

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



To: Chairman and Planning Board Members
From: Brendon Cunningham, Senior Planner
Through: Donald Leland Craig, AICP, Planning Director
Meeting Date: July 18, 2013

Agenda Item: **Conditional Use – 146-150 Simonton Street (RE# 00000290-000000; Alt. Key 1000281)** – A request to amend an existing Conditional Use approval to convert an Arcade/Bingo Hall to a Bar/Lounge in the HRCC-1 zoning district per Section 122-688 (9) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

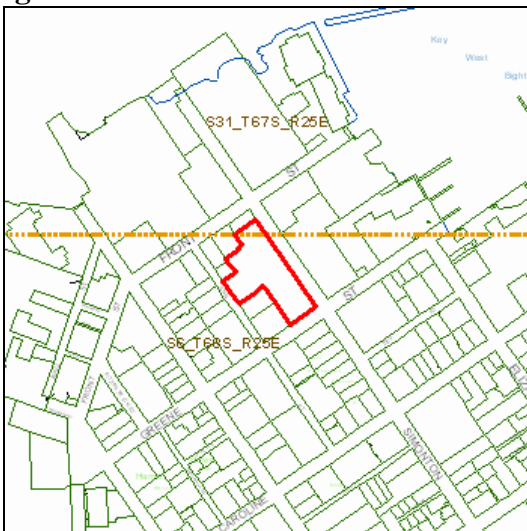
Request: The applicant is requesting to amend the existing Conditional Use approval for the units at 146-150 Simonton Street (Simonton Row) from an arcade/bingo hall approved by Res. No. 2005-14 to a bar/lounge. 6,549 square feet is the size of the proposed use.

Applicant: Trepanier & Associates Inc.

Property Owner: Historic Tours of America, Inc.

Location: 146-150 Simonton Street
RE# 00000290-000000

Zoning: Historic Residential Commercial Core, Gulf Side (HRCC-1)



Background:

The proposal was continued to the June 20, 2013 meeting. This property is located in Units 146-150 of Simonton Row which is located on Simonton Street between Greene Street and Front Street. Simonton Row is a mall that was redeveloped from the old Strunk Ace Hardware building. The mall accommodates a variety of commercial, retail, entertainment, industrial and professional uses. It has been vacant for years. The mall unit space being considered for change of use is 6,549 square feet in size.

Previous City Actions

Conditional Use

Planning Board

May 19, 2005, PB Resolution 2005-015

Request:

This proposal is to amend the existing conditional use approval at 146-150 Simonton Street from an arcade/bingo hall approved by Res. No. 2005-15 to a bar/lounge. The proposal is for interior renovations, there are no proposed changes to the external building or site as a result of this application.

Current Process:

Development Review Committee Meeting:

February 28, 2013

Planning Board Meeting:

June 20, 2013, postponed

July 18, 2013

Surrounding Zoning and Uses:

North: HRCC-1. Retail, industrial, professional, entertainment

East: HRCC-1. Retail and parking lot

South: HRCC-1. Retail and commercial

West: HRCC-1. Industrial and entertainment

Uses Permitted in the HRCC-1 Duval Street Gulfside Zoning District

Per Section 122-687, Code of Ordinances:

- (1) Single-family and two-family residential dwellings
- (2) Multiple-family residential dwellings
- (3) Group homes with less than or equal to six residents as provided in section 122-1246
- (4) Places of worship
- (5) Business and professional offices
- (6) Commercial retail low and medium intensity less than or equal to 5,000 square feet as provided in division 11 of article V of this chapter
- (7) Commercial retail high intensity less than or equal to 2,500 square feet as provided in division 11 of article V of this chapter
- (8) Hotels, motels, and transient lodging
- (9) Medical services
- (10) Parking lots and facilities
- (11) Restaurants, excluding drive-through
- (12) Veterinary medical services without outside kennels
- (13) Adult entertainment establishments (see section 122-1533)

Conditional Uses Per Section 122-688, Code of Ordinances:

- (1) Group homes with seven to 14 residents as provided in section 122-1246
- (2) Cultural and civic activities
- (3) Community centers, clubs, and lodges
- (4) Educational institutions and day care
- (5) Nursing homes, rest homes and convalescent homes
- (6) Parks and recreation, active and passive
- (7) Protective services
- (8) Public and private utilities
- (9) Bars and lounges, including those associated with adult entertainment establishments
- (10) Boat sales and service
- (11) Commercial amusement, except adult entertainment establishments
- (12) Commercial low and medium intensity greater than 5,000 square feet as provided in Division 11 of article V of this chapter
- (13) Commercial retail high intensity greater than 2,500 square feet as provided in division 11 of article V of this chapter
- (14) Funeral homes
- (15) Light industrial
- (16) Marinas
- (17) Small recreational power-driven equipment rentals

Submitted Plans:

1. Plans by Olson Drafting Services, Inc. date stamped April 25 & April 29, 2013, Floor Plan, First Floor & Second Floor
2. Floor Plan & Marketing Floor Plan of Simonton Row by William Horn, Architect/HPM Property Management date stamped June 15, 2005

Conditional Use Review

Code Sec. 122-62 (a) provides, in part, that “a conditional use shall be permitted upon a finding by the planning board that the proposed use, application, and, if applicable, development plan comply with the criteria specified in this section, including specific conditions established by the planning board and or the city commission during review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations.” The same section also specifies that “a conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public’s interest.”

Conditional Use Criteria per Code Section 122-62

- (a) **Findings:** The Planning Board may find that it meets the Code purpose of ensuring that “a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity.”

The subject property, zoned HRCC-1, has existing commercial, retail, professional, entertainment, and industrial uses. This zoning district incorporates the city's most-intensely vibrant tourist commercial entertainment center which is characterized by specialty shops, sidewalk-oriented restaurants, and lounges and bars with live entertainment. Within the immediate vicinity of the proposed use are numerous bars and lounges on Duval, Greene, and Front Streets, and the Historic Seaport. High intensity land use is common in the district, and the proposed bar and lounge is typical of the area. Other uses in the immediate vicinity around Simonton Row are a variety of parking lots, retail, professional, commercial and industrial uses. The proposed amending of the conditional use is to change the 2005 approved arcade and bingo hall use to a bar and lounge.

The proposed amendment to an existing CU shall meet the following criteria as described below:

(b) Characteristics of use:

The proposed amended use to the approved conditional use includes a change of use from retail/commercial to a mix of bar/lounge consumption and retail. Each key area is assessed as follows:

1) Scale and intensity

a. Floor Area Ratio (F.A.R):

Existing F.A.R is 0.42; no new floor area is proposed. The F.A.R for the HRCC-1 is 1.0. Therefore, the proposed use conforms to the requirement.

b. Traffic Generation:

According to the Institute of Transportation Engineers Trip Generation Manual, 7th Edition Trip Generation Volumes, the change in use from arcade/bingo hall to a bar and lounge will slightly increase the overall trip generations (average trips per 1k sq. ft. See concurrency Analysis.)

Additionally there is onsite parking along the front of the mall and because of the location of the proposed bar and lounge in the pedestrian oriented district, traffic generation is expected to be primarily pedestrian.

c. Square feet of enclosed space for each specific use:

The property at Simonton Row is 57,381 square feet, it has adequate infrastructure to accommodate the proposed use. There are no proposed changes that will affect the site size. The proposed amended use is for Units 146-150 and is the size is 6,549 square feet.

d. Proposed employment:

The applicant estimates there will be three (3) or five (5) people employed per shift at the proposed conditional use bar/lounge.

e. Proposed number of service vehicles:

The applicant expects service vehicles to be making two deliveries a week on Tuesday and Friday from Greene Street. Garbage and recycling area is located

within the paved open space on the property as shown on the June 15, 2005 site plan.

f. Off-street parking:

This property is located in the HRCC-1 zoning district and is also located within the Historic Commercial Pedestrian Oriented Area, and the amended conditional use approval does not require parking as provided in Section 108-573(a). The area intended for the amended conditional use is already in place as recognized and existing retail and commercial square footage. The parking initially allocated and approved for Simonton Row would also serve patrons of the amended conditional use.

2) On or off site improvements not previously identified

a. Utilities:

No change in utilities is expected.

b. Public facilities:

No changes.

c. Roadway or signal improvements: N/A

d. Accessory structures or facilities:

No change is proposed.

e. Other:

According to submitted plans, the first floor will have a total of 175 seats; and the second floor will have 10 – 15 seats, but the total for both floors will not be more than 175 seats.

3) On-site amenities proposed to enhance the site:

No change is proposed.

a. Open space:

No change is proposed.

b. Setbacks:

No change is proposed.

c. Screening and buffers:

No change is proposed.

d. Landscaping berms:

No change is proposed.

e. Mitigative techniques for abating smoke, odor, noise and other noxious impacts:

The proposed use will not create negative impacts that require mitigation, therefore, no mitigative techniques are proposed.

(c) Criteria for conditional use review and approval:

Applications for a conditional use review shall clearly demonstrate the following:

1) Land use compatibility:

The intensity and scale of the proposed amendment to the conditional use are compatible and harmonious with adjacent land uses and will not adversely impact land use activities in the immediate vicinity. The site is in the HRCC-1 zoning district, which “incorporates the city’s intensely vibrant tourist commercial entertainment center which is characterized by specialty shops, sidewalk-oriented restaurants, lounges and bars with inviting live entertainment; and transient residential accommodation.” The proposal is to convert 6,549 square feet of existing floor area from an arcade and bingo hall into a bar and lounge. There are numerous existing bars and lounges within the immediate vicinity of this proposed bar and lounge. Therefore, the use appears appropriate to the district and compatible with other uses around Simonton Row and Greene Street.

2) Sufficient site size, adequate site specifications and infrastructure to accommodate the proposed use:

The site at 146-150 Simonton Street is 57,381 square feet. It is sufficient and has adequate infrastructure to accommodate the proposed use. There are no proposed changes. None of the existing structures on site will be altered in size.

3) Proper use of mitigative techniques:

The proposed use will not create negative impacts that require mitigation, therefore, no mitigative techniques are proposed.

4) Hazardous waste:

No hazardous waste shall be generated by this conditional use; nor require the use of hazardous materials in its operation.

5) Compliance with applicable laws and ordinances:

The applicant will comply with all applicable laws and regulations. The applicant will comply with Sections 18-610-615 of the Code of Ordinances.

6) Additional criteria applicable to specific land uses:

Applicants shall demonstrate the proposed modification of conditional use satisfies the following criteria:

a. Land uses within a conservation area:

N/A

b. Residential development:

N/A

- c. **Commercial or mixed use development:**
- d. The surrounding uses are a variety of commercial, retail, professional, entertainment, and industrial; and adjacent properties include commercial parking lots.
- e. **Development within or adjacent to historic district:**
N/A
- e. **Public facilities or institutional development:**
N/A
- f. **Commercial structures, uses and related activities within tidal waters:**
N/A
- g. **Adult entertainment establishments:**
N/A

RECOMMENDATION:

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request to amend the existing Conditional Use be **approved** with the following conditions:

Conditions to be completed prior to the issuance of certificate of occupancy:

1. Compliance with the plans dated April 25 & 29, 2013 shall be a condition of approval and specifically incorporated herein;
2. The bar/lounge shall be fully ADA (Americans with Disabilities Act of 1990) accessible;
3. The applicant maintain a programmable distributive sound system to assure compliance with the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances, and that such referenced document shall be updated to include that a computerized sound monitoring system is installed and real time monitoring access is provided to the City;

Conditions subject to a Conditional Approval Permit, per Ordinance Number 10-22:

Conditions subject to associated annual inspection:

4. The hours of operation shall be 7 AM to 4 AM seven days a week;
5. No exterior event lighting shall occur;
6. Outdoor speakers of any kind are prohibited on the property and on any vehicle parking at the property which is owned by the applicant or associated with events at

the property, wherein the vehicle is under the control, rental or licensing by the applicant;

7. There shall be no live music, disc jockeys, or karaoke anywhere on the site unless located indoors and approved under a special event permit per Section 6-86 of the Code of Ordinances. Under no circumstances will these venues be allowed outdoors;
8. There shall be no music (amplified or vocal), entertainment, or special events of any kind permitted outdoors on this site;
9. Seating shall be limited to 175 seats and confined to the interior of the bar/lounge only.

Draft Resolution

**PLANNING BOARD
RESOLUTION No. 2013-**

A RESOLUTION OF THE KEY WEST PLANNING BOARD FOR GRANTING APPROVAL TO AMEND AN EXISTING CONDITIONAL USE APPROVAL PER SECTIONS 122-62 AND 122-63 OF THE CODE OF ORDINANCES TO CONVERT AN ARCADE/BINGO HALL TO A BAR/LOUNGE LOCATED AT 146-150 SIMONTON STREET IN THE HRCC-1 ZONING DISTRICT, PURSUANT TO SECTION 122-688(9); (RE# 00000290-000000; AK# 1000281), KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, this property is located in Simonton Row at Units 146-150 Simonton Street between Greene Street and Front Street; and

WHEREAS, the applicant filed a conditional use application to amend an existing conditional use to convert an arcade/bingo hall to a bar/lounge on Simonton Street between Greene Street and Front Street; and

WHEREAS, Section 122-62 outlines the criteria for reviewing a conditional use application by the Planning Board; and

WHEREAS, the approval of the conditional use application will be in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and

_____ Chairman
_____ Planning Director

WHEREAS, the general conditions were passed at the July 18, 2013:

Conditions to be completed prior to the issuance of certificate of occupancy:

1. Compliance with the plans dated April 25 & 29, 2013 shall be a condition of approval and specifically incorporated herein;
2. The bar/lounge shall be fully ADA (Americans with Disabilities Act of 1990) accessible;
3. The applicant maintain a programmable distributive sound system to assure compliance with the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances, and that such referenced document shall be updated to include that a computerized sound monitoring system is installed and real time monitoring access is provided to the City;

**Conditions subject to a Conditional Approval Permit, per Ordinance Number 10-22:
Conditions subject to associated annual inspection:**

4. The hours of operation shall be 7 AM to 4 AM seven days a week;
5. No exterior event lighting shall occur;
6. Outdoor speakers of any kind are prohibited on the property and on any vehicle parking at the property which is owned by the applicant or associated with events at the property, wherein the vehicle is under the control, rental or licensing by the applicant;
7. There shall be no live music, disc jockeys, or karaoke anywhere on the site unless located indoors and approved under a special event permit per Section 6-86 of the Code of Ordinances. Under no circumstances will these venues be allowed outdoors;
8. There shall be no music (amplified or vocal), entertainment, or special events of any kind permitted outdoors on this site;
9. Seating shall be limited to 175 seats and confined to the interior of the bar/lounge only.

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on July 18, 2013; and

WHEREAS, the granting of an Amended Conditional Use is consistent with the criteria in

the Code; and

WHEREAS, the recommendation of approval of the Amended Conditional Use is in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare, and

WHEREAS, the approval is consistent with the criteria in the Code; and

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

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

Section 2. This Amended Conditional Use request for approval, does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 3. This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 4. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not

effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this 18th day of July, 2013.

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

Richard Klitenick, Chairman
Key West Planning Board

Date

Attest:

Donald Leland Craig, AICP, Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

_____ Chairman

_____ Planning Director

Application

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION
City of Key West Planning Department
604 Simonton Street, Key West, FL 33040
(305) 809-3720



Development Plan & Conditional Use Application

Applications will not be accepted unless complete

Development Plan

Major _____

Minor _____

Conditional Use

 x

Historic District

Yes x

No _____

Please print or type:

- 1) Site Address 146-150 Simonton St., Key West, FL 33040
- 2) Name of Applicant Trepanier and Associates, Inc. on behalf of Historic Tours of America, Inc.
- 3) Applicant is: Owner _____ Authorized Representative x
(attached Authorization and Verification Forms must be completed)
- 4) Address of Applicant 402 Appelrouth Lane
Key West, FL 33040
- 5) Applicant's Phone # 3050.293.8983 Email owen@owentrepanier.com
- 6) Email Address: owen@owentrepanier.com
- 7) Name of Owner, if different than above Historic Tours of America, Inc.
- 8) Address of Owner 201 Front St. Suite 224
- 9) Owner Phone # 305.294.3225 Email junke@historictours.com
- 10) Zoning District of Parcel HRCC-1 RE# 00000290-000000
- 11) Is Subject Property located within the Historic District? Yes x No _____
If Yes: Date of approval _____ HARC approval # _____
OR: Date of meeting TBD and scheduled by owner
- 12) Description of Proposed Development and Use. Please be specific, list existing and proposed buildings and uses, number of dwelling units, parking, restaurant seats, vehicles proposed, etc. If there is more than one use, describe in detail the nature of each use (Give concise description here and use a separate sheet if necessary).
Amend existing Conditional Use approval PB2005-15 to convert
an Arcade/Bingo Hall to a Bar/Lounge

Please see attached analysis for more detail



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13) Has subject Property received any variance(s)? Yes _____ No none known

If Yes: Date of approval _____ Resolution # _____

Attach resolution(s).

