



FUTURE LAND USE MAP AND ZONING MAP AMENDMENT APPLICATION

CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT

Address: 1300 White Street • Key West, Florida 33040

Phone: 305-809-3764

Website: www.cityofkeywest-fl.gov

Application Fee Schedule

Future Land Use Map and Zoning Map Amendment Application	\$ 8,103.38
Advertising and Noticing Fee	\$ 325.50
Fire Department Review Fee	\$ 115.76
Total Application Fee	\$ 8,544.64

All applications must be deemed complete and in compliance with the City code prior to the item being scheduled. The city commission, the planning board, the city manager or the owner of real property within the city or the agent of the owner may propose amendments to the zoning map. Applications for amendments to the Future Land Use Map may only be filed by the City Manager, City Commission, a City Commissioner, Planning Director or owner of property subject to the amendment.

Please note the timeframes for processing. With the exception of items pertaining directly to affordable housing, the City can only send Future Land Use Map amendments twice a year to the State Department of Community Affairs (DCA) for review. The City sends these amendments to the DCA in February and August of each year. Depending on the time an application is submitted to the City, a proposed Future Land Use Map amendment may be subject to processing in accordance with the twice year transmittal dates. Because of the submittal restrictions, an approved change to the Future Land Use and Official Zoning Maps may take as long as 18 months for an application without objections or appeal. Amendments to the Official Zoning Map may take upwards of nine (9) months to become effective without objections or appeal. Please see attached Comprehensive Plan Process sheet for Future Land Use Map amendment process.

PROPERTY OW	NER NAME:_	OGOG MIGHING OWINGS, EL	C and BRE/FL	L Development Parcels L.L.C., both	Delaware
		limited liability companie			
Mailing Address:	C/O Park Hotels &	Resorts, 1775 Tysons Bo	oulevard, 7th F	Floor, Tysons, VA 22102	
Phone Number:(Ho	ome)		(Other)	571-302-5757	
			(0til01)	-	
Email Address: nv	/u@pkhotelsandr	resorts.com			
	-				

The application shall include a verified statement showing each and every individual person having a legal and/or equitable ownership interest in the property upon which the application for amendment is sought, except publicly held corporations, in which case the names and addresses of the corporate officers shall be sufficient.

^{*} Applicant has enclosed a comprehensive statement related to this Application.

AGENT NAME/TITLE: Oropeza, Stones & Cardenas, PLLC Mailing Address: 221 Simonton Street, Key West, Florida 33040 Phone Number: (Office/Fax) (305) 294-0252

 $\underline{Email\ Address:}\ \underline{greg@oropezastonescardenas.com;}\ lisa@oropezastonescardenas.com$

Note: Applicant <u>must</u> submit a notarized letter authorizing the agent to act on their behalf and stating the agent's name, address and phone number.

LEGAL DESCRIPTION OF PROPERTY:

Subdivision: PB1-69

Lot: 1-6; 1-10 Block: 7; 8

If in metes and bounds, attach warranty deed and legal description on separate sheet.

Real Estate Number(s): __00037160-000100; 00037230-000100

Has an Application Been Submitted for This Site Within The Past Two Years? If Yes, please provide the following information: Type of application, name of applicant and date of application:

Yes. An Affordable Rate BPAS Application was submitted for the 811 Seminole Avenue address and a Market Rate BPAS Application was submitted for the 715 Seminole Avenue address, submitted by Gregory Oropeza on November 1, 2022; a Right of Way Abandonment Application was submitted by Gregory Oropeza on February 24, 2023.

PROPERTY DESCRIPTION

- 1. Street Address of Property: 811 Seminole Avenue and 715 Seminole Avenue, Key West, FL 33040
- 2. Current Future Land Use Map Category: Historic Residential
- 3. Proposed Future Land Use Map Category: Historic Commercial
- 4. Current Land Use District Map Designation: Historic Medium Density Residential
- 5. Proposed Land Use District Map Designation: Historic Commercial Tourist
- 6. Size of Parcel (acres): 1.21 Acres

Existing Use: If the property is developed, describe, in general terms, the existing use of the property such as the type of use, number of residential units, or the gross floor area of the commercial development. (If the property contains structures, submit a site plan in addition to your verbal description).

Future Land Use Map Amendment. All Future Land Use Map amendments are evaluated based on the consistency with the City of Key West Comprehensive Plan and compatibility with Florida Administrative Code, Chapter 28-36, Principles for Guiding Development (Key West Area of

Critical State Concern). The Principles for Guiding Development are attached to this application. Please explain how Future Land Use Map Amendment Application your application meets these.

Rezoning. The purpose of a rezoning is not intended to relieve particular hardships, nor to confer special privileges or rights on any person, nor to permit a change in community character, as analyzed in the comprehensive plan, but only to make necessary adjustments in light of changed conditions. In determining whether to grant a requested amendment, the City Commission shall consider, in addition to the factors set forth in this division, the consistency of the proposed amendment with the provisions and intent of the comprehensive plan.

In evaluating proposed changes to the comprehensive plan future land use map, the city shall consider the following criteria:

- (1) Consistency with plan. Whether the proposal is consistent with the overall purpose of the comprehensive plan and relevant policies within the comprehensive plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.
- (2) Conformance with ordinances. Whether the proposal is in conformance with all applicable requirements of the Code of Ordinances.
- (3) Changed conditions. Whether, and the extent to which, land use and development conditions have changed since the comprehensive plan's effective date and whether such conditions support or work against the proposed change.
- (4) Land use compatibility. Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved.
- (5) Adequate public facilities. Whether, and the extent to which, the proposal would result in demands on public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services. Approval of a plan amendment does not constitute a concurrency determination, and the applicant will be required to a concurrency determination pursuant to chapter 94.
- (6) Natural environment. Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetlands protection, preservation of groundwater aquifer, wildlife habitats, and vegetative communities.
- (7) *Economic effects*. Whether, and the extent to which, the proposal would adversely affect the property values in the area or the general welfare.
- (8) Orderly development. Whether the proposal would result in an orderly and compatible land use pattern. Any negative effects on such pattern shall be identified.
- (9) Public interest; enabling act. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of this subpart B and its enabling legislation.
- (10) Other matters. Other matters which the planning board and the city commission may deem appropriate.

Please provide an explanation of how your application satisfies these.

Submittal Requirements. The following information is required to be submitted with this completed application (20 copies of each for a FLUM and Rezoning Application,

15 copies of each for a Rezoning Application):

- 1. Property survey.
- 2. Include photographs of the subject parcel(s). Only original photos or color copies will be accepted. Aerial photos may not be used to meet this requirement but may be used for support information.
- 3. A copy of the zoning map, clearly marking the boundaries of the property being considered. The Planning Department will be able to assist you in obtaining a copy of the zoning map.
- 4. Attach proof of ownership (i.e., copy of deed or tax bill). Include a copy of the property record card from the property appraiser's office.
- 5. Justification as required by Section 90-554 of the City of Key West City Code.

 The need and justification for the proposed change. The evaluation shall address but shall not be limited to the following issues:
 - a. Comprehensive plan consistency. Identifying impacts of the proposed change in the comprehensive plan future land use map on the overall purpose of the comprehensive plan and consistency with applicable policies within the comprehensive plan.
 - b. Impact on surrounding properties and infrastructure. The effect of the change, if any, on the particular property and all surrounding properties. Identify potential land use incompatibility and impacts on infrastructure.
 - c. Avoidance of special treatment. The proposed change shall not:
 - 1. Single out a small piece of land and confer special and privileged treatment not provided to abutting properties with similar characteristics and land use relationships; and
 - 2. Provide for land use activities which are not in the overall public interest but only for the benefit of the landowner.
 - d. Undeveloped land with similar comprehensive plan future land use map designation. The amount of undeveloped land in the general area and in the city having the same zoning classification as that requested shall be stated.

I certify that I am familiar with the information contained in this application, and that to the best of

City of Key Area of Critical State Concern - Principles for Guiding Development. Florida Administrative Code, Annotated, Chapter 28-36.003.

- (1) Objectives to Be Achieved.
 - (a) Strengthen local government capabilities for managing land use and development;
 - (b) Protection of tidal mangroves and associated shoreline and marine resources and wildlife;
 - (c) Minimize the adverse impacts of development of the quality of water in and around the City of Key West and throughout the Florida Keys;
 - (d) Protection of scenic resources of the City of Key West and promotion of the management of unique, tropical vegetation;
 - (e) Protection of the historical heritage of Key West and the Key West Historical Preservation District;
 - (f) Protection of the value, efficiency, cost-effectiveness and amortized life of existing and proposed major public investments, including:
 - 1. The Florida Keys Aqueduct and water supply facilities,
 - 2. Sewage collection and disposal facilities,
 - 3. Solid waste collection and disposal facilities,
 - 4. Key West Naval Air Station,
 - 5. The maintenance and expansion of transportation facilities, and
 - 6. Other utilities, as appropriate;
 - (g) Minimize the adverse impacts of proposed public investments on the natural and environmental resources of the City of Key West; and
 - (h) Protection of the public health, safety, welfare and economy of the City of Key West, and the maintenance of Key West as a unique Florida resource.
- (2) Elements Requiring Regulation.
 - (a) Planning and Administration.
 - 1. The City of Key West shall modify the Comprehensive Plan which guides development within its boundaries to be consistent with these principles. The Comprehensive Plan shall be implemented through development regulations, including zoning ordinances and maps, which are kept current and made available for reasonable public distribution and

