

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



**To:** Chair and Planning Board Members

**Through:** Kevin Bond, AICP, LEED Green Associate,  
Acting Planning Director / Senior Planner

**From:** Patrick Wright, Planner II

**Meeting Date:** March 19, 2015

**Agenda Item:** **Variance - 101 Duval Street (RE # 00000470-000000; AK # 1000469) –**  
A request for a variance approval to maximum building coverage, minimum parking space requirement and minimum aisle and stall width requirements in order to cover and enclose an existing courtyard creating new commercial floor area on property located within the Historic Residential Commercial Core - Duval Street Gulfside (HRCC-1) Zoning District pursuant to Sections 90-395 ,122-690(4)a. ,108-572 and 108-641 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

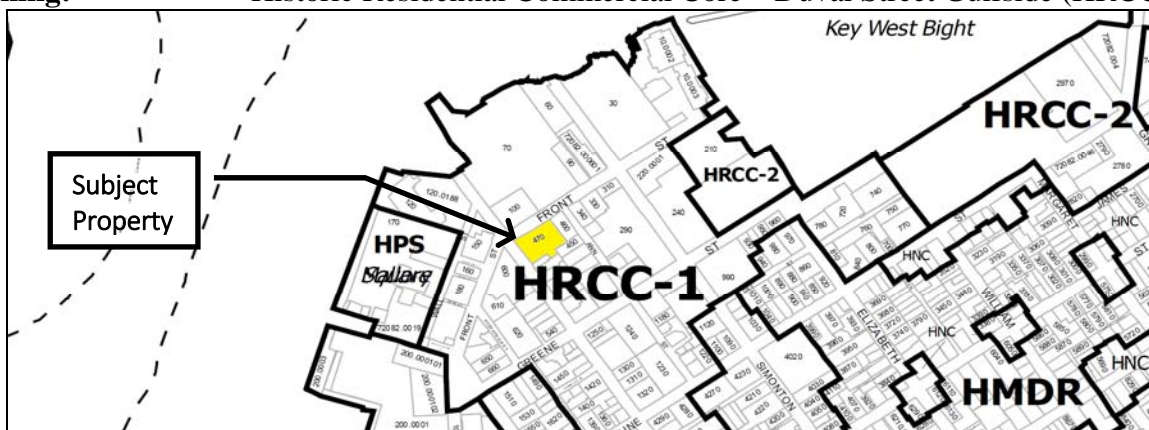
**Request:** Variance approval to increase the maximum building coverage from 45.5% to 50.8%, minimum parking space requirement and minimum aisle and stall width requirements for a building renovation for a CVS drug store.

**Applicant:** Smith | Oropeza, P.L.

**Property Owner:** Sunset Plaza, Inc.

**Location:** 101 Duval Street (RE # 00000470-000000; AK # 1000469)

**Zoning:** Historic Residential Commercial Core – Duval Street Gulfside (HRCC-1)



**Background:**

The subject property, located at the eastern corner of Duval and Front Streets within the HRCC-1 Zoning District, has been used as a multi-tenant commercial retail shopping center. The property currently consists of one commercial building, built in 1994, with shops and a small courtyard on the main level and a parking area underneath. The building is a non-contributing structure within the Key West Historic District.

The proposed development would enclose the existing courtyard, which would add 1,094 square feet of floor area to the building, for a new 10,631-square-foot CVS drug store. This addition of commercial floor area triggers minimum parking requirements to be considered. Staff has found evidence that the site has historically accommodated shared parking for surrounding businesses prior to the construction of the existing building. There has been a commercial parking business operating on site since 1995. There are also two ticket booths on site that have an off-site parking agreement for two (2) additional spaces.

The proposed expansion of commercial floor area, the existing nonconforming parking layout, and the continued operation of the commercial parking business would require the following variance requests:

- Increase building coverage from 45.5% to 50.8%, which would exceed the maximum 50% building coverage allowed within the HRCC-1 Zoning District.
- The site currently maintains 34 off-street parking spaces, the total required spaces considering the proposed new commercial floor area is 36 spaces. This would require a variance for 2 spaces.
- Currently 32 of the 34 existing spaces are slightly undersized at an 8.5 foot width rather than the 9 foot width required per Section 108-641.
- Six (6) of the existing spaces have undersized aisle width at 18 feet rather than the 24 foot width required per Section 108-641.
- The applicant is requesting that 30 of the existing spaces continue to be used in conjunction with the existing commercial parking business. Section 108-577 states that “the required spaces assigned to one use may not be assigned to another use at the same time”. In effect, this would require the applicant to seek a variance to minimum parking requirements for a total 32 spaces including the two (2) mentioned above. The overall parking requirement on-site would be 66 spaces.

This request is being made in conjunction with a Minor Development Plan application for the increase in nonresidential floor area.

