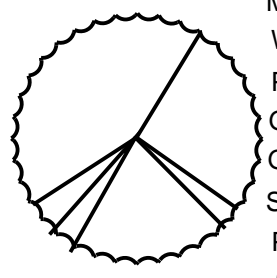
Conceptual Planting Palette

QTY.	COMMON NAME	BOTANICAL NAME	SIZE	NOTE	NATIVE	QTY.	COMMON NAME	BOTANICAL NAME	SIZE	NOTE	NATIVE
PALMS (11 palms)						SHRUBS (87 shrubs)					
	SABAL PALM	Sabal palmetto	12'-18' cir. trnk.				SPANISH STOPPER	Eugenia foetida	7 gal., 36"-40" hgt./sprd.	FL #1	NATIVE
	KEY THATCH PALM	Thrinax morrisii	4-6' o.h.	FL #1	NATIVE		WILD COFFEE	Psychotria nervosa	3 gal., 24"-36" hgt./sprd.	FL #1	NATIVE
	FLA. THATCH PALM	Thrinax radiata	6" o.h.	FL #1	NATIVE		FICUS 'GREEN ISLAND'	Ficus 'Green Island'	3 gal., 14"-18" sprd./hgt.	FL #1	NATIVE
	SAW PALMETTO	Serenoa repens 'Silver'	15 gal. 3' o.h.	FL #1	NATIVE		LOCUSTBERRY	Brysonima lucida	7 gal., 36"-40" hgt./sprd.	FL #1	NATIVE
	BUCCANEER PALM	Pseudophoenix sargentii	30 gal. 6'-8' o.h.	FL #1	NATIVE		JAMAICA CAPER	Capparis cynophallophora	7 gal., 36" - 40" hgt./sprd.	FL #1	NATIVE
	ROYAL PALM	Roystonea elata	8 to 12' grey wood, Fat Trunks	FL #1	NATIVE		FIREBUSH	Hamelia patens	7 gal., 36"-40" hgt./sprd.	FL #1	NATIVE
TREES						GROUNDCOVER (3,900 SF)					
CANOPY (9 canopy trees / 12 mitigation trees)						ST. AUGUSTINE SOD or Preferred Species					
	MAHOGANY	Sweetenia mahogany	4" cal., 14-16' o.h., 10-12' sprd.	FL #1	NATIVE		MUHLI GRASS	Muhlenbergia capillaris	1 gal., full	FL #1	NATIVE
	WILD TAMARIND	Lysiloma latifolium	4" cal., 12-14' o.h.,	FL #1	NATIVE		WART FERN	Microsorium scolopendrum	3 gal., full	FL #1	NATIVE
	PIDGON PLUM	Coccoloba diversifolia	3" cal., 12-14' o.h	FL #1	NATIVE		GOLDEN CREEPER	Ernodea littoralis	1 gal., full	FL #1	NATIVE
	GUMBO LIMBO	Bursera simaruba	4" cal., 14-16' o.h.	FL #1	NATIVE		SILVER LOVE GRASS	Eragrostis elliptoi	1 gal., full	FL #1	NATIVE
	GREEN BUTTONWOOD	Conocarpus erectus	4" cal., 12-14' o.h.	FL #1	NATIVE		SPIDER LILY	Hymenocallis latifolia	1 gal., full	FL #1	NATIVE
	SILVER BUTTONWOOD	Silver buttonwood	2" cal. 10'-12' o.h.	FL #1	NATIVE		TICKSEED	Coreopsis ssp 'Dwarf'	1 gal., full	FL #1	NATIVE
	PARADISE TREE	Simaruba glauca	3" cal., 12-14' o.h.	FL #1	NATIVE						
	CINNAMON BARK	Canella Winterana	1.5" cal. 6'-8' o.h.	FL #1	NATIVE						
	LIGNUM VITAE	Guaiaacum sanctum	1.5" cal. 6'-8' o.h.	FL #1	NATIVE						
	CRABWOOD	Gymnathes lucida	1.5" cal. 6'-8' o.h.	FL #1	NATIVE						
	SATINWOOD	Zanthoxylum flavum	1.5" cal. 6'-8' o.h.	FL #1	NATIVE						
	SIMPSON STOPPER	Myrianthes fragrans	1.5" cal. 6'-8' o.h.	FL #1	NATIVE						
	RED STOPPER	Eugenia rhombea	1" cal. 5-6 o.h.	FL #1	NATIVE						

NOTE: CANOPY TREES PLANTED ALONG WHITEHEAD STREET SHALL BE SMALLER IN NATURE AND SETBACK FROM SIDEWALK.



MITIGATION TREES 4" DSH MIN.



UNDERSTORY (15 understory trees)

Landscape Plans

SHEET NUMBER:

L-3

JOB #: 14007 DRAWN BY: LBR
THIS DRAWING IS THE PROPERTY OF LANDWISE DESIGN, INC. UNLESS OTHERWISE PROVIDED FOR BY CONTRACT. THE CONTENTS OF THIS DRAWING ARE CONFIDENTIAL AND SHALL NOT BE TRANSMITTED TO ANY OTHER PARTY EXCEPT AS AGREED TO BY LANDWISE DESIGN, INC.
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DRC Minutes/Comments

Development Review Committee Minutes

August 28, 2014 **FINAL**

Planning Director, Don Craig called the Development Review Committee meeting of August 28, 2014 to order at 10:00 AM at Old City Hall in the antechamber at 510 Greene Street, Key West.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present were: Planning Director, Don Craig; Fire Department, Jason Barroso; Engineering Services, Elizabeth Ignaffo; Building Official, Ron Wampler; Urban Forestry Manager, Karen DeMaria; HARC Planner, Enid Torregrosa; and Art in Public Places, Dick Moody.

Not present were: Recreation Director, Greg Veliz; Police Department, Steve Torrence; Sustainability Coordinator, Alison Higgins; Director of Transportation, Norman Whitaker; Floodplain Manager, Scott Fraser; Solid Waste Recycling Coordinator, Will Thompson; ADA Coordinator, Peg Corbett; Bicycle Pedestrian Coordinator, John Wilkins.

Additional comments provided by (not read into the record): Keys Energy Supervisor of Engineering Matthew Alfonso and Scott Fraser, Floodplain Manager.

Also in attendance was Planning Department staff: Kevin Bond, Carlene Smith and Venetia Flowers.

APPROVAL OF AGENDA

APPROVAL OF MINUTES

No minutes to approve

DISCUSSION ITEMS

New Business

- 1. Administrative Variance – 714 Elizabeth St Rear** (RE # 00018190-000200, AK # 8497563) – A request for administrative variance to minimum side and rear setbacks in order to renovate and add a second story loft to the existing single-family residential dwelling on property located within the Historic High Density Residential (HHDR) Zoning District pursuant to Sections 90-398, 122-630(6)b. and 122-630(6)c. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mr. Bond gave members an overview of the administrative variance request.

The applicant, Jennifer Reed, William Rowan Architecture, gave members an overview of the administrative variance request.

PLANNING DIRECTOR: No comments

Development Review Committee Minutes August 28, 2014 **FINAL**

Historic Medium Density Residential (HMDR) Zoning District pursuant to Section 122-32(e) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mr. Bond gave members an overview of the change of non-conforming use request.

The owner applicant, Yakov Blives gave members an overview of the change of non-conforming use request.

PLANNING DIRECTOR: Mr. Craig reminded the owner that if the original business does not remain in operation that they must cease and desist.

FIRE: Mr. Barroso stated that the lighting of the canopy must meet the code.

ENGINEERING: No comments

BUILDING: Mr. Wampler reminded the applicant that the canopy must be treated with fire retardant as per the Florida Building Code.

TREE: No comment

HARC: Ms. Torregrosa wanted clarification on how the canopy is attached to the building and if there is going to be any changes regarding the color or signage for the property.

ART IN PUBLIC PLACES: No comments

KEYS ENERGY: No objections

5. Major Development Plan – 1315 Whitehead Street (RE # 00036180-000000; AK # 1037044) – A request for major development plan approval for the construction of seven permanent residential units on property located within the Historic High Density Residential (HHDR) Zoning District pursuant to Sections 108-91.A.2.(a) and 122-627 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mr. Bond gave members an overview of the major development plan request.

The applicant, Lori Thompson, Trepanier & Associates, gave members an overview of the major development plan request.

PLANNING DIRECTOR: No comment

FIRE: Mr. Barroso asked that the applicant please make an appointment with the Fire department to ensure no setback concerns/accessibility issues.

Development Review Committee Minutes August 28, 2014 **FINAL**

ENGINEERING: Ms. Ignaffo asked the applicant to provide a site plan that shows the locations for recycle and trash storage, for each unit or the complex as a whole. She also asked that the site plan show dimensions for the parking spaces serving unit numbers 5, 6, and 7, and coordinate with the Fire Department to provide a fire truck turnaround at the end of the driveway and indicate the dimension of the turnaround on the site plan. Ms. Ignaffo also asked for clarification regarding paver sidewalks under the structure on Unit 6.

BUILDING: Mr. Wampler asked if the house is a single family residential and noted that the applicant needs to make sure that the flood insurance rate maps are on track.

TREE: Ms. DeMaria stated that she has been speaking with the project landscaper and the application for conceptual landscape approval has been submitted to the tree commission to be heard at the September 9, 2014 Tree Commission meeting.

HARC: Ms. Torregrosa was concerned about the three stories since, parking on the first floor is one story. She requested to see the dimensions of the heights and commented that the main façade is the side of the house. She stated that she is glad it is individual buildings.

ART IN PUBLIC PLACES: Mr. Moody wanted to find out if the project falls in the 1% Plan and wanted to know what the estimated value of the project is. He also wants to make sure the applicant works with Arts in Public Places.

KEYS ENERGY: Mr. Alfonso requested a full set of plans and a project review form. He also stated that there looks to be a conflict with the landscaping plan for the Whitehead Street side with the existing high voltage lines.

FEMA: Mr. Fraser provided the following comments regarding the project but they were not read into the record:

- Three flood zones, of two different categories, pass through this property, with different construction standards for each zone: VE-10, AE-9 & AE-8.
- Any proposed building, touched to any degree by one of the flood zone boundary lines, places the entire building under requirements for the higher regulated flood zone.
- An attached deck, extends the footprint of a building; a deck is considered attached if it touches or is within one-inch of a building. Thus if such a deck protrudes into a different flood zone, then the entire building is considered in the highest regulated zone.
- The paths of these flood zones and their exact relationship to each of the proposed buildings (including attached decks) on a site plan needs to be certified by a land surveyor, as opposed to other design professionals. The survey reviewed thus far, shows the flood zone boundary lines relative only to the existing building.
- For building permitting, "Construction Drawing" phase Elevation Certificates will be required for each proposed building, to demonstrate not only the appropriate building heights, but the flood zone determinations as well, prior to construction. Such certificates must be completed by a State of Florida licensed land surveyor, as opposed to other design professionals.

Development Review Committee Minutes August 28, 2014 **FINAL**

- A second Elevation Certificate - "Under Construction" phase - will be required once the measured construction (lowest cross-member or Finished First Floor) has been placed, and before construction proceeds past the first floor.

VE-Zones:

- A review of pages C-1 & C-2 of the plans submitted, indicate Units 1 & 2 would be regulated to VE-10 flood zone building standards, regardless of whether the decks shown are attached.
- These plans show the proposed elevation of the First Finished Floors. However, the required height of buildings within V-zones is measured to the lowest perpendicular horizontal cross-member, not the First Finished Floor. For these two buildings, the plans should reflect the height of the lowest perpendicular horizontal cross-member rather than the finished floor.
- The floor elevations provided indicate Units 1 & 2 will likely exceed the flood height requirements, even when measured from the lowest cross-members. However, great care needs to be applied to any proposed ground level slabs or grade beams, as such can inadvertently become a horizontal cross-member well below flood levels, prohibiting the issuance of a Certificate of Occupancy for the building.
- It is recommended that additional freeboard height be considered, from both flood damage protection and insurance cost perspectives.
- Flood insurance premiums are significantly discounted by adding freeboard height to buildings. This discount is maximized with three-feet of freeboard. It's likely, new Flood Insurance Rate Maps expected circa 2019 will increase the Base Flood Elevation of these three flood zones by one foot. Four feet of freeboard constructed now, would retain the maximum discount should the BFEs increase one-foot. Such discounts are greater for V-zone buildings, as rates are considerably higher for these buildings as opposed to A-zone buildings.

AE-Zones:

- From the information submitted, it would appear the remaining five units (#3-7) will be held to AE-9 flood zone standards, and meet them.
- Again, additional freeboard would be a recommendation for additional flood protection and lower insurance rates.
- Units 5 & 6, with a finished first floor height of 10' in a 9' flood zone would have one foot of freeboard, as required by the building code. Yet a one-foot increase in Base Flood Elevations (BFE) would leave these units with zero freeboard and no discount in a few short years.
- For flood insurance purposes - not building construction requirements - the height of buildings is rounded to the nearest foot. Increasing the height of these units an additional six inches - to 1.5' of freeboard - should retain discounts for one-foot of freeboard when the BFE increases one-foot.

6. **Revocable License – 200 William Street** (RE # 00000840-000000, AK # 1000850) – A request for a revocable license to install landscaping, brick pavers and a bicycle / scooter parking area within Lazy Way Lane located within the Historic Residential Commercial Core – Duval Street Gulfside (HRCC-1) Zoning District pursuant to Section 2-939 of the Code of Ordinances of the City of Key West, Florida.

Mr. Bond gave members an overview of the revocable license request. He also stated that the City requires an insurance certificate and there is a City fee for the current owner for the licenses that is required every year. License is only granted to the original owner.

Property Appraiser Record Card



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

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

Website tested on IE8, IE9, & Firefox.
 Requires Adobe Flash 10.3 or higher

Property Record Card -

Maps are now launching the new map application version.

Alternate Key: **1037044** Parcel ID: **00036180-000000**

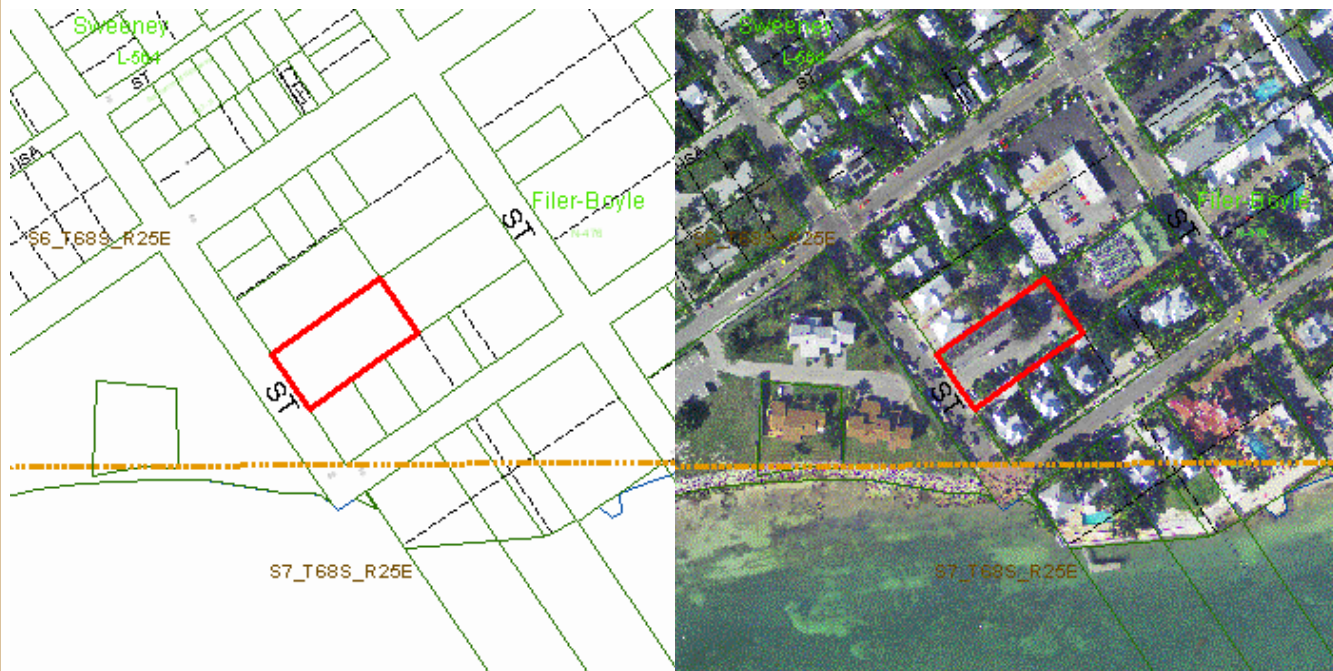
Ownership Details

Mailing Address:
 SOUTHWHITEHEAD LC
 PO BOX 1146
 KEY WEST, FL 33041-1146

Property Details

PC Code: 17 - OFFICE BUILDINGS 1 STORY
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range: 06-68-25
Property Location: 1315 WHITEHEAD ST KEY WEST
Legal Description: KW FILER BOYLE SUB N-476 LOT 6 SQR 3 TR 16 OR312-514/515 OR321-138/139 OR1553-2011/13 OR2140-982/84

[Click Map Image to open interactive viewer](#)



Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	100	198	19,775.00 SF

Building Summary

Number of Buildings: 1
 Number of Commercial Buildings: 1
 Total Living Area: 6010
 Year Built: 1968

