

SPOTTSWOOD, SPOTTSWOOD & STERLING, PLLC

ATTORNEYS AND COUNSELORS AT LAW 500 FLEMING STREET KEY WEST, FLORIDA 33040

JOHN M. SPOTTSWOOD, JR. ERICA HUGHES STERLING ROBERT A. SPOTTSWOOD, JR. RICHARD J. McCHESNEY

OF COUNSEL:

JOHN M. SPOTTSWOOD (1920 – 1975) ROBERT A. SPOTTSWOOD of Counsel WILLIAM B. SPOTTSWOOD of Counsel WILLIAM B. SPOTTSWOOD, JR. of Counsel



Telephone | 305-294-9556 Facsimile | 305-504-2696

August 13, 2021

VIA HAND DELIVERY AND ELECTRONIC MAIL:

Katie Halloran, Planning Director City of Key West Planning Department 1300 White Street Key West, Florida 33040

Re:

Updated Application for Conditional Use – 1327 Duval Street, Key West, FL

33040

Ms. Halloran:

Please allow this letter and supporting documentation to serve as an updated application for Conditional Use (previously submitted December 18, 2020) at 1327 Duval Street, Key West, Florida 33040 (the "Property"). The Applicant proposes to provide food service to non-guests as a restaurant, excluding drive-through, pursuant to section 122-898 of the Land Development Regulations. By way of background, the Property has received a conditional use approval for a bar as an accessory use to a hotel as outlined in Planning Board Resolution 2019-42. The Applicant also has active State and City food service licenses, copies of which are enclosed. Food service to guests is already established as an accessory use on the Property.

This application seeks approval to include a food truck on the property which will serve as an exterior commercial kitchen as well as provide prepared food to non-guests. The use of a commercial vehicle as the commercial kitchen was an idea discussed on a site visit with planning staff. The thought process behind this approach is to avoid having to retrofit the contributing structure with exhaust vents and other improvements that would detract from the overall appearance. Instead, a commercial kitchen that meets all of the current code requirements can be added in the form of a vehicle while preserving the historic structure.

Conditional Use and Development Plan:

Existing Conditions:

- A. Survey: Please find a copy of the survey for the subject Property included in this application.
- B. Existing size, type and location of trees, hedges and other features: Please see the enclosed site plans.
- C. Existing stormwater retention areas and drainage flows: Please see the enclosed site plans.
- D. A sketch showing adjacent land uses, buildings and driveways: Please see the enclosed documents.

Proposed Development:

- A. Site Plan: Please find a copy of the site plans for the subject Property included in this application.
- B. Building Elevations: Not applicable.
- C. Drainage Plan: The proposed use will not increase the impervious surface ratio.
- D. Landscape Plan: Not applicable.

Solutions Statement: The Applicant has existing infrastructure on the Property including a food-service/breakfast bar and ADA bathrooms to serve the proposed use. The Applicant also has a State and City food service license for guests of the Property. This application seeks approval to allow food service to non-guests as provided in section 122-898 of the Land Development Regulations. Food service will be provided via an exterior commercial kitchen/food truck. The proposed use is similar and complimentary to other uses in the immediate area.

Conditional Use Criteria Section 122-62:

A. Findings:

The Planning Board may find that the application 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."

B. Characteristics of use described

- 1. Scale and intensity of the proposed conditional use as measured by the following:
 - a. **Floor area ratio**: The existing building coverage is 28.24%. The allowable building coverage on this property is 50%. No changes are proposed as part of this application.
 - b. **Traffic generation**: As an accessory use to the principal use, it is unlikely that the proposed use will generate any additional vehicle traffic. The patrons will consist of hotel guests and tourists and/or locals who are passing by on foot.
 - c. Square feet of enclosed building for each specific use: The square footage is indicated on the enclosed plans.
 - d. Proposed employment: Not applicable.

- e. **Proposed number and type of service vehicles**: Applicant is not proposing any service vehicles.
- f. **Off-street parking needs**: The property has seventeen (17) off-street parking spaces, one of which is a handicap space.
- 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: The property has adequate utilities to support the proposed use.
 - b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in chapter 94: Not applicable.
 - c. Roadway or signalization improvements, or other similar improvements: This project proposes to shift the drive for the parking area, therefore, a new curb cut and additional ROW improvements will be coordinated with the appropriate city staff.
 - d. **Accessory structures or facilities**: This project proposes to include a commercial food truck on the property.
 - e. Other unique facilities/structures proposed as part of site improvement: None.
- 3. On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:
 - a. **Open space**: Applicant is providing ample open space for the proposed use.
 - b. Setbacks from adjacent properties: Not applicable.
 - c. Screening and buffers: Appropriate screening is proposed for the trash/recycling
 - d. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites: No changes to the current landscaping configuration are proposed.
 - e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts: This property has adequate space between adjacent properties thereby minimizing any possible smoke, odor, noise or other noxious impacts. The Applicant will comply with garbage service to comport with the anticipated level of patronage at the site.

C. Criteria for conditional use review and approval

- 1. Land use compatibility: The conditional use food truck is compatible with the surrounding area in that the neighborhood contains multiple hotels, motels, and other transient living facilities with similar accessory uses. The neighborhood is also made up of commercial and residential uses and is heavily tourist-oriented. The surrounding area contains public parking; however, the Applicant is able to provide seventeen (17) off-street parking spaces.
- 2. Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use: The size and shape of the site are more than adequate to accommodate

the proposed scale and intensity of the conditional use requested. As an accessory use, the Applicant feels that all infrastructure currently exists to support the proposed use.

