

# STAFF REPORT

DATE: August 31, 2016

RE: **245 Front Street (permit application # T16-8091)**

FROM: Karen DeMaria, City of Key West Urban Forestry Manager

An application was received requesting the removal of **(1) Autograph tree**. A site inspection was done on August 18, 2016 and documented the following:

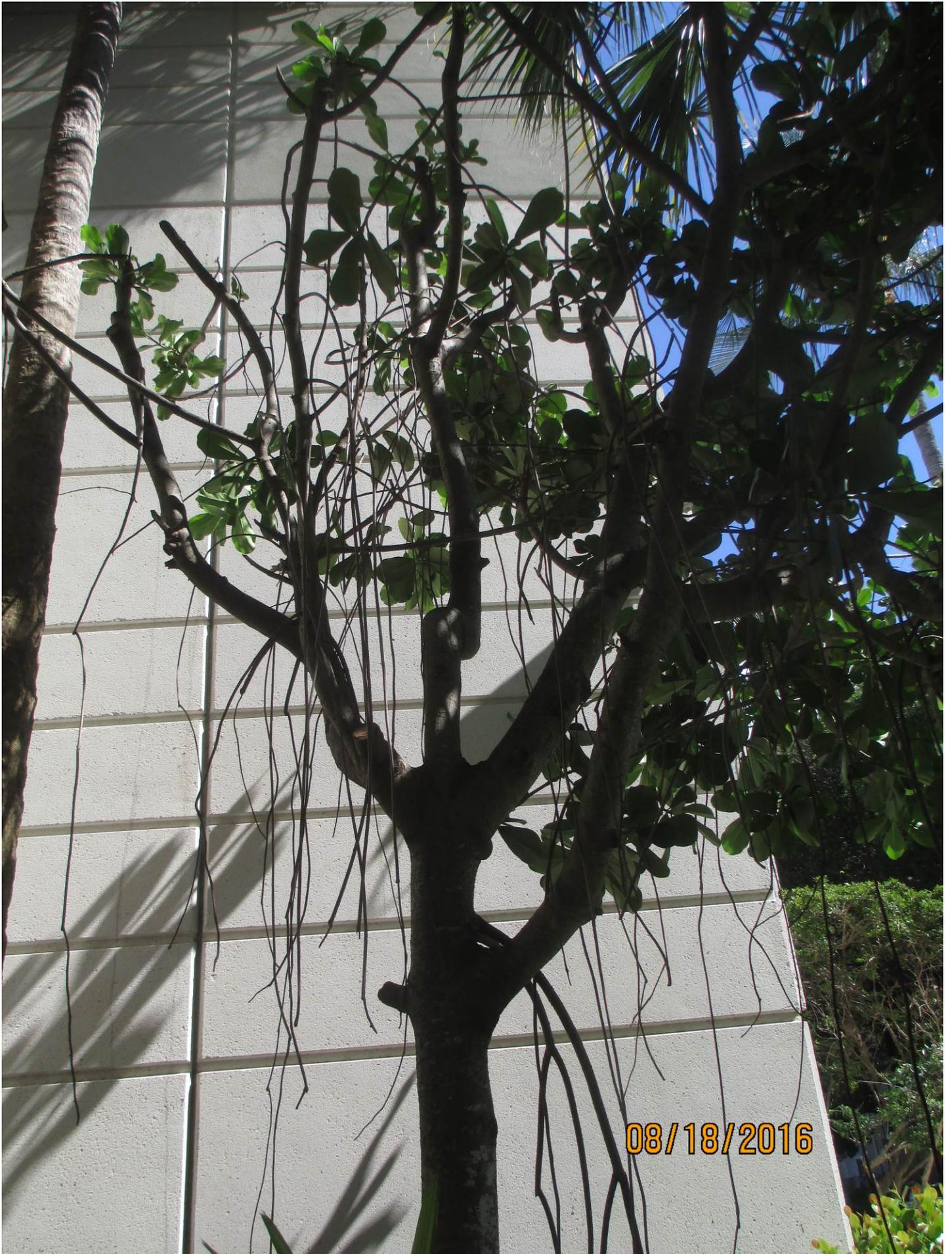
Tree Species: Autograph (*Clusia rosea*)





