

Application

Minor Development Plan Application

ENCLAVE ON RIVERIA

2800 Flagler Avenue

Contents

Minor Development Application	page 1-5
Addendum to Application	page 6-16
Existing Conservation Easement	page 1-9
Attachment to Existing Conservation Easement	page- 1-5
Proposed Conservation Easement Map	page 1-2
Verification and Authorization Forms	page 1-2
Deed –	page 1-3
Existing SFWMD Permit	page 1-50
Plans:	
Cover Sheet	one page
Location Plan	one page
Survey	one page
Site Plan	one page
Stormwater Plan	one page
Existing Tree Plan	one page
Landscape Plan	one page
Floor Plan Options	one page

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

Applications will not be accepted unless complete

Development Plan

Major _____

Minor X

Conditional Use

Historic District

Yes _____

No X

Please print or type:

- 1) Site Address 2800 Flagler Avenue
- 2) Name of Applicant Annalise Mannix, PE
- 3) Applicant is: Owner _____ Authorized Representative X _____
(attached Authorization and Verification Forms must be completed)
- 4) Address of Applicant 3739 Paula Avenue, Key West, Florida 33040
Applicant's Phone # 305-797-0463 Email amannix@aol.com
- 5) **Email Address:** amannix@aol.com
- 6) Name of Owner, if different than above Randy Allen / Reef Enterprises LLC
- 7) Address of Owner 660 Southpointe CT, Ste. 301, Colorado Springs, CO 80906
- 8) Owner Phone # (719) 527-9899 Email rgalaw@aol.com
- 9) Zoning District of Parcel SF(Single Family) RE# 0006509-000100
- 10) Is Subject Property located within the Historic District? Yes _____ No X
If Yes: Date of approval _____ HARC approval # _____
OR: Date of meeting _____
- 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).
The 4.25 acre vacant property is located on the corner of Flagler Avenue and 11th Street. The proposal is to construct 10 single-family two-story dwelling units in the SF zoning district. Each home will have three bedrooms and be 3 feet above base flood elevation on 7-foot piles. The property has 2 Beneficial Use permits so needs 8 additional units (workforce housing is included for the 8 units by providing one affordable unit for moderate income and a proposed \$200,000 fee in lieu of a second median income unit). Parking requirements are met with 2 per unit plus 2 guest spaces. The site has 1.80 acres of uplands and will have 2.45 acres of significant mangrove forest wetlands. The portion of the property to be developed is the northeast corner which is scarified.

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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 X No _____

If Yes, describe and attach relevant documents. The property has a conservation easement No. 080509 with SFWMD which was granted in 2010 when the property was considered for a synagogue. The conservation easement is being modified and updated for the proposed project. SFWMD and the project Biologist have met on site and delineated a new conservation and upland area.

- 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.

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): SF (Single-Family)
- (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.

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- (9) Landscape areas.
- (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 (DEO).
 - 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.

Concurrency Analysis

Concurrency Analysis Enclave on Riviera, 2800 Flagler Ave, Key West

Concurrency is a finding that public facilities and services necessary to support a proposed development are available, or will be made available, concurrent with the impacts of the development (City of Key West, 2014). The City of Key West Comprehensive Plan requires that public facilities and services meet adopted level of service requirements when new development is proposed or concurrent with the construction impacts of the development. The subject facilities are potable water, recreation, sanitary sewers, solid waste, stormwater drainage, and roads.

A new development, Enclave on Riviera, at 2800 Flagler Ave, Key West is proposed on a site which has previously been undeveloped. The proposed site has a site area of 185,280 SF (4.26 acres) and a floor area of 17,280 SF in (10) 2-bedroom single family detached homes. Each home has 3 bedrooms and 2 ½ bathrooms, and at least 2 parking spaces per unit. The estimated number of residents on the property 40 (4 per unit). This concurrency analysis describes that the proposed project will not be a stressor on the existing City facilities.

Potable water

South Florida Water Management District Projected Water Demand

Current Supply				Need		
Biscayne Aquifer	Floridian Aquifer	Lewin RO Plant	Marathon RO Plant	County-wide 2005	County-wide Projection 2025	Proposed Project
17 MGD	6 MGD	1.5 MGD	1.5 MGD	23.79 MGD	29.11 MGD	0.0037 MGD

Reference FCAA, 2006 Capital Improvement Plan, http://fkaa.com/fkaa_20yr_cimp_dec06.pdf and 2012 Water Quality Report

Sec. 94-68 of the City of Key West Code of Ordinances establishes a level of service standards for residential potable water of 93gal/capita/day. Based on the concurrency management calculation prescribed in the City's Comprehensive Plan the volume of water required to serve the proposed development is estimated at 3,720 gal/day (40 residents x 93 gal/capita/day = 3,720 gal/day).

The 3,720 gal/day increase in water consumption (the required capacity for the project) is available from the Florida Keys Aqueduct Authority (FCAA) which supplies water for the entire Keys. The FCAA has the capacity to supply adequate service to this property and others as demonstrated by the following information.

The FCAA has a 26 million gallon per day (MGD) capacity, with 23 MGD permitted from aquifers. The Biscayne Aquifer is the primary groundwater supply source for the Florida Keys (17.0 MGD permitted withdrawal). The location of the well field is in an environmentally protected pine rockland forest near Florida City. The FCAA utilizes the Floridian Aquifer, a brackish source to supplement the Biscayne Aquifer supply (6.0 MGD). The Floridian Aquifer water is processed through a low pressure reverse osmosis (LPRO) water treatment plant may contribute up to an additional six million gallons a day water supply. The FCAA has two seawater desalination plants which produce freshwater from ocean saltwater and may produce 3 MGD of potable water.

The South Florida Water Management District uses a long-term comprehensive regional water supply plan to manage South Florida's water resources. The plan includes recommended withdrawals from the

Concurrency Analysis Enclave on Riviera, 2800 Flagler Ave, Key West

FKAA well field over a 20-year planning period. The functional population projections from 2005 through the year 2025 indicate that the daily potable water production rate must be increased from 23.79 MGD to 29.11 MGD. However, the 2014 projection remains at 21.68 MGD (FKAA by CH2H M Hill, 2006. http://fkaa.com/fkaa_20yr_cimp_dec06.pdf). The FKAA has a strategic plan to reduce unaccounted for Water identified Water which is is estimated at 12% of the 2006 volume.

The City Comprehensive Plan requires

"Planned improvements in potable water and/or wastewater system required establish and/or maintain adopted water and waste water 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 standards."

This standard is met under the existing and proposed conditions.

The SFWMD issued water use permit (WUP) #13-00005-W on March 26, 2008, which recognizes the additional blended Floridian Aquifer capacity that is provided by the R.O. plant. This also allows the FKAA to use the Marathon and Stock Island R.O. plants for any demands exceeding the interim usage limits.

The Monroe County Annual Public Facilities Report (2007) suggests water demand has increased over a ten-year period. The data shows an increase in water demand of an average increase of 104 MG/year.

Ch2 MHill (2006) found that many new residences show large increases in water expected to be from landscaping. The proposed project deals with excessive water use by maintaining fresh water cisterns for each home to be used for irrigation while using xeroscaping for plants.

Based on the average annual increase of 104 MG/year (0.28 MGD), the current allocation will be sufficient for an additional 16.9 years of growth. Based on this finding, sufficient permitted water supply is available to meet the needs of the Florida Keys through 2030.

Sanitary Sewer

Sewage Treatment Capacity			
Permitted Capacity	Existing Capacity	Project Requirements	Proposed Capacity
10 MGD	4.5 MGD	4000 GPD (0.004 MGD)	4.504 MGD

Reference Jay Gewin, May 8, 2014

Sec. 94-67 of the Code of Ordinances sets the level of service standards for residential Sanitary Sewer at 100 gal/capita/day. The proposed project increases required capacity by 4,000 gal/day. The total capacity required for residential use for 40 residents is 100 gal/acres/day x 40 residents = 4,000 gal/day.

Based on the required concurrency management calculation in the City's Comprehensive Plan, there is a 4,000 gal/day increase capacity required. The current waste water treatment plant is currently permitted for 10 million gallons per day. Records indicate only 4.5 million gallons per day of capacity are currently utilized. The current plant has the capacity to supply supply adequate service to this property.

Concurrency Analysis Enclave on Riviera, 2800 Flagler Ave, Key West

The City Comprehensive Plan requires

"Planned improvements in potable water and/or wastewater system required establish and/or maintain adopted water and waste water 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 standards."

This standard is met under the existing and proposed conditions.

Recreation

Sec 94-70 Code of Ordinances requires level of service standards for the recreational sites as follows:

Park Classification per Population	Acreage of Recreation Areas	Existing Recreational Areas	Required Recreational Area per person	Population (2012)	Total Facilities Required
Neighborhood park	2.5 per 1,000	15 acres	0.0025	25057	62.64
Community park	2.5 per 1,000	> 90 acres	0.0025	25057	62.64

Facility	Number of Facilities per Population	Existing Recreational Areas	Required Recreational Area	Population	Total Facilities Required
Baseball/softball diamond	1 per 4,500	9	0.00022	25057	5.513
Tennis courts	1 per 7,500	18	0.00013	25057	3.257
Basketball courts	1 per 5,000	6	0.0002	25057	5.011
Racquetball/handball courts	1 per 10,000	3	0.0001	25057	2.506
Bocce courts	1 per 9,500	8	0.00011	25057	2.756
Football/soccer field	1 per 11,000	5	0.000091	25057	2.280
Golf course, 18-hole	1 per 50,000	1	0.00002	25057	0.501
Community pool	1 per 45,000	2	0.000022	25057	0.551
Boat ramps	1 per 9,500	3	0.00011	25057	2.756

According to the City Comprehensive Plan:

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

Concurrency Analysis Enclave on Riviera, 2800 Flagler Ave, Key West

This standard is met under the existing and proposed conditions.

Based on the concurrency requirements of the City's Comprehensive Plan, the level of service standards are met for recreational facilities. As indicated by City Annual reports all of the community recreational requirements are met. However it does appear that more basketball courts may be needed in the future. In the neighborhood surrounding the proposed project there are numerous community and neighborhood recreation areas, which include: Little Hammaca Park, two Pocket Parks, a Boat Ramp, Wickers Field, Blake Fernandez Skate Park, Salt Ponds (birding and kayaking), and Riviera Canal (kayaking and swimming).

The proposed project provides for both passive and active recreational areas in site, which include a pool with cabana and residential community area, a nature walk, a swimming platform and open landscape space.

Solid Waste

Sec. 94-71 of the City Code of Ordinances sets the level of service standards for residential solid waste disposal as 2.66 lb/capita/day. The proposed capacity required is 106.4 lb/day, which is calculated for residential use (2.66 lb/capita/day x 40 residents = 106.4 lb/day). The City Code states

"The city shall not approve development applications unless the city demonstrates that sufficient capacity is available to accommodate projected solid waste disposal needs for all existing and approved development for a period of three years.

Based on the required concurrency management calculation of the City's Comprehensive Plan, there is a 106.4 lb/day increase of the solid waste stream for the proposed project. Waste Management proposed a plan to the City Commission on May 7, 2014 stating that it contracted with outside facilities for ample capacity for the City's recycling and waste program for 20 years. Its organic recycling facility is permitted for 30,000 tons per year.

This standard is met under the existing and proposed conditions.

Drainage

Sec. 94-69 Code of Ordinances states following:

"the drainage level of service standard will be applicable to all types of development. Where two or more standards impact a specific development, the most restrictive standard shall apply:

- (1) Post development runoff shall not exceed the predevelopment runoff rate for a 25-year storm event, up to and including an event with a 24-hour duration.
- (2) Storm water treatment and disposal facilities shall be designed to meet the design and performance standards established in F.A.C. 17-25.025, with treatment of the runoff from the first one inch of rainfall on site to meet the water quality standards required by F.A.C. 17-302.500. Storm water facilities which directly discharge into outstanding Florida waters (OFW) shall provide an additional treatment pursuant to F.A.C. 17-25.025(9).
- (3) Storm water facilities must be designed so as to not degrade the receiving water body below the minimum conditions necessary to ensure the suitability of water for the designated use of its classification as established in F.A.C. ch. 17-302.

Concurrency Analysis Enclave on Riviera, 2800 Flagler Ave, Key West

The stormwater plan proposed meets the minimum requirements through best management practices as depicted on the attached storm water management plans.

The City's Comprehensive plan requires:

"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 drainage"

This standard is met under the existing and proposed conditions.

Roads

Trip Generation

Expected trip generation with all houses occupied

	Weekday Morning	Weekday Evening	Saturday	Sunday
Peak Hour	7.7	10.2	9.4	8.6
Daily Average	95.7	95.7	10.1	87.8
Adjacent Street Traffic per home	0.75	1.01		

Note: approximate 50% directional distribution except weekday morning and evening

Reference: ITE Trip Generation 7th Edition

Flagler Ave vat 11 th St	Average Daily Trips
Existing	9,800
Proposed*	9,896

Reference

<http://www2.dot.state.fl.us/FloridaTrafficOnline/viewer.html>

The City Comprehensive Plan requires:

"Estimated trips for the peak hour generated by the proposed land use together with anticipated with on- and off-site improvements necessitated to accommodate the traffic impacts generated by the development including, additional R/W, roadway improvements, additional paved lineage, traffic signalization, proposed methods for controlling access egress, and other similar improvements "

Concurrency Analysis Enclave on Riviera, 2800 Flagler Ave, Key West

Access from the adjacent rights of way will be required for vehicular use. The property currently has a sidewalk around the street sides therefore two driveway aprons will be required. At a minimum the 11th Street driveway will be used for ingress and egress. The Flagler Ave driveway will be used for emergency ingress/egress for fire equipment onto Flagler Ave. and may be used for daily egress for right hand turns.

The impacts to the roads in the area are expected to be minimal, except for the first 200 feet of 11th Street which will have limited impacts. The actual number of vehicle trips can be hard to determine, however it is known that a larger home correlates to more trips and homes far from services generate more traffic. This site is close to bus service (only steps away) and City Hall, doctors' offices, shopping centers and ball fields each of which could reduce the number of vehicular trips. Also, the use of bicycles in Key West may cause a variation in standard trip estimates. The expected daily traffic impact can be estimated from the book Trip Generation, 7th Edition, published by the Institute of Transportation Engineers.

Based on the standards, it is expected the peak trip generation at the site (on 11th Street) may be between the hours of 4 and 6 PM and receive approximately 11 trips per hour. The average weekday trips (all day and night) could be expected to be upwards of 96 trips per day. This may be inferred from the standard which provides estimates of average daily trip generation per dwelling units as well as peak hour trip generation per dwelling unit garnered from hundreds of studies of dwelling unit traffic patterns. The single family detached housing section estimates the average vehicle trips per dwelling unit on a weekday to be in the range of 4.31 to 21.83 (with an average of 9.57) per day with an even mix of entering and exiting vehicles. The maximum peak hour of traffic is estimated to be weekday evenings from 4-6 PM with a peak hour average trip of 0.42 to 2.98 trips per dwelling unit (with an average of 1.02) and the highest weekend traffic to be on Saturday with an range of daily traffic from 5.32 to 15.25 trips per day (with an average of 10.10) with the peak hour generation in the range of 0.5-1.75 per dwelling unit (average of 0.94). There are 35 residential homes on the contiguous segment of 11th Street and the adjacent block of Riviera Drive. If half of the Riviera Drive vehicles travel via 11th Street and also average an evening peak hourly rate of 1.02 they would currently make 17 trips in the peak hour. The combined peak-hour trips on 11th Street could be as high as 28, or one vehicle every 2 minutes. This traffic volume would not rise to a level requiring any traffic control modifications.

Safety trends are influenced by a host of factors including population growth, demographic characteristics, vehicle and roadway design, behavior of all system users, enforcement, and Education. <http://www.dot.state.fl.us/planning/trends/archives/pg08.pdf>. Generally, Florida roads are more heavily traveled than those of other states. U.S. Census Bureau; Bureau of Transportation Statistics. The American Community Survey, found that the majority (67.3%) of Monroe County workers drove to work alone in 2009, 8.7% carpoled, 1.6% took public transportation, 5% walked, 5.7% used bicycle and 5.2% used taxicab, motorcycle other means. The remaining 6.5% worked at home. Among those who commuted to work, it took them on average 17 minutes to get to work (American Community Survey, 2010, Retrieved from American Community Survey http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_10_3YR_B22003&prodType=table).

Landscape Waiver Request



Annalise Mannix Engineering & Consulting LLC

CA #27779

January 7, 2013

Mr. Brendon Cunningham
Senior Planner
City of Key West
Key West, FL 33040



RE: Landscape Waiver Request for 2800 Flagler Ave

Dear Mr. Cunningham:

As we discussed on December 31, this is a request for a landscape waiver for the proposed minor development project at 2800 Flagler Ave.

The comprehensive proposal is to construct 10 unattached two-story single-family dwelling units. The site will have 1.80 acres of developed land and 2.45 acres of conservation lands. A landscape plan was submitted with the MDP package.

According to Code Section 108-413 the property is required to have 160 plants within 40 linear feet of landscaping along the street frontage along Flagler Avenue and 11th Street. This requirement is requested to be waived by 10 feet of the 40 foot requirement facing Flagler Ave. and for 20 feet of the 40 foot requirement required for 11th Street on the east, except for a small section near the proposed pool. A literal enforcement of the landscaping standards would be impractical on this property because the conservation area takes up 58% of the lot, and the requirement would cause a substantial reduction in the buildable area.

The waiver will not negatively affect the property, specifically:

(1) *Public interest; adjacent property.* The waiver or modification would not have a significant adverse impact on the public interest, or on adjacent property, because on the two sides the landscape area is expansive (120 feet and 150 feet) while the proposed other two landscape areas of 20 feet and 30 feet are similar to the surrounding neighborhood.

(2) *Not discriminatory.* The waiver or modification is not discriminatory considering similar situations in the general area where homes have only 30 foot setbacks and 10 foot street side setbacks.

(3) *Superior alternatives.* The development will provide an alternative landscape solution which will achieve the purposes of the requirement through clearly superior design by significant barriers near the sidewalk edge and the incorporation of a 4-foot wall with a two-foot open area above to allow a barrier between the road and the development.

(4) *Protection of significant features.* The waiver or modification does not negatively impact environmental or cultural features, such as trees, scenic areas, historic sites or public facilities related to the development site, and many existing mature trees on the site will remain.

(5) *Deprivation of reasonable use.* Strict application of the requirement would effectively deprive the owner of reasonable use of the land due to its unusual size, shape, topography, natural conditions, and location. The lot is large, however much of it has environmentally sensitive habitat that the owner wishes to maintain rather than fill, therefore the development is pushed forward to a 30 foot front setback and 20 foot street side setback. The waiver of the landscape zone is not outweighed by a valid public purpose. In this case strict application of the requirement would be technically impractical while ensuring the best use of the property.

I hope this proposal is adequate for your review. Should you have any questions concerning the proposal please call me at (305) 797-0463.

Sincerely,



Annalise Mannix, P.E.

Verification

City of Key West
Planning Department



Authorization Form
(Where Owner is a Business Entity)

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

I, Randy C. Allen as
Please Print Name of person with authority to execute documents on behalf of entity

Managing Member of Reef Enterprises, LLC
Name of office (President, Managing Member) *Name of owner from deed*

authorize Annalise Munnix and Bill Horn and Allen Perez
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]
Signature of person with authority to execute documents on behalf on entity owner

Subscribed and sworn to (or affirmed) before me on this 12/30/13 by
date

Randy C. Allen
Name of Authorized Representative

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

[Signature]
Notary's Signature and Seal

Alma Shipp
Name of Acknowledger typed, printed or stamped

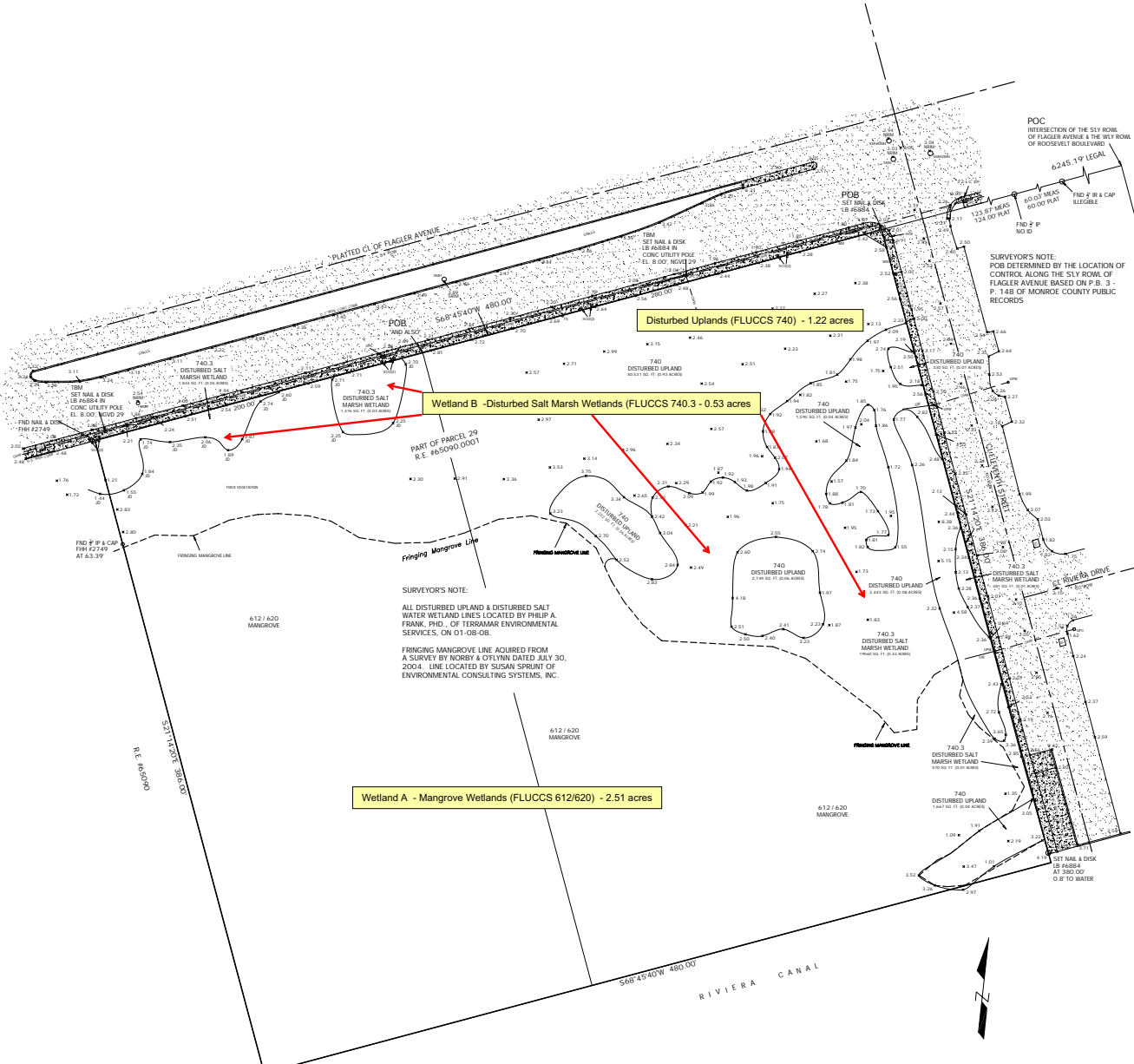
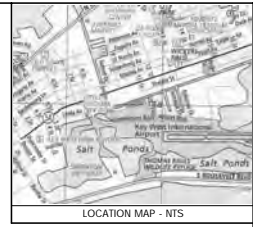
ALMA SHIPP
Notary Public
State of Colorado

My Commission Expires July 17, 2014

Expires 7/17/14
Commission Number, if any

Survey

MAP OF BOUNDARY & TOPOGRAPHIC SURVEY
Part of Parcel 29
Key West Improvement Co., Inc.'s unrecorded map of lands in
Key West, Florida



Disturbed Uplands (FLUCCS 740) - 1.22 acres

Wetland B - Disturbed Salt Marsh Wetlands (FLUCCS 740.3) - 0.53 acres

Wetland A - Mangrove Wetlands (FLUCCS 612/620) - 2.51 acres

SURVEYOR'S NOTE:
ALL DISTURBED UPLAND & DISTURBED SALT
WATER WETLAND LINES LOCATED BY PHILIP A.
FRANK, PH.D., OF TERRAMAR ENVIRONMENTAL
SERVICES, ON 01-09-08.

FRINGING MANGROVE LINE ACQUIRED FROM
A SURVEY BY MORSE & O'LEARY DATED JULY 30,
2004. LINE LOCATED BY SUSAN SPRINT OF
ENVIRONMENTAL CONSULTING SYSTEMS, INC.