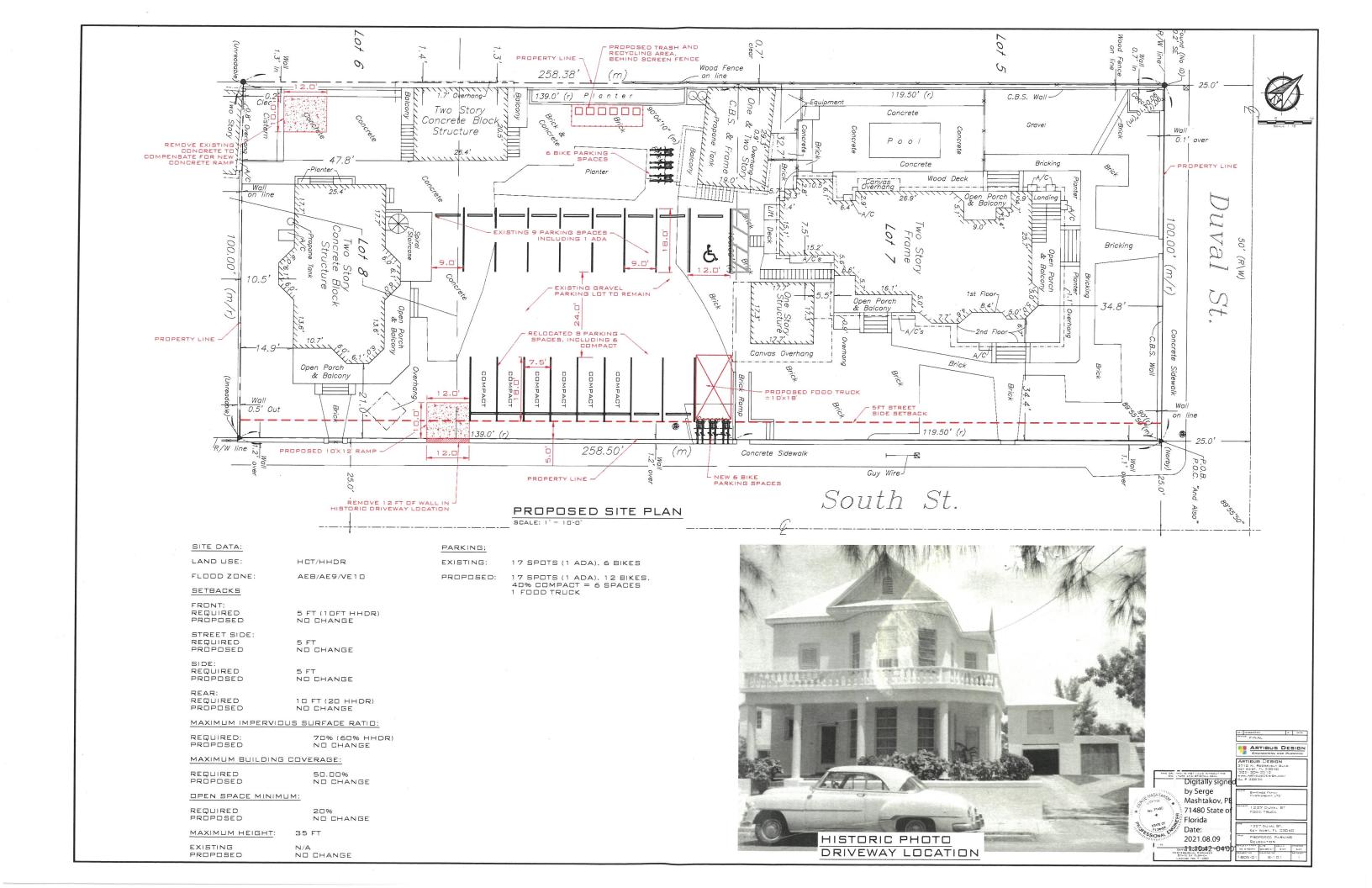
- 3. **Proper use of mitigative techniques**: The Applicant is providing the requisite off-street parking for the proposed use. Applicant will comply with all garbage and waste requirements to support the proposed use.
- 4. **Hazardous Waste**: No materials that contain hazardous waste will be used in connection with the proposed use.
- 5. **Compliance with applicable laws and ordinances**: The Applicant will comply with all applicable laws and regulations as a condition of approval.
- 6. Additional criteria applicable to specific land uses
 - a. Land uses within a conservation area: Not applicable. This site is not located within a conservation area.
 - b. **Residential development**: Not applicable. This application does not contemplate residential development.
 - c. **Commercial or mixed-use development**: The proposed use is compatible with similar uses within this zoning district as well as district regulations.
 - d. **Development within or adjacent to historic district**: This conditional use application is within the historic district.
 - e. **Public facilities or institutional development**: Not applicable. Public facilities or institutional development is not being proposed as part of this application.
 - f. Commercial structures, uses and related activities within tidal waters: Not applicable. The subject property is not located within tidal waters.
 - g. Adult entertainment establishments: Not applicable.

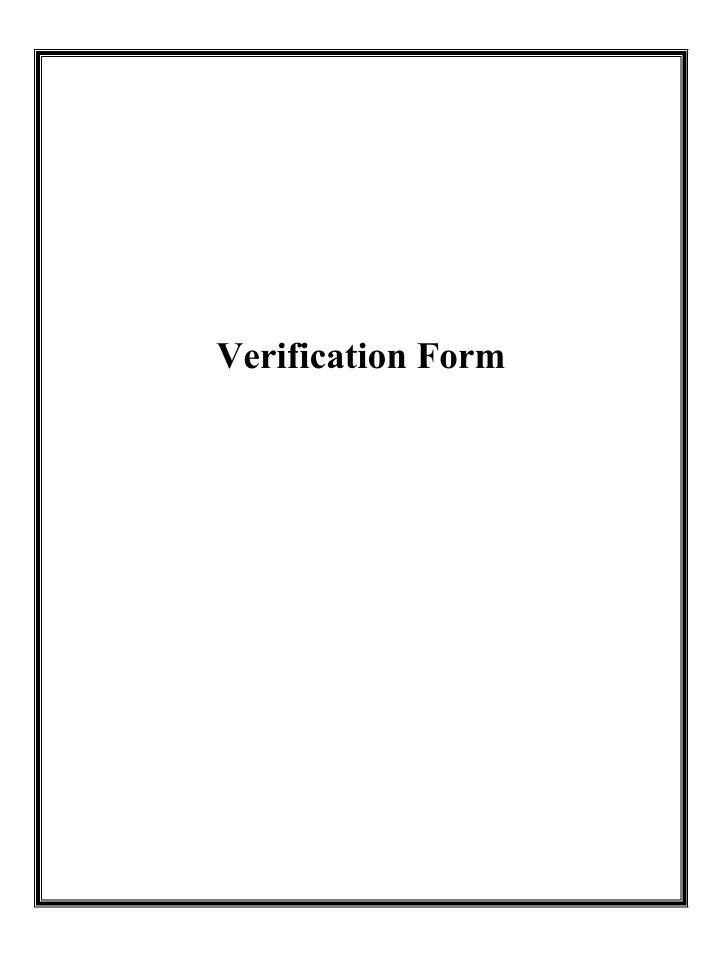
If you should have any questions, comments, or concerns, please do not hesitate to contact me.

