**Key West Planning Board Meeting Agenda**
**March 19, 2009 – 6:00 p.m.**
**City Commission Chamber**
**Old City Hall, 510 Greene Street**

The Key West Planning Board will hold a public hearing on **Thursday, March 19, 2009** at **6:00 p.m.**, in the City Commission Chambers of Old City Hall located at 510 Greene Street.

1. **Roll Call**

2. **Approval of Agenda**

3. **Approval of Minutes**

   a. **Planning Board Meeting Minutes – February 19, 2009**
   b. **Planning Board Special Meeting Minutes – February 26, 2009**

4. **Items for Public Hearing**

   a. **Old Business**

      1. **Variance Extension - 314 Virginia –** An extension request in the Historic Medium Density Residential Zoning District for variances to side-yard setback requirements (RE# 00026010-000000).

      2. **Exception for Outdoor Display – 912 Duval Street -** A proposal to allow the display of merchandise in the Historic District for property with a zoning designation of High Density Residential/Commercial Core: Atlantic side (HRCC-3) as provided for under Sec. 106-51 and 52 of Key West Code (RE# 00017860-000000).

   b. **New Business**

      1. **Development Agreement – Poinciana Special Needs Housing Area off the 3200 block of Duck Avenue**- A Development Agreement for a Major Development Plan and Conditional Use pursuant to the Code of Ordinances Chapter 90, Article IX, Development Agreements, for a 32,322 sq. ft., 50 unit rest home for AIDS HELP, Inc. on 7.66 acres of land in the Medium Density Residential (MDR-1) Zoning District. The Development is proposed at 35 feet in height (Re# 00064740-000000).

5. **Planner's Report**

   a. **Status of LDR Ordinance Adoption**
   b. **BPAS / ROGO Audit**
   c. **CRA Plans**
   d. **Comprehensive Plan Updates**

6. **Adjournment**

Interested parties may appear at the public hearing(s) and be heard with respect to the proposed items. Copies of the applications are available from the City of Key West Planning Department located at 604 Simonton Street, Key West, Florida, Monday through Friday between the hours of 8:00 am and 5:00 pm.

Anyone who may wish to appeal any decision made by the Planning Board at this meeting will need to ensure that a verbatim record of the proceeding is made which includes the testimony and evidence which the appeal will be based. Florida Statute 286.0105.

ADA Assistance: Anyone needing special assistance at the Planning Board hearing due to disability should contact the City of Key West at (305) 809-3720 at least two days prior thereto.

Please note that one or more City Commission members may be present at this meeting.

Please Publish on Wednesday, March 8, 2009
Please Return an Affidavit of Publication to:
City of Key West Planning Department
PO Box 1409
Key West, Florida 33040

**Key West Planning Board Meeting Agenda**
**March 19, 2009 – 6:00 p.m.**
**City Commission Chamber**
**Old City Hall, 510 Greene Street**

# Item 3.a.

**Planning Board Meeting Minutes – February 19, 2009**

# Minutes of the Key West Planning Board
# February 19, 2009 DRAFT

Vice-Chairman Tim Root called the Key West Planning Board Meeting of February 19, 2009 to order at 6:05 pm at Old City Hall, in the antechamber at 510 Greene Street, Key West.

## ITEM 1. ROLL CALL

**Present were:** Vice-Chair, Tim Root; Members, Jeff Allen, James Gilleran, Edward Gartenmayer and Terry Garcia .

**Excused Absence(s):** Richard Klitenick and Barry Barroso

**Also in attendance were:** Planning Director, Amy Kimball-Murley; Chief Assistant City Attorney, Larry Erskine; Alan Averette, Lt. Fire Inspector; John Woodson, Building Official; Enid Torregrosa, HARC Planner; and Key West Planning Department staff Rodney Corriveau, Brendon Cunningham, Ashley Monnier, Nicole Malo and Carlene Cowart.

## ITEM 2. APPROVAL OF AGENDA

A motion to postpone Item 4b2 and 4b3 to the March 19, 2009 Planning Board Meeting was made by Mr. Gilleran and seconded by Mr. Garcia.

Motion carried by unanimous voice vote.

SO ORDERED.

## ITEM 3. APPROVAL OF MINUTES

### a. Planning Board Meeting Minutes – January 15, 2009

A motion to approve the January 15, 2009 Planning Board Meeting Minutes was made by Mr. Gartenmayer and seconded by Mr. Garcia.

Motion carried by unanimous voice vote.

SO ORDERED.

## ITEM 4. ITEMS FOR PUBLIC HEARING

### a. OLD BUSINESS

#### 1. Amendment to Major Development Plan Approval – Poinciana Housing Special Needs Area - Modification to an approved Development Plan for property located in the Poinciana Special Needs Housing Section (RE# 00064740-000000).

Mrs. Kimball-Murley gave an overview of the amendment to the Major Development Plan application. She noted that a change to the fire drive was needed to ensure a 16' clearance on the entire turning radius. Based on the criteria established by the

Comprehensive Plan and the Land Development Regulations, the Planning Department recommended conditional approval. The condition is as follows:

- The applicant must obtain an Environmental Resource Permit for storm-water treatment for the leasehold portion of the property, as required by the South Florida Water Management District, prior to Building Permit approval.

Board members reviewed and discussed the proposed plan with the applicant and staff. The Applicant, Owen Trepanier, stated that an approval was obtained several years ago; however, an amendment is now being sought due to design modification.

A motion to recommend conditional approval of the Amendment to the Major Development Plan was made by Mr. Gilleran and seconded by Mr. Garcia.

Motion carried by unanimous voice vote.

**b. NEW BUSINESS**

**1. Variance – 3 Higgs Lane - Variances to Section 122- 600, for required rear yard setback to construct a one bedroom addition, attached by a hallway to an existing non-conforming structure in the HMDR, Historic Medium Density Residential District (RE# 00003870-000000).**

Mrs. Kimball-Murley gave an overview of the variance application. Based on the criteria established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommended denial of the application.

Board members reviewed and discussed the proposed plan with the applicant and staff. The Applicant, David Descoteau, stated that he has met stormwater and landscape approvals. He has also met with neighbors and they are all receptive to the request.

Mr. Gilleran stated that he understands the applicant's position; however, the job of the board is to ensure that the code is met.

Mr. Garcia added that the design of the home is very nice; however, he agrees with the recommendation made by Planning Department staff.

Mr. Allen asked the applicant if the project is negatively impacting anyone. The applicant stated that no one is being negatively impacted. Mr. Allen praised the applicant for trying to improve his property.

A motion to recommend denial of the variance application was made by Mr. Gartenmayer and seconded by Mr. Garcia.

Motion carried by 4-1 vote (opposed by Mr. Allen).

2. **Variance Extension - 314 Virginia – An extension request in the Historic Medium Density Residential Zoning District for variances to side-yard setback requirements (RE# 00026010-000000).**

   Item postponed to the March 19, 2009 Planning Board Meeting.

3. **Exception for Outdoor Display – 912 Duval Street - A proposal to allow the display of merchandise in the Historic District for property with a zoning designation of High Density Residential/Commercial Core: Atlantic side (HRCC-3) as provided for under Sec. 106-51 and 52 of Key West Code (RE# 00017860-000000).**

   Item postponed to the March 19, 2009 Planning Board Meeting.

4. **Change of Existing Nonconforming Use – 1200 Fourth Street – A proposal for changing an existing nonconforming use per Section 122-32. Existing uses include automobile repair, parts and accessory sales. Proposed uses are a Pak Mail shop and U-Haul rental (trucks and trailers) (RE# 00051680-000000).**

   Mrs. Kimball-Murley gave an overview of the Change of Existing Nonconforming Use application. Based on the criteria outlined in Section 122-32 (e) (1) and (2) of the City of Key West Code of Ordinances, the Planning Department recommended approval of the application.

   Board members reviewed and discussed the proposed plan with the applicant and staff. The Applicant, Sarah Davis with Trepanier & Associates, stated that there will be no on site maintenance of vehicles. Mr. Gilleran asked the owner's representative, John Strong, if any servicing would be done on the trucks. Mr. Strong stated that no major repairs are done on site. Mr. Trepanier clarified that servicing the truck (i.e., attaching a hitch, etc.) would take place on site; however, any large repairs would be done off site.

   Mr. Root asked that the applicant note on the site plans the designated trash area.

   Motions to recommend approval of the Change of a Nonconforming Use application was made by Mr. Garcia and seconded by Mr. Gartenmayer. Motion carried by unanimous voice vote.

5. **Single Family (SF) District LDR Modification – An ordinance approving an amendment to Land Development Regulations Sections 86-9, 122-238 and122-1151, of the Code of Ordinances to define pitched roof and to allow an extra five feet in building height in the Single Family (SF) District for non-habitable purposes when the structure has a pitched roof**

Mrs. Kimball-Murley gave an overview of the Single Family (SF) District LDR Modification. HARC Planner, Enid Torregrosa, and Building Official, John Woodson, were present to answer any questions from Board Members.

Mr. Gilleran moved that this item be tabled to the March 19, 2009 meeting in order for the absent members to be part of this discussion. Motion died with lack of a second.

Motions to recommend approval of the SF District LDR Modification was made by Mr. Gartenmayer and seconded by Mr. Allen.

Motion carried by 4-1 vote (opposed by Mr. Gilleran). Motion carried by unanimous voice vote.

**6. HARC Guideline LDR - An Ordinance amending Sections 90-140 and 90-142 of the Land Development Regulations clarifying the process for adopting revisions to the Historic Architectural Review Commission Design Guidelines.**

Mrs. Kimball-Murley gave an overview of the HARC Guideline LDR Modification. HARC Planner, Enid Torregrosa was present to answer any questions from Board Members.

Mr. Root asked staff to clarify if HARC changes would come to the Planning Board prior to being heard by the City Commission. Mrs. Kimball-Murley stated that the Planning Board will hear all changes prior to the City Commission.

Ms. Torregrosa stated that there are some conflicts in the Ordinance and that clarification is needed in order to move forward.

Motions to recommend approval of the HARC Guideline LDR Modification was made by Mr. Allen and seconded by Mr. Garcia. Motion carried by unanimous voice vote.

## ITEM 5. PLANNER'S REPORT

### a. CRA Plan Updates

Mrs. Kimball-Murley stated that there are two sub-areas in the Community Redevelopment Area, Caroline Street Corridor and Bahama Village. The new Bahama Village Redevelopment Advisory Committee will meet on February 23, 2009. Amendment and restatement of both sub area plans have begun and the plans will be brought to the Planning Board in approximately six months for a recommendation.

**b. BPAS Status**

Mrs. Kimball-Murley reminded members of a Special Meeting on February 26, 2009 regarding the status of BPAS. Staff and DCA have had several discussions and have agreed on modest changes to the ordinance, but official DCA comments are still forthcoming.

**c. Comprehensive Plan Updates Status**

Mrs. Kimball-Murley stated that staff is working on setting up public participation programs. There have been two volunteers who have assisted staff in crafting the programs and new ways for the public to engage in the process.

**d. Emerging Issues**

Mrs. Kimball-Murley made Members aware that staff has been working with Ms. Torregrosa on other potential changes to the HARC Board in regards to advertising and posting notices.

**ITEM 6. ADJOURNMENT**

A motion to adjourn was made by Mr. Garcia and seconded by Mr. Allen.

Motion was carried by unanimous voice vote.

SO ORDERED.

**Submitted by,**

**Carlene Cowart**
**Administrative Coordinator**
**Planning Department**

**Key West Planning Board Meeting Agenda**
**March 19, 2009 – 6:00 p.m.**
**City Commission Chamber**
**Old City Hall, 510 Greene Street**

# Item 3.b.

**Planning Board Special Meeting Minutes – February 26, 2009**

# Minutes of the Key West Planning Board
# February 26, 2009 DRAFT

Vice-Chairman Tim Root called the Key West Planning Board Special Meeting of February 26, 2009 to order at 6:05 pm at Old City Hall, in the antechamber at 510 Greene Street, Key West.

## ITEM 1. ROLL CALL

**Present were:** Vice-Chair, Tim Root; Members, Barry Barroso, James Gilleran, Edward Gartenmayer and Terry Garcia.

**Excused Absence(s):** Richard Klitenick and Jeff Allen.

**Also in attendance were:** Planning Director, Amy Kimball-Murley; Chief Assistant City Attorney, Larry Erskine; Alan Averette, Lt. Fire Inspector; and Key West Planning Department staff Wendy Tucker, Rodney Corriveau, Brendon Cunningham, Ashley Monnier, Nicole Malo and Carlene Cowart.

## ITEM 2. APPROVAL OF AGENDA

A motion to approve the agenda was made by Mr. Gartenmayer and seconded by Mr. Garcia.

Motion carried by unanimous voice vote.

SO ORDERED.

## ITEM 3. ITEMS FOR PUBLIC HEARING

### a. OLD BUSINESS

**1. Building Permit Allocation System Ordinance – Modifications to Chapter 108, Article X, Building Permit Allocation and Vested Rights, Code of Ordinances, pursuant to Chapter 90, Article VI, Division 2, Land Development Regulations, Code of Ordinances, City of Key West, Florida**

Mrs. Kimball-Murley gave an overview of the Building Permit Allocation System Ordinance.

The following members of the public spoke on the matter:

- Margaret Romero, 1615 Washington Street
- Tom Milone, 832 Caroline Street

Members reviewed and discussed the Ordinance with staff and the public and recommended the following language change on Section 108-996, Period of Allocation:

*Allocations other than those granted for beneficial use pursuant to Section 108-998 shall be for a one year period during which time a building permit must be obtained, unless a longer period is approved by resolution as part of a development plan, conditional use or development agreement approval. A single one year renewal of an*

*allocation may be granted by the Administrative Official prior to the expiration of the allocation. One extension for a period of 12-months may be granted by the Planning Board provided that the applicant makes application prior to the expiration of the allocation and demonstrates reasonable cause for the extension. No further extensions can be granted. Allocations for beneficial use pursuant to Section 108-998 shall be for a period of five years during which time a building permit must be obtained. A single two year extension of a beneficial use allocation may be granted by the Administrative Official prior to the expiration of the allocation. Unused units will be returned to the system for reallocation.*

There was a correction made on page 11 of 19, Section 108-995 should be 108-994.

A typographical error in Section 108-991was corrected.

Motions to recommend the approval of the Building Permit Allocation System Ordinance with the above changes was made by Mr. Gilleran and seconded by Mr. Barroso.

Motion carried by unanimous voice vote.

**ITEM 5. PLANNER'S REPORT**

There was not a Planner's report.

**ITEM 6. ADJOURNMENT**

A motion to adjourn was made by Mr. Gartenmayer and seconded by Mr. Barroso.

Motion was carried by unanimous voice vote.

SO ORDERED.

**Submitted by,**

**Carlene Cowart**
**Administrative Coordinator**
**Planning Department**

**Key West Planning Board Meeting Agenda**
**March 19, 2009 – 6:00 p.m.**
**City Commission Chamber**
**Old City Hall, 510 Greene Street**

# Item 4.a.1.

**314 Virginia –** An extension request in the Historic Medium Density Residential Zoning District for variances to side-yard setback requirements (RE# 00026010-000000).

*Applicant has requested this item be postponed until the May 21, 2009 Planning Board Meeting*

March 10, 2009

Bender & Associates
ARCHITECTS

Amy Kimball-Murley
Brendon Cunningham
City of Key West Planning Department
605A Simonton Street
Key West, FL 33040

Re: Variance for 314 Virginia

Dear Amy and Brendon:

Per our conversation today, we are submitting a request for postponement of this item until May 21, 2009, in order to resolve fire safety issues associated with the proposal. Given that our client is out of the country, we are requesting additional time to ensure that a further postponement is avoided.

Sincerely,

David Salay
Bender and Associates Architects

410 Angela Street
Key West, Florida 33040
Telephone (305) 296-1347
Facsimile (305) 296-2727
*Florida License AAC002022*

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

**To:** Chairman and Planning Board Members

**From:** Amy Kimball-Murley, AICP, Planning Director

**Meeting Date:** March 19, 2009

**Agenda Item:** Extension of approved variances to the City Land Development Regulations in Section 122-600 (6) b. for required side-yard setbacks in the Historic Medium Density Residential Zoning District for 314 Virginia Street (RE #00026010-000000)

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**Request:** To allow an extension of variances to side-yard setback requirements

**Applicant:** Bender & Associates Architects

**Property Owner:** Sean McGeough

**Location:** 314 Virginia Street, RE# 00026010-000000

**Zoning:** Historic Medium Density Residential (HMDR)

**Background:**
In December of 2006, per resolution 06-395, variances to side-yard setback regulations were approved to allow the construction of a second-story addition to the legally non-conforming residence located in the Historic Medium Density Residential Zoning District:

- Left side standard existing and requested: 3'-10"
- Right side standard existing and requested: 1'-6"

Variance conditions require that all permits necessary for new construction (for any use and occupancy) be submitted in their entirety within 24 months after the approval of the variance. It is also conditioned in the variance that no application or reapplication for new construction be made after expiration of the 24-month period without the applicant obtaining an extension. The condition further states that it is incumbent upon the applicant to demonstrate that no changes of circumstances to the property or its underlying zoning district have occurred if an extension is requested.

The subject property changed ownership in 2008. The current owner would like to extend the previously granted variances and proceed with the proposed construction.

**Request:**
On October 17, 2008, the current property owner submitted a request for a 24 month extension of the approved side-yard setback variances. In general, staff is typically concerned that continued extensions of public actions may not always be in the best interest of the given neighborhood, due to changing conditions in the community. The Planning Department is not aware of any significant changes to the property or underlying conditions of the district that trigger a specific concern in this case; however, in this case the Fire Marshal raised fire safety concerns relating to construction of the second story addition in light of the substandard side yard setback. In addition, the City's Urban Forester is verifying that the proposed construction will not impact trees on the site.

**Process:**
**Planning Board Meeting:** March 19, 2009

**Factors for review of the extension include the following:**

1. **The request was made on a timely basis.**

The applicant submitted a request for a variance extension two months prior to the expiration of the previously approved variances.

2. **No changes of circumstance to the property or its underlying zoning district have occurred.**

Conditions associated with the original variance appear to be generally unchanged. However, after further review, the Fire Marshal determined that access the second story was limited by the existing side yard and may not be acceptable. The applicant's agent is working with the

Fire Marshal to resolve this issue. In addition, the Urban Forester needs to inspect the property to ensure that no trees are being affected by the proposed addition.

## RECOMMENDATION:

The Planning Department, based on the criteria established in the original approving resolution recommends the request for a **one-year extension** to previously allowed variances be **denied** unless fire safety issues can be resolved and the urban forester verifies that the proposed project will not impact protected trees.

K:\Geo Projects\Virginia St\314\20090319bVarPB.doc

**RESOLUTION NO. 06-395**

**VARIANCE: 314 VIRGINIA STREET**

**A RESOLUTION OF THE KEY WEST BOARD OF ADJUSTMENT TO ALLOW CONSTRUCTION OF A TWO BEDROOM/TWO BATH ADDITION FOR A SINGLE FAMILY RESIDENCE BY GRANTING VARIANCES TO THE BUILDING SETBACK REGULATIONS FOR PROPERTY IN THE HMDR, HISTORIC MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT, UNDER THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA FOR PROPERTY LOCATED AT 314 VIRGINIA STREET, KEY WEST, FLORIDA (RE# 00026010-000000)**

**WHEREAS,** the Board of Adjustment finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and

**WHEREAS,** the Board of Adjustment finds that the special conditions do not result from the action or negligence of the applicant; and

**WHEREAS,** the Board of Adjustment finds that granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

**WHEREAS,** the Board of Adjustment finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

**WHEREAS,** the Board of Adjustment finds that the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

**WHEREAS,** the Board of Adjustment finds that the grant of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

**WHEREAS,** the Board of Adjustment finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance; and

**WHEREAS,** the Board of Adjustment finds that the applicant has demonstrated a "good neighbor policy" by contacting or making a reasonable attempt to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by those neighbors.

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

**Section 1.** That a variance to **BUILDING SETBACK** regulations in the **HMDR, HISTORIC MEDIUM DENSITY RESIDENTIAL Zoning District,** under the Code of Ordinances of the City of Key West, Florida, is hereby granted as follows to: TO SECTION 122-600(6)(b), OF 1 FOOT 2 INCHES, FROM THE 5 FEET MINIMUM SIDE YARD SETBACK REQUIRED TO THE 3 FEET 10 INCHES PROPOSED ON THE RIGHT SIDE OF THE PROPERTY; AND OF 3 FEET 6 INCHES FROM THE 5 FEET MINIMUM SIDE YARD SETBACK REQUIRED TO THE 1 FOOT 6 INCHES PROPOSED ON THE LEFT SIDE OF THE PROPERTY. **THE PURPOSE OF THE REQUEST IS TO ALLOW CONSTRUCTION OF A TWO BEDROOM/TWO BATH ADDITION TO A SINGLE FAMILY RESIDENCE FOR PROPERTY LOCATED AT 314 VIRGINIA STREET, KEY WEST, FLORIDA (RE# 00026010-000000).**

**Section 2.** It is a condition of this variance that full, complete, and final application for all permits required for any new construction for any use and occupancy for which this variance is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of this variance, shall be submitted in its entirety within two years after the date hereof; and further, that no application or reapplication for new construction for which the variance is wholly or partly necessary shall be made after expiration of the two-year period without the applicant obtaining an extension from the Board of Adjustment and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

**Section 3.** The failure to submit a full and complete application for permits for new construction for which this variance is wholly or partly necessary, or the failure to complete new construction for use and occupancy pursuant to this variance in accordance with the terms of a City building permit issued upon timely application as described in Section 2 hereof, shall immediately operate to terminate this variance, which variance shall be of no force or effect.

**Section 4.** This variance does not constitute a finding as to ownership or right to possession of the property, and assumes,

without finding, the correctness of applicant's assertion of legal authority respecting the property.

**Section 5.** This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 6th day of December, 2006.

Authenticated by the presiding officer and Clerk of the Board on 11th day of December, 2006.

Filed with the Clerk on December 11, 2006.

MORGAN McPHERSON, CHAIRMAN
BOARD OF ADJUSTMENT

ATTEST:

Cheryl Smith
CHERYL SMITH, CITY CLERK

# THE CITY OF KEY WEST
# PLANNING DEPARMENT

P.O. BOX 1409
KEY WEST, FL 33041-1409

**To:** Chairman and Members of the Board of Adjustment

**From:** Jim Singelyn, Senior Planner II JS

**Through:** Gail Kenson, AICP, Planning Director

**Meeting Date:** 6 December 2006

**Application:** A **Variance** from the provisions of Section 122-600(4)(b) of the City Land Development Regulations regulating the allowable impervious surface to permit an increase of 8.0% from 60.1% to 68.1%. The allowable amount of impervious surface in this zoning district is 60%. A **Variance** from the provisions of Section 122-600 (6)(b) a side yard setback reduction of 1 foot 2 inches from 5 feet to 3 feet 10 inches, and a side yard setback reduction of 3 feet 4 inches from 5 feet to 1 foot 6 inches, in the HMDR zoning district for property located at 314 Virginia Street. RE# 00026010-000000.

## APPLICATION DATA

| | |
|---|---|
| Property Owner: | Justin Bowden |
| Applicant/Agent: | Bender and Associates Architects |
| Address: | 314 Virginia Street - RE# 00026010-000000 |
| Zoning: | HMDR (Historic Medium Density Residential) District |

## REQUEST

The applicant is requesting the following variances:

1. To permit an increase of 8% from 60.1% to 68.1% in impervious surface.
2. To permit a side yard setback reduction of 1.2 feet from 5 feet to 3.10 feet.
3. To permit a side yard setback reduction of 3.4 feet from 5 feet to 1.6 feet.

## BACKGROUND

The applicant wishes to construct 734 square foot addition consisting of two bedrooms and two bathrooms. The existing structure is a two bedroom single family residence that is 1,123 square feet. The lot size is 2,371 square feet. The minimum lot size required in the HMDR district is 4,000 square feet.

## ANALYSIS - EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS

The criteria for evaluating a variance are listed in Section 90-395 of the City Code. The Board of Adjustment before granting a variance must find all of the following:

**1. Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.**

The applicant wishes to add two additional bedrooms and bathrooms above an existing 2 bedroom, one bathroom, single-family dwelling. The home was constructed over the property line. The applicant purchased the area of land in which the applicants home sat upon. However, the land available for purchase was not enough to correct the setback violation that exists.

The lot does not meet the minimum lot area for the HMDR zoning district. The shallowness of the parcel makes it difficult to meet the setbacks. Most parcels in this neighborhood don't meet the HMDR zoning. The neighborhood was built before the existing Land Development Regulations were adopted.

**2. Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.**

The applicant wishes to add two additional bedrooms and bathrooms above an existing 2 bedroom, one bathroom, single-family dwelling. The home was constructed over the property line. The applicant purchased the area of land in which the applicants home sat upon. However, the land available for purchase was not enough to correct the setback violation that exists.

The lot does not meet the minimum lot area for the HMDR zoning district. The shallowness of the parcel makes it difficult to meet the setbacks. Most parcels in this neighborhood don't meet the HMDR zoning. The neighborhood was built before the existing Land Development Regulations were adopted.

**3. Special privileges not conferred. That granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district.**

Granting of the setback variances will not confer a special privilege to the applicant.

**4. Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.**

The applicant wishes to add two additional bedrooms and bathrooms above an existing 2 bedroom, one bathroom, single-family dwelling. The home was constructed over the property

line. The applicant purchased the area of land in which the applicants home sat upon. However, the land available for purchase was not enough to correct the setback violation that exists.

The lot does not meet the minimum lot area for the HMDR zoning district. The shallowness of the parcel makes it difficult to meet the setbacks. Most parcels in this neighborhood don't meet the HMDR zoning. The neighborhood was built before the existing Land Development Regulations were adopted.

The applicant also wishes for an increase in impervious surface for an in-ground pool in the applicants rear yard. No hardship is found in this area of the variance application.

**5. Only minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.**

The requested setback variance request is the minimum need to add on to the existing single family home.

**6. Not injurious to the public welfare. That the grant of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.**

The granting of the variances will not adversely affect the public interest or welfare.

**7. Existing nonconforming uses of other property not the basis for approval. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.**

The applicant is not using existing nonconforming uses in the area as a basis for the requesting the variance.

The board of adjustment shall make factual findings regarding the following:

**1. That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.**

The applicant has met the standards established by the City Code for the setback variances.

**2. That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.**

The Planning Department has not received any public input to date.

## RECOMMENDATION

The Planning Department, based on the criteria established by the City Code, recommends the requests for side yard setbacks variances be **approved.** The Planning Department, based on the criteria established by the City Code, recommends the request for the increase in impervious surface for the construction of an in-ground pool be **denied.**

# Application Form

## *Variance Application*

**City of Key West**
**Planning Department**

# Please note, variances are quasi-judicial hearings and it is improper to speak to a City Commissioner about the variance outside of the hearing.

Please print or type a response to the following:

1. Site Address 314 Virginia Street
2. Name of Applicant Bender & Associates Architects
3. Applicant is: Owner _____ Authorized Representative x
   (attached Authorization Form must be completed)
4. Address of Applicant 410 Angela Street
   Key West, FL 33040
5. Phone # of Applicant 305-296-1347 Mobile# _____ Fax # 305-296-2727
6. Name of Owner, if different than above Justin Bowden
7. Address of Owner 314 Virginia Street
   Key West, FL 33040
8. Phone Number of Owner 305-292-9709 Fax# _____
9. Zoning District of Parcel HMDR RE# 00026010-000000
10. Description of Proposed Construction, Development, and Use
    Second story addition to single story wood frame house. New Pool.
11. Description of Variances Being Requested:

| Standard Allowed/Required | Standard Requested | Existing Condition |
|---|---|---|
| Impervious Surface (60%) | 68.1% | 60.1% |
| Side yard setback | 3'-10" and 1'-6" (25'-1" height) | 3'-10" and 1'-6" (19'-8" height) |

12. Is Subject Property located within the Historic District? Yes x No _____

If Yes, indicate date of HARC approval as well as the HARC Approval Number. Attach minutes of the meeting. Date 6/27/06 HARC# HO6-06-18-746

13. Are there any easements, deed restrictions or other encumbrances attached to the subject property? Yes _____ No X If Yes, please describe and attach relevant documents. _____

14. Will the work be within the drip line (canopy) of any tree on or off the property?

YES _____ NO X If yes, provide date of landscape approval, and attach a copy of such approval.

**The following must be included with this application:**

_____ Copy of a recorded deed showing ownership and a legal description of the subject property
_____ Site Plan as specified on Variance Application Information Sheet
_____ Survey
_____ Elevation drawings
_____ Application Fee (to be determined according to fee schedule
_____ Notarized Verification Form
_____ Notarized Authorization Form (if applicable)
_____ Floor Plans of existing and proposed development

## STANDARDS FOR CONSIDERING VARIANCES

Before any variance may be granted, the board of adjustment must find all of the following:

(1) Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.

A portion of the house was constructed over the property line. This condition was cleared up recently by purchase of a 5 foot strip of land. However, this land available for purchase was not large enough to correct the existing setback violation.

(2) Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.

During a previous renovation, the contractor uncovered severe deterioration which resulted in excessive replacement of the existing building components and historic fabric. HARC required that the construction replicate the original including its footprint and location on the lot. The current structure violates setbacks because of this unique circumstance.

(3) Special privileges not conferred. That granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district.

The small lot sizes throughout the historic district, typically do not meet the requirements of the L.D.R.'s. This property is located in an HMDR zone with minimum lot sizes of 4,000 square feet, 40 foot widths and 90 foot depths. Most lots have dimensions of 25 feet x 80 feet with many smaller than that. This situation is so common that no special privileges are conferred by granting this variance.

(4) Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

Literal interpretation of the L.D.R.'s for setback and impervious surface impact the ability to construct a small pool and add a small second floor at the rear of the property. These are rights commonly enjoyed by property owners throughout the district. The land development regulations do not recognize the small lot sizes, i.e. smaller than the 4000 square foot minimum, and therefore places a hardship on anyone with a substandard sized lot. The houses in the historic district existed before the L.D.R.'s were written and in some cases, before lot lines were plotted. If this lot met the minimum L.D.R. requirement of 4,000 s.f. and 40 ft. x 90 ft. this variance would not be required.

(5) Only minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

This proposal honors setbacks for the pool and provides stormwater retention for the entire site, including all existing development. The second floor construction at the rear will allow the addition of 2 bedrooms and 2 bathrooms, resulting in a 3 bedroom home, a reasonable size that will meet the community's needs. The owner is meeting L.D.R. requirements wherever possible. This is the minimum variance that will allow reasonable use of the property.

(6) Not injurious to the public welfare. That the grant of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

The granting of the variance meets the general intent and purpose of the L.D.R.'s and will not be detrimental to the public welfare.

(7) Existing nonconforming uses of other property not the basis for approval. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

This request is not based on non-conforming use of neighboring property or conditions in other districts.

(b) The board of adjustment shall make factual findings regarding the following:

(1) That the standards established in subsection (a) have been met by the applicant for a variance.

(2) That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.

Bender & Associates
ARCHITECTS p.a.

October 16, 2008

Mr. Brendan Cunningham
City of Key West Planning Department
P.O. Box 1409
Key West, FL 33041-1409

OCT 17 2008

**RE: Variance Extension for 314 Virginia Street**

Dear Brendan,

The above referenced property, 314 Virginia Street, was granted a variance in December 2006 for our client Justin Bowden. The property has recently been sold to Sean McGeough, who has authorized us to represent him in requesting an extension for the variance as he intends to proceed with the work at a future date.

By this letter we are requesting an extension for the variance and would like to be present during the determination meeting to answer any questions that may arise. I have attached copies of the original variance application and resolution No. 06-395 for your convenience.

Sincerely,

Bert L. Bender, Architect

BLB/ddk

Attachments:

Authorization Form
Original Variance Application
Resolution No 06-395 Granting Variance
City of Key West Letter dated Dec. 11, 2006

410 Angela Street
Key West, Florida 33040
Telephone (305) 296-1347
Facsimile (305) 296-2727
*Florida License AAC002022*
www.BenderArchitects.com

# Authorization Form

## Authorization Form

Please note, variances are quasi-judicial hearings and it is improper to speak to a City Commissioner about the variance outside of the hearing.

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

I, SEAN MCGEOUGH authorize
Please Print Name(s) of Owner(s)

BENDER & ASSOC. ARCHITECTS
Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the Board of Adjustment.

Signature of Owner

Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on October 2, 2008 (date) by

Sean McGeough
Please Print Name of Affiant

He/She is personally known to me or has presented Passport European Union, United Kingdom of Great Britain & Northern Ireland #306684612 as identification.

Daina D Katubi
Notary's Signature and Seal

NOTARY PUBLIC STATE OF FLORIDA
Daina D Katubi
Commission # DD495411
Expires February 5, 2010
Bonded Troy Fain Insurance Inc 800-385-7019

_____ Name of Acknowledger printed or stamped

_____ Title or Rank

_____ Commission Number, if any

## Verification Form

**Please note, variances are quasi-judicial hearings and it is improper to speak to a City Commissioner about the variance outside of the hearing.**

This form should be completed by the applicant. Where appropriate, please indicate whether applicant is the owner or a legal representative. If a legal representative, please have the owner(s) complete the following page, "Authorization Form."

I, BERT BENDER, being duly sworn, depose and say
Name(s) of Applicant(s)

that: I am (check one) the ____ Owner X Owner's Legal Representative
for the property identified as the subject matter of this application:

314 Virginia Street
Street Address and Commonly Used Name if any

All of the answers to the above questions, drawings, plans and any other attached data which make up 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 of Owner/Legal Representative  Signature of Joint/Co-owner

Subscribed and sworn to (or affirmed) before me on Sept. 5, 2006 (date) by Bert Bender (name). He/~~She~~ is personally known to me or has

presented _____ as identification.

Daina D Katubi
**Notary's Signature and Seal**

NOTARY PUBLIC STATE OF FLORIDA
Daina D Katubi
Commission # DD495411
Expires February 5, 2010
Bonded Troy Fain Insurance Inc 800-385-7019

_____ Name of Acknowledger typed, printed or stamped

_____ Title or Rank _____ Commission Number, if any

# Deed

NOV 04 2008

Prepared by
Mendy Walden, an employee of
First American Title Insurance Company
3132 Northside Drive, Suite 101, Building C
Key West, Florida 33040
(305)296-2967

Return to: Grantee

File No.: 1064-1942281

# WARRANTY DEED

This indenture made on **September 30, 2008** A.D., by

**Justin Bowden,** MARRIED

whose address is: ,
hereinafter called the "grantor", to

**Sean McGeough joined by his wife Jodie Beverley McGeough**

whose address is: _____, _____
hereinafter called the "grantee":
(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

**Witnesseth,** that the grantor, for and in consideration of the sum of Ten Dollars, ($10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Monroe** County, **Florida**, to-wit:

On the Island of Key West, and is part of Lot 5 in Square 2 of Tract 10 of TIFT'S DIAGRAM OF SAID TRACT 10, according to the Plat thereof as recorded in Plat Book 1, Page(s) 25, of the Public Records of Monroe County, Florida, described as follows;

Commencing at a point on Virginia Street 226 feet and 1 1/2 inches from the corner of Whitehead and Virginia Streets and running thence along Virginia Street in a Southwesterly direction 25 feet and 1 1/2 inches;

thence at right angles in a Southeasterly direction 82 feet and 10 inches;

thence at right angles in a Northeasterly direction 25 feet and 1 1/2 inches;

thence at right angles in a Northwesterly direction 82 feet and 10 inches back to the Point of Beginning.

and

A parcel of land on the Island of Key West and known as a part of Lot Five (5) in Square Two (2) of Tract Ten (10) according to Tift's diagram of said Tract Ten (10) as recorded in Plat Book 1 at Page 25 of the Public Records of Monroe County, Florida, said parcel being more particularly described by metes and bounds as follows:
COMMENCE at the intersection of the SW'ly right of way line of Whitehead Street with the SE'ly right of way line of Virginia Street and run thence SW'ly along the SE'ly right of way line of said Virginia Street for a distance of 221.12 feet to the Point of Beginning; thence continue SW'ly along the SE'ly right of way line of the said Virginia Street for a distance of 5.00 feet to the NE'ly boundary line of said lands described in Official Records Book 1457 at Page 855 of the Public Records of the said County; thence SE'ly and at right angles along the NE'ly boundary line of said lands for a distance of 58.00 feet; thence NE'ly and at right angles for a distance of 5.00 feet; thence NW'ly and at right angles for a distance of 58.00 feet back to the Point of Beginning.

Parcel Identification Number: **1026778**

**The land** is not the homestead of the Grantor under the laws and constitution of the State of Florida and neither the Grantor nor any person(s) for whose support the Grantor is responsible reside on or adjacent to the land.

**Subject to** all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

**To Have and to Hold,** the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31st of 2007.

**In Witness Whereof**, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.

Justin mark Bowden

JB

Justin Bowden

*Signed, sealed and delivered in our presence:*

Witness Signature

Print Name: BARBARA ANDERSON

Witness Signature

Print Name: _____

State of Florida

County of Medios

**The Foregoing Instrument Was Acknowledged** before me on **September 30, 2008**, by **Justin Bowden,** MARRIED who is/are personally known to me or who has/have produced a valid driver's license as identification and who did take an oath. This document has been notarized pursuant to Florida Statutes, Chapter 668.

Notary Public

Melinda Walden

(Printed Name)

My Commission expires: _____

*{Notorial Seal}*

MELINDA A. WALDEN
MY COMMISSION EXPIRES
August 23, 2009
#DD 455216
Bonded thru Notary Public Underwriters
NOTARY PUBLIC STATE OF FLORIDA

Return to: DAVID PAUL HORAN
Name: THE CLOSING DEPT.
Address: 3432 DUCK AVENUE
KEY WEST, FL. 33040

MONROE COUNTY
OFFICIAL RECORDS

FILE #1296003
BK#1778 PG#1684

This Instrument Prepared by: DAVID PAUL HORAN
Address: 3432 DUCK AVENUE
KEY WEST, FL 33040

RCD Apr 23 2002 09:50AM
DANNY L KOLHAGE, CLERK

DEED DOC STAMPS 1239.00
04/23/2002 DEP CLK

*This Indenture*

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

Made this 10th day of April A. D. 2002

*Between,* ROSE MARIE LOPEZ, a single woman;
whose address is 1202 Whitehead Street, Key West, Florida 33040
of the County of Monroe ,in the State of Florida ,party of the first part, and
JUSTIN BOWDEN, a single man,
whose address is 314 Virginia Street, Key West , Florida 33040
of the County of Monroe ,in the State of Florida ,party of the second part,

*Witnesseth,* that the said party of the first part, for and in consideration of the sum of TEN AND NO/100 ($10.00) DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION ——————— Dollars to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part his heirs and assigns forever, the following described land, situate lying and being in the County of Monroe State of Florida, to wit:

On the Island of Key West, and is part of Lot Five (5) in Square Two (2) of Tract Ten (10) according to Tift'sDiagram of said Tract Ten (10) recorded in Plat Book 1, Page 25, Monroe County, Florida Public Records. Commencing at a point on Virginia Street Two Hundred and Twenty-six (226) feet and One and one-half (1 ½ ) inches from the Corner of Whitehead and Virginia Streets and running thence along Virginia Street in a Southwesterly direction Twenty-five (25) feet and One and one-half ( 1 ½) inches; thence at right angles in a Southeasterly direction Eighty-two (82) feet and Ten (10) inches; thence at right angles in a Northeasterly direction Twenty-five (25) feet and One and one-half (1 ½) inches; thence at right angles in a Northwesterly direction Eighty-two (82) feet and Ten (10) inches back to the point of beginning.

SUBJECT TO taxes for the year 2002 and subsequent years.
SUBJECT TO easements, restrictions and reservations of record,
but this reference thereto shall not operate to reimpose same.
SUBJECT TO Purchase Money First Mortgage to Michael Baier in the original principal sum of $140,000.00 filed of even date hereof.
SUBJECT TO Purchase Money Second Mortgage to County of Monroe in the original principal sum of $36,000.00 filed of even date hereof.

Property Appraiser's Parcel Identification Number: 00026010-000000

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

*In Witness Whereof* the said party of the first part has hereunto set his hand and seal the day and year first above written.

*Signed, Sealed and Delivered in Our Presence:*

Witnesses:

Printed Name DAMAS. SANTAMA

Deborah Condella

Printed Name DEBORAH CONDELLA

Rose Marie Lopez L.S.
ROSE MARIE LOPEZ

_____ L.S.

*State of Florida*
*County of Monroe*

The foregoing instrument was acknowledged before me this 10th day of April, 2002,

by ROSE MARIE LOPEZ, who is/are personally known to me or who has/have produced

_____ as identification and who did (did not) take an oath.

DEBORAH A. CONDELLA
MY COMMISSION # DD 08220
EXPIRES: March 16, 2004
1-800-3-NOTARY FL Notary Service & Bonding, Inc.

Deborah A Condella
NOTARY PUBLIC

MONROE COUNTY
OFFICIAL RECORDS

Return To:
Eric McCarthy
PO Box 370
Key West, FL 33040

This Document Prepared By:
Eric McCarthy, Esq.
P.O. Box 370
Key West, Florida 33041

Grantee's Tax ID # 593-35-8129

Property Appraiser's Parcel
Identification (Folio)
Number(s): Part of 00026020

Doc# 1593698 07/20/2006 12:28PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

07/20/2006 12:28PM
DEED DOC STAMP CL: PW $0.70

Doc# 1593698
Bk# 2225 Pg# 1370

---

**QUITCLAIM DEED**

THIS INDENTURE, made this 26th day of October, 2005

BETWEEN

DORIAN CAREY, an unmarried man, party of the first part, and

JUSTIN BOWDEN, an unmarried man, party of the second part, whose post office address is 314 Virginia Street, Key West, Florida 33040, party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of TEN and 00/100 Dollars, to him in hand paid by the said party of the second part, the receipt of which is hereby acknowledged, has granted, bargained, and sold to the said party of the second part, his heirs and assigns forever, the following described land, situate, and being in the County of Monroe, State of Florida, to wit:

A parcel of land on the Island of Key West and known as a part of Lot Five (5) in Square Two (2) of Tract Ten (10) according to Tift's diagram of said Tract Ten (10) as recorded in Plat Book 1 at Page 25 of the Public Records of Monroe County, Florida, said parcel being more particularly described by metes and bounds as follows: COMMENCE at the intersection of the SW'ly right of way line of Whitehead Street with the SE'ly right of way line of Virginia Street and run thence SW'ly along the SE'ly right of way line of said Virginia Street for a distance of 221.12 feet to the Point of Beginning; thence continue SW'ly along the SE'ly right of way line of the said Virginia Street for a distance of 5.00 feet to the NE'ly boundary line of said lands described in Official Records Book 1457 at Page 855 of the Public Records of the said County; thence SE'ly and at right angles along the NE'ly boundary line of said lands for a distance of 58.00 feet; thence NE'ly and at right angles for a distance of 5.00 feet; thence NW'ly and at right angles for a distance of 58.00 feet back to the Point of Beginning.

Subject to conditions, limitations, restrictions, and easements of record, and taxes for the year 2005 and subsequent years.

To have and to hold the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, 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 second party forever.

THIS IS NOT THE CONSTITUTIONAL HOMESTEAD OF GRANTOR.

IN WITNESS WHEREOF, the said party of the first part has hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness:

DORIAN CAREY

Witness:

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared DORIAN CAREY, personally known to me or who produced Florida Drivers License #[illegible] as identification, and who did/did not take an oath, and who acknowledged that he has read the foregoing document and has executed it in the presence of two subscribing witnesses for the purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid this 26th day of October, A.D. 2005.

Name:
Notary Public, State of Florida
Commission No.
My Commission Expires:

GREGG E. ROSE
NOTARY PUBLIC - STATE OF FLORIDA
COMMISSION # DD334307
EXPIRES 9/27/2008
BONDED THRU 1-888-NOTARY1

MONROE COUNTY
OFFICIAL RECORDS

# HARC
# Approval & Minutes

Barbara Bowers motioned to table. Vince Mancini seconded the motion. He should get a second opinion from a local contractor on the location of the solar panels. HARC will request an interpretation from the City Attorney's office.

APPROVE_____ DISAPPROVE_____ TABLE___X___

T6.H06-05-11-718 **Corner Thomas & Southard Street (301 Southard Street), Michael B. Ingram, Architect**
Removal of pump building due to severe structural erosion. Brick/sand mortar structure has no cohesion, disallowing structural Reinforcement. Propose to photo document existing structure & to remove in stages to allow documentation to be archived at library.

No one was present to answer the Commission's questions. David Deal motioned to table. Vince Mancini seconded the motion.

APPROVE_____ DISAPPROVE_____ TABLE___X___

T7. H06-06-18-746 **314 Virginia Street, Bender & Associates/David Salay**
Add second story to rear of house. Street façade to remain as is. Match existing colors, materials.

David Salay said at the last meeting they were asked to produce evidence that this was a new building. He presented a copy of the original construction drawings by Peter Pike from 2002 showing new walls, siding, and windows.

Patricia Eables disclosed she had been involved in a case involving a property dispute and did have financial gain as an attorney, but is no longer involved.

As this is a non-historic structure, Barbara Bowers motioned to approve. David Deal seconded the motion. Mr. Salay will seek a variance.

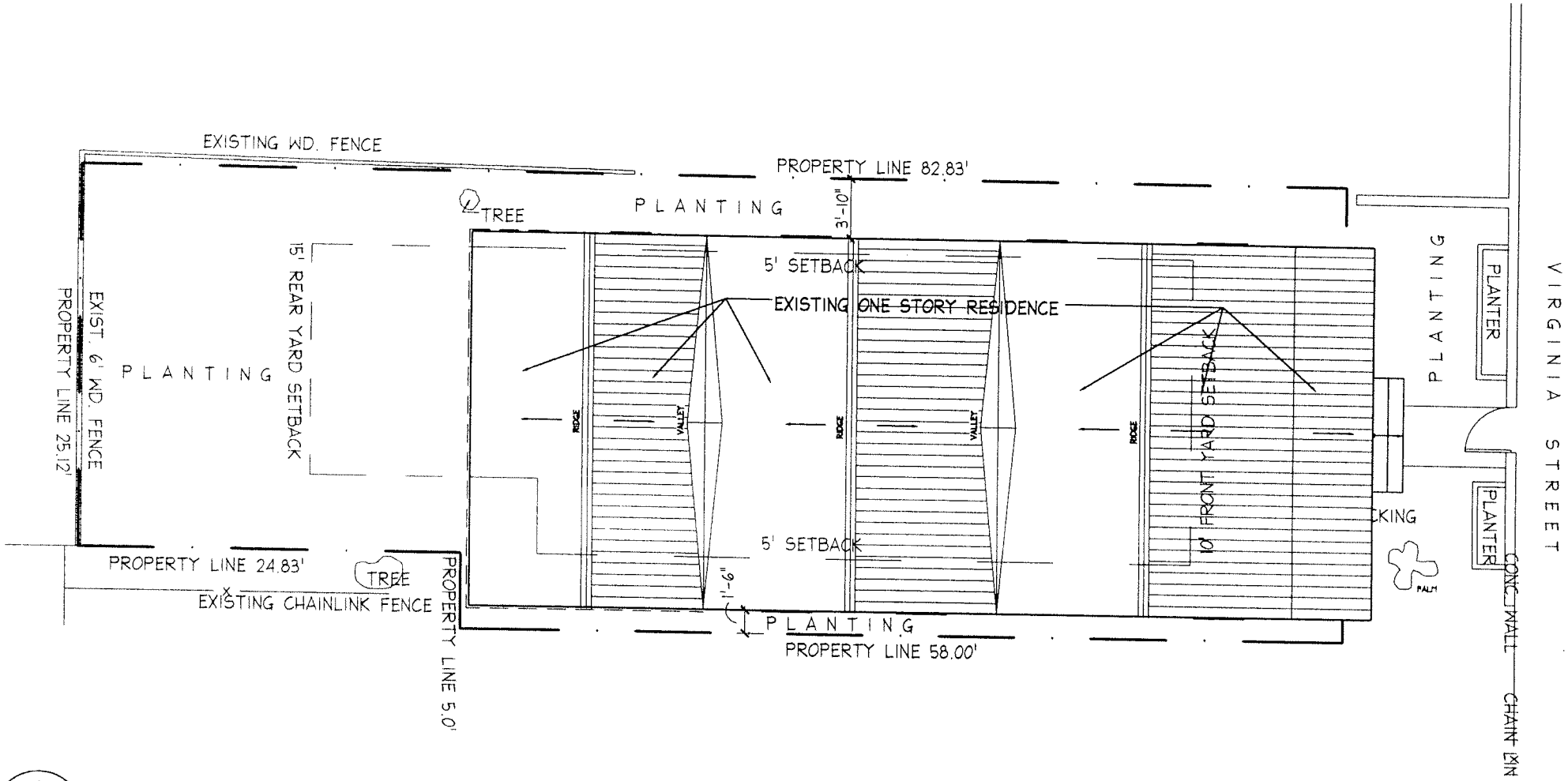
APPROVE__X___ DISAPPROVE_____ TABLE_____

T8.H06-06-02-825 **705 Catherine Street, Gregory Loder**
15 X 15 living room addition w/vaulted ceiling and new vaulted roof over existing living room that was damaged in hurricane.

Gregory Loder presented the project. He has made some revisions based on the last meeting. He removed the glass transom and replaced it with siding and a small gable window. It is a small fixed pane window.

David Deal said the roof of the addition should be either higher or lower to distinguish it from the historic structure.

# Site Plans



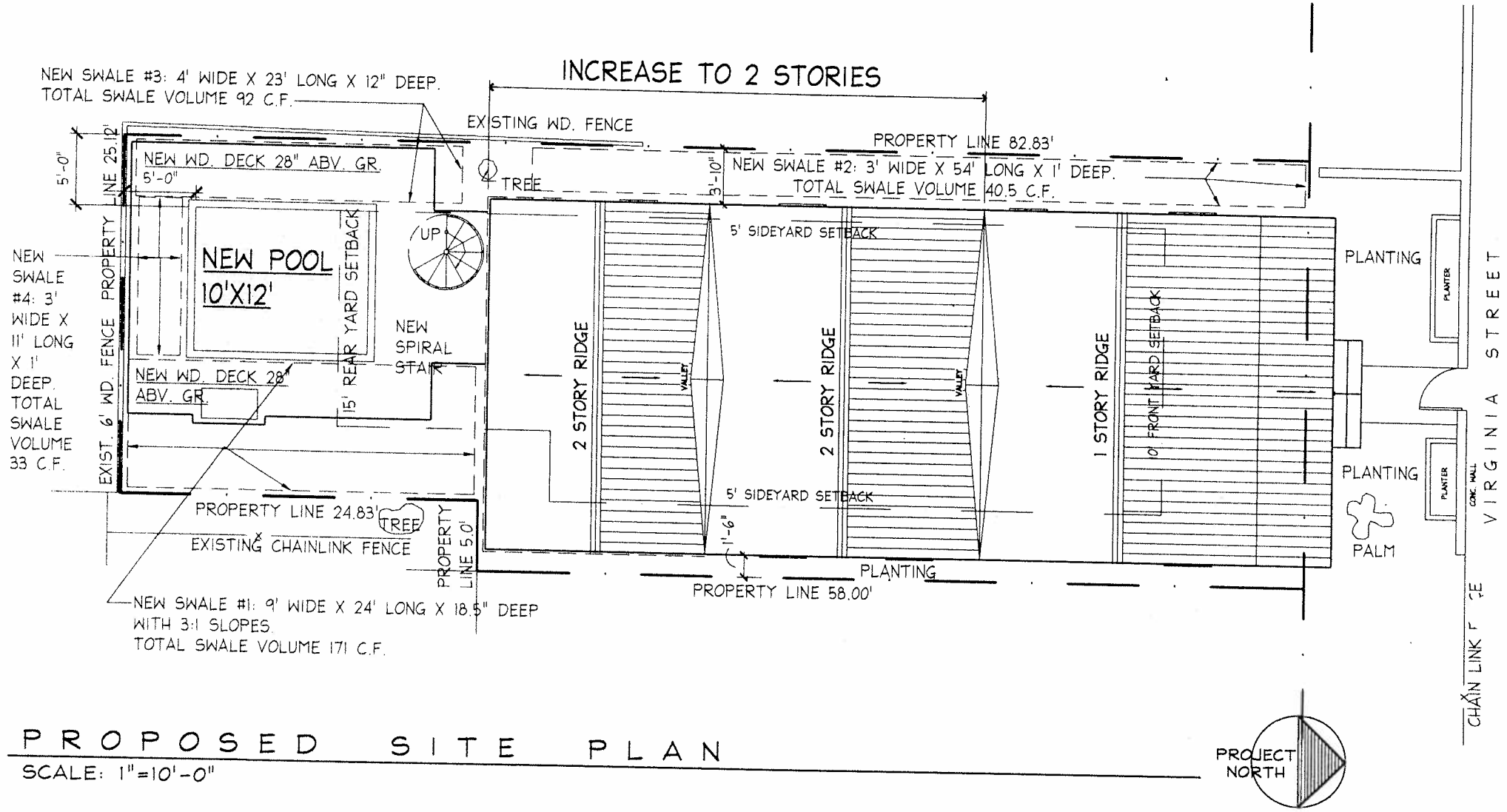

1
EX1

# EXISTING SITE PLAN

SCALE: 1"=10'-0"

| | | | |
|---|---|---|---|
| OF 8 | Project No. 0447<br>Date: 9/1/06 | Bender & Associates ARCHITECTS p.a. | 410 Angela Street<br>Key West, FL 33040<br>Telephone (305) 294-1827<br>Facsimile (305) 296-2727<br>Florida License AAC002022 |

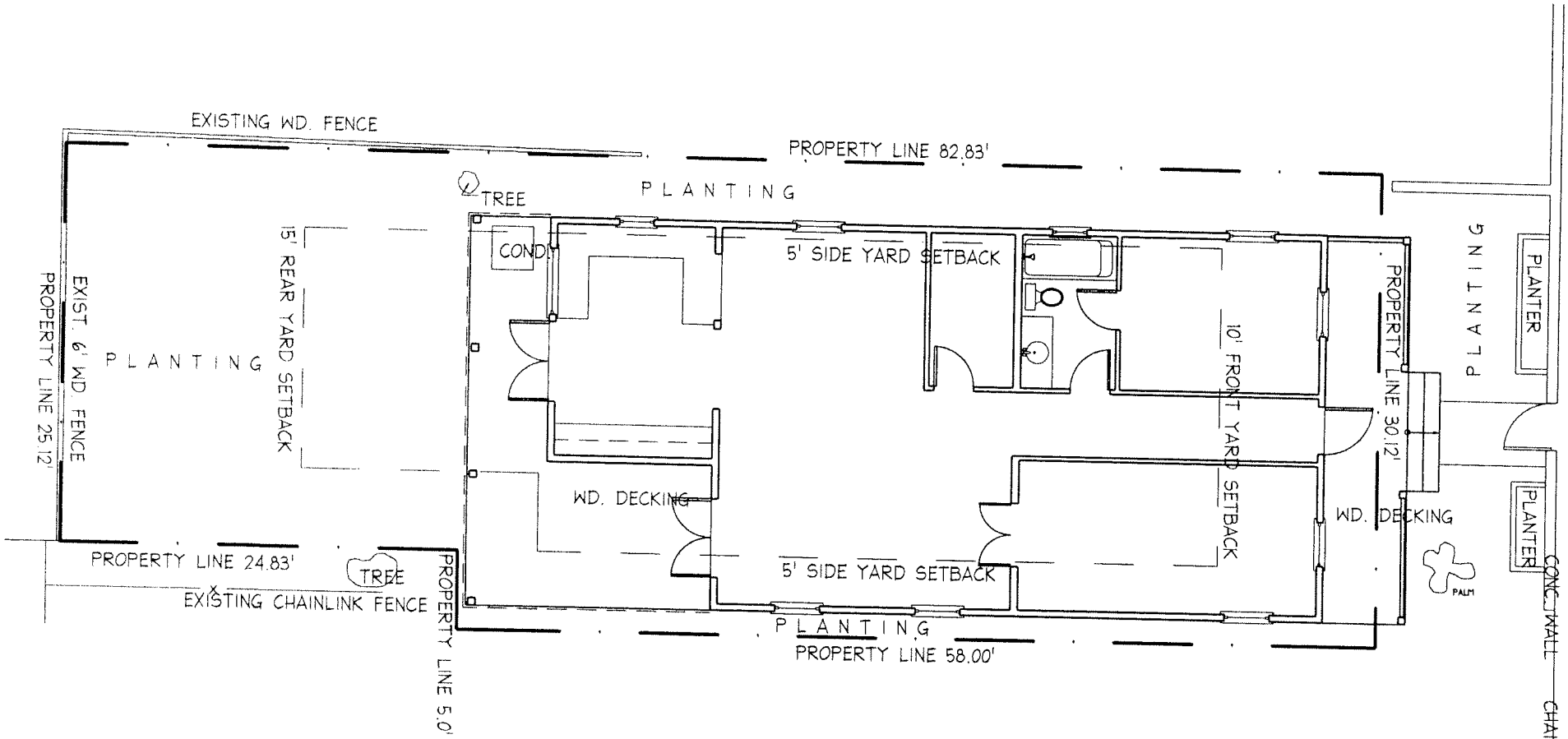
BOWDON RESIDENCE
314 VIRGINIA STREET
KEY WEST, FLORIDA




# PROPOSED SITE PLAN

SCALE: 1"=10'-0"

| | | | |
|---|---|---|---|
| OF 8 | Project No. 0447<br>Date: 9/1/06 | Bender & Associates ARCHITECTS p.a.<br>410 Angela Street<br>Key West, Florida 33040<br>Telephone (305) 294-1827<br>Facsimile (305) 296-4727<br>Florida License AR0008262 | BOWDON RESIDENCE<br>314 VIRGINIA STREET<br>KEY WEST, FLORIDA |




1
EX1

# EXISTING FIRST FLOOR PLAN

SCALE: 1"=10'-0"

OF 8

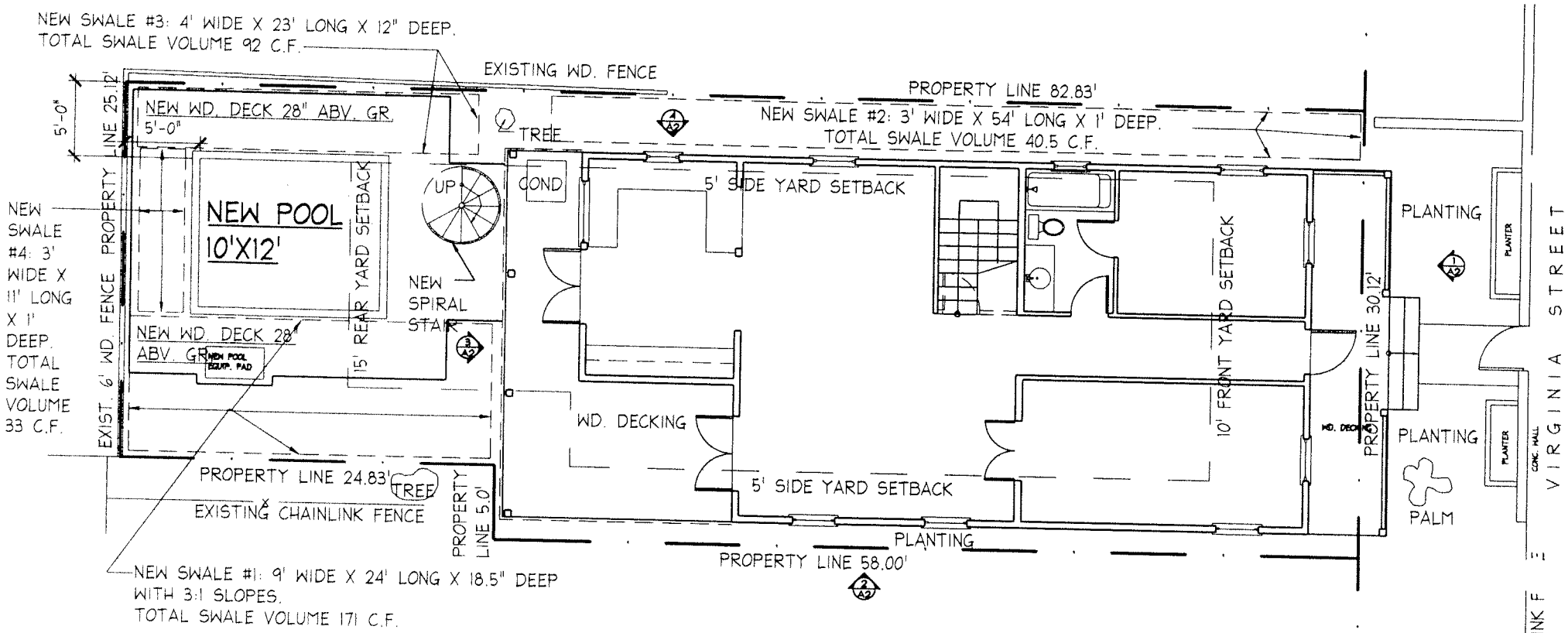
Project No. 0447

Date: 9/1/06

Bender & Associates
ARCHITECTS
p.a.