POC
INTERSECTION OF THE SLY ROW OF
FLAGLER AVENUE & THE WLY ROW OF
ROOSEVELT BOULEVARD

6245.19' LEGAL

123.87' MEAS
124.00' MEAS

40.07' MEAS
60.00' MEAS

POB DETERMINED BY THE LOCATION OF
CONTROL ALONG THE SLY ROW OF
FLAGLER AVENUE BASED ON P.B. 3 -
P. 148 OF MONROE COUNTY PUBLIC
RECORDS

SCALE: 1" = 30'

BEARING BASE:
DERIVED FROM THE SOUTHERLY
ROW OF FLAGLER AVENUE AS
S 68°45'40" W, AS PER LEGAL

ALL ANGLES DEPICTED
ARE 90 DEGREES UNLESS
OTHERWISE INDICATED

ADDRESS:
2800 FLAGLER AVENUE
KEY WEST, FL
33040

ELEVATIONS SHOWN
AS .XXX REFER TO
NGVD 1929 VERTICAL
DATUM ABOVE SEA LEVEL

COMMUNITY NO.: 120168
MAP NO.: 12087C-1517K
MAP DATE: 02-18-05
FLOOD ZONE: AE #B

740 - DISTURBED UPLAND
TOTAL: 52,514 SQ. FT. (1.21 ACRES)

740.3 - DISTURBED SALT MARSH WETLAND
TOTAL: 23,931 SQ. FT. (0.53 ACRES)

LEGAL DESCRIPTION -

On the Island of Key West and more particularly described as follows:
COMMENCING at the intersection of the Southerly right of way line of Flagler Avenue and the Westerly right of way line (curb line) of Roosevelt Boulevard, in Key West, Florida; bear South 68°45'40" West along the Southerly right of way line of Flagler Avenue for a distance of 6245.19 feet to the Point of Beginning of the said real estate hereinafter described; From said Point of Beginning continue bearing South 68°45'40" West along said Southerly right of way line of Flagler Avenue for a distance of 280.0 feet to a point; thence bear South 21°14'20" East for a distance of 386.0 feet to a point on the Northerly side of a proposed canal; thence bear North 68°45'40" East along the Northerly side of said proposed canal for a distance of 200.0 feet to a point; thence bear North 21°14'20" West for a distance of 386.0 feet back to the Point of Beginning, said described real estate connecting and being adjacent to the Southwesterly 757.21 feet of that parcel of land known as Parcel 29 as set forth in an unrecorded map of lands of Key West Improvement Co., Inc., prepared by Cranshaw, Bailey and Associates, dated December 2, 1952.

AND ALSO,
COMMENCING at the intersection of the Southerly right of way line of Flagler Avenue and the Westerly right of way line (curb line) of Roosevelt Boulevard, in Key West, Florida; bear South 68°45'40" West along the Southerly right of way line of Flagler Avenue for a distance of 6525.19 feet to the Point of Beginning of the said real estate hereinafter described.
From said Point of Beginning continue bearing South 68°45'40" West along said Southerly right of way line of Flagler Avenue for a distance of 200.0 feet to a point; thence bear South 21°14'20" East for a distance of 386.0 feet, more or less, to a point on the Northerly side of a proposed canal; thence bear North 68°45'40" East along the Northerly side of said proposed canal for a distance of 200.0 feet to a point; thence bear North 21°14'20" West for a distance of 386.0 feet, more or less, back to the Point of Beginning, said described real estate being a portion of that parcel of land known as Parcel 29 as set forth in an unrecorded map of lands of Key West Improvement Co., Inc., prepared by Cranshaw, Bailey and Associates, dated December 2, 1952.

CERTIFIED TO -
CHARAD OF KEY WEST, INC.
First State Bank of the Florida Keys, its successors and/or assigns
Attorneys' Title Insurance Fund

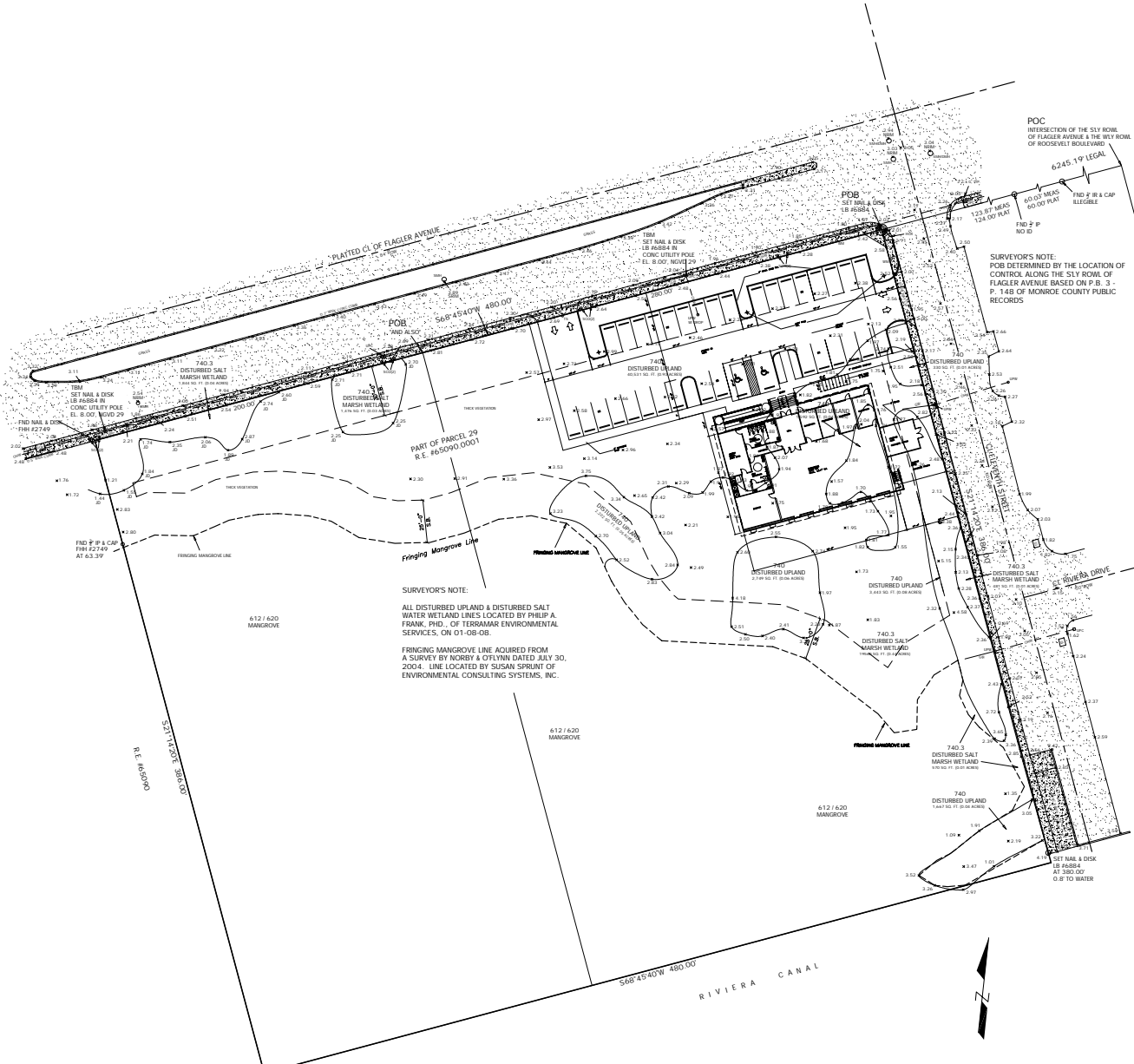
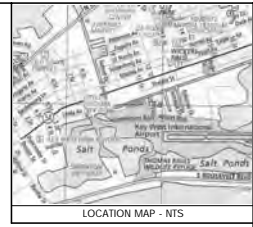


NOTE: LEGAL DESCRIPTIONS HAVE BEEN FURNISHED BY THE CLIENT OR HIS/HER REPRESENTATIVE. PUBLIC RECORDS HAVE NOT BEEN RESEARCHED BY THE SURVEYOR TO DETERMINE THE ACCURACY OF THESE DESCRIPTIONS. NO REAL ADVERSE PROPERTIES HAVE BEEN DISCLOSED TO THE CLIENT. UNRECORDED EASEMENTS, ETC., ARE NOT SHOWN. MEASURED DIMENSIONS EQUAL PLATTED OR DESCRIBED DIMENSIONS UNLESS INDICATED OTHERWISE.

THE FOLLOWING IS A LIST OF ABBREVIATIONS THAT MAY BE FOUND ON THIS SHEET:

AC	ACRE	AD	ADJACENT	AG	AGRICULTURE	AL	ALUMINUM	AN	ANNULAR	AO	AROUND	AS	AS SHOWN	AT	AT THE	AV	AVERAGE	AW	AIRWAY	AX	AXIS	AY	AYERS	BA	BALANCE	BB	BENT	BC	BORDER	BD	BOTTOM	BE	BETWEEN	BF	BETTER	BG	BETTER	BH	BETTER	BI	BETTER	BJ	BETTER	BK	BETTER	BL	BETTER	BM	BETTER	BN	BETTER	BO	BETTER	BP	BETTER	BQ	BETTER	BR	BETTER	BS	BETTER	BT	BETTER	BV	BETTER	BW	BETTER	BX	BETTER	BY	BETTER	BZ	BETTER	CA	CADASTRAL	CB	CADASTRAL	CC	CADASTRAL	CD	CADASTRAL	CE	CADASTRAL	CF	CADASTRAL	CG	CADASTRAL	CH	CADASTRAL	CI	CADASTRAL	CJ	CADASTRAL	CK	CADASTRAL	CL	CADASTRAL	CM	CADASTRAL	CN	CADASTRAL	CO	CADASTRAL	CP	CADASTRAL	CQ	CADASTRAL	CR	CADASTRAL	CS	CADASTRAL	CT	CADASTRAL	CU	CADASTRAL	CV	CADASTRAL	CW	CADASTRAL	CX	CADASTRAL	CY	CADASTRAL	CZ	CADASTRAL	DA	DISTANCE	DB	DISTANCE	DC	DISTANCE	DD	DISTANCE	DE	DISTANCE	DF	DISTANCE	DG	DISTANCE	DH	DISTANCE	DI	DISTANCE	DJ	DISTANCE	DK	DISTANCE	DL	DISTANCE	DM	DISTANCE	DN	DISTANCE	DO	DISTANCE	DP	DISTANCE	DQ	DISTANCE	DR	DISTANCE	DS	DISTANCE	DT	DISTANCE	DV	DISTANCE	DW	DISTANCE	DX	DISTANCE	DY	DISTANCE	DZ	DISTANCE	EA	EAST	EB	EAST	EC	EAST	ED	EAST	EE	EAST	EF	EAST	EG	EAST	EH	EAST	EI	EAST	EJ	EAST	EK	EAST	EL	EAST	EM	EAST	EN	EAST	EO	EAST	EP	EAST	EQ	EAST	ER	EAST	ES	EAST	ET	EAST	EV	EAST	EW	EAST	EX	EAST	EY	EAST	EZ	EAST	FA	FACE	FB	FACE	FC	FACE	FD	FACE	FE	FACE	FF	FACE	FG	FACE	FH	FACE	FI	FACE	FJ	FACE	FK	FACE	FL	FACE	FM	FACE	FN	FACE	FO	FACE	FP	FACE	FQ	FACE	FR	FACE	FS	FACE	FT	FACE	FV	FACE	FW	FACE	FX	FACE	FY	FACE	FZ	FACE	GA	GALVANIZED	GB	GALVANIZED	GC	GALVANIZED	GD	GALVANIZED	GE	GALVANIZED	GF	GALVANIZED	GG	GALVANIZED	GH	GALVANIZED	GI	GALVANIZED	GJ	GALVANIZED	GK	GALVANIZED	GL	GALVANIZED	GM	GALVANIZED	GN	GALVANIZED	GO	GALVANIZED	GP	GALVANIZED	GQ	GALVANIZED	GR	GALVANIZED	GS	GALVANIZED	GT	GALVANIZED	GV	GALVANIZED	GW	GALVANIZED	GX	GALVANIZED	GY	GALVANIZED	GZ	GALVANIZED	HA	HAND	HB	HAND	HC	HAND	HD	HAND	HE	HAND	HF	HAND	HG	HAND	HH	HAND	HI	HAND	HJ	HAND	HK	HAND	HL	HAND	HM	HAND	HN	HAND	HO	HAND	HP	HAND	HQ	HAND	HR	HAND	HS	HAND	HT	HAND	HV	HAND	HW	HAND	HX	HAND	HY	HAND	HZ	HAND	IA	INTERIOR	IB	INTERIOR	IC	INTERIOR	ID	INTERIOR	IE	INTERIOR	IF	INTERIOR	IG	INTERIOR	IH	INTERIOR	II	INTERIOR	IJ	INTERIOR	IK	INTERIOR	IL	INTERIOR	IM	INTERIOR	IN	INTERIOR	IO	INTERIOR	IP	INTERIOR	IQ	INTERIOR	IR	INTERIOR	IS	INTERIOR	IT	INTERIOR	IV	INTERIOR	IW	INTERIOR	IX	INTERIOR	IY	INTERIOR	IZ	INTERIOR	JA	JAW	JB	JAW	JC	JAW	JD	JAW	JE	JAW	JF	JAW	JG	JAW	JH	JAW	JI	JAW	IJ	JAW	JK	JAW	KL	JAW	KM	JAW	KN	JAW	KO	JAW	KP	JAW	KQ	JAW	KR	JAW	KS	JAW	KT	JAW	KV	JAW	KW	JAW	KX	JAW	KY	JAW	KZ	JAW	LA	LAND	LB	LAND	LC	LAND	LD	LAND	LE	LAND	LF	LAND	LG	LAND	LH	LAND	LI	LAND	LJ	LAND	LK	LAND	LL	LAND	LM	LAND	LN	LAND	LO	LAND	LP	LAND	LQ	LAND	LR	LAND	LS	LAND	LT	LAND	LV	LAND	LW	LAND	LX	LAND	LY	LAND	LZ	LAND	MA	MATERIAL	MB	MATERIAL	MC	MATERIAL	MD	MATERIAL	ME	MATERIAL	MF	MATERIAL	MG	MATERIAL	MH	MATERIAL	MI	MATERIAL	MJ	MATERIAL	MK	MATERIAL	ML	MATERIAL	MM	MATERIAL	MN	MATERIAL	MO	MATERIAL	MP	MATERIAL	MQ	MATERIAL	MR	MATERIAL	MS	MATERIAL	MT	MATERIAL	MV	MATERIAL	MW	MATERIAL	MX	MATERIAL	MY	MATERIAL	MZ	MATERIAL	NA	NORTH	NB	NORTH	NC	NORTH	ND	NORTH	NE	NORTH	NF	NORTH	NG	NORTH	NH	NORTH	NI	NORTH	NJ	NORTH	NK	NORTH	NL	NORTH	NM	NORTH	NO	NORTH	NP	NORTH	NQ	NORTH	NR	NORTH	NS	NORTH	NT	NORTH	NV	NORTH	NW	NORTH	NX	NORTH	NY	NORTH	NZ	NORTH	OA	OFF	OB	OFF	OC	OFF	OD	OFF	OE	OFF	OF	OFF	OG	OFF	OH	OFF	OI	OFF	OJ	OFF	OK	OFF	OL	OFF	OM	OFF	ON	OFF	OO	OFF	OP	OFF	OQ	OFF	OR	OFF	OS	OFF	OT	OFF	OV	OFF	OW	OFF	OX	OFF	OY	OFF	OZ	OFF	PA	PART	PB	PART	PC	PART	PD	PART	PE	PART	PF	PART	PG	PART	PH	PART	PI	PART	PJ	PART	PK	PART	PL	PART	PM	PART	PN	PART	PO	PART	PP	PART	PQ	PART	PR	PART	PS	PART	PT	PART	PV	PART	PW	PART	PX	PART	PY	PART	PZ	PART	QA	QUARTER	QB	QUARTER	QC	QUARTER	QD	QUARTER	QE	QUARTER	QF	QUARTER	QG	QUARTER	QH	QUARTER	QI	QUARTER	QJ	QUARTER	QK	QUARTER	QL	QUARTER	QM	QUARTER	QN	QUARTER	QO	QUARTER	QP	QUARTER	QQ	QUARTER	QR	QUARTER	QS	QUARTER	QT	QUARTER	QV	QUARTER	QW	QUARTER	QX	QUARTER	QY	QUARTER	QZ	QUARTER	RA	RANGE	RB	RANGE	RC	RANGE	RD	RANGE	RE	RANGE	RF	RANGE	RG	RANGE	RH	RANGE	RI	RANGE	RJ	RANGE	RK	RANGE	RL	RANGE	RM	RANGE	RN	RANGE	RO	RANGE	RP	RANGE	RQ	RANGE	RR	RANGE	RS	RANGE	RT	RANGE	RV	RANGE	RW	RANGE	RX	RANGE	RY	RANGE	RZ	RANGE	SA	SIDE	SB	SIDE	SC	SIDE	SD	SIDE	SE	SIDE	SF	SIDE	SG	SIDE	SH	SIDE	SI	SIDE	SJ	SIDE	SK	SIDE	SL	SIDE	SM	SIDE	SN	SIDE	SO	SIDE	SP	SIDE	SQ	SIDE	SR	SIDE	SS	SIDE	ST	SIDE	SV	SIDE	SW	SIDE	SX	SIDE	SY	SIDE	SZ	SIDE	TA	TANGENT	TB	TANGENT	TC	TANGENT	TD	TANGENT	TE	TANGENT	TF	TANGENT	TG	TANGENT	TH	TANGENT	TI	TANGENT	TJ	TANGENT	TK	TANGENT	TL	TANGENT	TM	TANGENT	TN	TANGENT	TO	TANGENT	TP	TANGENT	TQ	TANGENT	TR	TANGENT	TS	TANGENT	TV	TANGENT	TW	TANGENT	TX	TANGENT	TY	TANGENT	TZ	TANGENT	UA	UNIT	UB	UNIT	UC	UNIT	UD	UNIT	UE	UNIT	UF	UNIT	UG	UNIT	UH	UNIT	UI	UNIT	UJ	UNIT	UK	UNIT	UL	UNIT	UM	UNIT	UN	UNIT	UO	UNIT	UP	UNIT	UQ	UNIT	UR	UNIT	US	UNIT	UT	UNIT	UV	UNIT	UW	UNIT	UX	UNIT	UY	UNIT	UZ	UNIT	VA	VARIABLE	VB	VARIABLE	VC	VARIABLE	VD	VARIABLE	VE	VARIABLE	VF	VARIABLE	VG	VARIABLE	VH	VARIABLE	VI	VARIABLE	VJ	VARIABLE	VK	VARIABLE	VL	VARIABLE	VM	VARIABLE	VN	VARIABLE	VO	VARIABLE	VP	VARIABLE	VQ	VARIABLE	VR	VARIABLE	VS	VARIABLE	VT	VARIABLE	VV	VARIABLE	VW	VARIABLE	VX	VARIABLE	VY	VARIABLE	VZ	VARIABLE	WA	WATER	WB	WATER	WC	WATER	WD	WATER	WE	WATER	WF	WATER	WG	WATER	WH	WATER	WI	WATER	WJ	WATER	WK	WATER	WL	WATER	WM	WATER	WN	WATER	WO	WATER	WP	WATER	WQ	WATER	WR	WATER	WS	WATER	WT	WATER	WV	WATER	WW	WATER	WX	WATER	WY	WATER	WZ	WATER	XA	X	XB	X	XC	X	XD	X	XE	X	XF	X	XG	X	XH	X	XI	X	XJ	X	XK	X	XL	X	XM	X	XN	X	XO	X	XP	X	XQ	X	XR	X	XS	X	XT	X	XV	X	XW	X	XX	X	XY	X	XZ	X	YA	Y	YB	Y	YC	Y	YD	Y	YE	Y	YF	Y	YG	Y	YH	Y	YI	Y	YJ	Y	YK	Y	YL	Y	YM	Y	YN	Y	YO	Y	YP	Y	YQ	Y	YR	Y	YS	Y	YT	Y	YV	Y	YW	Y	YX	Y	YZ	Y	ZA	Z	ZB	Z	ZC	Z	ZD	Z	ZE	Z	ZF	Z	ZG	Z	ZH	Z	ZI	Z	ZJ	Z	ZK	Z	ZL	Z	ZM	Z	ZN	Z	ZO	Z	ZP	Z	ZQ	Z	ZR	Z	ZS	Z	ZT	Z	ZV	Z	ZW	Z	ZX	Z	ZY	Z	ZZ	Z
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MAP OF BOUNDARY & TOPOGRAPHIC SURVEY
Part of Parcel 29
Key West Improvement Co., Inc.'s unrecorded map of lands in
Key West, Florida



SURVEYOR'S NOTE:
ALL DISTURBED UPLAND & DISTURBED SALT
WATER WETLAND LINES LOCATED BY PHILIP A.
FRANK, PH.D., OF TERRAMAR ENVIRONMENTAL
SERVICES, ON 01-09-08.
FRINGING MANGROVE LINE ACQUIRED FROM
A SURVEY BY MORRIE & COTYNN DATED JULY 30,
2004. LINE LOCATED BY SUSAN SPRINT OF
ENVIRONMENTAL CONSULTING SYSTEMS, INC.

SURVEYOR'S NOTE:
POB DETERMINED BY THE LOCATION OF
CONTROL ALONG THE SLY ROWL OF
FLAGLER AVENUE BASED ON P.B. 3 -
P. 148 OF MONROE COUNTY PUBLIC
RECORDS

740 - DISTURBED UPLAND
TOTAL: 52,514 SQ. FT. (1.21 ACRES)
740.3 - DISTURBED SALT MARSH WETLAND
TOTAL: 23,931 SQ. FT. (0.53 ACRES)

AREA OF 740 - DISTURBED UPLAND
IMPACTED BY PROPOSED SITE PLAN
TOTAL: 19,534 SQ. FT. (0.45 ACRES)
AREA OF 740.3 - DISTURBED SALT MARSH
WETLAND IMPACTED BY PROPOSED SITE PLAN
TOTAL: 6,083 SQ. FT. (0.14 ACRES)

SCALE: 1" = 30'
BEARING BASE:
DERIVED FROM THE SOUTHERLY
ROWL OF FLAGLER AVENUE AS
S 68°45'40" W, AS PER LEGAL
ALL ANGLES DEPICTED
ARE 90 DEGREES UNLESS
OTHERWISE INDICATED
ADDRESS:
2800 FLAGLER AVENUE
KEY WEST, FL
33040
ELEVATIONS SHOWN
AS XX.XX REFER TO
NGVD 1929 VERTICAL
DATUM ABOVE SEA LEVEL
COMMUNITY NO.: 120168
MAP NO.: 12087C-1517K
MAP DATE: 02-18-05
FLOOD ZONE: AE #8

REVISION 01-14-08: ADDITION OF PROPOSED SITE PLAN OVERLAY WITH TOTALS OF IMPACTED AREA - JM

LEGAL DESCRIPTION -
On the Island of Key West and more particularly described as follows:
COMMENCING at the intersection of the Southerly right of way line of Flagler Avenue and the Westerly right of way line (curb line) of Roosevelt Boulevard, in Key West, Florida; bear South 68°45'40" West along the Southerly right of way line of Flagler Avenue for a distance of 6245.19 feet to the Point of Beginning of the said real estate hereinafter described; from said Point of Beginning continue bearing South 68°45'40" West along said Southerly right of way line of Flagler Avenue for a distance of 280.0 feet to a point; thence bear South 21°14'20" East for a distance of 386.0 feet to a point on the Northerly side of a proposed canal; thence bear North 68°45'40" East along the Northerly side of said proposed canal for a distance of 200.0 feet to a point; thence bear North 21°14'20" West for a distance of 386.0 feet back to the Point of Beginning, said described real estate connecting and being adjacent to the Southwesterly 757.21 feet of that parcel of land known as Parcel 29 as set forth in an unrecorded map of lands of Key West Improvement Co., Inc., prepared by Cranshaw, Bailey and Associates, dated December 2, 1952.
AND ALSO,
COMMENCING at the intersection of the Southerly right of way line of Flagler Avenue and the Westerly right of way line (curb line) of Roosevelt Boulevard, in Key West, Florida; bear South 68°45'40" West along the Southerly right of way line of Flagler Avenue for a distance of 6525.19 feet to the Point of Beginning of the said real estate hereinafter described.
From said Point of Beginning continue bearing South 68°45'40" West along said Southerly right of way line of Flagler Avenue for a distance of 200.0 feet to a point; thence bear South 21°14'20" East for a distance of 386.0 feet, more or less, to a point on the Northerly side of said proposed canal for a distance of 200.0 feet to a point; thence bear North 21°14'20" West for a distance of 386.0 feet, more or less, back to the Point of Beginning, said described real estate being a portion of that parcel of land known as Parcel 29 as set forth in an unrecorded map of lands of Key West Improvement Co., Inc., prepared by Cranshaw, Bailey and Associates, dated December 2, 1952.