Sincerely.

Richard McChesney

Enclosures: As stated





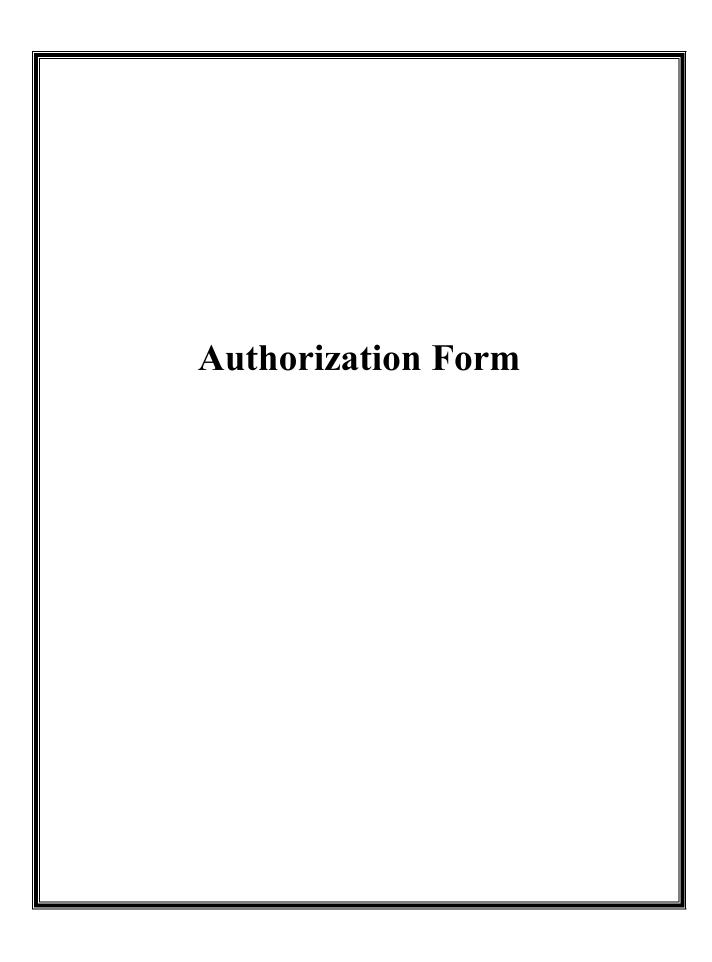
City of Key West Planning Department



Verification Form

(Where Authorized Representative is an entity)

I, Richard McChesney	, in my capacity as	Associate Attorney	
(print name)		(print position; presiden	t, managing member)
ofSpottswood,	Spottswood, Spot	tswood & Sterling PLLC	
(print name of	entity serving as Auth	norized Representative)	
being duly sworn, depose and say the deed), for the following property			
1327	Ouva St, K Street Address of su	ley wep. FL	33040
All of the answers to the above ques application, are true and correct to Planning Department relies on any action or approval based on said rep	the best of my known representation her	owledge and belief. In ein which proves to be	the event the City or the
Signature of Authorized Representative	2		
Subscribed and sworn to (or affirme	d) before me on this	Dec 18 707	O_by
Richard McChesney	·		
Name of Authorized Representative			
He/She is personally known to me o	r has plesented		as identification.
Name of Acknowledger typed, printed o	r stamped		ORNYAK on # GG 123349 igust 18. 2021 Troy Fain Insurance 800-385-7019
Commission Number, if any			