410 Angela Street
Key West, Florida 33040
Telephone (305) 294-1827
Facsimile (305) 294-2727
Florida License AR0002882

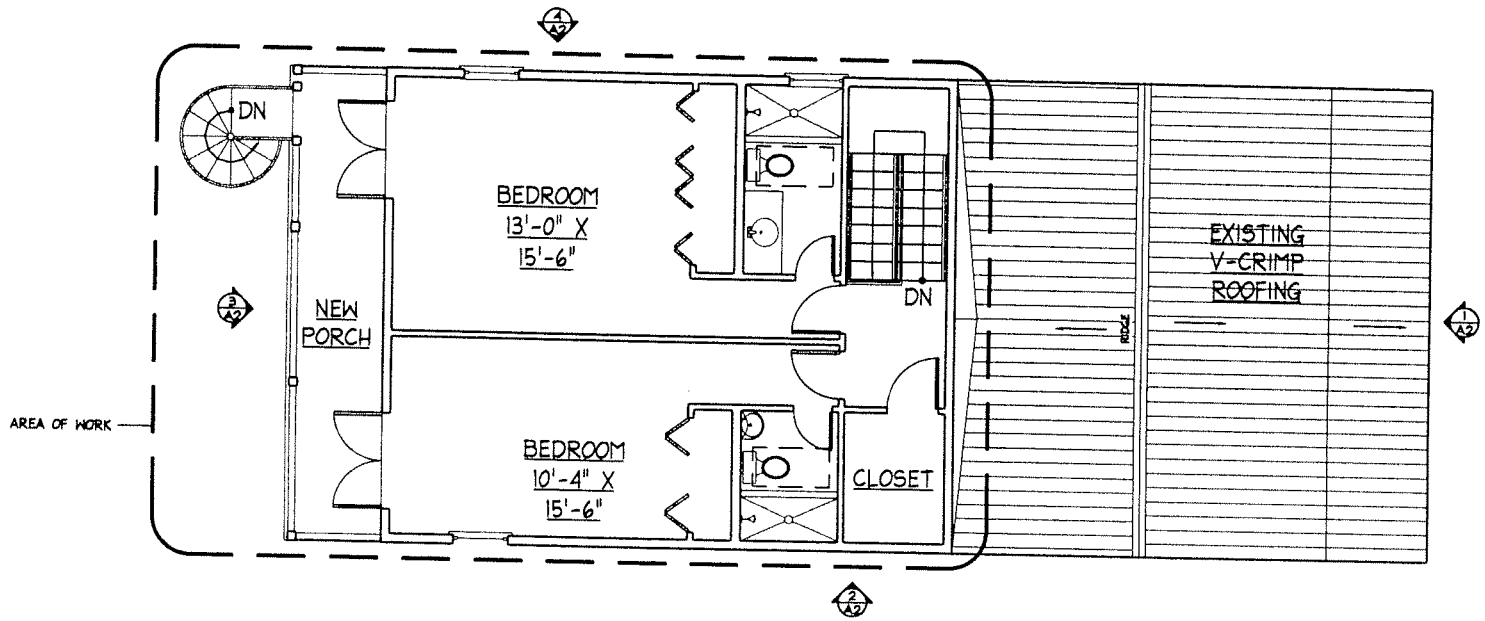
BOWDON RESIDENCE
314 VIRGINIA STREET
KEY WEST, FLORIDA




1 / A2 PROPOSED FIRST FLOOR PLAN

SCALE: 1"=10'-0"

| | | | |
|---|---|---|---|
| OF 8 | Project No. 0447<br>Date: 9/1/06 | Bender & Associates ARCHITECTS p.a.<br>410 Angela Street<br>Key West, Florida 33040<br>Telephone (305) 294-1347<br>Facsimile (305) 294-2727<br>Florida License AAC002022 | BOWDON RESIDENCE<br>314 VIRGINIA STREET<br>KEY WEST, FLORIDA |




1
A2

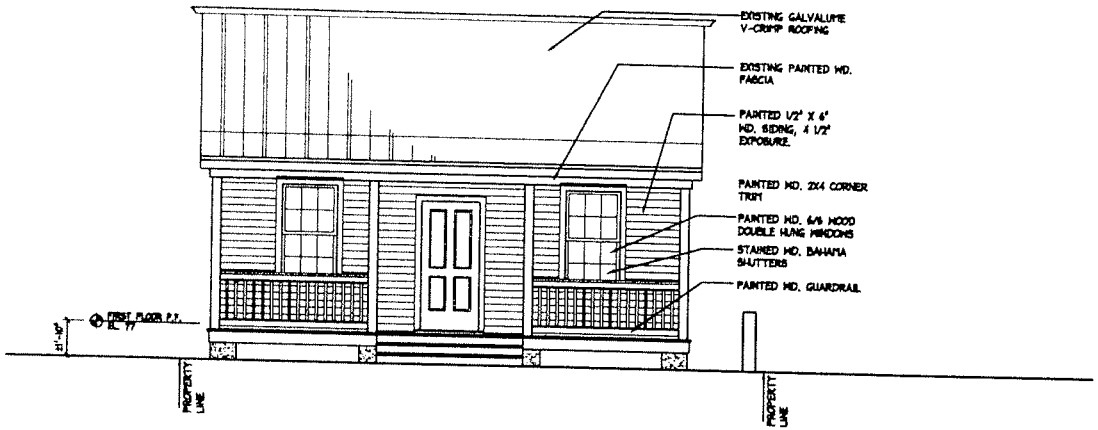
# PROPOSED SECOND FLOOR PLAN

SCALE: 1"=10'-0"

PROJECT NORTH

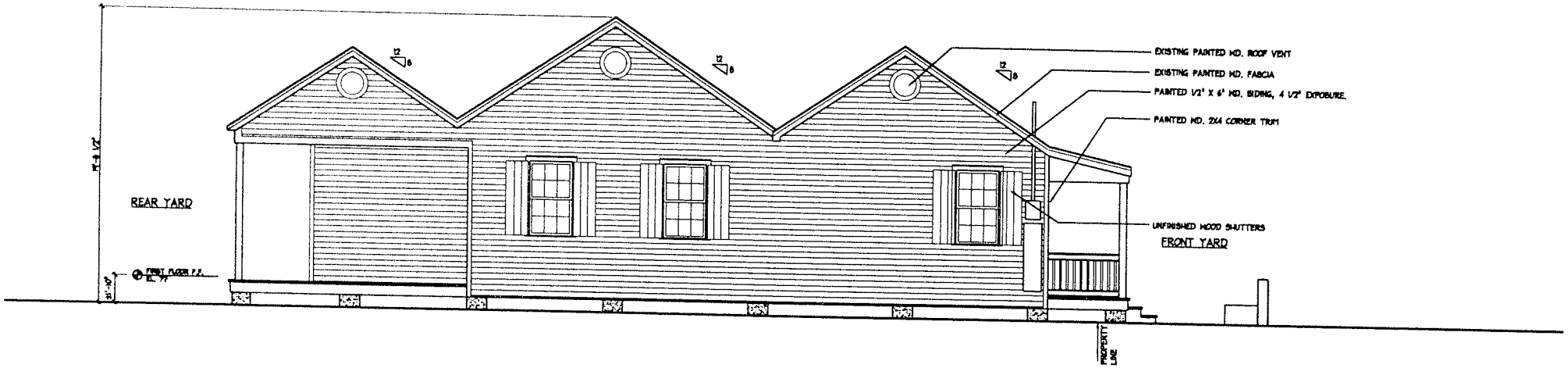
| | | | |
|---|---|---|---|
| OF 8 | Project No. 0447<br>Date: 9/1/06 | Bender & Associates ARCHITECTS p.a. | 410 Angela Street<br>Key West, Florida 33040<br>Telephone: (305) 294-1827<br>Facsimile: (305) 296-7422<br>Florida License AR0002022 |

BOWDON RESIDENCE
314 VIRGINIA STREET
KEY WEST, FLORIDA




1 EX3 EXISTING FRONT (NORTH) ELEVATION

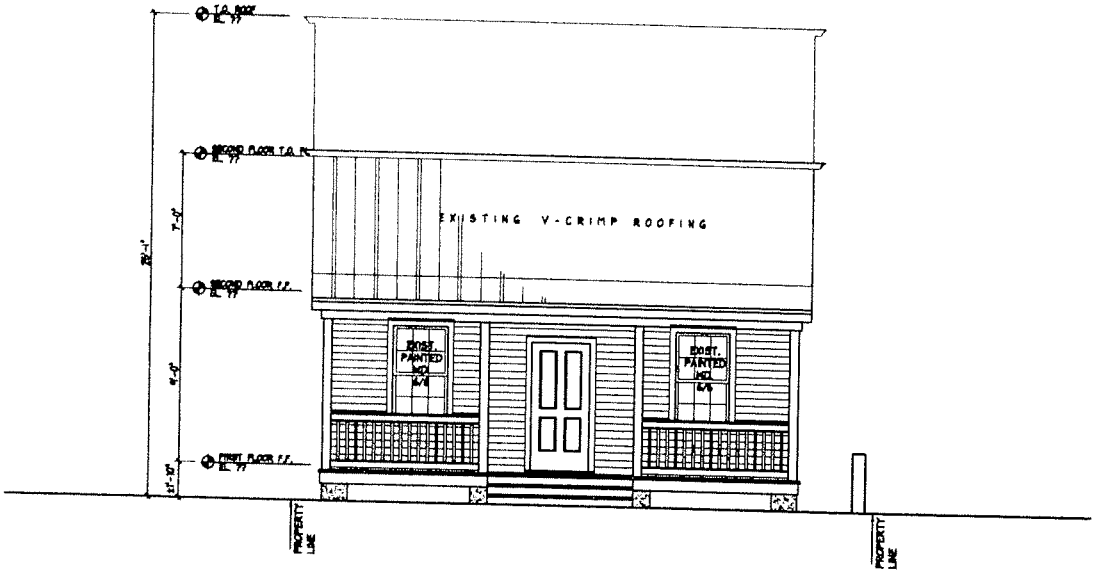
SCALE: 1"=10'-0"




2 EX3 EXISTING SIDE (EAST) ELEVATION

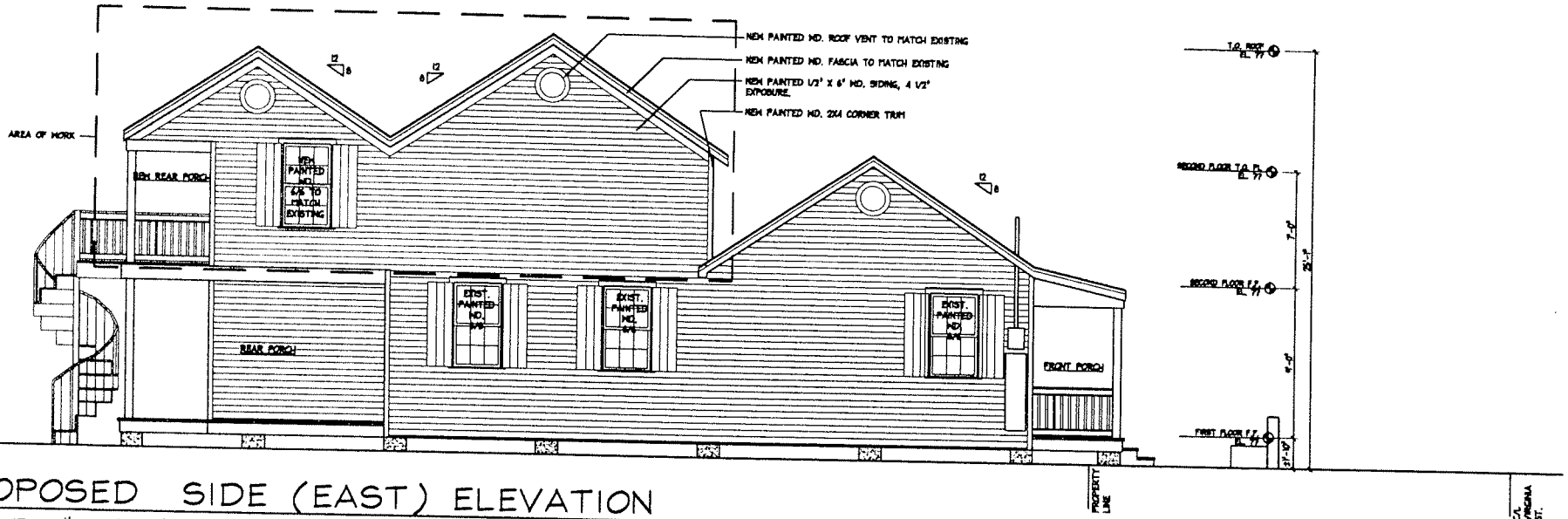
SCALE: 1"=10'-0"

| | | | | |
|---|---|---|---|---|
| OF 8 | Project No. 0447<br>Date: 9/1/06 | Bender & Associates ARCHITECTS p.a.<br>410 Angela Street<br>Key West, Florida 33040<br>Telephone (305) 294-1827<br>Facsimile (305) 296-2727<br>Florida License AAC002022 | | BOWDON RESIDENCE<br>314 VIRGINIA STREET<br>KEY WEST, FLORIDA |




2 / A3 PROPOSED FRONT (NORTH) ELEVATION

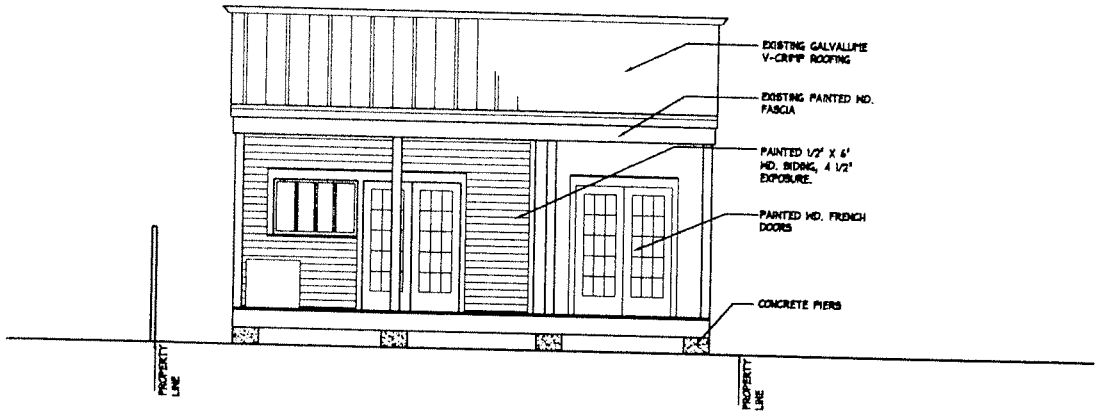
SCALE: 1"=10'-0"



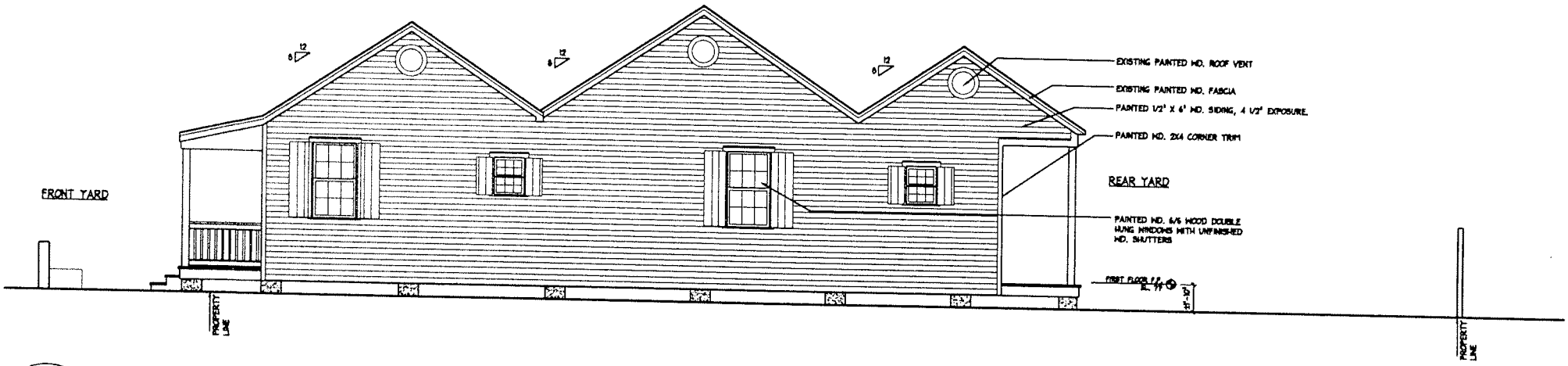

1 / A3 PROPOSED SIDE (EAST) ELEVATION

SCALE: 1"=10'-0"

| | | | |
|---|---|---|---|
| OF 8 | Project No. 0447<br>Date: 9/1/06 | Bender & Associates ARCHITECTS p.a.<br>410 Angela Street<br>Key West, Florida 33040<br>Telephone (305) 296-1547<br>Facsimile (305) 296-2727<br>Florida License AR0002022 | BOWDON RESIDENCE<br>314 VIRGINIA STREET<br>KEY WEST, FLORIDA |

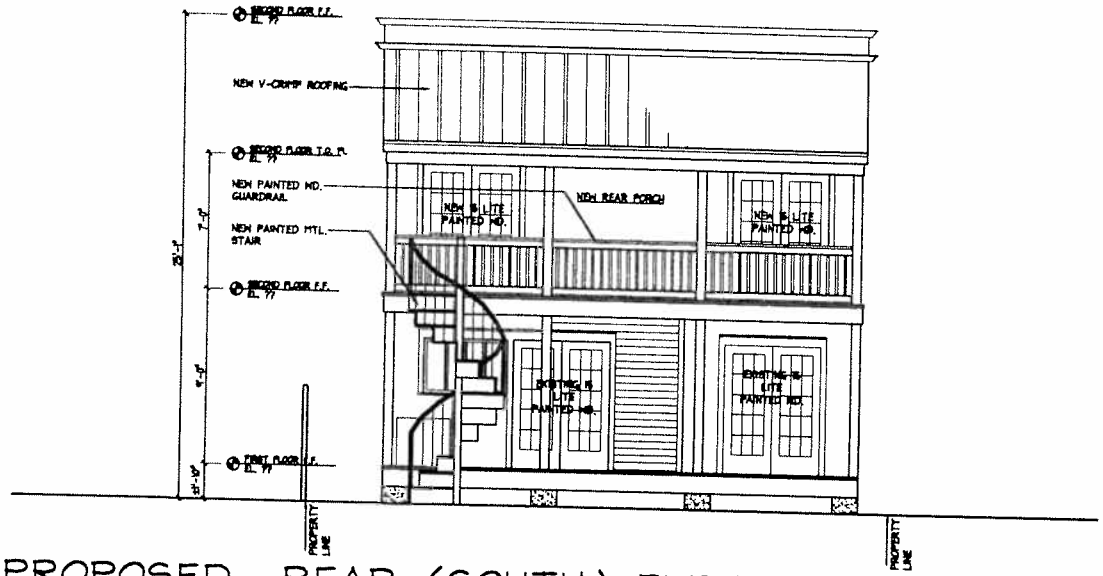



1 EX3 EXISTING REAR (SOUTH) ELEVATION
SCALE: 1"=10'-0"



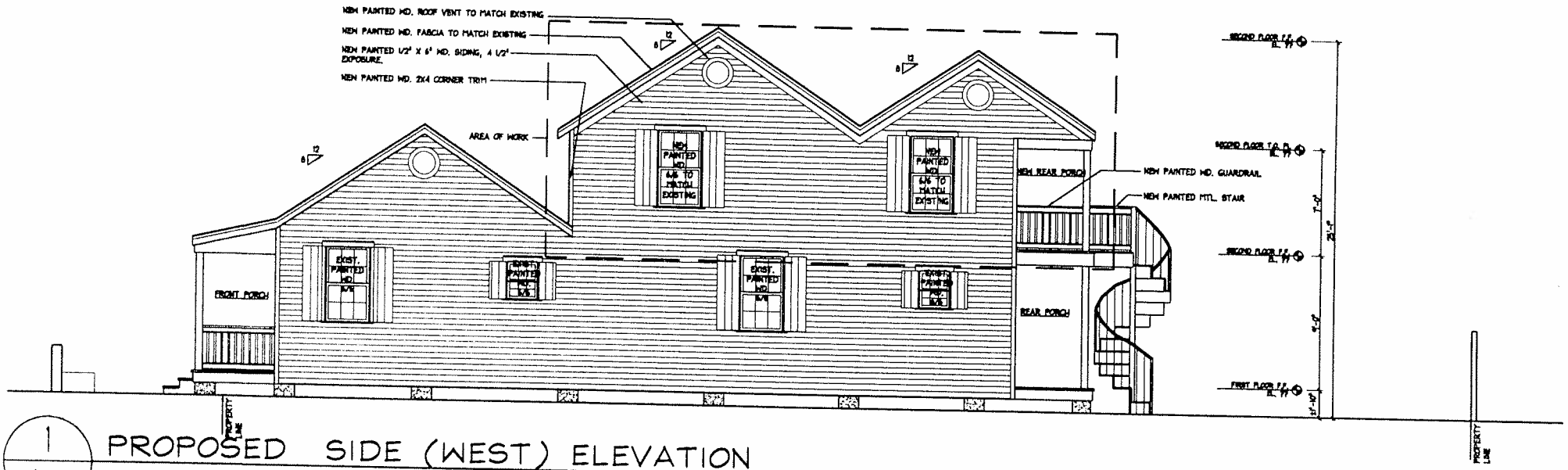

2 EX3 EXISTING SIDE (WEST) ELEVATION
SCALE: 1"=10'-0"

| | | | |
|---|---|---|---|
| OF 8 | Project No. 0447<br>Date: 9/1/06 | Bender & Associates ARCHITECTS p.a.<br>410 Angela Street<br>Key West, Florida 33040<br>Telephone (305) 296-1347<br>Facsimile (305) 296-2727<br>Florida License AA0002022 | BOWDON RESIDENCE<br>314 VIRGINIA STREET<br>KEY WEST, FLORIDA |




2 / A3 PROPOSED REAR (SOUTH) ELEVATION

SCALE: 1"=10'-0"

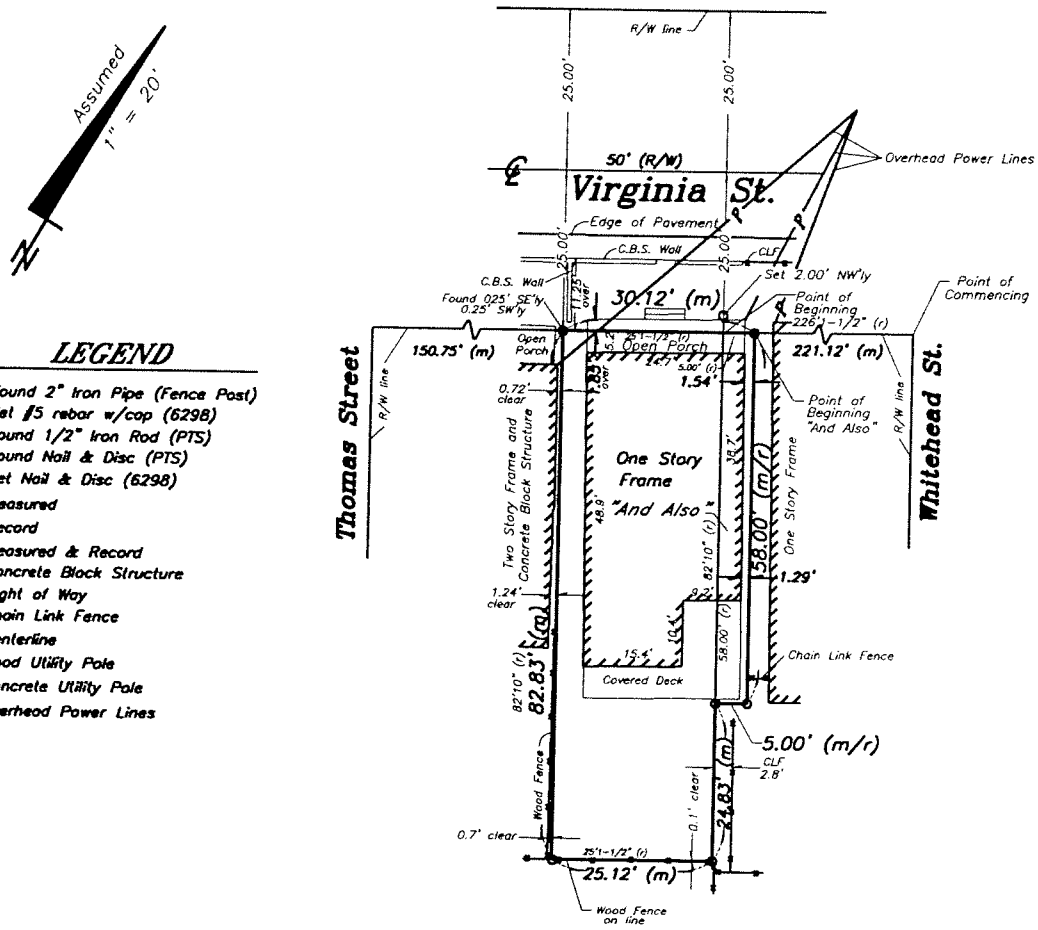



1 / A3 PROPOSED SIDE (WEST) ELEVATION

SCALE: 1"=10'-0"

| | | | |
|---|---|---|---|
| OF 8 | Project No. 0447<br>Date: 9/1/06 | Bender & Associates ARCHITECTS p.a.<br>410 Angela Street<br>Key West, Florida 33040<br>Telephone (305) 296-1947<br>Facsimile (305) 296-2727<br>Florida License AR0002022 | BOWDON RESIDENCE<br>314 VIRGINIA STREET<br>KEY WEST, FLORIDA |

# Boundary Survey Map of part of Lot 5, Square 2, Tract 10, Island of Key West, Florida




## LEGEND

- ● Found 2" Iron Pipe (Fence Post)
- ○ Set #5 rebar w/cap (6298)
- ● Found 1/2" Iron Rod (PTS)
- ▲ Found Nail & Disc (PTS)
- △ Set Nail & Disc (6298)
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- C.B.S. Concrete Block Structure
- R\W Right of Way
- CLF Chain Link Fence
- ℄ Centerline
- Wood Utility Pole
- Concrete Utility Pole
- -P- Overhead Power Lines

NOTES:
1. The legal descriptions shown hereon were furnished by the client or their agent.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. Street address: 314 Virginia Street, Key West, FL.
5. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
6. Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
7. North Arrow is assumed and based on the legal description.
8. This survey is not assignable.
9. Date of field work: January 6, 2006.
10. Ownership of fences is undeterminable, unless otherwise noted.
11. Adjoiners are not furnished.

BOUNDARY SURVEY OF: On the Island of Key West, and is part of Lot Five (5) in Square Two (2) of Tract Ten (10) according to Tift's Diagram of said Tract Ten (10) recorded in Plat Book 1, Page 25, Monroe County, Florida Public Records. Commencing at a point on Virginia Street Two Hundred and Twenty-six (226) feet and One and one-half (1 1/2) inches from the Corner of Whitehead and Virginia Streets and running thence along Virginia Street in a Southwesterly direction Twenty-five (25) feet and One and one-half (1 1/2) inches; thence at right angles in a Southeasterly direction Eighty-two (82) feet and Ten (10) inches; thence at right angles in a Northeasterly direction Twenty-five (25) feet and One and one-half (1 1/2) inches; thence at right angles in a Northwesterly direction Eighty-two (82) feet and Ten (10) inches back to the point of beginning.
And also:
A parcel of land on the Island of Key West and known as a part of Lot Five (5) in Square Two (2) of Tract Ten (10) according to Tift's Diagram of said Tract Ten (10) as recorded in Plat Book 1 at Page 25 of the Public Records of Monroe County, Florida, said parcel being more particularly described by metes and bounds as follows:
COMMENCE at the intersection of the SW'ly right of way line of Whitehead Street with the SE'ly right of way line of Virginia Street and run thence SW'ly along the SE'ly right of way line of the said Virginia Street for a distance of 221.12 feet to the Point of Beginning; thence continue SW'ly along the SE'ly right of way line of the said Virginia Street for a distance of 5.00 feet to the NE'ly boundary line of the lands described in Official Record Book 1457 at Page 856 of the Public Records of the said County; thence SE'ly and at right angles along the NE'ly boundary line of the said lands for a distance of 58.00 feet; thence NE'ly and at right angles for a distance of 5.00 feet; thence NW'ly and at right angles for a distance of 58.00 feet back to the Point of Beginning.

BOUNDARY SURVEY FOR: Justin Bowden;

J. LYNN O'FLYNN, INC.

J. Lynn O'Flynn, PSM
Florida Reg. #6298

January 16, 2006


J. LYNN O'FLYNN, Inc.
Professional Surveyor & Mapper
PSM #6298
3430 Duck Ave., Key West, FL 33040
(305) 296-7422 FAX (305) 296-2244


BOWDON RESIDENCE
314 VIRGINIA STREET
KEY WEST, FLORIDA


410 Angela Street
Key West, Florida 33040
Telephone (305) 296-1347
Facsimile (305) 296-2727
Florida License AAC002022
Bender & Associates ARCHITECTS p.a.


Project No. 0447
Date: 9/1/06

OF 8

## PROJECT STATISTICS

LOT DESCRIPTION:
KW PB 1-25-40 PT LOT 5 SQR 2 TR 10 H2-575 OR1457 855/56 OR1502-494D/C OR1778-1684(LG)

FEMA FLOOD ZONE: AE-7 (FEMA MAP 12087 C1516K, FEBRUARY 18, 2005)
FINISH FLOOR ELEVATION: ??
ZONING DESIGNATION: HMDR
LOT AREA: 2,371 S.F.
BUILDING ENCLOSED AREA: 1ST FLR = 1,123 S.F., 2ND FLR = 734 S.F. TOTAL = 1,857 S.F.

LOT SIZE: 2,371 S.F.
LOT AREA: 2,371 S.F.

PROPOSED BLDG COVERAGE AREA:
ENCLOSED AREA: 1123 S.F.
ROOFED PORCHES: 315 S.F.
TOTAL: 1438 S.F.

| | REQUIRED/ALLOWED | EXISTING: | PROPOSED: |
|---|---|---|---|
| BUILDING HEIGHT: | 30' MAXIMUM | 19'-8" | 25'-1" |
| FRONT SETBACK | 10' MINIMUM | 0" (NO CHANGE) | 0" (NO CHANGE) |
| SIDE SETBACK | 5' MINIMUM | 3'-10" AND 1'-6" (NO CHANGE) | 3'-10" AND 1'-6" (NO CHANGE) |
| REAR SETBACK | 15' MINIMUM | 25'-2" (NO CHANGE) | 25'-2" (NO CHANGE) |
| IMPERVIOUS SURFACE: | LESS THAN 60% OF 2371 S.F. = 1423 S.F. MAX. | 1427 S.F. / 2371 S.F. = 60.1% | 1615 / 2371 = 68.1% |
| BUILDING COVERAGE: | LESS THAN 40% OF 2371 S.F. = 949 S.F. MAX. | 1438 S.F. / 2371 S.F. = 60.6% | 1438 S.F. / 2371 S.F. = 60.6% (NO CHANGE) |
| F.A.R.: | LESS THAN 1.0 | 1123/2371 = .47 | 1846/2371 = .77 |

## STORMWATER RETENTION

FOR EXPANSION OF EXISTING HOMES

| NEW IMPERVIOUS COVERAGE | REQUIRED SWALE VOLUME | NEW IMPERVIOUS COVERAGE | REQUIRED SWALE VOLUME |
|---|---|---|---|
| 25 SF | 2 CF | 225 SF | 18 CF |
| 50 SF | 4 CF | 250 SF | 20 CF |
| 75 SF | 6 CF | 275 SF | 22 CF |
| 100 SF | 8 CF | 300 SF | 24 CF |
| 125 SF | 10 CF | 325 SF | 26 CF |
| 150 SF | 12 CF | 350 SF | 28 CF |
| 175 SF | 14 CF | 375 SF | 30 CF |
| 200 SF | 16 CF | 400 SF | 32 CF |

SWALE LENGTH

12 CF SWALE VOLUME / 1 SF CROSS SECTIONAL AREA = 12 LF SWALE LENGTH

SOURCE: MODIFIED FROM THE LAYMAN'S BROCHURE, GUIDELINES FOR PREPARATION OF A SITE PLAN FOR SINGLE FAMILY & DUPLEX LOTS IN MONROE COUNTY, GUIDELINES FOR EXPANSION OF EXISTING HOMES, MONROE COUNTY

STORMWATER CALCULATIONS:

LOT AREA:: 2371 S.F.
IMPERVIOUS AREA 1615 S.F.
IMPERVIOUS PERCENTAGE: 68.1%

RAINFALL= 2.5 X 1" = 2.5 — 2.5

CUBIC FEET REQUIRED = IMPERVIOUS AREA X RAINFALL / 12 — 1615 X 2.5 / 12 = 337 C.F. REQUIRED

SWALES PROVIDED:

NEW SWALE #1: 9' WIDE X 24' LONG X 18.5" DEEP WITH 4:1 SLOPES. — 171 C.F.
TOTAL SWALE VOLUME 171 C.F.
NEW SWALE #2: 3' WIDE X 54' LONG X 1' DEEP — 41 C.F.
TOTAL SWALE VOLUME 41 C.F.
NEW SWALE #3: 4' WIDE X 23' LONG X 1' DEEP — 92 C.F.
TOTAL SWALE VOLUME 92 C.F.
NEW SWALE #4: 3' WIDE X 11' LONG X 1' DEEP — 33 C.F.
TOTAL SWALE VOLUME 33 C.F.

TOTAL SWALE VOLUME PROVIDED: 337 C.F. PROVIDED



Project No. 0447
Date: 9/1/06

Bender & Associates
ARCHITECTS
p.a.
410 Angela Street
Key West, Florida 33040
Telephone (305) 296-1347
Facsimile (305) 296-2727
Florida License AA0002022

BOWDON RESIDENCE
314 VIRGINIA STREET
KEY WEST, FLORIDA

# Property Appraiser Information

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

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


## Property Record View

### Alternate Key: 1026778 Parcel ID: 00026010-000000

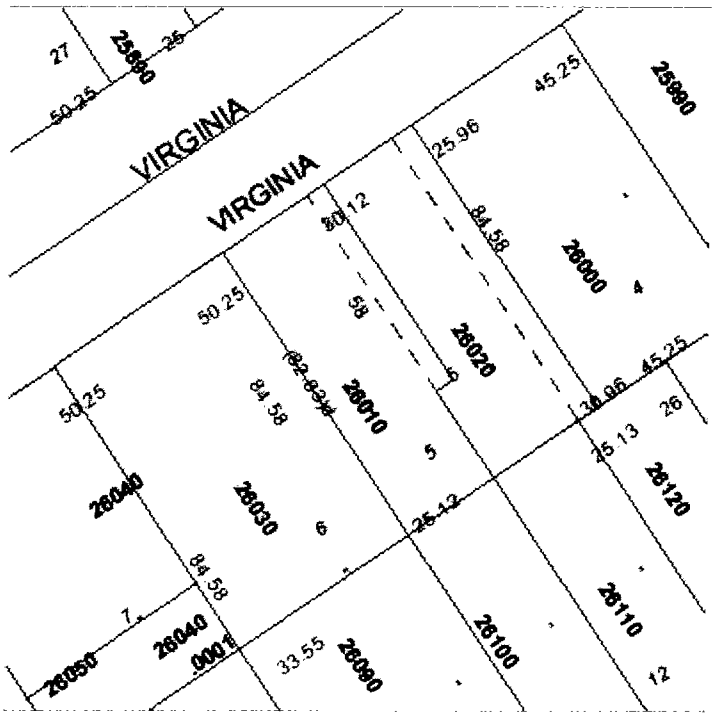
## Ownership Details

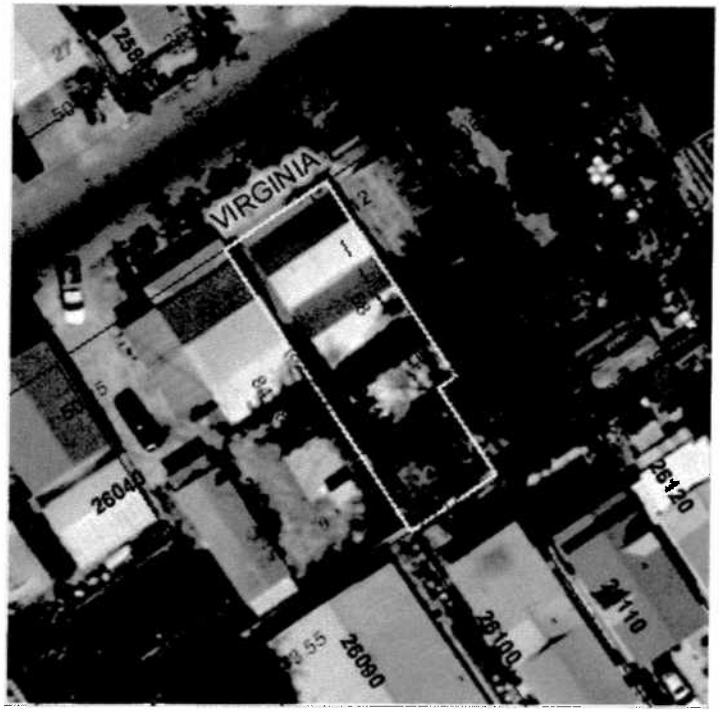
**Mailing Address:**
MCGEOUGH SEAN AND JODI BEVERLY
314 VIRGINIA ST
KEY WEST, FL 33040

## Property Details

**PC Code:** 01 - SINGLE FAMILY
**Millage Group:** 11KW
**Affordable Housing:** No
**Section-Township-Range:** 06-68-25
**Property Location:** 314 VIRGINIA ST KEY WEST
**Subdivision:** Tracts 10 and 15
**Legal Description:** KW PB 1-25-40 PT LOT 5 SQR 2 TR 10 H2-575 OR1457-855/56 OR1502-494D/C OR1778-1684 OR2225-1363/64 OR2225-1365/67 OR2225-1368/69 OR2225-1370/71 OR2382-1294/96

## Parcel Map






## Land Details

| Land Use Code | Frontage | Depth | Land Area |
|---|---|---|---|
| 010D - RESIDENTIAL DRY | 25 | 85 | 2,414.00 SF |

## Building Summary

**Number of Buildings:** 1
**Number of Commercial Buildings:** 0
**Total Living Area:** 1135
**Year Built:** 1938

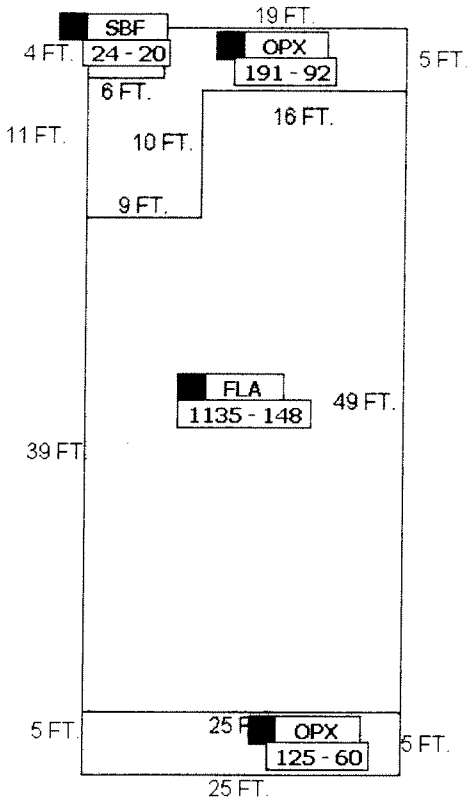
## Building 1 Details

**Building Type** R1 **Condition** G **Quality Grade** 450
**Effective Age** 8 **Perimeter** 148 **Depreciation %** 7
**Year Built** 1938 **Special Arch** 0 **Grnd Floor Area** 1,135
**Functional Obs** 0 **Economic Obs** 0

**Inclusions:** R1 includes 1 3-fixture bath and 1 kitchen.
**Roof Type** GABLE/HIP **Roof Cover** METAL **Foundation** WD CONC PADS
**Heat 1** FCD/AIR DUCTED **Heat 2** NONE **Bedrooms** 2
**Heat Src 1** ELECTRIC **Heat Src 2** NONE
**Extra Features:**

| | | | |
|---|---|---|---|
| 2 Fix Bath | 0 | Vacuum | 0 |
| 3 Fix Bath | 0 | Garbage Disposal | 0 |
| 4 Fix Bath | 0 | Compactor | 0 |
| 5 Fix Bath | 0 | Security | 0 |
| 6 Fix Bath | 0 | Intercom | 0 |

| | | | |
|---|---|---|---|
| **7 Fix Bath** | 0 | **Fireplaces** | 0 |
| **Extra Fix** | 0 | **Dishwasher** | 0 |




**Sections:**

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|---|---|---|---|---|---|---|---|---|---|
| 1 | FLA | 12:ABOVE AVERAGE WOOD | 1 | 1937 | N | Y | 0.00 | 0.00 | 1,135 |
| 2 | OPX | | 1 | 1937 | N | Y | 0.00 | 0.00 | 125 |
| 3 | OPX | | 1 | 2003 | N | Y | 0.00 | 0.00 | 191 |
| 4 | SBF | 12:ABOVE AVERAGE WOOD | 1 | 2007 | N | N | | | 24 |

## Misc Improvement Details

| Nbr | Type | # Units | Length | Width | Year Built | Roll Year | Grade | Life |
|---|---|---|---|---|---|---|---|---|
| 1 | FN2:FENCES | 92 SF | 23 | 4 | 1984 | 1985 | 4 | 30 |
| 2 | WD2:WOOD DECK | 462 SF | 0 | 0 | 2007 | 2008 | 2 | 40 |
| 3 | FN2:FENCES | 144 SF | 24 | 6 | 2007 | 2008 | 2 | 30 |

## Appraiser Notes

2008-2-19 MLS $679,000 2 BED,1 BATH MARKETING REMARKS: NEW CONCH COTTAGE BUILT IN 2004 WITH APPROVED PLANS AND ARCHITECTURAL DRAWINGS FOR SECOND STORY ADDING 2 BEDROOMS AND 1 BATH OR APPROXIMATELY

| |
|---|
| 750 ADDITIONAL SQUARE FOOTAGE. BRIGHT AND AIRY KITCHEN OVERLOOKS NEW DECK IN BACKYARD. NEW BAMBOO FLOORING, MODERN CEILING FANS, FENCING AND ROOM FOR A POOL. AN EXCELLENT VALUE. -TJO |
| 2003-10-08 - CHECK FOR FAT LATER, INSIDE STAIRWAY UP TO NOWHERE. WMC 2002-06-24 - TOTALLY RENOVATING |
| FOR THE 2007 TAX ROLL THE LAND SIZE OF THIS PARCEL HAS INCREASED IN SIZE BY 290 SQUARE FEET PER OR2225-1363/64 - OR2225-1365/67 - OR2225-1368/69 - OR2225-1370/71 WHEREBY THE NEIGHBORS HAVE TRANSFERRED TO PROPERTY OWNER A 5' X 58' PARCEL OF LAND. |

## Building Permits

| Bldg | Number | Date Issued | Date Completed | Amount | Description | Notes |
|---|---|---|---|---|---|---|
| 7 | 05-2639 | 06/30/2005 | 12/13/2005 | 5,800 | Residential | INSTALL CENTRAL A/C |
| 1 | 02-1113 | 05/01/2002 | 10/08/2003 | 1,000 | Residential | INTERIOR WORK |
| 2 | 02-1127 | 05/07/2002 | 10/08/2003 | 2,000 | Residential | 200 AMP UPGRADE |
| 3 | 02-1553 | 06/14/2002 | 10/08/2003 | 18,000 | Residential | REPLACE SIDING & WINDOWS |
| 4 | 02-2885 | 12/18/2002 | 10/08/2003 | 57,000 | Residential | RENOAVAT & ROOF |
| 5 | 03-0552 | 02/26/2003 | 10/08/2003 | 8,000 | Residential | AC & ALL NEW ELE. |
| 6 | 03-0745 | 03/13/2003 | 10/08/2003 | 1,500 | Residential | REPLACE BATH FIX. |
| 8 | 07-3879 | 08/06/2007 | 02/19/2008 | 8,000 | Residential | build 370sf of ground level decking |
| 9 | 07-3596 | 07/23/2007 | 02/19/2008 | 1,200 | Residential | INSTALL 24'x6' SHADOW BOX FENCE |

## 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** | 139,155 | 6,860 | 251,323 | 397,338 | 184,602 | 25,000 | 159,602 |
| **2007** | 183,787 | 251 | 284,852 | 468,890 | 172,450 | 25,000 | 147,450 |
| **2006** | 251,646 | 251 | 176,545 | 428,442 | 146,010 | 25,000 | 121,010 |
| **2005** | 231,125 | 251 | 145,390 | 376,766 | 163,344 | 25,000 | 138,344 |
| **2004** | 193,758 | 251 | 103,850 | 297,859 | 158,586 | 25,000 | 133,586 |
| **2003** | 97,590 | 251 | 49,848 | 147,689 | 147,689 | 25,000 | 122,689 |
| **2002** | 91,692 | 270 | 36,348 | 128,310 | 128,310 | 0 | 128,310 |
| **2001** | 79,466 | 295 | 33,232 | 112,993 | 112,993 | 0 | 112,993 |
| **2000** | 71,521 | 172 | 27,001 | 98,693 | 98,693 | 0 | 98,693 |
| **1999** | 60,518 | 154 | 27,001 | 87,673 | 87,673 | 0 | 87,673 |
| **1998** | 49,514 | 135 | 27,001 | 76,650 | 76,650 | 0 | 76,650 |
| **1997** | 49,514 | 142 | 22,847 | 72,504 | 54,792 | 25,000 | 29,792 |
| **1996** | 30,259 | 91 | 22,847 | 53,197 | 53,197 | 25,000 | 28,197 |
| **1995** | 33,835 | 108 | 22,847 | 56,790 | 54,643 | 25,000 | 29,643 |
| **1994** | 30,259 | 101 | 22,847 | 53,207 | 53,207 | 25,000 | 28,207 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| **1993** | 32,594 | 0 | 22,847 | 55,441 | 55,441 | 25,000 | 30,441 |
| **1992** | 32,594 | 0 | 22,847 | 55,441 | 55,441 | 25,000 | 30,441 |
| **1991** | 32,594 | 0 | 22,847 | 55,441 | 55,441 | 25,000 | 30,441 |
| **1990** | 33,028 | 0 | 18,174 | 51,202 | 51,202 | 25,000 | 26,202 |
| **1989** | 27,295 | 0 | 17,655 | 44,950 | 44,950 | 25,000 | 19,950 |
| **1988** | 23,754 | 0 | 14,539 | 38,293 | 38,293 | 25,000 | 13,293 |
| **1987** | 23,451 | 0 | 8,100 | 31,551 | 31,551 | 25,000 | 6,551 |
| **1986** | 23,582 | 0 | 7,477 | 31,059 | 31,059 | 25,000 | 6,059 |
| **1985** | 22,831 | 0 | 6,744 | 29,575 | 29,575 | 25,000 | 4,575 |
| **1984** | 21,233 | 0 | 6,744 | 27,977 | 27,977 | 25,000 | 2,977 |
| **1983** | 21,233 | 0 | 6,744 | 27,977 | 27,977 | 25,000 | 2,977 |
| **1982** | 21,687 | 0 | 5,001 | 26,688 | 26,688 | 25,000 | 1,688 |

## 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 |
|---|---|---|---|---|
| **9/30/2008** | 2382 / 1294 | 349,000 | WD | Q |
| **4/10/2002** | 1778 / 1684 | 177,000 | WD | Q |

This page has been visited 67,867 times.

Monroe County Property Appraiser
Ervin A. Higgs, CFA
P.O. Box 1176
Key West, FL 33041-1176

# Public Notices
# (mailings, posting & radius map)

# Public Meeting Notice

The Key West Planning Board will hold a public hearing **at 6:00 p.m., February 19, 2009, at Old City Hall, 510 Greene Street**, Key West, Florida, (Behind Sloppy Joe's Bar). The purpose of the hearing will be to consider a request for:

**314 Virginia** – An extension request in the Historic Medium Density Residential Zoning District for variances to side-yard setback requirements (RE# 00026010-000000).

**If you wish to see the application or have any questions, you may visit the Planning Department during regular office hours at 604 Simonton Street or call 809-3720.**

## YOU AR WITHIN 300 FEET OF THE SUBJ PROPERTY

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

**Request:** The applicant is requesting an extension to Variances granted for sideyard setback and impervious surface regulations for property located at 314 Virginia Street (RE# 00026010-000000)

**Applicant**: Bender & Associates Architects **Owner:** Justin Bowden

**Project Location:** 314 Virginia Street

**Date of Hearing**: Thursday, January 22, 2009

**Time of Hearing:** 6:00 PM

**Location of Hearing:** Old City Hall – City Commission Chambers
510 Greene Street

Interested parties may appear at the public hearing(s) and be heard with respect to the applications. A copy of the corresponding applications is available from the City of Key West Planning Department located at 604 Simonton Street, Key West, Florida, Monday through Friday between the hours of 8:00 am and 5:00 pm. Please provide written comments to the Planning Department, PO Box 1409, Key West, FL 33041-1409 or by FAX (305) 809-3739.

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

ADA Assistance: Anyone needing special assistance at the Planning Board hearing due to disability should contact the City of Key West at 305.809.3831 at least two days prior thereto.


## YOU ARE WITHIN 300 FEET OF THE SUBJECT PROPERTY

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

**Request:** The applicant is requesting an extension to Variances granted for sideyard setback and impervious surface regulations for property located at 314 Virginia Street (RE# 00026010-000000)

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510 Greene Street

Interested parties may appear at the public hearing(s) and be heard with respect to the applications. A copy of the corresponding applications is available from the City of Key West Planning Department located at 604 Simonton Street, Key West, Florida, Monday through Friday between the hours of 8:00 am and 5:00 pm. Please provide written comments to the Planning Department, PO Box 1409, Key West, FL 33041-1409 or by FAX (305) 809-3739.

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

ADA Assistance: Anyone needing special assistance at the Planning Board hearing due to disability should contact the City of Key West at 305.809.3831 at least two days prior thereto.

# 314 Virginia

Legend

- theBuffer
- theBufferTarget
- Real Estate Number
- Parcel Lot Text
- Block Text
- Hooks/Leads
- Lot Lines
- Easements
- Road Centerlines
- Water Names
- Parcels
- Shoreline
- Section Lines

PALMIS

Monroe County Property Appraiser
500 Whitehead Street
Key West, FL

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

Date Created: January 14, 2009 10:49 AM

314 Virginia 1 of

BAIN CECIL WILSON
326 TRUMAN AVE
KEY WEST, FL 33040

BAHAMA CONCH COMMUNITY
LAND TRUST OF KEY
325 JULIA ST
KEY WEST, FL 33040

BAHAMA CONCH COMMUNITY
LAND TRUST
325 JULIA ST
KEY WEST, FL 33040

BAHAMA CONCH COMMUNITY
LAND TRUST INC
325 JULIA ST
KEY WEST, FL 33040

HOLLOWELL ALFRED L SR &
VIOLET R
12503 NEWFIELD DR
ORLANDO, FL 32837

ROBERTS CYNTHIA V DEC TRUST
07/15/2008
727 OLIVIA ST
KEY WEST, FL 33040

CASTILLO ANTHONY A ESTATE
305 VIRGINIA ST
KEY WEST, FL 33040

WINN HUGHLENE AND DONNA
313 VIRGINIA ST
KEY WEST, FL 33040

MARRERO WILHELMINA
318 TRUMAN AVE
KEY WEST, FL 33040

F AND A HOLDINGS LLC
117 KEY HAVEN RD
KEY WEST, FL 33040

ROBERTS EUGENE R ETUX
319 VIRGINIA ST
KEY WEST, FL 33040

CLARKE CAROLYN
323 VIRGINIA ST
KEY WEST, FL 33040

ROEDER TIMOTHY J L/E
322 JULIA ST
KEY WEST, FL 33040

1023 WHITEHEAD LLC
20 DRIFTWOOD DR
KEY WEST, FL 33040

PEARSON CHARLES N &
322 JULIA STREET
KEY WEST, FL 33040

DAVIS ROBERT ESTATE
1019 FORT ST
KEY WEST, FL 33040

ASHE RUTH M
308 JULIA ST
KEY WEST, FL 33040

HOLLOWELL VIOLET ROSALIE
12503 NEWFIELD DR
ORLANDO, FL 32837

MORSE GARTH H
4388 MIDDLE RD
HARBOR SPRINGS, MI 49740

SHINE FRENZA MARIE L/E
323 JULIA ST
KEY WEST, FL 33040

LOOK UP REACH OUT ENTERPRISES
INC
325 JULIA ST
KEY WEST, FL 33040

MC INTOSH SYLVIA L/E
4213 SW 20TH ST
HOLLYWOOD, FL 33023

OLD KEYSTONE CHURCH INC
330 JULIA ST
KEY WEST, FL 33040

PEARSON CHARLES N L/E
322 JULIA ST
KEY WEST, FL 33040

1103/1105 WHITEHEAD STREET L L C
419 AMELIA ST
KEY WEST, FL 33040

EHRING WILLIAM EDWARD
1102 WHITEHEAD ST
KEY WEST, FL 33040

ZAPATA LUZ M
326 VIRGINIA ST
KEY WEST, FL 33040

KNOWLES VERLENE ESTATE
324 VIRGINIA ST
KEY WEST, FL 33040

KNOWLES EDWIN JR AND MARIE E
ROBERT GABRIEL APTS
KEY WEST, FL 33040

JACKSON ANTHONY AND PATRICIA
20 IBIS COURT NORTH
PALM COAST, FL 32137

JACKSON ANTHONY AND PATRICIA
20 IBIS COURT NORTH
PALM COAST, FL 32137

GREENE-MINGO BEVERLY
311 AMELIA ST
KEY WEST, FL 33040

WASHINGTON MUTUAL BANK FA
7255 BAYMEADOWS WAY
JACKSONVILLE, FL 32256

NEELY IRMA L/E
P O BOX 14276
N PALM BEACH, FL 33401

HARRIS DAVID W
871 THIRD ST SOUTH
NAPLES, FL 34102

CRONIN JAMES D AND DIANE S
52 PARK HILL DR
HOPEWELL JUNCTION, NY 12533

STATE OF FLORIDA
DOUGLAS BLDG
TALLAHASSEE, FL 32399

SNYDER DOUGLAS S AND
BRITTANY P
1118 WHITEHEAD ST
KEY WEST, FL 33040

RHOADES SHIRREL AND DIANE
914 GRINNELL ST
KEY WEST, FL 33040

POPOVICE MICHAEL J
327 VIRGINIA ST
KEY WEST, FL 33040

SANDRIE R M
P O BOX 420216
SUMMERLAND KEY, FL 33042

TARNOW BEVERLY J
1501 MICHIGAN AVE
LA PORTE, IN 46350

GRABIABREWSKI LLC
1116 WHITEHEAD ST
KEY WEST, FL 33040

MOORE DEBORAH
1114 WHITEHEAD ST
KEY WEST, FL 33040

LOPEZ CLAYTON L AND PALMA
LOUISE H/W
326 AMELIA ST
KEY WEST, FL 33040

TYNES LOUIS H AND CARLA T
313 AMELIA ST
KEY WEST, FL 33040

SCHMIDT THERON G AND
LORRAINE HECKMAN (WIFE)
315 AMELIA ST
KEY WEST, FL 33040

SKALENAIDO ZBIGNIEW
317 AMELIA ST
KEY WEST, FL 33040

KORESSEL JOYCE A
3655 SEASIDE DR
KEY WEST, FL 33040

CONFIDENTIAL DATA F.S. 119.07

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TEATE CONSTANCE S
325 AMELIA ST
KEY WEST, FL 33040

RAHMING LEANDER (Q)
PO BOX 1204
KEY WEST, FL 33040

NIMENS AMY CUSTODIAN FOR AMY
CUSTODIAN FOR TC
P O BOX 1110
UKIAH, CA 95482

THURSTON GRIFFITH JR
1526 LAIRD ST
KEY WEST, FL 33040

NOLLEY ARLEAN A/K/A WALTON
ARLEAN L/E
304 AMELIA ST
KEY WEST, FL 33040

ROBB GEORGE E
3730 SUNRISE LN
KEY WEST, FL 33040

BEAVER JAMES M
PO BOX 2560
KEY WEST, FL 33040

ROBERTS THOMAS L INDENTURE OF
TRUST 10/8/1975
806 ELIZABETH ST
KEY WEST, FL 33040

ROBERTS THOMAS L TRUST DTD
10/08/75
806 ELIZABETH ST
KEY WEST, FL 33040

ROBERTS THOMAS L INDENTURE
TRUST 10/8/1975
806 ELIZABETH ST
KEY WEST, FL 33040

CASTILLO DIANE T
318 AMELIA ST
KEY WEST, FL 33040

SIMMONS GLENDA & BENNETT
NATHANIEL E JR & BENNETT
310 HILLCREST AVENUE
SOMERSET, NJ ~~8873~~ 08873

BEAVER JAMES M
PO BOX 2560
KEY WEST, FL ~~0~~ 33040

CLARK JOSEPH GRECO LIV TR
4/28/2005
310 AMELIA ST
KEY WEST, FL 33040

THURSTON GRIFFITH JR
1526 LAIRD ST
KEY WEST, FL 33040

NOLLEY ARLEAN
304 AMELIA ST
KEY WEST, FL 33040

~~1103/1105 WHITEHEAD STREET L L C~~
~~419 AMELIA ST~~
~~KEY WEST, FL 33040~~
D

HABBERSTAD STEPHEN
P O BOX 869
KEY WEST, FL 33041

GLASER WILLIAM D
118 CARIBBEAN DR
SUMMERLAND KEY, FL 33042

GALLAGHER PATRICIA A TRUSTEE
700 KESSLER BLVD WEST DR
INDIANAPOLIS, IN ~~0~~ 46228

CALABRO DANIEL J
PO BOX 3017
SHELTER ISLAND HGTS, NY ~~0~~ 11965

CORAL CITY ELKS LODGE 610 &
CORAL CITY TEMPLE 400
1107 OR 1109 WHITEHEAD ST
KEY WEST, FL 33040

ALBURY SAMUEL EST % ALBURY
729 NW 43RD STREET
MIAMI, FL 33127

BURNS DEBRA A
PO BOX 4672
KEY WEST, FL 33041

ADAMS PAMELA ELIZABETH
313 CATHERINE ST
KEY WEST, FL 33040

EABLES PATRICIA A
PO BOX 299
KEY WEST, FL 33041

MCGEOUGH SEAN AND JODI
BEVERLY
314 VIRGINIA ST
KEY WEST, FL 33040

CAREY GEORGE A JR ESTATE
419 VIRGINIA ST
KEY WEST, FL 33040

AVERYT WILLIAM F JR
312 VIRGINIA ST
KEY WEST, FL 33040

KEE SANDRA E
308 VIRGINIA ST
KEY WEST, FL 33040

THOMAS LEO JOSEPH ESTATE
20 IBIS CT N
PALM COAST, FL 32137

KRUER WAYNE R
1105 THOMAS ST
KEY WEST, FL 33040

KACZMAREK J
4822 LAKE SHORE RD
HAMBURG, NY ~~0~~ 14075

HOUSING AUTHORITY THE OF THE
P O BOX 2476
KEY WEST, FL 33040

~~CITY OF KEY WEST FLA~~
~~P O BOX 1409~~
~~KEY WEST, FL 33041~~

THALLER JAMES T
33 NEWARK POMPTON TPK
RIVERDALE, NJ ~~7457~~ 07457

KOLO THEODORE JR REV LIV TR
3/18/03
5438 80TH ST
ELMHURST, NY 11373

FRENCH ROBERT C
1028 WHITEHEAD ST
KEY WEST, FL 33040

PRITCHETT JANE P
227 VIRGINIA ST
KEY WEST, FL 33040

BAHAMA CONCH COMMUNITY
LAND TRUST
325 JULIA ST
KEY WEST, FL 33040

STONE SUSAN C D
1025 WHITEHEAD ST
KEY WEST, FL 33040

STONE SUSAN CD
1025 WHITHEAD ST
KEY WEST, FL 33040

SHULTZ DAVID
204 ST CHARLES WAY
YORK, PA 17402

BEBBINGTON ENID H/W
3 CHARNWOOD AVE
CLONSILLA VILLAGE, DUBLIN 15 0

KOZIOL ZBIGNIEW AND TIPPI
1031 HOWE ST
KEY WEST, FL 33040

EHRING WILLIAM EDWARD
1102 WHITEHEAD ST
KEY WEST, FL 33040

KAVANAUGH EMMETT P
1117 WHITEHEAD ST
KEY WEST, FL 33040

BUTLER EUGENIA
207 JULIA ST
KEY WEST, FL 33040

GILBERT CONSTANCE
PO BOX 6324
KEY WEST, FL 33040

THIXTON ROBERT &
4 PINDER LANE
KEY WEST, FL 33040

PETTIGREW REBECCA
1656 FOLLY RD
CHARLESTON, SC 29412

BREARLEY CHRISTINA
PO BOX 13
HARBOR SPRINGS, MI 49740

TREPANIER OWEN JOHN
1024-1026 THOMAS ST
KEY WEST, FL 33040

REGER MELODYE
100 BAY DR
KEY WEST, FL 33040

BAHAMA CONCH COMMUNITY
LAND TRUST
325 JULIA ST
KEY WEST, FL 33040

BAHAMA CONCH COMMUNITY
LAND TRUST INC
325 JULIA ST
KEY WEST, FL 33040

AMERIQUEST MORTGAGE SEC INC
10801 6TH ST
RANCHO CUAMONGA, CA 91730

# Key West Planning Board Meeting Agenda

**March 19, 2009 – 6:00 p.m.**
**City Commission Chamber**
**Old City Hall, 510 Greene Street**

# Item 4.a.2.

**912 Duval Street –** A proposal to allow the display of merchandise in the Historic District for property with a zoning designation of High Density Residential/Commercial Core: Atlantic side (HRCC-3) as provided for under Sec. 106-51 and 52 of Key West Code (RE# 00017860-000000).