CERTIFIED TO -
CHARAD OF KEY WEST, INC.
First State Bank of the Florida Keys, its successors and/or assigns
Attorneys' Title Insurance Fund



NOTE: LEGAL DESCRIPTIONS HAVE BEEN FURNISHED BY THE CLIENT OR HIS/HER REPRESENTATIVE. PUBLIC RECORDS HAVE NOT BEEN RESEARCHED BY THE SURVEYOR TO DETERMINE THE ACCURACY OF THESE DESCRIPTIONS. NO REAL ADVERSE PROPERTIES HAVE BEEN DISCLOSED TO THE CLIENT. FOUNDATIONS BENEATH THE SURFACE ARE NOT SHOWN. MEASURED DIMENSIONS EQUAL PLATTED OR DESCRIBED DIMENSIONS UNLESS INDICATED OTHERWISE.

THE FOLLOWING IS A LIST OF ABBREVIATIONS THAT MAY BE FOUND ON THIS SHEET:

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VU	CORNER	VV	CORNER	VW	CORNER	VX	CORNER	VY	CORNER	VZ	CORNER	WA	CORNER	WB	CORNER	WC	CORNER	WD	CORNER	WE	CORNER	WF	CORNER	WG	CORNER	WH	CORNER	WI	CORNER	WJ	CORNER	WK	CORNER	WL	CORNER	WM	CORNER	WN	CORNER	WO	CORNER	WP	CORNER	WQ	CORNER	WR	CORNER	WS	CORNER	WT	CORNER	WU	CORNER	WV	CORNER	WW	CORNER	WX	CORNER	WY	CORNER	WZ	CORNER	XA	CORNER	XB	CORNER	XC	CORNER	XD	CORNER	XE	CORNER	XF	CORNER	XG	CORNER	XH	CORNER	XI	CORNER	XJ	CORNER	XK	CORNER	XL	CORNER	XM	CORNER	XN	CORNER	XO	CORNER	XP	CORNER	XQ	CORNER	XR	CORNER	XS	CORNER	XT	CORNER	XU	CORNER	XV	CORNER	XW	CORNER	XX	CORNER	XY	CORNER	XZ	CORNER	YA	CORNER	YB	CORNER	YC	CORNER	YD	CORNER	YE	CORNER	YF	CORNER	YG	CORNER	YH	CORNER	YI	CORNER	YJ	CORNER	YK	CORNER	YL	CORNER	YM	CORNER	YN	CORNER	YO	CORNER	YP	CORNER	YQ	CORNER	YR	CORNER	YS	CORNER	YT	CORNER	YU	CORNER	YV	CORNER	YW	CORNER	YX	CORNER	YZ	CORNER	ZA	CORNER	ZB	CORNER	ZC	CORNER	ZD	CORNER	ZE	CORNER	ZF	CORNER	ZG	CORNER	ZH	CORNER	ZI	CORNER	ZJ	CORNER	ZK	CORNER	ZL	CORNER	ZM	CORNER	ZN	CORNER	ZO	CORNER	ZP	CORNER	ZQ	CORNER	ZR	CORNER	ZS	CORNER	ZT	CORNER	ZU	CORNER	ZV	CORNER	ZW	CORNER	ZX	CORNER	ZY	CORNER	ZZ	CORNER
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ENCLAVE ON RIVERIA

Minor Development Plan Application 2800 Flagler Avenue

ADDENDUM to MINOR DEVELOPMENT PLAN APPLICATION

The subject property is located on the corner of Flagler Avenue and 11th Street and is a vacant and undeveloped 4.25 acre parcel. The proposal is to construct ten (10) single-family dwelling units in the SF zoning district which is a permitted use while returning 2.45 acres to conservation land for mangrove habitat. The site currently has 1.80 acres of uplands and over 0.56 acres of wetlands that have been disturbed. There is a 1.8 acre portion of the property on the north and east side that is scarified and is proposed for this residential development.

Existing Conditions:

The property is located outside of the Key West Historic District. The size of the property is 4.25 acres (185,280 square feet) and is vacant and undeveloped. It is located on the corner of Flagler Ave a divided 4-lane County road and 11th Street, a dead end City street. The property borders on Rivera Canal to the south and the Catholic Charities property to the west. An off-site City boat ramp is located at the terminus of 11th Street on the Riviera Canal. The property has 0.56 acres of salt marsh wetlands that have also been disturbed, and 1.89 acres of significant mangrove forest wetlands. The mangroves on the south side of the property are connected by tidal cycles to the Riviera Canal. Portions of the property are scarified on the north and west side which can be used to accommodate development. The site has 1.20 acres of uplands that have been disturbed by early sub-division platting and unobstructed access/use resulting in the dumping of construction materials, and solid waste. The subject site is often used for truck and boat trailer parking. The property is home to a number of homeless people, who use the property as a campground without sanitary facilities. The property is located in the Single Family (SF) zoning district. The intent of the SF district is to accommodate single-family, permanent residential development and may also include one accessory attached or detached unit per principal dwelling unit.

Proposed Development:

The comprehensive proposal is to construct 10 unattached two-story single-family dwelling units in the SF zoning district, which is a permitted use. The homes will be accessed through an internal brick-paver driveway system; each will have its own driveway and parking. The site will have two notable recreation areas: a community

pool and a proposed dock to allow a stroll through the site to the Rivera Canal (the deck is not shown on plan since it requires permitting from the USACE and SFWMD).

The property currently has two (2) Beneficial Use allocations. This proposal is for a minor development plan to add eight (8) additional units for the total of ten owner-occupied homes. The additional unit allocations will be requested through the City's Building Permit Allocation System (BPAS). The plan includes one 1,000 sq. ft. middle income affordable housing unit for owner occupation and proposes to contribute a \$200,000 fee in lieu of a second median income home.

The proposed 10 homes will be constructed and certified to at least the bronze level of the Florida Green Home Certification Standard. All of the houses will be three feet above base flood elevation, which also allows vehicular parking below the home which will be on 7-foot tall columns. The ceiling will be 25 feet above the center of the roadway with the attic slightly above. All homes will be highly wind resistant and with xeriscaping. The project proposes to apply for 8 new BPAS units, if the project receives the allocations, the BPAS units will be certified to the silver level and have cisterns. Parking requirements of 2 per unit will be met with two spaces each under the home and allowing additional parking in the driveway, and 2 guest spaces in the internal access driveway. A small 2,060 sq. ft. fenced in communal pool area with a 225 sq. ft. cabana as well as the deck and swimming platform through a mangrove nature is proposed for extra recreational space.

Also proposed are twelve water meters (one for each home, the pool, and one for irrigation) and one electric transformer. The size of the property will remain is 4.25 acres (185,280 square feet).

The site will have 1.80 acres of developed land and 2.45 acres of conservation lands as finalized in a revision to the existing conservation easement with the South Florida Water Management District.

A landscape waiver of 10 feet is requested on the east side of the property facing 11th Street, except for a 15-foot section at the cabana at which a 20-foot waiver is requested.

Please see additional detailed information in the Development Plan Submission Material below.

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.]

The site will be designed with xeriscaping and constructed with cisterns of 1,728 gallons to catch roof stormwater runoff which will then be distributed as irrigation. The site is designed to the 25-year 72 hour storm. The site will be designed to at least a bronze Florida Green Building Standard which severely limits municipal water use. The homes will be highly energy efficient with light colored siding to reflect heat. The site will have

night-sky compliant street lighting which will not impact the surrounding neighborhood. The enclave will have substantial landscaping which will help limit the transmission of noise from the property.

There will be a slight parking impact on the street in the area because two driveway cuts will remove 4 parking spaces. Boat ramp users do use on-street parking in the area mostly on sunny, low-wind weekend days. The development will have more than enough off-street parking for most events.

The project seeks to provide 30% of the new BPAS units to be affordable housing.

The construction process will require sediment carried by air and water to remain on the site and not impact wetlands. A NPDES permit will be required to ensure compliance. Long-term maintenance of the stormwater and utility systems will be the responsibility of the homeowner association.

Wetlands Determination: Please note, during the planning process with the SFWMD it came to our attention that the conservation easement previously executed was executed incorrectly. The SFWMD staff and the project Biologist met on-site and have an unofficial agreed upon new wetlands determination and conservation easement. That may be seen in draft form on the attached aerial map of the site marked proposed conservation easement area. Upon final approval of the SFWMD easement area, the new upland areas of the site will be 1.8 acres and wetland/conservation area of 2.45 acres. The “older” existing survey dated September 23, 2013 by Reece and White Land Surveyors will be updated to reflect this when SFWMD staff provides written approval in the new year. The September 23, 2013 by Reece and White Land Surveyors remains accurate for the boundary and elevation survey which has not changed.

Submitted Plans:

1. Cover Sheet
2. Area/ Location Plan A1.1.1
3. Survey / Existing Site Plan dtd September 9/23/13
4. Existing Tree Plan
5. Proposed Site Plan dtd December 10, 2013 A-1
6. Landscape Plan
7. Proposed Paving and Site Utilities and Drainage Plan C-1
8. Draft Floor Plans

Development Plan Submission Material

SECTION 108 REQUIRED SUBMISSION MATERIAL

Sec. 108-227. Title block.

The development plan contains all of 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 contains all of the following pertaining to identification of key persons:

- (1) Owner: Reef Enterprizes LLC, Randy Allen, Managing Agent
- (2) Owner's authorized agent: Annalise Mannix, PE
- (3) Engineer and architect: Allen Perez (Perez Engineering) and William Horn, Architect
- (4) Surveyor: Reece and White Land Surveying and Florida Keys Surveyors
- (5) Landscape architect and/or environmental consultant: Mitchell Planning & Design
- (6) Others involved in the application: Phil Frank, Biologist.
- (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. Please see the attached statement. The property is owned by Reef Enterprizes LLC, and its sole owners are Randy Allen and Erhard Fitzsimmons.

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: SF (Single-Family) with 8 du/acre
- (2) Project site size: 4.25 acres (185,280 square feet), 1.8 acres (78,562 square feet) uplands and 2.45 acres (106,760 square Feet) wetlands
- (3) Legal description: Please see survey for detailed description. Property Appraiser Description: KW NO 29 A PARCEL OF LAND LYING SE OF FLAGLER AVE 4.25AC G66-160 OR58-419 OR58-420 OR321-476 OR854-2318/20 OR976-1146/54F/J OR981-883/84

- OR1029-878/79 OR1033-1966/68 OR2077-371/72 OR2349-2053/54C OR2636-1242/44.
- (4) Building sizes: Ten (10) units total. Nine (9) units proposed as 1,728 sq. ft. = total of 15,552 sq. ft. and one (1) unit proposed as 1,000 sq. ft. sq. ft., stairs of 660 sq. ft., and covered cabana of 225 sq. ft. = total of 17,437 sq. ft. of structures.
 - (5) Floor area ratio: N/A
 - (6) Lot coverage: Allowable = 35% maximum (27,496.7 sq. ft), Proposed 22% (17,437 sq. ft.).
 - (7) Impervious surface: Allowable = 50% maximum 39,281 sq. ft), Proposed 34.2% (26,809 sq. ft.).
 - (8) Pervious surface: 51,559 sq. ft.
 - (9) Landscape areas: Allowable = 20% Min. (37,056 sq. ft of full lot), proposed 72% (51,559 sq. ft of lot) or. Allowable = 20% Min. of uplands (15,721 sq. ft), proposed 65.8% (51,559 sq. ft)
 - (10) Parking spaces: Required 2 spaces per unit, 2 spaces per home X 10 units plus 2 guest spaces proposed.
 - (11) Existing structures: N/A.
 - (12) Existing and proposed development type denoted by land use including density/intensity: The property is currently vacant. There will be an increase in intensity with the construction of 10 units. The property will be cleaned and cleared of debris.
 - (13) Setbacks.
 - i. Front: allowed 30 feet, proposed 30 feet
 - ii. Side: allowed 5 feet, proposed 120 feet
 - iii. Rear: allowed 25 feet, proposed 21 feet-4 inches to conservation easement, 150 feet to the property line
 - iv. Street side: allowed 10 feet, proposed 10 feet

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. The construction will be performed at one time assuming all BPAS units are issued in one year. The lot will be cleared, then mitigation for SFWMD and USACE performed, then water, sewer and stormwater systems will be installed, construction of the 10 units will follow and paving and landscape will conclude the project. .

(2) Target dates for each phase. TBD, however, construction will begin within 3 months of issuance BPAS units and USACE/SFWMD permits

(3) Expected date of completion. To be determined based on BPAS and permitting.

(4) Proposed development plan for the site. Minor Development Plan for 10 residential units.

(5) A written description of characteristics of the proposed development.

The proposal is to construct 10 unattached single-family dwelling units in the SF zoning district-a permitted use. The size of the property is 4.25 acres (185,280 square feet) and is currently vacant and undeveloped. The property has two (2) Beneficial Use allocations so the proposal requires eight (8) units be allocated to the property through the City's Building Permit Allocation System (BPAS) for full project build-out. The proposal includes a proposal for 30% of the 8 units (2) to meet the workforce affordable housing ordinance by constructing one owner occupied 1,000 SF home as middle income and through the payment of \$200,000 to the City for one median income unit.

The proposed 10 homes will be constructed and certified to at least the bronze level of the Florida Green Home Certification Standard. All of the houses will be three feet above base flood elevation on 7-foot piers and the ceiling will be 25 feet above the crown of Flagler Ave. with the attic slightly above. All homes will be highly wind resistant and with xeriscaping. The project proposes to apply for 8 new BPAS units, if the project receives the allocations, those units will be certified to the silver level and have cisterns.

Access from the adjacent rights of way will be required for vehicular use. The property currently has a sidewalk completely around the site so two driveway cuts will be required, one for daily ingress and egress on 11th Street and one for emergency egress for fire equipment onto Flagler Ave.

The impacts to the roads in the area are expected to be minimal, except for the first 200 feet of 11th Street which will have limited impacts. The actual number of vehicle trips can be hard to determine, however it is known that a larger home correlates to more trips and homes far from services generate more traffic. This site is close to bus service (only steps away) and City Hall, doctors offices, shopping centers and ball fields each of which could reduce the number of vehicular trips. Also, the use of bicycles in Key West may cause a variation in standard trip estimates. The expected daily traffic impact can be estimated from the book *Trip*

Generation, 7th Edition, published by the Institute of Transportation Engineers.

Based on the standards, it is expected the peak trip generation at the site (on 11th Street) may be between the hours of 4 and 6 PM and receive approximately 11 trips per hour. The average weekday trips (all day and night) could be expected to be upwards of 96 trips per day. This may be inferred from the standard which provides estimate of average daily trip generation per dwelling units as well as peak hour trip generation per dwelling unit garnered from hundreds of studies of dwelling unit traffic patterns. The single family detached housing section estimates the average vehicle trips per dwelling unit on a weekday to be in the range of 4.31 to 21.83 (with an average of 3.69) per day with an even mix of entering and exiting vehicles. The maximum peak hour of traffic is estimated to be weekday evenings from 4-6 PM with a peak hour average trip of 0.42 to 2.98 trips per dwelling unit (with an average of 1.02) and the highest weekend traffic to be on Saturday with an range of daily traffic from 5.32 to 15.25 trips per day (with an average of 10.10) with the peak hour generation in the range of 0.5-1.75 per dwelling unit (average of 0.94). The adjacent 11th Street and the adjacent block of Riveria Drive are home to 35 homes. If half of the Riveria Drive vehicles travel via 11th Street and also average an evening peak hourly rate of 1.02 they would currently make 17 trips in the peak hour. The combined peak-hour trips on 11th Street could be as high as 28, or one vehicle every 2 minutes. This traffic volume would not rise to a level requiring any traffic control modifications.

Parking requirements are 2 per unit and it will be satisfied with 2 spaces for each of the 10 units proposed plus 2 guest spaces.

A small fenced in communal pool, deck and swimming platform through a mangrove nature is proposed for extra recreational space. The deck and swimming platform was discussed with the SFWMD and the canal owners and plans to apply for an environmental permit are underway.

The site has 1.80 acres of uplands and 0.56 acres of wetlands that have been disturbed. Mitigation and a conservation easement for 2.45 acres will restore and protect significant mangrove forest wetlands. The portion of the property on the north and east section of the parcel that is scarified will host the residential development.

The stormwater system will consist of swales and underground piping. The system is designed to meet the 25 year 24 hour event and 25

year 3 day event providing a swale volume of 4,982 cubic feet. The system will be fully permitted by the SFWMD.

The sewage from each home will collect in an internal sewage collection system and run to the north tying into an existing manhole on Flagler Ave. The system will be permitted by the FDEP. The site irrigation meter will have a deduct meter to accurately reflect sewer use.

The electric service will be underground from a KES transformer on the property to be located by KES when final electric loads are calculated. Each home will have a separate electric meter, as will the pool and site lighting.

Each home will be individually serviced for water supply from FKAA with 3 meter banks of four meters each. The pool and site irrigation will each have its own meters.

(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. N/A

(7) Buildings and sitting specifications which shall be utilized to reduce damage potential and to comply with federal flood insurance regulations. The homes will be designed 3 feet above base flood elevation. Any enclosures below homes will be so designed to comply with the AE8 FEMA standards.

(8) Protection against encroachment together with proposed mitigation measures to be employed within environmentally sensitive areas. A conservation easement and signage will limit encroachment.

Sec. 108-231. Residential developments.

(a) If the development includes residential units, the following characteristics shall be discussed in the written description:

(1) Breakdown of the proposed residential units by bedrooms: Each 1,728 SF two-story home will have three bedrooms and 2-1/2 baths. The 1,000 SF home will have 2 bedrooms and 2-1/2 baths.

(2) Tenure: the proposed development of Enclave on Riveria will be a home owners association

(3) Structure type, such as single-family, duplex, multiple-family, mobile home: The proposal is for unattached single-family dwelling units.

(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. Please see the introduction for information on the proposed two affordable units. The affordable housing requirement will be properly recorded.

Sec. 108-232. Intergovernmental coordination. See below

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). Please see attached email correspondence and returned emails concerning the project.

b. Key Energy System (KES). Please see attached email correspondence and returned emails concerning the project

c. State department of environmental protection (DEP). Please see attached email correspondence and returned emails concerning the project

d. Army Corps of Engineers (ACOE). Please see attached email correspondence and returned emails concerning the project

e. South Florida Water Management District (SFWMD). Please see attached email correspondence and returned emails concerning the project

f. State department of transportation (DOT). NA

g. State department of community affairs (DEO). Please see attached email correspondence and returned emails concerning the project

h. Florida Keys Aqueduct Authority (FKAA). Please see attached email correspondence and returned emails concerning the project

i. State fish and wildlife conservation commission (F&GC). Please see attached email correspondence and returned emails concerning the project

j. Monroe County. Please see attached email correspondence and returned emails concerning the project

(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. The owner is in receipt of previously permitted stormwater and wetland mitigation plan and is in the process of modifying the application for the new residential use. The original project was for a religious facility. The property appears to have a Conservation Easement which was required by the environmental agencies to develop the proposed synagogue; however it does not match that which the SFWMD intended. Therefore, the owner and project biologist have been working with SFWMD staff to modify the wetland conservation line and prepare a new easement. On December 13, 2013 a site meeting resulted in a new proposed wetland determination. A revised mitigation plan (revised from the synagogue plan) revised surveys and reports will complete shortly. Any post construction mitigation and

monitoring work is very important, and funding for it will be identified prior to construction.

(3) When intergovernmental coordination efforts are incomplete, the applicant shall provide evidence of good faith efforts towards resolving intergovernmental coordination issues.

The owner and project manager have been in initial contact with intergovernmental agencies to modify environmental permitting and update the conservation easement.

The Fire Department requires five-foot access surrounding each building and 10-foot separation when not using fire sprinklers. Fire truck access for a drive-through site has been implemented in the plan. Other requirements may be raised by the Fire Marshal as plans become further developed.

Although an updated conservations easement survey will be forthcoming when the coordination with SFWMD is complete, the preliminary stormwater plan has been sent to the City for review using the September survey. The boundary and elevation portion of the survey will remain accurate.

Utility coordination will continue as the final design progresses.

Flagler Ave is a County road, therefore the County has been contacted to request any specific requirements for a driveway for emergency entry and egress.

A landscape plan was completed and the biologist has met on site with the City's Urban Forester to develop a lot cleaning and mitigation plan for all trees to be removed. That plan is expected to be seen by considered by the Tree Commission in January or February. According to Section 108-413 the property is required to have 160 plants within 40 linear feet of landscaping along the street frontage along Flagler Avenue and 11th Street. This requirement is requested to be waived by 10 feet of the 40 foot requirement facing Flagler Ave. and for 20 feet of the 40 required for 11th Street on the east. A literal enforcement of the landscaping standards would be impractical on this property because the conservation area takes up 58% of the lot. The waiver will not negatively affect the property, specifically:

(1) *Public interest; adjacent property.* The waiver or modification would not have a significant adverse impact on the public interest, or on adjacent property because the on two sides the landscape area is extensive (120 feet and 150 feet) while the proposed other two landscape areas of 30 feet on Flagler and 20 feet on 11th St (except for a 10-foot section for a distance of 15 feet at the cabana) are similar to the setbacks in the surrounding neighborhood.

(2) *Not discriminatory.* The waiver or modification is not discriminatory, considering similar situations in the general area where homes have only 30 foot setbacks and 10 foot street side setbacks.

(3) *Superior alternatives.* The development will provide an alternative landscape solution which will achieve the purposes of the requirement through clearly superior design by significant barriers near the sidewalk edge and the incorporation of a 4-foot wall with a two-foot open area to allow a barrier between the road and the development.

(4) *Protection of significant features.* The waiver or modification is negatively impact environmental or cultural features, such as trees, scenic areas, historic sites or public facilities, related to the development site, and many exiting mature trees in the 30 foot waiver area will remain.

(5) *Deprivation of reasonable use.* Strict application of the requirement would effectively deprive the owner of reasonable use of the land due to its unusual size, shape, topography, natural conditions, and location. The lot is large, however, much of it has environmentally sensitive habitat that the owner wishes to maintain rather than fill, therefore the development is pushed forward to 30 feet front setback and 20 foot street side setback (except at the cabana which has a 10-foot street-side setback. The waiver of the landscape zone is not outweighed by a valid public purpose in this case and the unusual conditions involved are not the result of actions of the developer or property owner which occurred after the effective date of the landscape ordinance. Strict application of the requirement would be technically impractical while ensuring the best use of the property.

Existing Conservation Area and Wetland Determination

The attached nine sheets describe the existing conservation lands easement which is being revised.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

DEED OF CONSERVATION EASEMENT

Return recorded document to:
South Florida Water Management District
3301 Gun Club Road, MSC 4210
West Palm Beach, FL 33406

ADDL/REVISED SUBMITTAL

JAN 23 2010

№ 080509 15

THIS DEED OF CONSERVATION EASEMENT is given this
day of JANUARY, 2010, by

CHABAD OF KEY WEST, INC

whose mailing address is

2800 FLAGLER AVE., KEY WEST FL 33040

to the South Florida Water Management District ("Grantee"). As used herein, the term "Grantor" shall include any and all heirs, successors or assigns of the Grantor, and all subsequent owners of the "Property" (as hereinafter defined) and the term "Grantee" shall include any successor or assignee of Grantee.

WITNESSETH

WHEREAS, the Grantor is the owner of certain lands situated in MONROE County, Florida, and more specifically described in Exhibit "A" attached hereto and incorporated herein ("Property"); and

WHEREAS, the Grantor desires to construct A SYNAGOGUE ("Project") at a site in MONROE County, which is subject to the regulatory jurisdiction of South Florida Water Management District ("District"); and

WHEREAS, District Permit No. _____ ("Permit") authorizes certain activities which affect waters in or of the State of Florida; and

sfwmd.gov

WHEREAS, this Permit requires that the Grantor preserve, enhance, restore and/or mitigate wetlands and/or uplands under the District's jurisdiction; and

WHEREAS, the Grantor, in consideration of the consent granted by the Permit, is agreeable to granting and securing to the Grantee a perpetual Conservation Easement as defined in Section 704.06, Florida Statutes, over the area described on Exhibit "B" ("Conservation Easement").

NOW, THEREFORE, in consideration of the issuance of the Permit to construct and operate the permitted activity, and as an inducement to Grantee in issuing the Permit, together with other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, Grantor hereby grants, creates, and establishes a perpetual Conservation Easement for and in favor of the Grantee upon the property described on Exhibit "B" which shall run with the land and be binding upon the Grantor, and shall remain in full force and effect forever.