14) Are there any easements, deed restrictions or other encumbrances on the subject property?

Yes x No _____

If Yes, describe and attach relevant documents.

Easement for City sidewalk traverses along the front of the property

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

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

Sec. 108-230. Other project information.

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

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

Sec. 108-231. Residential developments.

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

Sec. 108-232. Intergovernmental coordination.

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

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

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CONDITIONAL USE CRITERIA

Sec. 122-61. Purpose and intent.

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

Sec. 122-62. Specific criteria for approval.

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

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION
City of Key West Planning Department
604 Simonton Street, Key West, FL 33040
(305) 809-3720



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

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION
City of Key West Planning Department
604 Simonton Street, Key West, FL 33040
(305) 809-3720



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

02/01/13

Mr. Donald Craig, AICP
City of Key West Planning Department
3140 Flagler Avenue
Key West, FL 33040

**Re: Conditional Use Application,
Key West, FL 33040**

Dear Mr. Craig,

This is an application to amend the existing conditional use approval at 146-150 Simonton Street from an arcade/bingo hall approved by Res. No. 2005-15 to a bar/lounge.

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

- | | | |
|----------------|-----------------------|-----------------------|
| ▪ Size of site | ▪ FEMA flood zones | ▪ Existing stormwater |
| ▪ Buildings | ▪ Topography | ▪ Adjacent land uses |
| ▪ Structures | ▪ Utility locations | ▪ Adjacent buildings |
| ▪ Parking | ▪ Existing vegetation | ▪ Adjacent driveways |

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

- | | | |
|---------------------|-----------------------|-------------------------|
| ▪ Floor Plans | ▪ Driveway Dimensions | ▪ Setbacks |
| ▪ Buildings | ▪ Building Elevations | ▪ Garbage and recycling |
| ▪ Utility Locations | ▪ Parking | ▪ Project Statistics |

Solutions Statement:

The proposed project will be located in a portion of 146-150 Simonton St. (Simonton Row). This mall was adaptively redeveloped from the old Strunk's Ace Hardware building to accommodate a variety of commercial, retail, professional, entertainment and industrial uses, all of which currently exist on the site. The uses are varied but collectively create a synergistic economy of scale, providing a wide variety of products and services. This portion of the property was formerly an arcade/bingo hall. It has been vacant for a number of years.

Key persons and entities involved in this project are as follows:

Owner:	Historic Tours of America, Inc.
Authorized Agent:	Trepanier & Associates, Inc.
Architect:	Olson Drafting Services, Inc.
Legal and Equitable Owners:	Historic Tours of America, Inc. (Edwin O. Swift, III- PD and Registered Agent)

Site Data:

No site changes are proposed, interior renovations only.

Other Project Information:

- Interior renovations are proposed as depicted on the plans.
- The target date for commencement of interior renovations is immediately following conditional use approval.
- Expected date of completion is within six months of renovation commencement.

TREPANIER



& ASSOCIATES INC

LAND USE PLANNING
DEVELOPMENT CONSULTANTS

Intergovernmental Coordination:

Coordination will occur as part of the DRC hearing process.

Schedule and Process:

The review process for conditional use review is controlled by Sec. 122-63

02/01/13	Submission Deadline
02/28/13	Development Review Committee
04/18/13	Planning Board
10 Days (04/28/13)	Planning Board Appeal Period
45 Days (06/02/13)	Department of Economic Opportunity Appeal Period

SPECIFIC CRITERIA FOR CONDITIONAL USE APPROVAL

Characteristics of proposed use:

Scale & Intensity	Existing	Proposed
Floor area ratio ¹	.42	No Change
Traffic generation ²	87.95 trips	101.44 trips

Land use compatibility:

The attached analysis and plans demonstrate that the conditional use, including its proposed scale and intensity are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity. The site is in the HRCC-1 Land Use District. The "Duval Street Gulf side District incorporates the city's intensely vibrant tourist commercial entertainment center which is characterized by specialty shops, sidewalk-oriented restaurants, lounges and bars with inviting live entertainment; and transient residential accommodations." We are proposing to convert 6,549 sq. ft. of existing floor area from an arcade/bingo hall to a bar/ lounge.

Site Size:

The site at 146-150 Simonton St. is 57,381 sq ft. It is sufficient, and has adequate infrastructure to accommodate the proposed use. There are no proposed changes that will affect the site size.

Mitigative techniques:

The proposed use will not create negative impacts that require mitigation, therefore, no mitigative techniques are proposed.

Hazardous waste:

The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation.

Compliance with applicable laws and ordinances:

This conditional use shall comply with all applicable federal, state, county, and city laws and ordinances. Where permits are required from governmental agencies other than the city, these permits shall be obtained.

¹ Floor Area Ratio derived from numbers provided by the Monroe County Property Appraiser

² Average Trips per 1k sq. ft. (see Concurrency Analysis)

Additional criteria applicable to specific land uses:

- Land uses within a conservation area - The proposed project is not located in a conservation area.
- Residential development - No residential development is proposed.

ANALYSIS: EVALUATION FOR COMPLIANCE WITH THE LDRS

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

The anticipated public facility impacts of the proposed development:

The following concurrency analysis demonstrates that all anticipated development impacts to public facilities can be accommodated within current capacities.

The ability of existing facilities to accommodate the proposed development at the adopted level of service standards:

The following concurrency analysis demonstrates that all anticipated development impacts to existing facilities can be accommodated within current capacities and adopted levels of service.

Any existing facility deficiencies that will need to be corrected prior to the completion of the proposed development:

There are no existing facility deficiencies that will need to be corrected prior to completion of the proposed development.

The facility improvements or additions necessary to accommodate the impact of the proposed development at the adopted level of service standards and the entities responsible for the design and installation of all required facility improvements or additions:

There are no facility improvements or additions necessary to accommodate the impact of the proposed development at the adopted level of service standards.

The date such facility improvements or additions will need to be completed to be:

NA – No improvements required.

Fire Protection (Section 108-233 (8))

Key West Fire Department coordination shall be per DRC. No objections are known to exist at this time.

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

The project site is located in the HRCC-1 zoning district. HRCC-1 is the Historic Residential Commercial Core. The district is characterized as the city's intensely vibrant tourist commercial entertainment center which is characterized by specialty shops, sidewalk-oriented restaurants, lounges and bars with inviting live entertainment; and transient residential accommodations. Based on the surrounding zoning and land uses, the proposed conditional use is compatible with neighboring properties.

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

No changes are proposed.

Utility lines (Section 108-282):

No changes proposed.

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

No changes proposed.

Exterior Lighting (Section 108-284):

No changes proposed at this time.

Signs (Section 108-285):

Signage shall be approved under Sec. 108-285 and the appropriate HARC guidelines.

Pedestrian sidewalks (Section 108-286):

No changes proposed.

Loading docks (Section 108-287):

No changes proposed.

Storage Areas (Section 108-288):

No changes are proposed.

On-Site and Off-Site Parking and Vehicular, Bicycle, and Pedestrian Circulation (Section 108-244):

No changes are proposed. The site is located within the Historic Commercial Pedestrian Oriented Area (a.k.a. The Parking Waiver Zone) therefore no change to the current parking situation is required by code. Notwithstanding the site has its own parking in addition to 4 commercial lots and 2 public lots within a few block radius.

Housing (Section 108-245):

No housing is proposed as part of this project.

Economic resources (Section 108-246):

No significant changes are anticipated.

Special Conditions (Section 108-247):

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

The project is located within the HRCC-1 District and complies with the intent of the plan.

There is no impact on the unincorporated portion of the county.

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

This project will require interior renovations only. Construction shall comply with Sec. 108-248.

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

No changes required or proposed.

Stormwater and Surface Water Management (Article VIII):

No changes required or proposed.

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

No changes proposed.

Utilities (Article IX):

No changes proposed.

CONCURRENCY ANALYSIS:

The City's Comprehensive Plan Objective 9-1.5 directs the City to ensure that facilities and services needed to support development are available concurrent with the impacts of new development.

The following specific issues are outlined:

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

The following concurrency analysis reflects the anticipated impacts resulting from the proposed conversion of a portion of 110-124 Simonton Street (Simonton Row) from a restaurant to a bar/lounge with a 2COP Alcohol License.

Potable Water & Sanitary Sewer "Planned improvements in potable water and/or wastewater systems required to establish and/or maintain adopted water and wastewater levels of service. System improvements and proposed funding resources required for implementing any improvements required to establish and/or maintain adopted potable water and wastewater system level of service standards³."

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

³ The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues.

- i) The total capacity required for the current 1.32 acre⁴ parcel is:

$$650 \text{ gal/acre/day} \times 1.32 = 858 \text{ gal/day}$$

- ii) The total capacity required for the proposed project on 1.32 parcel is:

$$650 \text{ gal/acre/day} \times 1.32 = 858 \text{ gal/day}$$

Based on the concurrency management calculation prescribed in the Comprehensive Plan, there is no or minimal increase in the proposed capacity required by Key West Comprehensive Plan LOS standards; the Florida Keys Aqueduct Authority has the capacity to supply adequate service to this property, as demonstrated below.

FKAA Supply Capacity:

The Florida Keys Aqueduct Authority ("FKAA") has adequate supply capacity to serve the potential development. FKAA has constructed facilities on the mainland in Florida City to expand water supply for the Florida Keys. This permitted and constructed improvement enables FKAA to provide over 23 MGD, which will provide sufficient capacity through 2022⁵. Operational in 2011, the recent expansion of the R.O. plant will provide 6.0 MGD, which combined with the 17.0 MGD permitted withdrawal from the Biscayne Aquifer, increased available water supply to 23 MGD for the Florida Keys.

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

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

The interim allocation of 20 MGD (7,300 MG/year) through 2010 and 23 MGD after 2010 provides ample water supply to support the adopted amendment and allocated growth well beyond 10 years. The "Monroe County 2007 Annual Public

⁴ Per Monroe County Property Appraiser's Records

⁵ Excerpt from Analysis by Kenneth B. Metcalf, AICP, (Greenberg Traurig, P.A.), August 22, 2008.

Facilities Report” documents historic water use in the Florida Keys. Water demand has fluctuated significantly on an annual basis, however when evaluated over a ten-year period, the data shows an increase in water demand of more than 1 billion gallons over the last 10 years with an annual average increase of approximately 104 MG/year. This increase in demand can be shown in the following calculation:

1996 annual water demand = 5,272 MG /year
2006 annual water demand = 6,310 MG /year
Average Annual Increase = (6,310 MG - 5,272MG)/ 10 = 103.8 MG /year

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

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

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

Sanitary Sewer Sec. 94-67 sets the level of service for residential sanitary sewer at 100 gal/capita/day and nonresidential sanitary sewer at 660 gal/acre/day.

- i) the total capacity required for the current **1.32 acre**⁶ parcel is:

$$660\text{gal/acre/day} \times 1.32 \text{ acres} = 871.2 \text{ gal/day}$$

- ii) the total capacity required for the proposed project on **1.32 acre** parcel is:

$$660 \text{ gal/acre/day} \times 1.32 \text{ acres} = 871.2 \text{ gal/day}$$

The current wastewater treatment plant has the potential treatment capacity of 10 million gallons per day. Only 4.8 million gallons per day of capacity are currently utilized⁷. The current plant has the capacity to service this project's projected needs.

Recreation “In cases where residential development is proposed, information shall be submitted describing plans for accommodating recreational demands generated by the

⁶ Per Monroe County Property Appraiser's Records
⁷ Per September 3, 2010 memo from Greg Smith, project Manager for CH2M Hill OMI (Exhibit III)

development, including demonstrated evidence that the City's adopted level of service for recreation shall not be adversely impacted⁸."

No Residential Development Proposed

Solid Waste- "Projected demand generated by the development on the solid waste disposal system and assurances that the City's adopted level of service for solid waste disposal shall not be adversely impacted⁹."

Sec. 94-71 sets the level of service for residential solid waste disposal (1994-2010) at 2.66 lb/capita/day and nonresidential solid waste disposal at 6.37 lb/capita/day¹⁰.

- i) the total capacity required for the previous **3 employees**¹¹ **per shift** is:

$$6.37 \text{ lb/capita/day} \times 3 \text{ employees} = 19.11 \text{ lb/day}$$

- ii) the total capacity required for the proposed **5 employees**¹² **per shift** is:

$$6.37 \text{ lb/capita/day} \times 10 \text{ employees} = 31.85 \text{ lb/day}$$

Waste Management has more than enough capacity to handle the estimated increase in load

Drainage - "Conceptual plan for accommodating storm water run-off and demonstrated evidence that the proposed drainage improvements shall accommodate storm water run-off without adversely impacting natural systems or the City's adopted level of service for storm drainage¹³."

This site currently meets the minimum requirements through best management practices.

Roads/Trip Generation - "Estimated trips for the peak hour generated by the proposed land use(s) together with anticipated on- and off-site improvements necessitated to accommodate the traffic impacts generated by the development including, additional R/W, roadway improvements, additional paved laneage, traffic signalization, proposed methods for controlling access and egress, and other similar improvements¹⁴."

For the purposes of calculating traffic generation we used the Institute of Transportation Engineer's 7th Edition Trip Generation Volumes. As the table below demonstrates, there will be a potential trip increase of 13 trips per 1,000 sq. ft. average as a result of the proposed conversion as predicted by the ITE Trip Generation Manual. As the site is located within the Historic Commercial Pedestrian Oriented Area, however, the majority of the anticipated patrons are expected to arrive via foot, bike, or electric vehicle. This project is located on Simonton Street. Simonton Street is not constrained according to City of Key West Code Section 94-72.

⁸ The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues.

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

¹⁰ For these calculations, we chose to use the number of employees to represent the "capita."

¹¹ According to previous tenant's proposal and conditional use application

¹² No entry in Planner's estimating Guide for Bar/Lounge, Max estimate of Employees per proposed development owner

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

¹⁴ The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues

Maximum Potential Trip Generation Calculations						
Trip Generator	Weekday		Saturday ¹⁵		Sunday ¹⁶	
	Existing (ITE#473) ¹⁷	Proposed (ITE#936) ¹⁸	Existing (ITE#473)	Proposed (ITE#936)	Existing (ITE#473)	Proposed (ITE#936)
GLA ¹⁹	6,549	6,549	6,549	6,549	6,549	6,549
Trips per GLA ²⁰	87.95	101.44	87.95	101.44	87.95	101.44

Exhibits

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

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

Exhibit III – September 3, 2010 Wastewater Memo

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

Exhibit V – January 25, 2010 Solid Waste Memo

¹⁵ No weekend ITE Study for “Drinking Place” or “Casino/Video Lottery Establishment” exists. The Data for the weekday was substituted in its place

¹⁶ No weekend ITE Study for “Drinking Place” or “Casino/Video Lottery Establishment” exists. The Data for the weekday was substituted in its place

¹⁷ “Casino/Video Lottery Establishment”

¹⁸ “Drinking Place”

¹⁹ For the purposes of trip generation, only the proposed lease area was analyzed

²⁰ Average Trips per 1k sq. ft.

Verification Form

City of Key West
Planning Department



Verification Form

(Where Authorized Representative is an entity)

I, Suzanne Seagle in my capacity as Planner
(print name) *(print position: president, managing member)*
of Trepanier & Associates, Inc.
(print name of entity serving as Authorized Representative)

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

146-150 Simonton Street, Key West, FL 33040
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.

