

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



**To:** Chair and Planning Board Members

**From:** Kevin Bond, AICP, LEED Green Associate, Planner II

**Through:** Donald Leland Craig, AICP, Planning Director

**Meeting Date:** April 17, 2014

**Agenda Item:** **Conditional Use – 1200-1212 White Street and 1124 Catherine Street (RE # 00033010-000000 / 00033050-000000; AK # 1033774 / 1033812)** – A request for conditional use approval to allow commercial retail greater than 2,500 square feet and restaurant in the Historic Neighborhood Commercial – Truman/Simonton (HNC-1) Zoning District pursuant to Sections 122-62, 122-808(9) and 122-808(13) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

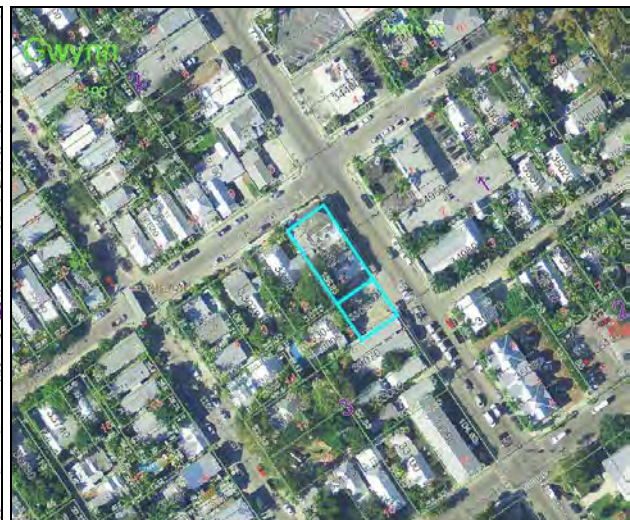
**Request:** Conditional use approval to allow commercial retail greater than 2,500 square feet and restaurant uses within the HNC-1 Zoning District.

**Applicant:** Owen Trepanier, Trepanier & Associates, Inc.

**Property Owner:** Victor H. Jr. and Cynthia A. Mills

**Location:** 1200-1212 White Street and 1124 Catherine Street (RE # 00033010-000000 / 00033050-000000; AK # 1033774 / 1033812)

**Zoning:** Historic Neighborhood Commercial – Truman/Simonton (HNC-1)



**Update since March 20, 2014 Planning Board hearing:**

On April 1, 2014, the Applicant submitted revised plans. The drawings themselves are unchanged, except for the deletion of an outdoor trash bin and the deletion of the 11 proposed bicycle/scooter parking spaces on Sheet D-8. The revised plans now note 13 of the 19 proposed conditions of approval from the March 20, 2014 staff report. However, the Applicant noting conditions on the plans does not make them City-enforceable conditions of approval. Therefore, Staff's recommendation below is unchanged and all proposed conditions remain listed in the draft resolution, except for one condition regarding the deletion of the 11 bicycle/scooter spaces.

The Applicant, in a memo to staff (see attached), requested alternative language for condition #13 prohibiting restaurant service through windows. The Applicant's proposed language would allow service through windows if an easement is granted allowing such use. Staff does not agree with this language because an easement may not be the proper way to grant such a use. Rather, Staff recommends that such a use be granted, if requested by the Applicant, through a Conditional Use application. An easement may also be necessary for certain use of City property, such as the sidewalk.

The remainder of the staff report below is unchanged from March 20, 2014.

**Background:**

The property contains one building, built in 1923, and is located at the southeastern corner of White and Catherine Streets. The building is a contributing structure within the historic district. The property was used as an automotive repair shop that burned down in the late 1960s, and was the home of La Dichosa Bakery until it closed in 2009. A tile shop that has been closed for decades was located at 1200 White Street. The first floor of the building has three commercial spaces at 1200, 1204 and 1206 White Street and what was formerly storage space on Catherine Street. The second floor of the building has two non-transient residential dwelling units (1124 Catherine Street, Units 201 and 202) that are accessed from Catherine Street.

Victor and Cynthia Mills bought the property in June 2012 and started making repairs to rehabilitate the building. Eventually, Mr. Mills wanted to relocate his Honda of Key West business to this property, as well as rent and repair electric cars, motorcycles, scooters and bicycles. The owner also wished to resume the bakery and restaurant uses, and include office spaces for both primary uses.

Since originally applying for a conditional use and a related parking variance, the proposed development has undergone numerous revisions. To simplify the staff report and present a clearer analysis, this report evaluates only the most recent revised application submitted on February 27, 2014. A brief summary of the main changes is outlined below. Prior staff reports may be reviewed to compare prior iterations of the proposed development in greater detail.

**Request:**

The proposed development consists of a mixed-use project with the first floor being commercial and the second floor being residential. The proposed uses, based on the revised application submitted on February 27, 2014, are:

First floor uses:

- 2,795 square feet of retail scooter sales
- 1,360 square feet of restaurant (kitchen, food storage and preparation area)
- 225 square feet restaurant consumption area for 15 seats
- 426 square feet of office

Second floor uses:

- 2 non-transient residential dwelling units, totaling 1,239 square feet

Total nonresidential floor area would be 4,806 square feet and the floor area ratio (FAR) would be 0.59. The applicant excluded restrooms from the floor area calculations. The previously proposed small power driven equipment rentals, bicycle rentals, service and repair, outdoor storage and display area, and bakery uses have all been eliminated from the development.

Conditional use approval is required for low and medium intensity commercial retail greater than 2,500 square feet and for restaurants (excluding drive-throughs) within the HNC-1 Zoning District, pursuant to City Code Section 122-808. Business and professional offices and low and medium intensity commercial retail less than or equal to 2,500 square feet are permitted uses pursuant to City Code Section 122-807.

**Process:**

**Development Review Committee:**

May 24, 2012, March 28, 2013

**HARC:**

September 25, 2012, #H12-01-1527

**Planning Board:**

September 20, 2012 Postponed

October 18, 2012 Postponed

June 20, 2013, Postponed

July 18, 2013, Postponed

September 26, 2013, Continued

November 21, 2013, Postponed

January 16, 2014, Postponed

March 20, 2014, Continued

April 17, 2014

**Submitted Plans (as of 2/27/2014):**

- Plans by Paul J. Mitchell, Professional Engineer, dated 4/26/2013
  1. D-1 Site Plan & First Floor Plan
  2. D-1 Site Plan & First Floor Plan indicating proposed uses
  3. D-1 Site Plan & First Floor Plan indicating consumption areas
  4. D-2 Second Floor Plan
  5. D-3 Exterior Elevations, NW & NE
  6. D-4 Exterior Elevations SE & SW
  7. D-8 Open Lot Plan
- Planting Plan by Craig Reynolds, Landscape Architect, dated 4/18/2013

### **Conditional Use Review**

The purpose of conditional use review, pursuant to City Code Section 122-61, is to ensure that a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity. City Code Chapter 122, Article III sets forth provisions and criteria for consideration of conditional uses on specific sites. Conditional uses shall be permitted only upon a finding that the proposed use satisfies this article.

### **Conditional Use Specific Criteria pursuant to Code Section 122-62**

#### ***(a) Findings***

Code Section 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.” This 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.”

#### ***(b) Characteristics of use***

The proposed conditional uses include 2,795 square feet of commercial retail and 1,360 square feet of restaurant with a 15-seat, 225-square-foot consumption area. The characteristics of the proposed conditional uses are evaluated below.

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

##### **a. Floor area ratio (FAR):**

No change in floor area is proposed. The maximum FAR in the HNC-1 Zoning District is 1.0. The Applicant calculates a FAR of 0.57 for all proposed permitted and conditional uses on the property, based on 4,965 square feet of nonresidential floor area and 8,696 square feet of land area. Staff calculates a FAR of 0.59, based on 4,806 square feet of nonresidential floor area and 8,147 square feet of land area. Staff believes the discrepancy is due to portions of the building being excluded from the FAR calculation and due to using the wrong land area based on an incorrect legal description of the property. Regardless, the FAR is in compliance.

##### **b. Traffic generation:**

The previously submitted trip generation analysis prepared by David Plummer & Associates was not updated to reflect the revised application and is no longer relevant. Instead, a new traffic generation analysis is included on page 3 of the Applicant’s project analysis. Compared to the previously proposed uses, the Applicant estimates that trip generation would increase by 4.74 trips during weekdays and decrease by 7.32 and 28.81 trips on Saturdays and Sundays respectively. The Applicant estimates a total of 191.91 weekday trips, 179.95 Saturday trips and 108.00 Sunday trips, based on all proposed permitted and conditional uses.

Staff believes the traffic generation estimates should be higher than the Applicant states because the Applicant's analysis of the proposed restaurant use included only the 15-seat, 225-square-foot consumption area and does not consider the 1,360-square-foot floor area.

Based on the Applicant's trip analysis, the proposed uses would generate up to 39 weekday trips per 1,000 square feet of floor area. Importantly, this is well under the maximum 100 trips per 1,000 square feet of floor area allowed on sites within the HNC-1 Zoning District, pursuant to City Code Section 122-776(d).

**c. Square feet of enclosed space for each specific use:**

The proposed development consists of a mixed-use project with the first floor being commercial and the second floor being residential. The proposed uses, based on the revised application submitted on February 27, 2014, are:

First floor uses:

- 2,795 square feet of retail scooter sales
- 1,360 square feet of restaurant
- 225 square feet restaurant consumption area for 15 seats
- 426 square feet of office

Second floor uses:

- 2 non-transient residential dwelling units, totaling 1,239 square feet

Total nonresidential floor area would be 4,806 square feet and the floor area ratio (FAR) would be 0.59. The applicant excluded restrooms from the floor area calculations. The previously proposed small power driven equipment rentals, bicycle rentals, service and repair, outdoor storage and display area, and bakery uses have all been eliminated from the development.

**d. Proposed employment:**

The Applicant estimates there would be eight to 10.5 total employees.

**e. Proposed number and type of service vehicles:**

The Applicant states that normal service vehicles are anticipated for the proposed uses. The service and repair use is no longer proposed.

**f. Off-street parking needs:**

The property is located within the historic district, but not within the pedestrian-oriented area pursuant to City Code Section 108-573. Therefore, the property is unable to take advantage of the off-street parking exception for changing commercial uses without increasing floor area.

The off-street parking requirements for the proposed uses, based on the revised application dated February 27, 2013, would be 17 vehicular spaces and four (4) bicycle spaces as calculated by the Applicant. This does not count the restrooms,

which were incorrectly excluded from the Applicant's floor area calculations. There is also a discrepancy in the Applicant's parking calculation for the retail floor area: 2,471 square feet compared to 2,795 square feet indicated elsewhere in the Applicant's project analysis.

Staff calculates the off-street requirement at 18 vehicular spaces and five (5) bicycle spaces. The submitted plans indicate three (3) vehicular off-street parking spaces and 17 "bicycle/scooter" spaces. There is on-street parking available in the surrounding area. However, a parking variance would be required for the remaining 15 vehicular spaces. The variance application is being reviewed concurrently with this conditional use application.

**(2) On- or off-site improvement needs generated by the proposed conditional use and not identified above including the following:**

**a. Utilities**

No changes proposed.

**b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in City Code Chapter 94**

The Applicant proposes the installation of a French drain along the White Street driveway to improve stormwater drainage.

**c. Roadway or signalization improvements, or other similar improvements**

An existing curb cut along Catherine Street may be eliminated to provide additional on-street parking. An existing storage area would become office space, so the curb cut would no longer be utilized.

**d. Accessory structures or facilities**

The southernmost portion of the property would be used for off-street parking of vehicles, scooters and bicycles for customers and employees, an enclosed storage area for a roll-out dumpster and garbage/recycling collection and off-street loading.

**e. Other unique facilities/structures proposed as part of site improvements**

A small amount of open space and landscaping is proposed, whereas none currently exists on the property.

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

**a. Open space**

A small amount of open space would be created from new landscaping along the south and west perimeter between the parking area and two abutting properties.

**b. Setbacks from adjacent properties**

No change proposed.

**c. Screening and buffers**

Landscaping is proposed to help screen the parking lot from the street and adjacent properties.

**d. Landscaping berms proposed to mitigate against adverse impacts to adjacent sites**

No berms proposed.

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

The owner has installed hurricane-rated impact glass in an effort to dampen any noise from inside the building. As shown on Sheet D-8 of the submitted plans, a roll-out trash dumpster would be kept in an enclosed area of the building in an effort to mitigate any odors. Furthermore, based on the revised application dated February 27, 2014, the applicant has reduced the scope of the proposed uses by eliminating the previously-proposed small power driven equipment rentals, bicycle rentals, service and repair, outdoor storage and display area, and bakery uses.

**(c) Criteria for conditional use review and approval**

Pursuant to City Code Section 122-62(c), applications for a conditional use shall clearly demonstrate the following:

**(1) Land use compatibility**

The surrounding uses are generally mixed with commercial, professional and residential. The Applicant states that the elimination of the “historic light industrial...use (bakery and restaurant)” and replacement with the proposed uses would be compatible with the HNC-1 Zoning District. The revised application dated February 27, 2014 has eliminated the proposed uses that were considered the least compatible (e.g., moped/electric car rental, motorcycle and scooter repair and service) with the site and surrounding land uses. The currently proposed conditional uses would be more compatible with the land uses in the immediate vicinity.

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

The proposed development involves new uses on property within an existing structure built well before the current adopted LDRs. As a result, it would be difficult for any proposed use to fully comply with all of the relevant LDRs. The existing building on the property would not be increased in size and the previously proposed outdoor display/sales area, vehicle rentals and vehicle service/repair have been eliminated. The property would not have adequate size and site specifications if it had to accommodate all the required off-street parking, landscaping and open space of the LDRs.

**(3) Proper use of mitigative techniques**

The Applicant proposes erecting a low screening wall along the perimeter of the parking area and installing landscaping to help buffer any impacts along White Street and adjacent properties. The Applicant has reduced potential development intensity by

eliminating some of the previously proposed uses and minimizing the restaurant consumption area in order to mitigate for any adverse traffic and parking impacts.

**(4) Hazardous waste**

The Application states that the owner maintains contracts for disposal of all hazardous waste at approved locations outside the city. All interim storage of waste would be inside the premises. Given that the service and repair uses are no longer proposed, the potential for hazardous waste generation should be reduced.

**(5) Compliance with applicable laws and ordinances**

The applicant would be required to comply with all applicable laws and regulations as a condition of approval. The applicant would also be required to comply with Code Chapter 18, Article XII, Division 1 for a conditional approval permit.

**(6) Additional criteria applicable to specific land uses**

Applicants for conditional use approval shall demonstrate that the proposed conditional use satisfies the following specific criteria designed to ensure against potential adverse impacts which may be associated with the proposed land use:

**a. Land uses within a conservation area:** N/A

**b. Residential development:**

N/A. Single-, two- and multi-family residential dwellings are permitted uses, as opposed to conditional uses, within the HNC-1 Zoning District. There are two existing non-transient apartments on the second floor of the building that would remain.

**c. Commercial or mixed use development:**

The surrounding uses are a mix of commercial and residential. In an effort to minimize any potential traffic and parking impacts with the surrounding area, the Applicant has reduced the overall scope of the proposed uses.

**d. Development within or adjacent to historic district:**

The property is within the Historic District and has received Certificates of Appropriateness for exterior changes to the existing building. The Applicant has proposed landscaping and a low screening wall along the perimeter of the off-street parking area in an effort to provide mitigative measures. Any applicable future work (e.g., signs, awnings) as a result of this conditional use, if approved, would be subject to review through the Certificate of Appropriateness process.

**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



**RECOMMENDATION:**

Staff believes that the Applicant has attempted to address the concerns of neighboring residents and property owners about some of the previously proposed uses, and their associated traffic, parking, noise and aesthetic impacts. The revised application is more consistent with the mix of surrounding land uses and with the principles contained in the Comprehensive Plan to regulate the mix and intensity of uses in commercial/residential neighborhoods.

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board that the request for Conditional Use be **APPROVED WITH CONDITIONS** as follows:

**General conditions:**

1. Approval of this Conditional Use shall be contingent upon the approval of the associated parking variance.
2. The proposed development shall be consistent with the approved plans by Paul J. Mitchell, P.E., dated April 26, 2013 and the Planting Plan by Craig Reynolds, Landscape Architect, dated April 18, 2013 as specifically incorporated herein.
3. Any new exterior lighting shall be designed to “Dark Sky” lighting standards and comply with City Code Section 108-284.
4. Outdoor waste handling shall occur between 6:30 AM and 10:30 PM. As shown on Sheet D-8 of the plans by Paul J. Mitchell, P.E. dated April 26, 2013, a roll-out trash dumpster shall be stored within the fully-enclosed area of the building in an effort to mitigate odor from the trash receptacle.
5. The property owner shall maintain disposal contracts for all hazardous waste at approved locations outside the city. All hazardous materials shall be stored inside the premises until they are collected for disposal.
6. In an effort to mitigate noise, restaurant hours of operation shall be no later than 9:00 PM Sunday through Thursday and not later than 11:00 PM on weekends.
7. The dispute on the location of the property line along White Street survey issue shall be resolved, and a Certificate of Appropriateness shall be issued, before the canopy on the structure along White Street may be constructed.
8. There shall be no music (amplified or vocal), entertainment, or special events of any kind permitted outdoors on the property without a special event permit.
9. Storage of vehicle inventory on any City right-of-way is strictly prohibited without an easement agreement between the property owner and the City.
10. The off-street parking spaces shall be maintained as off-street parking spaces in perpetuity and shall not be used for any other purpose such as vehicle display, sales, storage, repair or

servicing. Nor shall the premises, inside or outside, be used for storage of any building materials. Materials related to the businesses within the building shall be stored inside.

