

Key West Planning Board Meeting Agenda
May 20, 2010 – 6:00 p.m.
City Commission Chamber
Old City Hall, 510 Greene Street



Item 5.a.3.

Modification to a Major Development Plan - 512 Greene Street (RE #00001170-000000) - A Modification to a Major Development Plan and Conditional Use approval to redevelop an existing parking lot and add outdoor consumption area for property located at 512 Greene Street in the Historic Residential Commercial Core Gulf Side (HRCC-1) zoning district per Section 108-91C(3), 108-91C(4) and Section 122-688(9) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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



To: Chairman and Planning Board Members

From: Nicole Malo *NMM*

Through: Amy Kimball-Murley, AICP, Planning Director

Meeting Date: May 20, 2010 - Revised Report

Agenda Item: A Major Modification to a Major Development Plan and Conditional Use approval to redevelop an existing parking lot and add outdoor consumption area for property located at 512 Greene Street in the Historic Residential Commercial Core Gulf Side (HRCC-1) zoning district per Section 108-91C(3) and (4) and Section 122-688(9) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida (RE 00001170-000000).

Request: To allow modifications to a Major Development Plan and Conditional Use approved via City Commission Resolution 09-242 which would enable an increase in bar and lounge consumption area, reconfiguration of the parking lot, elimination of an ingress and egress easement and relocation of garbage storage and pick-up areas

Applicant: Trepanier and Associates

Authorized Representative:
David Floerke (Attorney-in-Fact)

Property Owner: 512 Greene Street, LLC; Peter Brawn, Managing Member

Location: 512 Greene Street
RE# 00001170-000000

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



Background: This property is located at the northeast corner of the intersection of Greene Street and Ann Street. The parcel is approximately 9,800 square feet and prior to recent redevelopment approvals supported commercial uses (including a former restaurant and retail store), commercial surface parking area and a single family home. In 2009 the City Commission approved redevelopment of the site to allow 1,045 square feet of indoor bar and lounge consumption area, 1,256 square feet of retail floor area located in several historic structures, and associated parking consisting of seven spaces. In order to assure vehicular egress from the parking area as well as garbage storage and handling access, the City Commission required a perpetual two-way easement across the adjacent lot as one of seven conditions associated with the approval. After considerable investment in redevelopment efforts on the site, the property owner decided not to execute the required easement on the adjacent parcel and instead to request an amendment to the existing approvals with the aim of eliminate the need for an easement. As such, completion of site development activities have been on hold until the Planning Board and City Commission have the opportunity to review the modified request.

The applicant submitted a series of modified site plans starting in February 2010 which have continued to evolve up to the date of this report. Modifications to the site plans have focused on showing proposed increases to bar and lounge consumption area and various parking lot designs. As of the cut off date of this report, the applicant has not resolved all of the outstanding requests for city staff approvals and plan modifications. As such, the Planning Department does not have a completed package for review.

Prior Approvals: The prior approvals included 1,045 square feet of indoor bar and lounge consumption area, 1,256 square feet of retail floor area located in several historic structures, and associated parking consisting of seven spaces. In order to address neighborhood concerns regarding noise and other impacts associated with garbage storage and pick-up, the applicant agreed to storage garbage on an adjacent lot. The site also includes a restored historic three-hole outhouse, bicycle and moped parking areas and a parking lot with one handicap space and six standard parking spaces positioned at a 45 degree angle. The approved development plan showed the parking lot with a one-way aisle, entering the site from Ann Street and exiting across an adjacent parcel onto Simonton Street. Condition number six of approval 09-242 requires that a perpetual two-way easement on the adjacent property leading out to Simonton Street be executed

prior to issuance of a building permit. The easement was also intended to provide access from Simonton Street for commercial trash and recycling removal.

City Commission Resolution 09-242 has seven conditions, as follows:

1. Tree Commission approval must be obtained prior to building permit issuance;
2. The applicant voluntarily agrees to donate the 1.0 Equivalent Single Family Unit associated with the single family residence to the City of Key West through the execution of a donation waiver;
3. The applicant will install and maintain a programmable distributive sound system consistent with that described in the document prepared by The Audio Bug and submitted on July 25, 2009, to assure compliance with the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances, and that such referenced document shall be updated to include that a computerized sound monitoring system is installed and available to the city upon request;
4. There will be no live music, disc jockeys, or karaoke at the site unless approved under a special event permit per Section 6-86 of the Code of Ordinances;
5. Security cameras will be provided on site and security personnel will be present during the hours of operation;
6. A perpetual two-way easement in a form acceptable to the City Attorney will be executed prior to the issuance of a building permit, to provide access from Simonton Street for commercial trash and recycling removal from 512 Greene Street, and to provide for ingress and egress from Simonton Street to Greene Street;
7. Additionally, compliance with the plans dated August 5, 2009 is a condition of approval and specifically incorporated herein.

Request: This Modification to a Major Development Plan and Conditional Use approval application request includes the following key elements:

- Site design changes to the parking lot in order to eliminate the need for egress (and an associated easement) across an adjacent property;
- Relocation of garbage storage and pick-up areas; and,
- An additional 351 square feet of consumption area, all outdoors.

Because the request includes substandard aisle widths it requires a staff recommendation and City Commission approval per Section 108-641. The relevant language in that section reads as follows: “the City Commission may approve modifications upon demonstrated need by the applicant and based on recommendations of the city staff. In considering modification to the specifications required by this subdivision, the City Commission shall be guided by the current

edition of the Architectural Graphic Standards by Ramsey and Sleeper or an equivalent commonly accepted source of standards.” After coordination with the City Engineer, whose was initially concerned about the safety of reduced aisle widths, particularly when vehicles backed out towards an onsite pedestrian corridor, the applicant proposed reducing the number of parking spaces to four parking spaces, with one parking space ADA compliant and the remaining three spaces compact car spaces. Both the reduced aisle width and the design using compact car stall spaces require City Commission approval under the afore mentioned code section.

The applicant’s request to increase bar and lounge consumption area includes a 90 square foot area on the corner of Ann and Greene Streets and a 261 square foot area in the courtyard behind the approved bar and lounge. On April 22, 2010 the applicant provided adequate information showing that 90 square feet of outdoor restaurant consumption area, located at the corner of Green and Ann Streets, was preexisting for the purposes of assessing parking requirements, and had not been abandoned based on Code Section 86-9; *Abandon* (4), as follows:

Abandon means to discontinue a land use for a period of 24 months without demonstrating an intent to continue the use as indicated by the following:

- 1.)Allowing licenses to lapse;
- 2.)Removing meters;
- 3.)Not maintaining a structure in a habitable condition;
- 4.)Not making a unit available for occupation (i.e., advertising or marketing through a Realtor or other agent); and/or
- 5.)Failure to perform pursuant to the terms of an active building permit.

The preexisting restaurant consumption area exempts the applicant from a portion of parking requirements. However, in order to satisfy the parking requirements for the new consumption area that cannot be accommodated on site, the applicant has applied for a parking variance on a parallel approval track. The preexisting restaurant consumption area does not enable the applicant to substitute a bar and lounge use in that area without Conditional Use approval, however, and should the Planning Board approve the project the site plans should be modified as requested by the Planning Department to label the 90-square feet of outdoor bar and lounge consumption area accurately as new, not preexisting consumption area.

Previous City Actions

DRC Meeting	May 28, 2009
HARC	June 9, 2009
Tree Commission Meeting	August 10, 2009
Planning Board	August 6, 2009, Resolution 2009-030
City Commission Meeting	October 13, 2009, Resolution 09-242

Process

DRC Meeting	February 25, 2010
HARC	April 5, 2010 - H10-03-31-350
Tree Commission Meeting	N/A
City Commission Meeting	TBA

Surrounding Zoning and Uses:

North: HRCC-1- Restaurant and retail
East: HRCC-1- Retail and parking lot
South: HRCC-1- Residential apartments, parking lot and Old City Hall
West: HRCC-1- Take out and Old City Hall

Uses Permitted:

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

Conditional Uses:

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

Conditional Use Review

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

Conditional Use Criteria per Code Section 122-62

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

The subject property, zoned HRCC-1, has a permitted bar and lounge specifically approved for indoor consumption area only, and retail commercial uses in addition to a parking lot. The proposed conditional outdoor consumption area appears to be generally compatible with the intent of the zoning classification that supports high intensity land uses, such as the proposed bar with indoor/outdoor consumption area. However, in prior public meetings noise and garbage impacts (both from storage and collection) were raised which may be aggravated by the proposed increase in consumption area and solid waste management plan.

The proposed conditional use application for outdoor consumption area shall be in the public interest and shall meet the following criteria as described below:

(b) Characteristics of use:

The proposed modification to the approved conditional use includes outdoor consumption area and garbage storage and handling changes, as well as modifications to the parking lot and associated ingress and egress plans. Each key area is assessed below.

1) Scale and intensity

- a. **Floor Area Ratio (F.A.R):** Existing F.A.R is .32; outdoor consumption area does not constitute new structural floor area, therefore no new floor area is proposed. The F.A.R for the HRCC-1 is 1.0. The proposed use conforms to the requirement.
- b. **Traffic Generation:** According to the Institute of Transportation Engineers Trip Generation Manual, 7th Edition, the trip generation of bars is based on gross floor area. Outdoor consumption area is not considered floor area. However, it is likely that in those peak times the outdoor consumption area for bars and lounges may add to the trip generation of the site. The new outdoor consumption area for bars and lounges of 351 square feet could potentially increase trips from an existing thirty trips on a Saturday peak hour to thirty- nine trips per peak hour. Because of the location of the proposed bar and lounge in the pedestrian oriented district, traffic generation is expected to be primarily pedestrian.

c. **Square Feet of Enclosed Space For Each Specific Use:**

The existing indoor consumption area is 1,045 square feet; total consumption area is proposed to increase by 351 square feet. The existing retail areas include a total of 1,256 square feet and are not impacted by the proposed modification.

d. **Proposed Employment:**

No additional employees are anticipated due to the proposed increase on outdoor consumption area. The applicant estimates there will be five persons employed at the bar and lounge.

e. **Proposed Number of Service Vehicles:**

No additional service vehicles are expected due to the proposed outdoor consumption area. The applicant expects service vehicles to be making deliveries through the parking lot at the rear of the bar 3-6 times a week as needed. Garbage pick up will be on Ann Street to be determined on an as needed basis as confirmed by Waste Management. Waste Management currently collects garbage and recycling between the hours of 4am and 6am up to seven days a week on the block.

f. **Off-Street parking:**

The parking lot on site has seven parking spaces of which 3.6 are designated for the retail uses. This property is within the parking waiver district and the applicant claims the pre-existing outdoor consumption area associated with the former restaurant on the site should provide a partial credit against new parking requirements per Section 108-573(c). On April 22, 2010 the applicant provided adequate substantiation that the consumption had not been abandoned, but did not provide substantiation regarding the amount of outdoor consumption area authorized for seating at the former restaurant. The Planning Department found documentation that six outdoor seats, or a total of 90 square feet of consumption area, were legally established on the site. Absent any further information, the Department agrees that 90 square feet is exempt from parking requirements. However, remaining consumption area of 261 square feet is still subject to code requirements for parking, and none of the preexisting outdoor consumption area was for bar and lounge uses. Thus, the conditional use application must address all new outdoor consumption area from a use perspective. The applicant has submitted a variance request for six parking spaces (one space for each 45 square feet of consumption area). Please note that new retail uses associated with the prior application (1,080 sf at one space per 300 sf) resulted in a requirement of 4 spaces which are currently accommodated on site. Therefore, a total of 10 parking spaces are required to accommodate all the uses on site. The latest site plan, dated May 4, 2010, shows four parking spaces, one of which is ADA compliant and three of which are for compact cars only. In order to allow all non-ADA spaces to be compact sized, the city commission will need to approve the plan (as well as the reduced aisle width), per Section 108-641. As of the cut off date for this Planning Board meeting (May 12), the applicant has not obtained the City Engineer's recommendation for approval of the revised plan.

2) On or Off Site Improvements Not Previously Identified

a. Utilities:

No change in utilities are expected from this conditional use proposal. The Florida Keys Aqueduct Authority and Keys Energy Services have no objections.

b. Public facilities:

The applicant has provided a Concurrency Management report. As existing, the site is concurrent with Chapter 94 of the Code, no changes are proposed to the site that impact the existing standards including garbage and recycling areas, and facilities that meet ADA standards. The applicant will be required to obtain city engineer approval of the revised site plan to ensure that it still meets stormwater management requirements.

c. Roadway or Signal Improvements:

No changes to roadways or signal improvements are required at this time. However, it is likely that special signage will be required as part of the parking lot and aisle width design.

d. Accessory Structures or Facilities:

No changes are proposed to any of the accessory structures on site.

e. Other: As part of the Modification to the Major Development Plan site improvements will include additional open space, stormwater retention and a relocated garbage handling area.

3) On-site amenities proposed to enhance the site: Through the approved Conditional Use and Major Development Plan numerous site improvements were made to enhance the pedestrian access, open space, drainage, and landscaping of the site.

a. Open space:

The site currently complies with the 20% open space requirements of the property. The total open space exceeds 2,000 square feet of the approximately 9,800 square foot site.

b. Setbacks:

No change is proposed.

c. Screening and buffers:

A landscape buffer and a two-sided shadow box wooden fence have been installed between the parking area and residential uses in lieu of landscaping which was required by the approved plan. All electrical equipment and garbage shall be located in a screened area.

d. Landscaping berms:

No landscaped berms are proposed, however the applicant has proposed a modified landscape plan and installed additional stormwater retention.

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

For the previous approval the applicant hired noise experts to examine noise generating from the proposed bar which may affect business at Old City Hall or surrounding residential units. The noise experts advised proper techniques for mitigating and redirecting potential noise generation. Conditions of approval 09-042 are recommended to be maintained as conditions of this request. No outdoor music is proposed by the modification to the application. The existing approval conditions are as follows:

1. The applicant will install and maintain a programmable distributive sound system consistent with that described in the document prepared by The Audio Bug and submitted on July 25, 2009, to assure compliance with the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances, and that such referenced document shall be updated to include that a computerized sound monitoring system is installed and available to the city upon request;
2. There will be no live music, disc jockeys, or karaoke at the site unless approved under a special event permit per Section 6-86 of the Code of Ordinances.

Additionally, no outdoor speakers are proposed with the current conditional use request for outdoor consumption area. The applicant has installed a two-sided shadow box wooden fence and landscape buffering between the parking lot and the adjacent residential property. Additionally, the only windows on the bar building open towards Greene Street.

The proposal also includes a waste handling area that is buffered from sight by fencing and landscaping. Garbage will be removed on an as needed basis based as explained by Waste Management officials. Please see attached section labeled Solid Waste Management Plan for details. Also please note that the garbage handling approach has recently been modified with site plans submitted May 4, 2010.

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

1) Land use compatibility:

The proposed conditional use in conjunction with the proposed Modification to the Major Development Plan appear generally compatible with nearby commercial land uses. A few adjacent residential units survive in the area, and the use may be less compatible with them. Issues identified in the public hearing in 2009 included noise generation, garbage handling and storage impacts, and ingress and egress impacts.

Although the applicant was able to resolve these issues at the time, this application changes items that were of specific concern to neighbors during the last approval process. Therefore, it may be that conflicts with surrounding residential uses are still a consideration. Further, Old City Hall, where public hearings are held frequently, is directly across from the proposed project.

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

The site size is over 9,000 square feet and the building coverage of all four structures is approximately 4,000 square feet, leaving 5,000 square feet for open space and the parking lot. None of the existing structures on site will be altered in size as part of this amendment request.

The proposed Modification to the Major Development Plan is conforming to and slightly increases open space requirements. The site has adequate size and site specifications to accommodate the proposed outdoor consumption area and amenities such as sidewalks and existing open space courtyards. However, the site is not of sufficient size to accommodate parking needs or typical parking area dimensions, particularly as they pertain to aisle width or car stall size. As a result, the applicant will be required to obtain city commission approval for modifications to car stall size and aisle width.

The proposed modification to the sight design is not in compliance with Code Section 108-641 for driveways isles, and stalls. The isle width is required to be 24 feet, each parking stall is required to be 18' by 9'. However, according to the appendix of Code Section 108-641, modifications to the required aisle width of a drive way, "the City Commission may approve modifications upon demonstrated need by the applicant and based on recommendations of the city staff. In considering modification to the specifications required by this subdivision, the City Commission shall be guided by the current edition of the Architectural Graphic Standards by Ramsey and Sleeper or an equivalent commonly accepted source of standards." Additionally, Section 108-646 allows for the reduced dimensions of 7.5' by 15' for compact car spaces, however only 40 percent of spaces can be compact in size. The applicant's request is for 75% of the spaces to be compact in size.

The proposed aisle width for the site is a maximum of 21'3" with modified parking space lengths of 15' by 9'6" to accommodate compact cars only. The applicant has presented a modified site plan according to Architectural Graphic Standards by Ramsey and Sleeper (see attachment) and conducted a field test with the City Engineer which was not successful on May 12, 2010. Although future tests may be successful if the applicant uses compact cars as part of the test, the study was not complete in time for this report to be prepared for the Planning Board.

3) Proper use of mitigative techniques:

The applicant has included mitigative noise measures for indoor music, and the applicant has agreed to the condition that there be no outdoor speakers in order to

control. The solid waste storage area appears to be adequate in size and is proposed to be screened with fencing and vegetation. The applicant has included a waste handling plan to address staff and neighborhood questions concerning neighborhood pick-up times and frequency.

4) Hazardous waste:

No hazardous waste shall be generated by this conditional use.

5) Compliance with applicable laws and ordinances:

The applicant will comply with all applicable laws and regulations as a condition of approval. In particular, the applicant must be approved for a parking variance to address the new outdoor consumption area and must also receive city commission approval for proposed variations to stall size and aisle width.

6) Additional Criteria Applicable to Specific Land Uses:

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

a. Land Uses Within a Conservation Area:

N/A

b. Residential Development:

N/A

c. Commercial or Mixed Use Development:

The surrounding uses are mostly commercial and adjacent properties include commercial parking lots. However, some residential uses, as well as Old City Hall, are proximate to the site, and letters from several adjacent neighbors raising concerns about project impacts were submitted when this modification was originally scheduled for hearing on April 29, 2010. The Planning Department has strongly encouraged the applicant to meet with neighbors, particularly those associated with nearby transient and residential areas, and attempt to resolve issues prior to presenting the item before the board on May 20, 2010. However, the applicant has not modified the site plan to resolve neighborhood concerns to date.

d. Development Within or Adjacent to Historic District:

Development proposed was reviewed and approved by the Historical Architectural Review Committee on April 5, 2010, H10-03-31-350 for new fencing.

e. Public Facilities or Institutional Development:

N/A

f. Commercial Structures, Uses and Related Activities Within Tidal Waters:

N/A

g. Adult Entertainment Establishments:

N/A

Major Development Plan

Analysis – Evaluation for Compliance With The Land Development Regulations:

Section 108-91 (C)1 and 2 of the City of Key West Land Development Regulations regulates the types of modifications to development plans that can be considered for administrative approval or rise to an additional level of review for Minor Modifications to Development Plans. Section 108-91 (C)3 of the City of Key West Land Development Regulations requires that any Major Modification to a Development Plan be treated in the same manner as the original approval. Additionally, Section 108-91 (C)4 of the Land Development Regulations stipulates that any changes to specific conditions of the original approval be approved by the administrative body that originally approved the development.

The original Major Development Plan and Conditional Use approval was recommended for approval by the Planning Board on August 6, 2009, with seven conditions of approval and subsequently approved by the City Commission, October 13, 2009, with seven conditions of approval in accordance with the following requirements:

Section 108-91 A(2)(b) of the City of Key West Land Development Regulations requires that any proposed non-residential development within the historic district greater than 2,500 square feet submit an application for a Major Development Plan. Section 108-196(a) of the Land Development Regulations states "after reviewing a major development plan or a minor development plan for a property and staff recommendations, the Planning Board shall act by resolution to approve, approve with conditions, or disapprove it based on specific development review criteria contained in the Land Development Regulations and the intent of the Land Development Regulations and Comprehensive Plan."

Section 108-198 of the Land Development Regulations states that the City Commission shall approve with or without conditions or disapprove the development plan based on specific development review criteria contained in the Land Development Regulations and based on the intent of the Land Development Regulations and Comprehensive Plan. The City Commission may attach to its approval of a development plan any reasonable conditions, limitations or requirements that are found necessary, in its judgment, to effectuate the purpose of this article and carry out the spirit and purpose of the Comprehensive Plan and the Land Development Regulations. Any condition shall be made a written record and affixed to the development plan as approved. If the City Commission disapproves a development plan, the reasons shall be stated in writing."

Planning staff, as required by Chapter 108 of the City of Key West Land Development Regulations, has reviewed the following site information for compliance with the City's LDRs and Comprehensive Plan:

Project Data				
	Required/ Allowed	Existing	Proposed	Variance Request
Zoning	HRCC-1			
Flood Zone	AE			

Size of Site	9,827 s.f	No Changes Proposed			
Front Setback (Front Street)	None				
West Side Setbacks	2.5'				
East Side Setback	2.5'				
Street Side Setback (Fitzpatrick Street)	None				
Rear Setback	10'				
FAR	1.0	.32	No Changes Proposed		
Building Coverage	50%	33% (3,257 s.f)			
Impervious Surface	70%	74% (7,335 s.f)			
Open Space/ Landscaping Parking	20%	22% (2,162 s.f)			
Bicycle Parking	4	10			
Parking	10	7			

Concurrency Facilities and Other Utilities or Service:

As required by Objective 9-1.5 of the Comprehensive Plan and Section 108-233 of the Land Development Regulations development plans shall satisfy concurrency management regulations to ensure that facilities and services needed to support the proposed development meet the City’s level of service standards.

The applicant provided a concurrency analysis report for the parcel of approximately 9,827 square feet or 0.225846 acres which is used to determine service levels. The proposed project is commercial in nature and will incorporate a total of ten employees on site.

1. The anticipated public facility impacts of the proposed development:

The applicant has provided a Concurrency Management analysis. The proposed development is not anticipated to generate any public facility impacts.

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

The Concurrency Management analysis concluded that the existing facilities are expected to accommodate the proposed redevelopment project at the adopted level of service standards.

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

The Concurrency Management analysis found that there are no existing facility deficiencies which will need to be corrected prior to the completion of the proposed development.

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

There are no facility improvements or additions that are necessary to accommodate the impact of the proposed redevelopment.

5. The date such facility improvements or additions will need to be completed to be concurrent with the impacts on such facilities created by the proposed development:

This criterion is not applicable, as there are no known facility improvements or additions that will need to be completed for the modification to the development plan.

Fire Protection:

Fire protection was initially improved through increased open space in the courtyard between all four structures, two of the four structures stand alone. The applicant has submitted a life safety plan for the proposed bar that was approved by the Fire Marshalls Office at the time of the original approval. In addition, the Fire Marshal approved a reduced aisle width for the property as proposed at the DRC Meeting (17'5"). The Fire Marshal has not reviewed the modified site plans which were submitted on April 26, 2010.

Other Public Facilities:

Educational facilities, police protection, fire protection, electric power, health care, disaster preparedness and recreational facilities will not experience a change in usage due to the modified proposal because these facilities are currently in place.

Appearance, design and compatibility (Section 108-234)

1. Compliance with Chapter 102; Articles 111, IV and V:

Articles III and V are not applicable to the proposed project. The project is in compliance with Article IV of the City Code.

A Certificate of Appropriateness from the Historic Architectural Review Commission for new lighting, site plan redesign of parking lot, landscaping and new fencing has been approved for this project through approval H10-03-31-350.

2. Compliance with Section 108-956:

The requirements for domestic water and wastewater have been addressed in the concurrency management report submitted by the applicant.

3. Chapter 110; Article II:

Should any archeologically significant resources be discovered during the development of the site, the applicant shall be required to comply with this article of the Land Development Regulations.

Site location and character of use (Section 108-235):

This site is located in the heart of the HRCC-1 zoning district which permits bars and lounges only as a conditional use. The character of the zoning district incorporates side walk-oriented lounges and bars and the most intense activity center in the commercial core of the city. Although the surrounding properties are also primarily commercial in nature, the site is proximate to nearby residential units as well as Old City Hall. Therefore, although the proposed outdoor consumption area is similar to other open-air bars in the

surrounding blocks and it may not be compatible with the neighborhood based on issues raised by nearby residents and transient businesses at the original hearing and again relative to the modifications requested.

1. Appearance of site and structures (Section 108-236 and Section 108-278):

No design changes are proposed for the structures on the site. The existing historical structures are in harmony with neighboring structures. The appearance of the proposed parking lot plan, landscaping, lighting and garbage area appears compatible with the overall environment and land uses in the immediate vicinity and the project has met the requirements outlined in this Section of the City Code.

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

Waste and recycling storage is proposed to be relocated as part of this site plan modification. Waste is proposed to be kept on the southeastern vegetated area of the property buffered by fencing and landscaping at the rear of the parking lot. All mechanical equipment and utility hardware areas will be in compliance with Section 108-279 of the Code and screened.

3. Utility lines (Section 108-282):

No new construction is proposed that requires the placement of underground utility lines. Landscaping with shrubs and plants shall be provided to screen pad-mounted transformers if they are installed on site, as required in Section 108-282. Keys Energy has provided a letter of no objection for this property and existing electric lines will be utilized.

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

No outdoor business is proposed. All business will take place within each proposed commercial venue. The proposed storage area is inside the building towards the center of the site. Storage areas are identified on the site plans.

5. Exterior Lighting (Section 108-284)

A lighting plan was approved as part of the original proposal. Modified lighting has been approved by HARC and complies with the referenced Code Section.

6. Signs (Section 108-285):

The applicant shows signage at the parking lot entrance on the site plan submitted on May 4, 2010. A separate permit will be required for the installation of any signs and the signs will be required to comply with Chapter 114, Signs and must be approved by HARC.

7. Pedestrian sidewalks (Section 108-286):

The existing pedestrian circulation system provides adequate site circulation.

8. Loading docks (Section 108-287):

N/A

9. Storage Areas (Section 108-288):

A garbage storage area is proposed on site as part of the modified plan. The area is enclosed by fencing as proposed on the site plan.

On-site and off-site parking and vehicular, bicycle, and pedestrian circulation (Section 108-244):

The proposal does not satisfy on and off-street vehicular circulation and parking requirements for Chapter IV and VII. Parking variances are required as previously specified. Additionally, the proposed modification to the sight design is not in compliance with Code Section 108-641 for driveways aisles and stalls. The width of a two-way drive way with parking stalls at a 90 degree angle is required to be 24 feet. The proposed aisle width is a maximum of 21'3". According to the footnote of Code Section 108-641 "the City Commission may approve modifications upon demonstrated need by the applicant and based on recommendations of the city staff. In considering modification to the specifications required by this subdivision, the city commission shall be guided by the current edition of the Architectural Graphic Standards by Ramsey and Sleeper or an equivalent commonly accepted source of standards." As of May 12, 2010 the applicant had not successfully completed a field test that was required by the City Engineer for his determination.

Housing (Section 108-245):

No proposed residential development is included in this proposal. The applicant returned one unit to the City as a condition of the previous approval.

Economic resources (Section 108-246):

The applicant will meet all Code requirements for recording tax yields, construction expenditure as applicable throughout the development phases, and projections of permanent employees using appropriate standard industry classification.

Special Conditions (Section 108-247):

The application as submitted complies with the intent of the Land Development Regulations and the City's Comprehensive Plan. The proposed development is not within any special zoning districts, adjacent to the airport or in proximity to waste treatment.

Construction management plan and inspection schedule (Section 108-248):

As proposed there are no phases of development of this project, the applicant expects to start the modifications to the site plan immediately.

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

The proposed development plan includes a landscape design prepared by a landscape architect, as required by Section 108-511(b) of the Code. On April 14, 2010 the Tree Commission issued an approval for the design modifications that is also approved by the city urban landscape coordinator. Further modifications to the site plan dated May 13, 2010 were reviewed and approved by the Landscape Coordinator and do not require Tree Commission Approval.

Off-street Parking and Loading (Article VII):

Article VII, Off-street Parking and Loading, has been previously addressed in this report. The proposed design accommodates ADA access according to the City's ADA coordinator but does not meet dimensional or other parking requirements.

Stormwater and Surface Water Management (Chapter 108, Article VIII):

A stormwater plan was approved with the original development plan and shall meet all requirements of this Section of the Code.

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

The site is located in Flood Zone AE-8. The proposed Modification to the Major Development Plan does not trigger flood proofing.

Utilities (Article IX):

The proposed redevelopment will use existing utility mains for potable water and wastewater as shown in the concurrency management report. For irrigation purposes, rainwater captured in rain barrels on site are installed. Landscaping consists of 70% native species as shown on the proposed landscape plan.

SUMMARY OF OUTSTANDING ISSUES:

The Planning Department strives to work with each applicant to quickly resolve outstanding issues and move completed applications forward through the Planning Board and City Commission. In this case, the Department's desire to assist a distressed applicant has resulted in the premature placement of an incomplete application on the board agenda. Although the applicant continues to work with city staff to resolve remaining issues, the project is not ready for a thorough review under the code. Although the department extended deadlines to accommodate the applicant, as of May 12, 2010, not all information is complete. We continue to encourage the applicant to obtain the city engineer's recommendation regarding the aisle width and parking stall modifications, provide revised site plans, and ensure that related landscape and stormwater approvals are transmitted in time for review before the next scheduled meeting.

RECOMMENDATION:

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for a modification to a Conditional Use and Major Development Plan be **postponed** due to unresolved issues as outlined in this report.