- inspection. Development orders shall be issued only in conformance with the policies and standards of the Comprehensive Plan, development regulations and maps.
- 2. The City of Key West shall prepare and implement Capital Improvement Plans based on viable funding sources to provide adequate infrastructure for existing and future development.
- 3. Issuance of development orders shall be coordinated with and contingent upon provisions contained within the Capital Improvement Plan. Development shall not be approved which is inconsistent with or exceeds the services specified in the Plan.
- 4. Special planning and zoning districts shall be created for:
 - a. Environmentally sensitive areas including, without limitation, mangrove communities. Such areas shall be zoned with a maximum use density of one dwelling unit per acre. Site alteration in these areas shall be limited to 10% of the total site size. Density credit should be considered by local governments as an incentive for the preservation of environmentally sensitive areas.
 - b. Noise and hazard zones of the Key West Naval Air Station as delineated by the U. S. Navy Office of the Chief of Naval Operations. Development within such zones should be limited to that compatible with air operations. Implementation of this section should be closely coordinated with the Office of the Chief of Naval Operations. Similar districts should be created around civilian airfields in cooperation with the Florida Department of Transportation and the Federal Aviation Administration. Codes for airfield districts should clearly specify height limits for structures and other appropriate restrictions on development necessary to protect air operations and public health and safety.
- 5. A community impact statement shall be designed to enable local governmental officials to determine the proposed development's favorable or unfavorable impact on the environment, natural resources, economy and the potential of the project to meet local or regional housing needs. The statement shall also require information relative to the project's potential impact on public facilities, including without limitation, water, sewer, solid waste disposal and transportation facilities. A community impact assessment statement shall be submitted and approved prior to the issuance of development orders or site plan approval for the following developments:
 - a. Any development which includes building(s) in excess of 45 feet in height;
 - b. Any intensive land uses including: residential uses of 10 or more dwelling units per acre or 50 or more total dwelling units; and
 - c. Intensive business, commercial, or industrial uses.
- 6. Developments shall be encouraged in the Comprehensive Plan and development regulations to use clustering and other design techniques which would reduce public

facilities costs, produce energy savings, and improve the scenic quality of the development. In addition, they shall conform to appropriate setback and open space requirements, stringent landscaping and land use compatibility requirements. Building and siting requirements shall reduce hurricane and fire damage potential and control access to City thoroughfares.

7. An evacuation plan consistent with regional and County plans shall be prepared and adopted which provides an opportunity for residents and visitors to evacuate to a place of safety during a natural disaster.

(b) Site Alteration Regulations.

Site alteration and landscaping regulations shall provide for:

- 1. A land clearing permit of limited duration issued upon approval of a site plan which includes a natural vegetation map, excepting minimal clearing required for survey.
- Limitation of the size and species of trees allowed to be removed in clearing, including reasonable exceptions for structure sites and public safety. The ordinance shall provide protection for native tropical vegetation and tree species characteristic of West Indian tropical hardwood hammocks.
- 3. Revegetation and landscaping of cleared sites after construction.
- (c) Waste Control and Water Quality Protection.
 - 1. The City of Key West, in cooperation with the Monroe County Waste Collection and Disposal District, shall establish criteria and regulations for the methods and location of the disposal of all solid waste and waste-water effluents and residuals.
 - 2. Site alteration and subdivision regulations shall provide for:
 - a. Retention of runoff or discharge of such runoff into adequately sized natural vegetative filtration areas in a manner approximating the natural runoff regime.
 - b. Permanent drainage systems which make maximum use of natural drainage patterns, vegetative retention and filtration.
 - c. Maintenance of habitat for wildlife species, prevent the introduction of noxious vegetation, and minimize the alteration of transitional wetlands.
- (d) Protection of Public Facilities and Investments.
 - 1. The City of Key West, in cooperation with the Florida Keys Aqueduct Authority, shall amend all applicable plumbing codes to provide for the mandatory installation of water conserving fixtures in all new development and redevelopment.

- 2. Business, commercial and industrial development shall provide off street parking and limited controlled access points to City thoroughfares.
- 3. Existing and future waste treatment and disposal sites shall be protected from encroachment by land uses which would endanger their functions or existence.

(e) Historical Resource Protection.

- 1. A management and enforcement plan and ordinance shall be adopted by the City of Key West providing that designs and uses of development reconstruction within the Key West Historical Preservation District shall be compatible with the existing unique architectural styles and shall protect the historical values of the District.
- 2. The City of Key West shall maintain an architectural review board established pursuant to <u>Section 266.207(2)</u>. Florida Statutes. Furthermore, the architectural review board shall receive notice of all applications for development within the City of Key West and participate in hearings as appropriate.



GREGORY S. OROPEZA | ADELE V. STONES [Retired] | SUSAN M. CARDENAS, of Counsel LISA MARIE KEHOE | KAI A. MURPHY



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E-mail: Greg@oropezastonescardenas.com

VIA HAND DELIVERY AND E-MAIL

Original Submittal Date - March 8, 2023 Revised - May 9, 2023 Revised - October 2, 2023 Revised (to correct scrivener error) - October 12, 2023 Revised - December 13, 2023

Katie Halloran, Planning Director City of Key West Planning Department 1300 White Street Key West, FL 33040Key West, Florida 33040 Email: katie.halloran@cityofkeywest-fl.gov

RE: CASA MARINA OWNER, LLC and BRE/FL Development Parcels L.L.C.- Proposed Future Land Use Map Amendment:

Dear Ms. Halloran,

On behalf of the property owners, CASA MARINA OWNER, LLC and BRE/FL Development Parcels L.L.C., both Delaware limited liability companies (both of which are owned by Casa Marina Equity Holdings LLC and collectively referred to herein as "Applicant"), please accept this correspondence providing information, data, and analysis to support a Future Land Use Map ("FLUM") amendment from Historic Residential to Historic Commercial ("Application").

The Application is for the parcels of real property located at 811 Seminole Ave, Key West, Florida 33040, having Monroe County Parcel ID Number: 00037160-000100 (the "East Parcel"), and 715 Seminole Ave, Key West, Florida 33040, having Monroe County Parcel ID Number: 00037230-000100 (the "West Parcel") (collectively, the "Properties"). A corresponding Land Use District (Zoning) Map ("LUD") amendment has been filed simultaneously with this Application to change the current LUD on the Properties from Historic Medium Density Residential (HMDR) to Historic Commercial Tourist (HCT).

Approval of the Application will enable the Properties to be redeveloped to include the potential for transient accommodations associated with the neighboring hotel, which transient units would provide financial viability for much needed newly developed deed restricted affordable housing dwelling units. The affordable housing aspect of the project would provide approximately eighty-eight (88) total beds of affordable housing in the downtown area. It would allow for a

reduction in the total number of cars in the downtown area while offering new affordable workforce housing within walking distance to employment centers. As this Application involves an area of less than 50 acres and is for a FLUM amendment, the Application can be processed through the small-scale comprehensive plan amendment process set out in Florida Statutes (2021) Section 163.3187.

A check in the amount of \$8,544.64 for the Application and advertising/noticing fee and the fire review fee has been previously provided.

CURRENT EAST PARCEL BACKGROUND INFORMATION

Location: 811 Seminole Ave, Key West, Florida 33040

Real Estate (RE) Number: 00037160-000100

Property Owner/Applicant: CASA MARINA OWNER, LLC, a Delaware limited liability

company

Agent: Oropeza, Stones & Cardenas, PLLC

Total Property Area: 2.05 acres

Land Use District: Historic Medium Density Residential

Future Land Use Map

(FLUM) Designation: Historic Residential

Proposed Future Land

Use Map Designation: FLUM Designation: Historic Commercial

Flood Zone: AE8, AE6, X

Existing Uses: Workforce Residential and Hotel amenities, including office,

parking, spa and gym amenities.

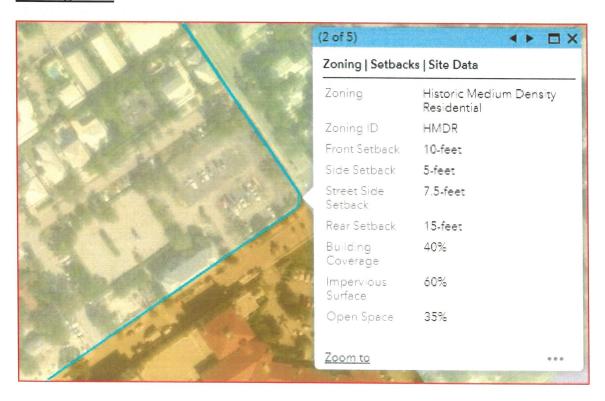
Community Character of

Immediate Vicinity: Residential, Hotel, Restaurant

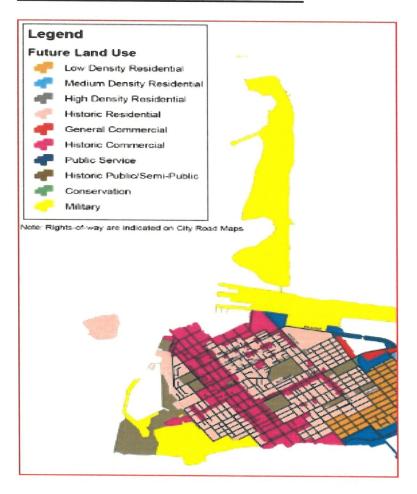
EAST PARCEL:



Existing LUD:



EXISTING FUTURE LAND USE MAPS:



CURRENT WEST PARCEL BACKGROUND INFORMATION

Location: 715 Seminole Ave, Key West, Florida 33040

Real Estate (RE) Number: 00037230-000100

Property Owner/Applicant: BRE/FL Development Parcels L.L.C., a Delaware limited liability

company

Agent: Oropeza, Stones & Cardenas, PLLC

Total Property Area: 1.21 acres

Land Use District: Historic Medium Density Residential

Future Land Use Map

(FLUM) Designation: Historic Residential

Proposed Future Land

Use Map Designation: FLUM Designation: Historic Commercial

Flood Zone: VE and AE

Existing Uses: Market Rate Residential, Hotel amenities, including office space

and parking

Community Character of

Immediate Vicinity: Residential, Hotel

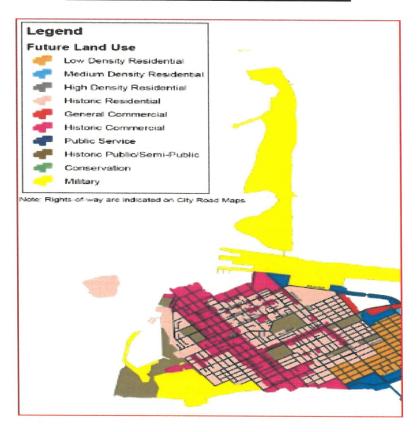
WEST PARCEL:



Existing LUD:



EXISTING FUTURE LAND USE MAPS:



I. AMENDMENT BACKGROUND:

a. Overview

This Application seeks to amend the Properties' FLUM designation from Historic Residential to Historic Commercial. The proposed future land use designation of of HC is harmonious to the existing parcels both to the west and south which are already HC and as such this is not an exercise in spot zoning.