11. The property shall be fully ADA accessible.
12. Restaurant service through any window is prohibited.
13. The property shall not be used as a drop-off or pick-up located for any rental vehicles or rental bicycles.
14. The site plan (open lot plan sheet D-8) shall be consistent with the Planting Plan by Craig Reynolds, Landscape Architect, dated April 18, 2013 as specifically incorporated herein.
15. All commercial and residential trash shall be stored indoors and shall not be placed upon City right-of-way, except as allowed for scheduled pickup pursuant to City Code Section 58-31.

**Conditions prior to issuance of a building permit:**

16. On-site stormwater retention calculations for the property shall be submitted to the City Engineering Services Department.
17. All signs or other modifications to the structure shall receive Certificates of Appropriateness.

**Conditions prior to issuance of a Certificate of Occupancy:**

18. The property owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance shall inspect the property on an annual basis upon reasonable notice to determine compliance with the above conditions.

# **Draft Resolution**

**PLANNING BOARD  
RESOLUTION NO. 2014-**

**A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS A CONDITIONAL USE APPROVAL FOR 2,795 SQUARE FEET OF COMMERCIAL RETAIL SCOOTER SALES, 1,360 SQUARE FEET OF RESTAURANT WITH A 15-SEAT, 225 SQUARE-FOOT CONSUMPTION AREA ON PROPERTY LOCATED AT 1200-1212 WHITE STREET (RE # 00033010-000000 / 00033050-000000; AK # 1033774 / 1033812) WITHIN THE HISTORIC NEIGHBORHOOD COMMERCIAL –TRUMAN/SIMONTON (HNC-1) ZONING DISTRICT PURSUANT TO SECTIONS 122-62, 122-808(9) AND 122-808(13) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the subject property is located within the Historic Neighborhood Commercial – Truman/Simonton (HNC-1) Zoning District; and

**WHEREAS**, pursuant to Sections 122-62, 122-808(9) and 122-808(13) of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”), the applicant filed a conditional use application for 2,795 square feet of commercial retail scooter sales, 1,360 square feet of restaurant with a 15-seat, 225-square-foot consumption area on property located at 1200-1212 White Street; and

**WHEREAS**, City Code Section 122-62 outlines the criteria for reviewing a conditional use application by the Planning Board; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on March 20, 2014; and

**WHEREAS**, the Planning Board found that the proposed use complies with the criteria in City Code Sections 122-62 and 122-63; and

**WHEREAS**, the approval of the conditional use application will be in harmony with the general purpose and intent of the LDRs, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

**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 fully set forth herein.

**Section 2.** That a conditional use request, pursuant to Section 122-808 of the Code of Ordinances of the City of Key West, Florida is hereby approved as follows: allowing 2,795 square feet of commercial retail scooter sales, 1,360 square feet of restaurant with a 15-seat, 225-square-foot consumption area on property located at 1200-1212 White Street (RE # 00033010-000000 / 00033050-000000; AK # 1033774 / 1033812), as shown on the attached plans by Paul J. Mitchell, P.E., dated April 26, 2013 and the Planting Plan by Craig Reynolds, Landscape Architect, dated April 18, 2013 with the following conditions:

**General conditions:**

1. Approval of this Conditional Use shall be contingent upon the approval of the associated parking variance.
2. The proposed development shall be consistent with the approved plans by Paul J. Mitchell, P.E., dated April 26, 2013 and the Planting Plan by Craig Reynolds, Landscape Architect, dated April 18, 2013 as specifically incorporated herein.

3. Any new exterior lighting shall be designed to “Dark Sky” lighting standards and comply with City Code Section 108-284.

4. Outdoor waste handling shall occur between 6:30 AM and 10:30 PM. As shown on Sheet D-8 of the plans by Paul J. Mitchell, P.E. dated April 26, 2013, a roll-out trash dumpster shall be stored within the fully-enclosed area of the building in an effort to mitigate odor from the trash receptacle.

5. The property owner shall maintain disposal contracts for all hazardous waste at approved locations outside the city. All hazardous materials shall be stored inside the premises until they are collected for disposal.

6. In an effort to mitigate noise, restaurant hours of operation shall be no later than 9:00 PM Sunday through Thursday and not later than 11:00 PM on weekends.

7. The dispute on the location of the property line along White Street survey issue shall be resolved, and a Certificate of Appropriateness shall be issued, before the canopy on the structure along White Street may be constructed.

8. There shall be no music (amplified or vocal), entertainment, or special events of any kind permitted outdoors on the property without a special event permit.

9. Storage of vehicle inventory on any City right-of-way is strictly prohibited without an easement agreement between the property owner and the City.

10. The off-street parking spaces shall be maintained as off-street parking spaces in perpetuity and shall not be used for any other purpose such as vehicle display, sales, storage, repair or servicing. Nor shall the premises, inside or outside, be used for storage of

any building materials. Materials related to the businesses within the building shall be stored inside.

11. The property shall be fully ADA accessible.

12. Restaurant service through any window is prohibited.

13. The property shall not be used as a drop-off or pick-up located for any rental vehicles or rental bicycles.

14. The site plan (open lot plan sheet D-8) shall be consistent with the Planting Plan by Craig Reynolds, Landscape Architect, dated April 18, 2013 as specifically incorporated herein.

15. All commercial and residential trash shall be stored indoors and shall not be placed upon City right-of-way, except as allowed for scheduled pickup pursuant to City Code Section 58-31.

**Conditions prior to issuance of a building permit:**

16. On-site stormwater retention calculations for the property shall be submitted to the City Engineering Services Department.

17. All signs or other modifications to the structure shall receive Certificates of Appropriateness.

**Conditions prior to issuance of a Certificate of Occupancy:**

18. The property owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance shall

inspect the property on an annual basis upon reasonable notice to determine compliance with the above conditions.

**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.

**Section 4.** This conditional use approval does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

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

**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 Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for 45 days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the 45-day review period the DEO 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 regularly scheduled meeting held this \_\_\_\_ day of \_\_\_\_\_, 2014.

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

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Richard Klitenick, Planning Board Chairman

Date

**Attest:**

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Donald Leland Craig, AICP, Planning Director

Date

**Filed with the Clerk:**

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Cheryl Smith, City Clerk

Date

\_\_\_\_\_ Chairman

\_\_\_\_\_ Planning Director

# Application

**DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION**  
City of Key West Planning Department  
3140 Flagler Avenue, Key West, FL 33040  
(305) 809-3720



**Development Plan & Conditional Use Application**

**Applications will not be accepted unless complete**

Development Plan

Major \_\_\_\_\_  
Minor \_\_\_\_\_

Conditional Use

X \_\_\_\_\_

Historic District

Yes X \_\_\_\_\_  
No \_\_\_\_\_

Please print or type:

- 1) Site Address 1200 - 1212 White Street and 1124 Catherine Street
- 2) Name of Applicant Trepanier & Associates, Inc.
- 3) Applicant is: Owner \_\_\_\_\_ Authorized Representative X  
(attached Authorization and Verification Forms must be completed)
- 4) Address of Applicant 402 Appelrouth Lane, Key West, FL 33040
- 5) Applicant's Phone # 305-293-8983 Email lori@owentrepanier.com
- 6) Email Address: \_\_\_\_\_
- 7) Name of Owner, if different than above Victor Mills, Jr. & Cynthia Mills
- 8) Address of Owner 16 Calle Dos, Key West, FL 33040
- 9) Owner Phone # 305-684-9939 Email HondaMarine@aol.com
- 10) Zoning District of Parcel HNC-1 RE# 00033010-000000,00033050.000000
- 11) Is Subject Property located within the Historic District? Yes X No \_\_\_\_\_  
If Yes: Date of approval 09-25-12 HARC approval # H12-01-1527  
OR: Date of meeting \_\_\_\_\_
- 12) 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).

Adaptively reuse the old bakery building and convert to neighborhood retail including upscale scooter sales, office, and restaurant on first floor.

Retain the two second story residential units.

**DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION**  
**City of Key West Planning Department**  
**3140 Flagler Avenue, Key West, FL 33040**  
**(305) 809-3720**



13) Has subject Property received any variance(s)? Yes \_\_\_\_\_ No  X

If Yes: Date of approval \_\_\_\_\_ Resolution # \_\_\_\_\_

Attach resolution(s).

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

Yes \_\_\_\_\_ No  X

If Yes, describe and attach relevant documents.

\_\_\_\_\_

\_\_\_\_\_

- A. For both *Conditional Uses* and *Development Plans*, provide the information requested from the attached **Conditional Use and Development Plan** sheet.
- B. For *Conditional Uses* only, also include the **Conditional Use Criteria** required under Chapter 122, Article III, Sections 122-61 and 122-62 of the Land Development Regulations (see attached copy of criteria).
- C. For *Major Development Plans* only, also provide the **Development Plan Submission Materials** required under Chapter 108, Article II, Division 7, Sections 108-226 through 108-248 of the Land Development Regulations (see attached copy of criteria) and any additional information as determined by the Planning Staff.
- D. For both *Conditional Uses* and *Development Plans*, one set of plans **MUST** be signed & sealed by an Engineer or Architect.

**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.**



# Project Analysis

1200-1212 White Street & 1124 Catherine Street

The following is a complete analysis of the conditional use approval criteria relative to the proposed project at the above property.

Existing development is depicted in attached surveys and plans, including:

- Name of Development
- Name of Owner/ Developer
- Scale
- North arrow
- Preparation and revision dates
- Location/ street address
- Size of site
- Buildings
- Structures
- Parking
- FEMA flood zones
- Topography
- Easements
- Utility locations
- Existing vegetation
- Existing storm water
- Adjacent land uses
- Adjacent buildings
- Adjacent driveways

Proposed development is depicted in attached plans prepared by licensed engineers, including:

- Buildings
- Setbacks
- Parking
- Driveway dimensions and material
- Utility locations
- Garbage and recycling
- Signs
- Lighting
- Project Statistics
- Building Elevations
- Height of buildings
- Finished floor elevations
- Height of existing and proposed grades
- Drainage plan
- Landscape Plan

## Title block (Sec. 108-227)

Name of development: 1200 - 1212 White Street  
 Owner/developer: Cynthia & Victor Mills  
 Scale: ¼ in. = 1 ft.  
 Preparation and revision dates: Noted on plans  
 Location: 1200-1212 White Street & 1124 Catherine Street

## Key persons and entities (Sec. 108-228) involved in this project are as follows:

Owner: Cynthia & Victor Mills  
 Authorized Agent: Trepanier & Associates, Inc.  
 Engineer: Paul J. Mitchell, P.E.  
 Surveyor: Reece & White Land Surveying, Inc.  
 Landscape Architect: Craig Reynolds  
 Legal and Equitable Owners: Cynthia & Victor Mills

**Project Description (Sec. 108-229):**

This revision proposes a change to the previously proposed uses as follows:

Use	Original Application	Revised Application	Comments
Residential Dwellings	2 existng dwellings	2 existng dwellings	No Change
Small Power Driven Equipment Rentals	4 electric cars, 5 motorcycles, 25 scooters' 50 bicycles	<b>No rentals</b>	100% Reduction
Onsite Service & Repair	Service and Repair	<b>No service or repair</b>	100% Reduction
Office Uses	426 sq. ft.	426 sq. ft.	No Change
Retail Uses	0 sq. ft.	2,795 sq. ft.	Permitted by Right
Restaurant	15 seats	15 seats	No Change
Outdoor Storage	400 sq. ft.	0 sq. ft.	100% Reduction
Impervious Surface	4.3% decrease	4.3% decrease	No Change
Openspace	4.3% increase	4.3% increase	No Change
Landscaping	4.3% increase	4.3% increase	No Change
Stormwater Management	Install system	Install system	No Change

**Site Data:**

Site Data	Code	Existing	Proposed	Compliance
Zoning	HNC-1	HNC-1	No Change	Complies
Min Lot Size	4,000 sq.ft.	8,696 sq. ft.	No Change	Complies
Max Density	16 u/ac (3.2 units)	2 units	No Change	Complies
FAR	1.0 (8,696 sq.ft.)	0.57 (4,965 sq.ft.)	No Change	Complies
Max Height	35 ft.	~20 ft.	No Change	Complies
Open Space	23% (2,000 sq.ft.) <sup>1</sup>	0.0% (0 sq.ft.)	4.3% (380 sq.ft.)	Complies <sup>2</sup>
Landscape	20% (1,739 sq.ft.)	0.0% (0 sq.ft.)	4.3% (380 sq.ft.)	Complies <sup>2</sup>
Max Building Coverage	50% (4,348 sq.ft.)	59% (5,130 sq.ft.)	No Change	Complies <sup>2</sup>
Impervious Surface	60% (5,278 sq.ft.)	100% (8,696 sq.ft.)	95.7% (8,316 sq.ft.)	Complies <sup>2</sup>
Setbacks: Front	5 ft.	2.2 ft.	No Change	Complies <sup>2</sup>
Street Side	7.5 ft.	0 ft.	No Change	Complies <sup>2</sup>
Side	5 ft.	0 ft.	No Change	Complies <sup>2</sup>
Rear	15 ft.	1 ft.	No Change	Complies <sup>2</sup>
Parking: Auto	25.3	NA	3	Variance required
Bike/ Scooter	6.0	NA	18	Complies

**CONDITIONAL USE CRITERIA:**

**Purpose and Intent:**

The site at 1200-1212 White Street & 1124 Catherine Street has sufficient size, adequate specifications, and infrastructure to accommodate the proposed use. The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements are adequate to accommodate the proposed scale and intensity of the conditional use requested. The site is of sufficient size to contain appropriate screening, buffers, landscaping, open space, off-street parking, and efficient internal traffic circulation. The infrastructure and site plan improvements are designed to mitigate potential adverse impacts of the proposed use.

<sup>1</sup> Pursuant to 108-346(b) Residential uses shall provide a minimum of 35 percent open space. Nonresidential uses shall provide a minimum of 20 percent open space. The total open space provided by mixed uses shall be based on the percent of total square feet of floor area on site allotted to the respective residential and nonresidential uses.

<sup>2</sup> Existing nonconformity

**Specific criteria for approval (Sec 122-62):**

Findings: The proposed use shall comply with the criteria specified in this section and will not be adverse to the public's interest.

**Characteristics and use described:**

- (1) Scale and intensity:
  - a. Floor area ratio: 0.57
  - b. Traffic generation:
    - This proposed revision reduces the potential trip generation of the site in the following manner:
      - Weekday: 4.74 trips
      - Saturday: -7.32 trips
      - Sunday: -28.81 trips

Given the minimal change in trip generation no revision to the existing traffic study was performed.

Trip Generation	Use (sq. ft.)		Week Day			Saturday			Sunday		
	Existing	Proposed	Trips/ 1k sq.ft.	Existing	Proposed	Trips/ 1k sq.ft.	Existing	Proposed	Trips/ 1k sq.ft.	Existing	Proposed
Bakery (ITE 110)	2,945 sq.ft.	0 sq. ft.	6.97	20.53	0.00	1.32	3.89	0.00	0.68	2.00	0.00
Retail (ITE 814)	1,288 sq. ft.	2,795 sq.ft.	44.32	57.08	123.87	42.04	54.15	117.50	20.43	26.31	57.10
High Turnover Restaurant (ITE 932)	732 sq. ft.	0 sq. ft.	127.15	93.07	0.00	158.37	115.93	0.00	131.84	96.51	0.00
Quality Restaurant (ITE 931)	0 seats	15 seats	2.86	0.00	42.90	2.81	0.00	42.15	2.15	0.00	32.25
Office (ITE 710)	0 sq. ft.	426 sq.ft.	11.57	0.00	4.93	2.37	0.00	1.01	0.98	0.00	0.42
Residential (ITE 220)	2 units	2 units	6.72	13.44	13.44	6.39	12.78	12.78	5.86	11.72	11.72
Outdoor Storage (ITE 110)	400 sq. ft.	0 sq. ft.	6.93	2.79	0.00	1.32	0.53	0.00	0.68	0.27	0.00
			<b>Total</b>	<b>186.91</b>	<b>191.91</b>	<b>Total</b>	<b>187.27</b>	<b>179.95</b>	<b>Total</b>	<b>136.82</b>	<b>108.00</b>

- c. This project does not propose any new enclosed buildings.