Building 1 Details

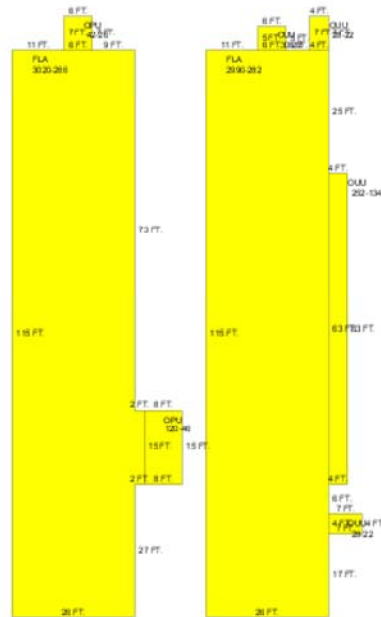
Building Type	Condition P	Quality Grade 400
Effective Age 38	Perimeter 568	Depreciation % 50
Year Built 1968	Special Arch 0	Grnd Floor Area 6,010
Functional Obs 0	Economic Obs 0	

Inclusions:

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

Extra Features:

2 Fix Bath	0	Vacuum	0
3 Fix Bath	0	Garbage Disposal	0
4 Fix Bath	0	Compactor	0
5 Fix Bath	0	Security	0
6 Fix Bath	0	Intercom	0
7 Fix Bath	0	Fireplaces	0
Extra Fix	12	Dishwasher	0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	1993					3,020
2	OJU		1	1993					120
3	OJU		1	1993					42
4	FLA		1	1993					2,990
5	OJU		1	1993					30
6	OJU		1	1993					28
7	OJU		1	1993					252

8	OUU	1	1993	28
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Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	4574	OFF BLDG MULT STY-B	100	N	Y
	4577	OFF BLDG MULT STY-B	100	N	Y

Exterior Wall:

Interior Finish Nbr	Type	Area %
1237	C.B.S.	100

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	AP2:ASPHALT PAVING	10,543 SF	0	0	1987	1988	2	25
2	PT3:PATIO	512 SF	0	0	1967	1968	2	50

Appraiser Notes

2007-01-30 TRANSFER OF FOUR TRANSIENT UNITS FROM 2801 N ROOSEVELT PARROT KEY ASSOCIATES TO 1315 WHITEHEAD FOR CONSTRUCTION OF SIX NON TRANSIENT DWELLING UNITS.DKRAUSE

2011-03-15 ALL DEMO PERMITS EXPIRED.DKRAUSE

DOWNSTAIRS - FELDMAN, KOENIG & HIGHSMITH, ATTORNEYS AT LAW UPSTAIRS - ISLAND NEWS NEWSPAPER, WESLEY HOUSE

08-2006- THE CITY APPROVED A REQUEST TO BUILD A SIX UNIT NON-TRANSIENT RESIDENTIAL BUILD AT 1315 WHITEHEAD ST-SKI

Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
96-3717	09/01/1996	11/01/1996	1	Commercial	ROOF
96-4432	11/01/1996	12/01/1997	10,000	Commercial	REPAIR/REMODELING
97-0149	01/01/1997	12/01/1997	285	Commercial	FIRE ALARM
06-5199	09/18/2006	12/29/2006	2,400	Commercial	CAP OFF LINES FOR DEMO PURPOSES.
07-0113	02/27/2007	02/16/2009	50,000	Commercial	DEMOLITION OF EXISTING STRUCTURES,FOUNDATIONS.AND TANKS
07-0115	03/05/2007	02/16/2009	1,000	Commercial	CAP OFF SEWER AND WATER FOR DEMOLITION OF BUILDING

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2014	357,605	10,072	1,625,802	1,993,479	1,993,479	0	1,993,479
2013	393,366	10,072	1,535,479	1,938,917	1,938,917	0	1,938,917
2012	393,366	10,072	1,535,479	1,938,917	1,938,917	0	1,938,917
2011	393,366	10,072	1,535,479	1,938,917	1,938,917	0	1,938,917
2010	429,126	10,072	1,535,479	1,974,677	1,818,069	0	1,974,677
2009	429,126	10,072	1,213,592	1,652,790	1,652,790	0	1,652,790
2008	429,126	10,072	2,214,800	2,653,998	2,653,998	0	2,653,998

2007	393,068	10,072	2,214,800	2,617,940	2,617,940	0	2,617,940
2006	569,949	10,072	2,175,250	2,645,229	2,645,229	0	2,645,229
2005	576,500	10,072	1,186,500	1,773,072	1,773,072	0	1,773,072
2004	589,586	10,072	1,186,500	1,786,158	1,786,158	0	1,786,158
2003	589,586	10,072	889,875	1,489,533	1,489,533	0	1,489,533
2002	569,933	10,916	889,875	1,470,724	1,470,724	0	1,470,724
2001	484,771	11,759	889,875	1,386,405	1,386,405	0	1,386,405
2000	484,771	6,542	672,350	1,163,663	1,163,663	0	1,163,663
1999	484,771	7,006	672,350	1,164,127	1,164,127	0	1,164,127
1998	0	7,470	672,350	482,498	482,498	0	482,498
1997	0	7,960	632,800	482,498	482,498	0	482,498
1996	0	8,449	632,800	482,498	482,498	0	482,498
1995	0	8,939	632,800	482,498	482,498	0	482,498
1994	0	9,428	632,800	482,498	482,498	0	482,498
1993	0	0	632,800	482,498	482,498	0	482,498
1992	0	0	632,800	482,498	482,498	0	482,498
1991	0	0	632,800	482,498	482,498	0	482,498
1990	82,054	0	400,444	482,498	482,498	0	482,498
1989	86,998	0	395,500	482,498	482,498	0	482,498
1988	54,827	0	355,950	410,777	410,777	0	410,777
1987	192,066	0	177,975	370,041	370,041	0	370,041
1986	192,659	0	177,975	370,634	370,634	0	370,634
1985	189,103	0	128,239	317,342	317,342	0	317,342
1984	143,883	0	128,239	272,122	272,122	0	272,122
1983	143,883	0	68,904	212,787	212,787	0	212,787
1982	138,330	0	68,904	207,234	207,234	0	207,234

Parcel Sales History

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

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
7/12/2005	2140 / 982	2,900,000	WD	Q
12/28/1998	1553 / 2011	1,740,000	WD	M

This page has been visited 170,839 times.

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

Public Notice

Public Meeting Notice

The Key West Planning Board will hold a public hearing at 6:00 PM on November 20, 2014 at Old City Hall, 510 Greene Street, Key West, Florida, (behind Sloppy Joe's Bar). The purpose of the hearing will be to consider a request for:

Major Development Plan – 1315 Whitehead Street (RE # 00036180-000000; AK # 1037044) – A request for major development plan approval for the construction of seven permanent residential units on property located within the Historic High Density Residential (HHDR) Zoning District pursuant to Sections 108-91.A.2.(a) and 122-627 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

The public may examine the application during regular office hours, Monday through Friday between 8:00 AM and 5:00 PM, at the City of Key West Planning Department, located in Habana Plaza at 3140 Flagler Avenue. The application may also be examined online at www.keywestcity.com. Written responses must be submitted before the hearing to the contact person below.

Contact: Kevin Bond, Senior Planner; E-mail: kbond@cityofkeywest-fl.gov; Phone: 305-809-3725; Fax 305-809-3978; Mail: PO Box 1409, Key West FL 33041-1409

THIS NOTICE CANNOT BE REMOVED FROM THE SITE UNTIL AFTER PLANNING BOARD DETERMINATION.

YOU ARE A PROPERTY OWNER WITHIN 300 FEET OF THE SUBJECT PROPERTY

The City of Key West Planning Board will hold a Public Hearing to consider the following request:

Major Development Plan – A request for major development plan approval for the construction of seven permanent residential units on property located within the Historic High Density Residential (HHDR) Zoning District pursuant to Sections 108-91.A.2.(a) and 122-627 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Applicant: Trepanier & Associates, Inc.

Owner: Southwhitehead, LLC.

Locations: 1315 Whitehead Street (RE # 00036180-000000; AK # 1037044)

Date of Hearing: November 20, 2014 **Time of Hearing:** 6:00 PM

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

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

Please provide written comments to: Kevin Bond, Senior Planner; **E-mail:** kbond@cityofkeywest-fl.gov;
Phone: 305-809-3725; Fax 305-809-3978; Mail: PO Box 1409, Key West FL 33041-1409

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

ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number at 305-809-1000 or the ADA Coordinator at 305-809-3731 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

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Applicant: Trepanier & Associates, Inc.

Owner: Southwhitehead, LLC.

Locations: 1315 Whitehead Street (RE # 00036180-000000; AK # 1037044)

Date of Hearing: November 20, 2014 **Time of Hearing:** 6:00 PM

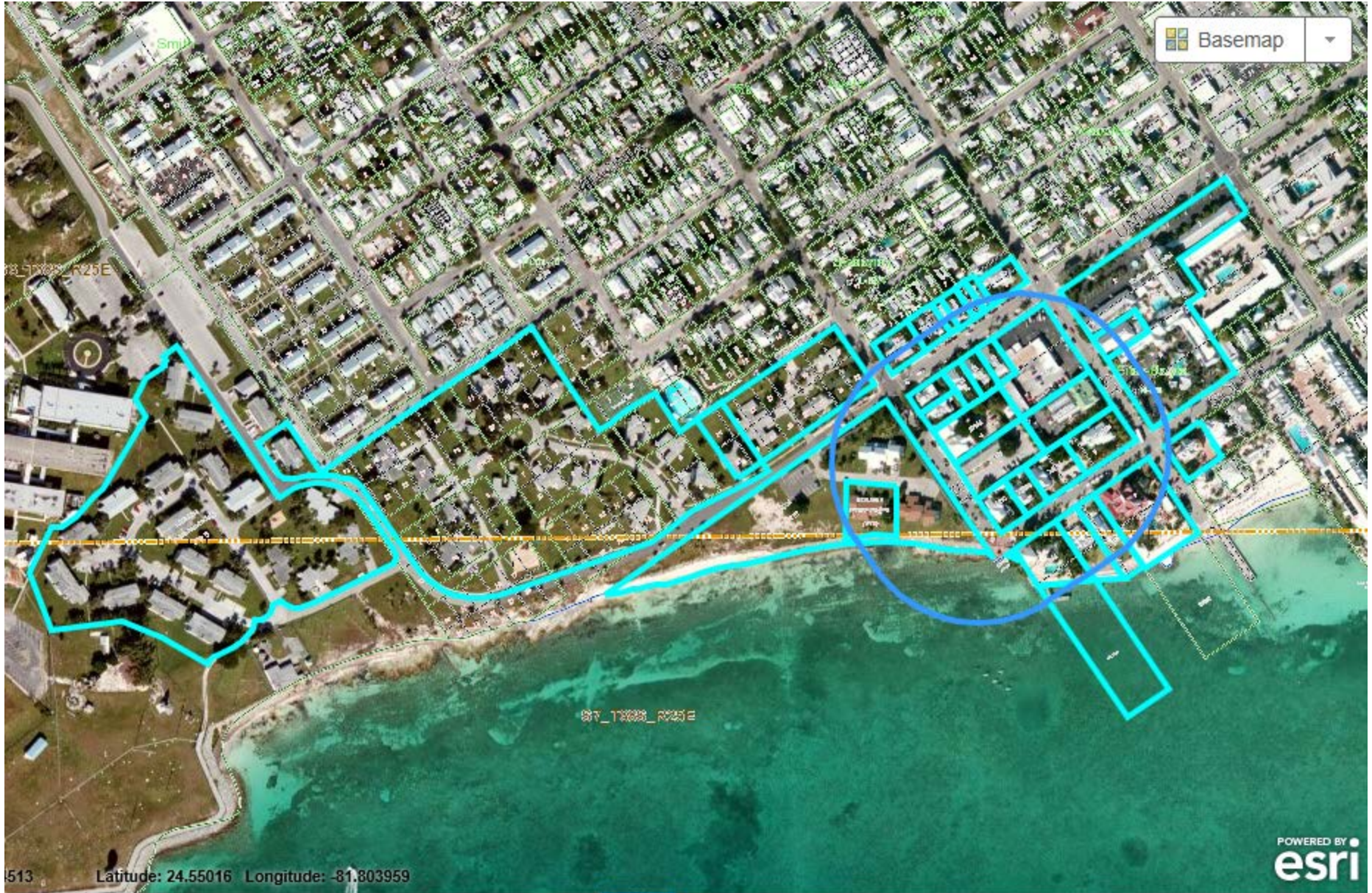
Location of Hearing: Old City Hall, 510 Greene Street, City Commission Chambers

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

Please provide written comments to: Kevin Bond, Senior Planner; **E-mail:** kbond@cityofkeywest-fl.gov;
Phone: 305-809-3725; Fax 305-809-3978; Mail: PO Box 1409, Key West FL 33041-1409

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

ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number at 305-809-1000 or the ADA Coordinator at 305-809-3731 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.



NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
1 1401 DUVAL LLC		209 DUVAI	KEY WEST	FL	33040-6507	
2 401 SOUTH STREET LLC		410 CANAI	LAKE GEORGE	NY	12845-1100	
3 BRYANT PAUL		421 UNITE	KEY WEST	FL	33040-3142	
4 CASTILLO RITVA DEC TR UNDER AG 10/8/1996		1835 CLYE	LOXAHATCHEE	FL	33470-3914	
5 DART ROBERT J AND JUDY L		925 HILL F	MILFORD	MI	48381-4722	
6 DOERING DANIEL K		259 CORN	DES PLAINES	IL	60016-2130	
7 GUEST SERVICES INC		1317 DUV	KEY WEST	FL	33040	
8 HOTTMANN JAMES A		516 CATHI	KEY WEST	FL	33040-3104	
9 JANKER PAUL LEON		CMR 415 E	APO	AE	09114-0080	
10 JANKER PETER S AND DIXIE L		7688 OAK	SPRINGFIELD	VA	22153-3506	
11 JOHNSON J SEWARD JR AND JOYCE H	C/O MATTHEWS AND CO	270 MADIS	NEW YORK	NY	10016-0600	
12 JURKOWSKI JOSEPH T JR		315 W 70T	NEW YORK	NY	10023-3577	
13 MCKISSICK ANTHONY M		401 UNITE	KEY WEST	FL	33040	
14 MINKIDS REALTY LLC		522 ROUT	MANALAPAN	NJ	07726-8241	
15 MMR PROPERTIES OF KEY WEST LLC		PO BOX 4	KEY WEST	FL	33041-4125	
16 MORGAN HUGH J		404 SOUTI	KEY WEST	FL	33040	
17 MOSTYN JOHN STEVEN AND AMBER		3810 W AL	HOUSTON	TX	77027-5294	
18 PHILLIPS ALFRED R AND DONNA M		419 UNITE	KEY WEST	FL	33040-3178	
19 POUPARD GARY		259 CORN	DES PLAINES	IL	60016-2130	
20 RAMEY ROBERT	C/O TROPICAL MOTORS	1300 DUV	KEY WEST	FL	33040-3132	
21 RAMOS MATILDE GENEROSA REV TRUST 5/25/2007	C/O HALPERN MICHAEL PA	209 DUVAI	KEY WEST	FL	33040-6507	
22 SANTIAGO INNOCENTE OSVALDO AND RAMONA L L/E		407 SOUTI	KEY WEST	FL	33040-3137	
23 SOUTHEAST HOUSING LLC	C/O BALFOUR BEATTY COMMUN	10 CAMPU	NEWTON SQUAR	PA	19073-3200	
24 SOUTHWHITEHEAD LC		PO BOX 1	KEY WEST	FL	33041-1146	
25 SUNSET CITY LLC	C/O LASALLE HOTEL PROPERTI	3 BETHES	BETHESDA	MD	20814-6358	
26 WINGS OF IMAGINATION INC		1316 DUV	KEY WEST	FL	33040-3132	
27						
28						
29						
30						
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32						
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34						



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

July 29, 2014

Lori Thompson
Trepanier & Associates Inc.
1421 First Street
Key West, FL 33040

RE: Beneficial Use Allocation, 1315 Whitehead Street (RE# 00036180-000000, AK# 1037044)

Dear Ms. Thompson,

In August 2005, two beneficial use allocations were granted to property at 1315 Whitehead Street. The property owner requested and received an extension in July 2006, which expired in January 2007.

Pursuant to Section 108-999, neither provisions of the Comprehensive Plan nor the Land Development Regulations shall deprive a property owner of all reasonable economic use of a parcel of real property which is a lot or parcel of record as of the date of adoption of the Comprehensive Plan (August 10, 1993) or lots of record which have been reconfigured such that the number of minimum sized lots are not increased.

In accordance with Code of Ordinance Sections 108-994 through 108-999, the Planning Department hereby grants two 1.0 full Building Permit Allocation System units for the purpose of constructing permanent single-family dwellings on property located at 1315 Whitehead Street. Beneficial Use allocations shall be valid until such time that the owner chooses to obtain building permits, so long that no changes are made to the configuration or size of the lot or parcel that affect the conditions or size of the lot or parcel that affect the conditions in which the Beneficial Use allocation was granted.

This action is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). This permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective until forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in the development order; that within the forty five (45) day review period the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit or development order until the appeal is resolved by agreement or order.

Please contact me directly should you have any questions. Thank you.

Respectfully,

A handwritten signature in black ink, appearing to read "Carlene Smith".