The proposed Amendment would enable the Applicant to seek a path to transient licensing on the Properties. Redevelopment of the Properties with transient villas run by the Casa Marina Resort would provide economic viability to enable the development/redevelopment of up to eighty-eight (88) beds of much needed deed restricted affordable housing.

b. Amendment Request:

To amend the Properties' FLUM district to Historic Commercial.

Historic Commercial F	uture Land Use District		
Zoning District	Density	Intensity	Uses & Limitations
(HNC)			
Historic	T	Maximum of 1.0	
Neighborhood		FAR.	
Commercial			
(HNC-1)			
Historic		Maximum of 1.0	
Neighborhood	Maximum 16	FAR.	Allowable uses in
Commercial	dwelling units per	dwelling units per are	
(HNC-2)	acre		in accordance with
Historic		Maximum of 0.9	Policy 1-1.1.9.
Neighborhood		FAR.	
Commercial			
(HNC-3)			
Historic		Maximum of .08	
Neighborhood		FAR.	
Commercial			
(HNC-4)			Affordable workforce
Historic	Maximum of 40		housing is required
Neighborhood	dwelling units per	Maximum of 1.0	per Section 122-1467
Commercial Bahama	acre.	FAR.	of the Land
Village Truman	9		Development
Waterfront			Regulations. Linkage
			exceptions shall not
(HICE)	126 1 222		be permitted.
(HCT)	Maximum of 22	Maximum of 1.0	Allowable non-
Historic Commercial	dwelling units per	FAR.	residential uses
Tourist	acre.		include but are not
			limited to hotels,
			motels, and/or
			transient lodging
			facilities, along with
			primarily tourist
			oriented commercial
			uses, including
			specialty shops, restaurants and
			drinking
			establishments,
			personal services,
			offices, customary
			accessory uses and
		_1	accessory uses and

	l .	community facilities
		including public
		schools, and similar
		activities.



II. DATA AND ANALYSIS

a. Housing Crisis

For a for-profit company or private individual to develop housing that is affordable to low incomeearners (80% area median income) in the community, there must be some economic driver to subsidize the high costs of, and low returns from, such affordable housing. In this case, the requested change to the FLUM would permit transient use on the Property, thereby creating a path toward transient licensing. If Applicant successfully obtained transient licenses it could underwrite the cost of construction for a significant number of deed restricted workforce housing units. As the City of Key West is well aware, there is a severe shortage of affordable/workforce housing on the Island of Key West. This shortage has led to significant understaffing of local businesses, the output of extensive resources by the City of Key West in an attempt to alleviate the housing shortage, and supply versus demand implications. Many factors have contributed to the pressing need for more affordable housing in Key West, including: the limited amount of land available for development; the City's tourism-based economy with a prevalence of lower-paying, service-sector employment; large increases in rent; height and density zoning regulations; the increase in population in Key West over the years; the increase of housing being purchased for investment or as second homes; the constraints on development from limited land and the Building Permit Allocation System; and the general increased cost of living from inflation and supply chain issues that accompanied the coronavirus pandemic and which still persist to this day. Despite the fact that Key West is the most populous city in Monroe County, Florida, and one of the largest employment centers in the County, there has been virtually no private development of workforce housing.

As the most populous city in Monroe County, Florida, and one of the largest hubs for tourism within the County, the need for affordable workforce housing in Key West is imperative. Throughout the State, Monroe County currently ranks as the county with the most cost-burdened households (along with Miami-Dade County). The City's Comprehensive Plan encourages innovative approaches to alleviate the lack of affordable housing, and land use possibilities that allow for private development of workforce housing further Goal 3-1 of the Plan. Goal 3-1 of the City's Comprehensive Plan directs/encourages City officials to: "Allocate land area for accommodating a supply of housing responsive to the diverse housing needs of the existing and projected future population and served by adequate public facilities; assist the private sector in providing affordable quality housing in neighborhoods protected from incompatible uses; promote best practices of land use planning, urban design, and landscaping."

Recognizing the need for private development of affordable workforce housing, the Florida legislature has mandated in Senate Bill 102, the Live Local Act, that "State and local government shall provide incentives to encourage private sector to be the primary delivery vehicle for the development of affordable housing." The Live Local Act through F.S. 420.0003 requires state and local governments to consider and implement innovative solutions including "project features that maximize efficiency in land and resource use, such as high density, high rise and mixed use." The proposed FLUM Amendment would allow for the potential to develop an economically viable, mixed-use project that includes affordable housing.

III. <u>CRITERIA FOR APPROVAL – COMPLIANCE SECTION 90-555 OF LAND</u> <u>DEVELOPMENT REGULATIONS</u>

(1) <u>Consistency with plan</u>. Whether the proposal is consistent with the comprehensive plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.

The following is provided as support for consistency with the comprehensive plan:

GOAL 1-1: - ENSURE THAT THE CHARACTER AND LOCATION OF LAND USES INCORPORATE BEST MANAGEMENT PRACTICES AND PRINCIPLES OF RESOURCE CONSERVATION; ENHANCE COMMUNITY APPEARANCES; PROMOTE ORDERLY LAND USE TRANSITION, AND; MINIMIZE THREATS TO HEALTH, SAFETY, AND WELFARE WHICH MAY BE CAUSED BY INCOMPATIBLE LAND USES, ENVIRONMENTAL DEGRADATION, HAZARDS AND NUISANCES.

- The subject parcels are bound by a hotel to the South and West and residential to the North with a busy thoroughfare to the East. The proposed Amendment will align with the parcels to the South and West as to uses and create the potential for revitalization of the parcels. Revitalization has been a long-standing request of the neighborhood which has not objected to or voiced concerns over the Applicant's requests. The proposed Amendment is consistent with this goal because it would pave the way for a mixed-use development designed in the local vernacular with significant affordable workforce housing in a compatible area near many employment, shopping, and entertainment opportunities.
- Policy 1-1.2.1: Provide Access to Goods and Services and Protect Residential Areas from the Adverse Impacts of Transition in Land Use.

Stable residential areas and projected future residential areas as delineated on the Future Land Use Map shall be protected from encroachment by incompatible development. This objective does not preclude necessary community facilities from locating within residential areas when such activities satisfy established criteria of this plan and the City's Land Development Regulations.

Any potential adverse impacts caused by different land uses located adjacent to each other shall be minimized by landscaping, including vegetated berms with tree canopy where practical, or by other appropriate screening and buffering techniques. These landscaping techniques shall be incorporated into the design of new or redeveloping nonresidential projects located adjacent to existing or planned residential development.

Similarly, perimeter landscaping techniques shall be applied in multiple family residential developments in order to appropriately screen and buffer existing and planned single family home sites from residential development having differing structure types.

Land Development Regulations shall maintain and continue to update standards and/or review criteria for mandating retention of open space and for regulating building design, including setbacks, building placement on site, and building orientation. These provisions shall be directed toward protecting privacy, as well as access to light, air and open space. Other reasonable design principles shall be included in the zoning code in order to alleviate adverse impacts of potentially incompatible land uses.

Any new development on the Properties will be built in the Key West vernacular
making the entire two-block area visually more consistent with the surrounding
residential neighborhood. The restoration of two contributing structures and a third
historic structure will be completed as part of the redevelopment.

OBJECTIVE 1-1.4: - PUBLIC FACILITIES, INFRASTRUCTURE AND PUBLIC SERVICES.

The City shall ensure that needed public services and facilities are developed concurrent with new development through the implementation of the concurrency management system.

• Any future development proposed on the Properties will be subject to applicable development review applications, permitting and review.

Policy 1-1.4.5: - Provision of On-Site and Off-Site Improvements.

Prior to receiving a development permit, plans for all new development shall be evaluated by the City. Similarly, prior to receiving a development permit, the applicant's plans must incorporate necessary on- and off-site improvements or equitable contributions in lieu thereof which are required as part of a development application pursuant to the Comprehensive Plan or any other requirement of the Regulations and Ordinances, as exists or as may hereinafter be amended.

Supportive facilities, services, or other improvements (or equitable contributions in lieu thereof), as required by ordinance, shall be agreed to by the applicant prior to City approval of a development petition and facilities shall be constructed as agreed upon prior to issuance of a development permit. The intent of this policy is that all development applications include a satisfactory plan providing for the development of required on-site and off-site improvements, or equitable contribution in lieu thereof, in order to ensure that the City of Key West does not assume unanticipated fiscal liabilities for supportive facilities and services.

• The proposal would not affect development conditions imposed by the City. The Applicant is willing to work with the City to accommodate and accept reasonably needed on-site or off-site conditions to development.

Policy 1-1.11.4: - Managing Stormwater Run-off.

The developer/owner of any site shall be responsible for managing on-site run-off. All new development shall comply with adopted level of service standards for surface water management which shall include stormwater harvesting goals.

 Any new development would comply with updated and current drainage standards to limit storm water runoff. The Properties currently have no managed stormwater plan and the redevelopment of the Properties would bring stormwater management up to current code.

OBJECTIVE 1-1.12: - CONSIDER APPLICATION OF INNOVATIVE LAND AND WATER RESOURCE MANAGEMENT, CLIMATE ADAPTATION, AND ENERGY CONSERVATION CONCEPTS.

The City of Key West shall maintain Land Development Regulations which incorporate concepts for managing land, water, and energy resources which are responsive to unique development and conservation issues identified in the City's Comprehensive Plan. The City of Key West shall adopt Land Development Regulations which

incorporate concepts for managing land, water, and the built environment which are responsive to climate change issues including but not limited to sea level rise and increased frequency of intense rainfall events.

• New development will comply with FEMA regulations requiring raising the structure or floodproofing, making the new development more resilient to storms and climate change. Any new development will comply with concepts in the Land Development Regulations regarding managing water, energy, and landscaping.

GOAL 5-1: - COASTAL MANAGEMENT.