Space by Use	Area
Commercial Floor Area:	5,098 sq. ft. <sup>3</sup>
Residential Floor Area:	1,239 sq. ft. (2 units) <sup>3</sup>
Restaurant Floor Area:	1,360 sq. ft. <sup>4</sup>
Consumption Area:	15 seats (225 sq. ft. <sup>4</sup> )
Retail:	2,795 sq. ft. <sup>4</sup>
Office:	426 sq. ft. <sup>4</sup>

- d. After construction, the anticipated employment will be 8-10 full time equivalent ("FTE") positions according to the property owner; According to the APA Planner's Estimating Guide 10.5 FTE's are anticipated.
- e. Normal office, retail, and restaurant service vehicles are anticipated.

<sup>3</sup> Pursuant to Monroe County Property Appraiser's records  
<sup>4</sup> Excluding restrooms

f. Parking requirement (pursuant to Sec. 108-573):

Use	Parking Schedule	Sq. ft. /Units /Seats	Autos	Bikes
Residential	1 space/ unit	2 units	2.0	0.2
Restaurant	1 space/ 45 sq. ft.	15 seats x 15 sq. ft. / seat = 225 sq. ft.	5.0	1.3
Retail	1 space/ 300 sq. ft.	2,471 sq. ft.	8.2	2.1
Office	1 space/ 300 sq. ft.	426 sq. ft.	1.4	0.3
			16.6	3.9

- (2) There are no off site improvement needs generated by the proposed use. On site improvements include the creation of open space, landscaping, ADA access and parking, code-compliant bicycle/ scooter/ auto parking lot, and stormwater management.
- (3) The following mitigative techniques and amenities are proposed:
  - a. *Open space*: Set aside 4.3% of the site for new open space.
  - b. *Setbacks from adjacent properties*: Create new setbacks where none existed previously.
  - c. *Screening and buffers*: New planting is proposed around the parking area. The remaining property is a zero lot line.
  - d. There are no landscape berms proposed or required.
  - e. No excessive smoke, odor, noise, and other will be generated by the proposed dockage area.

**Criteria for review and approval:**

- (1) *Land use compatibility*: The HNC-1 zoning district contemplates “larger scale commercial uses oriented to the motoring public. The proposed project will eliminate a historic light industrial and conditional use (bakery & restaurant) and replace it with retail, office and an altered restaurant space. Two residential units will remain.
- (2) *Sufficient site size, adequate site specifications, and infrastructure*: The size and shape of the site are adequate to accommodate the proposed scale and intensity of the conditional use requested as evidenced by the minimal trip generation and parking impact based on the ITE standards.
- (3) *Proper use of mitigative techniques*: The site will be improved with the creation of new permeable open space, landscaping, stormwater management, and a retaining wall along White Street at the location of the parking lot. The project site is surrounded by the HNC-1 district which supports general commercial activity and the HMDR where the commercial activity’s market resides. The community infrastructure will not be burdened by this project.
- (4) *Hazardous waste*: The applicant shall maintain disposal contracts for all hazardous waste for disposal at approved locations outside the city. All interim storage of wastes shall be inside the premises.
- (5) *Compliance with applicable laws and ordinances*: All applicable permits required from agencies other than the City of Key West will be obtained. The applicant



will comply with all applicable laws and regulations as a condition of approval. The applicant will comply with Sections 18-610-615 of the Code of Ordinances.

- (6) *Additional Criteria applicable to specific land uses:*
- a. *Land Uses within a conservation area:* NA-project is not located within a conservation area.
  - b. *Residential Development:* This is a mixed-use property. Commercial floor area on the 1<sup>st</sup> floor and 2 residential units on the 2<sup>nd</sup>. Other than interior renovations to the residential units, no changes are proposed.
  - c. *Commercial or mixed use development:* This property has been historically a mixed-use property. The types of uses are proposed to be altered; however the mixed use nature of the property shall remain. The character of the immediate neighborhood is mixed-use.
  - d. *Development within or adjacent to historic district:* this property is located within the historic district. The plans have been approved by the HARC Commission.
  - e. *Public facilities for institutional development:* NA - No public facilities for institutional development are proposed.
  - f. *Commercial structures, uses and related activities within tidal waters:* NA - No commercial structures, uses or related activities are proposed within tidal waters.
  - g. *Adult entertainment establishments:* NA-no adult entertainment is proposed.

#### **CONCURRENCY ANALYSIS:**

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

The following specific issues are outlined:

1. Potable Water & Sanitary Sewer
2. Recreation (for residential development only)
3. Solid Waste
4. Drainage
5. Roads/Trip Generation

The following concurrency analysis reflects the anticipated impacts resulting from the proposed project.

**Potable Water & Sanitary Sewer** "Planned improvements in potable water and/or wastewater systems required to establish and/or maintain adopted water and wastewater levels of service. System improvements and proposed funding resources required for implementing any improvements required to establish and/or maintain adopted potable water and wastewater system level of service standards<sup>5</sup>."

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<sup>5</sup> The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues.

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

- i) Existing capacity required based on site size: 130 gal/day

The total capacity required for 0.2 acres = 130 gal/day

$$650 \text{ gal/acres/day} \times 0.2 \text{ acres} = 130 \text{ gal/day}$$

- ii) Proposed capacity required based on site size: 130 gal/day

The total capacity required for nonresidential use on 0.2 acres is:

$$650 \text{ gal/acres/day} \times 0.2 \text{ acres} = 130 \text{ gal/day}$$

- iii) Existing capacity required based on floor area: 65 gal/day

The total capacity required for nonresidential use on 0.1 acres is:

$$650 \text{ gal/acres/day} \times 0.1 \text{ acres} = 65 \text{ gal/day}$$

- iv) Proposed capacity required based on floor area: 65 gal/day

The total capacity required for nonresidential use 65 acres is:

$$650 \text{ gal/acres/day} \times 0.1 \text{ acres} = 65 \text{ gal/day}$$

Based on the concurrency management calculation prescribed in the Comprehensive Plan, there is no or minimal increase in the proposed capacity required by Key West Comprehensive Plan LOS standards; the Florida Keys Aqueduct Authority has the capacity to supply adequate service to this property, as demonstrated below.

**FKAA Supply Capacity:**

The Florida Keys Aqueduct Authority ("FKAA") has adequate supply capacity to serve the potential development. FKAA has constructed facilities on the mainland in Florida City to expand water supply for the Florida Keys. This permitted and constructed improvement enables FKAA to provide over 23 MGD, which will provide sufficient capacity through 2022<sup>6</sup>. Operational in 2011, the recent expansion of the R.O. plant will provide 6.0 MGD, which combined with the 17.0 MGD permitted withdrawal from the Biscayne Aquifer, increased 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 is 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.

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<sup>6</sup> Excerpt from Analysis by Kenneth B. Metcalf, AICP, (Greenberg Traurig, P.A.), August 22, 2008.

*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:

$$\begin{aligned} 1996 \text{ annual water demand} &= 5,272 \text{ MG /year} \\ 2006 \text{ annual water demand} &= 6,310 \text{ MG /year} \\ \text{Average Annual Increase} &= (6,310 \text{ MG} - 5,272\text{MG}) / 10 = 103.8 \text{ MG /year} \end{aligned}$$

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). Since completion of the Florida City facilities, the 23 MGD allocation is 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 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 was completed in January, 2010.

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

- i) Existing capacity required based on site size: 132 gal/day

The total capacity required for nonresidential use on 0.2 acres is:

$$660 \text{ gal/acres/day} \times 0.2 \text{ acres} = 132 \text{ gal/day}$$

- ii) Proposed capacity required based on site size: 132 gal/day

The total capacity required for nonresidential use on 0.2 acres is:

$$660 \text{ gal/acres/day} \times 0.2 \text{ acres} = 132 \text{ gal/day}$$

- iii) Existing capacity required based on floor area:

The total capacity required for nonresidential use on 0.1 acres is:

$$660 \text{ gal/acres/day} \times 0.1 \text{ acres} = 66 \text{ gal/day}$$

- iv) Proposed capacity required based on floor area: 66 gal/day

The total capacity required for nonresidential use on 0.1 acres is:

$$660 \text{ gal/acres/day} \times 0.1 \text{ acres} = 66 \text{ gal/day}$$

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<sup>7</sup>. The current plant has the capacity to service this project's projected needs.

**Recreation** There is no residential development proposed, therefore this project will have no impact on the demand on the City's adopted level of service for recreation.

**Solid Waste** "Projected demand generated by the development on the solid waste disposal system and assurances that the City's adopted level of service for solid waste disposal shall not be adversely impacted<sup>8</sup>."

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

- i) Proposed capacity required: 6.37 lbs/day

The total capacity required for the nonresidential use of 10 employees is:

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

Waste Management has more than enough capacity to handle the solid waste disposal<sup>9</sup>.

**Drainage** "Conceptual plan for accommodating storm water run-off and demonstrated evidence that the proposed drainage improvements shall accommodate storm water run-off

<sup>7</sup> Per September 3, 2010 memo from Greg Smith, project Manager for CH2M Hill OMI (Exhibit III)

<sup>8</sup> The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues.

<sup>9</sup> Per January 25, 2010 memo from Jay Gewin, City of Key West (Exhibit V)

without adversely impacting natural systems or the City’s adopted level of service for storm drainage<sup>10</sup>,

A storm water/drainage system is proposed.

**Roads/Trip Generation** The estimated trips for the peak hour generated by the most similar land use to the proposed is charted below. There are no anticipated on- or off-site improvements necessitated to accommodate the traffic impacts generated by the development.

This proposed revision reduces the potential trip generation of the site in the following manner:

Weekday: 4.74 trips  
Saturday: -7.32 trips  
Sunday: -28.81 trips

Given the minimal change in trip generation no revision to the previously submitted traffic study was performed.

Trip Generation	Use (sq. ft.)		Week Day			Saturday			Sunday		
	Existing	Proposed	Trips/ 1k sq.ft.	Existing	Proposed	Trips/ 1k sq.ft.	Existing	Proposed	Trips/ 1k sq.ft.	Existing	Proposed
Bakery (ITE 110)	2,945 sq.ft.	0 sq. ft.	6.97	20.53	0.00	1.32	3.89	0.00	0.68	2.00	0.00
Retail (ITE 814)	1,288 sq. ft.	2,795 sq.ft.	44.32	57.08	123.87	42.04	54.15	117.50	20.43	26.31	57.10
High Turnover Restaurant (ITE 932)	732 sq. ft.	0 sq. ft.	127.15	93.07	0.00	158.37	115.93	0.00	131.84	96.51	0.00
Quality Restaurant (ITE 931)	0 seats	15 seats	2.86	0.00	42.90	2.81	0.00	42.15	2.15	0.00	32.25
Office (ITE 710)	0 sq. ft.	426 sq.ft.	11.57	0.00	4.93	2.37	0.00	1.01	0.98	0.00	0.42
Residential (ITE 220)	2 units	2 units	6.72	13.44	13.44	6.39	12.78	12.78	5.86	11.72	11.72
Outdoor Storage (ITE 110)	400 sq. ft.	0 sq. ft.	6.93	2.79	0.00	1.32	0.53	0.00	0.68	0.27	0.00
			<b>Total</b>	<b>186.91</b>	<b>191.91</b>	<b>Total</b>	<b>187.27</b>	<b>179.95</b>	<b>Total</b>	<b>136.82</b>	<b>108.00</b>

### Exhibits

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

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

**Exhibit III** – September 3, 2010 Wastewater Memo

**Exhibit IV** – Map of the City of Key West’s Existing Recreation Services

**Exhibit V** – January 25, 2010 Solid Waste Memo

<sup>10</sup> The City of Key West’s Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues

# Verification Form

City of Key West  
Planning Department



Verification Form


(Where Authorized Representative is an individual)

I, OWEN TREPANIER, being duly sworn, depose and say that I am the Authorized Representative of the Owner (as appears on the deed), for the following property identified as the subject matter of this application:

1200-1206-1212 WHITE STREET

Street address of subject property

All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect, any action or approval based on said representation shall be subject to revocation.

  
Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this February 11, 2014 by  
date

Mr. Owen Trepanier  
Name of Authorized Representative

~~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

FF 067969  
Commission Number, if any

# **Authorization Form**



**City of Key West  
Planning Department**



**Authorization Form**  
*(Individual Owner)*

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

I, VICTOR MILLS & CYNTHIA MILLS authorize  
*Please Print Name(s) of Owner(s) (as appears on the deed)*

TREPARNER & ASSOCIATES, INC.  
*Please Print Name of Representative*

to be the representative for this application and act on my/our behalf before the City of Key West.

[Signature]  
*Signature of Owner*

[Signature]  
*Signature of Joint/Co-owner if applicable*

Subscribed and sworn to (or affirmed) before me on this February 11, 2014 by  
*date*

Mrs Victor & Cynthia Mills  
*Name of Authorized Representative*

She is personally known to me or  has presented M 420-868-52-203-0 as identification.

[Signature]  
*Notary's Signature and Seal*



Richard Puente  
*Name of Acknowledger typed, printed or stamped*

FF067969  
*Commission Number, if any*

**Deed**

PREPARED BY AND RETURN TO:  
RICHARD M. KLITENICK  
RICHARD M. KLITENICK, P.A.  
1009 SIMONTON STREET  
KEY WEST, FL 33040  
305-292-4101  
FILE NUMBER: RE12-040  
RECORDING FEE: \$27.00  
DOCUMENTARY STAMPS PAID: \$

06/29/2012 4:27PM  
DEED DOC STAMP CL: DS \$4,550.00

Doc# 1889724  
Bk# 2577 Pg# 2122

[Space above this line for recording data]

## WARRANTY DEED

THIS WARRANTY DEED is made on this 26<sup>th</sup> day of June, 2012, between MARIA VICTORIA FRANCO, a single woman, along with WILMA RODRIGUEZ, a single woman, whose address is c/o 2305 Seidenberg Avenue, Key West, FL 33040 (hereinafter collectively referred to as "Grantor"), and VICTOR H. MILLS, JR. and CYNTHIA A. MILLS, husband and wife, whose address is 16 Calle Dos, Key West, FL 33040 (hereinafter collectively to as "Grantee").

(Whenever 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, trusts and trustees)

WITNESSETH, that said Grantor, for and in consideration of the sum of SIX HUNDRED FIFTY THOUSAND & 00/100<sup>ths</sup> DOLLARS (\$650,000.00) and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Monroe County, Florida, with the street address(es) of 1200-1206-1212 White Street, Key West, FL 33040, and more particularly described as:

KNOWN ON WILLIAM A. WHITEHEAD'S MAP OF THE ISLAND OF KEY WEST DELINEATED IN FEBRUARY, A. D. 1829, AS A PART OF TRACT 13 BUT NOW BETTER KNOWN AS LOT 1 AND A PART OF LOT 5 IN SQUARE 3 IN SAID TRACT 13, ACCORDING TO A DIAGRAM OF ONE-THIRD OF SAID TRACT 13 DRAWN BY W. A. GWYNN, COUNTY SURVEYOR, AND DULY RECORDED IN DEED BOOK "O" PAGE 195 OF MONROE COUNTY, FLORIDA, RECORDS:

BEGIN AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF WHITE STREET AND THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF CATHERINE STREET; THENCE IN A SOUTHEASTERLY DIRECTION ALONG THE SAID SOUTHWESTERLY RIGHT-OF-WAY LINE OF WHITE STREET FOR 156.87 FEET; THENCE AT A RIGHT ANGLE AND IN A SOUTHWESTERLY DIRECTION FOR 51.97 FEET; THENCE AT AN ANGLE OF 89°58'45" TO THE LEFT AND IN A NORTHWESTERLY DIRECTION FOR 156.89 FEET TO THE SAID SOUTHEASTERLY RIGHT-OF-WAY OF CATHERINE STREET; THENCE AT A RIGHT ANGLE AND IN A NORTHEASTERLY DIRECTION ALONG THE SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF CATHERINE STREET FOR 51.91 FEET TO THE POINT OF BEGINNING.

PARCEL IDENTIFICATION NO.: 00033050-000000; ALTERNATE KEY ("AK") No.: 1033812

AND

PARCEL IDENTIFICATION NO.: 00033010-000000; ALTERNATE KEY ("AK") No.: 1033774

SUBJECT TO CONDITIONS AND RESTRICTIONS OF RECORD, IF ANY; HOWEVER, THIS DEED SHALL NOT OPERATE TO RE-IMPOSE THE SAME

SUBJECT TO: TAXES FOR THE YEAR 2012 AND SUBSEQUENT YEARS

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2011, and those items listed above.