Carlene Smith
Planner Analyst

1315 Whitehead Street
Beneficial Use

Attachments:

1. August 30, 2005 Allocation Letter
2. July 24, 2006 Extension Letter
3. Application

cc: Donald Leland Craig, AICP, Community Development Services Director / Planning Director
Ron Wampler, Building Official
Larry Erskine, Assistant City Attorney
Carolyn Walker, Licensing Official
Michael Turner, Utilities Collection Manager
Scott Russell, C.F.A., Monroe County Property Appraiser

Attachment 1
August 30, 2005 Allocation Letter



THE CITY OF KEY WEST
POST OFFICE BOX 1409
KEY WEST, FLORIDA 33041-1409
www.keywestcity.com

PLANNING DEPARTMENT
(305) 292-8229

August 30, 2005

Adele V. Stones
Stones & Cardenas
221 Simonton Street
Key West, FL 33041

RE: 1315 Whitehead Street

Dear Ms. Stones:

Thank you for your letter of August 17, 2005 requesting that two single-family residential (ROGO) units be assigned to the above property. I am happy to announce that the City is able to assign two single-family ROGO units to the property and has set aside such units for use at the above property provided that a building permit is applied for and picked up within one year. After one year a new application for beneficial use will be necessary.

Applicable Laws:

I. Key West Code Section 108-1100 (Procedures for ensuring beneficial use of private property)

- (a) This establishes the criteria to be that there is no "economically reasonable or viable use of that property unless such deprivation is known to be necessary to prevent a nuisance under Florida Law or in the exercise of the city's police power to protect the health, safety, and welfare of its citizens. All reasonable economic use shall mean the minimum use of the property necessary to avoid a taking within a reasonable period of time as established by land use case law."
- (b) Relief granted shall be the minimum necessary to avoid a taking and may be one or a combination of the following:
 - i. "Granting of a permit for development which shall be deducted from the permit allocation system;
 - ii. Granting the use of transfer of development rights (TDR's) consistent with the comprehensive plan;
 - iii. Purchasing by the city of all or a portion of the lots or parcels upon which all beneficial use is prohibited;
 - iv. Such other relief as the city may deem appropriate and adequate.
- (c) Development approved pursuant to a beneficial use determination shall be consistent with all other objectives and policies of the comprehensive plan and land development regulations unless specifically exempted from such requirements in the final beneficial use determination.

II. Sec. 122-596-600 The property is zoned HMDR (Historic Medium Density Residential). A copy of the District Intent, Uses and Dimensional Requirements is attached.

III. Section 122-1079 Lots of record less than minimum size

“Any legally platted lot of record (which conformed with the regulations and procedures governing subdivision of lots) at the time of the adoption of this Ordinance which contains less lot area or width than required in the district in which it is located may be used for a use permitted in such district. The provision shall not be constructed to permit more than one dwelling unit on a lot with less area per family than required for the district in which such lot is located...”

The findings of facts are:

1. The property is currently occupied by a legally existing non-conforming use (offices).
2. The existing building is below the base flood elevation.
3. The allocated density for the site would be a potential of 10 units.
4. There are residential uses on both sides of the property.
5. The property backs onto commercial property used by the butterfly exhibit.

Conclusions:

1. A use of land most consistent with the zoning is a permitted use (See Sec. 122-597).
2. Single-family, two-family and multiple-family dwellings are a permitted use of the property.
3. It is possible to fit many more than two units onto this property without variances.
4. A single-family, two-family or multi-family dwellings can be developed on the property in a manner consistent with the requirements of the HMDR zoning.
5. Of the conditional uses (see Sec. 122-598), most of the uses are public or quasi-public and thus do not provide private, reasonable economic value. These uses are group Homes with 7 to 14 residents, Cultural and Civic Activities, Educational Institutions and Day Care, Nursing Homes/Rest Homes & Convalescent Homes, Parks and Recreation Active and Passive, Places of Worship, Protective Services, Public and Private Utilities, Parking Lots and Facilities, and would not fit on a property this size.
6. Residential uses of the property would eliminate an non-conforming use and structure and be consistent with the residential uses on either side of the property.
7. It is necessary to allocate two ROGO units to the property in order to avoid depriving the property owner of all reasonable economic use of the property.

Therefore, two market rate ROGO units (able to be used as single-family, two-family or multi-family) are assigned and reserved for the above-referenced property. As we

discussed, you anticipate acquiring additional ROGO units and applying for a development plan approval. Therefore, the two units are reserved, provided development plan is applied for within one year and work proceeds in accordance with the development plan approval. If a development plan is not applied for or the work does not proceed, a new application for beneficial use will be necessary. This unit shall come from the pool of units reserved by the Planning Department for properties qualifying for beneficial use under section 108-1100.

Please note that any other ROGO units to develop on the property will have to be acquired under the regulations in effect as such time as the development occurs.

If you should have questions or require additional information, please call.

Sincerely,

Ty Symroski
City Planner

CC: DCA, Marathon Office

Attachment 2

July 24, 2006 Extension Letter



THE CITY OF KEY WEST
POST OFFICE BOX 1409
604 Angela Street
KEY WEST, FLORIDA 33041-1409

PLANNING DEPARTMENT
(305) 809-3722

24 July 2006

Adele V. Stones
221 Simonton Street
Key West, Florida 33040

Subject: 1315 Whitehead Street (RE# 00036180-000000)

Dear Ms. Stones:

I am sorry to hear that you have been unable to move forward with the plans for your property. Fortunately, as requested in your letter of July 17, 2006, I am able to extend the two reserved ROGO allocations.

Please realize that these allocations come with the condition that you apply for and receive a building permit within six months and then proceed with construction. If you do not meet with this condition, then this allocation will be null and void and you shall have to make a new request.

If you should have questions or require additional information, please call.

Sincerely,

Gail E. Kenson, AICP
Planning Director

CC: DCA, Marathon Office

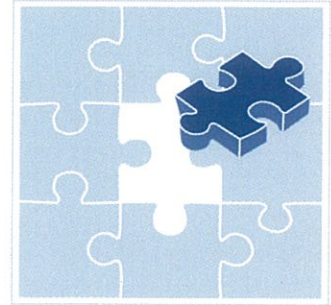
Attachment 3
Application

07/23/2014

Ms. Carlene Smith, Planner Analyst
City of Key West Planning Department
3140 Flagler Ave
Key West, FL 33040

**Re: 1315 Whitehead Street (RE#: 00036180-000000)
Beneficial Use Determination**

TREPANIER



& ASSOCIATES INC
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

Dear Carlene:

The above property is in the due diligence period of a closing, pending, in part, on the determination of beneficial use. The purpose of this letter is to request the allocation of three (3) market rate BPAS allocations for three (3) of seven (7) units proposed to be constructed at the above referenced property, along with the relinquishment of one (1) BPAS exempt unit from 416 Louisa Street¹. The additional BPAS-equivalent units required for the project have been acquired pursuant to Resolution 2006-035.

The property is being purchased for the purpose of redevelopment to a residential use, consistent with the HHDR zoning designation of the property. The property has most recently been used for commercial purposes. The existing structure on the property was built in 1969, and it does not appear that there was any prior residential use.

The property received a beneficial use determination for two (2) residential dwelling units in 2005² and major development plan approval allowing redevelopment as nine (9) residential units in 2006³. Building permits were applied for but the devastating financial impacts of the recent recession resulted in the expiration of the development order⁴. We are currently preparing a major development plan application to seek a new development order for the construction of seven (7) residential dwellings.

The request for three (3) market rate residential BPAS allocations is based upon the size of the original platted lot, which would support a density of ten (10) units, and by square footage (19,775) is the equivalent of four (4) single family home lots.

The grant of three (3) beneficial use BPAS allocations along with the relinquishment of one (1) BPAS exempt unit will assist in the residential redevelopment of this site which seeks to restore this property to a character and use which is consistent with the adjacent single- and multi-family residential properties.

Sincerely,

Lori Thompson

¹ Pursuant to Determination of Lawful Units letter dated 5/27/14 (Exhibit A)

² Exhibit B

³ Pursuant to Res. No. 06-339 (Exhibit C)

⁴ Pursuant to a letter dated 11/07/14 from KW Planning Department (Exhibit D)



Application For Beneficial Use Determination

City of Key West, Florida • Planning Department

3140 Flagler Avenue • Key West, Florida 33040-4602 • 305-809-3720 • www.keywestcity.com

Application Fee: \$500.00

Ordinance 13-19, Sec 108-999, Effective March 1, 2014

Please complete this application and attach all required documents. This will help staff process your request quickly and obtain necessary information without delay. If you have any questions, please call 305-809-3720.

PROPERTY DESCRIPTION:

Site Address: 1315 Whitehead Street

Real Estate (RE) #: 00036180-000000 Alternate Key: 1037044

Zoning District: HHDR Total Land Area (sq ft): 19,775 SF

Property located within the Historic District? Yes No

APPLICANT: Owner Authorized Representative

Name: Trepanier & Associates, Inc.

Mailing Address: 1421 First Street

City: Key West State: Florida Zip: 33040

Home/Mobile Phone: _____ Office: 305-293-8983 Fax: 305-293-8748

Email: lori@owentrepanier.com

PROPERTY OWNER: (if different than above)

Name: Southwhitehead, LLC

Mailing Address: 490 Martell Drive

City: Bloomfield Hills State: MI Zip: 48304

Home/Mobile Phone: _____ Office: _____ Fax: _____

Email: _____

- (1) Was the parcel of real property, a lot or parcel of record (recognized by the Monroe County Property Appraiser as a separate lot or parcel) as of the date of adoption of the Comprehensive Plan (August 10, 1993)? Please submit documentation to substantiate. Yes No
- (2) If the lot does not meet the minimum lot size requirements required in the zoning district, please indicate if it is under the same ownership as adjoining properties? Yes No
- (3) Were there any dwelling units located on any part of the property on or around 2010? Yes No
If the answer is yes, your property may be eligible for a Lawful Unit Determination, which may result in the right to construct a residential unit without a determination of beneficial use.
- (4) Please describe how the property has been used since August 10, 1993:

This property is currently vacant and has been since approximately 2006/2007. Previous use of the property was as a two story commercial building with parking.

Application checklist:

- Application fee. Please make checks payable to "City of Key West."
- Notarized verification form signed by property owner or the authorized representative.
- Notarized authorization form signed by property owner, if applicant is not the owner.
- Copy of recorded warranty deed
- Survey

Section 108-999 of the Land Development Regulations provides the procedures for ensuring beneficial use of private property as follows:

- (a) It is the policy of the city that neither provisions of the comprehensive plan nor the land development regulations shall deprive a property owner of all reasonable economic use of a parcel of real property which is a lot or parcel of record as of the date of adoption of the comprehensive plan (**August 10, 1993**) or lots of record which have been reconfigured such that the number of minimum sized lots are not increased. An owner of real property may apply for relief from the literal application of applicable land use regulations or of this plan when such application would have the effect of denying all economically reasonable or viable use of that property unless such deprivation is known to be necessary to prevent a nuisance under state law or in the exercise of the city's police power to protect the health, safety, and welfare of its citizens. All reasonable economic use shall mean the minimum use of the property necessary to avoid a taking within a reasonable period of time as established by land use case law.
- (b) The relief to which an owner shall be entitled may be provided through the use of one or a combination of the following:
 - (1) Granting of a permit for development which shall be deducted from the Pre-existing Reserve Units/Beneficial Use pool reserved to address outstanding beneficial use claims. All units that are recaptured by the City through a Waiver and Release of Building Permit Allocation for residential units lawfully existing prior to May 2, 2013 shall be recorded and dedicated for beneficial use only. Beneficial Use allocations shall be valid until such time that the owner chooses to obtain building permits, so long that no changes are made to the configuration or size of the lot or parcel that affect the conditions in which the Beneficial Use allocation is granted as described in subsection (a) above.
 - (2) Granting the use of transfer of development rights (TDRs) consistent with the comprehensive plan.
 - (3) Purchasing by the city of all or a portion of the lots or parcels upon which all beneficial use is prohibited.
 - (4) Such other relief as the city may deem appropriate and adequate.

The relief granted shall be the minimum necessary to avoid a taking of the property under existing state and federal law.

- (c) Development approved pursuant to a beneficial use determination shall be consistent with all other objectives and policies of the comprehensive plan and land development regulations unless specifically exempted from such requirements in the final beneficial use determination.

The property may be configured, arranged, or platted to the extent which the Code allows as follows:

Legal nonconforming lots are defined in Chapter 86 of the Land Development Regulations as meaning a lot, area, dimensions, or location of which that was lawful prior to the adoption, revision, or amendment of the Land Development Regulations, but which fails because of such adoption, revision, or amendment to conform to the present Land Development Regulations. Pursuant to Section 122-31, noncomplying lots or building sites of record are subject to the following regulations:

- (1) In any district in which single-family dwellings are allowed, a single-family dwelling and customary accessory buildings may be erected on any legal nonconforming single lot that is in existence on January 1, 1994, and that is in different ownership from the adjoining property. This subsection shall apply even though such lot fails to meet the requirements for area, depth or width, provided that all other zoning requirements shall apply. (Note: the critical date for beneficial use allocations is actually August 10, 1993, per 108-999 of the Land Development Regulations).

- (2) If two or more adjoining lots or portions of lots in single ownership on January 1, 1994, do not meet the requirements for building site width, depth and area as established by this article, the land involved shall be considered to be an undivided parcel, and no portion of the parcel shall be used or sold that does not meet building site width, depth and area requirements, nor shall any division of the parcel be made that leaves remaining any lot with substandard width, depth, area, parking, open space or stormwater retention. Notwithstanding anything to the contrary in this subsection, two or more adjoining lots or building sites shall not be considered to be an undivided parcel, and may be sold or used for single-family dwellings, if allowed by applicable district regulations, so long as each lot or building site is at least 75 percent of the minimum lot size of the applicable district regulations and is not otherwise required to provide required parking for the adjacent parcel.

City of Key West
Planning Department



Verification Form

(Where Authorized Representative is an entity)

Q

JAMES

I, Jim Nichols, in my capacity as MANAGING MEMBER
(print name) (print position; president, managing member)

JN

of Southwhitehead, LC
(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:

1315 Whitehead Street, Key West, Florida

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]
Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this 7-7-14 by
date

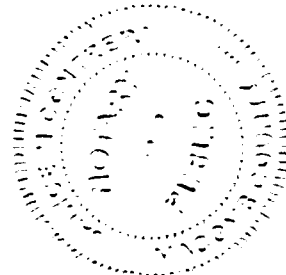
James Nichols
Name of Authorized Representative

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

[Signature]
Notary's Signature and Seal

JANICE M. CONTRERA
Name of Acknowledger typed, printed or stamped

JANICE M CONTRERA
NOTARY PUBLIC - STATE OF MICHIGAN
Commission Number _____
COUNTY OF MACOMB
My Commission Expires 10-29-2018
Acting In the County of OAKLAND



City of Key West
Planning Department



Authorization Form
(Individual or Joint Owner)

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

I, Jim Nichols, Southwhitehead, LC authorize
Please Print Name(s) of Owner(s) as appears on the deed

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.


Signature of Owner

Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on this July 8, 2014
Date

by Jim Nichols MANAGING MEMBER, SOUTHWHITE HEAD LC
Name of Owner

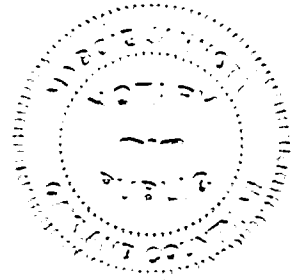
He/She is personally known to me or has presented Drivers License as identification.


Notary's Signature and Seal

Name of Acknowledger typed, printed or stamped

Commission Number, if any

MAGGIE JANNOTT
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF OAKLAND
My Commission Expires 4-24-2019
Acting in the County of Oakland



Doc# 1533697 08/08/2005 12:01PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

Return to: (Enclose self addressed stamped envelope)
Name: STONES & CARDENAS
221 Simonton Street
Key West, FL 33040
(305) 294-0252

08/08/2005 12:01PM
DEED DOC STAMP CL: SG \$20,300.00

Doc# 1533697
Bk# 2140 Pg# 982

This Instrument Prepared By:
STONES & CARDENAS
221 Simonton Street
Key West, FL 33040
(305) 294-0252

WARRANTY DEED

THIS INDENTURE made this 15th day of July, 2005, by and between Southernmost, LTD, a Florida Limited Partnership, whose address is 566 Sylvan Drive, Winter Park, FL 32789, as Grantor, and SouthWhitehead, LC, a Florida limited liability company, whose address is 1315 Whitehead Street, Key West, FL 33040, as Grantee.

WITNESSETH: that said Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration to said Grantor, in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's successors, heirs, and assigns forever, the following described property, situate lying and being in the County of Monroe, State of Florida, to-wit:

Lot 6, of Square 3, according to the diagram of Division of Tract 16 on the Island of Key West made between Frederick Filer and John Boyle, recorded in Book N, page 476, of Monroe County, Florida Records.

Said lot commencing at a point on Whitehead Street 200 feet from the corner of United Street and the same distance from the corner of South Street and running thence along Whitehead Street in a Southeasterly direction 100 feet; thence at right angles in a Northeasterly direction 197 feet and 9 inches; thence at right angles in a Northwesterly direction 100 feet; thence at right angles in a Southwesterly direction 197 feet and 9 inches back to the place of beginning on Whitehead Street.

Parcel Identification Number: 00036180-000000

SUBJECT TO: Taxes for the year 2005 and subsequent years.

SUBJECT TO: Conditions, limitations, reservations and easements of record.

TOGETHER with all tenements, hereditaments and appurtenances, with every privilege, right,

* "Grantor" and "Grantee" are used for singular or plural, as context requires

title, interest and estate, reversion, remainder and easement thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of the said property; that it is free of all encumbrances except as above stated; that Grantor has good right and lawful authority to sell the same; and that the Grantee shall have quiet enjoyment thereof. The said Grantor hereby fully warrants the title to said property, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Southernmost, LTD, a Florida Limited Partnership

By: WBL Key West, Inc., a Florida Corporation
as General Partner

Eva R. Schrum
Witness Name: EVA R. SCHRUM

By: Greg Walker
Greg Walker, President

Sharon J. Fetherhuff
Witness Name: Sharon J. Fetherhuff

(Corporate Seal)

State of Maryland
County of Anne Arundel

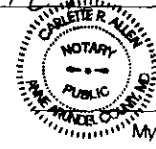
The foregoing instrument was acknowledged before me this 12th day of July, 2005 by Greg Walker, President of WBL Key West, Inc., a Florida corporation as General Partner of Southernmost, LTD, a Florida Limited Partnership on behalf of the corporation and the partnership. He/she [] is personally known to me or [] has produced a driver's license as identification.

