

THE CITY COMMISSION
FOR THE CITY OF KEY WEST

RECEIVED
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2019 MAY 23 PM 4:08
CITY OF KEY WEST
KEY WEST, FLORIDA

In re: 1110 White St.,
Fernandy's Café, LLC-Petitioner

NOTICE OF APPEAL OF DECISION OF PLANNING DIRECTOR

NOTICE IS GIVEN that FERNANDY'S CAFÉ, LLC files an appeal of the Decision of the Planning Director, pursuant to Key West City Code Chapter 54 and states:

1. On December 21, 2018, the Office of Code Compliance issued a Notice of Code Violation (Case#CC2018-01867), advising that the restaurant had more seats than licensed. The Notice instructed Fernandy's Café, LLC (Petitioner) to contact the Planning Department to get approval for the seats in excess of the existing license.
2. In response, on April 5, 2019, a request for recognition of a Preexisting, Impact-Fee Related Activity with the Planning Director, requesting that his office recognize the pre-existing use of between 26 and 74 seat restaurant located at 1110 White Street (Fernandy's Café is located at the site of the iconic and historic Key West restaurant "Fourth of July"). A copy of the Request is attached as Exhibit A.
3. With the request, Fernandy's Café, LLC submitted the following

exhibits (Exhibit numbers appearing on the documents represent the exhibit number from the request, not from this Appeal):

- a. a Monroe County Property Appraisers Card from 1972-74 showing the pre-existence of a restaurant at that location, issued to Berena Caballo, attached as Exhibit B,
 - b. The 1984 City Directory for the City of Key West, showing the pre-existence of a restaurant at that location, named Fourth of July, owned by Berena Caballo, attached as Exhibit C.
 - c. The County Occupational license from 1985-86 showing the restaurant named Fourth of July, owned by Berena Caballo and located at 1110 White St. was licensed for 74 seats, attached as Exhibit D.
 - d. Affidavits from Alferd Altuve, Louis Condos, Tom Sawyer, Betty Jo Williams and Lori Thompson all of whom swore that they were familiar with the 4th of July restaurant and that it had approximately 25 seats (Lori Thompson specified in her affidavit that the seating goes back to the 1970's), attached collectively as Exhibit E.
4. The purpose of the impact fee is to compensate the City for the increased service demand that new service will have over a pre-existing

service (See Code Section 54-124 *“In estimating the increased demand caused by any solid waste generating activity, the city manager shall estimate the demand of any preexisting activity according to the table referred to in section 54-118 unless actual measurements of usage are available. Preexisting activity includes activity that was taking place on the property on December 4, 1984, or activity that commenced after December 4, 1984, and for which impact fees were paid pursuant to this division. Proof of preexisting land use may be established by official city, county, or state records and licenses, affidavits and photographs. The planning official is charged with the responsibility of determining whether a preexisting land use qualifies under this division. Any person aggrieved by the decision of the planning official may appeal that decision to the city commission by filing a notice with the city clerk within ten days.”*

5. The City Planner has stated that there are no actual numbers from which he can derive the actual use, therefore under the City Code, the City SHALL estimate the preexisting activity.
6. Under Chapter 54 of the City Code, when actual numbers are not available, the City can look to *“official city, county, or state records and licenses, affidavits and photographs”* (Sec. 54-82 and 54-124) .
7. On May 15, 2019, the City Planner, Patrick Wright, issued his ruling

refusing to recognize the pre-existing activity, ignoring the evidence presented to him and relying merely on the fact that in his opinion the consumption area is too small to support 74 seats (the number of seats stated on the 1985-86 County license). His ruling is attached as Exhibit F.

According to his refusal, his decision is solely based on his observations of the restaurant in its current configuration and not on how the restaurant previously was designed.