The scope, nature, and character of this Conservation Easement shall be as follows:

1. Recitals. The recitals hereinabove set forth are true and correct and are hereby incorporated into and made a part of this Conservation Easement.

2. Purpose. It is the purpose of this Conservation Easement to retain land or water areas in their natural, vegetative, hydrologic, scenic, open, agricultural or wooded condition and to retain such areas as suitable habitat for fish, plants or wildlife. Those wetland and/or upland areas included in this Conservation Easement which are to be enhanced or created pursuant to the Permit shall be retained and maintained in the enhanced or created conditions required by the Permit.

To carry out this purpose, the following rights are conveyed to Grantee by this easement:

a. To enter upon the Property at reasonable times with any necessary equipment or vehicles to enforce the rights herein granted in a manner that will not unreasonably interfere with the use and quiet enjoyment of the Property by Grantor at the time of such entry; and

b. To enjoin any activity on or use of the Property that is inconsistent with this Conservation Easement and to enforce the restoration of such areas or features of the Conservation Easement that may be damaged by any inconsistent activity or use.

3. Prohibited Uses. Except for restoration, creation, enhancement, maintenance and monitoring activities, or surface water management improvements, or other activities described herein that are permitted or required by the Permit, the following activities are prohibited in or on the Conservation Easement:

- a. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground;
- b. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;
- c. Removal or destruction of trees, shrubs, or other vegetation, except for the removal of exotic or nuisance vegetation in accordance with a District approved maintenance plan;
- d. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface;
- e. Surface use except for purposes that permit the land or water area to remain in its natural or enhanced condition;
- f. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation including, but not limited to, ditching, diking and fencing;
- g. Acts or uses detrimental to such aforementioned retention of land or water areas;
- h. Acts or uses which are detrimental to the preservation of the structural integrity or physical appearance of sites or properties having historical, archaeological, or cultural significance.

4. Grantor's Reserved Rights. Grantor reserves all rights as owner of the Property, including the right to engage in uses of the Property that are not prohibited herein and which are not inconsistent with any District rule, criteria, permit and the intent and purposes of this Conservation Easement.

5. No Dedication. No right of access by the general public to any portion of the Property is conveyed by this Conservation Easement.

6. Grantee's Liability. Grantee shall not be responsible for any costs or liabilities related to the operation, upkeep or maintenance of the Property.

7. Property Taxes. Grantor shall keep the payment of taxes and assessments on the Easement Parcel current and shall not allow any lien on the Easement Parcel superior to this Easement. In the event Grantor fails to extinguish or obtain a subordination of such lien, in addition to any other remedy, the Grantee may, but shall not be obligated to, elect to pay the lien on behalf of the Grantor and Grantor shall reimburse Grantee for the amount paid by the Grantee, together with Grantee's reasonable attorney's fees and costs, with interest at the maximum rate allowed by law, no later than thirty days after such payment. In the event the Grantor does not so reimburse the Grantee, the debt owed to Grantee shall constitute a lien against the Easement Parcel which shall automatically relate back to the recording date of this

Easement. Grantee may foreclose this lien on the Easement Parcel in the manner provided for mortgages on real property.

8. Enforcement. Enforcement of the terms, provisions and restrictions of this Conservation Easement shall be at the reasonable discretion of Grantee, and any forbearance on behalf of Grantee to exercise its rights hereunder in the event of any breach hereof by Grantor, shall not be deemed or construed to be a waiver of Grantee's rights hereunder.

9. Assignment. Grantee will hold this Conservation Easement exclusively for conservation purposes. Grantee will not assign its rights and obligations under this Conservation Easement except to another organization or entity qualified to hold such interests under the applicable state laws.

10. Severability. If any provision of this Conservation Easement or the application thereof to any person or circumstances is found to be invalid, the remainder of the provisions of this Conservation Easement shall not be affected thereby, as long as the purpose of the Conservation Easement is preserved.

11. Terms and Restrictions. Grantor shall insert the terms and restrictions of this Conservation Easement in any subsequent deed or other legal instrument by which Grantor divests itself of any interest in the Conservation Easement.

12. Written Notice. All notices, consents, approvals or other communications hereunder shall be in writing and shall be deemed properly given if sent by United States certified mail, return receipt requested, addressed to the appropriate party or successor-in-interest.

13. Modifications. This Conservation Easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their heirs, assigns or successors-in-interest, which shall be filed in the public records in

MONROE County.

TO HAVE AND TO HOLD unto Grantee forever. The covenants, terms, conditions, restrictions and purposes imposed with this Conservation Easement shall be binding upon Grantor, and shall continue as a servitude running in perpetuity with the Property.

Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said Property in fee simple; that the Conservation Easement is free and clear of all encumbrances that are inconsistent with the terms of this Conservation Easement; and all mortgages and liens on the Conservation Easement area, if any, have been subordinated to this Conservation Easement; and that Grantor has good right and lawful authority to convey this Conservation Easement; and that it hereby fully warrants and defends the title to the Conservation Easement hereby conveyed against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF,
CHABAD OF KAY WEST INC., A FLORIDA NOT FOR PROFIT
CORPORATION, BY ITS PRESIDENT, JACOB ZUCKER
(Grantor) has hereunto set its authorized hand this 11 TH day of
JANUARY, 20 10.


a Florida corporation
By: [Signature] (Signature)
Name: JACOB ZUCKER (Print)
Title: PRESIDENT

Signed, sealed and delivered in our presence as witnesses:
By: [Signature] (Signature) By: _____ (Signature)
Name: DIANE TOLBERT COVAN (Print) Name: _____ (Print)

STATE OF FLORIDA) ss:
COUNTY OF MONROE

On this 11 TH day of JANUARY,
20 10 before me, the undersigned notary public, personally appeared
JACOB ZUCKER, the person who
subscribed to the foregoing instrument, as the PRESIDENT
(title), of CHABAD OF KAY WEST, INC. (corporation), a
Florida corporation, and acknowledged that he/she executed the same on behalf of said
corporation and the he/she was duly authorized to do so. He/She is personally known
to me or has produced a _____ (state) driver's
license as identification.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.
NOTARY PUBLIC, STATE OF FLORIDA
[Signature]
Name: DIANE TOLBERT COVAN (Print)
My 12-12-13
Expires 12/12/2013

 **NOTARY PUBLIC**
STATE OF FLORIDA
My 12-12-13
Expires 12/12/2013

sfwmd.gov
Form 1190 (01/2007) Deed of Conservation Easement - Standard Page 5 of 8

MORTGAGEE JOINDER, CONSENT AND SUBORDINATION

For Ten Dollars (\$10.00) and other good and valuable consideration, the adequacy and receipt of which are hereby acknowledged, FIRST STATE BANK OF THE FLORIDA KEYS, the owner and holder of a mortgage dated JULY 30, 2004, in the original principal amount of \$ 675,000, given by CHABARD OF KEY WEST, INC.

("Grantor") to FIRST STATE BANK OF THE FLORIDA KEYS ("Mortgagee"), encumbering the real property described on Exhibit "A" attached hereto ("Property"), which is recorded in Official Records Book 2248, at Page 2060, (together with that certain Assignment of Leases and Rents recorded in Official Records Book 2252, at Page 1472 and those certain UCC-1 Financing Statement(s) recorded in Official Records Book 2252, at Page 1480), all of the Public Records of MONROE County, Florida (said mortgage, assignment of leases and rents, and UCC-1 Financing Statements, as modified, are hereinafter referred to as the "Mortgage"), hereby joins in, consents to and subordinates the lien of its Mortgage, as it has been, and as it may be, modified, amended and assigned from time to time, to the foregoing Conservation Easement, executed by CHABARD OF KEY WEST, INC. in favor of the South Florida Water Management District applicable to the Conservation Easement, as said Conservation Easement may be modified, amended and assigned from time to time, with the intent that the Mortgage shall be subject and subordinate to the Conservation Easement.

IN WITNESS WHEREOF, this Mortgagee Joinder, Consent and Subordination is made this 12th day of JANUARY, 20 10.

By: [Signature] First State Bank of the Florida Keys
(Signature) (Mortgagee)
Name: John C. Detwiler
(Print)
Title: Asst. Vice President

WITNESSES:
By: Patricia A. Snyder (Signature) By: Beata Bahri (Signature)
Name: Patricia A. Snyder (Print) Name: BEATA BAHRI (Print)

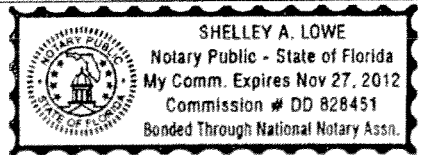
STATE OF FLORIDA
COUNTY OF Monroe

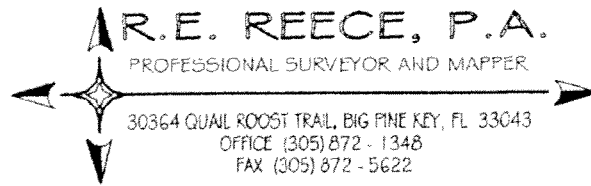
The foregoing instrument was acknowledged before me this 12th
day of Jan., 2010, by
John C. Detwiler (print name),
as AVP (title) of
FIRST STATE Bank of the Florida Keys (Grantor
of Mortgage), on behalf of the
(Mortgagee,
Grantor of the Conservation Easement). He/She is personally known to me or has
produced a _____ (state) driver's license as identification.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARY PUBLIC, STATE OF FLORIDA
SHELLEY A. LOWE (Signature)
Name: SHELLEY A. LOWE (Print)

My Commission Expires: _____





THE PURPOSE OF THIS SKETCH IS TO ILLUSTRATE THE LEGAL DESCRIPTION, NEWLY CREATED ON 01-12-10 BY THE UNDERSIGNED AND SHOWN BELOW. IT IS NOT A SURVEY OF THE LANDS BEING DESCRIBED HEREIN! (See chap. 61617-6.006 Florida Adm. Code and Chap. 472.027 Florida statutes).

SEE BELOW FOR SAID DESCRIPTION OF PROPOSED CONSERVATION EASEMENT

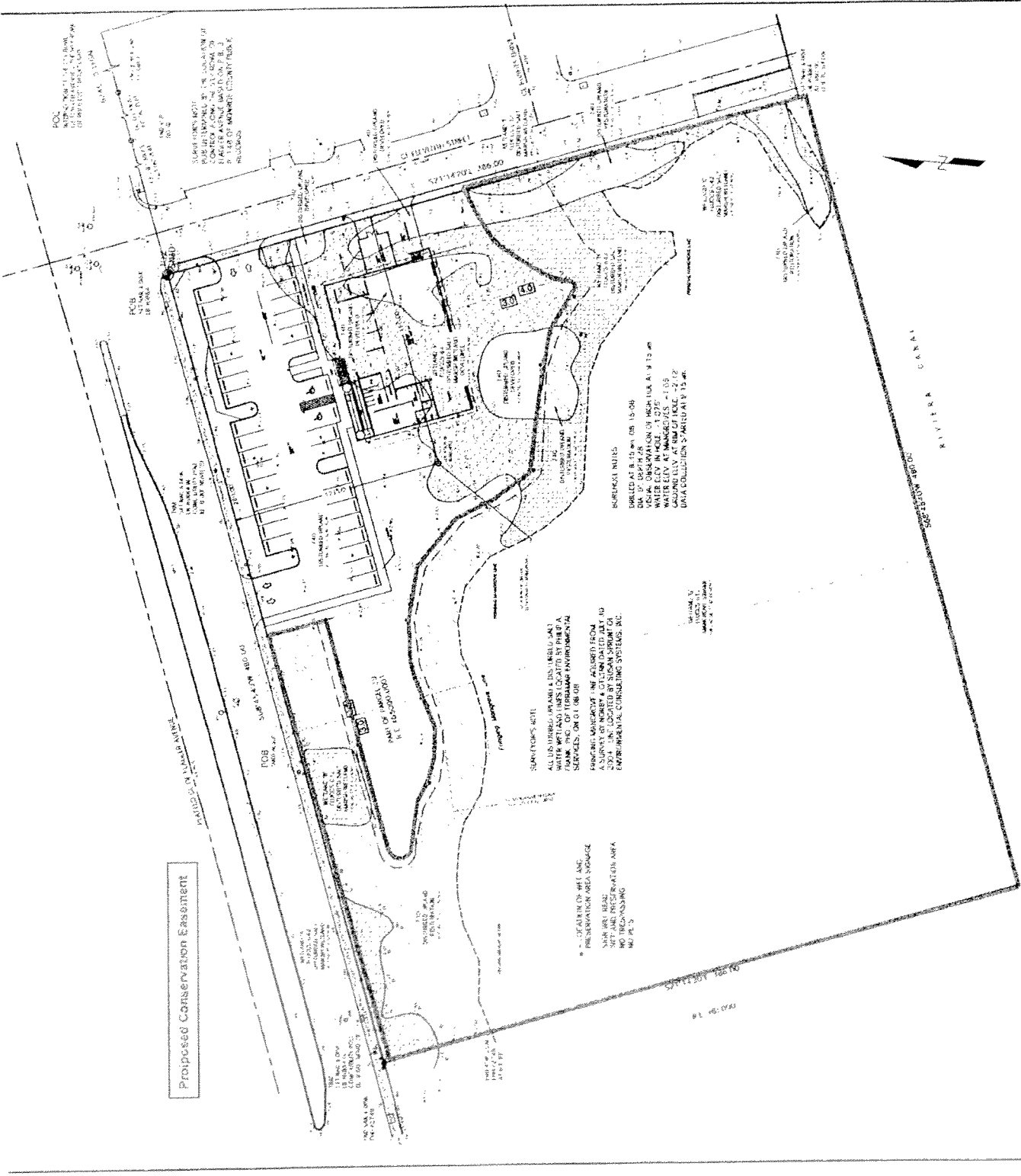
CONSERVATION EASEMENT

On the Island of Key West and more particularly described as follows:
 COMMENCING at the intersection of the Southerly right of way line of Flagler Avenue and the Westerly right of way line (curb line) of Roosevelt Boulevard, in Key West, Florida; bear South 68°45'40" West along the Southerly right of way line of Flagler Avenue for a distance of 6245.19 feet to a point at the intersection of the southeasterly right-of-way line of Flagler Avenue and the southwesterly right-of-way line of Eleventh Street; thence continue bearing South 68°45'40" West along said Southerly right of way line of Flagler Avenue for a distance of 220.94 feet to the Point of Beginning of the Conservation Easement hereinafter described. From said Point of Beginning bear South 21°14'20" East for a distance of 35.63 feet; thence bear South 68°45'40" West for a distance of 140.32 feet to a point of curve, said curve having a radius of 6.75 feet and a delta of 157°49'15"; thence along said curve in a southwesterly then southeasterly direction for a distance of 18.59 feet to a point of tangent; thence South 89°03'35" East for a distance of 25.20 feet; thence South 65°46'10" East for a distance of 14.69 feet; thence South 82°21'42" East for a distance of 14.62 feet; thence North 84°34'09" East for a distance of 14.21 feet; thence North 69°05'02" East for a distance of 17.54 feet; thence North 61°51'26" East for a distance of 24.00 feet; thence North 77°23'39" East for a distance of 28.31 feet; thence South 84°02'18" East for a distance of 33.45 feet; thence South 56°32'32" East for a distance of 33.98 feet; thence South 33°55'20" East for a distance of 25.78 feet; thence South 42°07'27" East for a distance of 28.28 feet; thence North 87°24'47" East for a distance of 61.82 feet; thence South 76°29'59" East for a distance of 27.31 feet; thence South 58°52'40" East for a distance of 18.10 feet to a point of curve, said curve having a radius of 6.00 feet and a delta of 115°57'03"; thence along said curve in a southeasterly then northeasterly direction for a distance of 12.14 feet to a point of reverse curve, said curve having a radius of 77.68 feet and a delta of 61°31'46"; thence along said curve in a northeasterly direction for a distance of 83.42 feet to a point; thence South 21°14'20" East for a distance of 204.81 feet; thence South 68°45'40" West for a distance of 480.00 feet; thence North 21°14'20" West for a distance of 386.00 feet; thence North 68°45'40" East for a distance of 259.06 feet back to the Point of Beginning, containing 140,681 sq. ft. (3.23 acres).

SIGNED

ROBERT E. REECE, PSM #5632
 PROFESSIONAL SURVEYOR AND MAPPER, LB #7665

DATED: 01-12-10 INVOICE #10010404 - PAGE 1 OF 2



SCALE: 1" = 30'
 BEARING BASE
 DERIVED FROM THE SOUTHERLY
 CORNER OF FLAGLER AVENUE AS
 S 88° 45' 00" W, 455PPA LEGAL
 ALL ANGLES MEASURED

Proposed Conservancy Easement

SUNNYVIEW SITE
 ALL US DIBED (PANEL) LENS (WELL) S&T
 WATER WETLAND LINES LOCATED BY PHEP A
 PART OF ENVIRONMENTAL
 SERVICES, ON 01/08/08

BORNEOSIT INTLS
 DIBED AT 8:15 AM ON 15-08
 LOCAL OBSERVATION OF HIGH LUK AT 9:15 AM
 WATER ELEV IN HOLE - 1.27'±
 WATER ELEV AT MOUND AT 1.05'
 DATA COLLECTION SPREADSHEET 15-08

DESIGNED BY: M&E, INC.
 PRESERVATION AREA NO. 10
 1000 W. 10TH ST.
 SUITE 100
 MIAMI, FL 33136
 TEL: 305.375.1111
 WWW.M&EINC.COM

REVISION 09-04-08: 06C REASL AREA OF DEVELOPMENT 71M
 REVISION 08-15-08: ADDITION OF PROPOSED RETENTION POND & BORNEOSIT LOCATION JM
 REVISION 07-14-08: ADDITION OF PROPOSED SITE PLAN OVERLAY WITH TOTALS OF IMPACTED AREA JM



Aerial photo showing the property boundaries and the location of mangrove wetlands in relation to disturbed upland and wetland areas.

Proposed Conservation Area and Revised Wetland Determination

The attached two sheets describe the proposed conservation lands easement which the staff of SFWMD site verified with project biologist Phil Frank at site visit on 12/13/2013



LOTS OF VERTICALLY PLANTED
AND FEW LOCATED BY
ROADS, LOTS AND STRIPES
ON 21/3/2013

LOTS OF VERTICALLY PLANTED
AND FEW LOCATED BY
ROADS, LOTS AND STRIPES
ON 21/3/2013

ADJACENT THE FIRE STATION AND WHITE
LAND SURVEYING BOUNDARY AND CROSSWALK
ON 21/3/2013

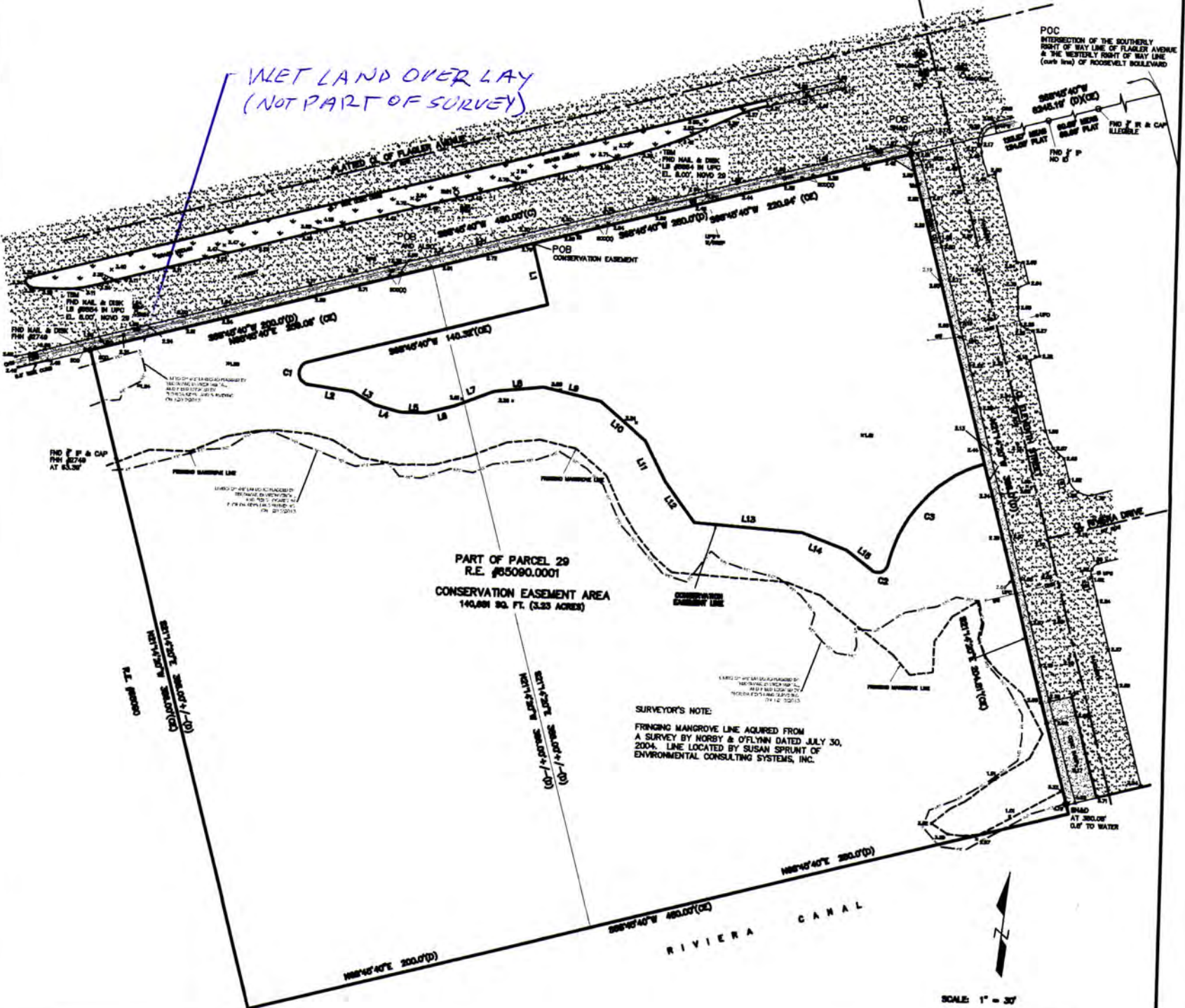
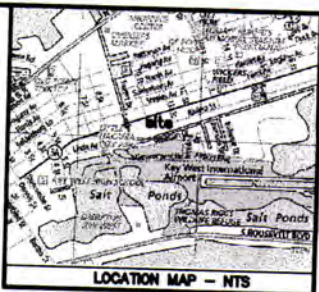
LOTS OF VERTICALLY PLANTED
AND FEW LOCATED BY
ROADS, LOTS AND STRIPES
ON 21/3/2013

ADJACENT THE FIRE STATION AND WHITE
LAND SURVEYING BOUNDARY AND CROSSWALK
ON 21/3/2013

MAP OF BOUNDARY & TOPOGRAPHIC SURVEY
 Part of Parcel 29
 Key West Improvement Co., Inc.'s unrecorded map of lands in
 Key West, Florida

**LINE TABLE & CURVE TABLE
 FOR CONSERVATION EASEMENT LINE**

LINE	LENGTH	BEARING	CURVE	LENGTH	RADIUS	DELTA
L1	38.63	S87°45'40"W	C1	16.89	8.75	187°36'17"
L2	14.89	S87°45'40"W	C2	16.36	8.75	187°36'17"
L3	14.89	S87°45'40"W	C3	12.14	8.00	115°37'03"
L4	14.89	S87°45'40"W				
L5	17.54	S87°45'40"W				
L6	17.54	S87°45'40"W				
L7	33.45	S87°45'40"W				
L8	25.20	S87°45'40"W				
L9	25.20	S87°45'40"W				
L10	25.20	S87°45'40"W				
L11	25.20	S87°45'40"W				
L12	25.20	S87°45'40"W				
L13	25.20	S87°45'40"W				
L14	25.20	S87°45'40"W				
L15	25.20	S87°45'40"W				
L16	25.20	S87°45'40"W				
L17	25.20	S87°45'40"W				
L18	25.20	S87°45'40"W				
L19	25.20	S87°45'40"W				



LEGAL DESCRIPTION -
 On the Island of Key West and more particularly described as follows: COMMENCING at the intersection of the Southern right of way line of Flagger Avenue and the Western right of way line (curb line) of Roosevelt Boulevard, in Key West, Florida, bear South 88°45'40" West along the Southern right of way line of Flagger Avenue for a distance of 8245.19 feet to the Point of Beginning of the said red estate hereinafter described; From said Point of Beginning continue bearing South 88°45'40" West along said Southern right of way line of Flagger Avenue for a distance of 280.0 feet to a point; thence bear South 21°14'20" East for a distance of 386.0 feet to a point on the Northern side of a proposed canal; thence bear North 88°45'40" East along the Northern side of said proposed canal for a distance of 280.0 feet to a point; thence bear North 21°14'20" West for a distance of 386.0 feet back to the Point of Beginning, said described red estate connecting and being adjacent to the Southeastery 757.21 feet of that parcel of land known as Parcel 29 as set forth in an unrecorded map of lands of Key West Improvement Co., Inc., prepared by Cranshaw, Boley and Associates, dated December 2, 1952.

