

**Development Review Committee
May 28, 2009 – 2:00 p.m.
ADA Conference Room, 525 Angela Street**



- Item 4e.** **Conditional Use – 4 & 6 Charles St., 213 & 217 Telegraph Lane (RE Numbers 00001410-000000, 00001430-000000, and 00001440-000000)** – An application for Conditional Use approval for a bar and 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, Florida

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 until they are complete)

Development Plan

Major _____
Minor _____

Conditional Use

X

Historic District

Yes X
No _____

Please print or type and call the Planning Department if you have any questions.

- 1) Site Address 4 & 6 Charles St., 217 Telegraph Lane
- 2) Name of Applicant Trepanier & Associates, Inc.
- 3) Applicant is: Owner _____ Authorized Representative X
(attached Authorization Form must be completed)
- 4) Address of Applicant 402 Appelrouth Lane
Key West, FL 33040
- 5) Applicant's Phone # 293-8983 Fax _____
- 6) Name of Owner, if different than above 4 & 6 Charles Street LLC
- 7) Address of Owner 1413 South Street, Key West FL 33040
- 8) Owner Phone # 305-712-0070 Fax _____
- 9) Zoning District of Parcel HRCC-1 RE# 00001410-000000, 0000143-000000, 00001440-000000
- 10) Is Subject Property located within the Historic District? Yes X No _____
If Yes: Date of approval _____ HARC # N/A
OR: Date of workshop _____ Date of expected approval _____
- 11) Description of Proposed Development and Use. Please be specific. List existing and proposed buildings and uses, number of dwelling units, parking, restaurant seats, vehicles proposed, etc . If there is more than one use, describe in detail the nature of each use. (Give concise description here and use a separate sheet if necessary)

Maintain bar use and eliminate restaurant from existing restaurant/bar. No other changes proposed.

Required Plans and Related Materials

I. Existing Conditions.

- A. Recent Survey of the site by a licensed Surveyor showing all dimensions including distances from property lines with:
 - 1) Size of site; See Attached Survey
 - 2) Buildings, structures, and parking; See Attached Site Plan
 - 3) FEMA Flood Zones; See Attached Survey
 - 4) Topography; See Attached Survey
 - 5) Easements; and See Attached Survey
 - 6) Location of Utility Lines (sewer, water, electric, cable, and phone) 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. See Attached Survey

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 with North arrow and dimensions by a licensed architect or engineer.
 - 1) Buildings See Attached Survey
 - 2) Setbacks See Attached Survey
 - 3) Parking: See Attached Survey/Site Plan
 - 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 See Attached Survey
 - 5) Location of Utility Lines (sewer, water, electric, cable, and phone) adjacent and extending into the site.
 - 6) Signs See Attached Site Plan
 - 7) Project Statistics:
 - a. Zoning See Attached Survey
 - b. Size of site See Attached Site Plan
 - c. Number of units See Attached Site Plan
 - d. If non-residential, floor area & proposed floor area ratio See Attached Site Plan
 - e. Consumption area of restaurants & bars See Attached Site Plan
 - f. Open space area and open space ratio See Attached Site Plan
 - g. Impermeable surface area and impermeable surface ratio See Attached Site Plan
 - h. Number of automobile and bicycle spaces required and proposed See Attached Site Plan
- B) Building Elevations See Attached Floor Plan
 - 1) Drawings of the building from each direction
 - 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 with retention areas and calculations
- D) Landscape Plan: Size, type, location and number of plants to be removed, kept, and installed. See Site Plan

- ### 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, energy conservation, affordable housing, and impacts on neighbors such as lighting, noise, traffic and parking.

There will be no change to the physical property or structures. The previous use was a restaurant/bar which was not financially feasible, and the conditional use is to remove the restaurant aspect of the site and maintain a bar. The site is well situated. It surrounded with compatible uses such as bars, restaurants and parking lots.

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. Please see below
- (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; No Change - Existing .58, Proposed .58
 - b. Traffic generation: According to the Institute of Transportation Engineers Trip Generation Manual, 7th Edition there will be a trip reduction of at least 7.49 trips per 1,000 sq. ft. for peak traffic hour at the site as a result of this Conditional Use Approval.

Trip Generation ¹	Use	ITE Code	Weekday Eve.	Saturday	Sunday
Existing	Restaurant	931	7.49 trips	10.82 trips	8.38 trips
	Bar	936	15.49 trips	15.49 trips ²	15.49 trips ²
	Total		26.98 trips	26.31 trips	23.87 trips
Proposed	Bar	936	15.49 trips	15.49 trips ²	15.49 trips ²
	Total		15.49 trips	15.49 trips²	15.49 trips²

- c. Square feet of enclosed building for each specific use; See Attached Floor Plan/Survey
 - d. Proposed employment; Not Available
 - e. Proposed number and type of service vehicles; No service vehicles are required for the conditional use
 - f. Off-street parking needs. N/A
- (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; No improvement needs generated by conditional use – this change will result in a reduction of impacts.
 - b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in chapter 94; No improvement needs generated by conditional use – this change will result in a reduction of impacts.
 - c. Roadway or signalization improvements, or other similar improvements; N/A – this change will result in a reduction of impacts.
 - d. Accessory structures or facilities; No improvement needs generated by conditional use – this change will result in a reduction of impacts.
 - e. Other unique facilities/structures proposed as part of site improvements. No improvement needs generated by conditional use – this change will result in a reduction of impacts.
 - (3) On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:
 - a. Open space; Existing Open Space will be maintained
 - b. Setbacks from adjacent properties; Existing setbacks will be maintained
 - c. Screening and buffers; No improvement needs generated by conditional use
 - d. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites; No improvement needs generated by conditional use

¹ Peak Hour

² No ITE studies for Bars on Saturday or Sunday. We used the weekday numbers as a result.

e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts. No improvement needs generated by conditional use – this change will result in a reduction of impacts.

(c) Criteria for conditional use review and approval. Applications for a conditional use shall clearly demonstrate the following:

(1) Land use compatibility. The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.

The property is in the High intensity tourist area (HRCC-1) where bars are encouraged to be located, there are bars located throughout this zoning district, and are located next to the property on three sides. There will be no increase in traffic generation.

(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.

The size, use, and site specifications are adequate to accommodate a bar as demonstrated by the prior more intense use of the property as a restaurant/bar.

(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.

The conditional use will reduce impacts to traffic, sewer, water, and electrical demands. It will also create employment in the City of Key West, which is desperately needed to curb rising unemployment trends.

(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 wetlands, aquifer recharge areas, or other conservation resources.