The following table summarizes the requested variance and site conditions:

<b>Relevant HRCC-1 Zoning District Dimensional Requirements: Code Section 122-690</b>				
<b>Dimensional Requirement</b>	<b>Required/ Allowed</b>	<b>Existing</b>	<b>Proposed</b>	<b>Change / Variance Required?</b>
Maximum density	22 du/acre	None	None	None
Maximum floor area ratio	1.00	0.456	0.508	+5.2 / In compliance
Maximum height	35 feet plus 5 feet if pitched roof	~25 feet	~25 feet	None / In compliance
<b>Maximum building coverage</b>	<b>50%</b>	<b>45.6%</b>	<b>50.8%</b>	<b>+5.2 / Variance required</b>
Maximum impervious surface	70%	90%	90%	None / Nonconforming
Minimum lot size	4,000 SF	20,925 SF	20,925 SF	None
Minimum lot width	40 feet	119 feet	119 feet	None
Minimum lot depth	100 feet	169 feet	169 feet	None
Minimum front setback (Duval St)	0 feet	~5 feet to building; -1 foot stair encroachment	~5 feet to building; -1 foot stair encroachment	None / In compliance; Easement required for encroachment
Minimum side setback (southeast)	2.5 feet	~2.5 feet	~2.5 feet	None / In compliance
Minimum rear setback	10 feet	24.6 feet	24.6 feet	None / In compliance
Minimum street side setback (Front St)	0 feet	~5 feet to building; -0.5 foot stair encroachment	~5 feet to building; -0.5 foot stair encroachment	None / In compliance; Easement required for encroachment
<b>Minimum parking requirements</b>	<b>Commercial retail 10,631 sq. ft./300 sq. ft. = 36 spaces</b> <hr/> <b>Commercial parking business = 30 spaces</b> <hr/> <b>Total required = 66 spaces</b>	<b>34 spaces</b>	<b>34 spaces</b>	<b>32 spaces/ Variance required</b>

**Process:**

Development Review Committee:

September 25, 2014

Planning Board:

January 15, 2015 postponed

February 19, 2015 postponed  
March 19, 2015

Local Appeal Period:

30 days

DEO Review:

Up to 45 days

**Analysis – Evaluation for Compliance With The Land Development Regulations:**

The standards for considering variances are set forth in Section 90-395(a) of the City of Key West (the “City”) Land Development Regulations (“LDRs”). Before any variance may be granted, the Planning Board must find all of the following:

**(1) *Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.***

The land, structures and buildings involved are located on the property within the HRCC-1 Zoning District, and were developed prior to the adoption of the current land development regulations (LDRs). Thus, the existing development was established prior to the current LDRs. The existing commercial parking business is a somewhat uncommon circumstance as the site’s history of accommodating shared parking needs in the immediate area dates back prior to the adoption of the current LDRs. However, many other land, structures and buildings within the HRCC-1 Zoning District were also developed prior to the adoption of the current LDRs. Therefore, there are no special conditions or circumstances that exist peculiar to the land, structures or buildings involved. NOT IN COMPLIANCE.

**(2) *Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.***

The existing conditions including the parking area were created by the property owner at the time of the building’s development in the early 1990s. The courtyard was planned in order to preserve existing large trees on the property. The property owner is now proposing to remove the courtyard to make it part of the interior retail space, thereby increasing building coverage above the maximum allowed and triggering compliance with minimum parking requirements. The current commercial parking business and shared parking on site preceeds the current LDRs. However, maintaining the existing commercial parking business on site is a circumstance resulting from the proposed action of the Applicant. Therefore, the conditions are created by the Applicant. NOT IN COMPLIANCE.

**(3) *Special privileges not conferred. That granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district.***

Granting the requested variance would confer special privileges upon the Applicant that are denied by the LDRs to other lands, buildings and structures in the HRCC-1 Zoning District. Any other property that proposed the expansion of commercial floor area in the HRCC-1 would not be able to exceed the maximum building coverage of 50% and would be required to come into full compliance with minimum parking requirements as well as stall and aisle dimensions. NOT IN COMPLIANCE.

- (4) ***Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.***

The Applicant currently enjoys the use of the property as a multi-tenant retail shopping center, which is an allowed use within the HRCC-1 Zoning District. The Applicant wishes to remove the existing courtyard in order to accommodate the needs of a new single tenant, a CVS Pharmacy, which would relocate from its current nearby location at 12 Duval Street and occupy the entire building at 101 Duval Street. It is understandable that the courtyard would not be desired by the new tenant because it would be located in the center of the store. Denial of the variance would mean that the store could not be enlarged and the commercial parking business would have to cease operation. This in result could have a negative effect on neighborhood parking demands and in turn make less off-street spaces available to public. However, denial of the requested variance would not deprive the Applicant of rights commonly enjoyed by other properties in the HRCC-1 Zoning District. NOT IN COMPLIANCE.