Restrict development activities that would damage or destroy coastal resources. Protect human life and limit public expenditures in areas subject to destruction by natural disasters, but encourage policies which attract pedestrians, increase waterfront access, and reinforce the ambiance of the waterfront.

- New development would conform to current storm and climate change mitigation regulations, which would protect human life and limit public expenditures.
- (2) <u>Conformance with requirements</u>. Whether the proposal is in conformance with all applicable requirements of the Code of Ordinances.
 - The proposed amendment is in conformance with all applicable requirements of the Code of Ordinances.
- (3) <u>Changed conditions</u>. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed rezoning.
 - There are several changed conditions from the effective date of the existing regulations that support the proposal. The free market for housing has not led to sufficient affordable workforce housing to support the workers that want to live in Key West. The price of real property and construction costs have also increased significantly. The true costs, including hard cost and opportunity cost, of building workforce housing is much higher now than as of the date of the existing regulations. The ability to develop transient units will subsidize the costs of, and incentivize the private development of, more deed restricted affordable workforce housing at lower income levels than would be possible without this Amendment.
- (4) <u>Land use compatibility</u>. Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved.
 - The proposal will not result in incompatible land uses. The surrounding areas are currently all residential and hotel uses, including ancillary hotel uses such as office, spa, parking and fitness. These uses will be continued on the two lots.
- (5) <u>Adequate public facilities</u>. Whether, and the extent to which, the proposal would result in demands on public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, water and wastewater services,

solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services. Approval of a plan amendment does not constitute a concurrency determination, and the applicant will be required to obtain a concurrency determination pursuant to chapter 94.

The proposal would not result in demands on public facilities and services beyond those existing. Any development proposed would be in compliance with the Land Development Regulations.

(6) <u>Natural environment</u>. Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetlands protection, preservation of groundwater aquifer, wildlife habitats, and vegetative communities.

The proposal would not result in adverse impacts to the natural environment. The proposal would provide an environmental benefit as the Properties are across the street from a natural shoreline and therefore nearshore water quality would benefit from the onsite stormwater improvements with a decrease in runoff into the nearshore waters.

(7) <u>Economic effects</u>. Whether, and the extent to which, the proposal would adversely affect the property values in the area or the general welfare.

The proposal could significantly improve the general welfare of the surrounding employment and residential areas and residents of the City of Key West in general. Allowing transient units on the Properties creates a path to economic viability for the development of workforce housing. As the City recognizes, there is a shortage of affordable workforce housing in Key West and Monroe County, yet over the last decade or more there has been a dearth of private development of workforce housing. The proposed Amendment will provide a path to significantly improve the supply and price points for housing in Key West and a path to revitalize two blocks of the neighborhood. The proposed Amendment provides a path to the redevelopment of uninhabitable structures, the restoration of a contributing structure and the thoughtful relocation (within the development) and restoration of an additional contributing structure and a historic structure, while bringing the Properties to current code as to onsite improvements.

(8) <u>Orderly development</u>. Whether the proposal would result in an orderly and compatible land use pattern. Any negative effects on such pattern shall be identified.

The proposal would result in orderly and compatible land use pattern and no negative effects are anticipated. The lots are adjacent to both residential and hotel uses, and would be redeveloped as such uses, and any development on the Properties would reflect a residential style to be architecturally consistent with the neighborhood.

(9) <u>Public interest; enabling act</u>. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of the land development regulations in this subpart B and the enabling legislation.

The proposal would promote the public interest and would be in harmony with the purpose and interest of the land development regulations and the enabling legislation. A proposed mixed-use development concept was presented to the neighbors and was well received.

(10) Other matters. Other matters which the planning board and the city commission may deem appropriate.

Applicant is willing and would diligently work with the planning board and the city commission on any concerns they have with the proposal.

IV. EVALUATION CRITERIA FOR COMPREHENSIVE PLAN AMENDMENTS AND DEVELOPMENT – COMPLIANCE WITH COMPREHENSIVE PLAN POLICY 9-1.6.3.

- a. Does the proposed action contribute to a condition of public hazard as described in the Public Facilities and/or Coastal Management Elements;
 - The proposed action does not contribute to a condition of public hazard. The proposed action does not involve any capital facilities, infrastructure, or improvements as described in the Public Facilities Element of the Comprehensive Plan. The proposed action itself is not development, but amends FLUM designation to allow for development consistent with the neighboring properties. Any potential impact on such capital facilities and/or infrastructure would only occur through subsequent development in accordance with the City's Land Development Regulations after approval through the building permit process.
 - The proposed action will not contribute to a condition of public hazard as described in the Coastal Management Element of the Comprehensive Plan. The proposed action will incentivize construction of new buildings built above base flood elevation and create more resilient housing.
- b. Does the proposed action exacerbate any existing condition of public facility capacity deficits, as described in the Transportation Circulation, Public Facilities, and/or Recreation and Open Space Elements;
 - The proposed action does not exacerbate any existing condition of public facility capacity deficit as described in the Transportation Element, Public Facilities, and/or Open Space Elements. Any potential impact would only occur through subsequent development in accordance with the City's Land Development Regulations after approval through the building permit process.
- c. Does the proposed action generate public facility demands that may be accommodated by capacity increases planned in the Five-Year Schedule of Improvements;
 - The proposed action will not generate public facility demands. Any potential public facility demands would only be generated through

subsequent development in accordance with the City's Land Development Regulations after approval through the building permit process.

- d. Does the proposed action conform with the future land uses designated on the Future Land Use Map within the Future Land Use Element;
 - The proposed action does conform with the future land uses designated on the FLUM within the Future Land Use Element.
- e. Does the proposed action comply with and accommodate public facility demands based on the adopted level of service standards contained herein;
 - The proposed action will not impact public facility demands. Any potential impacts on public facility demands would only be generated through subsequent development in accordance with the City's Land Development Regulations after approval through the building permit process.
- f. If the proposed action requires that any public facilities be provided by the City, there shall be a demonstration of financial feasibility; and
 - The proposed action does not require that any public facilities be provided by the City.
- g. Does the proposed action impact facility plans of any State agencies or facility plans of the South Florida Water Management District.
 - No, the proposed action does not impact facility plans of any State agencies or facility plans of the SFWMD.
- h. Does the proposed action have adverse impacts on natural and environmental resources, including near shore waters, the reef tracts, and marine resources.
 - No, the proposed action will not have any impact on natural and/or environmental resources.
- i. Does the proposed action have adverse impacts on air quality, by greatly increasing levels of greenhouse gasses?
 - No, the proposed action will not have any impact on air quality.

V. CONSISTENCY WITH APPLICABLE LAW

a. The proposed Amendment is consistent with Part II of Chapter 163, Florida Statutes. Specifically, the Amendment furthers:

163.3161(4), Fla. Stat. – It is the intent of this act that local governments have the ability to preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions. Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.

163.3161(6), Fla. Stat. – It is the intent of this act that adopted comprehensive plans shall have the legal status set out in this act and that no public or private development shall be permitted except in conformity with comprehensive plans, or elements or portions thereof, prepared and adopted in conformity with this act.

163.3177(1), Fla. Stat. – The comprehensive plan shall provide the principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. These principles and strategies shall guide future decisions in a consistent manner and shall contain programs and activities to ensure comprehensive plans are implemented. The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government's programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.

163.3194(1)(b), F.S. - All land development regulations enacted or amended shall be consistent with the adopted comprehensive plan, or element or portion thereof, and any land development regulations existing at the time of adoption which are not consistent with the adopted comprehensive plan, or element or portion thereof, shall be amended so as to be consistent. If a local government allows an existing land development regulation which is inconsistent with the most recently adopted comprehensive plan, or element or portion thereof, to remain in effect, the local government shall adopt a schedule for bringing the land development regulation into conformity with the provisions of the most recently adopted comprehensive plan, or element or portion thereof. During the interim period when the provisions of the most recently adopted comprehensive plan, or element or portion thereof, and the land development regulations are inconsistent, the provisions of the most recently adopted comprehensive plan, or element or portion thereof, shall govern any action taken in regard to an application for a development order.

163.3194(3)(a), F.S. - A development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.

163.3201, F.S. - It is the intent of this act that adopted comprehensive plans or elements thereof shall be implemented, in part, by the adoption and enforcement of appropriate local regulations on the development of lands and waters within an area. It is the intent of this act that the adoption and enforcement by a governing body of regulations for the development of land or the adoption and enforcement by a governing body of a land development code for an area shall be based on,

be related to, and be a means of implementation for an adopted comprehensive plan as required by this act.

There are no provisions of Part II of Chapter 163 which are inconsistent with the Amendment.