No Hazardous Waste will be generated by the conditional use, and prior hazardous waste generation (oils and greases) will be eliminated.

(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.

All laws and ordinances will be followed.

(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.

N/A

- 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.

N/A

- 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.

The property is in the HRCC-1, there are bars located throughout this zoning district, and are located next to the property on three sides. There are housing units located on the property which will be occupied by staff.

- 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.

There will be no new development, the conditional use maintains existing circumstances on the property.

- 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.

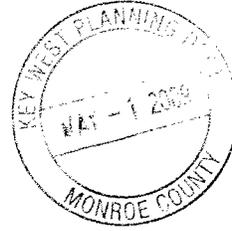
N/A

- 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.

N/A

- g. Adult entertainment establishments. The criteria for adult entertainment establishments are as provided in division 12 of article V of this chapter.

N/A



Issue	Permitted/ Required	Existing	Proposed	Compliance
Zoning	HRCC-1			
Site Size	6,403 SF			
Floor Area Ratio	1.0	0.54%	0.54%	Complies (Grandfathered)
Building Coverage	50%	58%	58%	Complies (Grandfathered)
Impervious Surface	70%	98.5%	98.5%	Complies (Grandfathered)
Landscaping	10%	1.5%	1.5%	Complies (Grandfathered)
Front	0 ft.	1.5 ft. over	1.5 ft. over	Complies (Grandfathered)
Right Side	2.5 ft.	1.3 ft. over	1.3 ft. over	Complies (Grandfathered)
Left Side	2.5 ft.	2.5 ft.	2.5 ft.	Complies (Grandfathered)
Rear	10 ft.	3.6 ft. over	3.6 ft. over	Complies (Grandfathered)

* Existing parking is not up to code and cannot be distinguished how many spaces are present.



Verification Form

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



- 12) Has subject Property received any variance(s)? Yes _____ No X
If Yes: Date of approval _____ Resolution # _____
Attach resolution(s).
- 13) Are there any easements, deed restrictions or other encumbrances on the subject property?
Yes X No _____ If Yes, describe and attach relevant documents. Ingress and egress easement
(Please see attached legal description) _____
- 14) A. For *Conditional Uses and Development Plans*, provide the information requested on the attached **Conditional Use and Development Plan** sheet.
B. For *Conditional Uses*, include also the **Conditional Use Criteria** required under Chapter 122, Article III, Sections 122.61 and 122.62 of the Land Development Regulations (copy attached).
C. For *Major Development Plans*, provide also the additional information requested on the **Development Plan Submission Materials** (Sections 108.226 through 108.232 of the Land Development Regulations, copy attached) and other information as determined by the Planning Staff.

Please note, development plan and conditional use approvals are quasi-judicial hearings and it is improper to speak to a Planning Board member or City Commissioner about the project outside of the hearing.

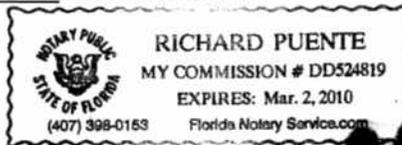
Verification

I, Daniel R. Stosnider (please print), being duly sworn, depose and say
Name of Applicant
that I am (check one) the owner _____ / owner(s) legal representative X of the property which is the subject matter of this application. All of the answers to the above questions, drawings, plans and any other attached data to this application, are true and correct to the best of my knowledge and belief and that if not true or correct, are grounds for revocation of any action reliant on said information.

[Signature]
Signature of Applicant

Subscribed and sworn to (or affirmed) before me on May 1, 2009 (date) by Daniel Stosnider (name of affiant, deponent or other signer). He/She is personally known to me or has presented _____ as identification.

[Signature]
Notary's Signature and Seal



Richard Puente Name of Acknowledger typed, printed or stamped

Notary Title or Rank DD524819 Commission Number

LIMITED POWER OF ATTORNEY



STATE OF FLORIDA:
COUNTY OF MONROE:

I, PETER N. BRAUN, of Key West, Monroe County, Florida, and being eighteen years of age or older, (hereinafter referred to as "Principal") have this date made, constituted, and appointed, and by this document do make, constitute and appoint, ROBERT E. KELLY, JR., of Key West, Monroe County, Florida, my true and lawful attorney-in-fact (hereinafter referred to as "Attorney-in-Fact"), for me and in my name, place and stead, to sign all documents as he shall deem proper, including but not limited to the execution of any and all documents, contracts, permit applications, utility service applications, affidavits, and such other documents required specifically for the maintenance, management, and improvement of those certain real properties located in Monroe County, Florida as are owned by me, or by companies controlled by me, including, but not limited to the following parcels of real property:

- List of redacted property addresses, including 4 & 6 Charles Street, Key West, Florida and 217 Telegraph Lane, Key West, Florida.

The above-referenced parcels of real property, and any additional parcels of real property acquired by me, or by a company controlled by me, shall be referred to herein as the "Properties."

I hereby authorize my attorney-in-fact to take all actions as may be necessary or appropriate for the maintenance, management, and improvement of the Properties, as fully and as effectively as if made or done by me personally, including, but not limited to the authority to perform the following:

1. Collect, receive, and issue receipts for any and all sums of money or payments due, or to become due to me or my companies;
2. Initiate, defend, continue, or settle legal actions in my name and on my behalf, for recovery of any and all sums of money or payments due, or to become due to me or my companies, and to collect on any judgments recovered by me or my companies, and execute satisfactions of the same;

Handwritten signature of Peter N. Braun.

3. Hire or discharge (with or without cause) employees including, but not limited to, attorneys, accountants, and domestics;
4. Deposit to, withdraw from, or draw checks or drafts upon, any and all savings or checking accounts, money market funds, or any other type of account in my name or in the name of one of my companies; and to open any new accounts in my name or in the name of one of my companies, in any bank or financial institution, or with any insurance or brokerage firm; and to endorse my name to any and all negotiable instruments;
5. Pay any and all bills, accounts, claims, and demands now or hereafter payable by me or payable on behalf of one of my companies;
6. Receive and endorse for deposit in any account, any payments that I receive from any branch or department of the United States or other government, including without limitation, Social Security payments, Veterans Administration payments or grants, Medicare or Medicaid payments, and tax refunds;
7. Receive and open my mail, change my mailing address, and otherwise represent me in any matter concerning the U.S. Postal Service;
8. Manage all assets and properties belonging to me, or in which I have any interest, and to expend whatever funds my Attorney-in-Fact deems proper for the preservation, maintenance, or improvement of those assets or properties;
9. Compromise, arbitrate, or otherwise adjust claims in favor of or against me or any assets or entity in which I have an interest, and to agree to any rescission or modification of any contract or agreement;
10. Participate in any type of liquidation or reorganization of any enterprise on my behalf or on behalf of one of my companies;
12. Exercise all rights and options, or empower another to exercise those rights and options, concerning sole proprietorships, general or limited partnerships, joint ventures, business trusts, land trusts, limited liability companies, and other domestic and foreign forms of organizations;
13. Buy, sell, exchange, lease, convey, and grant options with respect to any real or personal property, and to negotiate for and to enter into contracts and agreements of every nature, concerning real or personal property, including homestead or exempt property. Any such contract, agreement, or lease will be valid and binding for its full term even if it extends beyond my lifetime or the duration of this power of attorney;
14. Transact all business, make, execute and acknowledge all contracts, orders, deeds, bills of sale, assurances, promissory notes, mortgages, and other instruments of any nature which may be requisite or proper to effectuate any