Suzanne Seagle
Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this Jan 31 2013 by
Suzanne Seagle
Name of Authorized Representative

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

Richard Puente
Notary's Signature and Seal

Richard Puente
Name of Acknowledger typed, printed or stamped



DD 937651

Commission Number, if any

Authorization Form

Authorization Form

I, Historic Tours of America, Inc. authorize
Please Print Name(s) of Owner(s)

Trepanier & Associates, Inc. to be the representative for 00000290-000000
Address/ Project Name

and act on my/our behalf with regard to this issue.

[Signature]
Signature of Owner
Mr. Edwin O Swift, III
Registered Agent and PD, Historic Tours of America, Inc.

Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on Dec 10, 2012 (date) by

Edwin O. Swift III
Please Print Name of Affiant

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

[Signature]
Notary's Signature and Seal



S C Grzybowski Name of Acknowledger printed or stamped

Notary Public - FL Title or Rank

EE 218493 Commission Number, if any

Deed

This instrument prepared by:
Karleen A. Grant, Esq.
604 Whitehead St.
Key West, Florida 33040

Parcel I.D. No:
00000290-000000

MONROE COUNTY
OFFICIAL RECORDS

FILE # 1 2 3 4 2 5 8
BK# 1 6 9 4 PG# 1 9 5 5

RCD May 09 2001 01:36PM
DANNY L KOLHAGE, CLERK

DEED DOC STAMPS 34300.00
05/09/2001 PA DEP CLR

(Space reserved for recording)

WARRANTY DEED

THIS INDENTURE,

Wherever used herein, the term "party" shall include the heirs, personal representatives, successors and/or assigns of the respective parties hereto; the use of the singular numbers shall include the plural, and the plural the singular, the use of any gender; and, if used, the term "note" shall include all the notes herein described if more than one.

Made this 8 day of May, 2001

Between **STRUNK LUMBER YARD, INC.** a Florida corporation, P.O. Box 1199, Key West, Florida, party of the first part, and **HISTORIC TOURS OF AMERICA, INC.**, a Florida Corporation, 201 Front Street, Suite 224, Key West, Florida 33040, party of the second part.

WITNESSETH

That the said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, its heirs and assigns forever, the following described land, situated, lying and being in the County of Monroe, State of Florida, to wit:

A Parcel of Land located on the Island of Key West and also known as Lot 1, and a portion of Lots 2,3, & 4, Square Six (6), William A. Whitehead's Map of the Town of Key West, together with the Island as surveyed and delineated in February, A.D. 1829, and being more particularly described as follows:

Begin at the intersection of the Northwesterly Right-of-Way Line of Greene Street and the Southwesterly Right-of-Way Line of Simonton Street; thence N33°56'35"W (bearings based on an assumed bearing) along the said Southwesterly Right-of-Way Line of Simonton Street a distance of 387.20 feet to a point lying 46.00 feet Southeasterly from Front Street; thence S 56° 03'25"W , and leaving the said Southwesterly Right-of-Way Line of Simonton Street a distance of 92.50 feet; thence S33°56'35"E , a distance of 46.00 feet; thence S56°03'25"W, a distance of 23.00 feet; thence S33°56'35"E, a distance of 7.57 feet; thence S56°03'25"W a distance of 53.50 feet; thence S33°56'35"E, a distance of 63.43 feet; thence S56°03'25" W, a distance of 56.71 feet to the Northeasterly Right-of-Way Line of Ann Street; thence S33°56'35"E, and along the said Northeasterly Right-of-Way Line of Ann Street a distance of 101.00 feet; thence N56°03'25"E, and leaving the said Northeasterly Right-of-Way Line of Ann Street a distance of 81.40 feet; thence N33°56'35"W, a distance of 3.00 feet; thence N56°03'25"E, a distance of 31.31 feet; thence S33°56'35"E, a distance of 172.20 feet to the said Northwesterly Right-of-Way Line of Greene Street ; thence N56°03'25"E, and along the said Northwesterly Right-of-Way Line of Greene Street a distance of 113.00 feet to the Point of Beginning.

SUBJECT TO THAT CERTAIN DECLARATION OF RESTRICTIVE COVENANTS dated May 8, 2001, recorded May 9, 2001, in Official Records Book 1694 at Page 1957, of the Public Records of Monroe County, Florida.

SUBJECT TO other conditions, limitations and restrictions and easements of record, if any,

however this shall not serve to reimpose same.
SUBJECT TO taxes and assessments for the year 2001 and subsequent years.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said party of the first part has hereunto caused its appropriate officer to set his hand and seal the day and year first above written.

WITNESSES:

STRUNK LUMBER YARD, INC.
a Florida corporation

By: Stephen S. Strunk
STEPHEN S. STRUNK, President



1. Karleen A Grant
Print Name: KARLEEN A GRANT

2. Donna Knoll
Print Name: DONNA KNOLL

FILE # 1 2 3 4 2 5 8
BK # 1 6 9 4 Pg # 1 9 5 6

STATE OF FLORIDA)
)
COUNTY OF MONROE)



The foregoing instrument was acknowledged before me this 8 day of May, 2001, by **STEPHEN S. STRUNK**, as President of **STRUNK LUMBER YARD, INC.**, a Florida corporation, on behalf of said corporation, who is personally known to me or who produced _____ as identification.

My Commission Expires:

Karleen A Grant
NOTARY PUBLIC - State of Florida
KARLEEN A GRANT
Print Name:



MONROE COUNTY
OFFICIAL RECORDS

FLORIDA DEPARTMENT OF STATE DIVISION OF CORPORATIONS									
Home	Contact Us	E-Filing Services	Document Searches	Forms	Help				
Previous on List	Next on List	Return To List				Entity Name Search			
Events	No Name History					<input type="button" value="Submit"/>			
Detail by Entity Name									
<u>Florida Profit Corporation</u>									
HISTORIC TOURS OF AMERICA, INC.									
<u>Filing Information</u>									
Document Number	G83640								
FEI/EIN Number	592512154								
Date Filed	02/07/1984								
State	FL								
Status	ACTIVE								
Last Event	AMENDED AND RESTATED ARTICLES								
Event Date Filed	04/22/1994								
Event Effective Date	NONE								
<u>Principal Address</u>									
201 FRONT ST STE 224 KEY WEST FL 33040 US									
Changed 03/26/2002									
<u>Mailing Address</u>									
201 FRONT ST STE 224 KEY WEST FL 33040 US									
Changed 03/26/2002									
<u>Registered Agent Name & Address</u>									
SWIFT, EDWIN O III 201 FRONT ST STE 224 KEY WEST FL 33040 US									
Name Changed: 02/23/1998									
Address Changed: 03/26/2002									
<u>Officer/Director Detail</u>									
<u>Name & Address</u>									
Title PD									
SWIFT, EDWIN O III 201 FRONT STREET SUITE 224 KEY WEST FL									
Title SVPD									

BELLAND, CHRISTOPHER C
201 FRONT STREET SUITE 224
KEY WEST FL

Title VPD

MOSHER, GERALD R
201 FRONT ST, STE. 310
KEY WEST FL

Title T

MCPHERSON, BENJAMIN
201 FRONT STREET SUITE 107
KEY WEST FL 33040

Title D

DOLAN-HEITLINGER, JOHN
201 FRONT STREET SUITE 224
KEY WEST FL 33040

Title D

COHEN, RONALD MD
201 FRONT STREET SUITE 224
KEY WEST FL 33040

Annual Reports

Report Year Filed Date

2010	02/10/2010
2011	02/15/2011
2012	02/22/2012

Document Images

02/22/2012 -- ANNUAL REPORT	View image in PDF format
02/15/2011 -- ANNUAL REPORT	View image in PDF format
02/10/2010 -- ANNUAL REPORT	View image in PDF format
03/04/2009 -- ANNUAL REPORT	View image in PDF format
02/22/2008 -- ANNUAL REPORT	View image in PDF format
02/26/2007 -- ANNUAL REPORT	View image in PDF format
02/01/2006 -- ANNUAL REPORT	View image in PDF format
02/01/2005 -- ANNUAL REPORT	View image in PDF format
02/16/2004 -- ANNUAL REPORT	View image in PDF format
04/11/2003 -- ANNUAL REPORT	View image in PDF format
03/26/2002 -- ANNUAL REPORT	View image in PDF format
05/05/2001 -- ANNUAL REPORT	View image in PDF format
05/07/2000 -- ANNUAL REPORT	View image in PDF format
04/29/1999 -- ANNUAL REPORT	View image in PDF format
02/23/1998 -- ANNUAL REPORT	View image in PDF format
01/31/1997 -- ANNUAL REPORT	View image in PDF format
02/13/1996 -- ANNUAL REPORT	View image in PDF format
04/26/1995 -- ANNUAL REPORT	View image in PDF format

Note: This is not official record. See documents if question or conflict.

[Previous on List](#)

[Next on List](#)

[Return To List](#)

Entity Name Search

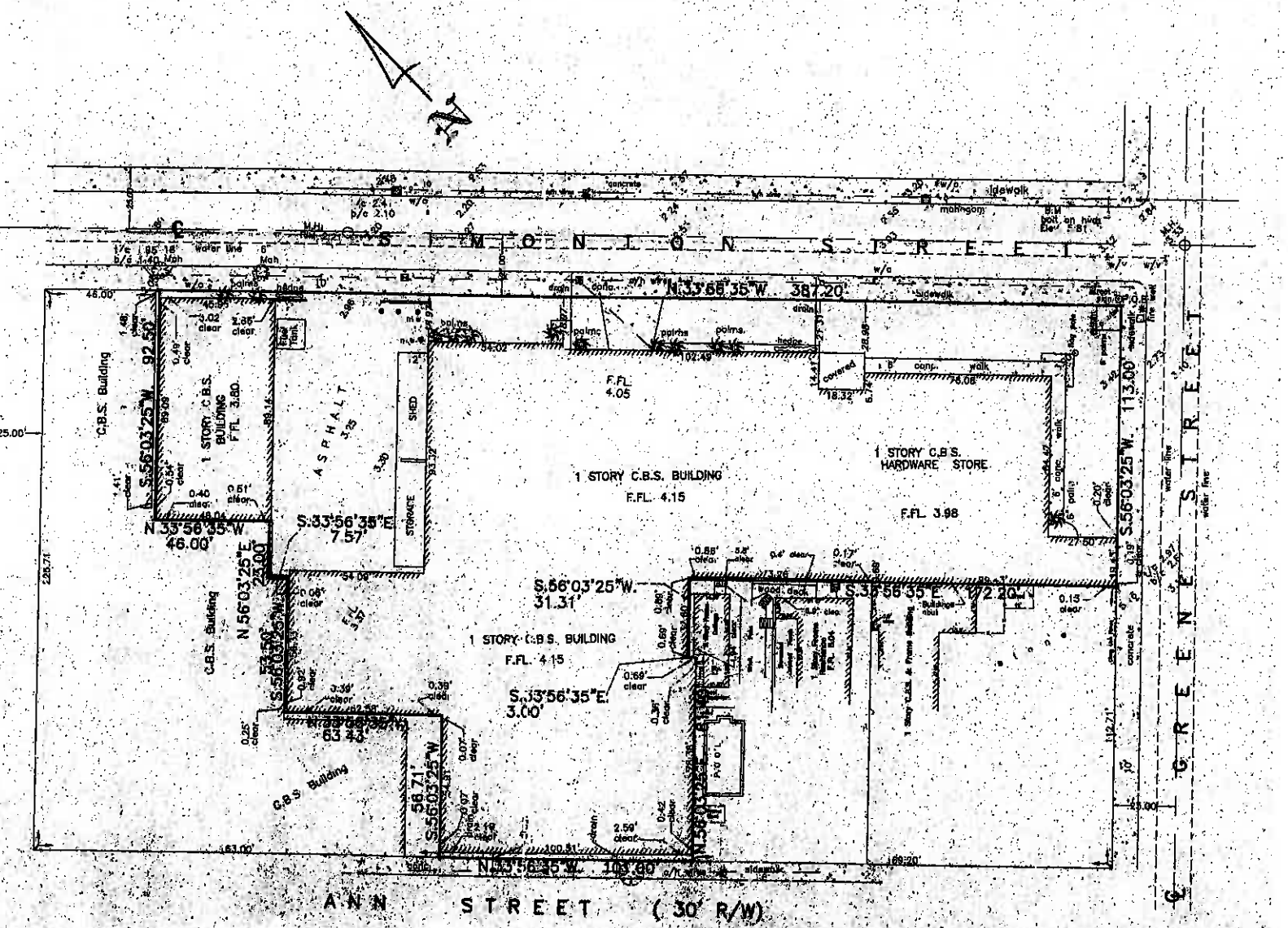
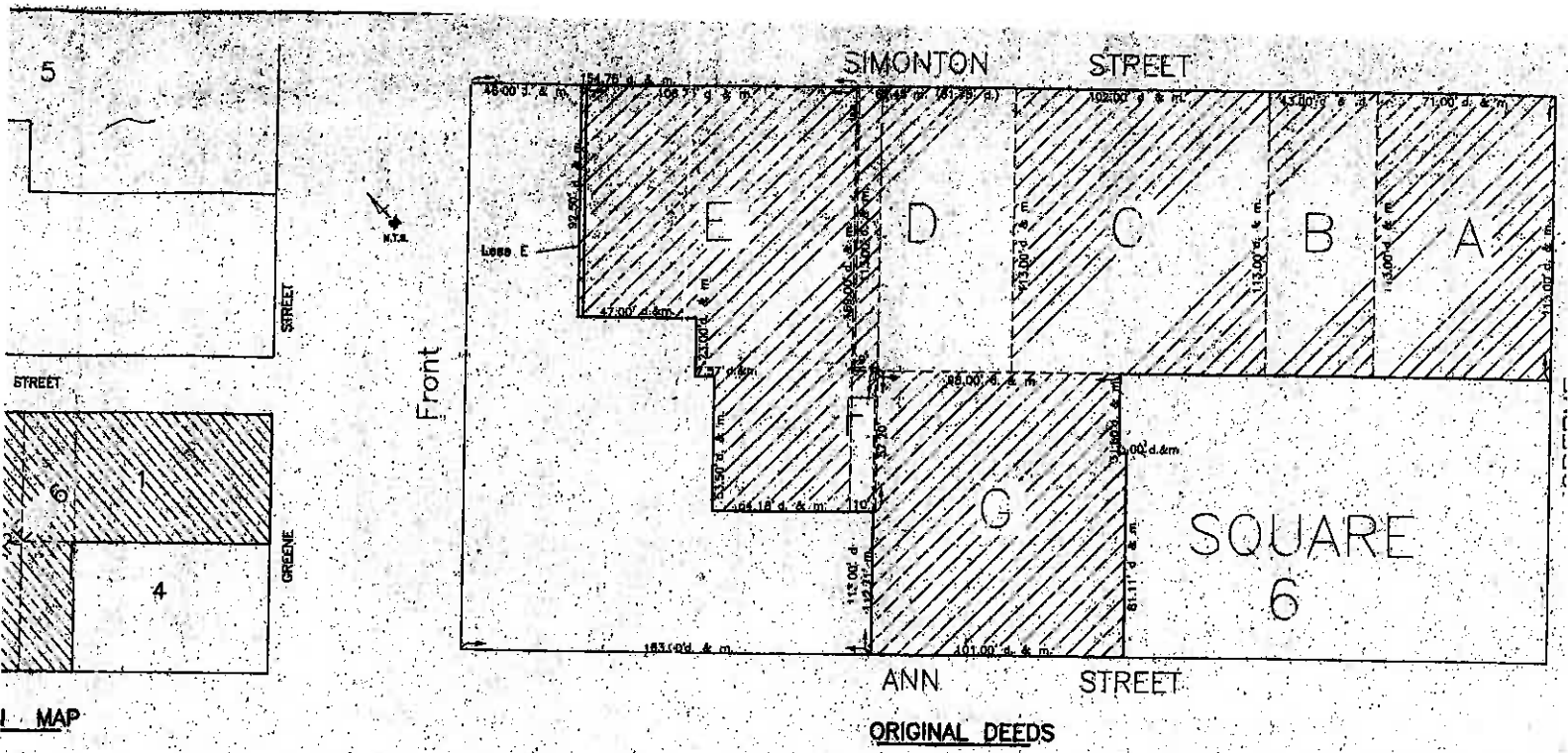
[Events](#)