- (5) ***Only minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.***

Given the proposed conversion of the building for a single tenant, rather than multiple tenants, these would be the minimum variances to fully enclose the existing courtyard. However, the request to enlarge the building and maintain the existing commercial parking business on site triggers a larger variance request than the enclosure of the courtyard itself. The Applicant currently has reasonable use of the land, building and structures prior to the proposed development. NOT IN COMPLIANCE.

- (6) ***Not injurious to the public welfare. That the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.***

Due to not being in compliance with all of the standards for considering variances, the granting of the requested variances would be injurious to the area involved and otherwise detrimental to the public interest. NOT IN COMPLIANCE.

- (7) ***Existing nonconforming uses of other property not the basis for approval. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.***

The Applicant has not used existing nonconforming uses of other property in the HRCC-1 Zoning District or permitted uses of property in other zoning districts as the grounds for approval of the requested variances. IN COMPLIANCE.

**Concurrency Facilities and Other Utilities or Service (Code Section 108-233):**

Based on comments received at the DRC, it does not appear that the requested variances would trigger any public facility capacity issues.

**Pursuant to Code Section 90-395(b), the Planning Board shall make factual findings regarding the following:**

**(1) That the standards established by Code Section 90-395 have been met by the applicant for a variance.**

The standards for the granting of variances established by Code Section 90-395 have not all been met by the Applicant.

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

As of the writing of this report, staff is not aware of any noticed property owners who object to the variance application.

**Recommendation:**

Based on the above analysis of the standards for considering variances established by the Comprehensive Plan and the Land Development Regulations, the Planning Department recommends the requested variance be **DENIED**. However, if the Planning Board approves the requested variance, the Planning Department recommends the following conditions:

**General Conditions:**

1. The proposed development shall be consistent with the plans dated November 10, 2014 by Todd Harland Hendrix, Professional Engineer and plans dated August 28, 2014 by Jose A. Gordillo, Professional Architect.
2. Remaining existing trees shall be protected during construction. Tree permits shall be obtained as required.
3. The four (4) spaces that will be dedicated to the commercial retail space be clearly identified as such, and not be used as part of the commercial parking business.

**Conditions required to be completed prior to issuance of a building permit:**

4. The owner shall obtain Certificates of Appropriateness for the proposed development.

# Application

SMITH | OROPEZA | HAWKS  
ATTORNEYS AT LAW

Barton W. Smith, Esq.  
[bart@smithoropeza.com](mailto:bart@smithoropeza.com)

VIA EMAIL

February 23, 2015

Kevin Bond, AICP, Planning Director  
City of Key West Planning Department  
3140 Flagler Avenue  
Key West, Florida 33040

RE: Follow Up on Application for Parking Variance at 101 Duval Street – Boos Development, Inc.

Dear Mr. Bond,

As a follow up to the meeting that you, Patrick Wright and I had on Friday, February 13, 2015, please allow this letter and supporting documentation to serve as a supplement to the Application of Variance for my client, Boos Development, Inc., (“Applicant”) for a parking variance at 101 Duval Street, Key West, Florida 33040 (“Property”) which was filed January 28, 2015 in connection with the Minor Development Plan and Application for Variance previously submitted to you on September 8, 2014 regarding the increase of the building square footage by 1,094 square feet resulting in a new total of approximately 10,631 square feet. As you know, the project consists of an existing single story retail space located on the southeast corner of Duval Street and Front Street. Due to the increase in square footage of the Property and in order to assist in the lack of overall general public parking areas in the historic commercial pedestrian-oriented area of the Historic District of the City of Key West, we are requesting the following variances (collectively, the “Variance Items”):

- 1) Variance to maintain the 34 parking spaces currently on the Property without requiring the additional 2 parking spaces required due to the 1,095 square foot increase (per Sec. 108.572 of the Key West, Florida Code of Ordinances (the “Code”), required to have 1 parking space per 300 square feet of gross floor area);
- 2) Variance to maintain the parking spaces at current 8.5 foot width for 32 parking spaces (per Sec 104-641 of the Code, parking spaces must be 9 feet wide);
- 3) Variance to allow aisles to remain at 18 feet servicing 6 parking spaces (per Sec 104-641 of the Code, width of aisle must be 24 feet wide)
- 4) Permit a shared use of 30 parking spaces by allowing a third party parking operator to charge and permit general public parking to vehicles which are not visiting the CVS store located in the building (per Sec 108-577 of the Key West, Florida Code of Ordinances, the use of a required space assigned to one use may not be assigned to another use at the same time);

To assist in your review of the Variance Items, please find enclosed as Exhibit A the June 9, 1994 City of Key West Planning Department Memorandum that contemplates (1), (2) and (3) above and the same number of parking spaces that are currently in use and proposed for the Property. Attached as Exhibit B is a site plan reflecting the current and proposed parking layout. The approval of the Variance Items will allow the historical parking status quo to remain in effect on the Property.