8. There was also no effort on the City Planner's part to independently verify or confirm the pre-existing activity, even though a check of his own department records would have supported it. On April 25, 2003 the Key West Planning Board specifically found that during the 1980's there was a pre-existing restaurant on this site that was much larger than the restaurant in its current configuration. See Exhibit G.
9. According to servers who worked at the restaurant, the configuration was entirely different with a small counter that ran the length of the left side of the restaurant, the current back wall by the restrooms was nonexistent-allowing extra seating and the area where the current bar and coffee station is located was open flooring for was table seating. On May 23, 2019, Counsel met with Elvira Quesada, a waitress at the Fourth of July for 16 years who stated that when she worked there the restaurant had

eight 4-top tables and 12 counter seats (The counter originally had more seats, but a corner section was removed to install, a cash register), giving the restaurant a total of between 44 and 48 seats.

10. In addition to the foregoing, Petitioner is attaching the affidavit of Alberta Brogli who worked as a server at the Fourth of July in 1974 and recalls at least 36 seats (six 4-tops and 12 counter seats). She also acknowledges that the size and design of the restaurant was different than the current layout, with a much larger floor space. See Exhibit H.
11. With a larger configuration and without the existing bar, the floor space would have been large enough to support the full seating listed on the County license.

WHEREFORE Fernandy's Café, LLC requests the City to overrule the decision of the City Planner, determine that the business had a preexisting restaurant activity of between 36 and 74 seats and adjust the license accordingly.

ALBERT L. KELLEY, P.A.
926 Truman Ave.
Key West, Florida 33040
Phone: (305) 296-0160
Facsimile: (305) 296-3118
Email: keywestlaw@gmail.com

By: 

Albert L. Kelley

EXHIBIT A



April 5, 2019

Mr. Patrick Wright, Planning Director
City of Key West
1300 White Street
Key West, FL 33040

RE: 1110 White Street - Fernandy's Café
Recognition of Preexisting, Impact Fee-related, Activity

Dear Mr. Wright:

Request:

Planning Official to determine, for the purposes of impact fees, that this property has a preexisting restaurant activity with 74 seats pursuant to Chapter 54, Article III.

Back Ground:

This property has 390 sq. ft. of existing consumption area and a corresponding 26 seats. This property is the subject of a Notice of Violation No. CC2018-01867 for too many seats. During the resolution of that case, it was discovered that impact fees had only been paid for 10 seats (in 2003). According to Chapter 54, Article III, impact fees are applicable to any non-preexisting activity.

This property historically contained the Fourth of July restaurant; a well-established restaurant among the Conch and Cuban community since the 1950's. Evidence of the restaurant includes:

- Monroe County Property Appraiser's records showing pictures of the restaurant.¹
- 1984-85 Polk Phone Directory showing the phone numbers for the restaurant at this location.²
- Monroe County Tax Collector's records verifying that the Fourth of July restaurant was licensed for 74 seats³.
- Affidavits from restaurant customers estimating the seating at more than 25 seats.⁴

Summary of restaurant related activity:

Date	Document evidence	Evidence	Exhibit
1972-1974	Monroe County Property Appraiser's Property Record Card	Land Use: Restaurant	A
1984-1985	Polk Phone Directory	Land Use: Restaurant	B
1985-1985	Monroe County Tax Collector's Records	Land Use: 74 Seat Restaurant	C
2019	Affidavits from customers	Land Use: Restaurant	D

Summary of seating evidence for the purposes of estimating impact fee-related preexisting activity:

¹ Monroe County Property Appraiser's Property Record Card (Exhibit A)

² 1984-1985 Polk Phone Directory (Exhibit B)

³ Monroe County Tax Collector's Records (Exhibit C)

⁴ Affidavits from customers (Exhibit D)

Seats recognized by the City	Seats recognized by the County (1984-1985)	Seats recognized by former patrons
TBD	74	>25

Conclusion:

It is the conclusion of Trepanier & Associates that, for the purposes of impact fees, this property has a preexisting restaurant activity with 74 seats.

We appreciate your consideration and time. If you have any questions, please do not hesitate to contact me.

Best regards,

A handwritten signature in cursive script, appearing to read "Alvina Covington".