No Name History

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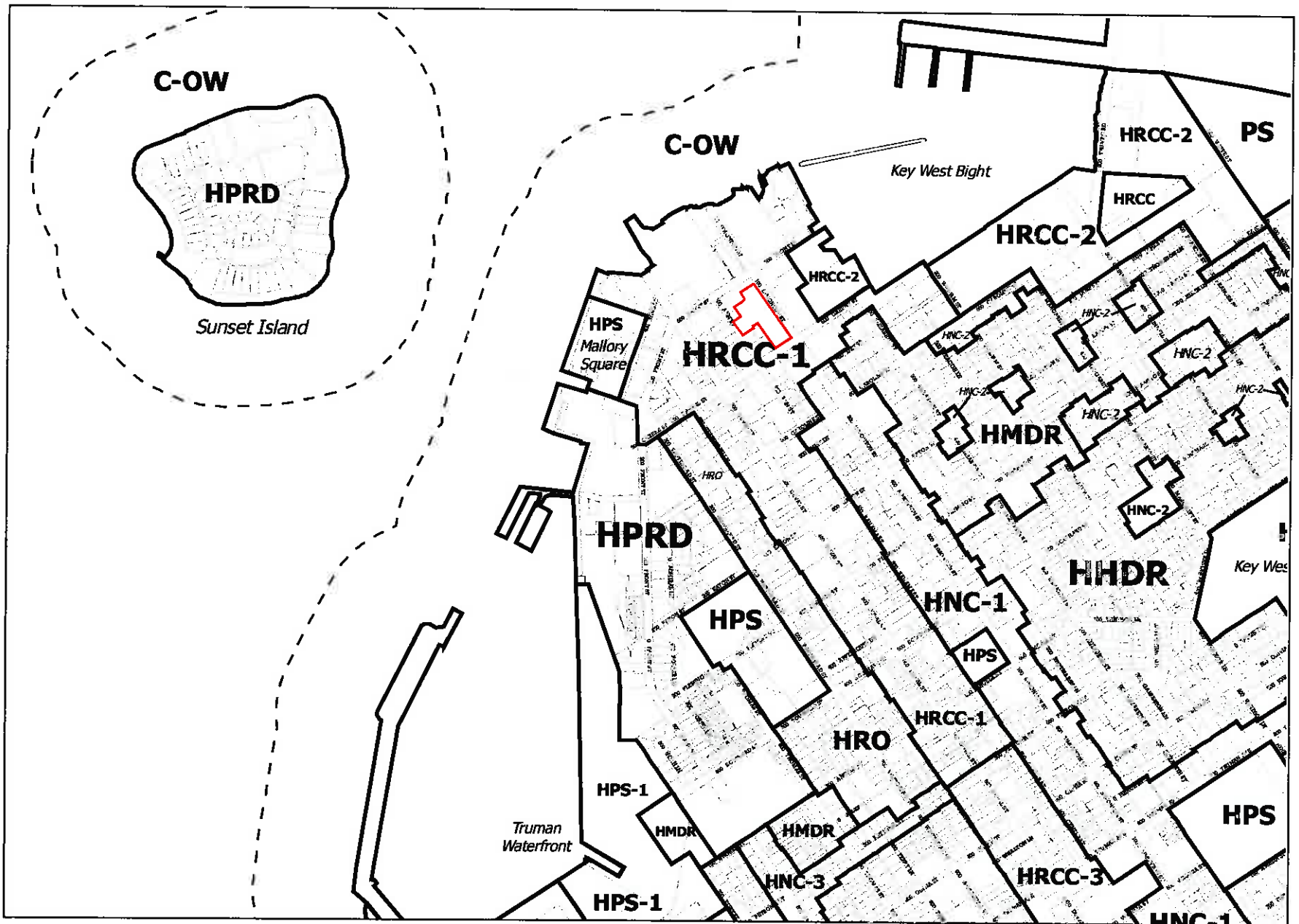
Survey



Historic Tours of America, Inc. Simonon & Greene Street, Key West, FL 33040			
BOUNDARY SURVEY		Plan No. 01-223	
Date: 6/18/86	Scale: 1" = 40'	Drawn By: P.H.H.	Check By: P.H.H.
REVISIONS AND/OR ADDITIONS			

FREDERICK H. HILDEBRAND
ENGINEER PLANNER SURVEYOR

2186 Northside Drive
Suite 101
Key West, FL 33040
736-5128

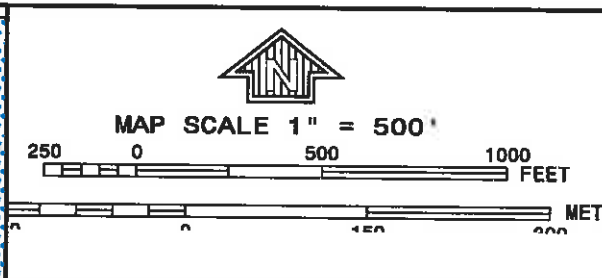
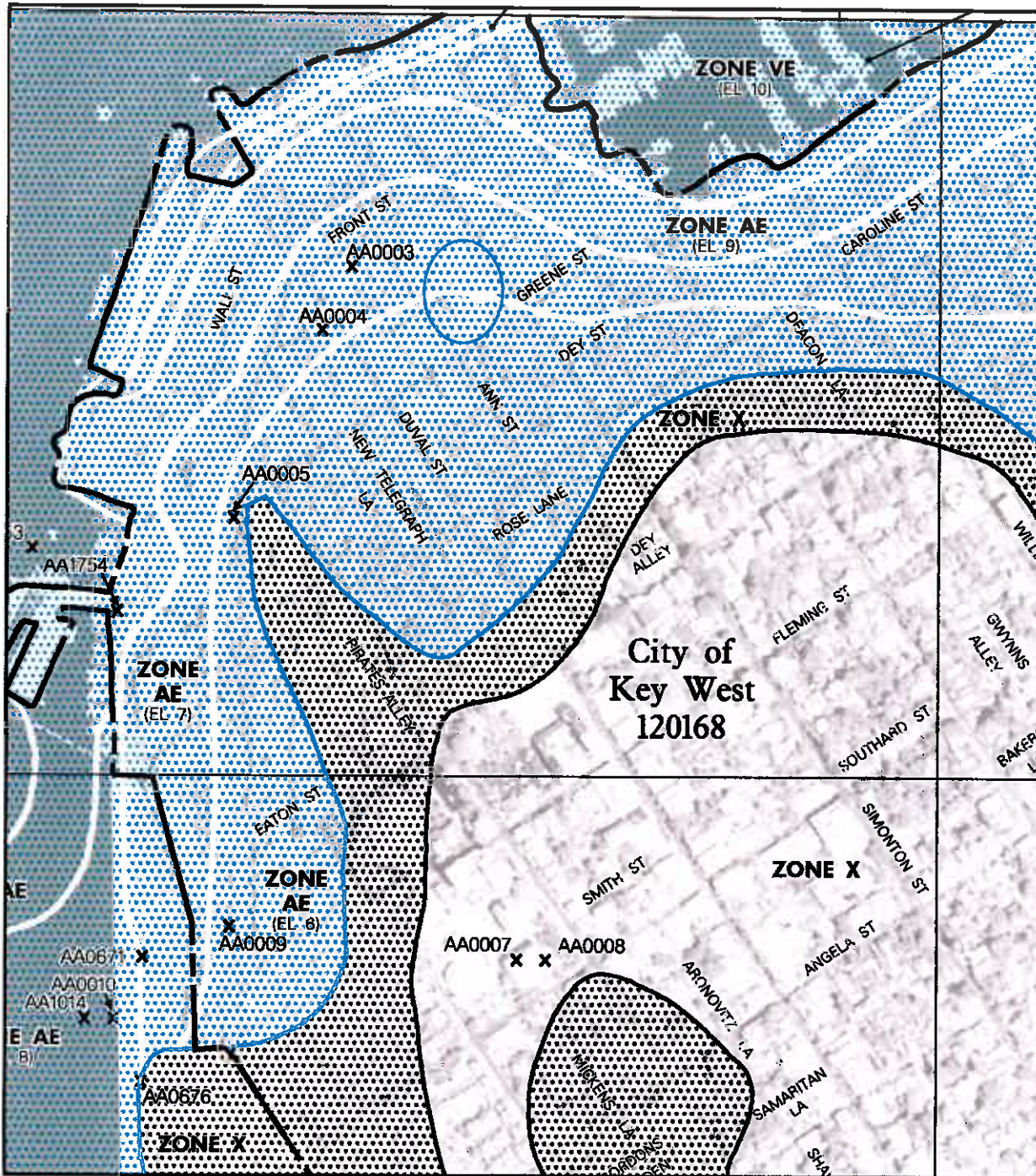


ZONING MAP OF THE CITY OF KEY WEST

PLATE 1 OF 8.

Not official version. Please contact the Planning Department or City Clerk for the official version.





NATIONAL FLOOD INSURANCE PROGRAM

PANEL 1516K

FIRM
FLOOD INSURANCE RATE MAP
 MONROE COUNTY,
 FLORIDA
 AND INCORPORATED AREAS

PANEL 1516 OF 1585

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
KEY WEST, CITY OF	20168	1516	K
MONROE COUNTY	15163	1516	K

-NOTE-
 THIS MAP INCORPORATES APPROXIMATE BOUNDARIES OF COASTAL BARRIER RESOURCES SYSTEM UNITS AND/OR OTHERWISE PROTECTED AREAS ESTABLISHED UNDER THE COASTAL BARRIER IMPROVEMENT ACT OF 1990 (PL 101-521)

Notice to user: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER
12087C1516K
MAP REVISED
FEBRUARY 18, 2005

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

Site Plans



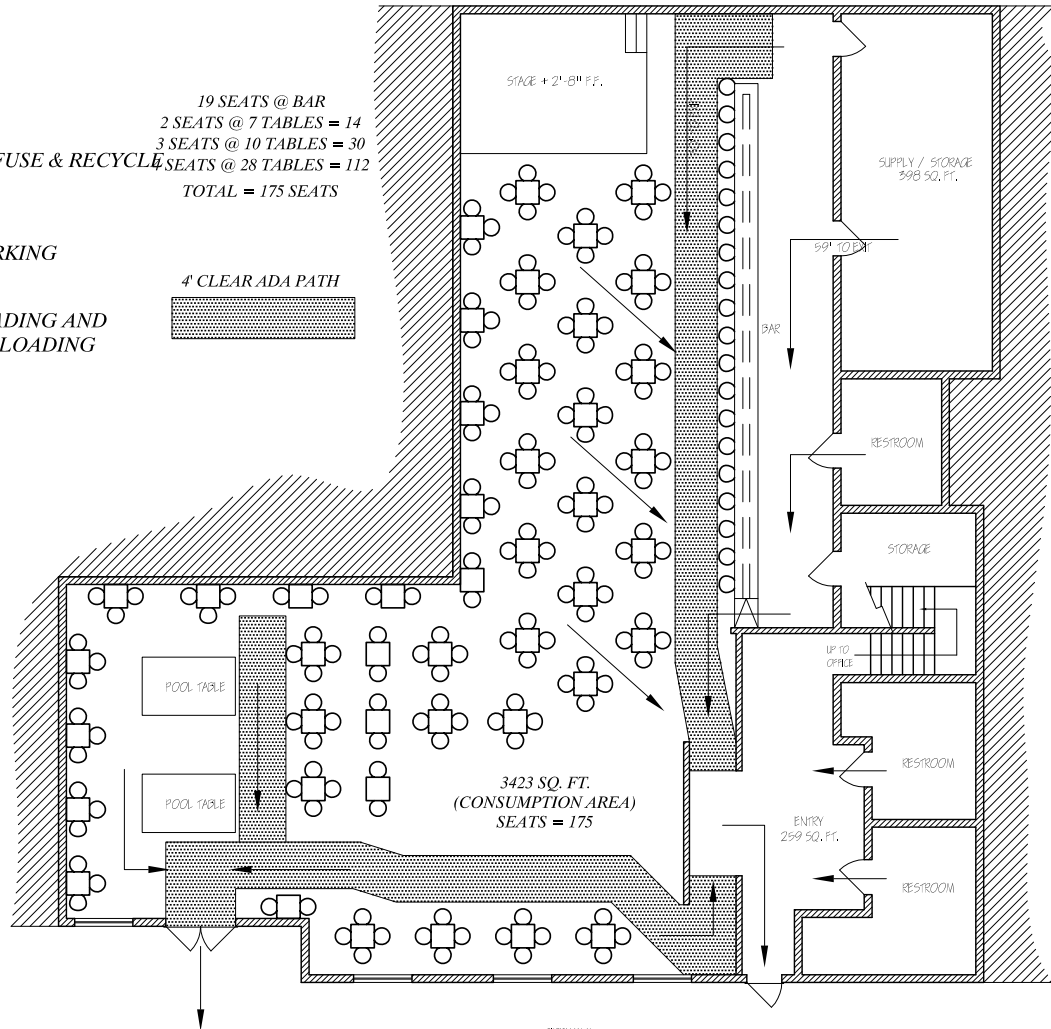
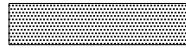
REFUSE & RECYCLE

PARKING

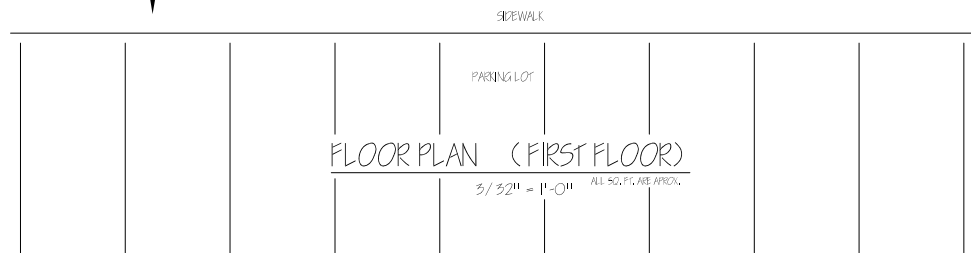
LOADING AND UNLOADING

19 SEATS @ BAR
 2 SEATS @ 7 TABLES = 14
 3 SEATS @ 10 TABLES = 30
 4 SEATS @ 28 TABLES = 112
 TOTAL = 175 SEATS

4' CLEAR ADA PATH

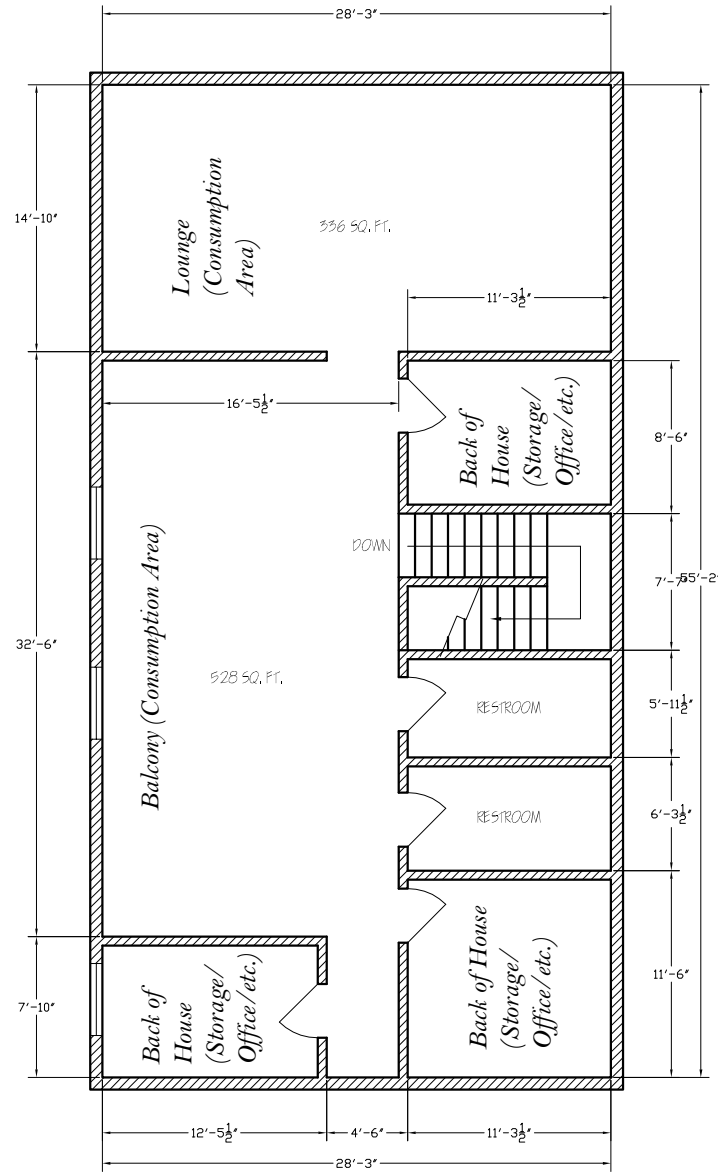


146-150 SIMONTON ST.
 KEY WEST, FLORIDA



FLOOR PLAN (FIRST FLOOR)

3/32" = 1'-0" ALL SQ. FT. ARE APPROX.