AND ALSO:
 COMMENCING at the intersection of the Southern right of way line of Flagger Avenue and the Western right of way line (curb line) of Roosevelt Boulevard, in Key West, Florida, bear South 88°45'40" West along the Southern right of way line of Flagger Avenue for a distance of 8245.19 feet to the Point of Beginning of the said red estate hereinafter described:
 From said Point of Beginning continue bearing South 88°45'40" West along said Southern right of way line of Flagger Avenue for a distance of 280.0 feet to a point; thence bear South 21°14'20" East for a distance of 386.0 feet, more or less, to a point on the Northern side of a proposed canal; thence bear North 88°45'40" East along the Northern side of said proposed canal for a distance of 280.0 feet to a point; thence bear North 21°14'20" West for a distance of 386.0 feet, more or less, back to the Point of Beginning, said described red estate being a portion of that parcel of land known as Parcel 29 as set forth in an unrecorded map of lands of Key West Improvement Co., Inc., prepared by Cranshaw, Boley and Associates, dated December 2, 1952.

CONSERVATION EASEMENT
 On the Island of Key West and more particularly described as follows: COMMENCING at the intersection of the Southern right of way line of Flagger Avenue and the Western right of way line (curb line) of Roosevelt Boulevard, in Key West, Florida, bear South 88°45'40" West along the Southern right of way line of Flagger Avenue for a distance of 8245.19 feet to a point at the intersection of the Southeastery right-of-way line of Eleventh Street; thence continue bearing South 88°45'40" West along said Southern right of way line of Flagger Avenue for a distance of 220.94 feet to the Point of Beginning of the Conservation Easement hereinafter described. From said Point of Beginning bear South 21°14'20" East for a distance of 35.63 feet; thence delta of 157°49'15"; thence along said curve in a southeasterly direction for a distance of 18.59 feet to a point of tangency; thence South 89°03'35" East for a distance of 25.20 feet; thence South 83°46'10" East for a distance of 14.21 feet; thence North 89°08'02" East for a distance of 17.54 feet; thence North 84°34'09" East for a distance of 24.00 feet; thence North 77°23'39" East for a distance of 33.98 feet; thence South 33°58'20" East for a distance of 33.45 feet; thence South 56°32'32" East for a distance of 27.31 feet; thence South 84°02'16" East for a distance of 61.82 feet; thence South 42°07'27" East for a distance of 28.28 feet; thence North 87°24'47" East for a distance of 18.10 feet; thence South 75°29'59" East for a distance of 27.14 feet to a point of reverse curve, said curve having a radius of 8.00 feet and a delta of 115°37'03"; thence along said curve in a southeasterly direction for a distance of 12.14 feet to a point of tangency; thence South 83°42'42" East for a distance of 83.42 feet to a point; thence North 21°14'20" West for a distance of 284.81 feet; thence South 88°45'40" West for a distance of 480.00 feet; thence Point of Beginning, containing 140,881 sq. ft. (3.23 acres).

NOTES:
 THIS SURVEY WAS PERFORMED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE PARTIES LISTED HEREIN AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL, WHOEVER, UNLESS ANY REFERENCE TO THIS SURVEY FOR ANY PURPOSE OTHER THAN THAT WHICH WAS ORIGINALLY INTENDED, WITHOUT THE WRITTEN PERMISSION OF THE UNDERSIGNED SURVEYOR & MAPPER, WILL BE DONE SO AT THE RISK OF THE READING PARTY AND WITHOUT ANY LIABILITY TO THE UNDERSIGNED SURVEYOR & MAPPER.

LEGAL DESCRIPTIONS HAVE BEEN FURNISHED BY THE CLIENT OR HIS/HER REPRESENTATIVE. PUBLIC RECORDS HAVE NOT BEEN RESEARCHED BY THE SURVEYOR TO DETERMINE THE ACCURACY OF THESE DESCRIPTIONS NOR HAVE ADJOINING PROPERTIES BEEN RESEARCHED TO DETERMINE OVERLAPS OR MATTERS.

THIS SURVEY DOES NOT PURPORT TO SHOW OWNERSHIP OF WALLS OR FENCES ALONG PROPERTY LINES.

ADDITIONS OR DELETIONS TO THIS SURVEY MAP BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

CERTIFIED TO -
 Reef Enterprises, LLC

SCALE 1" = 30'
 BEARINGS BASED ON THE SOUTHERLY RIGHT OF WAY LINE OF FLAGGER AVENUE AS S 88°45'40" W, AS PER LEGAL.

ALL ANGLES DEPICTED ARE 90 DEGREES UNLESS OTHERWISE INDICATED.

ADDRESS:
 2800 FLAGLER AVENUE
 KEY WEST, FL 33040

ELEVATIONS SHOWN AS X'S REFER TO MVD 1988 VERTICAL DATUM ABOVE SEA LEVEL.

COMMUNITY NO: 120188
 MAP NO: 120570-1017K
 MAP DATE: 03-18-05
 FLOOD ZONE: AE 6'

BENCHMARK USED: PD A40023
 STAMPED IN 1988
 MARK LOSS: EL. 2.82', NAVD83
 EL. 4.27', NAVD23

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY PERSONAL SUPERVISION AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 46-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.007, FLORIDA STATUTES. THIS SURVEY, WITH SCHEDULE 8 (10)(3)(INCORPORATIONS), & (10)(4)(INCORPORATIONS), SCHEDULE 10 (1)(B)(TRACKS), HAS BEEN PROVIDED MEETS THE PROVISIONS OF FLORIDA DOCUMENT FORM 8, SUBPARAGRAPH 10(1)(B)(TRACKS).

NOTED: THIS SURVEY WAS MADE UNDER MY PERSONAL SUPERVISION AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 46-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.007, FLORIDA STATUTES. THIS SURVEY, WITH SCHEDULE 8 (10)(3)(INCORPORATIONS), & (10)(4)(INCORPORATIONS), SCHEDULE 10 (1)(B)(TRACKS), HAS BEEN PROVIDED MEETS THE PROVISIONS OF FLORIDA DOCUMENT FORM 8, SUBPARAGRAPH 10(1)(B)(TRACKS).

REECE & WHITE
 LAND SURVEYING, INC.
 PROFESSIONAL SURVEYOR AND MAPPER, LICENSE NO. 7036
 87 BIRNBAUM BOULEVARD, SUITE 100, KEY WEST, FL 33040
 OFFICE: (305) 852-1234
 FAX: (305) 852-1232

NO.	REMARKS	DATE	BY
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REEF ENTERPRIZES, LLC

660 Southpointe Court, Suite 301

Colorado Springs, CO 80906

(719) 527-9899

Fax (719) 527-9828

December 30, 2013

Re: Reef Enterprizes, LLC and 2800 Flagler Avenue, Key West, FL

To Whom It May Concern:

The principals and executive officers of Reef Enterprizes, LLC, a Texas limited liability corporation, are:

Randy G. Allen and Erhard Fitzsimmons

If you have any questions, please do not hesitate to contact this office.

Very Truly Yours,

REEF ENTERPRIZES, LLC


RANDY G. ALLEN

City of Key West
Planning Department



Verification Form

(Where Authorized Representative is an entity)

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

of Annalise Mannix Engineering and Consulting, 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:

2800 FLAGLER AVE, KEY WEST FL
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

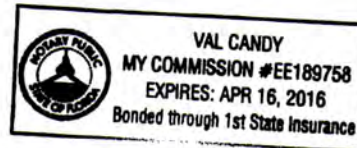
Subscribed and sworn to (or affirmed) before me on this Dec. 31st, 2013 by
date

ANNALISE MANNIX
Name of Authorized Representative

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

Val Candy
Notary's Signature and Seal

Name of Acknowledger typed, printed or stamped



Commission Number, if any

Deed

PREPARED BY AND RETURN TO:
RICHARD M. KLITENICK, ESQ.
RICHARD M. KLITENICK, P.A.
1009 SIMONTON STREET
KEY WEST, FL 33040
305-292-4101
FILE NUMBER: RE12-044
RECORDING FEE: \$18.50
DOCUMENTARY STAMPS PAID: \$4,200.00

06/28/2013 10:51AM
DEED DOC STAMP CL: DS \$4,200.00

Doc# 1939285
Bk# 2636 Pg# 1242

[Space above this line for recording data]

WARRANTY DEED

THIS WARRANTY DEED is made on this 27th day of June, 2013, between CHABAD OF KEY WEST, INC., a Florida not-for-profit corporation, whose address is 906 Trinity Drive, Key West, FL 33040 (hereinafter referred to as 'Grantor'), and REEF ENTERPRIZES, LLC, a Texas Limited Liability Company, whose address is 660 South Pointe Court, #301, Colorado Springs, CO 80906 (hereinafter referred to as "Grantee").

(Whenever used herein the terms 'Grantor' and 'Grantee' include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said Grantor, for and in consideration of the sum of SIX HUNDRED THOUSAND & 00/100^{ths} DOLLARS (\$600,000.00) and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Monroe County, Florida, with the street address of 2800 Flagler Avenue, Key West, FL 33040, and more particularly described as:

ON THE ISLAND OF KEY WEST AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF FLAGLER AVENUE AND THE WESTERLY RIGHT OF WAY LINE (CURB LINE) OF ROOSEVELT BOULEVARD, IN KEY WEST, FLORIDA; BEAR SOUTH 68°45'40" WEST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF FLAGLER AVENUE FOR A DISTANCE OF 6245.19 FEET TO THE POINT OF BEGINNING OF THE SAID REAL ESTATE HEREINAFTER DESCRIBED: FROM SAID POINT OF BEGINNING CONTINUE BEARING SOUTH 68°45'40" WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF FLAGLER AVENUE FOR A DISTANCE OF 280.0 FEET TO A POINT; THENCE BEAR SOUTH 21°14'20" EAST FOR A DISTANCE OF 386.0 FEET TO A POINT ON THE NORTHERLY SIDE OF A PROPOSED CANAL; THENCE BEAR NORTH 68°45'40" EAST ALONG THE NORTHERLY SIDE OF SAID PROPOSED CANAL FOR A DISTANCE OF 280.0 FEET TO A POINT; THENCE BEAR NORTH 21°14'20" WEST FOR A DISTANCE OF 386.0 FEET BACK TO THE POINT OF BEGINNING, SAID DESCRIBED REAL ESTATE CONNECTING AND BEING ADJACENT TO THE SOUTHWESTERLY 757.21 FEET OF THAT PARCEL OF LAND KNOWN AS PARCEL 29 AS SET FORTH IN AN UNRECORDED MAP OF LANDS OF KEY WEST IMPROVEMENT CO., INC., PREPARED BY CRANSHAW, BAILEY AND ASSOCIATES, DATED DECEMBER 2, 1952.

AND ALSO:

COMMENCING AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF FLAGLER AVENUE AND THE WESTERLY RIGHT OF WAY LINE (CURB LINE) OF ROOSEVELT BOULEVARD, IN KEY WEST, FLORIDA, BEAR SOUTH 68°45'40" WEST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF FLAGLER AVENUE FOR A DISTANCE OF 6525.19 FEET TO THE POINT OF BEGINNING OF THE SAID REAL ESTATE HEREINAFTER DESCRIBED; FROM SAID POINT OF BEGINNING CONTINUE BEARING SOUTH 68°45'40" WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF FLAGLER AVENUE FOR A DISTANCE OF 200.0 FEET TO A POINT; THENCE BEAR SOUTH 21°14'20" EAST FOR A DISTANCE OF 386.0 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY SIDE OF A PROPOSED CANAL; THENCE BEAR NORTH 68°45'40" EAST ALONG THE NORTHERLY SIDE OF SAID PROPOSED CANAL FOR A DISTANCE OF 200.0 FEET TO A POINT; THENCE BEAR NORTH 21°14'20" WEST FOR A DISTANCE OF 386.0 FEET, MORE OR LESS, BACK TO THE POINT OF BEGINNING, SAID DESCRIBED REAL ESTATE BEING A PORTION OF THAT PARCEL OF LAND KNOWN AS PARCEL 29 AS SET FORTH IN AN UNRECORDED MAP OF LANDS OF KEY WEST IMPROVEMENT CO., INC., PREPARED BY CRANSHAW, BAILEY AND ASSOCIATES, DATED DECEMBER 2, 1952.

PARCEL IDENTIFICATION NUMBER: 00065090-000100; ALTERNATE KEY ("AK") NO.: 8633394

SUBJECT TO CONDITIONS AND RESTRICTIONS OF RECORD, IF ANY; HOWEVER, THIS DEED SHALL NOT OPERATE TO RE-IMPOSE THE SAME

SUBJECT TO: TAXES FOR THE YEAR 2013 AND SUBSEQUENT YEARS

Together with all the tenements, hereditaments and appurtenances thereto 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 said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2012, and those items listed above.

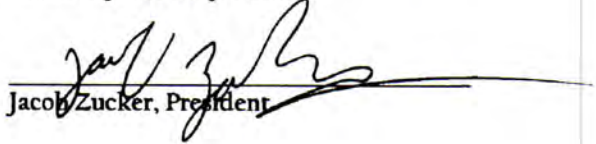
In Witness Whereof, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

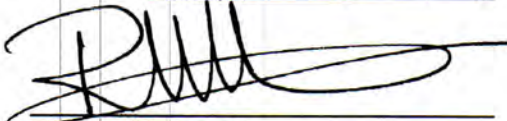
Signed, sealed and delivered in our presence:

CHABAD OF KEY WEST, INC., a Florida
not-for-profit corporation


Witness # 1 signature
Print name: SAMUEL KAUFMAN

By:

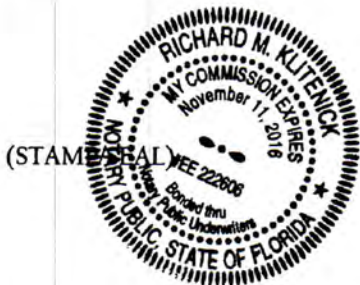

Jacob Zucker, President


Witness # 2 signature
Print name: RICHARD M. KLITENICK

STATE OF FLORIDA
COUNTY OF MONROE

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements JACOB ZUCKER, who is personally known to me or who produced N/A as identification, to be the same person who is the named officer of the corporate Grantor described in the foregoing Warranty Deed, and he acknowledged to me that he executed the same freely and voluntarily for the purposes therein expressed, with all requisite corporate authority.

WITNESS my hand and official seal at Key West, Monroe County, State of Florida, on this 27th day of June, 2013.




Notary Public - State of FL
Commission Expires: 11-11-2016

CERTIFICATION OF CORPORATE RESOLUTION

THE UNDERSIGNED, LEVI SEGAL, AS SECRETARY OF CHABAD OF KEY WEST, INC., A FLORIDA NOT FOR PROFIT CORPORATION (THE "CORPORATION"), DOES HEREBY CERTIFY AS FOLLOWS:

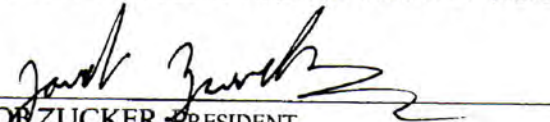
1. I AM THE DULY ELECTED AND QUALIFIED SECRETARY OF CHABAD OF KEY WEST, INC., A FLORIDA NOT FOR PROFIT CORPORATION, AND AM THE KEEPER OF THE RECORDS AND CORPORATE SEAL OF SAID CORPORATION.

2. THE FOLLOWING IS A TRUE AND CORRECT COPY OF THE RESOLUTION DULY ADOPTED AT A MEETING OF THE BOARD OF DIRECTORS OF CHABAD OF KEY WEST, INC., HELD IN ACCORDANCE WITH ITS BYLAWS AT ITS OFFICES LOCATED IN KEY WEST, MONROE COUNTY, FLORIDA ON THE 15TH DAY OF JUNE, 2013, AND THE SAME IS NOW IN FULL FORCE AND EFFECT.

COPY OF RESOLUTION

RESOLVED THAT JACOB ZUCKER IS AUTHORIZED, ON BEHALF OF THE CORPORATION, TO EXECUTE ANY AND SALE AND CONVEYANCE DOCUMENTS NECESSARY TO CLOSE ON THE ANTICIPATED TRANSACTION TO SELL THE REAL ESTATE AT 2800 FLAGLER AVENUE, KEY WEST, MONROE COUNTY, FLORIDA, WHICH INCLUDES THE SPECIFIC AUTHORITY TO EXECUTE ALL CLOSING STATEMENTS, WARRANTY DEEDS AND OTHER DOCUMENTS REQUIRED TO CONVEY THE REAL PROPERTY TO REEF ENTERPRIZES, LLC.

THE FOLLOWING NAMED PERSON HAS BEEN DULY ELECTED TO THE OFFICE OF PRESIDENT OF CHABAD OF KEY WEST, INC., AND HE CONTINUES TO HOLD THIS OFFICE AT THE PRESENT TIME, AND THE SIGNATURE APPEARING HEREON IS THE GENUINE, ORIGINAL SIGNATURE OF SAID PERSON:


JACOB ZUCKER, PRESIDENT


IN WITNESS WHEREOF, I HAVE HEREUNTO AFFIXED MY NAME AS SECRETARY OF SAID CORPORATION TO BE AFFIXED THIS 27 DAY OF JUNE, 2013.

CHABAD OF KEY WEST, INC., A FLORIDA NOT FOR PROFIT CORPORATION

By: 
LEVI SEGAL, SECRETARY

WE HEREBY CERTIFY THAT WE ARE DIRECTORS OF CHABAD OF KEY WEST, INC., A FLORIDA NOT FOR PROFIT CORPORATION, AND THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION PASSED AS THEREIN SET FORTH, AND THAT THE SAME IS NOW IN FULL FORCE AND EFFECT.

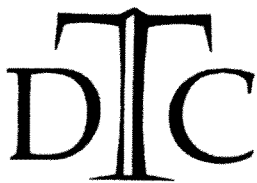

JACOB ZUCKER, DIRECTOR


CHANA ZUCKER, DIRECTOR


LEVI SEGAL, DIRECTOR


RONEN TESHOUVA, DIRECTOR

SFWMD Permit



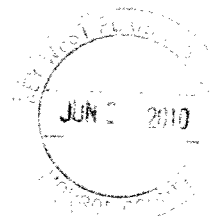
Diane Tolbert Covan
Attorney at Law

NY& FL Bars

June 21, 2010

1901 Fogarty Avenue
Suite 1
Key West, FL 33040
Tele. (305) 293-1118
Fax (305) 296-1266
Covan@covanlaw.com

Amy Kimball-Murley, AICP
Planning Director
City of Key West
PO Box 1409
Key West, FL 33041-1409



RE: Chabad of Key West, Inc.; 2800 Flagler Avenue, Key West, FL
South Florida Water Management District Permit o. 44-00460-P

Dear Ms. Kimball-Murley:

Enclosed for the City's file is the Permit just issued by SFWMD, and supporting documents, concerning 2800 Flagler Avenue, Key West, FL.

Sincerely,

A handwritten signature in black ink, appearing to read 'Diane Tolbert Covan'. The signature is fluid and cursive.

DIANE TOLBERT COVAN

cc: Chabad of Key West, Inc.



**SOUTH FLORIDA WATER MANAGEMENT DISTRICT
 ENVIRONMENTAL RESOURCE
 STANDARD GENERAL PERMIT NO. 44-00460-P
 DATE ISSUED: June 8, 2010**

Form #0941
08/95

PERMITTEE: CHABAD OF KEY WEST INC
 321 GRINNELL STREET
 KEY WEST, FL 33040

PROJECT DESCRIPTION: Construction and operation of a surface water management system to serve 4.25 acres of institutional development and on-site wetland mitigation area known as Chabad of Key West.

PROJECT LOCATION: MONROE COUNTY, SEC 4 TWP 68S RGE 25E

PERMIT DURATION: See Special Condition No:1. See attached Rule 40E-4.321, Florida Administrative Code.

This is to notify you of the District's agency action concerning Notice of Intent for Permit Application No. 080509-15, dated May 9, 2008. This action is taken pursuant to Rule 40E-1.603 and Chapter 40E-40, Florida Administrative Code (F.A.C.).

Based on the information provided, District rules have been adhered to and an Environmental Resource General Permit is in effect for this project subject to:

1. Not receiving a filed request for a Chapter 120, Florida Statutes, administrative hearing.
2. the attached 19 General Conditions (See Pages : 2 - 4 of 8),
3. the attached 31 Special Conditions (See Pages : 5 - 8 of 8) and
4. the attached 3.3 Exhibit(s)

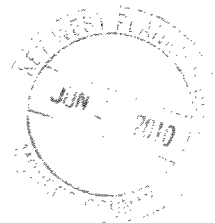
Should you object to these conditions, please refer to the attached "Notice of Rights" which addresses the procedures to be followed if you desire a public hearing or other review of the proposed agency action. Please contact this office if you have any questions concerning this matter. If we do not hear from you in accordance with the "Notice of Rights," we will assume that you concur with the District's action.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a "Notice of Rights" has been mailed to the Permittee (and the persons listed in the attached distribution list) no later than 5:00 p.m. on this 8th day of June, 2010, in accordance with Section 120.60(3), Florida Statutes.

BY: Anita R. Bain
 Anita R. Bain
 Director - Environmental Resource Permitting Division
 Palm Beach Service Center

Certified mail number 7009 2250 0003 1260 8649



GENERAL CONDITIONS

1. All activities authorized by this permit shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit and Part IV, Chapter 373, F.S.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which does not cause violations of State water quality standards. The permittee shall implement best management practices for erosion and pollution control to prevent violation of State water quality standards. Temporary erosion control shall be implemented prior to and during construction, and permanent control measures shall be completed within 7 days of any construction activity. Turbidity barriers shall be installed and maintained at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the permitted work. Turbidity barriers shall remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. All practices shall be in accordance with the guidelines and specifications described in Chapter 6 of the Florida Land Development Manual; A Guide to Sound Land and Water Management (Department of Environmental Regulation, 1988), incorporated by reference in Rule 40E-4.091, F.A.C. unless a project-specific erosion and sediment control plan is approved as part of the permit. Thereafter the permittee shall be responsible for the removal of the barriers. The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
4. The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource Permit Construction Commencement Notice Form Number 0960 indicating the actual start date and the expected construction completion date.
5. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an annual status report form. Status report forms shall be submitted the following June of each year.
6. Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a professional engineer or other individual authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Certification Form Number 0881A, or Environmental Resource/Surface Water Management Permit Construction Completion Certification - For Projects Permitted prior to October 3, 1995 Form No. 0881B, incorporated by reference in Rule 40E-1.659, F.A.C. The statement of completion and certification shall be based on onsite observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviation from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. All surveyed dimensions and elevations shall be certified by a registered surveyor.
7. The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (6) above, and submitted a request for conversion of Environmental Resource Permit from Construction Phase to Operation Phase, Form No. 0920; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit

GENERAL CONDITIONS

Applications within the South Florida Water Management District, accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Section 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

8. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by that portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of the phase or portion of the system to a local government or other responsible entity.
9. For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit applications within the South Florida Water Management District, prior to lot or units sales or prior to the completion of the system, whichever comes first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State, county or municipal entities. Final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.
10. Should any other regulatory agency require changes to the permitted system, the permittee shall notify the District in writing of the changes prior to implementation so that a determination can be made whether a permit modification is required.
11. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and Chapter 40E-4 or Chapter 40E-40, F.A.C..
12. The permittee is hereby advised that Section 253.77, F.S. states that a person may not commence any excavation, construction, or other activity involving the use of sovereign or other lands of the State, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required lease, license, easement, or other form of consent authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.
13. The permittee must obtain a Water Use permit prior to construction dewatering, unless the work qualifies for a general permit pursuant to Subsection 40E-20.302(3), F.A.C., also known as the "No Notice" Rule.
14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any system authorized by the permit.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit

GENERAL CONDITIONS

application, including plans or other supporting documentation, shall not be considered binding, unless a specific condition of this permit or a formal determination under Section 373.421(2), F.S., provides otherwise.

16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of a permitted system or the real property on which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of Rules 40E-1.6105 and 40E-1.6107, F.A.C.. The permittee transferring the permit shall remain liable for corrective actions that may be required as a result of any violations prior to the sale, conveyance or other transfer of the system.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the appropriate District service center.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.