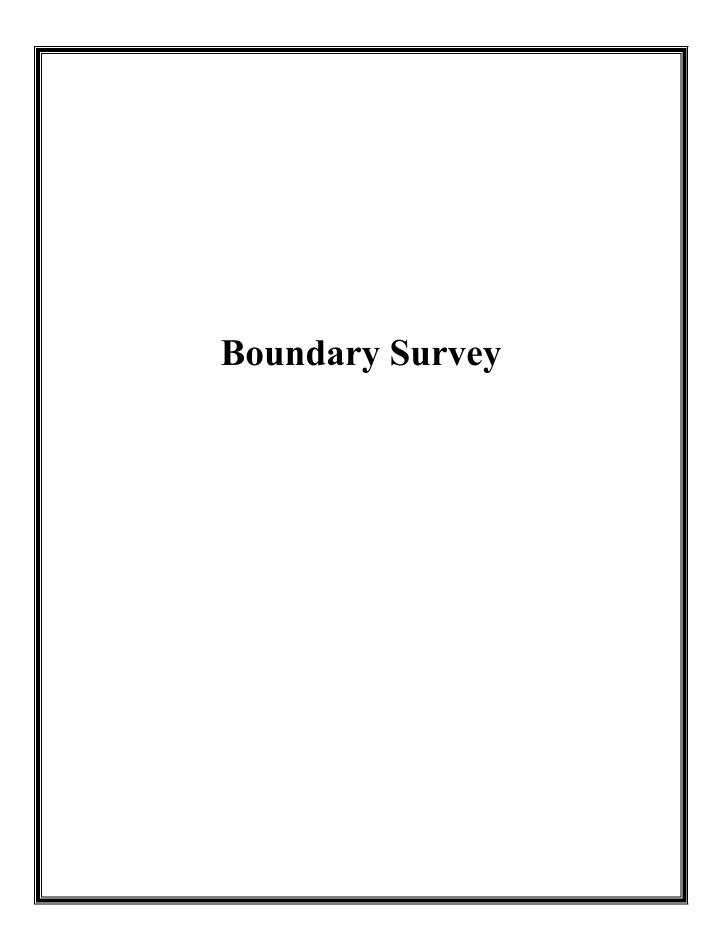
City of Key West Planning Department

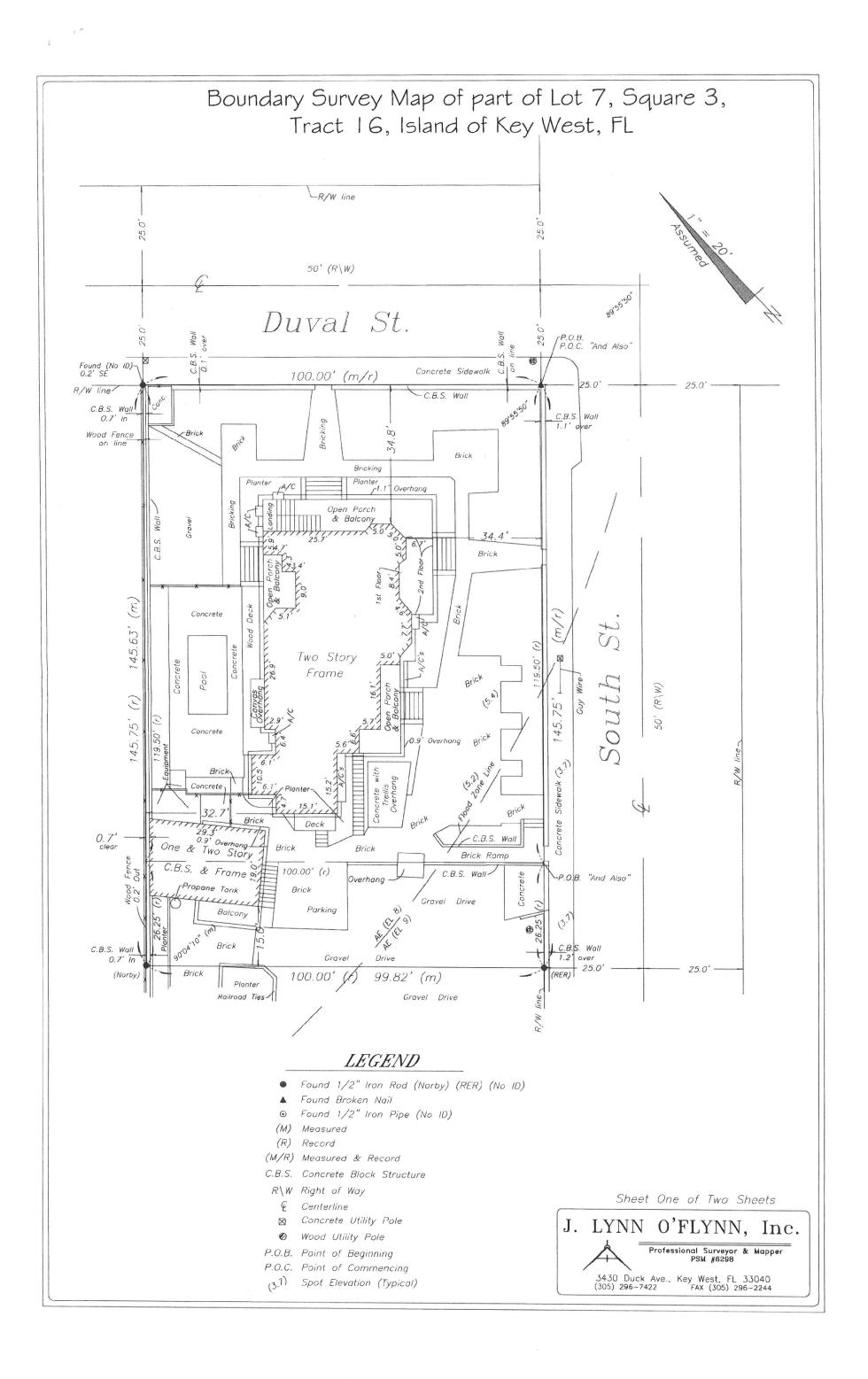


Authorization Form

(Where Owner is a Business Entity)

Please complete this form if someone other than the matter.	ne owner is representing the property owner in this
I,Inocente O. Santi	
Please Print Name of person with authorit	y to execute documents on hehalf of entity
General Partner Name of office (President, Managing Member)	Santiago Family Partnership, LTD
Name of office (President, Managing Member)	Name of owner from deed
authorize Richard J. McChesney - Spotts	swood, Spottswood & Sterling PLLC
Please Print Name	of Representative
to be the representative for this application and act on Signature of person with authority to execut	
Signature of person with authority to execu	ute documents on behalf on entity owner
Subscribed and sworn to (or affirmed) before me on the	is <u>Sec 18, 7026</u>
by Inocente O. Sontial Name of person with authority to execute	
He/She is personally known to me or has presented	as identification.
Notary's Signature and Seal	
Name of Acknowledger typed, printed or stamped	MONICA HORNYAK Commission # GG 123349 Expires August 18, 2021 Bondad Thru Troy Fain fasurance 800-385-7019
Commission Number if any	





Boundary Survey Report of part of Lot 7, Square 3, Tract 16, Island of Key West, FL

NOTES:

1. The legal descriptions shown hereon were furnished by the client or their agent.

2. Underground foundations and utilities were not located.

3. All angles are 90° (Measured & Record) unless otherwise noted.

4. Street address: 1327 Duval 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. All bricking and concrete is not shown.