[Notary Seal]

Carlette R. Allen
Notary Public

Printed Name: Carlette R. Allen

My Commission Expires:



CARLETTE R. ALLEN
NOTARY PUBLIC
ANNE ARUNDEL COUNTY
MARYLAND

My Commission Expires Apr. 29, 2006

MONROE COUNTY
OFFICIAL RECORDS

Detail by Entity Name

Florida Limited Liability Company

SOUTHWHITEHEAD, LLC

Filing Information

Document Number	L05000060493
FEI/EIN Number	203142917
Date Filed	06/17/2005
State	FL
Status	ACTIVE
Last Event	LC NAME CHANGE
Event Date Filed	07/19/2012
Event Effective Date	NONE

Principal Address

1315 WHITEHEAD STREET
KEY WEST, FL 33040

Mailing Address

490 Martell Drive
Bloomfield Hills, MI 48304

Changed: 02/02/2013

Registered Agent Name & Address

NICHOLS, JIM
221 SIMONTON STREET
KEY WEST, FL 33040

Name Changed: 07/19/2012

Address Changed: 07/19/2012

Authorized Person(s) Detail

Name & Address

THE MORMON

NICHOLS, JAMES
490 MARTELL DRIVE
BLOOMFIELD HILLS, MI 48304

Annual Reports

Report Year	Filed Date
2012	07/19/2012
2013	02/02/2013

Document Images

[02/02/2013 -- ANNUAL REPORT](#)

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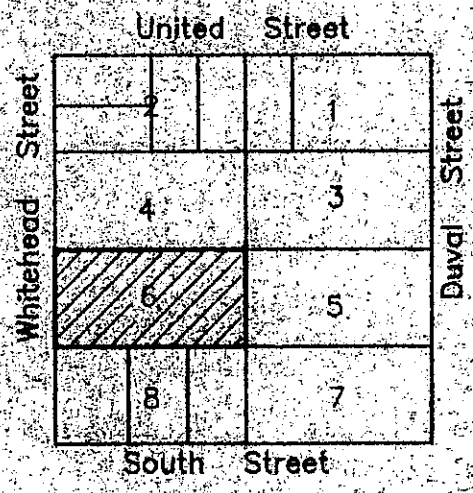
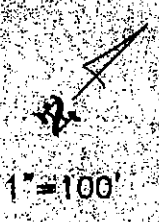
[02/27/2006 -- ANNUAL REPORT](#)

View image in PDF format

[06/17/2005 -- Florida Limited Liability](#)

View image in PDF format

31 copies
attached



LOCATION MAP

Sq. 3, Tr. 16, City of Key West

Legal Description:

Lot 6 of Square 3, according to the diagram of Division of Tract 16 on the Island of Key West made between Frederick Filer and John Boyle, recorded in Book N, page 476 of Monroe County, Florida Records.

Said Lot commencing at a point on Whitehead Street 200 feet from the corner of United Street and the same distance from the corner of South Street and running thence along Whitehead Street in a Southeasterly direction 100 feet; thence at right angles in a Northeasterly direction 197 feet and 9 inches; thence at right angles in a Northwesterly direction 100 feet; thence at right angles in a Southwesterly direction 197 feet and 9 inches back to the place of beginning on Whitehead Street.

SURVEYOR'S NOTES:

North arrow based on plat assumed median
Reference Bearing: R/W Whitehead Street
3.4 denotes existing elevation
Elevations based on N.G.V.D. 1929 Datum
Bench Mark No.: Basic Elevation: 14.324

Monumentation:

- ⊙ = Set: 1/2" Iron Pipe, P.L.S. No. 2749
- ▲ = Set P.K. Nail, P.L.S. NO. 2749
- △ = Found P.K. Nail

Abbreviations:

- | | | |
|---------------------------|---------------------------------|-------------------------------------|
| Sty = Story | o/h = Overhead | P.C. = Point of Curvature |
| R/W = Right-of-Way | u/g = Underground | P.T. = Point of Tangency |
| fd. = Found | F.F.L. = Finish Floor Elevation | P.O.C. = Point of Commence |
| p. = Plat | L.B. = Low Beam | P.O.B. = Point of Beginning |
| m. = Measured | Rad. = Radial | P.B. = Plat Book |
| d. = Dead | irr. = Irregular | pg. = page |
| M.H.W. = Mean High Water | conc. = concrete | Elec. = Electric |
| O.R. = Official Records | I.P. = Iron Pipe | Tel. = Telephone |
| Sec. = Section | I.B. = Iron Bar | Ench. = Encroachment |
| Twp. = Township | B. = Baseline | O.L. = On Line |
| Rge. = Range | C.B. = Concrete Block | C.L.F. = Chain Link Fence |
| N.T.S. = Not to Scale | C.B.S. = Concrete Block Stucco | ☒ = Concrete Utility Pole |
| ⊙ = Centerline | cov'd. = Covered | ⊙ = Wood utility Pole |
| Elev. = Elevation | P.I. = Point of Intersection | ⊙ = Wood Utility Pole with Guy wire |
| B.M. = Bench Mark | wd. = Wood | ⊙ F.W. = Fire Well |
| R = Radius | | ⊕ M.W. = Monitoring Well |
| A = Arc (Length) | * = Light | ⊙ = Water Meter |
| D = Delta (Central angle) | ⊙ = sign | ⊗ = Water Valve |
| w.m. = Water Meter | ⊙ E = Electric Manhole | ☒ C.B. = Storm Water Catch Basin |
| Bal. = Balcony | ⊙ E = Electric Utility Vault | Inv. = Invert |
| Pl. = Planter | ⊙ M.H. = Man Hole | B.P.Z. = Backflow Prevention Valve |
| Hydt. = Fire Hydrant | San. = Sanitary | P.V.C. = Polyvinyl Pipe |
| F.W. = Fire Well | | R.C.P. = Reinforced Concrete pipe |
| A/C = Air Conditioner | | + = Fire Hydrant |

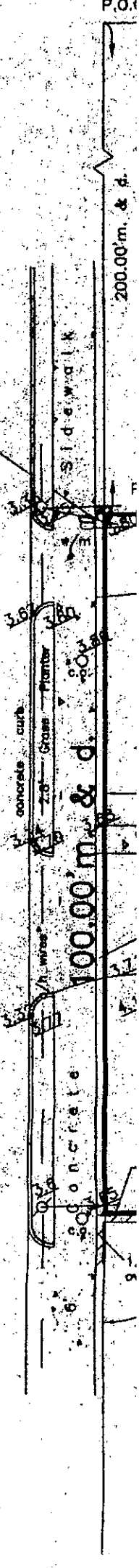
Field Work performed on: 6/3/05

CERTIFICATION:

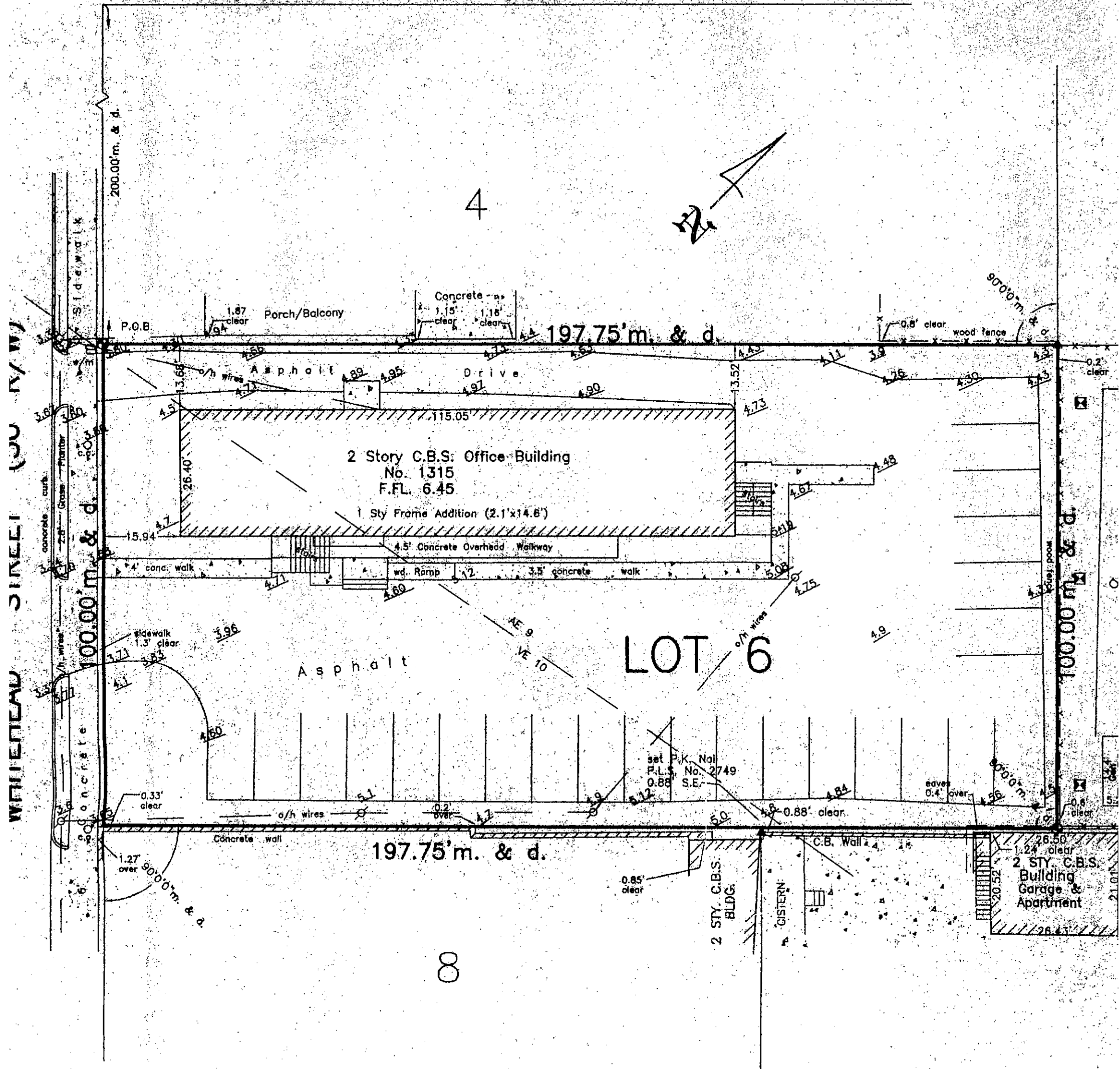
I HEREBY CERTIFY that the attached BOUNDARY SURVEY is true and correct to the best of my knowledge and belief; that it meets the minimum technical standards adopted by the Florida Board of Land Surveyors, Chapter 61G17-6, Florida Statute Section 472.027, and the American Land Title Association, and that there are no visible encroachments unless shown hereon.

FREDERICK H. HILDEBRANDT
Professional Land Surveyor & Mapper No. 2749
Professional Engineer No. 36810
State of Florida

WHITEHEAD STREET (50' R/W)



UNITED STREET (50' R/W)



CERTIFICATION made to:
 South Whitehead, LC
 Marine Bank of the Florida Keys
 Stones & Cardenas
 Attorneys' Title Insurance Fund

South Whitehead, LC 1315 Whitehead Street, Key West, Florida 33040			
BOUNDARY SURVEY		Dwn No.: 05-328	
Scale: 1"=20'	Ref: 182-55	Flood panel No.: 1518 K	Dwn. By: F.H.H.
Date: 6/23/05		Flood Zone: AE-VE	Flood Elev. 9'-10"
REVISIONS AND/OR ADDITIONS			
5/16/08 Elevations			

FREDERICK H. HIL
 ENGINEER PLANNER

3152 Northside Drive
 Suite 201
 Key West, FL 33040
 (305) 293-0468
 Fax: (305) 293-023



EXHIBIT A

THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

VIA U.S. MAIL and EMAIL

May 27, 2010

Mary K. Noonan
114 Parkshore Drive
Panama City Beach, FL
32413

**RE: Building Permit Allocation System (BPAS) Determination of Lawful Units
416 Louisa Street
RE# 00029010-000107**

Dear Ms. Noonan,

The purpose of this letter is to respond to your request for a determination as to the number of lawfully established units on the vacant lot at 416 Louisa Street. The Planning Department has reviewed available information and has determined that two equivalent single family residential units are associated with this address at Real Estate Number 00029010-000107.

The property today is a vacant lot of 3,226 square feet. 416 Louisa is one of seven reconfigured parcels associated with a minor development plan in 2000 and a subdivision approval in 2001. The minor development plan and subdivision approval reconfigured the previously existing lot lines of seven parcels and eight existing single family non-transient units. To date, six of the seven lots, and six of the eight units, have been developed in accordance with the approved site plans dated August 14, 2000. See the attached Existing Site Plan-Survey and Proposed Site Plan. 416 Louisa, also known as lot 7, was the only lot with two approved units to be developed.

According to the Existing Site Plan-Survey date stamped as submitted August 14, 2000, as part of the minor development plan request that was approved by the City Commission through Resolution 00-306, for a Minor Development Plan on October 2, 2000, the following residential units were associated with the following lots and structures:

- Lot 1: A single storey structure, two (2) units and an accessory structure, (1) unit;
- Lot 2: A single storey structure, one (1) unit;
- Lot 3: A two storey structure, two (2) units;
- Lot 4: Vacant Lot, (0) zero units;
- Lot 5: A Single family structure, (1) one unit;
- Lot 6: A Single family structure, (1) one unit;
- Lot 7: Garage, (0) zero units.

The Planning Department was able to review existing files that include Planr Adjustment, and City Commission approvals from 2000 and 2001 that establish the reuse of units on the site. Planning staff also conducted a site visit May 21, 2010 verifying the existence of the vacant lot and the developed six lots.

In summary, this letter does not grant a building permit allocation, but rather recognizes two units that are allowed on the subject property. Units acknowledged by this finding are presumed to be legally established if the following requirements are met: the applicant satisfies the Building Department that the unit meets the Florida Building Code, through as built certification or other means acceptable to the Building Official; and, appropriate licenses are obtained and maintained.

This document will be rendered to the Department of Community Affairs (DCA) for their review. A determination by the DCA will be forthcoming within 45 days after the rendering is received. It is possible that the DCA may object to this finding.

Please do not hesitate to contact me with any questions or comments that you may have.

Sincerely,



Nicole Malo
Planner
305-809-3778

Attachments:

Thomas Pope, Existing and Proposed Site Plans - August 14, 2000
BOA Resolution 00-281, Variances - August 7, 2000
Planning Board Resolution 2000-009, Minor Development Plan - August 14, 2000
City Commission Resolution 00-306, Minor Development Plan - October 2, 2000
City of Key West Memo from Revenue (Barrera) to Licensing (Walker) - 2001
City Commission Resolution 01-87, Subdivision - March 29, 2001
Property Appraisers Record Card - May 19, 2010
Site Visit Photos - May 21, 2010

C: Amy Kimball-Murley, AICP, Planning Director
Carolyn Walker, Licensing Official
Rebecca Jetton, Areas of Critical State Concern Administrator, DCA
GEO Files



THE CITY OF KEY WEST
POST OFFICE BOX 1409
KEY WEST, FLORIDA 33041-1409
www.keywestcity.com

PLANNING DEPARTMENT
(305) 292-8229

August 30, 2005

Adele V. Stones
Stones & Cardenas
221 Simonton Street
Key West, FL 33041

RE: 1315 Whitehead Street

Dear Ms. Stones:

Thank you for your letter of August 17, 2005 requesting that two single-family residential (ROGO) units be assigned to the above property. I am happy to announce that the City is able to assign two single-family ROGO units to the property and has set aside such units for use at the above property provided that a building permit is applied for and picked up within one year. After one year a new application for beneficial use will be necessary.

Applicable Laws:

I. Key West Code Section 108-1100 (Procedures for ensuring beneficial use of private property)

- (a) This establishes the criteria to be that there is no "economically reasonable or viable use of that property unless such deprivation is known to be necessary to prevent a nuisance under Florida Law or in the exercise of the city's police power to protect the health, safety, and welfare of its citizens. All reasonable economic use shall mean the minimum use of the property necessary to avoid a taking within a reasonable period of time as established by land use case law."
- (b) Relief granted shall be the minimum necessary to avoid a taking and may be one or a combination of the following:
 - i. "Granting of a permit for development which shall be deducted from the permit allocation system;
 - ii. Granting the use of transfer of development rights (TDR's) consistent with the comprehensive plan;
 - iii. Purchasing by the city of all or a portion of the lots or parcels upon which all beneficial use is prohibited;
 - iv. Such other relief as the city may deem appropriate and adequate.
- (c) Development approved pursuant to a beneficial use determination shall be consistent with all other objectives and policies of the comprehensive plan and land development regulations unless specifically exempted from such requirements in the final beneficial use determination.

II. Sec. 122-596-600 The property is zoned HMDR (Historic Medium Density Residential). A copy of the District Intent, Uses and Dimensional Requirements is attached.

III. Section 122-1079 Lots of record less than minimum size

"Any legally platted lot of record (which conformed with the regulations and procedures governing subdivision of lots) at the time of the adoption of this Ordinance which contains less lot area or width than required in the district in which it is located may be used for a use permitted in such district. The provision shall not be constructed to permit more than one dwelling unit on a lot with less area per family than required for the district in which such lot is located..."