In Witness Whereof, Grantor has hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Witness # 1 signature  
Print name: Robert E. Highsmith

Wilma E Rodriguez by Debra A. Gartenmayer  
WILMA RODRIGUEZ, by and through Debra A. Gartenmayer, as her attorney-in-fact *attorney in fact*

Witness # 2 signature  
Print name: LUCILLE C. URRIBATE

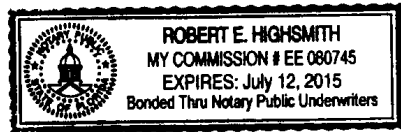
Doc# 1889724  
Bk# 2577 Pg# 2123

STATE OF FLORIDA  
COUNTY OF MONROE

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements DEBRA A. GARTENMAYER, who is personally known to me, or who produced \_\_\_\_\_ as identification, to be the same person who is the named Agent of the Principal Grantor described in the foregoing Warranty Deed, and she acknowledged to me that she executed the same freely and voluntarily for the purposes therein expressed, with all requisite authority on behalf of the Principal.

WITNESS my hand and official seal at Key West, Monroe County, State of Florida on this 26<sup>th</sup> day of June, 2012.

(STAMP/SEAL)



Notary Public State of Florida  
Commission Expires: July 12, 2015

(FRANCO SIGNATURE PAGE FOLLOWS)

Signed, sealed and delivered in our presence:

*Lucy Farina*  
Witness # 1 signature  
Print name: LUCY FARINA

*Maria Victoria Franco*  
MARIA VICTORIA FRANCO

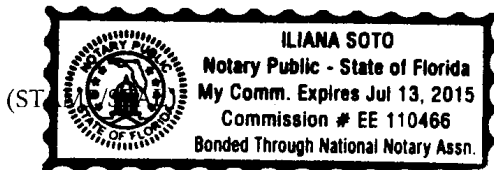
*Jose D. Farina*  
Witness # 2 signature  
Print name: JOSE D. FARINA

Doc# 1889724  
Bk# 2577 Pg# 2124

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

I HEREBY CERTIFY that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements MARIA VICTORIA FRANCO, who is personally known to me, or who produced driver's license F652-558-49-586-D as identification, to be the same person who is the Grantor described in the foregoing Warranty Deed, and she acknowledged to me that she executed the same freely and voluntarily for the purposes therein expressed.

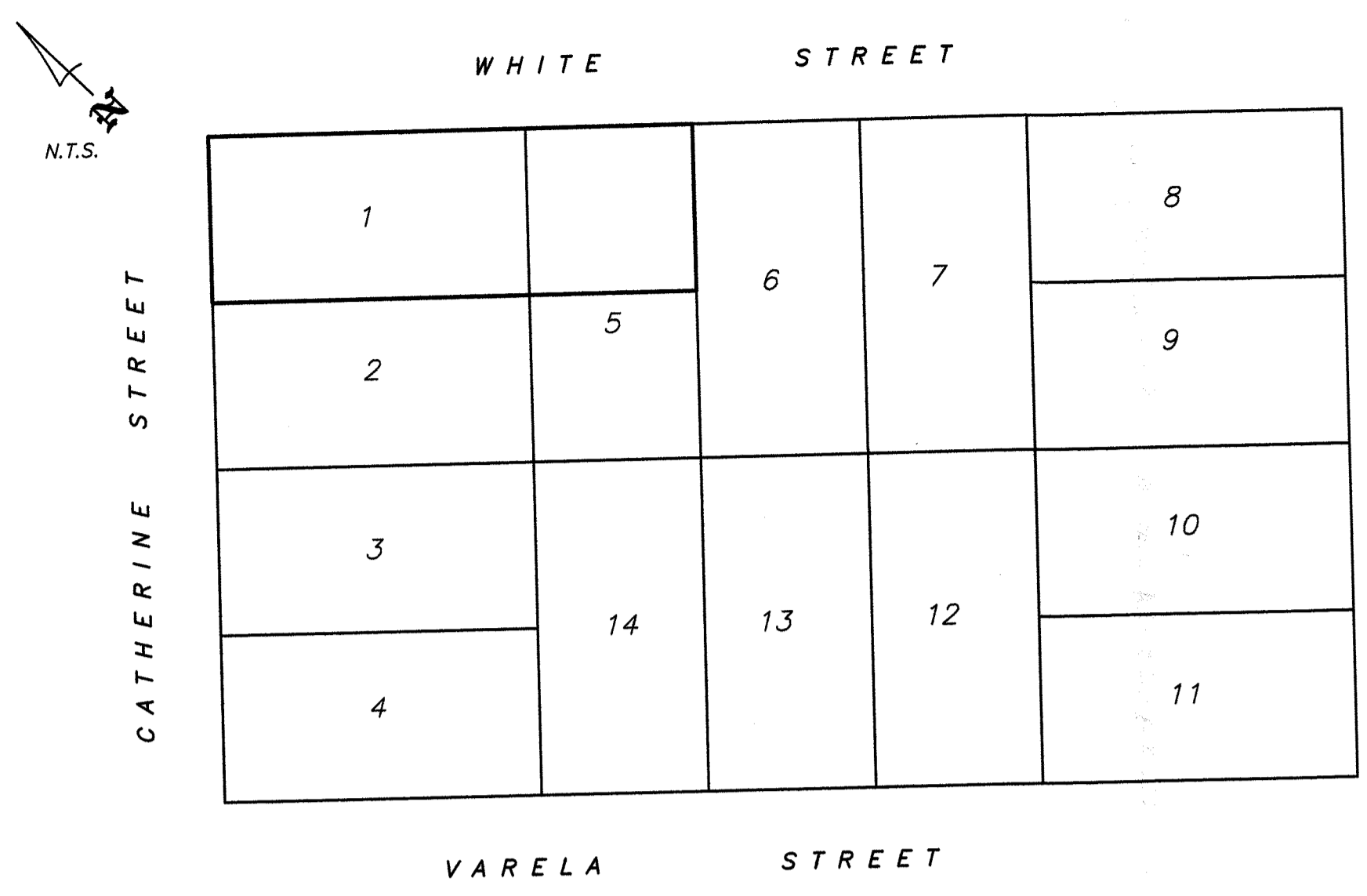
WITNESS my hand and official seal at Miami-Dade County, State of Florida on this 26 day of June, 2012.



*Iliana Soto*  
Notary Public-State of Florida  
Commission Expires: 7/13/2015

MONROE COUNTY  
OFFICIAL RECORDS

# Survey



LOCATION MAP

**LEGAL DESCRIPTION:** ( O.R. 1072, pg. 126)  
Commencing at the corner of White and Catherine Streets and running thence along White Street in a Southeasterly direction 157 feet, 2 inches; thence at right angles in a Southwesterly direction 55 feet, 4 inches; thence at right angles in a Northwesterly direction 157 feet, 2 inches to Catherine Street; thence at right angles along the line of Catherine Street in a Northeasterly direction 55 feet 4 inches to the Point of Beginning.

**LEGAL DESCRIPTION:** (revised, as property is existing)  
Known on William A. Whitehead's map of the Island of Key West delineated in February, 1829, as a part of Tract 13, but now better known as Lot 1 and a part of Lot 5 in Square 3 in said Tract 13, according to a diagram of one third of said Tract 13 drawn by W.A. Gwynn, County Surveyor and duly recorded in Deed Book "O", Page 195 of Monroe County, Florida Records:

Begin at the intersection of the Southwesterly Right-of Way Line of White Street and the Southeasterly Right-of-Way Line of Catherine Street; thence in a Southeasterly direction along the said Southwesterly Right-of-Way Line of White Street for 156.87 feet; thence at a right angle and in a Southwesterly direction for 51.97 feet; thence at an angle of 89°58'45" to the left and in a Northwesterly direction for 156.89 feet to the said Southeasterly Right of way of Catherine Street; thence at a right angle and in a Northeasterly direction along the said Southeasterly Right-of-way line of Catherine Street for 51.91 feet to the Point of Beginning. Containing 8,148.35 Square feet, more or less.

**LEGAL DESCRIPTION:** ( Quit Claim area)  
Known on William A. Whitehead's map of the Island of Key West delineated in February, 1829, as a part of Tract 13, but now better known as Lot 1 and a part of Lot 5 in Square 3 in said Tract 13, according to a diagram of one third of said Tract 13 drawn by W.A. Gwynn, County Surveyor and duly recorded in Deed Book "O", Page 195 of Monroe County, Florida Records:

Commence at the intersection of the Southwesterly Right-of Way Line of White Street and the Southeasterly Right-of-Way Line of Catherine Street; thence in a Southwesterly direction along the said Southeasterly Right-of-way Line of Catherine Street for 51.91 feet to the Point of Beginning; thence continue in a Southwesterly direction along the said Southeasterly Right-of-Way Line of Catherine Street for 3.09 feet; thence at a right angle and in a Southeasterly direction for 104.64 feet; thence at a right angle and in a Northeasterly direction for 3.09 feet; thence at a right angle and in a Northwesterly direction for 104.64 feet to the said Southeasterly Right-of-way Line of Catherine Street and the Point of Beginning. Containing 323.34 Square Feet, more or less.

**LEGAL DESCRIPTION:** ( Quit Claim area)  
Known on William A. Whitehead's map of the Island of Key West delineated in February, 1829, as a part of Tract 13, but now better known as Lot 1 and a part of Lot 5 in Square 3 in said Tract 13, according to a diagram of one third of said Tract 13 drawn by W.A. Gwynn, County Surveyor and duly recorded in Deed Book "O", Page 195 of Monroe County, Florida Records:

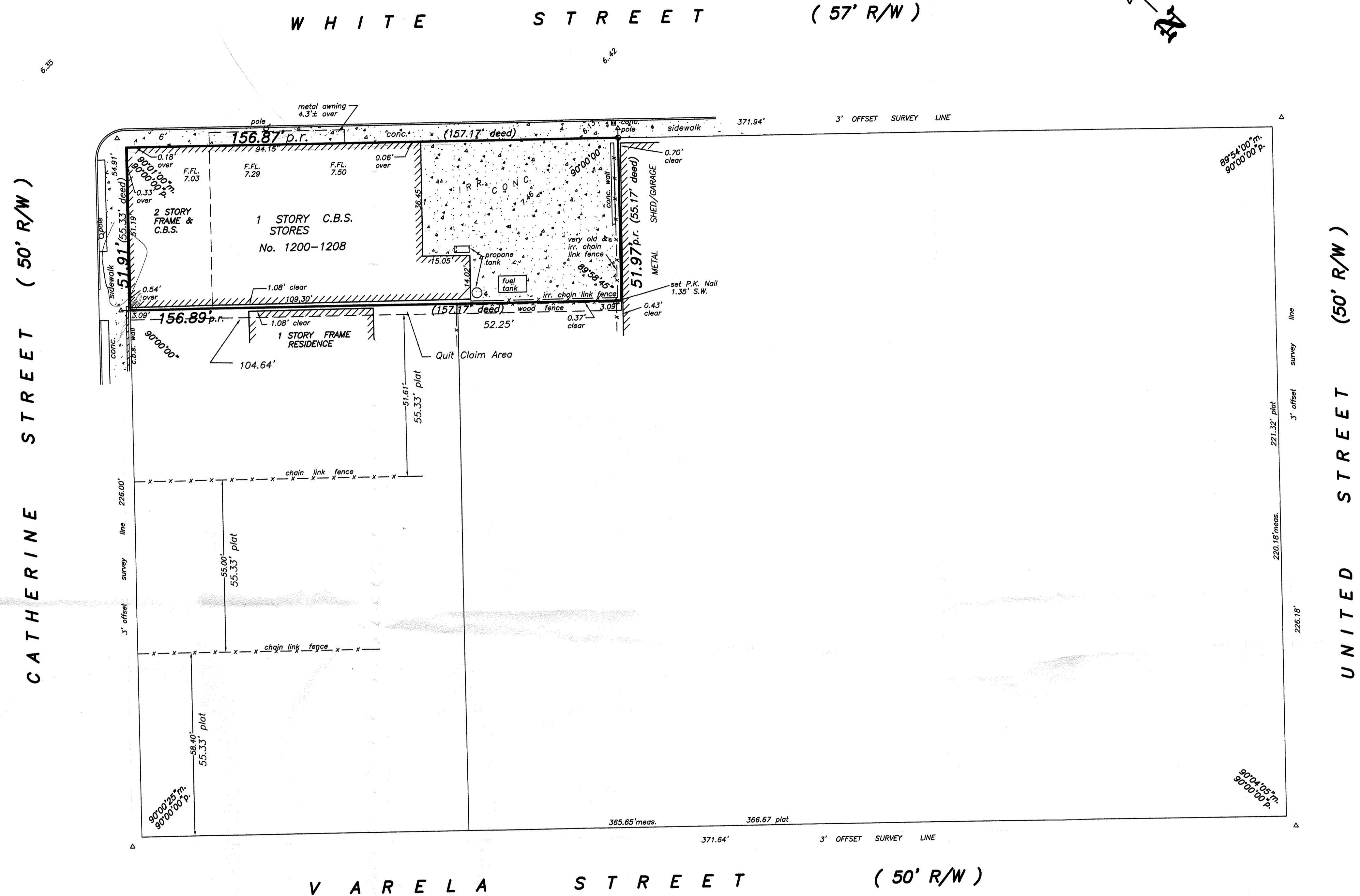
Commence at the intersection of the Southwesterly Right-of Way Line of White Street and the Southeasterly Right-of-Way Line of Catherine Street; thence in a Southwesterly direction along the said Southeasterly Right-of-way Line of Catherine Street for 51.91 feet; thence at a right angle and in a Southeasterly direction for 104.64 feet to the Point of Beginning; thence continue in a Southeasterly direction for 52.25 feet; thence at an angle of 90°01'15" to the left and in a Southwesterly direction for 3.09 feet; thence at an angle of 89°58'45" to the left and in a Northwesterly direction for 52.25 feet; thence at a right angle and in a Northeasterly direction for 3.09 feet to the Point of Beginning. Containing 161.45 Square Feet, more or less.

**CERTIFICATION** made to Tropical Land Title Company and Fidelity National Title Insurance Company of Pennsylvania, and Jesus L. Rodriguez and Faustino Franco.

**CERTIFICATION:**  
I HEREBY CERTIFY that the attached BOUNDARY SURVEY is true and correct to the best of my knowledge and belief; that it meets the minimum technical standards adopted by the Florida Board of Land Surveyors, Chapter 61G17-6, Florida Statute Section 472.027, and the American Land Title Association, and that there are no visible encroachments unless shown hereon.

FREDERICK H. HILDEBRANDT  
Professional Land Surveyor No. 2749  
Professional Engineer No. 36810  
State of Florida

NOT VALID UNLESS EMBOSSED WITH RAISED SEAL



**LEGAL DESCRIPTION:** ( Quit Claim area)  
Known on William A. Whitehead's map of the Island of Key West delineated in February, 1829, as a part of Tract 13, but now better known as Lot 1 and a part of Lot 5 in Square 3 in said Tract 13, according to a diagram of one third of said Tract 13 drawn by W.A. Gwynn, County Surveyor and duly recorded in Deed Book "O", Page 195 of Monroe County, Florida Records:

Commence at the intersection of the Southwesterly Right-of Way Line of White Street and the Southeasterly Right-of-Way Line of Catherine Street; thence in a Southwesterly direction along the said Southeasterly Right-of-way Line of Catherine Street for 55.00 feet to the Point of Beginning; thence continue in a Southwesterly direction along the said Southeasterly Right-of-Way Line of Catherine Street for 0.33 feet; thence at a right angle and in a Southeasterly direction for 104.83 feet; thence at a right angle and in a Northeasterly direction for 0.33 feet; thence at a right angle and in a Northwesterly direction for 104.83 feet to the said Southeasterly Right-of-way line of Catherine Street and the point of Beginning; Containing 34.61 Square Feet, more or less.

**LEGAL DESCRIPTION:** ( Quit Claim area)  
Known on William A. Whitehead's map of the Island of Key West delineated in February, 1829, as a part of Tract 13, but now better known as Lot 1 and a part of Lot 5 in Square 3 in said Tract 13, according to a diagram of one third of said Tract 13 drawn by W.A. Gwynn, County Surveyor and duly recorded in Deed Book "O", Page 195 of Monroe County, Florida Records:

Commence at the intersection of the Southwesterly Right-of Way Line of White Street and the Southeasterly Right-of-Way Line of Catherine Street; thence in a Southeasterly direction along the said Southwesterly Right-of-Way Line of White Street for 156.87 feet to the point of beginning; thence continue in a Southeasterly direction along the said Southeasterly Right-of-Way line of White Street for 0.30 feet; thence at a right angle and in a Southwesterly direction for 55.00 feet; thence at a right angle and in a Northwesterly direction for 0.30 feet; thence at a right angle and in a Northeasterly direction for 55.00 feet to the said Southwesterly Right-of-way line of White Street and the Point of Beginning; containing 16.50 Square feet, more or less.