FLOOR PLAN (SECOND FLOOR)
 3/32" = 1'-0"
 ALL SQ. FT. ARE APPROX.

Site Photos

146-150 Simonton Street Site Photos











DRC
Minutes & Comments

Minutes of the Development Review Committee

February 28, 2013

Approved March 28, 2013

- 3. Variances – 1010 Washington Street (RE#00039080-000000) – A request for rear and side yard setbacks and building coverage for the addition of porches and pool in the SF zoning district per Section 90-391, Section 122-238(6)a3, 122-238(6)a2, and 122-238(4)a of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Ms. Haller gave members an overview of the variances request.

The applicant, Patrick Wright, Trepanier & Associates, gave members an overview of the request.

The Architect, Tom Pope, was available for questions.

Ms. Higgins suggested the gutters collect rainwater for the pool.

Mr. Barroso had no comments.

Mrs. DeMaria stated that the tress on the property need to be protected during construction.

Mr. Torrence had no comments.

Mrs. Ignaffo stated the proposed construction will require extensive site grading. Please create storm water retention swales and direct gutter downspouts into swale and landscaped areas.

Ms. Nicklaus had no comments.

Mr. Moody had no comments.

Mrs. Torregrosa had no comments.

Keys Energy had no objections.

- 4. Conditional Use - 146-150 Simonton Street (RE# 00000290-000000) - A request to amend an existing Conditional Use to convert an Arcade/Bingo Hall to a Bar/Lounge in the HRCC-1 zoning district per Section 122-688(9) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Ms. Haller gave members an overview of the conditional use request.

The applicant, Suzanne Seagle, Trepanier & Associates, gave members an overview of the request.

Mr. Craig requested the proposed amount of seating and hours of operation.

Ms. Higgins confirmed bike racks are in the area and they are using proper recycling.

Mr. Barroso requested the applicant is in compliance with code.

Mrs. DeMaria had no comments.

Mr. Torrence confirmed there is no gambling and that the applicant works with the Division of Alcoholic Beverages and Tobacco.

Minutes of the Development Review Committee

February 28, 2013

Approved March 28, 2013

Mrs. Ignaffo had no comments.

Ms. Nicklaus stated if there is a mezzanine where anything is offered upstairs that is not offered downstairs, a lift, Stairtrack or elevator must be installed. Bathrooms must be ADA compliant. 20% of cost of job must be used for ADA improvements. 36" minimum clear floor space is needed between seating.

Mr. Moody had no comments.

Mrs. Torregrosa stated that any changes to the exterior or new signage will require a Certificate of Appropriateness.

Mr. Craig requested the applicant contact the neighbors for any objections. He requested to have evidence in the file that they have a liquor license.

Keys Energy requested that the applicant provide a Project Review Form. This will ensure that the applicant and surrounding customers have adequate power.

5. Exception for Outdoor Merchandise Display -1200 Duval Street (RE # 00029110-000000) – A request to allow the display of merchandise in the HRCC-3 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Ms. Haller gave members an overview of the exception for outdoor merchandise display request.

The applicant, Gary Burchfield, gave members an overview of the request.

Ms. Higgins confirmed bicycle rack in the area and that they are using proper recycling. She also suggested an air curtain at the front door.

Mr. Barroso requested proper egress and that the front and rear of the property not be blocked for resident and/or Fire Department access.

Mrs. DeMaria had no comments.

Mr. Torrence had no comments.

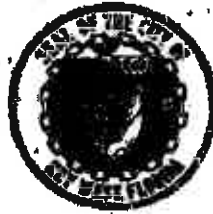
Mrs. Ignaffo requested that the site plan proposes ADA accessible parking space and standard vehicle parking space, to be located along Thomas Lane. Pursuant to Secs. 108-606, -611, -641 and -642, the following comments are provided:

- Parking spaces shall be designed so that no vehicle shall back into the right-of-way.
- Parallel parking spaces shall be designed with a nine-foot width and 23-foot length.
- All parking areas shall be paved with asphalt, concrete, or dustfree, porous material.
- Drainage plan shall be provided for parking area. Please revise the site plan parking area.

She then stated that the site plan proposes installation of 690 square feet brick pavers, which are impervious surface, pursuant to Sec. 108-714, and therefore, not exempt from storm water management requirements. Please revise the site plan to include a storm water management system.

Ms. Nicklaus stated that 36" minimum clear floor space is needed between carts and between carts and building. If installing an ADA parking space at the back of the building cannot back onto ROW, and it cannot use bricking or pavers unless they are set in cement to stabilize. At least one business has to have ADA compliant restrooms to service outdoor carts.

Additional Information



Roland Flowers
Director General Services
City Engineer

Phone (305) 292-8155
Fax (305) 292-8293

July 19, 2001

U.S. Post Office
Supervisor of Delivery,
400 Whitehead Street
Key West, Florida 33040

RE: ASSIGNMENT of STREET ADDRESS

Dear Mimi,

The following addresses are assigned to the spaces located on the property as shown on the attached sketch, RE: 29

- | | |
|----------------------------------|---------------------|
| 106 Simonton Street | 110 Simonton Street |
| 114 Simonton Street | |
| 122 Simonton Street Trolley Barn | |
| 126 Simonton Street | 130 Simonton Street |
| 134 Simonton Street | 138 Simonton Street |
| 142 Simonton Street | 146 Simonton Street |
| 150 Simonton Street | 154 Simonton Street |

535 Greene Street

The orientation and number of the spaces located near the intersection of Simonton and Greene Streets have not been determined and will get Addresses in the near future.

If you have any questions or require further information, please call me at (305) 292-8155.

Sincerely,

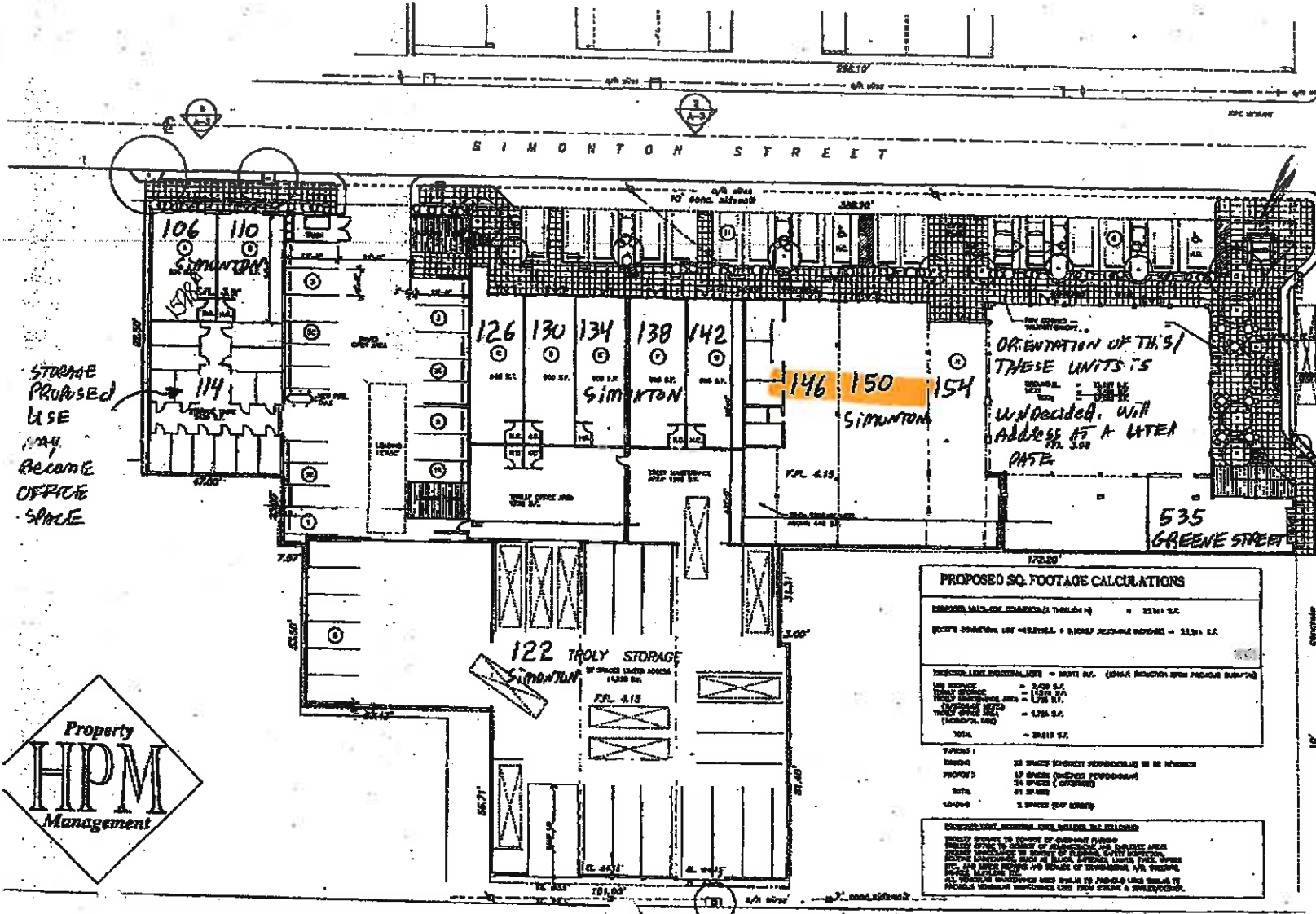
Roland S. Flowers, P.E.
Director General Services/City Engineer

Attachment (1)

- C: Revenue Department
- OMI
- AT & T Cablevision
- Florida Keys Aqueduct Authority
- Southern Bell Telephone Company
- Planning Department
- Joyce Unke, HTA

- Building Department
- Sewer Department
- Monroe County Tax Appraiser
- City Electric System
- Waste Management Information
- KWPD - Officer Hades

Mimi - 4-6575



STORAGE PROPOSED USE MAY BECOME OFFICE SPACE

ORIENTATION OF THESE UNITS IS UNDECIDED. WILL ADDRESS AT A LATER DATE.

PROPOSED SQ. FOOTAGE CALCULATIONS

RESIDENTIAL UNITS (EXCLUDING TROLLEY)	= 22111 S.F.
OFFICE/STORAGE USE (EXCLUDING TROLLEY STORAGE)	= 2121 S.F.
RESIDENTIAL UNITS (INCLUDING TROLLEY STORAGE)	= 24232 S.F.
OFFICE/STORAGE USE (INCLUDING TROLLEY STORAGE)	= 2121 S.F.
TOTAL	= 26353 S.F.

UNITS	24 UNITS (INCLUDING TROLLEY STORAGE)
PROPOSED	17 UNITS (INCLUDING TROLLEY STORAGE)
TOTAL	41 UNITS
UNITS	2 UNITS (OFFICE/STORAGE)

RESIDENTIAL UNITS, INCLUDING TROLLEY STORAGE, ARE AS FOLLOWS:

RESIDENTIAL UNITS TO BE EXCLUDED FROM CALCULATIONS:

RESIDENTIAL UNITS TO BE INCLUDED IN CALCULATIONS:

RESIDENTIAL UNITS TO BE EXCLUDED FROM CALCULATIONS:

RESIDENTIAL UNITS TO BE INCLUDED IN CALCULATIONS:

WILLIAMS FIRM ARCHITECT, P.A.
215 EAST 10TH ST.
KEY WEST, FLORIDA 33001

THE DESIGN AND DRAWINGS ARE THE PROPERTY OF WILLIAMS FIRM ARCHITECT, P.A.

PERMIT NO. 14-00000-000

ENCLOSURE NOT PERMITTED

SCALE

DATE 08-13-00

REVISIONS
NO. DESCRIPTION
DATE
BY
CHECKED BY
DRAWN BY

PROJECT

**PLANNING BOARD RESOLUTION
No. 2005-015**

**A RESOLUTION OF THE CITY OF KEY WEST
PLANNING BOARD PURSUANT TO CHAPTER 122,
ARTICLE III, OF SUBPART B., LAND DEVELOPMENT
REGULATIONS, OF THE CODE OF ORDINANCES OF
THE CITY OF KEY WEST, APPROVING WITH
CONDITIONS A PROPOSAL FOR A CONDITIONAL USE
ON THE PARCEL AT 146-150 SIMONTON STREET
(RE#00000290-000000) TO ALLOW A BINGO
HALL/VIDEO ARCADE OF APPROXIMATELY 6,550
SQUARE FEET; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, an Application for Conditional Use approval was filed on April 5, 2005, by Pam Phillips, authorized representative, on behalf of Historic Tours of America, Inc. (Edwin O. Swift, III), owner, to allow creation of a "not-for-profit bingo hall and a for-profit video arcade, wholly contained within a portion of the recently redeveloped Simonton Row commercial mall," on property located in HRCC-1 (Historic Residential/Commercial Core – Duval Street Gulfside) zoning district; and

WHEREAS, Commercial Amusement, except adult entertainment establishments, is a Conditional Use within the HRCC-1 Duval Street Gulfside zoning district; and

WHEREAS, Section 122-686 of the City's Code of Ordinances/Land Development Regulations, which mirrors the Comprehensive Plan, provides the following "Intent" for the HRCC-1 zoning district: "The HRCC-1 Duval Street Gulfside district incorporates the city's intensely vibrant tourist commercial entertainment center which is characterized by specialty shops, sidewalk-oriented restaurants, lounges and bars with inviting live entertainment; and transient residential accommodations," and reference is also made to former light manufacturing and warehousing uses that could even be accommodated with conditions in a specific portion of the district in which the redeveloped mall—and the proposed Commercial Amusement uses are located; and

WHEREAS, Section 122-688 (11) specifically provides that Conditional uses in the HRCC-1 district include "Commercial amusement, except adult entertainment establishments" and Planning staff determined that the dual proposed uses best fit within that use category; and

RECEIVED

JUN 15 2005

CITY OF KEY WEST
PLANNING DEPT.