A handwritten signature in black ink, appearing to be a stylized name, located at the bottom right of the page.

matter or things pertaining to or belonging to me, or one of my companies;

15. Terminate any charge or credit account;
16. Enter into any safe deposit box for which I am a lessee and add or remove items;
17. Demand, obtain, review, and release to others, documents protected by attorney-client privilege, or any similar privilege;

All powers and authorities hereby granted may be exercised by my said Attorney-in-Fact acting alone without the joinder of any other person. The Attorney-in-Fact named herein shall not be obligated to furnish a bond or other security. Any authority granted to my Attorney-in-Fact herein shall be limited so as to be taxed on my income, and from causing my estate to be subject to a general power of appointment by my Attorney-in-Fact, as that term is defined in Section 2401 of the Internal Revenue Code.

I hereby ratify and confirm all that my Attorney-in-Fact, or his/her successors, shall lawfully do or cause to be done by virtue of this power of attorney, and the rights, powers and authority granted herein.

I hereby authorize my Attorney-in-Fact to hold harmless, any third party, or his/her successors and assigns who accepts and acts under this power of attorney against any and all claims, liabilities, demands, losses, damages, and/or actions; and to indemnify any third party, or his/her successors and assigns, against any claims, liabilities, demands, losses, damages, and/or actions which said third party, may sustain or incur in connection with his/her reliance upon the authority represented in this power of attorney.

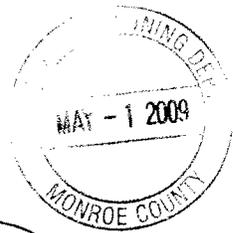
THIS POWER OF ATTORNEY IS NOT AFFECTED BY SUBSEQUENT INCAPACITY OF THE PRINCIPAL, EXCEPT AS PROVIDED IN SECTION 709.08 FLORIDA STATUTES.

This power of attorney, and the powers herein granted may be revoked only by: (i) my death, or (ii) an instrument in writing, duly executed and acknowledged by me. It is my intention that any person or any firm, corporation, joint venture, association, or other legal entity of any kind or character dealing with my said Attorney-in-Fact shall be entitled to rely on the provisions of this paragraph in determining whether or not this power of attorney has been revoked, and I hereby represent to those dealing with my said Attorney-in-Fact, that they are, in fact, entitled to rely upon the terms and provisions of this paragraph in determining whether this power of attorney has been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of MARCH, 2009.

Signed, sealed and delivered in the presence of:





Elizabeth A. Henkey

Signature of Witness

Elizabeth A. Henkey
Printed Name of Witness

PRINCIPAL:

Peter N. Brawn

PETER N. BRAWN

Cindy Sawyer

Signature of Witness

Cindy Sawyer
Printed Name of Witness

SIGNATURE OF ATTORNEY-IN-FACT:

Robert E. Kelly, Jr.

ROBERT E. KELLY, JR.

STATE OF FLORIDA:
COUNTY OF MONROE:

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, PETER N. BRAWN, who is personally known to me to be the individual described in and who executed the foregoing instrument, or who produced _____, as identification, and he acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed.

WITNESS my hand and official seal at Key West, County of Monroe, and State of Florida, this 9th day of March, 2009.

Susan M. Cardenas

Printed Name of Notary

Susan M. Cardenas

NOTARY PUBLIC

My Commission Expires:





Authorization Form

Letter of Authorization



572 4 * 6 Charles Street, LLC
I, Peter Brawn, Manager Member, authorize
Please Print Name(s) of Owner(s)

Trepanier & Associates, Inc. to be the representative for this application and act

on my/our behalf.

Peter Brawn, Manager Member of 4 * 6 Charles Street, LLC
by and through Robert E. Kelly Jr. his attorney in fact.

Signature of Owner

Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on _____ (date) by
Peter Brawn, Manager Member of 4 * 6 Charles Street, LLC
by and through Robert E. Kelly, Jr. his attorney in fact

Please print name

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

as identification.

[Signature]

Notary Signature & Seal

My commission expires 10.23.12
date

Susan M. Cardenas Name of Acknowledger printed or stamped

Notary Public Title or Rank

Commission Number, if any



Deed

Doc# 1735375 03/24/2009 9:50AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

This Instrument Prepared by & return to:
Name: Renee Tompkins, an employee of
Ward & Meyers, L.L.C.
Address: 3201 Flagler Avenue, Suite 506
Key West, FL 33040

03/24/2009 9:50AM \$0.70
DEED DOC STAMP CL: TRINA



Parcel I.D.#: 00001440-000000

Grantees S.S.#: 532-46-5654
Grantor S.S.#: 532-46-5654

Doc# 1735375
Bk# 2405 Pg# 791

SPACE ABOVE THIS LINE FOR PROCESSING DATA SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS QUIT CLAIM DEED Made this 9th Day of March, A.D. 2009, by, Peter Nelson Brawn hereinafter called the Grantor, to 4 & 6 Charles Street, L.L.C. whose post office address is 525 Caroline Street, Key West, FL 33040, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantees" include all the parties to this instrument, singular and plural, the legal representatives and assigns of individuals, and the successors deed assigns of corporations, wherever the context so admits or requires.)