Alvina Covington, Planning Technician

EXHIBIT B

CARVALLO, BERENNA
1110 WHITE STREET
KEY WEST, FL. 33040

2600

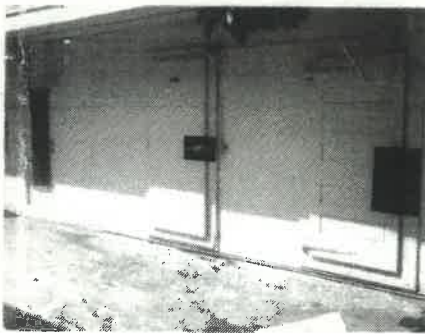
KW OTTUM SUB
PT LOT 5 SQR 2 TR 13
OKS84-400-407 OKS08-973
OKS45-1017 OKS50-382

PC-12

LAND COMPUTATIONS						
QUAN. TYPE DESC.	SIZE AREA	UNIT PRICE	S.F.	D.S.	PRICE PER FRONT FOOT	VALUE
20' X 111'	2220	135	710		135.85	9610
26' X 111'	2906	125	103		125.35	3347
TOTAL						5670

100032730-0
REAL PROPERTY RECORD CARD
MONROE COUNTY, FLORIDA
AK1033499

VALUATION TOTALS		
1900	LAND	9610
	IMPROVEMENTS	2760
	TOTAL	12370
20	LAND	3610
	IMPROVEMENTS	10450
	TOTAL	14060
22	LAND	3610
	IMPROVEMENTS	13565
	TOTAL	17175
24	LAND	3347
	IMPROVEMENTS	13525
	TOTAL	16872
26	LAND	
	IMPROVEMENTS	
	TOTAL	
28	LAND	
	IMPROVEMENTS	
	TOTAL	
30	LAND	
	IMPROVEMENTS	
	TOTAL	



11-22-78

NOTES
64/1000
B-1086
B-1409
B-1728
B-2236
70/29,000 OK 508-374
79/23,000 OK 520-382
OK 545-1017
Reduction of Land Values
to Study of Area for 1974-1976
CNO 3806 & 475