As previously discussed, this Property is a non-contributing structure within the Historic District of the City of Key West. As the Property is located within the commercial pedestrian-oriented area, the parking



spaces have been historically extremely underutilized by customers of retail businesses in this area as the vast majority of its customers arrive on foot or bicycle. As such, since 1995, the parking spaces have been and are currently rented to the general public for an hourly or daily fee by a third party parking operator and, even with such availability to the general public, the parking operator does not recall a time that all of the parking spaces have ever been filled, even when the prior tenants in the Property were in business. As such, a variance should be granted allowing the Property to maintain the current 34 spaces under the current operations as this amount of spaces has historically been more than sufficient for the Property. Also, the variance allowing a parking operator to continue to rent spaces to the general public helps alleviate the public parking shortage in the area and will not diminish the minimal amount of parking spaces needed for CVS (which will be operating on the Property) customers as so few CVS customers will arrive by car in this area

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Barton W. Smith', with a stylized flourish at the end.

Barton W. Smith, Esq.



# Application For Variance

City of Key West, Florida • Planning Department

3140 Flagler Avenue • Key West, Florida 33040-4602 • 305-809-3720 • www.keywestcity.com

**RECEIVED**

JAN 28 2015

**CITY OF KEY WEST  
PLANNING DEPT.**

**Application Fee: \$1,150.00 / After-the-Fact: \$2,150.00**  
(includes \$100.00 advertising/noticing fee and \$50.00 fire review fee)

Please complete this application and attach all required documents. This will help staff process your request quickly and obtain necessary information without delay. If you have any questions, please call 305-809-3720.

### PROPERTY DESCRIPTION:

Site Address: 101 Duval Street, Key West, Florida 33040

Zoning District: HRCC-1 Real Estate (RE) #: 00000470-000000

Property located within the Historic District?  Yes  No

APPLICANT:  Owner  Authorized Representative

Name: Boos Development, Inc. c/o Smith Oropeza Hawks

Mailing Address: 138-142 Simonton Street

City: Key West State: FL Zip: 33040

Home/Mobile Phone: \_\_\_\_\_ Office: 305-296-7227 Fax: 305-296-8448

Email: bart@smithoropeza.com

### PROPERTY OWNER: (if different than above)

Name: Sunset Plaza, Inc.

Mailing Address: PO Box 1268

City: Hallandale Beach State: FL Zip: 33008-1268

Home/Mobile Phone: \_\_\_\_\_ Office: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

### Description of Proposed Construction, Development, and Use:

Please see Minor Development Plan and Application submitted to City of Key West Planning Department on September 8, 2014 regarding the increase of the building square footage by 1,094 square feet resulting in a new total of approximately 10,631 square feet ("Development Plan")

### List and describe the specific variance(s) being requested:

In connection with the increased square footage of the building described in the Development Plan, 2 additional parking spaces are required. As the Applicant desires to (i) retain solely the 34 spaces on the Property currently required for the building and (ii) permit a third party parking operator to charge and permit general parking to vehicles which are not visiting the CVS store located in the building, and (iii) maintain parking spaces that are 8.5 feet wide, a variance is required.

Are there any easements, deed restrictions or other encumbrances attached to the property?  Yes  No

If yes, please describe and attach relevant documents: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Will any work be within the dripline (canopy) of any tree on or off the property?  Yes  No  
 If yes, provide date of landscape approval, and attach a copy of such approval.

Is this variance request for habitable space pursuant to Section 122-1078?  Yes  No

Please fill out the relevant Site Data in the table below. For Building Coverage, Impervious Surface, Open Space and F.A.R. provide square footages and percentages.

Site Data Table				
	Code Requirement	Existing	Proposed	Variance Request
Zoning	HRCC-1			
Flood Zone	AE7			
Size of Site	20,925 sq.ft.			
Height	35 ft			NO
Front Setback	none			NO
Side Setback	2.5 ft.			NO
Side Setback	2.5 ft.			NO
Street Side Setback	none			NO
Rear Setback	10 ft.			NO
F.A.R	1.0	.455	.508	NO
Building Coverage	50%	45.5%	50.8%	NO
Impervious Surface	70%	89.58%	89.58%	NO
Parking	38	36	36	YES
Handicap Parking	2	0	2	NO
Bicycle Parking	10	0	10	NO
Open Space/ Landscaping	20%	10.42%	10.42%	NO
Number and type of units	N/A			
Consumption Area or Number of seats	N/A			

For items in red font, please see the Application for Variance delivered to City of Key West Planning Department on September 8, 2014 regarding the increase of building square footage by 1,094 square feet resulting in a new total of approximately 10,631 square feet.

This application is reviewed pursuant to Section 90-391 through 90-397 of the City of Key West Land Development Regulations (LDRs). The City's LDRs can be found in the Code of Ordinances online at [http://www.municode.com/Library/FL/Key\\_West](http://www.municode.com/Library/FL/Key_West) under Subpart B.