The findings of facts are:

1. The property is currently occupied by a legally existing non-conforming use (offices).
2. The existing building is below the base flood elevation.
3. The allocated density for the site would be a potential of 10 units.
4. There are residential uses on both sides of the property.
5. The property backs onto commercial property used by the butterfly exhibit.

Conclusions:

1. A use of land most consistent with the zoning is a permitted use (See Sec. 122-597).
2. Single-family, two-family and multiple-family dwellings are a permitted use of the property.
3. It is possible to fit many more than two units onto this property without variances.
4. A single-family, two-family or multi-family dwellings can be developed on the property in a manner consistent with the requirements of the HMDR zoning.
5. Of the conditional uses (see Sec. 122-598), most of the uses are public or quasi-public and thus do not provide private, reasonable economic value. These uses are group Homes with 7 to 14 residents, Cultural and Civic Activities, Educational Institutions and Day Care, Nursing Homes/Rest Homes & Convalescent Homes, Parks and Recreation Active and Passive, Places of Worship, Protective Services, Public and Private Utilities, Parking Lots and Facilities, and would not fit on a property this size.
6. Residential uses of the property would eliminate an non-conforming use and structure and be consistent with the residential uses on either side of the property.
7. It is necessary to allocate two ROGO units to the property in order to avoid depriving the property owner of all reasonable economic use of the property.

Therefore, two market rate ROGO units (able to be used as single-family, two-family or multi-family) are assigned and reserved for the above-referenced property. As we

EXHIBIT B

discussed, you anticipate acquiring additional ROGO units and applying for a development plan approval. Therefore, the two units are reserved, provided development plan is applied for within one year and work proceeds in accordance with the development plan approval. If a development plan is not applied for or the work does not proceed, a new application for beneficial use will be necessary. This unit shall come from the pool of units reserved by the Planning Department for properties qualifying for beneficial use under section 108-1100.

Please note that any other ROGO units to develop on the property will have to be acquired under the regulations in effect as such time as the development occurs.

If you should have questions or require additional information, please call.

Sincerely,



Ty Symroski
City Planner

CC: DCA, Marathon Office

EXHIBIT C

RESOLUTION NO. 06-339

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING PURSUANT TO SECTION 108-198 OF THE CODE OF ORDINANCES A MAJOR DEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 1315 WHITEHEAD STREET; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Key West Planning Board recommended approval, with conditions, of the proposed major development plan in its Resolution No. 2006-024; and

WHEREAS, the City Commission conducted a quasi-judicial hearing on the application at its meeting of October 3, 2006;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the application for major development plan is hereby granted, provided that the two conditions recommended by the Key West Planning Board in its Resolution No. 2006-024, attached hereto, are fulfilled.

DEC 2006
MARK UP COPY

EXHIBIT C

Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 17 day of October, 2006.

Authenticated by the presiding officer and Clerk of the Commission on October 18, 2006.

Filed with the Clerk October 18, 2006.


MORGAN McPHERSON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK

DEC 06 2006
MARK UP COPY



STATE OF FLORIDA, COUNTY OF MONROE,
CITY OF KEY WEST

This copy is a true copy of the public record on file in this office. Witness my hand and official seal this 18 day of Oct 2006

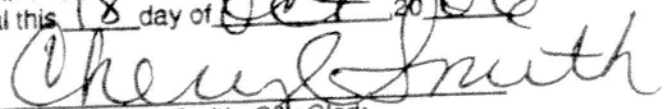

Cheryl Smith, City Clerk

EXHIBIT D

TREPANIER



& ASSOCIATES INC
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

October 28, 2013

Mr. Donald Craig, AICP,
Director of Community Development Services
City of Key West
3140 Flagler Avenue
Key West, FL 33040

RE: 1315 Whitehead Street

Dear Mr. Craig,

Thank you for the opportunity to meet with you and discuss the development potential of the above referenced property.

Per our meeting, I wanted to follow up on the recognized entitlements associated with the property. Can your office confirm the number of permanent and/ or transient units associated with the above property?

Thank you in advance for your assistance in this matter.

Sincerely,



Owen Trepanier



EXHIBIT D

THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

November 7, 2013

Owen Trepanier
Trepanier & Associates, Inc.
PO Box 2155
Key West FL 33045-2155

RE: 1315 Whitehead Street

Dear Mr. Trepanier:

In your letter dated October 28, 2013, you requested confirmation of the number of permanent and/or transient units associated with the subject property. After a quick review of the prior development approvals on the subject property, the status of the units is as follows.

The property received a beneficial use determination for two non-transient units on August 30, 2005. The approval required the owner to obtain a development plan approval and commence development within one year. A six-month extension was granted by the planning director on July 24, 2006.

The property received an approval to transfer four transient units from 2801 N Roosevelt Blvd via Planning Board Resolution No. 2006-035 on January 18, 2007. There is no expiration date on the transferred units.

A Major Development Plan approval was granted to redevelop the property as six-unit non-transient residential via City Commission Resolution No. 06-339. Development plan approvals expire 12 months after final approval if construction has not started. I found no evidence of any extensions being granted.

Building permits were applied for in 2007, but never issued and are now cancelled/void.

In order to continue the previously-approved six-unit non-transient residential project, the owner would need to re-apply for a beneficial use determination for two units, a Major Development Plan and building permits, as well as any other necessary approval such as Certificates of Appropriateness, Tree Commission, etc.

If I can help with anything else, please feel free to contact me at 305.809.3725 or kbond@keywestcity.com.
Thank you.

A handwritten signature in blue ink, appearing to read "KBond".

Kevin Bond, AICP, LEED Green Associate, Planner II
City of Key West Planning Department



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

10/23/14

Mr. Paul Misch, MGMBR
PP KW, LLC.
101 Gulfview Drive
Islamorada, FL 33036-4139

- Via Email: Misch1225@gmail.com -

RE: 1315 Whitehead Street - Contribution in lieu of affordable housing

Dear Mr. Misch,

Thank you for speaking with me on July 29, 2014 about your proposed seven-unit single-family development at 1315 Whitehead Street. Subsequently, you submitted an application for a major development plan approval on August 1, 2014. The redevelopment project is proposed to utilize the following BPAS and BPAS-exempt units:

- Four (4) transient units transferred to the property pursuant to Resolution No. 2006-035¹;
- Two (2) recaptured units originally allocated to the property under beneficial use in August 2005²; and
- One (1) BPAS unit which is the subject of a pending BPAS application.

Comprehensive Plan Policy 1-3.12.2 requires 30% of all new BPAS units constructed in Key West to be affordable. Policy 3-1.1.3 allows projects involving less than ten units to make an "in lieu of" contribution. Your proposed project at 1315 whitehead Street is proposed to utilize one new BPAS unit. Therefore, your in lieu of contribution must be commensurate with 30% of one unit.

You have proposed to contribute one full permanent residential BPAS-exempt unit to the City as your in lieu of contribution. The unit would be relinquished from the bundle of property rights associated with 416 Louisa Street and identified as one of two units in the May 27, 2010 Letter of Unit Determination by Planner Nicole Malo³. 416 Louisa Street received a Certificate of Occupancy on October 22, 2014 for one single-family dwelling.

In order to effectuate and satisfy the in lieu of contribution required for the proposed redevelopment of 1315 Whitehead Street, you must sign and notarize the attached "Waiver and Release of Building Permit Allocation" affidavit⁴. This affidavit must be filed with the City's Chief Licensing Official, with a copy to my office, prior to the issuance of the first Certificate of Occupancy for the 1315 Whitehead Street project.

Thank you for your commitment and investment in our community.

Best regards,

Donald Leland Craig, AICP, Planning Director

¹ Attachment A - Resolution No. 2006-035

² Attachment B - Beneficial Use Determination

³ Attachment C - May 27, 2010 Letter of Unit Determination by Planner Nicole Malo

⁴ Attachment D - Waiver and Release of Building Permit Allocation

**PLANNING BOARD RESOLUTION
No. 2006-035**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD PURSUANT TO SECTION 122-1338, LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST APPROVING AN APPLICATION FOR THE TRANSFER OF FOUR (4) TRANSIENT UNITS FROM 2801 N. ROOSEVELT BOULEVARD (RE#00002410-000400) to 1315 WHITEHEAD STREET (RE#00036180-000100); PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Sec. 122-1338 of the Code of Ordinances of the City of Key West, Owen Trepanier representative for Parrot Key Associates, INC. the owner of 2801 Roosevelt Boulevard (the sender site), filed an application to transfer four (4) transient units from the property (sender site) to 1315 Whitehead Street (the receiver site); and

WHEREAS, the above-referenced party presented to the City proof of transient licenses, Number 2154; and

WHEREAS, Owen Trepanier, representative for Southwhitehead, LC, owner of the receiver site, simultaneously made application to transfer the licenses from the sender site to the receiver site; and

WHEREAS, the redevelopment of the sender site has begun pursuant to City Commission Resolution 06-265 and the previous buildings have been demolished; and

WHEREAS, at the Planning Board Meeting of 18 January 2007, Ms. Kenson reported that there were 52 notices sent, 4 responses received, 0 with objections, 4 non-objections, and 1 written comment, which was read into the record; and

WHEREAS, at that Meeting, Ms. Kenson referenced a staff report dated 27 December 2006, that reviewed the application for compliance with all applicable regulations and reported the comments from the Development Review Committee of 28 December 2006 and recommended approval of the requested transfer of 4 transient units based on a finding that the proposal complies with the criteria and intent of the Transfer Ordinance and with the finding that this approval is for the transfer only; and

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

Section 1. That the Planning Board finds that the transfer of the four (4) transient units from 2801 N. Roosevelt Boulevard to 1315 Whitehead Street is approved.

Section 2. That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the Co-Chairman of the Planning Board and Planning Director.

Passed at a meeting held this 18th day of January 2007.

Paul V Tagliaferri
Paul V. Tagliaferri, Co-Chairman
Key West Planning Board

1/29/07
Date

Attest:

Gail E Kenson
Gail E. Kenson, AICP
Planning Director

29 Jan 07
Date

Filed with the Clerk:

Cheryl Smith
Cheryl Smith, City Clerk

1-29-07
Date



THE CITY OF KEY WEST
POST OFFICE BOX 1409
604 Simonton Street
KEY WEST, FLORIDA 33041-1409

PLANNING DEPARTMENT
(305) 809-3722

**PLANNING DEPARTMENT
MEMORANDUM**

To: Planning Board
From: Edward Switzer, Senior Planner *ES*
Through: Gail Kenson, AICP, Planning Director *GK*

Date: 18 January 2006

Subject: **Transient Unit Transfer from 2801 North Roosevelt Boulevard (00002410-000400) to 1315 Whitehead Street (RE#0036180-000000).** Transfer four (4) transient units for the construction of four non-transient dwelling units.

SITE DATA

Sender Site

Owner: Parrot Key Associates, Inc.
Location: 2801 North Roosevelt Boulevard RE #: 00002410-000400
Zoning: CG
Existing Use: A former 157 unit (157 units at a .58 ROGO equivalency or 91.06 units at a 1.0 ROGO equivalency) motel. 17.06 ROGO allocations are available for transfer.
Proposed Use: To be redeveloped as a 74-unit townhouse style luxury beach house resort approved by City Commission Resolution 06-265 on July 18, 2006.

Receiver Site

Owner: Southwhitehead, LLC
Agent: Owen Trepanier, Trepanier and Associates
Location: 1315 Whitehead Street RE#: 00036180-000000
Zoning: HHDR (Historic High Density Residential)
Existing Use: Legally non-conforming commercial building which is to be demolished.
Proposed Use: 6 non-transient residential dwellings approved by City Commission Resolution 06-339 on October 17, 2006 as a major development plan.

BACKGROUND

This is a request to transfer four transient (4.0 ROGO equivalency) units from 2801 North Roosevelt Boulevard to 1315 Whitehead Street. The sender site has approval to redevelop as a 74-unit (1.0 ROGO equivalency) luxury beach house resort and is proposing to transfer the remaining 17.06 ROGO allocations and 66 transient licenses off-site as approved by the City Commission.

The applicant of the sender site has submitted applications to transfer transient licenses to the following sites:

- 1 transient license to 213 Ann Street
- 1 transient license to 707 Simonton Street

ANALYSIS

City Commission Resolution 06-265 permits the sender site to transfer transient units and transient licenses from a conforming site to another site with or without an accompanying transient license. This is the first application for the transfer of units (ROGO) from 2801 North Roosevelt Boulevard.

Review pursuant to Criteria Section 122-1338 and Intent		
Criteria	Proposal	Complies. Yes or No
Sender Site		
Has transient licenses from City	Occupational License Number is: 06 00019054	Yes
The units are lawful & have been counted in ROGO		Yes
Remaining # of rooms to same / does not increase ROGO count		Yes
Final use conforms with LDRs	Proposed use: Resort	Yes
Development review process required for proposed construction / redevelopment	Only building permits will be required	Yes
Mortgagee consents to transfer	Date of letter: November 10, 2006 From: Dale Bittner, BB&T	Yes
Receiver Site		
Transient use is allowed or the use is residential	Receiver zoning district is: HHDR. Use is non-transient dwelling units.	Yes
Complies with density	Allowed units: 9.987 Proposed units: 6	Yes
The transient units are two rooms or less / retain ROGO equivalency	4 ROGO allocations (1.0 equivalency each) are being transferred	Yes
Is not located in new construction in the "V" zone	No	Yes
Homeowners or Condo Assoc. Has approved	Date of letter: Not applicable	Yes
Development review process required for proposed construction.	N/A	Yes
General		
ROGO equivalency is maintained between sender and receiver sites and throughout the properties		Yes
Complies with general intent		Yes

RECOMMENDATION

The Planning Department has not received input from the public. The Planning Department recommends **APPROVAL** of the transfer of four transient units from 2801 North Roosevelt Boulevard to 1315 Whitehead Street based on a finding that the proposal complies with the criteria and this approval is for the transfer only and not of any proposed plans which shall be subject to the full review necessary of a building permit.

	Sender Site	Receiver Site
Location	2801 North Roosevelt Boulevard	1315 Whitehead Street
Existing Transient Allocations	17.06 ROGO and 65 Licenses	
Existing Non-Transient Allocations		2 ROGO (1.0 equivalency)
TOTAL	17.06 ROGO and 65 Licenses	
Transient Allocations Transferred	4 ROGO (1.0 equivalency)	
Non-transient Allocations Transferred		
Transient Allocations Received		4 ROGO (1.0 equivalency)
Non-transient Allocations Received		
Total Remaining Allocations	13.06 ROGO and 65 Licenses	6 ROGO (1.0 equivalency)

City of Key West Planning Department
P. O. Box 1409, Key West, FL 33041-1409
305. 292. 8229

Application for Transfer of Transient Units and / or Licenses

Please complete this application in its entirety accompanied by a check for \$2,000.00 made out to the City of Key West. **Deliver the original and 17 copies** to the Planning Department at 605-A Simonton Street. It is suggested that a pre-application discussion be scheduled as well as an appointment to deliver the application. Due to the complexity and individuality of each transaction, the Planning Department may need additional information prior to processing.

This application is for a transaction involving a transfer from one location (sender site) to another (receiver site). If there is an additional site at either end of the transfer process, this requires another application.

The owner(s) of both the sender site and receiver site are the applicants and must sign the application. Corporations and partnerships must sign as legally required. If another person is acting as the agent or authorized representative of the owner, supporting documentation must be provided as indicated.

The application process for a Transient Transfer is:

Development Review Committee (DRC)

Planning Board

After going to the DRC and **before** going to the Planning Board we will need an **ADDITIONAL 18 complete sets of the application**

A. Fill in the following information.

Sender Site

Receiver Site

Name(s) of Owner(s):
Parrot Key

Name(s) of Owner(s):
Southwhitehead, L.C

Name of Agent or Person to Contact:
Oliver Trepanier

Name of Agent or Person to Contact:
Oliver Trepanier

Address: 1026 Thomas
Key West 33040

Address: 1026 Thomas
Key West 33040

Telephone 293-8783

Telephone 293-8783

Fax 293-8748

Fax 293-8748

Address of Site
2801 N. Roosevelt

Address of Site
1315 Whitehead St.

RE# 00002410-000400

RE# 00056180-000000

For Sender Site:

"Local name" of property Parrot Key (formerly known as Hampton Inn)
Zoning district Commercial General

Legal description _____

Current use: Transient Rental

Number of existing transient units: 157

Size of site 218,880 sq. ft. Number of existing city transient rental licenses: 157

What is being removed from the sender site? 17.06 ROGO units and 66 licenses

What are your plans for the sender site? Redeveloped as recently approved major development plan.