**LEGAL DESCRIPTION:** ( Quit Claim area)  
Known on William A. Whitehead's map of the Island of Key West delineated in February, 1829, as a part of Tract 13, but now better known as Lot 1 and a part of Lot 5 in Square 3 in said Tract 13, according to a diagram of one third of said Tract 13 drawn by W.A. Gwynn, County Surveyor and duly recorded in Deed Book "O", Page 195 of Monroe County, Florida Records:

Commence at the intersection of the Southwesterly Right-of Way Line of White Street and the Southeasterly Right-of-Way Line of Catherine Street; thence in a Southwesterly direction along the said Southeasterly Right-of-way Line of Catherine Street for 55.00 feet; thence at a right angle and in a Southeasterly direction for 104.83 feet to the Point of Beginning; thence continue in a Southeasterly direction for 52.33 feet; thence at a right angle and in a Northwesterly direction for 0.33 feet; thence at a right angle and in a Northeasterly direction for 0.33 feet to the Point of Beginning. Containing 17.27 square feet, more or less.

- SURVEYOR'S NOTES:**
- North arrow based on Assumed Median Elevations based on N.G.V.D. 1929 Datum B.M.No: D-121 elevation 3.812
  - ▲ = Set P.K. Nail/PCP No PLS 2749
  - = Set 1/2" iron pipe, Cap PLS 2749
  - STY = Story
  - NTS = Not to Scale
  - B.M. = Bench Mark
  - COV'D = Covered
  - P.R. = Pro rated
  - F.F.L. = Finished floor elevation
  - IRR = Irregular
  - CWC = Concrete
  - CBS = Concrete Block Stucco
  - WD = Wood
- Field work performed 4/6/94

JESUS RODRIGUEZ AND FAUSTINO FRANCO 1200-1208 WHITE STREET, KEY WEST, FLORIDA		Dwn No.: 94-211
BOUNDARY SURVEY		Dwn. By: F.H.H.
Scale: 1"=20'	Ref. 1716-G	Flood Zone: X
Date: 4/11/94	108A-25	Flood Elev. -
REVISIONS AND/OR ADDITIONS		
4/25/94: Revised Legal Descriptions		
5/9/94: Additional legal descriptions		
5/31/94: Revised legal description		
7/3/94: Typo's certification		
FREDERICK H. HILDEBRANDT ENGINEER PLANNER SURVEYOR		3150 Northside Drive Suite 101 Key West, FL 33040 (305) 293-0468 Fax: (305) 293-0237

# **Plans**

**Revised 4/1/2014**



# 1200 - 1206 - 1212 WHITE STREET KEY WEST - FLORIDA

Outdoor waste handling shall occur between 6:30 AM and 10:30 PM. A roll-out trash dumpster shall be stored within the fully-enclosed area of the building in an effort to mitigate odor from the trash receptacle.

The property owner shall maintain disposal contracts for all hazardous waste at approved locations outside the city. All hazardous materials shall be stored inside the premises until they are collected for disposal.

All commercial and residential trash shall be stored indoors and shall not be placed upon City right-of-way, except as allowed for scheduled

## LEGAL DESCRIPTION

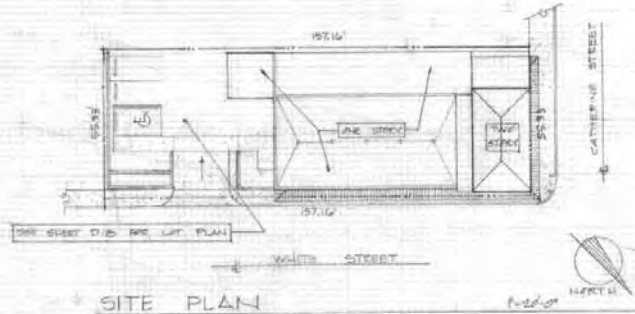
LOT 1 and part of LOT 6, SQUARE 3, TRACT 13  
"W.A.Gwynn's Diagram of TRACT 13" DEED BOOK "0" - Page 195

## FLOOD ZONE

ZONE-X COMML# 120881 PHL# 1819K 2/18/08

## BUILDING ZONE

HNG-1



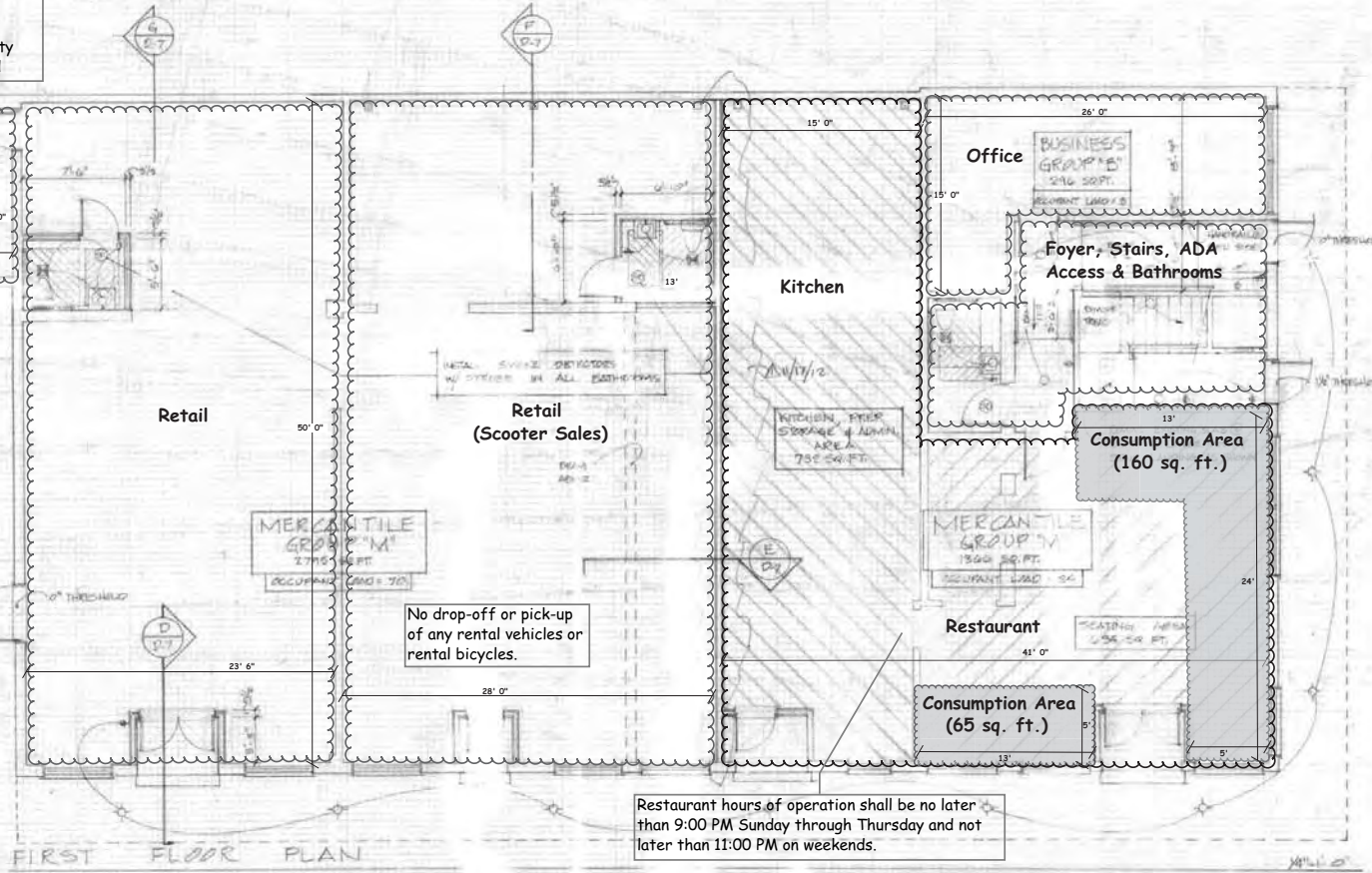
THE BUILD OUT OF THE INTERIOR UNITS WILL BE THE RESPONSIBILITY OF THE TENANTS. THE ELECTRICAL AND MECHANICAL PLANS FOR UNITS WILL BE DONE BY OTHERS.

ALL REVISIONS TO THESE PLANS SHALL MEET THE KEY WEST BUILDING DEPARTMENT AND H.A.R.C. APPROVALS.

**Lighting:** Any new exterior lighting shall be designed to "Dark Sky" lighting standards and comply with City Code Section 108-284.

**Sound:** There shall be no music (amplified or vocal), entertainment, or special events of any kind permitted outdoors on the property without a special event permit.

**ADA:** The property shall be fully ADA accessible.



Restaurant hours of operation shall be no later than 9:00 PM Sunday through Thursday and not later than 11:00 PM on weekends.

THOMAS KELLY ENTERPRISES INC.  
5941 ROCKY ROAD - BOONVILLE KY  
• DESIGN CONCEPTS  
• CONSTRUCTION MANAGEMENT  
(606) 746-1100

STRUCTURAL DETAILS BY  
PAUL J. MITCHELL, P.E.  
FLORIDA P.E.#33391  
P.O. BOX 4930 KEY WEST, FL 33041  
(305)300-1895

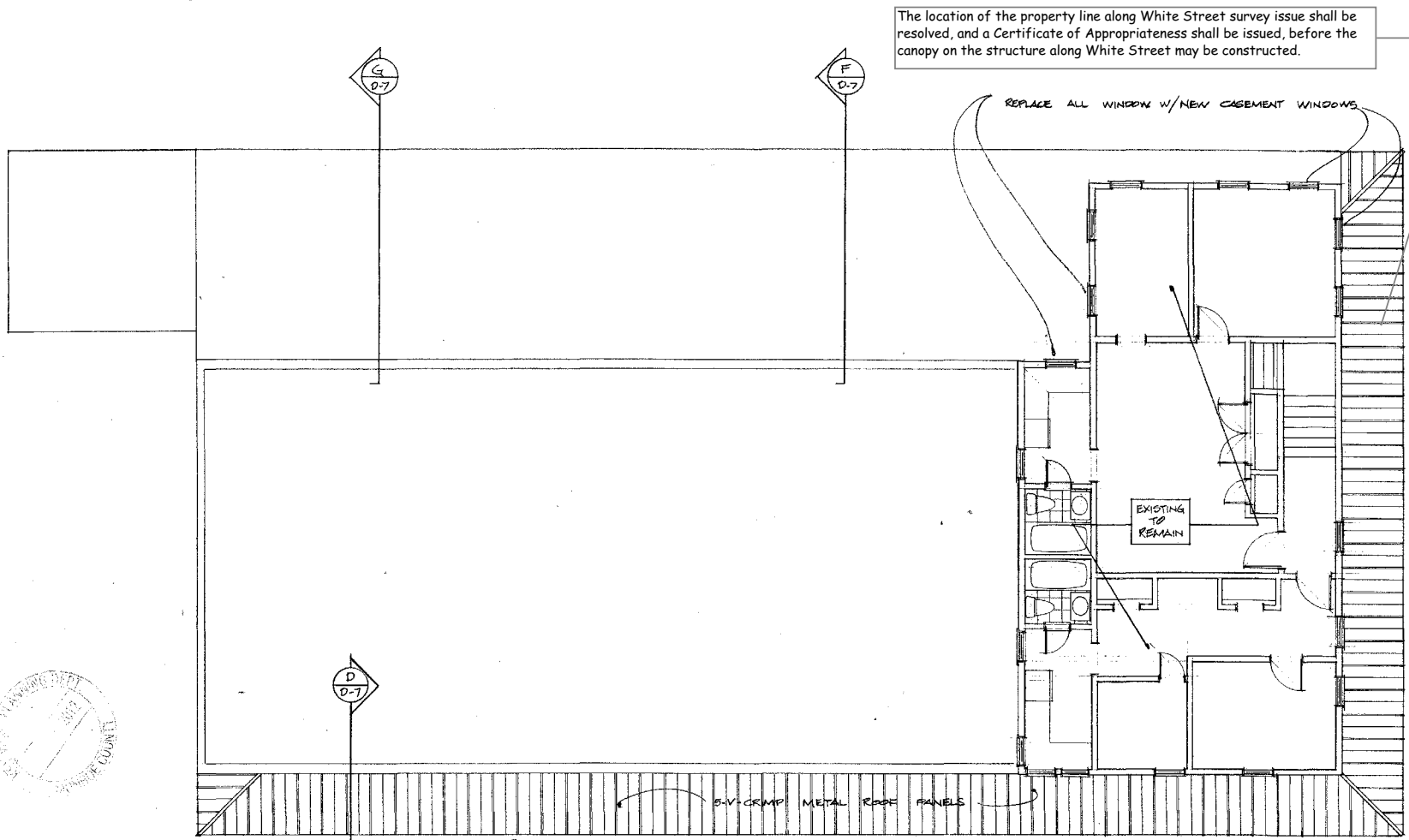
SEAL  
PAUL J. MITCHELL, P.E.

KEY WEST

1200 - 1206 - 1212 WHITE STREET  
SITE PLAN - FIRST FLOOR PLAN

DRAWN TO:  
DATE: 08/11/12  
3/10/13  
Combine Layers

SHEET NUMBER  
D-1  
OF 10



SECOND FLOOR PLAN

THOMAS KELLY ENTERPRISES INC.  
8141 ROCKY ROAD - SUDBURY, ONTARIO  
• DESIGN CONCEPTS  
• CONSTRUCTION MANAGEMENT  
(905) 748-1100

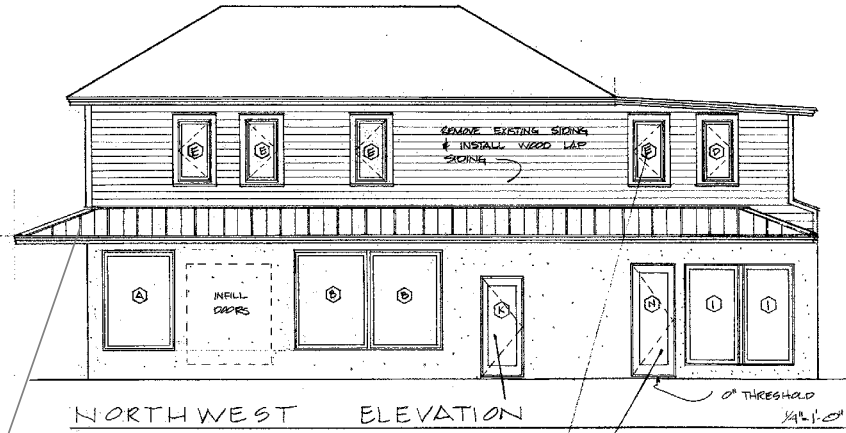
KEY WEST  
1200 - 1206 - 1212 WHITE STREET  
SECOND FLOOR PLAN

DRAWN TCK  
DATE 08/11/12

SHEET NUMBER  
D-2  
OF 10

EXTERIOR OPENINGS							
MARK	WIND LOAD	MANUF.	SERIES	GLASS	W x H	DESIGN LOADS	SHUTTER
A	57.3 - 73.6	Mr. Glass Windows	MG5000	Impact	60x72	80.0 - 80.0	No
B	57.3 - 62.5	Mr. Glass Windows	MG5000	Impact	60x72	80.0 - 80.0	No
C	61.7 - 66.8	PGT Industries	SH-800	Impact	36x36	90.0 - 110.0	No
D	61.7 - 82.2	PGT Industries	CA-740	Impact	24x48	70.0 - 90.0	No
E	61.7 - 66.8	PGT Industries	CA-740	Impact	24x48	70.0 - 90.0	No
F	61.7 - 82.2	PGT Industries	CA-740	Impact	24x36	70.0 - 90.0	No
G	61.7 - 66.8	PGT Industries	CA-740	Impact	24x36	70.0 - 90.0	No
H	61.0 - 66.1	PGT Industries	CA-740	Impact	36x48	70.0 - 75.0	No
I	57.6 - 74.1	Mr. Glass Windows	MG5000	Impact	42x84	80.0 - 80.0	No
J	57.6 - 62.8	Mr. Glass Windows	MG-500	Impact	47x80	80.0 - 80.0	No
K	58.7 - 63.9	Mr. Glass Windows	MG-500	Impact	36x80	80.0 - 80.0	No
L	56.0 - 61.2	Mr. Glass Windows	MG-500	Impact	72x80	80.0 - 80.0	No
M	56.7 - 61.9	Mr. Glass Windows	MG-500	Impact	60x80	80.0 - 80.0	No
N	58.2 - 63.4	Mr. Glass Windows	MG-500	Impact	36x96	80.0 - 80.0	No
O	59.7 - 64.9	Mr. Glass Windows	MG5000	Impact	24x80	80.0 - 80.0	No

All signs or other modifications to the structure shall receive Certificates of Appropriateness.



