



GREGORY S. OROPEZA | ADELE VIRGINIA STONES | SUSAN M. CARDENAS

June 30, 2020

VIA E-mail to: khalloran@cityofkeywest-fl.gov

Katie Halloran, Planning Director
City of Key West Planning Department
PO Box 1409
Key West, FL 33040

Re: Objection to 1218 Duval Street Variance Application (RE# 00028950-000000)

Dear Director Halloran:

Mr. Wagner renews his objection to the expansion of the consumption area at 1218 Duval to a size sufficient to accommodate outdoor seating in the front yard as depicted on the proposed site plan. He also objects to the waiver of the required 26 off-street parking spaces on grounds that the application does not comply with the stringent evaluation criteria and standards that are applicable to support the grant of a variance in the City.

While we understand that the applicant's intention is to replace Cork & Stogie with another establishment, Mr. Wagner remains concerned about recent changes in the use of the property. In November 2019, the owner of 1218 Duval Street was granted an increase from 13 seats to 46 seats¹ without formal Planning Board review. A copy of that application package is enclosed. This seating increase resulted in a considerable change in use. A retail coffee shop with 4 stools inside and 8 seats on the porch was expanded into an establishment licensed for 46 restaurant seats, including 11 seats located around a large, central bar.

The addition of 32 new seats around 8 tables in the front yard of the property, as proposed in the pending variance application, would further adversely impact and affect the neighborhood.

We understand that the property owner has represented that the sale of alcoholic beverages at this property is "accessory to a restaurant use" and assume that the City will enforce this limitation. Nevertheless, Mr. Wagner remains concerned that any new business, though licensed as a restaurant may, in practice, operate similarly to Cork & Stogie which offered "happy hour all day every day" and "all day beer BOGO."

¹ We note that the proposed seating plan submitted with the application for increased seating depicts 51 seats - 12 seats on the porch and 39 seats inside, including the 11 bar seats.

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June 30, 2020
Page Two

As noted Section 1-1.1.8 of the City's Comprehensive Plan, the HRCC-3 zoning sub-district should be regulated by more restrictive performance standards than those applicable to the HRCC-1, including *"larger open space ratios, design standards which preserve and reinforce the physical characteristics of the area, and land use restrictions which exclude sidewalk bars and lounges which may produce excessive noise incompatible with surrounding residential activities."* A 78-seat establishment, including 32-45 seats outside and no off-street parking does not comply with these standards, it would adversely impact surrounding residential activities, and it would constitute a gross expansion from the 13-seat coffee/retail shop that was operating at this property a short time ago.

For all of the above reasons, Peter Wagner respectfully objects to the grant of both proposed variances for 1218 Duval Street.

Thank you for your kind consideration.

Sincerely,



Susan M. Cardenas
Oropeza, Stones & Cardenas
Counsel for Peter F. Wagner - 1207 Duval Street, Key West, FL

SMC/st

c: Daniel Sobczak, via e-mail to: dsobczak@cityofkeywest-fl.gov
Owen Trepanier, via e-mail to: owen@owentrepanier.com
Peter Wagner

June 25, 2019

Mr. Jeff Burgess, Chief Licensing Official
City of Key West
1300 White Street
Key West, FL 33040

RE: Seating Increase - 1218 Duval Street
RE# 00028950-000000

TREPANIER



& ASSOCIATES INC
LAND USE PLANNING
DEVELOPMENT CONSULTANTS

Dear Jeff,

We are requesting an increase in the number of restaurant seats at the above referenced location. The property has active renovation permits. I am attaching the "existing" commercial floor plan and the "proposed" seating plan. The plans show that the proposed seating is located within existing commercial floor area¹.

The property has been licensed as a restaurant² since 2011³ (copy of menu attached⁴). For clarification purposes, this property is not a bar/lounge. Pursuant to Sec. 86-9(3)b *bar and lounge mean a commercial establishment selling and dispensing for the drinking on the premises of liquor, malt, wine or other alcoholic beverages. This shall not include the sale of alcoholic beverages accessory to and within a restaurant use.* Additionally, bars and lounges in the HRCC zoning districts require conditional use approval. Such approval has not been applied for, nor granted for this property. The sale of alcoholic beverages on the premises is accessory to the restaurant use.

Thank you.

Best Regards,

A handwritten signature in black ink, appearing to read 'Lori Thompson', written in a cursive style.

Lori Thompson

CC: Vanessa Sellers, Planner II

¹ Pls see attached plan

² 86-9(3)l. Restaurant, excluding drive-through, means any establishment, which is not a drive-through service establishment, where the principal business is the sale of food, desserts and beverages to the customer in a ready-to-consume state. This includes service within the building as well as takeout or carryout service. For the purpose of this subpart B and impact fee assessments, a takeout or carryout restaurant shall be limited to no more than five chairs or bench seats without tables or counter tops.