SPECIAL CONDITIONS

1. The construction phase of this permit shall expire on June 8, 2015.
2. Operation and maintenance of the surface water management system and on-site wetland mitigation area shall be the responsibility of the permittee.
3. The permittee shall be responsible for the correction of any erosion, shoaling or water quality problems that result from the construction or operation of the surface water management system.
4. Measures shall be taken during construction to insure that sedimentation and/or turbidity violations do not occur in the receiving water.
5. The District reserves the right to require that additional water quality treatment methods be incorporated into the drainage system if such measures are shown to be necessary.
6. Facilities other than those stated herein shall not be constructed without an approved modification of this permit.
7. The permittee shall provide routine maintenance of all of the components of the surface water management system in order to remove all trapped sediments/debris. All materials shall be properly disposed of as required by law. Failure to properly maintain the system may result in adverse flooding conditions.
8. This permit is issued based on the applicant's submitted information which reasonably demonstrates that adverse water resource related impacts will not be caused by the completed permit activity. Should any adverse impacts caused by the completed surface water management system occur, the District will require the permittee to provide appropriate mitigation to the District or other impacted party. The District will require the permittee to modify the surface water management system, if necessary, to eliminate the cause of the adverse impacts.
9. The permittee acknowledges, that pursuant to Rule 40E-4.101(2), F.A.C., a notice of Environmental Resource or Surface Water Management Permit may be recorded in the county public records. Pursuant to the specific language of the rule, this notice shall not be considered an encumbrance upon the property.
10. If prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, the permitted project should cease all activities involving subsurface disturbance in the immediate vicinity of such discoveries. The permittee, or other designee, should contact the Florida Department of State, Division of Historical Resources, Review and Compliance Section at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Project activities should not resume without verbal and/or written authorization from the Division of Historical Resources. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.
11. Minimum building floor elevation: 8.17 Feet NGVD.
12. All disturbed areas shall be stabilized in some manner within 48 hours of completing final grade, and at other times, as necessary, to prevent erosion, sedimentation or turbid discharges into receiving waters and/or adjacent wetlands.
13. Any proposed revisions to the permitted work schedules shown on Exhibit 4 must include documentation that the mitigation work will be completed prior to or concurrently with authorized wetland impacts.
14. Construction of the permitted activities shall be conducted in accordance with Exhibits 2, 3.0 and 3.1.

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SPECIAL CONDITIONS

15. The permittee and all designated contractors shall adhere to all project and mitigation construction details and methodology indicated on the enclosed permit Exhibits and described herein.
16. No construction dewatering is authorized.
17. No root structure, including aerial prop-roots of red mangroves, may be altered, regardless of their size or height. Additionally, all mangrove ground cover and leaf litter are to remain undisturbed.
18. Permanent physical markers designating the preserve status of the wetland mitigation areas shall be placed every 50 feet along the landward edge of the northwest, north and east side perimeter, in accordance with Exhibits 2 and 3.1. The markers shall be maintained in perpetuity.
19. Fill material generated from the excavation authorized by this permit must be placed on an upland site and contained in such a manner as to prevent erosion into wetlands or other surface waters.
20. Prior to the commencement of construction, the perimeter of the mangrove forest wetland preservation area shall be fenced to prevent construction encroachment into the protected area. Fencing shall remain in place until all adjacent construction activities are complete.
21. Endangered species, threatened species and/or species of special concern have been observed onsite and/or the project contains suitable habitat for these species. It shall be the permittee's responsibility to coordinate with the Florida Fish and Wildlife Conservation Commission and/or the U.S. Fish and Wildlife Service for appropriate guidance, recommendations and/or necessary permits to avoid impacts to listed species.
22. Prior to commencement of construction and in accordance with the work schedule in Exhibit 4, the permittee shall submit an electronic or hard copy version of the certified copy of the recorded conservation easement for the mitigation area. The electronic version of the recorded conservation easement, and associated GIS information described below, shall be submitted via the District's ePermitting/eCompliance website. The GIS data shall be supplied in a digital ESRI Geodatabase (mdb), ESRI Shapefile (shp) or AutoCAD Drawing Interchange (dxf) file format using Florida State Plane coordinate system, East Zone (3601), Datum NAD83, HARN with the map units in feet. A map depicting the Conservation Easement over the best available satellite or aerial imagery shall also be provided. If the information is provided via hard copy the GIS data shall reside on CD disk and be submitted to the District's Environmental Resource Compliance Division in the service area office where the application was submitted.

The recorded easement shall utilize the form and survey attached as Exhibit 3.3. Any proposed modification to the approved form must receive prior written consent from the District. The easement must be free of encumbrances or interests in the easement which the District determines are contrary to the intent of the easement. In the event it is later determined that there are encumbrances or interests in the easement which the District determines are contrary to the intent of the easement, the permittee shall be required to provide release or subordination of such encumbrances or interests.

23. The wetland mitigation/conservation easement areas shown on Exhibits 3.3 may in no way be altered from their natural or permitted state. Activities prohibited within the conservation areas include, but are not limited to:
 - (a) construction or placing of buildings, roads, signs, billboards or other advertising, utilities or other structures on or above the ground;
 - (b) dumping or placing soil or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials;
 - (c) removal or destruction of trees, shrubs, or other vegetation - with the exception of exotic and nuisance vegetation removal;
 - (d) excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substances in such manner as to affect the surface;

SPECIAL CONDITIONS

- (e) surface use except for purposes that permit the land or water area to remain predominantly in its natural condition;
- (f) activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation, including but not limited to ditching, diking or fencing;
- (g) acts or uses detrimental to such retention of land or water areas; and
- (h) acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.
24. A maintenance program shall be implemented in accordance with Exhibit 3.1 for the 3.21 acre wetland mitigation/conservation easement area on a regular basis to ensure the integrity and viability of those areas as permitted. Maintenance shall be conducted in perpetuity to ensure that the conservation area is maintained free from Category 1 exotic vegetation (as defined by the Florida Exotic Pest Plant Council at the time of permit issuance) immediately following a maintenance activity. Coverage of exotic and nuisance plant species shall not exceed 5% of total cover between maintenance activities. In addition, the permittee shall manage the wetland mitigation/conservation easement area such that exotic/nuisance plant species do not dominate any one section of those areas.
25. Success of the salt marsh wetland enhancement and restoration mitigation activities proposed herein are heavily dependent on proper grading to achieve the design ground elevations necessary to recruit the expected vegetation or to sustain the proper hydrology for the targeted vegetation communities. In accordance with Exhibit 4, the permittee shall submit as-built topography of the proposed mitigation area(s) by August 1, 2011. The permittee shall correct any deficiencies in the project grade within 14 days of being notified of such deficiencies by District staff.
26. A mitigation program shall be implemented in accordance with Exhibit 3.0 and 3.1. The permittee shall enhance 0.26 acre of salt marsh wetlands, restore 0.46 acre of salt marsh wetlands, and preserve 2.49 acres of mangrove forest wetlands.
27. The District reserves the right to require remedial measures to be taken by the permittee if monitoring or other information demonstrates that adverse impacts to onsite or offsite wetlands or other surface waters have occurred due to project related activities.
28. A monitoring program for the salt marsh and mangrove forest wetlands shall be implemented in accordance with Exhibit 3.1. The monitoring program will extend for a period of 5 years with annual reports submitted to District staff. At the end of the second year monitoring period the salt marsh wetland enhancement and restoration mitigation area will contain 50% coverage of native wetland and transitional vegetative species. By the end of the third year monitoring period the salt marsh wetland enhancement and restoration mitigation area will contain 80% coverage of native wetland and transitional vegetative species which will be maintained throughout the remainder of the monitoring program, with planting as necessary achieve 80%. If native wetland and transitional species do not achieve 50% coverage within the initial two years of the monitoring program, native species will be planted in accordance with the maintenance program. At the end of the 5 year monitoring program the entire mitigation area will contain 80% coverage of desirable native wetland and transitional species.
29. A time zero monitoring report for the salt marsh wetland enhancement and restoration areas, which includes a baseline monitoring report for the mangrove wetland preservation area, shall be conducted in accordance with Exhibit 4. The plan shall include a survey of the areal extent, acreage and cross-sectional elevations of the created/restored areas and panoramic photographs for each habitat type.
30. Silt screens shall be utilized during construction. The silt screens shall be installed landward around all protected wetlands in accordance with Exhibit 2, pages 3 and 6. All areas shall be stabilized and vegetated immediately after construction to prevent erosion into the wetlands and adjacent surface waters.

SPECIAL CONDITIONS

- 31. The wetland impacts authorized by this permit may only occur subsequent to or concurrently with construction and implementation of the mitigation plan. If revisions to the work schedule shown on Exhibit 4 and referenced in these special conditions are necessary, the permittee shall coordinate with the District's Environmental Resource Compliance Department to ensure compliance with this condition.

40E-4.321 Duration of Permits.

(1) Unless revoked or otherwise modified the duration of an environmental resource permit issued under this chapter or Chapter 40E-40, F.A.C., is as follows:

(a) For a conceptual approval, two years from the date of issuance or the date specified as a condition of the permit, unless within that period an application for an individual or standard general permit is filed for any portion of the project. If an application for an environmental resource permit is filed, then the conceptual approval remains valid until final action is taken on the environmental resource permit application. If the application is granted, then the conceptual approval is valid for an additional two years from the date of issuance of the permit. Conceptual approvals which have no individual or standard general environmental resource permit applications filed for a period of two years shall expire automatically at the end of the two year period.

(b) For a conceptual approval filed concurrently with a development of regional impact (DRI) application for development approval (ADA) and a local government comprehensive plan amendment, the duration of the conceptual approval shall be two years from whichever one of the following occurs at the latest date:

1. The effective date of the local government's comprehensive plan amendment,
2. The effective date of the local government development order,
3. The date on which the District issues the conceptual approval, or
4. The date on which the District issues a final order pertaining to the resolution of any Section 120.57, F.S., administrative proceeding or other legal appeals.

(c) For an individual or standard general environmental resource permit, the construction phase authorizing construction, removal, alteration or abandonment of a system shall expire five years from the date of issuance or such amount of time as made a condition of the permit.

(d) For an individual or standard general environmental resource permit, the operational phase of the permit is perpetual for operation and maintenance.

(e) For a noticed general permit issued pursuant to Chapter 40E-400, F.A.C., five years from the date the notice of intent to use the permit is provided to the District.

(2)(a) Unless prescribed by special permit condition, permits expire automatically according to the timeframes indicated in this rule. If application for extension is made by electronic mail at the District's e-Permitting website or in writing pursuant to subsection (3), the permit shall remain in full force and effect until:

1. The Governing Board takes action on an application for extension of an individual permit, or
2. Staff takes action on an application for extension of a standard general permit.

(b) Installation of the project outfall structure shall not constitute a vesting of the permit.

(3) The permit extension shall be issued provided that a permittee files a written request with the District showing good cause prior to the expiration of the permit. For the purpose of this rule, good cause shall mean a set of extenuating circumstances outside of the control of the permittee. Requests for extensions, which shall include documentation of the extenuating circumstances and how they have delayed this project, will not be accepted more than 180 days prior to the expiration date.

(4) Substantial modifications to Conceptual Approvals will extend the duration of the Conceptual Approval for two years from the date of issuance of the modification. For the purposes of this section, the term "substantial modification" shall mean a modification which is reasonably expected to lead to substantially different water resource or environmental impacts which require a detailed review.

(5) Substantial modifications to individual or standard general environmental resource permits issued pursuant to a permit application extend the duration of the permit for three years from the date of issuance of the modification. Individual or standard general environmental resource permit modifications do not extend the duration of a conceptual approval.

(6) Permit modifications issued pursuant to paragraph 40E-4.331(2)(b), F.A.C. (letter modifications) do not extend the duration of the permit.

(7) Failure to complete construction or alteration of the surface water management system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization in order to continue construction unless a permit extension is granted.

Specific Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 373.413, 373.416, 373.419, 373.426, 668.003, 668.004, 668.50 FS. History--New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(4), Amended 7-1-86, 4-20-94, 10-3-95, 5-28-00, 10-1-06.

NOTICE OF RIGHTS

As required by Sections 120.569(1), and 120.60(3), Fla. Stat., following is notice of the opportunities which may be available for administrative hearing or judicial review when the substantial interests of a party are determined by an agency. Please note that this Notice of Rights is not intended to provide legal advice. Not all the legal proceedings detailed below may be an applicable or appropriate remedy. You may wish to consult an attorney regarding your legal rights.

RIGHT TO REQUEST ADMINISTRATIVE HEARING

A person whose substantial interests are or may be affected by the South Florida Water Management District's (SFWMD or District) action has the right to request an administrative hearing on that action pursuant to Sections 120.569 and 120.57, Fla. Stat. Persons seeking a hearing on a District decision which does or may determine their substantial interests shall file a petition for hearing with the District Clerk within 21 days of receipt of written notice of the decision, unless one of the following shorter time periods apply: 1) within 14 days of the notice of consolidated intent to grant or deny concurrently reviewed applications for environmental resource permits and use of sovereign submerged lands pursuant to Section 373.427, Fla. Stat.; or 2) within 14 days of service of an Administrative Order pursuant to Subsection 373.119(1), Fla. Stat. "Receipt of written notice of agency decision" means receipt of either written notice through mail, or electronic mail, or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action. Any person who receives written notice of a SFWMD decision and fails to file a written request for hearing within the timeframe described above waives the right to request a hearing on that decision.

Filing Instructions

The Petition must be filed with the Office of the District Clerk of the SFWMD. Filings with the District Clerk may be made by mail, hand-delivery or facsimile. **Filings by e-mail will not be accepted.** Any person wishing to receive a clerked copy with the date and time stamped must provide an additional copy. A petition for administrative hearing is deemed filed upon receipt during normal business hours by the District Clerk at SFWMD headquarters in West Palm Beach, Florida. Any document received by the office of the SFWMD Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. Additional filing instructions are as follows:

- Filings by mail must be addressed to the Office of the SFWMD Clerk, P.O. Box 24680, West Palm Beach, Florida 33416.
- Filings by hand-delivery must be delivered to the Office of the SFWMD Clerk. **Delivery of a petition to the SFWMD's security desk does not constitute filing. To ensure proper filing, it will be necessary to request the SFWMD's security officer to contact the Clerk's office.** An employee of the SFWMD's Clerk's office will receive and file the petition.
- Filings by facsimile must be transmitted to the SFWMD Clerk's Office at (561) 682-6010. Pursuant to Subsections 28-106.104(7), (8) and (9), Fla. Admin. Code, a party who files a document by facsimile represents that the original physically signed document will be retained by that party for the duration of that proceeding and of any subsequent appeal or subsequent proceeding in that cause. Any party who elects to file any document by facsimile shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the clerk as a result. The filing date for a document filed by facsimile shall be the date the SFWMD Clerk receives the complete document.

20090701 10:00 AM

Initiation of an Administrative Hearing

Pursuant to Rules 28-106.201 and 28-106.301, Fla. Admin. Code, initiation of an administrative hearing shall be made by written petition to the SFWMD in legible form and on 8 and 1/2 by 11 inch white paper. All petitions shall contain:

1. Identification of the action being contested, including the permit number, application number, District file number or any other SFWMD identification number, if known.
2. The name, address and telephone number of the petitioner and petitioner's representative, if any.
3. An explanation of how the petitioner's substantial interests will be affected by the agency determination.
4. A statement of when and how the petitioner received notice of the SFWMD's decision.
5. A statement of all disputed issues of material fact. If there are none, the petition must so indicate.
6. A concise statement of the ultimate facts alleged, including the specific facts the petitioner contends warrant reversal or modification of the SFWMD's proposed action.
7. A statement of the specific rules or statutes the petitioner contends require reversal or modification of the SFWMD's proposed action.
8. If disputed issues of material fact exist, the statement must also include an explanation of how the alleged facts relate to the specific rules or statutes.
9. A statement of the relief sought by the petitioner, stating precisely the action the petitioner wishes the SFWMD to take with respect to the SFWMD's proposed action.

A person may file a request for an extension of time for filing a petition. The SFWMD may, for good cause, grant the request. Requests for extension of time must be filed with the SFWMD prior to the deadline for filing a petition for hearing. Such requests for extension shall contain a certificate that the moving party has consulted with all other parties concerning the extension and that the SFWMD and any other parties agree to or oppose the extension. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

If the District takes action with substantially different impacts on water resources from the notice of intended agency decision, the persons who may be substantially affected shall have an additional point of entry pursuant to Rule 28-106.111, Fla. Admin. Code, unless otherwise provided by law.

Mediation

The procedures for pursuing mediation are set forth in Section 120.573, Fla. Stat., and Rules 28-106.111 and 28-106.401-405, Fla. Admin. Code. The SFWMD is not proposing mediation for this agency action under Section 120.573, Fla. Stat., at this time.

RIGHT TO SEEK JUDICIAL REVIEW

Pursuant to Sections 120.60(3) and 120.68, Fla. Stat., a party who is adversely affected by final SFWMD action may seek judicial review of the SFWMD's final decision by filing a notice of appeal pursuant to Florida Rule of Appellate Procedure 9.110 in the Fourth District Court of Appeal or in the appellate district where a party resides and filing a second copy of the notice with the SFWMD Clerk within 30 days of rendering of the final SFWMD action.

Last Date For Agency Action: July 4, 2010

GENERAL ENVIRONMENTAL RESOURCE PERMIT STAFF REPORT

Project Name: Chabad Of Key West
Permit No.: 44-00460-P
Application No.: 080509-15
Application Type: Environmental Resource (New General Permit)
Location: Monroe County, S4/T68S/R25E
Permittee : Chabad Of Key West Inc
Operating Entity : Chabad Of Key West
Project Area: 4.25 acres
Project Land Use: Institutional
Drainage Basin: GULF OF MEXICO
Receiving Body: Onsite retention
Special Drainage District: NA
Total Acres Wetland Onsite: 3.03
Total Acres Wetland Preserved Onsite: 2.75
Total Acres Impacted Onsite : .28
Total Acres Presv/Mit Compensation Onsite: 3.21
Conservation Easement To District : Yes
Sovereign Submerged Lands: No

Class: N/A

PROJECT PURPOSE:

This application is a request for an Environmental Resource Permit to authorize construction and operation of a surface water management system to serve 4.25 acres of institutional development and on-site wetland mitigation area known as Chabad of Key West. Approval is granted with conditions.

PROJECT EVALUATION:

PROJECT SITE DESCRIPTION:

The vacant, undeveloped site is located within a residential area at the southwest corner of the intersection of Flagler Avenue and 11th Street in the City of Key West, Monroe County, as shown on Exhibit 1.

There are no permitted surface water management facilities within the project area. Any stormwater runoff generated by the site sheet flows into the adjacent waterbody.

The site contains 1.20 acres of uplands which have been physically disturbed by unrestricted access/use of the property, stock-piling construction materials and solid waste disposal. The site also contains 0.56 acres of salt marsh wetlands, which have also been disturbed, and 2.49 acres of adjacent high quality mangrove forest wetlands, as described in the 'Wetlands' section below. The mangrove wetlands are hydrologically connected to marine waters through tidal cycles via the adjacent Riviera Canal located on the south side. The mean high water elevation at the site is 1.65 feet NGVD. The shoreline of the canal in this location is unimproved, and is overgrown with and is contiguous with the on-site mangrove wetlands.

A public boat ramp is located off-site and adjacent to the project site, at the southeast corner of the site. This boat ramp is located at the end of 11th Street where the roadway terminates at the Riviera Canal.

PROPOSED PROJECT:

The project includes construction and operation of a 1.02 acre synagogue (building, parking area, roadway access driveway and surface water management system). The surface water management system will consist of storm inlets and site grading that will direct all runoff to a dry retention area. No offsite discharge is proposed for the 25-year 3-day design event.

The project also includes performing on-site wetland mitigation and preservation, as described in the 'Wetlands' section below.

Detailed surface water management and wetland mitigation/preservation plans are included as Exhibits 2, 3.0 and 3.1.

LAND USE:

Construction:

Project:

	This Phase	Total Project	
Dry Retention Areas	.33	.33	acres
Impervious	.48	.48	acres
Pervious	.21	.21	acres
Preserved	3.23	3.23	acres
Total:	4.25	4.25	

WATER QUANTITY :

Discharge Rate :

The surface water management system has been designed to retain the volume of runoff from the 25 year/3 day storm event onsite.

Control Elevation :

Basin	Area (Acres)	Ctrl Elev (ft, NGVD 29)	WSWT Ctrl Elev (ft, NGVD 29)	Method Of Determination
Chabad	4.25	2/2	2.00	Wet Season Water Table

WATER QUALITY:

Water quality treatment is being provided for a volume of runoff greater than one inch over the developed site area.

To ensure that proposed construction activities do not degrade adjacent wetlands and surface waters, the permittee will install and maintain temporary silt fences around the limits of construction in accordance with Exhibit 2, pages 3 and 6, and as stipulated in the special conditions of this permit. The temporary erosion control barriers will be installed prior to and will be removed upon completion of construction activities.

No adverse water quality impacts are anticipated as a result of the proposed project.

Basin	Treatment Method	Vol Req.d (ac-ft)	Vol Prov'd
Chabad	Treatment Dry Retention	.33 acres .04	.29

WETLANDS:

The site contains 0.56 acres of scattered, degraded, and low quality salt marsh wetlands, shown on Exhibit 3.0, that have been physically disturbed by unrestricted access, stockpiling of construction materials and solid waste disposal. Vegetation within this area is sparse due to the physical disturbances and compacted soils. A small portion of the northwestern-most portion of these wetlands is contiguous with degraded low quality salt marsh wetlands located off-site on the adjacent parcel to the west.

The site also contains 2.49 acres of adjacent high quality mangrove forest wetlands, located waterward (toward the Riviera Canal to the south) of the salt marsh wetlands, as shown on Exhibit 3.0. This wetland primarily consists of dense, mature red mangroves (*Rhizophora mangle*) but also includes some scattered black mangroves (*Avicennia germinans*) and white mangroves (*Laguncularia racemosa*) along the outer areas of the wetland. This forested mangrove wetland area is contiguous with and hydrologically connected to marine waters through tidal cycles via the adjacent Riviera Canal located on the south side. The shoreline of the canal in this location is unimproved, and is overgrown with and is contiguous with the on-site mangrove wetlands. These wetlands are contiguous with additional mangrove forest wetland area located off-site on the adjacent parcel to the west.

The total area of existing on-site wetlands is 3.03 acres.

Wetland Impacts:

The project includes direct impacts to 0.28 acre of disturbed, low quality salt marsh wetlands which are located within the 1.02 acre footprint of the development and will be filled, as shown on Exhibit 3.0. The project also includes 0.20 acre of secondary wetland impacts as described in the 'Mitigation Proposal'

section below.

The permittee has implemented practicable design modifications to reduce and eliminate wetland impacts, and has proposed to eliminate impacts to the high quality mangrove forest wetlands and reduce impacts to the adjacent surrounding salt marsh wetlands.

Mitigation Proposal:

The project site is located within the Florida Keys Area of Critical State Concern designated pursuant to Chapter 380, Florida Statute. Therefore, based upon Section 4.2.2.1 of the Basis of Review for Environmental Resource Permit Applications, wetland mitigation is required to offset all adverse impacts to wetlands, including isolated wetland areas which are less than one-half acre in size.

The permittee proposes to mitigate for 0.28 acre of direct impacts and 0.20 acre of secondary wetland impacts to disturbed, low quality salt marsh wetlands by performing on-site mitigation that includes: enhancing 0.26 acre of salt marsh wetlands, restoring 0.46 acre of salt marsh wetlands, and preserving 2.49 acres of mangrove forest wetlands. These wetland mitigation areas are adjacent and contiguous with one another.

The salt marsh wetlands enhancement and restoration activities include: 1) removing all invasive/exotic vegetation; 2) removing fill material and solid waste debris; 3) re-grading the area to surrounding wetland elevations (1.2 to 1.8 feet NGVD) and re-grading the landward perimeter to a more natural transitional slope from the surrounding uplands to the wetlands; and 4) allowing the area to naturally recruit with native salt marsh wetland species from adjacent areas. It is anticipated that once the enhanced and restored salt marsh wetland area is lowered to more appropriate wetland elevations (1.2 to 1.8 feet NGVD), and therefore a more appropriate tidal hydrologic regime (mean high water elevation is 1.65 feet NGVD), and the area is maintained free of invasive/exotic vegetation, the area will become vegetated with appropriate native wetland and transitional vegetation. (see Exhibits 3.0 and 3.1)

The preservation of the mangrove forest wetlands includes removal of all invasive/exotic vegetation and any trash and solid waste debris from the wetlands. (see Exhibits 3.0 and 3.1)

Based upon the very close proximity of the existing on-site wetlands to adjacent off-site areas on the north and east sides of the project site (Flagler Avenue (a high density roadway), 11th Street, and the public boat ramp), the project site plan does not include a wetland buffer with a 25-foot average/15-foot minimum width between the limits of the on-site wetland mitigation areas and the proposed project and adjacent off-site areas. In addition, based upon municipal ordinances, the permittee cannot install a fence or barrier between the wetlands and the adjacent off-site areas, because the fence/barrier would be located within a set-back area. Since spatial buffers and protective fencing could not be provided around the on-site wetland mitigation areas, secondary adverse impacts were assessed in accordance with Section 4.2.7 of the Basis of Review for Environmental Resource Applications, as described below.