Draft Resolution

RESOLUTION NUMBER 2010-yz

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING CONDITIONAL USE APPROVAL, GRANTING APPROVAL OF A MAJOR MODIFICATION TO A MAJOR DEVELOPMENT PLAN APPROVAL, AND GRANTING APPROVAL OF MODIFICATIONS TO REQUIRED AISLE WIDTH AND PARKING STALL SIZE OF A PARKING LOT FOR PROPERTY LOCATED AT 512 GREENE STREET (RE# 00001170-000000), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject property is located in the Historic Residential Commercial Core, Gulf Side (HRCC-1), zoning district; and

WHEREAS, Section 122-61 of the Code of Ordinances allows applicants to request Conditional Use approvals; and

WHEREAS, Section 122-688(9) of the Code of Ordinances allows bars and lounges as Conditional Uses in the HRCC-1 zoning district; and

WHEREAS, Section 122-61 outlines the criteria for reviewing a Conditional Use application and Section 108-196(a) requires the Planning Board to review and make a recommendation to the City Commission on the proposed Major Development Plan; and

_____Chairman

_____Planning Director

WHEREAS, the applicant requested an additional 351 square feet of outdoor consumption area; and

WHEREAS, Section 108-91C(3) and (4) of the Code of Ordinances allows applicants to request Major Modifications to Major Development Plans including changes to specific conditions of development approvals and those requests are required to be treated in the same manner as the original approval; and

WHEREAS, the original Major Development Plan and Conditional Use proposal was recommended for approval by the Planning Board through Resolution 2009-030 and was subsequently approved by the City Commission on October 13, 2009 through Resolution 09-242; and

WHEREAS, the applicant requested to modify the design of the Major Development Plan and modify conditions six and seven of City Commission approval 09-242; and

WHEREAS, Section 108-641 requires that isle widths for parking lots designed at a 90 degree angle be 24' wide; and

WHEREAS, Section 108-641 provides a footnote allowing that modifications to the isle

_____Chairman

_____Planning Director

width requirement be approved by the City Commission, guided by the Architectural Graphics of Ramsey and Sleeper, in conjunction with the City Engineer recommendation; and

WHEREAS, the applicant requested a modified isle width of 21'3" and compact parking sized stalls of 9'6" by 15'; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on May 20, 2010; and

WHEREAS, the granting of a Conditional Use will be in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare;

WHEREAS, the granting of a combined Conditional Use and Major Modification to the Major Development Plan is consistent with the criteria in the code; and

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

_____Chairman

_____Planning Director

WHEREAS, the granting of a modified parking aisle width and parking stall size is consistent with the criteria in the code; and

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

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

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

Section 2. That a conditional use for new outdoor consumption area of 261 square feet for an approved a bar and lounge, per Section 122-688(9) of the Code of Ordinances, in conjunction with a Modification to a Major Development Plan for the redesign of the approved parking lot and the modification of conditions number six and seven of the previous approval (Resolution 09-242) per Section 108-91C(3), and modifications to required isle width per Section 108-641, under the Code of Ordinances of the City of Key West, Florida, is hereby recommended for City Commission approval for property located at 512 Green Street (RE#00001170-000000), as shown in the attached site plans dated May 4, 2010, with conditions to be provided.

Section 3. Full, complete, and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.

_____Chairman

_____Planning Director

Section 4. This Conditional Use request and Major Modification to a Major Development Plan application recommended for approval to the City Commission, do 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.

Section 6. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of 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 this approval; 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 until the appeal is resolved by agreement or order.

_____Chairman

_____Planning Director

Read and passed on first reading at a special meeting held this 20 day of May, 2010.

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

Richard Klitenick, Chairman
Key West Planning Board

Date

Attest:

Amy Kimball-Murley, AICP
Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

_____Chairman

_____Planning Director

Application

Amendment

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



Development Plan & Conditional Use Application

(Applications will not be accepted until they are complete)

Development Plan

Major

Minor _____

Conditional Use

Historic District

Yes

No _____

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

- 1) Site Address **512 Greene St.**
- 2) Name of Applicant **Trepanier & Associates, Inc.**
- 3) Applicant is: Owner _____ Authorized Representative
 (attached Authorization Form must be completed)
- 4) Address of Applicant **402 Appelrouth Lane**
Key West, FL 33040
- 5) Applicant's Phone # **293-8983** Fax **293-8748**
- 6) Name of Owner, if different than above **512 Greene Street LLC**
- 7) Address of Owner **1413 South Street, Key West FL 33040**
- 8) Owner Phone # **305-712-0070** Fax _____
- 9) Zoning District of Parcel **HRCC-1** RE# **00001170-000000**
- 10) Is Subject Property located within the Historic District? Yes No _____
 If Yes: Date of approval **4/23/2009** HARC # **H09-0417407**
 OR: Date of workshop _____ Date of expected approval _____
- 11) Description of Proposed Development and Use. Please be specific. List existing and proposed buildings and uses, number of dwelling units, parking, restaurant seats, vehicles proposed, etc. If there is more than one use, describe in detail the nature of each use. (Give concise description here and use a separate sheet if necessary)

This property received Major Development Plan and Conditional Use approval to convert existing commercial floor area within the Parking Waiver Zone from retail, bar and restaurant to bar; as well as to convert a residential unit to commercial. A ROGO unit was relinquished to the City. Storm water management was improved, impervious surface was reduced, landscaping increased, the site was made ADA accessible, and the historic structures preserved and restored. A 20ft-wide vehicular easement was required as part of the approval conditions at the City Commission hearing. The required easement can not be accommodated and therefore we

Amendment

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION
City of Key West Planning Department
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(305 -809-3720)



seek to redesign the parking area of the site plan to eliminate the need for the easement, as well as request the Board's consideration with regard to the removal of a condition prohibiting the use of the courtyard as 261 sq. ft. of consumption area.

- 12) Has subject Property received any variance(s)? Yes _____ No
If Yes: Date of approval _____ Resolution # _____
- 13) Are there any easements, deed restrictions or other encumbrances on the subject property?
Yes ___ No If Yes, describe and attach relevant documents: A condition was placed on the approval that required an access easement across the adjacent property. Such an easement can not be obtained. Therefore we seek to redesign the parking area of the site to eliminate the need for the easement, as well as request the Board's consideration with regard to the removal of a condition prohibiting the use of the courtyard as 261 sq. ft. of consumption area.
- 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

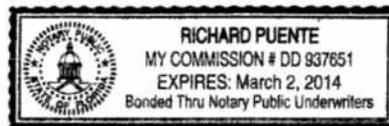
that I am (check one) the owner _____ / owner(s) legal representative of the property which is the subject matter of this application. All of the answers to the above questions, drawings, plans and any other attached data to this application, are true and correct to the best of my knowledge and belief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

President - Trepanier & Associates, Inc.

Signature of Applicant

Subscribed and sworn to (or affirmed) before me on 02/01/10 (date) by Owen Trepanier, President - Trepanier & Associates, Inc. (name of affiant, deponent or other signer). He/She is personally known to me or has presented _____ as identification.

Notary's Signature and Seal



Richard Puente Name of Acknowledger typed, printed or stamped

Notary Title or Rank DD 937651 Commission Number

Required Plans and Related Materials

- I. Existing Conditions.
 - A) Recent Survey: **Attached**
 - B) Existing size, type and location of trees, hedges, and other features. **Attached**
 - C) Existing stormwater retention areas and drainage flows **No Changes Proposed**
 - D) A sketch showing adjacent land uses, buildings, and driveways. **No Changes Proposed**
- II. Proposed Development: Plans at 11" X 17" (10,000 Sq. ft. or less); 24" X 36" if site is over 10,000 sq. ft.
 - A) Site Plan: **Attached**
 - 1) Buildings **No Changes Proposed**
 - 2) Setbacks **No Changes Proposed**
 - 3) Parking: **Please see attached Site Plan and associated parking variance**
 - 4) Driveway dimensions and material **Please see Attached Survey**
 - 5) Location of Utility Lines (sewer, water, electric, cable, and phone) adjacent and extending into the site. **No Changes Proposed**
 - 6) Signs **No Changes Proposed**
 - 7) Project Statistics:
 - a. Zoning **HRCC-1**
 - b. Size of site **No Changes Proposed**
 - c. Number of units **No Changes Proposed**
 - d. If non-residential, floor area & proposed floor area ratio **No Changes Proposed**
 - e. Consumption area of restaurants & bars:

This site previously had 31 licensed seats, which equates to a minimum of 465 sq. ft. of consumption area. The previous restaurant had indoor and outdoor seating. Licensing records indicate the property previously had 31 seats, including outdoor seating. Licensing records, provided by the Planning Department, from 1990 indicate 6 of the 31 were located outside at that time. During the original design process, we anticipated the new and required ADA ramp would need the space previously occupied by the consumption area. However, the ramp was unable to be built in the proposed location and instead a lift was installed elsewhere. This allowed the potential for 90 sq. ft. of the previous consumption area to remain in the front patio location. There is also space in the rear courtyard where 261 sq. ft. of consumption area can exist. We seek to permit this consumption area as part of this amendment.

According to Sec. 108-571 we are required to accommodate an increase in parking impacts. The rear 261 sq. ft. of consumption area has a 5.8 parking space requirement associated with it. This will raise the parking requirement from 3.6 to 9.4. We are proposing 4 auto parking spaces and 15 bike scooter spaces on site.
 - f. Open space area and open space ratio:

The previous approval improved the open space ratio of the site dramatically. The previous open space was 9%, as a result of the redevelopment open space increased to 20%. This amendment will maintain the minimum 20% the open space.
 - g. Impermeable surface area and impermeable surface ratio:

The previous approval improved the impervious surface ratio of the site dramatically. The previous impervious surface ratio was 91%, as a result of the redevelopment the impervious surface ratio was reduced to 80%. This amendment will maintain the ISR below 80%.
 - h. Number of automobile and bicycle spaces required and proposed:

The parking requirement for this property is 3.6 auto spaces and 1 bicycle space. The rear 261 sq. ft. of consumption area has a 5.8 parking space requirement associated with it. This will raise the parking requirement from 3.6 to 9.4. We are proposing 4 auto parking spaces and 15 bike scooter

spaces on site. The circulation on the site was approved as a one-way drive (ingress from Ann Street, egress to Simonton Street). This amendment seeks to change that to become a two-way with ingress & egress from Ann Street.

- B) Building Elevations **No changes proposed**
 - 1) Drawings of the building from each direction
 - 2) Height of building
 - 3) Finished floor elevations and bottom of first horizontal structure
 - 4) Height of existing and proposed grades
- C) Drainage Plan: Existing & Proposed with retention areas and calculations **No changes to the drainage system are proposed or required.**
- D) Landscape Plan: Size, type, location and number of plants to be removed, kept, and installed. **Minimal changes are proposed to the landscaping, as depicted on the attached plan.**

III. Solutions Statement. Aspects of the design that address community issues including but not limited to water pollution from stormwater runoff, potable water conservation, waste disposal, energy conservation, affordable housing, and impacts on neighbors such as lighting, noise, traffic and parking.

We propose the following changes to the existing plan:

1. **Change angled parking to perpendicular;**
2. **Convert the lot to a compact car lot;**
3. **Create a "T" turn around and add 14 scooter spaces;**
4. **Change 14ft-wide one-way drive to 24ft-wide driveway with a 21.3 ft-wide aisle;**
5. **Increase space for trash and recycling on site;**
6. **Preserve the outdoor consumption area in the front of the building; and**
7. **Permit a 261 sq. ft. of consumption area in the rear courtyard.**

CONDITIONAL USE CRITERIA

Sec. 122-62. Specific criteria for approval.

(a) Findings.

(b) Characteristics of use described.

(1) Scale and intensity of the proposed conditional use as measured by the following:

- a. Floor area ratio; **No Changes Proposed**
- b. Traffic generation: **No Changes Proposed**
- c. Square feet of enclosed building for each specific use; **No Changes Proposed**
- d. Proposed employment; **No Changes Proposed**
- e. Proposed number and type of service vehicles; **No Changes Proposed**
- f. Off-street parking needs:

The parking requirement for this property is 3.6 auto spaces and 1 bicycle space. The rear 261 sq. ft. of consumption area has a 5.8 parking space requirement associated with it. This will raise the parking requirement from 3.6 to 9.4. We are proposing 4 auto parking spaces and 15 bike scooter spaces on site. The circulation on the site was approved as a one-way drive (ingress from Ann Street, egress to Simonton Street). This amendment seeks to change that to become a two-way with ingress & egress from Ann Street.

(2) On- or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection (b)(1) of this section including the following:

- a. Utilities; **No Changes Proposed**
- b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in chapter 94; **No Changes Proposed**

c. Roadway or signalization improvements, or other similar improvements; **No Changes Proposed**

d. Accessory structures or facilities; **No Changes Proposed**

e. Other unique facilities/structures proposed as part of site improvements. **No Changes Proposed**

(3) On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:

a. Open space:

The previous approval improved the open space ratio of the site dramatically. The previous open space was 9%, as a result of the redevelopment open space increased to 16.8%. This amendment will maintain a minimum of 20% open space.

b. Setbacks from adjacent properties; **No Changes Proposed**

c. Screening and buffers:

A small strip of shrubs and ground cover will be moved into landscape islands to allow the change to the parking. As a result, the existing fence will be remodeled to shadowbox or abutting pickets so that it will be visually solid. The large trees installed along the parking area will remain with the parking spaces spread out between them.

d. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites:

Landscape berms are inappropriate for this site.

e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts. **No Changes Proposed**

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

(1) Land use compatibility.

No changes proposed that will alter the original finding of compatibility.

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

As depicted on the site plan, the site has sufficient size, specifications, and infrastructure to accommodate the redesign of the parking area with minimal variances. This property has a parking requirement of less than 10 auto spaces. We seek minimal variances to maintain the maximum reasonable number of spaces.

(3) Proper use of mitigative techniques.

No changes proposed that will alter the original finding of proper use of mitigative techniques.

(4) Hazardous waste.

No change proposed. No Hazardous Waste will be generated by the conditional use.

(5) Compliance with applicable laws and ordinances.

All laws and ordinances will be followed.

(6) Additional criteria applicable to specific land uses.

a. Land uses within a conservation area.

No changes proposed.

b. Residential development.

This site contained a residential unit, as part of the conditions of approval, the ESFDU was relinquished to the City of Key West.

c. Commercial or mixed use development.

The proposed design will allow the site to function independently from adjacent sites and provide adequate internal vehicular circulation together with access and egress to the site and off-street parking.

d. Development within or adjacent to historic district.

No changes proposed.

- e. Public facilities or institutional development.

N/A

- f. Commercial structures, uses and related activities within tidal waters.

N/A

- g. Adult entertainment establishments.

N/A



WAIVER AND RELEASE OF BUILDING PERMIT ALLOCATION

This Waiver and Release of Building Permit Allocation is hereby made by 512 Greene Street, LLC (hereinafter "Owner"), in favor of The City of Key West, Florida, a municipal corporation (hereinafter "City"), this 13 day of January, 2010, as follows:

- A. The building permit allocation system (hereinafter "BPAS") for the City is contained in Sections 108-1056 through 1062 of the Code of Ordinances of the City of Key West (hereinafter the "Code"). The BPAS was established in order to limit the number of permits issued for permanent and transient units to 1,093 new permanent and transient units during the period beginning April 1, 1990, and ending April 1, 2002.
- B. Owner is the only owner of real property located at 512 Greene Street, Key West, Florida, (hereinafter "the Property") and more particularly described as:
Please see attached.

- C. The Property referred to in paragraph B above is currently allocated a total of 1 allocations, 1 of which are non-transient and 0 of which are transient.
- D. Owner herein expressly desires to reduce the number of allocations existing on the Property by surrendering to the City 1 allocations, 1 of which are non-transient, and 0 of which are transient.
- E. As a result of the reduction of allocations referred to in paragraph D above, Owner expressly agrees that the property shall possess a total of 0 allocations, 0 of which are non-transient, and 0 of which are transient.
- F. Owner herein expressly acknowledges that this Waiver and Release is irrevocable and made for the purpose permanently reducing the number of allocation existing on the Property. Further, Owner herein expressly acknowledges that the allocations surrendered herein shall revert to the City, and shall be subject to allocation pursuant to the BPAS.
- G. This action fulfills the associated condition as required by the City Commission on 09/15/09.

OWNER:

512 Greene Street, LLC, a Florida limited liability company,

PETER N. BRAUN MANAGING MEMBER OF 512 GREEN STREET, LLC, BY AND THROUGH DAVID FLOERKE, HIS ATTORNEY IN FACT.
Peter N. Braun, Managing Member of 512 Greene Street, LLC, by and through David Floerke, his attorney in fact.



STATE OF FLORIDA
COUNTY OF MONROE

2010

The foregoing instrument was sworn to and acknowledged before me this 13th day of January, ~~200~~, by David Floerke, who is personally known to me or who has produced _____ as identification and who did did not take an oath. NOTE: If a type of identification is not inserted in the blank provided, then the person executing this instrument is personally known to me. If the words "did not" are not marked, then the person executing this instrument did take an oath.

Susan M. Cardenas

Notary Public

Susan M. Cardenas

Notary Printed Name

My Commission Expires:
(SEAL)





LEGAL DESCRIPTION

512 Greene Street, 201-205 Ann Street, Key West, FL

On the Island of Key West, known on William A. Whitehead's map delineated in February A.D. 1829, as part of Lot Three (3) in Square Thirteen (13). Commencing at the corner of Greene and Ann Streets on the Northeasterly side of Ann Street on the Southeasterly side of Greene Street and running thence along Greene Street in a Northeasterly direction Ninety-three (93) feet and Three (3) inches; thence at right angles in a Southeasterly direction One hundred and five (105) feet and Six (6) inches; thence at right angles in a Southwesterly direction Ninety-three (93) feet and three (3) inches to Ann Street; thence at right angles in a Northwesterly direction along Ann Street One-hundred and five (105) feet and Six (6) inches to the point of beginning.

Reference being had to deed recorded in Deed Book "A-4", Page 571, and deeds recorded in Book "G-21", Pages 98 - 103, in the office of the Clerk of the Circuit Court, in and for Monroe County, Florida.

Property Appraiser's Parcel Identification Number: 00001170-000000

Verification Form

Amendment

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



City Commission hearing. The required easement can not be accommodated and therefore we seek to redesign the parking area of the site plan to eliminate the need for the easement.

- 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 ___ No ___ If Yes, describe and attach relevant documents: A condition was placed on the approval that required an access easement across the adjacent property. Such an easement can not be obtained. Therefore we seek to redesign the parking area of the site to eliminate the need for the easement.
- 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

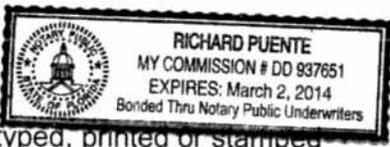
I, Trepanier & Associates, Inc. (please print), being duly sworn, depose and say
Name of Applicant

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.

[Signature], President - Trepanier & Associates, Inc.
Signature of Applicant

Subscribed and sworn to (or affirmed) before me on 02/01/10 (date) by Owen Trepanier, President - Trepanier & Associates, Inc. (name of affiant, deponent or other signer). He/She is personally known to me or has presented _____ as identification.

[Signature]
Notary's Signature and Seal



Richard Puente Name of Acknowledger typed, printed or stamped

Notary Title or Rank DD 937651 Commission Number

Authorization Form

LIMITED POWER OF ATTORNEY

STATE OF _____ :
COUNTY OF _____ :

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

- 525 Caroline Street, Key West, Florida
- 223 Ann Street, Key West, Florida
- 801 Elizabeth Street, Key West, Florida
- 803 Elizabeth Street, Key West, Florida
- 714 Baker's Lane, Key West, Florida
- 709 Windsor Lane, Key West, Florida
- 1411-1413 South Street, Key West, Florida
- 512 Greene Street, Key West, Florida
- 722 & 802 Galveston Lane, Key West, Florida
- 4 & 6 Charles Street, Key West, Florida
- 213 Telegraph Lane, Key West, Florida
- 217 Telegraph Lane, Key West, Florida
- 903 Duval Street, Key West, Florida

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

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

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

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

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

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

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

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

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of May, 2009.

Signed, sealed and delivered in the presence of:

PRINCIPAL:

Frederick C. Doran III
Signature of Witness

Peter N. Brawn
PETER N. BRAWN

Frederick C. Doran III
Printed Name of Witness

Kelly E. Craig
Signature of Witness

Kelly E. Craig
Printed Name of Witness

SIGNATURE OF ATTORNEY-IN-FACT:

David Floerke
DAVID FLOERKE

STATE OF REPUBLIC OF ARGENTINA
CITY OF BUENOS AIRES
EMBASSY OF THE UNITED STATES :
COUNTY OF STATES OF AMERICA :

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

WITNESS my hand and official seal at
Buenos Aires, Argentina this 04 day of
May, 2009.

Heather M. Smith
HEATHER M. SMITH
Vice Consul of the
Printed Name of Notary United States of America NOTARY PUBLIC

My Commission Expires: **INDEFINITELY**



[Previous on List](#) [Next on List](#) [Return To List](#)

Entity Na

No Events No Name History

Detail by Entity Name

Florida Limited Liability Company

512 GREENE STREET L.L.C.

Filing Information

Document Number L09000022673
FEI/EIN Number NONE
Date Filed 03/09/2009
State FL
Status ACTIVE
Effective Date 03/09/2009



Principal Address

512 GREENE ST.
KEY WEST FL 33040 US

Mailing Address

525 CAROLINE ST
KEY WEST FL 33040 US

Registered Agent Name & Address

KELLY, ROBERT E JR
525 CAROLINE ST
KEY WEST FL 33040 US

Manager/Member Detail

Name & Address

Title MGRM

BRAWN, PETER
525 CAROLINE ST
KEY WEST FL 33040 US

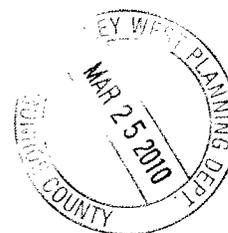
Annual Reports

No Annual Reports Filed

Document Images

Deed

Doc# 1742444 05/15/2009 8:41AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE



Please return this instrument to:

Susan M. Cardenas
Stones & Cardenas
221 Simonton Street
Key West, FL 33040

05/15/2009 8:41AM
DEED DOC STAMP CL: TRINA \$0.70

This Instrument Prepared By: Ward&Meyers, LLC
3201 Flagler Ave. Suite 506
Key West, FL 33040

Doc# 1742444
Bk# 2412 Pg# 2463

Corrective Quit Claim Deed

THIS QUIT CLAIM DEED Made this 4th day of April, A.D. 2009, by, Peter Nelson Brawn, a single man, hereinafter called the grantor, to 512 Greene Street, L.L.C. whose post office address is 1413 South St., Key West, FL 33040, hereinafter called the grantee:

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

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

On the Island of Key West, known on William A. Whitehead's map delineated in February A.D. 1829, as part of Lot Three (3) in Square Thirteen (13). Commencing at the corner of Greene and Ann Streets on the Northeasterly side of Ann Street on the Southeasterly side of Greene Street and running thence along Greene Street in a Northeasterly direction Ninety-three (93) feet and Three (3) inches; thence at right angles in a Southeasterly direction One hundred and five (105) feet and Six (6) inches; thence at right angles in a Southwesterly direction Ninety-three (93) feet and three (3) inches to Ann Street; thence at right angles in a Northwesterly direction along Ann Street One-hundred and five (105) feet and Six (6) inches to the point of beginning.

Reference being had to deed recorded in Deed Book "A-4", Page 571, and deeds recorded in Book "G-21", Pages 98 - 103, in the office of the Clerk of the Circuit Court, in and for Monroe County, Florida.

A/K/A 512 Green Street, Key West, FL 33040

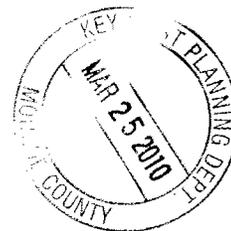
SUBJECT TO TAXES FOR THE YEAR 2009 AND SUBSEQUENT YEARS, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.

Property Appraiser's Parcel Number: 0001170-000000

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

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

THIS CORRECTIVE DEED IS BEING RECORDED TO CORRECT THE LEGAL DESCRIPTION IN THAT CERTAIN QUIT CLAIM DEED RECORDED IN BOOK 2405 PAGE 785 PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.



In Witness Whereof, the said grantor has signed and sealed these presents, the day and year first above written.

Signed, sealed and delivered in the presence of:

Frederick C. Doran III
Witness Signature

Peter Nelson Brawn L.S.

Peter Nelson Brawn
Address:
1413 South St.
Key West, FL 33040

Frederick C. Doran III
Printed Name

Kelly E. Craig
Witness Signature

Doc# 1742444
Bk# 2412 P# 2464

Kelly E. Craig
Printed Name

Country of: REPUBLIC OF ARGENTINA
CITY OF BUENOS AIRES
State/Providence of: EMBASSY OF THE UNITED STATES OF AMERICA

I hereby certify that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Peter Nelson Brawn, as grantor who is personally known to me to be the individual described in and who executed the foregoing deed or who produced US Passport as identification and he acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed.

Witness my hand and official seal this 9th day of May 2009.

HEATHER M. SMITH
Vice Consul of the
United States of America

Printed name of Notary

Heather M. Smith
NOTARY PUBLIC

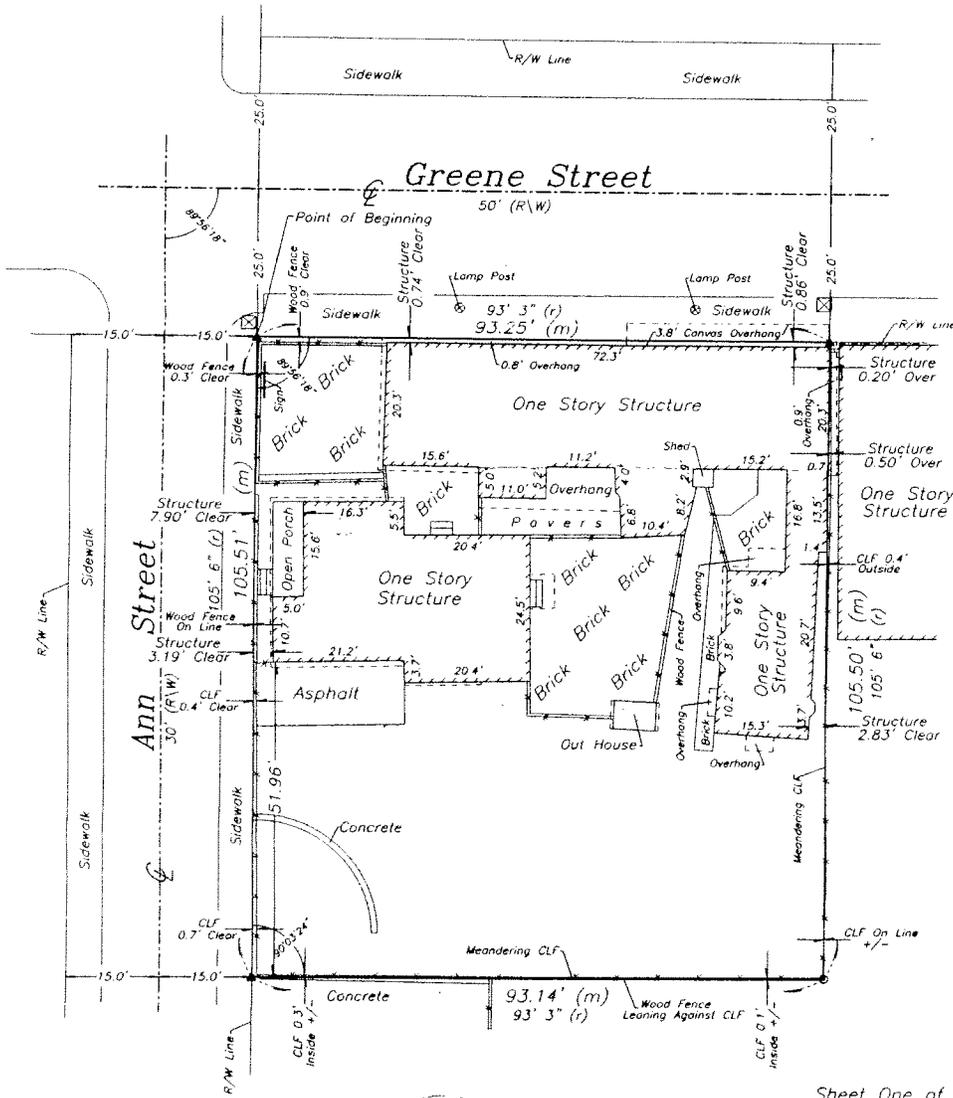
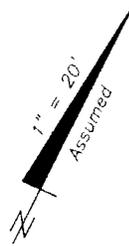
My Commission Expires: **INDEFINITELY**

Survey

Boundary Survey Map of part of Lot 3, Square 13, of WM A. Whitehead's map of the Island of Key West

LEGEND

- ⊗ Found Permanent Reference Monument (FHH)
- Set #5 rebar w/cap (6298)
- Found 1/2" Iron Rod (2863)
- ▲ Found Nail & Disc (FHH)
- △ 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 Utility Lines



Sheet One of Two Sheets

NOTE:
This Survey Map is not full and complete without the attached Survey Report.



J. LYNN O'FLYNN, Inc.

Professional Surveyor & Mapper
PSM #6298

3430 Duck Ave., Key West, FL 33040
(305) 296-7422 FAX (305) 296-2244

Boundary Survey Report of part of Lot 3, Square 13, of WM A.
Whitehead's map of the Island of Key West

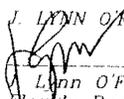
NOTES:

1. The legal description shown hereon was 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: 512 Greene 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: April 22, 2009
10. Ownership of fences is undeterminable, unless otherwise noted.
11. Adjoiners are not furnished.
12. The Survey Report is not full and complete without the attached Survey Map.

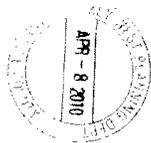
BOUNDARY SURVEY OF: On the Island of Key West, known on William A. Whitehead's map delineated in February A.D. 1829, as part of Lot Three (3) in Square Thirteen (13) Commencing at the corner of Greene and Ann Streets on the Northeasterly side of Ann Street on the Southeasterly side of Greene Street and running thence along Greene Street in a Northeasterly direction Ninety-three (93) feet and Three (3) inches; thence at right angles in a Southeasterly direction One hundred and five (105) feet and Six (6) inches; thence at right angles in a Southwesterly direction Ninety-three (93) feet and three (3) inches to Ann Street; thence at right angles in a Northwesterly direction along Ann Street One-hundred and five (105) feet and Six (6) inches to the point of beginning

BOUNDARY SURVEY FOR: Matthew McCarthy;
Recuerda Lel Alamo I, Inc;

J. LYNN O'FLYNN, INC.


Lynn O'Flynn, PSM
Florida Reg. #6298

April 28, 2009



Sheet Two of Two Sheets

J. LYNN O'FLYNN, Inc.



Professional Surveyor & Mapper
PSM #6298

3430 Duck Ave., Key West, FL 33040
(305) 296-7422 FAX (305) 296-2244



Prior Approval

RESOLUTION NO. 09-242

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING A CONDITIONAL USE FOR A BAR AND MAJOR DEVELOPMENT PLAN TO REDEVELOP AN EXISTING PARKING LOT, AND RETAIL STRUCTURES IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE GULF SIDE (HRCC-1) ZONING DISTRICT PER SECTION 122-688(9) AND SECTION 108-91(A)(2)(b) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Key West Planning Board recommended approval of the application with conditions at its meeting of July 30, 2009.