For Receiver Site:

"Local name" of property 1315 Whitehead Street Zoning district HHDR

Legal description KW 16, Square 3, Lot 6, RE #00036180-000000

Current use Proposed Major Redevelopment as Approved

Size of site: 19,775 sq. ft. Number of existing city transient rental licenses: n/a

Number of existing transient and/or residential units: n/a

Existing non-residential floor area: n/a

What will be transferred to the receiver site? 4 ROGO

What are your plans for the receiver site? See Attached Major Development Plan

MARK UP COPY

01/15/2008

Sender Site: Current Owner Information

FOR INDIVIDUALS

1. NAME _____ 2. NAME _____
ADDRESS _____ ADDRESS _____
TELEPHONE(1) _____ TELEPHONE(1) _____
(2) _____ (2) _____
FAX _____ FAX _____

FOR CORPORATIONS

A. CORPORATE NAME Parrot Key Associates Inc

B. STATE/COUNTRY OF INCORPORATION Florida / US

C. REGISTERED TO DO BUSINESS IN THE STATE OF FLORIDA YES NO

D. NAMES OF OFFICERS AND DESIGNATIONS

Allison, John R III Reynolds, Tyler
Singh, Pratam Newland, Elizabeth

FOR PARTNERSHIPS

A. NAME OF PARTNERSHIP: _____

B. STATE OF REGISTRATION: _____

C. GENERAL PARTNER WITH AUTHORITY TO BIND PARTNERSHIP: _____

FOR CORPORATIONS AND PARTNERSHIPS

NAME AND ADDRESS OF PERSON "IN HOUSE" TO CONTACT:

Tyler Reynolds

TELEPHONE(S) 304-2832 FAX _____

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DEC 06 2006

Receiver Site; Current Owner Information

FOR INDIVIDUALS

1. NAME _____ 2. NAME _____
ADDRESS _____ ADDRESS _____
TELEPHONE(1) _____ TELEPHONE(1) _____
(2) _____ (2) _____
FAX _____ FAX _____

FOR CORPORATIONS

A. CORPORATE NAME Southwhitehead, LC
B. STATE/COUNTRY OF INCORPORATION Florida, USA
C. REGISTERED TO DO BUSINESS IN THE STATE OF FLORIDA YES NO
D. NAMES OF OFFICERS AND DESIGNATIONS
James Nichols _____

FOR PARTNERSHIPS

A. NAME OF PARTNERSHIP: _____
B. STATE OF REGISTRATION: _____
C. GENERAL PARTNER WITH AUTHORITY TO BIND PARTNERSHIP:

FOR CORPORATIONS AND PARTNERSHIPS

NAME AND ADDRESS OF PERSON "IN HOUSE" TO CONTACT:
David Kesar / Ginny Stoner
TELEPHONE(S) 294 0252 FAX 292 5442

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DEC 06 2006

Sender Site

Parrot Key

Business name : HAMPTON INN KEY WEST Ctl nbr : 2154
 Location addr : 2801 N ROOSEVELT BLVD
 Lic Nbr/Class : 06 19054 RENTAL-MOTEL/HOTEL/TIMESHARE
 Issue date : 9/01/06 Expiration date : 9/30/06
 Lic Fee : 2276.50
 Penalty : .00
 Total : 2276.50
 Comments : HOTEL 157 ROOMS

A City Occupational License is a business tax. Holder must meet all City zoning and use provisions. P.O. Box 1409, Key West, Florida 33040 (305)809-3955

This license must be prominently displayed.

HAMPTON INN KEY WEST
 2801 N ROOSEVELT BLVD
 KE: WEST FL 33040

MRM AT PARROT KEY INC



E CITY OF KEY WEST - OL
License File Changes - General Information

11/28/06
14:55:11

Type information, press Enter.

Last activity:

Business control 2154

Mailing address

Business name & address

2801 N ROOSEVELT BLVD

HAMPTON INN KEY WEST

KEY WEST

FL 33040

2801 N ROOSEVELT BLVD

KEY WEST FL 33040

License number : 06 00019054

Appl, issue, expir 83105 112806 93006

License status (F4) IN FIRST RENEWAL MAILED

Classification (F4) 10D RENTAL-MOTEL/HOTEL/TIMESHARE

Exemption (F4)

License comments HOTEL 157 ROOMS

License restrictions

Gross receipts

Reprint this license N Y=Yes, N=No

Additional charges N * Y=Yes, N=No

Extra requirements N * Y=Yes, N=No

Miscellaneous N Y=Yes, N=No

Sub codes N Y=Yes, N=No

F3=Exit F5=Code description F9=Applicant/Qualifier F24=More keys

More...

3 - 874A

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DEC 06 2006

November 10, 2006

City of Key West Planning Department
Attention: Gail Kenson
605-A Simonton Street
Key West, FL 33040

Re: Transfer of Excess Development Rights

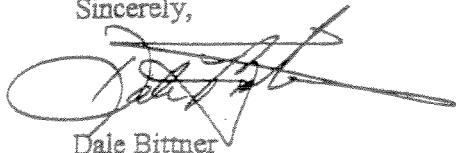
Dear Ms. Kenson:

As you know, Parrot Key Associates, Inc. will be submitting applications in connection with the transfer of those certain excess development entitlements consisting of 17 ROGO units and 83 transient licenses ("Excess Development Rights"). This letter confirms that BB&T, as mortgage holder of the subject property, pursuant to our loan documents consents to the transfer of the Excess Development Rights.

No additional partial release or other document is needed to evidence our consent.

Please call me if you need additional information at 305-292-3842.

Sincerely,



Dale Bittner
Senior Vice President
City Executive

cc: John Allison, The Allison Firm, P.A.
Pritam Singh, Parrot Key Associates, Inc.
Malcolm Pitchford, Abel Band et al

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DEC 06 2006

RESOLUTION NO. 06-265

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED MAJOR DEVELOPMENT PLAN AND CONDITIONAL USE FOR THE PROPERTY LOCATED AT 2801 NORTH ROOSEVELT BOULEVARD; PROVIDING CONDITIONS; RESCINDING RESOLUTION NO. NO. 05-341; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, sections 108-198 and 122-63 of the Code of Ordinances, respectively, provide City Commission authority to approve a Major Development Plan and Conditional Use application;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the attached Major Development Plan and Conditional Use application is hereby approved, provided that the property owner fulfills the following conditions recommended by the Key West Planning Board at its meeting of June 22, 2006, as modified and supplemented herein;

1. All requirements of the Americans With Disabilities Act, Florida Accessibility Code and Federal Fair Housing Act, as specifically stated in the plans submitted by the property owner, shall be met.

2. The remaining 17.06 ROGO allocations may be transferred off-site with an accompanying transient rental license, but only to a receiver site or sites within the city of Key West. (This number was arrived at by applying a .58 conversion ratio, i.e., 157 motel

DEC 05 2006

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units x .58 = 91.06 full units, less 74 units retained on site = 17.06 ROGO allocations.) Should the City subsequently increase the conversion ratio (e.g., from .58 to .85), the new ratio shall be applied so as to increase the number of transferable ROGO allocations. If the ROGO unit allocations transferred to a receiver site or sites are to be used as non-transient dwellings, the accompanying transient rental licenses may be transferable, but only to a receiver site or sites within the city of Key West zoned to allow transient rental use, according to the procedures of section 122-1336-1346 of the Code of Ordinances.

3. Notwithstanding the potential conversion contemplated in Paragraph 2, the unused transient rental licenses in excess of the 17.06 ROGO allocations shall not expire, but shall be subject to transfer in accordance with the provisions of sections 122-1336-1346 of the Code of Ordinances. The City Commission hereby interprets section 122-1339 of the Code of Ordinances to allow the transfer of transient rental licenses from a zoning district where transient rental uses are allowed.

4. The recorded homeowners' association documents governing the project shall provide that the townhouse units shall not be eligible for homestead status, and shall prohibit townhouse unit owners from applying for or obtaining a homestead exemption for any townhouse unit.

5. City Commission Resolution No. 05-341 shall be rescinded upon approval of the current application for development.

DEC 06 2006

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Section 2: That Resolution No. 05-341 is hereby rescinded.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 18 day of July, 2006.

Authenticated by the presiding officer and Clerk of the Commission on July 20, 2006.

Filed with the Clerk July 20, 2006.


MORGAN MCPHERSON, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK



STATE OF FLORIDA, COUNTY OF MONROE,
CITY OF KEY WEST

This copy is a true copy of the public record on file in this office. Witness my hand and official seal this 20 day of July, 2006

By 
Cheryl Smith, City Clerk

REC'D 06-2006
MARK UP COPY

Doc# 1535538 88/15/2005 12:37PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

Prepared by:
John M. Spottswood, Jr., Esq.
500 Fleming Street
Key West, FL 33040
(305) 294-9556

88/15/2005 12:37PM
DEED DOC STAMP CL: PU \$245,888.00

Parcel ID Number: 00002410-000400 Doc# 1535538
Bkn 2143 Pgs 204

Warranty Deed

This indenture, Made this 15th day of August, 2005 A.D. Between
H. L. MURPHY, INC., a corporation existing under the laws of the State
of Florida of the County of _____, State of _____, grantor, and
PARROT KEY ASSOCIATES, INC., a corporation existing under the laws of
the State of Florida whose address is: 6805 Overseas Highway, Marathon, FL 33050
of the County of Monroe State of Florida, grantee.

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

A parcel of land lying and being on the Island on Key West, Monroe
County, Florida, more particularly described as follows:

COMMENCE at the Intersection of the center line of Dredgers Key Road
and the Northwesterly right-of-way line of Roosevelt Boulevard; thence
South 52 degrees 27 minutes 52 seconds West along the said Northerly
right-of-way of Roosevelt Boulevard for 1,320.00 feet to the Point of
Beginning; thence continue South 52 degrees 27 minutes 52 seconds West
along the said right-of-way for 335.00 feet; thence North 44 degrees
13 minutes 38 seconds West for 670.00 feet; thence North 52 degrees 27
minutes 52 seconds East for 335.00 feet; thence South 44 degrees 13
minutes 38 seconds East for 670.00 feet to the Point of Beginning.

LESS:

That parcel of land lying on Township 67 South, Range 25 East, in the
Island of Key West, Monroe County, Florida, and being more
particularly described as follows:

COMMENCE at the point of intersection of the Southwesterly
Right-of-Way line of Kennedy Drive (13th Street/Dredgers Key Road) and
the Northwesterly Right-of-Way line of Roosevelt Boulevard (State Road
No. 5), as shown on the State of Florida Department of Transportation
(Continued on Attached)
and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

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

Signed, sealed and delivered in our presence: H. L. MURPHY, INC.

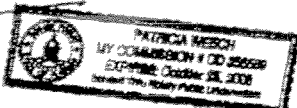
By: [Signature] (Seal)
Printed Name: RANDY W. MOORE, President
Witness: JOHN M. SPOTTSWOOD, JR. P.O. Address: 2881 N. Roosevelt Blvd., Key West, FL 33040

[Signature]
Printed Name: William E. Anderson
Witness

(Corporate Seal)

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 15th day of August, 2005 by
RANDY W. MOORE, President of H. L. MURPHY, INC., a Florida Corporation,
on behalf of the corporation
he is personally known to me.



[Signature]
Patricia Weech
Notary Public
My Commission Expires: 10/25/08

Warranty Deed Page 1

Parcel ID Number: 00002410-000400

Doc# 1535538
Sks 2143 Pgs 285

Maintenance Map of State Road Number 5 (U.S. - 1), Section 90010-2513 as recorded in Right-of-Way Plat Book 1, Page 144 of the Public Records of Monroe County, Florida; thence run North 41 degrees 50 minutes 35 seconds West for a distance of 14.09 feet along said Southwesterly Right-of-Way line of Kennedy Drive; thence South 54 degrees 34 minutes 25 seconds West for a distance of 1375.55 feet along a line being 45 feet Northwesterly of and parallel with the Baseline of Survey of said State Road Number 5, as shown in the aforementioned Maintenance Map, to the Point of Beginning of the parcel hereinafter described; thence continue South 54 degrees 34 minutes 25 seconds West for a distance of 54.29 feet along said line being parallel with the Baseline of Survey of State Road Number 5; thence North 42 degrees 07 minutes 05 seconds West for a distance of 12.59 feet; last two (2) courses being along the Southeasterly and Southwesterly boundaries, respectively, of that parcel of land described in that Personal Representative's Deed recorded in Official Records Book 845, Page 2461, of the Public Records of Monroe County, Florida; thence North 54 degrees 34 minutes 25 seconds East for a distance of 55.76 feet along a line being 57.50 feet Northwesterly of and parallel with the aforementioned Baseline of Survey of State Road Number 5; thence South 35 degrees 25 minutes 35 seconds East for a distance of 12.50 feet to the POINT OF BEGINNING. The aforementioned has been conveyed to the Florida Department of Transportation by Deed recorded in Official Records Book 963, at Pages 2190-2191, of the Public Records of Monroe County, Florida.;

AND
LESS:

A parcel of land, being a portion of lands described in Quit-Claim Deed filed in Official Records Book 935, Page 1139, of the Public Records of Monroe County, Florida, lying in Township 67 South, Range 25 East, in the Island of Key West, Monroe County, Florida; being more particularly described as follows:

BEGIN at a point on a line 45.00 feet left of Station 161+02.09 on the Survey Baseline of State Road Number 5 (Roosevelt Boulevard/US 1) as shown on State of Florida Department of Transportation Right-of-Way Map, Section 90010-2519 (1984) and being approximately 1320.00 feet Southwest of the centerline of Kennedy Drive (13th Street/Dredgers Key Road) as measured along said line 45 feet Northwest of and parallel to the centerline of said State Road No. 5; thence run S 54 degrees 34 minutes 25 seconds W. along the existing Northwest Right-of-Way line of State Road No. 5, as shown on State of Florida Department of Transportation Right-of-Way Map for State Road No. 5, Section 90010-2519 (1984) for 282.10 feet; thence run N 35 degrees 25 minutes 35 seconds W, continuing along said Right-of-Way line, for 12.50 feet; thence run S 54 degrees 34 minutes 25 seconds West, continuing along said Right-of-Way line, for 54.49 feet; thence run N 42 degrees 07 minutes 05 seconds W for 9.57 feet; thence run N 54 degrees 34 minutes 25 seconds E for 55.60 feet; thence run S 35 degrees 25 minutes 35 seconds E for 12.00 feet; thence run N 54 degrees 34 minutes 25 seconds E for 280.92 feet; thence run S 42 degrees 07 minutes 05 seconds E for 10.07 feet to the Point of Beginning. The aforesaid has been conveyed to the Florida Department of Transportation by Deed dated February 9, 1990.

The above-described property has been more particularly described as follows:

A parcel of land lying and being on the Island on Key West, Monroe County, Florida, said parcel being described by metes and bounds as follows:

COMMENCE at the intersection of the center line of Dredgers Key Road and the Northwesterly right-of-way line of North Roosevelt Boulevard, a/k/a State Road no. 5 and a/k/a Highway U.S. No. 1; and run thence
(Continued on Attached)

DEC 06 2006

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Warranty Deed - Page 3

Parcel ID Number: 00007410-000400

Doc# 1835538
Bk# 2143 Pg# 206

Southwesterly and along the said right-of-way line for a distance of 1320 feet; thence Northwesterly and along a line deflected 83 degrees 18'30" to the right and along said right-of-way line for a distance of 10.07 feet to the POINT OF BEGINNING of the parcel of land being described herein; thence Southwesterly and along a line deflected 83 degrees 18'30" to the left and along said right-of-way line for a distance of 279.54 feet; thence Northwesterly and at a right angles and along said right-of-way line for a distance of 2.50 feet; thence Southwesterly and at right angles and along said right-of-way line for a distance of 1.27 feet; thence Northwesterly and at right angles and along said right-of-way line for a distance of 9.50 feet; thence Southwesterly and at right angles and along said right-of-way line for a distance of 55.60 feet; thence Northwesterly and along a line deflected 83 degrees 18'30" to the right for a distance of 647.84 feet; thence Northeasterly and along a line deflected 96 degrees 41'30" to the right for a distance of 335.00 feet; thence Southeasterly and along a line deflected 83 degrees 18'30" to the right for a distance of 659.93 feet back to the POINT OF BEGINNING.

NONROE COUNTY
OFFICIAL RECORDS

Division of Corporations

Florida Department of State, Division of Corporations
Corporations Online
 Public Inquiry

Florida Profit

PARROT KEY ASSOCIATES, INC.

PRINCIPAL ADDRESS
 6805 OVERSEAS HWY
 MARATHON FL 33050

MAILING ADDRESS
 6805 OVERSEAS HWY
 MARATHON FL 33050

Document Number
 P05000047420

FEI Number
 NONE

Date Filed
 03/24/2005

State
 FL

Status
 ACTIVE

Effective Date
 NONE

Last Event
 AMENDMENT

Event Date Filed
 08/22/2005

Event Effective Date
 NONE

Registered Agent

Name & Address
ALLISON, JOHN R III 6805 OVERSEAS HWY MARATHON FL 33050

Officer/Director Detail

Name & Address	Title
ALLISON, JOHN R III 6805 OVERSEAS HWY MARATHON FL 33050	D
SINGH, PRITAM 6805 OVERSEAS HWY MARATHON FL 33050	P
REYNOLDS, TYLER 6805 OVERSEAS HWY MARATHON FL 33050	VP

REC-001 2006

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NEWLAND, ELIZABETH 5805 OVERSEAS HWY MARATHON FL 33050	VP
ROBERTS, JENNIFER 5805 OVERSEAS HWY MARATHON FL 33050	VPST

Annual Reports

Report Year	Filed Date
-------------	------------

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[View Events](#)

No Name History Information

Document Images

Listed below are the images available for this filing.

08/22/2005 - Amendment
03/24/2005 - Domestic Profit

THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT

[Corporations Images](#)

[Corporations Help](#)

MINOR DEVELOPMENT PLAN APPLICATION
City of Key West Planning Department
605-A Simonton Street, Key West, FL 33040
(305) 292-8229



Authorization Form

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

I, Elizabeth Newland, Vice President - Parrot Key Associates, Inc. authorize

Owen Trepanier - Trepanier & Associates, Inc. to be the representative for this application and act on my/our behalf before the City of Key West.

Elizabeth Newland, Vice President - Parrot Key Associates, Inc.