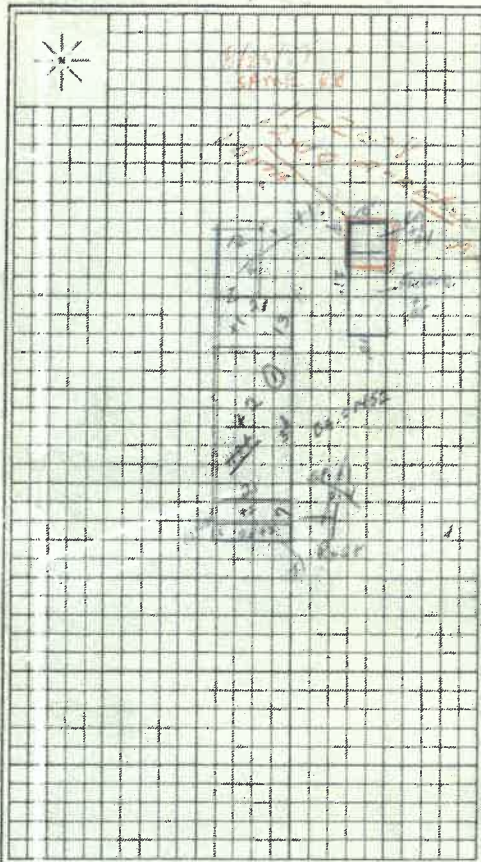


Exhibit A

IMPROVEMENT		CONSTRUCTION DATA				IMPROVEMENT	
		1	2	3	4		
TYPE OF STRUCTURE	Rest res	House				INTERIOR FINISH	18
YEAR BUILT						Unfinished	
						Wd. or Cell. Bk.	
						Wallboard	
						Plaster, No Furring	
						Plaster, Furring	
						Gypsum	
						Wood Panel	
ROOMS						FLOORS	
Total Rooms						None	
BTH. Appts.						Single Pine	
Kitchen Appts.						Concrete	
Bath Appts.						Comp. Oak Vln	
No. of Bath	1					Double, Tensite	1
No. of Bathless						Double, Pine	1
Plat. in Bath						Double, Hardwood	
Plat. in Bath						Parquet Oak	
Total Features						Parquet	
FOUNDATION						Comp. D. Tile	
Continuous Wall						Comp. Oak Tpe	
Piers						Marble	
Piling						Carved, Oak, etc.	
ADJUSTMENT						PLUMBING	
Frame						None	
Roofs						None	
Frame & Interior						None, Pine	1
Appl. Siding						None, Tile	
Partitions						HEATING	
Special Chd.						None	
EXTERIOR WALLS						Unit Heat	
Wallboard						Oil, Heating	
Cell. Siding						Cable, Cooling	
Comp. Siding						Comp. Heat & Heat	
Wd. P. Siding						ELECTRICITY	
C.B. Siding						None	
Wd. P. Siding	1					Power	
Tile Siding						Service	1
Brick						None	
Brick, Comp.						CLASS & SCALE	1754 1878
Special, Wood, etc.						CONST. UNITS	78
ROOF TYPE						CLASS UNITS	8
Flat, Shed						TOTAL UNITS	70
Shed, Gable	1					BASE RATE	17.63
Shed, Gable						ADJ. RATE	10.24 12.06
Shed, Gable						AREA	2242 141
Shed, Gable						S.P. 2-2 PLY	206
Shed, Gable						R.P.	
Shed, Gable						REP. COST NEW	2764 1764
ROOF MATERIAL						CONDITION	60 95
Shed, Gable						REP. PER. VALUE	1872 1403
Shed, Gable						DEPRECIATION ADJUSTMENT	
Shed, Gable						NO. PHV	ADJUSTMENT
Shed, Gable						1	
Shed, Gable						2	
Shed, Gable						3	
Shed, Gable						4	

EXHIBIT C

INSTRUCTION

R BANKING

THE
MARINE BANK
OF MONROE COUNTY

KEY 9105 MARATHON SHORES 743-7300 MARATHON 743-2231

4197
FREE CHECKING

BY US FIRST

TO PARTS, INC.

Automotive Parts and Service
PARTS LOCATER SERVICE

U.S. 1 Stock Island
Tel. 294-1046

key west
Computer Center, Inc.

294-0167

715 N. Roosevelt Blvd. • Key West, FL (32040)

Apple Computer
Authorized Dealer

butler

TERY-CLEANING
GRATING



296-8883
John and Mary Jean Smith

FIED BUSINESS DIRECTOR

Florida
Key West
1984-85

"Covering the entire Keys"
LOCAL HOMES • SPOTS • FISHING • FAMILY LIVING
ADULTS • A CLASSIFIED ADVERTISING
KEY WEST CALL TOLL FREE 746-1813

Published Each
WEDNESDAY
SUNDAY

FLORIDA
POLK'S

KEY WEST

CITY
DIRECTORY

1984-85

R. L. POLK & CO.
PUBLISHERS



BENDER-
TANIS

ALL YOU NEED
TO KNOW IN
REAL ESTATE

Ref.
F

317

.M7

K2

1984-

1985

409

FLEMING
STREET



WM. GAMBLE JEWELER

DIAMONDS AND FINE JEWELRY SINCE 1955

600 RIVIER ST.



Exhibit B

San

MO
1401 SIMON
KEY WEST, FL
TELEPHONE (3
MOTEL
COM



294-1094

MLS

BIG PINE KEY



Key Plaza
(For

MO

COTTON CONSTRUCTION

SOUTHERNMOST

"LET YOUR PESTS BE OUR PROBLEM"

PEST CONTROL

RICHARD E. HOEFER, JR.
1100 Bay St., P.O. Box 2707 (33040)

294-2786

SHINDLE ELECTRONICS INC.