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

Section 1: That a conditional use for 512 Greene Street/201-205 Ann Street is hereby approved.

Section 2: That the attached major development plan for 512 Greene Street/201-205 Ann Street is hereby approved.

Section 3: That these approvals are subject to the following conditions, which are specifically incorporated herein:

- (1) Tree Commission approval must be obtained prior to building permit issuance;
- (2) The applicant voluntarily agrees to donate the 1.0 Equivalent Single Family Unit associated with the single family residence to the City of Key West through the execution of a donation waiver;
- (3) The applicant will install and maintain a programmable

distributive sound system consistent with that described in the document prepared by The Audio Bug and submitted on July 25, 2009, and updated on August 5, 2009, to assure compliance with the "unreasonable noise" definition contained in Section 26-191 of the Code of Ordinances, and that such referenced document shall be updated to include that a computerized sound monitoring system is installed and available to the City upon request;

- (4) There will be no live music, disc jockeys, or karaoke at the site unless approved under as special event permit pursuant to Section 6-86 of the Code of Ordinances;
- (5) Security cameras will be provided on site and security personnel will be present during the hours of operation;
- (6) A perpetual two-way easement in a form acceptable to the City Attorney will be executed prior to the issuance of a building permit, to provide access from Simonton Street for commercial trash and recycling removal from 512 Greene Street, and to provide for ingress and egress from Simonton Street to 512 Greene Street;
- (7) Additionally, compliance with the plans dated August 5, 2009, is a condition of approval and specifically incorporated herein.

Section 4: 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 and 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 this approval; 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 until the appeal is resolved by agreement or order.

Passed and adopted by the City Commission at a meeting held this 15th day of September, 2009.

Authenticated by the presiding officer and Clerk of the Commission on October 13, 2009.

Filed with the Clerk October 13, 2009.


MORGAN MCPHERSON, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK

RESOLUTION NUMBER 2009-030

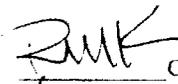
**A RESOLUTION OF THE KEY WEST
PLANNING BOARD GRANTING
CONDITIONAL USE APPROVAL AND
REGARDING APPROVAL OF A MAJOR
DEVELOPMENT PLAN FOR PROPERTY
LOCATED AT 512 GREENE STREET/201-205
ANN STREET (RE# 00001170-000000), KEY
WEST FLORIDA; PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, the subject property is located in the Historic Residential Commercial Core, Gulf Side (HRCC-1), zoning district; and

WHEREAS, Section 122-61 of the Code of Ordinances allows applicants to request Conditional Use approvals; and

WHEREAS, Section 122-688(9) of the Code of Ordinances allows bars and lounges as Conditional Uses in the HRCC-1 zoning district; and

WHEREAS, Section 108-91A(2)(b) of the Code of Ordinances provides that within the Historic District a Major Development Plan is required for nonresidential floor area; addition or reconstruction of equal or greater than 2,500 square feet of gross floor area; and


Chairman

Planning Director

WHEREAS, the proposal would allow the existing restaurant to change to a bar and lounge, in areas designated 'consumption area' on the site plan, and allow for the redevelopment of the existing parking lot and the four structures on site, including the bar and lounge, the existing single family home and two small existing structures for commercial retail use; and

WHEREAS, Section 122-61 outlines the criteria for reviewing a Conditional Use application and Section 108-196(a) requires the Planning Board to review and make a recommendation to the City Commission on the proposed Major Development Plan; and

WHEREAS, Section 108-230 requires a construction schedule and the applicant has requested an immediate and continuous reconstruction process; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on July 30, 2009; and

WHEREAS, the granting of a Conditional Use will be in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare;

WHEREAS, the granting of a combined Conditional Use and Major Development Plan is


Chairman

Planning Director

consistent with the criteria in the code; and

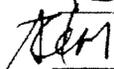
WHEREAS, the recommendation of approval of the combined Conditional Use and Major Development Plan is in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and

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

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

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

Section 2. That a conditional use for a bar and lounge with 1,045 square feet of consumption area, per Section 122-688(9) of the Code of Ordinances, in conjunction with a Major Development Plan for the redevelopment of the site including: a new bar, an existing parking lot, a change of use from a single family home to a commercial retail structure, and a change in use for two(2) existing small commercial structures into two(2) commercial retail structures, per Section 108-91A(2)(b) under the Code of Ordinances of the City of Key West, Florida, is hereby recommended for City Commission approval for property located at 512 Green Street/ 201-205 Ann Street (RE#00001170-000000), as shown in the attached site plans dated July 10, 2009, with the following conditions:


Chairman

Planning Director

1. Tree Commission approval must be obtained prior to Building Permit issuance.
2. The applicant will donate the 1.0 Equivalent Single Family Unit associated with the single family residence to the City of Key West through the execution of a donation waiver.
3. The applicant will install and maintain a programmable distributive sound system consistent with that described in document prepared by The Audio Bug and submitted on July 25, 2009, to assure compliance with the "unreasonable noise" definition of Section 26-191 of the Code of Ordinances, and that such referenced document shall be updated to include that a computerized sound monitoring system is installed and available to the city upon request and to state that no speakers will be placed outdoors."
4. There will be no live music, disc jockeys, or karaoke at the site unless approved under a special event permit per Section 6-86 of the City Code.
5. Security cameras will be provided on site and security personnel will be present during the hours of operation.
6. A draft easement for off-site dumpster location on the adjacent Simonton Street property will be provided in a form acceptable to the City Attorney's office prior to forwarding a recommendation of approval to the City Commission and such easement will be executed prior to building permit issuance, to insure that all trash removal is handled via Simonton Street.
7. The following site plan modifications will be provided to the satisfaction of City staff prior to forwarding a recommendation of approval to the City Commission to include the following items:
 - a. Complete exterior lighting plans to ensure that lighting impacts are directed away from residential areas;
 - b. Elevations as provided to HARC will be included in the site plan package;
 - c. The trash and recycling containers will be relocated to the adjacent property (RE 00001111-000700) to enable pick-up to occur from Simonton Street;
 - d. The landscape plan shall be modified to include additional buffering on the south side of the site and in proximity to the exit of the bar into the courtyard;
 - e. A plan showing the proposed location of speakers will be provided and in no case shall speakers be located outdoors; and
 - f. The site plans shall be clearly marked to show that no consumption is approved outdoors on the site.

Section 3. Full, complete, and final application for all permits required for which this


Chairman

Planning Director

resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.

Section 4. This Conditional Use request and Major Development Plan application recommended for approval to the City Commission, do 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.

Section 6. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of 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 this approval; 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 until the appeal is resolved by agreement or order.

Read and passed on first reading at a special meeting held this 30 day of July, 2009.

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

Page 5
Resolution Number 2009-030


Chairman

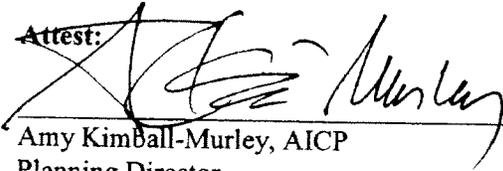
Planning Director



Richard Klitenick, Chairman
Key West Planning Board

AUGUST 5, 2009
Date

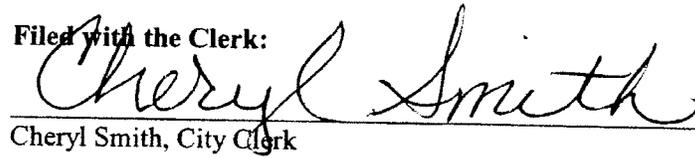
Attest:



Amy Kimball-Murley, AICP
Planning Director

August 5, 2009
Date

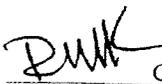
Filed with the Clerk:



Cheryl Smith, City Clerk

8-6-09
Date

K:\Planning Board\PB Resolutions\PB Resolutions 2009\PB Resolution 2009-X CUP and MDP - 512 Greene Street.doc



Richard Klitenick, Chairman



Amy Kimball-Murley, Planning Director

THE AUDIO BUG, INC.

3800 HILLCREST DRIVE ☉ HOLLYWOOD, FL. 33021-7937 ☎ 954-983-2788 ☎ FAX: 954-083-2789 ☎ theaudiobug.com

To the attention of the City of Key West Planning Board

The following are recommendations for Sound Control and Mitigation at 512 Greene Street, Key West:

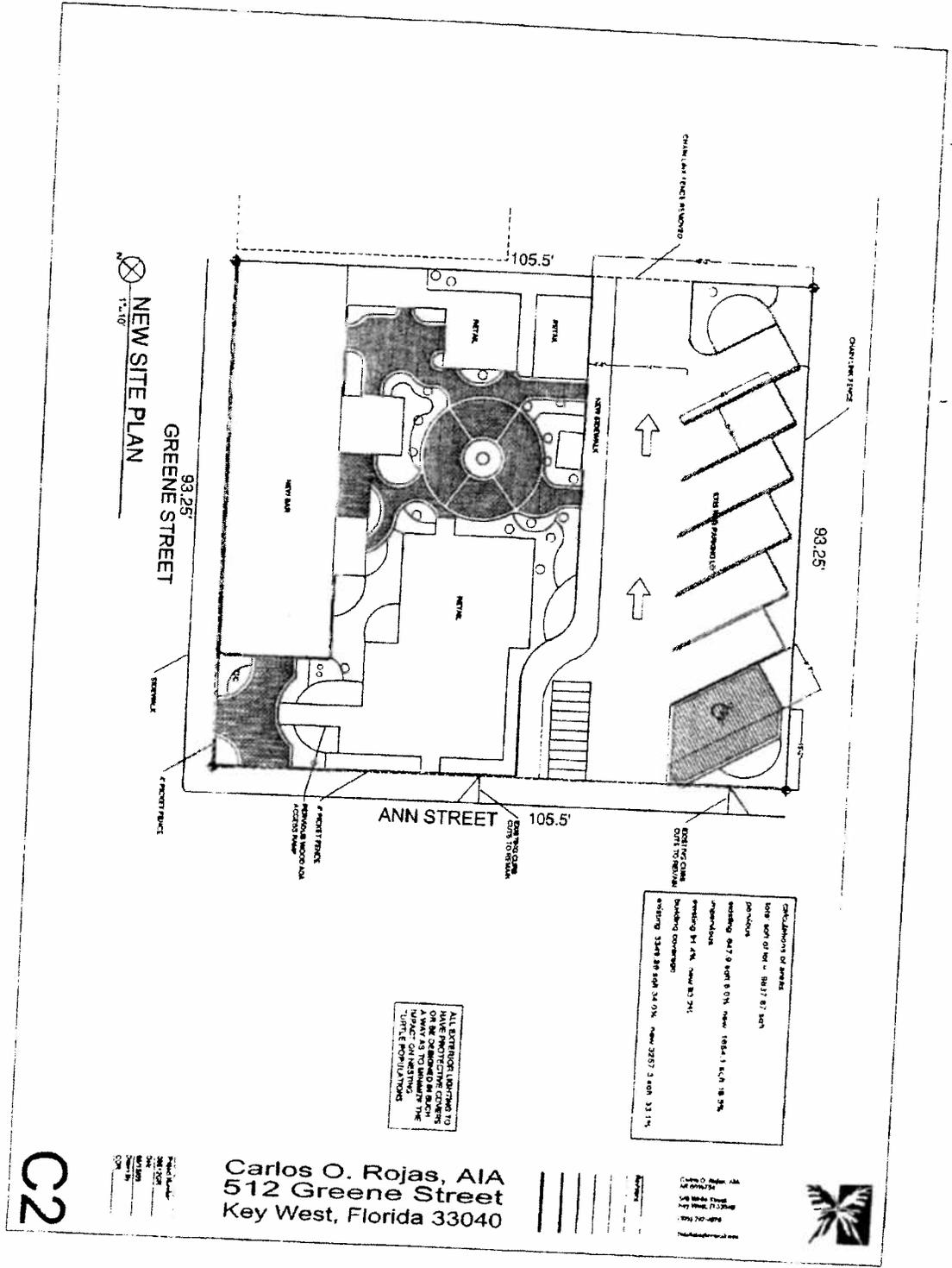
Sound System: The system should be designed to fully comply with local noise ordinances, employing the following techniques to accomplish this goal:

- A. Deployment of many closely spaced speakers driven at low individual volumes. Such a system design will distribute sound uniformly within each entertainment area in such a manner as not to interfere with normal conversational level of the clientele. Maximum long-term system levels are limited to 90 dB SPL (unweighted) and 65 dB SPL with user access restricted to the selection of program material and manual reduction only of system levels. No increase above maximum design sound levels shall be possible by staff. The system includes 72 speakers and 18 amplifiers in order to provide maximum control to the designer. All speakers are hooked into amplifiers two at a time to allow the greatest level of zone control.
- B. Symetrix's Advanced Digital Signal Processing System, "SymNet," a centralized computer control and digital signal processor (or equal), shall form the heart of the system. With this device, the system features the following functions and safeguards:
 1. All controls under lock and key, with limited access via password security.
 2. The system shall be divided into several zones, each with a preset maximum level, separate dynamic equalization and time alignment, sound compression, and intelligent gain adjustment feature which will raise and lower music volume in response to patron conversation noise.
 3. Local control shall consist only of source selection and the ability to turn the system down from preset maximums.
 4. A leveling function capable of reducing the inevitable disparities between source and selection volumes, further ensuring consistent playback levels. Leveling removes the possibility of one song sounding louder than the previous or subsequent song. For example, if a Billy Joel vocal/piano ballad were followed by a song with a significantly different complement of vocals and instrumentals, the second song would normally sound louder at an equal volume setting. With leveling, the two songs would be reproduced at virtually the same sound level.
- C. Bands and/or DJs¹ shall not be permitted to bring additional amplifiers or loudspeakers onto the site. The House System will provide an input portal for band mixers and DJ consoles (mixer, turntables, CD players, etc.). DJs, limited by the House System in place, have no more influence over the volume than the Hotel staff (which means NO ability to exceed preset limits). The DJ becomes a human iPod of sorts and their presence has no material effect on the neighbors or the perceived volume within the area.
- D. Computerized sound monitoring system. Utilizing an inexpensive net-book or laptop computer, appropriate software and an external microphone, the club can be equipped to self-monitor sound levels on the property to ensure and document compliance with the City's Noise Ordinance. Calibration of the system during its installation will allow direct correlation of sound levels on property with those at any location off property. Simple operation and reliable documentation will ensure that code violation claims can be refuted with accurate information at any time. Visit <http://www.fesb.hr/~mateljan/arta/> for details on obtaining this power software.

¹ If permitted as a special event under KW Code Sec. 6-86



RANK
8/5/09
MCM
8/5/09



NEW SITE PLAN
1/4" = 1'-0"
GREENE STREET
93.25'

ANN STREET
105.5'

Calculations of areas
 lot area 9781 sq ft - 10317 sq ft
 parking
 existing 247.0 sq ft 0.1% new 1654.1 sq ft 16.5%
 - 1907 sq ft
 existing 14.4 sq ft 0.1% new 23.7 sq ft
 - 9.3 sq ft
 existing 3348.8 sq ft 0.1% new 2257.2 sq ft 23.1%
 - 1091.6 sq ft

ALL EXTERIOR LIGHTING TO
 HAVE PROTECTIVE COVERS
 A MAX. 45 DEGREE BEAM
 ANGLE TO PREVENT
 GLARE ON NEIGHBORING
 UNITS POPULATIONS

C2

Project Name:
 Date:
 Scale:
 Drawing No.:

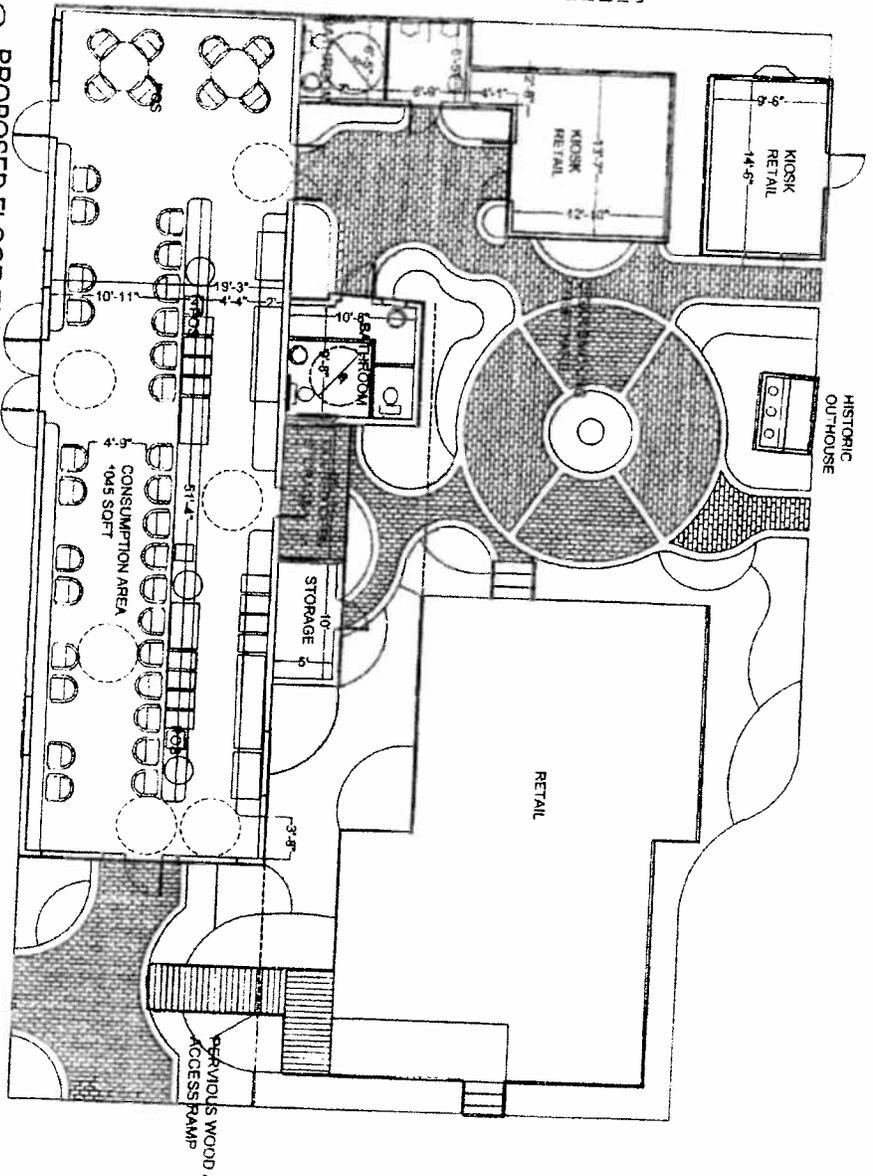
Carlos O. Rojas, AIA
 512 Greene Street
 Key West, Florida 33040

Carlos O. Rojas, AIA
 512 Greene Street
 Key West, FL 33040
 305.747.4874
 TheRojasGroup.com



Rmk
 8/5/09
 xcm
 8/5/09

PROPOSED FLOOR PLAN
3/15/10



A1

DATE	DESCRIPTION
3/15/10	PROPOSED FLOOR PLAN

Carlos O. Rojas, AIA
512 Greene Street
Key West, Florida 33040

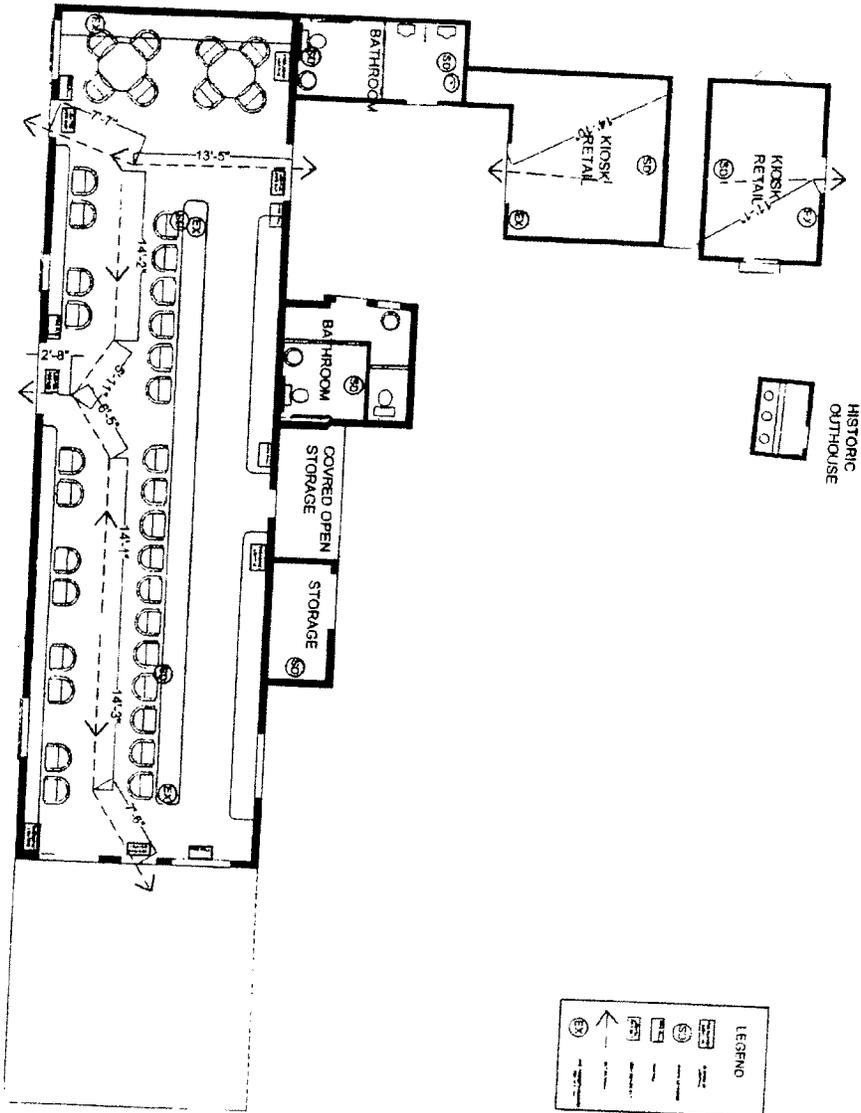
NO.	DESCRIPTION
1	...
2	...
3	...
4	...
5	...
6	...
7	...
8	...
9	...
10	...

Scale: 1/8" = 1'-0"
 1/4" = 3'-0"
 1/2" = 6'-0"
 3/4" = 9'-0"
 1" = 12'-0"



RUK
8/5/09
AEM
8/5/09

PROPOSED LIFE SAFETY PLAN
3/15/10



F1

PROJECT:	
DATE:	
BY:	
CHK:	

Carlos O. Rojas, AIA
512 Greene Street
Key West, Florida 33040

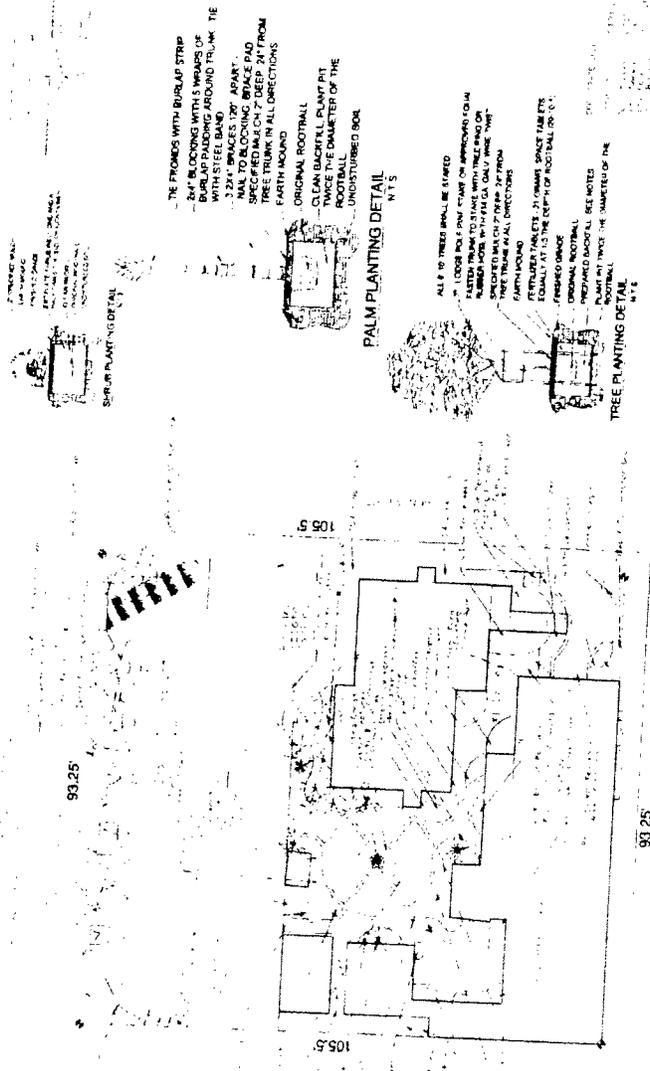


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www.carlosorojas.com



RUK
8/5/09
ACCA
8/5/09

6/15/09
 Runk
 6/15/09



THE FRAMES WITH BURLAP STRIP
 2x4 BLOCKING WITH 5 WRAPS OF
 3/4" BURLAP WRAPPING AROUND TRUNK. THE
 WITH STEEL BRACES 120" APART.
 3 2x4" BRACES 120" APART.
 NAIL TO BLOCKING BRACE PAD
 TREE FEED MATCH 7" DEEP 2" FROM
 TREE TRUNK IN ALL DIRECTIONS
 EARTH MOORS

ORIGINAL ROOTBALL
 CLEAN CENTRAL PLANT PIT
 2" DEEP
 ROOTBALL
 2" DEEP
 UNDISTURBED SOIL

PALM PLANTING DETAIL
 N.T.S.

ALL TO TREES SHALL BE SAVED
 IN LARGE HOLES AND PLANT ON APPROXIMATE
 FACTOR TO MATCH TO 1/4" TOLERANCE ONLY
 PLANTING HOLES TO 1/4" TOLERANCE ONLY
 THE FEED MATCH 7" DEEP 2" FROM
 TREE TRUNK IN ALL DIRECTIONS
 EARTH MOORS
 FERTILIZER TABLETS 21 FORMATS SPREAD
 EQUALLY AT 1/3 THE DEPTH OF ROOTBALL FOR 6-8"
 FRESH GROUND
 ORIGINAL ROOTBALL
 CLEAN CENTRAL PLANT PIT
 2" DEEP
 ROOTBALL
 2" DEEP
 UNDISTURBED SOIL

TREE PLANTING DETAIL
 N.T.S.