# THE CITY OF KEY WEST
# PLANNING DEPARMENT

P.O. BOX 1409
KEY WEST, FL 33041-1409

**To:** The Chairman and Members of the Planning Board

**From:** Rodney Corriveau, AICP

**Through:** Amy Kimball-Murley, AICP, Planning Director

**Meeting Date:** March 19, 2009

**Application:** Application for **Exception for Outdoor Merchandise Display** under Section 106-52, to allow the display of clothing and associated merchandise in the HRCC-3 Zoning District, for property located at 912 Duval Street, RE# 00017860-000000.

---

**APPLICATION DATA**

Property Owner: Barbara Webb dba Tikal Real Estate Holding II LLC

Applicant/Agent: Noam Zano

Address: 912 Duval Street. - RE# 00017860-000000.

Zoning: HRCC-3 (High Density Residential/Commercial Core: Atlantic Side) Zoning District.

**REQUEST**

The applicant is requesting an Exception for Outdoor Merchandise Display to allow the display of clothing and associated merchandise.

**BACKGROUND**

The applicant wishes to place mannequins and merchandise fixtures housing postcards, toys, welcome signs and wooden, metal and/or plastic animals on the front porch of 'Key West Forest" located at 912 Duval Street for 48 months. The size of the porch and the location would maintain the requirement that all displays are on private property and not on the city right-of-way.

**ANALYSIS-EVALUATION- COMPLIANCE WITH CITY OF KEY WEST LDRs**

The Planning Department does not recommend a parking variance be associated with requests for outdoor display, because such variances give the property owner a permanent right to the expansion. Simply granting or denying on a case-by-case basis any individual display to a person gives the Board the opportunity to deny a different display to the next applicant or to decide policy for a particular area.

Staff, with assistance from the HARC planner and the City attorney's office, conducted a thorough analysis of HARC guidelines and the City of Key West Code. It was mutually determined that this application for an Exception for Outdoor Merchandise Display, as represented by the applicant, need not require HARC review or approval.

Under Sec. 106-52 of the Code of Ordinances, exceptions to Section 106-51 (that otherwise prohibits the outdoor display of merchandise in the historic zoning districts of the city) may be granted by the Planning Board. Applicable sections of the City of Key West Code of Ordinances pertaining to this project are below, followed by Staff response.

**Section 106.52**

**(1) Factors favoring the Exception are as follows:**

**a. The location of the proposed Exception, while outdoors, is an interior courtyard of a building or buildings, or is a space specifically designed and permitted for use by outdoor merchants.**

The project is not located in a courtyard, but is setback from the right-of-way compared to adjacent buildings.

**b. The Exception (for either the type of merchandise or the type of display) is compatible or in visual harmony with the character of the neighborhood.**

There are adjacent merchants selling similar merchandise in the vicinity.

**c. The Exception's visual incongruity with the historic character of the neighborhood is reduced by substantial setback from public places and rights-of-way.**

The usual impact of the proposed Exception is particularly offset by the setback from the public right-of-way.

**(2) Factors disfavoring the Exception are as follows:**

**a. Architecture contributing to the historical fabric or visual character of the neighborhood is obscured by the Exception.**

The design and character of this particular building is not historic.

**b. The location of the proposed Exception abuts, with minimal setback, a street of the historic district, thus the Exception is visible from heavily used public places and rights-of-way.**

The Exception is visible from a public right-of-way, however, if properly limited in size and scope may be compatible, see list of conditions below.

**c. The Exception presents a hazard to public safety.**

The Exception does not present a hazard to public safety.

**(3) Exceptions to Section 106-51 granted by the Planning Board shall be for a term of no more than 60 consecutive months, and may be granted subject to terms and conditions specified by the Board in order to protect the architectural heritage and visual character of the district.**

The applicant has requested a maximum of 48 consecutive months, and a list of possible conditions is below.

**(4) Exceptions to section 106-51 may be revoked by the planning board after notice and hearing on grounds that:**

**a. The applicant has failed to comply with terms and conditions specified pursuant to the grant of an Exception in this section;**

**b. The Exception was granted pursuant to mistaken or misleading information; or**

**c. The Exception is not compatible, or in visual harmony, with development of the neighborhood occurring subsequent to grant of the exception.**

If the Exception for an Outdoor Display is approved by the Planning Board, and if at any time during the display of merchandise the applicant is out of compliance with any conditions of approval, the Exception can be revoked by the Planning Board under Section 106-52 (4) of City Code.

**(5) The city manager or the planning board, upon written petition by any city resident, may cause issuance of a notice of hearing on revocation of an Exception, which notice shall be issued by the city clerk.**

If the Exception for an Outdoor Display is approved, the Planning Department will work with the City Manager or the Planning Board on any concerns brought fourth by residents regarding this Exception for an Outdoor Display.

**RECOMMENDATION**

The Planning Department, based on Section 106.52(1-5) of the City Code, recommends the request for Exception to the Outdoor Merchandise Display be approved for a maximum period of 48 months with the following conditions:

1. That the display be limited to no more than two (2) mannequins measuring a maximum of six (6)-feet in height and one and one half (1 ½)-feet in width; or
2. One (1) mannequin; and either one (1) clothing fixture or one (1) item-specific fixture, all measuring a maximum of six (6)-feet in height and one and one half (1 ½)-feet in width.
3. The location of either mannequins or fixtures shall be on either side of the north entrance of the front façade of the building, see attached plan.
4. No mannequins or fixtures shall be located at the south entrance of the front façade of the building, see attached plan.
5. No merchandise shall be affixed to the vertical plane of the building at either the north or south entrance of the building.
6. Under no circumstances shall the placement of mannequin(s) or fixtures housing merchandise impede access to the entrance/exit of the store.

**RESOLUTION NO. _____**

**A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF KEY WEST, FLORIDA, GRANTING AN EXCEPTION UNDER SECTION 106-52 OF THE KEY WEST CODE OF ORDINANCES BY ALLOWING OUTDOOR DISPLAY OF CERTAIN MERCHANDISE ON PRIVATE PROPERTY ON A PORCH AT 912 DUVAL STREET RE# 00017860-000000; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, Section 106-51 of the Code of Ordinances imposes certain conditions on the display of merchandise where visible from any public place, right-of-way, street or sidewalk; and

WHEREAS, Section 106-52 provides that exceptions to the general prohibition may be granted upon application to the Planning Board; and

WHEREAS, the Planning Board has considered the following factors favoring the exception;

a. The exception is compatible or in visual harmony with the character of the neighborhood visible at the locations (public places and rights-of-way) from which the exception can be seen;

b. The exception's visual incongruity with the historic character of the neighborhood is reduced by substantial setback from public places and right-of-way;

c. Public use of public locations from which the exception can be seen is primarily made to gain access to the applicant's business;

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING BOARD OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

_____Chairman

_____Planning Director

**Section 1.** That an exception under Section 106-52 of the Land Development Regulations to allow the outdoor display of clothing and related merchandise in the area immediately in front of Key West Forest at 912 Duval Street is hereby granted with the following conditions, see attached plan:

1. That the display be limited to no more than two (2) mannequins measuring a maximum of six (6)-feet in height and one and one half (1 ½)-feet in width; or
2. One (1) mannequin; and either one (1) clothing fixture or one (1) item-specific fixture, all measuring a maximum of six (6)-feet in height and one and one half (1 ½)-feet in width.
3. The location of either mannequins or fixtures shall be on either side of the north entrance of the front façade of the building, see attached plan.
4. No mannequins or fixtures shall be located at the south entrance of the front façade of the building.
5. No merchandise shall be affixed to the vertical plane of the building at either the north or south entrance of the building.
6. Under no circumstances shall the placement of mannequin(s) or fixtures housing merchandise impede access to the entrance/exit of the store.

**Section 2.** That the exception shall not extend beyond 48 consecutive months and shall automatically expire 48 months from the effective date of this Resolution.

**Section 3.** Exceptions to section 106-51 may be revoked by the planning board after notice and hearing on grounds that:

A. The applicant has failed to comply with terms and conditions specified pursuant to the grant of an Exception in this section;
B. The Exception was granted pursuant to mistaken or misleading information; or
C. The Exception is not compatible, or in visual harmony, with development of the neighborhood occurring subsequent to grant of the exception.

**Section 4.** The city manager or the planning board, upon written petition by any city



_____Chairman

_____Planning Director

resident, may cause issuance of a notice of hearing on revocation of an Exception, which notice shall be issued by the city clerk.

**Section 5.** This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2009.

**Authenticated by the presiding officer and Clerk of the Board on _____ day of _____, 2009.**

**Authenticated by the Chair of the Planning Board and the Planning Director.**

_____

Richard Klitenick, Chairman Date
Key West Planning Board

**Attest:**

_____

Amy Kimball-Murley, AICP Date
Planning Director

**Filed with the Clerk:**



_____Chairman

_____Planning Director

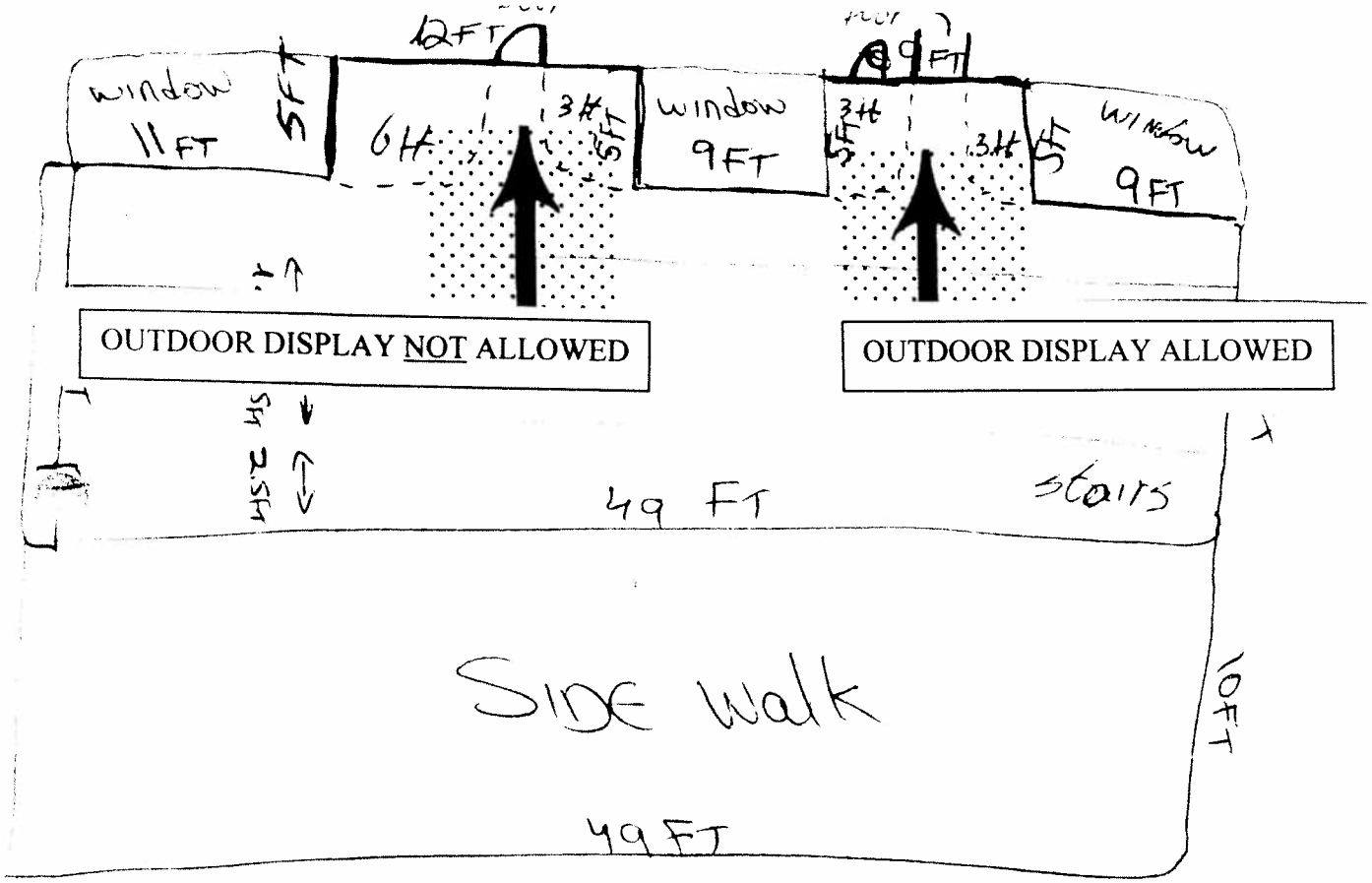
_____

Cheryl Smith, City Clerk Date



_____Chairman

_____Planning Director




917 Duval Street

NOV 13 2008

# Application Form

**Application for Exception for Outdoor Merchandise Display**
**City of Key West Planning Department**
**604 Simonton Street, Key West, FL 33040**
**(305) 809-3720**

*(Pursuant to Section 106-51 & 52 City of Key West Land Development Regulations)*

Coffeefix33@Hotmail.com.

ORIGINAL

*Please fill out this application as completely as possible. This will help our staff to process your request quickly and obtain necessary information without delay. If you have any questions please call 305.809.3720 to schedule an appointment with a Planner.*

Applicants Name Noam ZAdo

Address of Proposed Display 912 Duval st Key west Fl

RE# of Property _____

Business Name Key West forest

Business Address 912 Duval st

Applicants Mailing Address Same

Telephone 305 9236349 Fax # 305 2940040

Name of Property Owner Barbara Webb / Tikal Realestate LLC.

Mailing Address Barbara Webb poBox 1778 Key West 33041

Telephone 3053949344 Fax # _____

This application is for: (check those which apply)

____Advertising ✓ Display only ____Conducting business

Located in or on:

✓ a porch, patio, or other attached portion of an adjacent permanent structure.

___ an arcade, gazebo, or other temporary structure.

___ a cart or movable booth. (Must have received or obtained HARC approval)

___ a portable table, rack, or other non-permanent equipment.

KEY WEST PLANNING DEPT. NOV 18 2008 MONROE COUNTY

***Application for Exception for Outdoor Merchandise Display***
**City of Key West Planning Department**
**604 Simonton Street, Key West, FL 33040**
**(305) 809-3720**

Describe the Specific Merchandise to be Displayed and Business Conducted.
Display statues, maniquens, Postcards, Toys, welcome signs, metal ~~and~~ plastic and wood ANIMALS.

Describe the Structure and Equipment used in the Display in Detail, Including any Seating.

Stands.

How far is the display from the street? 10 feet
How far is the display from the sidewalk? 5 feet
Length of time exception will be needed (no more than 60 months) 48 months.

*YOU MUST DO THE FOLLOWING BEFORE YOUR APPLICATION IS COMPLETE:*

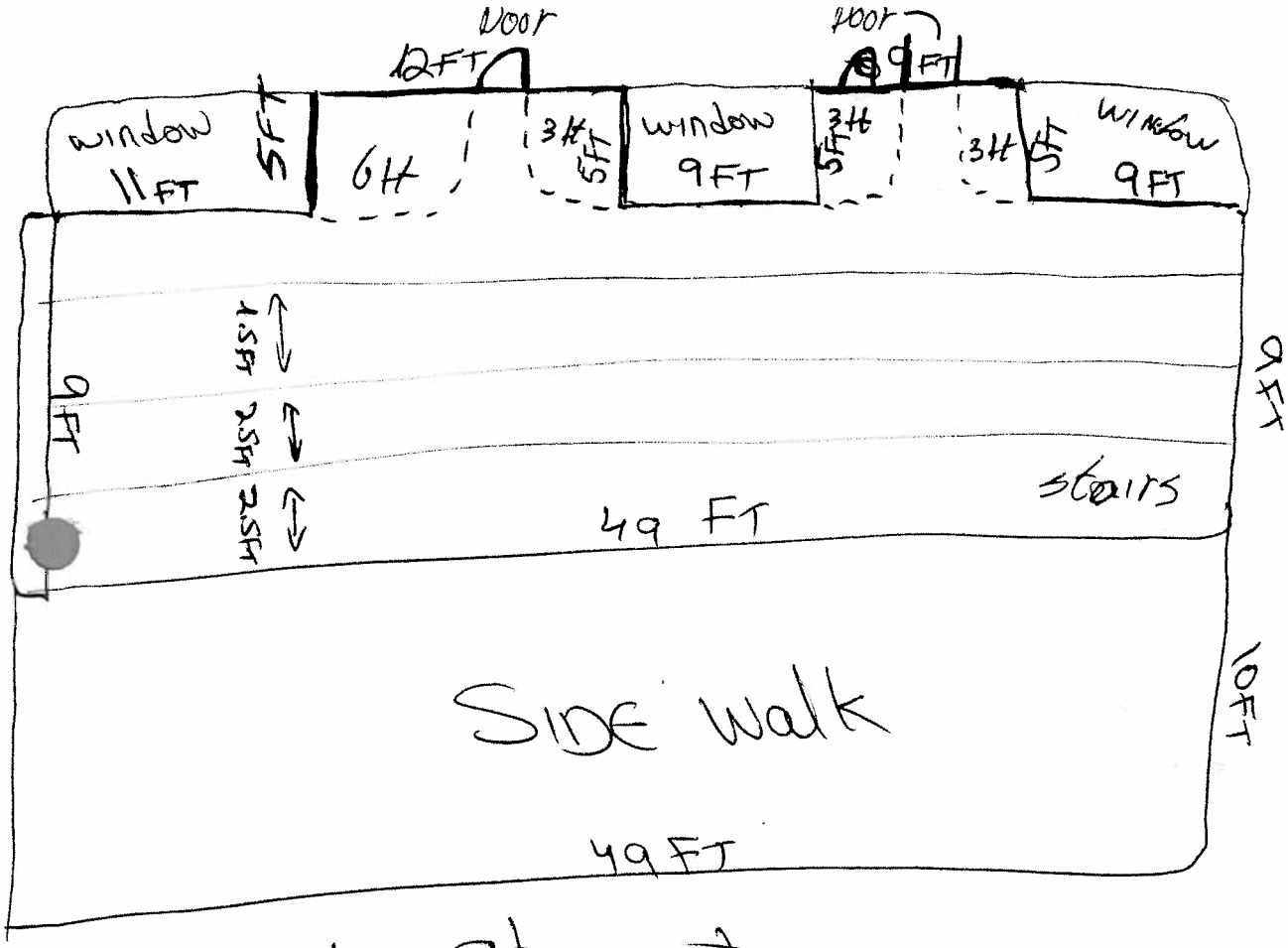
1. **PROVIDE FEE OF $400.00. THERE ARE ADDITIONAL FEES OF $50.00 FOR FIRE DEPARTMENT REVIEW AND $100.00 FOR ADVERTISING AND NOTICING. MAKE CHECKS OUT TO CITY OF KEY WEST.**
2. ATTACH A PHOTOGRAPH AND SKETCH OF LOCATION ON PROPERTY.
3. RETURN APLLICATION AND REQUESTED ITEMS TO CITY OF KEY WEST PLANNING DEPARTMENT AT 605-A SIMONTON ST., KEY WEST, FL 33040

*The information furnished above is true and accurate to the best of my knowledge.*

Signature [signature] Date 11/13/08

STAFF COMMENTS: (BOA MEETING DATE_____)

# Site Plans




912 Duval Street

KEY WEST PLANNING DEPT.
NOV 18 2008
MONROE COUNTY

RECEIVED
NOV 13 2008
By

KEY WEST PLANNING DEPT.
NOV 18 2008
MONROE COUNTY

KEY WEST PLANNING DEPT
NOV 10 2008

RECEIVED
NOV 13 2008
By

(2)

# DRC Minutes

# Minutes of the Development Review Committee

## Meeting of December 19, 2008

Amy Kimball-Murley, Planning Director, convened a meeting of the Development Review Committee of the City of Key West at 10:00 pm, December 19, 2008. The meeting was held in the First Floor Conference Room at City Hall, 525 Angela Street, Key West, Florida.

**1. Roll Call**

Present for the Roll Call were:

Amy Kimball-Murley, Planning Director
Enid Torregrosa, HARC
Rodney Corriveau, Senior Planner III
Diane Nicklaus, Building Dpt
Carlene Cowart, Administrative Coordinator
Alan Averette, Fire Department
Gary Bowman, General Services Director
Brendon Cunningham, Senior Planner
Nicole Malo, Planner I

Others present were:

Owen Trepanier (1200 Fourth St)
Noam Zano (912 Duval St)
Jeremy Edelstein (910 Duval St)
Sarah Davis (1200 Fourth St)
Ginny Stones (transient transfer)

**2. Approval of Agenda**

Mr. Trepanier requested that item 4e be heard first under New Business.

Members were in agreement.

**3. Approval of Minutes- November 21 2008 –**

This item has been deferred until the January 22, 2009 meeting.

**4. New Business**

**e. Change of Existing Nonconforming Use – 1200 Fourth Street –** A proposal for changing an existing nonconforming use per Section 122-32. Existing uses include automobile repair, parts and accessory sales. Proposed uses are a Pak Mail shop and U-Haul rental (trucks and trailers).

The applicant, Owen Trepanier, reviewed the change of existing nonconforming use request with committee members. Mr. Trepanier informed members that the trucks will back into the site and that the facility will be providing shuttle services. He also added that the facility may possibly add bike/scooter parking.

Committee members reviewed and discussed the site plan with the applicant and made the following recommendations:

1. Applicant will need to look at site circulation.
2. Mr. Bowman will complete a site visit.
3. Applicant will accommodate full parking and utilize shuttle overflow to Summerland Key.
4. Applicant will mark parking spaces.

DRAFT

a. **Variance – 3 Higgs Lane –** Variances to Section 122- 600, for rear yard setback, building coverage, and impervious surface coverage and to Section 22-1078 for detached habitable space, to construct a one bedroom addition, attached by a breezeway to an existing non-conforming structure in the HMDR, Historic Medium Density Residential District (RE# 00003870-000000).

Committee members reviewed and discussed the site plan. Applicant was out-of-town and unable to attend. Members made the following recommendations:

1. Run final site plan changes through HARC.
2. Mr. Bowman will do site visit in regards to drainage.

b. **Exception for Outdoor Display – 912 Duval Street -** A proposal for displaying statues, mannequins and merchandise for a 48 month timeframe along storefront adjacent to store entrance. As provided for under Sec. 106.52 of Key West Code (RE# 00017860-000000).

Committee members reviewed and discussed the site plan with the applicant, Noam Zano and made the following recommendation:

1. Applicant will provide several photographs of mock displays for HARC review.

c. **Transient Transfer – from 2601 S. Roosevelt to 718 Duval Street –** Transient license transfer from nonconforming property located at 2601 South Roosevelt Boulevard (MDR-C) zoning district to 718 Duval Street, located in the Historic Residential Commercial Core (HRCC-1) zoning district, per section 122-1339 of the code.

The applicant, Ginny Stones, reviewed the transient transfer request with committee members. Ms. Stones informed members that the building is under construction and already has HARC approval.

Committee members reviewed and discussed the site plan with the applicant, Ginny Stones. The members made no recommendations.

d. **Transient Transfer – from 904C Simonton to 718 Duval Street –** Transient license transfer from nonconforming property located at 904C Simonton Street (HNC-1) to 718 Duval Street, located in the Historic Residential Commercial Core (HRCC-1) zoning district, per 122-1339 of the code.

The applicant, Ginny Stones, reviewed the transient transfer request with committee members.

Committee members reviewed and discussed the site plan with the applicant, Ginny Stones. The members made no recommendations.

**5. Adjournment**

Meeting adjourned at 11:45 am.

Respectively Submitted,

Carlene Cowart
Administrative Coordinator

DRAFT

# Property Appraiser Information

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

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

# Property Record View

**Alternate Key: 1018325 Parcel ID: 00017860-000000**

## Ownership Details

**Mailing Address:**
TIKAL REAL ESTATE HOLDING II LLC
P O BOX 1778
KEY WEST, FL 33041

## Property Details

| | |
|---|---|
| **PC Code:** | 12 - STORE/OFF/RES OR COMBINATION |
| **Millage Group:** | 10KW |
| **Affordable Housing:** | No |
| **Section-Township-Range:** | 06-68-25 |
| **Property Location:** | 422 WHALTON LN KEY WEST<br>910 DUVAL ST KEY WEST |
| **Legal Description:** | KW SUBS 3 & 4 PT LOT 1 SQR 9 TR 4 G61-250/7 OR138-204 OR542-554 OR680-778 OR1070-2455 OR1318-1140/41 OR1423-1990/93 OR1423-1994/97 OR2140-2320/21 |

## Parcel Map

## Land Details

| Land Use Code | Frontage | Depth | Land Area |
|---|---|---|---|
| 100D - COMMERCIAL DRY | 97 | 87 | 8,966.00 SF |

## Building Summary

**Number of Buildings:** 3
**Number of Commercial Buildings:** 3

**Total Living Area:** 6196
**Year Built:** 1948

## Building 1 Details

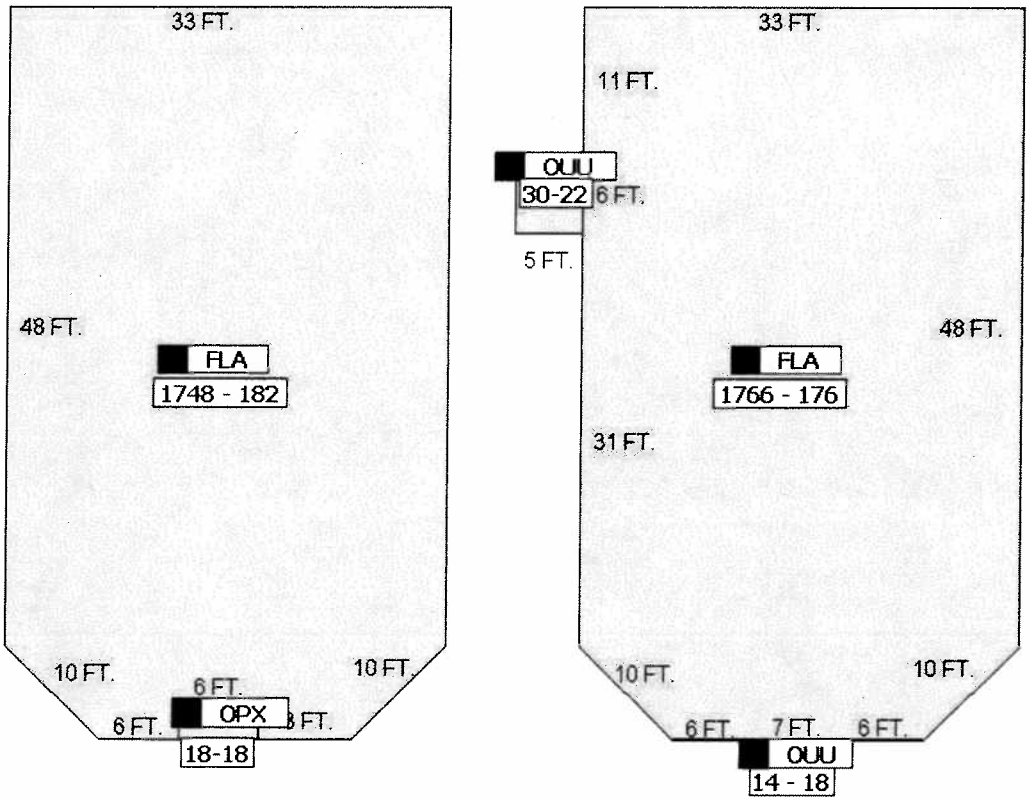
| | | | | | |
|---|---|---|---|---|---|
| **Building Type** | | **Condition** | E | **Quality Grade** | 450 |
| **Effective Age** | 13 | **Perimeter** | 358 | **Depreciation %** | 15 |
| **Year Built** | 1996 | **Special Arch** | 0 | **Grnd Floor Area** | 3,514 |
| **Functional Obs** | 0 | **Economic 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** | 1 | **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** | 3 | **Dishwasher** | 0 |




**Sections:**

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|---|---|---|---|---|---|---|---|---|---|
| 1 | FLA | | 1 | 1996 | | | | | 1,748 |
| 2 | FLA | | 1 | 1996 | | | | | 1,766 |

| | | | | |
|---|---|---|---|---|
| 3 | OUU | 1 | 1996 | 30 |
| 4 | OPX | 1 | 2003 | 18 |
| 5 | OUU | 1 | 1996 | 14 |

## Building 2 Details

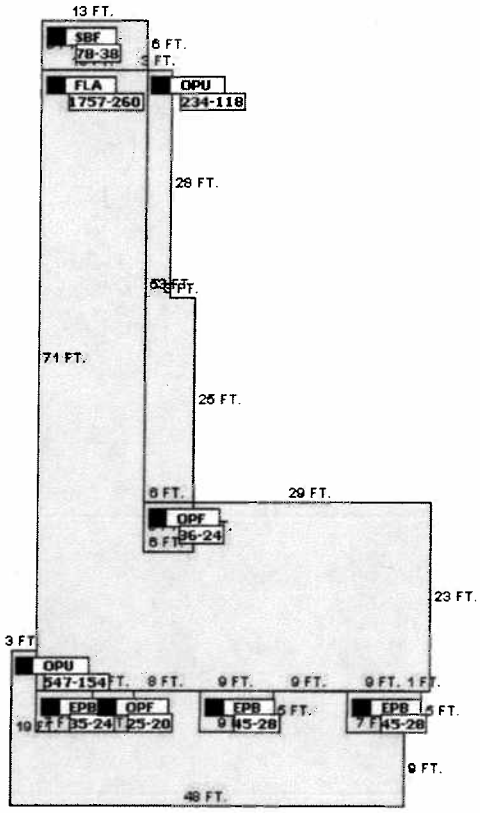
| | | | | | |
|---|---|---|---|---|---|
| Building Type | | Condition | E | Quality Grade | 400 |
| Effective Age | 15 | Perimeter | 260 | Depreciation % | 20 |
| Year Built | 1948 | Special Arch | 0 | Grnd Floor Area | 1,757 |
| Functional Obs | 0 | Economic Obs | 0 | | |

**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 | 0 | Garbage Disposal | 0 |
| 4 Fix Bath | 0 | Compactor | 0 |
| 5 Fix Bath | 0 | Security | 0 |
| 6 Fix Bath | 0 | Intercom | 0 |
| 7 Fix Bath | 0 | Fireplaces | 0 |
| Extra Fix | 17 | Dishwasher | 0 |




**Sections:**

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|---|---|---|---|---|---|---|---|---|---|
| 1 | FLA | | 1 | 1988 | | | | | 1,757 |
| 2 | SBF | | 1 | 1988 | | | | | 78 |
| 3 | OPF | | 1 | 1988 | | | | | 36 |
| 4 | OPU | | 1 | 1988 | | | | | 547 |
| 5 | EPB | | 1 | 1988 | | | | | 35 |
| 6 | OPF | | 1 | 1988 | | | | | 25 |
| 7 | EPB | | 1 | 1988 | | | | | 45 |
| 8 | EPB | | 1 | 1988 | | | | | 45 |
| 9 | OPU | | 1 | 2000 | | | | | 234 |

## Building 3 Details

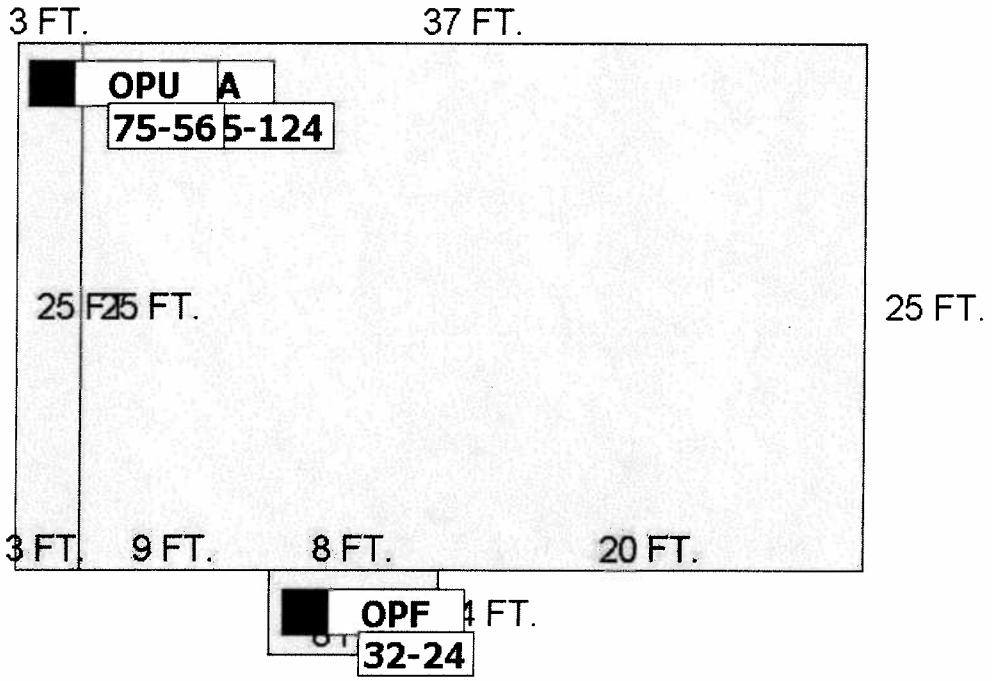
| | | | | | |
|---|---|---|---|---|---|
| Building Type | | Condition | A | Quality Grade | 400 |
| Effective Age | 17 | Perimeter | 124 | Depreciation % | 23 |
| Year Built | 1948 | Special Arch | 0 | Grnd Floor Area | 925 |
| Functional Obs | 0 | Economic Obs | 0 | | |

**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 | 6 | Dishwasher | 0 |




**Sections:**

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|---|---|---|---|---|---|---|---|---|---|
| 1 | FLA | | 1 | 1988 | | | | | 925 |
| 2 | OPF | | 1 | 1988 | | | | | 32 |
| 3 | OPU | | 1 | 1994 | | | | | 75 |

## Misc Improvement Details

| Nbr | Type | # Units | Length | Width | Year Built | Roll Year | Grade | Life |
|---|---|---|---|---|---|---|---|---|
| 1 | WD2:WOOD DECK | 300 SF | 0 | 0 | 1964 | 1965 | 2 | 40 |
| 2 | CL2:CH LINK FENCE | 540 SF | 90 | 6 | 1976 | 1977 | 1 | 30 |
| 3 | FN2:FENCES | 400 SF | 100 | 4 | 1976 | 1977 | 4 | 30 |
| 4 | FN2:FENCES | 150 SF | 30 | 5 | 1976 | 1977 | 5 | 30 |
| 5 | PT5:TILE PATIO | 1,793 SF | 0 | 0 | 1995 | 1996 | 3 | 50 |
| 6 | PT2:BRICK PATIO | 96 SF | 0 | 0 | 1995 | 1996 | 2 | 50 |
| 7 | FN2:FENCES | 34 SF | 0 | 0 | 1995 | 1996 | 2 | 30 |

## Appraiser Notes

2001-03-02 - BLDG #1 = TIKAL TRADING COMPANY. BLDG #2 = VACANT/J&J'S RESTURANT BLDG #3 = HOUSE BEHIND TIKAL TRADING

| |
|---|
| 2006-11-07 BLDG#1 IS SURF LINE HAWAII |
| 2007-05-09-BEING LISTED IN THE K.W.CIZEN FOR $4,700,000. REAL ESTATE FOR SALE ONLY THREE BUILDINGS.-SKI |

## Building Permits

| Bldg | Number | Date Issued | Date Completed | Amount | Description | Notes |
|---|---|---|---|---|---|---|
| | 08-0351 | 02/11/2008 | 02/13/2008 | 2,450 | Commercial | MAINTENENCE AND PAINT V-CRIMP METAL ROOFING |
| | 08-0353 | 02/11/2008 | | 6,550 | Commercial | RE-SHEATH 5/8" PLYWOOD OVER EXISTING PURLONGS & INSTALL STRAPPING WHERE NEEDED,INSTALL 550 SF OF GALVALUME V-CRIMP METAL ROOFING |
| | 06-4544 | 09/06/2006 | 11/08/2006 | 4,000 | Commercial | INSTALL HURRICANE SHUTERS |
| | 06-3055 | 05/22/2006 | 11/08/2006 | 2,500 | Commercial | INSTALL 18 SDQS OF BUILD UP ROOF SYSTEM OVER FIBERGLASS |
| | B953160 | 09/01/1995 | 11/01/1995 | 300 | Commercial | PAINT EXTERIOR |
| | B953483 | 10/01/1995 | 11/01/1995 | 250 | Commercial | FRAME DISPLAY WINDOW |
| | 96-0814 | 02/01/1996 | 12/01/1996 | 500 | Commercial | SIGN |
| | 96-0869 | 02/01/1996 | 12/01/1996 | 5,500 | Commercial | DEMO |
| | 96-1008 | 02/01/1996 | 12/01/1996 | 600 | Commercial | ELECTRICAL |
| 1 | 96-1490 | 04/01/1996 | 12/01/1996 | 1 | Commercial | NEW STORE BUILDING |
| | 96-3921 | 10/01/1996 | 12/01/1996 | 800 | Commercial | PAINTING |
| | 97-0773 | 07/01/1997 | 07/01/1997 | 400 | Commercial | PAINTING |
| | 97-1390 | 05/01/1997 | 07/01/1997 | 15,000 | Commercial | MECHANICAL |
| 3 | 97-2821 | 08/01/1997 | 11/01/1997 | 40,000 | Commercial | ADDITION/ELECTRICAL/PLUMB |
| | 97-3517 | 10/01/1997 | 10/01/1997 | 1,200 | Commercial | ELECTRICAL |
| | 97-3840 | 10/01/1997 | 12/01/1997 | 12,800 | Commercial | A/C |
| | 97-4027 | 12/01/1997 | 12/01/1997 | 22,000 | Commercial | BUILDOUT 2ND FLOOR |
| 1 | 98-0524 | 02/25/1998 | 04/23/1998 | 12,000 | Commercial | INSTALL DELI EQUIPMENT |
| 3 | 98-0749 | 03/09/1998 | 07/24/1998 | 5,710 | Commercial | NEW FIXTURES UPSTAIRS |
| 3 | 97-4027 | 03/19/1998 | 07/24/1998 | 22,000 | Commercial | INSTALL CENTRAL AC |
| 1 | 98-0524 | 03/18/1998 | 07/24/1998 | 120 | Commercial | INSTALL 5 NEW FIXTURES |
| 1 | 98-0847 | 04/02/1998 | 07/24/1998 | 700 | Commercial | NEW TAKEOUT WINDOW |
| 1 | 98-1337 | 04/24/1998 | 07/24/1998 | 285 | Commercial | INSTALL SECURITY SYSTEM |
| | 00-2537 | 09/12/2000 | 11/02/2000 | 500 | Commercial | HANDICAP RAMP |
| | 01-3510 | 10/29/2001 | 11/16/2001 | 7,500 | Commercial | HURRICANE SHUTTERS |
| | 02-2857 | 10/22/2002 | 10/30/2002 | 2,000 | Commercial | PLUMBING |
| | 02-3323 | 12/20/2002 | 10/03/2003 | 300 | Commercial | ADDITION RED TAGED |
| | 03-1320 | 04/16/2003 | 10/03/2003 | 357 | Commercial | HANG SIGN |

## 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** | 852,160 | 17,621 | 1,069,653 | 1,939,434 | 1,939,434 | 0 | 1,939,434 |
| **2007** | 599,944 | 17,940 | 2,286,330 | 2,904,214 | 2,904,214 | 0 | 2,904,214 |
| **2006** | 600,776 | 18,300 | 806,940 | 1,426,016 | 1,426,016 | 0 | 1,426,016 |
| **2005** | 592,604 | 18,657 | 717,280 | 1,255,042 | 1,255,042 | 0 | 1,255,042 |
| **2004** | 600,561 | 19,018 | 537,960 | 1,255,042 | 1,255,042 | 0 | 1,255,042 |
| **2003** | 599,597 | 19,347 | 439,334 | 1,255,042 | 1,255,042 | 0 | 1,255,042 |
| **2002** | 576,261 | 19,706 | 439,334 | 1,255,042 | 1,255,042 | 0 | 1,255,042 |
| **2001** | 576,261 | 20,065 | 439,334 | 1,045,782 | 1,045,782 | 0 | 1,045,782 |
| **2000** | 645,049 | 8,954 | 376,572 | 1,018,779 | 1,018,779 | 0 | 1,018,779 |
| **1999** | 645,049 | 9,126 | 376,572 | 1,018,779 | 1,018,779 | 0 | 1,018,779 |
| **1998** | 484,612 | 9,296 | 376,572 | 640,856 | 640,856 | 0 | 640,856 |
| **1997** | 318,650 | 9,468 | 358,640 | 640,856 | 640,856 | 0 | 640,856 |
| **1996** | 178,585 | 3,856 | 358,640 | 615,059 | 615,059 | 0 | 615,059 |
| **1995** | 178,585 | 3,950 | 358,640 | 615,059 | 615,059 | 0 | 615,059 |
| **1994** | 147,088 | 4,153 | 358,640 | 509,881 | 509,881 | 0 | 509,881 |
| **1993** | 160,990 | 4,417 | 358,640 | 524,047 | 524,047 | 25,000 | 499,047 |
| **1992** | 160,990 | 4,620 | 358,640 | 524,250 | 524,250 | 25,000 | 499,250 |
| **1991** | 160,990 | 4,838 | 358,640 | 524,468 | 524,468 | 25,000 | 499,468 |
| **1990** | 161,110 | 5,088 | 289,154 | 455,352 | 455,352 | 25,000 | 430,352 |
| **1989** | 155,692 | 5,306 | 286,912 | 447,910 | 447,910 | 25,000 | 422,910 |
| **1988** | 65,133 | 9,668 | 121,041 | 195,842 | 195,842 | 0 | 195,842 |
| **1987** | 28,008 | 9,668 | 56,038 | 93,714 | 93,714 | 0 | 93,714 |
| **1986** | 28,156 | 9,668 | 53,796 | 91,620 | 91,620 | 0 | 91,620 |
| **1985** | 21,937 | 9,668 | 39,484 | 71,089 | 71,089 | 0 | 71,089 |
| **1984** | 25,798 | 9,668 | 39,484 | 74,950 | 74,950 | 0 | 74,950 |
| **1983** | 17,283 | 9,668 | 28,485 | 55,436 | 55,436 | 0 | 55,436 |
| **1982** | 17,565 | 9,668 | 22,230 | 49,463 | 49,463 | 0 | 49,463 |

## 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 |
|---|---|---|---|---|
| **7/15/2005** | 2140 / 2320 | 63,000 | QC | P |
| **8/1/1994** | 1318 / 1140 | 837,500 | WD | Q |
| **11/1/1988** | 1070 / 2455 | 485,000 | WD | M |

This page has been visited 6,412 times.

Monroe County Property Appraiser
Ervin A. Higgs, CFA
P.O. Box 1176
Key West, FL 33041-1176

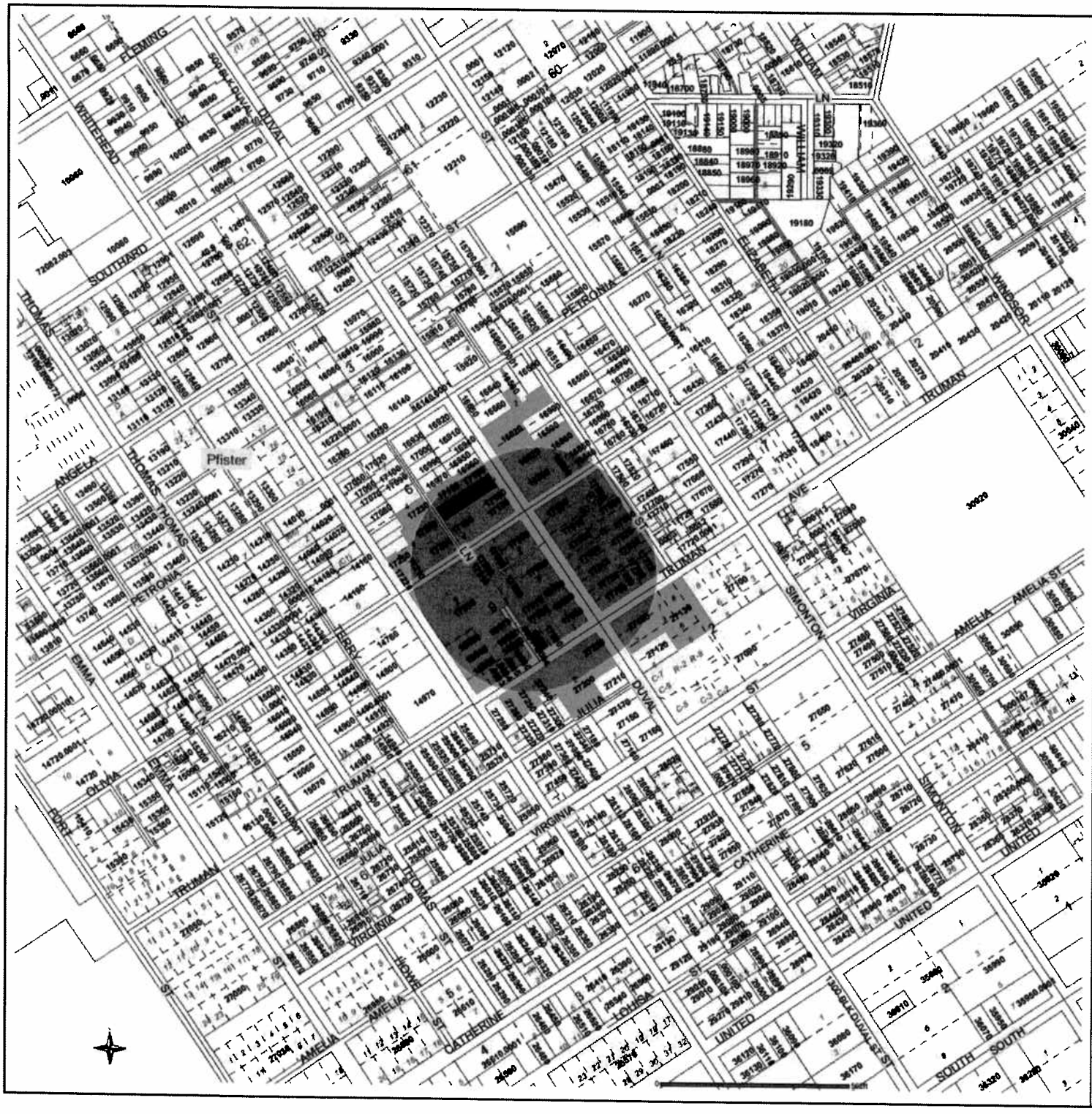
# Public Notices
# (mailings, posting & radius map)

# Public Meeting Notice

The Key West Planning Board will hold a public hearing **at 6:00 p.m., February 19, 2009, at Old City Hall, 510 Greene Street**, Key West, Florida, (Behind Sloppy Joe's Bar). The purpose of the hearing will be to consider a request for:

**Exception for Outdoor Display – 912 Duval Street** - A proposal to allow the display of merchandise in the Historic District for property with a zoning designation of High Density Residential/Commercial Core: Atlantic side (HRCC-3) as provided for under Sec. 106-51 and 52 of Key West Code (RE# 00017860-000000).

**If you wish to see the application or have any questions, you may visit the Planning Department during regular office hours at 604 Simonton Street or call 809-3720.**




# 912 Duval

Legend

- theBuffer
- theBufferTarget
- Real Estate Number
- Parcel Lot Text
- Block Text
- Hooks/Leads
- Lot Lines
- Easements
- Road Centerlines
- Water Names
- Parcels
- Shoreline
- Section Lines

PALMIS

Monroe County Property Appraiser
500 Whitehead Street
Key West, FL

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

Date Created: February 2, 2009 2:44 PM

GOSSWEILER PATRICK
816 DUVAL STREET
KEY WEST, FL 33040

REGIONS BANK
2901 STIRLING RD
FT LAUDERDALE, FL 33312-6529

KAMRADT RICHARD & GOLDSTEIN
WALTER TRUSTEE
815 DUVAL STREET
KEY WEST, FL 33040

SAWYER ELVIRA V
818 SHAVERS LN
KEY WEST, FL 33040

DION LAWRENCE R
PO BOX 1209
KEY WEST, FL 33041

OLSON ROBERT MICHAEL
1017 FLEMINS STREET
KEY WEST, FL 33040

CONCH DEVELOPERS LLC
2117 47TH ST
SARASOTA, FL 34234

511 OLIVIA STREET LLC
1001 VON PHISTER ST
KEY WEST, FL 33040

MARTINS ON DUVAL LLC
1126 GRINNELL ST
KEY WEST, FL 33040

CENTER COURT HISTORIC INN AND
COTTAGES LC
915 CENTER ST
KEY WEST, FL 33040

MC KENZIE WILLIAM
925 WHITEHEAD ST
KEY WEST, FL 33040

ALCOBER ELDA
380 MOUNTAIN RD
UNION CITY, NJ ~~7087~~ 07087

901 DUVAL STREET INC
526 DUVAL ST
KEY WEST, FL 33040

511 OLIVIA STREET LLC
1001 VON PHISTER ST
KEY WEST, FL 33040

SPAGNOLO PHILIP JR
136 WAVERLY PLACE SUITE 5B
NEW YORK, NY 10014-6822

SARFF GERALD
3430 GALT OCEAN DR
FT LAUDERDALE, FL 33308-7050

CASH-STUART JOANN
360 NW 112TH TERRACE
MIAMI, FL 33168

SARFF GERALD
3430 GALT OCEAN DR
FT LAUDERDALE, FL 33308-7050

ISLAND HOTEL PROPERTIES II LLC
512 TRUMAN AVE
KEY WEST, FL 33040

NEWMAN-MARINE KEY WEST LLC
4967 E 1150 N
WOLCOTTVILLE, IN 46795

HEPBURN EMILY B ESTATE
821 SHAVERS LN
KEY WEST, FL 33040

903 DUVAL ST LLC
757 LINWOOD AVE
ST PAUL, MN 55105

FRIEDMAN ILAN
333 FLEMING ST
KEY WEST, FL 33040

MENDOLA CHARLES J & BIQUETTE
925 DUVAL STREET
KEY WEST, FL 33040

NEWMAN CHURCH
410 TRUMAN AVE
KEY WEST, FL 33040

VAN DYKE IDALENE E C ESTATE
313 AMELIA ST
KEY WEST, FL 33040

ISLAND HOTEL PROP III LLC
2116 SEIDENBERG AVE
KEY WEST, FL 33040

BAHAMA CONCH COMMUNITY
LAND TRUST
325 JULIA ST
KEY WEST, FL 33040

NEW YORK STYLE PIZZA
RESTAURANT INC
1000 DUVAL STREET
KEY WEST, FL 33040

LORDITCH JOSEPH L
2818 TERN DR #15
OCEAN CITY, MD 21842

NEWMAN CHURCH
410 TRUMAN AVE
KEY WEST, FL 33040

OLD TOWN TROLLEY TOURS OF SAN DIEGO INC
201 FRONT STREET
KEY WEST, FL 33040

STEWART JESSEE ENTERPRISES LLC
1107 KEY PLAZA
KEY WEST, FL 33040

CBB OREO LLC
1220 S STATE RD 7
HOLLYWOOD, FL 33023

STEWART JESSEE ENTERPRISES LLC
1107 KEY PLAZA
KEY WEST, FL 33040

~~STEWART JESSEE ENTERPRISES LLC~~
~~1107 KEY PLAZA~~
~~KEY WEST, FL 33040~~ DUP

~~CBB OREO LLC~~
~~1220 S STATE RD 7~~
~~HOLLYWOOD, FL 33023~~ DUP

~~CBB OREO LLC~~
~~1220 S STATE RD 7~~
~~HOLLYWOOD, FL 33023~~ DUP

CBB OREO LLC
1220 S STATE RD 7
HOLLYWOOD, FL 33023

CBB OREO LLC
1220 S STATE RD 7
HOLLYWOOD, FL 33023

SHULTZ DAVID L &
204 ST CHARLES WAY #G
YORK, PA 17402

PORTERFIELD ZULEMA MARY
220 ENEAS LN
KEY WEST, FL 33040

AB ERCA
BALDERSVAGEN
GISLAVED, S-332 35

913 DUVAL ST LLC
913 DUVAL ST
KEY WEST, FL 33040

~~CBB OREO LLC~~
~~1220 S STATE RD 7~~
~~HOLLYWOOD, FL 33023~~ DUP

~~CBB OREO LLC~~
~~1220 S STATE RD 7~~
~~HOLLYWOOD, FL 33023~~ DUP

STEWART JESSEE ENTERPRISES LLC
1107 KEY PLAZA
KEY WEST, FL 33040

~~CBB OREO LLC~~
~~1220 S STATE RD 7~~
~~HOLLYWOOD, FL 33023~~ DUP

VAN STEELANDT NAOMI
916 CENTER ST
KEY WEST, FL 33040

VAN STEELANDT NAOMI
916 CENTER STREET
KEY WEST, FL 33040

TRANSITIRE INC
1419 REYNOLDS ST
KEY WEST, FL 33040

APPEL MILTON TRUSTEE
926 DUVAL ST
KEY WEST, FL 33040

MENDOLA CHARLES & BIQUETTE
2601 S ROOSEVELT BLVD APT 210A
KEY WEST, FL 33040

907 WHITEHEAD STREET CORP
907 WHITEHEAD ST
KEY WEST, FL 33040

OLD TOWN LAUNDRY LLC
1001 VON PHISTER ST
KEY WEST, FL 33040

~~MENDOLA CHARLES & BIQUETTE~~
~~2601 S ROOSEVELT BLVD #210-A~~
~~KEY WEST, FL 33040~~ DUP

WAAGE SCOTT A AND JUNE K
P O BOX 676341
RANCHO SANTA FA, CA 92067

DION RENTAL PROPERTIES LLC
638 UNITED ST
KEY WEST, FL 33040

WHALEN BERNARD
2050 CHEROKEE RD
MACOMB, IL 61455

LORDITCH JOSEPH L
2818 TERN DR #15
OCEAN CITY, MD 21842

PLA STEPHEN E
415 OLIVIA ST
KEY WEST, FL 33040

SAWYER CLIFFORD
2120 HARRIS AVE
KEY WEST, FL 33040

GAY AND LESBIAN COMMUNITY CENTER OF KEY WEST INC
513 TRUMAN AVE
KEY WEST, FL 33040-3140

BANSHEE LLC
915 DUVAL ST
KEY WEST, FL 33040

TIKAL REAL ESTATE HOLDING II LLC
P O BOX 1778
KEY WEST, FL 33041

COWARD THOMAS REV TR DTD 5-19-00
1316 LAIRD ST
KEY WEST, FL 33040

BUCKNER PATRICIA Y
409 JULIA ST
KEY WEST, FL 33040

ELLIOTT URSULA WELTERS
222 ENEAS LN
KEY WEST, FL 33040

O'NEIL BRIAN S & SUZANNE
P O BOX 199
TAVERNIER, FL 33070

CLARKE OSSIE MAE
416 OLIVIA ST
KEY WEST, FL 33040

LEGGETT SAMUEL D
216 ENEAS LN
KEY WEST, FL 33040

APPEL MILTON LLC T/C
4815 SOUTH SUNSET BLVD
TAMPA, FL 33629

VAN STEELANDT NAOMI
916 CENTER STREET
KEY WEST, FL 33040

OROFINO MARK E LIVING TRUST U/T/D 3/5/02
707 SOUTH ST
KEY WEST, FL 33040

~~913 DUVAL ST LLC~~
~~913 DUVAL ST~~
~~KEY WEST, FL 33040~~ Dup

~~907 WHITEHEAD STREET CORP~~
~~907 WHITEHEAD ST~~
~~KEY WEST, FL 33040~~ Dup

MCCOY JOHN C JR
215 ENEAS LN
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KEITH JUNE C AND JOHN MICHAEL
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~~913 DUVAL ST LLC~~
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~~KEY WEST, FL 33040~~ Dup

CLUB DUVAL INC
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KEY WEST, FL 33040

DUBOVICK JAMES THOMAS AND BROOK KATHA
P O BOX 916 CASES L M EXT
CUTCHOGUE, NY 11935

# Key West Planning Board Meeting Agenda

**March 19, 2009 – 6:00 p.m.**
**City Commission Chamber**
**Old City Hall, 510 Greene Street**

# Item 4.b.1.

**Poinciana Special Needs Housing –** A Development Agreement for a Major Development Plan and Conditional Use pursuant to the Code of Ordinances Chapter 90, Article IX, Development Agreements, for a 32,322 sq. ft., 50 unit rest home for AIDS HELP, Inc. on 7.66 acres of land in the Medium Density Residential (MDR-1) Zoning District. The Development is proposed at 35 feet in height (Re# 00064740-000000).