Permanent signs designating the preserve status of the on-site wetland mitigation areas will be placed every 50 feet along the landward edge of the northwest, north and east side perimeter as shown in Exhibits 2 and 3.1. The signs will be maintained in functional order in perpetuity.

Pursuant to Rule 62-345, F.A.C., a functional analysis using the Unified Mitigation Assessment Method (UMAM) was conducted to determine the amount of mitigation needed to offset the 0.28 acre of direct impacts and 0.20 acre of secondary impacts to the salt marsh wetlands, and to determine the value of the on-site wetland mitigation. According to that analysis, the on-site wetland mitigation will adequately offset the wetland impacts. Specifically the wetland impacts will result in a functional loss of 0.09 units and the wetland mitigation will result in a functional gain of 0.09 units, as shown in the Wetland Inventory table below. A copy of District staff's mitigation UMAM calculations are contained in the District permit file.

Cumulative Impact Assessment:

The proposed wetland mitigation is located within the same basin as the proposed wetland impacts. Therefore, pursuant to Rule 4.2.8 of the Basis of Review, the project will not result in adverse cumulative wetland impacts to the basin in which the wetland impacts are proposed.

Monitoring/Maintenance:

A monitoring and maintenance plan for the on-site wetland mitigation area (salt marsh wetland enhancement and restoration area and mangrove preservation area) will be implemented in accordance with Exhibit 3.1.

Monitoring activities will include vegetation sampling, photographic documentation, fish and wildlife observations and hydrologic conditions documentation. The monitoring program will extend for a period of 5 years with annual reports submitted to District staff. At the end of the second year monitoring period, the salt marsh wetland enhancement and restoration mitigation area will contain 50% coverage of native wetland and transitional vegetative species. By the end of the third year monitoring period, the salt marsh wetland enhancement and restoration mitigation area will contain 80% coverage of native wetland and transitional vegetative species which will be maintained throughout the remainder of the monitoring program, with planting as necessary achieve 80%. If native wetland and transitional species do not achieve 50% coverage within the initial two years of the monitoring program, native species will be planted in accordance with the maintenance program. At the end of the 5 year monitoring program, the entire mitigation area will contain 80% coverage of desirable native wetland and transitional species.

A wetland mitigation maintenance program will be implemented for the salt marsh and mangrove forest wetlands in accordance with Exhibit 3.1, on a regular basis to ensure the integrity and viability of the mitigation area as permitted. Maintenance will be conducted in perpetuity to ensure that the wetland mitigation area is maintained free from Category 1 exotic vegetation (as defined by the Florida Exotic Pest Plant Council at the time of permit issuance) immediately following a maintenance activity. Maintenance in perpetuity will also ensure that the mitigation area is being maintained for the species and coverage of native, desirable vegetation specified in the permit. Coverage of exotic and nuisance plant species will not exceed 5% of total cover between maintenance activities. In addition, the permittee will manage the mitigation area such that exotic/nuisance plant species do not dominate any one section of those areas.

Wetland Inventory:

Although the 'Wetland Inventory Table' below indicates a total functional loss of 0.08 units resulting from direct impacts, the project also includes a functional loss of 0.01 units resulting from the 0.20 acre of secondary impacts. However, based upon current database capabilities, staff is unable to accurately reflect the functional loss associated with secondary wetland impacts in the 'Wetlands Inventory Table'.

CAMBER 10-04-2010 11:15 AM

habitat for wetland-dependent endangered or threatened wildlife species or species of special concern, specifically for wetland-dependent bird species. It is not anticipated that the proposed project will adversely impact any listed species.

This permit does not relieve the permittee from complying with all applicable rules and any other agencies' requirements if, in the future, endangered/threatened species or species of special concern are discovered on the site.

Species	Potential Occurrence	Use Types
Hérons	Preferred Habitat	Preferred Habitat
Osprey	Preferred Habitat	Preferred Habitat
White Ibis	Preferred Habitat	Preferred Habitat

LEGAL ISSUES:

The permittee is the responsible entity for the construction, maintenance, monitoring, success, management and operation of the 3.21 acre on-site wetland mitigation areas in accordance with the special conditions of this permit in accordance with Exhibit 3.2. However, should the property be sold, the new owner(s) will be required to accept responsibility for the perpetual management and maintenance of the on-site wetland mitigation area.

The 3.21 acres of on-site wetland mitigation areas (salt marsh wetland enhancement and restoration areas and mangrove forest wetland preservation area) will be protected long-term by the permittee's recording of a Deed of Conservation Easement granted to the District. The final recorded conservation easement document will be in complete conformance with the draft conservation easement document provided in Exhibit 3.3, and will be submitted to the District in accordance with the work schedule provided in Exhibit 4 and as stipulated in the special conditions of this permit.

The permittee submitted a cost estimate for the construction, maintenance, and monitoring of the 3.21 acre on-site wetland mitigation area. In accordance with Rule 4.3.7.1 BOR, the applicant was not required to provide a financial assurance mechanism to cover these costs.

OPERATING ENTITY:

Operation and maintenance of the surface water management system and the on-site wetland mitigation areas will be the responsibility of the permittee.

CERTIFICATION AND MAINTENANCE OF THE WATER MANAGEMENT SYSTEM:

It is suggested that the permittee retain the services of a Professional Engineer registered in the State of Florida for periodic observation of construction of the surface water management (SWM) system. This will facilitate the completion of construction completion certification Form #0881 which is required pursuant to Section 10 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, and Rule 40E-4.361(2), Florida Administrative Code (F.A.C.).

Pursuant to Chapter 40E-4 F.A.C., this permit may not be converted from the construction phase to the operation phase until certification of the SWM system is submitted to and accepted by this District. Rule 40E-4.321(7) F.A.C. states that failure to complete construction of the SWM system and obtain operation phase approval from the District within the permit duration shall require a new permit authorization unless a permit extension is granted.

For SWM systems permitted with an operating entity who is different from the permittee, it should be noted that until the permit is transferred to the operating entity pursuant to Rule 40E-1.6107, F.A.C., the permittee is liable for compliance with the terms of this permit.

The permittee is advised that the efficiency of a SWM system will normally decrease over time unless the system is periodically maintained. A significant reduction in flow capacity can usually be attributed to partial blockages of the conveyance system. Once flow capacity is compromised, flooding of the project may result. Maintenance of the SWM system is required to protect the public health, safety and the natural resources of the state. Therefore, the permittee must have periodic inspections of the SWM system performed to ensure performance for flood protection and water quality purposes. If deficiencies are found, it is the responsibility of the permittee to correct these deficiencies in a timely manner.

RELATED CONCERNS:

Water Use Permit Status:

The applicant has indicated that the public water supply will be used as a source for irrigation water for the project, if any is required. The applicant has also indicated that dewatering is not required for construction of this project.

This permit does not release the permittee from obtaining all necessary Water Use authorization(s) prior to the commencement of activities which will require such authorization, including construction dewatering and irrigation, unless the work qualifies for a No-Notice Short-Term Dewatering permit pursuant to Chapter 40E-20.302(3) or is exempt pursuant to Section 40E-2.051, FAC.

CERP:

The proposed project is not located within or adjacent to a Comprehensive Everglades Restoration Project component.

Potable Water Supplier:

Florida Keys Aqueduct Authority

Waste Water System/Supplier:

City of Key West Wastewater Plant

Right-Of-Way Permit Status:

A District Right-of-Way Permit is not required for this project.

DRI Status:

This project is not a DRI.

Historical/Archeological Resources:

The District has received correspondence from the Florida Department of State, Division of Historical Resources indicating that the agency has no objections to the issuance of this permit.

DCA/CZM Consistency Review:

The issuance of this permit constitutes a finding of consistency with the Florida Coastal Management Program.

Third Party Interest:

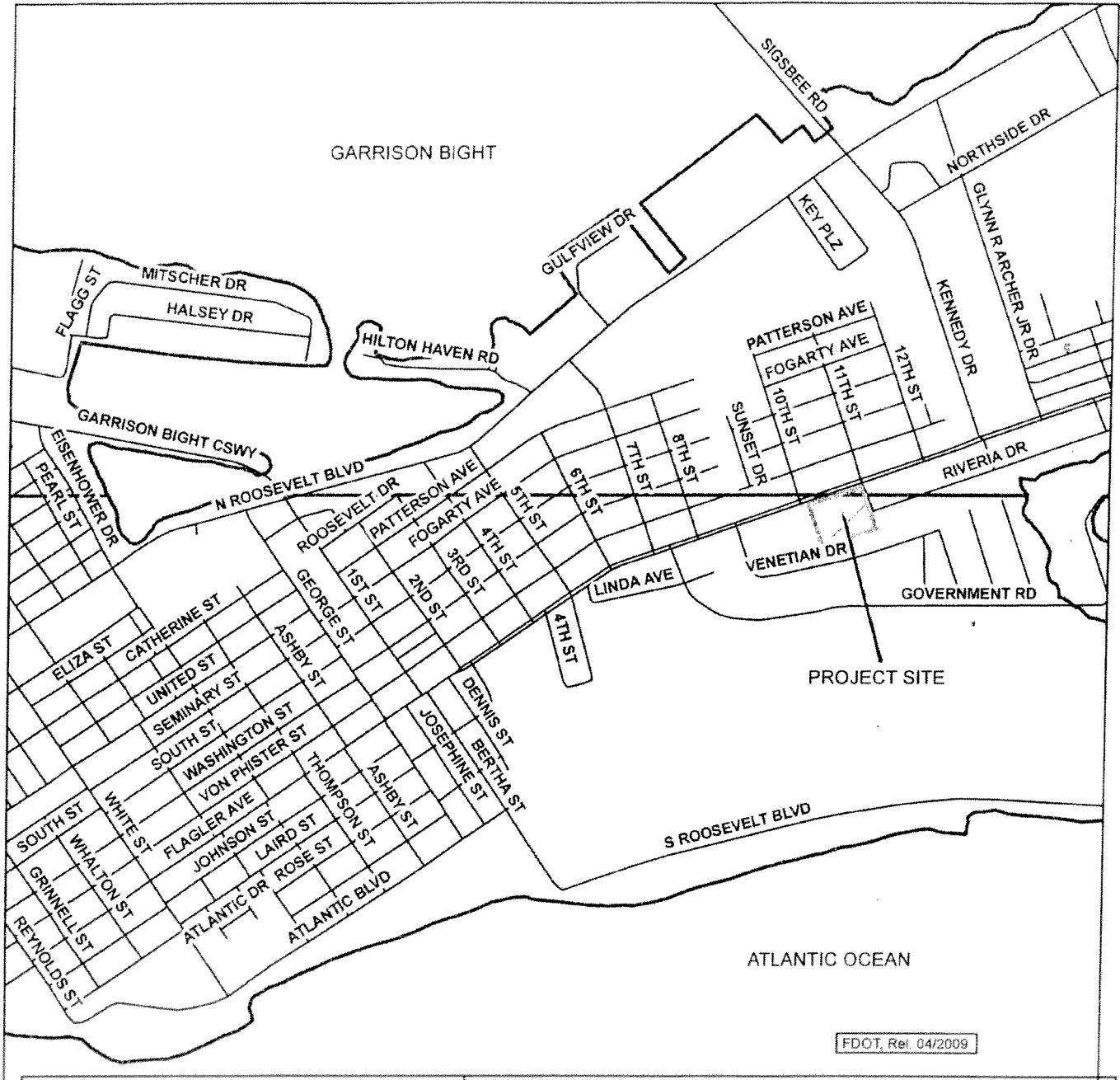
No third party has contacted the District with concerns about this application.

Enforcement:

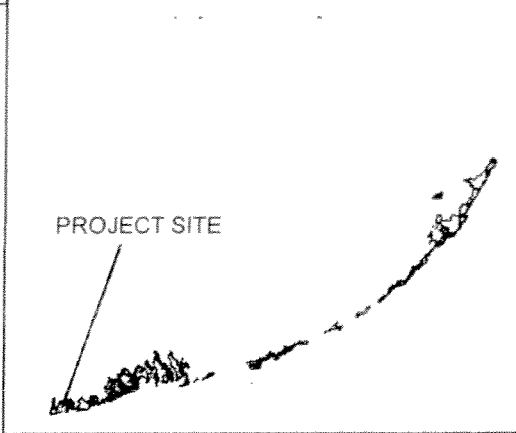
There has been no enforcement activity associated with this application.

STAFF REVIEW:

PROJECT VICINITY AND LOCATION MAP



FDOT, Rel. 04/2009



MONROE COUNTY, FLORIDA



Legend
 Application

Map Date: 5/20/2010

Application Number: 080509-15

Permit Number: 44-00460-P

Project Name: CHABAD OF KEY WEST

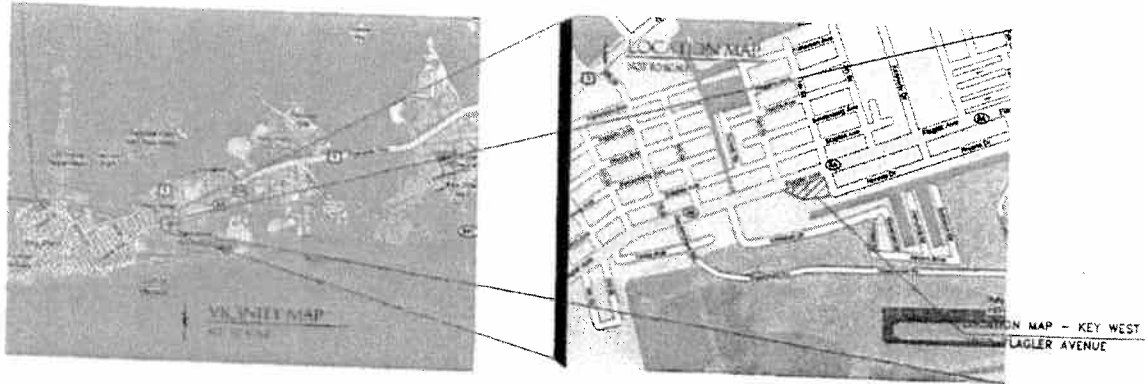


Exhibit : 1

2800 FLAGLER AVE.

CONSTRUCTION PLANS KEY WEST MONROE COUNTY, FLORIDA

48 HOURS BEFORE DIGGING
CALL TOLL FREE
1-800-432-4770
FLORIDA STATE LUBRICATING
OILS & NOTIFICATION CENTER



PREPARED FOR:
CHABAD OF KEY WEST, INC.
2800 FLAGLER AVE
KEY WEST, FLORIDA 33040



PEREZ ENGINEERING
& DEVELOPMENT, INC.
1010 EAST KENNEDY DRIVE, SUITE 400
KEY WEST, FLORIDA 33040
TEL: (305) 293-9440 FAX: (305) 298-0243

080509-15#

RECEIVED
STAGE
ENVIRONMENTAL

SHEET LIST TABLE

SHEET NUMBER	SHEET TITLE
-	COVER
0-1	GENERAL NOTES
0-2	TRANSVERSE SECTION & DECK/PAVEMENT PLAN
0-3	SOIL PLAN
1-4	DRAINAGE & GRADING PLAN
1-5	UTILITY PLAN
1-6	UTILITY DETAILS
1-7	CONCRETE DETAILS

LEGAL DESCRIPTION

 The description of the property shown on these plans is based on a plat of the property recorded in the public records of Monroe County, Florida, and is subject to all other laws, ordinances, rules, regulations, orders, and decrees of the State of Florida and the United States of America, and to all other laws, ordinances, rules, regulations, orders, and decrees of the State of Florida and the United States of America, and to all other laws, ordinances, rules, regulations, orders, and decrees of the State of Florida and the United States of America, and to all other laws, ordinances, rules, regulations, orders, and decrees of the State of Florida and the United States of America.

SUB DATA LABEL

DESCRIPTION	DATE
DESIGN	02/01/06
REVISION	02/01/06
APPROVED	02/01/06

REVISIONS

NO.	DATE	DESCRIPTION
1.		
2.		
3.		
4.		
5.		
6.		

DATE: FEBRUARY 2006

CIVIL ENGINEERING • REGULATORY PERMITTING • CONSTRUCTION MANAGEMENT

PEREZ ENGINEERING & DEVELOPMENT, INC.
 CERTIFICATE OF AUTHORIZATION NO. 08179

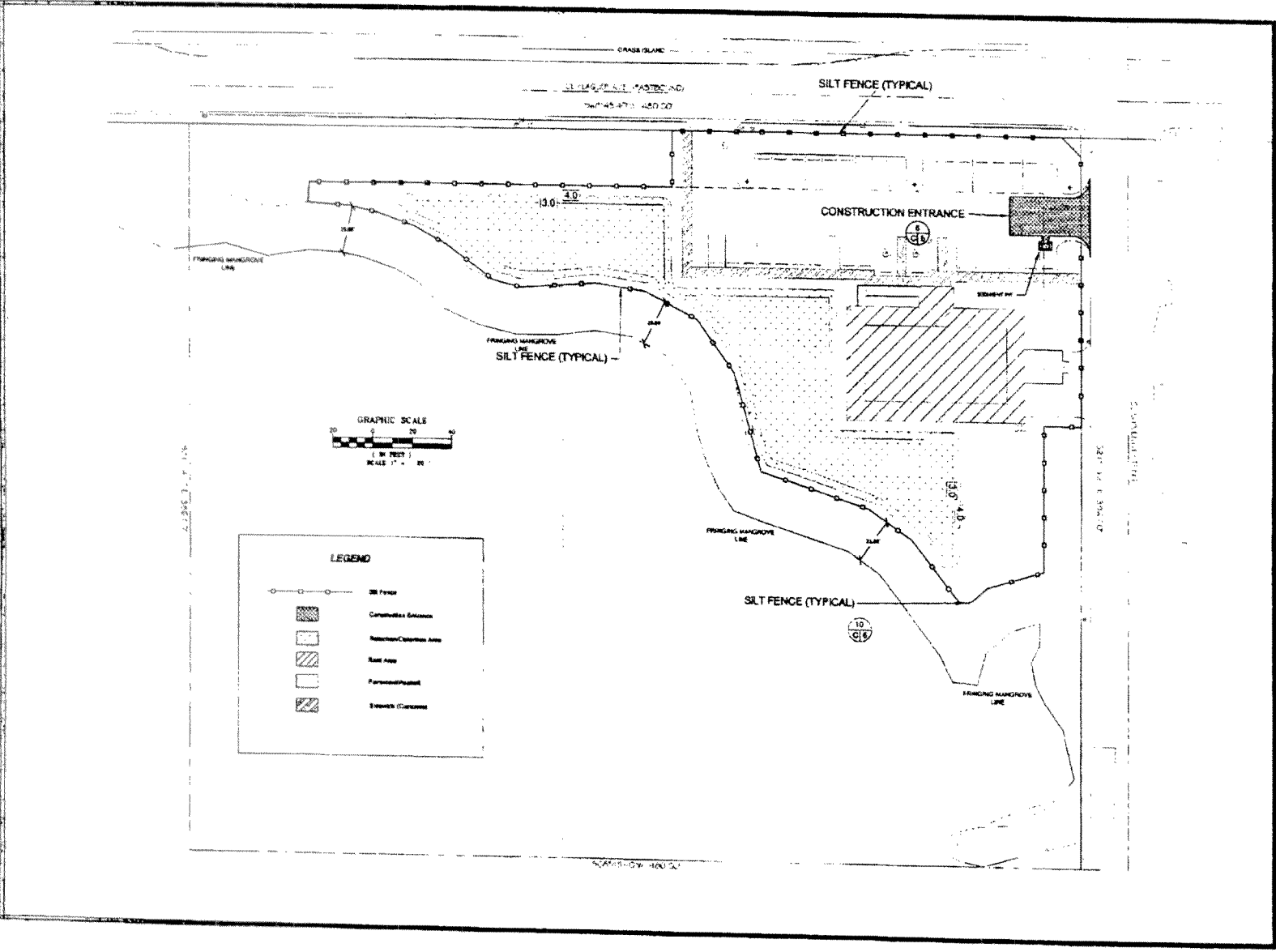
KEY WEST OFFICE
 1010 EAST KENNEDY DRIVE, SUITE 400
 KEY WEST, FLORIDA 33040
 TEL: (305) 293-9440 FAX: (305) 298-0243

TAMPA OFFICE
 CONCOURSE CENTER
 3507 EAST FRONTAGE ROAD, SUITE 140
 TAMPA, FLORIDA 33607
 TEL: (813) 373-1010 FAX: (813) 258-0710

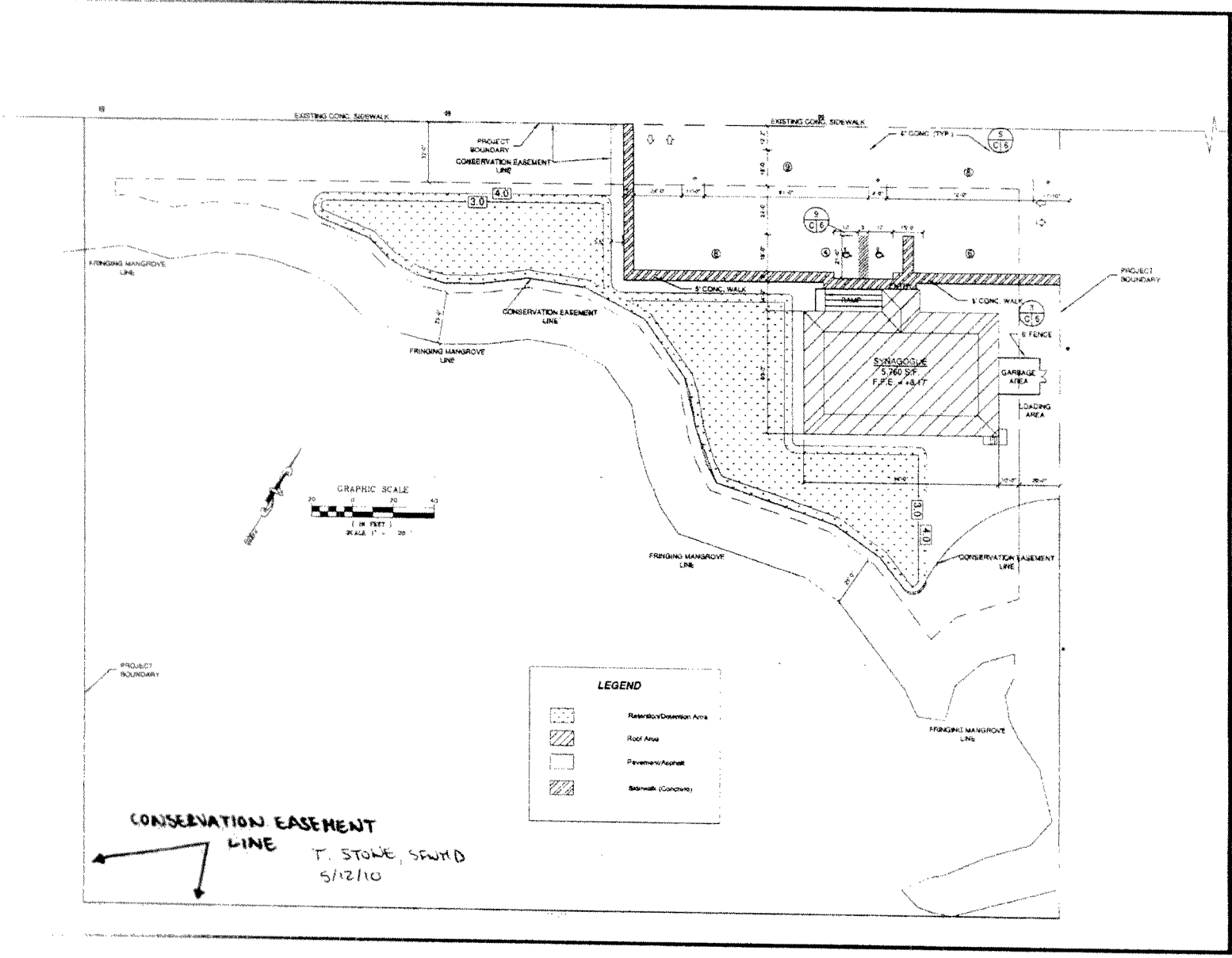
PERMITS

PERMIT AGENCY	TYPE	NUMBER	DATE
SMALL	DEP		
STATE	WATER		
FEDERAL	WATER		

APPROVED:
 MICHAEL R. PEREZ
 REGISTERED PROFESSIONAL ENGINEER
 STATE OF FLORIDA
 LICENSE NO. 12141



<p>PEREZ ENGINEERING & DEVELOPMENT, INC. 3001 GARDEN LANE, SUITE 100 MIAMI, FL 33133 TEL: 305.375.1111 FAX: 305.375.1112 WWW.PEREZENGINEERING.COM</p>	
<p>DATE: 11/11/11 DRAWN BY: [Signature] CHECKED BY: [Signature] PROJECT NO: 080509-15</p>	<p>PROJECT: 080509-15 SHEET: C-2</p>
<p>CLIENT: CHABAD OF KEY WEST, INC. 2800 FLAGLER AVE. KEY WEST, FL 33040</p>	<p>PROJECT: EROSION & DEMO PLAN</p>
<p>JOB NO: 080509-15 DRAWN: [Signature] CHECKED: [Signature] DATE: 11/11/11</p>	<p>PROJECT: 080509-15 SHEET: C-2</p>