COMPUTER AND PHONE SALES / SERVICE

294-1725

3253 Flagler Ave. (33040)



296-3422

114 WHITE ST. 33040



176

RESTAURANTS—CONTD

Buttery The 1208 Simonton St
Cafe Des Artistes 1007 Simonton St
Camille's Restaurant 703½ Duval St
Captain Bob's Shrimp Dock Restaurant 2200 N Roosevelt Blvd
Captain Hornblower's 300 Front St
Casa Manana 431 Front St
Cayo Hueso Sandwich Shop 105c Whitehead St
Chicken Unlimited 1102 Key Plaza Shop Cntr
Chico's Restaurant 16 U S Hwy 1
China Garden West 3324 N Roosevelt Blvd
Claire Restaurant 900 Duval St
Claire Restaurant 904 Duval St
Conch Flyer Inc 5 S Roosevelt Blvd
Crab Shack 908 Caroline St
Croissants De France 816 Duval St
Day's Inn Restaurant 3852 N Roosevelt Blvd
Dedek's Fogarty 1875 House Restaurant & Cafe 225 Duval St
Delicatessen Restaurant The 926 Simonton St
Domino's Pizza 3128 Flagler Av
Domino's Pizza 922 Truman Av
Driftwood On The Beach Atlantic Blvd
Durdy Harrys Restaurant & Lounge 208 Duval St
Dusty's Restaurant Maloney Av
Eatery The 1405 Duval St

EL CACIQUE SPANISH BASQUE CUISINE

125 Duval St (33040), Tel 294-4000

El Miramar Restaurant 914 Kennedy Dr
Emery's Front 501 Greene St
Faro Sandwich Shop 1116½ White St
Fat Betty's Place 613½ Duval St
Fiorini Restaurant 523 Eaton St
Fishcilman's Cafe 1 Whitehead St
Fisherman's Cafe 832 Caroline St
Flakey's Sandwich Shop 628 Duval St
Fleet Air Wing 422 Greene St
Fourth Of July Restaurant 1110 White St
FULL MOON SALOON 1202 Simonton St (33040), Tel (305) 294-9090

Galleon The 617 Front St
Garrison Bite Garrison Bight
Gazebo Sandwich Inc 5 Key Lime Square
Godfathers Pizza 3128 N Roosevelt Blvd
Granny's Kitchen 3412 Duck Av
Green Parrot Sub Shop 400 Southard St
Gringos Cantina 509½ Duval St

RH CUSTOM MASONRY

PATIOS
DECORATIVE WALLS

BRICK BLOCK STONE STUCCO

FIREPLACES
BRICK WALLS

3706A N ROOSEVELT BLVD (33040)

294-3871

Bank of The Keys

All Barren Banks are members of FIM
 ations In The Keys To Serve You
 (3040)

Tel. 294-4511

154

Morgan Shrimp Pkrs h28 Amaryllis Dr 294-4472
 x Internatl Of Key West 1315 20th St 294-1901
 om Doctor's Hosp r619 Wm St
 d St Apt 2 296-7191
 ept Hlth & Rehabv Servs h701 Southard 296-7349
 pt C 294-4346
 als 610 Duval St 294-8311
 s aide FKMh h723 White head St 294-4710
 O James St 294-6344
 h1227 Washington St 296-8767
 bamboo Ter 294-9900
 td h1018 James St 294-8331
 ngela St
 it Apt 4

TOWN TROLLEY TOURS

JUST VISIT KEY WEST, RECEIVE IT

1. (33040)

lor 294-7114
 i Trailer Ct
 ngela St
 St Apt 1
 se r528 Grinnell St
 ore: h1227 Washington St
 n St Apt 3
 via) auto reprs Rear 3228 Flagler St
 n St
 ntal Center r611 Amelia St
 ojects ofc City Of Key West h1117
 Av
 ig
 Harris Av
 za De Marti r1012 Whitehead St
 oo Mem Doctor's Hosp rPC

lisc 4479
 ITING COMPANY
 KEY WEST, FL 33040

GENE H. PFUND ROOFING CONTRACTOR

ROOF COATING PRESSURE CLEANING ROOF REPAIRS NEW ROOFS

1231 FLAGLER AVE. (33040)

PHONE 294-3654

155

Mrs Evelyn & Marian E; retd h1915 Fogarty Av 296-9981
 Mrs Lawrence E & Deborah A h3620 Northside Ct 294-2136
 Mrs Pedro & Asunsion; retd h1917 Fogarty Av 294-2678
 Sister Nancy h518 Elizabeth St
 Mr Paul retd h106b S Roosevelt Blvd
 Mrs Patricia K h1304 Laird St 294-4938
 Mr Gregory B retd h809 Eaton St 294-8634
 Mr John B & Phyllis B; retd h1013 Margaret St 296-2721
 Mr Jeffrey P & Melissa; emp Miami Crown Distr h7 Aster Ter 294-9229
 Mrs Melissa Mrs agt Blvd Travel h7 Aster Ter 294-4041
 Mr Andre bartender h1410 White St
 Mrs Thomas W emp County
 Mr Village Rev Oscar E Gunn Clk In Chge rental ofc 201 Truman 296-5232
 Mr Barry h1907 Patterson Av 296-4806
 Mr Edw & Marie; emp Seafood Service h122 Lincoln Gardens
 Mr Cameron & Pauline; retd h2927 Seidenberg Av 296-2773
 Mr Edw Junior College Rd