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

**To:** Chairman and Planning Board Members

**From:** Nicole Malo, Planner

**Meeting Date:** March 19, 2009

**Agenda Item:** Development Agreement for AIDS HELP, Inc. located on the leasehold portion of property in the Poinciana Special Needs Housing Section (RE# 00064740-000000)

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**Request:** A Development Agreement for a Major Development Plan and Conditional Use for AIDS HELP, Inc. in the Medium Density Residential Zoning District One (MDR-1), pursuant to Chapter 90, Article IX, Development Agreements, Code of Ordinances, City of Key West, Florida

**Applicant:** AIDS HELP, Inc.

**Property Owner:** City of Key West

**Location:** Located on the Housing Authority Leasehold Portion of Property in the Poinciana Special Needs Housing Section

**Zoning:** Medium Density Residential Zoning District One (MDR-1)

**Background**

The City's Land Development Regulations allow the City Commission, at its sole discretion, to enter into Development Agreements with property owners. On May 20, 2008, the City Commission indicated its interest in entering into a Development Agreement with AIDS HELP, and subsequently staff began discussions with the applicant which was modified in response to staff and legal comments made over a several month period. The draft Development Agreement is before the Planning Board for the first public hearing required under the code, prior to transmittal (with recommendations) to the City Commission for the second required public hearing.

The AIDS HELP proposal is a fifty unit affordable housing complex for the housing and care of disabled people and people living with HIV/AIDS. The project is located within a 1.25 acre area of the Poinciana Housing Site. The site is currently leased to the Housing Authority and is subleased to AIDS HELP. A Major Development Plan and Conditional

Use application for the project originally approved by the City Commission at a public meeting held May 2, 2006, via Resolution 06-153. The approval was for a three phase building project, with requirements to submit for a building permit for the first phase within one year, the second phase within five years, and the third phase within ten years. Subsequently, the approval was extended by the City Commission, at a public meeting held August 15, 2007 for a period of one year, via Resolution 07-275. AIDS HELP requested a Modification to the Major Development Plan, which was recommended for approval by the Planning Board February 19, 2009, via Resolution 2009-005, and is scheduled for hearing by the City Commission March 17, 2009. The modification improved the design of the project and also addressed issues raised in the original approvals regarding ADA compliant sidewalks and secondary fire access routes.

This Development Agreement will grant the allocation of five Equivalent Single Family Unit (ESFU) Building Permit Allocation System workforce housing units to the property to support the 50 units at a .10 fractional allocation per unit. Although these units were conditionally allocated last year by the Planning Director on March 26, 2008, that allocation was valid for a one year period only. The Development Agreement will encumber the allocations for the duration of the Agreement.

Given the size and complexity of the development, it appears appropriate to integrate all approvals into a single Development Agreement, thereby giving the City a clear, single mechanism with which to control the timing and phasing of the development. While the Development Agreement process is not right for every project, it is generally most suitable for projects of this nature which allow a longer period of time for initiation and phasing of the project.

The Land Development Regulations acknowledge the findings of the state legislature that enable Development Agreements under Florida Statute, as follows (see Section 90-676):

> *(1) The lack of certainty in the approval of development can result in a waste of economic and land resources, discourage sound capital improvement planning and financing, escalate the cost of housing and development, and discourage commitment to comprehensive planning.*
>
> *(2) Assurance to a developer that, upon receipt of a development permit, the applicant may proceed in accordance with existing laws and policies, subject to the conditions of a development agreement, strengthens the public planning process, encourages sound capital improvement planning and financing, assists in ensuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning and reduces the economic costs of development.*
>
> *(3) The comprehensive planning process should be furthered by authorizing local governments to enter into development agreements with developers. The intent is to encourage a stronger commitment to comprehensive and capital facilities planning, ensure the provision of adequate public facilities for*

*development, encourage the efficient use of resources, and reduce the economic cost of development.*

In this case the Development Agreement offers an opportunity for the applicant to synthesize and extend approvals into as long as a ten year period, as well as an opportunity for the City to ensure that public priorities are clearly addressed by the proposed project. The balance of benefits for all parties is an important consideration as the draft agreement is reviewed by the Planning Board.

**Previous City Actions**

| | |
|---|---|
| March 16, 2006 | Planning Board recommends approval of the Major Development Plan and Conditional Use Application (per Resolution 06-008) |
| May 2, 2006 | City Commission Approval of Major Development Plan and Conditional Use Application (per Resolution 06-153) |
| September 7, 2006 | Florida State Department of Community Affairs issues a waiver letter |
| August 15, 2007 | City Commission extends the commencement of the Development Approval by one (1) year (per Resolution 07-275) |
| February 20, 2008 | City Commission approves a $40,000 Grant to AIDS Help, Inc. (per Resolution 08-057) |
| March 28, 2008 | Then Interim Planning Director Amy Kimball-Murley allocates (5) workforce housing Building Permit Allocations (see Letter; enabled per Resolution 08- 065) |
| May 20, 2008 | Request for permission to enter into a Development Agreement with the City (per Resolution 08-156) |
| February 19, 2009 | Planning Board recommends Approval of a Modification to the Major Development Plan (per Resolution 2009-005) |

**Proposed Development Agreement**

The City's Land Development Regulations set forth criteria for the contents of a Development Agreement. The specific criteria, as well as the location of the information within the Development Agreement, are addressed below.

**Development Agreement Review Criteria (Section 90-682)**

*(a) Any development agreement approved under this article shall contain not less than the following requirements as provided in F.S. § 163.3227:*

*(1) A legal description of the land subject to the development agreement and the identification of all persons having legal or equitable ownership therein.*

A legal description is included under the chapter entitled Deed, *Attachment A*, and the identification of the owners is provided in the first clause of the agreement (Page 1) and under Terms of Agreement: Ownership, Legal Description, and Unity of Title, Section 1, subsection (a) Ownership (Page 5).

*(2) The duration of the development agreement, which duration shall not exceed five years, but which may be extended by mutual consent of the city and the developer. Any request for an extension shall be subject to the public hearing process necessary for the initial approval of the development agreement.*

The proposed duration of the agreement is ten years, per Terms of Agreement, Section 10, Duration of Agreement and Renewal, Subsection (a), Duration of Agreement (Page 11).

*(3) The development uses permitted on the land, including population densities, building intensities and building heights.*

The proposed uses permitted on the land are described in Terms of Agreement, Section (5), Density, Intensity, and Height. Building height is described in subsection (a) and Density is described in subsection (b) (Page 9). Affordable Housing Standards are described in subsection (c), and Building Permit System Allocations in subsection (d) (Page 10). Additionally more information regarding Density and Intensity is covered under *Attachment C*- Concurrency Analysis, page 1, Section 1.

*(4) All documents required to comply with criteria cited in the land development regulations applicable to the subject project.*

The criteria for compliance cited in the land development regulations are found in, Terms of Agreement; Section 2, Site Plan Approval, Modifications, Fire Safety, Wind Load, Energy Efficiency (Page 5-6); Section 4, List of All Local Permits Approved or Needed (Page 8); Section 7, Development to Comply with Permits and City Comprehensive Plan and Code Provisions (Page11).

*(5) A description of the public facilities that will service the development, including designation of the entity that will be providing such facilities. Additionally, if new facilities are needed to serve the project, the date by which such facilities will be constructed shall be provided. A schedule to ensure that public facilities shall be available concurrent with the impacts of the development shall also be provided. Such schedule, relating the provision of public facilities or services to events or thresholds in the development, may be substituted for the certain dates required under this subsection.*

Public facilities which will service the development can be found under Terms of Agreement Section 3: Public Utilities, Concurrency, Impact Fees (Page 6-7). In addition,

the applicant has included a chapter on Concurrency Analysis, see *Attachment C* which covers: Density and Intensity Section 1(Pages 1-2); Potable Water and Sanitary Sewer, Section 2 (Pages 2-4), Recreation, Section 3 (Pages 4-5); Solid Waste, Section 4 (Page 5); Drainage, Section 5 (Page 6); and Roads/Trip Generations, Section 6 (Pages 6-7). See also concurrent Exhibits I-V (Page 8).

*(6) The applicant may be required to provide for a performance bond, letter of credit, or similar instrument, to be deposited with the city, to secure the construction of any new facilities that are required to be constructed as part of the proposed development agreement. Alternatively, such construction may be a condition precedent to the issuance of any building permits or other development permissions. If the new public facilities are in place and operating at the time development permits are requested, no such performance bond or letter of credit shall be necessary unless such facilities are not adequate for the project.*

Not applicable. A concurrency analysis has determined that facilities will be available at the time of development.

*(7) A description of any reservation or dedication of land for public purposes. The development agreement shall provide specifically how all impact fees and other funding requirements for the project are to be met.*

The agreement does not include the reservation or dedication of land for public purposes.

*(8) If land is to be conveyed to the city in discharge of the obligation of any impact fee or other similar obligation, the development agreement shall provide that such conveyance will be by warranty deed and will be accompanied by an environmental audit and a title insurance policy which shall be in an amount not less than the assessed value of the land. The applicant shall bear the cost of these requirements.*

Not applicable.

*(9) A description of all development permits approved or needed to be approved for the development of the land, which description shall specifically include but not be limited to the following:*

*a. Any required comprehensive plan amendments or rezonings.*

Not applicable.

*b. Any required submissions to or approvals from the county; the South Florida Regional Planning Council; the state departments of community affairs (DCA), environmental protection (DEP), transportation (DOT), health and rehabilitative services (DHRS); the United State Army Corps of Engineers; the South Florida Water Management District; the United States Environmental Protection Agency; or any other departments with competent jurisdiction over any aspect of the proposed development.*

Required permits and approvals from the all implicated entities are outlined under Terms of Agreement, Section 4, List of All Permits Approved or Needed, Section (a) Development Approvals: (1) Site Pan, (2) Building Permits, (3) South Florida Water Management District, (4) Major Development and Conditional Use (Page 8-9).

*c. If development requirements are not satisfied, action in reliance on the development agreement or expenditures in pursuance of its terms shall not vest any development rights to the applicant/property owner. Failure to perform as specified in the development agreement shall not constitute partial performance and shall not entitle the applicant or property owner to a continuation of the development agreement.*

These terms are addressed under the Terms of Agreement: Section 11, Governing Laws (Page 12); Section 12, Amendments, Renewal, Revocation, Termination, subsection (c) Revocation by City (Pages 14); and Section 13, Breech of Agreement and Cure Provisions, all (Pages 14-15).

*(10) A specific finding in the development agreement that the development permitted or proposed is consistent with the city's comprehensive plan and with the land development regulations. However, if amendments are required to the comprehensive plan or land development regulations, such amendments shall be specifically identified in the development agreement, and the agreement shall be contingent upon those amendments being made and approved by the appropriate governmental agencies.*

Please find that the Development Agreement is consistent with the city's comprehensive Plan and land development regulations in the Terms of Agreement, Section 8, Finding of Consistency (Page 11), and the final Whereas Clause on page 4. No amendments to the Comprehensive Plan or regulations are required as part of this agreement.

*(11) The city commission may provide for any conditions, terms, restrictions or other requirements determined to be reasonably necessary for the public health, safety or welfare of city residents and property owners.*

Improvements were recently made to the site design to address two original conditions of approval from the Major Development Plan. The Modification to the Development Plan, which was recommended for approval by the Planning Board on February 19, 2009 and is scheduled for the City Commission on March 17, 2009, has a new condition for approval related to stormwater management permitting which is incorporated into the Development Agreement. Please see the first and second Whereas clause on page 4 and in Section 4.3 South Florida Water Management District on page 8.

*(12) A statement indicating that failure of the development agreement to address a particular permit, condition, term or restriction shall not relieve the developer of the necessity of complying with the law governing the permitting requirements, conditions, terms or restrictions.*

This particular statement can be found under the Terms of Agreement, Section 9, Compliance with Permits, Terms, Conditions and Restrictions Not Identified (page 11), for addressing this issue.

*(13) At the city commission's discretion, the development agreement may provide that the entire development, or any phase thereof, be commenced or completed within a specific period of time.*

The proposed duration of the agreement is ten years, per Terms of Agreement**,** Section 10, Duration of Agreement and Renewal, subsection (a) Duration of Agreement (Page 11), and three phases are proposed by the applicant under subsection (c) Phasing (Page 12), and additionally on page 3 "Whereas" clause number 5.

*(b) At such time as the city administrative official has reduced the terms of the proposed development agreement to written contractual form, the administrative official shall transmit such development agreement to the planning board and the city commission with a written recommendation from the development review committee.*

This report responds to this requirement.

*(c) Prior to the first public hearing, the proposed development agreement shall have been reviewed by the planning board, and its recommendation along with the development review committee's recommendation shall be provided to the city commission.*

This report and scheduled public meeting with the Planning Board responds to this requirement.

**RECOMMENDATION**

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for a Development Agreement be **approved.**

# Resolution

**PLANNING BOARD RESOLUTION**
**Number 2009-012**

**A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD PURSUANT TO SECTIONS 90-676 through 90-692 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, RECOMMENDING APPROVAL OF A DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED IN THE POINCIANA SPECIAL NEEDS HOUSING AREA (RE#00064740-000000); PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission resolved on May 20, 2008 to pursue Development Agreement negotiations with the property owner (per Resolution 08-156);

**WHEREAS**, the property owner submitted a draft Development Agreement and associated studies and documentation to the Planning Department for review and discussion;

**WHEREAS**, the Development Review Committee reviewed the draft Development Agreement and related documentation on January 22, 2009; and

**WHEREAS,** the draft Development Agreement was amended in response to City staff comments; and

**WHEREAS**, after public notice, the request for a Development Agreement was heard by the Planning Board at the regularly scheduled Planning Board Meeting on March 19, 2009; and

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

**Section 1.** That the Planning Board recommends the City Commission grant **approval** of the draft Development Agreement.

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

**Passed at a meeting held March 19, 2009**
Authenticated by the Chair of the Planning Board and the Planning Director.

---



_____ Chairman
_____Planning Director

Richard Klitenick, Chairman Date
Key West Planning Board

**Attest:**

_____

Amy Kimball-Murley, AICP, Planning Director Date

**Filed with the Clerk**

_____

Cheryl Smith, City Clerk Date



_____ Chairman
_____Planning Director

# Development Agreement

# DEVELOPMENT AGREEMENT

# BETWEEN THE CITY OF KEY WEST AND AIDS HELP, INC.

**THIS AGREEMENT** is entered into by and between, AIDS HELP, INC./ A.H. OF MONROE COUNTY, INC. a Florida Nonprofit Corporation, ("AIDS HELP"), and the CITY OF KEY WEST, a Florida municipal corporation ("City"), pursuant to Section 90-676 through 90-692 of the City Code, and the Florida Local Government Development Agreement Act, Sections 163.3220-163.3243, Florida Statutes (2008), and is binding on the "Effective Date" set forth herein:

## RECITALS:

**WHEREAS,** this project will serve low income disabled people and low income people with HIV disease who qualify for affordable housing; and

**WHEREAS,** AIDS HELP is a community-based nonprofit organization providing case-managed health care, housing, food, health education and counseling, HIV-risk reduction outreach programs, and referral and support services for low income disabled people and low income people with HIV disease who are residents of the Florida Keys; and

**WHEREAS,** AIDS HELP works closely with primary medical providers and provides comprehensive support services to help low income disabled people and low income people with HIV disease to live independently, with dignity, and reduce the need for hospitalization and nursing home admissions; and

**WHEREAS,** AIDS HELP conducts screening and verification of income-levels pursuant to City of Key West Comprehensive Plan Housing Element Policy 3-1.1.3 using the Housing Authority of City of Key West Affordability Policy; and

**WHEREAS**, AIDS HELP assists with screening and applications of eligibility for Medicaid, Medicare, Social Security, AIDS Insurance Continuation Program, Department of Children and Families, and Veterans Benefits; and

**WHEREAS,** the City of Key West Code Section 86-9 expressly includes and defines a "rest home" as a facility in which "three or more persons not of the immediate family can be received, kept or provided with food, shelter and care for compensation;" and

**WHEREAS,** the immediate desire of AIDS HELP is to provide a 50 unit rest home for low income people with HIV disease, if a cure for HIV becomes available, the 50 unit rest home can also be used for low income disabled people; and

**WHEREAS,** THE CITY OF KEY WEST has authorized AIDS HELP, Inc. to construct a 50 unit rest home for low income disabled people and low income people with HIV disease on vacant land owned by the City of Key West. The City of Key West leases the land to the Housing Authority. The Housing Authority leases the subject property within the Special Needs Section of the Poinciana Affordable Housing site to AIDS HELP. The subject property is accurately described in Attachment A (herein referred to as "Property"). This Property is located entirely within the corporate limits of the City of Key West, Florida; and

**WHEREAS,** the City reviewed and authorized the development after public hearings on the Major Development Plan and Conditional Use were duly noticed and held by: the Planning Board on March 16, 2006, which recommended approval (Resolution 2006-008); and approved by the City Commission at a meeting held on May 2, 2006 (Resolution 06-153);

**WHEREAS**, on September 7, 2006 the State of Florida Department of Community Affairs (DCA) found the development to be consistent with the Principles for Guiding Development for the Florida Keys Area of Critical State Concern as set forth in Section 380.0552(7), Florida Statutes (2008); and

**WHEREAS,** the approval was then extended by the City Commission on August 15, 2007 (Resolution 07-275); and

**WHEREAS,** the City Commission approved a $40,000 Grant for this project at a meeting held on February 20, 2008 (Resolution 08-057); and

**WHEREAS**, the original approval allowed 10 years for a phased project and required that development begin within one (1) year and the one (1) year commencement was extended once by the City Commission on August 15, 2007 (Resolution 07-275) and subsequently transmitted to the Department of Community Affairs; and

**WHEREAS,** on May 20, 2008 the City Commission expressed its preliminary interest pursuant to City of Key West Code Section 90-679 in entering into a Development Agreement with AIDS Help (Resolution 08-156); and

**WHEREAS,** the applicant proposed a Modification to the Major Development Plan to improve the project design and comply with two conditions of approval contained in the original Major Development Plan the first condition required ADA compliant sidewalk connections and the second condition required an emergency vehicle access; and

**WHEREAS**, the City Planning Board noticed and held a public hearing to consider the Modification to the Major Development Plan on February 19, 2009, and recommended approval with a single condition requiring a stormwater (ERP) permit from the South Florida Water Management District (Resolution 2009-005); and the City Commission noticed and held a public hearing to consider the Modification to the Major Development Plan on March 17, 2009, and it was approved with the condition recommended by the Planning Board; and

**WHEREAS**, the City Planning Board noticed a public hearing to consider this Development Agreement on March 19, 2009, and the City Commission noticed a public hearing to consider this Development Agreement on April 7, 2009, and these public hearings were held; and

**WHEREAS**, the City has determined that this Agreement is consistent with the local comprehensive plan, the land development regulations, and is in the public interest, and will further the health, safety, welfare, and goals of the residents of the City of Key West;

**NOW, THEREFORE**, the Development Agreement is approved as follows:

## TERMS OF AGREEMENT

**Recitals.** The recitals explaining the intent and purpose of the project as set forth in the preceding "Whereas" clauses are incorporated herein and form a material part of this Agreement.

### 1. Ownership, Legal Description, and Unity of Title

**a. Ownership.** The Owner of the subject site ("Poinciana site") is the City of Key West. The City of Key West leases the land to the Housing Authority. The Housing Authority leases the subject property within the Special Needs Section of the Poinciana Affordable Housing site to AIDS HELP.

**b. Legal Description.** The legal description of the Poinciana site is described and incorporated into this agreement as ***Attachment A***.

### 2. Site Plan Approval, Modifications, Fire Safety, Wind Load, Energy Efficiency

**a. Approval of a Conceptual Site Plan.** This project will serve low income disabled people and low income people with HIV disease who qualify for affordable housing. The development shall be consistent with the "Conditional Use" Approval incorporated as ***Attachment B-1*** and the "Modification to the Major Development Plan" for AIDS HELP, hereby incorporated as ***Attachment B-2***.

**b. Modifications.** Modifications to the Major Development Plan are governed by City Code Section 108-91(c) and (d) as the Code exists on the effective date of this approval (unless the Code is amended from time to time to allow additional administrative or minor modifications, which shall then also apply to this development).

**c. Fire Safety.** AIDS HELP shall provide all fire protection facilities as required by the City Fire Department and Life Safety Code administered by the City Fire Department.

**d. Wind Load.** AIDS HELP shall construct all structures on the Property, including doors, windows, and cladding, to withstand the mile per hour peak winds as specified in the Building Code.

**e. Energy Efficiency.** AIDS HELP shall construct all residential structures in conformance with the specifications of the State of Florida Energy Efficiency Code for Building Construction (State Energy Code).

**3. Public Utilities, Concurrency, Impact Fees.** Applicant and City staff have conducted a concurrency analysis for this project pursuant to City Code Chapter 94 Concurrency Management, and Section 90-682(5) as set forth in ***Attachment C***. All public facilities are available as of the date of this Development Agreement, capacity for each is projected to be available concurrent with the impacts of development.

The following identifies the public facilities that are required and that will service the development authorized by this Agreement; who shall provide the facilities; what new

facilities, if any, will be constructed; and a schedule to assure public facilities are available concurrent with the impacts of development.

**a. Potable Water.** Potable water is supplied by Florida Keys Aqueduct Authority (FKAA), and domestic potable water transmission and potable water source capacity exist for this project as set forth in ***Attachment C***.

**b. Electric Service.** Electric service is provided by Keys Energy Services, and capacity exists for this development as set forth in ***Attachment C***.

**c. Solid Waste.** Solid waste service is provided by the City of Key West Waste Management or its designate, as determined by the City Commission, and capacity exists for this development as set forth in ***Attachment C***.

**d. Transportation.** Transportation and road capacity exists for this development as set forth in ***Attachment C***.

**e. Wastewater.** Wastewater treatment shall be provided by the City of Key West Wastewater Treatment Plant, and capacity exists for this development as set forth in ***Attachment C***.

**g. Public Recreational Facilities.** Public recreational facilities shall be provided at the Poinciana site and capacity exists for this development as set forth in ***Attachment C***.

**f. Impact Fees.** The developer shall pay impact fees according to the City's impact fee ordinance applicable to development in the City of Key West.

**4. <u>List of All Local Permits Approved or Needed</u>**

**a. Development Approvals.** The following City development approvals have been granted or are needed for the development authorized by this Agreement:

**1. Site Plan.** Final site plan approval will be required by the City building official, fire marshal, and planning staff confirming compliance with this Agreement and applicable City Code requirements.

**2. Building Permits.** A building permit or permits will be required.

**3. South Florida Water Management District.** An Environmental Resource Permit (ERP) will be required from the South Florida Water Management District.

**4. Major Development and Conditional Use.** Applications for Major Development Plan and Conditional Use were duly noticed and held by: the Planning Board on March 16, 2006, which recommended approval (Resolution 2006-008); and approved by the City Commission at meeting held on May 2, 2006 (Resolution 06-153); and the approval was then extended by the City Commission on August 15, 2007 (Resolution 07-275). The City Planning Board noticed an held a public hearing to consider a Modification to the Major Development Plan on February 19, 2009 (Resolution 2009-005); and the City Commission noticed and held a public hearing to consider the Modification to the Major Development Plan on March 17, 2009; and the Modification to the Major Development Plan was approved (Resolution 2009-___) as forth in ***Attachment B-2***. The "Conditional Use" Approval per Resolution 2006-008 as

set for in ***Attachment B-1*** remains in effect, is still intact and is not impacted by the Modification to the Major Development Plan. The condition of approval in the Modification to the Major Development Plan (Resolution 2009-___) requiring a stormwater (ERP) permit from the South Florida Water Management District is hereby incorporated into this Development Agreement.

**5. Density, Intensity, Height and Dwelling Unit Allocation System.**

a. This project is a 50 unit rest home 35 feet in height that will serve disabled people and people with HIV disease who qualify for affordable housing. Project intensity, including floor area ratio calculations, is set forth in the site data table contained in the Modification to the Major Development Plan as set forth in *Attachment B-2.*

b. *Nursing homes, rest homes and convalescent homes* are defined as "activities customarily performed by a home for the elderly or infirm in which three or more persons not of the immediate family are received, kept or provided with food, shelter and care for compensation." Key West Code Section 86-9(2)h. This project will serve as a *rest home* for low income disabled people and low income people with HIV disease who qualify for affordable housing. Pursuant to the Key West Code Section 86-9(2)h[1], the floor area ratio shall govern, not units per acre, for purposes of permitted density and intensity for *rest homes*. Within rest homes, "*individual living units shall be treated as 0.1 equivalent units under the city's building permit allocation ordinance, Section*

[1] Definitions, 86-9. Land Use Classifications (2). Community facilities (h.) Nursing Homes, rest homes and convalescent homes.

*108-1056.…*" Key West Code Section 86-9(2)h. Both the City of Key West Code Section 86-9 and the prior development order approvals for the major development plan contained in this development agreement were previously reviewed, adopted or approved by the Department of Community Affairs (DCA) acting as the state land planning agency. Approval of a similar rest home for AIDS HELP, was upheld by the Circuit Court as both in compliance with the City of Key West Code and consistent with the City of Key West Comprehensive Plan in *Catherine Street Alliance v. City of Key West and AIDS HELP, INC.* Circuit Court Case No. 2007-CA-1443 K, Final Order dated January 8, 2008 (Judge Audlin).

c. The project shall comply with, and only serve clients who meet, affordable housing standards set forth in the City of Key West Comprehensive Plan Housing Element Policy 3-1.1.3 using the Housing Authority of City of Key West Affordability Policy.

d. The City hereby allocates five (5) equivalent single family units (ESFU) of affordable housing unit allocations, as defined herein by Policy 3-1.1.3 of the City of Key West Comprehensive Plan, for this project under the Building Permit Allocation System Zoning in Progress Ordinance, Resolution 09-050.

**6.** **Mutual Cooperation on Community Facilities Project**. This rest home will serve low income disabled people and low income people with HIV disease who qualify for affordable housing. The City agrees to partner and cooperate with the AIDS HELP in a timely manner in providing expedited review of all permits, licenses, approvals,

consents, and provide information for any grant applications necessary or appropriate to fully implement this Agreement.

**7. Development to Comply with Permits and City Comprehensive Plan and Code Provisions.** The development described in and authorized by this Agreement shall be constructed in accordance with all specified permit conditions, and in accordance with all applicable provisions of the adopted Comprehensive Plan and City Code. No certificate of occupancy for an individual phase shall be issued until the City approves all plans for that phase and that AIDS HELP has complied with all conditions established in the conditional use and development plan approval and the building permit issued by the City and other regulatory entities for that phase.

**8. Finding of Consistency.** The City of Key West finds that the development authorized herein is consistent with the Comprehensive Plan and Land Development Regulations as adopted and approved.

**9. Compliance with Permits, Terms, Conditions, Restrictions not Identified.** The failure of this Agreement to address a particular permit requirement, condition, term, or restriction shall not relieve AIDS HELP of the necessity of complying with all applicable laws governing said permitting requirements, conditions, terms, or restrictions.

**10. Duration of Agreement and Renewal.**

**a. Duration of Agreement.** This Development Agreement shall remain in effect for a period of ten (10) years, commencing on the Effective Date set forth below

pursuant to City Code Section 90-684. This Development Agreement may be renewed or extended as provided herein.

**b. Agreement Renewal.** This Agreement may be renewed or extended upon an affirmative vote of the City Council (see 12. b of this document).

**c. Phasing.** The project in shall be completed in a maximum of three phases, together with the corresponding required site work, as set forth in the Modification to the Major Development Plan, ***Attachment B-2***. The first phase shall commence within the first five (5) years of the date of this agreement and certificates of occupancy for all phases shall be completed within ten (10) years of the date of this agreement.

**d. Extension of Deadlines.** Deadlines contained herein shall commence on the Effective Date of this Development Agreement as set forth below, and this Development Agreement shall extend and replace all previous deadlines contained in prior approvals for this proposed development.

**11. <u>Governing Laws</u>**

**a. Controlling Regulations.** For the duration of this Agreement, all approved development on the Property shall comply with and be controlled by this Agreement and by the provisions of the Comprehensive Plan and City Code in existence on the effective date of this Agreement.

**b. State or Federal Laws.** If state or federal laws enacted after the effective date of this Agreement preclude any party's compliance with the terms of this Agreement, this Agreement shall be modified as is necessary to comply with the relevant state or federal laws. However, this Agreement shall not be construed to waive or abrogate any rights that may vest pursuant to common or statutory law.

**12. <u>Amendments, Renewal, Revocation, Termination</u>.** This Agreement may be amended, renewed, or terminated as follows:

**a. Amendments.** As provided in Section 163.3237, Florida Statutes (2008) and City Code Section 90-689, this Agreement may be amended by mutual consent of the parties to this Agreement or by their successors in interest; an instrument in writing signed by the parties or their successors shall accomplish an amendment under this provision.

**b. Renewal.** As provided in Section 163.3229, Florida Statutes (2008) and City Code Section 90-682(a)(2), this Agreement may be extended or renewed by the mutual consent of the parties, subject to the following public hearing requirements in Section 163.3225, Florida Statutes. The City shall conduct at least two (2) public hearings, one of which may be held by the local planning agency at the option of the City. Notice of intent to consider renewal of the Agreement shall be advertised approximately seven (7) days before each public hearing in a newspaper of general circulation and readership in Monroe County, Florida, and shall be mailed to all property owners within 500 feet of the development before the first public hearing. The day, time, and place at which the second public hearing will be held shall be announced at the first

public hearing. The notice shall specify the location of the land subject to the Agreement, the development uses on the Property, the population densities, and the building intensities and height and shall specify a place where a copy of the Agreement can be obtained.

**c. Revocation by City.** Pursuant to Section 163.3235, Florida Statutes (2008) and City Code Section 90-689, this Agreement may be revoked by the City if the City finds, on the basis of competent substantial evidence, that there has been a material failure by AIDS HELP, to comply with the terms of this Agreement.

**d. Termination by Mutual Consent.** This Agreement may also be terminated by mutual consent of the parties.

**13. <u>Breach of Agreement and Cure Provisions.</u>**

**a. Written Notice to AIDS HELP.** If the City concludes there has been a material breach of this Agreement, prior to revoking this Agreement, the City shall serve written notice to AIDS HELP identifying the term or condition the City contends has been materially breached and providing AIDS HELP ninety (90) days from the date of receipt of the notice to cure the breach or negotiate an amendment to the Agreement. Each of the following events, unless caused by fire, storm, flood, other Act of God, or events beyond the control of AIDS HELP shall be considered a material breach of this Agreement: (a) failure to comply with the provisions of this Agreement; or (b) failure to comply with terms and conditions of permits issued by the City of Key West or other regulatory entity for the development authorized by this Agreement.

**b. Written Notice to the City.** If AIDS HELP concludes that there has been a material breach in the terms and conditions of this Agreement, AIDS HELP shall serve written notice to the City, identifying the term or condition that it contends has been materially breached and providing the City ninety (90) days from the date of receipt of the notice to cure the breach or negotiate an amendment to the agreement. The following events, unless caused by fire, storm, flood, other Act of God, or events beyond the control of the City, shall be considered a material breach of this Agreement: (a) failure to comply with the provisions of this Agreement, or (b) failure to timely process any application for site plan approval or other development approval required to be issued by the City for the development authorized by this Agreement.

**c. Option to Terminate.** If a material breach of this Agreement occurs and is not cured within the time periods provided above, the party that provided notice of breach may elect to terminate this Agreement or may seek to enforce this Agreement as provided herein.

**d. Waiver of Breach.** If either party waives a material breach in this Agreement by the other party, such a waiver shall not be deemed a waiver of any subsequent breach.

**14. Notices.** All notices, demands, requests, or replies provided for or permitted by this Agreement, including notification of a change of address, shall be in writing to the addressees identified below, and may be delivered by any one of the following methods: (a) personal delivery; (b) deposit with the United States Postal Service as certified or registered mail, return receipt requested, postage prepaid; or (c) deposit with an overnight

express delivery service with a signed receipt required. Notice shall be effective upon receipt. The addresses of the parties for such notice are as follows:

**TO AIDS HELP:** Executive Director AIDS Help, Inc.
PO Box 4374
Key West, Florida 33041-4374
Phone (305) 296-6196

**TO THE CITY:** City Manager, City of Key West
521 Angela Street
Key West, Florida 33040

**With a copy by regular U.S. Mail to:**

City Attorney, City of Key West
P.O. Box 1409
Key West, Florida 33041

**15.** **Annual Report.** Fourteen days prior to the anniversary date of the Effective Date of this Agreement and each year following until its termination, AIDS HELP shall provide to the City a report pursuant to City Code Section 90-688 (a), (b) and (c) identifying:

(a) the amount of development authorized by this Agreement that has been completed;

(b) the amount of development authorized by this Agreement that remains to be completed; and

(c) any changes to the plan of development that have occurred during the one (1) year period from the Effective Date of this Agreement or from the date of the last annual report.

(d) Pursuant to F.S. § 163.3235 and City Code Section 90-688 (a), (b) and (c), the city shall review land subject to a development agreement at least once every 12 months. Such review shall determine if there has been demonstrated good faith compliance with the terms of the development agreement. The city administrative official shall present the city commission with a report on the status of all activities and achievements pursuant to the development agreement. Prior to the city's review of the status of a development agreement, the developer or property owner shall, within 14 days of the city commission's review of the development agreement, submit to the city a progress report indicating all activities and achievements since the execution of the development agreement and, if applicable, since the previous periodic report. If the city no longer has a record of the present property owner and/or developer, any requests or notices required by this Development Agreement shall be made to the property owner of record as shown on the records of the county property appraiser.

(e) Pursuant to City Code Section 90-687(b) For each annual review conducted during years six (6) through ten (10) of the development agreement, the review shall be incorporated into a written report which shall be submitted to the parties to the agreement and the state land planning agency.

(f) any other annual reporting requirements required by Florida Statutes, Florida Administrative Code or City Code Section 90-688 (a), (b) and (c) or Section 90-687(b) in existence on the effective date of this Development Agreement.

**16.** **Enforcement.** In accordance with Section 163.3243, Florida Statutes (2008) and City Code Section 90-692, any party to this Agreement, any aggrieved or adversely

affected person as defined in Section 163.3215(2), Florida Statutes (2008), or the state land planning agency may file an action for injunctive relief in the circuit court of Monroe County, Florida, to enforce the terms of this Agreement or to challenge the compliance of this Agreement with the provisions of Sections 163.3220-163.3243, Florida Statutes (2008).

**17.** **Binding Effect.** This Agreement shall be binding upon the parties hereto, their successors in interest, heirs, assigns, and personal representatives.

**18.** **Assignment.** This Agreement may not be assigned without the written consent of the parties.

**19.** **Drafting of Agreement.** The parties acknowledge that they jointly participated in the drafting and review of this Agreement and that no term or provision of this Agreement shall be construed in favor of or against either party based solely on the drafting of the Agreement.

**20.** **Severability.** In the event any provision, paragraph or section of this Agreement is determined to be invalid or unenforceable by a court of competent jurisdiction, such determination shall not affect the enforceability or the validity of the remaining provisions of this Agreement.

**21.** **Applicable Law.** This Agreement was drafted and delivered in the State of Florida and shall be construed and enforced in accordance with the laws of the State of Florida. Agreed venue for hearings held by the Division of Administrative Hearings shall

be in Key West, Monroe County, Florida or in the Circuit Court in and for Monroe County, as governed by applicable law.

**22.** **Use of Singular and Plural.** Where the context requires, the singular includes the plural, and the plural includes the singular.

**23.** **Duplicate Originals; Counterparts.** This Agreement may be executed in any number of originals and in counterparts, all of which evidence one agreement. Only one original is required to be produced for any purpose.

**24.** **Headings.** The headings contained in this Agreement are for identification purposes only and shall not be construed to amend, modify, or alter the terms of the Agreement.

**25.** **Entirety of Agreement.** This Agreement incorporates or supersedes all prior negotiations, correspondence, conversations, agreements, or understandings regarding the matters contained herein. The parties agree that there are no commitments, agreements, or understandings concerning the subjects covered by this Agreement that are not contained in or incorporated into this document and, accordingly, no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether written or oral. This Agreement contains the entire and exclusive understanding and agreement among the parties and may not be modified in any manner except by an instrument in writing signed by the parties.

**26.** **Recording and Transmittal.** Pursuant to City Code Section 90-690, not later than 14 days after the execution of a development agreement, the city clerk shall record

the agreement with the clerk of the circuit court in the county. A copy of the recorded development agreement shall be submitted to the state land planning agency within 14 days after the agreement is recorded as provided in F.S. § 163.3239. A development agreement shall not be effective until it is properly recorded in the public records of the county and until 30 days after having been received by the state land planning agency pursuant to F.S. § 163.3239.

**27.** **Date of Agreement.** The date of this Agreement is the date the last party signs and acknowledges this Agreement.

**28.** **Effective Date.** A development agreement shall not be effective until it is properly recorded in the public records of the county and until 30 days after having been received by the state land planning agency pursuant to F.S. § 163.3239. The agreement shall be effective on the date it is deemed approved by the state land planning agency (or on the date any objections by the state land planning agency are deemed waived) under Florida Statutes Chapter 380 and City Code Section 90-690.

**29.** **Successors.** The burdens of the development agreement shall be binding upon and the benefits of the agreement shall inure to all successors in interest to the parties to the agreement as provided in F.S. § 163.3239 and City Code Section 90-691.

**IN WITNESS WHEREOF**, the parties hereto, by their duly authorized representatives, have set their hands and seals on the dates below written.

**AS APPROVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST , FLORIDA ON _____, 2009**

**THE CITY OF KEY WEST**

By _____

Morgan McPherson, MAYOR

Date : _____

ATTEST:

_____

CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

_____

CITY ATTORNEY

**AIDS HELP, INC.**

A Florida Not For Profit Corporation

By _____

Ed Czaplicki, PRESIDENT

Date: _____

STATE OF FLORIDA

COUNTY OF MONROE

The foregoing instrument was acknowledged before me on this _____ day of _____ 2009, by _____ who is personally known to me or who produced _____ as identification, and who did/did not take an oath.

_____

Notary Public, State of Florida At Large

[seal]

## ATTACHMENTS

***Attachment A*** - Legal Description

***Attachment B*** – Conditional Use and Major Development Plan Approval (B-1) and Modification to the Major Development Plan (B-2)

***Attachment C*** - Concurrency Analysis

# Application Form

**DEVELOPMENT AGREEMENT APPLICATION**
**City of Key West Planning Department**
**605-A Simonton Street, Key West, FL 33040**
**(305) 292-8229**

KEY WEST ... 3 2009 MONROE COUNTY

SEAL OF THE CITY OF KEY WEST, FLORIDA

Date Rec'd_____

# Development Agreement

| Development Plan | Conditional Use | Historic District |
|---|---|---|
| Major___X_ | __X___ | Yes_____ |
| Minor_____ | | No __X__ |

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

1) Site Address Block of 3200 Duck Avenue - Poinciana Special Needs Housing Section

2) Name of Applicant AIDS Help, Inc. c/o Trepanier & Associates, Inc.

3) Applicant is: Owner _____ Authorized Representative __X_____
(attached Authorization Form must be completed)

4) Address of Applicant P.O. Box 2155, Key West, FL 33045-2155

5) Applicant's Phone # 305-293-8983 Fax 305-293-8748

6) Name of Owner, if different than above City of Key West

7) Address of Owner P.O. Box 1409, Key West, FL 33041-1409

8) Owner Phone # 305-809-3888 Fax 305-809-3886

9) Zoning District of Parcel: MDR-1 RE#: 00064740-000000

10) Is Subject Property located within the Historic District? Yes _____ No __X___

If Yes: Date of approval ____NA_____ HARC # NA

OR: Date of workshop ___NA_____ Date of expected approval _____

11) Description of Proposed Development and Use:

AIDS Help is proposing a new affordable, rest home for low income disabled people and low income people with HIV disease in the Special Needs Section of the Poinciana Housing Complex. The housing will be affordable in perpetuity. The facility will consist of 50 bedrooms each of which will function essentially as individual living units designed to accommodate low income disabled people and low income people with HIV disease. The design will incorporate wide pedestrian access ways for wheelchairs; extra bike and scooter spaces; and visitor auto parking. The development area will be substantially landscaped, buffered and brought up to current stormwater management requirements. A geo block fire lane has been designed to accommodate emergency vehicle access. Uses such as this are regulated by floor area ratio and not density. ROGO equivalency is based on an allocation of 0.1 unit per bed.

**DEVELOPMENT AGREEMENT APPLICATION**
**City of Key West Planning Department**
**605-A Simonton Street, Key West, FL 33040**
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12) Has subject Property received any variance(s)? Yes _____ No X

If Yes: Date of approval _____ Resolution # _____ Attach resolution(s).

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

Yes X No _____ If Yes, describe and attach relevant documents. Please see attachments

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, Trepanier & Associates, Inc (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.

Sarah R. Davis
Signature of Applicant

Subscribed and sworn to (or affirmed) before me on December 1 2008 (date) by Sarah R. Davis (name of affiant, deponent or other signer). He/She is personally known to me or has presented _____ as identification.

Richard Puente
Notary's Signature and Seal

RICHARD PUENTE
MY COMMISSION # DD524819
EXPIRES: Mar. 2, 2010
(407) 398-0153 Florida Notary Service.com

Richard Puente Name of Acknowledger typed, printed or stamped

Notary Title or Rank DD524819 Commission Number

**DEVELOPMENT AGREEMENT APPLICATION**
**City of Key West Planning Department**
**605-A Simonton Street, Key West, FL 33040**
**(305) 292-8229**

## Development Agreement Submission Requirements

**Sec. 90-680. Required information for application.**

An applicant for a development agreement shall meet the requirements for development plan review set forth in article II of chapter 108. Please above.
(Ord. No. 97-10, § 1(1-3.5), 7-3-1997)

**Sec. 90-682. Content.**

(a) Any development agreement approved under this article shall contain not less than the following requirements as provided in F.S. § 163.3227:

(1) A legal description of the land subject to the development agreement and the identification of all persons having legal or equitable ownership therein. Owner: City of Key West
Lessee: Key West Housing Authority
Sub lessee: AIDS Help, Inc.

(2) The duration of the development agreement, which duration shall not exceed five years, but which may be extended by mutual consent of the city and the developer. AIDS Help is requesting the the duration of the agreement be for 5 years and a 5 year extension.

(3) The development uses permitted on the land, including population densities, building intensities and building heights. Please see Site Data table and associated plans (attached).

(4) All documents required to comply with criteria cited in the land development regulations applicable to the subject project. Please see attached.

(5) A description of the public facilities that will service the development: All public facilities are accessible to the site.

(6) Performance bond: No new off site infrastructure will be required. All onsite infrastructure will be installed at each stage.

(7) A description of any reservation or dedication of land for public purposes. All land involved is public land.

(8) If land is to be conveyed...: No land will be conveyed as part of this proposal.

(9) A description of all development permits approved or needed to be approved for the development of the land, which description shall specifically include but not be limited to the following: Major Development Plan approval, Conditional Use approval, and Building Permits.

(10) A specific finding in the development agreement that the development permitted or proposed is consistent with the city's comprehensive plan: This project is consistent with the Key West Comp Plan as follows:

GOAL 1.1 LAND USE:

OBJECTIVE 1-1.1 PLAN AND DESIGN FOR RESIDENTIAL QUALITY:

The goal of this affordable, special needs housing project is to provide safe, quality, dignified residential space for people living with AIDS. By its very nature it furthers the goals of the Comp. Plan to plan and design residential quality.

POLICY 1-1.1.1 PROVIDE ACCESS TO GOODS AND SERVICES AND PROTECT RESIDENTIAL AREAS FROM THE ADVERSE IMPACVTS OF TRANSITION IN LAND USE:

This project is proposed within the Special Needs Section of Poinciana Housing. An area which has been defined by the City as an area specifically designated as housing for people with special needs. Additionally, the area of development will be substantially landscaped and a native plant buffer will be installed along the property line between this multi-family medium density residential project and the adjacent multi-family medium density residential project.

POLICY 1-1.1.2 PROMOTE ORDERLY LAND USE TRANSITION:

This residential project is surrounded by residential uses of similar density. However, the area of development will be heavily landscaped to enhance the quality of life for the residents of this project, which provides the ancillary benefits of creating a better quality of life for the adjacent properties as well.

POLICY 1-1.1.3 PROMOTE ORDERLY TRANSITION OF RESIDENTIAL DENSITIES:

This multi-family medium density residential project is adjacent to another multi-family medium density residential project. The project will be set back and substantially buffered from the lower density residential across Duck Avenue.

POLICY 1-1.1.4 REFINFORCE AND ENHANCE APPEARANCE OF RESIDENTIAL AREAS AND PROVIDE AMENITIES:

Currently this site is very open with little native landscaping. The project will result in an architecturally interesting residential building and substantially landscaped park-like areas with picnic tables and child friendly openspace. The project also proposes the installation of a new bus stop at the drive way edge. The bus stop will serve the residents of the project who primarily use buses, bikes and scooters for transportation. However the adjacent neighbors will benefit from the additional bus stop as well.

GOAL 1-2 FUTURE LAND USE:

OBJECTIVE 1-2.1 ALLOCATING NEW TOWN RESIDENTIAL DENSITY:

Most residential uses are defined by density, or the number of units per acre of land. However, uses such as we are proposing are define not by density, but by floor area ratio as defined by Key West Code Section 86-9. Thus Density does not apply to this project.

GOAL 1-3 IMPLEMENTING LAND USE GOALS AND OBJECTIVES:

OBJECTIVE 1-3.12 MANAGING BUILDING PERMIT ALLOCATION:

According to the existing Permit Allocation System, uses such as we propose are allocated a 0.1 ROGO equivalency per bed. This project proposes 50 beds and therefore will require 50 x 0.1 ROGO Unit = 5 ROGO Units.

GOAL 2-1: TRAFFIC CIRCULATION

OBJECTIVE 2-1.1 SAFE, CONVIENENT, AND EFFICIENT TREANSPORTATION SYSTEM:

The new Traffic Element of the Comp Plan promotes multi-model transportation. This project also promotes multi-model transportation. The residency requirements for AIDS Help housing is very strict. One of the criterion for residency is an income of no more than $1,160 per month. This low income mostly prohibits automobile ownership. Currently, only 27% of AIDS Help residents own an automobile. The majority use scooters bicycles and public transportation. AIDS Help offers bus passes to all eligible clients and most utilize the service. As a result of the high ridership numbers of AIDS Help clients we are proposing to create a new bus stop on the property. All walkways will be ADA accessible and separated from vehicle traffic.

OBJECTIVE 2-1.4 FACILITIES FOR BICYCLES AND PEDESTRIAN WAYS:

Duck Avenue is one of the main bicycle arterials on the Island. The plan is to have a separated extra wide path running along Poinciana parallel to Duck. The project will connect the interior walk and bike ways with the proposed new connections along Duck.

GOAL 3-1 HOUSING:

OBJECTIVE 3-1.1 PROVIDE AFFORDABLE QUALITY HOUSING AND ADEQUATE SITES FOR LOW AND MODERATE INCOME HOUSING:

Housing studies show we have a need for additional affordable housing. This 50 bed affordable project is being developed on City-owned land according to the goal of the Comp Plan. Additionally, because it is controlled by the City it can be affordable in perpetuity.

**MAJOR DEVELOPMENT PLAN & CONDITIONAL USE APPLICATION**
**City of Key West Planning Department**
**605-A Simonton Street, Key West, FL 33040**
**(305) 292-8229**

## Development Plan Submission Materials

**Sec. 108-227. Title block.**
Please see site plan

**Sec. 108-228. Identification of key persons.**
Please see site plan

**Sec. 108-229. Project description.**
Please see site plan

**Sec. 108-230. Other project information.**
A general outline of the proposed development shall include the following criteria where applicable:

(1) Proposed stages or phases of development: Project will develop in a maximum of 3 phases. Each phase will consist of one wing of the facility and all associated site work.
(2) Target dates for each phase: The first phase will begin upon approval.
(3) Expected date of completion: The entire project shall be completed within 10 years.
(4) A written description of characteristics of the proposed development: AIDS Help, Inc. received Major Development Plan and Conditional Use approval per Resolution No. 07-275 for the above property on 08/07/08. This application seeks to modify the approved site plans. This project will serve disabled people and people with HIV disease who qualify for affordable housing.
(7) Buildings and siting specifications which shall be utilized to reduce damage potential and to comply with federal flood insurance regulations: All new buildings will designed to comply with FEMA regulations.
(8) Protection against encroachment together with proposed mitigation measures to be employed within environmentally sensitive areas: This site has no environmentally sensitive areas.

**Sec. 108-231. Residential developments.**
If the development includes residential units, the following characteristics shall be discussed in the written description: This project is strictly an affordable, rest home for disabled people and people with HIV disease.

(1) A breakdown of the proposed residential units by number of bedrooms: There will be no change to the previous approved use - 50 bedrooms, each with a separate living room and cooking facilities.
(2) Tenure: Long term rental
(3) Structure type, such as single-family, duplex, multiple-family, mobile home: multi-family

**Sec. 108-232. Intergovernmental coordination.**
Coordination per DRC

# MAJOR DEVELOPMENT PLAN & CONDITIONAL USE APPLICATION

**City of Key West Planning Department**
**605-A Simonton Street, Key West, FL 33040**
**(305) 292-8229**

## IV. Site Data Table:

**SITE DATA TABLE**

| Issue | Existing | | | Resolution No. 07-275 Approved | | | Permitted/Required | | | Proposed Modification | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Zoning | Medium Density Residential District - 1 | | | | | | | | | | | | |
| RE Number | 00064740-000000 | | | | | | | | | | | | |
| FEMA Flood Zone | AE 7 | | | | | | | | | | | | |
| Site Size† | 333,839 | sq. ft. | 100% | 333,839 | sq. ft. | 100% | 10,000 | sq. ft. | | No Change | | | Complies |
| FAR† | 0% | 0 | sq. ft. | 8% | 26,418 | sq. ft. | 100% | 333,839 | sq. ft. | 9.6% | 32,322 | sq. ft. | Complies |
| Height† | Unknown | | | 35 ft | | | 35 ft | | | 35 ft | | | Complies |
| Building Coverage† | 40,061 | sq. ft. | 12% | 51,647 | sq. ft. | 15% | 133,536 | sq. ft. | 40% | 55,355 | sq. ft. | 16.5% | Complies |
| Impervious Surface† | 136,874 | sq. ft. | 41% | 164,702 | sq. ft. | 50% | 200,303 | sq. ft. | 60% | 172,930 | sq. ft. | 51.5% | Complies |
| Landscape Area‡ | 116,844 | sq. ft. | 35% | 116,844 | sq. ft. | 35% | 116,844 | sq. ft. | 35% | 116,844 | sq. ft. | 35% | Complies |
| Lot Width † | | | | 538 ft | | | 80 ft | | | No Change | | | Complies |
| Lot Depth † | | | | 350 ft | | | 100 ft | | | No Change | | | Complies |
| Setbacks (ft.):† Front | 30 ft | | | 30 ft | | | 10 ft | | | No Change | | | Complies |
| R. Side | 65 ft | | | 65 ft | | | 15 ft | | | No Change | | | Complies |
| L. Side | 85 ft | | | 85 ft | | | 20 ft | | | 27 ft | | | Complies |
| Rear | ? | | | ? | | | 20 ft | | | No Change | | | Complies |
| Parking Spaces‡ | 84 | | | 97 | | | 12.5 | | | 98 | | | Complies |
| Bicycle/Scooter‡ | Unknown | | | 11 | | | 1.25 | | | 14 scooter, 8 bikes | | | Complies |
| Stormwater Management‡ | Please see attached drainage plan | | | | | | | | | | | | |

† Calculations based on entire parcel.
‡Calculations based on leasehold area.

# AIDS Help, Inc.
## *Housing Needs Assessment as of January 2, 2009*

1. **Number of clients**
   330

2. **Number of clients receiving rental assistance**
   111 receiving assistance from AHI
   - 48 clients receiving CDO (1 in AHI properties)
   - 26 clients receiving long term SHOPWA
   - 18 clients receiving short term SHOPWA
   - 19 clients receiving PRAC

   31 clients receiving Section 8 assistance (12 in AHI properties)
   **142 total number of clients receiving rental assistance**

3. **Number of clients not permanently housed**

| | | | |
|---|---|---|---|
| AIDS: 56 | Upper: 9 | Middle: 7 | Lower: 40 |
| HIV+: 25 | Upper: 9 | Middle: 8 | Lower: 8 |

4. **Number of clients working**

| | | | |
|---|---|---|---|
| AIDS: 63 | Upper: 6 | Middle: 3 | Lower: 54 |
| HIV+: 39 | Upper: 9 | Middle: 10 | Lower: 20 |

5. **Number of clients receiving SSD and/or SSI**

| | | | |
|---|---|---|---|
| AIDS: 153 | Upper: 17 | Middle: 17 | Lower: 119 |
| HIV+: 10 | Upper: 2 | Middle: 0 | Lower: 8 |

6. **Number of families that need 1, 2 or more bedrooms***

   From the AHI properties waitlist:
   - 1 bedroom: 33
   - 2 bedroom: 10
   - 3 bedroom: 1

   From CDO list of clients:
   - 1 bedroom: 25
   - 2 bedroom: 16
   - 3 bedroom: 1

   From SHOPWA list of clients:
   - 1 bedroom: 64
   - 2 bedroom: 9
   - 3 bedroom: 6

**There on 102 clients on the waitlist for permanent housing**

*NOTE: some of these numbers are duplicates and some people are people that don't want to move.

## Analysis

**Number of housing units owned by AIDS Help**

| | | |
|---|---|---|
| McCarthy Rodgers | 5 | 2 one bedroom units, 2 two bedroom, 1 three bedroom |
| Harvey House | 11 | 10 one bedroom units, 1 two bedroom |
| Marthy Place | 13 | 12 one bedroom units, 1 two bedroom |
| Triplex | 3 | 3 one bedroom units |
| | 32 | |

**Number under construction**

| | | |
|---|---|---|
| Poinciana Plaza | 50 | 50 one bedroom units |
| Seebol Place | 14 | 14 one bedroom units |
| | 64 | |

**Total number of units** **96** **91 one bedroom units, 4 two bedroom, 1 three bedroom**

**Number of clients eligible to live in AIDS Help Housing and income less than 150% of poverty** **163 Disabled with AIDS**

**Number who are eligible to live in Affordable Housing** **99 Clients who work**

**142 clients currently receive rental assistance**

**AHI**- AIDS Help, Inc. (On December 20 the corporate name was changed to A.H. of Monroe County, Inc. Two fictitious names( doing business as) were also approved; AIDS Help and AHI

**CDO**- Community Development Office of the City of Key West

**SHOPWA**- State funded Housing Opportunities for People living with AIDS. SHOPWA is a state funded rental assistance program for people living with AIDS

**PRAC**- Project Rental Assistance Contract. This is a program funded by the Department of Housing and Urban Development that provides low income housing for disabled people.

## ATTACHMENTS

***Attachment A*** - Legal Description

***Attachment B*** - Modification to the Major Development Plan

***Attachment C*** - Concurrency Analysis

# Authorization Form

**DEVELOPMENT AGREEMENT APPLICATION**
**City of Key West Planning Department**
**605-A Simonton Street, Key West, FL 33040**
**(305) 292-8229**

## Authorization Form

I, Robert Walker, Executive Director – AIDS Help, Inc., authorize Aids Help, Inc. to pursue necessary development approvals required to construct affordable housing on a portion of the Special Needs section of the Poinciana housing complex (RE# 00064740-000000).