08/18/2016





08/18/2016





Diameter: 6"

Location: 70% (canopy growth impacted by building)

Species: 100% (on protected tree list)

Condition: 60% (fair)

Total Average Value = 76%

**Value x Diameter = 4.5 replacement caliper inches**

**Note: This tree is located where a new metering station is to be built in relation to the directional bore utility crossing project for Sunset Key, as required by the Federal government.**

**Recommendation: Recommend approval of the removal of one (1) Autograph tree at 245 Front Street to be replaced with 4.5 caliper inches of dicot or fruit trees from approved list, FL#1, to be planted on site.**

**ADDITIONAL  
INFORMATION**

## Karen DeMaria

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**From:** Karen DeMaria  
**Sent:** Thursday, July 14, 2016 1:43 PM  
**To:** 'sunsetkey@bellsouth.net'  
**Cc:** Elizabeth Ignoffo  
**Subject:** Directional Bore Utility Crossing Project-Sunset Key

Jim:

Thanks for meeting with me today and showing the proposed impact areas for the directional bore utility crossing project. I do not see any environmental issues that the City of Key West will need to be concerned with. The staging areas and the main work areas are a good distance from the water therefore, there should not be any impacts to the nearshore water areas. There may be some potential issues to trees in the upland work areas.

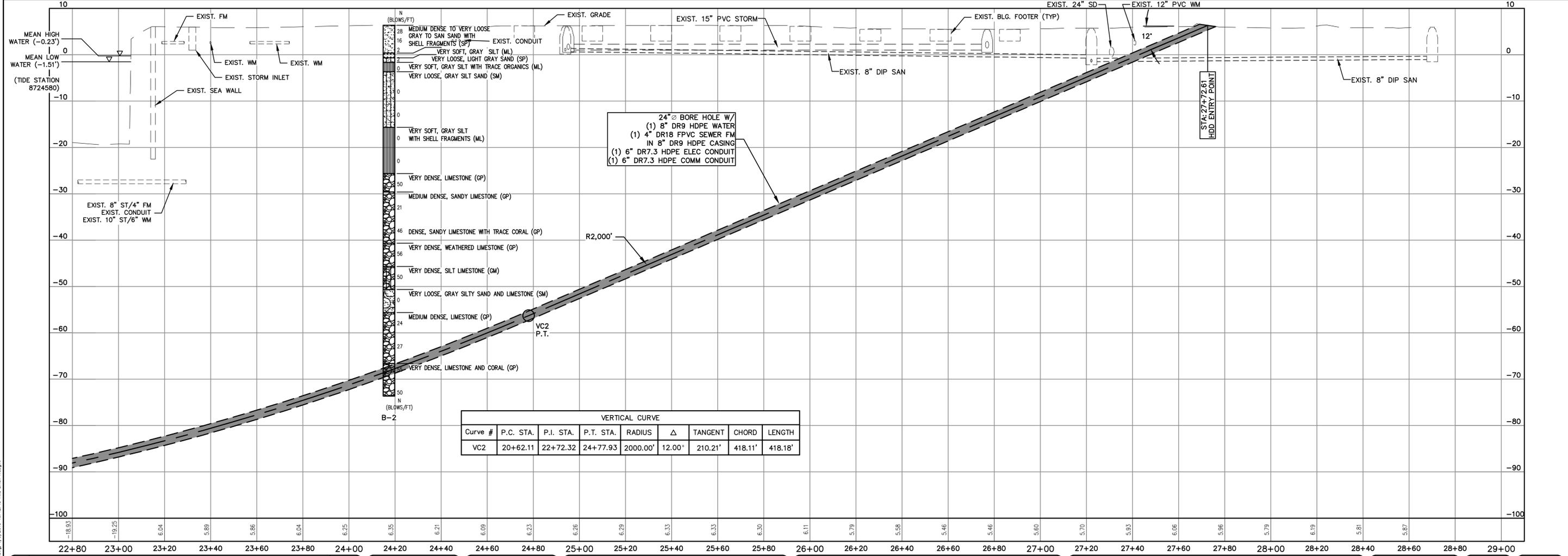
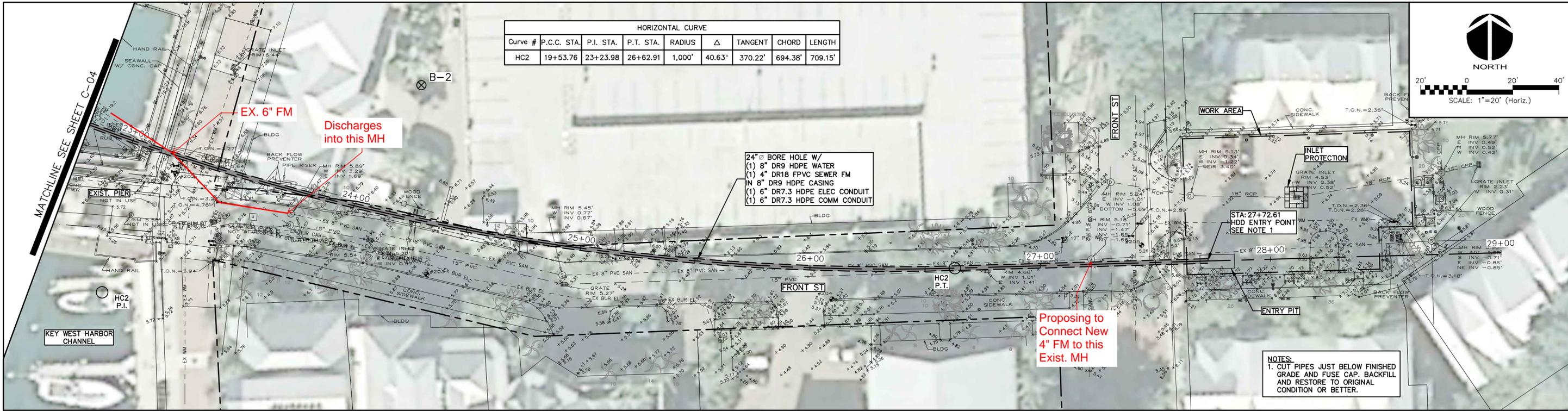
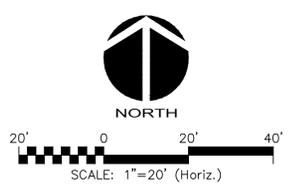
1. There is a grouping of 4 regulated trees in the proposed metering station area next to the parking garage at the end of Front Street. An autograph tree may need to be removed or transplanted. There are also 3 palm trees in that area that need to be protected, transplanted or removed. Please have an arborist evaluate this area and allow yourself some time to submit the proper tree permit applications.
2. Tree protection should be included on the plans for all staging and work areas. Also note that root impacts may occur to the large diameter trees at the Front Street staging area.
3. Make sure plans identify location and methodology for dewatering of the materials that are being removed from the bore. Identify where this material is being stored or removed and how the water is being released.