WHEREAS, the applicant's proposal was submitted for the February 24, 2005, Development Review Committee meeting and Pam Phillips and Lou Hernandez, Helpline, introduced this project, discussing events, hours and parking issues; and

WHEREAS, "the DRC members present and written comments and suggestions" were as follows:

- Keys Energy Services written comment: Customer will need to provide KEYS with a Project Review Form, to ensure the available voltage to property is 120/208V 3- phase;
- Florida Keys Aqueduct Authority written comment: The FCAA has no objection to the premises being used as a Bingo Hall Video Arcade as long as no new water using fixtures are added;
- Office of the Fire Marshal written comment;
- City Engineer/Public Works: Agrees with parking concerns, asked what video games--Ms. Phillips stated video redemption;
- Utilities: Agrees with parking concerns, and told applicant there is no bus route at Simonton/Greene;
- Building Official: wanted to know minimum age--Ms. Phillips stated 18 at very minimum;
- HARC: No comments unless make changes to outside of building then applicant must come to HARC for approval;
- Landscape Coordinator: Reminded applicant to not cut the sable palms; Bicycle/Pedestrian Coordinator agreed with the parking concerns issue; Stated need to have hearing impaired devices;
- KWDOT:
 - ✓ Parking requirements on ALL projects should be adhered to; and, variances or exceptions are not recommended by KWDOT on any projects due to existing parking shortages in Key West;
 - ✓ Customer amenities are recommended to be incorporated into all planning and development as to promotion of use of our public transportation system (i.e.: curb cuts with designated bus stop areas, comfortable waiting areas that are outside of the elements);
 - ✓ Private partnership commitment by developers to provide public transit information to guests/visitors; and even better a true partnership that allows for multi-unit developments to sell bus passes would be wonderful;
 - ✓ To maintain the current life quality level as we know it today relative to traffic and parking as well as begin to attempt to decrease the number of vehicles on our roadways will require a commitment on everyone's part; and

RECEIVED

JUN 15 2005

WHEREAS, following the DRC Meeting, Planning staff was given a document by Ms. Phillips dated February 24, 2005, that was addressed to her as President of Stargate Promotions dba Last Key Bingo and described as an expert opinion on "Arcade Amusement Games intended for a Mature Clientele"; and

WHEREAS, a revised application was submitted by Ms. Phillips and Trepanier & associates, Inc., consulting planners, on April 5, 2005, that also included a sample sublease and related State Statutes and Attorney General Interpretations; and

WHEREAS, the dual use proposal was to be considered by the Key West Planning Board at its Regular Meeting of April 21, 2005 but the meeting could not be held due to lack of a quorum; and

WHEREAS, the proposal was then considered by the Planning Board at its Regular Meeting of May 19, 2005, and

WHEREAS, at that meeting, City Planner Ty Symroski read into the record that for this project 52 notices were sent and out of those notices: received 9 responses-2 objections and 7 do not object (including 2 by the property owner) also reading the comments from the citizens into the record; and

WHEREAS, at that meeting, Mr. Symroski referenced a staff report by Wendy Tucker, Development Review Administrator, dated May 3, 2005, recommending approval with conditions;

WHEREAS, the Planning Department staff report recommended approval of the proposal with the following conditions:

1. Not-for-profit bingo hall and for-profit video arcade, including leased space, equipment, paid staff and volunteers, and all related procedures, will operate under appropriate Florida Statutes, Attorney General rulings, and City Code of Ordinance requirements as determined by the City's Legal staff;
2. If the non-profit bingo operation terminates, the number of arcade machines will not increase, and any change in use as determined by the City Planner to be an issue shall be brought back to the Planning Board;
3. Any significant change in traffic/parking impacts on the immediate neighborhood, as determined by the City Planner, shall require a review of the approval by the Planning Board;
4. In approximately 9 months from date of approval with conditions, the Planning Board shall revisit its approval of the requested Conditional Uses and, based on reports from the applicant/operator, the City Planning

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JUN 15 2005

CITY OF KEY WEST
PLANNING DEPT.

- and/or Code Enforcement Departments, and complaints if any, shall amend conditions of approval;
5. Days/nights and hours of operation shall not be restricted unless the 9-month operating period generates complaints to the City that lead the Planning Board to fix limits;
 6. No alcohol sales will occur on the premises;
 7. No restaurant will be operated on the premises, with food service limited to prepackaged non-alcoholic drinks and snack foods, except that any special events requiring fresh food will be catered through a licensed caterer and shall not exceed more than 12 such events per year;
 8. No exterior special event lighting will occur;
 9. Noise will be contained on site;
 10. Adults only will be permitted access, with no one under the age of 18 allowed inside, and signs will be posted at the entrance stating the age requirement, with anyone appearing to be under 18 required to produce an ID showing sufficient age or leave;
 11. "No loitering" signs will be placed at the entrance of the establishment in accordance with HARC District regulations, and if loitering becomes a problem, trained staff will be hired to deal with that problem;
 12. There will be at least two paid employees on the premises at all times of operation.

WHEREAS, there then followed a discussion of the conditions including the proposed requirement for a review after nine (9) months of any adverse impacts, including concern about conditional approval that sets a later review although it may be feasible if the applicant agreed; and

WHEREAS, Mr. Symroski and Ms. Tucker explained that the conditions were proposed due to inability to fully determine possible impacts of the conditional uses, such as traffic, and to protect the neighborhood if the current proposal ceases and a new type of amusement arcade takes its place; and

WHEREAS, the applicants and a representative from one of the non-profit organizations also participated in explanation and discussion; and

WHEREAS, one motion was made to approve with conditions as revised in discussion and to leave the future review as a condition if the applicant agreed, and also, in discussion one of the applicants suggested alternative language, but that motion was withdrawn; and

WHEREAS, there followed a motion, which received a second and was passed unanimously, to approve with revised conditions as follows: Condition 1 (above) remove "as determined by the City's legal staff"; Condition 2 remove "the number of arcade machines will not increase." Remove Conditions 3 and 4

RECEIVED

JUN 15 2005

Condition 12 change from two paid employees to one paid employee. Mr. Klitenick made a second to that motion, and Mr. Mr. Symroski is to be sure that the final resolution includes the limit on the total number of allowed machines; and

WHEREAS, at that meeting, the following plans were reviewed by the Board:

Plans	By	Date	Revised	Pg #	Received
Drawing, Ground Floor, 146/150 Simonton St., location of video machines, bingo only seats, bingo/video seats	Provided by applicants	undated			4/5/05
Drawing, Upstairs, 146/150 Simonton St., location of video machines, offices, non-smoking area	Provided by applicants	undated			4/5/05
Simonton Row Marketing Floor Plan, showing subject "Retail Space H," including ground floor and mezzanine	Provided by applicants	9/24/02	Graphics added by applicant		4/5/05
Simonton Row Floor Plan – right use plan (reduced) and s.f. calculations	William P. Horn, Architect	6/24/00	5/7/01		4/5/05

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

Section 1. That the Planning Board APPROVES the Application for the Conditional Use Plan for the property at 146-150 Simonton Street, RE#: 00000290-000000, with the following conditions:

- 1. Not-for-profit bingo hall and for-profit video arcade, including leased space, equipment, paid staff and volunteers, and all related procedures, will operate under appropriate Florida Statutes, Attorney General rulings, and City Code of Ordinance requirements;**
- 2. If the non-profit bingo operation terminates, any change in use as determined by the City Planner to be an issue shall be brought back to the Planning Board;**
- 3. Days/nights and hours of operation shall not be restricted unless the 9-month operating period generates complaints to the City that lead the Planning Board to fix limits;**
- 4. No alcohol sales will occur on the premises;**
- 5. No restaurant will be operated on the premises, with food service limited to prepackaged non-alcoholic drinks and snack foods, except that any special events requiring fresh food will be catered through a licensed caterer and shall not exceed more than 12 such events per year;**
- 6. No exterior special event lighting will occur;**

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JUN 15 2005

CITY OF KEY WEST
PLANNING DEPT.

7. Noise will be contained on site;
8. Adults only will be permitted access, with no one under the age of 18 allowed inside, and signs will be posted at the entrance stating the age requirement, with anyone appearing to be under 18 required to produce an ID showing sufficient age or leave;
9. "No loitering" signs will be placed at the entrance of the establishment in accordance with HARC District regulations, and if loitering becomes a problem, trained staff will be hired to deal with that problem;
10. There will be at least one paid employees on the premises at all times of operation.

Section 2. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the Chairman of the Planning Board and the City Planner.

Passed at a meeting held this 19th day of May 2005.

Authenticated by the Chairman of the Planning Board and the City Planner.

Patricia Eables 5-31-05
 Patricia Eables, Chairman Date
 Key West Planning Board

Attest:

Ty Symroski 5/27/2-5
 Ty Symroski, City Planner Date

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 JUN 15 2005
 CITY OF KEY WEST
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Filed with the Clerk

Cheryl Smith 6-1-05
 Cheryl Smith, City Clerk Date



Jeb Bush
Governor

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

Lillian Rivera, RN, MSN, Administrator

PERMITTEE:

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

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

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

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

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



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

"A"

PERMIT NO: 150092-007-WC/04

PERMIT ISSUE DATE: November 14, 2006

GENERAL CONDITIONS:

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit, are "permit conditions" and are binding and enforceable pursuant to Sections 403.141, 403.727, or 403.859 through 403.861, F.S. The permittee is placed on notice that the Department will review this permit periodically and may initiate enforcement action for any violation of these conditions.
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviation from the approved drawings, exhibits, specifications, or conditions of this permit may constitute grounds for revocation and enforcement action by the Department.
3. As provided in subsections 403.087(6) and 403.722(5), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations. This permit is not a waiver of or approval of any other Department permit that may be required for other aspects of the total project which are not addressed in this permit.
4. This permit conveys no title to land or water, does not constitute State recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title.
5. This permit does not relieve the permittee from liability for harm or injury to human health or welfare, animal, or plant life, or property caused by the construction or operation of this permitted source, or from penalties therefore; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department.
6. The permittee shall properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed and used by the permittee to achieve compliance with the conditions of this permit, are required by Department rules. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the permit and when required by Department rules.
7. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, upon presentation of credentials or other documents as may be required by law and at reasonable times, access to the premises where the permitted activity is located or conducted to:
 - (a) Have access to and copy any records that must be kept under conditions of the permit;
 - (b) Inspect the facility, equipment, practices, or operations regulated or required under this permit; and

PERMIT NO: 150092-007-WC/04

PERMIT ISSUE DATE: November 14, 2006

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

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

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

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

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

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

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

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

13. This permit also constitutes:

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

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

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

SPECIFIC CONDITIONS:

1. The applicant is responsible for retaining the engineer of record in the application for supervision of the construction of this project and upon completion, the engineer shall inspect for complete conformity to the plans and specifications as approved.
2. All concrete coatings/admixtures, liners, grouts, hoses, tubings, and protective paints and coatings shall be listed by the National Sanitation Foundation as acceptable for contact with potable water.
3. Bacteriological points depicted on the plans may be modified with Department consent to meet convenient locations where taps would be inserted in the Main for Fire, Metering, Air Release or other connections but not less than 900 foot intervals for new mains. Additionally, each part or system module shall be Bacteriologically cleared with 2 consecutive days of sampling before being placed in service as well as the final stream going to storage and subsequent service.
4. The Applicant or his designee shall notify The Department at the local DOE office of the start of the study/construction for purposes of allowing Department Personnel to observe the actual process.
5. The owner or permittee is advised that approval is given to the functional aspects of this project on the basis of representation, and data furnished to this division. There may be County, Municipal or other Local Regulations to be complied with by the owner or permittee prior to construction of the facilities represented by the plans referred to above.
6. This construction permit is issued with the understanding that pipe material and appurtenances used in this installation will be in accordance with the latest applicable AWWA & NSF Standards for public water supplies.
7. The applicant Public Water System as a condition of this permit is hereby advised they shall revert to (2) two-six Month periods of standard monitoring for Lead and Copper upon issuance of Clearance to put the facilities into service. If no Lead or Copper exceedance occurs within the 2-6 Month periods, the System may return to annual monitoring.

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

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

Issued this 30th day of November 2006

STATE OF FLORIDA
DEPARTMENT OF HEALTH

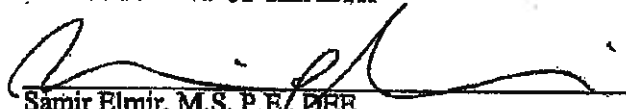

Samir Elmir, M.S., P.E., DEE,
Division Director

Exhibit II

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



FORM #0299
Rev. 5/03

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

Date Issued: 13-MAR-2008

Expiration Date: March 13, 2028

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

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

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

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

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

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

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

Limiting Conditions are as follows:

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

South Florida Water Management
District, by its Governing Board

On March 13, 2008
By [Signature]
Deputy Clerk

LIMITING CONDITIONS

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

Public water supply

4. Source classification is:

Ground Water from:
Biscayne Aquifer
Floridan Aquifer System

5. Annual allocation shall not exceed 8751 MG.

Maximum monthly allocation shall not exceed 809.0088 MG.

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

Biscayne Aquifer-: 6,492 MG:

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

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

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

This Permit is issued to:

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

7. Withdrawal facilities:

Ground Water - Existing:

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

Ground Water - Proposed:**4 - 17" X 1300' X 2000 GPM Wells Cased To 880 Feet**

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

Interference to an existing legal use is defined as an impact that occurs under hydrologic conditions equal to or less severe than a 1 in 10 year drought event that results in the:
 - (1) Inability to withdraw water consistent with provisions of the permit, such as when remedial structural or operational actions not materially authorized by existing permits must be taken to address the interference; or
 - (2) Change in the quality of water pursuant to primary State Drinking Water Standards to the extent that the water can no longer be used for its authorized purpose, or such change is imminent.
9. Permittee shall mitigate harm to existing off-site land uses caused by the permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the District will require the permittee to modify withdrawal rates or mitigate the harm. Harm caused by withdrawals, as determined through reference to the conditions for permit issuance, includes:
 - (1) Significant reduction in water levels on the property to the extent that the designed function of the water body and related surface water management improvements are damaged, not including aesthetic values. The designed function of a water body is identified in the original permit or other governmental authorization issued for the construction of the water body. In cases where a permit was not required, the designed function shall be determined based on the purpose for the original construction of the water body (e.g. fill for construction, mining, drainage canal, etc.)
 - (2) Damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use; or
 - (3) Land collapse or subsidence caused by reduction in water levels associated with consumptive use.
10. Permittee shall mitigate harm to the natural resources caused by the permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the District will require the permittee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to the conditions for permit issuance includes:
 - (1) Reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/salt water interface,
 - (2) Reduction in water levels that harm the hydroperiod of wetlands,
 - (3) Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond,
 - (4) Harmful movement of contaminants in violation of state water quality standards, or
 - (5) Harm to the natural system including damage to habitat for rare or endangered species.
11. If any condition of the permit is violated, the permit shall be subject to review and possible modification, enforcement action, or revocation.

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

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

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

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

- Deep Injection Well
 - Obtain FDEP Permit - March 31, 2008
 - Award Contract - 152 days after receiving FDEP Underground Injection Control Permit
 - Complete Drilling and Testing - 1 year and 30 days after receiving FDEP Underground Injection Control Permit
- Complete reverse osmosis water treatment plant system
 - Begin and Stabilize Operation - 2 years and 60 days after receiving FDEP Underground Injection Control Permit

31.

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

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

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

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

- Award Contract - \$2,000.00 per week
- Complete drilling and Testing - \$2,000.00 per week
- Complete reverse Osmosis Water Treatment Plant System - \$2,000.00 per week
- Begin and Stabilize Operation - \$2,000.00 per week

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

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

Exhibit III

October 14, 2008 Wastewater Memo

Sarah Davis

From: Greg.Smith@ch2m.com
Sent: Tuesday, October 14, 2008 11:20 AM
To: Sarah Davis
Subject: RE: OMI's capacity

Sarah,

Key West's wastewater treatment facility is permitted by the Florida Department of Environmental Protection to treat 10 mgd. Our annual average flow is currently 4.8 mgd. Your proposed development will have very little impact on Key West's wastewater treatment capacity.

Please let me know if you require any additional information. You can also see our website at www.keywestwastewater.com.

Best regards,

Greg Smith, Project Manager
CH2M Hill OMI
Key West, Florida
(305) 292-5102

Exhibit IV

Map of the City of Key West's Existing Recreation Services

The City of Key West's Recreation Facilities



Exhibit V

October 17, 2008 Solid Waste Memo

The Facility (Richard A. Heyman Environmental Protection Facility) is currently permitted for 10 mgd, and is operating on a (3) monthly average of 4.303 mgd, (12) month daily average flow of 6.218. Therefore there is sufficient treatment to support this project. If you have other questions please feel free to contact me.

Gary W. Bowman
General Services Director
City of Key West
305-809-3901

Property Appraiser Information



THIS PROPERTY LOCATION MAP HAS BEEN COMPILED FOR INTERNAL OFFICE USE AS AN AID IN THE PREPARATION OF THE MONROE COUNTY TAX ROLL. IT IS NOT A SURVEY AND THE OWNERSHIP INFORMATION DEPICTED THEREON SHOULD NOT BE RELIED UPON FOR TITLE PURPOSES. NEITHER MONROE COUNTY NOR THE OFFICE OF THE PROPERTY APPRAISER ASSUMES RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS.