SLOPPY JOE'S BAR

On Duval and Duval Sts. (33040)

(305) 294-5717

Mr Pow & Jean; retd h110 Senior Citizens Plaza
 Mr Max E & Dorethea S; retd h1519 Josephine St 296-5053
 Mr Max E Jr & Evelyn J; appl repr Sears h1515 Josephine St 294-5952
 Mr Tim F h2331a Seidenberg Av 296-4710
JOE TAYLOR SMITH INC Dick Taylor President, Cher
 Vice-President, Joe Smith Secretary-Treasurer,
 Advertising, Marketing, Public Relations, 627 Whitehead
 St (33040), Tel (305) 296-0150
 Mr T h1220 Duval St Apt 2
 Mr Wash Coin Laundry (Lee & Mrs Kathy Sheldon) self serv
 Mr Fidler Av
 Mr Seven Building (James A Pierner) 416 Fleming St
 Mr Bob h349 Eagle Av 294-3962
 Mr Restaurant (Berena Carballo) 1110 White St
 Mr Mrs L Mrs sis person Shirt Put-On h1716 South St
 Mr Edw & Connie; deputy County Property Appraiser h1716 296-2311

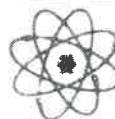
SALES
BONDEDSERVICE
INSURED

PHONE (305) 296-8855

KEY WEST, FL (33040)

811 Southard St.
(305) 294-4559P.O. Drawer 1177
Key West FL (33040)

Sebastian Cabrera III, G.R.I.
 REGISTERED REAL ESTATE BROKER
 KEY WEST AND LOWER KEYS



Triangle Marine Electronics

Marine Electronics Sales & Service

(305) 294-1386

3rd & 4th Ave. and 2nd St. Stock Island

P.O. Drawer 4080 Key West, FL 33041

EXHIBIT D

COUNTY OCCUPATION: FINE 1964-1965
F.N.M.C. COUNTY STATE OR CA
COUNTY OF SAN DIEGO 25-54 75-00
2A
16.00

EAST OF RAIN 8-6-07

FAST 313 (HAGS) 18 64 907

[Faint, illegible handwritten notes at the bottom of the page]

EXHIBIT E

AFFIDAVIT

Betty Jo
Betty Jo Williams swear/affirm the following to be true and correct to the
best of my knowledge:

1. I have personal knowledge of the old 4th of July Restaurant which was located
at 1110 White Street.
2. The property contained approximately 25 seats
3. I have no monetary interest in this property.

Betty Jo Williams Signature 3/1/19 Date

Subscribed and sworn to (or affirmed) before me on 1st MARCH 2019 (date) by
Betty Jo Williams (name of affiant), he/she is personally known to me or
has presented FL DL as identification.

Alvina Covington
Notary's Signature and Seal

Alvina Covington Name of Acknowledger printed or stamped
Title or Rank
FF913801 Commission Number, if any



Alvina Covington
COMMISSION #FF913801
EXPIRES: August 27, 2019
WWW.AARONNOTARY.COM

AFFIDAVIT

I, Lori Thompson, swear/affirm the following to be true and correct to the best of my knowledge:

1. I have personal knowledge of the old 4th of July Restaurant in operation during the 1970's which was located at 1110 White Street.
2. The property contained approximately 25 seats
3. I have no monetary interest in this property.

[Signature] 2/27/19
Signature Date

Subscribed and sworn to (or affirmed) before me on 27th February 2019 (date) by Lori Thompson (name of affiant), he/she is personally known to me or has presented _____ as identification.