Sincerely,

Karen

Karen DeMaria  
Urban Forestry Manager/Tree Commission  
Certified Arborist  
305-809-3768

HORIZONTAL CURVE								
Curve #	P.C.C. STA.	P.I. STA.	P.T. STA.	RADIUS	Δ	TANGENT	CHORD	LENGTH
HC2	19+53.76	23+23.98	26+62.91	1,000'	40.63°	370.22'	694.38'	709.15'



REVNO.	DESCRIPTIONS	DATE

SEAL  
BLAKE PETERS, P.E.  
No. 64429

SEAL

378 Interstate Court  
Sarasota, Florida 34240  
Phone: (941)379-3404, Fax: (941)379-3530  
CA Lic. No. 29588  
www.mckimcreed.com

KEY WEST TO SUNSET KEY  
DIRECTIONAL BORE  
UTILITY CROSSING PROJECT  
PLAN AND PROFILE 5 OF 5

DATE: JANUARY 2015	SCALE: HORIZONTAL: 1" = 20'	DRAWING NUMBER: C-05
MCE PROJ. # 6685-0001	VERTICAL: 1" = 10'	
DRAWN: BFN		
DESIGNED: BRP		
CHECKED: BRL		
PROJ. MGR: BRP		
STATUS: ISSUE FOR PERMIT		REVISION

S:\METS\0001\00-Drawings\0701-66850001.dwg, 1/7/2015 10:42:48 AM, Brian Neugart





FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

South District Office  
Post Office Box 2549  
Fort Myers, Florida 33902-2549  
*SouthDistrict@dep.state.fl.us*

RICK SCOTT  
GOVERNOR

CARLOS LOPEZ-CANTERA  
LT. GOVERNOR

JONATHAN P. STEVERSON  
SECRETARY

**VIA ELECTRONIC MAIL**

In the Matter of an  
Application for Permit by:

**Permittee:**

Sunset Island Utility Corporation  
Mark Walsh, President  
1000 Market Street  
Portsmouth, NH 03801  
[deb.howard@oceanprop.com](mailto:deb.howard@oceanprop.com)

**Permit Number:** 63207-238-DWC/CM

**Issued:** May 14, 2015

**Expires:** May 13, 2020

**Project:** Key West to Sunset Key  
Directional Bore Utility Crossing

**Connected to:** Richard A. Heyman WWTP

**County:** Monroe

**NOTICE OF PERMIT ISSUANCE**

Enclosed is Permit Number 63207-238-DWC to construct a sewage collection/transmission system pursuant to Chapter 403, Florida Statutes (FS) and Florida Administrative Code (F.A.C.) Rules 62-4 and 62-604.

The Department's proposed agency action shall become final unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, Florida Statutes, within 14 days of receipt of notice. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions by the applicant or any of the persons listed below must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), Florida Statutes, must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within 14 days of receipt of notice shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, Florida Statutes. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information:

- (a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the Department permit identification number and the county in which the subject matter or activity is located;
- (b) A statement of how and when each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests is affected by the Department action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;

- (f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department’s final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under Section 120.573, Florida Statutes, is not available for this proceeding.

This permit action is final and effective on the date filed with the clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this permit will not be effective until further order of the Department.

Any party to the permit has the right to seek judicial review of the permit action under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when this permit action is filed with the clerk of the Department.

Executed in Fort Myers, Florida

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION




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Jon M. Iglehart  
Director of  
District Management

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy agency clerk hereby certifies that this NOTICE OF PERMIT ISSUANCE and all copies were mailed before the close of business on May 14, 2015, to the listed persons.

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to Section 120.52, Florida Statutes, with the designated Department Clerk, receipt of which is hereby acknowledged.




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Clerk

May 14, 2015

Date

JMI/MM/OJO/MAB/se

Copies furnished to:

Blake Peters, P.E. [bpeters@mckimcreed.com](mailto:bpeters@mckimcreed.com)

Gus Rios, Marathon DEP [gus.rios@dep.state.fl.us](mailto:gus.rios@dep.state.fl.us)



**FLORIDA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION**

South District Office  
Post Office Box 2549  
Fort Myers, Florida 33902-2549  
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**Project:** Key West to Sunset Key Directional Bore  
Utility Crossing

**Connected to:** Richard A. Heyman WWTP

**County:** Monroe

This permit is issued under the provisions of Chapter 403, Florida Statutes (F.S.), and Chapters 62-4 and 62-604, Florida Administrative Code (F.A.C.).