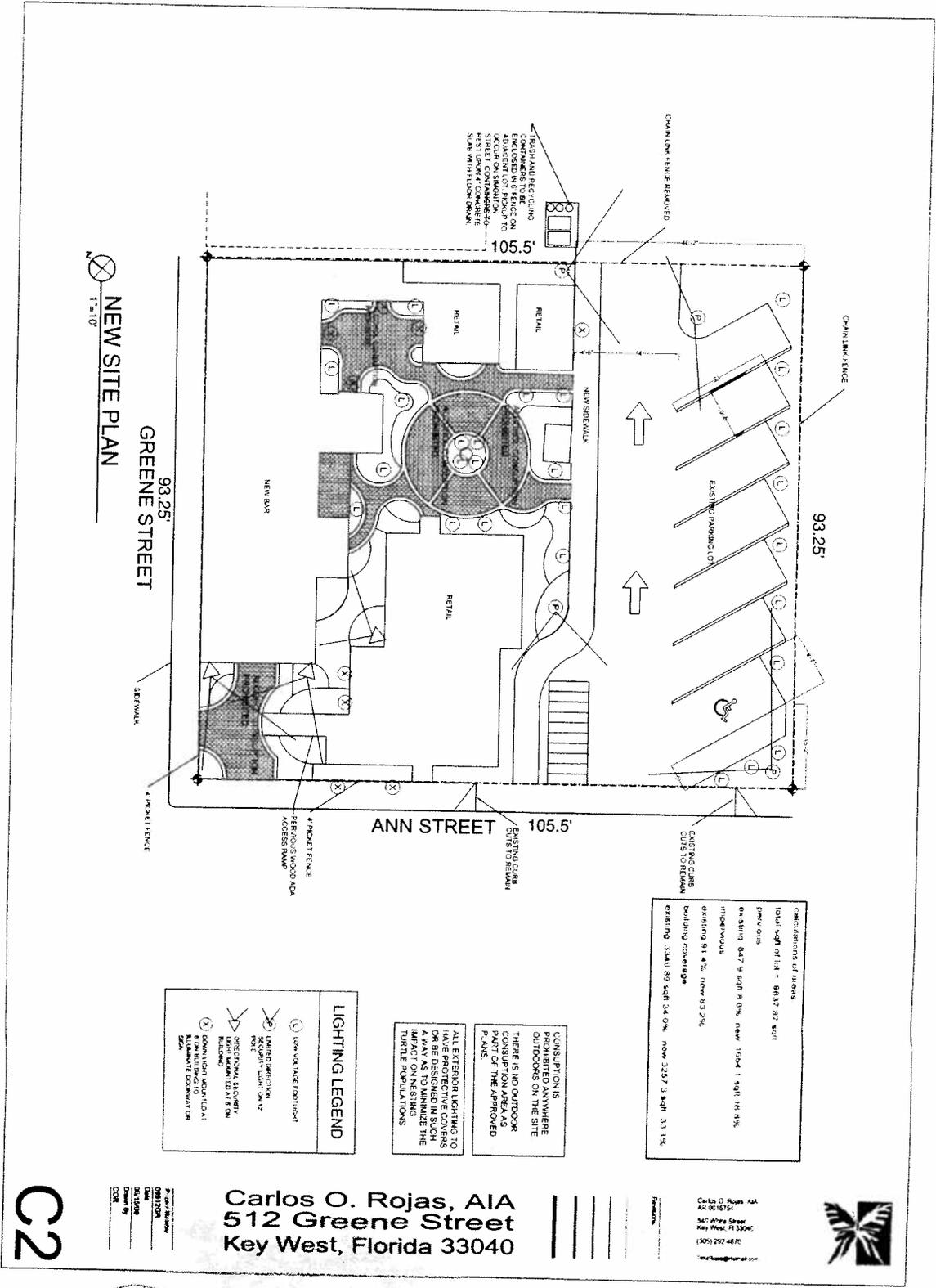
512 GREENE STREET
 KEY WEST, FL



930 E. Ocean Way
 Naples, FL 34110
 Phone: (813) 724-2000
 Fax: (813) 724-2000
 Professional No. 17172

**PROPOSED LANDSCAPE
 AND HARDSCAPE PLAN**

Existing Site Plan



NEW SITE PLAN
1"=10'

93.25'
GREENE STREET

ANN STREET 105.5'

Comparison of Areas Total sqft of lot = 9817 87 sqft previous existing 947 9 sqft 9.6% new 1544 1 sqft 14.8% improvement existing 91 4% new 83 2% building coverage existing 3240 89 sqft 34.0% new 3297 3 sqft 33.1%	
--	--

CONSUMPTION IS PROHIBITED ANYWHERE OUTDOORS ON THE SITE THERE IS NO OUTDOOR CONSUMPTION AREA AS PART OF THE APPROVED PLANS

ALL EXTERIOR LIGHTING TO BE PROHIBITED TO COVER AREAS AS TO MINIMIZE THE IMPACT ON NESTING TURTLE POPULATIONS

LIGHTING LEGEND	
(L)	LOW VOLTAGE FOOTLIGHT
(X)	LIMITED ILLUMINATION
(P)	POCKET LIGHT ON 12 VOLTAGE
(D)	DOWN LIGHT IDENTIFIED BY 8' DIA. RING
(S)	DOWN LIGHT IDENTIFIED BY 4' DIA. RING

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Key West, Florida 33040

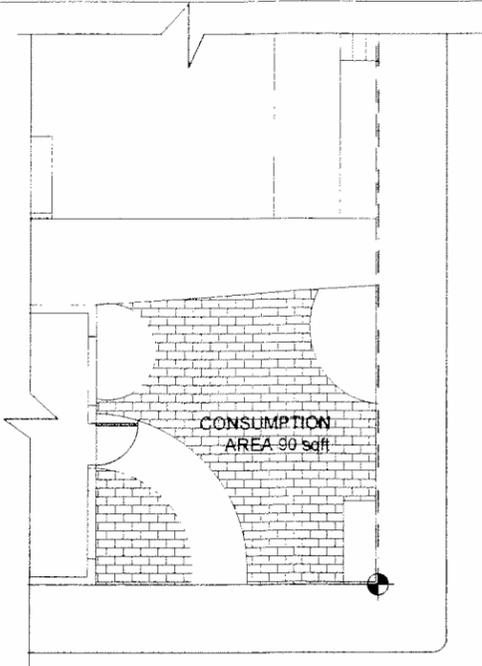
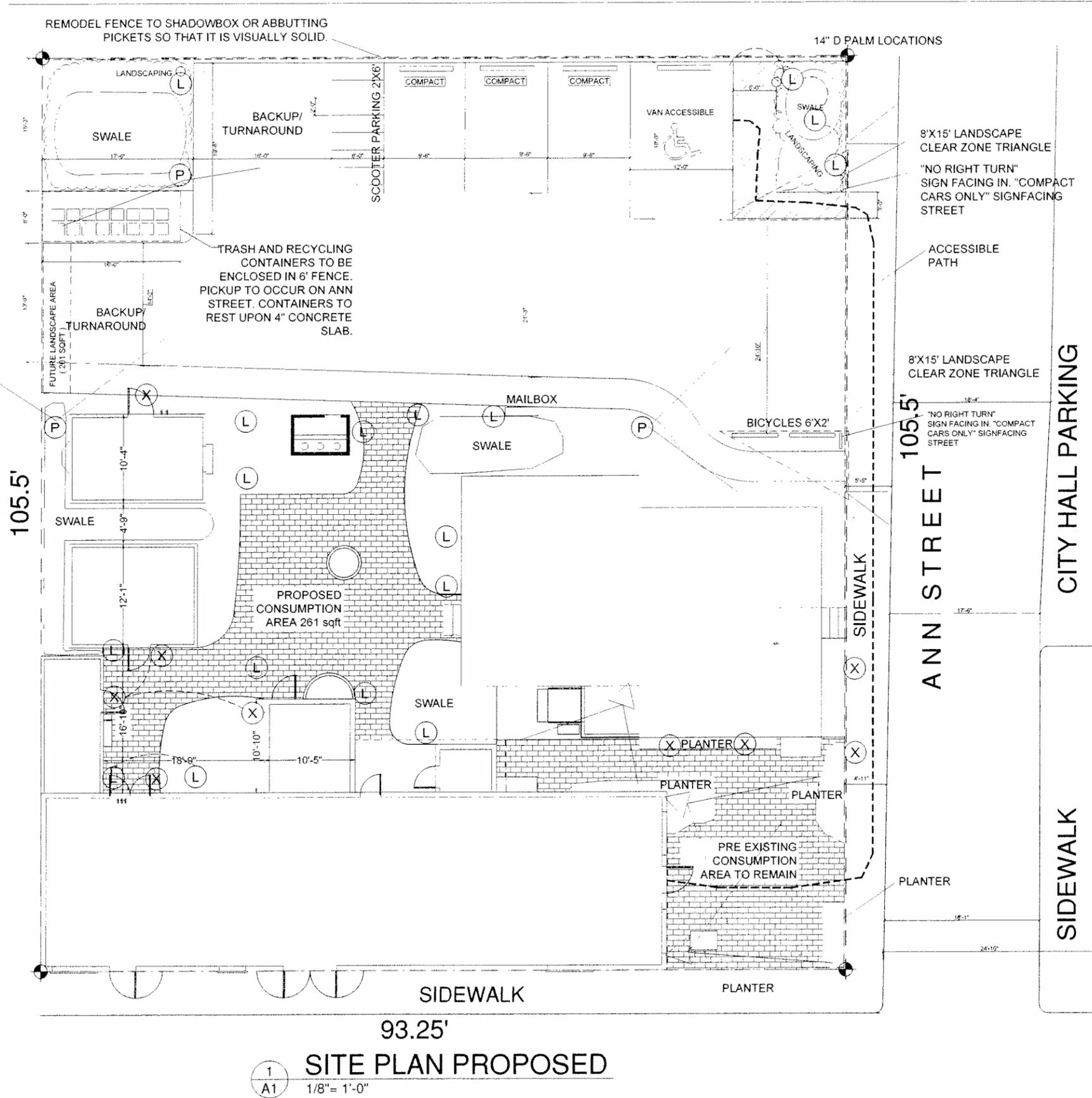
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C2



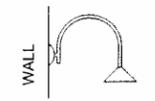
**Updated
Proposed Site Plan
May 4, 2010**



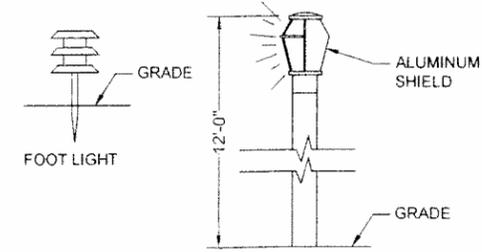
PRE-EXISTING CONSUMPTION AREA
1/8" = 1'-0"

LIGHTING NOTE
POLE LIGHTS AND LOW VOLTAGE LIGHTING TO BE ON DUSK TO DAWN TIMER OR NIGHT SENSING SWITCH.
SECURITY LIGHTS TO BE ON DAWN TO DUSK TIMER SWITCH.
DOWN LIGHTS ARE TO BE ON MANUAL SWITCH.

LIGHTING LEGEND	
SYMBOL	DESCRIPTION
(L)	LOW VOLTAGE FOOTLIGHT
(P)	LIMITED DIRECTION SECURITY LIGHT ON 12 POLE
(X)	DIRECTIONAL SECURITY LIGHT MOUNTED AT 8' ON BUILDING
(X)	DOWN LIGHT MOUNTED AT 8' ON BUILDING TO ILLUMINATE DOORWAY OR SIGN.



DOWN LIGHT



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Revisions

05/02/10	

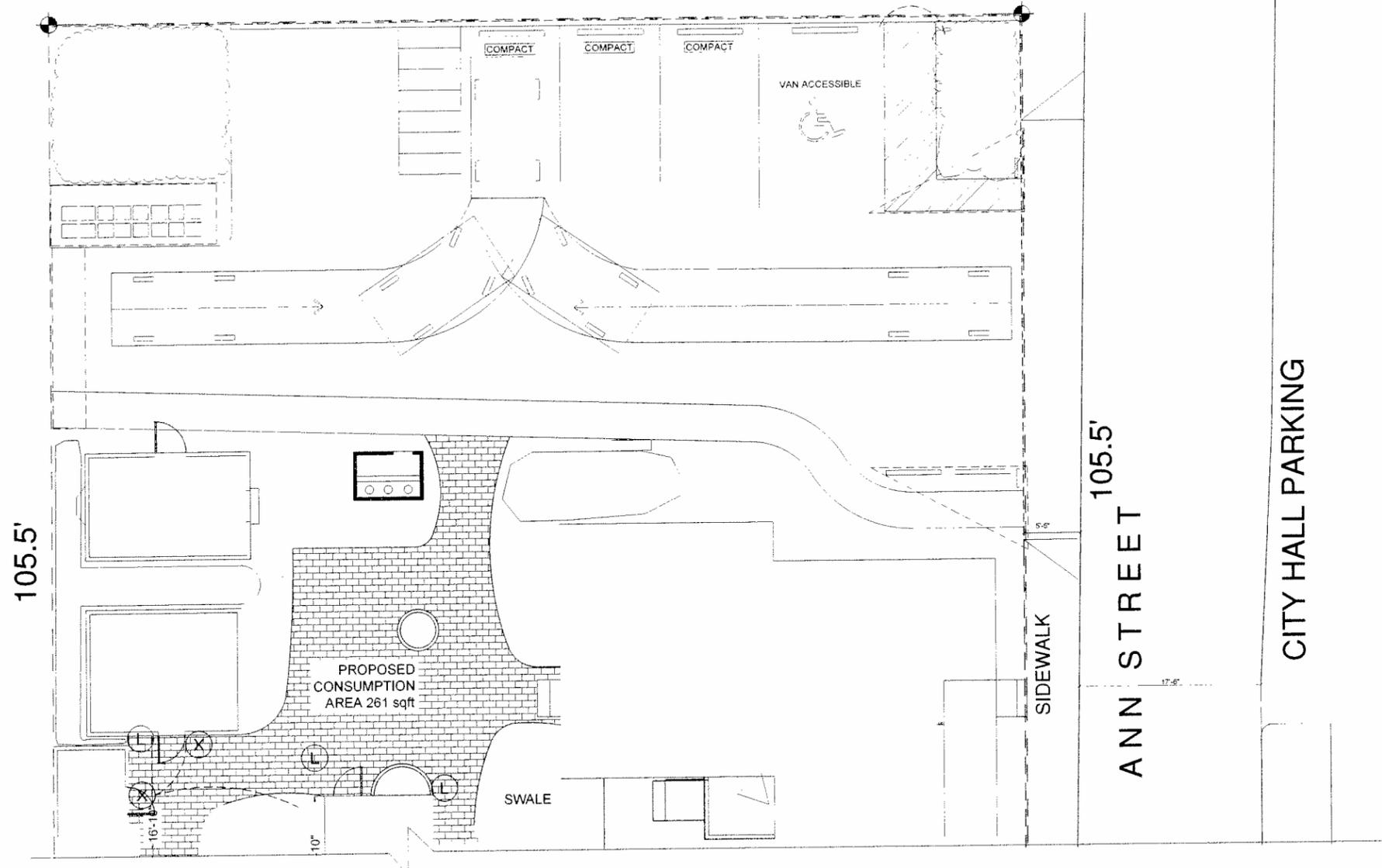
Carlos O. Rojas, AIA
512 Greene Street
Key West, Florida 33040

Project Number
09512GR
Date
02/24/10
Drawn By
COR

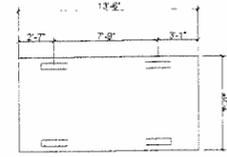


A1

1
A1
SITE PLAN PROPOSED
1/8" = 1'-0"



COMPACT CAR:
 13'-6" LONG
 7'-0" WIDE
 6.0 TRACK
 6.0 LOCK TO LCK TIME
 31.6 STEERING ANGLE

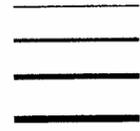


1
 A1 COMPACT CAR MANEUVERABILITY PLAN
 1/8" = 1'-0"



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Revisions
 05/02/10

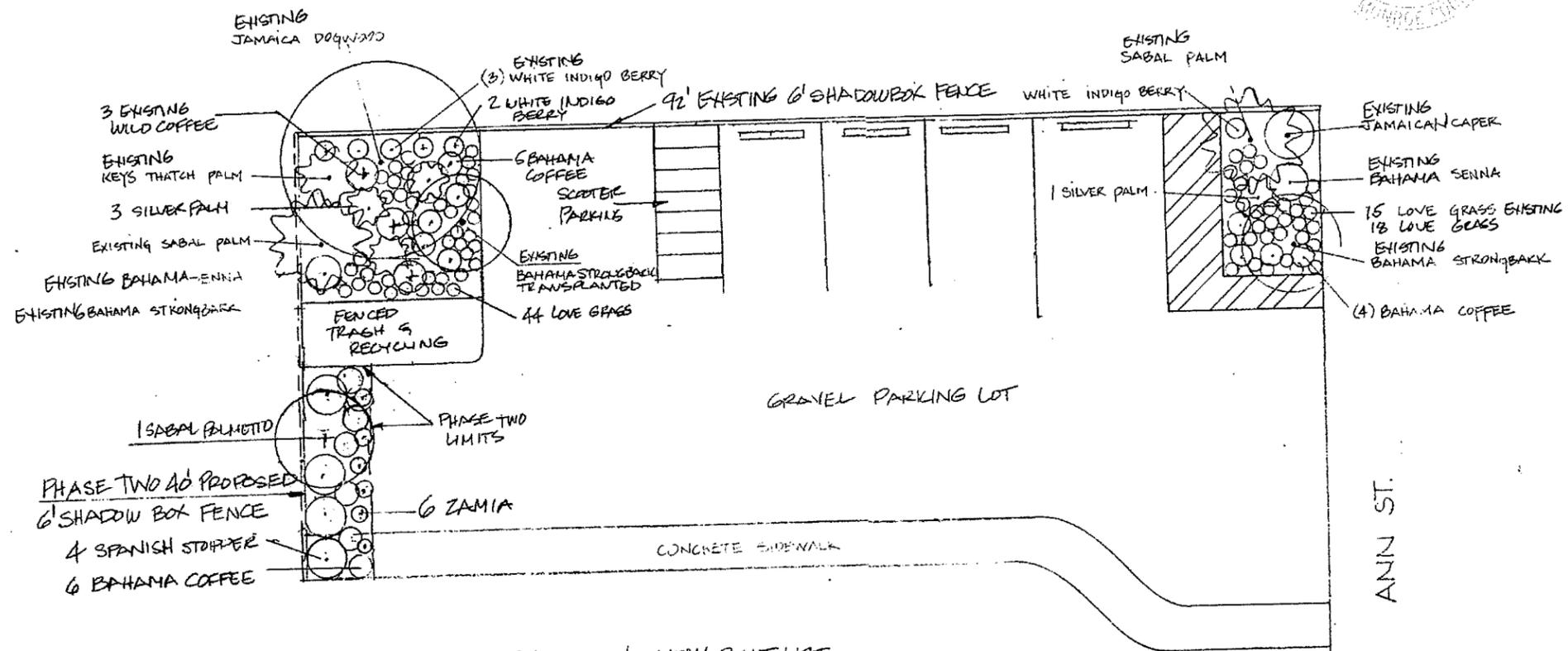


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 Key West, Florida 33040

Project Number
 09512GR
 Date
 02/24/10
 Drawn By
 COR

X1





PHASE ONE NEW PLANT LIST

- PALMS
 4 COCCOTHRINAX ARGENTATA 15 GAL
- SHRUBS/GROUND COVER
 9 BAHAMA COFFEE 36 GAL
 5 COONTIE 36 GAL
 62 LOVE GRASS 16 GAL
 2 WHITE INDIGO BERRY 7 GAL
- PALM REMOVAL PERMIT
 #5328 MAY 12, 2009

PHASE TWO NEW PLANT LIST

- PALMS
 1 SABAL PALMETTO - F6 24' GA
- SHRUBS/GROUND COVER
 4 SPANISH STOPPER 25 GAL 6'-8'
 6 BAHAMA COFFEE 36 GAL
 6 ZAMIA FLORIDANA 36 GAL

LANDSCAPE OPEN SPACE CALCULATIONS

9838 SF x .20 = 1968 SF REQUIRED
 EXISTING 2068 SF PROVIDED
 PHASE ONE (205 SF) DECREASE
 PHASE TWO 120 SF INCREASE
 PHASE ONE/TWO 1983 SF PROVIDED PROPOSED



AS BUILT & PROPOSED LANDSCAPE PLAN
 SCALE: 1/8" = 1'-0"

ELIZABETH NEWLAND
 LANDSCAPE ARCHITECT
 LA 0001288



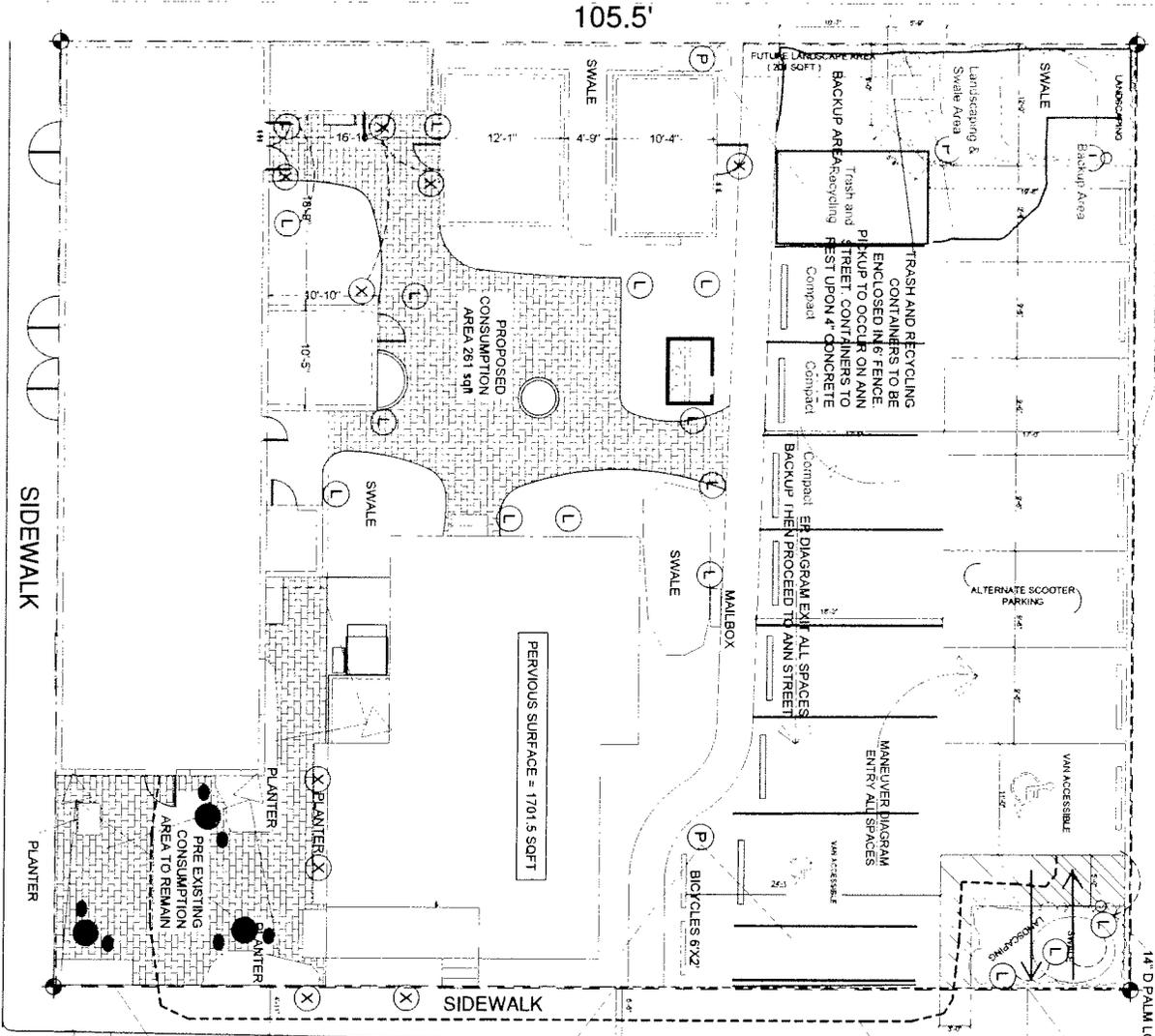
5-10-10

LANDSCAPE CONTRACTOR:
 NATIVE LANDSCAPE DESIGN
 P.O. BOX 2047 KEY WEST
 DRAWN BY: SWM

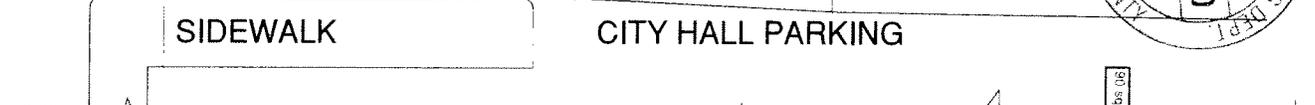
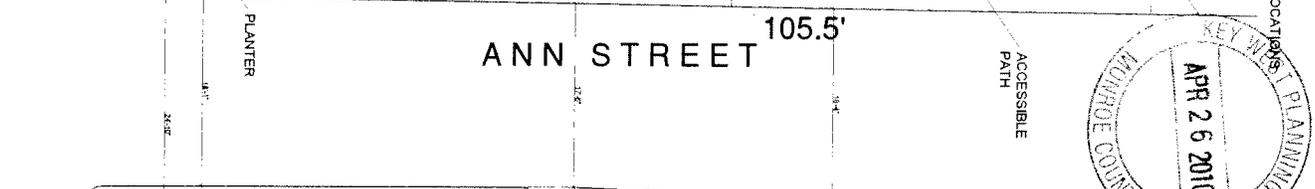
512 GREENE ST. AS BUILT & PROPOSED LANDSCAPE

**Interim Site Plans
April 26, 2010**

REMODEL FENCE TO SHADOWBOX OR ABUTTING PICKETS SO THAT IT IS VISUALLY SOLID



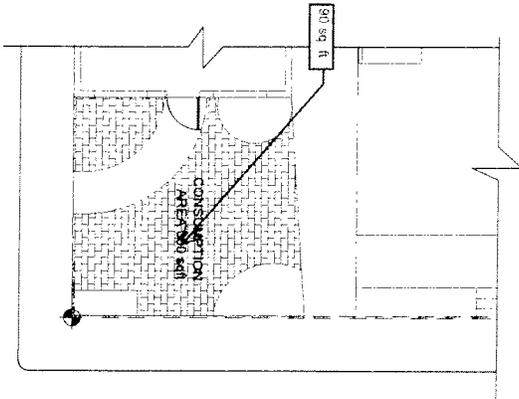
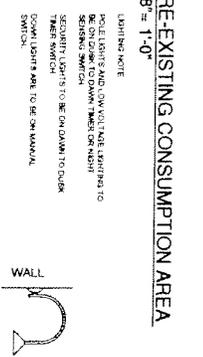
93.25'
SITE PLAN PROPOSED
 1/8" = 1'-0"



PRE-EXISTING CONSUMPTION AREA
 1/8" = 1'-0"

LIGHTING NOTE
 POLE LIGHTS AND LOW VOLTAGE LIGHTING TO BE ON DOWN TO DOWN THUMB OR RIGHT SIDE SWITCH
 STREET LIGHTS TO BE ON DOWN TO DOWN THUMB LIGHTS ARE TO BE ON MANUAL SWITCH

SYMBOL	DESCRIPTION
①	LOW VOLT 1/2" FOOT LIGHT
②	LIMITED DIRECTION LIGHT
③	FOOT LIGHT
④	SECURITY LIGHT
⑤	SECURITY LIGHT
⑥	SECURITY LIGHT
⑦	SECURITY LIGHT
⑧	SECURITY LIGHT
⑨	SECURITY LIGHT
⑩	SECURITY LIGHT
⑪	SECURITY LIGHT
⑫	SECURITY LIGHT
⑬	SECURITY LIGHT
⑭	SECURITY LIGHT
⑮	SECURITY LIGHT
⑯	SECURITY LIGHT
⑰	SECURITY LIGHT
⑱	SECURITY LIGHT
⑲	SECURITY LIGHT
⑳	SECURITY LIGHT
㉑	SECURITY LIGHT
㉒	SECURITY LIGHT
㉓	SECURITY LIGHT
㉔	SECURITY LIGHT
㉕	SECURITY LIGHT
㉖	SECURITY LIGHT
㉗	SECURITY LIGHT
㉘	SECURITY LIGHT
㉙	SECURITY LIGHT
㉚	SECURITY LIGHT
㉛	SECURITY LIGHT
㉜	SECURITY LIGHT
㉝	SECURITY LIGHT
㉞	SECURITY LIGHT
㉟	SECURITY LIGHT
㊱	SECURITY LIGHT
㊲	SECURITY LIGHT
㊳	SECURITY LIGHT
㊴	SECURITY LIGHT
㊵	SECURITY LIGHT
㊶	SECURITY LIGHT
㊷	SECURITY LIGHT
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㊾	SECURITY LIGHT
㊿	SECURITY LIGHT



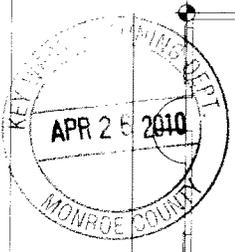
A1

Project Number
 095172SR
 Date
 02/24/10
 Drawn By
 COR

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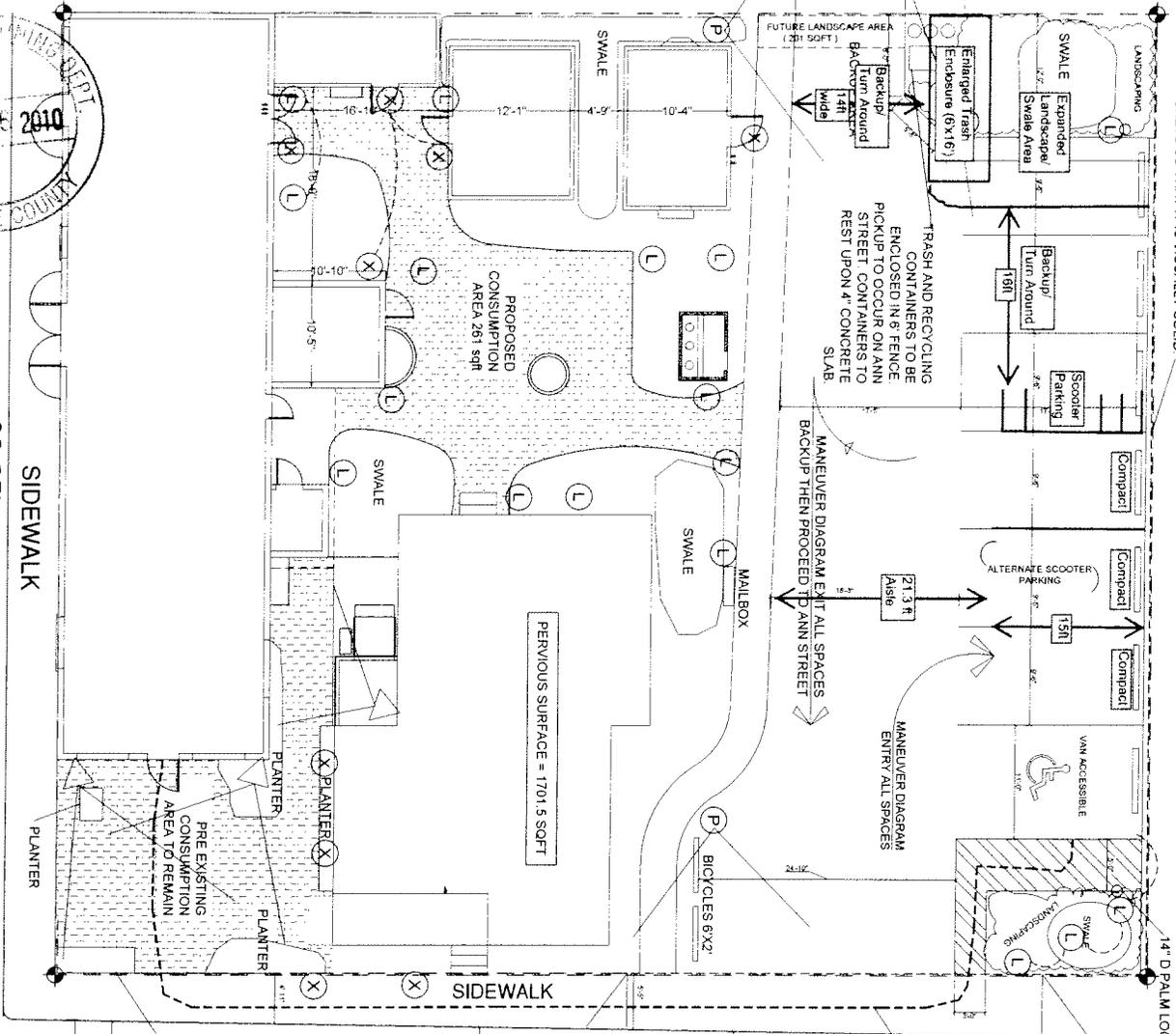