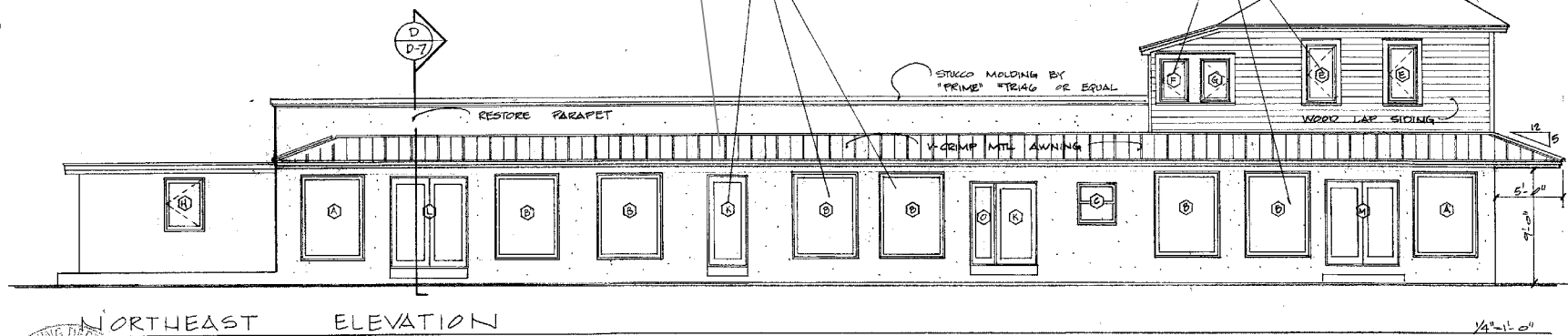
NORTH WEST ELEVATION

**EMERGENCY EGRESS OPENINGS**

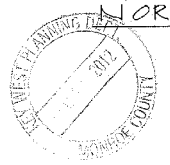
- Every sleeping room on the first and second floor shall have at least one operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside to a full clear opening without the use of separate tools or keys. Where windows are provided, they shall have a sill height of not more than 44" above the floor.
- Minimum net clear opening height = 20" width = 20"
- Each egress window from sleeping rooms must have a minimum net clear opening of not less than 5.7 sq. ft.

The location of the property line along White Street survey issue shall be resolved, and a Certificate of Appropriateness shall be issued, before the canopy on the structure along White Street may be constructed.

REMOVE EXISTING METAL STORE FRONT & GLASS BLOCK. PROVIDE OPENINGS TO RECEIVE NEW ALUM. STORE FRONTS DOORS & WINDOWS



NORTHEAST ELEVATION



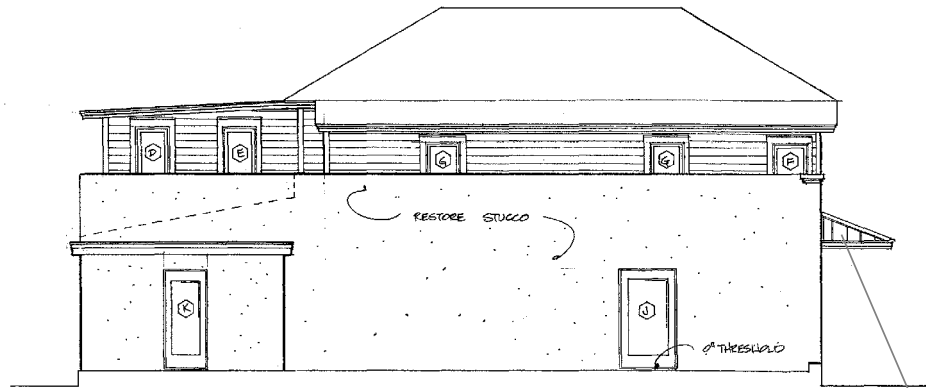
THOMAS KELLY ENTERPRISES INC.  
 1841 ROCKY ROAD - SUGARLOAF KEY  
 • DESIGN CONCEPTS  
 • CONSTRUCTION MANAGEMENT  
 (305) 748-1800

KEY WEST

1200 - 1206 - 1212 WHITE STREET  
 EXTERIOR ELEVATIONS

DRAWN FOR  
 DATE 09/11/12

SHEET NUMBER  
**D-3**  
 OF 10

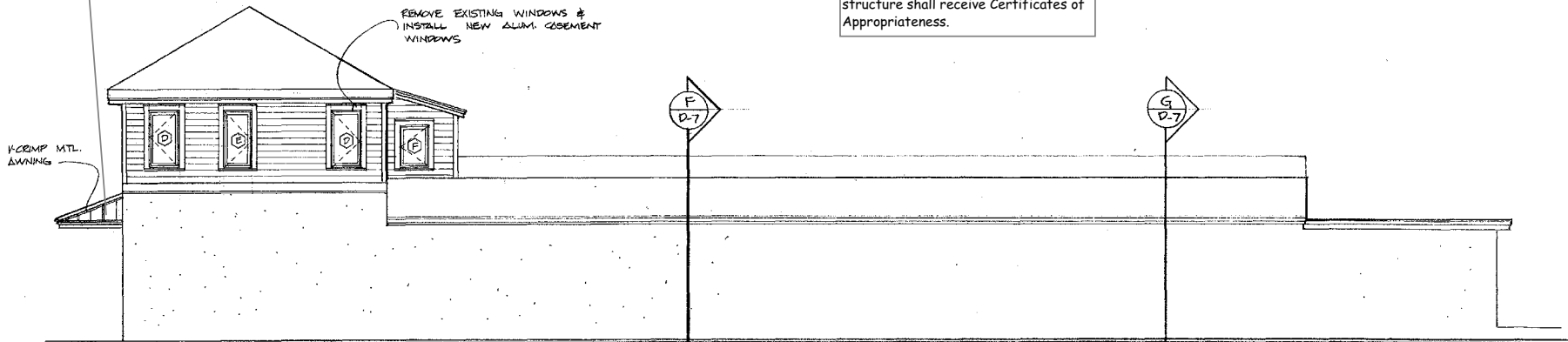


SOUTHEAST ELEVATION

1/4" = 1'-0"

The location of the property line along White Street survey issue shall be resolved, and a Certificate of Appropriateness shall be issued, before the canopy on the structure along White Street may be constructed.

All signs or other modifications to the structure shall receive Certificates of Appropriateness.



SOUTHWEST ELEVATION

1/4" = 1'-0"



THOMAS KELLY ENTERPRISES INC.  
 8941 ROCKY ROAD - SUITE 104 OF 107  
 • DESIGN CONCEPTS  
 • CONSTRUCTION MANAGEMENT  
 (818) 748-1100

NET WEST

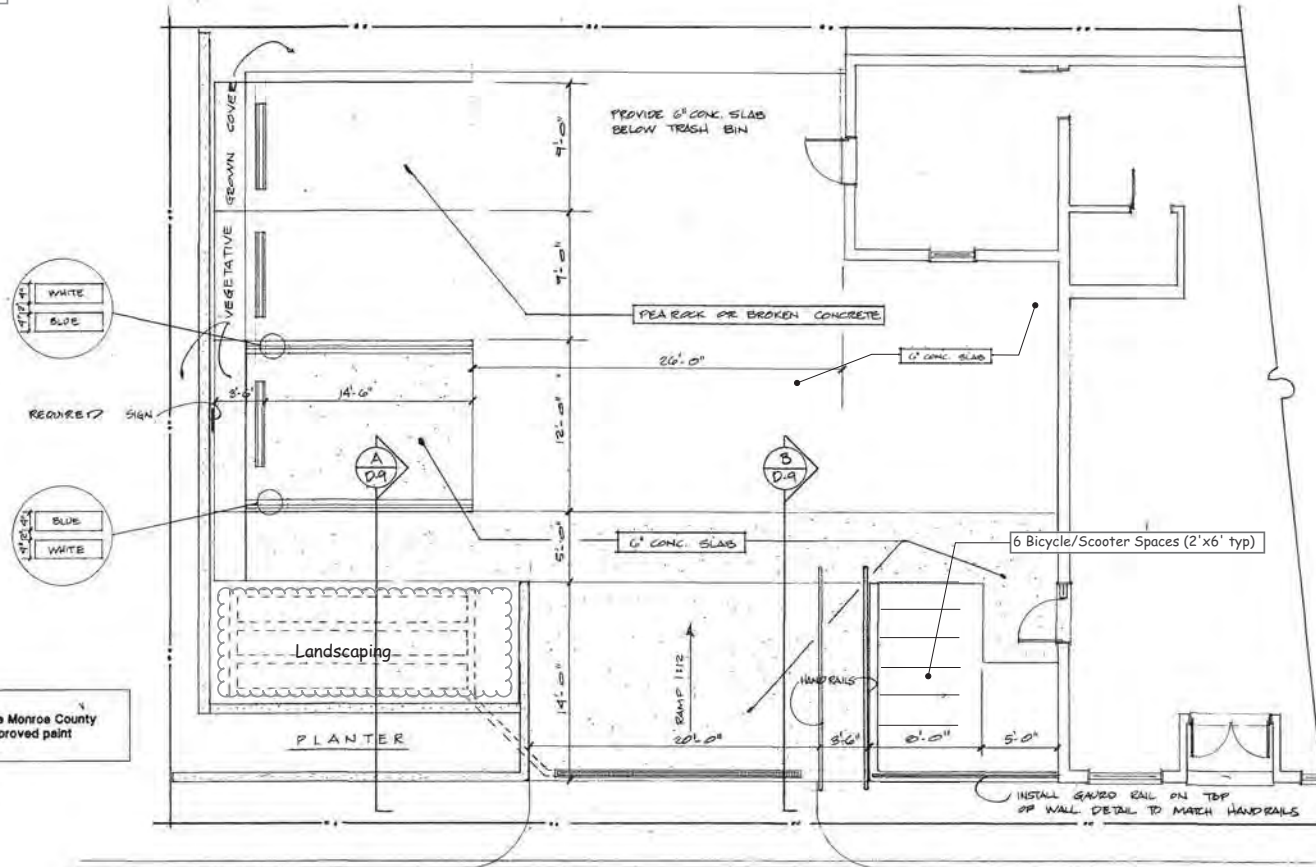
1200 - 1206 - 1212 WHITE STREET  
 EXTERIOR ELEVATIONS

DRAWN: TKK  
 DATE: 08/11/12

SHEET NUMBER  
**D-4**

of 10

The off-street parking spaces shall be maintained as off-street parking spaces in perpetuity and shall not be used for any other purpose such as vehicle display, sales, storage, repair or servicing. Nor shall the premises, inside or outside, be used for storage of any building materials. Materials related to the businesses within the building shall be stored inside.



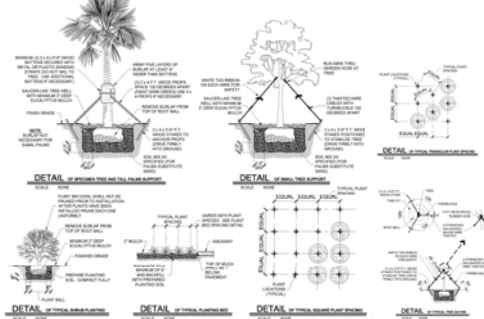
**HANDICAPPED PARKING SPACE**  
 The handicapped parking space shall be paved according to the Monroe County Public Works Manual and shall be prominently outlined with approved paint and posted with Florida Department of Transportation FTO-25

Storage of vehicle inventory on any City right-of-way is strictly prohibited without an easement agreement between the property owner and the City.

OPEN LOT PLAN

1/4"=1'-0"

THOMAS KELLY ENTERPRISES INC. 1841 ROCKY ROAD - BUNALAP KEY FLORIDA 32909 + CONSTRUCTION MANAGEMENT (904) 748-1900	STRUCTURAL DETAILS BY <b>PAUL J. MITCHELL, P.E.</b> FLORIDA PROFESSIONAL ENGINEER NO. 14287 P.O. BOX 188 KEY WEST, FL 33041 (305) 304-1186	SEAL	PAUL J. MITCHELL, P.E.	KEY WEST	1200 - 1206 - 1212 WHITE STREET OPEN LOT PLAN	DRAWN: TKR DATE: 8/1/12	SHEET NUMBER <b>D-8</b> OF 10	PROJECT NO.
--	--	------	------------------------	----------	--	----------------------------	-------------------------------------	-------------



- GENERAL LANDSCAPE NOTES:**
- Landscape contractor to become familiar with the scope of work as well as the site, digging conditions, and any obstacles prior to bidding.
  - Landscape contractor shall locate and verify all underground utilities prior to digging.
  - All Plant material is to be Florida Bag 1 or Department of Agriculture Grades and Standards, Parts I & II, 1975, respectively.
  - All trees to be staked in a good workmanlike manner. No nail staking permitted. (Refer to planting details)
  - Landscape plans shall be installed in compliance with all local codes.
  - All trees, shrubs and ground covers shall be guaranteed for six months from date of final acceptance. All palms are to be guaranteed for one year.
  - All planting beds shall be seeded and graded.
  - All trees, palms, shrubs and ground cover plants shall be fertilized at installation according to manufacturers' recommendations. Type and amount of fertilizer to be determined by Landscape Contractor in order to avoid "burn" on plants that may already contain fertilizer from nursery and ensure proper establishment to maintain contractors warranty.
  - No other plants shall be installed without the approval of Landscape Architect.
  - Landscape Contractor to coordinate his work with the General Contractor, Irrigation Contractor, and the Electrical Contractor.
  - All trees shall have 2" caliper at D.B.H. minimum for a 10' height tree.
  - All 1 gallon material to have 12" spread minimum, all 3 gallon material to have 20-24" spread minimum.
  - Landscape contractor to be County and City licensed where work is to be performed. Liability and Workman's comp insurance is required for each and every employee to be on-site at any time during implementation. Paperwork to this effect to be provided on request within 2 business days.
- END

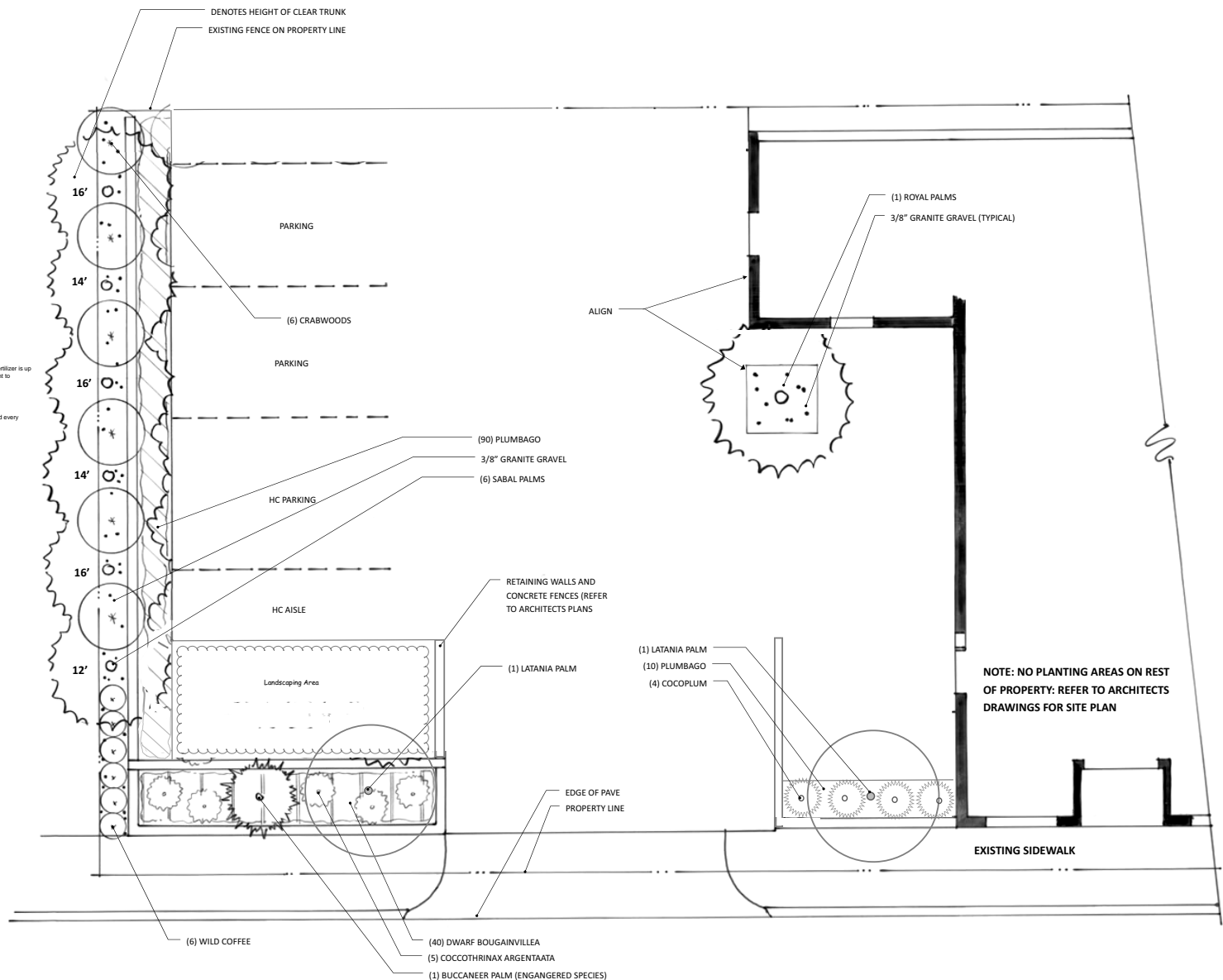
- IRRIGATION NOTES:**
- All new plantings to have automatic irrigation system providing 100% coverage.
  - All Major Palms to have two bubblers on opposing sides of root ball. Bubblers to be hidden from view.
  - Irrigation contractor to coordinate location of main lines with Landscape Contractor prior to implementation. Avoid root balls of trees and large plant materials. Refer to landscape drawings.
  - All pipe to be PVC schedule 40, 2" minimum cover.
  - All heads installed on flexible PVC pipe and fittings.
  - Pressurized backflow, rain switch, and multi-programmable controller with battery backup required.
  - All crossings under permanent concrete to be sleeved two times the sprinkler pipe size with schedule 40 PVC.
  - All valves to have flow control and be installed in green valve boxes with room to work in future.
  - All valve boxes to be located away from walkways, garden paths, and groundcovers - keep to back of beds.
  - All sprinklers to be commercial grade Toro 570 Series 1" and 1.5" and installed out of sight.
  - Irrigation contractor to measure water available on-site and use no more than 75% of available GPM.
  - Water connection to building, including shut-off valves, shall not be altered by pressurized backflow.
  - All wire splices to be in valve boxes and clearly labeled at back of time clock. All wire splices to be installed with water proof connections.
  - 2" spare wires to be run to the last valve in each direction.
  - Controller to be hard-wired at time of completion and included in irrigation contractors bid.
  - System to provide 100% controlled coverage on completion. Additions/modifications from irrigation plan may be necessary.
  - Irrigation contractor to be County and City licensed where work is to be performed. Liability and Workman's comp insurance is required for each and every employee to be on-site at any time during implementation. Paperwork to this effect to be provided on request within 2 business days.
  - As-built irrigation drawing to be provided prior to final payment.
- END