The above named permittee is hereby authorized to construct the facilities shown on the application and other documents on file with the Department and made a part hereof and specifically described as follows:

**DESCRIPTION OF PROJECT:** Replacement of an existing 2,750 LF of 4" sewer force main with 2,750 of 4" fusible PVC (FPVC) pipe, installed inside an 8" HDPE watertight casing that will also have fused joints. The cased wastewater force main is placed inside a 24' directional bore. A bundled pipe type method using the horizontal directional drill (HDD) installation is the proposed technology utilized given the site constraints and the subaqueous crossing along the Key West Harbor Channel per application materials received on February 3, 2015 with additional information last received on April 8, 2015.

**LOCATION OF PROJECT:** Section 6, 36 Township 68S, 67S Range 25E, 24E in Key West, Florida, and Monroe County.

**IN ACCORDANCE WITH:** The limitations, requirements and other conditions set forth in this permit.

**PERMIT CONDITIONS:**

1. This permit is subject to the general conditions of Rule 62-4.160, F.A.C., as applicable. This rule is available at the Department's Internet site at: <http://www.dep.state.fl.us/water/wastewater/rules.htm#domestic> [62-4.160, 5-1-03].
2. Upon completion of construction of the collection/transmission system project, and before placing the facilities into operation for any purpose other than testing for leaks or testing equipment operation, the permittee shall submit to the Department's South District Office at P.O. Box 2549, Fort Myers, FL 33902-2549 (by mail) or 2295 Victoria Avenue, Suite 364, Fort Myers, FL 33901 (by other delivery service) Form 62-604.300(8)(b), Request for Approval to Place a Domestic Wastewater Collection/Transmission System into Operation. This form is available at the Department's Internet site at: <http://www.dep.state.fl.us/water/wastewater/forms.htm> [62-604.700(2), 11-6-03].
3. The new or modified collection/transmission facilities shall not be placed into service until the Department clears the project for use [62-604.700(3), 11-6-03].
4. Permit revisions shall only be made in accordance with Rule 62-4.050(4)(s), F.A.C. Request for revisions shall be made to the Department in writing and shall include the appropriate fee. Revisions not covered under Rule 62-4.050(4)(s), F.A.C., shall require a new permit [62-604.600(8), 11-6-03].
5. Abnormal events shall be reported to the Department's South District Office in accordance with Rule 62-604.550, F.A.C. For unauthorized spills of wastewater in excess of 1000 gallons per incident, or where information indicates that public health or the environment may be endangered, oral reports shall be provided to the STATE WARNING

POINT TOLL FREE NUMBER (800) 320-0519 as soon as practical, but no later than 24 hours from the time the permittee or other designee becomes aware of the circumstances. Unauthorized releases or spills less than 1000 gallons per incident are to be reported orally to the Department's South District Office at phone number (239)-344-5600 within 24 hours from the time the permittee, or other designee becomes aware of the circumstances [62-604.550, 11-6-03].

6. This permit is for CONSTRUCTION ONLY of the collection/transmission system project. This permit does not authorize the connection of this collection/transmission system project to the designated wastewater treatment plant. This permit shall not be construed to infer that the clearance necessary for connection shall be granted.