CIVIL ENGINEERING
 PÉREZ ENGINEERING & DEVELOPMENT, INC.
 10111 W. BAYVIEW BLVD., SUITE 100
 MIAMI, FL 33147
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 WWW.PEREZENGINEERING.COM

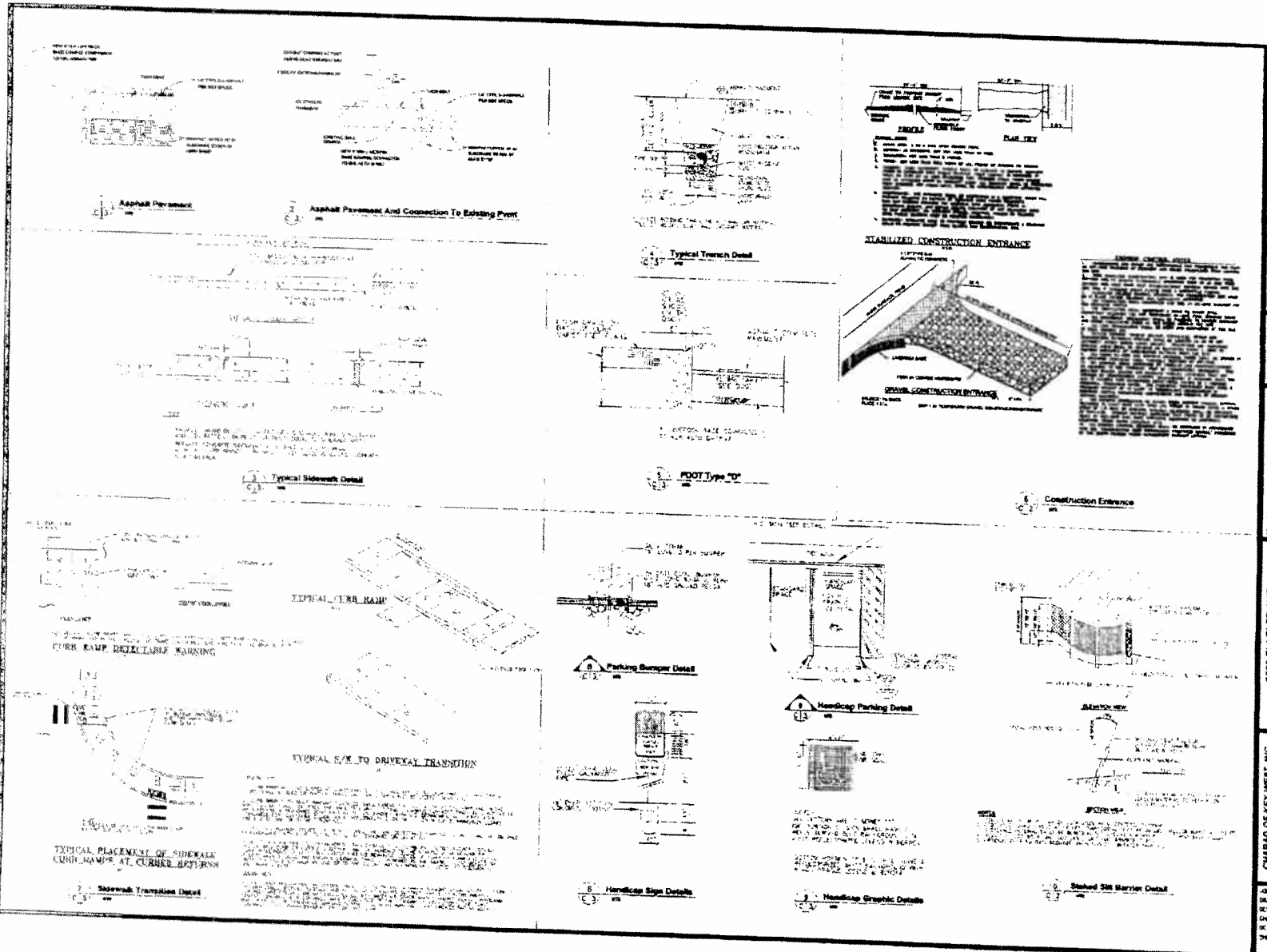
SCALE
 1" = 20'

SITE PLAN

APPLICATION NO. 080509-15

EXHIBIT 2

Page 6 of 9

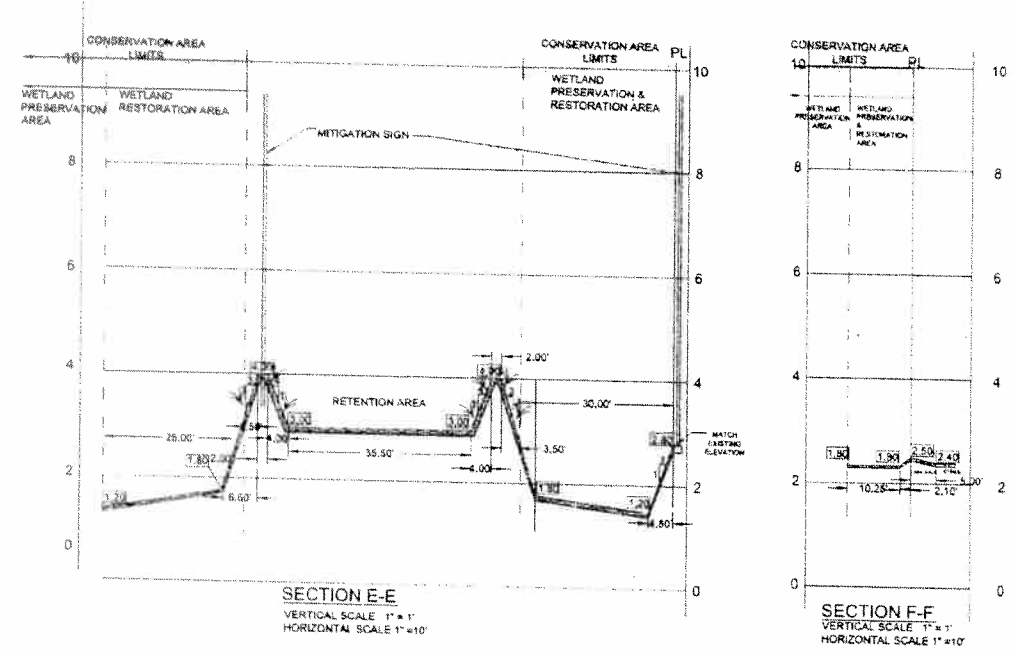


PEREZ ENGINEERING & DEVELOPMENT, INC.
 2800 FLAGLER AVE
 KEY WEST, FL 33040
 305-857-1111
 www.perezeng.com

Typical Details
 2800 FLAGLER AVE
 KEY WEST, FL 33040

CHABAO OF KEY WEST, INC.
 2800 FLAGLER AVE
 KEY WEST, FL 33040

JOB NO. 080509-15
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 DATE: 11/20/00
 SCALE: AS SHOWN
 SHEET NO. 6 OF 6



NOTES:

1. All slopes to be sodded for stabilization. Wetland side of slopes located within the proposed conservation easement needs to be planted with native wetland / transitional plant species
2. All slopes to be sodded for stabilization. The wetland side of slopes located within the conservation easement will be planted with native wetland and transitional wetland vegetation. Plant species include equal proportions of *Borrchia frutescens*, *Spartina patens*, *Paspalum vaginatum*, and *Sporobolus virginicus*. Plants will be 4" pots and will be planted on 36" centers.

CROSS SECTIONS

2800 FLAGLER AVE KEY WEST FL 33040	CHABAO OF KEY WEST, INC. 7809 FLAGLER AVE KEY WEST FL 33040
2800 FLAGLER AVE KEY WEST FL 33040	CHABAO OF KEY WEST, INC. 7809 FLAGLER AVE KEY WEST FL 33040

PULSE ENGINEERING & DEVELOPMENT, INC.
 10000 SW 15th St., Suite 200
 Miami, FL 33185
 Phone: (305) 444-1111
 Fax: (305) 444-1112
 Email: info@pulseeng.com
 Website: www.pulseeng.com

Project Description

The Chabad of Key West property is located at 2800 Flagler Avenue, Key West, Monroe County. The property is 4.2⁸ acres and is located adjacent to Riviera Canal (Figure 1). The proposed project includes the construction of a 6,546 square foot synagogue facility with parking for 35 cars and an access driveway. Details of the proposed project were submitted in the initial permit application in May 2008 (#080509-15). Additional elimination and reduction of wetland impacts have been incorporated into the current site plan compared to the initial submittal ~~and are described in Attachment 1 - Wetland Fill Plan.~~

Wetland Assessment Areas

The habitats on the property include disturbed uplands, disturbed salt marsh wetlands, and mangrove wetlands (~~Attachment 1 - Wetland Fill Plan~~). A wetland jurisdictional (JD) line for was established project planning and regulatory purposes, and was based on the presence of obligate wetland plants, hydrological indicators, and soil conditions, and topographical elevations.

The site was inspected by District staff on May 8, 2008 and minor modifications to wetland boundaries were made based on that site visit and a subsequent letter requesting additional information (RAI) dated June 5, 2008. The current Wetland Fill Plan represents reflects these modifications. Seven wetland assessment areas were identified on the property (Table 1).

MODIFICATIONS -
T. STONE, SFWMD
5/12/10
Page 1 of 10

Table 1. Wetland areas on the Chabad of Key West property, 2800 Flagler Avenue, Key West, Monroe County.

Wetland ID	Description / FLUCCS	Area (acres)	Comments
Wetland A	Disturbed salt marsh / 642	0.04	Enhancement area, Northwest corner of property, connected with off-site wetlands to the west Enhancement area,
Wetland B	Disturbed salt marsh / 642	0.03	Enhancement area, Isolated wetland, exotic vegetation present
Wetland C	Disturbed salt marsh / 642	0.02	Enhancement area, Southeast corner of property, connected to mangrove wetlands
Wetland D	Disturbed salt marsh / 642	0.16	Enhancement area
Wetland E	Disturbed salt marsh / 642	0.01	Enhancement area, Isolated wetland on east side
Wetland F	Disturbed salt marsh / 642	0.28	Impact area, degraded wetland with fill piles, solid waste present
Wetland G	Mangrove Swamp / 612	2.49	Preservation area, well-developed mangrove swamp, adjacent to Riviera Canal

Wetland Impacts

Wetland impacts will occur in Wetland F, a disturbed salt marsh wetland in the central area of the property, and total 0.28 acres. A UMAM functional assessment was completed using guidance from the June 5, 2008 SFWMD RAI and the *functional loss associated with this wetland impact is -0.076 (Attachment 2 – UMAM Forms).*

Wetland Restoration Areas

Wetland restoration and enhancement will be accomplished through the removal of fill material and debris from on-site salt marsh wetlands. Wetland restoration will involve removal of fill material from upland areas, converting these uplands to functional wetlands. Following removal of vegetation and debris, fill will be removed to match adjacent salt marsh elevations, generally *ranging* from +1.2 to +1.8 NGVD. Wetland restoration areas will combine with wetland enhancement and preservation areas to result in contiguous wetlands connected to the larger area of mangroves to be preserved, maximizing on-site wetland preservation.

Table 2. Upland restoration areas to be converted to salt marsh wetlands through the removal of fill material. Areas of upland restoration were treated as a single assessment area in UMAM due to proximity and similarity of ecological conditions.

Upland Restoration Area	Description / FLUCCS	Area (ac)	Comments
1	Disturbed uplands / 740	0.37	Northwest portion of property, adjacent to Flagler Ave.
2	Disturbed uplands / 740	0.02	Central area, in 25' mangrove setback
3	Disturbed uplands / 740	0.05	East side adjacent to 11 th Street
4	Disturbed uplands / 740	0.02	Southeast corner, adjacent to canal
Total Upland Restoration Area		0.46	

Wetland Enhancement Areas

Wetland enhancement will be accomplished through hydrologic connections of wetland patches into larger contiguous wetlands, and also the removal of fill and debris and invasive exotic vegetation. Following removal of vegetation and debris, fill will be removed to match adjacent

salt marsh elevations, generally ^{ranging from} +1.2 to +1.8 NGVD. Wetland enhancement areas will combine with wetland restoration and preservation areas to result in contiguous wetlands connected to the larger area of mangroves to be preserved, maximizing on-site wetland preservation.

Table 3. Wetland ~~enhancement~~ ^{restoration} areas to be converted to salt marsh wetlands through the removal of fill material. Areas of wetland enhancement ^{restoration} were treated as a single assessment area in UMAM due to proximity and similarity of ecological conditions.

Wetland Enhancement Area	Description / FLUCCS	Area (ac)	Comments
Wetland A	Disturbed salt marsh / 642	0.04	Enhancement area, Northwest corner of property, connected with off-site wetlands to the west Enhancement area,
Wetland B	Disturbed salt marsh / 642	0.03	Enhancement area, Isolated wetland, exotic vegetation present
Wetland C	Disturbed salt marsh / 642	0.02	Enhancement area, Southeast corner of property, connected to mangrove wetlands
Wetland D	Disturbed salt marsh / 642	0.16	Enhancement area
Wetland E	Disturbed salt marsh / 642	0.01	Enhancement area, Isolated wetland on east side
Total Wetland Enhancement Area		0.26	

Wetland Preservation

The 2.49 acre on-site mangrove wetland located on the southern portion of the property will be preserved under a conservation easement with perpetual management. No UMAM functional assessment was completed on this area because no mitigation benefit was anticipated.

Mitigation Construction Plan

Construction of the mitigation areas will require the use of mid-sized equipment to remove fill material from upland restoration areas and to re-grade to match adjacent wetland elevations. All excavated material will be disposed of in an upland location. Staked silt curtains will be installed at the limit of the wetland preservation area immediately following completion of excavation and will remain in place through project completion.

Excavation of the mitigation site will be conducted to achieve the dimensions and target wetland elevations ~~shown on Attachment 1 – Wetland Fill Plan~~. Rather than prescribe a precise elevation (e.g. 1.x) for all excavated areas, the site will be excavated within a range of wetland elevations on the site using the natural topography of the site (e.g. 0.9 – 1.2). A biologist qualified to oversee wetland mitigation will be present throughout mitigation excavation to ensure the work is performed to specifications and any in-process adjustments required creating suitable wetland grades are made during the excavation process. Our experience has shown a hands-on approach to site excavation is preferred to the engineered approach as subtle differences in elevations and grades are critical when working in salt marsh wetland elevations. Extreme care will be taken during excavation of fill material adjacent to existing wetlands to prevent adverse impacts to existing wetland areas.

No planting is proposed for the mitigation area. The areas of upland restoration are interspersed with existing wetlands with suitable native wetland vegetation. It is highly likely that the excavated wetland areas will re-colonize with native wetland vegetation rapidly and planting the site would not accelerate wetland functions in proportion to the expense required.

Regulatory signage informing of the protected status of the wetland mitigation area, including mangroves, will be installed at 50-foot intervals (or less) ~~as per Attachment 1 – Wetland Fill Plan~~, located along the boundary of the mitigation area that clearly delineates the preservation area and informs residents of the areas protected status. Because the mitigation site is not easily accessed by vehicles due to the placement of the building, stormwater treatment areas, and the

presence of sidewalks and curd and gutter, ***no fencing of the mitigation areas is proposed.*** No signage will be installed in the dense mangrove swamp, also due to the inaccessibility of this area.

Mitigation Monitoring

Following completion of the construction of the mitigation site, a baseline mitigation monitoring report will be prepared for the South Florida Water Management District. The baseline monitoring report will include an as-built survey, species list ~~and number of plants installed~~, and photo documentation of the site.

Annual monitoring reports will be provided for a period of five (5) years or until the site is deemed to be successful by the SFWMD and shall include:

Permit Number

Date of monitoring

Species list and number of plants surviving

Percent cover by wetland vegetative species

Percent cover by exotic/nuisance vegetative species

Description of any exotic plant control procedures

Observations of water depth and tidal flow

Observations of Wildlife

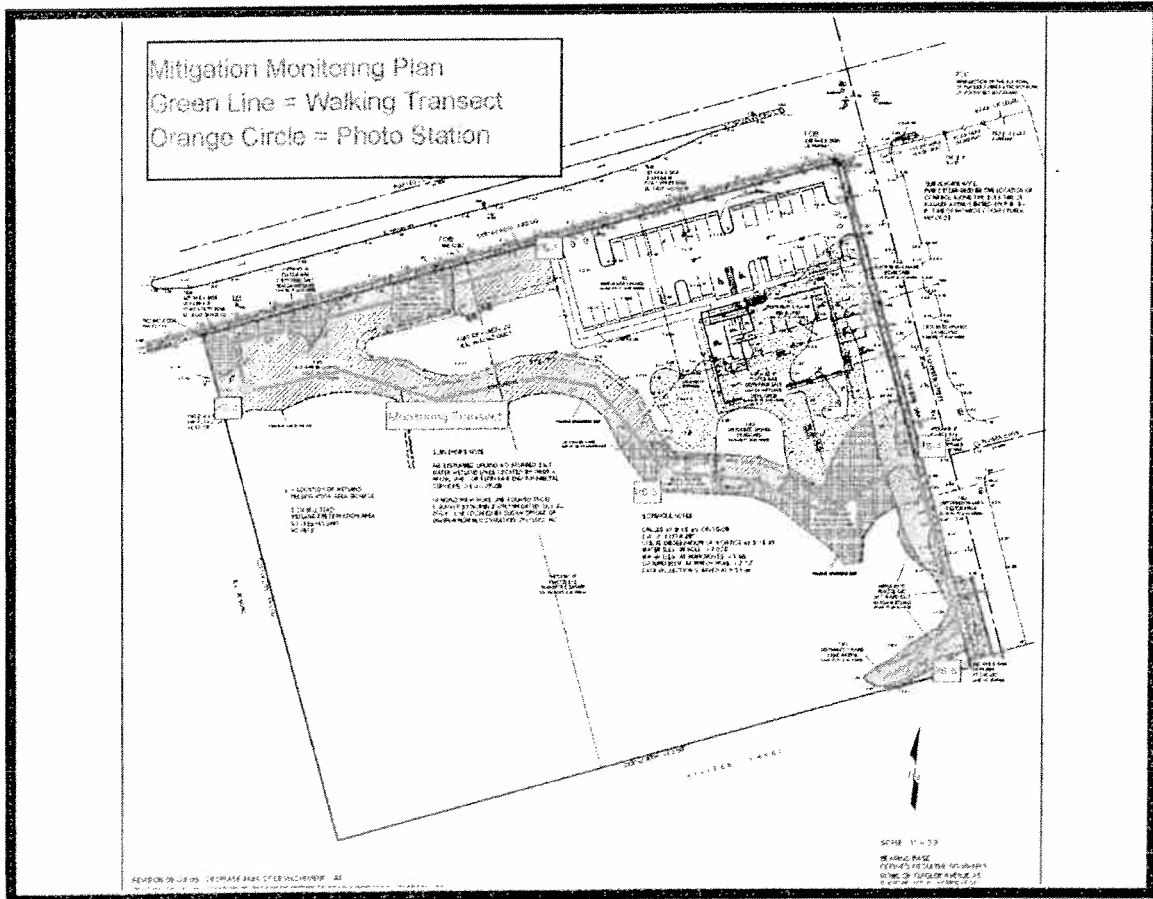
Antecedent weather conditions

Photo documentation at a fixed reference point

Functional Analysis (UMAM)

Because the proposed wetland mitigation areas are salt marshes, tidal inundation on a regular basis is not anticipated, but rather the sites will flood on tidal events. For this reason, ***staff gauges intended to measure water depths are not proposed.***

Monitoring of the wetland preservation area will be conducted using foot surveys. Due to the small area of the site, the entire mitigation area will be traversed over one transect. Reference photos will be taken at each of five photo stations as indicated in the figure below.



Mitigation Monitoring Schedule

The precise date of construction is difficult to predict, however it is anticipated that once all permits are acquired and funding secured, construction of the mitigation areas will begin in 2011.

Therefore, the following mitigation monitoring schedule is tentatively proposed:

Date	Activity	Milestone
October 2011	Baseline Monitoring Report	Excavation of upland areas completed
October 2012	1st Annual Post-planting Monitoring Report	monitoring
October 2013	2nd Annual Post-planting Monitoring Report	50% coverage in planted areas
October 2014	3rd Annual Post-planting Monitoring Report	80% coverage in planted areas
October 2015	4th Annual Post-planting Monitoring Report	Monitoring
October 2016	Final Monitoring and Compliance Report	Monitoring

Mitigation Success Criteria

Vegetative targets for all restoration areas will be to achieve a minimum of 50% wetland vegetative cover by two years and 80% wetland vegetative cover by the end of three years. In addition, nuisance and invasive exotic vegetation will be at 0% coverage following each annual monitoring event, and will not exceed 5% coverage between maintenance events. Finally, the implementation of a long-term management plan (see below) will also ensure that adverse impacts resulting from adjacent development shall not occur.

Natural Areas Management Plan

The wetland mitigation area will be managed as natural areas under a management plan. The management plan will include the removal of all nuisance and exotic plant species, removal of all solid waste, and the monitoring and prevention of encroachment or other adverse impacts by adjacent residential development. The overall intent of the Mitigation Maintenance and Management Plan is to maintain the ecological integrity of the natural areas on the property in

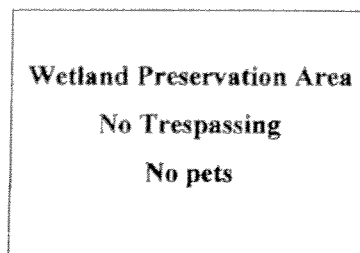
perpetuity.

Management of invasive exotic vegetation will be conducted annually by hiring a State of Florida licensed herbicide applicator to apply an appropriate herbicide to all invasive exotic plants found growing in the natural areas on the project site. The initial removal of large invasive exotic vegetation may involve equipment such as chain saws and chippers. However, because monitoring and control will occur annually over the entire site, all exotic plants encountered after the initial treatment should be small specimens easily killed with basal herbicide application.

To prevent the incremental degradation of shorelines and natural areas located adjacent to the proposed residential development, a management plan and annual monitoring will be implemented to ensure compliance. This management plan will be implemented and enforced by Chabad of Key West or its successors as the designated property manager. The management plan for the mitigation areas will consist of the following activities:

Signage will be installed at 50-foot intervals ~~as per Attachment 1 - Wetland Fill Plan~~, located along the boundary of the mitigation area that clearly delineates the preservation area and informs residents of the areas protected status. Because the mitigation site is not easily accessed by vehicles due to the placement of the building, stormwater treatment areas, and the presence of sidewalks and curd and gutter, *no fencing of the mitigation areas is proposed.*

Signage will read:



**Rabbi Jacob Zucker, President
CHABAD OF KEY WEST, INC.
2800 Flagler Avenue, Key West, FL 33040
(305) 304-7713**

January 11, 2010

Trisha D. Stone
Senior Environmental Analyst
Environmental Resource Permitting Division
3301 Gun Club Road
West Palm Beach, FL 33406

RE: WRITTEN COMMITMENT
APPLICATION NO. 080509-15 (Environmental Resource Regulation)
Monroe County, S4/T68S/R25E (2800 Flagler Ave., Key West, FL 33040)

Dear Ms. Stone:

As you are aware, Chabad of Key West, Inc., the owner of the property for the above-referenced project, is in the process of obtaining approvals necessary to construct structure for a religious worship on the property (a Jewish synagogue).

In your letter dated October 7, 2009, you requested a written commitment from the entity to be responsible for the perpetual maintenance of any mitigation area.

Chabad of Key West, Inc., as owner of the property, has reviewed the proposed mitigation plan, five-year monitoring and maintenance plan and conservation easement documents and agrees to implement all conditions of these plans as well as provide perpetual management of conservation easement and mitigation areas.

I hope this letter satisfies District requirements. Please do not hesitate to contact me if you have any questions.

Sincerely,



JACOB ZUCKER