SITE PLAN PROPOSED
 1/8" = 1'-0"

93.25'

SIDEWALK



REMODEL FENCE TO SHADOWBOX OR ABUTTING PICKETS SO THAT IT IS VISUALLY SOLID

TRASH AND RECYCLING CONTAINERS TO BE ENCLOSED IN 6' FENCE PICKUP TO OCCUR ON ANN STREET. CONTAINERS TO REST UPON 4" CONCRETE SLAB

MANEUVER DIAGRAM EXIT ALL SPACES BACKUP THEN PROCEED TO ANN STREET

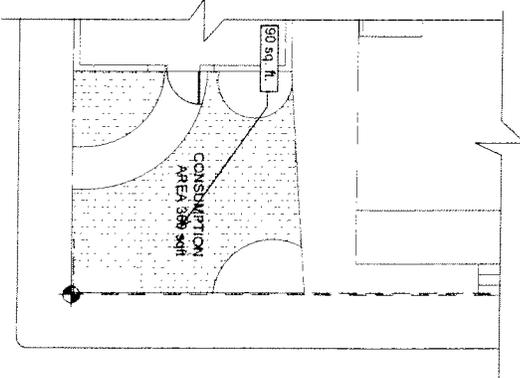
MANEUVER DIAGRAM ENTRY ALL SPACES

ALTERNATE SCOOTER PARKING

14" D PALM LOCATIONS

ANN STREET 105.5'

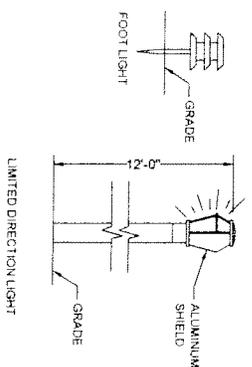
CITY HALL PARKING



PRE-EXISTING CONSUMPTION AREA
 1/8" = 1'-0"

Symbol	Description
①	CONCRETE POLE FOOTPRINT
②	LIMITED DIRECTION LIGHT
③	SECURITY LIGHT
④	DOWN LIGHT
⑤	WALL

LIGHTING LEGEND



Project Number: 095123R
 Date: 02/24/10
 Drawn by: COR
 Scale: 1/8" = 1'-0"

A1

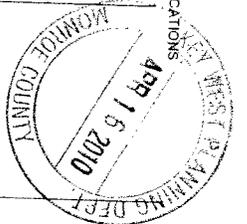
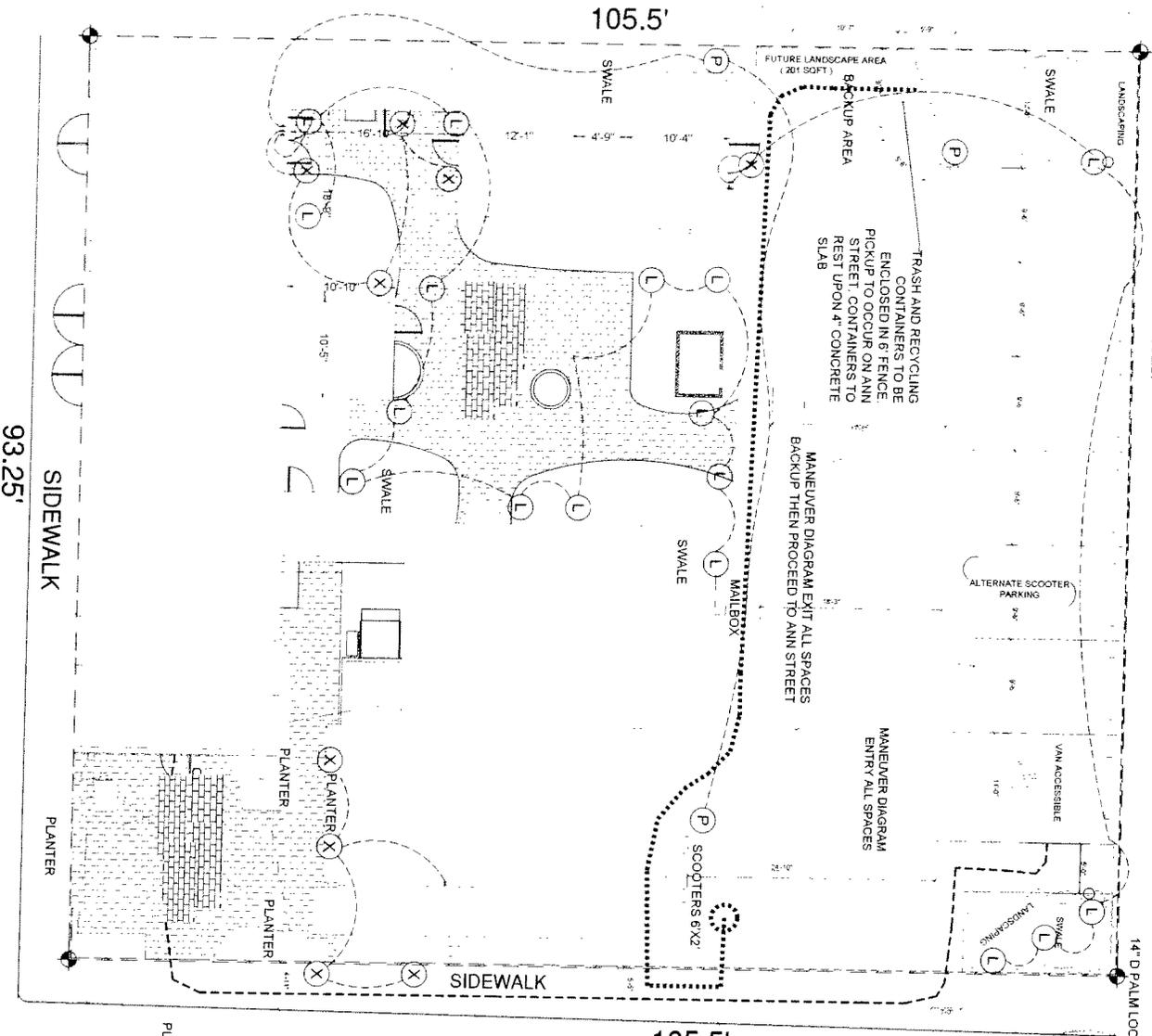
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 Key West, Florida 33040

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 T.rojas@tropical.com



Solid Waste Management Plan

REMODEL FENCE TO SHADOWBOX OR ABUTTING PICKETS SO THAT IT IS VISUALLY SOLID.



Solid Waste Management Plan

..... Pathway for pick-up

Waste pick-up to be determined by generation on an as-needed basis

Anticipate 2 36-inch square "toters" to be sufficient

"Toters" to be moved street side at the end of business prior to pick-up

"Toters" shall be returned to a screened enclosure in the morning after pick-up

"Toters" shall not block the public right-of-way

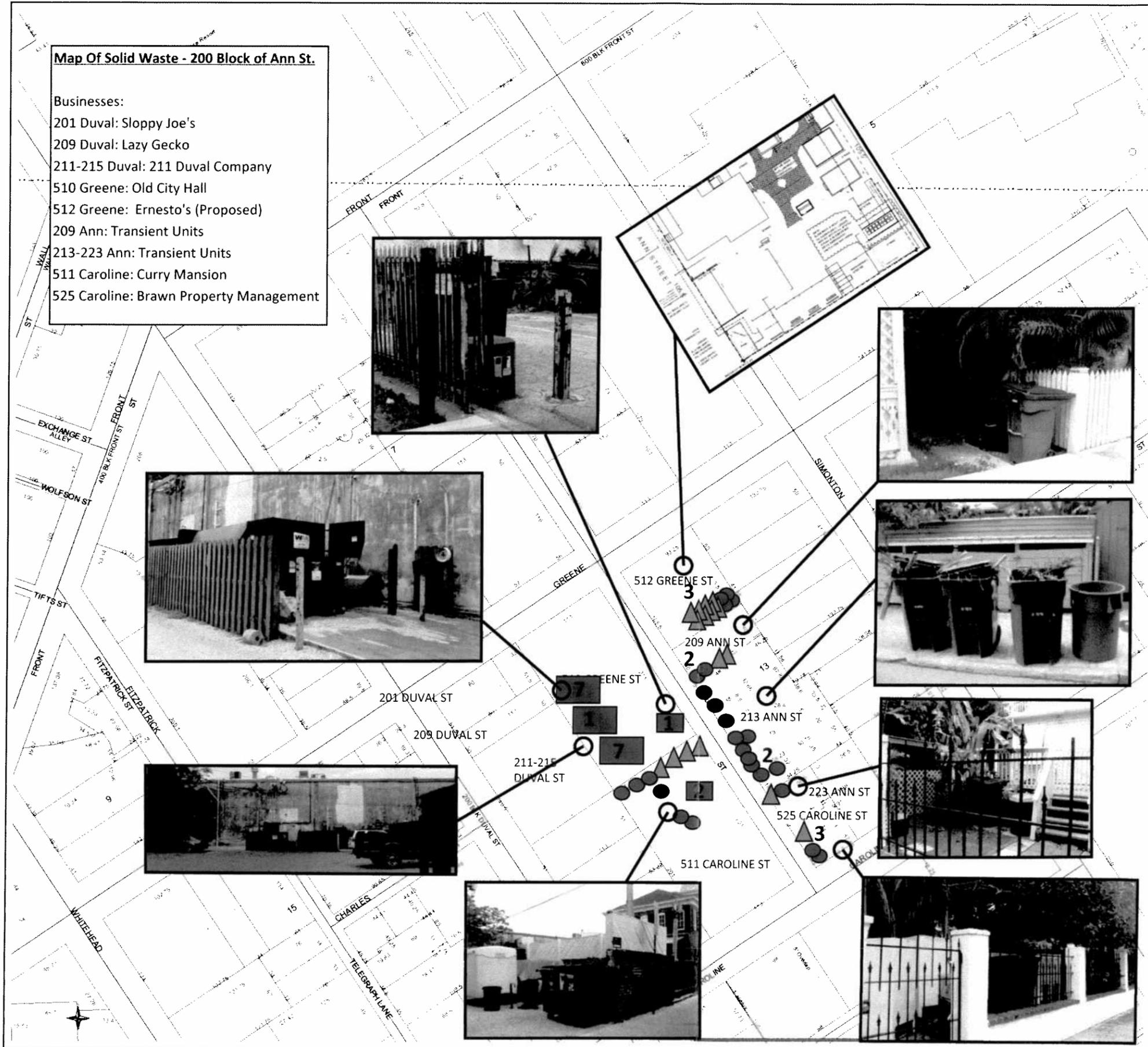
Solid Waste Management Plan overlaid on site plan by Carlos Rojas, Architect



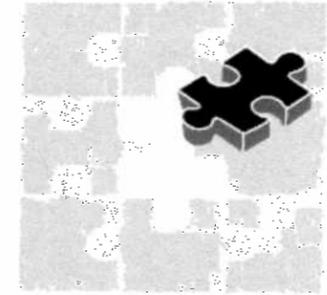
Map Of Solid Waste - 200 Block of Ann St.

Businesses:

- 201 Duval: Sloppy Joe's
- 209 Duval: Lazy Gecko
- 211-215 Duval: 211 Duval Company
- 510 Greene: Old City Hall
- 512 Greene: Ernesto's (Proposed)
- 209 Ann: Transient Units
- 213-223 Ann: Transient Units
- 511 Caroline: Curry Mansion
- 525 Caroline: Brawn Property Management



TREPANIER



& ASSOCIATES INC
 LAND USE PLANNING
 DEVELOPMENT CONSULTANTS

Map Explanation:

This Map depicts the location numbers of trash and recycling receptacles and frequency on the 200-Block of Ann Street. Data and photographs were collected on 4/29/10. Frequency of service information was provided by Waste Management.

Base Map created using Monroe County Property Appraiser's Map.

Legend

- Toter ●
- Dumpster ■
- Recycling Bin ▲
- Pickups per Week 3



Nicole Malo

Subject: FW: Planning questions

From: Sullivan, Greg [mailto:gsulliva@wm.com]
Sent: Tuesday, April 20, 2010 5:53 PM
To: Nicole Malo
Subject: RE: Planning questions

I inserted response below hope you have a Great week.

From: Nicole Malo
Sent: Friday, April 16, 2010 10:57 AM
To: 'gsulliva@wm.com'
Subject: Planning questions

Hello Greg,

Well the weekend is almost here, I wasn't sure I was going to make it, but it is here!

I have a few questions for you regarding commercial pickups in general and for a specific block in the city of key west.

1. What is the current garbage pickup schedule for the 200 block of Anne Street?[Sullivan, Greg] we go thru down town daily each business can sign up for what ever level service needed, for example Sloppy Joes compactor once per week, Shortys every day
2. What is the current recycling pickup schedule for the 200 block of Anne Street?[Sullivan, Greg] we do recycling 6 days per week
3. Do many or any of the larger businesses on the 200 block (pickup on Anne St) of Duval Street recycle? [Sullivan, Greg] some mostly depending on space limitations for dumpsters or cans
3. Is there any commercial garbage pickup for the 200 block of Simonton Street? What about the 100 and 300 blocks?[Sullivan, Greg] yes moat of the trash comes out to the side walk as they don't have back doors or access to an alley
4. What time does pickup occur on the 200 block of Anne Street?[Sullivan, Greg] between 4am and 6am
5. How many garbage and how many recycling pickups are allowed weekly for a commercial use? [Sullivan, Greg] no particular limit all commercial fees trash and recycling are based on volume and frequency
6. How do some businesses mitigate liquid seepage and or the garbage stench from their business garbage area? (Drains, fences, smaller containers, larger containers, more pickups, less pickups etc.)[Sullivan, Greg] first they try and avoid excess liquid into the trash for example a bar would empty ice or left over liquid down the drain, second use cans that are intact and best management practices. The folks that put trash in front of their store make sure it is neat and clean ones that have back areas don't always pay that good of attention as it is not their front door.

As our city evolves planning for trash and recycling will be an important issue, thank you for the opportunity to help. Please let me know when you have time I can show you some areas where we have shared compactors i.e.: Mallory Square, and

other areas that need help.

Thank you Greg,
See you soon,

Nicole Malo
Planner, City of Key West
305-809-3778

Waste Management recycles enough paper every year to save 41 million trees. By not printing this email, you can help save even more.

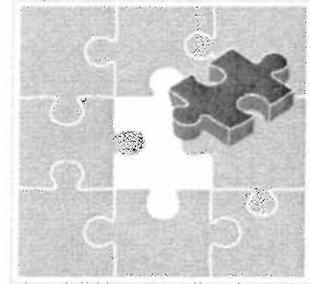
Parking Lot Maneuverability Analysis

MEMORANDUM



Date: 5/5/2010
To: Owen Trepanier
From: Mehdi Benkhatar
Re: **512 Greene Street - Parking Lot Standards**

TREPANIER



& ASSOCIATES INC
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

This memo analyzes the parking standards of Ramsey & Sleeper's *Architectural Graphic Standards* as they relate to the City of Key West's own standards with special attention to parking lot aisle-widths. The memo then applies the analysis and methodology of Ramsey & Sleeper to the Key West LDRs as they relate to the proposed modifications to 512 Greene Street.

The LDRs anticipate modifications to parking lot standards and lay out a process for evaluation. The LDRs call for the City Commission to evaluate modifications using the Ramsey & Sleeper *Architectural Graphic Standards* as a guide. This analysis compares the City's standards with those of Ramsey & Sleeper and draws conclusions based on the results. Our analysis revealed that the proposed aisle widths at 512 Greene Street conform to the standard *space width : aisle width* and *space length : aisle width* ratios of the Key West Code using the Ramsey & Sleeper standards as a guide.

The City of Key West has standard aisle widths for parking lots. The widths are based on a standard parking space of 9ft x 18ft accommodating a standard size automobile. The LDRs also anticipate the use of compact spaces for smaller cars requiring a space of only 7.5ft x 15ft. The LDRs do not layout aisle widths for compact car spaces. Space widths and aisle widths are proportional to each other. That is parking space widths and lengths, and aisle widths are a function of the vehicle size and turning radii. Put simply, smaller cars need smaller spaces and smaller aisle widths.

ANALYSIS:

Ramsey & Sleeper Methodology:

According to Ramsey & Sleeper¹, a 9ft x 18ft wide parking space (i.e. standard car) configured at a 90-degree angle from the aisle requires a 30ft wide aisle.

An 8ft x 15ft wide parking space (i.e. compact car) configured at a 90-degree angle from the aisle requires a 26ft wide aisle.

Ramsey & Sleeper parking space width: aisle width ratio is as follows:

¹ Please see attachment.

Standard Car Space Width : Aisle Width ratio: 0.30
 Compact Car Space Width: Aisle Width ratio: 0.30

Ramsey & Sleeper parking space length : aisle width ratio is as follows:

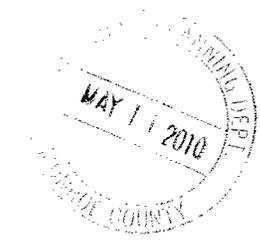
Standard Car Space length : Aisle Width ratio: 0.60
 Compact Car Space length: Aisle Width ratio: 0.60

Key West LDR parking space width: aisle width ratio is as follows:

Standard Car Space Width: Aisle Width ratio: 0.38

Key West LDR parking space length: aisle width ratio is as follows:

Standard Car Space length: Aisle Width ratio: 0.80



The above analysis reveals that the Key West standards follow² the Ramsey & Sleeper rationale for a *parking space width : aisle width* and *parking space length : aisle width* ratios, though the Key West ratios are larger³.

Key West Compact Car Aisle Width

Unlike Ramsey & Sleeper, Key West does not layout aisle widths for compact spaces, however, using Ramsey & Sleeper as a guide and applying the Key West ratios calculated above, we can calculate both the standard aisle widths for compact cars and test the conclusion by applying both the Width : Width ratio and the Length : Width ratio. If the methodology is correct the aisle widths of both calculations should be same.

KW Space Width : Aisle Width Ratio: 0.38

Compact space is 7.5ft wide therefore using the Width to Width ratio we find:
7.5ft / 0.40 = **19ft**

Thus the aisle width required for a compact car space 7.5ft wide must be at least **19ft wide**

KW Space Length : Aisle Width Ratio: 0.80

Compact space is 15ft long therefore using the Length to Width ratio we find:
15ft / 0.80 = **19ft**

² It is not uncommon to customize parking standards from the Ramsey & Sleeper guidelines: Key West, along with the city of Marathon, Monroe County, and City of Miami all have particular guidelines. Additionally, the latest version of SmartCode encourages *not* requiring additional parking for existing buildings which have been rehabilitated or restored. (See sections 4.6.6 and 5.2.6 in SmartCode version 9.2)

³ The difference is easily understood when we consider Ramsey-Sleeper is a nation-wide standard where the norm is likely sub-urban environments with less constricted spaces than found in traditional neighborhood developments such as historic Key West.

Thus the aisle width required for a compact car space 15ft long must be at least **19ft wide**

Greene Street Proposed Aisle Widths

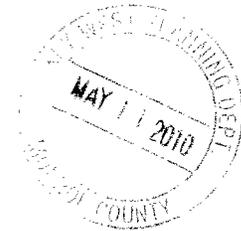
When we apply the above standards to the proposed parking lot layout at 512 Greene Street we find that proposed aisle width is greater than that required when using the Ramsey & Sleeper methodology and applying it to the Key West standards. The minimum aisle width for an 8.5ft x 15ft parking space is 18.75ft. The proposed plan provides for both wider spaces and a wider aisle. The plans provide for a 9.5ft wide parking spaces and a 21.3ft aisle width.

CONCLUSIONS:

Using Ramsey & Sleeper as a guide and applying the existing LDR Width to Width and Length to Width ratios we are able to determine the minimum aisle width required for a compact car parking lot. In this case we found a compact space of 7.5ft x 15ft requires an aisle width of 18.75ft. The Greene Street project provides a 21.3ft wide aisle therefore exceeding the minimum requirement. In addition the Greene Street project provides for a much wider space than necessary, which provide even greater maneuverability than required under the code. The Greene Street project meets the minimum requirements for aisle widths for the compact spaces.

RECOMMENDATIONS:

Following Ramsey & Sleeper, I recommend the parking lot be properly signed to allow compact cars only. While the lot can accommodate a larger vehicle, Ramsey & Sleeper recommends lots designed under the compact car methodology are restricted to compact cars.



THE AMERICAN INSTITUTE OF ARCHITECTS

RAMSEY/SLEEPER

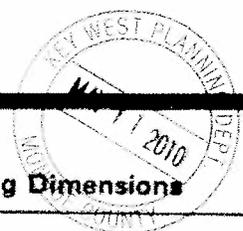
ARCHITECTURAL
GRAPHIC
STANDARDS

SEVENTH EDITION

ROBERT T. PACKARD, AIA
EDITOR



NEW YORK CHICHESTER BRISBANE TORONTO

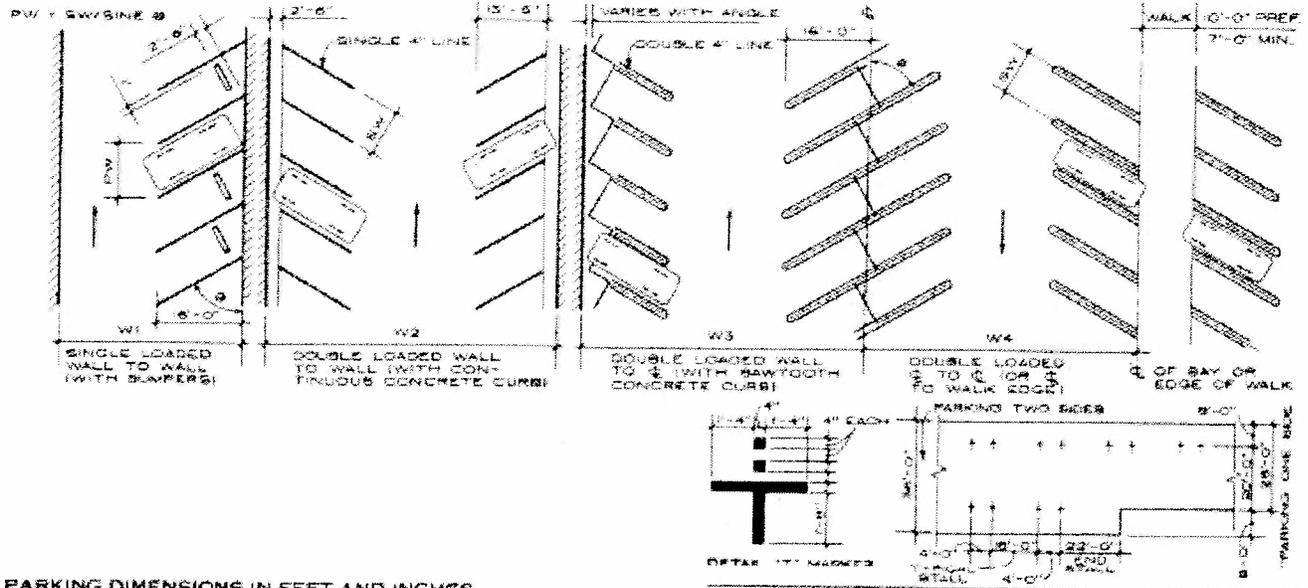


NOTE: Small car dimensions should be used only in lots designated for small cars or with entrance controls that admit only small cars. Placing small car stalls into a standard car layout is not recommended. Standard car parking dimensions will accommodate all normal passenger vehicles. Large car parking dimensions make parking easier and faster and are recommended for luxury, a high turnover, and use by the elderly. When the parking angle is 80° or less, it may be necessary to add 3 to 6 ft to the bay width to provide aisle space for pedestrians walking to and from their parked cars. Local zoning laws should be reviewed before proceeding.

RECOMMENDED RANGE OF STALL WIDTHS (SW)

WIDTH (ft)	8	9	10	11	12
Small car use					
All day parker use					
Standard car use					
Luxury and elderly use					
Supermarket and commuter use					
Handicapped use*					

*Minimum requirements = 1 or 2 per 100 stalls or as specified by local, state, or federal law, place convenient to destination.



PARKING DIMENSIONS IN FEET AND INCHES

PARALLEL PARKING STALLS AND "T" MARKER DETAIL

Group	SW	W	θ ANGLE OF PARK									
			45°	50°	55°	60°	65°	70°	75°	80°	85°	90°
Group I: small cars	8'-0"	1	25'-9"	26'-6"	27'-2"	29'-4"	31'-9"	34'-0"	36'-2"	38'-2"	40'-0"	41'-9"
		2	40'-10"	42'-0"	43'-1"	45'-8"	48'-2"	50'-5"	54'-4"	55'-11"	57'-2"	
		3	38'-9"	40'-2"	41'-5"	44'-2"	47'-0"	48'-8"	51'-10"	53'-10"	55'-8"	57'-2"
		4	35'-8"	38'-3"	39'-9"	42'-9"	45'-9"	48'-6"	51'-1"	53'-4"	55'-5"	57'-2"
Group II: standard cars	8'-6"	1	32'-0"	32'-11"	34'-2"	36'-2"	38'-5"	41'-0"	43'-6"	45'-6"	48'-11"	48'-0"
		2	49'-10"	51'-8"	53'-10"	56'-0"	58'-4"	60'-2"	62'-0"	63'-6"	64'-9"	65'-0"
		3	47'-6"	49'-4"	51'-6"	54'-0"	56'-6"	58'-0"	61'-2"	63'-0"	64'-6"	65'-0"
		4	45'-2"	46'-10"	48'-0"	51'-8"	54'-6"	57'-10"	60'-0"	62'-6"	64'-3"	65'-0"
	9'-0"	1	32'-0"	32'-9"	34'-0"	35'-4"	37'-6"	39'-8"	42'-0"	44'-4"	46'-2"	48'-0"
		2	49'-4"	51'-0"	53'-2"	56'-8"	57'-10"	60'-0"	61'-10"	63'-4"	64'-9"	65'-0"
		3	46'-4"	48'-10"	51'-4"	53'-10"	56'-0"	58'-8"	61'-10"	63'-4"	64'-9"	65'-0"
		4	44'-8"	46'-6"	48'-0"	51'-6"	54'-0"	57'-0"	59'-8"	62'-0"	64'-2"	65'-0"
	9'-6"	1	32'-0"	32'-8"	34'-0"	35'-0"	36'-10"	38'-10"	41'-6"	43'-9"	46'-0"	48'-0"
		2	48'-2"	50'-6"	51'-10"	53'-8"	55'-4"	58'-0"	60'-8"	62'-8"	64'-6"	65'-11"
		3	47'-0"	48'-2"	49'-10"	51'-6"	53'-11"	57'-0"	59'-8"	62'-0"	64'-3"	65'-11"
		4	44'-8"	45'-10"	47'-6"	49'-10"	52'-6"	55'-8"	58'-8"	61'-6"	63'-10"	65'-11"
Group III: large cars	9'-0"	1	32'-7"	33'-0"	34'-0"	35'-11"	38'-3"	40'-11"	43'-9"	45'-5"	46'-9"	48'-0"
		2	50'-2"	51'-2"	53'-3"	56'-4"	58'-0"	60'-4"	62'-9"	64'-3"	65'-5"	66'-0"
		3	47'-9"	49'-1"	52'-3"	53'-8"	56'-2"	59'-2"	61'-11"	63'-9"	65'-2"	66'-0"
		4	45'-5"	46'-11"	48'-0"	51'-8"	54'-9"	58'-0"	61'-0"	63'-2"	64'-10"	66'-0"
	9'-6"	1	32'-4"	32'-9"	33'-10"	34'-11"	37'-2"	39'-11"	42'-5"	45'-0"	48'-6"	48'-0"
		2	49'-11"	50'-11"	52'-2"	54'-0"	56'-8"	59'-3"	61'-9"	63'-4"	64'-8"	66'-0"
		3	47'-7"	48'-9"	50'-2"	52'-4"	55'-1"	58'-4"	60'-11"	62'-10"	64'-6"	66'-0"
		4	45'-3"	45'-8"	48'-5"	50'-8"	53'-9"	57'-0"	59'-10"	62'-2"	64'-1"	65'-0"
	10'-0"	1	32'-4"	32'-8"	33'-10"	34'-11"	37'-2"	39'-11"	42'-5"	45'-0"	48'-6"	48'-0"
		2	49'-11"	50'-11"	52'-2"	54'-0"	56'-8"	59'-3"	61'-9"	63'-4"	64'-8"	66'-0"
		3	47'-7"	48'-9"	50'-2"	52'-4"	55'-1"	58'-4"	60'-11"	62'-10"	64'-6"	66'-0"
		4	45'-3"	46'-8"	48'-5"	50'-8"	53'-8"	57'-0"	59'-10"	62'-2"	64'-1"	65'-0"

NOTE: θ angles greater than 70° have aisle widths wide enough for two-way travel.