Robert G. Walker

Mr. Robert Walker, Executive Director

Subscribed and sworn to (or affirmed) before me on 5-Nov-2008 (date) by Mr. Robert Walker who is personally known to me or has presented _____ as identification.

Notary's Signature and Seal

KAREN A. FRANK-NOLL
Comm# DD0686934
Expires 6/18/2011
Florida Notary Assn., Inc

_____ Name of Acknowledger printed or stamped

_____ Title or Rank

_____ Commission Number, if any

# Deed

***Attachment A –***

LEGAL DESCRIPTION

MONROE COUNTY
OFFICIAL RECORDS

STATE OF FLORIDA )
)
COUNTY OF MONROE )

FILE #1201395
BK#1655 PG#1771

RCD Sep 29 2000 02:15PM
DANNY L KOLHAGE, CLERK

QUITCLAIM DEED

DEED DOC STAMPS 0.70
09/29/2000 DEP CLK

KNOW ALL MEN BY THESE PRESENTS, that the United States of America, acting by and through the Department of the Navy, (hereinafter called "**GRANTOR**") whose mailing address is Southern Division, Naval Facilities Engineering Command, P.O. Box 190010, 2155 Eagle Drive, North Charleston, SC 29419-9010, for and in consideration of Ten Dollars ($10.00), the performance by the City of Key West (hereinafter called "**GRANTEE**") of the covenants, conditions and restrictions hereinafter contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged does hereby release and quitclaim unto the **GRANTEE** the following described real property, including all rights in abutting streets, in and to the property, and related personal property in County of Monroe, Florida (herein called the "Property") to wit:

7.66 acres of land, more or less, located in Poinciana Housing Complex, Key West, Florida, described in **EXHIBIT "A "**, attached hereto and made a part hereof.

The Property contains Buildings # P-1614, #1615, #1616, #1617, #1618, #1619, #1620, #1621, #1622, #1623, #1624, #1625, and #1626.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said **GRANTEE**, its successors and assigns forever.

Subject, however, to any easements and rights-of-way for roads, highways, pipeline, and public utilities of record, and subject to the following covenants, conditions and restrictions.

The property hereby conveyed has heretofore been declared surplus to the need of the United States of America and is presently under the jurisdiction of the Department of the Navy, is available for disposal pursuant to Section 2905(b)(7) of Public Law 101-510, as amended by Public Law 103-421, Base Closure Community Redevelopment and Homeless Assistance Act of 1994, ("the Act").

A Finding of Suitability to Transfer (FOST) is attached as **EXHIBIT "B"** and an Addendum for Transfer to the Environmental Baseline Survey for Lease (AFTEBSL) is attached as **EXHIBIT "C"** to the Deed; an Environmental Baseline Survey (EBS) report is referenced in the FOST; the FOST, AFTEBSL, and EBS reference environmental conditions on the Property and on other property not subject to this Deed. Those restrictions and environmental conditions described in the FOST, AFTEBSL, and EBS which are applicable to the Property are contained in this Deed. The FOST sets forth the

basis for the **GRANTOR's** determination that the Property is suitable for transfer. The **GRANTEE** is hereby made aware of the notifications contained in the EBS, AFTEBSL, and the FOST.

NOTICE OF HAZARDOUS SUBSTANCE OR PETROLEUM PRODUCTS STORED FOR ONE YEAR OR MORE, KNOWN TO HAVE BEEN RELEASED OR DISPOSED OF.

The information contained in this notice is required under the authority of Section 120(h)(3) of the Comprehensive Environmental Response, Liability, and Compensation Act 9CERCLA or "Superfund") 42 U.S.C. Section 9620(h)(3) and (h) (4).

Petroleum fuel products, paints, and janitorial supplies consistent with home use were stored in quantities below that required for reporting under 40 CFR 373 (EPA Hazardous Substances Reporting Requirements for Selling or Transferring Federal Real Property).

**GRANTEE** hereby acknowledges that Lead-Based Paint has been identified in the Buildings. A Lead Based Paint Disclosure Statement is provided as **EXHIBIT "D"** to this Deed. **GRANTEE** covenants that all lead-based paint hazards will be controlled or abated prior to re-occupancy of the housing units.

**GRANTEE** hereby acknowledges that non-friable asbestos containing material (ACM) has been found on the property. The ACM on the property does not currently pose a threat to human health or the environment. **GRANTEE** shall manage the ACM in accordance with applicable laws and regulations.

**GRANTEE** hereby acknowledges that residual arsenic was detected at two subsurface soil areas and in one groundwater location in excess of the applicable action level. A groundwater monitoring well (MW-01) is installed between P-1618 and P-1619 Truesdale Court. **GRANTEE,** shall provide notification that anyone who disturbs subsurface soils in the area of MW-01 comply with all applicable environmental, health, and safety laws and regulations. No groundwater wells for either irrigation or potable water purposes will be allowed within 75 feet of MW-01 until such time as Florida Department of Environmental Protection (FDEP) approved site closure has occurred. **GRANTOR** will continue to monitor the groundwater at MW-01 quarterly for one year and annually thereafter until such time as three consecutive sampling events yielding less than or equal to 50 ug/l of arsenic has occurred.

The above use restrictions (hereinafter referred to as the "Restrictive Covenant") shall run with the land until removed from the property or applicable portions thereof with both **GRANTOR** and FDEP concurrence. **GRANTEE** and its successors and assigns hereby grant a conservation easement pursuant to and in accordance with the provisions of Section 704.06, Florida Statutes, on the restricted property to FDEP and their respective successors and assigns for the purpose of determining compliance with the Restrictive Covenant. This Restrictive Covenant may be enforced by FDEP by

injunctive relief and other appropriate available remedies in a court of competent jurisdiction.

**GRANTOR** covenants that all remedial action necessary to protect human health and the environment with respect to any known hazardous substance or petroleum product remaining on the property has been taken before the date of transfer.

**GRANTOR** covenants that any additional remedial action found to be necessary after such date of transfer shall be performed by the United States.

**GRANTEE** covenants that the **GRANTOR**, its officers, agents, employees, contractors and subcontractors, in accordance with Section 120(h) of Comprehensive Environmental Response, Compensation and Liability Act, shall have access to the Property in any case in which remedial action or corrective action is found to be necessary after the date of the conveyance of the Property. **GRANTEE** agrees to comply with activities of the **GRANTOR** in furtherance of these covenants and will take no action to interfere with future necessary remedial and investigative actions of the **GRANTOR**. The **GRANTOR** and the **GRANTEE** agree to cooperate in good faith to minimize any conflict between necessary environmental investigation and remediation activities and operations of **GRANTEE**, its successors and assigns, and of any Lessee or any Sublessee of the Property. Any inspection, survey, investigation, or other response or remedial action will to the extent practicable, be coordinated with representatives designated by **GRANTEE** or its successors and assigns.

**GRANTEE** agrees to comply with the provisions of any health or safety plan in effect during the course of any of the above described response or remedial actions. Any inspection, survey, investigation, or other response or remedial action will, to the extent practicable, be coordinated with representatives designated by **GRANTEE** and any lessee. **GRANTEE**, any lessees, or licenses shall have no claim on account of such entries against the United States or any officer, agent, employee, contractor, or subcontractor thereof. In addition, **GRANTEE** shall comply with all applicable Federal, State, and local occupational safety and health regulations.

The **GRANTOR** recognizes its obligations under Section 330 of the National Defense Authorization Act of 1993, as amended (Pub.L. No. 102-484).

**GRANTEE** covenants that in the event that undiscovered buried cultural materials are encountered during construction or disturbance activities, work shall cease in the immediate area until professional archeological evaluation(s) is made in accordance with 36 CFR 800.ll(b)(2) and the State of Florida Historic Preservation Officer (SHPO) is consulted. Should the professional evaluation indicate that the finding is significant, **GRANTEE** will seek professional determination of eligibility for inclusion in the National Register of Historic Places (Register) in accordance with 36 CFR 800.4 (c).

**GRANTEE** covenants for itself, successors, and assigns and every successor in interest to the Property, or any part thereof, that **GRANTEE** and such successors, and assigns

shall not discriminate upon the basis of race, color, religion, disability, or national origin in the use, occupancy, sale, or lease of the Property, or in their employment practices conducted thereon. This covenant shall not apply however, to the lease or rental of a room or rooms within a family dwelling unit, nor shall it apply with respect to Property used primarily for religious purposes. The United States of America shall be deemed a beneficiary of this covenant without regard to whether it remains the owner of any land or interest therein in the locality of the Property hereby conveyed and shall have the sole right to enforce this covenant in any court of competent jurisdiction.

RECOUPMENT COVENANT: **GRANTEE** acknowledges that it has read and understands and agrees to the terms and provisions within the recoupment covenant attached as **EXHIBIT "E"** to this deed.

**GRANTOR** reserves the right to enter and inspect the Property for purposes of confirming compliance with the requirements of "the Act".

The failure of **GRANTOR** to insist in any one or more instances upon complete performance of the conditions subsequent, terms, or covenants of this Deed shall not be construed as a waiver of, or a relinquishment of, **GRANTOR's** right to the future performance of any of those conditions subsequent, terms and covenants and the **GRANTEE's** obligations with respect to such future performance shall continue in full force and effect.

All covenants, conditions subsequent and restrictions contained in this Deed shall run with the land and be binding upon **GRANTEE**, its successors and assigns to all of or any part of the Property. All rights and powers reserved to **GRANTOR** by this Deed may be exercised by any successor in function to **GRANTOR**, and all references to **GRANTOR** shall include any successor in function. All covenants and conditions subsequent contained herein are for the sole benefit of **GRANTOR** with the exception of the Restrictive Covenant, which is also for the benefit of FDEP and may be modified or abrogated by **GRANTOR** as provided by the Act.

**LIST OF EXHIBITS**: The following exhibits are attached hereto and made a part of this deed:

| | |
|---|---|
| EXHIBIT A | PROPERTY Description |
| EXHIBIT B | Finding of Suitability to Transfer |
| EXHIBIT C | Addendum for Transfer to the Environmental Baseline Survey for Lease (AFTEBSL) |
| EXHIBIT D | Lead-Based Paint Hazard Disclosure & Acknowledgement Form |
| EXHIBIT E | Recoupment Covenant |

EFFECTIVE the 13th day of September 2000.

UNITED STATES OF AMERICA
Acting by and through

Name: _____

Title: Director, Real Estate Division

WITNESSES:

_____
Jan Hill
(Print Name)

_____
JONATHAN BARTKU
(Print Name)

CONCURRENCE:

_____
Commanding Officer
Naval Air Station
Key West, Florida

FILE #1201395
BK#1655 PG#1776

STATE OF SOUTH CAROLINA )
)
COUNTY OF CHARLESTON )

BEFORE me the undersigned, Notary Public in and for the said County and State on this day personally appeared E R Nelson JR, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me, that he executed the foregoing instrument for the purposes therein expressed.

Given under my hand and seal of office this 13th day of September 2000.

Gloria L Smith

Notary Public – State of South Carolina
My commission expires: _____

NOTARY PUBLIC FOR SOUTH CAROLINA
My commission expires November 20, 2003

DEPARTMENT OF THE NAVY
THE ASSISTANT SECRETARY OF THE NAVY
(INSTALLATIONS AND ENVIRONMENT)
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

FILE #1201395
BK#1655 PG#1777

August 2, 2000

MEMORANDUM FOR COMMANDER, NAVAL FACILITIES ENGINEERING COMMAND

Subj: CONVEYANCE OF APPROXIMATELY 7.66 ACRES OF BASE CLOSURE PROPERTY AND IMPROVEMENTS LOCATED AT THE POINCIANA HOUSING COMPLEX, NAVAL AIR STATION KEY WEST, FLORIDA, TO THE CITY OF KEY WEST, FLORIDA, FOR HOMELESS ASSISTANCE PURPOSES

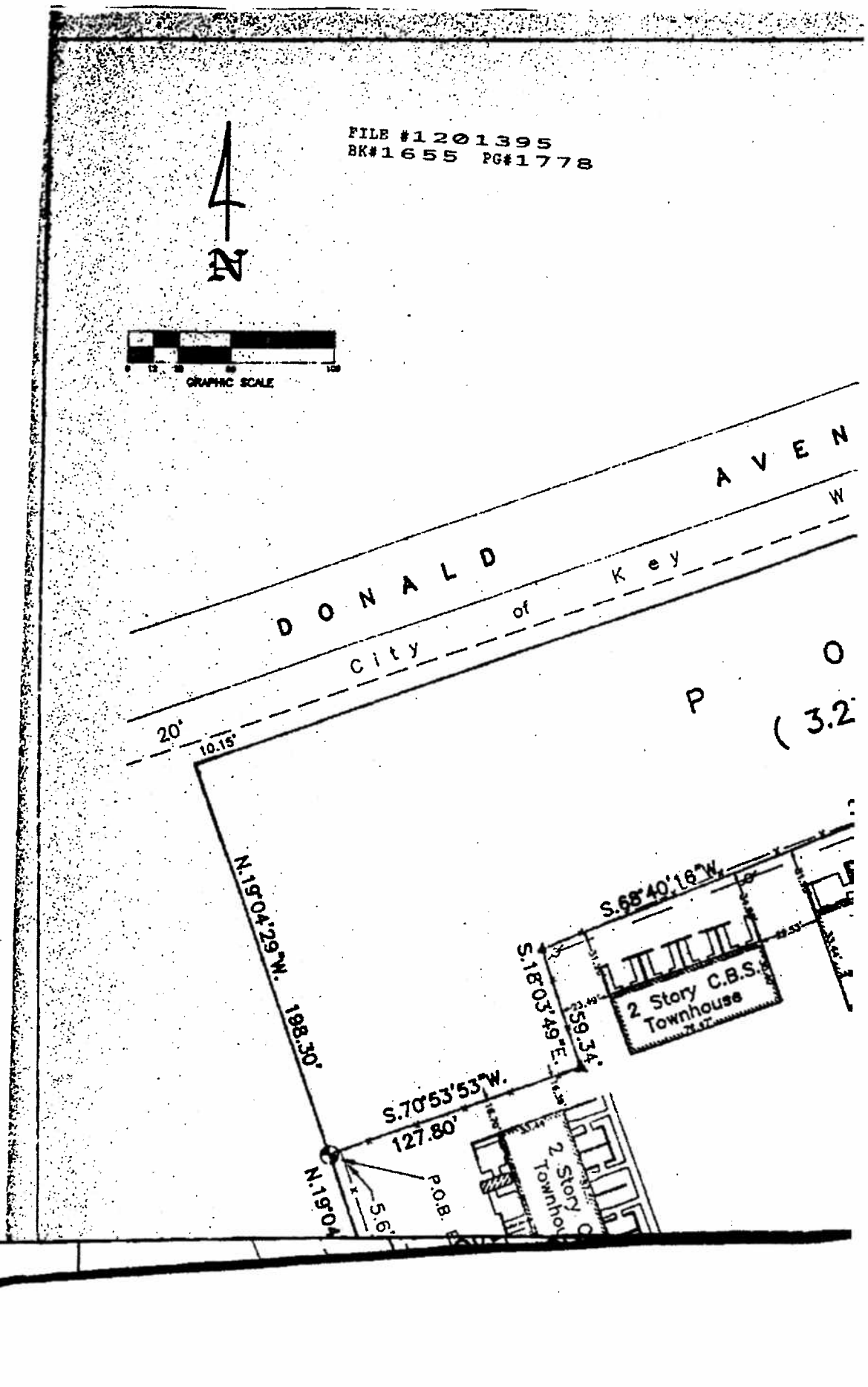
Ref: (a) COMNAVFACENGCOM memo of June 22, 2000

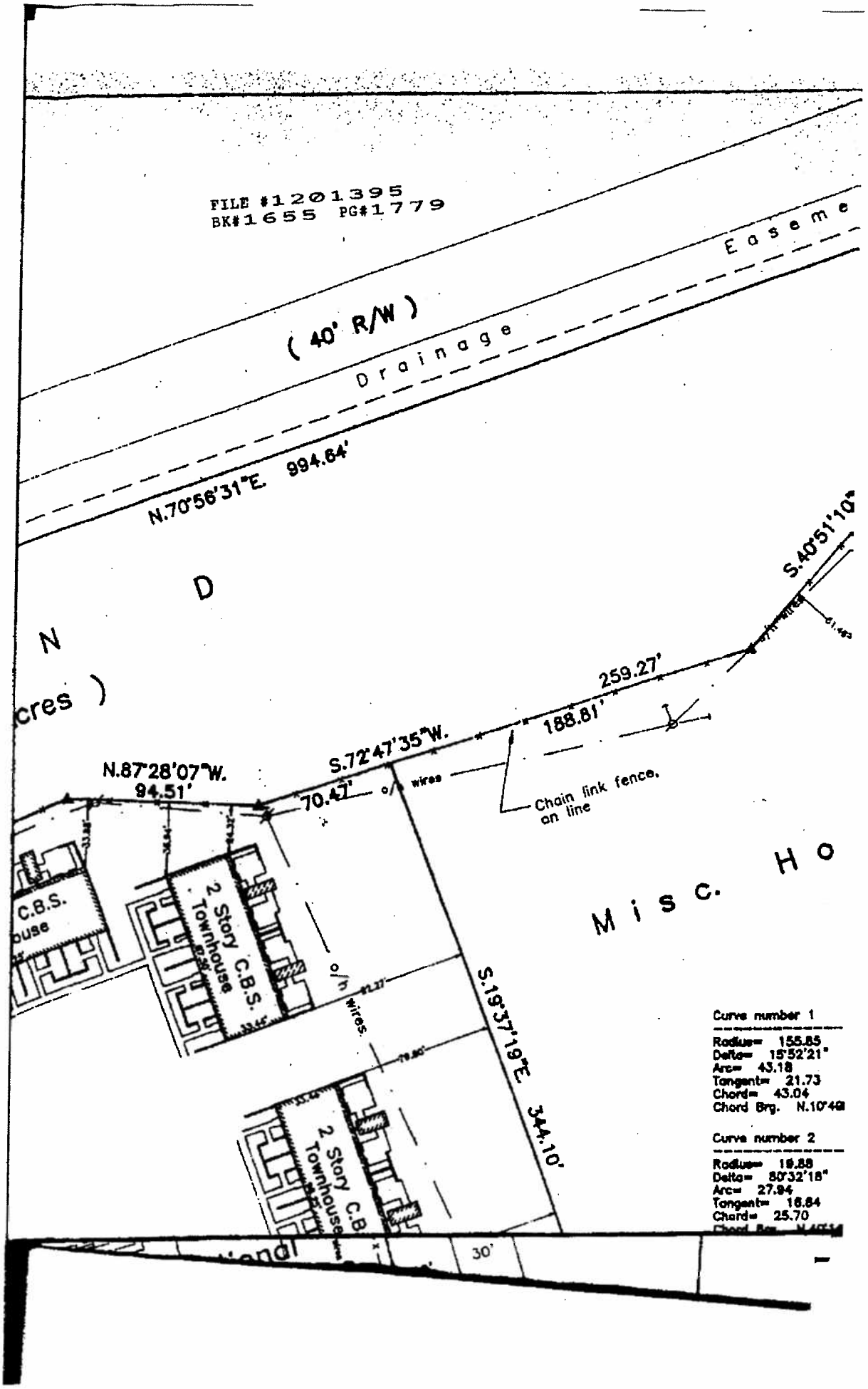
In accordance with reference (a) and pursuant to the authority vested in the Administrator of General Services by the Federal Property and Administrative Services Act of 1949 (FPASA), as amended, and a delegation of that authority to the Secretary of Defense (SECDEF) in accordance with the Defense Base Closure and Realignment Act of 1990, Public Law 101-510, 10 U.S.C. § 2687 note, as amended, and a subsequent delegation of the authority by SECDEF to the Secretary of the Navy, I hereby approve the conveyance, without reimbursement to the Navy, of 7.66 acres of land, more or less, and improvements, at the Poinciana Housing Complex, Naval Air Station Key West, Florida, to the City of Key West, Florida, for homeless assistance purposes as authorized by and pursuant to § 2905(b)(7).

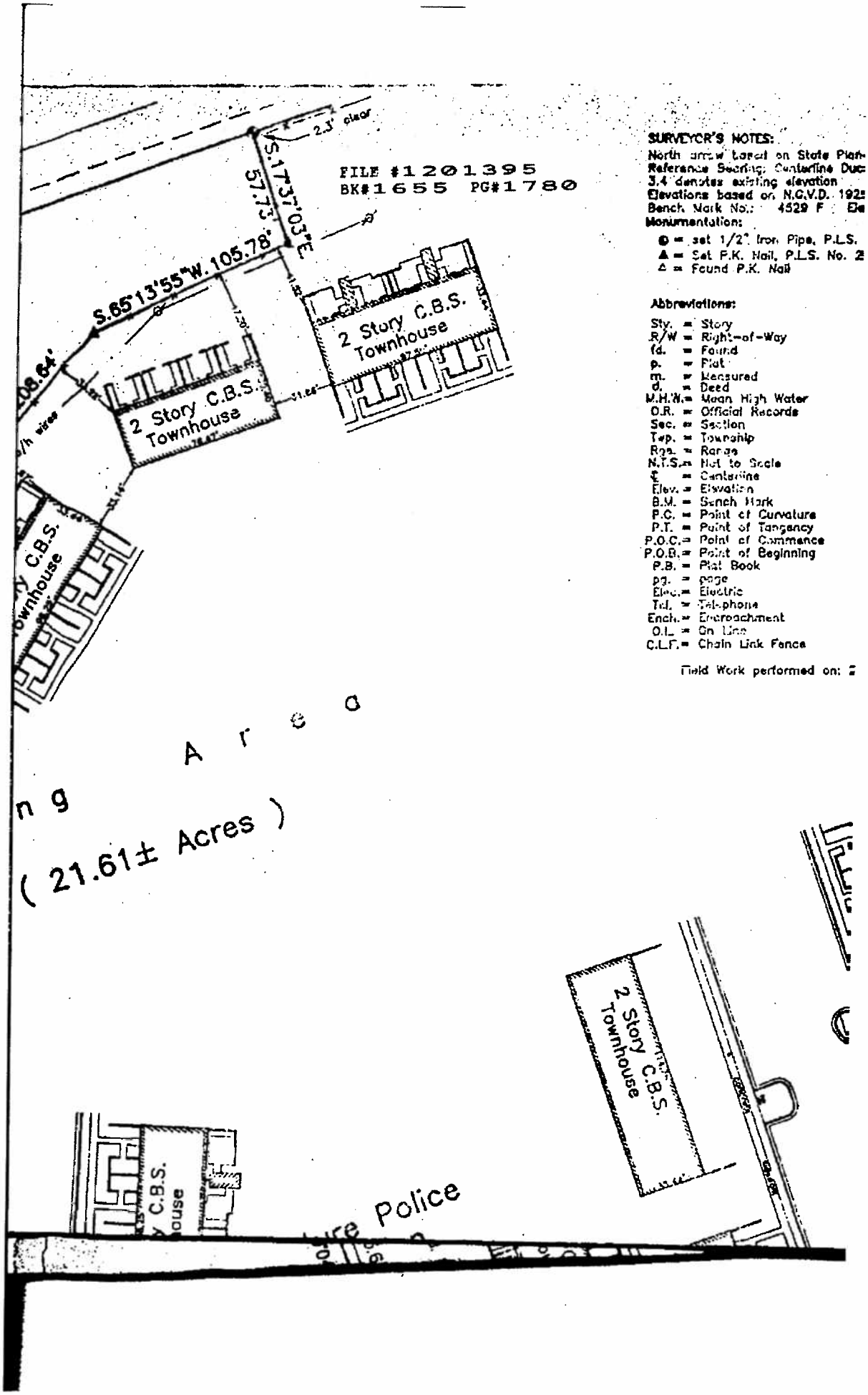
You or your designee are hereby authorized to complete the conveyance of 7.66 acres of land, more or less, and improvements, to the City of Key West, Florida for homeless assistance purposes.

ROBERT B. PIRIE, JR.

FILE #1201395
BK#1655 PG#1778




FILE #1201395
BK#1655 PG#1779
( 40' R/W )
Drainage
Easeme
N.70°56'31"E. 994.64'
S.40°51'10"
D
N
cres )
259.27'
188.81'
S.72°47'35"W.
N.87°28'07"W.
94.51'
70.47'
o/h wires
Chain link fence, on line
C.B.S.
2 Story C.B.S. Townhouse
Misc. Ho
o/h wires
S.19°37'19"E. 344.10'
2 Story C.B.
Townhouse
30'
Curve number 1
Radius= 155.85
Delta= 15°52'21"
Arc= 43.18
Tangent= 21.73
Chord= 43.04
Chord Brg. N.10°48
Curve number 2
Radius= 19.88
Delta= 80°32'18"
Arc= 27.94
Tangent= 16.84
Chord= 25.70




**SURVEYOR'S NOTES:**

North arrow based on State Plan
Reference Bearing: Centerline Duc
3.4' denotes existing elevation
Elevations based on N.G.V.D. 192
Bench Mark No.: 4529 F Ele
Monumentation:

- ● = set 1/2" Iron Pipe, P.L.S.
- ▲ = Set P.K. Nail, P.L.S. No. 2
- △ = Found P.K. Nail

**Abbreviations:**

| | |
|---|---|
| Sty. | = Story |
| R/W | = Right-of-Way |
| fd. | = Found |
| p. | = Plat |
| m. | = Measured |
| d. | = Deed |
| M.H.W. | = Mean High Water |
| O.R. | = Official Records |
| Sec. | = Section |
| Twp. | = Township |
| Rge. | = Range |
| N.T.S. | = Not to Scale |
| ℄ | = Centerline |
| Elev. | = Elevation |
| B.M. | = Bench Mark |
| P.C. | = Point of Curvature |
| P.T. | = Point of Tangency |
| P.O.C. | = Point of Commence |
| P.O.B. | = Point of Beginning |
| P.B. | = Plat Book |
| pg. | = page |
| Elec. | = Electric |
| Tel. | = Telephone |
| Ench. | = Encroachment |
| O.L. | = On Line |
| C.L.F. | = Chain Link Fence |

Field Work performed on: 2

rdinate System
per State Plane Coor. System

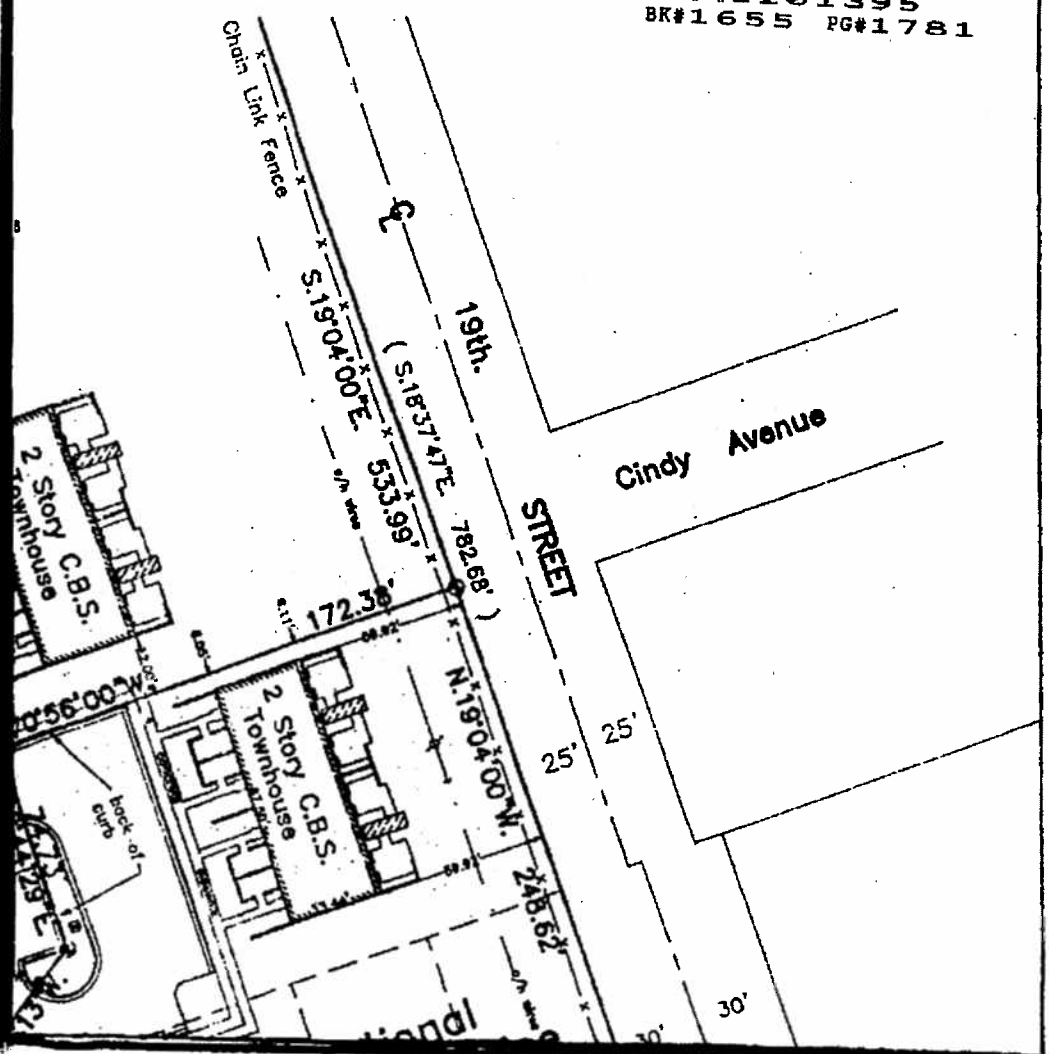
um
: 5.14 (Riviera Canal Bridge)

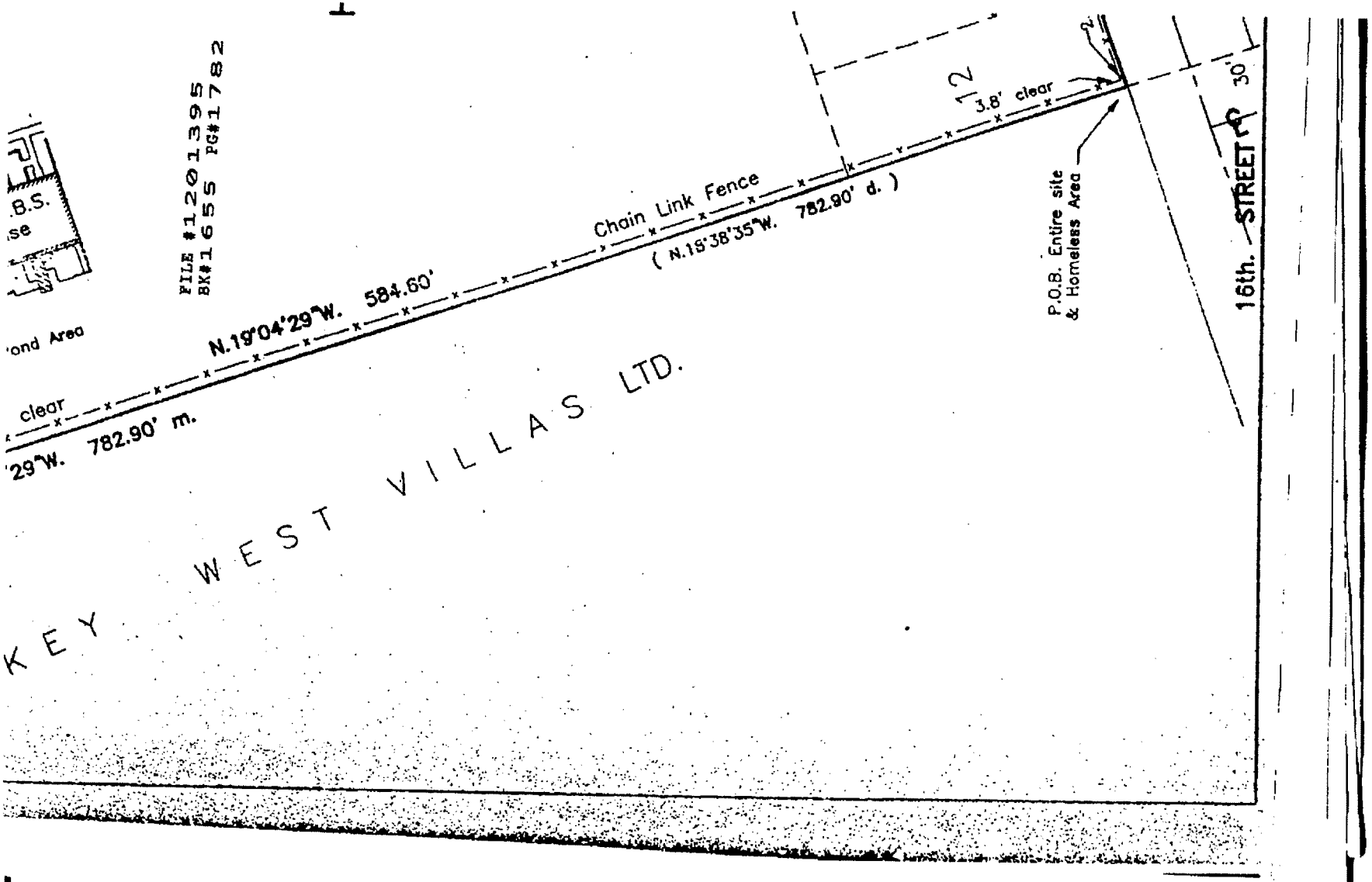
2749

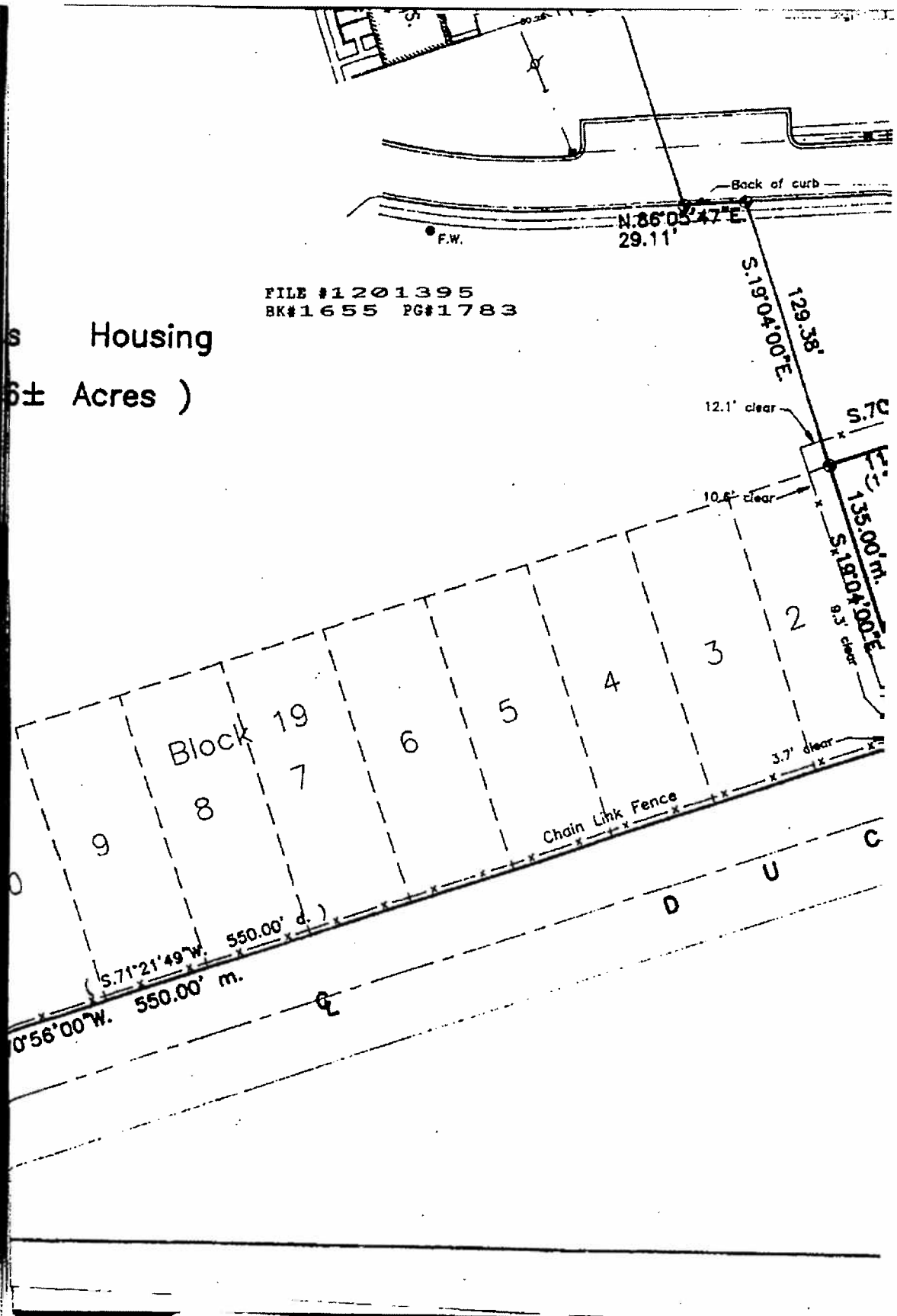
o/h = Overhead
u/g = Underground
F.F.L. = Finish Floor Elevation
L.B. = Low Beam
Rad. = Radial
Irr. = Irregular
conc. = concrete
I.P. = Iron Pipe
I.B. = Iron Bar
℄ = Baseline
C.B. = Concrete Block
C.B.S. = Concrete Block Stucco
cov'd. = Covered
P.I. = Point of Intersection
wd. = Wood
R = Radius
A = Arc (Length)
D = Delta, (Central angle)
w.m. = Water Meter
Bal. = Balcony
Pl. = Planter
Hydt. = Fire Hydrant
F.W. = Fire Well

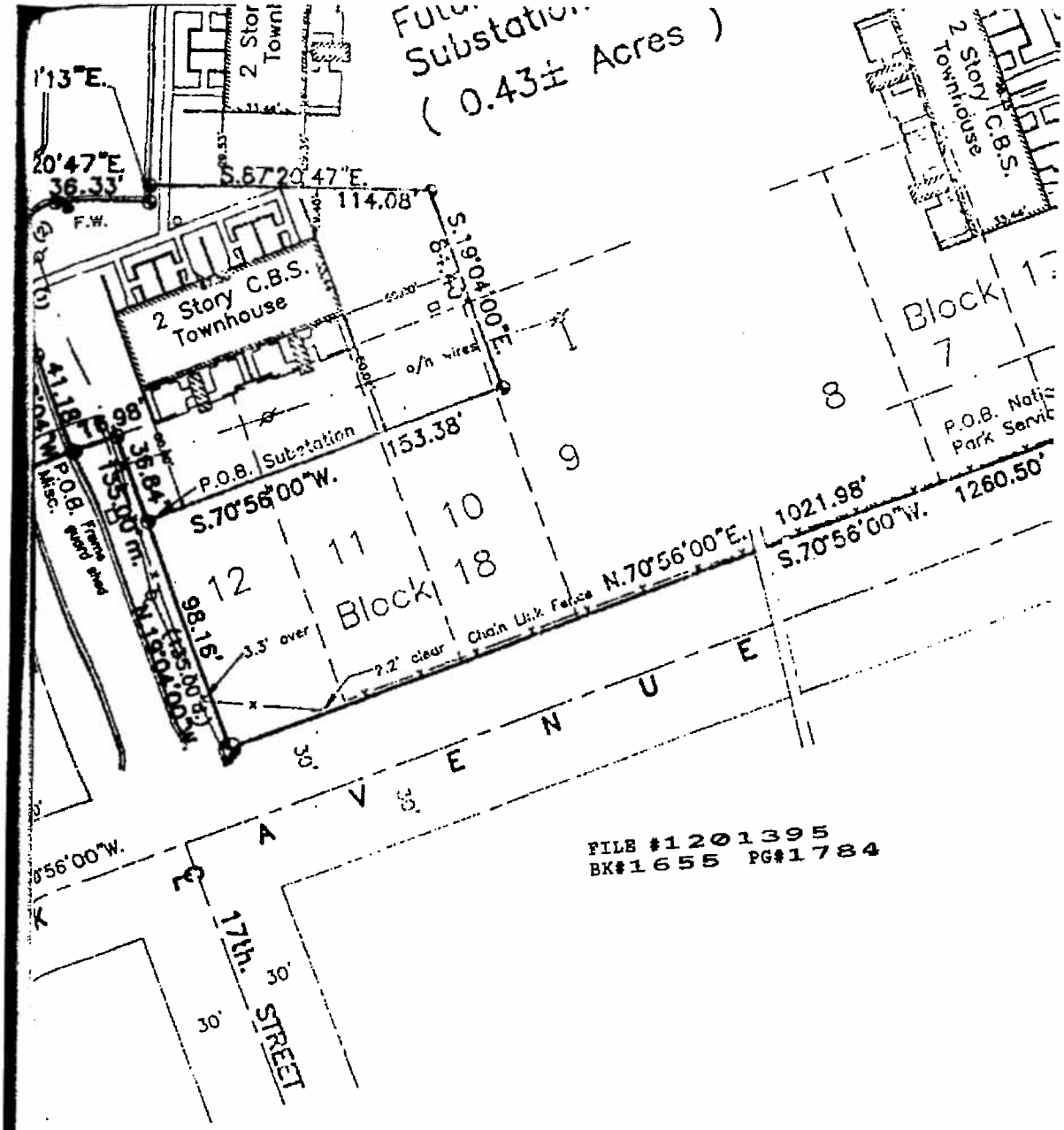
■ = Concrete Utility Pole
= Wood utility Pole
= Wood Utility Pole with Guy wire
● F.W. = Fire Well
● M.W. = Monitoring Well
= Water Meter
= Water Valve
O E. = Electric Manhole
□ E. = Electric Utility Vault
O M.H. = Man Hole
San. = Sanitary
■ C.B. = Storm Water Catch Basin
Inv. = Invert
B.P.Z. = Backflow Prevention Valve
P.V.C. = Polyvinyl Pipe.
R.C.P. = Reniforced Concrete pipe
= Fire Hydrant
= Light
= sign
A/C = Air Conditioner

FILE #1201395
BK#1655 PG#1781




FILE #1201395
BK#1655 PG#1782
.B.S.
se
ond Area
clear
'29'W. 782.90' m.
N.19°04'29"W. 584.60'
Chain Link Fence
( N.19°38'35"W. 782.90' d. )
12
3.8' clear
2'
P.O.B. Entire site
& Homeless Area
30'
16th. STREET
KEY WEST VILLAS LTD.

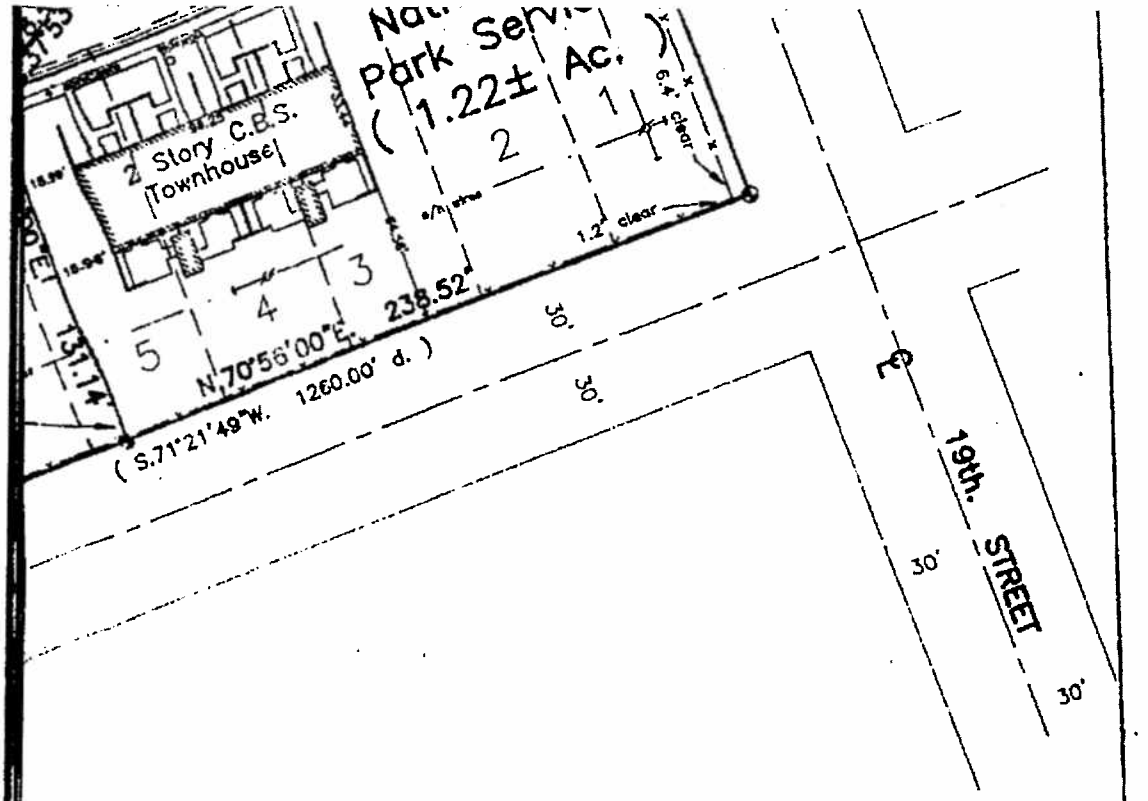

Back of curb
N.86°05'47"E.
29.11'
F.W.
S.19°04'00"E.
129.38'
12.1' clear
10.6' clear
135.00' m.
S.19°04'00"E.
9.3' clear
3.7' clear
Chain Link Fence
Block
19
7
6
5
4
3
2
8
9
S.71°21'49"W. 550.00' d.
0°56'00"W. 550.00' m.
D
U
C
FILE #1201395
BK#1655 PG#1783
Housing
6± Acres )




ATION:
Y CERTIFY that the attached BOUNDARY SURVEY
and correct to the best of my knowledge and belief; that it meets the minimum
l standards adopted by the Florida Board of Land Surveyors, Chapter 61G17-6,
Statute Section 472.0[illegible], and the American Land Title Association, and that
no visible encroachments unless shown hereon.

CK H. HILDEBRANDT
onal Land Surveyor No. 2749
onal Engineer No. 36810
Florida

NOT VALID UNLESS EMBOSSED WITH RAISED SEAL & SIGNATURE




FILE #1201395
BK#1655 PG#1785

Sheet 2 of 2

Poinciana Housing
Duck Avenue, Key West, Fl. 33040

Boundary Survey

Dwn No.: 98-116

Scale: 1"=50'

Date: 2/9/98

Ref. 133-25

Flood panel No. 1709 F

Flood Zone: AE

Dwn. By: F.H.H.

Flood Elev. 7'

REVISIONS AND/OR ADDITIONS

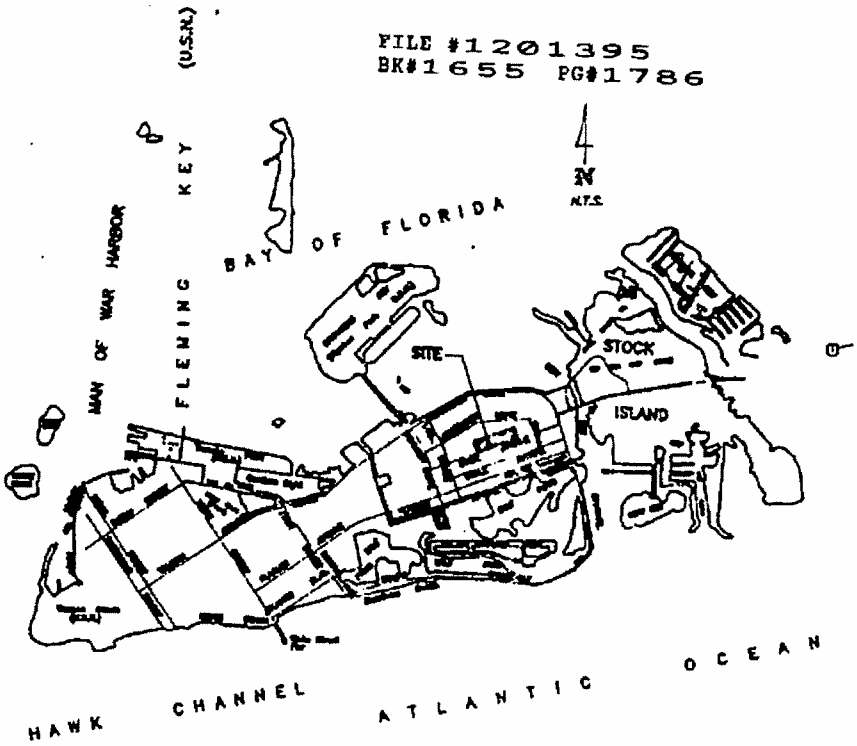
3/18/98: Typos

D:\customer, City of Key West\poin.

FREDERICK H. HILDEBRANDT
ENGINEER PLANNER SURVEYOR

3150 Northside Drive
Suite 101
Key West, Fl. 33040
(305) 293-0466
Fax. (305) 293-0237

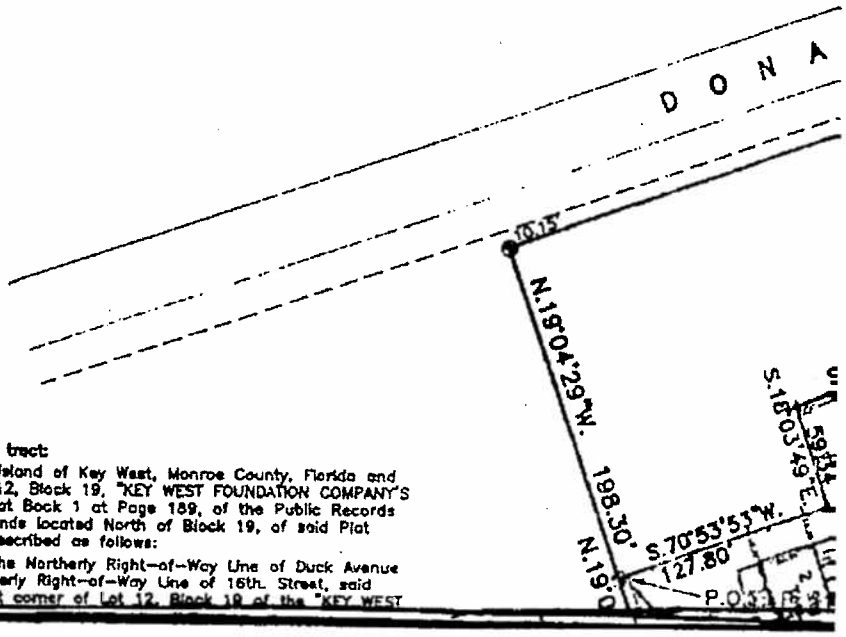
FILE #1201395
BK#1655 PG#1786




**LOCATION MAP**
City of Key West &
Stock Island

**LEGAL DESCRIPTION**
A Tract of land ly
being known as "
FOUNDATION COMP
of the Public Reco
17, of said Plat an
COMMENCE at the
and the extension
point also being th
FOUNDATION COMPA
Northerly Right-of-
to the Southwest c
along the Westerly
to the Point of Be
thence S.70°58'00"
distance of 41.18
of 155.85 feet, a
N.10°49'00"W. and
said curve, an arc
having: a radius of
bearing of N.40°14
arc of said curve,
thence S.87°20'47"
distance of 6.82 fe
thence S.19°04'00"
distance of 153.38

Parcel contains 18




**LEGAL DESCRIPTION, Homeless tract:**
A Tract of land lying on the Island of Key West, Monroe County, Florida and being known as Lots 2 thru 12, Block 19, "KEY WEST FOUNDATION COMPANY'S Plat No. 2, as recorded in Plat Book 1 at Page 189, of the Public Records Monroe County, Florida and lands located North of Block 19, of said Plat and being more particularly described as follows:

BEGIN at the intersection of the Northerly Right-of-Way Line of Duck Avenue and the extension of the Easterly Right-of-Way Line of 16th. Street, said point also being the Southwest corner of Lot 12, Block 19 of the "KEY WEST

**ubdivisions:**
of Key West, Monroe County, Florida and
9 thru 12, Block 18, "KEY WEST
as recorded in Plat Book 1 at Page 189,
, Florida and lands located North of Block
ticularly described as follows:
Northerly Right-of-Way Line of Duck Avenue
ght-of-Way Line of 16th. Street, said
r of Lot 12, Block 19 of the "KEY WEST
thence N.70°56'00"E., and along the said
Avenue a distance of 600.00 feet
12, Block 18; thence N.19°04'00"W., and
12, Block 18 a distance of 98.18 feet
19°04'00"W., a distance of 36.84 feet;
18.98 feet; thence N.19°18'04"W., a
a curve to the right, having: a radius
5°52'21", a chord bearing of
43.04 feet; thence along the arc of
eet to a point on a curve to the right,
ntral angle of 80°32'18", a chord
d length of 25.70 feet; thence along the
27.94 feet to the end of said curve;
7.33 feet; thence N.02°39'13"E., a
0'47"E., a distance of 114.08 feet;
4.40 feet; thence S.70°58'00"W., a
of Beginning.

0.43 acres, more or less.

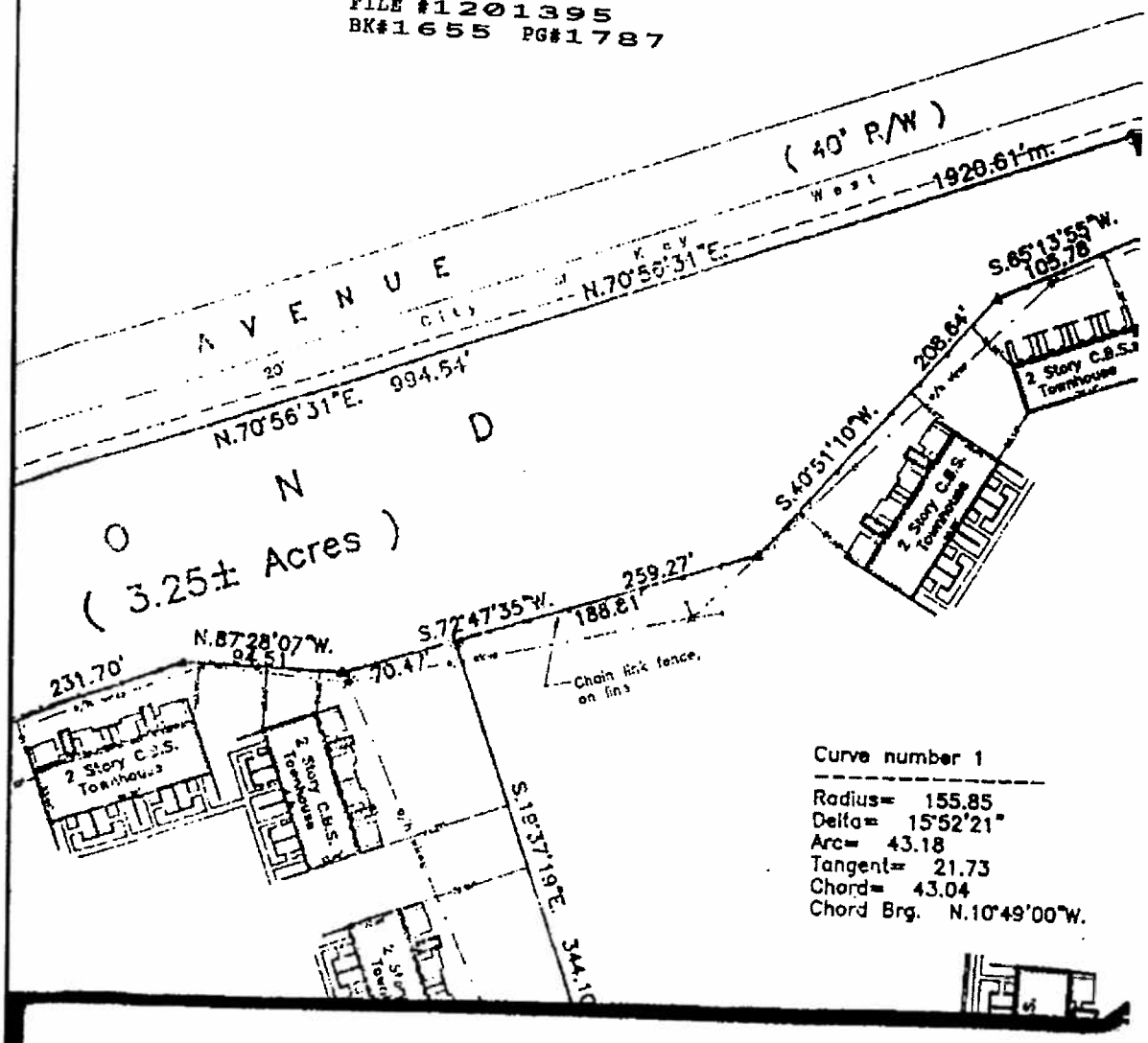
**LEGAL DESCRIPTION, National Park Service:**

A Tract of land lying on the Island of Key West, Monroe County, Florida and being known as Lots 1 thru 4, and a portion of Lot 5 Block 17, "KEY WEST FOUNDATION COMPANY'S Plat No. 2, as recorded in Plat Book 1 at Page 189, of the Public Records Monroe County, Florida and lands located North of Block 17, of said Plat and being more particularly described as follows:

COMMENCE at the intersection of the Northerly Right-of-Way Line of Duck Avenue and the extension of the Easterly Right-of-Way Line of 16th. Street, said point also being the Southeast corner of Lot 12, Block 19 of the "KEY WEST FOUNDATION COMPANY'S Plat No. 2, thence N.70°56'00"E., and along the said Northerly Right-of-Way Line of Duck Avenue a distance of 1881.98 feet to the Point of Beginning; thence N.70°56'00"E., and continuing along the said Northerly Right-of-Way Line of Duck Avenue a distance of 238.52 feet to the Westerly Right-of-Way Line of 19th. Street; thence N.19°04'00"W., and along the said Westerly Right-of-Way Line of 19th. Street a distance of 248.82 feet; thence S.70°56'00"W., a distance of 172.38 feet; thence S.18°44'29"E., a distance of 74.73 feet; thence S.37°53'13"W., a distance of 78.10 feet; thence S.19°04'00"E., a distance of 131.14 feet to the said Northerly Right-of-Way Line of Duck Avenue and the Point of Beginning.