1:1,228
Date: 2/1/2013

**Karl D. Borglum
Property Appraiser
Monroe County, Florida**

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

**Property Record Card -
Map portion under construction.**

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

Alternate Key: 1000281 Parcel ID: 00000290-000000

Ownership Details

Mailing Address:
HISTORIC TOURS OF AMERICA INC
201 FRONT ST STE 224
KEY WEST, FL 33040-8348

Property Details

PC Code: 12 - STORE/OFF/RES OR COMBINATION
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range: 06-68-25
Property Location: 110-124 SIMONTON ST KEY WEST
Legal Description: KW ALL LOT 1 & PT LOTS 2, 3 & 4 SQR 6 G24-399 BOOK OF WILLS D-90/91 G36-394/95 G67-414 OR89-491/92 OR150-450/51 OR228-483/84 OR283-219/20 OR316-174/77 OR350-368/69 OR578-789 OR749-145/46 OR1694-1955/56

Parcel Map (Click to open dynamic parcel map)



Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	386	93	57,381.00 SF

Building Summary

Number of Buildings: 3

Number of Commercial Buildings: 3
 Total Living Area: 42485
 Year Built: 1962

Building 1 Details

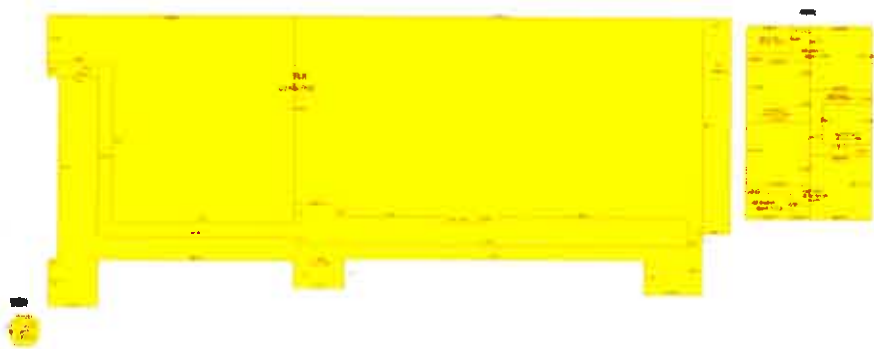
Building Type	Condition E	Quality Grade 400
Effective Age 14	Perimeter 1,104	Depreciation % 15
Year Built 1968	Special Arch 0	Grnd Floor Area 23,968
Functional Obs 0	Economic Obs 0	

Inclusions:

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

Extra Features:

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



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	1967		Y			21,190
2	OPX		1	2002					2,919
3	CPF		1	1986					1,056
4	OPU		1	2002					4,130
5	FLA		1	2004		Y			2,729

6	OUF	1	2004		169
7	O UU	1	2004		209
8	OUF	1	2004		169
9	O UU	1	2004		209
10	OUF	1	2004		345
11	O UU	1	2004		357
12	OPF	1	2005		79
13	FLA	1	2005	Y	49

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
		1 STY STORE-A	100	N	N
		TOURIST ATTRAC-B-	100	N	N
	174	1 STY STORE-A	100	Y	Y

Exterior Wall:

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

Building 2 Details

Building Type
 Effective Age 18
 Year Built 1962
 Functional Obs 0

Condition E
 Perimeter 548
 Special Arch 0
 Economic Obs 0

Quality Grade 350
 Depreciation % 23
 Grnd Floor Area 14,511

Inclusions:

Roof Type
 Heat 1
 Heat Src 1

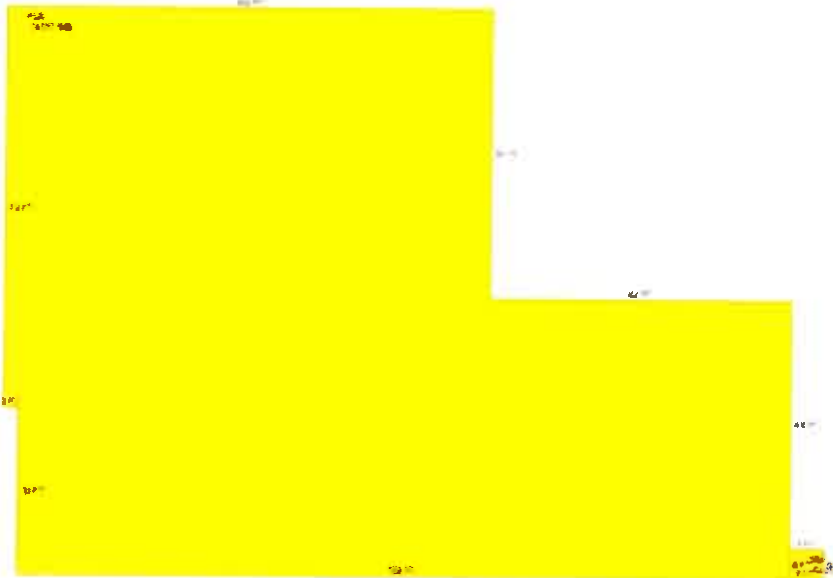
Roof Cover
 Heat 2
 Heat Src 2

Foundation
 Bedrooms 0

Extra Features:

2 Fix Bath 0
 3 Fix Bath 0
 4 Fix Bath 0
 5 Fix Bath 0
 6 Fix Bath 0
 7 Fix Bath 0
 Extra Fix 0

Vacuum 0
 Garbage Disposal 0
 Compactor 0
 Security 0
 Intercom 0
 Fireplaces 0
 Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic A/C	Basement %	Finished Basement %	Area
1	FLA		1	1962				14,511
2	SBF		1	2002				42

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	175	WAREHOUSE/MARINA B	100	N	N

Exterior Wall:

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

Building 3 Details

Building Type
 Effective Age 14
 Year Built 1987
 Functional Obs 0

Condition E
 Perimeter 286
 Special Arch 0
 Economic Obs 0

Quality Grade 350
 Depreciation % 15
 Grnd Floor Area 4,006

Inclusions:

Roof Type
 Heat 1
 Heat Src 1

Roof Cover
 Heat 2
 Heat Src 2

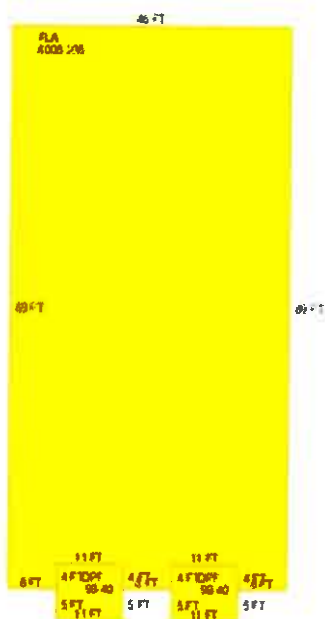
Foundation
 Bedrooms 0

Extra Features:

2 Fix Bath 2
 3 Fix Bath 2

Vacuum 0
 Garbage Disposal 0

4 Fix Bath	0	Compactor	0
5 Fix Bath	0	Security	0
6 Fix Bath	0	Intercom	0
7 Fix Bath	0	Fireplaces	0
Extra Fix	0	Dishwasher	0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	1988					4,006
2	OPF		1	2002					99
3	OPF		1	2002					99

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	176	NIGHT CLUB, BARS B	100	Y	Y

Exterior Wall:

Interior Finish Nbr	Type	Area %
55	C.B.S.	50
56	BRICK	50

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	FN2:FENCES	594 SF	66	9	1975	1976	4	30
2	AP2:ASPHALT PAVING	6,602 SF	0	0	1983	1984	2	25

3	PT3:PATIO	144 SF	0	0	1993	1994	2	50
4	TK2:TIKI	64 SF	8	8	2001	2002	5	40
5	CL2:CH LINK FENCE	270 SF	45	6	1986	1987	1	30
6	PT3:PATIO	5,148 SF	286	18	2002	2003	2	50
7	FN2:FENCES	320 SF	64	5	2004	2005	4	30

Appraiser Notes

TPP 8560818 - BUGGY BUSINC OLD TOWN HISTORIC TOURS.
 2006-11-21 - 2ND STORY OF BLDG 1 IS OFFICE/RETAIL SPACE. - JEN
 2006-10-04 - BLDG 1 - 'SIMONTON ROW' 126-150 SIMONTON & 535 GREENE: SALON 126, RESORT REALTY, ARCADE, WORLD WATERSPORTS. BLDG 2 - 122 SIMONTON: HTA TROLLEY REPAIR. BLDG 3 - 106 SIMONTON: FRATERNAL ORDER OF ORIOLES (MEMBERSHIP BAR).

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	09-00004298	12/23/2009		150	Commercial	SIGN
	04-2095	06/30/2004	07/13/2004	3,500		C.O. STATES CONSUMPTION AREA FOR NON PROFIT CLUB: ORIGINALLY 80 SEATS AND REDUCED TO 13 SEATS ONLY. NO FOOD SERVICE.
1	B94-0075	01/01/1994	12/01/1994	4,500	Commercial	REPAIR SPALDING CONCRETE
2	B94-0858	03/01/1994	12/01/1994	800	Commercial	12X12 CONCRETE PAD
3	B94-0907	03/01/1994	12/01/1994	2,000	Commercial	ABANDON GAS TANK UNDERGRD
4	A95-0918	03/01/1995	08/01/1995	30,000	Commercial	45 SQ. OF ROOFING
5	B95-4113	11/01/1995	12/01/1995	1,700	Commercial	REMOVE/REPLACE GUTTERS
6	B95-4207	12/01/1995	08/01/1996	1,200	Commercial	REMOVE/REPLACE GUTTERS
7	97-2020	07/01/1997	12/01/1997	40,000	Commercial	BUILD MORE OFFICE SPACE
8	97-2284	07/01/1997	12/01/1997	3,000	Commercial	ELECTRICAL
9	97-2418	07/01/1997	12/01/1997	10,000	Commercial	A/C
10	97-2497	07/01/1997	08/01/1997	2,500	Commercial	ELECTRICAL
11	97-2208	07/01/1997	08/01/1997	20,000	Commercial	REMODELING/BUILD OUT
12	97-3633	10/01/1997	12/01/1997	650	Commercial	ELECTRIC
13	98-1014	03/30/1998	11/23/1998	2,000	Commercial	ROOF
14	98-3548	11/15/1998	11/29/1998	4,000	Commercial	SIGNS
24	02-2007	10/17/2002	12/12/2002	52,000	Commercial	COMPLETE FEES
25	02-2587	10/17/2002	12/12/2002	63,000	Commercial	DRYWALL
26	02-2692	10/18/2002	12/12/2002	30,000	Commercial	BUILD OUT
27	02-2587	10/25/2002	12/12/2002	15,000	Commercial	BUILD HANDICAP TOLILET
30	02-3113	12/11/2002	04/03/2002	61,450	Commercial	INTERIOR BUILDOUT
15	01-2726	08/23/2001	04/03/2002	61,450	Commercial	UPDATE ELECTRIC
17	01-3040	08/31/2001	04/03/2002	1,000	Commercial	SIGN
31	02-3390	12/19/2002	06/05/2003	4,000	Commercial	WIREING FOIR STORAGE AREA
32	02-3471	12/30/2002	06/05/2003	975	Commercial	WOOD SIGNS

16	01-2934	08/24/2001	12/12/2002	1,000	Commercial	BANNER
34	02-2941	02/03/2003	06/05/2003	1,000	Commercial	PLUMBING
33	03-0082	01/22/2003	06/05/2003	1,100	Commercial	SIGN PERMIT
29	02-2942	11/26/2002	12/12/2002	15,000	Commercial	WIREING-110
28	02-2945	11/15/2002	12/12/2002	20,500	Commercial	RENOVATIONS
35	02-2946	02/13/2003	06/05/2003	4,500	Commercial	ELECTRIC-142
18	01-3505	10/24/2001	12/12/2002	3,000	Commercial	TANK PROPANE
19	01-3718	11/19/2001	12/12/2002	5,000	Commercial	ROOFING
22	01-2775	04/11/2002	12/12/2002	95,100	Commercial	RENOVATION
20	02-0321	03/20/2002	12/12/2002	425,000	Commercial	RENOVATION
21	02-0125	03/20/2002	12/12/2002	989,700	Commercial	RENOVATION
23	02-1761	07/01/2002	12/12/2002	16,000	Commercial	ROOFING
37	03-0420	03/03/2003	05/08/2003	60,000	Commercial	RED TAGGED ADDITION
36	02-2930	02/25/2003	06/05/2003	44,700	Commercial	RENOVATIONS - BUILD OUTS
39	03-0960	03/25/2003	05/08/2003	11,500	Commercial	ELECTRIC
40	03-0754	03/28/2003	05/08/2003	4,050	Commercial	PLUMBING
46	03-2984	02/26/2004	05/08/2003	105,226	Commercial	BUILD 710SF APT
47	03-2987	02/26/2004	05/08/2003	103,724	Commercial	BUILD 710SF APT
48	03-2986	02/26/2004	05/08/2003	100,362	Commercial	BUILD 710SF APT
38	03-0420	03/03/2003	05/08/2003	60,000	Commercial	BUILD OUTSALON 12-RED TAG
41	03-1358	04/15/2003	05/08/2003	2,500	Commercial	CHANGE SIGNS
49	04-2045	06/22/2004	11/12/2004	600	Commercial	SECURITY SYSTEM
50	04-1988	06/22/2004	11/12/2004	500	Commercial	REMOVE WALL
52	04-2043	06/23/2004	11/12/2004	4,000	Commercial	DRYWALL & PAINT
51	04-2028	06/22/2004	11/12/2004	2,400	Commercial	INTERIOR ELECTRIC
53	04-2051	06/23/2004	11/12/2004	11,000	Commercial	2 X 5-TON A/C'S W/ 15 DROPS
54	04-2095	06/30/2004	07/16/2004	3,500	Commercial	RED TAG BUILD BAR, ETC
43	03-2986	07/27/2003	11/12/2004	7,800	Commercial	INSTALL ROOFFOR#203
44	03-2985	07/27/2003	11/12/2004	7,800	Commercial	INSTALL ROOF #202
45	03-2987	07/27/2003	11/12/2004	7,800	Commercial	INSTALL ROOF #204
42	03-2984	07/23/2003	11/12/2004	7,800	Commercial	NEW SFR AFFORDABLE
56	04-2569	08/02/2004	11/12/2004	1,450	Commercial	ELECTRIC
57	04-3413	10/29/2004	11/12/2004	8,975	Commercial	FIBERGLASS ROOF
58	05-0929	04/19/2005	12/06/2005	4,000	Commercial	RENOVATE OFFICE & ADD ADA BATH
55	04-1391	06/30/2004	11/12/2004	31,275	Commercial	RENOVATE #138
60	05-3114	07/27/2005	10/05/2005	19,000	Commercial	REPLACE EXISTING 25-TON A/C
62	05-3605	08/23/2005	10/05/2005	5,000	Commercial	INSTALL NEW 225 AMP THREE PHASE SUB FEED
63	05-3611	08/23/2005	10/05/2005	2,300	Commercial	FOR BINGO HALL & GAMING MACHINES
64	05-3577	08/29/2005	10/05/2005	2,150	Commercial	SIGNS FOR "LAST KEY BINGO & ARCADE"
65	05-3470	09/22/2005	10/05/2005	50,000	Commercial	BUILD-OUT OF UNIT(148 - 150 SIMONTON ST) FOR USE AS A BINGO HALL
67	05-5034	11/08/2005	10/05/2005	2,500	Commercial	HURRICANE WILMA DAMAGE ELECTRICAL REPAIRS
68	05-5806	12/20/2005	10/05/2005	2,600	Commercial	INSTALL A 3-TON A/C & EXHAUST FAN

69	06-0040	01/06/2006	10/05/2005	1,000	Commercial	INSTALL EXHAUST FAN (ROOF TOP)
59	05-1344	04/26/2005	10/05/2005	2,300	Commercial	ELECTRICAL
70	06-1566	03/08/2006	10/04/2006	1,200	Commercial	PERMIT UPGRADE
66	05-4568	10/17/2005	10/04/2006	60,000	Commercial	INSTALL THREE 10 TON RTU'S.
61	05-3241	08/02/2005	10/04/2006	5,000	Commercial	INSTALL NEW 225 AMP PANEL.
71	07-1167	03/13/2007		27,000	Commercial	REMOVE EXISTING ROOFS TO A SMOOTH WORKABLE DECK

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2012	4,370,714	45,297	3,461,262	7,877,273	7,877,273	0	7,877,273
2011	4,420,163	46,264	3,845,847	8,312,274	8,312,274	0	8,312,274
2010	4,500,606	47,220	3,712,780	8,260,606	8,260,606	0	8,260,606
2009	4,550,056	48,218	3,998,974	8,597,248	8,597,248	0	8,597,248
2008	4,925,970	49,175	7,602,983	12,578,128	12,578,128	0	12,578,128
2007	3,385,162	50,120	7,602,983	11,038,265	11,038,265	0	11,038,265
2006	3,424,347	51,109	5,738,100	6,638,909	6,638,909	0	6,638,909
2005	3,637,482	52,076	5,451,195	5,900,390	5,900,390	0	5,900,390
2004	3,110,184	9,554	3,442,860	5,900,390	5,900,390	0	5,900,390
2003	2,956,145	9,623	3,557,622	5,900,390	5,900,390	0	5,900,390
2002	2,089,078	8,524	2,810,521	4,900,000	4,900,000	0	4,900,000
2001	2,089,078	8,547	3,557,622	4,900,000	4,900,000	0	4,900,000
2000	2,089,078	3,753	2,410,002	4,502,833	4,502,833	0	4,502,833
1999	2,133,541	3,760	2,048,502	4,185,803	4,185,803	0	4,185,803
1998	1,425,884	4,057	2,048,502	3,478,443	3,478,443	0	3,478,443
1997	1,415,703	4,355	1,950,954	3,371,012	3,371,012	0	3,371,012
1996	1,287,004	4,653	1,950,954	3,242,611	3,242,611	0	3,242,611
1995	1,141,623	4,951	1,950,954	3,097,528	3,097,528	0	3,097,528
1994	1,141,623	4,984	1,950,954	3,097,561	3,097,561	0	3,097,561
1993	1,141,623	5,320	1,950,954	3,097,897	3,097,897	0	3,097,897
1992	1,141,623	5,670	1,950,954	3,098,247	3,098,247	0	3,098,247
1991	1,030,774	6,007	1,950,954	2,987,735	2,987,735	0	2,987,735
1990	1,030,838	6,343	1,719,278	2,756,459	2,756,459	0	2,756,459
1989	1,030,838	6,693	1,707,085	2,744,616	2,744,616	0	2,744,616
1988	411,339	706	473,515	885,560	885,560	0	885,560
1987	399,472	739	298,998	699,209	699,209	0	699,209
1986	402,080	773	292,896	695,749	695,749	0	695,749
1985	386,505	806	263,606	650,917	650,917	0	650,917
1984	368,662	0	263,606	632,268	632,268	0	632,268

1983	283,816	0	164,754	448,570	448,570	0	448,570
1982	241,505	0	140,590	382,095	382,095	0	382,095

Parcel Sales History

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

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
5/8/2001	1694 / 1955	4,900,000	WD	Q

This page has been visited 1,263 times.