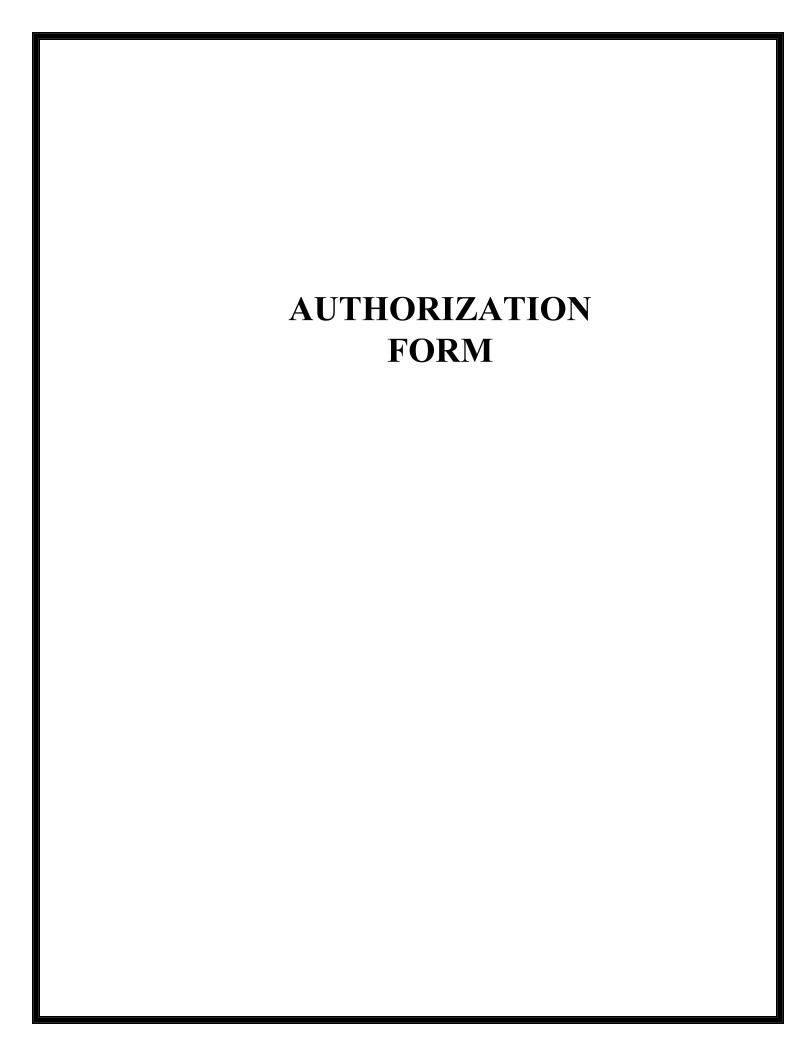
VI. <u>CONCLUSION</u>

As the City is more than well aware, there is an acute affordable housing crisis which is growing and which the City alone cannot solve due to the physical constraints of the Island. The Applicant currently owns the Properties which are the subject of this Application, and is ready, willing and able to assist the City in combatting this crisis through the redevelopment of the East Parcel with workforce housing at affordability levels which are only viable with the ability to also develop transient market rate units. The Applicant respectfully requests approval of the Application to amend the Properties current Future Land Use Map designation to Historic Commercial.

Thank you for your consideration of this application and attendant documents. We look forward to working with you and Planning staff on this project.

Sincerely,

Gregory S. Oropeza





City of Key West Planning Department

Authorization Form

(Where Owner is a Business Entity)

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

I, Thomas J. Baltimore, Jr.	
Please Print Name of person with authority	to execute documents on behalf of entity
President	Casa Marina Owner, LLC and BRE/FL Development Parcels, L.L.C.
Name of office (President, Managing Member)	Name of owner from deed
authorize Gregory S. Oropeza, Esq., Oropeza	Stones & Cardenas, PLLC
Please Print Name	
to be the representative for this application and act on	my/our behalf before the City of Key West.
Tan	
Signature of person with authority to exec	ute documents on behalf of entity owner
Subscribed and sworn to (or affirmed) before me on the by Thomas J. Baltin Name of person with authority to execut	Date Take Tr
He/She is personally known to me or has presented	Privers license as identification.
Notary's Signature and Seal Claudia Ann Bartz Name of Acknowledger typed, printed or stamped 309518 Commission Number, if any	NOTARY PUBLIC REG # 309518 MY COMMISSION EXPIRES 9/30/2025

SECRETARY'S CERTIFICATE

THE UNDERSIGNED hereby certifies, as of this 4 day of November 2022:

- 1. I am the duly elected, qualified and acting Vice President and Secretary of BRE/FL DEVELOPMENT PARCELS L.L.C., a Delaware limited liability company (the "Company") and am familiar with the corporate records of the Company.
- 2. I do further certify that Thomas J. Baltimore, Jr. is a duly elected, qualified and acting President of the Company. In such capacity, he is authorized to represent and act on behalf of the Company.

IN WITNESS WHEREOF, the undersigned has executed this Secretary's Certificate as of the date first written above.

Name: Nancy M. Vu

Title: Vice President and Secretary

SECRETARY'S CERTIFICATE

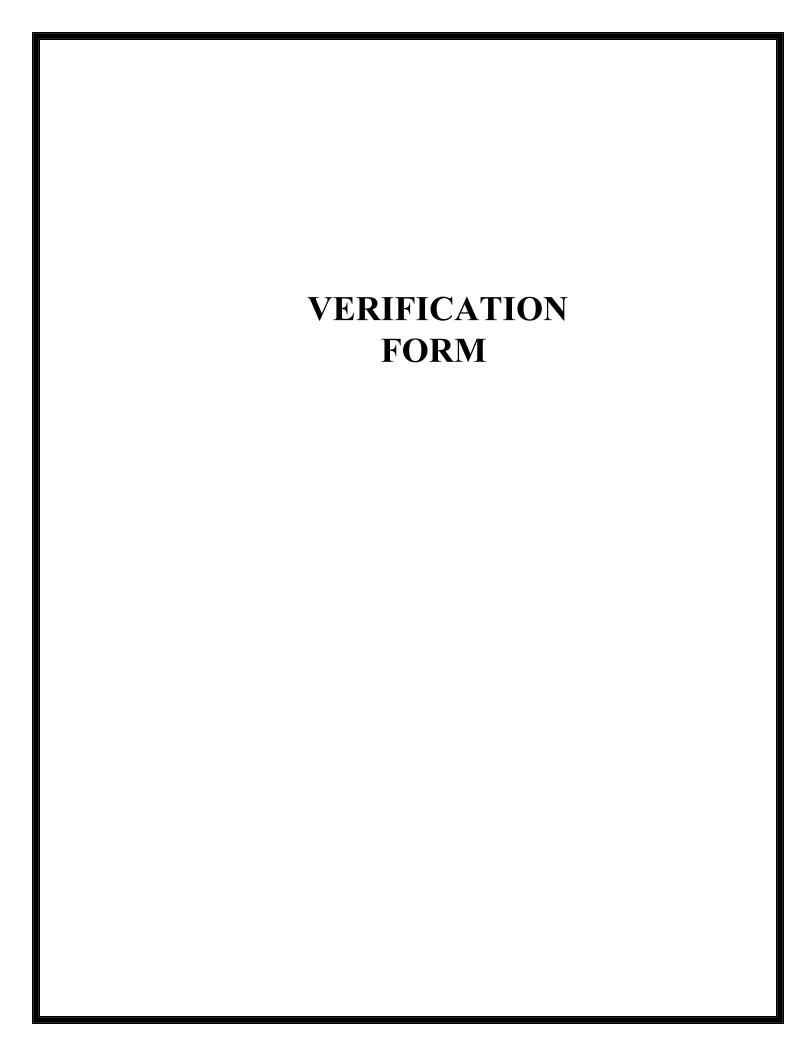
THE UNDERSIGNED hereby certifies, as of this 2 day of November 2022:

- I am the duly elected, qualified and acting Vice President and Secretary of CASA MARINA OWNER, LLC, a Delaware limited liability company (the "Company") and am familiar with the corporate records of the Company.
- 2. I do further certify that Thomas J. Baltimore, Jr. is a duly elected, qualified and acting President of the Company. In such capacity, he is authorized to represent and act on behalf of the Company.

IN WITNESS WHEREOF, the undersigned has executed this Secretary's Certificate as of the date first written above.