9. Date of field work: July 13, 2015 and February 3, 2017.

10. Ownership of fences is undeterminable, unless otherwise noted.

11. This Survey Report is not full and complete without the attached Survey Map. 12. Elevations are shown in parenthesis and refer to Mean Sea Level, N.G.V.D. 1929 Datum.

13. Flood Insurance Rate Map Zones: AE (EL 8) and AE (EL 9); Community Panel #120168; 1516K; dated 2/18/05; revised 1/24/17.

On the Island of Key West, Monroe County, Florida and BOUNDARY SURVEY OF: known on William A. Whitehead's map of said Island, delineated in February, A.D. 1829, as part of Tract Sixteen (16), but better known and described as a part of Lot 7 in Square Three (3) in said Tract Sixteen (16), according to a diagram of a division of said Tract Sixteen (16) between Frederick Filer and John Boyle, recorded in Book "N", page 476, of the Public Records of Monroe County, Florida and being more particularly described as follows: BEGIN at an intersection of the $Southwesterly\ right-of-way\ line\ of\ Duval\ Street\ and\ the\ Northwesterly\ right-of-way$ of South Street; thence Southwesterly along the said Northwesterly right-of-way line of South Street for 119.50 feet; thence at a right angles and in a Northwesterly direction for 100.00 feet; thence at a right angle and in a Northeasterly direction 119.50 feet to the said Southwesterly right-of-way line of Duval Street; thence at a right angle and in a Southeasterly direction along the said Southwesterly right-of-way line of Duval Street for 100.00 feet to the Point of Beginning. AND ALSO;

A parcel of land on the Island of Key West, and known on William A. Whitehead's map of said Island, delineated in February, A.D. 1829, as a part of Tract Sixteen (16), but better known and described as a part of Lot Seven (7) in Square Three (3) in said Tract Sixteen (16), according to a diagram between Frederick Filer and John Boyle, recorded in Book "N", Page 476, of the Public Records of Monroe County, Florida; said parcel being more particularly described by metes and bounds as follows: COMMENCE at the NW'ly right of way line of South Street with the SW'ly right of way line of Duval Street and run thence SW'ly along the NW'ly right of way line of the said South Street for a distance of 119.50 feet to the Point of Beginning; thence continue SWly along the said South Street for a distance of 26.25 feet; thence NW'ly and at right angles for a distance of 100.0 feet; thence NE'ly and at right angles for a distance of 26.25 feet; thence SE'ly and at right angles for a distance of 100.0 feet back to the Point of Beginning.

BOUNDARY SURVEY FOR: Santiago Family Partnership, Ltd.

I HEREBY CERTIFY that this survey was made under my responsible charge and meets the Standard of Practice as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

J. LYNN O'FLYNN, INC

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

July 16, 2015 Updated February 6, 2017 Updated 1/31/18 to show ramp and flood zones