³ Attachment A, BTR Lic NBR/class 26440

⁴ Attachment B, menu

CITY OF KEY WEST, FLORIDA

Business Tax Receipt

This Document is a business tax receipt
Holder must meet all City zoning and use provisions.
P.O. Box 1409, Key West, Florida 33040 (305) 809-3955

Business Name CORK & STOGIE LLC
Location Addr 1218 DUVAL ST
Lic NBR/Class 26440 FOOD SERVICE
Issued Date 11/9/2018 Expiration Date: September 30, 2019

RESTAURANT WITH 1 TO 15 SEATS

Comments: AUTHORIZED FOR 12 SEATS (INTERIOR & PORCH ONLY)

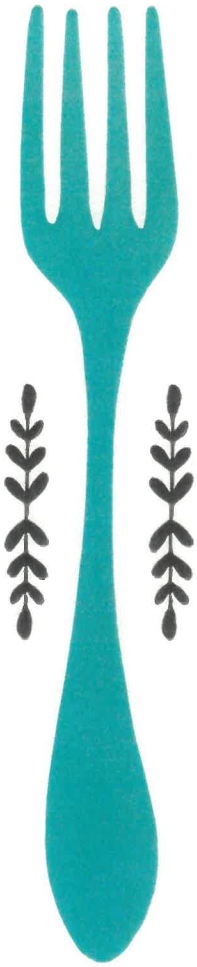
Restrictions: DBPR #SEA5428342 (10/1/19)

CORK & STOGIE LLC
1218 DUVAL ST

KEY WEST, FL 33040

This document must be prominently displayed.

BEVENS, DAVID



CORK & STOGIE

Breakfast

Classic Eggs Benedict served with breakfast potatoes and choice of toast or muffin

House made Sausage gravy smothered on top of 2 eggs and breakfast potatoes

All American, 2 eggs served breakfast potatoes, choice of bacon, sausage links or ham, toast or muffin

House granola served with yogurt and fresh berries

Sweet peach pancakes served with whipped cream, syrup and mint

Lemon poppy seed Belgian waffles with blackberry maple syrup

Grit cakes with poached eggs and country gravy

Southern style shrimp and grits

Breakfast served until 11:00 am

Sandwiches & Wraps

Roast beef sliders served warm with au jus & horseradish cream sauce

Tuna salad served with pickles sliced tomatoes

*Ham and Swiss served with lettuce and tomatoes
Can be served as a sandwich or wrap*

Key west pink shrimp salad wrap, fresh local shrimp tossed with celery, onion and a light lemon mayo



Beef burger, quarter pound of sirloin served with pickles, onion, tomatoes and lettuce and choice of Swiss or cheddar cheese

Black & Blue burger, quarter pound of sirloin served with lettuce, onion, tomatoes

All sandwiches and wraps served with you choice of side salad or chips

Salads

Garden, romaine lettuce tomatoes, cucumbers, red onion, radishes, cheddar cheese and house made vinaigrette

Caesar salad, Parmesan cheese, croutons and our house made dressing

Seared tuna, served and fresh garden spring mix with cucumbers, tomatoes red onion & balsamic vinaigrette

Greek salad, romaine, cucumbers red onion, olives and feta cheese with a tangy vinaigrette

Appetizers

Shrimp martini served with house made cocktail sauce

Keys fish dip served with fresh veggies and crackers

Cheeseboard, chef selection of cheese served with bread and house marinated olives and house made wine jellies



Jumbo pretzel served with Bavarian mustard and spicy cheese dip

Desserts

Homemade carrot cake with cream cheese frosting

Local made key lime pie

Cookie dough dip served with graham crackers

WILLIAM P. HORN
ARCHITECT, P.A.