Name: Nancy M. Vu

Title: Vice President and Secretary



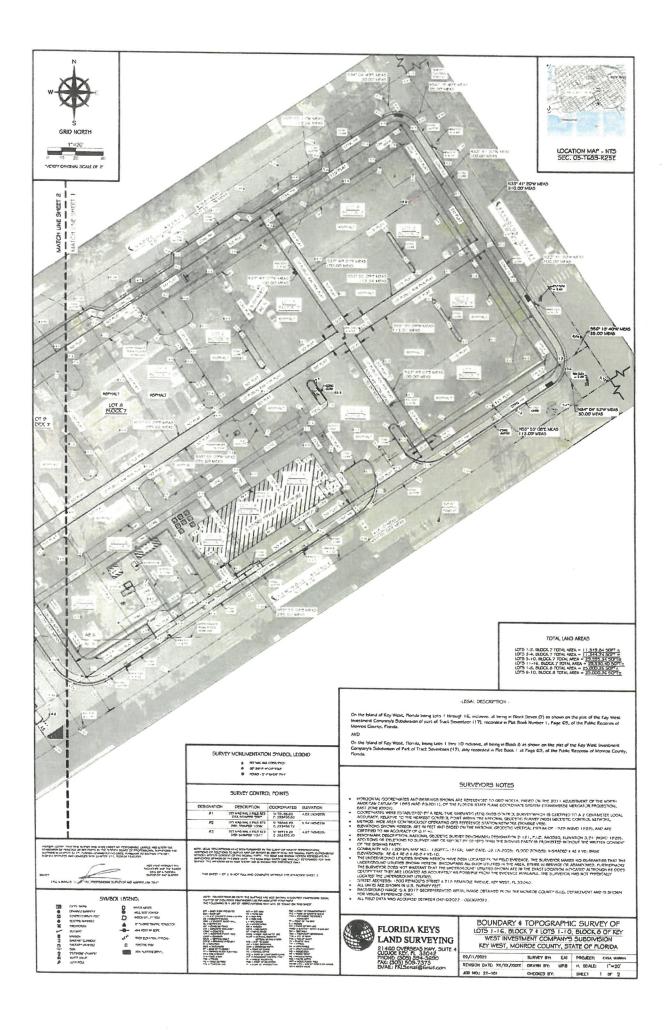


City of Key West Planning Department Verification Form

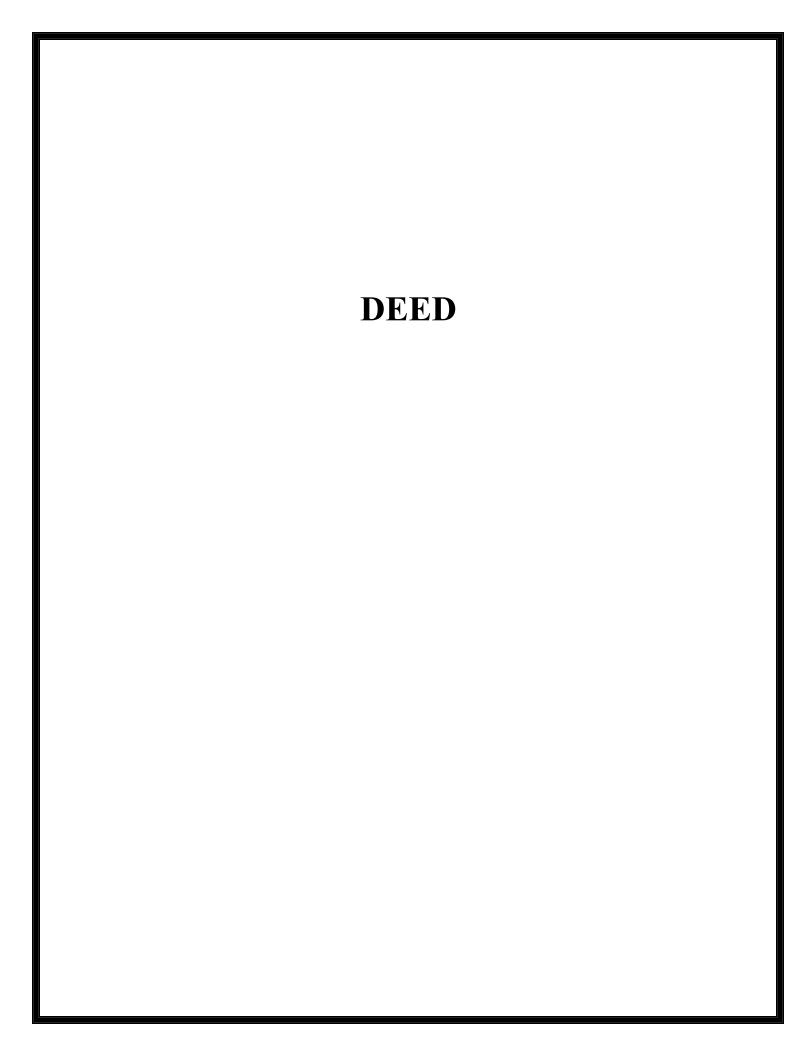
(Where Applicant is an entity)

Gregory S. Oropeza	Managina	
(print name)	, in my capacity as Managing Partner	7
		lent, managing member)
of Oropeza, Stones & Carden		
	(print name of entity)	
being duly sworn, depose and say the deed), for the following prope	that I am the Authorized Representative of erry identified as the subject matter of this app	the Owner (as appears on plication:
811 Seminole Avenue and 715	Seminole Avenue, Key West, FL 33040	
	Street address of subject property	
radiofized representative of the	penalty of perjury under the laws of the Sproperty involved in this application; that thereto and all the statements and answers contains	41- : C
In the event the City or the Plant untrue or incorrect, any action or a	ning Department relies on any representation approval based on said representation shall be	n herein which proves to be subject to revocation.
Signature of Applicant		
Subscribed and sworn to (or affirm	med) before me on this 11 12	by
Gregory S. Oropeza	date	
Name of Applicant	•	
He/She is personally known to me		as identification.
Name of Acknowledger typed, printed	od or stamped MY COMMISS EXPIRES 3-21-	ION 2026
Commission Number, if an	OV NUMBER	RHICE

SURVEY	







Doc# 1633895 03/22/2007 12:21PM Filed & Recorded in Official Records of MONROE COUNTY DANNY L. KOLHAGE

RETURN TO:
FIDELITY NATIONAL TITLE
INSURANCE COMPANY
ATTN: JENNIE CLAYTON
5690 W. Cypress St., Ste A
Tampa, FL 33607
NAPS / FNT File No

03/22/2007 12:21PM DEED DOC STAMP CL: PW

\$28,000.00

Prepared under local supervision by: Alison Ando, Esq. @ Simpson Thacher & Bartlett LLP 425 Lexington Ave, NY, NY 10017 Doc# 1633895 Bkm 2281 Pgm 1224

Limited Warranty Deed

THIS LIMITED WARRANTY DEED made this 31st day of December, 2005, between IHC Realty Partnership, L.P., a Delaware limited partnership (formerly known as Interstone Partners I, L.P., a Delaware limited partnership), c/o Blackstone Real Estate Acquisitions IV L.L.C., 345 Park Avenue, New York, New York 10154 ("Grantor") and BRE/FL Development Parcels L.L.C., a Delaware limited liability company, c/o Blackstone Real Estate Acquisitions IV L.L.C., 345 Park Avenue, New York, New York 10154 ("Grantee").

Witnesseth:

That the Grantor, in consideration of the sum of \$4,000,000 paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby grants, sells, conveys, transfers, assigns and warrants unto Grantee, its successors and assigns, all of its estate, right, title and interest in and to that certain plot, piece or parcel of land (together with the buildings and improvements thereon erected) described on Schedule A hereto (the "Premises").

Together with: all right, title and interest (if any) of Grantor in and to any streets and roads abutting the Premises to the center line thereof, as well as any gaps, strips or gores on, around or within the Premises:

Together with: all right, title and interest (if any) of Grantor in and to any hereditaments and appurtenances, and all of the estate and rights of Grantor.

To have and to hold the Premises herein conveyed unto the Grantee, its successors and assigns forever.

Grantor covenants with Grantee that (a) Grantor is lawfully seized of the fee simple title, (b) the fee simple title is free from all encumbrances, except those appearing in the existing Owner's Policy insuring the Grantor's fee simple title, (c) Grantor has a good right and lawful authority to sell and convey the fee simple title, (d) Grantor fully warrants the fee simple title to immediate Grantee only, and (e) Grantor will defend the fee simple title from all lawful claims of immediate Grantee only. The foregoing warranty is for the sole benefit of immediate Grantee only and shall not extend any successor grantee.

1

In witness whereof, the undersigned, by its duly elected officer(s) and pursuant to proper authority of its board of directors has duly executed, acknowledged and delivered this instrument as of the day and year first above written.

Grantor:

Doc# 1633895 Bk# 2281 Pg# 1225

IHC Realty Partnership, L.P.

By: IHC Realty Corporation, a Delaware corporation

By: Name

Tame: Anthony Bean

Title:

Witness #1:

Name:

Witness #2:

County of New York)

State of New York)

Deck 1633895

Bk# 2281 Pg# 1226

On December 31, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared Arguery Bearing, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he / she / they executed the same in his / her / their capacity(ies), and that by his / her / their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument. Witness my hand and official seal.

Notary Public

Public

MELICIA HERLAND

Nature Public, State of New York

Onalified in Massau County

Commission Eyobox

Commission Eyobox

Commission To County

Dock 1533895 8km 2281 Pg# 1227

Schedule A:

On the Island of Key West, Florida, being Lots 1 thru 10 inclusive, all being in Block 8 as shown on the Plat of the Key West Investment Company's Subdivision of Part of Tract Seventeen (17), duly recorded in Plat Book 1 at Page 69 of the Public Records of Monroe County, Florida.

MONROE COUNTY OFFICIAL RECORDS 130 23.

Record & Return to: LandAmerica - Brigitte Sawicki 1302 N. 19th Street, Suite 200 Tampa, FL 33605 File # 1-0.533.31

This instrument prepared by:

Sung Lee, Esq.
Akin Gump Strauss Hauer & Feld LLP
1700 Pacific Avenue, Suite 4100
Dallas, Texas 75201-4675

Dock 1517059 05/18/2005 3:34PM Filed & Recorded in Official Records of MONROE COUNTY DANNY L. KOLHAGE

DEED DOC STAMP CL: JILL \$730,213.40

Doc# 1517059 Bk# 2115 Pg# 141

GENERAL WARRANTY DEED

STATE OF FLORIDA

Ş

KNOW ALL MEN BY THESE PRESENTS THAT:

COUNTY OF MONROE

8

THAT CASA MARINA REALTY PARTNERSHIP, L.P., a Delaware limited partnership (hereinafter called "Grantor"), whose mailing address is c/o Wyndham International, Inc., 1950 Stemmons Freeway, Suite 6001, Dallas, Texas 75207, for and in consideration of the sum of TEN AND NO/100 Dollars (\$10.00) and other good and valuable consideration in hand paid by CASA MARINA OWNER, LLC, a Delaware limited liability company (hereinafter called "Grantee"), whose mailing address is c/o Wyndham International, Inc., 1950 Stemmons Freeway, Suite 6001, Dallas, Texas 75207, the receipt and sufficiency of which are hereby acknowledged, has GRANTED, SOLD AND CONVEYED and by these presents does GRANT, SELL AND CONVEY unto Grantee that certain real property situated in Monroe County, Florida, and more particularly described on Exhibit A attached hereto and made a part hereof for all purposes (the "Land"), together with Grantor's interest in and to all rights, titles, benefits, easements, privileges, remainders, tenements, hereditaments, interests, reversions and appurtenances thereunto belonging or in any way appertaining, and all of the estate, right, title, interest, claim or demand whatsoever of Grantor therein, in and to adjacent strips and gores, if any, between the Land and abutting properties, and in and to adjacent streets, highways, roads, alleys or rights-ofway, and the beds thereof, either at law or in equity, in possession or expectancy, now or hereafter acquired (all of the above-described properties together with the Land are hereinafter collectively referred to as the "Property").

This conveyance is made and accepted subject and subordinate to (a) standby fees, taxes and assessments by any taxing authority for the current year and subsequent years, and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership by Grantee, its successors or assigns, which standby fees, taxes and assessments Grantee assumes and agrees to pay, (b) zoning laws and regulations and ordinances of municipal and other governmental authorities affecting the Property, and (c) all matters listed on Exhibit B attached hereto and made a part hereof for all purposes (all of those items described in (a) through (c) above are hereinafter collectively referred to as the "Permitted Encumbrances").