Monroe County Property Appraiser
 Karl D. Borglum
 P.O. Box 1176
 Key West, FL 33041-1176

Public Notices
(radius map & mailing list)

Public Meeting Notice

The Key West Planning Board will hold a public hearing at 6:00 p.m., June 20, 2013 at Old City Hall, 510 Greene Street, Key West, Florida, (Behind Sloppy Joe's Bar). The purpose of the hearing will be to consider a request for:

Conditional Use - 146-150 Simonton Street (RE# 00000290-000000, AK# 1000281 aka 110-124 Simonton Street) - A request to amend an existing Conditional Use to convert an Arcade/Bingo Hall to a Bar/Lounge in the HRCC-1 zoning district per Section 122-688(9) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

If you wish to see the application or have any questions, you may visit the Planning Department during regular office hours at 3140 Flagler Avenue call 809-3720 or visit our website at www.keywestcity.com.

YOU ARE WITHIN 300 FEET OF THE SUBJECT PROPERTY

The City of Key West Planning Board will be holding a Public Hearing:

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Applicant: Trepanier and Associates, Inc.

Owner: Historic Tours of America, Inc.

Project Location: 146-150 Simonton Street

Date of Hearing: Thursday, June 20, 2013

Time of Hearing: 6:00 PM

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

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

Please provide written comments to the Planning Department, PO Box 1409, Key West, FL 33041-1409 , by FAX (305) 809-3978 or by email to Katrina Cool at kcool@keywestcity.com .

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

ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number at 305-809-1000 or the ADA Coordinator at 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

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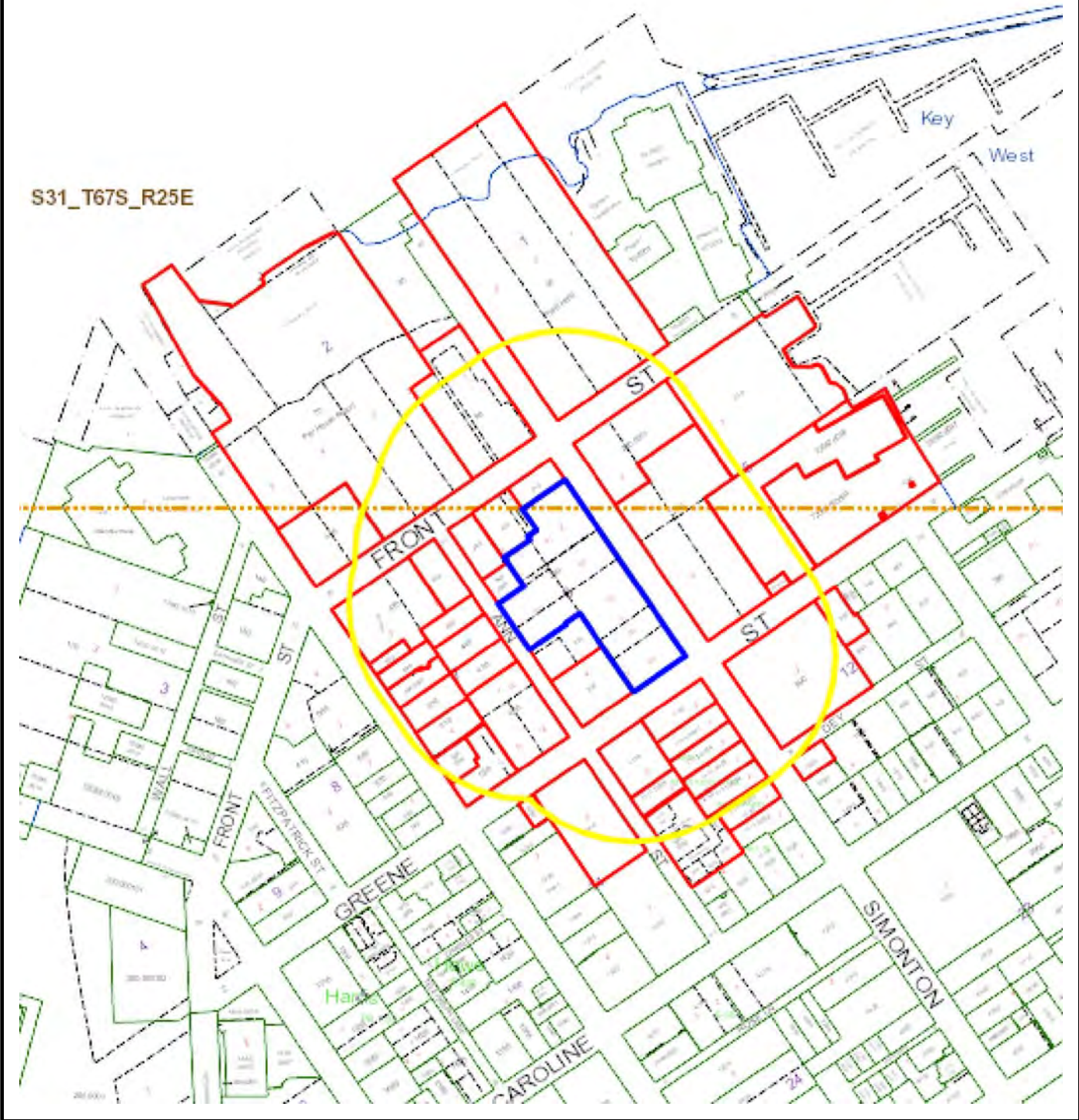
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ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number at 305-809-1000 or the ADA Coordinator at 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

S31_T67S_R25E



Monroe County, Florida

Printed: May 02, 2013

146 - 150 Simonton

DISCLAIMER: The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.



NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
1 511 GREENE STREET LLC	219 SIMONTON ST		KEY WEST	FL	33040-6653	
2 117 DUVAL LLC	423 FRONT ST		KEY WEST	FL	33040-6638	
3 SCHULTZ KENNETH H AND ANGEL-SCHULTZ DEBORAH L	219 SIMONTON ST		KEY WEST	FL	33040	
4 TIITF	3900 COMMONWEALTH BLVD	MLSTN 11	TALLAHASSEE	FL	32399-3000	
5 KEY WEST 07 LLC	508 SW 12TH AVE		DEERFIELD BEAC	FL	33442-3110	
6 TEMECULA ENTERPRISES LLC	3624 SUNRISE DR		KEY WEST	FL	33040	
7 SUNSET VENTURES LLC	PO BOX 520A		VILLANOVA	PA	19085-0320	
8 PIER HOUSE JOINT VENTURE ET AL	1 DUVAL ST		KEY WEST	FL	33040-6697	
9 ANN STREET PROPERTIES LLC	512 FRONT ST		KEY WEST	FL	33040-6619	
10 135 DUVAL COMPANY	423 FRONT ST STE 2		KEY WEST	FL	33040-6638	
11 512 PARTNERS LP	512 FRONT ST		KEY WEST	FL	33040-6619	
12 PIER HOUSE JOINT VENTURE	25425 CENTER RIDGE RD		WESTLAKE	OH	44145-4100	
13 LA MER ENTERPRISES INC	20201 E COUNTRY CLUB DR APT 605		MIAMI	FL	33180-3277	
14 GROSSCUP WILLIAM R CAPT	13 HILTON HAVEN RD		KEY WEST	FL	33040-3833	
15 KEY WEST HAND PRINT FABRICS LTD	201 FRONT ST STE 310		KEY WEST	FL	33040-8346	
16 TIKAL REAL ESTATE HOLDING I LLC	PO BOX 1778		KEY WEST	FL	33041-1778	
17 ANN STREET LLC	4750 CAMP ROOSEVELT DR		CHESAPEAKE BE MD		20732	
18 HYATT EQUITIES LLC	PO BOX 2196		CHICAGO	IL	60690-2196	
19 HISTORIC TOURS OF AMERICA INC	201 FRONT ST STE 224		KEY WEST	FL	33040-8348	
20 SUNSET PLAZA INC	PO BOX 1268		HALLANDALE	FL	33008-1268	
21 220 SIMONTON STREET LLC	1413 SOUTH ST		KEY WEST	FL	33040	
22 512 GREENE STREET LLC	PO BOX 1486		KEY WEST	FL	33041-1486	
23 US FOODS INC	12178 4TH ST		RANCHO CUCAM CA		91730-6127	
24 BAYHAVEN ENTERPRISES L C	700 FRONT ST STE 101		KEY WEST	FL	33040-6675	
25 121 DUVAL COMPANY	423 FRONT ST STE 2		KEY WEST	FL	33040-6638	
26 GAGEL MICHAEL T	1327 PUERTO DR		APOLLO BEACH	FL	33572-2923	
27 CARLSON 1989 TRUST	219 ANN ST		KEY WEST	FL	33040-6602	
28 MURPHY SHARI S REV TR 9/25/2001	550 PALMER AVE		WINTER PARK	FL	32789-2631	
29 HAYES PAUL N	1075 DUVAL ST	STE C-11	KEY WEST	FL	33040	
30 CARLSON 1989 TRUST DTD 10/26/89 TRUST A	219 ANN ST	REAR	KEY WEST	FL	33040	
31 BOTTLING COURT PARTNERS	506 FLEMING ST		KEY WEST	FL	33040	
32 CONCH TOUR TRAIN INC	PO BOX 1237		KEY WEST	FL	33041-1237	
33 G AND S KEY WEST LLC	20 AZALEA DR		KEY WEST	FL	33040-6206	
34 DAJULD3 LLC	PO BOX 2328		KEY WEST	FL	33045-2328	
35 FAVELLI GEORGEANN MARION LIVING TRUST 1/19/06	1523 PATRICIA ST		KEY WEST	FL	33040-5034	
36 SPOTTSWOOD PARTNER II LTD	506 FLEMING ST		KEY WEST	FL	33040	
37 SLOPPY JOE'S ENTERPRISES, INC	101 ANN ST		KEY WEST	FL	33040	

NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
38 SLOPPY JOE'S ENTERPRISES INC	201 DUVAL ST		KEY WEST	FL	33040	
39 HUNTER BRUCE	1075 DUVAL ST	UNIT C-11	KEY WEST	FL	33040	

Public Comment

Barton W. Smith, Esq.
Managing Partner

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VIA EMAIL

June 17, 2013

Chairman Richard Klitenick
Commissioner James Gilleran
Commissioner Lisa Tennyson
Commissioner Gregory Oropeza
Commissioner Timothy Root
Commissioner Sam Holland
Commissioner Michael Browning

Re: Conditional Use Application – 146 – 150 Simonton Street
Agenda Item 2
June 20, 2013 Planning Commission Meeting

Dear Chairman Klitenick and Planning Commissioners,

On behalf of Smith Oropeza, P.L., I am writing to you to inform you of my firm's strenuous objection to the approval of the Conditional Use Application applied for by Trepanier and Associates for property located at 146 – 150 Simonton Street ("Property"). The Applicant has requested a conditional use for a 175 seat bar at the Property which is located directly adjacent to our offices in the same building. I have met with the Applicant's representative, Owen Trepanier, and explained our concerns, which have not been responded to or any mitigation offered for our various concerns.

For many of you that know our office, we are located in a large commercial building that houses a retail store, hair salon, flower shop, and shortly, a tanning salon and residential units upstairs. We did not receive any information regarding the proposed bar, except for a single page leaflet explaining there is a hearing on May 16, 2013 before the planning commission. The leaflet did not explain what was being proposed, nor did it provide any information other than noticing the neighbors of a proposed change in use that would be heard on May 16th. Today, no notice has been sent to any neighbor for the June 20, 2013 hearing.

BWS

Electronic Cc:

Chairman Richard Klitenick
Commissioner James Gilleran
Commissioner Lisa Tennyson
Commissioner Gregory Oropeza
Commissioner Timothy Root
Commissioner Michael Browning
Commissioner Sam Holland
Donald Craig
Owen Trepanier

Notwithstanding the lack of notice to neighboring property owners,¹ as the adjacent tenant, our offices share common walls with the proposed bar, and all that separates my office and, in fact, all of our attorney's offices is a thin sheet of drywall. Due to the thin walls, anything above normal conversations can be heard by the adjacent property. A 175 seat bar is not compatible with the adjacent office uses based simply on this issue.

Moreover, our ventilation system appears to be connected and it appears that the applicant has requested a bar, a typical place where smoking and other odors occurs which would make our space untenable.

The hours of operations are also of a concern. Our firm operates typically from 7:00 a.m. with attorney's working routinely to approximately 10:00 or 11:00 p.m. The proposed bar's hours of operation are 7:00 a.m. to 4:00 a.m. The proposed hours of operation would adversely affect the ability for our office to continue to operate as it has done in the past.

Finally, although there is limited parking for the building, each space is limited to two or three parking spaces. According to the Applicant's trip study, the amendment would increase the amount of trips per day by 78 trips per day, with only two or three parking spaces; this will adversely affect parking at our offices. Our office pays for additional parking across the street at Strunk Lumber Yard. It is inconceivable to believe that a 175 seat bar will not impact parking or traffic in the area, which impacts the Applicant has not addressed.

In the staff report regarding techniques to mitigate or abating smoke, odor noise, and other noxious impacts, Ms. Haller indicates that "the proposed use will not create negative impacts that require mitigation, therefore, no mitigative techniques are proposed." Respectfully, I, along with all attorneys and staff at our firm disagree with this assessment. I have met with Mr. Trepanier and voiced the foregoing concerns, but have not received any proposal to alleviate these concerns.

Therefore, based on the foregoing, I, on behalf of Smith Oropeza, P.L., strenuously object to the request to amend a major conditional use application proposed next door and request the Planning Commission vote against the proposed amendment.

I will be at the meeting to discuss our firm's concerns and answer any questions you may have.

Sincerely,



Barton W. Smith, Esq.

¹ Notice was likely sent to the owner of the building, Historic Tours of America, Inc., but pursuant to the good neighbor policy, it is the Applicant's responsibility to notify the neighboring property owners, which does not appear to have been accomplished for the June 20, 2013 meeting.