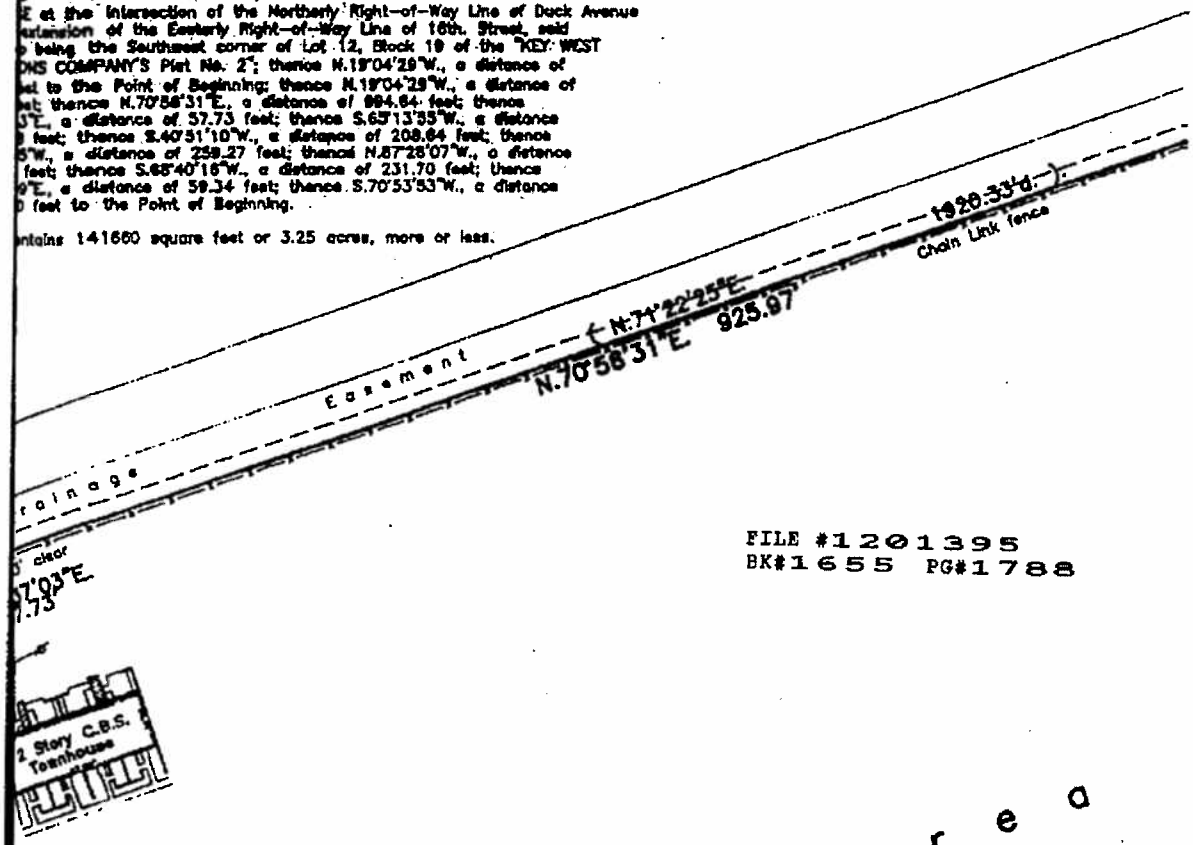
Parcel contains 52969 square feet or 1.22 acres, more or less.

FILE #1201395
BK#1655 PG#1787



ESCRIPTION, Pond:
f land lying on the Island of Key West, Monroe County, Florida
more particularly described as follows:
E at the Intersection of the Northerly Right-of-Way Line of Duck Avenue
xtension of the Easterly Right-of-Way Line of 16th. Street, said
being the Southwest corner of Lot 12, Block 19 of the "KEY WEST
NS COMPANY'S Plat No. 2"; thence N.19°04'29"W., a distance of
et to the Point of Beginning; thence N.19°04'29"W., a distance of
et; thence N.70°58'31"E., a distance of 994.64 feet; thence
3"E., a distance of 57.73 feet; thence S.65°13'35"W., a distance
feet; thence S.40°51'10"W., a distance of 208.64 feet; thence
5"W., a distance of 259.27 feet; thence N.87°28'07"W., a distance
feet; thence S.68°40'18"W., a distance of 231.70 feet; thence
9"E., a distance of 59.34 feet; thence S.70°53'53"W., a distance
feet to the Point of Beginning.

ntains 141660 square feet or 3.25 acres, more or less.



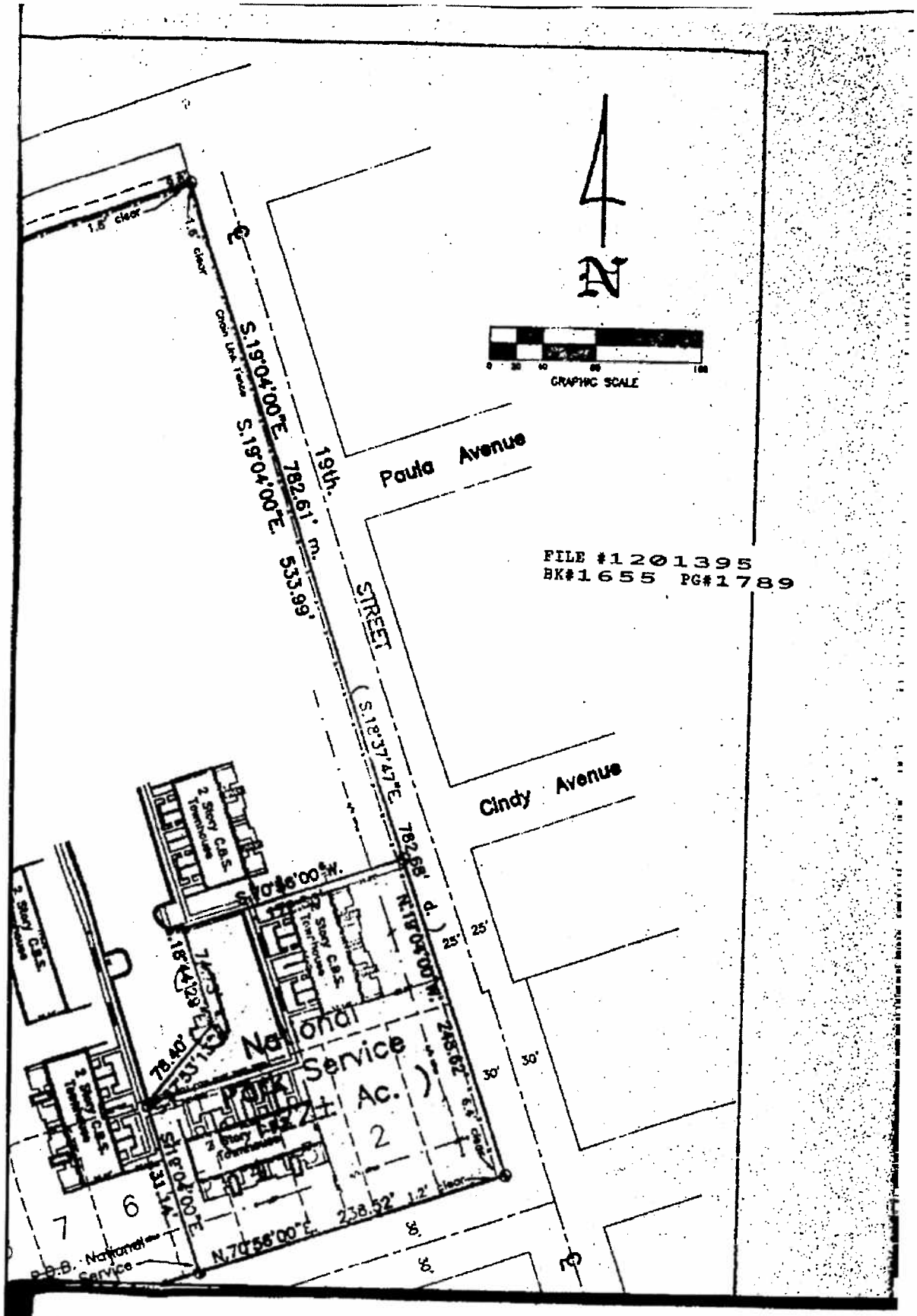

FILE #1201395
BK#1655 PG#1788

Misc. Housing Area
( 21.61± Acres )

rve number 2

dius= 19.88
lta= 80°32'18"
c= 27.94
ngent= 16.84
ord= 25.70
ord Brg. N.40°14'27"E.

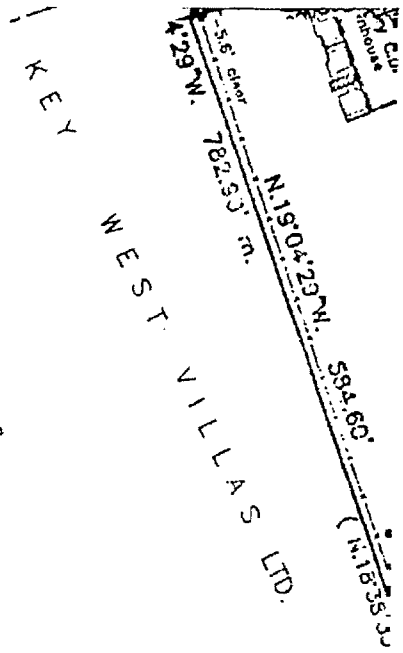
Block




FILE #1201395
BK#1655 PG#1789

FOUNDATIONS COMPANY'S Plat No. 2"; thence N.19°04'29"W., a distance of 584.60 feet; thence N.70°53'53"E., a distance of 127.80 feet; thence N.18°03'49"W., a distance of 59.34 feet; thence N.68°40'16"E., a distance of 231.70 feet; thence S.87°28'07"E., a distance of 94.51 feet; thence N.72°47'35"E., a distance of 70.47 feet; thence S.19°37'19"E., a distance of 344.10 feet; thence N.86°05'47"E., a distance of 29.11 feet; thence S.19°04'00"E., a distance of 129.38 feet to the Northeast corner of Lot 2, Block 19, of "KEY WEST FOUNDATION COMPANY'S Plat No. 2"; thence S.19°04'00"E., a distance of 135.00 feet to the said Northerly Right-of-Way Line of Duck Avenue; thence S.70°56'00"W., and along the said Northerly Right-of-Way Line of Duck Avenue a distance of 550.00 feet to the Point of Beginning.

Parcel contains 333839 square feet or 7.66 acres, more or less.




**LEGAL DESCRIPTION, Misc. Housing Area:**

A Tract of land lying on the Island of Key West, Monroe County, Florida and being known as a portion of Lots 1 thru 5, Lots 8 thru 12, Block 17, and Lots 1 thru 8, a portion of Lots 9 thru 12, Block 18 and land lying North od said Blocks and being more particularly described as follows:

COMMENCE at the Intersection of the Northerly Right-of-Way Line of Duck Avenue and the extension of the Easterly Right-of-Way Line of 16th. Street, said point also being the Southwest corner of Lot 12, Block 19 of the "KEY WEST FOUNDATION COMPANY'S Plat No. 2; thence N.70°56'00"E., and along the said Northerly Right-of-Way Line of Duck Avenue a distance of 660.00 feet to the Southwest corner of said Lot 12, Block 18; thence N.19°04'00"W., and along the Westerly line of said Lot 12, Block 18 a distance of 135.00 feet; thence S.70°56'00"W., a distance of 16.98 feet to the Point of Beginning.; thence S.70°56'00"W., a distance of 93.02 feet; thence N.19°04'00"W., a distance of 129.38 feet; thence S.86°05'47"W., a distance of 29.11 feet; thence N.19°37'19"W., a distance of 344.10 feet; thence N.72°47'35"E., a distance of 188.81 feet; thence N.40°51'10"E., a distance of 208.64 feet; thence N.65°13'55"E., a distance of 105.78 feet; thence N.17°37'03"W., a distance of 57.73 feet; thence N.70°58'31"E., and along the Northerly Boundary of Poinciana Housing a distance of 923.97 feet to the Westerly Right-of-Way Line of 19th. Street; thence S.19°04'00"E., and along the said Westerly Right-of-Way Line of 19th. Street a distance of 533.99 feet; thence S.70°56'00"W., a distance of 172.38 feet; thence S.18°44'29"E., a distance of 74.73 feet; thence S.37°53'13"W., a distance of 78.40 feet; thence S.19°04'00"E., a distance of 131.14 feet to the Northerly Right-of-Way Line of Duck Avenue; thence S.70°56'00"W., and along the said Northerly Right-of-Way Line of Duck Avenue a distance of 1021.99 feet; thence N.19°04'00"W., and along the said Westerly line of Lot 12, Block 18 a distance of 98.16 feet; thence N.70°56'00"E., a distance of 163.38 feet; thence N.19°04'00"W., a distance of 84.40 feet; thence N.87°20'47"W., a distance of 114.08 feet; thence S.02°39'13"W., a distance of 6.62 feet; thence N.87°20'47"W., a distance of 38.33 feet to a point on a curve to the left, having: a radius of 19.68 feet, a central angle of 80°32'18", a chord bearing of S.40°14'27"W. and a chord length of 25.70 feet; thence along the arc of said curve, an arc length of 27.94 feet to a point on a curve to the left, having: a radius of 155.85 feet, a central angle of 15°52'21", a chord bearing of S.10°49'00"E. and a chord length of 43.04 feet; thence along the arc of said curve, an arc length of 43.18 feet to the end of said curve; thence S.19°18'04"E., a distance of 41.18 feet to the Point of Beginning.

Parcel contains 941316 square feet or 21.61 acres, more or less.

P.O.B. Entir-
& Homeless

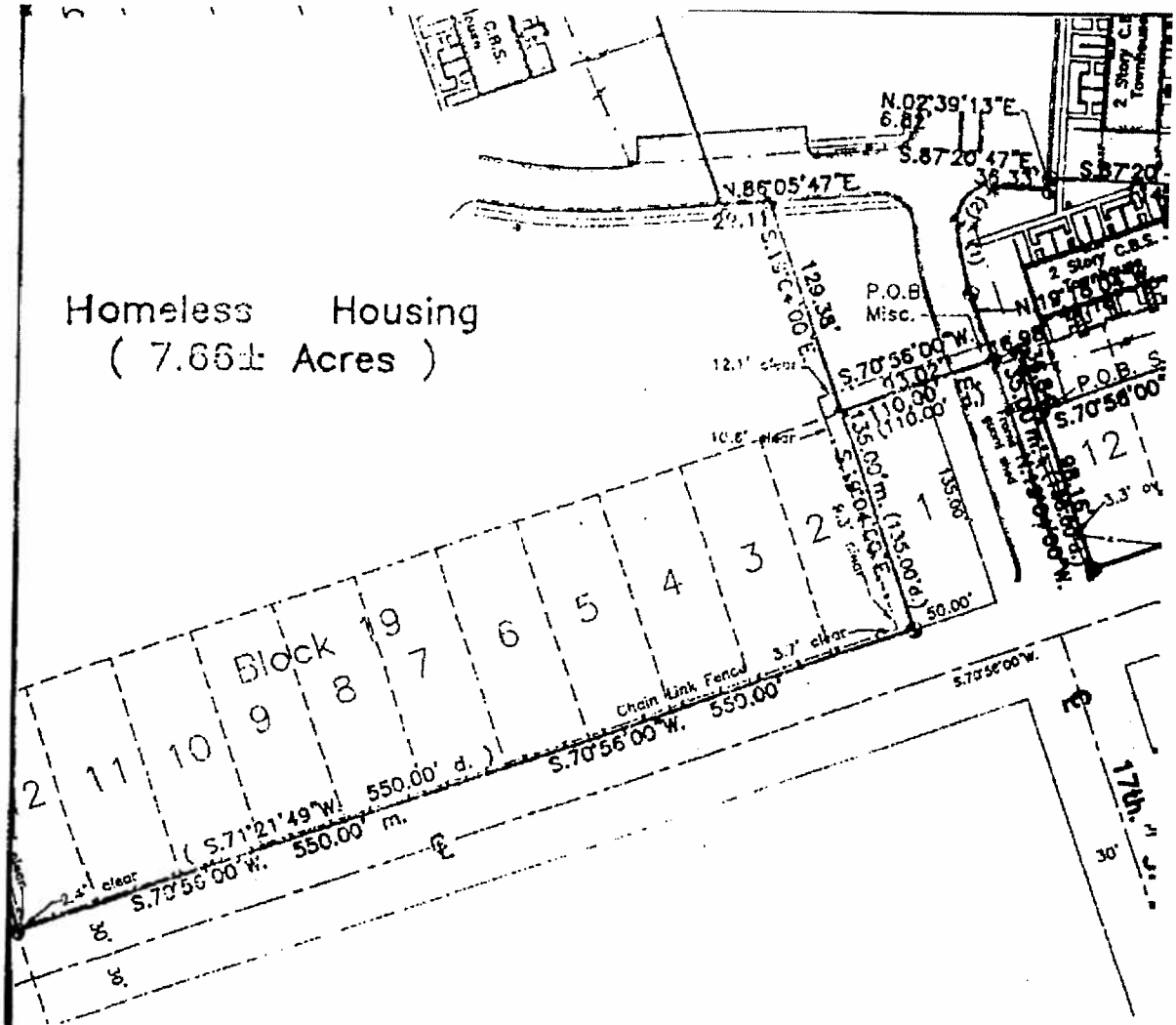
FILE #1201395
BK#1655 PG#1790

**CERTIFICATION:**

I HEREBY CERTIFY that the attached BOUNDARY SURVEY is true and correct to the best of my knowledge and belief; that it meets the minimum technical standards adopted by the Florida Board of Land Surveyors, Chapter 61G17-6, Florida Statute Section 472.027, and the American Land Title Association, and that there are no visible encroachments unless shown hereon.

FREDERICK H. HILDEBRANDT
Professional Land Surveyor No. 2749
Professional Engineer No. 36810
State of Florida

NOT VALID UNLESS EMBOSSED WITH RAISED SEAL & SIGNATURE




FILE #1201395
BK#1655 PG#1791

LEGAL DE
A tract o
Florida, m
Beginning
with the
16th. Stre
the Weste
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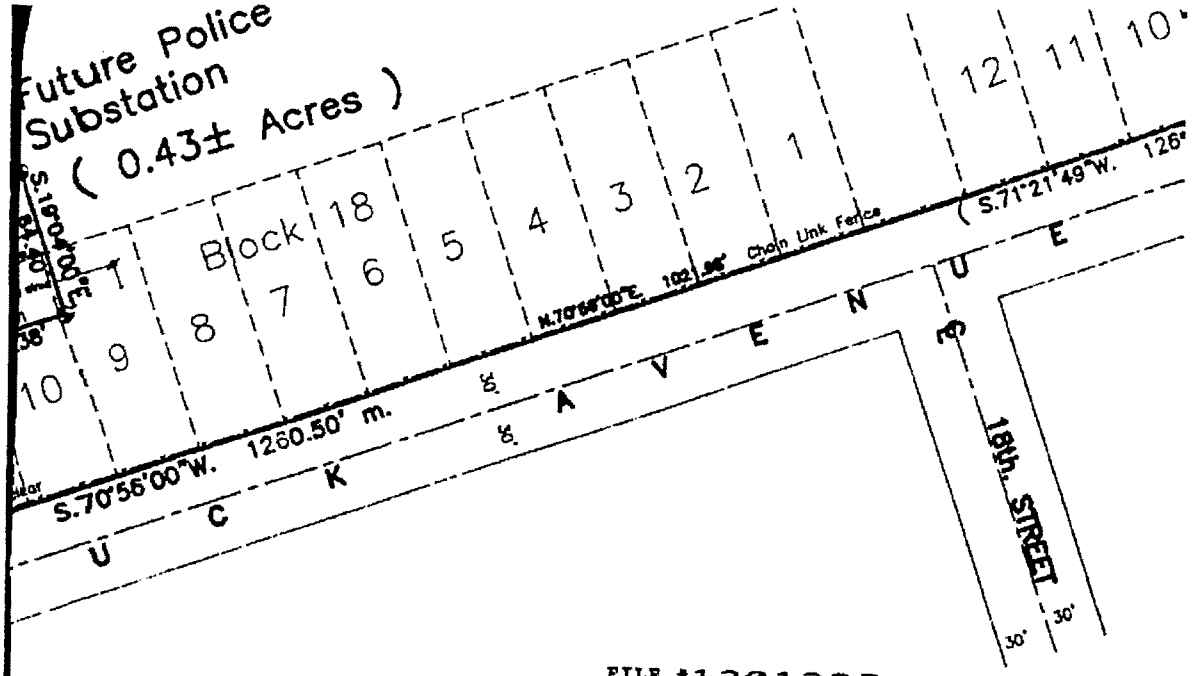
the Point




FILE #1201395
BK#1655 PG#1792

o/h = Overhead
u/g = Undergrou
F.F.L. = Finish Flo
L.B. = Low Beam
Rad. = Radial
Irr. = Irregular
conc. = concrete
I.P. = Iron Pipe
I.B. = Iron Bar
℄ = Baseline
C.B. = Concrete
C.B.S. = Concrete
cov'd. = Covered
P.I. = Point of I-
wd. = Wood
R = Radius
A = Arc (Leng
D = Delta, (Ce
w.m. = Water Met
Bal. = Balcony
Pl. = Planter
Hydt. = Fire Hydr
F.W. = Fire Well

N:(as supplied by client):
ying and being in the City of Key West, County of Monroe, State of
ticularly described as follows:
oint formed by the intersection of the Northerly Line of Duck Avenue
Line of 16th. Street; thence N 18°38'35" W along the Easterly Line of
9 feet to a point; thence N 71°22'25" E 1920.33 feet to a point in
of 19th. Street; the S 18°37'47" E, 782.68 feet to a point in the
Duck Avenue; thence S 71°21'49" W along the Northerly Line of Duck
t to a point in the Easterly Line of 17th. Street, said point being the
ner of Lot 12, Block 18, as shown on Key West Foundation Company
recorded in Plat Book 1, page 189, Monroe County, Florida; thence
the Easterly line of 17th. Street and the Westerly Line of Lot 12, 135
eing the Northwesterly corner of said Lot 12; thence S 71° 21'49" W
Duck Avenue, 110 feet to a point being the Northeasterly corner of Lot
s shown on said Key West Foundation Company Plat No. 2, thence
the Easterly line of said Lot 2, parallel with and distant 50 feet from
of 17th. Street, 135 feet to a point in the Northerly line of Duck
outh 71°21'49' W along the Northerly Line of Duck Avenue, 550 feet to
e of beginning. Containing 35.410 Acres.

Poinc
Duck
Boun
Scale:
Date: 2
3/18/
D\custo

Park

19th. STREET

30'

30'

SURVEYOR'S NOTES:

North arrow based on State Plane Coordinate System
Reference Bearing: Centerline Duck Ave. per State Plane Coor,. System
3.4 denotes existing elevation
Elevations based on N.G.V.D. 1929 Datum
Bench Mark No.: 4529 F Elevation: 5.14 (Riviera Canal Bridge)

Monumentation:
● = Set 1/2" Iron Pipe, P.L.S. No. 2749
▲ = Set P.K. Nail, P.L.S. No. 2749
△ = Found P.K. Nail

SEE SHEET 2 FOR DETAIL INFORMATION
AREA OF SITE IS 34.1707± ACRES

FILE #1201395
BK#1655 PG#1793

**Abbreviations:**

Sty. = Story
R/W = Right-of-Way
fd. = Found
p. = Plat
m. = Measured
d. = Deed
M.H.W.= Mean High Water
O.R. = Official Records
Sec. = Section
Twp. = Township
Rge. = Range
N.T.S.= Not to Scale
℄ = Centerline
Elev. = Elevation
B.M. = Bench Mark
P.C. = Point of Curvature
P.T. = Point of Tangency
P.O.C.= Point of Commence
P.O.B.= Point of Beginning
P.B. = Plat Book
pg. = page
Elec.= Electric
Tel. = Telephone
Ench.= Encroachment
O.L. = On Line
C.L.F.= Chain Link Fence

■ = Concrete Utility Pole
Ø = Wood utility Pole
←Ø = Wood Utility Pole with Guy wire
● F.W.= Fire Well
⊕ M.W= Monitoring Well
⬭ = Water Meter
⋈ = Water Valve
○ E. = Electric Manhole
□ E. = Electric Utility Vault
○ M.H. = Man Hole
San.= Sanitary
⊠ C.B.= Storm Water Catch Basin
Inv. = Invert
B.P.Z.= Backflow Prevention Valve
P.V.C.= Polyvinyl Pipe
R.C.P.= Reniforced Concrete pipe
+ = Fire Hydrant
✱ = Light
⊙ = sign
A/C = Air Conditioner

Field Work performed on: 2/4/98

Sheet 1 of 2

ng
ey West, Fl. 33040

| | | |
|---|---|---|
| | | Dwn No.: 98-116 |
| Ref. 133-25 | Flood panel No. 1709 F | Dwn. By: F.H.H. |
| | Flood Zone: AE | Flood Elev. 7' |

IONS AND/OR ADDITIONS

y West\poln.

**FREDERICK H. HILDEBRANDT**
**ENGINEER PLANNER SURVEYOR**

3150 Northside Drive
Suite 101
Key West, Fl. 33040
(305) 293-0466
Fax. (305) 293-0237

EXHIBIT "A"

# Site Plans

# Poinciana Royale

TOTAL PROPOSED

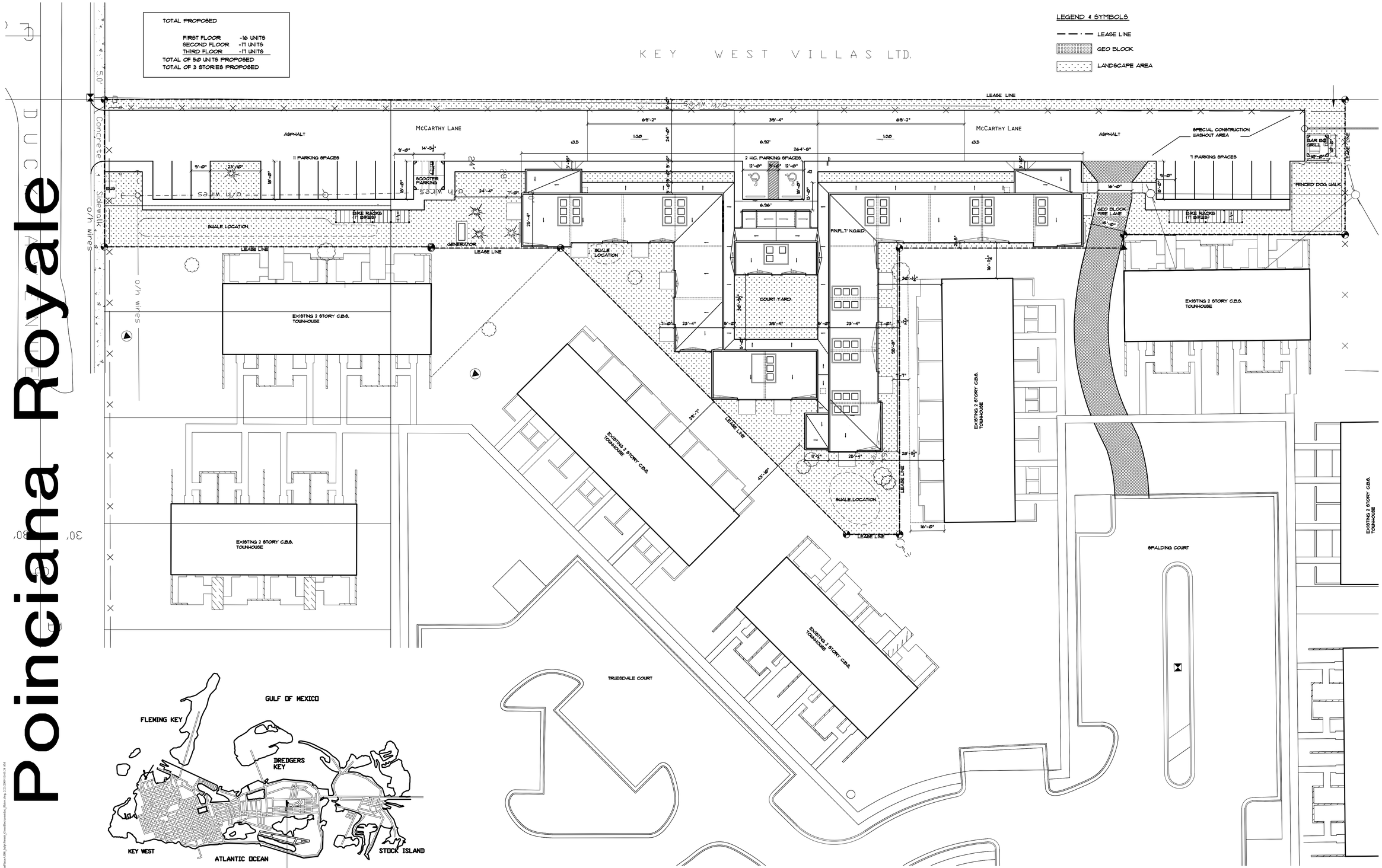
| | |
|---|---|
| FIRST FLOOR | -16 UNITS |
| SECOND FLOOR | -17 UNITS |
| THIRD FLOOR | -17 UNITS |

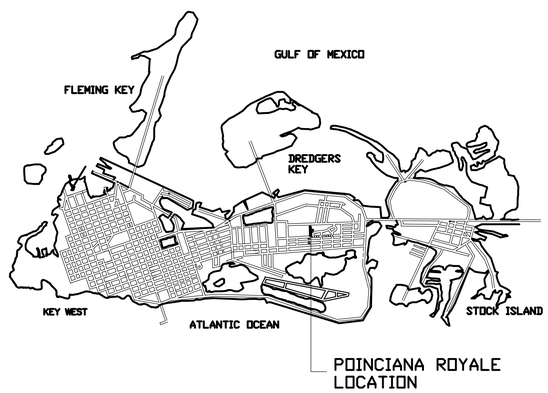
TOTAL OF 50 UNITS PROPOSED
TOTAL OF 3 STORIES PROPOSED

KEY WEST VILLAS LTD.

LEGEND & SYMBOLS

- LEASE LINE
- GEO BLOCK
- LANDSCAPE AREA




LOCATION MAP
NORTH

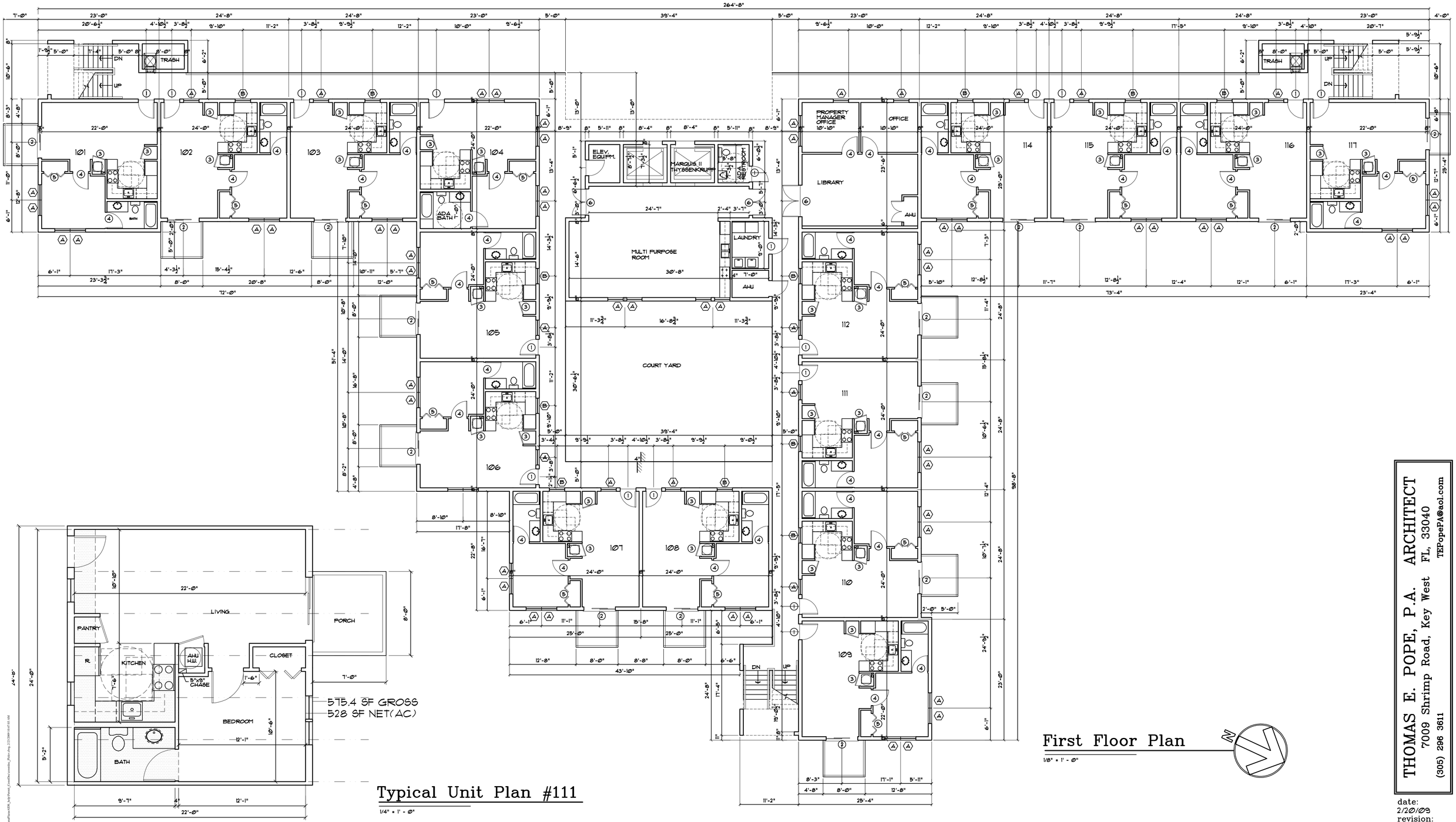
Site Plan
1" = 20' - 0"

Poinciana Royale
Duck Avenue, Key West, FL


THOMAS E. POPE, P.A. ARCHITECT
7009 Shrimp Road, Key West FL, 33040
(305) 296 3611 TEPopePA@aol.com


date: 2/20/09
revision:

sheet: S1







Typical Unit Plan #111

1/4" = 1' - 0"

First Floor Plan

1/8" = 1' - 0"

THOMAS E. POPE, P.A. ARCHITECT
7009 Shrimp Road, Key West FL, 33040
(305) 296 3611
TEPopePA@aol.com

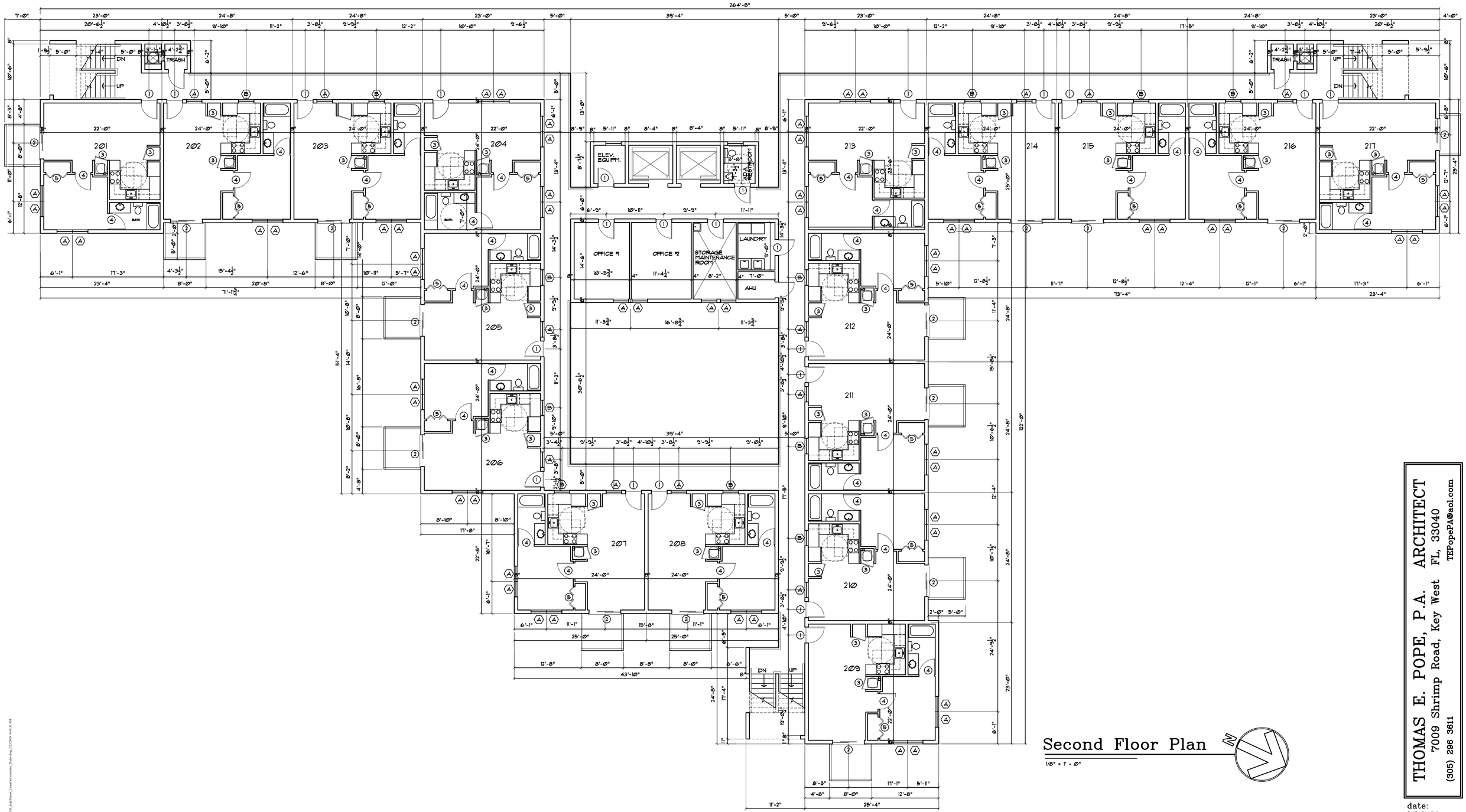
date:
2/20/09
revision:

# Poinciana Royale

Poinciana Royale

Duck Avenue, Key West, FL

sheet:
A1




## Second Floor Plan

1/8" = 1' - 0"


THOMAS E. POPE, P.A. ARCHITECT
7009 Shrimp Road, Key West FL, 33040
(305) 296 3611
TEPopePA@aol.com

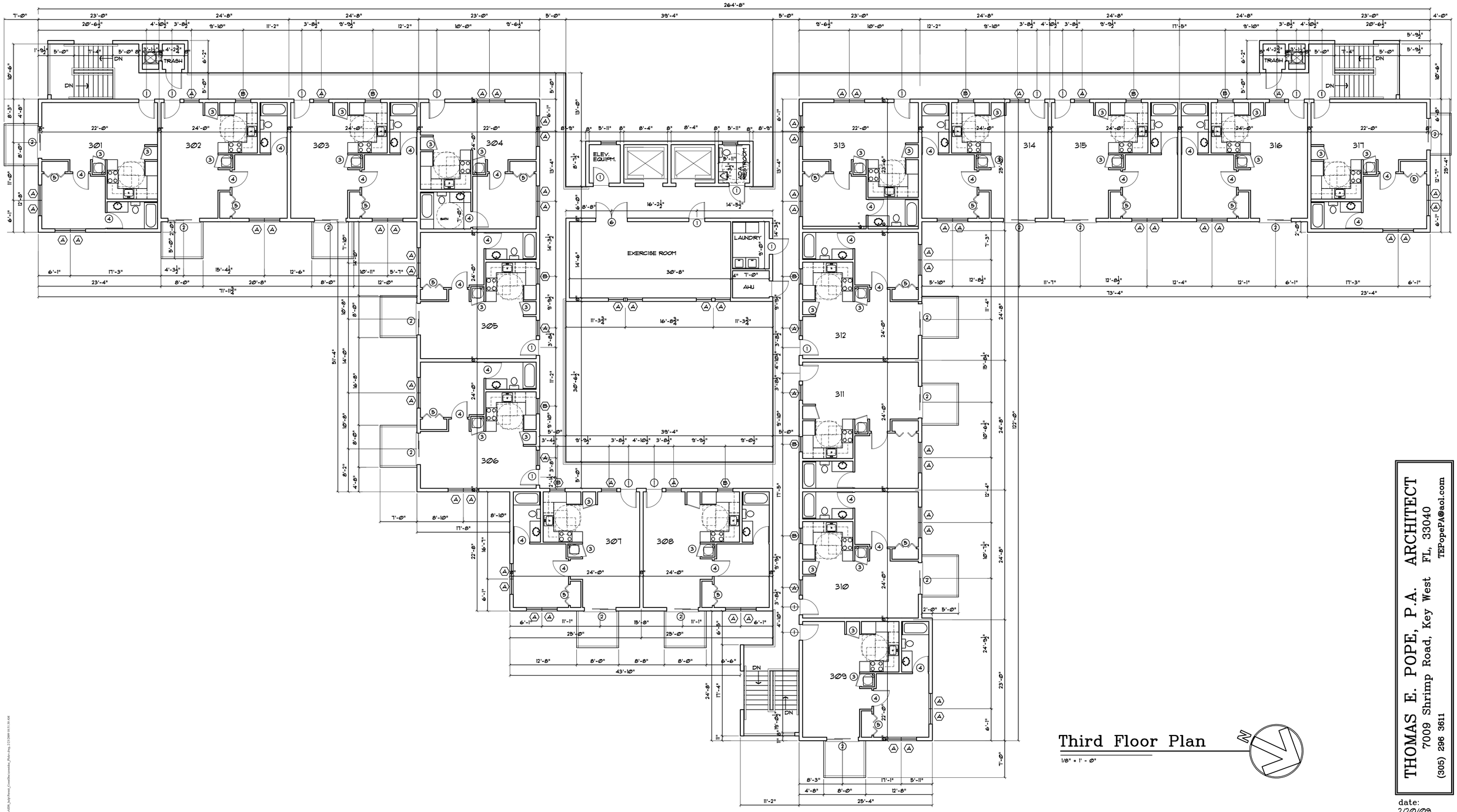

date:
2/20/09
revision:

# Poinciana Royale

Poinciana Royale

Duck Avenue, Key West, FL

sheet:
A2

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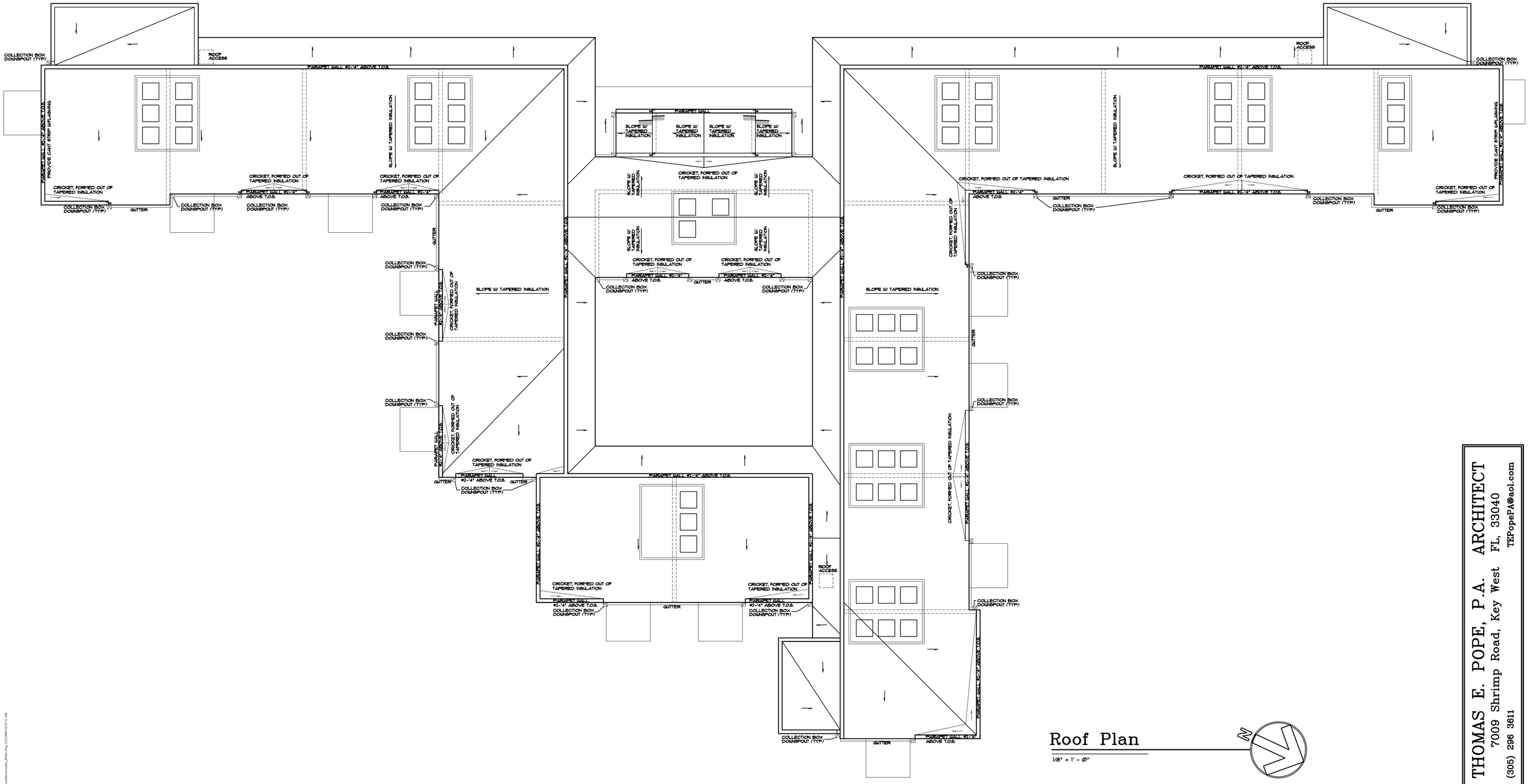
date:
2/20/09
revision:

# Poinciana Royale

Poinciana Royale

Duck Avenue, Key West, FL

sheet:
A3




Roof Plan

1/8" = 1' - 0"

THOMAS E. POPE, P.A. ARCHITECT
7009 Shrimp Road, Key West FL, 33040
(305) 296 3611 TEPopePA@aol.com

date:
2/20/09
revision:

# Poinciana Royale

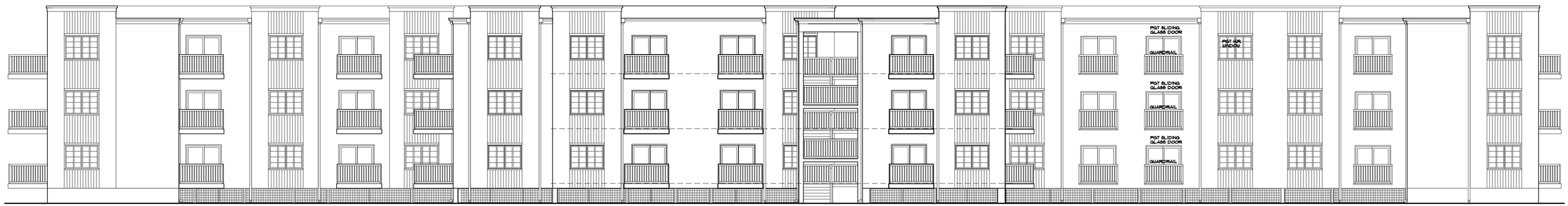
Poinciana Royale

Duck Avenue, Key West, FL

sheet:
A4

## Front West Elevation

1/8" = 1' - 0"




## Rear East Elevation

1/8" = 1' - 0"

## North Side Elevation

1/8" = 1' - 0"

## South Side Elevation

1/8" = 1' - 0"

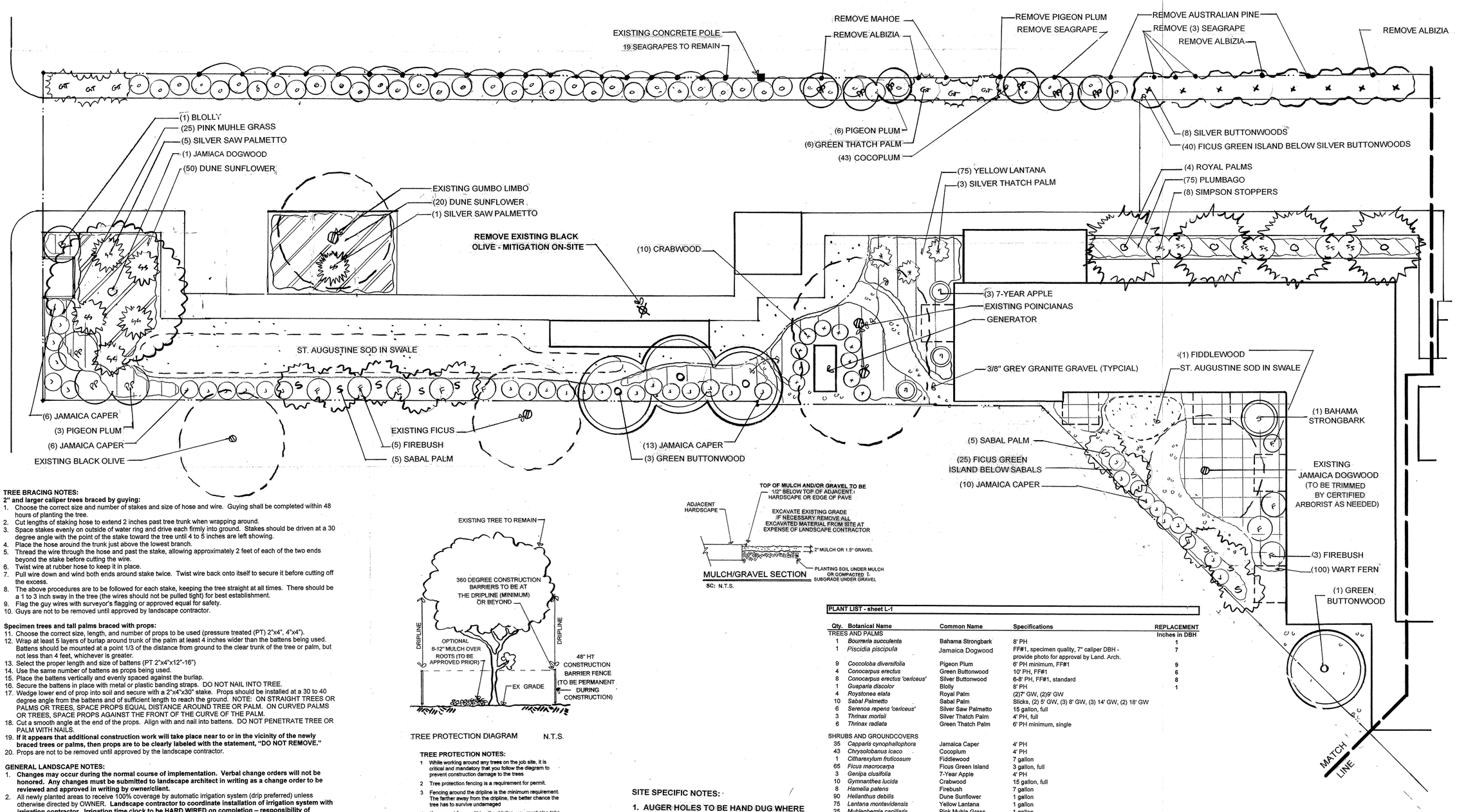

THOMAS E. POPE, P.A. ARCHITECT
7009 Shrimp Road, Key West FL, 33040
(305) 296 3611
TEPopePA@aol.com


date:
11/03/08
revision:
2/20/09

Poinciana Royale

Duck Avenue, Key West, FL

sheet:
A6




**TREE BRACING NOTES:**
**2" and larger caliper trees braced by guying:**

1. Choose the correct size and number of stakes and size of hose and wire. Guying shall be completed within 48 hours of planting the tree.
2. Cut lengths of staking hose to extend 2 inches past tree trunk when wrapping around.
3. Space stakes evenly on outside of water ring and drive each firmly into ground. Stakes should be driven at a 30 degree angle with the point of the stake toward the tree until 4 to 5 inches are left showing.
4. Place the hose around the trunk just above the lowest branch.
5. Thread the wire through the hose and past the stake, allowing approximately 2 feet of each of the two ends beyond the stake before cutting the wire.
6. Twist wire at rubber hose to keep it in place.
7. Pull wire down and wind both ends around stake twice. Twist wire back onto itself to secure it before cutting off the excess.
8. The above procedures are to be followed for each stake, keeping the tree straight at all times. There should be a 1 to 3 inch sway in the tree (the wires should not be pulled tight) for best establishment.
9. Flag the guy wires with surveyor's flagging or approved equal for safety.
10. Guys are not to be removed until approved by landscape contractor.

**Specimen trees and tall palms braced with props:**

11. Choose the correct size, length, and number of props to be used (pressure treated (PT) 2"x4", 4"x4").
12. Wrap at least 5 layers of burlap around trunk of the palm at least 4 inches wider than the battens being used. Battens should be mounted at a point 1/3 of the distance from ground to the clear trunk of the tree or palm, but not less than 4 feet, whichever is greater.
13. Select the proper length and size of battens (PT 2"x4"x12"-16")
14. Use the same number of battens as props being used.
15. Place the battens vertically and evenly spaced against the burlap.
16. Secure the battens in place with metal or plastic banding straps. DO NOT NAIL INTO TREE.
17. Wedge lower end of prop into soil and secure with a 2"x4"x30" stake. Props should be installed at a 30 to 40 degree angle from the battens and of sufficient length to reach the ground. NOTE: ON STRAIGHT TREES OR PALMS OR TREES, SPACE PROPS EQUAL DISTANCE AROUND TREE OR PALM. ON CURVED PALMS OR TREES, SPACE PROPS AGAINST THE FRONT OF THE CURVE OF THE PALM.
18. Cut a smooth angle at the end of the props. Align with and nail into battens. DO NOT PENETRATE TREE OR PALM WITH NAILS.
19. **If it appears that additional construction work will take place near to or in the vicinity of the newly braced trees or palms, then props are to be clearly labeled with the statement, "DO NOT REMOVE."**
20. Props are not to be removed until approved by the landscape contractor.

**GENERAL LANDSCAPE NOTES:**

1. **Changes may occur during the normal course of implementation. Verbal change orders will not be honored. Any changes must be submitted to landscape architect in writing as a change order to be reviewed and approved in writing by owner/client.**
2. All newly planted areas to receive 100% coverage by automatic irrigation system (drip preferred) unless otherwise directed by OWNER. **Landscape contractor to coordinate installation of irrigation system with irrigation contractor. Irrigation time clock to be HARD WIRED on completion – responsibility of irrigation contractor. Landscape contractor to hand water or arrange for watering during planting until irrigation system is 100% operable.** ***This is the responsibility of the landscape contractor.***
3. Landscape contractor to become familiar with the scope of work as well as the site, digging conditions, and any obstacles prior to bidding.
4. Landscape contractor shall locate and verify all underground utilities prior to digging.
5. All Plant material is to be Florida No. 1 or better. Florida Department of Agriculture Grades and Standards, Parts I & II, 1975, respectively.
6. All trees to be staked in a good workmanlike manner. No nail staking permitted. (Refer to planting details)
7. Landscape plan shall be installed in compliance with all local codes.
8. All tree holes to be back filled around and under root ball with washed beach sand. All shrub beds to be installed with washed beach sand. (See spec)
9. All trees, shrubs and ground covers shall be guaranteed for six months from date of final acceptance. All palms are to be guaranteed for one year.
10. All planting beds shall be weed and grass free.
11. All trees, palms, shrubs and ground cover plants shall be fertilized at installation, with long lasting fertilizer, according to manufacturers' recommendations. For Palms and Trees use "Palm Special" (6-12-12), for Shrubs use a (12-6-8), and for Sod use a (20-3-3).
12. **Planting plan shall take precedence over plant list in case of discrepancies.**
13. No change shall be made without prior consent of Landscape Architect.
14. All material shall be subject to availability at time of installation. Substitutions may be made after consultation with Landscape Architect
15. Landscape Contractor to coordinate his work with the General Contractor, Irrigation Contractor, and the Electrical Contractor.
16. All existing plant material to remain shall be protected.
17. All trees to be relocated will get root pruned 30 days min. (or more if required by the species). Upon relocation, thin out 30% of the relocated trees' canopy.
18. After removal or relocation of existing trees and palms, backfill tree pit with washed beach sand, and sod disturbed area, if required.
19. All trees on sod area shall receive a mulch ring 2" in diameter typical.
20. All trees shall have 2" caliper at D.B.H. minimum for a 10' height tree.
21. All 1 gallon material to have 12" spread minimum, all 3 gallon material to have 20-24" spread minimum.




TREE PROTECTION DIAGRAM N.T.S.

**TREE PROTECTION NOTES:**

1. While working around any trees on the job site, it is critical and mandatory that you follow the diagram to prevent construction damage to the trees
2. Tree protection fencing is a requirement for permit.
3. Fencing around the dripline is the minimum requirement. The farther away from the dripline, the better chance the tree has to survive undamaged
4. If you must fence witning the dripline, you must also take other protective measures which includes putting down an 8-12" layer of mulch This method is only allowed if prior approval is obtained from permitting authority




MULCH/GRAVEL SECTION
SC: N.T.S.