**Plant List**

Qty.	Botanical Name	Common Name	Specifications
<b>TREES AND PALMS</b>			
5	<i>Coccothrinax argentata</i>	Florida Silver Palm	2' Planted height
6	<i>Gymnanthes lucida</i>	Crabwood	6' Planted height, full
2	<i>Latania loddigesii</i>	Latania Palm	8' Clear Trunk minimum
1	<i>Pseudophoenix sargentii</i>	Bucarner Palm	6' Planted height
1	<i>Roystonia elata</i>	Royal Palm	6' Greywood minimum
6	<i>Sabal palmetto</i>	Sabal palm	(1) 12', (2) 14', (3) 16' Clear Trunk
<b>SHRUBS AND GROUNDCOVERS</b>			
40	<i>Bougainvillea</i> sp.	HELEN JOHNSON Boug.	www.bgi-usa.com 3 gallon, full
4	<i>Chrysolobanus icaco</i>	Red tip Cocoplum	4" PH, full and bushy
100	<i>Plumbago auriculata</i>	Blue Plumbago	1 gallon
6	<i>Psychotria nervosa</i>	Wild Coffee	7 gallon

- ADDITIONAL ITEMS**
- TBD Black Eucalyptus Mulch 1" minimum
  - TBD Planting soil 50/50 sand/soil mix
  - TBD 3/8" Granite Gravel Approximately 1/2 yard

- ADDITIONAL NOTES:**
- Landscape contractor to visit site to determine soil/fill requirements prior to bid and install.
  - Plan takes precedence over plant list, bid and install accordingly.



1200-1206-1212 WHITE STREET

PLANTING PLAN

SHEET: LP-1  
 DATE: 3-5-2013  
 Revised: 4-18-2013  
 SCALE: N.T.S.



# **DRC Minutes/Comments**

# Minutes of the Development Review Committee

May 24, 2012

Approved June 28, 2012

Ginny Haller gave members an overview of the project.

Ms. Enid Torregrosa informed the applicant that the current sign needs HARC approval and that it is not to be displayed on the column. She then stated that the survey and the deed need to be submitted.

Mr. Alan Averette commented that nothing can impede on the egress or ingress.

Ms. Diane Nicklaus commented that there needs to be a 36" clear space around the display for accessibility.

Landscaping, General Services, Sustainability and Police Department had no comments.

- 5. Conditional Use - 1200-1212 White Street (RE# 00033010-000000) - A request to allow small recreational power-driven equipment rentals in the HNC-1 zoning district per Section 122-808 (14) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

The applicant gave members an overview of the project.

Ms. Enid Torregrosa requested that the items on the application be completed.

Ms. Diane Nicklaus commented that the ADA accessibility, both for entrances and restrooms would need to be provided if you have public access and that these issues would be addressed prior to issuance of a certificate of occupancy.

Landscaping, General Services, Police Department, Fire and Sustainability have no comments.

- 6. Major Development Plan - 223 Elizabeth Street (RE# 00000710-000101, 00000710-000102, 00000720-000000, 00000730-000000, 00000740-000000, 00000750-000000, 00000760-000000, 00000800-000000, 00000810, 00000840- 000000) – A request to construct a hotel complex in the HRCC-1 zoning district per Section 108-91 A. 2. (a) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

The applicant gave members an overview of the project.

Ms. Elizabeth Ignaffo requested that the Civil Engineer and Landscape Designer coordinate their plans to prevent plant material installation in the same location as the stormwater management system. Preliminary plans show tree and shrub installation over proposed exfiltration trenches.

Ms. Diane Nicklaus commented that the accessibility would be addressed during the Building plan review process.

Landscaping, HARC, Fire, Police Department and Sustainability had no comments.

- 7. Conditional Use - 529 Whitehead Street (RE# 00010000-000000) – A request to allow commercial sales accessory to a cultural and civic use in the HRO zoning district per Section 122-928 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

The applicant gave members an overview of the project.

Mr. Alan Averette requested that heat detectors be installed.



# Minutes of the Development Review Committee

March 28, 2013

Approved April 25, 2013

Planning Director, Don Craig called the Development Review Committee Meeting of March 28, 2013 to order at 10 am at Old City Hall, in the antechamber at 510 Greene Street, Key West.

## ROLL CALL

**Present were:** Planning Director, Don Craig; General Services, Elizabeth Ignaffo; Fire Department, Jason Barroso; Police Department, Steve Torrence; and Arts in Public Places, Dick Moody.

**Not present were:** Building Official, John Woodson; ADA Coordinator, Diane Nicklaus (comments provided); Interim Forestry Manager, Karen DeMaria (comments provided); HARC Planner, Enid Torregrosa; and Sustainability Coordinator, Alison Higgins.

**Also in attendance were Planning Department staff:** Brendon Cunningham, Ginny Haller and Carlene Smith.

## PLEDGE OF ALLEGIANCE

## APPROVAL OF AGENDA

## APPROVAL OF MINUTES

January 24, 2013

February 28, 2013

March 6, 2013

Motion to approve the January, February and March 2013 DRC Minutes was made by Mr. Torrence and seconded by Ms. Ignaffo. The motion passed by a unanimous voice vote.

## DISCUSSION ITEMS

### Old Business

- 1. Conditional Use – 1200-1212 White Street (RE# 00033010-000000; Alt. Key 1033774) – A request to allow small recreational power-driven equipment rentals and a restaurant in the HNC-1 zoning district per Section 122-808 (13) and (14) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Ms. Haller gave members an overview 1200-1212 White project. Items 1, 2, and 3 were heard concurrently.

The applicant's attorney, Wayne LaRue Smith with The Smith Law Firm, gave members an overview of the requests.

#### **Fire Department comments:**

Applicant will need to provide the height of the awning as well as come into compliance with the building code regarding occupancy. The applicant was urged to meet with the Fire Department if they had any questions.

#### **Police Department comments:**

Applicant was commended for cleaning up the property. Applicant will need to properly train the cyclists and refrain from parking any scooters on the right-of-way.

#### **Engineering comments:**

# Minutes of the Development Review Committee

March 28, 2013

Approved April 25, 2013

Applicant will need to coordinate the landscape plan with the open lot plan. The landscape plan proposes planting trees within the drain field. Ground cover vegetation is allowed to be planted over the drain field. No trees or shrubs shall be planted over the drain field.

The open lot plan shows one ADA accessible and two standard vehicle parking spaces. In accordance with Sec. 108-610, parking areas that will be used after dark shall have lighting. Lighting shall be directed away from adjacent residential properties and public right-of-way, downward and away from the sky.

Pursuant to Sec. 108-609, parking spaces shall not be utilized for vehicle sales/rentals, vehicle storage, repair work or servicing.

The open lot plan shows a 7ft x 3ft trash storage area adjacent to the vehicle driveway. The trash storage area has capacity for two 96-gallon totes; presumably, one tote for waste and one tote for recycle. Based on once per week pickup and solid waste disposal Level of Service, 2.66, 6.37 and 1.14, 2.73 lbs./capita/day for residential and non-residential waste and recycling rates, respectively, (*Comprehensive Plan, 2008*), two (2) totes for waste and one (1) tote for recycle will be required. Please increase the size of the trash storage area to accommodate four totes (waste, recycle, and kitchen / landscape), minimum dimension 12ft by 3ft.

Pursuant to Sec. 108-279, waste storage areas shall be screened from adjacent properties and public right-of-ways by fences, walls or landscaping.

## **Planning Director comments:**

Applicant will inform staff his intention of using the walk up window for the proposed restaurant by the time this application moves forward to Planning Board hearing.

Applicant will provide a clearly defined and scaled floor plan to include all uses and how they relate, as well as a scaled parking plan which portrays cars moving in and out of spaces. Handicap access will need to be properly scaled on the site plan. No scooter parking under the ownership of Mr. Mills will be allowed on the City's ROW. Scooter parking will only be placed under a designated area on the plan.

Applicant will also need to address the loading zone and HARC must approve the proposed block wall. Lastly, a traffic analysis is required prior to Planning Board hearing.

## **Urban Forester comments:**

If there is any existing vegetation on-site that will be impacted by the development, please contact the Urban Forester for a review. The removal of any existing trees will require review and possible permits from the Tree Commission.

## **ADA Coordinator comments:**

No comment for the conditional use.

### **Parking Variance**

ADA needs to visit the surrounding area to determine number of existing handicapped parking spaces and determine if one is needed to meet needs of area. Any further ADA comments concerning construction will be reserved for plan review at time of building permit submittal.

### **Cross-Access Easement**

This front property line is actually 3 feet into the existing City sidewalk on White Street. There is no encroachment to my knowledge on the Catherine Street side. Applicant is intending to re-build the

# Minutes of the Development Review Committee

March 28, 2013

Approved April 25, 2013

structural awning which will encroach over the City right-of-way. ROW Coordinator has no objection to the addition of this structural awning and the request for easement of same.

## **Art in Public Places comment:**

Mr. Moody inquired about the applicant adding artwork or a mural on the site.

The following members of the public spoke on the matter:

- Linda Wheeler, 1213 White

## **New Business**

2. **Parking Variance – 1200-1212 White Street (RE#00033010-000100; Alt. Key 1033774) – A request to waive parking requirements for 22 automobile spaces in the HNC-1 zoning district per Section 108-572 (9) and (10) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

See comments for Item 1.

3. **Cross-Access Easement – 1200-1212 White Street (RE 00033010-000000; Alt. Key 1033774) – A request for a cross-access easement of 442.35 square feet, more or less, to address the encroachment of the existing City sidewalk onto private property and the installation of a fixed awning over City property for property located on White Street as per Sections 2-938 and 90-587 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

See comments for Item 1.

4. **Conditional Use – 2308 North Roosevelt Boulevard (RE# 00065710-000000; Alt. Key 1068551) – A request for conditional use approval to operate a motorcycle retail, rental and service shop at property located in the CG zoning district per Section 122-418 (20) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Mr. Cunningham gave members an overview of the conditional use request.

The applicant gave members an overview of the request.

## **Fire Department comments:**

Applicant will need to come into compliance with all code requirements. The applicant will need to meet with the Fire Department for site plan review.

## **Police Department comments:**

Address will need to be well marked on the property.

## **Engineering comments:**

Engineering will provide comments after site plans have been submitted.

## **Planning Director comments:**

Applicant will need to provide a scaled site plan to include landscaping, drainage and parking. Applicant will need to return back to the DRC for review.

## **ADA Coordinator comments:**

ADA has no objection and withholds comments on any ADA requirements until such time as plan review is done through the Building Department. ADA compliance issues will also be necessary in the

# **Other Information**

**Memo from  
Applicant 4/1/2014**

## Kevin Bond

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**From:** Owen Trepanier  
**Sent:** Tuesday, April 01, 2014 10:02 AM  
**To:** kbond@keywestcity.com  
**Cc:** hondamarine@aol.com  
**Subject:** Mills - Revised Plans  
**Attachments:** Conditions.pdf; Revised Agenda Packet Plans.pdf

Dear Kevin,

As discussed, we incorporated the majority of the conditions directly into the plans, leaving only 3 conditions of approval: Nos. 1, 17, & 19. We propose alternative language for Condition No. 13. Please let me know if you think this is adequate for department support.

Condition	Location
1. Approval of this Conditional Use shall be contingent upon the approval of the associated parking variance.	Agreed - Condition of approval
2. The proposed development shall be consistent with the approved plans by Paul J. Mitchell, P.E., dated April 26, 2013 and the Planting Plan by Craig Reynolds, Landscape Architect, dated April 18, 2013 as specifically incorporated herein.	Agreed - Plans submitted as condition proposes
3. Any new exterior lighting shall be designed to "Dark Sky" lighting standards and comply with City Code Section 108-284.	Agreed – Noted on Plan D-1
4. Outdoor waste handling shall occur between 6:30 AM and 10:30 PM. As shown on Sheet D-8 of the plans by Paul J. Mitchell, P.E. dated April 26, 2013, a roll-out trash dumpster shall be stored within the fully-enclosed area of the building in an effort to mitigate odor from the trash receptacle.	Agreed - Noted on Plan D-1
5. The property owner shall maintain disposal contracts for all hazardous waste at approved locations outside the city. All hazardous materials shall be stored inside the premises until they are collected for disposal.	Agreed - Noted on Plan D-1
6. In an effort to mitigate noise, restaurant hours of operation shall be no later than 9:00 PM Sunday through Thursday and not later than 11:00 PM on weekends.	Agreed - Noted on Plan D-1
7. The dispute on the location of the property line along White Street survey issue shall be resolved, and a Certificate of Appropriateness shall be issued, before the canopy on the structure along White Street may be constructed	Agreed - Noted on Plan D-2, D-3 & D-4
8. There shall be no music (amplified or vocal), entertainment, or special events of any kind permitted outdoors on the property without a special event permit.	Agreed - Noted on Plan D-1
9. Storage of vehicle inventory on any City right-of-way is strictly prohibited without an easement agreement between the property owner and the City.	Agreed - Noted on Plan D-8
10. The off-street parking spaces shall be maintained as off-street parking spaces in perpetuity and shall not be used for any other purpose such as vehicle display, sales, storage, repair or servicing. Nor shall the premises, inside or outside, be used for storage of any building materials. Materials related to the businesses within the building shall be stored inside.	Agreed - Noted on Plan D-8
11. The property shall be fully ADA accessible.	Agreed - Noted on Plan D-1
12. The proposed 11 scooter/bicycle parking spaces shall be deleted	Agreed - Noted on Plan D-8 &

and replaced with landscaping.	LP-1
13. Restaurant service through any window is prohibited.	Propose alternative language – “Restaurant service through any window is prohibited <u>unless an easement is granted specifically allowing such use.</u> ”
14. The property shall not be used as a drop-off or pick-up located for any rental vehicles or rental bicycles.	Agreed - Noted on Plan D-1
15. The site plan (open lot plan sheet D-8) shall be consistent with the Planting Plan by Craig Reynolds, Landscape Architect, dated April 18, 2013 as specifically incorporated herein.	Agreed - Plans submitted as condition proposes
16. All commercial and residential trash shall be stored indoors and shall not be placed upon City right-of-way, except as allowed for scheduled pickup pursuant to City Code Section 58-31.	Agreed - Noted on Plan D-1
17. On-site stormwater retention calculations for the property shall be submitted to the City Engineering Services Department.	Agreed - Condition of approval
18. All signs or other modifications to the structure shall receive Certificates of Appropriateness.	Agreed - Noted on Plan D-3 & D-4
19. The property owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance shall inspect the property on an annual basis upon reasonable notice to determine compliance with the above conditions.	Agreed - Condition of approval

Owen

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**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

[www.owentrepanier.com](http://www.owentrepanier.com)

# **Other Information**

**Condition notes  
from Applicant**

**a. Land uses within a conservation area:** N/A

**b. Residential development:**

N/A. Single-, two- and multi-family residential dwellings are permitted uses, as opposed to conditional uses, within the HNC-1 Zoning District. There are two existing non-transient apartments on the second floor of the building that would remain.