**SPECIFIC PERMIT CONDITIONS:**

1. All new wastewater collection/transmission systems and modifications of existing systems shall be located at least 100 feet from a public drinking water supply well.
2. Except as provided in Section 62-604.400(3), F.A.C., sewer pipes/force mains should cross under water mains.
3. For sewer crossings located on the land, all crossings shall be arranged so that the sewer pipe joints are equidistant as far as possible from the water main joints. All gravity or pressure type sanitary sewers and wastewater force main joints shall maintain a minimum distance of 6 feet from water main joints if the lines are located on the land.
4. Except as provided under 62-604.400(3), F.A.C., all sewers and force mains shall be laid at least 10 feet horizontally (outside to outside) from a water main and 3 feet minimum (outside to outside) from a reclaimed water pipe permitted under Part III of Chapter 62-610, F.A.C.
5. A vertical separation of at least 18 inches must be maintained when a sewer pipe crosses a water main, except as provided under Section 62-604.400(3), F.A.C.
6. When any existing asbestos cement (AC) pipes are replaced under this permit, the permittee shall do so in accordance with the applicable rules of Federal Asbestos Regulation and Florida DEP requirements. For specific requirements applicable to AC pipes, the permittee should contact the Department prior to commencing any such activities at (239) 344-5600. Please be aware that a notification is required to be submitted to the Department for a regulated project.
7. The Operation and maintenance of the collection system shall be in accordance with the requirements of section 62-604.500, F.A.C.
8. This permit does not authorize construction prior to obtaining all other necessary permits from other program areas within the Department, or required permits from other state, federal, or local agencies.
9. A flow monitoring device shall be installed on the discharge side of the force main to ensure the integrity of the force main and to take appropriate action in case of the sewer line failure.
10. As shown on the plans by the design engineer, air release valves shall be provided at high points to prevent air locking for this project.

Executed in Fort Myers, Florida.

STATE OF FLORIDA DEPARTMENT  
OF ENVIRONMENTAL PROTECTION



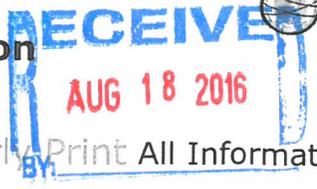
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Jon M. Iglehart  
Director of District Management

# Application

8091

# Tree Permit Application



Date: 7/20/16

Please Clearly Print All Information unless indicated otherwise.

Tree Address 245 Front St  
 Cross/Corner Street Front/Green St  
 List Tree Name(s) and Quantity 1 Clusia Rosea  
 Species Type(s) check all that apply ( ) Palm ( ) Flowering ( ) Fruit  Shade ( ) Unsure  
 Reason(s) for Application:

REMOVE ( ) Tree Health ( ) Safety  Other/Explain below  
 ( ) TRANSPLANT ( ) New Location ( ) Same Property ( ) Other/Explain below  
 ( ) HEAVY MAINTENANCE ( ) Branch Removal ( ) Crown Cleaning/Thinning ( ) Crown Reduction  
 Other/Explain Hotel need to install underground utilities that will require removal. Tree is not suitable for relocation  
 Reason for Request is not suitable for relocation

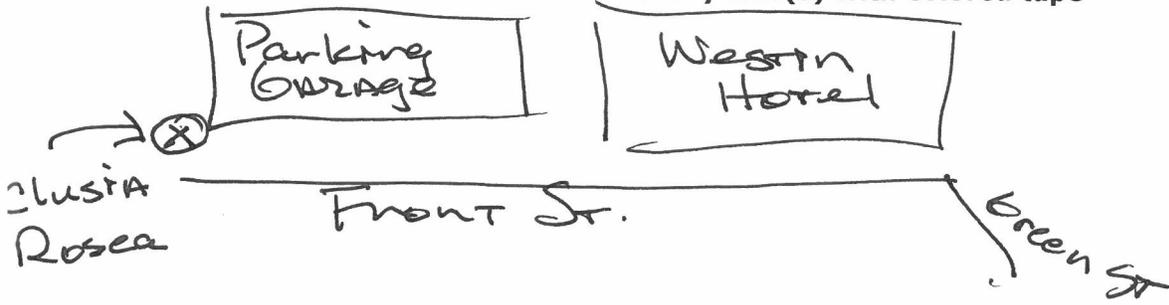
Property Owner Name Tanner Development LC  
 Property Owner eMail Address diane.schmidt@westinkeywestresort.com  
 Property Owner Mailing Address 245 Front St.  
 Property Owner Mailing City Key West State FL Zip 33040  
 Property Owner Phone Number (305) 294-4000  
 Property Owner Signature Diane Schmidt as agent for Tanner Development LC