**SITE SPECIFIC NOTES:**

1. **AUGER HOLES TO BE HAND DUG WHERE NEAR EXISTING TREES TO REMAIN**
2. **ANY TRIMMING TO EXISTING TREES TO BE DONE BY CERTIFIED ARBORIST LICENSED IN THE CITY OF KEY WEST.**

**IRRIGATION NOTES:**

1. Coordinate installation timing and location of main lines with Landscape Contractor prior to implementation. Avoid root balls of trees and large plant materials. Refer to landscape drawings prior to installation.
2. Use drip irrigation (Netafim) wherever possible and practicable for the health of plant(s).
3. All pipe to be PVC schedule 40, 8" minimum cover.
4. All heads installed on flexible PVC pipe and fittings.
5. Pressurized backflow, rain switch, and multi-programmable controller with battery backup required.
6. All crossings under permanent concrete to be sleeved two times the sprinkler pipe size with schedule 40 PVC.
7. All wire splices to be in valve boxes.
8. All valves to have flow control and be installed in green valve boxes with room to work in future.
9. All sprinklers to be commercial grade Toro 570 Series 4" and 12" and installed out of sight.
10. Irrigation contractor to measure water available on-site and use no more than 75% of available GPM.
11. Water connection to the house, including shut-off valves, shall not be altered when pressurized backflow is installed.
12. All wire splices to be installed with water proof connections. All wires to be clearly labeled in valve box and in back of time clock.
13. 2 spare wires to be run to the last valve in each direction.
14. Controller to be hard-wired at time of completion and included in irrigation contractors bid.
15. System to provide 100% controlled coverage on completion. Additions/modifications from irrigation plan may be necessary.
16. Irrigation contractor to be County and City licensed where work is to be performed. Liability and Workman's' comp insurance is required for each and every employee to be on-site at any time during implementation. Paperwork to this effect to be provided on request within 2 business days.
18. **As-built irrigation drawing to be provided prior to final payment.**

**PLANT LIST - sheet L-1**

| Qty. | Botanical Name | Common Name | Specifications | REPLACEMENT Inches in DBH |
|---|---|---|---|---|
| TREES AND PALMS | | | | |
| 1 | *Bourreria succulenta* | Bahama Strongbark | 8' PH | 1 |
| 1 | *Piscidia piscipula* | Jamaica Dogwood | FF#1, specimen quality, 7" caliper DBH - provide photo for approval by Land. Arch. | 7 |
| 9 | *Coccoloba diversifolia* | Pigeon Plum | 6' PH minimum, FF#1 | 9 |
| 4 | *Conocarpus erectus* | Green Buttonwood | 10' PH, FF#1 | 6 |
| 8 | *Conocarpus erectus 'cericeus'* | Silver Buttonwood | 6-8' PH, FF#1, standard | 8 |
| 1 | *Guaparia discolor* | Blolly | 8' PH | 1 |
| 4 | *Roystonea elata* | Royal Palm | (2)7' GW, (2)9' GW | |
| 10 | *Sabal Palmetto* | Sabal Palm | Slicks, (2) 5' GW, (3) 8' GW, (3) 14' GW, (2) 18' GW | |
| 6 | *Serenoa repens 'cericeus'* | Silver Saw Palmetto | 15 gallon, full | |
| 3 | *Thrinax morisii* | Silver Thatch Palm | 4' PH, full | |
| 6 | *Thrinax radiata* | Green Thatch Palm | 6' PH minimum, single | |
| SHRUBS AND GROUNDCOVERS | | | | |
| 35 | *Capparis cynophallophora* | Jamaica Caper | 4' PH | |
| 43 | *Chrysolobanus icaco* | Cocoplum | 4' PH | |
| 1 | *Citharexylum fruticosum* | Fiddlewood | 7 gallon | |
| 65 | *Ficus macrocarpa* | Ficus Green Island | 3 gallon, full | |
| 3 | *Genipa clusifolia* | 7-Year Apple | 4' PH | |
| 10 | *Gymnanthes lucida* | Crabwood | 15 gallon, full | |
| 8 | *Hamelia patens* | Firebush | 7 gallon | |
| 90 | *Helianthus debilis* | Dune Sunflower | 1 gallon | |
| 75 | *Lantana montevidensis* | Yellow Lantana | 1 gallon | |
| 25 | *Muhlenbergia capillaris* | Pink Muhle Grass | 1 gallon | |
| 8 | *Myrcianthes fragrans* | Simpson Stopper | 5' PH, multi trunk | 4 |
| 75 | *Plumbago auriculata* | Blue Plumgago | 1 gallon | |
| 100 | *Polypodium scolopendria* | Wart Fern | 1 gallon | |
| | | | **Total Replacement Inches** | **36** |
| ADDITIONAL ITEMS | | | | |
| TBD | *St. Augustine sod in swales and per plan* | | 1" minimum SILICA sand bed for all sod | |
| TBD | *Removals per plan (1) Black Olive* | | | |
| TBD | *Planting Soil as needed* | | 50/50 sand/soil mix | |
| TBD | *BLACK Eucalyptus Mulch* | | | |
| TBD | *3/8" granite gravel* | | 1.5" minimum over existing grade | |

**NOTE: PLAN TAKES PRECEDENCE OVER PLANT LIST - BID ACCORDINGLY**

**PERCENTAGE OF NATIVE PLANTS: +/- 90%**

**REMOVAL LEGEND**

| Qty. | Common Name | Condition | Reason for removal | Mitigation |
|---|---|---|---|---|
| NATIVES | | | | |
| 1 | *Pigeon Plum* | Below average-damaged | New fence | On-site |
| 4 | *Seagrape* | varies - average to good | New fence | On-site |
| EXOTICS | | | | |
| 2 | *Australian Pine* | N/A | Exotic | None |
| 1 | *Mahoe* | N/A | Exotic | None |
| 4 | *Albizia* | N/A | Exotic | None |

✱FOR ADDITIONAL NOTES AND SPECIFICATIONS REFER TO SHEET L-2

# PLANTING PLAN

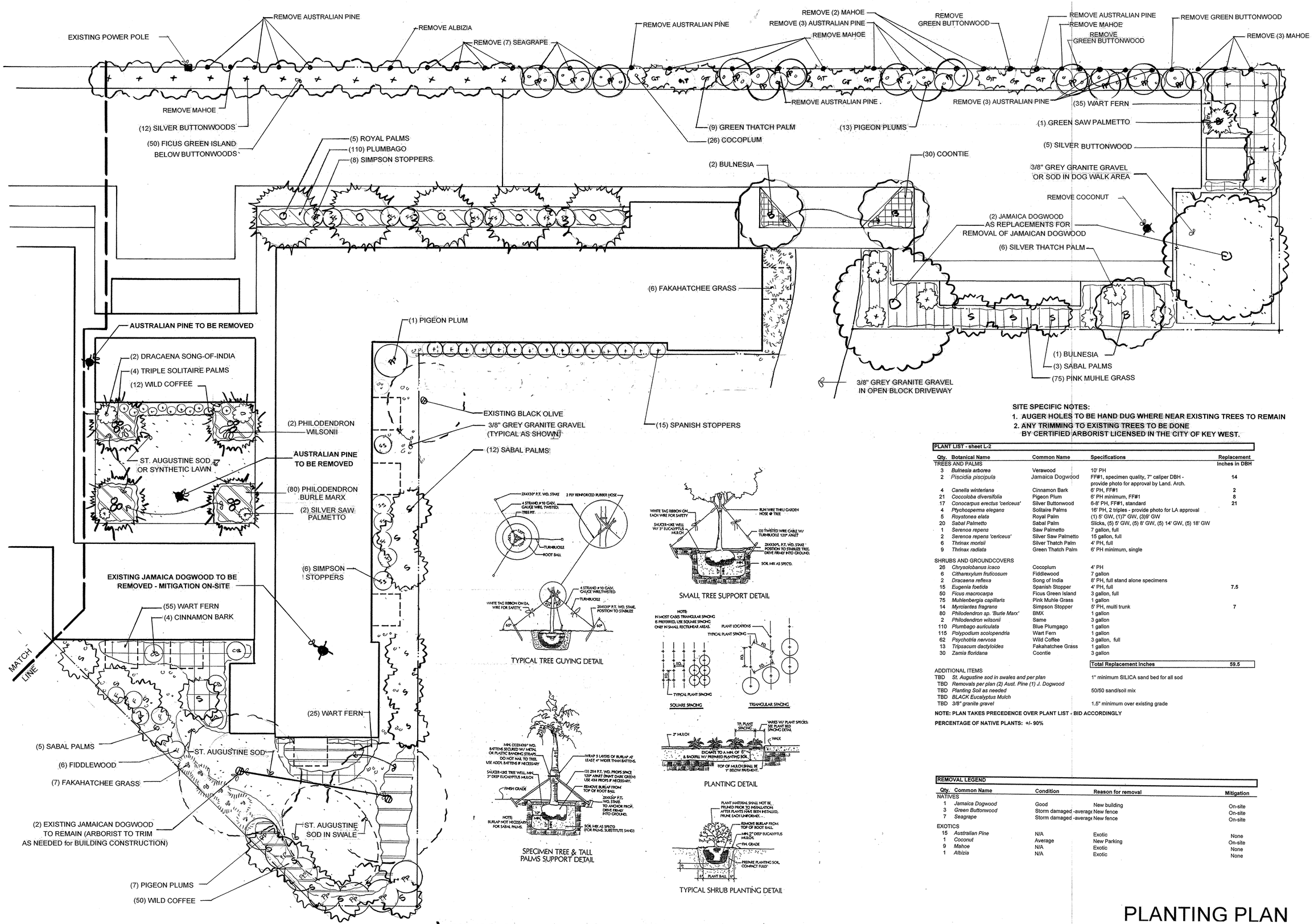
0 10' 15' 30'
SC: 1"=10'-0"

Poinciana Plaza
Duck Avenue, Key West, FL

THOMAS E. POPE, P.A. ARCHITECT
7009 Shrimp Road, Key West FL, 33040
(305) 296 3611
TEPopePA@aol.com

date:
1-16-2008
revision:
1.28.2009
2.3.2009

sheet:
L-1










TYPICAL TREE GUYING DETAIL




SMALL TREE SUPPORT DETAIL







SPECIMEN TREE & TALL PALMS SUPPORT DETAIL




PLANTING DETAIL




TYPICAL SHRUB PLANTING DETAIL

**SITE SPECIFIC NOTES:**

1. **AUGER HOLES TO BE HAND DUG WHERE NEAR EXISTING TREES TO REMAIN**
2. **ANY TRIMMING TO EXISTING TREES TO BE DONE BY CERTIFIED ARBORIST LICENSED IN THE CITY OF KEY WEST.**

**PLANT LIST - sheet L-2**

| Qty. | Botanical Name | Common Name | Specifications | Replacement Inches in DBH |
|---|---|---|---|---|
| TREES AND PALMS | | | | |
| 3 | *Bulnesia arborea* | Verawood | 10' PH | |
| 2 | *Piscidia piscipula* | Jamaica Dogwood | FF#1, specimen quality, 7" caliper DBH - provide photo for approval by Land. Arch. | 14 |
| 4 | *Canella winteriana* | Cinnamon Bark | 6' PH, FF#1 | 2 |
| 21 | *Coccoloba diversifolia* | Pigeon Plum | 6' PH minimum, FF#1 | 8 |
| 17 | *Conocarpus erectus 'cericeus'* | Silver Buttonwood | 6-8' PH, FF#1, standard | 21 |
| 4 | *Ptychosperma elegans* | Solitaire Palms | 16' PH, 2 triples - provide photo for LA approval | |
| 5 | *Roystonea elata* | Royal Palm | (1) 5' GW, (1)7' GW, (3)9' GW | |
| 20 | *Sabal Palmetto* | Sabal Palm | Slicks, (5) 5' GW, (5) 8' GW, (5) 14' GW, (5) 18' GW | |
| 1 | *Serenoa repens* | Saw Palmetto | 7 gallon, full | |
| 2 | *Serenoa repens 'cericeus'* | Silver Saw Palmetto | 15 gallon, full | |
| 6 | *Thrinax morisii* | Silver Thatch Palm | 4' PH, full | |
| 9 | *Thrinax radiata* | Green Thatch Palm | 6' PH minimum, single | |
| SHRUBS AND GROUNDCOVERS | | | | |
| 26 | *Chrysolobanus icaco* | Cocoplum | 4' PH | |
| 6 | *Citharexylum fruticosum* | Fiddlewood | 7 gallon | |
| 2 | *Dracaena reflexa* | Song of India | 8' PH, full stand alone specimens | |
| 15 | *Eugenia foetida* | Spanish Stopper | 4' PH, full | 7.5 |
| 50 | *Ficus macrocarpa* | Ficus Green Island | 3 gallon, full | |
| 75 | *Muhlenbergia capillaris* | Pink Muhle Grass | 1 gallon | |
| 14 | *Myrciantes fragrans* | Simpson Stopper | 5' PH, multi trunk | 7 |
| 80 | *Philodendron sp. 'Burle Marx'* | BMX | 1 gallon | |
| 2 | *Philodendron wilsonii* | Same | 3 gallon | |
| 110 | *Plumbago auriculata* | Blue Plumgago | 1 gallon | |
| 115 | *Polypodium scolopendria* | Wart Fern | 1 gallon | |
| 62 | *Psychotria nervosa* | Wild Coffee | 3 gallon, full | |
| 13 | *Tripsacum dactyloides* | Fakahatchee Grass | 1 gallon | |
| 30 | *Zamia floridana* | Coontie | 3 gallon | |
| | | | **Total Replacement Inches** | **59.5** |

ADDITIONAL ITEMS

| | | |
|---|---|---|
| TBD | *St. Augustine sod in swales and per plan* | 1" minimum SILICA sand bed for all sod |
| TBD | *Removals per plan (2) Aust. Pine (1) J. Dogwood* | |
| TBD | *Planting Soil as needed* | 50/50 sand/soil mix |
| TBD | *BLACK Eucalyptus Mulch* | |
| TBD | *3/8" granite gravel* | 1.5" minimum over existing grade |

**NOTE: PLAN TAKES PRECEDENCE OVER PLANT LIST - BID ACCORDINGLY**

**PERCENTAGE OF NATIVE PLANTS: +/- 90%**

**REMOVAL LEGEND**

| Qty. | Common Name | Condition | Reason for removal | Mitigation |
|---|---|---|---|---|
| NATIVES | | | | |
| 1 | *Jamaica Dogwood* | Good | New building | On-site |
| 3 | *Green Buttonwood* | Storm damaged -average | New fence | On-site |
| 7 | *Seagrape* | Storm damaged -average | New fence | On-site |
| EXOTICS | | | | |
| 15 | *Australian Pine* | N/A | Exotic | None |
| 1 | *Coconut* | Average | New Parking | On-site |
| 9 | *Mahoe* | N/A | Exotic | None |
| 1 | *Albizia* | N/A | Exotic | None |

✱ FOR ADDITIONAL NOTES AND SPECIFICATIONS REFER TO SHEET L-1

# PLANTING PLAN

0 10' 15' 30'
SC: 1"=10'-0"

Poinciana Plaza
Duck Avenue, Key West, FL

THOMAS E. POPE, P.A. ARCHITECT
7009 Shrimp Road, Key West FL, 33040
(305) 296 3611
TEPopePA@aol.com

date:
1-16-2008
revision:
1.28.2009
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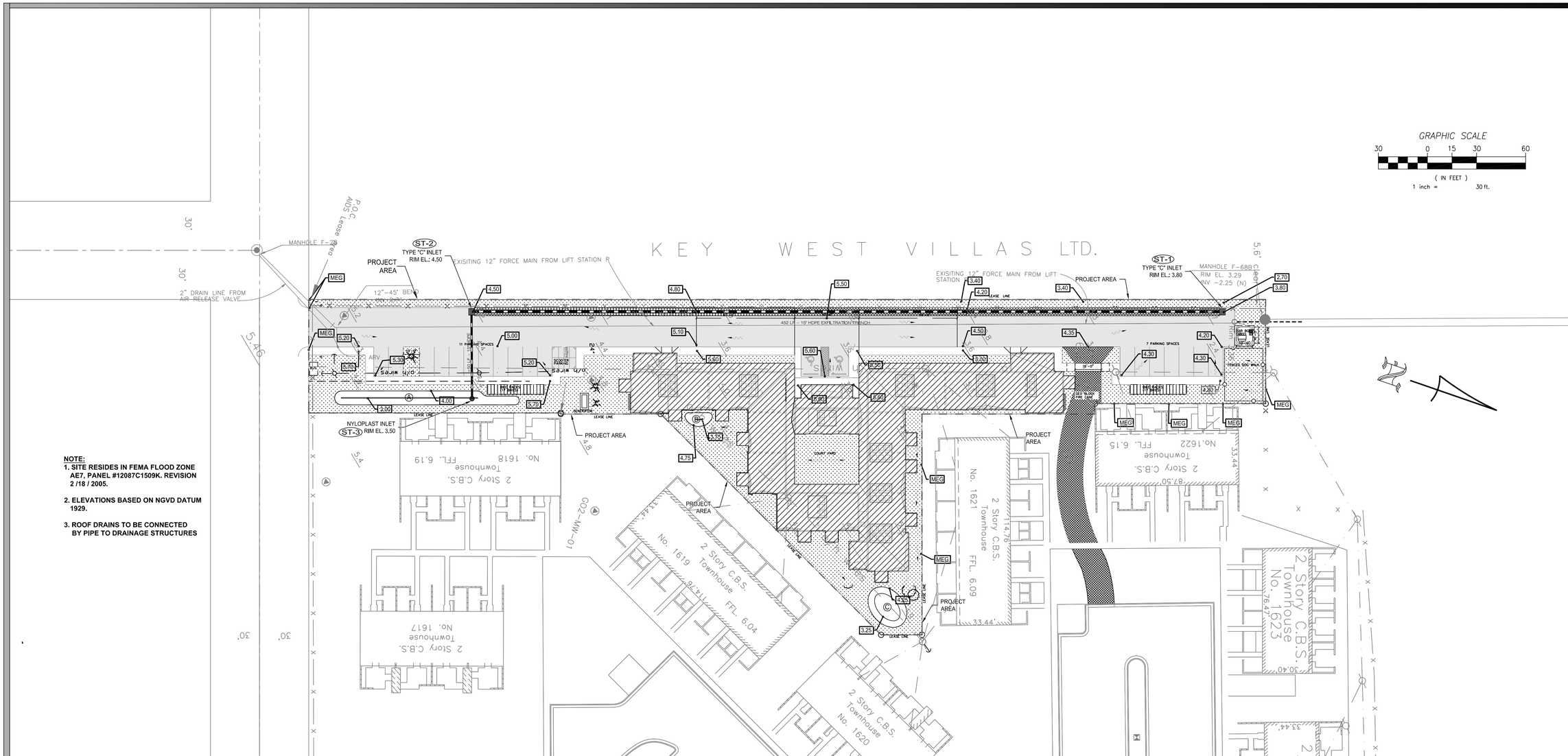
sheet:
L-2




**NOTE:**

1. SITE RESIDES IN FEMA FLOOD ZONE AE7, PANEL #12087C1509K. REVISION 2 /18 / 2005.
2. ELEVATIONS BASED ON NGVD DATUM 1929.
3. ROOF DRAINS TO BE CONNECTED BY PIPE TO DRAINAGE STRUCTURES

LEGEND

- PROJECT LIMITS
- NYLOPLAST INLET
- INLET
- EXISTING GRADE
- 4.2 PROPOSED GRADE
- MEG PROPOSED GRADE
- ASPHALT
- GRASS/PERVIOUS AREA
- ST-00 STRUCTURE ID
- SURFACE WATER FLOW
- GEO-BLOCK
- BUILDING

## Drainage Calculations

*Water Quantity - Predevelopment*

| | | | | |
|---|---|---|---|---|
| Project Area | 1.21 | ac | 52,641 | sf |
| Pervious Area | 1.21 | ac | 52,641 | sf |
| Impervious Area | 0.00 | ac | 0 | sf |
| % Impervious | 0.00 | | | |
| Rainfall for 25yr/24hr event (P) | 9.00 | in | | |
| Rainfall for 25yr/3day event (P) | 12.23 | in | | |
| Depth to Water Table | 2.00 | ft | | |
| Predeveloped Available Storage | 1.88 | in | | |
| Soil Storage (S) | 1.88 | in | | |
| Qpre = (P - 0.2S)^2 / (P + 0.8S) | 10.23 | in | | |

*Water Quantity - Postdevelopment*

| | | | | |
|---|---|---|---|---|
| Project Area | 1.21 | ac | 52,641 | sf |
| Pervious Area | 0.39 | ac | 16,901 | sf |
| Impervious Area | 0.82 | ac | 35,806 | sf |
| % Impervious | 0.68 | | | |
| Rainfall for 25yr/24hr event (P) | 9.00 | in | | |
| Rainfall for 25yr/3day event (P) | 12.23 | in | | |
| Depth to Water Table | 3.00 | ft | | |
| Developed Available Storage | 4.95 | in | | |
| Soil Storage (S) | 1.58 | in | | |
| Qpost = (P - 0.2S)^2 / (P + 0.8S) | 10.52 | in | | |
| Runoff Volume from 25 year/ 3 day storm | 12.71 | ac-in | | |

*Postdevelopment - Predevelopment*

| | | |
|---|---|---|
| Qpost - Qpre | 0.28 | in |
| Volume = QA | 0.34 | ac-in |

*Water Quality*

| | | | | |
|---|---|---|---|---|
| Project Area | 1.21 | ac | 52,641 | sf |
| Surface Water | 0.00 | ac | 0 | sf |
| Roof Area | 0.34 | ac | 14,810 | sf |
| Pavement/Walkways | 0.48 | ac | 20,996 | sf |
| Pervious area | 0.39 | ac | 16,901 | sf |
| Site area for Water Quality (Total area- (water surface + roof area)) | 0.87 | ac | 37,831 | sf |
| Impervious area for water Quality (Site area for Water Quality - Pervious area) | 0.48 | ac | 20,929 | sf |
| % Impervious | 0.55 | | | |
| A) One inch cf runoff from project area | 1.21 | ac-in | | |
| B) 2.5 inches times percent impervious (2.5 x percent impervious x (site area - surface water)) | 1.67 | ac-in | | |

*Comparision of Water Quality Methods*

1.21 < 1.67

*Water Quantity Vs. Water Quality*

0.34 < 1.67

| | | | | |
|---|---|---|---|---|
| REQUIRED PRETREATMENT VOLUME | 1.67 | ac-in | 6,067 | cf |

## POND VOLUMES

| | | |
|---|---|---|
| POND A | 458.00 | CF |
| POND B | 57.00 | CF |
| POND C | 310.00 | CF |
| Total | 825.00 | |

| | | | | |
|---|---|---|---|---|
| Pond volume provided for pretreatment | 0.16 | ac-in | 598 | cf |
| Pretreament Volume required by exfil. trench | 1.51 | ac-in | 5,469 | cf |
| Pretreatment Volume Provided | 1.76 | ac-in | 6,389 | cf |

*Exfilitration Trench Calculation*

Required trench length (L) =

$$\frac{V}{K\,(H2W+2H2Du - Du^2 + 2H2Ds) + 1.39\times10^{-4}(W)(Du)}$$

| | | |
|---|---|---|
| Hydraulic Conductivity, K= | 0.0001 | |
| H = | 2.7 | ft |
| W = | 4 | ft |
| Du = | 1.7 | ft |
| Ds = | 1.8 | ft |
| Volume of Trench , V = | 1.51 | ac-in |
| Trench Length Required = | 416 | LF |
| Trench Length Provided = | 452 | LF |


CIVIL ENGINEERING • REGULATORY PERMITTING • CONSTRUCTION MANAGEMENT

KEY WEST OFFICE
1010 EAST KENNEDY DRIVE, SUITE 400
KEY WEST, FLORIDA 33040
TEL: (305) 293-9440 FAX: (305) 296-0243

TAMPA OFFICE
CONVENTION CENTER
3507 EAST FRONTAGE ROAD, SUITE 140
TAMPA, FLORIDA 33607
TEL: (813) 579-1616 FAX: (813) 288-0710

PEREZ ENGINEERING & DEVELOPMENT, INC
CERTIFICATE OF AUTHORIZATION No. 8579

ALLEN E. PEREZ, P.E.
Florida P.E. NO. 51468
February 4, 2009


REVISIONS: ORIGINAL: 1/19/09

1 REVISED SITE PLAN 1/19/09
2
3
4
5
6

POINCIANA - ROYALE
POINCIANA HOUSING COMPLEX
DUCK AVENUE, KEY WEST, FL 33040
**CONCEPTUAL DRAINAGE PLAN**

**MR. THOMAS E. POPE, PA**
**7009 SHRIMP ROAD**
**KEY WEST, FL 33040**

JOB NO. 081020
DRAWN JWR
DESIGNED RJ
CHECKED JWR
QC AEP
SHEET C-1

# Previous Approval

**PLANNING BOARD RESOLUTION**
**No. 2009-005**

**A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD PURSUANT TO SECTION 108-196 and 122-63 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, APPROVING A MAJOR MODIFICATION TO A MAJOR DEVELOPMENT PLAN WITHIN A LEASEHOLD PORTION OF PROPERTY IN THE POINCIANA PLAZA SPECIAL NEEDS SECTION (RE# 0006474-000000); PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, an Application for a Major Development Plan and Conditional Use for a fifty unit rest home facility was originally approved by Resolution Number 07-275 on August 7, 2008, by the City Commission; and

**WHEREAS**, an application for a major modification to the previously approved Major Development Plan was submitted to the Planning Department which did not impact the existing Conditional Use Approval;

**WHEREAS**, after public notice, the application for an Amendment to a Major Development Plan was heard by the Planning Board at a meeting on February 19, 2009; and

**WHEREAS**, the application satisfied the requirements for a Major Development Approval under Chapter 108, Article II. of the Land Development Regulations, as required for major modifications of development plans;

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

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

**Section 2.** That the Planning Board recommends the City Commission grant **conditional approval** of the major modification to a Major Development Plan per the attached plan set dated January 29, 2009. That condition is that the applicant obtain an Environmental Resource Permit for storm-water treatment for the leasehold portion of the property, as required by the South Florida Water Management District, prior to Building Permit approval.



Vice Chairman

Planning Director

**RESOLUTION NO. 08-156**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, GRANTING PERMISSION TO INITIATE A DEVELOPMENT AGREEMENT FOR A PROJECT BY AIDS HELP, INC. TO INCLUDE CONSTRUCTION OF A FIFTY UNIT LOW INCOME, REST-HOME LIKE SUPPORTED LIVING FACILITY ON A PORTION OF THE SPECIAL NEEDS AREA OF POINCIANA HOUSING IN THE 3400 BLOCK OF DUCK AVENUE RE# 0064740-000000; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, pursuant to section 90-679 of the Code of Ordinances, the City Commission is allowed to determine whether it is willing to consider entering into a proposed Development Agreement prior to the commencement of the normal process of approving a Development Agreement;

NOW, THEREFORE, BE IT RESOVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That preliminary approval of a proposed Development Agreement is hereby granted pursuant to section 90-679 of the Code of Ordinances.

Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Section 3: This ~~variance~~ Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in the development order; that within the forty five (45) day review period the DCA can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit or development order until the appeal is resolved by agreement or order.

Passed and adopted by the City Commission at a meeting held this 20th day of May, 2008.

Authenticated by the presiding officer and Clerk of the Commission on May 21, 2008.

Filed with the Clerk May 21, 2008.

MORGAN McPHERSON, MAYOR

ATTEST:

Cheryl Smith

CHERYL SMITH, CITY CLERK

THE CITY OF KEY WEST
POST OFFICE BOX 1409
604 Simonton Street
KEY WEST, FLORIDA 33041-1409

PLANNING DEPARTMENT
(305) 809-3722

March 26, 2008

Robert G. Walker
1434 Kennedy Drive
Key West, FL 33040

**RE: AIDS Help, Inc.**
**Poinciana Plaza**
**3300 Block of Duck Avenue**
**RE# 00064740-000000**
**Conditional Workforce Housing Unit Allocation**

Dear Mr. Walker:

The purpose of this letter is to conditionally allocate five (5) Building Permit Allocation System Units to the above-listed property for a Workforce Housing Unit(s) as defined in Chapter 122, Article 10 of the City of Key West Code of Ordinances. Allocation of the units is enabled through Resolution 08-065. This allocation will allow for the execution of a Major Development Plan and Conditional Use Approval per Planning Board Resolution 2006-008 and City Commission Resolution 06-153.

The allocation(s) of units is specified below:

___ accessory unit infill unit(s) at .55 equivalent single family unit (ESFU) value of ____;
___ accessory unit(s) at .55 equivalent single family unit (ESFU) value of ___;
___ multifamily unit(s) at 1.0 equivalent single family unit (ESFU) value of ___; and/or
**5** single unit(s) at 1.0 equivalent single family unit (ESFU) value of **5.0**;

All allocations will be at the affordable housing (moderate income) level.

This request appears to be consistent with the zoning district and lot conditions within which the project will be located; however, nothing in this allocation exempts the development from meeting all applicable portions of the City of Key West Comprehensive Plan and Code of Ordinances, including the land development regulations. Therefore, this allocation is conditional upon final plan submittal and approval, issuance of a building permit, and compliance with requirements for deed restrictions and related subordinations.

The allocation of this unit(s) is valid for a period of one year from the date of this letter. The building permit for the structure must be obtained prior to expiration of this allocation or the allocation will no longer be valid. Further, construction of the unit(s) must be completed as required under the building permit as issued. Once an allocation has expired an application for a new allocation may be made; however, the City is under no obligation to issue such an allocation and future allocations may not be available or warranted.

Please note that the allocation of this unit(s) requires that a deed restriction and associated subordination of any loan documents (if applicable) be provided prior to the issuance of a

Building Permit. The City Attorney's office will provide draft documents and acceptability of the restriction and associated subordinations will be determined by the City Attorney's office. Key workforce housing requirements as referenced by this letter are attached; however, other aspects of the City's code may apply. The workforce housing ordinance is amended from time to time by the City. In addition, the applicable income levels and associated rates are typically up-dated each year. The recipient of this allocation is required to meet any applicable changes in the Code and associated income requirements.

The City is able to designate implementation of housing programs to outside agencies. At the date of this letter, the City has delegated compliance of its workforce housing program to the Key West Housing Authority. The Housing Authority is responsible for ensuring that the unit is maintained in accordance with deed restrictions established by the City once the unit is in place and interpretation of required income levels changes on an annual basis. Please coordinate with the Housing Authority to remain abreast of changes to income levels and other requirements.

The City of Key West is pleased that you will be providing workforce housing through the proposed development. Please do not hesitate to call me with any questions or comments.

Sincerely,

Amy Kimball-Murley, AICP
Interim Planning Director

Xc: Larry Erskine, Assistant City Attorney
Affordable Housing File

ATTACHMENT

## DIVISION 10. WORK FORCE HOUSING*

---

***Editor's note:** Section 1 of Ord. No. 05-27, adopted Oct. 18, 2005, amended the title of Div. 10, Affordable Housing to read as herein set out.
**Cross references:** Fair housing, § 38-26 et seq.

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**Sec. 122-1465. Intent.**
It is the intent of this division to create affordable housing categories to facilitate the development of housing designed and priced to meet the needs of people employed by the local economy in a manner that reflects the percentage of the workforce at each income level and mixes people of all incomes together and does not create high and low-income enclaves.
(Ord. No. 05-27, § 2, 10-18-2005)

**Sec. 122-1466. Definitions.**
The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
*Affordable housing* shall be defined as provided in the following classifications:
*Affordable housing (low income)* for a rental dwelling unit shall mean a dwelling unit whose monthly rent, not including utilities, does not exceed 30 percent of that amount which represents 80 percent of the monthly median household income (adjusted for family size). For an owner-occupied dwelling unit, affordable housing (low income) shall mean a dwelling unit whose sales price shall not exceed two and one-half times the annual median household income (adjusted for family size) for Monroe County, in accordance with section 122-1472.
*Affordable housing (median income)* for a rental dwelling unit shall mean a dwelling unit whose monthly rent, not including utilities, does not exceed 30 percent of that amount which represents 100 percent of the monthly median household income (adjusted for family size) for Monroe County. For an owner-occupied dwelling unit, affordable housing (median income) shall mean a dwelling unit whose sales price shall not exceed three and one-half times the annual median household income (adjusted for family size) for Monroe County, in accordance with section 122-1472. The definition of "affordable housing (median income)" applies to and encompasses all affordable housing under construction or built pursuant to this ordinance prior to July 1, 2005, for which deed restrictions are required.
*Affordable housing (middle income)* for a rental dwelling unit shall mean a dwelling unit whose monthly rent, not including utilities, does not exceed 30 percent of that amount which represents 140 percent of the monthly median household income (adjusted for family size) for Monroe County. For an owner-occupied dwelling unit, affordable housing (middle income) shall mean a dwelling unit whose sales price shall not exceed six and one-half times the annual median household income (adjusted for family size) for Monroe County, in accordance withsection 122-1472.
*Affordable housing (moderate income)* for a rental dwelling unit shall mean a dwelling unit whose monthly rent, not including utilities, does not exceed 30 percent of that amount which

represents 120 percent of the monthly median household income (adjusted for family size) for Monroe County. For an owner-occupied dwelling unit, affordable housing (moderate income) shall mean a dwelling unit whose sales price shall not exceed five times the annual median household income (adjusted for family size) for Monroe County, in accordance with section 122-1472.

*Affordable work force housing* shall include low income, median income, moderate income and middle income housing.

*Affordable work force housing trust fund* shall mean the trust fund established and maintained by the city for revenues from fees in lieu of constructing affordable work force housing, and revenues from any other source earmarked for the trust fund by land development regulation, ordinance or donation.

*Median household income* shall mean the median household income published for Monroe County on an annual basis by the U.S. Department of Housing and Urban Development.

(Ord. No. 98-18, § 1, 6-3-1998; Ord. No. 02-08, § 1, 2-20-2002; Ord. No. 05-27, § 3, 10-18-2005)

**Cross references:** Definitions generally, § 1-2.

**Sec. 122-1467. Requirements of affordable work force housing; ratio of new construction.**

(a) *New market-rate multifamily residential housing.* At least ten percent of all new multifamily residential units constructed each year shall be low income affordable housing of at least 400 square feet each, as defined herein and 20 percent shall be affordable housing (median income) housing of at least 400 square feet each, as defined herein. Residential or mixed use projects of less than ten residential or mixed use units shall be required to develop at least 30 percent of units of at least 400 square feet each as affordable (median income), but may contribute a fee in lieu for each unit to the affordable work force housing trust fund, if approved by the city commission. The per unit fee shall be $200,000.00 (representing construction cost, less land cost, of a 400 square foot unit). The 30 percent affordability requirement shall be determined on a project by project basis and not on a city-wide basis. Vested units shall be subject to this subsection if not otherwise governed by law or agreement. For every required affordable housing (median income) unit,a developer may increase the sales or rental rates to affordable housing (middle income) so long as another unit's sales or rental rate is decreased to affordable housing (low income).

(b) *Linkage of projects.* Two development projects may link to allow the affordable housing requirement of one development project to be built at the site of another project, so long as the affordable housing requirement of the latter development is fulfilled as well. Written proof of the project linkage shall be supplied by the developer to the city commission at the time of the first site plan approval. The project containing the affordable units must be built either before or simultaneously with the project without, or with fewer than, the required affordable units. In addition, if a developer builds more than the required number of affordable units at a development site, this development project may be linked with a subsequent development project to allow compliance with the subsequent development's affordable unit requirement. Written proof of the linkage must be supplied by the developer to the city commission at the time of the subsequent development's site plan approval. Linkage shall not be available if either development isentirely or in part to be constructed by public funds. Finally, all linkages under this subsection may occur within the city or on a site within the city and on a site on Stock Island in the unincorporated part of the county.

(c) *New affordable work force housing.* The maximum total rental and/or sales price for all new affordable work force housing units in a single development shall be based on each unit being affordable housing (moderate income). The rental and/or sales price may be mixed among affordable housing (low income), (median income), (middle income) and (moderate income) in order that the total value of rental and/or sales does not exceed ten percent of the rental and/or sales of all the units at affordable housing (moderate income).
(d) *Demonstration of continuing affordability.* Demonstration of continuing affordability shall be by deed restriction or any other mutually acceptable method that effectively runs with the land and is binding on owners, successors in ownership, or assigns. The deed restriction shall be in a form provided by the city and shall be for a period of at least 50 years. It shall be recorded in the county records. During the final year of the deed restriction, the city commission may act by Resolution to renew the affordability restriction for an additional 50-year term.
(e) *Reporting requirements.* Owners of affordable work force housing projects or units shall furnish the city manager or his designee with annual information necessary to ensure continued compliance with affordability criteria, beginning one year after the date of building permit issuance and on each anniversary date thereafter. Reporting requirements shall include sworn tenant household verification information. Property owners subject to this subsection may contract with the Key West Housing Authority to perform annual tenant eligibility verification.
(f) *Compliance with antidiscrimination policy.* All property owners offering housing under this division shall comply with the antidiscrimination policy of article II of chapter 38.
(Ord. No. 98-18, § 1, 6-3-1998; Ord. No. 02-08, § 1, 2-20-2002; Ord. No. 05-27, § 4, 10-18-2005)

**Sec. 122-1468. Affordable work force housing trust fund.**
(a) The affordable work force housing trust fund (referred to as the "trust fund") is established. The trust fund shall be maintained with funds earmarked for the trust fund for the purpose of promoting affordable work force housing in the city and its immediate environs. Monies received by the trust fund shall not be commingled with general operating funds of the city. The trust fund shall be in a separate dedicated fund used only for the following:
(1) Financial aid to developers as project grants for affordable housing (low income) to (moderate income) construction;
(2) Financial aid to eligible homebuyers of affordable housing (low income) to (moderate income) as mortgage assistance;
(3) Financial incentive for the conversion of transient units to affordable housing (low income) to (moderate income) residential units;
(4) Direct investment in or leverage to housing affordability through site acquisition, housing development and housing conservation; or
(5) Other affordable work force housing purposes from time to time established by resolution of the city commission.
(b) Except as provided in section 122-1471, the city commission shall determine all expenditures from the trust fund upon the advice of the city manager.
(Ord. No. 98-18, § 1, 6-3-1998; Ord. No. 02-08, § 1, 2-20-2002; Ord. No. 05-27, § 5, 10-18-2005)

**Sec. 122-1469. Applicant eligibility requirements.**
The following eligibility requirements shall be required of households or persons to qualify for affordable work force housing units to the extent lawful:

(1) The household or person shall derive at least 70 percent of its or his/her total income from gainful employment in the county.
(2) At the time of sale or lease of an affordable housing (low income) unit, the total income of eligible household or persons shall not exceed 80 percent of the median household income for the county (adjusted for family size).
(3) During occupancy of any an affordable housing (low income) rental unit, a household's income may increase to an amount not to exceed 120 percent of the median household income for the county (adjusted for family size). In such event, the tenant's occupancy shall terminate at the end of the existing lease term.
(4) At the time of sale or lease of an affordable housing (median income) unit, the total income of eligible households or persons shall not exceed 100 percent of the median household income for the county (adjusted for family size).
(5) During occupancy of any affordable housing (median income) rental unit, a household's annual income may increase to an amount not to exceed 140 percent of median household income for the county (adjusted for family size). In such event, the tenant's occupancy shall terminate at the end of the existing lease term.
(6) At the time of sale or lease of an affordable housing (moderate income) unit, the total income of eligible households or persons shall not exceed 120 percent of the median household income for the county (adjusted for family size).
(7) During occupancy of an affordable housing (moderate income) rental unit, a household's annual income may increase to an amount not to exceed 160 percent of median household income for the county (adjusted for family size). In such event, the tenant's occupancy shall terminate at the end of the existing lease term.
(8) At the time of sale or lease of an affordable housing (middle income) unit, the total income of eligible households or persons shall not exceed 140 percent of the median household income for the county (adjusted for family size).
(9) During occupancy of an affordable housing (middle income) rental unit, a household's annual income may increase to an amount not to exceed 180 percent of median household income for the county (adjusted for family size). In such event, the tenant's occupancy shall terminate at the end of the existing lease term.
(10) Eligibility is based on proof of legal residence in the county for at least one consecutive year.
(11) Priority shall be given to families of four or more members for larger sized affordable work force housing units.
(12) The applicant shall execute a sworn affidavit stating the applicant's intention to occupy the dwelling unit.
(13) The income of eligible households shall be determined by counting only the first and highest paid 40 hours of employment per week of each unrelated adult. For a household containing adults related by marriage or a domestic partnership registered with the city, only the highest 60 hours of the combined employment shall be counted. The income of dependents regardless of age shall not be counted in calculating a household's income.
(14) In the event that a tenant's income shall exceed the maximum allowable income under this section and such shall occur for the first time during the last three months of a tenancy, then the landlord and tenant may extend a lease for a period of one year at the affordable rental rate.
(15) The board of adjustment may review a household's income and unique circumstances to determine eligibility and conformance with the intent of this ordinance to assure that people in need are not excluded and people without need are not included.

(Ord. No. 98-18, § 1, 6-3-1998; Ord. No. 02-08, § 1, 2-20-2002; Ord. No. 05-27, § 6, 10-18-2005)

**Sec. 122-1470. Accessory unit infill.**

(a) In all zoning districts of the city, except conservation districts (C), airport district (A) and the HPRD, PRD, HHDR, HMDR, MDR, MDR-C, LDR-C and SF districts, the city commission desires to encourage the addition of affordable work force housing on the same site as commercial properties and institutions to promote employee housing. Such development shall be known as accessory unit infill. Tenants shall be eligible persons under section 122-1469. Applicants under this section may provide two bicycle or scooter parking spaces per unit as an alternative to applying to the board of adjustment for parking variances. Provided that units of 600 square feet or less are treated as an 0.55 equivalent unit and all units provided are available under the city's building permit allocation ordinance, section 108-1056 et seq. of the Code of Ordinances, the city shall process applications under this section in the same manner as multifamily units or as a conditional use if multifamily is not allowed.

(b) The maximum total rental and/or sales price for accessory unit infill in a single development shall be based on each unit being affordable housing (moderate income). The rental and/or sales price may be mixed among affordable housing (low income), (median income), (middle income) and (moderate income) in order that the total value in rental and/or sales does not exceed ten percent of the rental and/or sales of all the units at affordable housing (moderate income).

(Ord. No. 98-18, § 1, 6-3-1998; Ord. No. 02-08, § 1, 2-20-2002; Ord. No. 05-27, § 9, 10-18-2005)

**Sec. 122-1471. Community housing development organization.**

The city commission may promote the establishment of a nonprofit community housing development organization (CHDO), pursuant to federal regulations governing such organizations, to serve as developer of affordable workforce housing units on city-owned property located in both the city and in the community redevelopment areas, including excessed U.S. Navy property, or located in Key Haven and Stock Island in the unincorporated part of the county, upon interlocal agreement. In such event, the city may delegate to the community housing development organization all or partial administration of the affordable housing trust fund.

(Ord. No. 98-18, § 1, 6-3-1998; Ord. No. 02-08, § 1, 2-20-2002; Ord. No. 05-27, § 10, 10-18-2005)

**Sec. 122-1472. Family size.**

When establishing a rental or sales amount, one shall assume family size as indicated in the table below. This section shall not be used to establish the maximum number of individuals who actually live in the unit.

TABLE INSET:

| Size of Unit | Assumed Family Size | Minimum Occupancy |
|---|---|---|
| Efficiency (no separate bedroom) | 1 | 1 |
| One bedroom | 2 | 1 |

| | | |
|---|---|---|
| Two bedroom | 3 | 2 |
| Three bedroom | 4 | 3 |
| Four or more bedrooms | 5 | 1 per bedroom |

(Ord. No. 02-08, § 1, 2-20-2002; Ord. No. 05-27, § 11, 10-18-2005)

**Sec. 122-1473. Reserved.**

**Editor's note:** Section 12 of Ord. No. 05-27, adopted Oct. 18, 2005, repealed § 144-1473, which pertained to sunset provisions, and derived from Ord. No. 98-18, adopted June 3, 1998; and Ord. No. 02-08, adopted Fe. 20, 2002.

Secs. 122-1474--122-1500. Reserved.

**Sec. 122-232. Accessory units.**

The single-family residential district (SF) shall accommodate one accessory attached or detached unit per principal dwelling unit so long as the accessory unit is duly approved pursuant to the building permit allocation system, as provided in article IV of chapter 54, and meets the criteria cited in this subdivision. The building permit allocation methodology includes a permit formula in which one accessory unit equals 0.55 dwelling unit. Accessory units shall meet all size and dimension requirements of a principal structure and shall not be excluded from impact fee provisions.

(Ord. No. 97-10, § 1(2-5.2.2(A)(1)), 7-3-1997)

**Sec. 122-233. Special criteria applicable to accessory units.**

(a) Accessory units proposed within the single-family residential district (SF) shall met the following criteria:

(1) Each unit shall have a rental rate, including utilities, not exceeding 15 percent of the median household income in the county. This affordability criteria shall be duly recorded as a deed restriction in perpetuity.

(2) Accessory units shall be restricted to occupancy by permanent residents.

(3) Accessory units shall not be sold separately as a condominium.

(4) When an accessory unit permit is originally initiated, the principal unit must be owned and occupied by a permanent resident.

(5) Accessory units shall not take up more than 40 percent of the principal structure.

(6) Accessory units shall comply with maximum impervious surface regulation within the SF district. Parking surfaces shall not be counted as open space.

(7) Accessory units shall comply with applicable landscaping requirements.

(8) Accessory units shall comply with the maximum threshold for lot coverage by impervious surfaces.

(9) Parking requirements shall be satisfied by both the principal and accessory unit.

(10) Density shall be calculated based only upon the number of principal units on a site.

(11) Accessory units shall not exceed 600 square feet and the minimum size shall be 300 square feet.

(b) Any application for accessory units shall include deed restrictions which shall be filed with the city and the clerk of the circuit court. The deed restrictions shall incorporate mandatory compliance with the criteria cited in subsection (a) of this section.

(Ord. No. 97-10, § 1(2-5.2.2(A)(2)), 7-3-1997)

**Sec. 122-234. Potential increase in accessory unit threshold size.**
No accessory unit in the single-family residential district (SF) shall have more than one bedroom unless an additional bedroom is approved as a variance by the board of adjustment. If such variance is approved, the total square footage shall not exceed 600 square feet. The permit allocation system shall be coordinated with the county's analysis of evacuation clearance times in order to maintain or decrease the standard time for such clearance.
(Ord. No. 97-10, § 1(2-5.2.2(A)(3)), 7-3-1997)

**86-9 Definition of Terms**
***Accessory apartment*** means a second attached or detached dwelling unit contained within a single-family detached dwelling or an accessory building (structure) on the same lot as a single-family detached dwelling for use as a complete, independent living quarters, with provisions for living, sleeping, bathing, and cooking which meet the following criteria:
(1) The principal single-family dwelling shall:
a. Contain no more than one accessory apartment;
b. Be owner-occupied when the original accessory unit occupancy permit is initiated; and
c. Not be used or licensed for transient rental housing.
(2) The accessory apartment shall:
a. Contain no more than 600 square feet of gross floor area;
b. Be occupied by a person or household for whom the unit is a primary residence;
c. Accessory units shall be used only by permanent residents;
d. Accessory units may not be rented transiently nor can they be granted a business tax receipt for transient use; and
e. Adequate public utilities and public facilities shall be available concurrent with the permittin

**RESOLUTION NO. 08-057**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY MANAGER TO PREPARE AND EXECUTE A LETTER OF COMMITMENT IN THE AMOUNT OF $40,000.00 PAYABLE FROM THE CITY'S AFFORDABLE HOUSING TRUST FUND, IN SUPPORT OF THE CONSTRUCTION BY AIDS HELP, INC. OF A PROPOSED 50-UNIT SUPPORTED LIVING FACILITY WITHIN THE SPECIAL NEEDS SECTION AT THE POINCIANA HOUSING SITE; PROVIDING THAT FUNDS WILL BE RELEASED UPON RECEIPT OF FUNDING FOR THE PROJECT BY TAX CREDIT FUNDING THROUGH THE FLORIDA HOUSING FINANCE CORPORATION; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City Commission is committed to solving the affordable housing crisis in Key West; and

**WHEREAS**, AIDS HELP, INC., is a community-based nonprofit organization providing case-managed health care, housing, food, health education and counseling, HIV-risk reduction outreach programs, and referral and support services for HIV-infected residents of the Florida Keys; and

**WHEREAS**, AIDS HELP, INC., provides referrals to housing subsidy programs and provides limited residential housing facilities for eligible clients; and

**WHEREAS**, the City Commission, acting through the Naval Properties Local Redevelopment Authority of the City of Key West (LRA) has authorized a lease of approximately 7.66 acres of

property located on vacant land owned by the LRA within the Special Needs Section of the Poinciana Affordable Housing site, located within the corporate limits of the City of Key West, Florida, to the Housing Authority of the City of Key West, Florida; and

**WHEREAS**, the Housing Authority of the City of Key West has authorized a sublease of approximately 1.25 of the 7.66 acres to AIDS HELP, INC., for construction of low income housing; and

**WHEREAS**, the City Commission has approved the application of AIDS HELP, INC., for a Major Development Plan and Conditional Use for the construction of a fifty units supported living facility for low income people; and

**WHEREAS**, the Florida Housing Finance Corporation has approved a five hundred thousand dollar ($500,000) predevelopment loan to AIDS HELP, INC. to prepare an application for funding; and

**WHEREAS**, the City Commission wishes to assist AIDS HELP, INC. in the development of housing for clients suffering from HIV disease and in need of living assistance; and

**WHEREAS**, AIDS HELP, INC. is applying to the Florida Housing Finance Corporation for tax credit funding in the 2008 Universal Cycle to construct fifty units of low income housing for people with HIV disease; and

**WHEREAS**, the application to the Florida Housing Finance

Corporation requires documentation of city support for the project; and

**WHEREAS**, the Community Housing Committee of the City of Key West recommended at its meeting of January 22, 2008, that the City provide forty thousand dollars ($40,000) from affordable housing funds to demonstrate that commitment; and

**WHEREAS**, the City Commission finds that providing funding from the Affordable Housing Trust Fund in the amount of $40,000.00 in support of the proposed AIDS HELP, INC. housing would serve to enhance and protect the health, safety and welfare of the citizens of Key West;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the city manager is hereby authorized to prepare and execute a commitment letter for forty thousand dollars ($40,000.00) to be included in the AIDS HELP, INC. application for tax credit funding from the Florida Housing Finance Corporation for construction of fifty low income units at Poinciana.

Section 2: That payment of the funds is contingent upon approval and acceptance of tax credit funding.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 20th day of February, 2008.

Authenticated by the presiding officer and Clerk of the Commission on February 21, 2008.

Filed with the Clerk February 21, 2008.

MORGAN McPHERSON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK

**RESOLUTION NO. 07-275**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, APPROVING A ONE-YEAR EXTENSION OF THE MAJOR DEVELOPMENT PLAN AND CONDITIONAL USE PLAN FOR THE PROPERTY LOCATED AT THE 3300 BLOCK OF DUCK AVENUE (POINCIANA) FOR A 50 UNIT NURSING HOME, REST HOME AND CONVALESCENT HOME PURSUANT TO 122-278(3); PROVIDING FOR CONDITIONS IN RESOLUTION 06-153; PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:**

**Section 1.** That the Major Development Plan and Conditional Use Plan for the property located at the 3300 Block of Duck Avenue (Poinciana) for a 50-unit "*nursing home, rest home, and convalescent home*" pursuant to conditional use section 122-178 (3) of the Key West Code of Ordinances and originally authorized by Resolution 06-153, is hereby extended for a period of one year.

**Section 2.** This Resolution shall go into effect immediately upon passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at regular meeting held this 7th day of August, 2007.

Authenticated by the presiding officer and Clerk of the Commission on August 15, 2007.

Filed with the Clerk August 15, 2007.

MORGAN MCPHERSON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK

RESOLUTION NO. 06-153

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED MAJOR DEVELOPMENT AND CONDITIONAL USE PLAN FOR THE PROPERTY LOCATED AT THE 3300 BLOCK OF DUCK AVENUE (POINCIANA) FOR A 50-UNIT ASSISTED LIVING FACILITY; PROVIDING CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE**

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That pursuant to section 108-198 of the Code of Ordinances the attached Major Development Plan is hereby approved; provided that the two conditions of the Key West Planning Board set forth in Resolution No. 2006-008 are fulfilled.

Section 2: That pursuant to section 122-63 of the Code of Ordinances the attached Conditional Use is hereby approved.

Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 2nd day of May, 2006.

Authenticated by the presiding officer and Clerk of the Commission on May 3, 2006.

Filed with the Clerk May 3, 2006.

MORGAN McPHERSON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK

STATE OF FLORIDA, COUNTY OF MONROE, CITY OF KEY WEST

This copy is a true copy of the public record on file in this office. Witness my hand and official seal this 13 day of July, 2006

By Cheryl Smith
Cheryl Smith, City Clerk

**PLANNING BOARD RESOLUTION**
**No. 2006-008**

**A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD PURSUANT TO SECTIONS 108-196 and 122-278 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, APPROVING A MAJOR DEVELOPMENT PLAN AND A CONDITIONAL USE APPLICATION FOR A 50 UNIT ASSISTED LIVING FACILITY (WITHIN THE POINCIANA HOUSING SPECIAL NEEDS COMMUNITY) (RE#00064740-000000); PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, an Application for a Major Development Plan and a Conditional Use Application was filed 27 December 2005 by AIDS Help, Inc. c/o Robert L. DeLaune, Architect P.A. on behalf of the City of Key West, owner of the property, located in the MDR-1 (Medium Density Residential –1) zoning district; and

**WHEREAS**, the proposal is to allow for a 50 unit assisted living facility; and

**WHEREAS**, the City Planning Department, expressed the decision that this specific use was not listed anywhere in the code but was a very unique type of development that would normally not be listed and was consistent in intensity and character of other conditional uses allowed in the MDR-1 zoning district and therefore a conditional use review would be permitted; and

**WHEREAS,** at the 26 January 2006, Development Review Committee meeting there were the following comments regarding the proposed use based on the plans received December 27, 2005.

Utilities:

- Keys Energy Service, comment received in writing: proposed construction is in conflict with existing over-head wires. If this project is approved, the applicant will be required to pay upwards of $20,000 to relocate said facilities underground. The applicant will provide a full set of plans and a Project Review Form to ensure that the existing and surrounding customers have adequate power.
- Florida Keys Aqueduct Authority: Existing 6" water main located on Spaulding Court appears adequate to serve this project. A complete set of plans is necessary to further determine meter requirements.

Parking:

- Required number in the MDR-1 district is 1 parking space per 4 beds for nursing and/or convalescent homes. The proposed project will provide the required additional 13 spaces and will have no impact on the existing residential parking.

- There are two bicycle rack locations providing approximately 12 properly sized bike spaces and additional motor-scooter spaces.

Storm water:

- Drainage Plan as submitted is adequate. Key West Utilities Director requests that a drainage grate be provided at the foot of the entry drive to further prevent storm water runoff onto Duck Avenue.

Landscaping:

- Landscape Coordinator requires that the applicant remove all invasive non-native vegetation and further secure approval from the Tree Commission by preserving three existing Psida Trees.

Pedestrian Access:

- All proposed walkways shall be duly connected to all existing walkways within a reasonable distance and be ADA compliant.

Site Safety & Security:

- The Fire Marshal has requested that an emergency-access connection be added between the existing parking lot at Spaulding Court and the proposed "T" style turnabout at the northern end of the development; and

**WHEREAS**, after public notice, the application for a Major Development Plan and a Conditional Use approval was heard by the Planning Board at its Regular Meeting of 16 March 2006; and

**WHEREAS**, for that meeting, there were 87 notices sent to parcel owners within 300 feet and 13 responses were returned, with 4 objections and 9 non-objections, 4 comments were read into the record and Mr. Alan Tidball came to the Planning Dept. office in person to object, as he would be unable to attend the meeting; and

**WHEREAS**, at that meeting, City Planner Ty Symroski presented the staff report by Brendon Cunningham dated 16 March 2006; and

**WHEREAS,** the Board heard Mr. Symroski recommend approval of the applications and allow for a phased implementation of the project pursuant to Section 108-203; and

**WHEREAS**, the applicant AIDS Help, Inc. c/o Robert L. DeLaune, Architect P.A., stated they accepted the conditions and the project phasing of one building wing per phase *and the deadline for each phase shall be a requirement to submit a complete building* permit within one (1) year for phase 1, within five (5) years for phase 2 and within ten (10) years for phase 3, all time frames being measured from the effective date of the final approval of the Development Plans by the City and Department of Community Affairs; and

**WHEREAS,** the following plans were being reviewed at the Planning Board meeting

| Plans | By | Date | Revised | Pg # | Received |
|---|---|---|---|---|---|
| Cover Sheet | Robert L. Deluane, Architect, p.a.. | 27 Dec. 2005 | 8 Feb. 2006 | T0.01 | 10 Feb. 2006 |
| Preliminary Site Plan | " | " | " | A.1 | " |
| Partial Site Plan | " | " | " | A.2 | " |
| Partial Site Plan with Existing Conditions | " | " | " | A.3 | " |
| Landscape Plan | " | " | " | 1 of 11 | " |
| Conceptual Drainage Plan | " | " | " | C-1 | " |
| Boundary Survey | " | " | " | 1 of 2 | " |
| Boundary Survey | " | " | " | 2 of 2 | " |
| Lease Easement | " | " | " | NA | " |

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

**Section 1.** That the Planning Board approves the application for the Major Development Plan and the Conditional Use with the condition the plans provide for connectivity to the surrounding neighborhood:

A. ADA compliant sidewalk connections with the existing apartment complex and the adjacent neighborhood facing onto Duck Avenue

B. An additional vehicular connection onto Spaulding Court for the use of emergency vehicles.

**Section 2.** The plan is approved as a phased project pursuant to Section 108-203 and that each phase shall be a wing of the 3 wing building, there will be three phases and the deadline for each phase shall be a requirement to submit a complete building permit within one (1) year for phase 1, within five (5) years for phase 2 and within ten (10) years for phase 3, all time frames being measured from the effective date of the final approval of the Development Plans by the City and Department of Community Affairs.

**Section 3.** This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the Chairman of the Planning Board and the City Planner.

**Passed at a meeting held 16 March 2006.**

**Authenticated by the Vice-Chair of the Planning Board and the City Planner. (Note: the Chair was recused due to his membership on the board of the applicant.)**

Paul Tagliaferri 5/2/06

**Paul Tagliaferri, Vice-Chair** **Date**
**Key West Planning Board**

**Attest:**

April 12, 2006

**Ty Symroski, City Planner** **Date**

**Filed with the Clerk**

Cheryl Smith 5-2-06

**Cheryl Smith, City Clerk** **Date**

# Modification to the Major Development Plan

## *Attachment B –*

Modification to the Major Development Plan

**MAJOR DEVELOPMENT PLAN & CONDITIONAL USE APPLICATION**
**City of Key West Planning Department**
**605-A Simonton Street, Key West, FL 33040**
**(305) 292-8229**

Date Rec'd_____

# Modification to Major Development Plan Approval

| Development Plan | Conditional Use | Historic District |
|---|---|---|
| Major__X__ | _____ | Yes_____ |
| Minor_____ | | No __X__ |

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

1) Site Address Block of 3200 Duck Avenue - Poinciana Special Needs Housing Section

2) Name of Applicant AIDS Help, Inc. c/o Trepanier & Associates, Inc.

3) Applicant is: Owner _____ Authorized Representative __X_____
(attached Authorization Form must be completed)

4) Address of Applicant P.O. Box 2155, Key West, FL 33045-2155

5) Applicant's Phone # 305-293-8983 Fax 305-293-8748

6) Name of Owner, if different than above City of Key West

7) Address of Owner P.O. Box 1409, Key West, FL 33041-1409

8) Owner Phone # 305-809-3888 Fax 305-809-3886

9) Zoning District of Parcel: MDR-1 RE#: 00064740-000000

10) Is Subject Property located within the Historic District? Yes _____ No __X__

If Yes: Date of approval ____NA_____ HARC # NA

OR: Date of workshop ____NA_____ Date of expected approval _____

11) Description of Proposed Development and Use:

AIDS Help, Inc. received Major Development Plan and Conditional Use approval per Resolution No. 07-275 for the above property on 08/07/08. This application seeks to modify the approved site plans.

**DEVELOPMENT AGREEMENT APPLICATION**
**City of Key West Planning Department**
**605-A Simonton Street, Key West, FL 33040**
**(305) 292-8229**

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. Please see attachments

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, Trepanier & Associates, Inc (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.

Sarah Ruth Davis
Signature of Applicant

Subscribed and sworn to (or affirmed) before me on December 1, 2008 (date) by Sarah R. Davis (name of affiant, deponent or other signer). He/She is personally known to me or has presented _____ as identification.