Subscribed and sworn to (or affirmed) before me on 2/27/06 (date) by



Eliz. Newland
Please Print Name of Affiant

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

Notary's Signature and Seal

C Walker Name of Acknowledger printed or stamped

Title or Rank

  Carolyn Walker
CC-00000000 Walker
MY COMMISSION NUMBER 00250481 EXPIRES November 5, 2007 Commission Number, if any
BOHDED THROUGH TROY FAH INSURANCE, INC

DEC 06 2006

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8. Other _____

~ **NOTE: The above items constitute one complete application package. An additional 17 sets of this package is also required ~**

Signature Page and Verification Form for Sender Site

I (We) Parrot Key Associates, Inc. c/o Owen Trepanier & Associates, Inc.

owner(s) or authorized agent of the owner(s) of the real property located at

2801 N. Roosevelt Blvd. in the City of Key West , Florida,
RE# 00002410-000400 state that all of the

information contained in this application and all of the answers to the above questions are true and correct to the best of my knowledge and belief.

Signature *[Handwritten Signature]* Date: 12-4-06

Owen Trepanier Authorized Agent
print name designation

Signature _____ Date: _____

print name designation

Subscribed and sworn to or affirmed before me on 12-04-06 by

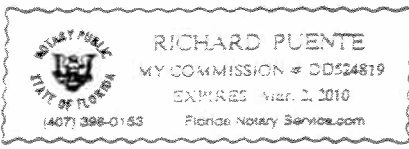
Owen Trepanier, personally known to me or

presenting _____ to me as identification.

[Handwritten Signature]
Notary Public Signature, Seal

Name printed Richard Puente Title _____

Commission, Date _____



DEC 06 2006

Receiver's Site

Southwhitehead, LC

DEC 05 2006

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Doc# 1533697 08/08/2005 12:01PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

Return to: (Enclose self addressed stamped envelope)
Name: STONES & CARDENAS
221 Simonton Street
Key West, FL 33040
(305) 294-0252

08/08/2005 12:01PM
DEED DOC STAMP CL: SG \$20,300.00

Doc# 1533697
Bk# 2140 Pg# 982

This Instrument Prepared By:

STONES & CARDENAS
221 Simonton Street
Key West, FL 33040
(305) 294-0252

RECEIVED

AUG 25 2006

WARRANTY DEED

CITY OF KEY WEST
PLANNING DEPT

THIS INDENTURE made this 15th day of July, 2005, by and between Southernmost, LTD, a Florida Limited Partnership, whose address is 566 Sylvan Drive, Winter Park, FL 32789, as Grantor, and SouthWhitehead, LC, a Florida limited liability company, whose address is 1315 Whitehead Street, Key West, FL 33040, as Grantee.

WITNESSETH: that said Grantor, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration to said Grantor, in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's successors, heirs, and assigns forever, the following described property, situate lying and being in the County of Monroe, State of Florida, to-wit:

Lot 6, of Square 3, according to the diagram of Division of Tract 16 on the Island of Key West made between Frederick Filer and John Boyle, recorded in Book N, page 476, of Monroe County, Florida Records.

Said lot commencing at a point on Whitehead Street 200 feet from the corner of United Street and the same distance from the corner of South Street and running thence along Whitehead Street in a Southeasterly direction 100 feet; thence at right angles in a Northeasterly direction 197 feet and 9 inches; thence at right angles in a Northwesterly direction 100 feet; thence at right angles in a Southwesterly direction 197 feet and 9 inches back to the place of beginning on Whitehead Street.

Parcel Identification Number: 00036130-000000

SUBJECT TO Taxes for the year 2005 and subsequent years.

SUBJECT TO: Conditions, limitations, reservations and easements of record.

TOGETHER with all tenements, hereditaments and appurtenances, with every privilege, right,

* "Grantor" and "Grantee" are used for singular or plural, as context requires

AUG 05 2006
MARK UP COPY

title, interest and estate, reversion, remainder and easement thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of the said property; that it is free of all encumbrances except as above stated; that Grantor has good right and lawful authority to sell the same; and that the Grantee shall have quiet enjoyment thereof. The said Grantor hereby fully warrants the title to said property, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Southernmost, LTD, a Florida Limited Partnership

By: WBL Key West, Inc., a Florida Corporation
as General Partner

Eva R. Schrum
Witness Name: EVA R. SCHRUM

By: Greg Walker
Greg Walker, President

Sharon J. Fetherhuff
Witness Name: Sharon J. Fetherhuff

(Corporate Seal)

RECEIVED

AUG 25 2006

CITY OF KEY WEST
PLANNING DEPT.

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State of Maryland
County of Anne Arundel

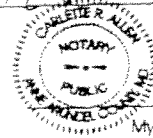
The foregoing instrument was acknowledged before me this 2th day of July, 2005 by Greg Walker, President of WBL Key West, Inc., a Florida corporation as General Partner of Southernmost, LTD. a Florida Limited Partnership on behalf of the corporation and the partnership. He/she [] is personally known to me or [] has produced a driver's license as identification.

Carlette R. Allen
Notary Public

[Notary Seal]

Printed Name: Carlette R. Allen

My Commission Expires:



CARLETTE R. ALLEN
NOTARY PUBLIC
ANNE ARUNDEL COUNTY
MARYLAND

My Commission Expires Apr. 29, 2006

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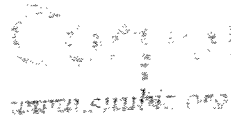
AUG 25 2006

CITY OF KEY WEST
PLANNING DEPT.

MONROE COUNTY
OFFICIAL RECORDS

DEC 06 2006

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Public Inquiry

Florida Limited Liability
SOUTHWHITEHEAD, LC

PRINCIPAL ADDRESS
1315 WHITEHEAD STREET
KEY WEST FL 33040

MAILING ADDRESS
P.O. BOX 1146
KEY WEST FL 33041

RECEIVED

AUG 25 2006

CITY OF KEY WEST
PLANNING DEPT.

Document Number L05000060493	FEI Number 203142917	Date Filed 06/17/2005
State FL	Status ACTIVE	Effective Date NONE
Total Contribution 0.00		

Registered Agent

Name & Address
KESAR, DAVID 1315 WHITEHEAD STREET KEY WEST FL 33040

Manager/Member Detail

Name & Address	Title
NICHOLS, JAMES A P.O. BOX 1146 KEY WEST FL 33041	MGRM

Annual Reports

Report Year	Filed Date

DEC 08 2006
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RESOLUTION NO. 06-339

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING PURSUANT TO SECTION 108-198 OF THE CODE OF ORDINANCES A MAJOR DEVELOPMENT PLAN FOR THE PROPERTY LOCATED AT 1315 WHITEHEAD STREET; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Key West Planning Board recommended approval, with conditions, of the proposed major development plan in its Resolution No. 2006-024; and

WHEREAS, the City Commission conducted a quasi-judicial hearing on the application at its meeting of October 3, 2006;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the application for major development plan is hereby granted, provided that the two conditions recommended by the Key West Planning Board in its Resolution No. 2006-024, attached hereto, are fulfilled.

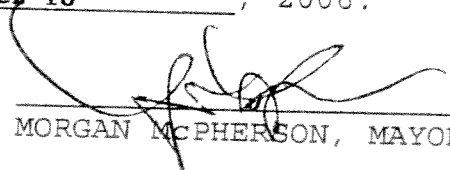
DEF. MARK UP COPY

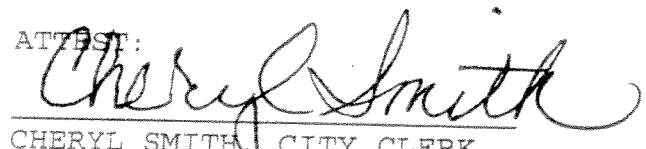
Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 17 day of October, 2006.

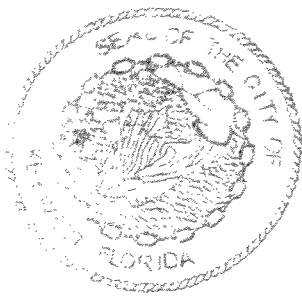
Authenticated by the presiding officer and Clerk of the Commission on October 18, 2006.

Filed with the Clerk October 18, 2006.


MORGAN McPHERSON, MAYOR


ATTEST:

CHERYL SMITH, CITY CLERK

DEC 06 2006
MARK UP COPY



STATE OF FLORIDA, COUNTY OF MONROE,
CITY OF KEY WEST

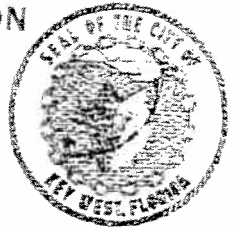
This copy is a true copy of the public record on file in this office. Witness my hand and official seal this 18 day of Oct, 2006


Cheryl Smith, City Clerk

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION

RECEIVED

City of Key West Planning Department
305-A Simonton Street, Key West, FL 33040
(305) 292-8229



AUG 25 2006

FILE COPY

CITY OF KEY WEST
PLANNING DEPT.

Development Plan & Conditional Use Application

Date Rec'd _____

(Applications will not be accepted until they are complete)

Development Plan

Major

Minor _____

Conditional Use

Historic District

Yes

No _____

Please print or type and call the Planning Department if you have any questions.

- 1) Site Address 1315 Whitehead Street
- 2) Name of Applicant Trepanier & Associates, Inc.
- 3) Applicant is: Owner _____ Authorized Representative
(attached Authorization Form must be completed)
- 4) Address of Applicant 1026 Thomas Street, P.O. Box 2155, Key West, FL 33045-2155
- 5) Applicant's Phone # 305-293-8983 Fax 305-293-8748
- 6) Name of Owner, if different than above Southwhitehead, LC
- 7) Address of Owner P.O. Box 1146, Key West, FL 33041-1146
- 8) Owner Phone # 305-731-6505 Fax 305-295-8456
- 9) Zoning District of Parcel HHDR RE# 00036180-000000
- 10) Is Subject Property located within the Historic District? Yes No _____
If Yes: Date of approval 04-25-06 HARC # H06-02-17-270
OR: Date of workshop _____ Date of expected approval _____
- 11) 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)
Build 6 permanent residential dwellings.

MARK UP COPY
DEC 06 2006

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION
RECEIVED City of Key West Planning Department
 605-A Simonton Street, Key West, FL 33040
 (305) 292-8229



AUG 25 2006

CITY OF KEY WEST
 PLANNING DEPT.

FILE COPY

- 12) Has subject Property received any variance(s)? Yes _____ No X
 If Yes: Date of approval _____ Resolution # _____ Attach resolution(s).
- 13) Are there any easements, deed restrictions or other encumbrances on the subject property? Yes _____
 No X If Yes, describe and attach relevant documents.

- 14) A. For *Conditional Uses and Development Plans*, provide the information requested on the attached **Conditional Use and Development Plan** sheet.
 B. For *Conditional Uses*, include also the **Conditional Use Criteria** required under Chapter 122, Article III, Sections 122.61 and 122.62 of the Land Development Regulations (copy attached).
 C. For *Major Development Plans*, provide also the additional information requested on the **Development Plan Submission Materials** (Sections 108.226 through 108.232 of the Land Development Regulations, copy attached) and other information as determined by the Planning Staff.

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

Verification

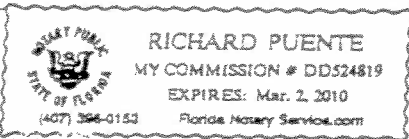
I, Owen Trepauer, *Principal* (please print), being duly sworn, depose and say

that I am (check one) the owner _____ / owner(s)' legal representative X of the property which is the subject matter of this application. All of the answers to the above questions, drawings, plans and any other attached data to this application, are true and correct to the best of my knowledge and belief and that if not true or correct, are grounds for revocation of any action reliant on said information.

[Signature]
 Signature of Applicant

Subscribed and sworn to (or affirmed) before me on 5-22-2006 (date) by Owen Trepauer (name of affiant, deponent or other signer). He is personally known to me or has presented _____ as identification.

[Signature]
 Notary's Signature and Seal



Name of Acknowledger typed, printed or stamped DEC 06 2006

Title or Rank _____ Commission Number _____

MARK UP COPY



EXECUTIVE SUMMARY

To: City Commission
From: Brendon Cunningham, Senior Planner II *BC*
Through: Julio Avel, City Manager,
 Gail Kenson, AICP, Planning Director *GK*
Date: 3 October 2006
RE: 1315 Whitehead Street (RE# - 00036180-000000)

ACTION STATEMENT: To allow for the demolition of an existing office building to construct a 6 unit residential building on property located at 1315 Whitehead Street

BACKGROUND: The proposed development is to construct a 6 unit residential building. The existing commercial building is legally non-conforming and thus is less desirable than the residential building being proposed.

PREVIOUS CITY ACTIONS:

Development Review Committee, 29 June and 27 July 2006
 Planning Board Approval, 17 August 2006

This is a major development. The role of the Planning Board is to make a recommendation to the City Commission. The Planning Department recommends the Planning Board recommend approval with the following conditions:

1. All Federal Fair Housing Act requirements pertaining to accessibility/visibility shall be met.
2. By resolution, a means of accessing the rear abutting property at 401 South Street for the purpose of routine maintenance acceptable to all concerned parties.

Options / Advantages / Disadvantages:

MARK UP COPY

Option 1. Approval of a major development plan to allow the construction of six residential units in a building to be constructed at 1315 Whitehead Street

1. **Consistency with the City's Strategic Plan, Vision and Mission:** This action would improve the variety and availability of housing, consistent with the mission and vision of the city.
2. **Financial Impact:** There is no direct financial impact to the city itself.

Option 2. Approval of a major development plan with conditions to allow the construction of six residential units in a building to be constructed at 1315 Whitehead Street

1. **Consistency with the City's Strategic Plan, Vision and Mission:** This action would improve the variety and availability of housing, consistent with the mission and vision of the city.
2. **Financial Impact:** There is no direct financial impact to the city itself.

Option 3. Deny application

1. **Consistency with the City's Strategic Plan, Vision and Mission:** Not consistent.
2. **Financial Impact:** There is no direct financial impact to the city itself.

RECOMMENDATION: Planning Staff recommended and the Planning Board recommends approval of a major development plan with the following conditions to allow the construction of six residential units in a building to be constructed at 1315 Whitehead Street:

1. All Federal Fair Housing Act requirements pertaining to accessibility/visitability shall be met.
2. By resolution, there shall be removable panels in the fence abutting property at 401 South Street. This is for the purpose of routine maintenance of the aforementioned property.

SEP 06 2006
MARK UP COPY

PLANNING BOARD RESOLUTION
No. 2006-024

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD PURSUANT TO SECTION 108-196 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, APPROVING A MAJOR DEVELOPMENT PLAN APPLICATION FOR THE CONSTRUCTION OF A SIX UNIT NON-TRANSIENT RESIDENTIAL BUILDING AT 1315 WHITEHEAD STREET (RE# 00036180-000000); PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an Application for a Major Development Plan Application was filed 22 May 2006, by Gonzalez Architects, authorized agent for the owner of the property, located in the Historic High Density Residential (HHDR) zoning district; and

WHEREAS, the proposal is to allow for the construction of a building with six non-transient residential units; and

WHEREAS, plans received 22 May 2006, were considered at the 29 June and 27 July 2006 Development Review Committee meetings; and

WHEREAS, after public notice, the application for a Major Development Plan approval was heard by the Planning Board at its Regular Meeting of 17 August 2006; and

WHEREAS, for that meeting, there were 47 notices sent with 6 returned, 1 objection and 5 did not object. She then read the 1 comment into the record; and

WHEREAS, at that meeting, Planning Director Gail Kenson, AICP, presented the staff report prepared by Brendon Cunningham, dated 17 August 2006; and

WHEREAS, the Board heard Ms. Kenson recommend approval with conditions; and

WHEREAS, the applicant stated they accepted the conditions; and

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

Section 1. That the Planning Board approves the application for the Major Development Plan with the following conditions:

1. By resolution, all Federal Fair Housing Act requirements pertaining to accessibility/visitability shall be met.

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2. By resolution, there shall be removable panels in the fence abutting property at 401 South Street. This is for the purpose of routine maintenance of the aforementioned property.

Section 2. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the Chairman of the Planning Board and the Planning Director.

Passed at a meeting held 17 August 2006.

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

**Chairman Richard Klitenick
Key West Planning Board**

Date

Attest:

Gail E. Kenson, AICP, Planning Director

Date

Filed with the Clerk

Cheryl Smith, City Clerk

Date

MARK UP COPY
DEC 10 2006



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

To: Planning Board
From: Brendon Cunningham, Senior Planner II
Through: Gail Kenson, AICP, Planning Director
Meeting Date: 17 August 2006
Agenda Item: A **Major Development Plan** application to demolish an existing office building to construct a 7 unit residential building on property located at 1315 Whitehead Street, legally described as KW 16, Square 3, Lot 6, RE#00036180-000000.

Applicant: Trepanier & Associates, Inc.
Agent: Owen Trepanier, Trepanier & Associates, Inc.
Property Owner: Southwhitehead, LLC
Request: A **Major Development Plan** application to demolish an existing office building to construct a 7 unit residential building.
Location: 1315 Whitehead Street, legally described as, legally described as KW 16, Square 3, Lot 6, RE#00036180-000000.
Zoning: HHDR (Historic High Density Residential) zoning district
Lot Area: 19,775 square feet, or .45 acres

Sec. 122-627. Uses permitted.

Uses permitted in the historic high density residential district (HHDR) are as follows:

- (1) Single-family and two-family residential dwellings.
- (2) Multiple-family residential dwellings.
- (3) Group homes with less than or equal to six residents as provided in section 122-1246.
- (4) Cemeteries, in the area bounded by Olivia Street, Windsor Lane, Passover Lane, Angela Street, and Frances Street.

(Ord. No. 97-10, § 1(2-5.5.2(B)), 7-3-1997; Ord. No. 04-09, § 1, 5-18-2004)

Sec. 122-628. Conditional uses.