415 CALHOUN ST.
KEY WEST,
FLORIDA
33940

TEL: (305) 966-2622
FAX: (305) 966-1033

LICENSE NO.
AA 1000940

1218 DUVAL STREET
RENOVATIONS
KEY WEST, FLORIDA

SEAL _____

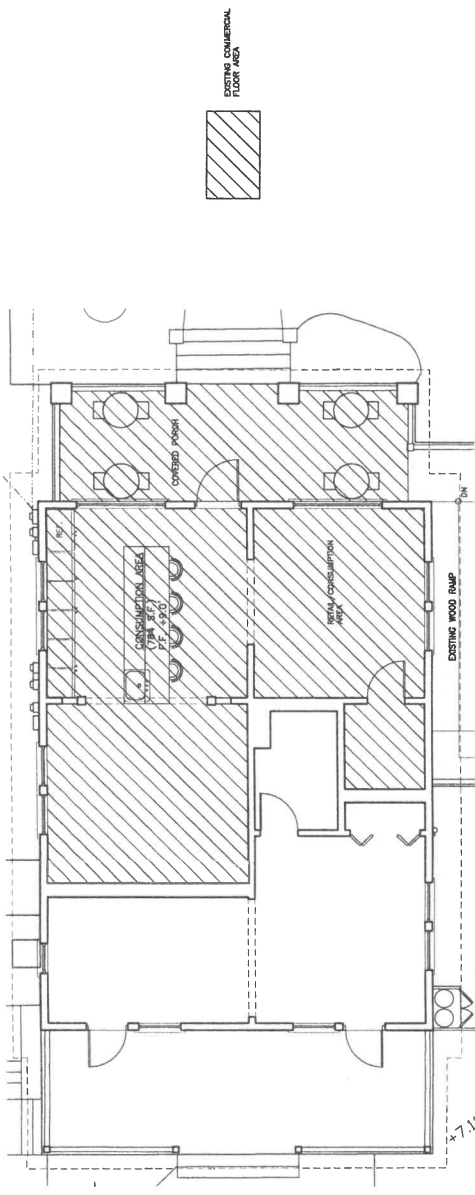
DATE: 12-19-18 BLDG. DEPT. _____

REVISIONS _____

DRAWN BY: JW

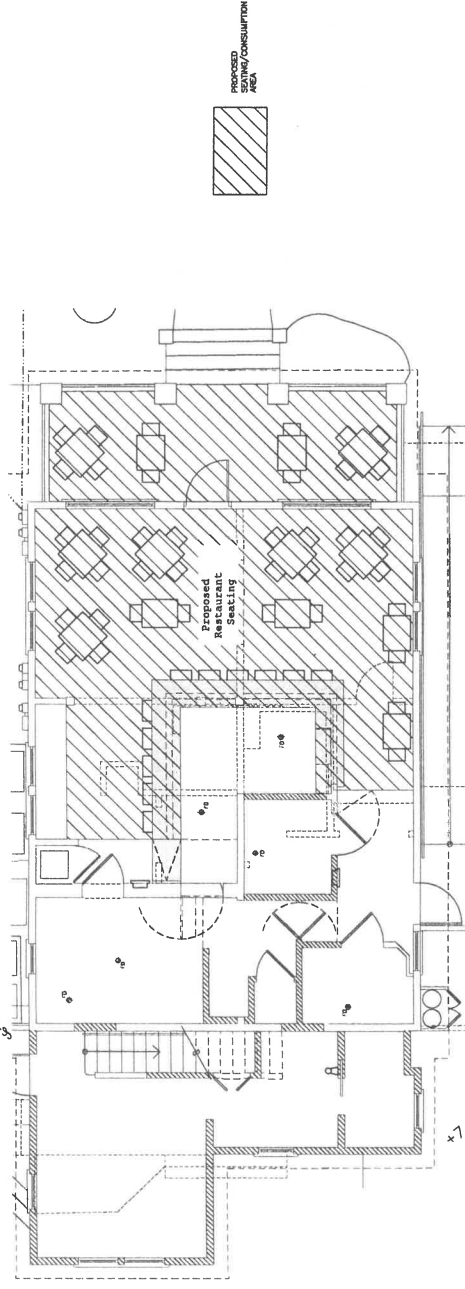
PROJECT NUMBER: 1710

A-0



EXISTING COMMERCIAL AREA

SCALE: 1/4"=1'-0"



PROPOSED SEATING/CONSUMPTION AREA PLAN

SCALE: 1/4"=1'-0"

RESTAURANT SEATING:
 INTERIOR 1502 SF/13 SEAT PER PERSON = 13 PERSONS
 CONSUMPTION AREA 697 SF/13 SEAT PER PERSON = 13 PERSONS
 TOTAL CONSUMPTION AREA 697 (46 SEATS)


1218 DUVAL STREET RENOVATIONS
KEY WEST, FLORIDA

Meeting: Planning Board

Date: July 16, 2020

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated in it are true.

Signature:



A large rectangular box with a green border containing a handwritten signature in blue ink. The signature appears to be "Susan M. Cardenas" written in a cursive style. Below the signature is a horizontal line.

Print Name: Susan M. Cardenas / Oropeza Stones + Cardenas

Address or Organization: 221 Simonton Street

Date: 7/6/2020

Please provide this form, along with your written statement, to the City of Key West Clerk's Office by 3:00 PM of the date of the meeting. Please contact 305-809-3832 with any questions. Thank you.



GREGORY S. OROPEZA | ADELE VIRGINIA STONES | SUSAN M. CARDENAS

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