Richard Puente
Notary's Signature and Seal

NOTARY PUBLIC STATE OF FLORIDA
RICHARD PUENTE
MY COMMISSION # DD524819
EXPIRES: Mar. 2, 2010
(407) 398-0153 Florida Notary Service.com

Richard Puente Name of Acknowledger typed, printed or stamped

Notary Title or Rank DD524819 Commission Number

**MAJOR DEVELOPMENT PLAN & CONDITIONAL USE APPLICATION**
**City of Key West Planning Department**
**605-A Simonton Street, Key West, FL 33040**
**(305) 292-8229**

## Authorization Form

I, Robert Walker, Executive Director – AIDS Help, Inc., authorize Aids Help, Inc. to pursue necessary development approvals required to construct affordable housing on a portion of the Special Needs section of the Poinciana housing complex (RE# 00064740-000000).

Robert G. Walker

Mr. Robert Walker, Executive Director

Subscribed and sworn to (or affirmed) before me on 5-Nov-2008 (date) by Mr. Robert Walker who is personally known to me or has presented _____ as identification.

Karen A. Frank-Noll

Notary's Signature and Seal

KAREN A. FRANK-NOLL
Comm# DD0686934
Expires 6/18/2011
Florida Notary Assn., Inc

_____ Name of Acknowledger printed or stamped

_____ Title or Rank

_____ Commission Number, if any

# MAJOR DEVELOPMENT PLAN & CONDITIONAL USE APPLICATION

**City of Key West Planning Department**
**605-A Simonton Street, Key West, FL 33040**
**(305) 292-8229**

## Required Plans and Related Materials

I. **Existing Conditions.**
Recent Survey: Please see attached survey.
Existing Landscaping: Please see existing landscape conditions plan
Existing storm water retention areas and drainage flows: Please see attached survey.
Adjacent land uses, buildings, and driveways: Please see attached site plan

II. **Proposed Development**: Plans at 11" X 17" (10,0000 Sq. ft. or less); 24" X 36" if site is over 10,000 sq. ft.
A) Site Plan: Please see attached
B) Building Elevations: Please see attached
C) Drainage Plan: Please see attached
D) Landscape Plan: Please see attached

III. **Solutions Statement:** AIDS Help, Inc. received Major Development Plan and Conditional Use approval per Resolution No. 07-275 for the above property on 08/07/08. This application seeks to modify the approved site plans. This project will serve disabled people and people with HIV disease who qualify for affordable housing.

# Concurrency

*Attachment C –*

# Concurrency Analysis

**AIDS Help, Inc. Poinciana Concurrency Analysis**

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

The following specific issues are outlined:

1. Density/Intensity and Dwelling Unit Allocation Ordinance
2. Potable Water & Sanitary Sewer
3. Recreation
4. Solid Waste
5. Drainage
6. Roads/Trip Generation

AIDS Help is proposing a new affordable rest home for disabled people and people with HIV disease in the Special Needs Section of the Poinciana Housing Complex and is defined by KW Code Sec. 86-9 Land Use Classifications (2)h:

**Key West Code Sec. 86-9 Definitions,**

> "Land Use Classifications (2)h - *Nursing homes,* ***rest homes*** *and convalescent home:*
>
> "*Nursing homes, rest homes and convalescent homes* mean activities customarily performed by a home for the elderly or infirm in which **three or more persons not of the immediate family** are **received, kept or provided with food, shelter and care for compensation... for purposes of permitted density and intensity, the floor area ratio shall govern, not units per acre**. Individual living units or resident nursing beds **shall be treated as 0.1 equivalent unit under the city's building permit allocation ordinance**, section 108-1056 et seq...."

The rest home will consist of 50 individual living units. For purposes of this concurrency analysis, impacts will be calculated both based on 1.0 person per room (50 people) as well as 1.5 persons per room (75 people) to provide additional assurances that capacity is available concurrent with the project.

1. **Density/Intensity and Dwelling Unit Allocation Ordinance** - Pursuant to KW Code Sec. 86-9 Land Use Classifications (2)h "floor area ratio shall govern, not units per acre" and the proposed, rest home's individual living units are treated as 0.1 equivalent units under the City's Building Permit Allocation Ordinance.

   Approval of a similar AIDS Help rest home was upheld by the Circuit Court as being both in compliance with the City Code and not inconsistent with the Comprehensive Plan in Catherine Street Alliance v. City of Key West and AIDS Help Circuit Court Case No. 2007-CA-1443 K. Both the KW Code Sec. 86-9 Land Use Classifications (2)h and the prior development order approvals for this specific use as contained in this development agreement were previously reviewed, approved and adopted by the Department of Community Affairs (DCA) as the state land planning agency.

Maximum Density. The Poinciana Special Needs Section is zoned Medium Density Residential District-1 (MDR-1). Sec. 122-276, KW Code.Maximum Density in the Medium Density Residential District-1 (MDR-1) is 8 dwelling units per acre. Although units per acre is not applicable to a *rest home* under KW Code Sec. 86-9 Land Use Classifications (2)h, density can be calculated and compared to a maximum density of 8 units per acre for MDR-1 district.

i) the maximum **permitted density** of this MDR-1 parcel is:

8 units x 7.66 acres = 61.28 units

ii) the maximum **proposed density** of this parcel is 50 units

The proposed density of 50 is less than 61 units and remains unchanged as a result of this agreement.

Intensity (FAR). Intensity of the proposed use is measured in terms of floor area ratio pursuant to KW Code Sec. 86-9 Land Use Classifications (2)h. Floor Area Ratio (FAR) in this Medium Density Residential District-1 (MDR-1) is 1.0.

iii) the maximum **permitted FAR** for this MDR-1 parcel is 1.0

Floor area sq ft/site area sq ft x 100 = percentage of Floor Area Utilized

1.0 FAR = 333,839 sf/333,839 sf FAR x 100 = 100% utilization of FAR

iv) the maximum **proposed FAR** for this parcel as a result of this project will be:

32,323 sf/333,839sf = 0.09 FAR x 100 = 9% utilization of FAR

v) The minimum number of **ROGO Units** required will be as follows:

50 individual living units x 0.1 ROGO/individual living unit = 5 units

Sufficient ROGO units are allocated for the development per the Development Agreement.

2. **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 standards[1]:"

**Potable Water.** Sec. 94-68 sets the level of service for residential potable water at 93 gal/ capita/ day. Utilizing this level of service standard:

i) the total capacity required for the proposed project at **1 person**/unit is:

93 gal/capita/day x 50 people = 4,650 gal/ day

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

ii) the total capacity required for the proposed project at **1.5 person**/unit is:

93 gal/capita/day x 75 people = 6,975 gal/ day

As verified by the FKAA, the site is currently served by a 6" water main located on Spaulding Court and is adequate to serve this project. Metering requirements will be determined once a complete set of plans are submitted.

FKAA 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 FKAA to provide over 23 MGD by July 2010, which will provide sufficient capacity through 2022[2]. 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 Floridan 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 Floridan Aquifer capacity that will be provided by the expanded R.O. plant. Interim Water Use Allocations in the WUP permit provide FKAA with an allocation of 17.00 MGD (dry season) and 17.79 GPD (wet season) which may be withdrawn from the Biscayne Aquifer and allows FKAA to utilize the Stock Island and Marathon Reverse Osmosis plants for any demands exceeding the interim withdrawal limit, pending completion of the R.O. plant in Florida City. The Stock Island and Marathon R.O. plants have a combined capacity of 3.0 MGD providing an interim WUP water supply of 20.0 MGD during the dry season if needed. Once operational in 2010, the R.O. plant will provide an additional 6.0 MGD, which when combined with the 17.0 MGD permitted withdrawal from the Biscayne Aquifer, will increase available water supply to 23 MGD for the Florida Keys.

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

1996 annual water demand = 5,272 MG /year

2006 annual water demand = 6,310 MG /year

Average Annual Increase = (6,310 MG - 5,272MG)/ 10 = 103.8 MG /year

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

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 Floridan 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 residential sanitary sewer at 100 gal/ capita/ day.

Utilizing this level of service standard;

iii) the total capacity required for the proposed project at **1 person**/unit is:

100 gal/ capita/ day x 50 people = 5,000 gal/ day

iv) the total capacity required for the proposed project at **1.5 person**/unit is:

100 gal/ capita/ day x 75 people = 7,500 gal/ day

As verified by Mr. Greg Smith, project manager at Operations Management International (management entity for the City of Key West's wastewater treatment plant, Exhibit III), 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 supply service to this project's needs.

3. **Recreation-** "In cases where residential development is proposed, information shall be submitted describing plans for accommodating recreational demands generated by the development, including demonstrated evidence that the City's adopted level of service for recreation shall not be adversely impacted[3]:"

Recreational Level of Service Standards:

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

| Activity | Requirement[4] | Required[5] | Existing[6] | Comply? |
|---|---|---|---|---|
| Tennis Courts | 1 court per 7,500 | 3.10 | 6 | Yes |
| Racquetball/Handball Courts | 1 court per 10,000 | 2.33 | 4 | Yes |
| Basketball Courts | 1 court per 5,000 | 4.65 | 5[7] | Yes |
| Softball/Baseball Diamonds | 1 diamond per 4,500 | 5.17 | 6 | Yes |
| Swimming Pools | 1 pool per 45,000 | Less than 1 | 2[8] | Yes |
| Golf Courses | 1 18-hole course per 50,000 | Less than 1 | 1 | Yes |
| Boat Ramps | 1 ramp per 9,500 | 2.45 | 5[9] | Yes |
| Football/Soccer Fields | 1 field per 11,000 | 2.11 | 3 | Yes |
| Bocce Courts | 1 court per 9,500 | 2.45 | 6 | Yes |
| Neighborhood Parks | 2.5 acres per 1,000 | 46.52 | 236.5 acres[10] | Yes |
| Community Parks | 2.5 acres per 1,000 | 46.52 | | |

The City has more than enough additional recreational capacity beyond the adopted level of service for recreational activities for the rest home's additional 50 living units at 1 person and 1.5 persons per living unit. The City currently has enough recreational facility capacity to meet this project's needs and the City's adopted recreational level of service will not be adversely impacted as a result of this project.

4. **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 impacted[11]:"

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

i) the total capacity required for the proposed project at **1 person**/proposed unit is:

2.66 lb/ capita/ day x 50 people =133 lb/ day

ii) the total capacity required for the proposed project at **1.5 person**/ unit is:

2.66 lb/ capita/ day x 75 people = 200 lb/ day

According to Mr. Gary Bowman, the General Services Department Director for the City of Key West's Utility Department, Waste Management has more than enough capacity to manage the additional solid waste produced by our project (Exhibit V).

[4] Per Section 94-70 of the City of Key West Code

[5] These calculations are based on the Key West and Monroe County Demographics found: http://www.keywestchamber.org/PDF/demographics.pdf , which assumes a population of 23,262.

[6] Please see attached map for specific locations. (Exhibit IV)

[7] One located at Douglas Gym, one at the MLK Community Center, and 3 at Bay View Park.

[8] At the MLK Community Center and Florida Keys Community College

[9] One on Navy property, one on 11th Street, one at Garrison Bight, one at the Truman Water front (only open during City sanctioned events, and one at the Key West Yacht Club.

[10] The City of Key West Recreation Department was unable to provide the acreage of Neighborhood & Community Parks, however based on the 1993 Comprehensive Plan Table VII-1 Inventory of Public Parks there are 236.5 ac of parks. The parks are not differentiated by Community versus Neighborhood parks.

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

5. **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 drainage[12]:"
   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. **This requirement is met** in the analysis reflected in the drainage calculations for the project development plans.
   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. **This requirement is met.** 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 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 discharge into a water body will occur.**

6. **Roads/Trip Generation-** "Estimated trips for the peak hour generated by the proposed land use(s) together with anticipated on- and off-site improvements necessitated to accommodate the traffic impacts generated by the development including, additional R/W, roadway improvements, additional paved laneage, traffic signalization, proposed methods for controlling access and egress, and other similar improvements[13]:"

   For the purposes of calculating traffic generation we used the Institute of Transportation Engineer's 7th Edition Trip Generation Volumes. Based on the limited list of uses contained in ITE land uses list, the AIDS HELP rest home project does not closely mirror any one particular listed use. However, for the purposes of this calculation we have averaged the trip generation of the four most closely related uses as seen in the following table.

| Land Use | Weekday Trips | Saturday Trips | Sunday Trips |
|---|---|---|---|
| Senior Adult Housing-Attached (Code 252-Occupied Dwelling Units) | 3.48 | 2.51 | 2.70 |
| Congregated Care Facility (Code 253- Dwelling Units) | 2.02 | No ITE Data | No ITE Data |
| Continuing Care Retirement Community (Code 255-Occupied Units) | 2.81 | 3.00 | 2.79 |
| Nursing Home (Code 620-Beds) | 2.37 | 2.11 | 2.10 |
| Average | 2.67 | 2.54 | 2.53 |
| Total Trips for Proposed Project (Average Trips x 50 units) | 133.5 total trips | 127 total trips | 126.5 total trips |

[12] Ibid.
[13] The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues

This leasehold area is currently undeveloped and therefore currently generates no trips. This development will be served by existing roadways (Duck Avenue). Duck Avenue is not an LOS regulated roadway according to Comprehensive Plan Policy 2-1.1.1. All requirements including proposed methods for controlling ingress, egress, and providing onsite bicycle and vehicular parking and other road/trip generation improvements are met and reflected in the site plans for the proposed project.

## Exhibits

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

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

***Exhibit III*** – Letter from Greg Smith, project manager at Operations Management International

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

***Exhibit V*** – Letter from Gary Bowman, General Services Department Director for the City of Key West

## *Exhibit I –*

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

FLORIDA DEPARTMENT OF HEALTH

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 R0 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"

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

(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:

(X) 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

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.

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

Issued this 30th day of November 2006

STATE OF FLORIDA
DEPARTMENT OF HEALTH

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

## *Exhibit II* –

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

FORM #0299
Rev. 593

# 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 FKAA
(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 (ii) 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 –*

Letter from Greg Smith, project manager at Operations Management International

## Sarah Davis

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

Sarah,

Key West's wastewater treatment facility is permitted by the Florida Department of Environmental Protection to treat 10 mgd. Our annual average flow is currently 4.8 mgd. Your proposed development will have very little impact on Key West's wastewater treatment capacity.
Please let me know if you require any additional information. You can also see our website at www.keywestwastewater.com.

Best regards,

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

## *Exhibit IV –*

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

# The City of Key West's Recreation Facilities

## *Exhibit V –*

Letter from Gary Bowman, General Services Department Director for the City of Key West

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

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

# Property Appraiser Information

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

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

# Property Record View

**Alternate Key: 1065242 Parcel ID: 00064740-000000**

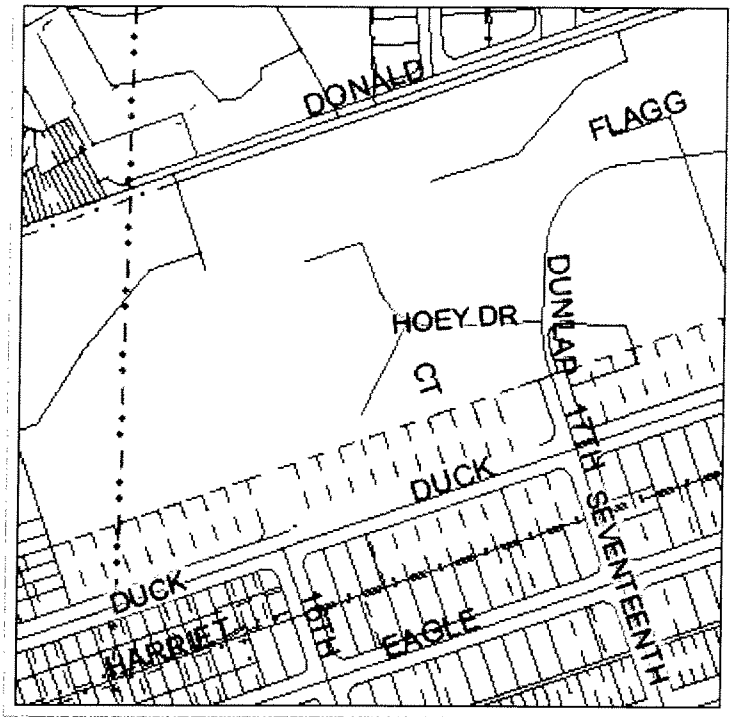
## Ownership Details

**Mailing Address:**
CITY OF KEY WEST
P O BOX 1409
KEY WEST, FL 33041

## Property Details

**PC Code:** 89 - MUNICIPAL OTHER THAN (PC/LIST)
**Millage Group:** 10KW
**Affordable Housing:** No
**Section-Township-Range:** 34-67-25
**Property Location:** 3200 BLOCK DUCK AVE KEY WEST
**Subdivision:** Key West Foundation Co's Plat No 2
**Legal Description:** KW KW FWDN SUB PLAT 2 PB1-189 LTS 2 THRU 12 BLK 19 & LAND LYING N OF SAID BLK (7.66 AC) (A/K/A POINCIANA HOUSING COMPLEX - HOMELESS HOUSING) G11-147/148 OR1655-1771/1845Q/C (LG)

## Parcel Map




## Exemptions

| Exemption | Amount |
|---|---|
| 15 - MUNICIPAL LANDS | 25,739,122.00 |

## Land Details

| Land Use Code | Frontage | Depth | Land Area |
|---|---|---|---|
| 010D - RESIDENTIAL DRY | 0 | 0 | 333,670.00 SF |

## Building Summary

**Number of Buildings:** 24
**Number of Commercial Buildings:** 0
**Total Living Area:** 130368
**Year Built:** 1966

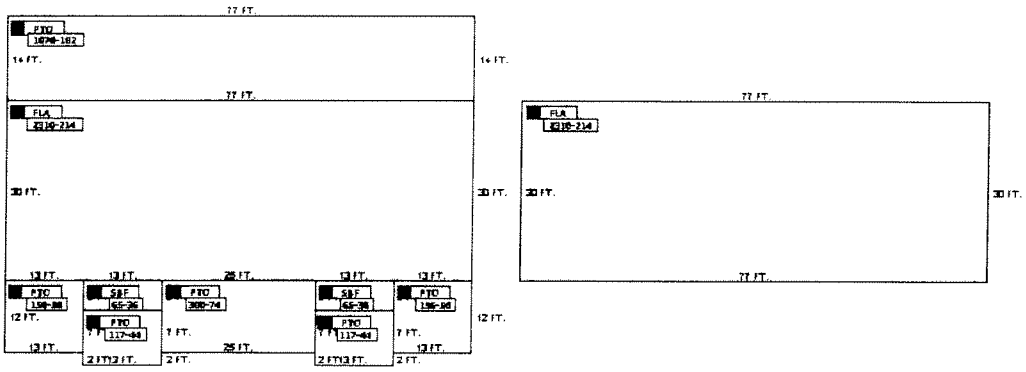
## Building 1 Details

**Building Type** R4 **Condition** P **Quality Grade** 550
**Effective Age** 16 **Perimeter** 428 **Depreciation %** 19
**Year Built** 1966 **Special Arch** 0 **Grnd Floor Area** 4,620
**Functional Obs** 0 **Economic Obs** 0

**Inclusions:** R4 includes 4 3-fixture baths and 4 kitchens.
**Roof Type** GABLE/HIP **Roof Cover** ROLLED COMPOS **Foundation** CONCR FTR
**Heat 1** NONE **Heat 2** NONE **Bedrooms** 8
**Heat Src 1** NONE **Heat Src 2** NONE
**Extra Features:**

**2 Fix Bath** 0 **Vacuum** 0
**3 Fix Bath** 0 **Garbage Disposal** 0
**4 Fix Bath** 0 **Compactor** 0

| | | | |
|---|---|---|---|
| **5 Fix Bath** | 0 | **Security** | 0 |
| **6 Fix Bath** | 0 | **Intercom** | 0 |
| **7 Fix Bath** | 0 | **Fireplaces** | 0 |
| **Extra Fix** | 0 | **Dishwasher** | 0 |



**Sections:**

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|---|---|---|---|---|---|---|---|---|---|
| 1 | FLA | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 2,310 |
| 2 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 1,078 |
| 6 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 156 |
| 7 | SBF | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 65 |
| 8 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 117 |
| 11 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 300 |
| 13 | SBF | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 65 |
| 14 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 117 |
| 17 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 156 |
| 18 | FLA | 5:C.B.S. | 1 | 2001 | N | Y | 0.00 | 0.00 | 2,310 |

## Building 2 Details

| | | | | | |
|---|---|---|---|---|---|
| **Building Type** | R6 | **Condition** | P | **Quality Grade** | 550 |
| **Effective Age** | 16 | **Perimeter** | 568 | **Depreciation %** | 19 |
| **Year Built** | 1966 | **Special Arch** | 0 | **Grnd Floor Area** | 6,384 |
| **Functional Obs** | 0 | **Economic Obs** | 0 | | |

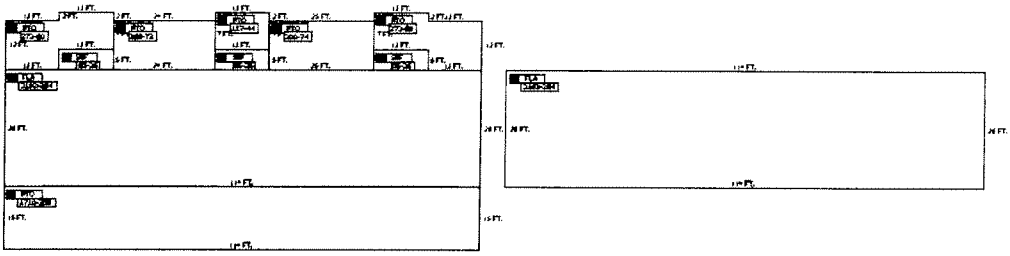
**Inclusions:** R6 includes 6 3-fixture baths and 6 kitchens.

| | | | | | |
|---|---|---|---|---|---|
| **Roof Type** | GABLE/HIP | **Roof Cover** | ROLLED COMPOS | **Foundation** | CONCR FTR |
| | NONE | | NONE | | 12 |

| Heat 1 | | Heat 2 | | Bedrooms | |
|---|---|---|---|---|---|
| Heat Src 1 | NONE | Heat Src 2 | NONE | | |

**Extra Features:**

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



**Sections:**

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|---|---|---|---|---|---|---|---|---|---|
| 1 | FLA | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 3,192 |
| 2 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 273 |
| 4 | SBF | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 65 |
| 6 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 300 |
| 7 | SBF | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 65 |
| 8 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 117 |
| 9 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 288 |
| 10 | SBF | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 65 |
| 11 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 273 |
| 12 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 1,710 |
| 13 | FLA | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 3,192 |

## Building 3 Details

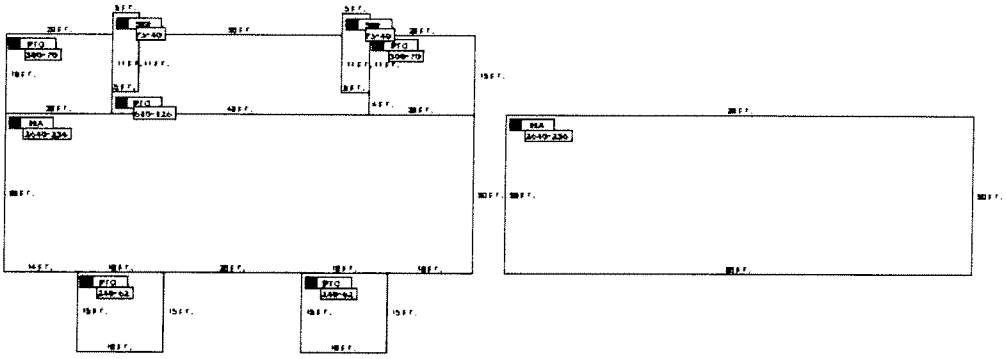
| | | | | | |
|---|---|---|---|---|---|
| **Building Type** | R4 | **Condition** | P | **Quality Grade** | 550 |
| **Effective Age** | 16 | **Perimeter** | 472 | **Depreciation %** | 19 |
| **Year Built** | 1966 | **Special Arch** | 0 | **Grnd Floor Area** | 5,280 |
| **Functional Obs** | 0 | **Economic Obs** | 0 | | |

**Inclusions:** R4 includes 4 3-fixture baths and 4 kitchens.

| | | | | | |
|---|---|---|---|---|---|
| **Roof Type** | GABLE/HIP | **Roof Cover** | ASPHALT SHINGL | **Foundation** | CONCR FTR |
| **Heat 1** | FCD/AIR DUCTED | **Heat 2** | NONE | **Bedrooms** | 12 |
| **Heat Src 1** | ELECTRIC | **Heat Src 2** | NONE | | |

**Extra Features:**

| | | | |
|---|---|---|---|
| **2 Fix Bath** | 4 | **Vacuum** | 0 |
| **3 Fix Bath** | 8 | **Garbage Disposal** | 0 |
| **4 Fix Bath** | 0 | **Compactor** | 0 |
| **5 Fix Bath** | 0 | **Security** | 0 |
| **6 Fix Bath** | 0 | **Intercom** | 0 |
| **7 Fix Bath** | 0 | **Fireplaces** | 0 |
| **Extra Fix** | 0 | **Dishwasher** | 0 |



**Sections:**

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|---|---|---|---|---|---|---|---|---|---|
| 1 | FLA | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 2,640 |
| 2 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 300 |
| 3 | SBF | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 75 |
| 4 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 610 |
| 5 | SBF | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 75 |
| 6 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 300 |
| 7 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 240 |
| 8 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 240 |
| 9 | FLA | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 2,640 |

## Building 4 Details

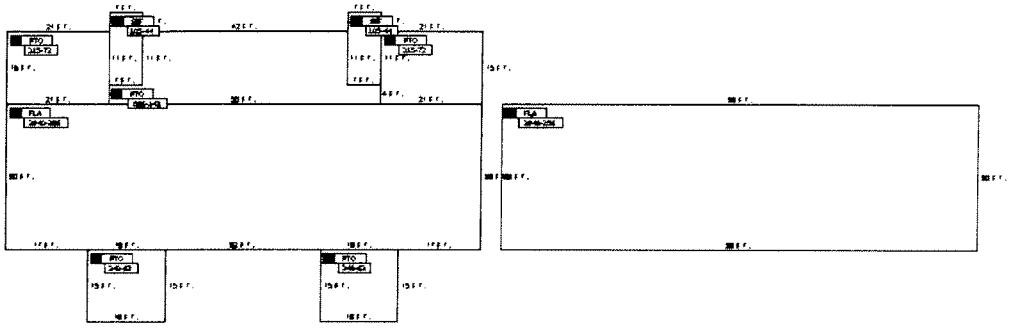
| | | | | | |
|---|---|---|---|---|---|
| **Building Type** | R4 | **Condition** | P | **Quality Grade** | 550 |
| **Effective Age** | 43 | **Perimeter** | 512 | **Depreciation %** | 43 |
| **Year Built** | 1966 | **Special Arch** | 0 | **Grnd Floor Area** | 5,880 |
| **Functional Obs** | 0 | **Economic Obs** | 0 | | |

**Inclusions:** R4 includes 4 3-fixture baths and 4 kitchens.

| | | | | | |
|---|---|---|---|---|---|
| **Roof Type** | GABLE/HIP | **Roof Cover** | ASPHALT SHINGL | **Foundation** | CONCR FTR |
| **Heat 1** | FCD/AIR DUCTED | **Heat 2** | NONE | **Bedrooms** | 16 |
| **Heat Src 1** | ELECTRIC | **Heat Src 2** | NONE | | |

**Extra Features:**

| | | | |
|---|---|---|---|
| **2 Fix Bath** | 4 | **Vacuum** | 0 |
| **3 Fix Bath** | 8 | **Garbage Disposal** | 0 |
| **4 Fix Bath** | 0 | **Compactor** | 0 |
| **5 Fix Bath** | 0 | **Security** | 0 |
| **6 Fix Bath** | 0 | **Intercom** | 0 |
| **7 Fix Bath** | 0 | **Fireplaces** | 0 |
| **Extra Fix** | 0 | **Dishwasher** | 0 |



**Sections:**

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|---|---|---|---|---|---|---|---|---|---|
| 1 | FLA | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 2,940 |
| 2 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 315 |
| 3 | SBF | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 105 |
| 4 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 686 |
| 5 | SBF | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 105 |
| 6 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 315 |
| 7 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 240 |

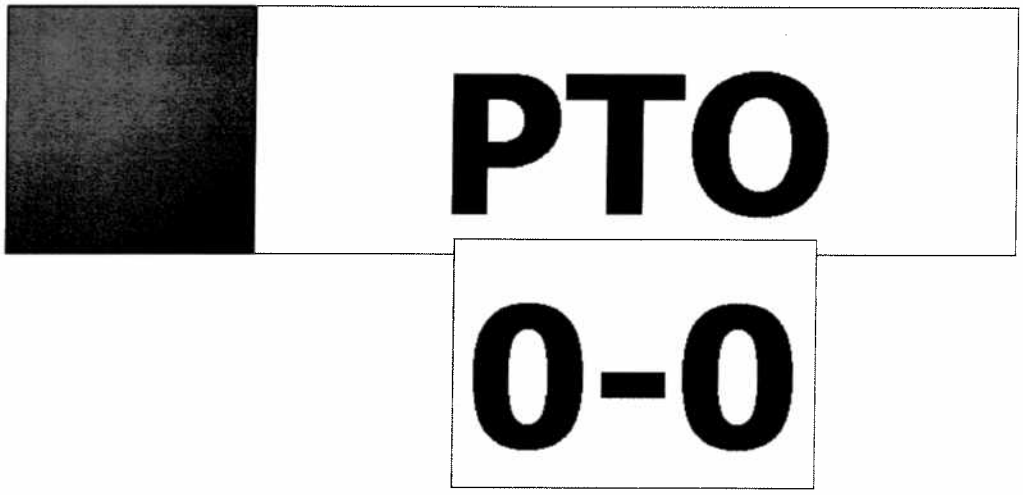
| | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| 8 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 240 |
| 9 | FLA | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 2,940 |

## Building 5 Details

**Building Type** R4 **Condition** P **Quality Grade** 550
**Effective Age** 16 **Perimeter** 512 **Depreciation %** 19
**Year Built** 1966 **Special Arch** 0 **Grnd Floor Area** 6,384
**Functional Obs** 0 **Economic Obs** 0

**Inclusions:** R4 includes 4 3-fixture baths and 4 kitchens.
**Roof Type** GABLE/HIP **Roof Cover** ASPHALT SHINGL **Foundation** CONC BLOCK
**Heat 1** FCD/AIR DUCTED **Heat 2** NONE **Bedrooms** 16
**Heat Src 1** ELECTRIC **Heat Src 2** NONE
**Extra Features:**

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




**Sections:**

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|---|---|---|---|---|---|---|---|---|---|
| 1 | FLA | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 6,384 |
| 2 | SBF | | 1 | 1982 | N | Y | 0.00 | 0.00 | 195 |
| 3 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 2,961 |

## Building 6 Details

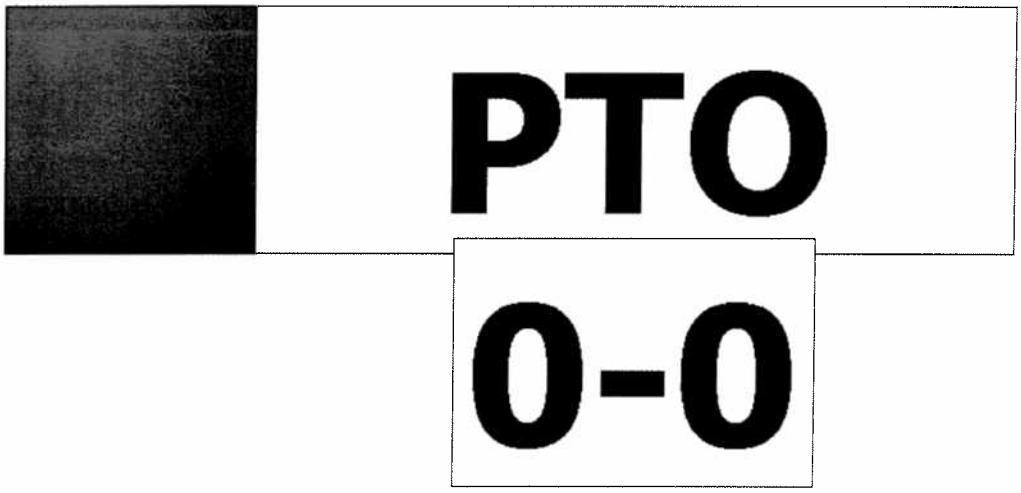
| | | | | | |
|---|---|---|---|---|---|
| **Building Type** | R6 | **Condition** | P | **Quality Grade** | 550 |
| **Effective Age** | 43 | **Perimeter** | 568 | **Depreciation %** | 43 |
| **Year Built** | 1966 | **Special Arch** | 0 | **Grnd Floor Area** | 5,280 |
| **Functional Obs** | 0 | **Economic Obs** | 0 | | |

**Inclusions:** R6 includes 6 3-fixture baths and 6 kitchens.

| | | | | | |
|---|---|---|---|---|---|
| **Roof Type** | GABLE/HIP | **Roof Cover** | ASPHALT SHINGL | **Foundation** | CONCR FTR |
| **Heat 1** | FCD/AIR DUCTED | **Heat 2** | NONE | **Bedrooms** | 12 |
| **Heat Src 1** | ELECTRIC | **Heat Src 2** | NONE | | |

**Extra Features:**

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




**Sections:**

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|---|---|---|---|---|---|---|---|---|---|
| 1 | FLA | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 5,280 |
| 2 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 1,690 |
| 3 | SBF | | 1 | 1982 | N | Y | 0.00 | 0.00 | 150 |

## Building 7 Details

| | | | | | |
|---|---|---|---|---|---|
| **Building Type** | R4 | **Condition** | P | **Quality Grade** | 550 |
| **Effective Age** | 16 | **Perimeter** | 472 | **Depreciation %** | 19 |

**Year Built** 1966 **Special Arch** 0 **Grnd Floor Area** 5,280
**Functional Obs** 0 **Economic Obs** 0

**Inclusions:** R4 includes 4 3-fixture baths and 4 kitchens.
**Roof Type** GABLE/HIP **Roof Cover** ASPHALT SHINGL **Foundation** CONCR FTR
**Heat 1** FCD/AIR DUCTED **Heat 2** NONE **Bedrooms** 12
**Heat Src 1** ELECTRIC **Heat Src 2** NONE
**Extra Features:**

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

**Sections:**

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|---|---|---|---|---|---|---|---|---|---|
| 1 | FLA | 5:C.B.S. | 1 | 1965 | N | Y | 0.00 | 0.00 | 5,280 |
| 2 | PTO | | 1 | 1965 | N | Y | 0.00 | 0.00 | 1,080 |
| 3 | SBF | 5:C.B.S. | 1 | 1965 | N | Y | 0.00 | 0.00 | 150 |

## Building 8 Details

**Building Type** R6 **Condition** P **Quality Grade** 550
**Effective Age** 16 **Perimeter** 568 **Depreciation %** 19
**Year Built** 1966 **Special Arch** 0 **Grnd Floor Area** 5,280
**Functional Obs** 0 **Economic Obs** 0

**Inclusions:** R6 includes 6 3-fixture baths and 6 kitchens.
**Roof Type** GABLE/HIP **Roof Cover** ASPHALT SHINGL **Foundation** CONCR FTR

**Heat 1** FCD/AIR DUCTED **Heat 2** NONE **Bedrooms** 12
**Heat Src 1** ELECTRIC **Heat Src 2** NONE
**Extra Features:**

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

**Sections:**

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|---|---|---|---|---|---|---|---|---|---|
| 1 | FLA | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 5,280 |
| 2 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 1,080 |
| 3 | SBF | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 150 |

## Building 9 Details

**Building Type** R4 **Condition** P **Quality Grade** 550
**Effective Age** 16 **Perimeter** 472 **Depreciation %** 19
**Year Built** 1966 **Special Arch** 0 **Grnd Floor Area** 5,280
**Functional Obs** 0 **Economic Obs** 0

**Inclusions:** R4 includes 4 3-fixture baths and 4 kitchens.
**Roof Type** GABLE/HIP **Roof Cover** ASPHALT SHINGL **Foundation** CONCR FTR
**Heat 1** FCD/AIR DUCTED **Heat 2** NONE **Bedrooms** 16
**Heat Src 1** ELECTRIC **Heat Src 2** NONE
**Extra Features:**

| | | | |
|---|---|---|---|
| **2 Fix Bath** | 0 | **Vacuum** | 0 |

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

**Sections:**

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|---|---|---|---|---|---|---|---|---|---|
| 1 | FLA | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 5,280 |
| 2 | PTO | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 1,080 |
| 3 | SBF | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 150 |

## Building 10 Details

| | | | | | |
|---|---|---|---|---|---|
| Building Type | R4 | Condition | P | Quality Grade | 550 |
| Effective Age | 16 | Perimeter | 428 | Depreciation % | 19 |
| Year Built | 1966 | Special Arch | 0 | Grnd Floor Area | 5,880 |
| Functional Obs | 0 | Economic Obs | 0 | | |

**Inclusions:** R4 includes 4 3-fixture baths and 4 kitchens.

| | | | | | |
|---|---|---|---|---|---|
| Roof Type | GABLE/HIP | Roof Cover | ASPHALT SHINGL | Foundation | CONCR FTR |
| Heat 1 | FCD/AIR DUCTED | Heat 2 | NONE | Bedrooms | 8 |
| Heat Src 1 | ELECTRIC | Heat Src 2 | NONE | | |

**Extra Features:**

| | | | |
|---|---|---|---|
| 2 Fix Bath | 0 | Vacuum | 0 |
| 3 Fix Bath | 0 | Garbage Disposal | 0 |
| 4 Fix Bath | 0 | Compactor | 0 |
| 5 Fix Bath | 0 | Security | 0 |
| 6 Fix Bath | 0 | Intercom | 0 |

| | | | |
|---|---|---|---|
| 7 Fix Bath | 0 | Fireplaces | 0 |
| Extra Fix | 0 | Dishwasher | 0 |

**Sections:**

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|---|---|---|---|---|---|---|---|---|---|
| 1 | FLA | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 5,880 |
| 2 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 1,796 |
| 3 | SBF | | 1 | 1982 | N | Y | 0.00 | 0.00 | 210 |

## Building 11 Details

| | | | | | |
|---|---|---|---|---|---|
| Building Type | R4 | Condition | P | Quality Grade | 550 |
| Effective Age | 16 | Perimeter | 512 | Depreciation % | 19 |
| Year Built | 1966 | Special Arch | 0 | Grnd Floor Area | 5,880 |
| Functional Obs | 0 | Economic Obs | 0 | | |

**Inclusions:** R4 includes 4 3-fixture baths and 4 kitchens.

| | | | | | |
|---|---|---|---|---|---|
| Roof Type | GABLE/HIP | Roof Cover | ASPHALT SHINGL | Foundation | CONCR FTR |
| Heat 1 | FCD/AIR DUCTED | Heat 2 | NONE | Bedrooms | 16 |
| Heat Src 1 | ELECTRIC | Heat Src 2 | NONE | | |

**Extra Features:**

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

# SBF

# 0-0

**Sections:**

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|---|---|---|---|---|---|---|---|---|---|
| 1 | FLA | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 5,880 |
| 2 | PTO | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 1,796 |
| 3 | SBF | | 1 | 1982 | N | Y | 0.00 | 0.00 | 210 |

**Building Type** R4
**Effective Age** 16
**Year Built** 1966
**Functional Obs** 0

**Condition** P
**Perimeter** 472
**Special Arch** 0
**Economic Obs** 0

**Quality Grade** 550
**Depreciation %** 19
**Grnd Floor Area** 5,880

**Inclusions:** R4 includes 4 3-fixture baths and 4 kitchens.

**Roof Type** GABLE/HIP
**Heat 1** FCD/AIR DUCTED
**Heat Src 1** ELECTRIC

**Roof Cover** ASPHALT SHINGL
**Heat 2** NONE
**Heat Src 2** NONE

**Foundation** CONCR FTR
**Bedrooms** 16

**Extra Features:**

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

# SBF

# 0-0

**Sections:**

| Nbr | Type | Ext Wall | # Stories | Year Built | Attic | A/C | Basement % | Finished Basement % | Area |
|---|---|---|---|---|---|---|---|---|---|
| 1 | FLA | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 5,880 |
| 2 | PTO | | 1 | 1982 | N | Y | 0.00 | 0.00 | 1,796 |
| 3 | SBF | 5:C.B.S. | 1 | 1982 | N | Y | 0.00 | 0.00 | 210 |

**Building Type** R4
**Effective Age** 16
**Year Built** 1966
**Functional Obs** 0

**Condition** P
**Perimeter** 512
**Special Arch** 0
**Economic Obs** 0

**Quality Grade** 550
**Depreciation %** 19
**Grnd Floor Area** 5,880

**Inclusions:** R4 includes 4 3-fixture baths and 4 kitchens.

**Roof Type** GABLE/HIP
**Heat 1** FCD/AIR DUCTED
**Heat Src 1** ELECTRIC

**Roof Cover** ASPHALT SHINGL
**Heat 2** NONE
**Heat Src 2** NONE

**Foundation** CONCR FTR
**Bedrooms** 16

**Extra Features:**

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

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

# Public Notices
# (mailings, posting & radius map)

# Poinciana Hsng 500

**Legend**

- theBuffer
- theBufferTarget
- Lot Lines
- Easements
- Road Centerlines
- Water Names
- Parcels
- Shoreline
- Section Lines

PALMIS

Monroe County Property Appraiser
500 Whitehead Street
Key West, FL

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

Date Created: March 5, 2009 10:06 AM

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1311 FIFTH ST
KEY WEST, FL 33040

LETO DAVID AND PENNY
3530 DUCK AVE
KEY WEST, FL 33040

AHRENS SCOTT G
3528 DUCK AVE
KEY WEST, FL 33040

BAZO HELGA M REV LIV TR
1215 16TH TERR
KEY WEST, FL 33040

FERNANDEZ JOSE J AND KARA L
1202 16TH TERR
KEY WEST, FL 33040

BROADBENT LEROY W & JO ANN M
3427 DONALD AVENUE
KEY WEST, FL 33040

ISLAND-WEST INVESTMENT
1213 14TH STREET
KEY WEST, FL 33040

CURRY TROY
1211 16TH TER
KEY WEST, FL 33040

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5529 ANZA ST
SAN FRANCISCO, CA 94121

~~CITY OF KEY WEST~~
~~P O BOX 1409~~
~~KEY WEST, FL 33041~~

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MADELINE M
3409 FLAGLER AVENUE
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KEY WEST, FL 33040

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COBO (H/W)
2101 SEIDENBERG AVENUE
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KEY WEST, FL 33040

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1207 16TH TERRACE
KEY WEST, FL 33040

TIDBALL PERSHING ALLEN AND
CATHERINE CECCO
23 1/2 DUCK AVE
KEY WEST, FL 33040

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29038 MARIGOLD DR
BIG PINE KEY, FL 33043

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11489 HEATHERWOOD CT
SHELBY TWP, MI 48315

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GRANT-MARGIL STEPHEN J &
KAREN J
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KEY WEST, FL 33045

SASI MOSHE
3501 EAGLE AVE
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PEREZ RUTH B
3524 DUCK AVENUE
KEY WEST, FL 33040

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2318 N ROOSEVELT BLVD
KEY WEST, FL 33040

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3429 EAGLE AVE
KEY WEST, FL 33040

MATROCI ANDREW L AND MONICA
3411 EAGLE AVE
KEY WEST, FL 33040

CHAMBERS JOSEPH E JR
3514 DUCK AVE
KEY WEST, FL 33040

~~STERLING RANDALL W~~
~~2516 LINDA AVE~~
~~KEY WEST, FL 33040~~ Dup

ZDANOW P ALEXIS AND JILL L
3405 EAGLE AVE
KEY WEST, FL 33040

MALSHEIMER KARL E AND CHERYL
1206 16TH TER
KEY WEST, FL 33040

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TRUSTEE
42 ALLAMANDA DRIVE
KEY WEST, FL 33040

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A
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3407 EAGLE AVENUE
KEY WEST, FL 33040

WALTERS KARL AND STEPHANIE A
PO BOX 2669
KEY WEST, FL 33045 Dup

WALTERS KARL AND STEPHANIE A
PO BOX 2669
KEY WEST, FL 33045

WALTERS KARL AND STEPHANIE A
PO BOX 2669
KEY WEST, FL 33045 Dup

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KRIEGER JOHANNES W
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CHRISTIAN G
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KEY WEST, FL 33040

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MIAMI, FL 33157

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KEY WEST, FL 33040

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3518 DUCK AVE
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1202 17TH STREET
KEY WEST, FL 33040

ROMAN LUBOSLAV AND LILA
3404 EAGLE AVE
KEY WEST, FL 33040

BESSON SEAN M AND JULIA C
3391 EAGLE AVE
KEY WEST, FL 33040

DAVIS CARL & MARCIA
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MOREAU GERALD RAYMOND AND ROSE MARIE
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KEY WEST, FL 33040

NILES DAVID R & PAULA
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3320 HARRIET AVE
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3308 DUCK AVE
KEY WEST, FL 33040

CROITORU CAROL AND RIVKA J/T
3319 EAGLE AVE
KEY WEST, FL 33040

ROBINSKY ALON
518 N BEDFORD DR
BEVERLY HILLS, CA 90210

VALDEZ RUBEN R & MARY E
3323 HARRIETT AVENUE
KEY WEST, FL 33040

GORMAN LURA
1012 WHITEHEAD ST
KEY WEST, FL 33040

LENHART JOANN J & DELEON
ELAINE (B/Q)
3323 EAGLE AVENUE
KEY WEST, FL 33040

SAWYER THOMAS MICHAEL
901 FLEMING ST
KEY WEST, FL 33040

COLLINS RANDALL J AND ELLEN B
3324 DUCK AVE
KEY WEST, FL 33040

PTACEK ROMAN
PO BOX 2478
KEY WEST, FL 33045

FIGUEROA HERIBERTO &
HERNANDEZ CARMEN (WIFE)
3312 DUCK AVENUE
KEY WEST, FL 33040

CAREY MICHAEL HENRY
3314 HARRIET AVE
KEY WEST, FL 33040

KITAHARA MASAKO
3310 DUCK AVE
KEY WEST, FL 33040

PORTMAN JOSEPH JAMES
3331 HARRIET AVENUE
KEY WEST, FL 33040

PUIG II NOEL R AND MYRA C LAY
3316 HARRIET AVENUE
KEY WEST, FL 33040

BS ALT A 2005-7
3476 STATEVIEW BLVD
FT MILL, SC 29715

WOLCOTT LEWIS A & AMY L
3313 HARRIET AVENUE
KEY WEST, FL 33040

PEACE KATHLEEN M
3325 EAGLE AVE
KEY WEST, FL 33040

STANLEY HELEN J &
3328 DUCK AVE
KEY WEST, FL 33040

ELLIS RODGER B & MARGO Z
3311 HARRIET AVENUE
KEY WEST, FL 33040

BLANCH JOSEPH F JR & JUDITH A
3322 HARRIET AVENUE
KEY WEST, FL 33040

WACHSMAN FREDERICK & MILLIE
2128 KEWANNEE TRL
CASSELBERRY, FL 32707

SLAVIN FRANK J
3315 EAGLE AVENUE
KEY WEST, FL 33040

DUSZYNSKI SCOTT A
3314 NORTHSIDE DR
KEY WEST, FL 33040

LAWRENCE JEFFREY A
PO BOX 314
QUAKER HILL, CT 06375

PENOT MARIE CLAIRE DEC OF TR
DTD 2/28/84
216 LEWFIELD CIR
WINTER PARK, FL 32792

BICE LOURDES C
3319 HARRIET AVENUE
KEY WEST, FL 33040

DULA ROMAN
3314 NORTHSIDE DR
KEY WEST, FL 33040

MURTHA THOMAS H &
3314 NORTHSIDE DR #143
KEY WEST, FL 33040

CRESMER JAMES L
3314 NORTHSIDE DR
KEY WEST, FL 33040

BATCHELOR BELINDA ANN
3314 NORTHSIDE DR #123
KEY WEST, FL 33040

SCHONECK WILLIAM ROBERT JR
P O BOX 420257
SUMMERLAND KEY, FL 33042

STRUNK JAMIE
PO BOX 1199
KEY WEST, FL 33041

LORY CHRISTIAN
TRAMINERWEG 5A
AUGSBURG,

BARR BRICE ERIC & AMODIO HOLLY
(WIFE)
3367 FLAGLER AVE
KEY WEST, FL 33040

KELLY GRAHAM AND EILEEN M
3301 PEARL AVE
KEY WEST, FL 33040

MURPHY ERNEST L
5148 FLOWERTUFT COURT
COLUMBIA, MD

MENARDI DANIELA
3314 NORTHISIDE DRIVE - #152
KEY WEST, FL 33040

HAMOUZ MILOSLAV
3655 SEASIDE DR
KEY WEST, FL 33040

ECKARD JEFFERY AND CHAU-LING
3328 EAGLER AVE
KEY WEST, FL 33040

ZUELCH CHRISTIAN M
3724 EAGLE AVE
KEY WEST, FL 33040

BARANOFF HAROLD
3314 NORTHSIDE DR
KEY WEST, FL 33040

LEVIN JEFFREY C & BONNIE C
3314 NORTHSIDE DRIVE UNIT 154
KEY WEST, FL 33040

RUBINOVITZ BOAZ
3325 PEARL AVE
KEY WEST, FL 33040

CULLERS JEFFREY L
3366 PEARL AVE
KEY WEST, FL 33040

CURRAN DANIEL
3364 PEARL AVE
KEY WEST, FL 33040

TIERI GIANNI M & PATRICIA A
3365 FLAGLER AVENUE #55
KEY WEST, FL 33040

DEPOO JACQUELYN LOUISE
3329 PEARL AVENUE
KEY WEST, FL 33040

LOTZ CINDY
29351 CROWN RDG
LAGUNA NIGUEL, CA 92677

STERN PHYLLIS N
3331 PEARL ST
KEY WEST, FL 33040

KADOSH ELI
16900 N BAY RD
SUNNY ISLES, FL 33160

LIPMAN DAVID & ALLEN RACHEL A
(BQ) T/C
3323 PEARL AVENUE
KEY WEST, FL 33040

SOLANA VILLAGE HOMEOWNERS
ASSOCIATION INC
3314 NORTHSIDE DRIVE
KEY WEST, FL 33040

STANTON MARK
3314 NORTHSIDE DRIVE
KEY WEST, FL 33040

BIRRELL MICHAEL E & SUSAN M
4814 N WASHINGTON BLVD
ARLINGTON, VA 22205

REDFERN BARBARA
P O BOX 5851
KEY WEST, FL 33040

MORGAN SONYA B
3319 PEARL AVE
KEY WEST, FL 33040

TORONI TAMARA
3314 NORTHSIDE DR #132
KEY WEST, FL 33040

SCHEEPERS JAN LODEWYK
P O BOX 626
KEY WEST, FL 33040

STRADER MERICA
3322 EAGLE AVE
KEY WEST, FL 33040

FIERHELLER GAIL E
3314 NORTHSIDE DRIVE #135
KEY WEST, FL 33040

FAZILDJANOV BAKHTIYAR
3314 NORTHSIDE DR
KEY WEST, FL 33040

FEDERAL NATIONAL MORTGAGE ASSOC
100 WEST CYPRESS CREEK RD
FT LAUDERDALE, FL 33309

FLETCHALL MONICA D
3314 NORTHSIDE DR
KEY WEST, FL 33040

CALVANO JACQUELINE MARIE
2529 MIRROR LAKE CT
COLORADO SPRINGS, CO 80919

ROBINSKY ALON
3327 HARRIET AVE
KEY WEST, FL 33040

COOK JANE W
3314 NORTHSIDE DRIVE #133
KEY WEST, FL 33040

WASHINGTON MUTUAL BANK
7105 CORPORATE DRIVE
PLANO, TX 75024

HOOPER TARA MORRIS
3331 DONALD AVE
KEY WEST, FL 33040

NORTHSIDE BUILDERS INC
20 DRIFTWOOD DR
KEY WEST, FL 33040

DERY DENISE D
3367 DONALD AVE
KEY WEST, FL 33040

GALVAN AILEEN
3371 DONALD AVE
KEY WEST, FL 33040

ROBERMAN JAY A AND LINDA L
3339 DONALD AVE
KEY WEST, FL 33040

CHRIST JULIE L
6711 N CENTRAL AVE
TAMPA, FL 33604

SPEYERER SCOTT A AND ELAN K
PO BOX 703
KEY WEST, FL 33041

BOSCO LORI G AND DANIEL S
1608 SEMINARY ST
KEY WEST, FL 33040

DIONYSUS GROUP LC THE
P O BOX 5432
KEY WEST, FL 33045

SANTA CLARA CONDOMINIUM ASSOCIATION INC
3312 NORTHSIDE DR
KEY WEST, FL 33040

SANCHEZ MANUEL JR & DARCY RENEE
3307 DONALD AVENUE - BUTTONWOOD COURT CONDO
KEY WEST, FL 33040

JOHNSON GARLAND L & YOSHIKO I
3311 DONALD AVENUE
KEY WEST, FL 33040

HITCHCOCK CHARLES E JR & ANGELA J
3343 DONALD AVE - BUTTONWOOD COURT CONDO
KEY WEST, FL 33040

SLAVKOVSKA MARIETA AND JAN
3318 HARRIET AVE
KEY WEST, FL 33040

VINEBERG MICHAL BEN-HAYON
3316 DUCK AVENUE
KEY WEST, FL 33040

GARCIA EDWARD & DAMARYS
3302 DONALD AVENUE
KEY WEST, FL 33040

GROSSMAN NADENE
3303 DONALD AVENUE
KEY WEST, FL 33040

COLEMAN VINCENT & TANYA
3323 DONALD AVE
KEY WEST, FL 33040

KOEHN GEORGE
1412 18TH ST
KEY WEST, FL 33040

HANCOCK WILLIAM
3351 DONALD AVE
KEY WEST, FL 33040

WAITE KENNETH SR & LILLIAN
3318 DONALD AVENUE - BUTTONWOOD COURT
KEY WEST, FL 33040

COWENHOVEN JEFFRRY & RENEE
1306 COTTAGE PL
PT PLEASANT PL, NJ, 08742

DUNLAP BRIAN W &
3314 DONALD AVENUE
KEY WEST, FL 33040

CARCEDO HECTOR AND SHEILA
3436 DUCK AVE
KEY WEST, FL 33040

CITY OF KEY WEST
P O BOX 1409
KEY WEST, FL 33041

CITY OF KEY WEST
P O BOX 1409
KEY WEST, FL 33041

KEY WEST ASSOCIATION OF
REALTORS INC
3422 DUCK AVENUE
KEY WEST, FL 33040

V A PANICO PROPERTIES LLC
1514 19TH ST
KEY WEST, FL 33040

CONDELLA PHILLIP A & DEBORAH A
&
3430 & 3432 DUCK AVE
KEY WEST, FL 33040

MUNOZ REUBEN
3310 DONALD AVE
KEY WEST, FL 33040

CHERRY DEAN E & CYNTHIA M
3322 DONALD AVE
KEY WEST, FL 33040

CITY OF KEY WEST
P O BOX 1409
KEY WEST, FL 33040

ASGAARD HOLDING COMPANY LLC
3420 DUCK AVE UNIT #7
KEY WEST, FL 33040

SWIFT EDWIN O III
201 FRONT ST
KEY WEST, FL 33040

GARCIA SILVIO REV TR 7/15/2004
13 BIRCHWOOD DR
KEY WEST, FL 33040

KEY WEST COMMUNITY
DIAGNOSTIC COMPANY LLC
3414 DUCK AVENUE
KEY WEST, FL 33040

TRIBUSHNAYA MARINA
3347 DONALD AVENUE
KEY WEST, FL 33040

CASTELLANO SANDRA
3335 DONALD AVE
KEY WEST, FL 33040

KOCHAN SUSAN
3315 DONALD AVE
KEY WEST, FL 33040

BURRELL JUDY L
3319 DONALD AVE
KEY WEST, FL 33040

CONDELLA PHILLIP A & DEBORAH A
&
3430/3432 DUCK AVE
KEY WEST, FL 33040 Dup

MARQUESA COURT HOMEOWNER'S
ASSOCIATION INC
201 FRONT ST
KEY WEST, FL 33040

CARCEDO HECTOR & SHEILA
3375 DONALD AVE
KEY WEST, FL 33040

# Public Meeting Notice

The Key West Planning Board will hold a public hearing **at 6:00 p.m., March 19, 2009, at Old City Hall, 510 Greene Street**, Key West, Florida, (Behind Sloppy Joe's Bar). The purpose of the hearing will be to consider a request for:

**Development Agreement – Poinciana Special Needs Housing Area off the 3200 block of Duck Avenue-** A Development Agreement for a Major Development Plan and Conditional Use pursuant to the Code of Ordinances Chapter 90, Article IX, Development Agreements, for a 32,322 sq. ft., 50 unit rest home for AIDS HELP, Inc. on 7.66 acres of land in the Medium Density Residential (MDR-1) Zoning District. The Development is proposed at 35 feet in height (Re# 00064740-000000).

**If you wish to see the application or have any questions, you may visit the Planning Department during regular office hours at 604 Simonton Street or call 809-3720.**

## YOU ARE WITHIN 500 FEET OF THE SUBJECT PROPERTY

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

**Request:** **Development Agreement – Poinciana Special Needs Housing Area off the 3200 block of Duck Avenue-** A Development Agreement for a Major Development Plan and Conditional Use pursuant to the Code of Ordinances Chapter 90, Article IX, Development Agreements, for a 32,322 sq. ft., 50 unit rest home for AIDS HELP, Inc. on 7.66 acres of land in the Medium Density Residential (MDR-1) Zoning District. The Development is proposed at 35 feet in height (Re# 00064740-000000).

**Applicant/Owner:** Trepanier and Associates

**Project Location:** Poinciana Housing Special Needs Area off the 3200 block of Duck

**Date of Hearing:** Thursday, March 19, 2009

**Time of Hearing:** 6:00 PM

**Location of Hearing:** Old City Hall – City Commission Chambers
510 Greene Street

Interested parties may appear at the public hearing(s) and be heard with respect to the applications. A copy of the corresponding applications is available from the City of Key West Planning Department located at 604 Simonton Street, Key West, Florida, Monday through Friday between the hours of 8:00 am and 5:00 pm. Please provide written comments to the Planning Department, PO Box 1409, Key West, FL 33041-1409 , by FAX (305) 809-3739 or by email ccowart@keywestcity.com .

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

ADA Assistance: Anyone needing special assistance at the Planning Board hearing due to disability should contact the City of Key West at 305.809.3831 at least two days prior thereto.


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