William T. Mahan, AIA, Santa Barbara, California

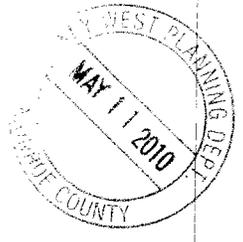


Carlos O. Rojas, AIA
 540 White Street
 Key West, FL 33040
 (305) 292-4870
 1-rojas@carlosaia.com

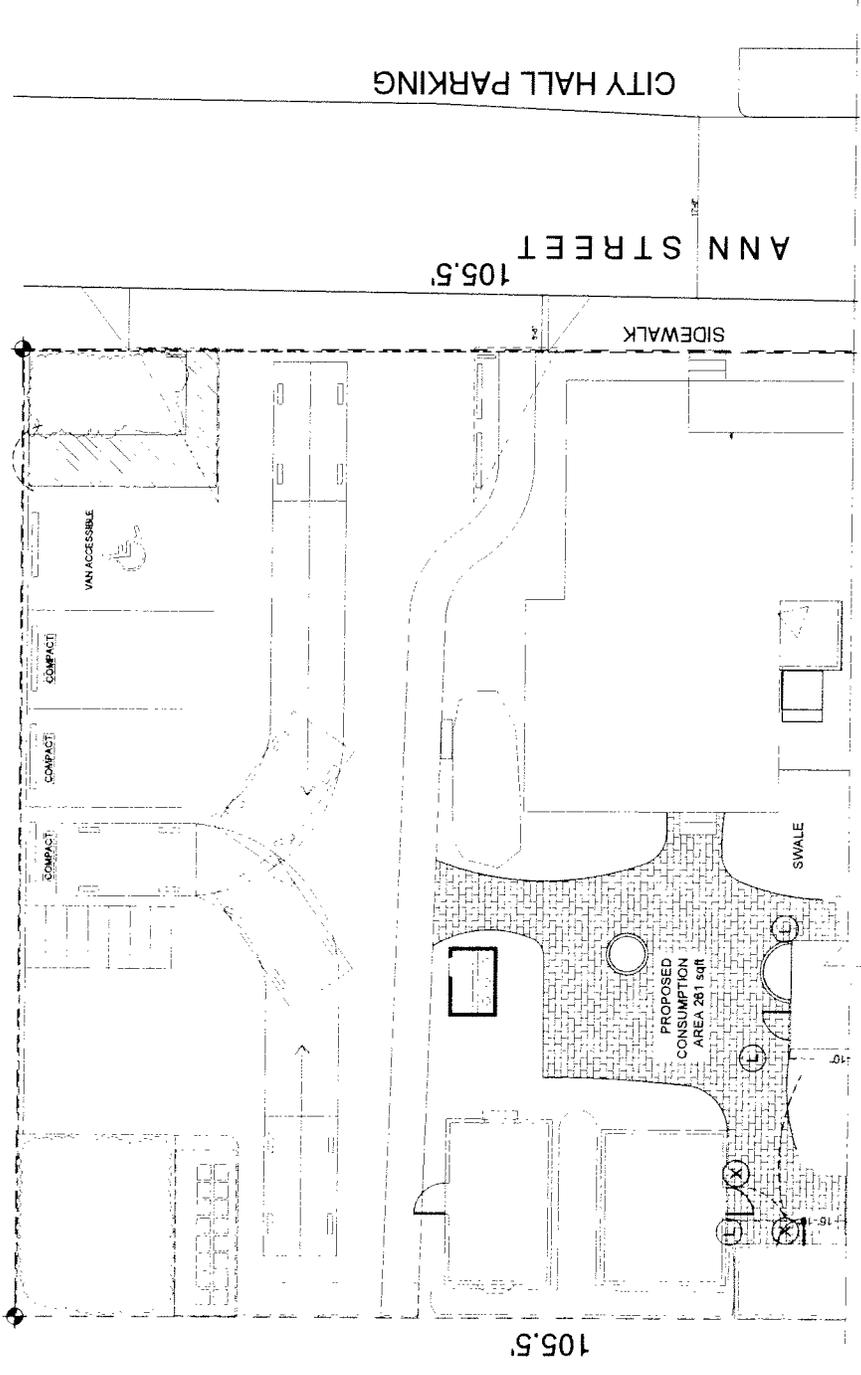
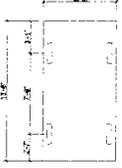
Revision	05/02/10

Carlos O. Rojas, AIA
 512 Greene Street
 Key West, Florida 33040

Project Number
 09512GR
 Date
 02/24/10
 Drawn By
 CCR



COMPACT CAR:
 13'-6" LONG
 7'-0" WIDE
 6.0 TRACK
 8.0 LOCK TO LOCK TIME
 31.6 STEERING ANGLE



1 COMPACT CAR MANEUVERABILITY PLAN
 A1 1/8" = 1'-0"

Existing Outdoor Consumption Area

CITY OF KEY WEST, FLORIDA

OFFICE MEMORANDUM

DATE 3/16/90

TO: TED STRADER, CITY PLANNER

FROM: CAROLYN WALKER, CHIEF LICENSING OFFICIAL *W*

SUBJECT: RESTAURANT SEATING COUNTS

As we discussed this morning, the City's history of charging impact fees for other than new developments is as follows:

About a year ago we started looking at net impact fee costs for changes of use and increased use, such as additional restaurant seating. The City had not previously calculated impact for any other than new developments. So, if a unit changed from residential to commercial, or from retail to a cafe, or from an office to a doctor's office, the City Planner began working up impact fees (net) and these would be paid before the CO was issued, or if a CO was not required, before the new occupational license was issued.

We came into a problem with restaurants. Since the highest license taxing category is 61+ seats, at \$200 a year, most of our licensing records for restaurants did not accurately reflect the exact number of seats. The assistant licensing official, Tany McCloskey, embarked on a 4 month project to count the number and type of seats in all the restaurants in town. After counting, we sent a completed form to the restaurants, confirming the seating. However, we were unable to gain access to about 15 establishments. We sent letters to these places in May, asking for an appointment, but got no response from 8, (including #1 Saloon and La Trattoria) which still remain uncounted.

The City Planner, Assistant City Attorney, City Manager, and myself met at the beginning of this project to discuss whether we could charge restaurants impact fees for increased seats, or change of type of seats (outside seating now covered, for example). The City Manager, Rick Witker, made the decision that we had no solid basis to go from, therefore, we would use this project to establish a baseline for seat counts, and charge impact fees in the future for increases or change. The project lasted from January to May. Therefore, within this period, and certainly prior to this period, existing restaurants increased seating and covered seating without paying impact fees.

Of course, we now charge impact fees for any change of use or increase of use, which has brought in much extra impact fee revenue in the past year. This is just another example of a new improved policy, and stricter compliance with the Code.

c: Bob Gray
Ron Herron

FOOD ESTABLISHMENT	INSIDE		OUTSIDE COVERED		OUTSIDE		ADDRESS
	TABLE	BARSTOOL	TABLE	BARSTOOL	TABLE	BARSTOOL	
Amy's Phillipino 42			* 42				#5 KEY TIME 50 Rest. closed - All chairs
Lotsa Pasta 48	48				* 16		#7 KEY TIME * says for waiting only
LA Cubanita 39	15 + 19	6					601 Duval
George's Arthur's 86	16			16	54		525 Duval
Gringo's 105	75	14	16				509 1/2 Duval
Bo's -					* 4		* Temporary 429 Duval
I Can't Believe Legit						(419-C Duval St.)	NO TABLES - (benches only)
Florini							NOT open
Footy's House Don. Giovanni 225	78 + 13	BAR 9	12		113		227 Duval
Shady's 21	27 →	27					215 Duval
Two Pools 38	28	COUNTER 10					211-E Duval
Cuban Coffee 31	17	COUNTER 8			6		512 Greene
El CaciQue 74	57	COUNTER 17					125 Duval
TNT HOTS Hot Dog Wagon					Fold ups 12*		* Temporary Seating 117 Duval
Bayatella 174	26	6	220W	54 up			115 Duval
La Crepe				9 BAR 4 COUNTER			Closed
Yaki Yaki 30							* Five Picnic Benches 310 Duval
Harley Hot Dog	0				* 5x6		432 Greene Rear

Nicole Malo

From: Owen Trepanier [owen@owentrepanier.com]
Sent: Thursday, April 22, 2010 11:40 AM
To: Nicole Malo
Cc: Amy Kimball-Murley
Subject: FW: 512 Greene St
Attachments: Marketing history.pdf; MLS printout.pdf



Nicole, Amy,

With regard to consumption area abandonment, please see the attached MLS listing showing the property was held out for occupation as a restaurant, thereby retaining the right to the seating and consumption area. This demonstrates it was no one's intent to discontinue the use.

This is important to the definition of abandonment:

86-9 Abandon means to discontinue a land use for a period of 24 months without demonstrating an intent to continue the use as indicated by the following:

- (1) Allowing licenses to lapse;
- (2) Removing meters;
- (3) Not maintaining a structure in a habitable condition;
- (4) Not making a unit available for occupation (i.e., advertising or marketing through a Realtor or other agent); and/or
- (5) Failure to perform pursuant to the terms of an active building permit.

Trepanier & Associates, Inc.

Ph. 305-293-8983

Fx. 305-293-8748

From: Brenda Duley [mailto:executivebrenda@gmail.com]
Sent: Thursday, April 22, 2010 11:17 AM
To: Owen Trepanier
Cc: cskomp@aol.com
Subject: 512 Greene St

Owen,

Curtis asked me to send you the MLS marketing history of 512 Greene St. It is attached. Also attached is the MLS printout (you may have this) describing the property. It mentions 31 licensed seats, but does not say outside seating.

We have asked the Listing Agent, Claude Gardner, to talk to the Sellers (Sanchez family) and see if they have anything in writing, or even some photos of the seating that used to be outside.

We will let you know what we learn.

Regards,

Brenda for

4/23/2010

Curtis Skomp, CCIM



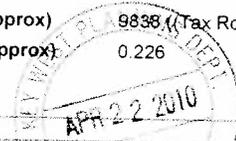
Agent Detail Report

Street Address 512 to 512 greene
Listings as of 04/22/10 at 11:15am

Sold 12/05/08 Listing # 106533 512 Greene St Key West, FL 33040-6664 Listing Price: \$1,800,000
County: Monroe County



Prop Type	Commercial - Sale	Prop Subtype(s)	Commercial RE
Key/Island	Key West	Subdivision	Old Town - Unrecord
Year Built	1928	Aprx Sq Footage-FLA	2382 L.A. Measured
Alt Key #	1001198	Price/Sq Ft	\$545.76
		Lot Sq Ft (approx)	9838 (Tax Roll)
		Lot Acres (approx)	0.226
DOM	513		



Marketing Remark Estate property sale offered for the first time in over two decades. This is one of the most unique mixed use properties available in Old Town Key West due to the fact it has commercial retail space, licenses in place for a 31 seat restaurant, a parking lot and a single family residence. The property strategically located on Greene Street a block from Sloppy Jo... (see supplement for full remarks)
Agent-Only Rmrks [Listing Office Information: Prudential Knight & Gardner Realty (305) 294-5155]

Listing Agent Team Knight/Gardner (ID:kw2032) Primary:305-766-3133 Secondary:305-294-5155 x245, FAX: 305-296-0946
Listing Office Prudential Knight & Gardner Realty (ID:10017) Phone: 305-294-5155, FAX: 305-296-0946
Type of Listing Exclusive R
Listing Date 06/18/07 *

Single Agent Com 3% Trans Broker Com 3% Non-Rep Com 3% Variable Rate C No

Pending Date 11/12/08 **Estimated Selling Date**

Selling Price 1,300,000 **Selling Date** 12/05/08 *
SP % LP 72.22

Selling Agent Curtis A Skomp, CCIM (ID: kw1467) Phone: 305-292-7441 **Selling Office** Coldwell Banker Schmitt (ID: kw3081) Phone: 305-292-7441
Selling Co-Agent **Selling Co-Office**
Financing Conventional **Selling Comments**

Limited Represent.	No	As is w/Right to Ins	Yes
Mile Marker	0.0	Area	Area 1-2
Neighborhood	Old Town-N of Truman	Side	None
HOA	No	Condo	No
Building Number	0	Add. Building Number	0
ZONING	Hrcc1	Deed Restriction	Unknown
Taxes(Sub To Change)	\$23036.00	Tax Year	2007
Transient Rental Lic	No	Non-Trans Rental Lic	No
Business Name	n/a	Convey Name	No
Features		Waterview Type	None
Type	Restaurant/Bar, Mixed Use, Retail	Cooling/Heat	Central A/C
Dockage	No	Miscellaneous	High Traffic Locat.
Utilities	FKAA, Municipal Sewer	Tenant Paid	Water, Gas, Sewer, Garbage
Construction	Frame, Combo Const		
Show	48 Hour Notice, List Agent Accomp, Tenant Occupied		
Rent Roll			
FF&E Owned	None		

Presented By: Brenda Duley / Coldwell Banker Schmitt Phone: 305-766-9876
Featured properties may not be listed by the office/agent presenting this brochure.
Information has not been verified, is not guaranteed, and is subject to change.
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Alt Key #: 1001198

512 Greene St, Key West FL 33040

Listing #: 106533 Picture History

Sold (12/05/2008) Listing Agent: Team
Knight/GardnerSelling Price: 1,300,000 Listing Office: Prudential Listing Date: 06/18/07
Knight & Gardner Realty
Selling Date: 12/05/08 DOM: 513

Date	Time	New Status	Old Status	New Price	Old Price	Selling Date	DOM	Change Type	Changed By
12/05/08	2:04:02 pm	Sold	Pending	1,300,000	1,800,000	12/05/08	513	Price/Status	Kathy Bradshaw (kw1062)
11/12/08	12:15:12 pm	Pending	Contingent	1,800,000	1,800,000		381	Status	Kathy Bradshaw (kw1062)
07/03/08	2:39:18 pm	Contingent	Active	1,800,000	1,800,000		381	Status	Kathy Bradshaw (kw1062)
05/23/08	3:54:25 pm	Active	Active	1,800,000	2,150,000		340	Price	Heather Citta (kw1088)
02/01/08	1:42:22 pm	Active	Active	2,150,000	2,499,000		228	Price	Heather Citta (kw1088)
09/14/07	11:44:04 am	Active		2,499,000	0		0	New	Kathy Bradshaw (kw1062)

Information has not been verified, is not guaranteed, and is subject to change.
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Owen Trepanier

From: Kim Pita [kpita@keywestcity.com]
Sent: Tuesday, March 30, 2010 7:48 AM
To: Owen Trepanier
Subject: RE: 512 Greene Street

31 seats

From: Owen Trepanier [mailto:owen@owentrepanier.com]
Sent: Monday, March 29, 2010 6:36 PM
To: Kim Pita
Subject: FW: 512 Greene Street

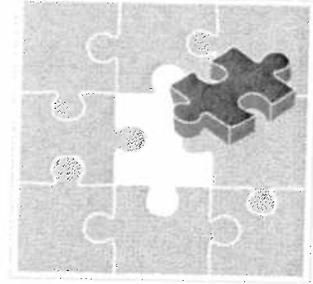
Hi Kim,
512 Greene Street used to have a little Thai Sushi restaurant. Can you tell me how much seating they had please?
Thanks.
Owen

Trepanier & Associates, Inc.
Land Planners & Development Consultants
402 Appelrouth Lane, P.O. Box 2155
Key West, FL 33045-2155
Ph. 305-293-8983
Fx. 305-293-8748

Concurrency Management Report

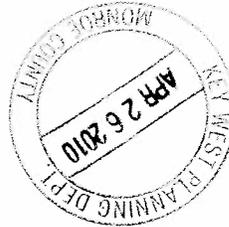
MEMORANDUM

TREPANIER



& ASSOCIATES INC
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

Date: 04/26/10
To: Ms. Nicole Malo, Planner
From: Owen Trepanier
Re: **Concurrency Analysis - Revised**
512 Greene Street



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

The following specific issues are outlined:

1. Potable Water & Sanitary Sewer
2. Solid Waste
3. Drainage
4. Roads/Trip Generation

The following concurrency analysis reflects the proposed bar and retail area to be located at 512 Greene Street. Currently this parcel contains retail area, a bar and a restaurant. Since this project is nonresidential, the parcel's area of 9837.87 square feet or .225846 acres will be used to determine service levels.

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

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

- i) The total capacity required for the current **0.225846 acre** parcel is:

$$650 \text{ gal/acre/day} \times 0.225846 \text{ acres} = 146.8 \text{ gal/day}$$

- ii) The total capacity required for the proposed project on **0.225846 acres** is:

$$650 \text{ gal/acre/day} \times 0.225846 \text{ acres} = 146.8 \text{ gal/day}$$

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

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

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 2022². Once operational in 2010, a permitted expansion of the R.O. plant will provide 6.0 MGD, which combined with the 17.0 MGD permitted withdrawal from the Biscayne Aquifer, will increase available water supply to 23 MGD for the Florida Keys.

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

Revised Water Use Permit. The SFWMD issued revised Water Use Permit (WUP) #13-00005-W (Exhibit II) on March 26, 2008, which recognizes the additional blended Floridian Aquifer capacity that will be provided by the expanded R.O. plant. Interim Water Use Allocations in the WUP permit provide 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:

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

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

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

Based on the average annual increase of 103.8 MG per year, the interim allocation would be sufficient for an additional 9.5 years of growth beyond 2006 or through 2015 until demand reaches the interim permitted withdrawal of 20 MGD (7,300 MG/year). Upon

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

completion of the Florida City facilities, the 23 MGD allocation would be available to support yet another 9.5 years of growth. Based on these findings, sufficient permitted water supply is available to meet the needs of the Florida Keys through 2024.

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

- DEP Underground Injection and Control permit was obtained on May 21, 2008.
- Construction contracts were required within 180 days or by November 21, 2008;
- Testing is required within one year and 30 days from issuance of the permit or by June 21, 2009.
- The R.O. plant construction is scheduled for completion by December 31, 2009 and the R.O. plant will be operational no later than 2 years and 60 days from the issuance of the DEP permit or by July 21, 2010.

Sanitary Sewer

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

Utilizing this level of service standard;

- i) the total capacity required for the current **0.225846 acre** parcel is:

$$660 \text{ gal/acre/day} \times 0.225846 \text{ acres} = 149 \text{ gal/day}$$
- ii) the total capacity required for the proposed project on **0.225846 acres** is:

$$660 \text{ gal/acre/day} \times 0.225846 \text{ acres} = 149 \text{ gal/day}$$

The current wastewater treatment plant has the potential treatment capacity of 10 million gallons per day. Only 4.8 million gallons per day of capacity are currently utilized. The current plant has more than enough capacity to continue to supply service to this project's needs.

2. Solid Waste- "Projected demand generated by the development on the solid waste disposal system and assurances that the City's adopted level of service for solid waste disposal shall not be adversely impacted³."

Sec. 94-71 sets the level of service for nonresidential solid waste disposal (1994-2010) at 6.37 lb/capita/day⁴.

- i) the total capacity required for the current **9 employees** is:

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

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

6.37 lb/capita/day x 9 employees =57.33 lb/day

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

6.37 lb/capita/day x 10 employees = 63.7 lb/day

Due to a one person increase in the number of employees, the total capacity required for the proposed development equals a 6.37 lb/day increase in solid waste.

3. Drainage - "Conceptual plan for accommodating storm water run-off and demonstrated evidence that the proposed drainage improvements shall accommodate storm water run-off without adversely impacting natural systems or the City's adopted level of service for storm drainage⁵:"

- A. Post-development run-off shall not exceed the pre-development run-off rate for a 25-year storm event, up to and including an event with 24 hour duration. **Impervious surface will be decreased and Best Management Practices (BMPs) will be followed as such, the building will be guttered and directed into onsite swales.**

- 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. **Impervious surface will be decreased and BMPs will be followed as such, the building will be guttered and directed into onsite swales.** Storm water facilities which directly discharge into Outstanding Florida Waters ("OFW") shall provide an additional treatment pursuant to Section 17-25.025 (9), FAC. The first inch of runoff from the site will be treated on site. A 50% credit on the runoff amount will be taken if dry retention systems are used. **No direct discharge into OFW will occur.**

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

4. Roads/Trip Generation- "Estimated trips for the peak hour generated by the proposed land use(s) together with anticipated on- and off-site improvements necessitated to accommodate the traffic impacts generated by the development including, additional R/W, roadway improvements, additional paved laneage, traffic signalization, proposed methods for controlling access and egress, and other similar improvements⁶:"

According to the ITE Trip Generation Manuals, the trip generation of bars is based on Gross Floor Area. Outdoor consumption area is not Floor Area. However, lacking a

⁵ Ibid.

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

standard for the analysis of outdoor consumption area, we applied the floor area trip generation model to the outdoor consumption area and found the following result:

Trip Generation	Use	ITE Code	sq. ft.	Weekday Eve. Peak Hr. Generation	Trips	Saturday Peak Hr. Generation	Trips	Sunday Peak Hr. Generation	Trips
Existing Approval	Bar ⁽¹⁾	936	1,503	15.49	23.28	15.49	23.28	15.49	23.28
	Retail	814	1,365	6.84	9.34	5.30	7.24	4.10	5.60
	Total				32.62		30.51		28.88
Proposed Amendment	Bar	936	2,064	15.49	31.97	15.49	31.97	15.49	31.97
	Retail	814	1,365	6.84	9.34	5.30	7.24	4.10	5.60
	Total				41.31		39.21		37.57

As the table above explains, there is a small increase in trip generation when we apply the floor area ratio model to outdoor consumption. This project is located on Greene Street. Greene Street is not constrained according to City of Key West Code Section 94-72. There is onsite parking which is accessed by Ann Street (also not identified as constrained). All requirements including proposed methods for controlling ingress, egress, and providing onsite bicycle, scooter 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 – Map of the City of Key West's Existing Recreation Services

May 6, 2009

Exhibit I

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



Jeh Bush
Governor

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

Lillian Rivera, RN, MSN, Administrator

PERMITTEE:

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

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

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

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

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



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

"A"

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

GENERAL CONDITIONS:

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

PERMIT NO: 150092-007-WC/04
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- (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

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

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

SPECIFIC CONDITIONS:

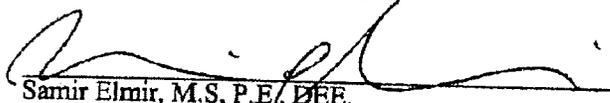
1. The applicant is responsible for retaining the engineer of record in the application for supervision of the construction of this project and upon completion, the engineer shall inspect for complete conformity to the plans and specifications as approved.
2. All concrete coatings/admixtures, liners, grouts, hoses, tubings, and protective paints and coatings shall be listed by the National Sanitation Foundation as acceptable for contact with potable water.
3. Bacteriological points depicted on the plans may be modified with Department consent to meet convenient locations where taps would be inserted in the Main for Fire, Metering, Air Release or other connections but not less than 900 foot intervals for new mains. "Additionally, each part or system module shall be Bacteriologically cleared with 2 consecutive days of sampling before being placed in service as well as the final stream going to storage and subsequent service.
4. The Applicant or his designee shall notify The Department at the local 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.

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

Issued this 30th day of November 2006

STATE OF FLORIDA
DEPARTMENT OF HEALTH


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

May 6, 2009

Exhibit II

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



FORM #0299
Rev 5/01

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

Date Issued: 13-MAR-2008

Expiration Date: March 13, 2028

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

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

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

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

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

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

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

Limiting Conditions are as follows:

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

South Florida Water Management
District, by its Governing Board

On March 13, 2008
By [Signature]
Deputy Clerk

LIMITING CONDITIONS

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

Public water supply

4. Source classification is:

Ground Water from:
Biscayne Aquifer
Floridan Aquifer System

5. Annual allocation shall not exceed 8751 MG.

Maximum monthly allocation shall not exceed 809.0088 MG.

The following limitations to annual withdrawals from specific sources are stipulated:
Biscayne Aquifer-: 6,492 MG.

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

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

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

This Permit is issued to:

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

7. Withdrawal facilities:

Ground Water - Existing:

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

Ground Water - Proposed:

4 - 17" X 1300' X 2000 GPM Wells Cased To 880 Feet

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

Interference to an existing legal use is defined as an impact that occurs under hydrologic conditions equal to or less severe than a 1 in 10 year drought event that results in the:

(1) Inability to withdraw water consistent with provisions of the permit, such as when remedial structural or operational actions not materially authorized by existing permits must be taken to address the interference; or

(2) Change in the quality of water pursuant to primary State Drinking Water Standards to the extent that the water can no longer be used for its authorized purpose, or such change is imminent.

9. Permittee shall mitigate harm to existing off-site land uses caused by the permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the District will require the permittee to modify withdrawal rates or mitigate the harm. Harm caused by withdrawals, as determined through reference to the conditions for permit issuance, includes:

(1) Significant reduction in water levels on the property to the extent that the designed function of the water body and related surface water management improvements are damaged, not including aesthetic values. The designed function of a water body is identified in the original permit or other governmental authorization issued for the construction of the water body. In cases where a permit was not required, the designed function shall be determined based on the purpose for the original construction of the water body (e.g. fill for construction, mining, drainage canal, etc.)

(2) Damage to agriculture, including damage resulting from reduction in soil moisture resulting from consumptive use; or

(3) Land collapse or subsidence caused by reduction in water levels associated with consumptive use.

10. Permittee shall mitigate harm to the natural resources caused by the permittee's withdrawals, as determined through reference to the conditions for permit issuance. When harm occurs, or is imminent, the District will require the permittee to modify withdrawal rates or mitigate the harm. Harm, as determined through reference to the conditions for permit issuance includes:

(1) Reduction in ground or surface water levels that results in harmful lateral movement of the fresh water/salt water interface,

(2) Reduction in water levels that harm the hydroperiod of wetlands,

(3) Significant reduction in water levels or hydroperiod in a naturally occurring water body such as a lake or pond,

(4) Harmful movement of contaminants in violation of state water quality standards, or

(5) Harm to the natural system including damage to habitat for rare or endangered species.

11. If any condition of the permit is violated, the permit shall be subject to review and possible modification, enforcement action, or revocation.

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

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

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

26.

In addition to the allocations specified in Limiting Conditions 5 and 25, during the dry season (December 1 to April 30), FCAA 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 MGD, 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, FCAA 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, FCAA must to the greatest extent practical utilize the emergency desalination facilities FCAA owns and operates at Stock Island and Marathon, which are potentially capable of treating saline water at rates up to 3.0 MGD. The FCAA 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 FCAA's ability to use, and extent of use, of these emergency desalination facilities shall be subject to not causing (i) significant adverse affects to FCAA's water treatment or distribution system; or (ii) a violation of any applicable primary or secondary drinking water standards.

30.

The permittee shall adhere to the following schedule for the construction and operation of the Floridan Aquifer System reverse osmosis wellfield and treatment facility:

Florida Keys Aqueduct Authority - Schedule for Construction and Operation of Floridan Aquifer Production Well, Floridan Aquifer Reverse Osmosis Treatment Facility, and Demineralized Concentrate Disposal Well

--Reverse osmosis water treatment plant expansion
Award Contract - September 30, 2007
Complete Construction - December 31, 2009

--Deep Injection Well
Obtain FDEP Permit - March 31, 2008
Award Contract - 152 days after receiving FDEP Underground Injection Control Permit
Complete Drilling and Testing - 1 year and 30 days after receiving FDEP Underground Injection Control Permit

--Complete reverse osmosis water treatment plant system
Begin and Stabilize Operation - 2 years and 60 days after receiving FDEP Underground Injection Control Permit

31.

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

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

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

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

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

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

-- Complete drilling and Testing - \$2,000.00 per week

-- Complete reverse Osmosis Water Treatment Plant System - \$2,000.00 per week

-- Begin and Stabilize Operation - \$2,000.00 per week

32. Prior to any application to renew or modify this permit, the Permittee shall evaluate long term water supply alternatives and submit a long term water supply plan to the District. Within one year of permit issuance, the Permittee shall submit to the District an outline of the proposed plan. The assessment should include consideration of saline intrusion, wellfield protection, plans for compliance with applicable wellfield protection ordinances, expected frequencies and plans to cope with water shortages or well field failures, and conservation measures to reduce overall stresses on the aquifer.

33. For uses with an annual allocation greater than 10 MGD and a permit duration of 20 years, every five years from the date of permit issuance, the permittee shall submit a water use compliance report for review and approval by District Staff, which addresses the following:

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

Exhibit III

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

The City of Key West's Recreation Facilities



LEGEND

○	Playground
●	Baseball Field
◐	Soccer Field
◑	Tennis Courts
◒	Swimming Pool
◓	Public Park
◔	Public Beach
◕	Public Boat Ramp
◖	Public Restroom
◗	Public Shelter
◘	Public Picnic Area
◙	Public Parking
◚	Public Lighting
◛	Public Art
◜	Public Sculpture
◝	Public Fountain
◞	Public Bench
◟	Public Seating
◠	Public Information
◡	Public Signage
◢	Public Wayfinding
◣	Public Safety
◤	Public Security
◥	Public Maintenance
◦	Public Utility
◧	Public Infrastructure
◨	Public Services
◩	Public Amenities
◪	Public Facilities
◫	Public Buildings
◬	Public Structures
◭	Public Installations
◮	Public Equipment
◯	Public Supplies
◰	Public Materials
◱	Public Resources
◲	Public Assets
◳	Public Inventory
◴	Public Catalog
◵	Public Register
◶	Public Ledger
◷	Public Record
◸	Public Archive
◹	Public Library
◺	Public Museum
◻	Public Gallery
◼	Public Theater
◽	Public Auditorium
◾	Public Convention
◿	Public Exhibition
◠	Public Performance
◡	Public Entertainment
◢	Public Recreation
◣	Public Leisure
◤	Public Fun
◥	Public Play
◦	Public Games
◧	Public Sports
◨	Public Activities
◩	Public Events
◪	Public Festivals
◫	Public Celebrations
◬	Public Gatherings
◭	Public Meetings
◮	Public Conferences
◯	Public Seminars
◰	Public Workshops
◱	Public Courses
◲	Public Classes
◳	Public Programs
◴	Public Services
◵	Public Support
◶	Public Assistance
◷	Public Help
◸	Public Aid
◹	Public Relief
◺	Public Welfare
◻	Public Well-being
◼	Public Health
◽	Public Safety
◾	Public Security
◿	Public Protection
◠	Public Defense
◡	Public Safety
◢	Public Security
◣	Public Protection
◤	Public Defense
◥	Public Safety
◦	Public Security
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◾	Public Security
◿	Public Protection



0 1,000 2,000 3,000 4,000 5,000 Feet
 ORIGINAL SCALE IS 1 INCH = 800 FEET

DRC
Minutes & Comments

Mr. Cunningham then informed members concerns addressed by Mr. Bowman. Mr. Bowman is requesting the photos, figures and hydraulic model study referenced in the Engineer's report. As well as results of the wave run-up, calculation details and overtopping analysis as noted on Attachment A.

Mrs. Kimball-Murley suggested that staff do a site visit with the property manager since the plans do not reflect what the property manager is stating is requested.

Mr. Averette stated that he does not think the Fire Department would have an issue; however, he would need to see an accurate set of plans.

Mrs. Wittenberg had no comments.