Wyndham Resorts Casa Marina Key West, FL 012665-0348 WEST 5722675 vI

Doc# 1517059 Bk# 2115 Pg# 142

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in any wise belonging unto Grantee, Grantee's legal representatives, successors and assigns forever and subject to the Permitted Encumbrances, and Grantor does hereby bind itself, its successors and assigns, to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, Grantee's legal representatives, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Wyndham Resorts Casa Marina Key West, FL 012665-0348 WEST 5722675 vI

Doc# 1517059 Bk# 2115 Pg# 143

as of the 10 day of May	ay of May, 2005, to be effective for all purposes GRANTOR:
	CASA MARINA REALTY PARTNERSHIP, L.P., a Delaware limited partnership
Witness Witness	By: Casa Marina Realty Corporation, a Delaware corporation, its general partner By: Gregory J. Moundas: Vice President
Modelya Shaperion Witness	o rosidem
STATE OFNY	§
COUNTY OF NY	§ §
of CASA MARINA REALTY PAR' me to be the person whose name is s me that he executed the same for	Realty Corporation, a Delaware corporation, general partner INERSHIP, L.P., a Delaware limited partnership, known to ubscribed to the foregoing instrument, and acknowledged to the purposes and consideration therein expressed, in the and deed of said corporation and limited partnership.
GIVEN UNDER MY HAN 2005.	ND AND SEAL OF OFFICE, this the
After recording this document shoul Akin Gump Strauss Hauer & Feld LI Attn: Sung Lee 1700 Pacific Avenue, Suite 4100 Dallas, TX 75201-4675	d be returned to:
Wyndham Resorts Casa Marina Key West, FL 012665-0348 WEST 5722675 v1	3
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Exhibit A to General Warranty Deed

Description of Land

Doc# 1517059 Bk# 2115 Pg# 144

Wyndham Resorts Casa Marina Key West, FL 012665-0348 WEST 5722675 v1

Exhibit A

Doc# 1517059 8k# 2115 Pg# 145 Policy Number: Proforma

Exhibit A-1:

Parcel I:

All that land in the City of Key West, Monroe County, Florida, lying and being situate within a triangle formed by Seminole Avenue, Reynolds Street and the low water mark of the shore known as South Beach, the said triangle embracing Blocks 1, 2, 3, 4, 5 and 6 and the space between them formerly laid out as streets, but heretofore vacated as streets by the City Council of the City of Key West, all shown on the Plat of the KEY WEST INVESTMENT COMPANY'S SUBDIVISION OF PART OF TRACT 17, recorded in Plat Book 1, at page 69 of the Public Records of Monroe County, Florida; and also all the land under water lying in front of and all riparian rights belonging or appurtenant to the said triangle; less, however, that portion of Block riparian rights belonging or appurtenant thereto.

Subject to encroachment by Reynolds Street being more particularly described by metes and bounds as follows:

Commencing at the Northeast corner of Block 4 of KEY WEST INVESTMENT COMPANY'S SUBDIVISION OF PART OF TRACT 17, Key West, Monroe County, Florida and recorded in Plat Book 1, at page 69 of the Public Records of Monroe County, Florida, said corner is also known as the Point of Beginning of the land hereinafter described:

From said Point of Beginning bear South 37°32'30" East for a distance of 706.00 feet, more or less, to the shore line of said plat; thence meander the shoreline of said plat in a Westerly direction to a point which is 10.21 feet measured at right angles to the preceeding course; thence bear North 37°32'30" West for a distance of 678.00 feet, more or less, to a point; thence continue bearing Northwesterly for a distance of 20.00 feet, more or less, to a point on the Southeasterly property line of Seminole Avenue; said point also bearing South 52°00'00" West from the Point of Beginning; thence bear North 52°00'00" East for a distance of 17.81 feet back to the Point of Beginning.

Parcel II:

On the Island of Key West, Monroe County, Florida and being a part of Block 6 of KEY WEST INVESTMENT COMPANY'S SUBDIVISION OF PART OF TRACT 17 as recorded in Plat Book 1, at page 69 of the Public Records of Monroe County, Florida and being more particularly described by metes and bounds as follows:

Begin at a point on the Southeasterly property line of Seminole Avenue at the intersection of the Southwesterly property line of Alberta Street extended on its course Southeasterly; thence Southwesterly along the Southeasterly property line of Seminole Avenue for a distance of 14.83 feet; thence run Southeasterly and parallel with the said Alberta Street for a distance of 67.00 feet, more or less, to the Mean High Tide Line of the Straits of Florida; thence run Easterly along the said Mean High Tide Line for a distance of 18.00 feet, more or less to the Easterly boundary of said Block 6; thence run Northwesterly along the Easterly boundary of said Block 6 for a distance of 78.00 feet, more or less, back to the Point of Beginning; together with all the land under water lying in front of and all riparlan rights belonging or appurtenant thereto.

Parcel III:

A concrete dock or pier situated on the following described property:

A parcel of submerged land lying in the Straits of Florida adjacent to Block 6 of the KEY WEST INVESTMENT COMPANY'S SUBDIVISION OF PART OF TRACT 17 as recorded in Plat Book 1, at page 69 of

the Public Records of Monroe County, Florida and being more particularly described by metes and bounds as follows:

Commencing at a point on the Southeasterly property line of said Seminole Avenue at the intersection of the Southwesterly property line of Alberta Street extended on its course Southeasterly; thence run Southeasterly along the Easterly boundary of said Block 6 for a distance of 78.00 feet, more or less, to the Mean High Water Line of the Straits of Florida and the Point of Beginning of the parcel of land herein being a distance of 106.00 feet; thence run Southeasterly along the extension of the Easterly boundary of said Block 6 for of 270.00 feet; thence at right angles in a Westerly direction for a distance of 25.00 feet; thence at right angles in a Westerly direction for a distance of 25.00 feet; thence at right deflected 41°09'30" to the left for a distance of 115.00 feet, more or less, to the Mean High Tide Line of the Straits of Florida; thence run Easterly along the said Mean High Tide Line a distance of 28.00 feet, more or less, back to the Point of Beginning.

Parcel IV:

On the Island of Key West, Florida being Lots 1 through 16, inclusive, all being in Block Seven (7) as shown on the plat of the Key West Investment Company's Subdivision of part of Tract Seventeen (17), recorded in Plat Book Number 1, page 69, of the Public Records of Monroe County, Florida.

Doc# 1517059 Bk# 2115 Pg# 146 Doc# 1517059 Bk# 2115 Pg# 147

Exhibit B to General Warranty Deed Permitted Encumbrances

All matters of record affecting the Property which are valid and subsisting.

MONROE COUNTY OFFICIAL RECORDS

Wyndham Resorts Casa Marina Key West, FL 012665-0348 WEST 5722675 vi

1

PROPERTY CARI	D

Attachment 1: Property Record Card

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.

By continuing into this site you assert that you have read and agree to the above statement.

Summary

Parcel ID 0003723D-000100 8735669 Account # Property ID District Group Milage Group 8735669

Location Address Legal Description

8733009
PT of Key West
1-SCHOOL STATE - SCHOOL STATE - (1)
715 SEMINOLE Ave, KEY WEST
KW KW INVESTMENT CO SUB PB1-49 ALL SQUARE 8 DR954-1008 OR 1033-742/747 OR 1436-761/764 OR 1440-106/109-C OR 2281-1224/27

(Note: Not to be used on legal documents)

Neighborhood

Property Class Subdivision STORE COMBO (1200) Key West Investment Co's Sub 05/68/25

Sec/Twp/Rng Affordable



Owner

BRE/FL DEVELOPMENT LLC C/O BLACKSTONE REAL ESTATE ACQUISTIONS IV LLC New York NY 10154

Valuation

+	Market Improvement Value	2018 \$1,424,080	2017	2016	2015	2012
+	Market Misc Value	\$13,918	\$1,440,585	\$1,345,134	\$1,397,782	\$1,394,343
+	Market Land Value	\$1653.225	\$14,104	\$14,475	\$12,739	\$12,020
	Just Market Value		\$1,653,225	\$1,653,577	\$1,594,935	\$1,523,520
	Total Assessed Value	\$3,091,223	\$3,107,914	\$3,013,186	\$3,005,456	\$2,929,883
	School Exempt Value	\$3,091,223	\$3,107,914	\$3,013,186	\$3,005,456	\$2,929,883
	School Taxable Value	\$0	\$0	\$0	\$0	\$0
		\$3,091,223	\$3,107,914	\$3,013,186	\$3,005,454	trano one

Land

I and the

COLUMN OSE	Number of Units	Unit Type	Frontage	
COMMERCIAL DRY (100D)	52,500.00	Square Foot		Depth
		admit a Loot	250	210

Commercial Buildings

1STY STORE-B/11B Gross Sq Ft Finished Sq Ft 5.055 Perimiter Interior Walls Exterior Walls AVE WOOD SIDING Outsitty Roof Type Roof Material Exterior Wall1 Exterior Wall2 AVE WOOD SIDING Foundation

Ground Floor Area Floor Cover Full Bathrooms Half Bathrooms

Heating Type Year Built Year Remodeled Effective Year Built 1989

Code Finished Area FHS FINISH HALF ST 2,132 0 FLA FLOOR LIV AREA 2,442 2.442 0 OUU OP PRUNFINUL 119 0 OPF OP PRCH FINIL 362 0 TOTAL 5,055 D

Style M.F.-R2/R2 Gross Sq Ft Finished Sq Ft 1.888 Perimiter Interior Walls WALL BOWD WAL WD FRAME

Quality 450 () IRR/CUSTOM Roof Type Roof Material METAL WD FRAME Exterior Wall1 Exterior Wall2 Foundation interior Finish CONCR FTR WALL BOWD WAL Ground Floor Area Floor Cover CONC S/B GRND Full Bathrooms Half Bathrooms

PTO

TOTAL

Heating Type NONE with 0% NONE

Year Built Effective Year Built 1965 Condition

Code OPX EXC OPEN PORCH FLA FLOOR LIV AREA GBF GAR FIN BLOCK

PATIO

Sketch Area Finished Area Perimeter 88 0 0 1.888 1.888 0 335 0 0 2.084 0 O 4,395 1.888 0

Style S.F.R. - R1/R1 Gross Sq Ft 1,486 1,075 Finished Sq Ft Parimiter 0 Stories Interior Walls WD PANL/CUSTOM C.B.S. 450 () Exterior Walls Quality Roof Type Roof Material Exterior Wall 1 GABLE/HIP ASPHALT SHINGL C.B.S.