\*Please note, variances are reviewed as quasi-judicial hearings, and it is improper for the owner or applicant to speak to a Planning Board member or City Commissioner about the hearing.

**Standards for Considering Variances**

**Before any variance may be granted, the Planning Board and/or Board of Adjustment must find all of the following requirements are met:**

1. Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures or buildings in the same zoning district.

Please see attached letter.

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2. Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.

Please see attached letter.

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3. Special privileges not conferred. That granting the variance(s) requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district.

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4. Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

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5. Only minimum variance(s) granted. That the variance(s) granted is/are the minimum variance(s) that will make possible the reasonable use of the land, building or structure.

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6. Not injurious to the public welfare. That granting of the variance(s) will be in harmony with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

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7. Existing nonconforming uses of other property shall not be considered as the basis for approval. That no other nonconforming use of neighboring lands, structures, or buildings in the same district, and that no other permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

Please see attached letter.

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**The Planning Board and/or Board of Adjustment shall make factual findings regarding the following:**

- That the standards established in Section 90-395 have been met by the applicant for a variance.
- That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors. Please describe how you have addressed the "good neighbor policy."

**REQUIRED SUBMITTALS: All of the following must be submitted in order to have a complete application. Please submit one paper copy and one electronic copy of all materials.**

- Correct application fee. Check may be payable to "City of Key West."
- Notarized verification form signed by property owner or the authorized representative.
- Notarized authorization form signed by property owner, if applicant is not the owner.
- Copy of recorded warranty deed
- Property record card
- Signed and sealed survey ON FILE
- Site plan (plans MUST be signed and sealed by an Engineer or Architect) ON FILE
- Floor plans ON FILE
- Stormwater management plan ON FILE



# Application For Variance

City of Key West, Florida • Planning Department

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RECEIVED

SEP 08 2014

CITY OF KEY WEST  
PLANNING DEPT.

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Property located within the Historic District?  Yes  No

APPLICANT:  Owner  Authorized Representative

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Home/Mobile Phone: \_\_\_\_\_ Office: 305-296-7227 Fax: 305-296-8448

Email: bart@smithoropeza.com

### PROPERTY OWNER: (if different than above)

Name: Sunset Plaza, Inc.

Mailing Address: PO Box 1268

City: Hallandale Beach State: FL Zip: 33008-1268

Home/Mobile Phone: \_\_\_\_\_ Office: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Description of Proposed Construction, Development, and Use: Boos Development proposes to enclose a 1,094 sq. ft. courtyard located at the subject property as part of an interior renovation for use as a retail drug store.

### List and describe the specific variance(s) being requested:

The proposed enclosure of the courtyard will increase the Gross Floor Area ratio from 45.5% to 50.8%. The maximum permitted gross floor area ratio is 50.0%, thus, requiring a variance.

Are there any easements, deed restrictions or other encumbrances attached to the property?  Yes  No

If yes, please describe and attach relevant documents: \_\_\_\_\_

Will any work be within the dripline (canopy) of any tree on or off the property?  Yes  No  
 If yes, provide date of landscape approval, and attach a copy of such approval.

Is this variance request for habitable space pursuant to Section 122-1078?  Yes  No

Please fill out the relevant Site Data in the table below. For Building Coverage, Impervious Surface, Open Space and F.A.R. provide square footages and percentages.

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Front Setback	none			no
Side Setback	2.5 ft.			no
Side Setback	2.5 ft.			no
Street Side Setback	none			no
Rear Setback	10 feet			no
F.A.R	1.0	.455	.508	yes
Building Coverage	50%	45.5%	50.8%	no
Impervious Surface	70%	89.58%	89.58%	no
Parking	38	36	38	no
Handicap Parking	2	0	2	no
Bicycle Parking	10	0	10	no
Open Space/ Landscaping	20%	10.42%	10.42%	no
Number and type of units	N/A			
Consumption Area or Number of seats	N/A			

This application is reviewed pursuant to Section 90-391 through 90-397 of the City of Key West Land Development Regulations (LDRs). The City's LDRs can be found in the Code of Ordinances online at [http://www.municode.com/Library/FL/Key\\_West](http://www.municode.com/Library/FL/Key_West) under Subpart B.

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Please see attached letter.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 2. Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.

Please see attached letter.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 3. Special privileges not conferred. That granting the variance(s) requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district.

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\_\_\_\_\_  
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- 4. Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

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- 5. Only minimum variance(s) granted. That the variance(s) granted is/are the minimum variance(s) that will make possible the reasonable use of the land, building or structure.

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\_\_\_\_\_  
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6. Not injurious to the public welfare. That granting of the variance(s) will be in harmony with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

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**The Planning Board and/or Board of Adjustment shall make factual findings regarding the following:**

- That the standards established in Section 90-395 have been met by the applicant for a variance.
- That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors. Please describe how you have addressed the "good neighbor policy."