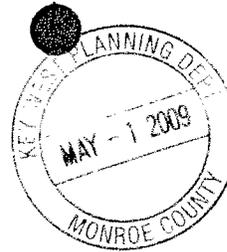
Witnesseth: That the grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, does hereby remise, release, and quit-claim unto the Grantee forever, all the right, title, interest, claim and demand which the said Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in the **County of Monroe, State of Florida**, to-wit:

KW SUB 6 PT LOT 2 SQR 15 OR124-508/09 OR503-754 OR777-98/99 OR794-696/97
OR865-923/24OR894-2145/46Q/C OR901-1221/22Q/C OR908-150 OR909-1993/94
OR916-1819/20 OR945-965

SUBJECT TO TAXES FOR THE YEAR 2009 AND SUBSEQUENT YEARS, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.

To Have and to Hold the same with all singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity to the only proper use, benefit and behoof of the said Grantee forever.

And the grantor hereby covenants with said grantees that he is lawfully seized of said land in fee simple: that he has good right and lawful authority to sell and convey said land, and hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2008.



Prepared by & Return to
Southernmost Title, Inc.
605 United Street, Suite B
Key West, FL 33040

02/23/2009 1:34PM
DEED DOC STAMP CL: TRINA \$7,700.00

Parcel ID Number: 00001410-000000/00001430-000000/00001440-000000

Doc# 1731685
Bk# 2401 Pg# 435

\$1,100,000.00

Warranty Deed

This Indenture, Made this 20th day of February, 2009 A.D. Between WADE FERREL, a single man of the County of MONROE, State of FLORIDA, grantor, and PETER N. BRAUN, a single man whose address is: 525 CAROLINE STREET, KEY WEST, FL 33040 of the County of MONROE, State of FLORIDA, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of -----TEN DOLLARS (\$10)----- DOLLARS, and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate, lying and being in the County of MONROE State of Florida to wit:
PARCEL A

On the Island of Key West and is part of Lot 2 of Square 15, according to Whitehead's Map of 1829; but now better known and described as part of Lot 7, according to the subdivision of said Lot 2 made by Chas. Howe, Sr., diagram of which is recorded in Book E, Page 690, Monroe County, Florida Records and having a front on Charles Street of 13 feet, 5 1/2 inches and a front on New Street, formerly called William Street, of 40 feet, 3 inches.

AND ALSO

All that certain piece of land in the City of Key West consisting of 5 feet front and 19 feet, 10 inches deep in Lot 1 of Square 15, according to aforesaid Whitehead's map, said lot being situated on New Street, formerly William Street and adjoins the aforescribed premises.

AND ALSO

On the Island of Key West, and known on the map or plan of said City as delineated by W. A. Whitehead in February, 1829, as Part of lot 2 in Square 15, and which is more fully described in a Diagram made by Charles Howe, Sr., and recorded in Book E, on Page 690, of Monroe County Records as Part of Lot 7 on said Diagram, and having a front on Charles Street of 31 feet and a depth of 40 feet, 3 inches.

AND ALSO

TOGETHER WITH an easement for ingress and egress and to allow for parking over the 3 1/2 feet immediately east of the easterly boundary described above, fronting on Charles Street with a depth of 29.8 feet.

PARCEL B

On the Island of Key West and is a part of Lot 2 of Square 15, according to the map of Whitehead in 1829, but better described in a diagram of said Lot 2 made by Chas. Howe, Sr., recorded in Book E, Page 690, Monroe County, Florida Public Records and is known on said diagram as Lot No. 6 being 44 feet and 5 inches on Charles Street, and having a depth of 40 feet and 3 inches, being rectangular in shape, on the southeasterly side of Charles Street. SUBJECT to the existing encroachment of the sidewalk along Charles Street, and RESERVING an easement for ingress and egress over the westerly 3 and 1/2 feet fronting on Charles Street with a depth of 29.8 feet for the benefit of the property immediately to the west of the above described property more particularly described as follows: On the Island of Key West, and known on the map or plan of said City as delineated by W. A. Whitehead in February, 1829, as Part of Lot 2 in Square 15, and which is more fully described in a Diagram made by Charles Howe, Sr., and recorded in Book E, Page 690, of Monroe County Records as Part of Lot 7 on said Diagram, and having a front on Charles Street of 31 feet and a depth of 40 feet, 3 inches.

PARCEL C

On the Island of Key West, known on William A. Whitehead's map of said Island, delineated in February, 1829, as a part of Lot 1, in Square 15, the land being describe by metes and bounds as follows:

COMMENCING at a point on the Northeasterly side of New Street where the dividing line between said Lot 1 and Lot 2 in said Square 15 intersects said New Street from said point runthence along the Northeasterly side of New Street in a Southeasterly direction 41.5 feet, thence at right angles in a Northeasterly direction 78.33', thence at right angles in a Southwesterly direction 4.5', thence at right angles in a Northeasterly direction 10.5', thence at right angles in a Northwesterly direction 37', thence at right angles in a Southwesterly direction along said dividing line between Lots 1 and 2 88'10" out to New Street to the point of beginning.



EXCEPTING

On the Island of Key West and known on William A. Whitehead's map, delineated in February, A.D. 1839, as part of Lot One (1), in Square Fifteen (15) described by metes and bounds as follows:

COMMENCING at a point on the Northeasterly side of Telegraph Lane (formerly known as New Street or William Street), distant Forty (4) feet Three (3) inches from the corner of the intersection of Telegraph Lane and Charles Street and running thence along the Northeasterly side of Telegraph Lane in a Southeasterly direction Five (5) feet; thence at right angles in a Northeasterly direction Nineteen (19) feet, Ten (10) inches, thence at right angles in a Northwesterly direction Five (5) feet, thence at right angles in a Southwesterly direction Nineteen (19) feet, Ten (10) inches to the Point of Place of Beginning.

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

In Witness Whereof, the grantor has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]
Printed Name: ANNIE D. DICKERSON III
Witness

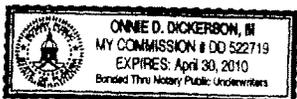
[Signature] (Seal)
WADE FERREL
P.O. Address: 3406 RIVIERA DRIVE, KEY WEST, FL 33840

[Signature]
Printed Name: CHARLES E. LEE
Witness

Doc# 1731685
Bk# 2401 Pgm 436

STATE OF FLORIDA
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 20th day of February, 2009 by WADE FERREL he is personally known to me or he has produced his state driver's license as identification.