Ms. Torregrosa stated that the applicant would need to seek HARC approval. She then requested a survey that indicates the current height, site plans with detailed elevations and site photographs prior to making any recommendations.

Mrs. Nicklaus had no comments.

Mr. Cruz requested to see more clarifications on plans. He then asked Mrs. Laire if approval has been sought from the Army Corp of Engineers. Mrs. Laire informed members that all approvals have been obtained.

Mr. Torrence requested that this request be deferred until complete information has been submitted.

Mrs. Domenech-Coogle informed Mrs. Laire that she tried to reach the gardener to find out if any trees were in the way of the proposed construction. Mrs. Laire stated that there is a driveway next to the proposed construction.

Mrs. Kimball-Murley informed Mrs. Laire that we will need the following information brought back to the DRC for review:

- Accurate set of plans that clearly describe the work, elevations that are dimensioned, indication of main high water line, and the section identified;
- Indicate on the elevations how the wall relates to the existing historic structure or additions to that structure;
- Photographs of the area involved;
- Survey of existing conditions that show the existing heights of the area proposed;
- Provide any background agency permits;
- Additional information on coastal impact issues to include appendices.

Mrs. Cowart informed members that Keys Energy and the Aqueduct Authority had no objections to this variance request.

- ➔
- b. Modification to a Major Development Plan and Conditional Use – 512 Greene Street (RE# 00001170-000000) – A Modification to a Major Development Plan and a Conditional Use in the HRCC-1 zoning district per Section 108-91C(3) and (4) and Section 122- 63(e) of the of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Ms. Nicole Malo handed out revised site plans and then gave members an overview of the modification to a major development plan and conditional use.

Mrs. Kimball-Murley inquired about the consumption area shown on a former site plan. Ms. Malo informed members that there was an outdoor consumption area when it was previously occupied by a Thai restaurant.

The applicant's representative, Owen Trepanier with Trepanier and Associates, gave members an overview of the request.

Mr. Bowman addressed the dimensions of the driveway and asked the applicant if Waste Management would be picking up or if they would be using manual push receptacles. Mr. Trepanier stated that staff would push trash receptacles. Mr. Bowman then stated that stormwater is okay if calculations have not changed.

Mrs. Domenech-Coogle informed members that she spoke with Waste Management and that hand carts will be rolled onto Ann Street.

Mrs. Kimball-Murley requested that the applicant clearly describe on the application the trash collection and the concurrence with Waste Management.

Mrs. Domenech-Coogle praised the applicant and Mr. Bowman on how they were able to put all the swales on this tiny property. She then informed the applicant that a buffer has to exist. If it is in the form of a fence then it has to be solid or double sided. If a fence is placed, she is concerned about the upper buffer from noise since there is a two story house next door. Maybe even add buffers on the opposite side of the fence since it is the same owner. She suggested maybe placing a tree or palm between each parking space to help buffer the noise and place a bumper to keep cars from going into the fence.

Mrs. Domenech-Coogle suggested that placement of the trash receptacles be moved behind the landscaping, to avoid blocking the landscaping.

Mr. Averette had concerns about the turning radius. Mr. Trepanier stated that scooter/bicycle parking can be moved if necessary.

Mrs. Wittenberg suggested that the applicant designate the parking spaces for compact vehicles and swap out the trash location with the handicap parking spaces.

Ms. Torregrosa informed the applicant that the fence would need HARC approval and to ensure that the final version reflects the approved plans.

Mrs. Kimball-Murley asked for more background information regarding the previous consumption area. She then stated that consumption area stimulates parking requirements and that the Planning Board supported exterior courtyard as a consumption area. She then informed the applicant that the landscape plan would need to be signed and sealed by a landscape architect.

Mrs. Nicklaus stated that ADA access isle needs to be 5' wide, two ADA parking spaces can share an access isle and that bicycle/scooter parking cannot be located to the left of any ADA parking. She then informed the applicant that ADA requirements state that a 44" pathway is required to avoid walking behind vehicles. She also requested that the pathway from one consumption area to another meet ADA compliance. Ms. Malo stated that there is not a passageway between exterior consumption area.

- c. **Variance – 512 Greene Street (RE# 00001170-000000) – A variance request for 5.5 feet from the 24 feet required to the 18.5 feet proposed for the width of a two-way driveway with 90 degree parking space angles in the HRCC-1 zoning district per Section 108-641 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.**

Mrs. Nicole Malo gave members an overview of the variance request.

Mr. Averette requested that the site plans indicate the width of Ann Street.



City of Key West
TREE PERMIT

Permit# 5505 **Date Issued** 04/14/10

Address 512 Greene Street

This it to certify that 512 Greene Street, LLC

has permission to Final landscape, as built, plan approval. Transplant (3)

Paradise trees and (3) Sabal palms to 209 Ann Street, opposite side of fence.

Replace with (1) Sabal, and (5) Spanish Stoppers as described in approved plans,

FL #1. Replacements shall be planted in the six months from the approval date

as described here in. All trees shall be planted according to current "Best

Management Practices". Call landscape office for tree replacement inspection. All

replacement trees shall be maintained as trees in perpetuity.

as per application approved 04/12/10

The person accepting this permit shall conform to the terms of the application on file in the office of the Tree Commission of Key West. All work shall conform to the requirements of the Code of Ordinances of the City of Key West, Chapter 110-Article VI. Tree Protection.

This Tree Permit is effective for 6 months from the date issued.

IMPORTANT NOTICE

This card must be posted in a location clearly visible from the street and in a protected covering.

APPROVED BY: Niels Weise, Chair

**Phone: (305)809-3764
City of Key West, Florida
Tree Commission
PO Box 1409
Key West, FL 33040**



MEMO

TO: Amy Kimball-Murley
Planning Director

FROM: Cynthia Domenech-Coogle
Urban Forestry Program Mgr.

DATE: May 12, 2010

SUBJECT: 512 Greene Street – Third Adjustment to Parking Lot and
Landscape Area Increase

As a result of the changes to the parking lot at the above said property the landscape area has also increased. The increase is less than 4% and will not substantially change the landscape plan. For this reason Tree Commission approval will not be necessary.

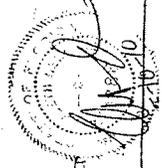


LANDSCAPE DIVISION, PUBLIC WORKS FACILITY,
633 PALM AVENUE, KEY WEST, FL 33040 305/809-3768 office, 305/296-6152 fx

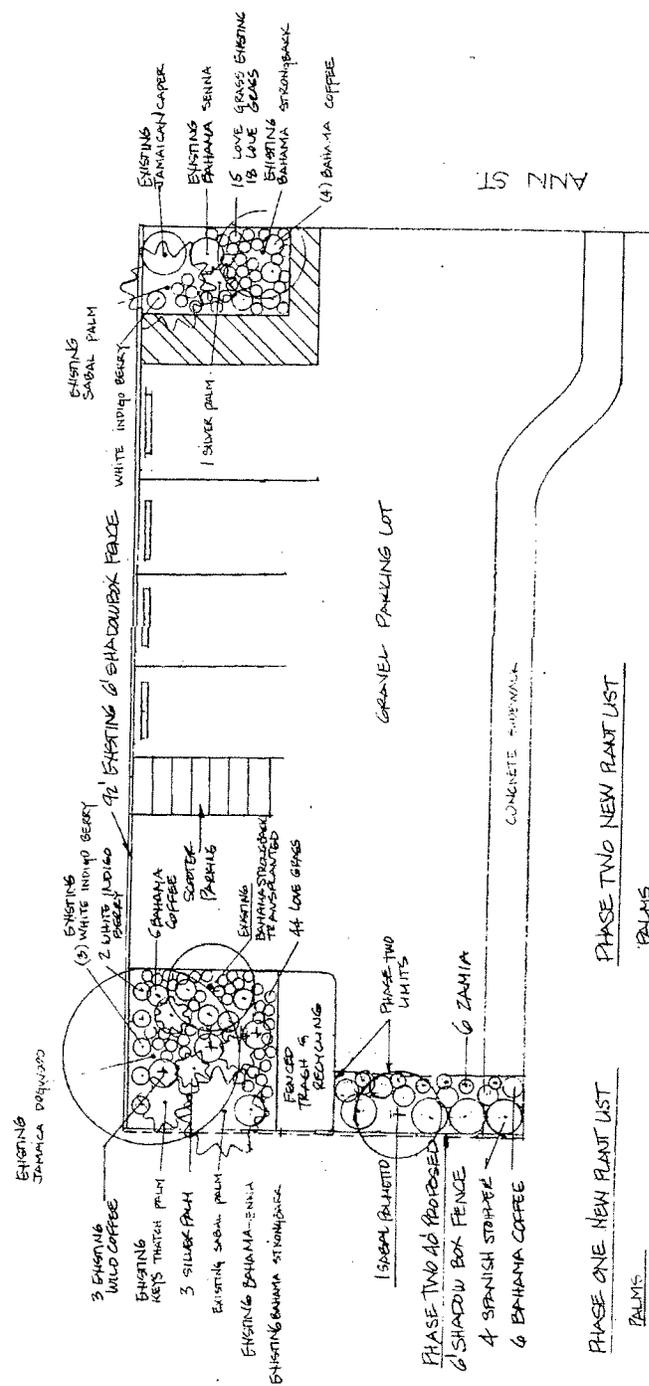
5-10-10

LANDSCAPE CONTRACTOR:
KATIE LANDSCAPE DESIGN
100 BOX BLVD
DUNN BLY: SWM

512 GREENE ST. AS BUILT & PROPOSED LANDSCAPE



ELIZABETH NEWLAND
LANDSCAPE ARCHITECT
LA 0001288



LANDSCAPE OPEN SPACE CALCULATIONS
 9838 SF x .20 = 1968 SF REQUIRED
 EXISTING 2088 SF PROVIDED
 PHASE ONE (208 SF) DECREASE
 PHASE TWO 120 SF INCREASE
 PHASE ONE/TWO 1983 SF PROVIDED
 PROPOSED

PHASE TWO NEW PLANT LIST

- 1 PALMS
- 1 SABAL PALMETTO - F6 24' or
- SHRUBS/GROUND COVER
- 4 SPANISH STOPPER 25 GAL 6'-8'
- 6 BAHAMA COFFEE 3 GAL
- 6 ZAMIA FLUIDANA 3 GAL

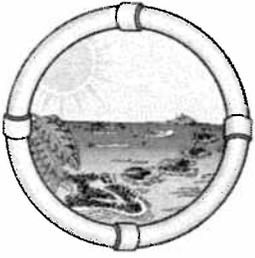
PHASE ONE NEW PLANT LIST

- 4 PALMS
- 4 COCCOTRINAX ARGENTATA 15 GAL
- SHRUBS/GROUND COVER
- 9 BAHAMA COFFEE 3 GAL
- 5 COONUTS 3 GAL
- 62 LOVE GRASS 1 GAL
- 2 WHITE INDIGO BERRY 7 GAL
- PAH REMOVAL FERMIT
- # 5328 MAY 12, 2004

AS BUILT & PROPOSED LANDSCAPE PLAN
 SCALE: 1/8" = 1'-0"



Florida Keys Aqueduct Authority



Engineering Department
1100 Kennedy Drive, Key West, Florida 33040
Telephone (305)296-2454 Fax (305)295-2223

MEMORANDUM



TO: Carlene Cowart, Administrative Coordinator
FROM: Marnie Thrift-Distribution Design Specialist
DATE: February 16, 2010
SUBJECT: Development Review Committee Meeting

A representative of the FKAA will not be able to attend the DRC meeting scheduled for February 25, 2010. Comments on the projects are as follows:

5. New Business

a. Variance – 400 South Street (RE# 00036390-000000) – The FKAA has no objection for an application for a variance to the allowed wall height and location within the coastal construction control line on a property located within the Historic Commercial Tourist (HCT) zoning district for property located at 400 South Street per Section 122-1183 and 122-1148 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

b. Modification to a Major Development Plan and Conditional Use – 512 Greene Street (RE# 00001170-000000) – This site is presently being served by FKAA Location #018021 which is a 5/8" service. The site has a 4" water main located on Anne Street, which seems capable of serving this project. A complete set of plans will be required for review to determine meter requirements and System Development Charges.

c. Variance – 512 Greene Street (RE# 00001170-000000) – The FKAA has no objection for an application for a variance request for 5.5 feet from the 24 feet required to the 18.5 feet proposed for the width of a two-way driveway with 90 degree parking space angles in the HRCC-1 zoning district per Section 108-641 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

CC: Irma Boveda, Customer Service Manager KW



City of Key West

TREE PERMIT

Permit# 5505 Date Issued 04/14/10

Address 512 Greene Street

This it to certify that 512 Greene Street, LLC

has permission to Final landscape plan, as built, and parking lot

reconfiguration landscape plan approvals. Transplant (3) Paradise trees and (3)

Sabal palms to 209 Ann Street, opposite side of fence. Replace with (1) Sabal, (4)

Silver Palms, and (5) Spanish Stoppers as described in approved plans, FL#1.

Replacements shall be planted in the six months from the approval date as

described here in. All trees shall be planted according to current "Best

Management Practices". Call landscape office for tree replacement inspection. All

replacement trees shall be maintained as trees in perpetuity.

as per application approved 04/12/10

The person accepting this permit shall conform to the terms of the application on file in the office of the Tree Commission of Key West. All work shall conform to the requirements of the Code of Ordinances of the City of Key West, Chapter 110-Article VI. Tree Protection.

This Tree Permit is effective for 6 months from the date issued.

IMPORTANT NOTICE

This card must be posted in a location clearly visible from the street and in a protected covering.

APPROVED BY: Niels Weise, Chair

Phone: (305)809-3764
City of Key West, Florida
Tree Commission
PO Box 1409
Key West, FL 33040

Nicole Malo

From: Owen Trepanier [owen@owentrepanier.com]
Sent: Tuesday, March 16, 2010 11:44 AM
To: Alan Averette
Cc: Nicole Malo; David Floerke; matthewjmccarthy@yahoo.com
Subject: 512 Greene Street

Hi Allen,
Thanks for meeting with me this a.m.

To summarize our meeting for the Planning Department:
You, Marcus and I reviewed the revised site plan for 512 Greene Street this morning and the KWFD is satisfied with the proposed design.

Thanks again.
Owen

Trepanier & Associates, Inc.
Land Planners & Development Consultants
402 Appelrouth Lane, P.O. Box 2155
Key West, FL 33045-2155
Ph. 305-293-8983
Fx. 305-293-8748

Nicole Malo

From: Danny Blanco
Sent: Tuesday, April 20, 2010 10:06 AM
To: Nicole Malo
Subject: FD MEMO

To: Nicole Malo
From: LT. Fire Inspector Alan Averette
Date: 04/20/10

Reference: 512 Greene St.

At this time, the Key West Fire Department has no objections to the reconfiguring of the parking lot at 512 Greene St.

ALAN AVERETTE, Lt. Fire Inspector
Key West Fire Department
1600 N. Roosevelt Boulevard
Key West, Florida 33040
305-809-3933 Office
305-293-8399 Fax
aaverett@keywestcity.com

Serving the Southernmost City

Nicole Malo

From: Diane Nicklaus
Sent: Tuesday, April 20, 2010 9:44 AM
To: Nicole Malo
Subject: 512 Greene Street

After viewing the revised ADA plans for the above referenced property, I no longer have any objections to the provided ADA improvements. Although they do not provide the 44" wide accessible route (Section 11-4.6.2.1) in front of the vehicle spaces, an acceptable alternative route is provided.

Diane Nicklaus
Public Facilities/ADA Coordinator
809-3951
dnicklau@keywestcity.com

**HARC
Approval**



**CITY OF KEY WEST
BUILDING DEPARTMENT
CERTIFICATE OF APPROPRIATENESS**

APPLICATION # H10-03-31-350

OWNER'S NAME: 512 Greene Street LLC DATE: 4/5/10

OWNER'S ADDRESS: 1413 South St., Key West, FL 33040 PHONE #: 305-712-0070

APPLICANT'S NAME: Trepanier & Associates, Inc PHONE #: 305-293-8983

APPLICANT'S ADDRESS: 402 Appelerouth Lane

ADDRESS OF CONSTRUCTION: 512 Greene St. # OF UNITS:

THERE WILL BE A FINAL INSPECTION REQUIRED UNDER THIS PERMIT

DETAILED DESCRIPTION OF WORK:

Convert existing one-sided 6' Picket to a two-sided Picket & Enclose trash area w/ 6' picket (white)

Chapter 837.06 F.S.-False Official Statements - Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree punishable as provided for in s. 775.082 or 775.083

This application for Certificate of Appropriateness must precede applications for building permits, right of way permits, variances, and development review approvals. Applications must meet or exceed the requirements outlined by the Secretary of the Interior's Standards for Rehabilitation and Key West's Historic Architectural Guidelines.

Once completed, the application shall be reviewed by staff for completeness and either approved or scheduled for presentation to the Historic Architectural Review Commission at the next available meeting. The applicant must be present at this meeting. The filing of this application does not ensure approval as submitted.

Applications that do not possess the required Submittals will be considered incomplete and will not be reviewed for approval.

Date: 4/5/10

Applicant's Signature: [Signature]

Required Submittals

TWO SETS OF SCALED DRAWINGS OF FLOOR PLAN, SITE PLAN AND EXTERIOR ELEVATIONS (for new buildings and additions)
TREE REMOVAL PERMIT (if applicable)
PHOTOGRAPHS OF EXISTING BUILDING (repairs, rehabs, or expansions)
PHOTOGRAPHS OF ADJACENT BUILDINGS (new buildings and additions)
ILLUSTRATIONS OF MANUFACTURED PRODUCTS TO BE USED SUCH AS SHUTTERS, DOORS, WINDOWS, PAINT COLOR CHIPS, AND AWNING FABRIC SAMPLES

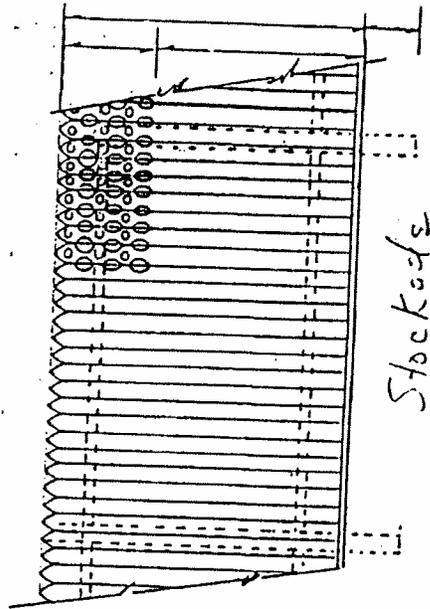
Staff Use Only

Date: April 7, 2010

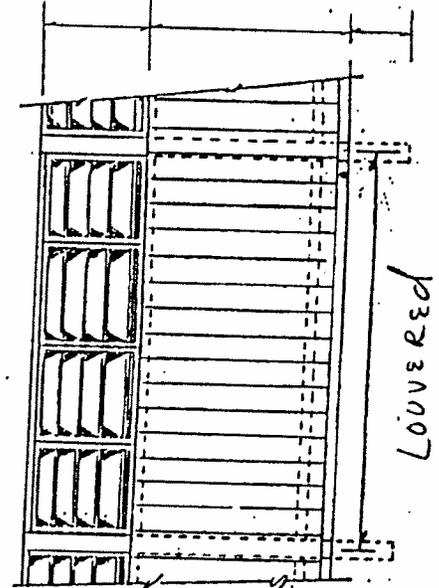
Staff Approval: [Signature]

Fee Due: \$ [Signature]

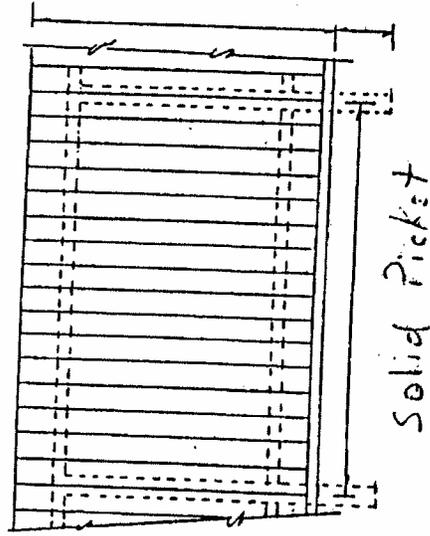
HISTORIC ARCHITECTURAL REVIEW APPLICATION



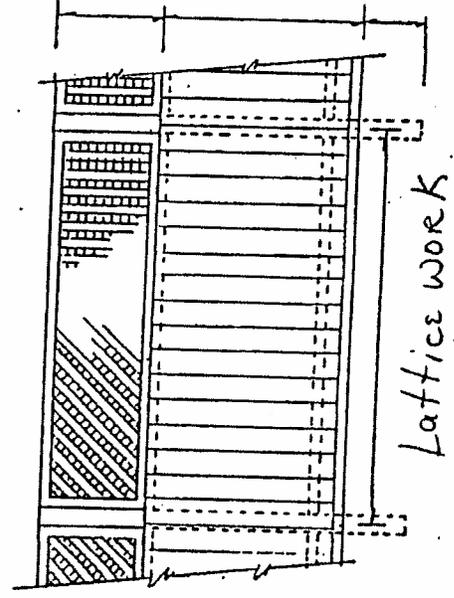
Stockade



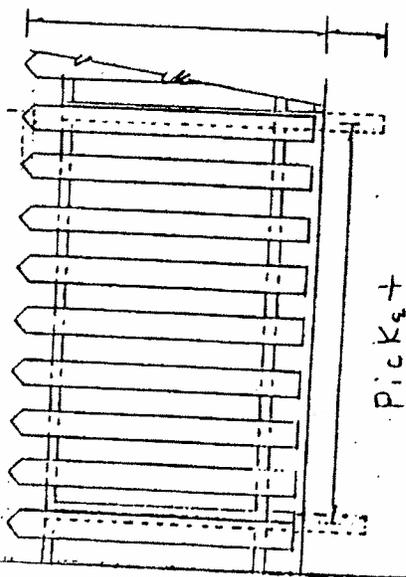
Louvered



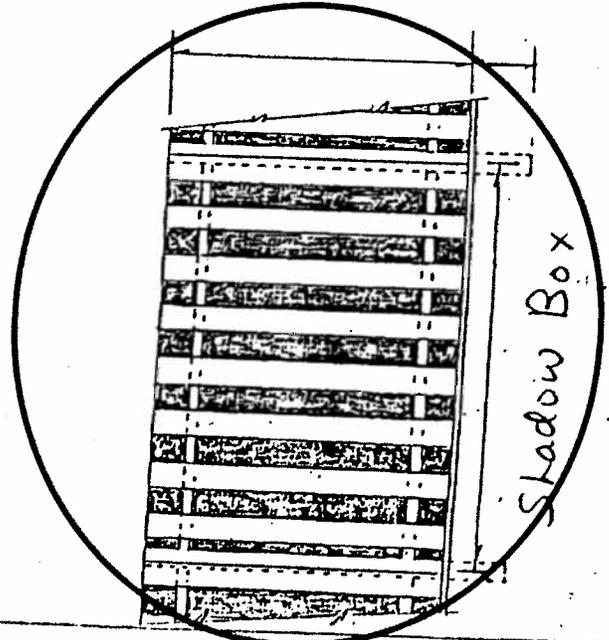
Solid Picket



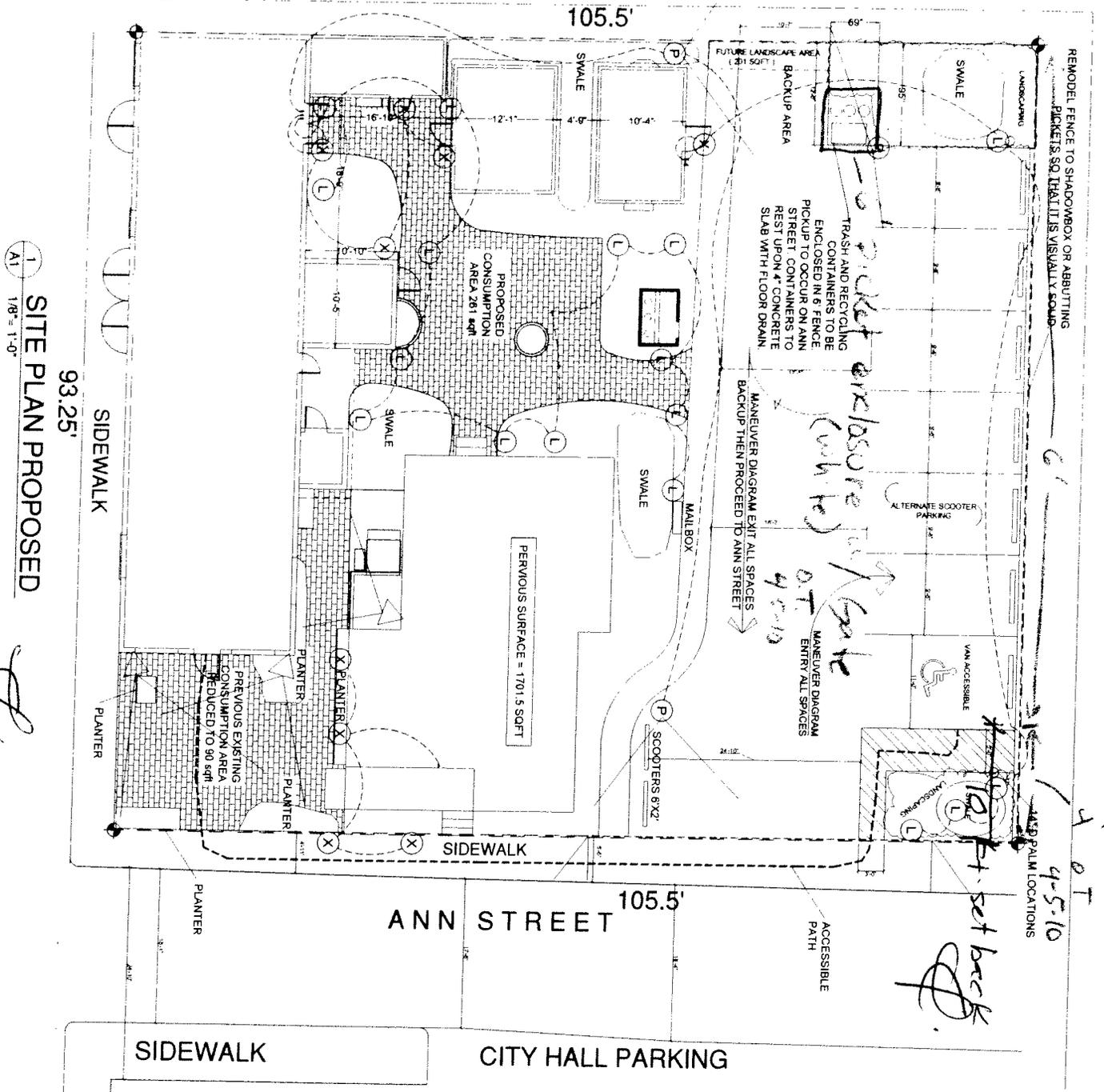
Lattice work



Pickets



Shadow Box



1 SITE PLAN PROPOSED
 A1 1/8" = 1'-0"

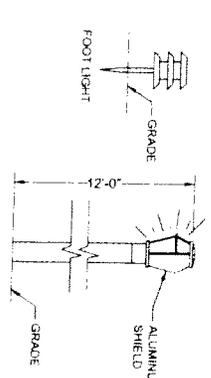
April 19, 2010

Handwritten notes:
 Picket enclosure (white) 4x10
 MANEUVER DIAGRAM ENTRY ALL SPACES
 MANEUVER DIAGRAM EXIT ALL SPACES BACKUP THEN PROCEED TO ANN STREET

Handwritten notes:
 4-5-10
 10' set back
 ASP PALM LOCATIONS

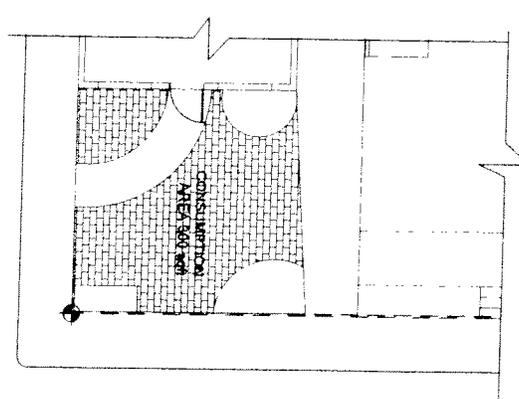
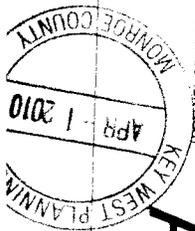
PRE-EXISTING CONSUMPTION AREA
 1/8" = 1'-0"

SYMBOL	DESCRIPTION
①	LOW VOLTAGE FOOTLIGHT
②	LIGHT DIRECTION
③	SECURITY LIGHT ON TIZ POLE
④	SECURITY LIGHT MOUNTED AT 8' ON THE SIDE
⑤	DOWN LIGHT MOUNTED AT 8' ON THE SIDE
⑥	DOWN LIGHT MOUNTED AT 8' ON THE SIDE



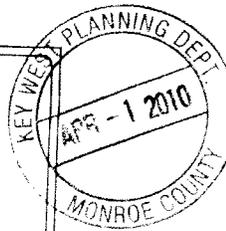
Project Number: 095125R
 Date: 02/24/10
 Drawn By: CDR
 A1

Carlos O. Rojas, AIA
 512 Greene Street
 Key West, Florida 33040



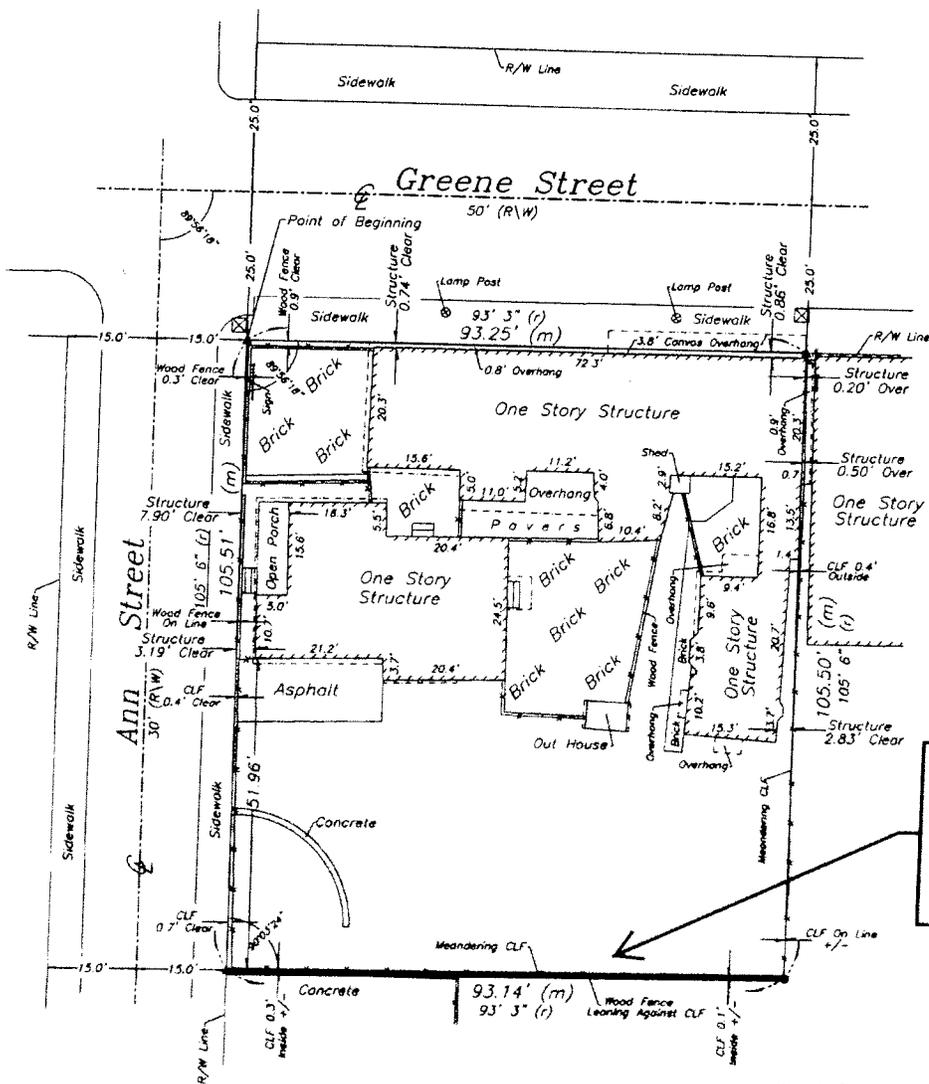
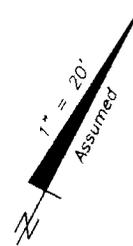
Carlos O. Rojas, AIA
 AR 0016754
 540 White Street
 Key West, FL 33040
 (305) 292-4870
 TotalRojas@gmail.com

Boundary Survey Map of part of Lot 3, Square 13, of WM A.
Whitehead's map of the Island of Key West



LEGEND

- Found Permanent Reference Monument (FHH)
- Set #5 rebar w/cap (6298)
- Found 1/2" Iron Rod (2863)
- ▲ Found Nail & Disc (FHH)
- △ 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 Utility Lines



Sheet One of Two Sheets

NOTE:
This Survey Map is not
full and complete without
the attached Survey Report.