Exterior Wall2 Foundation CONCRETE SLAB Interior Finish WD PANL/CUSTOM Ground Floor Area

Floor Cover Full Bathrooms Half Bathrooms

CONC ABOVE GRD

0 NONE with 0% NONE

Heating Type Year Built

1948 Year Remodeled

Effective Year Built 1984 Condition

Code Description Sketch Area Finish Perimeter CPF CARPORT FIN 220 0 FLA FLOOR LIV AREA 1,075 1,075 0 OPF OP PRCH FIN LL 47 0 0 PTO PATIO 144 0 0 TOTAL 1,486 1,075 0

Style M.F. - R4 / R4 Gross 5q Ft Finished 5q Ft 4,101 Perimiter 0 Stories Interior Walls

PLYWOOD PANEL Exterior Walls Quality C.8.5. 450 0 Roof Type Roof Material GABLE/HIP CONC/CLAYTILE

Exterior Wall1 Exterior Wali2 Foundation

CONCR FTR Interior Finish PLYWOOD PANEL Ground Floor Area Floor Cover Full Bathrooms Half Bathrooms CONC ABOVE GRD

0 Heating Type NONE with 0% NONE 1953 Year Built

Year Remodeled

Effective Year Built 1998 Condition

Description Finished Area Sketch Area Perimeter FLA FLOOR LIV AREA 3,296 3,296 0 OPF OP PRCH FIN LL 341 0 0 OUF OP PRCH FINUL 464 O 0 TOTAL 4,101 3.296 0

Style M.F.-R3/R3 Gross Sq Ft 950 Finished Sq Ft Perimiter 836 0 Stories Interior Walls

PLYWOOD PANEL C.B.S. Exterior Walls Quality Roof Type 450 () FLAT OR SHED Roof Material TAR & GRAVEL C.B.S. Exterior Wall2 Foundation CONCR FTR

Interior Finish

PLYWOOD PANEL

Ground Floor Area Floor Cover

CONC ABOVE GRD

Full Bathrooms

NONE with 0% NONE 1948

Heating Type Year Built Year Remodeled

Effective Year Built 1995 Condition

Code Description Sketch Area **Hnished Area** Perimeter FLA FLOOR LIV AREA 836 836 0 OPF OP PRCH FIN LL 114 D 0 TOTAL 950 836 0

Style Gross Sq Ft Finished Sq Ft Perimiter Stories Interior Walls

M.F. - R4 / R4

3,610 2,850 0

2 PLYWOOD PANEL

Exterior Walls C.B.S. 450 ()

Quality Roof Type Roof Material Exterior Wall1

GABLE/HIP CONC/CLAY TILE C.B.S.

Exterior Wall2 Foundation

CONCR FTR

Interior Finish Ground Floor Area PLYWOOD PANEL

CONC ABOVE GRD

8

Floor Cover Full Bathrooms Half Bathrooms

NONE with 0% NONE 1953

Heating Type Year Built Year Remodeled

Effective Year Built 1995

Condition

Code	Description
FLA	FLOOR LIV ARE
OPE	OP PROMEININ

OP PRCH FIN UL

2,850 380 380 3,610

Sketch Area

2,850

Perimeter

0

0

0

0

Finished Area

0

0

2,850

OUF TOTAL

Style

Gross Sq Ft Finished Sq Ft Perimiter 1,732 1,392

M.F. - R4/R4

Stories Interior Walls Exterior Walls Quality WALL BD/WO WAL ABOVE AVERAGE WOOD 450 ()

Roof Type Roof Material

GABLE/HIP METAL ABOVE AVERAGE WOOD Exterior Wall1

Exterior Wallz Foundation Interior Finish

CONCR FTR WALLBD/WD WAL

Ground Floor Area

CONC S/B GRND 4

Floor Cover Full Bathrooms Half Bathrooms

Heating Type Year Built NONE with 0% NONE

Year Remodeled Effective Year Built 1984

Condition Code FLA

Code	Description	Sketch Area	Finished Area	Perlmeter
FLA	FLOOR LIV AREA	1,392	1,392	0
OPF	OP PRCH FIN LL	188	0	0
58U	UTIL UNFIN BLK	152	0	0
TOTAL		1,732	1,392	0

Yard Items

Description	Year Built	RoffYear			
Property and the Property		HOII YEAF	Quantity	Units	Grade
CONC PATIO	1957	1958	1	1636 SF	2
TILEPATIO	1957	1958	1	30 SF	1
CH LINK FENCE	1957	1958	1	420 SF	1
FENCES	1957	1958	1	704SF	4
UTILITY BLDG	1959	1960	1	120 SF	3
FENCES	2000	2001	1	1068 SF	2
FENCES	2000	2001	1	192 SF	2
				115 34	2

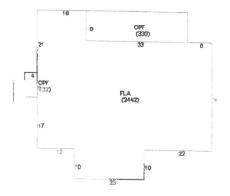
Sales

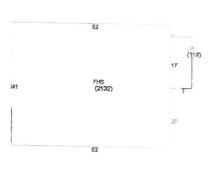
Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
12/31/2005	\$4,000,000	Warranty Deed		2281	1224	W - Unqualified	Improved
12/1/1996	\$1,566,400	Warranty Deed		1436	0761	Q - Qualified	Improved
11/1/1987	\$100,000	Warranty Deed		1033	742	U - Unqualified	Improved

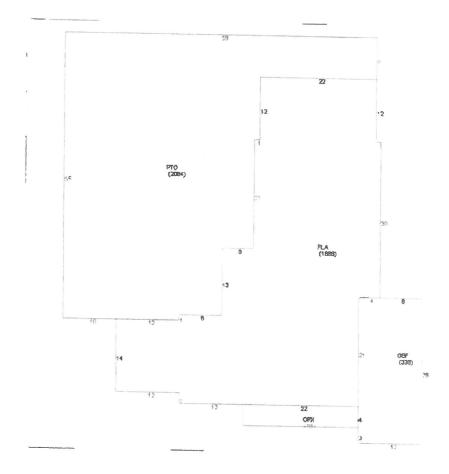
Permits

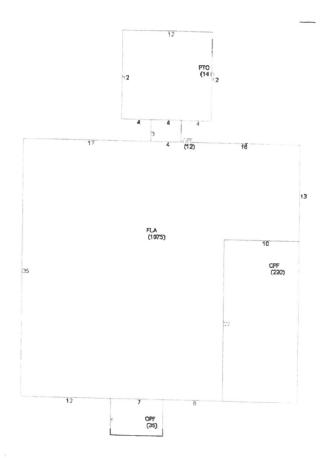
Number #	Date Issued \$	Date Completed \$	Amount #	Permit Type \$	
07-3998	8/15/2007		\$100	Commercial	Notes 9
07-0374	1/26/2007		\$308,000	Commercial	REVISIONS FOR EXTERIOR STEPS, RAMPS & DUCT WORK
06-4050	1/17/2007		\$3,125,000	Commercial	ELECTRICAL RENOVATION AND UP-GRADE-1200AMP SERVICE
06-6543	12/11/2006		\$2,400	Commercial	RENOVATE 3-STORYBUILDING & LANDSCAPE, 10,845 SF
06-6544	12/11/2006		\$4,500	Commercial	DEMO PERMITAND INSTALL ONE 200AMP FOR TEMPORARY
06-6542	12/6/2006		\$5,000	Commercial	DEMO & DISCONNECT EXISTING PLUMBING FIXTURES & MANIFOLDS
05-4766	10/31/2005		\$500	Commercial	INTERIOR DEMOLITION ONLY
03-1311	4/22/2003	10/26/2004	\$1,000		HURRICANE DANAGE EMERGENCY REPAIRS TO ELECTRIC SERVICE
03-1029	3/25/2003	10/26/2004	\$7,877	Commercial	SEWER LATERAL
03-0219	2/7/2003	10/26/2004	\$12,500	Commercial	ROOFING
03-0219	2/3/2003	10/26/2004	\$8,500	Commercial	REPLACEWALKWAY
02-3107	11/14/2002	12/31/2002	\$1,200	Commercial	SMOKE DETECTORS
99-2960	11/4/2000	12/31/2000	\$15,000	Commercial	REPLACE SEWER LINE
00-3440	10/16/2000	12/31/2000	\$6,000	Commercial	ELECTRICAL
00-0014	2/7/2000	12/31/2000	\$2,200	Commercial	UPDATE SERVICE
99-4017	12/21/1999	12/31/2000	\$2,500	Commercial	PICKET FENCE
99-2956	11/4/1999	12/31/2000	\$5,000	Commercial	CHAIN LINK FENCE
99-2959	11/4/1999	12/31/2000	\$20,500	Commercial	ELECTRICAL
99-2880	11/3/1999	12/31/2000		Commercial	ELECTRICAL
99-2956	9/13/1999	12/31/2000	\$7,000	Commercial	SIGNS
99-1146	4/6/1999	12/31/2000	\$5,000	Commercial	REPAIRS
98-4021	12/22/1998	12/31/2000	\$500	Commercial	REPAIR METAL ROOF
9800202	7/10/1998	12/31/1998	\$500	Commercial	REPAIR METAL FLASHING
98-1601	6/4/1998		\$2,000	Commercial	REPAINT ROOF
9800764	3/1/1998	12/31/1998	\$7,000	Commercial	REPLACE 1 400 A SERVICE
B94-1499	5/1/1994	12/31/1998	\$3,000	Commercial	REPLACE 2 SQS ROOF
D/4-1477	3/1/17/4	11/1/1994	\$2,500	Commercial	EXTERIOR REPAIRS
					arterior in a resident in the second in the

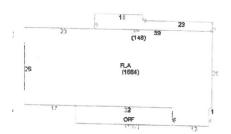
Sketches (click to enlarge)

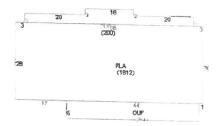




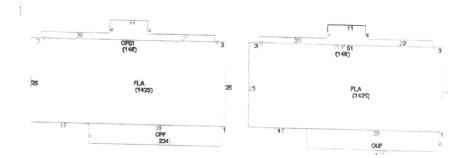


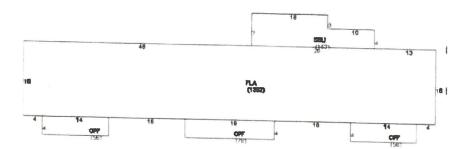






FLA (836) OPF (114)





Photos





Map



TRIM Notice

Trim Notice

2018 Notices Only

No data available for the following modules: Buildings, Mobile Home Buildings, Exemptions.

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

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