[Signature]
Printed Name: _____
Notary Public
My Commission Expires: / /

MONROE COUNTY
OFFICIAL RECORDS



Property Appraiser

Monroe County Property Record Card (133)

Alternate Key: 1001465 Roll Year 2009
 Effective Date: 4/24/2009 8:07:09 AM Run: 04/24/2009 08:07 AM

4 AND 6 CHARLES STREET LLC

525 CAROLINE ST
 KEY WEST FL 33040

Parcel 00001440-000000-06-68-25 Nbhd 32020
 Alt Key 1001465 Mill Group 10KW
 Affordable Housing No PC 2'100
 FEMA Injunction
 Inspect Date Next Review
 Business Name
 Physical Addr 6 CHARLES ST, KEY WEST
 4 CHARLES ST, KEY WEST

Associated Names

Name DBA Role
 4 AND 6 CHARLES STREET LLC, Owner

Legal Description

KW SUB 6 PT LOT 2 SQR 15 OR124-508/09 OR503-759 OR777-98/99 OR794-696/97 OR865-923/24OR894-2145/46Q/C OR901-1221/22Q/C OR908-150 OR909-1993/94 OR916-1819/20
 OR945-965 OR2401-435/36 OR2405-791/92

Land Data 1.

Line ID	Use	Front	Depth	Notes	# Units	Type	SOH %	Rate	Depth	Loc	Shp	Phys	Class	ROGO	Class Value	Just Value
154	100D	44	40	No	1,788.00	SF	0.00	1.00	1.00	1.00	1.00	0.55		N		

Total Just Value



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Interior Finish		Exterior Finish		Area %		Wall Type		Wall Rate		RCN	
Sec Nbr	Int Nbr	Description	Area %	Sprinkler	A/C	Total RCN	Ext Nbr	Wall Type	Area %	Wall Rate	RCN
180653	547	RESTAURANT & CAFETR	100.00	N	Y		177	AB AVE WOOD SIDING	100.00		
180654	548		100.00	N	N						
180655	549	APARTMENTS	100.00	N	Y						
180656	550		100.00	N	N						
180657	551		100.00	N	N						
180658	552		100.00	N	N						

Miscellaneous Improvements

Nbr	Impr Type	# Units	Type	SOH %	Length	Width	Year Built	Roll Year	Grade	Life	RCN	Depr Value
1	FN2:FENCES	320	SF	0.00	40	8	1988	2003	2	30		
Total Depreciated Value												

Appraiser Notes

TPP8511426-RENTALS

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	M943373	Oct 1 1994 12:00AM	Dec 1 1994 12:00AM	3,300		3 TON AC
	B942164	Jun 1 1994 12:00AM	Dec 1 1994 12:00AM	2,800		REPAIR/SUPPORT FLOOR JOIS
	B954319	Dec 1 1995 12:00AM	Dec 1 1996 12:00AM	3,200		PLUMBING
	9902172	Jun 23 1999 12:00AM	Oct 25 1999 12:00AM	6,400		HOOD AND FAN
	9902589	Jul 22 1999 12:00AM	Oct 25 1999 12:00AM	2,200		FIRE SYSTEM
	0101829	May 2 2001 12:00AM	Nov 21 2001 12:00AM	3,600	Commercial	12 SQS V-CRIMP
	02/2960	Oct 30 2002 12:00AM	Jul 31 2003 12:00AM	25,000		RENOVATE SFR
	03-0038	Jan 8 2003 12:00AM	Jul 31 2003 12:00AM	2,000		RED TAG INSTALL A/C
	02-2879	Dec 31 2002 12:00AM	Jul 31 2003 12:00AM	25,000		RENOVATED EXISTING FLA
	03-0655	Mar 10 2003 12:00AM	Jul 31 2003 12:00AM	150		CONNECT ELECT,COOLERS
	03-1122	Apr 8 2003 12:00AM	Jul 31 2003 12:00AM	3,000		INTERIOR WORK TILE
	03-2468	Jul 14 2003 12:00AM	Jul 31 2003 12:00AM	500		FIXTURE UP TO CODE
	03-2844	Aug 14 2003 12:00AM	Sep 14 2003 12:00AM	2,500		REPLACE FENCE

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Value History

Tax Year	Val Meth	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Sr Ex	Tax Value
2008F	C	135,198	0	293,827	448	429,473	429,473	0	N	429,473
2007F	C	261,038	0	225,113	336	486,487	486,487	0	N	486,487
2006F	C	152,235	0	225,113	361	377,709	377,709	0	N	377,709
2005F	C	107,460	0	230,409	395	338,264	338,264	0	N	338,264
2004F	O	107,460		230,397	420	309,511	309,511	0	N	309,511
2003F	O	46,566		209,678	501	309,511	309,511	0		309,511
2002F	O	46,566		209,678	539	309,511	309,511	0		309,511
2001F	O	46,566		197,734	567	305,780	305,780	0		305,780
2000F	O	44,775		197,734	221	297,884	297,884	0		297,884
1999F	O	44,775		176,717	235	297,884	297,884	0		297,884
1998F	O	44,775		118,087	246	220,449	220,449	0		220,449
1997F	O	41,193		118,087	256	220,449	220,449	0		220,449
1996F	O	41,193		107,352	270	204,930	204,930	0		204,930
1995F	O	41,193		107,352	281	204,930	204,930	0		204,930
1994F	O	41,193		105,316	291	204,930	204,930	0		204,930
1993F	I	41,193		65,319	730	192,623	192,623	0		192,623
1992F	I	41,193		65,319	754	192,623	192,623	0		192,623
1991F	I	41,193		65,319	777	192,623	192,623	0		192,623
1990F	I	38,507		71,646	668	192,623	192,623	0		192,623
1989F	I	37,611		71,646	337	219,168	219,168	0		219,168
1988F	C	32,238		67,856	173	100,267	100,267	0		100,267
1987F	C	21,492		71,686	261	93,439	93,439	0		93,439
1986F	C	21,492		72,077	261	93,830	93,830	0		93,830
1985F	C	19,343		70,572	261	90,176	90,176	0		90,176
1984F	C	19,343		66,103	261	85,707	85,707	0		85,707
1983F	C	9,450		0	261	9,711	9,711	0		9,711
1982F	C	6,444		48,436	261	55,141	55,141	0		55,141

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Sales History

Book	Page	Sale Date	Instrument	Transfer Code	Q/U	Vacant	Sale Price
865	923	10/1/1982	Warranty Deed	1	M	I	191,500
916	1819	7/1/1984	Warranty Deed	0	M	I	1
945	965	6/1/1985	Warranty Deed	0	Q	I	80,000
2401	435	2/20/2009	Warranty Deed	0	05	I	1,100,000