[Signature]
Notary's Signature and Seal
Alvina Covington Name of Acknowledger printed or stamped

Title or Rank
FF 913801 Commission Number, if any



Alvina Covington
COMMISSION #FF913801
EXPIRES: August 27, 2019
WWW.AARONNOTARY.COM

AFFIDAVIT

I, Alfred Altoro, swear/affirm the following to be true and correct to the best of my knowledge:

1. I have personal knowledge of the old 4th of July Restaurant which was located at 1110 White Street.
2. The property contained approximately 25 seats
3. I have no monetary interest in this property.

[Signature] 2/27/19
Signature Date

Subscribed and sworn to (or affirmed) before me on 27th Feb 2019 (date) by Alfred Altoro (name of affiant), he/she is personally known to me or has presented FL DL as identification.

[Signature]
Notary's Signature and Seal
Alvina Covington
FF913801

Name of Acknowledger printed or stamped
Title or Rank
Commission Number, if any



Alvina Covington
COMMISSION #FF913801
EXPIRES: August 27, 2019
WWW.AARONNOTARY.COM

AFFIDAVIT

I, Louis Condas, swear/affirm the following to be true and correct to the best of my knowledge:

1. I have personal knowledge of the old 4th of July Restaurant which was located at 1110 White Street.
2. The property contained approximately 25 seats
3. I have no monetary interest in this property.

Signature

Date

Subscribed and sworn to (or affirmed) before me on 27th Feb 2019 (date) by Louis Condas (name of affiant), he/she is personally known to me or has presented FL DL as identification.

Notary's Signature and Seal

Alvina Covington

Name of Acknowledger printed or stamped

Title or Rank

FF913801

Commission Number, if any



Alvina Covington
COMMISSION #FF913801
EXPIRES: August 27, 2019
WWW.AARONNOTARY.COM

AFFIDAVIT

I, Tom Sawyer, swear/affirm the following to be true and correct to the best of my knowledge:

1. I have personal knowledge of the old 4th of July Restaurant which was located at 1110 White Street.
2. The property contained approximately 25 seats
3. I have no monetary interest in this property.

[Signature] 2-27-19
Signature Date

Subscribed and sworn to (or affirmed) before me on 27th February 2019 (date) by Thomas Sawyer (name of affiant), he/she is personally known to me or has presented FL ID as identification.

[Signature]
Notary's Signature and Seal

Alvina Covington Name of Acknowledger printed or stamped
Alvina Covington Title or Rank
FF913801 Commission Number, if any



Alvina Covington
COMMISSION #FF913801
EXPIRES: August 27, 2019
WWW.AARONNOTARY.COM

EXHIBIT F

Alvina Covington

From: Patrick Wright <pwright@cityofkeywest-fl.gov>
Sent: Wednesday, May 15, 2019 10:24 AM
To: Alvina Covington
Subject: RE: Fernandy's

Follow Up Flag: Follow up
Flag Status: Flagged

Alvina,

There are no corresponding City records that would indicate 74 seats. The restaurant itself does not even contain enough consumption area to support 74 seats. Please follow up with the Licensing Department on paying whatever remaining impact fees are owed for the amount of seats existing.

Patrick Wright, Planning Director
City of Key West Planning Department
1300 White Street
Key West, Florida 33040-4602
P 305.809.3778 | F 305.809.3978
www.cityofkeywest-fl.gov

From: Natalie Hill
Sent: Wednesday, May 15, 2019 10:15 AM
To: Patrick Wright <pwright@cityofkeywest-fl.gov>
Subject: FW: Fernandy's

From: Alvina Covington <alvina@owentrepanier.com>
Sent: Wednesday, May 15, 2019 9:59 AM
To: Natalie Hill <nhill@cityofkeywest-fl.gov>
Cc: Owen Trepanier <owen@owentrepanier.com>
Subject: Fernandy's

Good morning Natalie,
Can you please give me an update on Fernandy's regarding seating (impact fees)?