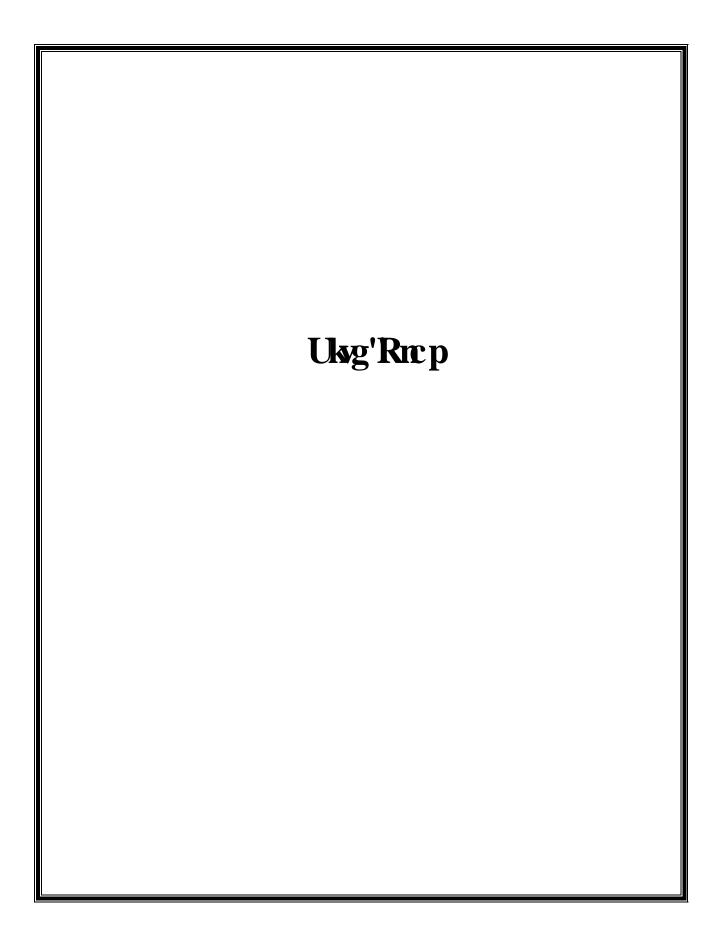
THIS SURVEY IS NOT **ASSIGNABLE**

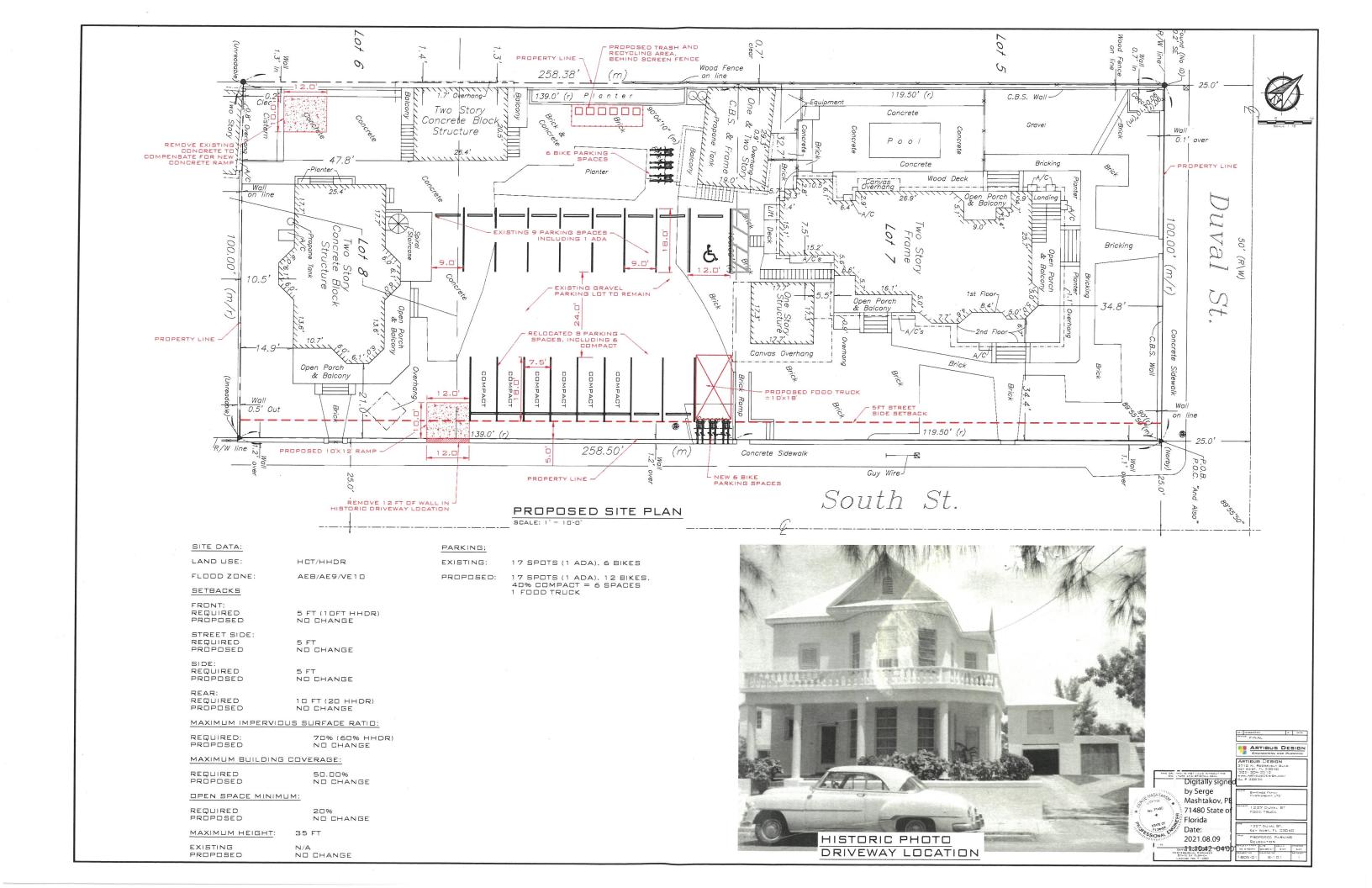
Sheet Two of Two Sheets

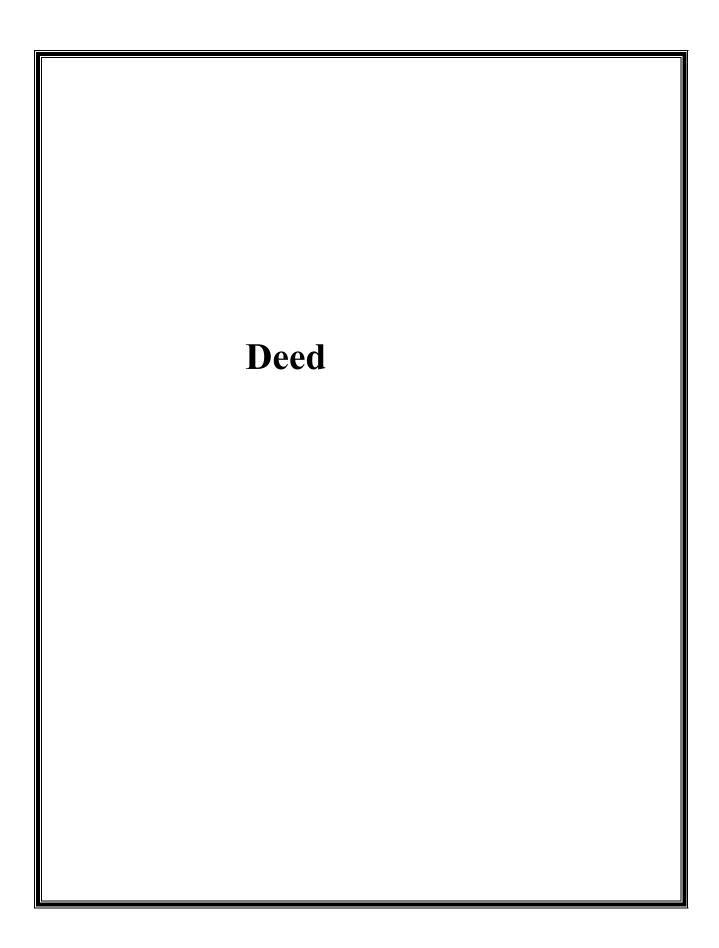


Professional Surveyor & Mapper PSM #6298

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







This Instrument Prepared By and Return To:

Doc# 1677613 01/09/2008 3:10PM Filed & Recorded in Official Records of MONROE COUNTY DANNY L. KOLHAGE

Lynne Hankins Fielder, P.A. Attorney At Law P.O. Box 420973 Summerland Key, FL 33042-0973 (305) 872-5000

01/09/2008 3:10PM

DEED DOC STAMP CL: TRINA \$1,319.50

Property Appraisers Parcel Identification (Folio) Number: 00036220-000000

Doc# 1677613 Bk# 2340 Pg# 26

SPACE ABOVE THIS LINE FOR RECORDING DATA

CORRECTED WARRANTY DEED

(To correct legal description in Warranty Deed date 07-07-2001, recorded 07-13-2001, at O.R. Book 1710, Page 113, whereby entire legal description for homestead was accidentally included instead of only 26.25 foot strip; see copy of 10-19-2000 survey attached hereto to support corrective deed)