Site Pictures



WEST SANDHILLS REALTY
EST. 1987
2009
KIMBERLY



NEW WEST PAPER
MAY - 1 2009
MONROE, LA



SOUTHWEST PLANNING DEPT.
MAY - 1 2009
MONROE COUNTY



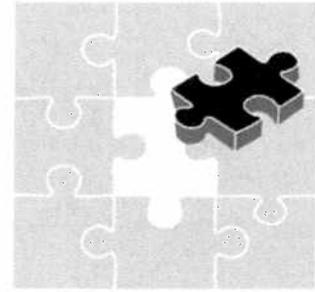
KEY WEST PLANNING DEPT
MAY - 1 2009
MONROE COUNTY

Concurrency Analysis

MEMORANDUM



TREPANIER



& ASSOCIATES INC
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

Date: 05/04/2009
To: Mrs. Amy Kimball-Murley, AICP, Planning Director
From: Sarah Davis, Planner
CC: Mr. Owen Trepanier
Re: **Concurrency Analysis**
4 & 6 Charles Street and 217 Telegraph Lane

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. Solid Waste
3. Drainage
4. Roads/Trip Generation

The following concurrency analysis reflects the proposed bar to be located at 4 Charles Street. Currently this parcel contains a bar, a restaurant and six residential units. Because the six residential units are not affected by this proposed development, for the purposes of this concurrency report they will be seen as a constant and thus not included in the existing or proposed calculations. Since this project is nonresidential, the parcel's area of 6,403 square feet or 0.146992 acres will be used to determine service levels.

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

Potable Water. Sec. 94-68 sets the level of service for nonresidential potable water at 650 gal/acre/day. Utilizing this level of service standard:

- i) The total capacity required for the current **0.146992 acre** parcel is:

$$650 \text{ gal/acre/day} \times 0.146992 \text{ acres} = 95.5 \text{ gal/day}$$

- ii) The total capacity required for the proposed project on **0.146992 acres** is:

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

$$650 \text{ gal/acre/day} \times 0.146992 \text{ acres} = 95.5 \text{ gal/day}$$

The size of the lot is unchanged and therefore the amount of potable water used is not being increased or decreased.

FCAA has obtained all necessary permits and is in the process of constructing facilities on the mainland in Florida City to expand water supply for the Florida Keys. This permitted and under construction improvement will enable FCAA to provide over 23 MGD by July 2010, which will provide sufficient capacity through 2022². Once operational in 2010, a permitted expansion of the R.O. plant will provide 6.0 MGD, which combined with the 17.0 MGD permitted withdrawal from the Biscayne Aquifer, will increase 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 will be 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 FCAA 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 FCAA to utilize the Stock Island and Marathon Reverse Osmosis plants for any demands exceeding the interim withdrawal limit, pending completion of the R.O. plant in Florida City. The Stock Island and Marathon R.O. plants have a combined capacity of 3.0 MGD providing an interim WUP water supply of 20.0 MGD during the dry season if needed. Once operational in 2010, the R.O. plant will provide an additional 6.0 MGD, which when combined with the 17.0 MGD permitted withdrawal from the Biscayne Aquifer, will increase available water supply to 23 MGD for the Florida Keys.

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

$$1996 \text{ annual water demand} = 5,272 \text{ MG /year}$$

$$2006 \text{ annual water demand} = 6,310 \text{ MG /year}$$

² Excerpt from Analysis by Kenneth B. Metcalf, AICP, (Greenberg Traurig, P.A.), August 22, 2008.

$$\text{Average Annual Increase} = (6,310 \text{ MG} - 5,272\text{MG}) / 10 = 103.8 \text{ MG /year}$$

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). Upon completion of the Florida City facilities, the 23 MGD allocation would be 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 following time schedule for construction of 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 is scheduled for completion by December 31, 2009 and the R.O. plant will be operational no later than 2 years and 60 days from the issuance of the DEP permit or by July 21, 2010.

Sanitary Sewer

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

Utilizing this level of service standard;

- i) the total capacity required for the current **0.146992 acre** parcel is:

$$660 \text{ gal/acre/day} \times 0.146992 \text{ acres} = 97 \text{ gal/day}$$

- ii) the total capacity required for the proposed project on **0.146992 acres** is:

$$660 \text{ gal/acre/day} \times 0.146992 \text{ acres} = 97 \text{ gal/day}$$

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 utilized. The current plant has more than enough capacity to continue to supply service to this project's needs.

- 2. **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 impacted³:"

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

Sec. 94-71 sets the level of service for nonresidential solid waste disposal (1994-2010) at 6.37 lb/capita/day.⁴

i) the total capacity required for the current **16 employees** is:

$$6.37 \text{ lb/capita/day} \times 16 \text{ people} = 101.92 \text{ lb/day}$$

ii) the total capacity required for the proposed **10 employees** is:

$$6.37 \text{ lb/capita/day} \times 10 \text{ people} = 63.7 \text{ lb/day}$$

Due to the elimination of the kitchen area and thus the kitchen staff, the number of employees and thus their solid waste disposal will be decreased by 38.22 lb/day.

3. 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 drainage⁵:"

A. Post-development run-off shall not exceed the pre-development run-off rate for a 25-year storm event, up to and including an event with 24 hour duration. **No changes will be made to impervious surface area.**

B. Storm water treatment and disposal facilities shall be designed to meet the design and performance standards established in Chapter 17-25, Section 25.025, FAC, with treatment of the run-off from the first one inch of rainfall on-site to meet the water quality standards required by Chapter 17-302, Section 17-302.500, FAC. **No changes will be made to impervious surface area.** Storm water facilities which directly discharge into Outstanding Florida Waters ("OFW") shall provide an additional treatment pursuant to Section 17-25.025 (9), FAC. The first inch of runoff from the site will be treated on site. A 50% credit on the runoff amount will be taken if dry retention systems are used. **No direct discharge into OFW will occur.**

C. Storm water facilities must be designed so as to not degrade the receiving water body below the minimum conditions necessary to assure the suitability of water for the designated use of its classification as established in Chapter 17-302, FAC. **No direct discharge into a water body will occur.**

4. 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

⁴ For these calculations, we chose to use the number of employees to represent the "capita."

⁵ Ibid.

signalization, proposed methods for controlling access and egress, and other similar improvements⁶.”

For the purposes of calculating traffic generation we used the Institute of Transportation Engineer’s 7th Edition Trip Generation Volumes. There will be a trip reduction of at least 7.49 trips per 1,000 sq. ft. for peak traffic hour at the site as result of this Conditional Use Approval.