**REQUIRED SUBMITTALS: All of the following must be submitted in order to have a complete application. Please submit one paper copy and one electronic copy of all materials.**

- Correct application fee. Check may be payable to "City of Key West."
- Notarized verification form signed by property owner or the authorized representative.
- Notarized authorization form signed by property owner, if applicant is not the owner.
- Copy of recorded warranty deed
- Property record card
- Signed and sealed survey
- Site plan (plans MUST be signed and sealed by an Engineer or Architect)
- Floor plans
- Stormwater management plan

Barton W. Smith, Esq.  
Managing Partner

# SMITH | OROPEZA, P.L.

Patrick Flanigan, Esq.

Gregory S. Oropeza, Esq.  
Partner

Richard McChesney, Esq.

138-142 Simonton Street  
Key West, Florida 33040  
Telephone : (305) 296-7227  
Facsimile : (305) 296-8448

Nick Batty, Esq.

## VIA HAND DELIVERY

September 2, 2014

Donald L. Craig, AICP, Planning Director  
City of Key West Planning Department  
3140 Flagler Avenue  
Key West, Florida 33040

RE: Application for Gross Floor Area Ratio Variance at 101 Duval Street – Boos Development, Inc.

Dear Mr. Craig,

Please allow this letter and supporting documentation to serve as my client, Boos Development, Inc., (“Applicant”) application for a Gross Floor Area Ratio variance at 101 Duval Street, Key West, Florida 33040 (“Property”). The project consists of an existing single story retail space located on the southeast corner of Duval Street and Front Street. The existing building consists of approximately 9,537 square feet with an internal courtyard to be enclosed adding an additional 1,094 square feet, resulting in a new total of approximately 10,631 square feet. This is a non-contributing structure within the Historic District of the City of Key West.

The interior of the building will be remodeled for CVS as sole tenant. The remodel will consist of finishes upgrades, casework and new fixture installs; restroom upgrades, new lighting, A/C upgrades and pertinent electrical work. The three customer entrances and exits will be in locations of existing door openings and be replaced with automatic sliding doors to match existing storefront; one entrance is facing Front Street and two are facing Duval Street.

The exterior renovations shall consist of repairing / replacing damaged cladding and new paint finishes at all facades. Approximately fifteen percent of the existing storefront glass will be made opaque by the addition of an internally applied tint that matches the base building color ‘Minced Onion’. These windows are located in the Stock Room at the North corner along Front Street. The addition of new storefront glass at the enclosed courtyard will match the building’s existing fenestration rhythm and character. The parapet, cornice and façade will equally match the existing to further suggest continuity along Front Street. The entire exterior of the building will be repainted and consist of two main colors. The base of the building will be painted ‘Minced Onion’ by Benjamin Moore, and the cornice, columns and base banding will be ‘Mayflower Red’ by Benjamin Moore. The storefront frames, guardrails and handrails will remain white. The existing paver steps shall be cleaned and repaired where needed. The existing ADA chair lift located on Front Street will be replaced to comply with new ADA standards. The existing awnings will be removed and replaced in four locations with red awnings. Three will be located between the existing columns along Front Street and one between the existing columns on Duval Street. New CVS signs will be added facing Front Street and Duval.

In support thereof, the Applicant states as follows with respect to the criteria for granting the variance.

1. Existence of special conditions or circumstances. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other land, structures, or buildings in the same zoning district.
  - a. Due to the existing layout of the of the Property as a multi-unit retail facility, a 1,094 square foot area was left unenclosed when the structure was originally constructed for access to individual units. This “courtyard” area diminishes the useful space of the building. The courtyard area is unique to the building, as a multi-unit retail facility, and the previously necessary access through the courtyard is not necessary where the building is occupied by a single tenant.
2. Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.
  - a. The condition is not created by the Applicant as the structure and attendant courtyard were designed and constructed previously. The Applicant is merely seeking to provide better amenities to customers utilizing the property by eliminating a useless courtyard area.
3. Special privileges not conferred. That granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district.
  - a. Allowing the enclosure of the courtyard, as proposed, would not confer special privileges upon the Applicant. The unique layout dictated by the previous use is obsolete for the current use, and the enclosure of the courtyard, with attendant variance, will merely allow the property to function as a single-tenant retail facility.
4. Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.
  - a. Hardship conditions exist depriving Applicant of rights commonly enjoyed by other properties in the same zoning district. Due to the size of the structure and its proximity to the lot lines, it is not effectively possible for Applicant to convert the building from multi-unit to single-unit retail where the interior of the retail space would continue to be broken up by a walled courtyard. The variance is requested to allow enclosure of the courtyard and a reasonable use of the interior space.
5. Only minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

- a. The variance requested is the minimum variance that will make possible the continued use of the land, building, or structure. The proposed modifications to the building are the very minimum needed to convert the building to a single-unit retail space.
6. Not injurious to the public welfare. That granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.
  - a. The granting of the variance will not be injurious to the area involved or detrimental to the public interest. The courtyard is not immediately visible from the streetscape, is not generally open to patrons, and does not serve any aspect of the public interest or welfare. The enclosure of floor area within the interior of an existing building has no injurious or detrimental aspect. The project as a whole will bring upgrades to the Property which will benefit the public welfare.
7. Existing nonconforming uses of other property shall not be considered as the basis for approval. That no other nonconforming uses of neighboring lands, structures, or buildings in the same district and that no other permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
  - a. The nonconformities of neighboring and surrounding properties do not have any affect or influence on this application and are not the basis for this request.