THIS CORRECTED WARRANTY DEED made this 31st day of December , 2007, by RAMONA LOUISE SANTIAGO and INOCENTE SANTIAGO, her husband, whose address is 407 South Street, Key West, County of Monroe and State of Florida, 33040, herein called "the Grantors", and SANTIAGO FAMILY PARTNERSHIP, LTD, a Florida Limited Partnership, whose address is 1327 Duval Street, Key West, County of Monroe, and State of Florida, 33040, herein called "the Grantee", (wherever used herein, the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations):

Witnesseth, that said Grantor, for and in consideration of the sum of TEN (\$10.00) DOLLARS, and other valuable consideration, receipt of which from the Grantee is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all of the certain lot, parcel or piece of land situate in Monroe County, State of Florida, to wit: See "Schedule A."

SUBJECT TO limitations, covenants, easements and restrictions of record and mortgages, including but not necessarily limited to mortgages in favor of First State Bank of the Florida Keys recorded on January 14, 2002, in the Public Records of Monroe County, Florida, at O.R. Book 1752, Page 1324, and at O.R. Book 1752, Page 1343,

TOGETHER with all the tenements, heredaments and appurtenances thereto belonging on in anyway appertaining,

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

AND, the Grantor hereby covenants with said Grantee that the Grantor is/are lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby 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.

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

Signed, Sealed and Delivered in Our Presence:

	XOSCOY LOPES JIM ENEZ WITNESS OSCAT LOPEZ Jimenez	Grantor: INOCENTE SANTIAGO a/k/a INOCENTE O. SANTIAGO
	CHanleurs Juldec WITNESS Lynne Hankurs Fielder	Grantor: RAMONA LOUISE SANTIAGO a/k/a RAMONA L. SANTIAGO
X	OSCOR LOPEZ Jimenez WITNESSOSCAS LOPEZ Jimenez	
	WIFNESS Lynne Hantins Fielder	
	STATE OF FLORIDA COUNTY OF MONROE	- 5 [†]
	The foregoing instrument was acknowledge	ed before me this 31 day of December.
	2007, by INOCENTE SANTIAGO a/k/a INOCEN	TE O. SANTIAGO and RAMONA LOUISE
	SANTIAGO a/k/a RAMONA L. SANTIAGO, who	are personally known to me or who have
	produced v/ c and	n, respectively,
	as identification.	
	(Seal)	Notary Public - State of Florida My Commission Expires:
	C \Office\CLIENT\Santiago\Corrective Deed.wpd	
	L. Hankins-Fielder	

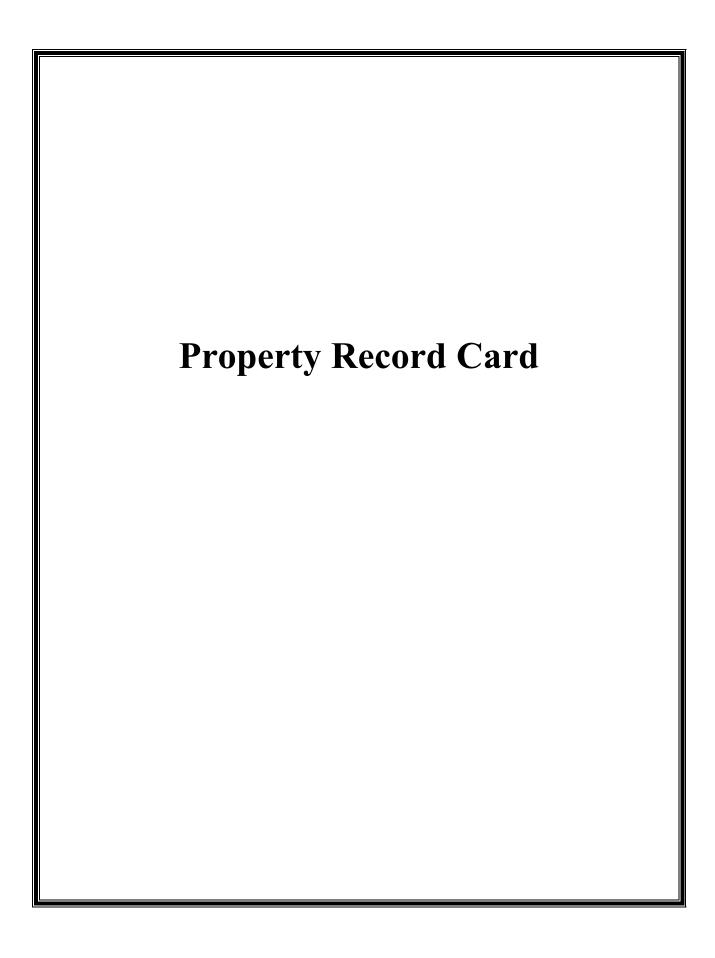
Doc# 1677613 Bk# 2340 Pg# 28

A parcel of land on the Island of Key West, and known on William A. Whitchead's map of said Island, delineated in February, A.D. 1829, as a part of Tract Sixteen (16), but better known and described as a part of Lot Seven (7) in Square Three (3) in said Tract Sixteen (16), according to a diagram between Frederick Filer and John Boyle, recorded in Book "N", Page 476, of the Public Records of Monroe County, Florida; said parcel being more particularly described by metes and bounds as follows:

COMMENCE at the NW'ly right of way line of South Street with the SW'ly right of way line of Duval Street and run thence SW'ly along the NW'ly right of way line of the said South Street for a distance of 119.50 feet to the Point of Beginning; thence continue SW'ly along the said South Street for a distance of 26.25 feet; thence NW'ly and at right angles for a distance of 100.0 feet; thence NE'ly and at right angles for a distance of 26.25 feet; thence SE'ly and at right angles for a distance of 26.25 feet; thence SE'ly and at right angles for a distance of 26.25 feet; thence SE'ly and at right angles for a distance of 100.0 feet back to the Point of Beginning.