Conditional uses in the historic high density residential district (HHDR) are as follows:

- (1) Group homes with seven to 14 residents as provided in section 122-1246.
- (2) Cultural and civic activities.
- (3) Educational institutions and day care.

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DEC 14 2006

- (4) Nursing homes, rest homes and convalescent homes.
 - (5) Parks and recreation, active and passive.
 - (6) Places of worship.
 - (7) Protective services.
 - (8) Public and private utilities.
 - (9) Parking lots and facilities.
- (Ord. No. 97-10, § 1(2-5.5.2(C)), 7-3-1997)

Sec. 122-629. Prohibited uses.

In the historic high density residential district (HHDR), all uses not specifically or provisionally provided for in this subdivision are prohibited.

(Ord. No. 97-10, § 1(2-5.5.2(D)), 7-3-1997)

The proposed change in use is a permitted use and requires a major development plan review and approval in the HHDR district.

Existing Conditions

Currently the property consists of a two-story office building with a parking area.

Proposed Development

The applicant states that they are proposing to redevelop the existing property into a 7 unit residential building. The units will have 2 and 3 bedrooms. There will be a parking space for each unit along with scooter and bicycle parking. Amenities will include a pool, cabanas, a barbecue pavilion, general and individual storage areas.

Previous City Actions

None

Process

Development Review Committee Meeting: 29 June 2006

Planning Board: 17 August 2006

Specific Criteria for Review

Major Development Plan

The Planning Board, after reviewing a major/minor development plan for a property and staff recommendations, shall act by resolution to approve, approve with conditions, or disapprove the major/minor development plan based on specific development review criteria contained in the land development regulations and the intent of the land development regulations and comprehensive plan. The Planning Board resolution shall provide written comments documenting any conditions of approval that the Planning Board finds necessary to effectuate the purpose of this article and carry out the spirit and purpose of the comprehensive plan and the land development regulations.

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The City Commission shall approve with or without conditions or disapprove the development plan based on specific development review criteria contained in the land development regulations and based on the intent of the land development regulations and comprehensive plan. 2006

The City Commission may attach to its approval of a development plan any reasonable conditions, limitations or requirements that are found necessary, in its judgment, to effectuate the purpose of this article and carry out the spirit and purpose of the comprehensive plan and the land development regulations. Any condition shall be made a written record and affixed to the development plan as approved.

Scale and intensity of the proposed use as measured by the following:

Density and Floor area ratio (FAR)

The density cannot exceed 22 units per acres and the maximum FAR permitted is 1. Based on the Monroe County Property Appraisers records the lot area is .45 acres.

Permitted Densities and Intensities					
Land Use	Size of Property	Existing	Maximum Allowed on Site	Proposed	Total Allowed on this Site
Residential	.45 acres	0	22 units per acre	7 units	11 units

Traffic generation

The applicant has not provided a traffic survey, however, replacing the current commercial office use with 7 residential housing units will likely reduce overall traffic impacts on the surrounding properties

Square feet of enclosed building for each specific use

N/A

Proposed employment

N/A

Proposed number and type of service vehicles

N/A

Off-street parking needs

The table in Section 108-572(2)(a) of the City Code states that one parking space is required per dwelling unit. Sheet A1 of the conceptual plans show that 7 car and 7 bike parking spaces have been provided.

On- or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection (b)(1) of this section including the following:

Utilities

The proposed use will use existing utilities and not alter the existing utility service.

Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in chapter 94

N/A

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Roadway or signalization improvements, or other similar improvements

N/A

Accessory structures or facilities

N/A

Other unique facilities/structures proposed as part of site improvements

N/A

On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:

Open space

Section 108-346(b) requires a minimum of 35% open space for residential developments. The conceptual site plan indicates open space slightly greater than 50%.

Setbacks from adjacent properties

Section 122-630(6) requires a minimum 5-foot side yard setback. The conceptual site plan indicates that a 10-foot side yard setback has been provided as well as a 16-foot setback for the front yard and the required 20-foot rear yard setback.

Screening and buffers

The table titled *Buffers and Landscape Screening Types* provided in Section 108-347 addressed the required landscaped buffers. The following table indicates the required buffers and buffers to be provided by the development.

Buffer Location	Minimum Width Required	Provided
Front	10'	10'
Side	5'	10'
Rear	20'	20'

Landscaped berms proposed to mitigate against adverse impacts to adjacent sites

N/A

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

N/A

Evaluation for Compliance with the Land Development Regulations (LDRs)

The proposed change in use is allowed under Section 122-627(2)

1. Land use compatibility

The application states the proposed use is compatible with existing, adjacent land uses. The zoning district permits non-transient residential uses. The surrounding uses include both commercial and residential uses. The proposed redevelopment is compatible with the surrounding uses. There is no expected increase in stormwater run-off or garbage/waste accumulation.

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Therefore, it is staff's opinion that the request is in compliance with the requirements of these sections.

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

The application is seeking to construct 7 dwelling units instead of the allowed 11, thereby meeting the density requirements on the site. The redevelopment proposes to use the existing infrastructure that is available to the site.

Therefore, it is staff's opinion that the request is in compliance with the requirements of these sections.

3. Proper use of mitigative techniques

The proposed use will be harmonious with the surrounding uses, and will not additionally burden the City's infrastructure. The landscape plan indicates the site will be heavily vegetated with significant landscaped buffers along all property lines.

Therefore, it is staff's opinion that the request is in compliance with the requirements of these sections.

4. Hazardous waste

The existing and proposed uses do not and will not generate hazardous waste materials.

Therefore, it is staff's opinion that the request is in compliance with the requirements of these sections.

5. Compliance with applicable laws

The applicant shall comply with all Federal Fair Housing Act (FFHA) requirements for residential uses. The applicant will supply the appropriate construction drawings reflecting FFHA compliance at the time of building permit submittal. The applicant will obtain all required building permits and other permits and licenses required by federal, state, county, and city agencies.

Therefore, it is staff's opinion that the request is in compliance with the requirements of these sections.

6. Additional criteria applicable to specific land uses

a. *Land uses within a conservation area*

N/A

b. *Residential*

This is an application to redevelop an existing commercial office property into a multiple family residential development. The applicant has complied with or exceeded all requirements, including density and landscaping.

c. *Commercial or mixed use*

N/A

d. *Development within or adjacent to historic*
N/A

e. *Public facilities or institutional*
N/A

f. *Commercial structures, uses and related activities within tidal waters*
N/A

g. *Adult entertainment establishments.*
N/A

Therefore, it is staff's opinion that the request is *in compliance* with the requirements of these sections.

RECOMMENDATION

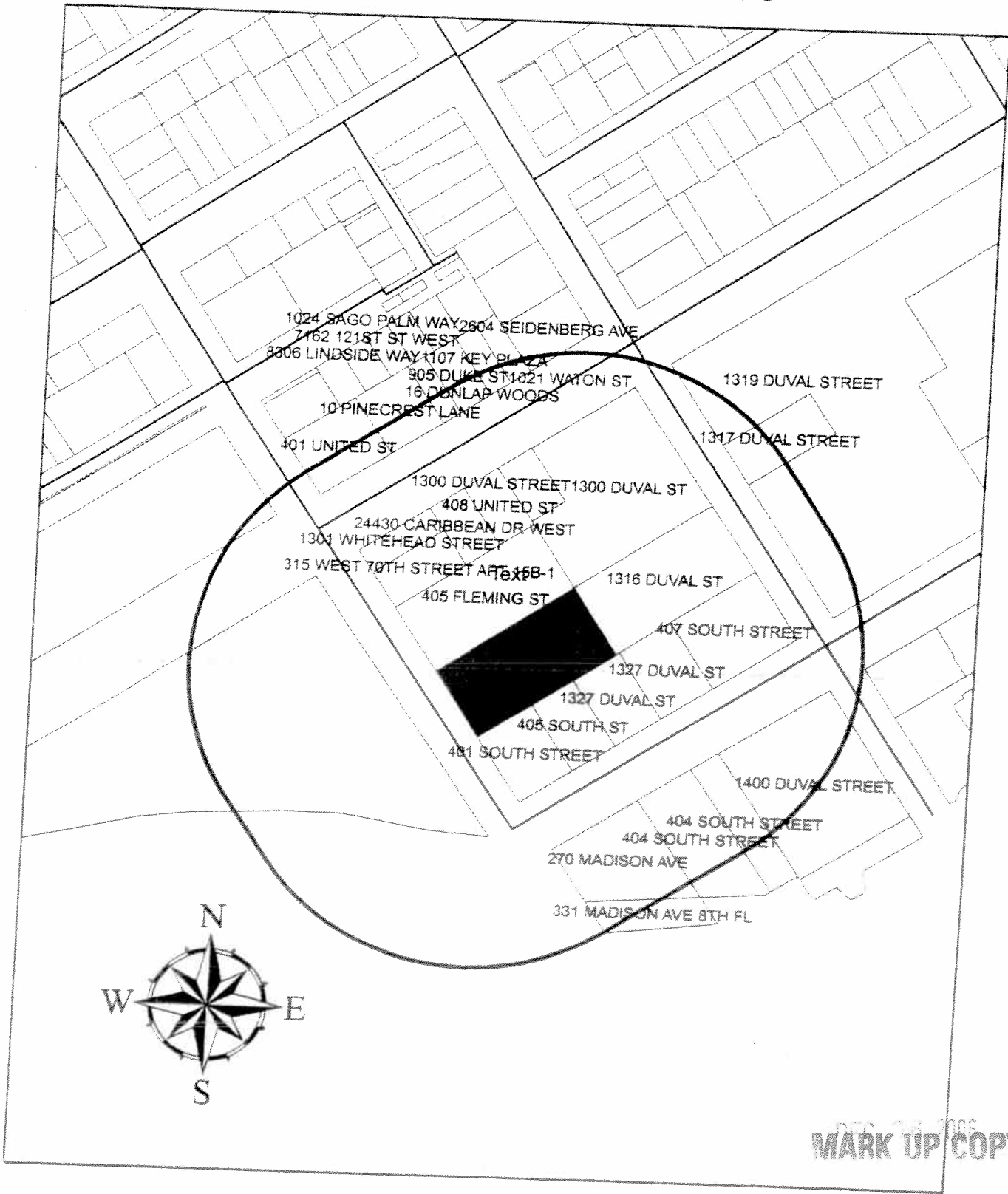
The Planning Department recommends the Planning Board **conditionally approval** of both the major development and conditional application with the following condition:

1. All FFHA requirements pertaining to accessibility/visitability shall be met.
2. By resolution, there shall be removable panels in the fence abutting property at 401 South Street. This is for the purpose of routine maintenance of the aforementioned property.*

* Condition added by the Planning Board

DEC 03 2005
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1315 Whitehead ST
300 Foot Radius
RE# 00036180-000000



MARK UP COPY

Signature Page and Verification Form for Receiver Site

I (We) David Kesar / Southwhitehead LC

owner(s) or authorized agent of the owner(s) of the real property located at 1315 Whitehead in the City of Key

West, Florida, RE# 00036180 - 000000 state that all of the

information contained in this application and all of the answers to the above questions are true and correct to the best of my(our) knowledge and belief.

Signature [Signature] Date: 12/5/06

David Kesar managing member Southwhitehead LC
print name designation

Signature _____ Date: /

_____ _____
print name designation

Subscribed and sworn to or affirmed before me on _____ by

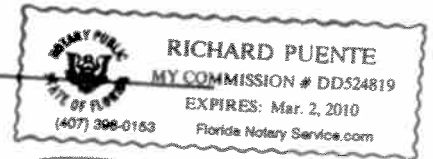
_____, personally known to me or

presenting _____ to me as identification.

Richard Puente
Notary Public Signature, Seal

Name printed Richard Puente Title _____

Commission, Date 12-5-2006



STONES & CARDENAS
ATTORNEYS AT LAW
221 SIMONTON STREET
KEY WEST, FLORIDA 33040

FIRST STATE BANK
OF THE FLORIDA KEYS

63-43/670

12/6/2006

PAY
TO THE
ORDER OF

City of Key West

\$ **1,800.00

One Thousand Eight Hundred and 00/100 ***** DOLLARS

Revenue
City of Key West
PO Box 1409
Key West, FL 33041-1409

Allen V. Stones

AUTHORIZED SIGNATURE

Security features. Details on back.

MEMO

Atlantic Avenue Dept

4381

STON

City of Key West
*** RETURNED ACCOUNT ***
Date: 12/07/06
Receipt no: 1053
Description: Quantity: Amount
2001 N ROOSEVELT BLVD
315 WHITEHEAD ST
REPAIRS & MAINT
11/26/06

11120
City of Key West
*** CUSTOMER RECEIPT ***
Date: 12/07/06
Receipt no: 1053
Description: Quantity: Amount
2001 N ROOSEVELT BLVD
315 WHITEHEAD ST
REPAIRS & MAINT
11/26/06
Total amount: 800.00

A' int 800.00

DATE: DEC 06 2006 AMOUNT: 2000.00

CITY OF KEY WEST
Please deposit check to account -
343.70 Conservation & Resource Mgmt Fees-Planning Application Fees Project Related

PROJECT TYPE: Transient Transfer
SITE ADDRESS: 2801 N. Roosevelt Blvd to 1315 Whitehead St.
APPLICANT: Trepanier & Assoc.
OWNER: _____
PLANNER: _____

To: Key West Planning Committee

I have reviewed the applications for both 1315 Whitehead Street and 1212 Duval Street and would like to make the following comments respective to each property:

1212 Duval Street:

- I do not agree with the currently single structure being reconfigured into two separate homes. While overall ground coverage is reduced it effectively places two family homes on a lot designed to have but a single home. The area, which has little off street parking, will see its limited street parking adversely affected as additional cars are placed on our public streets. In addition, the unique Key West lane ambiance will be adversely affected by a two story home plugged into the back of the lot. This area represents one of the few residential areas in this area of Old Town and this development, as currently proposed, is against the best interest of the neighborhood. Using the footprint of an existing structure to justify dividing the building into two independent homes also sets a precedence which would encourage investors to tailor their renovations to meet pure fiscal objectives at the expense of unique neighborhoods.

1315 Whitehead:

- The current proposed development at this site is contrary to the best interest of the neighborhood. Why would the city allow a compound of seven homes right next to one of the premier tourist sites on the island? The south end of Whitehead Street is one of stately homes that reflect the historical nature of Old Town. Even the current multi-family homes are really single family homes that are currently set up as apartments. These multifamily units have sufficient off street parking and do not adversely affect parking on the neighborhood streets.
- A simple aerial evaluation of the space available, comparing the density of construction both north and south of the lot, clearly shows that the maximum number of structures that should be permitted for this address is at most three to four. This area of town has little off street parking allocated for "residents"; this compound clearly has insufficient parking which will create an intolerable mess right in the middle of what should be a jewel of good taste and community planning. Jamming 7 structures onto what effectively becomes a postage stamp of ground is not something that should be seen as suitable for Old Town Key West. As it is today it is difficult if not impossible to find a parking place in front of my home, to off load groceries , between the hours of 10 am and 3pm.

- As currently shown plans for 1315 Whitehead Street lot has only 6 parking spaces for 7 homes. I do not believe that the City of Key West should allocate an additional ROGO to the lot given that even the current existing 6 parking places are insufficient. When visitors and family 2nd vehicles are accounted for there would need to be at least two parking places for each home as well as respective storage space for GEM cars, bicycles and recreational items such as kayaks. Residential city parking permits should not be permitted if a developer knowingly creates a compound without sufficient vehicle and associated storage.
- I question the wisdom of placing so many homes in such a relatively small area. While existing homes are somewhat grandfathered in due to the realities of their placement, there is no doubt that this area at the southernmost point has some significant issues with safety. My understanding is that this is the same general area that the old lighthouse was at when it was destroyed in 1846 with the loss of 14 lives. The new lighthouse was then moved inland for safety. While it is reasonable to place residential housing at 1315 Whitehead, it is not prudent to build it up to maximum density, especially since the corner of Whitehead and United routinely floods up to 3 feet during relatively light rainstorms up to 4-8 times per year.
- I am not against building something nice on Whitehead street but 7 homes is way too much for the infrastructure in that portion of the island.

Peter Janker

Owner of:

417 United Street

1215 Whitehead Street

1301 Whitehead Street

-----Original Message-----

From: Janker, Paul L CPT USARMY (US) [<mailto:paul.l.janker.mil@mail.mil>]

Sent: Tuesday, November 18, 2014 2:11 PM

To: Kevin Bond

Subject: 1315 Whitehead Street and 1212 Duval Street applications (UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: FOUO

Sir,

After review of the 1315 Whitehead Street and 1212 Duval Street applications, I would like to make the following points:

1212 Duval Street: I do not agree with a single plot being reconfigured into two separate homes. Traffic congestion is a major concern around United, Louisa, Duval, and Whitehead. Placing multiple homes on a lot designed for one will exacerbate and already complicated parking issue since the Southernmost Point is only a block away. Furthermore, a two-story home adversely affects the location's ambiance by placing an unsightly structure in the background.

1315 Whitehead: Seven structures proposed structures located next to the Southernmost point seems like recipe for disaster. The area suffers from a severe traffic issue, and adding multiple housing units will further exacerbate and already bad situation. Parking (which is already in limited supply) will further be complicated by additional residents on Whitehead Street. Ultimately, the current proposed development at this site is contrary to the best interest of the neighborhood.

Respectfully,

Paul Janker

Homeowner 418 United Street

From: George Castillo [<mailto:southernmostdoc@gmail.com>]
Sent: Wednesday, November 19, 2014 1:06 PM
To: Kevin Bond
Subject: 1315 Whitehead street project

We are in favor it would make the neighborhood nicer , safer and cleaner

Sincerely
George and Ritva Castillo
405 South Street
Key West Fl 33040