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

Sincerely,



Gregory S. Oropeza, Esq.

For the Firm

# **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, Sunset Plaza, Benjamin Hamuy authorize  
*Please Print Name(s) of Owner(s) (as appears on the deed)* Pres.

Boas Development Group and Smith Drapez  
*Please Print Name of Representative*

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

Benny Hamuy  
*Signature of Owner*

\_\_\_\_\_  
*Signature of Joint/Co-owner if applicable*

Subscribed and sworn to (or affirmed) before me on this 7/28/2014 by  
*date*

Benjamin Hamuy  
*Name of Authorized Representative*

He/She is personally known to me or has presented FL State Drivers License as identification.

[Signature]  
*Notary's Signature and Seal*



Leo Paul Senecal  
State of Florida  
MY COMMISSION # FF 18540  
Expires: May 15, 2017

Leo Paul Senecal  
*Name of Acknowledger typed, printed or stamped*

#FF18540  
*Commission Number, if any*



## Detail by Entity Name

### Florida Profit Corporation

SUNSET PLAZA, INC.

### Filing Information

<b>Document Number</b>	V47937
<b>FEI/EIN Number</b>	650367620
<b>Date Filed</b>	07/02/1992
<b>State</b>	FL
<b>Status</b>	ACTIVE
<b>Last Event</b>	AMENDMENT
<b>Event Date Filed</b>	08/14/2014
<b>Event Effective Date</b>	NONE

### Principal Address

101 DUVAL STREET  
KEY WEST, FL 33040

Changed: 04/04/1995

### Mailing Address

C/O HAMUY  
PO BOX 1268  
HALLANDALE, FL 33008

Changed: 01/07/2011

### Registered Agent Name & Address

HAMUY, BENJAMIN  
C/O KRAFT-934 N UNIVERSITY DR.  
250  
CORAL SPRINGS, FL 33071

Name Changed: 04/04/1995

Address Changed: 02/02/2012

### Officer/Director Detail

#### **Name & Address**

Title VD

BENSHOAF, NISSIM  
1390 CLEVELAND RD  
MIAMI BEACH, FL 33141

Title PDT

HAMUY, BENNY  
P.O. BOX 1268  
HALLANDALE, FL 33008

### Annual Reports

Report Year	Filed Date
2012	02/02/2012
2013	02/11/2013
2014	02/20/2014

### Document Images

<a href="#">08/14/2014 -- Amendment</a>	View image in PDF format
<a href="#">04/24/2014 -- Amendment</a>	View image in PDF format
<a href="#">02/20/2014 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">02/11/2013 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">02/02/2012 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">01/07/2011 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">03/08/2010 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">02/05/2009 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">02/06/2008 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">05/23/2007 -- Amendment</a>	View image in PDF format
<a href="#">01/18/2007 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">04/03/2006 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">02/16/2005 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">02/17/2004 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">04/17/2003 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">05/15/2002 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">04/25/2001 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">04/07/2000 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">04/23/1999 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">04/14/1998 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">02/04/1997 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">03/11/1996 -- ANNUAL REPORT</a>	View image in PDF format
<a href="#">04/04/1995 -- ANNUAL REPORT</a>	View image in PDF format

[P r s | u h k w E # 3 q g # S u v d f | # S r d f I n v](#)

[V v d w h # # i i # a u i g d / # G h s d u p h q w # # i # v d w h](#)



# Verification Form

City of Key West  
Planning Department



Verification Form

(Where Authorized Representative is an entity)

I, Gregory Oropeza, in my capacity as Member  
(print name) (print position; president, managing member)

of Smith Oropeza, P.L.  
(print name of entity serving as Authorized Representative)

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:

101 Duval Street, Key West, FL 33040  
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]  
Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this 9/2/14 by  
date

Gregory Oropeza  
Name of Authorized Representative

He/She is personally known to me or has presented \_\_\_\_\_ as identification.