J. LYNN O'FLYNN, Inc.



Professional Surveyor & Mapper
PSM #6286

3430 Duck Ave., Key West, FL 33040
(305) 298-7422 Fax (305) 298-2244

Public Comment

Nicole Malo

From: Carlene Cowart
Sent: Thursday, April 29, 2010 10:16 AM
To: Deankeywest@aol.com
Cc: Nicole Malo
Subject: RE: Fwd: Planning Board Re: 512 Greene St.



Hi Dean.

I am sorry I didn't respond sooner, I was out of the office yesterday. The applicant has requested the item be tabled until the May 20th meeting.

Your comments will be distributed to Planning Board members.

Thank you.

From: Deankeywest@aol.com [mailto:Deankeywest@aol.com]
Sent: Wednesday, April 28, 2010 11:23 AM
To: Carlene Cowart
Subject: Fwd: Planning Board Re: 512 Greene St.

Hi Carlene,
Below is another letter we would like to have added to the planning Board packet.
Thank You,
Dean
305-304-1203 cell
DeanKeyWest@aol.com

From: lfmallard@comcast.net

April 20, 2010

The Planning and Zoning Commission of Key West
Key West, Florida 33040

Dear Commission Members,

As the owners of 213 Ann Street, a home in the Ann Street Compound, we kindly ask that you allow Mr. Dean Carlson of our homeowners' association to represent our interests during the special planning meeting on 4/29/2010.

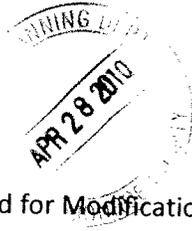
Our residential compound of six homes is surrounded on all sides by commercial interests which adversely affect the peace and enjoyment of our properties.

We did not oppose Dr. Braun's original development plans because they appeared to be sensitive to our proximity. However, we **STRONGLY OBJECT** to the new requests for significant changes in the plan.

The changes requested will affect traffic on Ann Street and add commercial trash pick-ups directly onto Ann Street. The removal of an already planted landscape buffer is a significant change. Additionally, the new request for outdoor consumption and music in the courtyard facing our compound is sure to change the character of our neighborhood.

Sincerely,

Walter and Dawn Szot
Donna Barrett and Leo Mallard
Cell: 301-943-8457



Dear Planning Board members,

I am asking you deny the changes requested for Modifications to the Major Development Plan and Variance request at 512 Greene Street.

My partner, family and I own 3 properties at 217-R, 219-1 and 219-9 Ann Street. One of these properties is where my mother, Doreen Carlson lives as a permanent year round resident.

Last year we **did not** oppose this project at the city commission phase because we reached an agreement with the project representatives at the planning board stage on 4 items of concern. 3 of these items agreed to by the property owner are now eliminated by the request for modifications to the major development plan and variance request that is now before you.

The items and our concerns are:

1. We asked and they agreed to the trash pick-up being on Simonton St. and not Ann St. Additional trash pickup on Ann Street will contribute to the already large amount of trash pickup noise and odor. (Commercial is on different days from residential). The property owner agreed to an 8' easement across the parking lot to Simonton Street for trash pick-up. (Please do not confuse this 8' easement agreed to with the additional 24' easement the city commission ask for.) Also the new revised location for the trash puts it @ 50' form the compound pool and patio area. In speaking to Waste Management I was told that the style of trash and recycle container, either tote of dumpster, as well as pick-up location could be chosen by the property owner.
2. We asked and they agree to have all traffic exit onto Simonton Street and not Ann St. By making the drive way and parking area 2- way we are concerned that Ann Street will become the exit for the Simonton Street parking lot, increasing the volume of traffic on a small, narrow and already busy street.
Also in order to attempt to meet the requirements for the width required for 2 way traffic and parking, all of the new plant material that has been installed as the buffer along the fence line is going to be removed.
3. We asked and they agreed to **no music or outdoor consumption**. This is our biggest concern. The courtyard directly faces the compound and any outdoor activities will have a potentially devastating effect on our properties. By design all doors and windows of the bar facing Greene and Ann Street are wooden (no glass) and during business hours the bar will literally be "open air". Were asking that the agreement **specifically prohibit any outdoor consumption, amplified or live music outdoors and that all exterior doors facing south east be kept closed at all times**. This hopefully will keep the noise inside the bar from caring across to our compound and beyond.

Last year the property owner agreed to accommodate these requests. The city commission took this agreement one step further to protect the residences by requesting an easement. The bar could be open if they had met the requests of the city commission. The property owner is choosing not to meet this request, therefore the bar has yet to open. Keep in mind, while both of the properties are owned in

different LLC's the same person is principle in both properties and therefore could meet the easement requirement.

We realize we are in the middle of a commercial area but the use and changes being requested are non conforming, conditional uses for this property. We request you deny the changes to the major development plan before you.

Thank You for your consideration.

Dean Carlson

DeanKeyWest@aol.com

305-304-1203 cell

Suzanne Dowling
Manager
Curry Mansion Inn
511 Caroline St.
Key West, FL 33040



Planning Commission and Dept.:

We are still as concerned about how this new bar will affect our Bed and Breakfast as we were in the beginning of this process. Actually we are now more concerned since most of the conditions previously required and agreed upon by your Commission and the land owner (representatives) have not been met and are now being dropped from the application.

It is hard to understand how this project has been able to come back to the Commission , after building exactly what it wanted, and now ask to change every agreement it had made with the neighbors and Planning Commission.

The conditions previously set by the Commission that most concern the Curry Mansion are traffic and noise. We occasionally receive complaints from our guests about the noise generated by hundreds of glass bottles being dumped throughout the night from small containers inside the bars located behind Old City Hall into a larger metal container, located behind our guestwing. In the early morning twice a week the rolling dumpster garbage pick up truck comes and dumps thousands of bottles which makes enough noise to wake the dead. We have to live with this existing disturbance but would hate to see an increase in the number of times a week garbage truck comes down Ann St. to service this new bar. All of these existing businesses have rolling dumpsters. On the days of residential pick up the noise level is much less. If this bar is allowed to use residential cans, then I assume the noise level would be much greater a couple of times a week. It would be 4 or 5 cans worth of dumping bottles, who knows how many times a week, instead of one rolling dumpster. We are concerned about future uses for this property. Food service is not currently being requested but may be in the future which would greatly increase the volume of garbage.

Condition #3 relates to trash and recycling containers being relocated to the east side of the property and being picked up on Simonton Street. One of the Commissioners suggested an easement to allow for a path be made to move the trash containers to Simonton St. to which Mr. Trepanier and Mr. Brawn's (the land owner) attorney, Mrs. Susan Cardenas stated that the owner would record an easement. I believe a width of 8 feet was mentioned.

This has not happened. At the City Commission meeting, this small simple garbage container easement somehow morphed into a 2 lane road with the garbage easement. I can understand Mr. Brawn not wishing to sign away the 32 feet suddenly required. But

I do have some doubts whether Mr. Brawn ever meant to comply with this condition to which his representatives agreed.

I drive by this project every working day and have seen the development. I was watching closely for the pathway to be laid out towards Simonton St. The walkways were framed and poured for the entire site before the City Commission meeting and there was never any sidewalk framed to facilitate rolling the garbage containers to Simonton St. I believe at the previous Planning meeting that we were all picturing a rolling dumpster, which Mr. Trepanier stated that Waste Management preferred, which would be more efficiently rolled along concrete than the dirt and gravel in the parking lot. If Mr. Brawn had ever considered using Simonton St. this concrete path would have been necessary whether the bar uses residential containers or a rolling dumpster.

The City Commissioners felt that a dump truck needed to be able drive into and across the half block of parking lot off of Simonton St. to pick up the dumpster, and cars exiting the parking lot would need to be able to come out the drive at the same time; and suddenly 2 lanes were needed. Maybe the siteplan they were looking at did not show the 8 foot easement to Simonton St. where the cans/dumpster could be rolled onto the sidewalk for early AM pickup. It was obvious that there were some confusion as to what the City Commissioners were looking at on the siteplan submitted to them. The need for a 2 lane street to allow 5AM garbage pickup is not necessary.

When I heard that the project was coming back before the Planning Commission to change the parking lot and location of the garbage pickup I called Mr. Trepanier to suggest he ask Mr. Brawn that he simply work toward the original agreement with the Planning Commission. Mr. Trepanier stated there is no direct communication between himself and Mr. Brawn, but Brawn has communicated through other representatives now that he will not agree to the previous conditions.

The change in parking is also a concern of ours, the suggestion of cars being able to park and drive in both directions in and out of one narrow driveway and adding additional parking in that very small area is as ridiculous as needing a two lane street off of Simonton.

A compromise could be made that would allow fencing off the parking lot but granting the small easement for garbage pickup off of Simonton St. I wish the Commissioners involved in Planning and City could come by the site and see for themselves easily the neighbors and business could compromise.

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: 1001198 Parcel ID: 00001170-000000

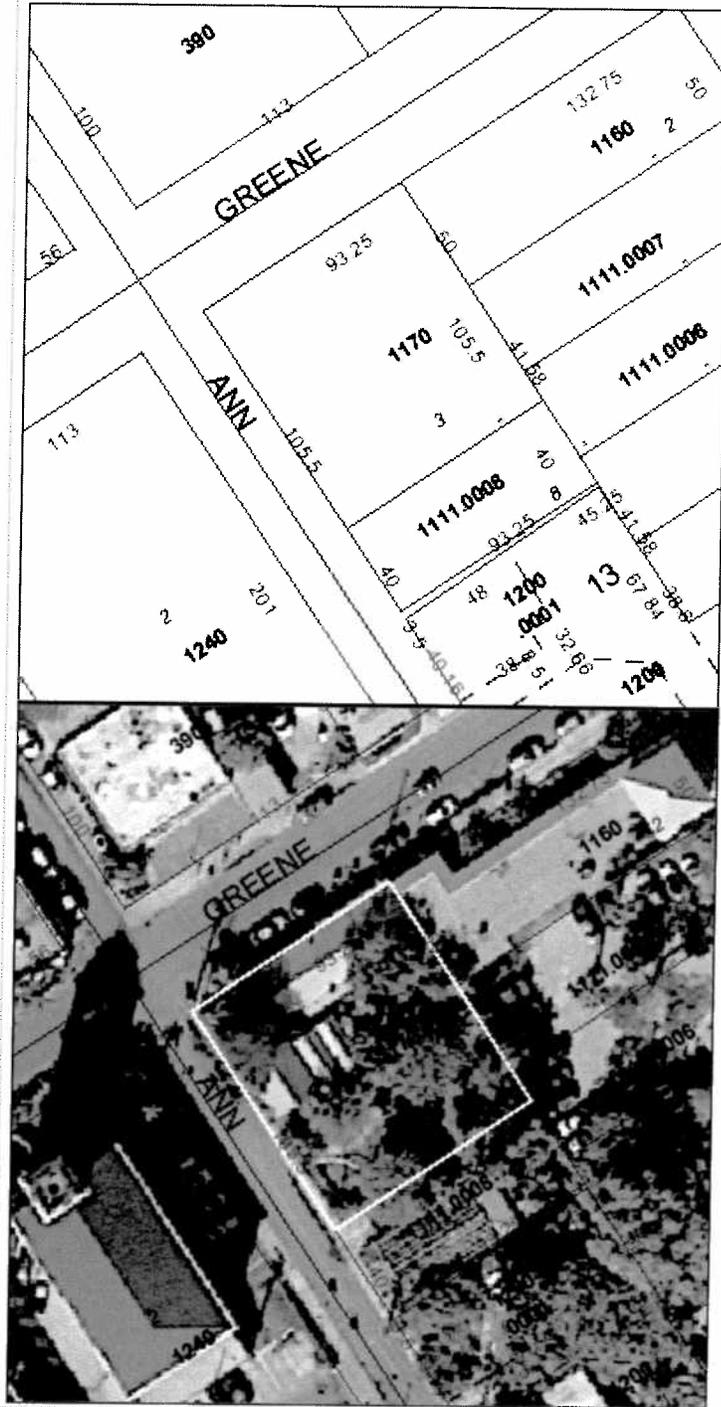
Ownership Details

Mailing Address:
512 GREENE STREET LLC
525 CAROLINE ST
KEY WEST, FL 33040

Property Details

PC Code: 12 - STORE/OFF/RES OR COMBINATION
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range: 06-68-25
Property Location: 512 GREENE ST KEY WEST
201/205 ANN ST KEY WEST
Legal Description: KW PT LOT 3 SQR 13 G67-20 OR781-772D/C OR992-397L/E OR1496-911D/C OR2093-1382/83P/R
OR2218-2069/71 OR2391-642/45 OR2391-646/47 OR2405-785/86 OR2412-2463/64C-Q/C

Parcel Map



Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	0	0	9,838.00 SF

Building Summary

Number of Buildings: 2
 Number of Commercial Buildings: 1

Total Living Area: 2382
Year Built: 1928

Building 1 Details

Building Type
Effective Age 29
Year Built 1928
Functional Obs 0

Condition P
Perimeter 224
Special Arch 0
Economic Obs 0

Quality Grade 400
Depreciation % 36
Grnd Floor Area 1,440

Inclusions:

Roof Type
Heat 1
Heat Src 1

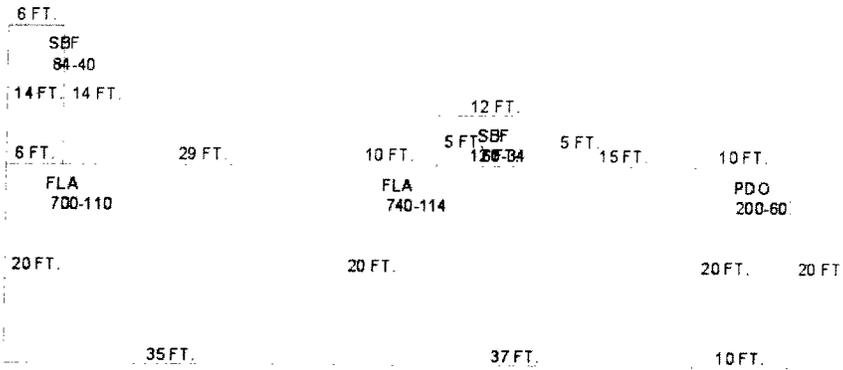
Roof Cover
Heat 2
Heat Src 2

Foundation
Bedrooms 0

Extra Features:

2 Fix Bath 0
3 Fix Bath 0
4 Fix Bath 0
5 Fix Bath 0
6 Fix Bath 0
7 Fix Bath 0
Extra Fix 10

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



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	1984					740
2	SBF		1	1984					60
3	FLA		1	1984					700
4	SBF		1	1984					84
5	PDO		1	1999					200

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	430	RESTRNT/CAFETR-D-	100	N	N
	431	SBF	100	N	N
	432	1 STY STORE-D	100	N	N
	433	SBF	100	N	N

Exterior Wall:

Interior Finish Nbr	Type	Area %
147	AVE WOOD SIDING	100

Building 2 Details

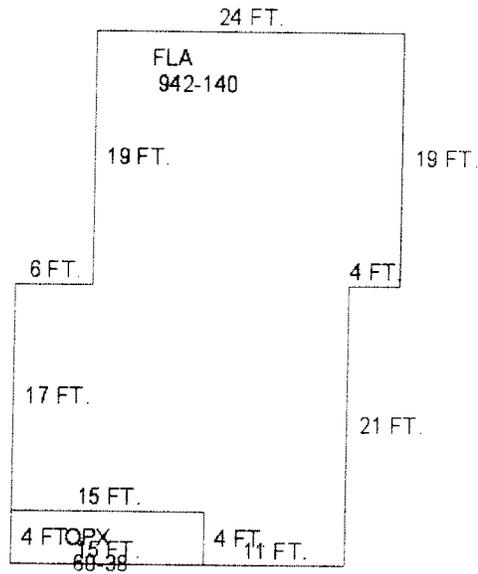
Building Type R1	Condition A	Quality Grade 500
Effective Age 29	Perimeter 140	Depreciation % 35
Year Built 1933	Special Arch 0	Grnd Floor Area 942
Functional Obs 0	Economic Obs 0	

Inclusions: R1 includes 1 3-fixture bath and 1 kitchen.

Roof Type GABLE/HIP	Roof Cover METAL	Foundation WD CONC PADS
Heat 1 CONVECTION	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	1932	N	N	0.00	0.00
2	OPX		1	1932	N	N	0.00	0.00

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	PT2:BRICK PATIO	200 SF	0	0	1975	1976	2	50
2	CL2:CH LINK FENCE	912 SF	152	6	1975	1976	1	30
3	CL2:CH LINK FENCE	318 SF	53	6	1975	1976	2	30
4	FN2:FENCES	147 SF	0	0	1975	1976	2	30
5	UB2:UTILITY BLDG	459 SF	27	17	1979	1980	3	50
6	AC2:WALL AIR COND	1 UT	0	0	1993	1994	2	20
7	PT3:PATIO	72 SF	0	0	1987	1988	1	50
8	FN2:FENCES	90 SF	30	3	1996	1997	2	30

Appraiser Notes

2002-12-20 - 5 TRANSIENT RENTAL UNITS. BCS KOZUCHI/CONCH REP CIGAR TPP 8886438 - CONCH REPUBLIC CIGAR FACTORY.

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	09-1405	05/14/2009	03/29/2010	125		REMOVE CHAIN LINK FENCE ONLY
	09-00004199	12/10/2009	03/29/2010	4,400		SIGNAGE
	09-00004244	12/16/2009	03/29/2010	500	Commercial	SWALE DRAINS
	09-00004291	12/18/2009	03/29/2010	2,000		HURRICANE SHUTTERS
	09-4104	11/30/2009	03/29/2010	5,935	Commercial	INSTALL ALARM SYSTEM AND SECURITY CAMERAS
	09-00002154	01/11/2010	02/27/2010	2,300		REMOVE 93 LF OF CHN LNK FENCE AND REPLACE WITH 83 LF OF 6' PICKET AND 10 LF OF 4' PICKET
	10-00000047	01/11/2010	03/29/2010	100	Commercial	ENCLOSE HVAC EQUIPMENT IN 42" W PICKET RAILING ON ROOF* ENCLOSE COOLING EQUIPMENT W/LOUVERED FENCE BEHIND BUILDING
	09-00003482	10/20/2009	03/29/2010	1,300	Commercial	ADD SET OF DOORS AND ONE WINDOW OPENING WITH DECORATIVE SHUTTERS BOARD & BATTEN ON WALLS
	09-00003833	11/12/2009	03/29/2010	6,300	Commercial	REMOVE EXISTING V-CRIMP AND REPLACE. INSTALL MOD RUBBER AND REPAIR DAMAMGED V-CRIMP AND FLASHING
	09-00003363	10/15/2009	03/29/2010	18,900	Commercial	ADA PARKING SPACE. PAVERS IN OPEN SPACE ADJACENT TO PARKING LOT.
	09-00004467	01/15/2010	03/29/2010	700	Commercial	HOOK UP REFRIGERATION EQUIPMENT
1	09-00004047	11/25/2009	03/29/2010	12,000	Commercial	INSTALLATION OF 7.5 TON AHV AND TWO 3.0 TON CONDENSORS. SINGLE TRUNK LINE OF DUCTWORK WITH RUN DOWN THE RIGHT SIDE OF CONDITIONED SPACE
	09-4103	11/30/2009	03/29/2010	1,000		WIRE 8 SPEAKERS AND 3 DATA LINES FOR CASH REGISTERS
	B932839	10/01/1993	12/01/1994	3,000		REPAIRS
	B932840	10/01/1993	12/01/1994	3,000		RENOVATIONS
	9601157	03/01/1996	06/01/1996	550		RENOVATIONS
	9701973	06/01/1997	07/01/1997	700		REMOVE DRYWALL/DEBRIS
	9702200	07/01/1997	07/01/1997	1,800		ALTERATIONS
	9800440	02/18/1998	01/01/1999	350		INSTALL NEW BAR SINK
	9703831	12/11/1997	01/01/1999	1,800		REPLACE 1001 SF FT ROOF
	9800366	03/03/1998	01/01/1999	700		INSTALL WINDOW OPENING
	9801137	04/24/1998	01/01/1999	1,200		INSTALL OVAL AWNING
	0000664	03/15/2000	11/29/2001	10,000		16 SQS V-CRIMP
	0102604	07/20/2001	11/29/2001	200		PAINT BUILDING
	02-1545	06/11/2002	09/05/2002	1,780		FIRE ALARM SYSTEM
	03-2097	06/18/2003	12/02/2003	200		ELECTRICAL
	03-2719	08/12/2003	12/02/2003	400		REPLACED EXISTING AWEINGS
	03-3013	08/28/2003	12/02/2003	10,000		REPLACED V CRIMP ROOFING
	03-2101	06/17/2003	12/02/2003	1,500		INTERIOR PLUMBING
	03-2097	06/18/2003	12/02/2003	200		ELECTRIC

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
2009	188,579	6,194	787,383	982,156	982,156	0	982,156
2008	189,838	6,394	2,216,010	2,412,242	2,412,242	0	2,412,242
2007	166,476	5,677	2,216,010	2,388,163	2,388,163	0	2,388,163
2006	171,705	5,842	836,230	1,013,777	1,013,777	0	1,013,777
2005	165,144	6,062	794,419	965,625	965,625	0	965,625
2004	145,672	6,287	590,280	337,064	337,064	0	337,064
2003	145,672	6,506	609,956	337,064	337,064	0	337,064
2002	99,145	6,726	609,956	321,013	321,013	0	321,013
2001	96,228	7,700	609,956	321,013	321,013	0	321,013
2000	96,228	4,924	413,196	291,804	291,804	0	291,804
1999	82,789	5,085	413,196	291,804	291,804	0	291,804
1998	64,269	5,245	413,196	291,804	291,804	0	291,804
1997	62,985	5,290	393,520	291,804	291,804	0	291,804
1996	59,594	5,446	393,520	291,804	291,804	0	291,804
1995	64,247	5,051	393,520	355,880	355,880	0	355,880
1994	64,247	4,706	393,520	355,880	355,880	0	355,880
1993	64,488	4,844	393,520	221,308	221,308	0	221,308
1992	64,488	4,986	393,520	221,308	221,308	0	221,308
1991	64,488	5,123	393,520	221,308	221,308	0	221,308
1990	53,567	854	346,790	221,308	221,308	0	221,308
1989	53,504	885	344,330	221,308	221,308	0	221,308
1988	46,449	543	238,572	214,089	214,089	0	214,089
1987	45,691	561	150,644	196,896	196,896	0	196,896
1986	45,897	582	147,570	194,049	194,049	0	194,049
1985	62,539	600	106,250	169,389	169,389	0	169,389
1984	48,338	926	106,250	155,514	155,514	0	155,514
1983	48,338	926	64,077	113,341	113,341	0	113,341
1982	43,231	926	56,782	100,939	100,939	0	100,939

Parcel Sales History

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

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
5/4/2009	2412 / 2463	100	QC	11
3/9/2009	2405 / 785	100	QC	11
12/5/2008	2391 / 642	1,300,000	WD	Q

This page has been visited 140,309 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., April 29, 2010, 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:

Modification to a Major Development Plan - 512 Greene Street (RE #00001170-000000)
- A Modification to a Major Development Plan and Conditional Use approval to redevelop an existing parking lot and add outdoor consumption area for property located at 512 Greene Street in the Historic Residential Commercial Core Gulf Side (HRCC-1) zoning district per Section 108-91C(3), 108-91C(4) and Section 122-688(9) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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, call 809-3720 or visit our website at www.keywestcity.com .

STOERBACK MICHELLE
1 WICKS LAND HEAD OF HARBOR
ST JAMES, NY 11780

SLOPPY JOE'S ENTERPRISES INC
101 ANN STREET
KEY WEST, FL 33040

HAYES PAUL N
1075 DUVAL ST
KEY WEST, FL 33040

HUNTER BRUCE
1075 DUVAL ST
KEY WEST, FL 33040

GROSSCUP WILLIAM R CAPT
13 HILTON HAVEN
KEY WEST, FL 33040

KEY WEST 07 LLC
190 CONGRESS PARK DR
DELRAY, FL 33445

G AND S KEY WEST LLC
20 AZALEA DR
KEY WEST, FL 33040

SLOPPY JOE'S ENTERPRISES INC
201 DUVAL ST
KEY WEST, FL 33040

HISTORIC TOURS OF AMERICA INC
201 FRONT ST SUITE 224
KEY WEST, FL 33040

KEY WEST HAND PRINT FABRICS
LTD
201 FRONT STREET
KEY WEST, FL 33040

RAMLO CONSTRUCTION
CORPORATION
209 DUVAL STREET
KEY WEST, FL 33040

CARLSON 1989 TRUST DTD 10/26/89
TRUST A
219 ANN ST, rear
KEY WEST, FL 33040

SCHULTZ KENNETH H AND ANGEL-
SCHULTZ DEBORAH L H/W
219 SIMONTON ST
KEY WEST, FL 33040

511 GREENE STREET LLC
219 SIMONTON ST
KEY WEST, FL 33040

221 SIMONTON LLC
221 SIMONTON STREET
KEY WEST, FL 33040

121 DUVAL COMPANY
423 FRONT STREET
KEY WEST, FL 33040

135 DUVAL COMPANY
423 FRONT STREET
KEY WEST, FL 33040

211 DUVAL COMPANY
423 FRONT STREET (2ND FLOOR)
KEY WEST, FL 33040

ANN STREET LLC
4750 CAMP ROOSEVELT DR
CHESAPEAKE BEACH, MD 20732

SK LAND COMPANY
500 FLEMING STREET
KEY WEST, FL 33040

FOSTER BARBARA
504 S LAKE DRIVE
LANTANA, FL 33462

SPOTTSWOOD PARTNERS LTD
506 FLEMING ST
KEY WEST, FL 33040

AMSTERDAM EDITH REV TR
3/14/94
511 CAROLINE ST
KEY WEST, FL 33040

ANN STREET PROPERTIES LLC
512 FRONT ST
KEY WEST, FL 33040

512 GREENE STREET LLC
525 CAROLINE ST
KEY WEST, FL 33040

BRAWN PETER N
525 CAROLINE ST
KEY WEST, FL 33040

525 CAROLINE STREET LLC
525 CAROLINE ST
KEY WEST, FL 33040

223 ANN STREET LLC
525 CAROLINE ST
KEY WEST, FL 33040

CYPRESS HOUSE INC
601 CAROLINE STREET
KEY WEST, FL 33040

TEMECULA ENTERPRISES LLC
6223 SIMON LN
HUDSON, OH 44236

221 DUVAL STREET LLC
7705 SE 34TH ST
MERCER ISLAND, WA 98040

BOARD OF TRUSTEES OF THE
FUND OF THE STATE OF FLORIDA
TALLAHASSEE, FL 32399

DEPOO AGNES H L/E
P O BOX 1234
KEY WEST, FL 33041

MAJOR PATRICIA T
P O BOX 14
KEY WEST, FL 33040

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

KEY WEST MJM INVESTMENTS IN
P O BOX 403353
MIAMI BEACH, FL 33140