EXHIBIT "A"

. 7.



qPublic.net Monroe County, FL

Disclaimer

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

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

Summary

Parcel ID 00036190-000100 Account# 8712456 Property ID 8712456 Millage Group

10KW 1327 DUVAL St. KEY WEST

Location Address

Legal Description

KW FILER BOYLE SUB N-476 PT LOT 7 SQR 3 TR 16 G56-497/502 OR1013-656 OR1257-B74/88E5T-PROBATE #93-105-CP-10 OR1258-2083/2100EST-PROBATE #93-111-CP-08 OR1345-723/5(ORDER) OR1335-2372/73 OR1345-727/9P/R OR1345-730/2Q/C OR1490-2392/94 OR1522-1973/75 OR1710-113 OR2340-26/30C

Neighborhood Property Class Subdivision

HOTEL/MOTEL (3900)

Sec/Twp/Rng Affordable Housing

06/68/25



Valuation

		2018	2017	2016	2015
*	Market Improvement Value	\$1.584,347	\$1,572,934	\$0	\$0
	Market Misc Value	\$176,039	\$174,770	\$0	\$0
	Market Land Value	\$1.760,385	\$1,747,705	\$3,338.342	\$3,338,342
æ	Just Market Value	\$3,520,771	\$3,495,409	\$3,338,342	\$3,338,342
100	Total Assessed Value	\$3,520,771	\$3,495,409	\$3,338,342	\$3,338,342
-	Schoo Exempt Value	\$0	\$0	\$0	50
=	School Taxable Value	\$3,520,771	\$3,495,409	\$3,338,342	\$3,338,342

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
COMMERCIAL DRY (100D)	14,575.00	Square Foot	0	0

Commercial Buildings

Style Gross Sq Ft Flnished Sq Ft Perlmiter HOTEL/MOTEL B / 39B 8.296

Stories Interior Walls

Exterior Walls AR AVE WOOD SIDING 500 ()

Quality Roof Type

Roof Material Exterior Wall 1

TOTAL

AB AVE WOOD SIDING Exterior Wall2

Foundation Interior Finish Ground Floor Area Floor Cover Full Bathrooms Half Bathrooms Heating Type Year Built Year Remodeled Effective Year Bullt 1991

Condition	1			
Code	Description	Sketch Area	Finished Area	Perimeter
OPX	EXC OPEN PORCH	1,395	O	0
FAT	FINISHED ATTIC	1,913	0	0
FLA	FLOOR LIV AREA	4,328	4,328	0
OPU	OP PR UNFIN LL	133	0	0
OUU	OP PRUNFINUL	85	0	0
OUF	OP PRCH FIN UL	85	0	0

8.296

4.328

٥

1 of 4

Yard Items								
Description		Year B	uilt	Roll Yea	r	Quantity	Units	Grade
RW2		1937		1.938		1	440 SF	1
FENCES		1975		1976		1	290 SF	3
TIKI		1991		1992		1	15 SF	1
COMM POO	L	1991		1992		1	200 SF	2
TIKI		1991		1992		1	36 SF	2
FENCES		1991		1992		1	480 SF	3
WALLAIRCO	OND	2001		2002		1	1 UT	2
FENCES		1975		1976		1	240 SF	3
FENCES		1975		1976		1	316 SF	4
FENCES		1975		1976		1	40 SF	2
CONC PATIO		1991		1992		1	1175 SF	2
BRICK PATIO		1991		1992		1	1275 SF	2
BRICK PATIO		1991		1992		1	416 SF	2
1000 W								
Sales								
Sale Date	Sale Price	Instrument	Instrument No	umber	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
12/31/2007	\$188.500	Warranty Deed			2340	26	K - Unqualified	Improved
5/1/1998	\$540,000	Warranty Deed			1522	1973	K - Unqualified	Improved
5/1/1987	\$550,000	Warranty Deed			1013	656	Q - Qualified	Improved
Permits								
Number \$	Date issued \$	Date Completed ♦	Amount \$	Permit Type	۵			Notes \$
15-3649	9/16/2015	and animpleced v	\$7.000	Commercial	ž.			R/R PORCH DECKING, PAINT.
13-4887	11/15/2013		\$2,500	Commercial		R	EPLACE FRONT PORCH DEC	KING APPROX 300SF DOWNSTAIRS.
13-4278	10/11/2013		\$2,800	commercial				SHINGLES AND INSTALL SHINGLES
12-4241	12/4/2012	12/31/2012	\$300	Commercial		3, X		FOR POOL LIFT W/FOUR ANCHORS
12-2335	6/28/2012	12/31/2012	\$1,600	Commercial				EAPPROX 2895F (INTERIOR WORK)
05-4322	10/6/2005	7/26/2006	\$3,500	Commercial				INSULATION FOR NOISE CONTROL
00-1812	11/29/2000	7/30/2001	\$48,000	Commercia			= .56 5 11 7 7 7 16 6	EMPLOYEE LIVING UNIT
0003241	11/15/2000	11/6/2001	\$22,500	Commerciai				POOL/DECKING
0050400	7/2 /4 005	0.18.18.00.7	40.000					

Sketches (click to enlarge)

7/1/1995

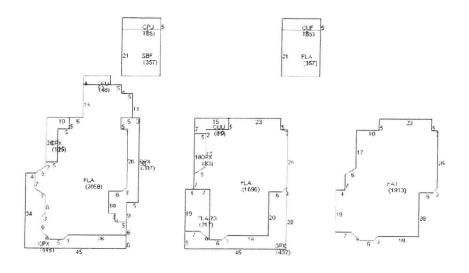
9/1/1995

\$2,000

Commercial

B952439

PAINTHOUSE



Photos





Мар



TRIM Notice

Trim Notice

2018 Notices Only

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

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



Last Data Upload: 3/27/2019, 2:05:15 AM

Version 2.27