Thanks,

Arvina Covington

Trepanier & Associates, Inc.
Land Planners & Development Consultants
1421 First Street, Key West, FL 33040
Ph. 305-293-8983 / 305-293-8748

EXHIBIT G

PLANNING BOARD RESOLUTION

No. 2003-016

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING APPROVAL OF A CONDITIONAL USE APPLICATION TO CONVERT EXISTING COMMERCIAL SPACE TO RESTAURANT CONSUMPTION AREA FOR PROPERTY LOCATED AT 1110 WHITE STREET (RE# 00037230-000000); PROVIDING FOR CONDITIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Brent Mattheessen and Christina Mattheessen, as owner principals/representatives of 4th of July, LLC, filed an application on May 13, 2003, for Conditional Use approval to permit conversion of existing commercial space to restaurant consumption area at 1110 White Street (RE # 00037230-000000; and

WHEREAS, this property is located in the HNC-1 zoning district (Historic Neighborhood Commercial District Truman/Simonton) where restaurants, excluding drive-through are a conditional use; and

WHEREAS, the Development Review Committee, at its Meeting on April 25, 2003, had the following comments and suggestions:

- Keys Energy Services said that the applicant would need to provide KEYS with a Project Review form. This will enable KEYS to provide adequate service to the applicant and the surrounding customers. The only service available is single phase 120/240;
- Will require parking variance;
- As early as the 1980s it was a restaurant larger than the proposed;
- If preparing food – needs grease trap;
- Demonstrate appropriate contained off-street garbage/trash storage and where it will be picked-up needs to be identified;
- Food nature requires sanitary, odor free situation;
- Due to take out food there should be garbage cans along White Street for additional litter control on public property;
- Must follow all commercial plumbing requirements;
- Life safety issues and fire separation requirement;
- Needs to meet ADA access liability requirements, including Height of counters; bathroom inside needs to be ADA compliant;

EXHIBIT H

AFFIDAVIT OF ALBERTA BROGLI

STATE OF FLORIDA)

COUNTY OF MONROE)

BEFORE ME, the undersigned authority, personally appeared ALBERTA BROGLI (Affiant), who first being duly sworn, deposes and says:

1. Affiant was employed at a server at the Fourth of July restaurant in 1974.
2. The layout of the Fourth of July restaurant was substantially different than the layout of Fernandy's Café. Specifically 1) the existing bar was not in place. The current bar and coffee service area was open flooring for table service; 2) The back wall the currently separates the dining area from the restrooms was not in place, increasing the overall dining room floor space; 3) There was a counter that ran along the entire wall from the front to the kitchen for counter service; 4) To the best of my recollection, there were 12 seats along the counter. There were also six 4-top tables for a total of 36 seats.
3. I have no current interest in the business or the property.

FURTHER AFFIANT SAYETH NAUGHT.

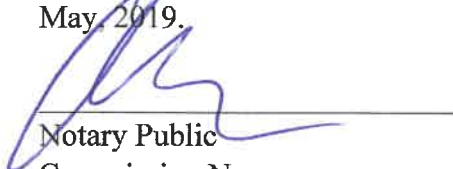
Executed this 23rd day of May, 2019.

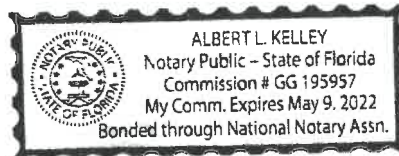

Alberta Brogli

COUNTY OF MONROE
STATE OF FLORIDA

I Hereby Certify that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Alberta Brogli, to me well known or who produced the following as identification: _____ and who executed the forgoing document, and acknowledged before me that they executed the same freely and voluntarily for the purposes therein expressed.

Witness my hand and official seal at Key West, Monroe County, Florida, this 23 day of May, 2019.


Notary Public
Commission No. _____
(SEAL)



Personally known ✓ OR
Type of Identification Produced:
DID NOT take Oath _____ OR

Produced Identification _____
DID take Oath ✓

PIRATE CORNER OF KEY WEST LLC

432 GREENE ST
KEY WEST, FL 33040-6567

1869

63-27/631 FL
24184

DATE 05/23/2019

PAY
TO THE
ORDER OF

City Of key west

One Thousand

Bank of America

ACH R/T 063100277

FOR Appeal of city planner

Franchesca

Nir Sela

\$ 1000.00

DOLLARS

Photo
ID
Deposit
Details on back