Representative Name John Cole Shade Tree Inc  
 Representative eMail Address ShadeTreeServices@yahoo.com  
 Representative Mailing Address PO Box 1341  
 Representative Mailing City Key West State FL Zip 33041  
 Representative Phone Number (305) 340-8094

NOTE: A Tree Representation Authorization form must accompany this application if someone other than the owner will be representing the owner at a Tree Commission meeting or picking up an issued Tree Permit.  
 Tree Representation Authorization form attached ( )

<<<<< Sketch location of tree in this area including cross/corner Street >>>>>

Please identify tree(s) with colored tape



If this process requires blocking of a City right-of-way, a separate ROW Permit is required. Please contact 305-809-3740.

8-19-16  
1'7" circ  
6" dbh



**Tree Representation Authorization**

Date: 7/20/16

Attendance at the Tree Commission meeting on the date when your request will be discussed is necessary in order to expedite the resolution of your application. This Tree Representation Authorization form must accompany the application if the property owner is unable to attend or will have someone else pick up the Tree Permit once issued.

**Please Clearly Print** All Information unless indicated otherwise.

Tree Address 245 Front St

Property Owner Name Tannex Development LLC  
Property Owner eMail Address diane.schmidt@westkeywestresort.com  
Property Owner Mailing Address 245 Front St.  
Property Owner Mailing City Key West State FL Zip 33040  
Property Owner Phone Number (305) 294-4000  
Property Owner Signature Niam Schmidt as agent for Tannex Development LLC

Representative Name John Cole Shade Tree Tree  
Representative eMail Address Shadetreeservicusa@yahoo.com  
Representative Mailing Address PO Box 341  
Representative Mailing City Key West State FL Zip 33041  
Representative Phone Number (305) 340-8094

I Diane Schmidt, hereby authorize the above listed agent(s) to represent me in the matter of obtaining a Tree Permit from the City of Key West for my property at the tree address above listed. You may contact me at the telephone listed above is there is any questions or need access to my property.

Property Owner Signature Niam Schmidt

The forgoing instrument was acknowledged before me on this 20<sup>th</sup> day July, 2016.

By (Print name of Affiant) Diane Schmidt who is personally known to me or has produced \_\_\_\_\_ as identification and who did take an oath.

**NOTARY PUBLIC**  
Sign Name: [Signature]  
Print Name: DUFFY LUCAS  
My Commission Expires: 1/23/18

Notary Public - State of Florida (seal)





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

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

**Property Record Card -**  
**Maps are now launching the new map application version.**

**Alternate Key: 8732431 Parcel ID: 00000200-000100**

**Ownership Details**

**Mailing Address:**  
TANNEX DEVELOPMENT LC  
1000 MARKET ST UNIT 300  
PORTSMOUTH, NH 03801-3399

**Property Details**

**PC Code:** 39 - HOTELS,MOTELS

**Millage Group:** 10KW

**Affordable Housing:** No

**Section-Township-Range:** 06-68-25

- Property Location:** 235 FRONT ST KEY WEST
- 241 FRONT ST KEY WEST
- 243 FRONT ST KEY WEST
- 245 FRONT ST KEY WEST
- 247 FRONT ST KEY WEST
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- 273 FRONT ST KEY WEST
- 275 FRONT ST KEY WEST
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- 279 FRONT ST KEY WEST
- 271 FRONT ST KEY WEST

**Legal Description:** KW PT SQR 4 AND PT SQR 17 AND ADJ PARCEL AND PART OF GREENE ST EXTENDED (3.9719 AC) OR1005-78/128Q OR1005-154/56 OR1023-2208/09 OR1100-443/46 OR1100-433/35 OR1135-1992/4 OR1180-2013/18 OR1198-1256/60 OR1205-2285/90 OR1263-1669/1745DEC OR1302-2280/82 OR2389-2190/93 OR2443-2157C OR2756-132/35C