

Natalie Hill

From: Patrick Wright
Sent: Wednesday, July 10, 2019 12:30 PM
To: Natalie Hill
Subject: FW: HARC application March 24, 2017

From: Patrick Wright
Sent: Wednesday, May 22, 2019 5:03 PM
To: James K. Scholl <jscholl@cityofkeywest-fl.gov>
Subject: RE: HARC application March 24, 2017

Jim,

I can explain the second question. The date on the Executive Summary is in error and should read May 7, 2019 this was a scrivener's error we will correct as this summary has been revised and rewritten several times over 9.5 years. The plan that was approved by the Planning Board on September 15, 2016 did have a kitchen on the plans. Removal of the kitchen was not discussed by the board or the applicant at that time. That being said, the Planning Board did contemplate the plan would change with the requested retention of 60% of the existing cable hut and that consumption may be modified in consultation with the City relative to final determination regarding the cable hut.

Please see below general conditions #1 and #9 from Planning Board Resolution 2016-51:

General conditions:

1. A total of 2,344 square feet of restaurant consumption area which equates to 156 seats is allowed within the lease hold area. The location of the consumption area within the restaurant may be modified in consultation with the City relative to final determinations regarding the cable hut located within the parcel. Alcohol sales are permitted as accessory to the principal restaurant business. The sale of food, dessert, and non-alcoholic beverages must constitute 51% or more of business and the sale of food must occur during the time in which service is being provided to the public.

9. 60% or more of the existing cable hut shall be retained into the new design.

The applicant moved forward to the HARC commission on December 14, 2016 with a design that still included the kitchen. This application was denied by the HARC Commission. On May 23, 2017 this item again came before the HARC commission and was denied. At this time the plans did not show a kitchen. The denial was appealed by the applicant to the magistrate and to the district court where eventually HARC's ruling was overturned. At that time I met with Historic Preservation Planner Enid Torregrosa to review the different plan set iterations to make sure we had the correct set to move forward to the Commission when it was time. We discussed the changes to the plan and I was aware that the kitchen had been removed in the second HARC iteration. After more appeals and litigation the item was issued a certificate of appropriateness based on the Judge's order. I then moved the project to the City Commission with the recommendation of approval from the Planning Board and staff.

Given the fact that the Planning Board had contemplated changes at the meeting and spelled them out in Resolution 2016-51 (above), as well as the fact that the current proposal was still a restaurant by definition of Section 86-9 of the LDRs (as I stated at the May 7th Commission), I felt the project was ready to proceed to the Commission

In reviewing the project with yourself and the City Attorney the day of the meeting I was made aware that neither of you had known about the removal of the kitchen specifically. I was then informed that the original RFP called for a full scale restaurant (a term not defined by the LDRs). From the landlords perspective I was made aware of the concern of future tenants in this space wanting a kitchen and the effects that could have on the nonconforming status, as well as the food delivery system constituting potential expansion of the nonconforming use. At that time I made the determination that the item should go back before the Planning Board per Section 108-91 D 1. & 2. As the material changes and current and future effects on nonconforming status are matters that the Planning Board should review. The Planning Board never reviewed a plan without a kitchen.

Patrick Wright, Planning Director

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From: Samuel Kaufman

Sent: Wednesday, May 22, 2019 8:10 AM

To: James K. Scholl <jscholl@cityofkeywest-fl.gov>; Greg Veliz <gveliz@cityofkeywest-fl.gov>

Cc: Patrick Wright <pwright@cityofkeywest-fl.gov>; Kim Romano <kromano@cityofkeywest-fl.gov>

Subject: HARC application March 24, 2017

Jim & Greg:

Please clarify from the presentation yesterday at the City Commission whether the current proposed plan concerning the Mallory Square Development Plan is the same with regard to the kitchen design as the attached plan which was signed by Jim Scholl in March of 2017. I am also looking forward to the explanation why the April 2, 2019 executive summary/memo from Planning Director Patrick Wright includes a recommendation to approve (in light of the alleged kitchen issue) and why that recommendation abruptly changed on May 7, 2019, the day of the commission meeting when the quasi-judicial hearing was scheduled concerning this item.

Thank you,

Samuel J. Kaufman

Commissioner, District 2

City of Key West, Florida