Existing:

Land Use	Weekday Trips	Saturday Trips	Sunday Trips
Restaurant (931)	7.49	10.82	8.38
Bar (936)	15.49	15.49	15.49
Total Trips for current parcel	22.98 Trips	26.31 Trips	23.87 Trips

Proposed:

Land Use	Weekday Trips	Saturday Trips	Sunday Trips
Bar (936)	15.49	15.49	15.49
Total Trips for proposed uses	15.49 Trips	15.49 Trips	15.49 Trips

As the table above explains, there is a 7.49 trip decrease in traffic generation due to the change in use. This project is located on Charles Street and Telegraph Lane. Neither of these roads are constrained according to City of Key West Code Section 94-72. There will not be on-site parking and therefore, vehicular traffic will not increase on site. All requirements including proposed methods for controlling ingress, egress, and providing onsite bicycle and scooter parking are met and reflected in the site plans for the proposed project.

⁶ The City of Key West’s Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues

Exhibits

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

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

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

Exhibit I

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



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., DEE, 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

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

SPECIFIC CONDITIONS:

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

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

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

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

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

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

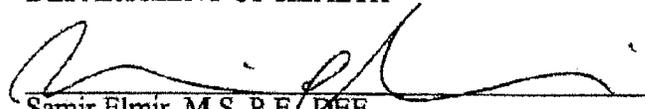
7. The applicant Public Water System as a condition of this permit is hereby advised they shall revert to (2) two-six Month periods of standard monitoring for Lead and Copper upon issuance of Clearance to put the facilities into service. If no Lead or Copper exceedance occurs within the 2-6 Month periods,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

PERMIT NO: 150092-007-WC/04
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8. Prior to placing a system into service, the applicant shall submit to the Department, if requested, one set of record drawings of the completed project with completed form DEP 62.555.910(9) [Certification of Construction Completion and Request for a Letter of Clearance to Place a Public Drinking water facility into Service] signed by the engineer of record. Drawings are to be at the same scale and in the same sequence as those submitted and approved for permit. Deviations from the original permitted drawings are to be highlighted and/or noted for the Department's review. Include with the DEP form the bacteriological clearance data, pressure test results and backflow inspection certification (if applicable).

Issued this 30th day of November 2006

STATE OF FLORIDA
DEPARTMENT OF HEALTH



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

Exhibit II

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



FORM W0299
Rev. 5/02

**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

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



Consumption Plan

MEMORANDUM

TREPANIER



& ASSOCIATES INC
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

Date: 5/8/2009
To: Ashley Monnier
From: Dan Strosnider
CC: Owen Trepanier
Re: **Charles Street – Consumption Plan**



Ashley,

Please find attached the Consumption Area Plan. We are proposing a 2% decrease in Consumption Area on the property (Please see calculations below). If you have any questions regarding the plan please let me know.

Consumption Area	Square Footage	Percentage
Existing	5,000 SF	78%
Proposed	4,870 SF	76%

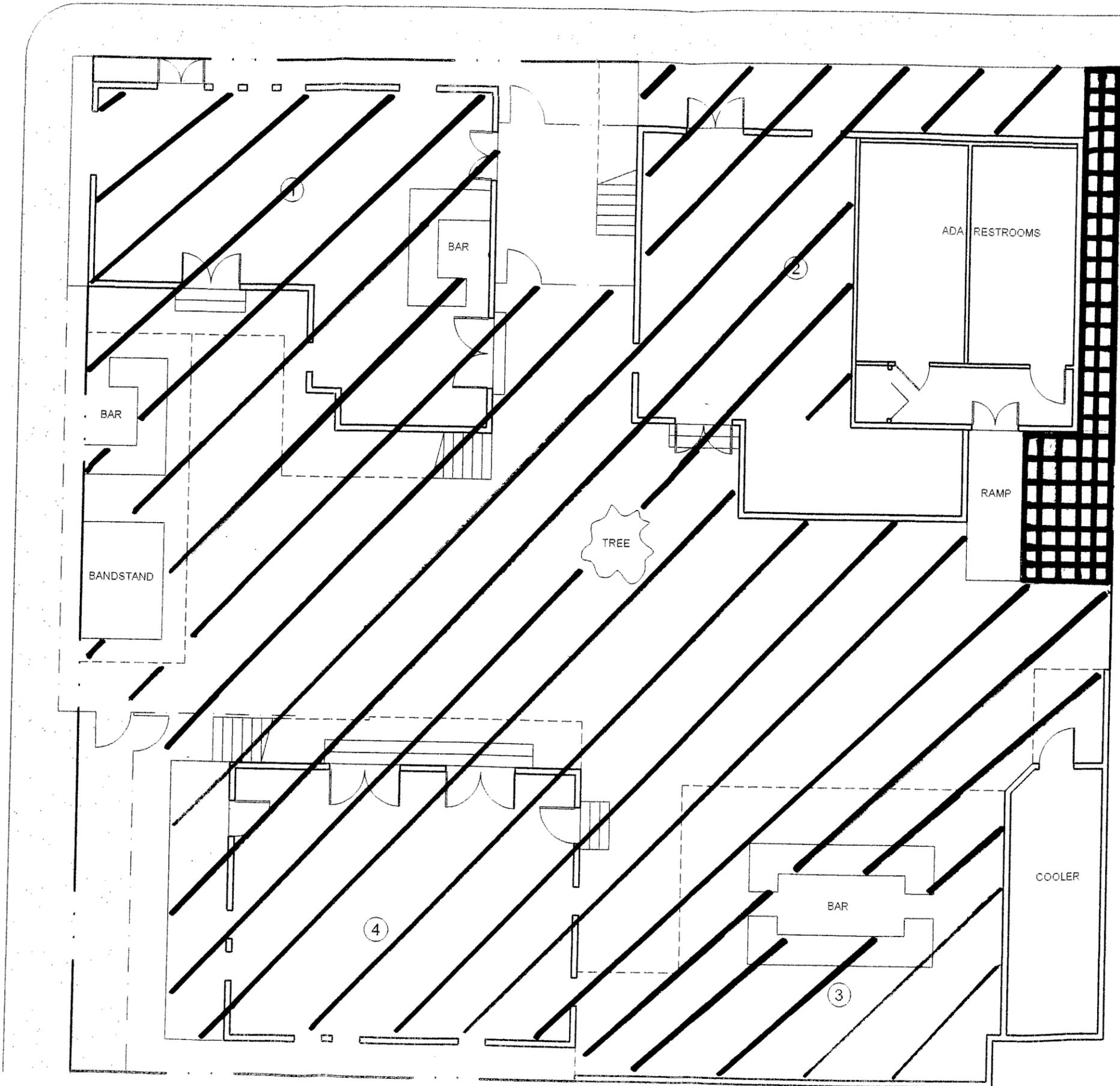
CHARLES ST.



