



**THE CITY OF KEY WEST  
PLANNING BOARD**

**To:** Chairman and Planning Board Members

**Through:** Katie P. Halloran, Planning Director

**From:** Ben Gagnon, Planner I

**Meeting Date:** November 21, 2024

**Agenda Item:** **Alcohol Sales Special Exception – 1500 Bertha Street (RE#00063180-000000)**  
– A request for a special exception to add the sale of alcohol at an existing restaurant in the Limited Commercial (CL) zoning district pursuant to Section 18-28 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

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**Request:** The applicant is requesting a special exception to add the sale of alcohol, specifically beer and wine, at an existing restaurant in the CL zoning district.

**Applicant:** Agua Blanca, LLC

**Property Owner:** Agua Blanca, LLC

**Location:** 1500 Bertha Street (RE# 00063180-000000)

**Zoning:** Limited Commercial (CL)

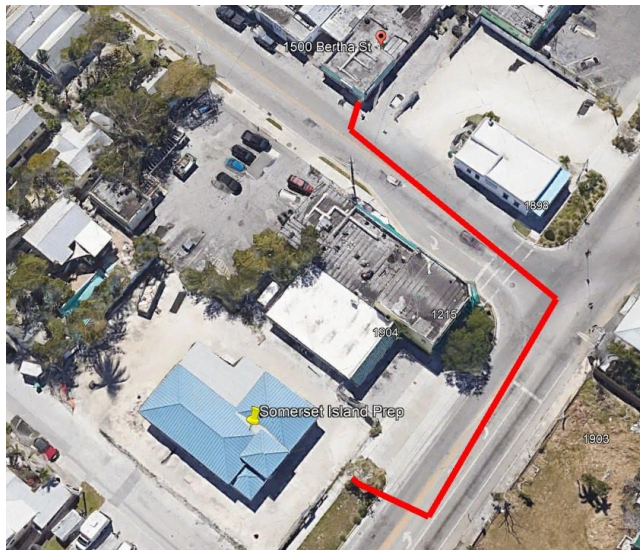


*1. Street view of property*

**Background/Request:**

Section 18-28 of the Code of Ordinances of the City of Key West prohibits the sale of alcoholic beverages where such place of business is within 300 feet of an established church, school, cemetery, or funeral home. However, the Planning Board may grant a special exception if the criteria in City Code Section 18-28(b) (2) are met. An Alcohol Exception is granted exclusively to the applicant and is not transferable.

The current applicant has requested a special exception to obtain an alcohol license, which would allow the sale of beer and wine subject to the issuance of a 6001 ABT license through the Florida Department of Business and Professional Regulation. The current restaurant is located on a 4,840 square foot parcel in the Limited Commercial (CL) zoning district where restaurants are a conditional use. The sale of alcohol is permitted as an accessory use to the existing restaurant use. The property owners currently hold an active food and beverage license. The restaurant is commonly referred to as ‘El Molcajete’ and has been open since late summer 2024. The restaurant plans to sell alcohol on the premises to customers. Consumption of alcohol would be inside only, and the hours will be daily from 11am to 10pm. Live music would be limited to special events and holidays only. The property is within 300 feet of Somerset Island Prep School, triggering this application.



*Red line represents approximately 250 feet*

**Process:**

**Planning Board Meeting:** November 21, 2024  
**Local Appeal Period:** 10 days  
**DEO Review Period:** up to 45 days

**Evaluation for Compliance with Section 18-28 of the Code of Ordinances:**

City of Key West Code of Ordinances Section 18-28(b)(2) provides alcohol exception review criteria for the Planning Board to ensure the following: “ . . .*that the use will not detrimentally impact the public health, safety or welfare after consideration of all the following criteria:*”

*A. Compatibility with surrounding existing uses;*

The property is located within the Limited Commercial zoning district and is surrounded by other commercial uses, restaurants, retail stores, and directly across the street from Brady's Irish Pub.

***B. The extent of conflict between the proposed use and the hours of operation of the facilities described in section (a) above;***

The hours proposed are 11am to 10pm.

***C. Mitigation measures agreed to be implemented by the applicant;***

Applicant will have no alcohol consumed or sold outdoors, and all live music will be on rare occasions and kept inside.

***D. Public input;***

As of November 14, there have been no letters for or against this project.

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

As of the date of this report, there have been no objections to the applicant's request to sell alcohol.

***F. Any other factors the approving body determines relevant to the public's health, safety, and welfare;***

The applicant is aware that the granting of this approval is for alcohol to restaurant customers only.

**The Planning Board shall make factual findings regarding the following:**

That the standards established by City Code Section 18-28(b) for special exceptions have been met by the applicant.

City of Key West Code of Ordinances Section 18-28(c) states, "Any special exception granted hereunder may be approved with conditions, which conditions shall be monitored in accordance with [section 18-610](#). The exception shall be to the applicant only, shall not be transferable and shall only be effective in conjunction with the use(s) specified in the application."

Per Section 18-28(e), "upon receipt of an application, the planning board shall hold a public hearing upon the application in accordance with the procedures cited in section 90-393 and shall render an order granting or denying such application. In granting such application the planning board must make specific findings respecting each of the matters specified in subsection (b) (2), above."

As stated above, the Planning Board must make a specific finding on the criteria. Staff recommends to the Planning Board that the response to the criteria outlined in the staff report be taken into consideration in rendering an order to grant or deny the request.

**RECOMMENDATION:**

Based on the existing conditions, the Planning Department recommends to the Planning Board **Approval** of the proposed Alcohol Sales Special Exception.

If the Planning Board chooses to approve the special exception, the Planning Department recommends the following conditions:

1. The special exception is granted exclusively to 1500 Bertha Street and shall not be transferable.
2. All storage of alcohol shall be confined to the interior space of the restaurant.
3. All sale of alcohol shall be for restaurant customers only.
4. All solid waste for the premises, including the cardboard packaging created by the alcohol sales shall be contained in a closed dumpster or recycling/waste bins that are screened from the public right-of-way except for scheduled pick-up days.
5. If needed, the regularly scheduled pick-up for waste removal will be adjusted to ensure no trash accumulates beyond the storage capacity of the screened containers.