**c. Commercial or mixed use development:**

The surrounding uses are a mix of commercial and residential. In an effort to minimize any potential traffic and parking impacts with the surrounding area, the Applicant has reduced the overall scope of the proposed uses.

**d. Development within or adjacent to historic district:**

The property is within the Historic District and has received Certificates of Appropriateness for exterior changes to the existing building. The Applicant has proposed landscaping and a low screening wall along the perimeter of the off-street parking area in an effort to provide mitigative measures. Any applicable future work (e.g., signs, awnings) as a result of this conditional use, if approved, would be subject to review through the Certificate of Appropriateness process.

**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

**RECOMMENDATION:**

Staff believes that the Applicant has attempted to address the concerns of neighboring residents and property owners about some of the previously proposed uses, and their associated traffic, parking, noise and aesthetic impacts. The revised application is more consistent with the mix of surrounding land uses and with the principles contained in the Comprehensive Plan to regulate the mix and intensity of uses in commercial/residential neighborhoods.

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board that the request for Conditional Use be **APPROVED WITH CONDITIONS** as follows:

**General conditions:**

1. Approval of this Conditional Use shall be contingent upon the approval of the associated parking variance.
2. The proposed development shall be consistent with the approved plans by Paul J. Mitchell, P.E., dated April 26, 2013 and the Planting Plan by Craig Reynolds, Landscape Architect, dated April 18, 2013 as specifically incorporated herein. Plans Submitted



3. Any new exterior lighting shall be designed to “Dark Sky” lighting standards and comply with City Code Section 108-284. Noted on plans (D-1)
4. Outdoor waste handling shall occur between 6:30 AM and 10:30 PM. As shown on Sheet D-8 of the plans by Paul J. Mitchell, P.E. dated April 26, 2013, a roll-out trash dumpster shall be stored within the fully-enclosed area of the building in an effort to mitigate odor from the trash receptacle. Noted on plans (D-1)
5. The property owner shall maintain disposal contracts for all hazardous waste at approved locations outside the city. All hazardous materials shall be stored inside the premises until they are collected for disposal. Noted on plans (D-1)
6. In an effort to mitigate noise, restaurant hours of operation shall be no later than 9:00 PM Sunday through Thursday and not later than 11:00 PM on weekends. Noted on plans (D-1)
7. The dispute on the location of the property line along White Street survey issue shall be resolved, and a Certificate of Appropriateness shall be issued, before the canopy on the structure along White Street may be constructed. Noted on plans (D-2, D-3 & D-4)
8. There shall be no music (amplified or vocal), entertainment, or special events of any kind permitted outdoors on the property without a special event permit. Noted on plans (D-1)
9. Storage of vehicle inventory on any City right-of-way is strictly prohibited without an easement agreement between the property owner and the City. Noted on plans (D-8)
10. The off-street parking spaces shall be maintained as off-street parking spaces in perpetuity and shall not be used for any other purpose such as vehicle display, sales, storage, repair or servicing. Nor shall the premises, inside or outside, be used for storage of any building materials. Materials related to the businesses within the building shall be stored inside. Noted on plans (D-8)
11. The property shall be fully ADA accessible. Noted on plans (D-1)
12. The proposed 11 scooter/bicycle parking spaces shall be deleted and replaced with landscaping. Noted on plans (D-8 & LP-1)
13. Restaurant service through any window is prohibited.
14. The property shall not be used as a drop-off or pick-up located for any rental vehicles or rental bicycles. Noted on plans (D-1)
15. The site plan (open lot plan sheet D-8) shall be consistent with the Planting Plan by Craig Reynolds, Landscape Architect, dated April 18, 2013 as specifically incorporated herein. Plans Submitted
16. All commercial and residential trash shall be stored indoors and shall not be placed upon City right-of-way, except as allowed for scheduled pickup pursuant to City Code Section 58-31. Noted on plans (D-1)

**Conditions prior to issuance of a building permit:**

17. On-site stormwater retention calculations for the property shall be submitted to the City Engineering Services Department.

18. All signs or other modifications to the structure shall receive Certificates of Appropriateness.

Noted on plans (D-3 & D-4)

**Conditions prior to issuance of a Certificate of Occupancy:**

19. The property owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance shall inspect the property on an annual basis upon reasonable notice to determine compliance with the above conditions.

# **Property Appraiser Record Card**



**Scott P. Russell, CFA**  
**Property Appraiser**  
**Monroe County, Florida**

Key West (305) 292-3420  
 Marathon (305) 289-2550  
 Plantation Key (305) 852-7130

Website tested on IE8, IE9, & Firefox.  
 Requires Adobe Flash 10.3 or higher

## Property Record Card -

**Maps are now launching the new map application version.**

Alternate Key: **1033774** Parcel ID: **00033010-000000**

### Ownership Details

**Mailing Address:**  
 MILLS VICTOR H JR AND CYNTHIA A  
 16 CALLE DOS  
 KEY WEST, FL 33040-5464

### Property Details

**PC Code:** 12 - STORE/OFF/RES OR COMBINATION  
**Millage Group:** 10KW  
**Affordable Housing:** No  
**Section-Township-Range:** 05-68-25  
**Property Location:** 1200 WHITE ST KEY WEST  
 1204 WHITE ST KEY WEST  
 1124 CATHERINE ST UNIT: 201 KEY WEST  
 1124 CATHERINE ST UNIT: 202 KEY WEST  
 1206 WHITE ST KEY WEST  
**Legal Description:** KW GWYNN SUB 0-195 PT LT 1 SQR 3 TR 13 H3-57 OR430-919 OR1072-126 OR1280-1505 OR1310-1228/29AFF OR1308-2333/34C 2383P/R OR2577-2119C OR2577-2122/24

[Click Map Image to open interactive viewer](#)



### Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	0	0	5,442.00 SF

**Building Summary**

Number of Buildings: 1  
 Number of Commercial Buildings: 1  
 Total Living Area: 5287  
 Year Built: 1923

**Building 1 Details**

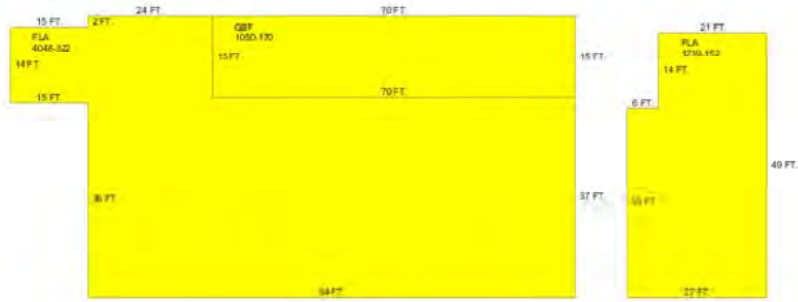
<b>Building Type</b>	<b>Condition E</b>	<b>Quality Grade</b> 350
<b>Effective Age</b> 39	<b>Perimeter</b> 474	<b>Depreciation %</b> 50
<b>Year Built</b> 1923	<b>Special Arch</b> 0	<b>Grnd Floor Area</b> 5,287
<b>Functional Obs</b> 0	<b>Economic Obs</b> 0	

**Inclusions:**

<b>Roof Type</b>	<b>Roof Cover</b>	<b>Foundation</b>
Heat 1	Heat 2	Bedrooms 0
Heat Src 1	Heat Src 2	

**Extra Features:**

2 Fix Bath	0	Vacuum	0
3 Fix Bath	0	Garbage Disposal	0
4 Fix Bath	0	Compactor	0
5 Fix Bath	0	Security	0
6 Fix Bath	0	Intercom	0
7 Fix Bath	0	Fireplaces	0
Extra Fix	15	Dishwasher	0



**Sections:**

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	1990					4,048
2	GBF		1	1990					1,050
3	FLA		1	1990					1,239

**Interior Finish:**

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	4313	VACANT COMM	23	N	N

4314	VACANT COMM	12	N	Y
4315	VACANT COMM	65	N	N
4316	GBF	100	N	N
4317	VACANT COMM	100	N	N

**Exterior Wall:**

Interior Finish Nbr	Type	Area %
1164	AB AVE WOOD SIDING	20
1165	C.B.S.	80

**Misc Improvement Details**

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	AC2:WALL AIR COND	1 UT	0	0	1989	1990	2	20

**Appraiser Notes**

1200 WHITE ST-- KLEEN WASH 1206 WHITE ST-- LA DICHOSA BAKERY TPP 8859384 - RENTAL TPP 8539053 - LA DICHOSA TPP 8914679 - TILES ETCETERA TPP 8889674 - LA GUARAPERA

AS OF JANUARY 1, 2013 PROPERTY UNDER TOTAL RENOVATION. ADJUSTMENTS HAVE BEEN MADE ACCORDINGLY.

**Building Permits**

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
1 12-4578	12/31/2012		65,000	Commercial	INTERIOR, EXTERIOR AND STRUCTUREAL WORK AS PER PLANS.
1 12-3671	10/12/2012		8,000	Commercial	14 SQES 5 VCRIMP METAL ROOF, NOC REQUIRED. 10' FACIA BOARD.
1 12-3289	09/12/2012		15,000	Commercial	RE-ROOF REMOVE EXISTING ROOF PLACE BACK PLUS UNDERLAYMENT DRY IN 14 SQS.
1 12-4578	12/31/2012		65,000	Commercial	INTERIOR, EXTERIOR AND STRUCTURAL WORK AS PER PLANS.
1 12-4340	12/13/2012		10,000	Commercial	STUCCO REPAIRS TO OUSIDE OF BLDG. APPROX 2400 SQ. FT.
1 12-4573	12/28/2012		600	Commercial	INSTALL TEMPORARY SERVICE 60 AMPS, TWO 20 AMP GFI OUTLETS, ONE 220 VOLT OUTLET GROUND
1 12-4418	02/21/2013		10,000	Commercial	INSTALL WINDOWS & REPLACE SIDING. 31 WINDOWS AND 1575 SQ FT OF SIDING
1 M942622	08/01/1994	11/01/1994	2,000		INSTALL STOVE PIPE
1 B942664	08/01/1994	11/01/1994	200		PAINT BLDG
1 96-3375	08/01/1996	12/01/1996	1,200		MECHANICAL
1 9903951	12/07/1999	12/27/1999	3,000		ROOFING

**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
2013	277,483	200	308,855	586,538	586,538	0	586,538
2012	316,232	200	308,855	625,287	625,287	0	625,287
2011	316,232	200	308,855	625,287	625,287	0	625,287
2010	316,232	200	289,523	605,955	605,955	0	605,955
2009	344,980	200	583,804	928,984	928,984	0	928,984
2008	344,980	200	707,460	1,052,640	1,052,640	0	1,052,640

2007	230,691	200	598,620	829,511	829,511	0	829,511
2006	230,691	200	408,150	639,041	639,041	0	639,041
2005	238,381	200	326,520	565,101	565,101	0	565,101
2004	238,329	200	217,680	419,203	419,203	0	419,203
2003	238,329	200	141,492	419,203	419,203	0	419,203
2002	257,549	200	141,492	399,241	399,241	0	399,241
2001	257,549	225	141,492	399,266	399,266	0	399,266
2000	257,549	250	103,398	361,197	361,197	0	361,197
1999	249,861	275	103,398	307,957	307,957	0	307,957
1998	166,963	300	103,398	307,957	307,957	0	307,957
1997	166,963	325	92,514	307,957	307,957	0	307,957
1996	151,079	350	92,514	243,943	243,943	0	243,943
1995	151,079	0	92,514	243,593	243,593	0	243,593
1994	144,106	0	92,514	236,620	236,620	0	236,620
1993	144,106	0	98,600	242,706	242,706	0	242,706
1992	144,106	0	98,600	242,706	242,706	0	242,706
1991	144,106	0	98,600	242,706	242,706	0	242,706
1990	92,729	930	82,650	176,309	176,309	0	176,309
1989	87,849	930	81,200	169,979	169,979	0	169,979
1988	75,676	930	69,600	146,206	146,206	0	146,206
1987	74,195	930	34,974	110,099	110,099	0	110,099
1986	74,570	930	34,974	110,474	110,474	0	110,474
1985	70,552	930	24,544	96,026	96,026	0	96,026
1984	69,491	930	24,544	94,965	94,965	0	94,965
1983	69,491	930	24,544	94,965	94,965	0	94,965
1982	52,194	930	23,216	76,340	76,340	0	76,340

## 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
6/26/2012	2577 / 2119	0	QC	11
6/26/2012	2577 / 2122	650,000	WD	03
12/30/2008	2395 / 2383	100	WD	J
5/1/1994	1308 / 2336	325,000	WD	M

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Monroe County Property Appraiser  
 Scott P. Russell, CFA  
 P.O. Box 1176 Key West, FL 33041-1176



**Scott P. Russell, CFA**  
**Property Appraiser**  
**Monroe County, Florida**

Key West (305) 292-3420  
Marathon (305) 289-2550  
Plantation Key (305) 852-7130

Website tested on IE8, IE9, & Firefox.  
Requires Adobe Flash 10.3 or higher

## Property Record Card -

**Maps are now launching the new map application version.**

Alternate Key: **1033812** Parcel ID: **00033050-000000**

### Ownership Details

**Mailing Address:**

MILLS VICTOR H JR AND CYNTHIA A  
16 CALLE DOS  
KEY WEST, FL 33040-5464

### Property Details

**PC Code:** 28 - PARKING LOTS, MOBILE HOME PARKS

**Millage Group:** 10KW

**Affordable Housing:** No

**Section-Township -Range:** 05-68-25

**Property Location:** 1212 WHITE ST KEY WEST

**Legal Description:** KW GWYNN SUB 0-195 PT LT 5 SQR 3 TR 13 H3-57 OR430-919 OR1072-126 OR1280-1505 OR1308-2333/34C OR1308-2336/38 OR1310-1228/29AFF OR2089-1038ORD OR2076-1664/65WILL OR2364-75/81WILL OR2395-2383P/R OR2577-2119C OR2577-2122/24

[Click Map Image to open interactive viewer](#)





## Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	0	0	2,705.00 SF

## Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
1	13-0266	01/23/2013	2,400	Commercial	RELOCATE 200 AMP, ONE PHASE SERVICE W/ 200 AMP DISCONNECT, & 200 AMP THREE PHASE W/200 AMP DISCONNECT TO NORTH SIDE (CATHERINE ST) OF BUILDING

## 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
2013	0	0	182,863	182,863	182,863	0	182,863
2012	0	0	182,863	182,863	182,863	0	182,863
2011	0	0	182,863	182,863	182,863	0	182,863
2010	0	0	169,098	169,098	169,098	0	169,098
2009	0	0	359,887	359,887	359,887	0	359,887
2008	0	0	351,650	351,650	351,650	0	351,650
2007	0	0	297,550	297,550	297,550	0	297,550
2006	0	0	256,975	256,975	256,975	0	256,975
2005	0	0	216,400	216,400	216,400	0	216,400
2004	0	0	148,775	148,775	148,775	0	148,775
2003	0	0	54,100	54,100	54,100	0	54,100
2002	0	0	54,100	54,100	54,100	0	54,100
2001	0	0	54,100	54,100	54,100	0	54,100
2000	0	0	45,985	45,985	45,985	0	45,985
1999	0	0	45,985	45,985	45,985	0	45,985
1998	0	0	45,985	45,985	45,985	0	45,985
1997	0	0	40,575	40,575	40,575	0	40,575
1996	0	0	40,575	40,575	40,575	0	40,575
1995	0	0	40,575	40,575	40,575	0	40,575
1994	0	0	40,575	40,575	40,575	0	40,575
1993	0	0	43,425	43,425	43,425	0	43,425
1992	0	0	43,425	43,425	43,425	0	43,425
1991	0	0	43,425	43,425	43,425	0	43,425
1990	0	0	31,121	31,121	31,121	0	31,121
1989	0	0	30,398	30,398	30,398	0	30,398
1988	0	0	26,055	26,055	26,055	0	26,055
1987	0	0	17,370	17,370	17,370	0	17,370
1986	0	0	17,370	17,370	17,370	0	17,370
1985	0	0	12,155	12,155	12,155	0	12,155
1984	0	0	12,155	12,155	12,155	0	12,155

1983	0	0	12,155	12,155	12,155	0	12,155
1982	0	0	11,497	11,497	11,497	0	11,497

## 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
6/26/2012	2577 / 2122	650,000	WD	03
6/26/2012	2577 / 2119	0	QC	11
12/30/2008	2395 / 2383	100	WD	J
5/1/1994	1308 / 2336	1	WD	M

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Monroe County Monroe County Property Appraiser  
 Scott P. Russell, CFA  
 P.O. Box 1176 Key West, FL 33041-1176