Consumption Area Plan

- / — Consumption Area
- # — Proposed reduction in Consumption Area

TELEGRAPH LANE





Property Appraiser

Ervin A. Higgs, CFA Property Appraiser Monroe County, Florida

office (305) 292-3420
fax (305) 292-3501

Property Record View

Alternate Key: 1001457 Parcel ID: 00001430-000000

Ownership Details

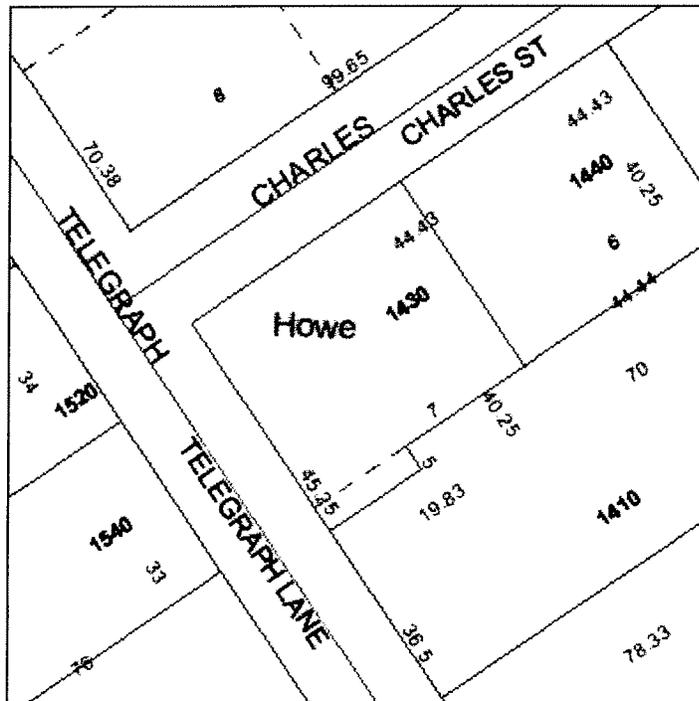
Mailing Address:
213 TELEGRAPH LANE LLC

525 CAROLINE ST
KEY WEST, FL 33040

Property Details

PC Code: 12 - STORE/OFF/RES OR COMBINATION
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range: 06-68-25
Property Location: 213 TELEGRAPH LN KEY WEST
Legal Description: KW SUB 7 PT LOTS 1 AND 2 SQR 15 OR124-508/09 OR503-759 OR777-98/99 OR794-696/97 OR865-923/924 OR894-2145/46Q/C OR901-1221/22Q/C OR908-150 OR909-1993/94 OR916-1819/20 OR950-1355/56 OR1004-984/85 OR2401-435/36 OR2405-787/88

Parcel Map





Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	0	0	1,889.00 SF

Building Summary

Number of Buildings: 1
Number of Commercial Buildings: 1
Total Living Area: 1588
Year Built: 1943

Building 1 Details

Building Type	Condition A	Quality Grade 450
Effective Age 17	Perimeter 258	Depreciation % 23
Year Built 1943	Special Arch 0	Grnd Floor Area 1,588
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	2	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	15	Dishwasher	0

Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
0	FLA		1	1990					790
1	PDO		1	1990					284
2	FLA		1	1990					798
3	OUF		1	1990					64
5	PDO		1	2003					380
6	OUF		1	1990					60
7	O UU		1	1990					24

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	FN3:WROUGHT IRON	108 SF	27	4	1987	1988	3	60
2	PT2:BRICK PATIO	203 SF	0	0	1987	1988	2	50
3	FN2:FENCES	450 SF	0	0	1988	1989	2	30
4	FN2:FENCES	48 SF	12	4	2003	2004	2	30
5	FN2:FENCES	60 SF	10	6	2003	2004	2	30

Appraiser Notes

TPP8686650-RENTALS

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	99-1940	06/23/1999	11/24/1999	3,600		3600
	02-1648	10/29/2002	07/23/2003	800		6' FENCE
	02-3090	12/30/2002	07/23/2003	500		REBUILD STAIRS
	03-2648	08/01/2003	09/01/2003	300		ELECTRIC WK.
	03-2164	06/19/2003	07/21/2003	8,000		INSTALL 3 NEW AWNINGS

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
2008	226,307	2,723	143,124	372,154	372,154	0	372,154
2007	162,656	2,777	276,342	441,775	441,775	0	441,775
2006	166,723	2,890	161,160	330,773	330,773	0	330,773
2005	172,822	3,026	113,760	289,608	289,608	0	289,608
2004	172,810	3,128	113,760	250,748	250,748	0	250,748

2003	165,052	2,853	49,296	250,748	250,748	0	250,748
2002	165,052	2,972	49,296	238,808	238,808	0	238,808
2001	157,928	3,062	49,296	235,930	235,930	0	235,930
2000	157,928	1,329	47,400	229,838	229,838	0	229,838
1999	157,950	1,376	47,400	229,838	229,838	0	229,838
1998	105,300	1,411	47,400	170,092	170,092	0	170,092
1997	105,300	1,453	43,608	170,092	170,092	0	170,092
1996	95,727	1,500	43,608	174,070	174,070	0	174,070
1995	95,727	1,535	43,608	174,070	174,070	0	174,070
1994	95,727	1,577	43,608	174,070	174,070	0	174,070
1993	95,727	1,625	43,608	147,511	147,511	0	147,511
1992	95,727	1,660	43,608	147,511	147,511	0	147,511
1991	95,727	1,701	43,608	147,511	147,511	0	147,511
1990	65,813	6,006	40,764	147,511	147,511	0	147,511
1989	65,813	6,176	39,816	139,306	139,306	0	139,306
1988	61,683	4,705	25,416	91,804	91,804	0	91,804
1987	48,892	4,314	16,944	70,150	70,150	0	70,150
1986	49,167	4,325	16,944	70,436	70,436	0	70,436
1985	47,630	4,338	15,250	67,218	67,218	0	67,218
1984	44,443	4,003	15,250	63,696	63,696	25,000	38,696
1983	44,443	4,003	6,510	54,956	54,956	25,000	29,956
1982	45,339	4,003	4,439	53,781	53,781	0	53,781

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
2/20/2009	2401 / 435	1,100,000	WD	05
2/1/1987	1004 / 984	135,000	WD	M
7/1/1985	950 / 1355	80,000	WD	M
7/1/1984	916 / 1819	154,000	WD	M
10/1/1982	865 / 923	45	WD	M

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Monroe County Property Appraiser
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