[Signature]  
Notary's Signature and Seal

Tiffany Garcia  
Name of Acknowledger typed, printed or stamped



\_\_\_\_\_  
Commission Number, if any

**Deed**

753450

REF 1228 PAGE 1546

15.00  
12,320.00  
12,335.00

RETURN TO:

THIS INSTRUMENT PREPARED BY:  
Craig H. Benson, Esq.  
Federal Deposit Insurance Corp.  
P.O. Box 725003  
Orlando, FL 32872-5003  
407-282-7575  
Parcel #27-3831EO-26-5.07

FILED FOR RECORD  
92 OCT -2 P3:14  
DANNY J. KOLHANE  
CLERK CIR. CT. FLA.  
MONROE COUNTY, FLA.

**QUIT CLAIM DEED**

THIS INDENTURE made this 21<sup>st</sup> day of SEPTEMBER 1992, by the FEDERAL DEPOSIT INSURANCE CORPORATION, as Receiver of SOUTHEAST BANK, N.A., whose address is P.O. Box 725003, Orlando, FL 32872-5003, hereinafter called the Grantor, and SUNSET PLAZA, INC., a Florida Corporation, whose tax identification number is \_\_\_\_\_, and whose address is 2155 EAST SUNRISE BLVD STE 600 FT LAUDERDALE, FL hereinafter called the Grantee. 33304

When used herein, the terms "Grantor" and "Grantee", include all parties to this instrument, their heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.

WITNESSETH: That the Grantor, for and in consideration of the sum of TEN AND 00/100THS DOLLARS (\$10.00) and other good and valuable consideration, paid by the Grantee, receipt and sufficiency hereof is hereby acknowledged, does hereby remise, release and forever quit claim unto the Grantee, its heirs and assigns, all of Grantor's right, title, and interest in and to the following described real property situated in Monroe County, State of Florida, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO

THIS DEED IS WITHOUT ANY WARRANTY (WHETHER STATUTORY, EXPRESS OR IMPLIED), AND GRANTOR DOES NOT WARRANT TITLE TO THE REAL PROPERTY HEREBY CONVEYED.

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

TX Paid 12,330.00 Date 10-2-92  
MONROE COUNTY  
DANNY J. KOLHANE, CLERK CIR. CT.  
By [Signature] D.G.

753450

OFF REC 1228 PAGE 1547

IN WITNESS WHEREOF, the Grantor has caused these presents to be signed by its Attorney-In-Fact this 29 day of Sept., 1992.

FEDERAL DEPOSIT INSURANCE CORPORATION, as Receiver of SOUTHEAST BANK, N.A.

WITNESSES:

[Signature]  
Print Name: JOHN A. BENN

[Signature]  
Print Name: MARILYN KNOX

By: [Signature]  
Name: DAVID WATSON  
Attorney-In-Fact  
Its: Attorney-In-Fact  
P.O. DRAWER 725003  
Orlando, Fl 32872-5003

STATE OF FLORIDA  
COUNTY OF ORANGE

I HEREBY CERTIFY, that on this 29 day of Sept, 1992, before me personally appeared FEDERAL DEPOSIT INSURANCE CORPORATION, as Receiver of SOUTHEAST BANK, N.A., by DAVID WATSON its Attorney-In-Fact, to me known personally or has produced [Signature] as identification and did take an oath, and acknowledged the execution thereof to be his/her free act and deed for the uses and purposes therein mentioned.

WITNESS my signature and official seal at Orlando, Florida in the County of Orange.

[Signature]  
NOTARY PUBLIC  
Name: MARILYN KNOX  
My Commission Expires:

[NOTARIAL SEAL]  
NOTARY PUBLIC STATE OF FLORIDA AT LARGE  
MY COMMISSION EXPIRES JUNE 24, 1994  
BONDED THRU ASHTON AGENCY INC.



sunset.d&a

753450

REF 1228 PAGE 1548

EXHIBIT "A"

On the Island of Key West and known as a part of Lots Two (2) and Three (3) in Square Seven (7), according to William A. Whitehead's Map of said Island, delineated in February, A.D. 1829, said parcel being further described by metes and bounds as follows:

**BEGINNING** at the intersection of the Northeasterly right-of-way boundary line of Duval Street with the Southeasterly right-of-way boundary line of Front Street and running thence in a Northeasterly direction along the said right-of-way line of Front Street for a distance of 149.0 feet to a point; thence at right angles in a Southeasterly direction for a distance of 120.0 feet to a point; thence at right angles in a Southwesterly direction for a distance of 36.0 feet to a point; thence at right angles in a Southeasterly direction for a distance of 22.0 feet to a point; thence at right angles in a Southwesterly direction for a distance of 29.3 feet to a point; thence at right angles in a Northwesterly direction for a distance of 0.75 of a foot to a point; thence at right angles in a Southwesterly direction for a distance of 7.42 feet to a point; thence at right angles in a Northwesterly direction for a distance of 25.38 feet to a point; thence at right angles in a Southwesterly direction for a distance of 20.25 feet to a point; thence at right angles in a Southeasterly direction for a distance of 1.13 feet to a point; thence at right angles in a Southwesterly direction for a distance of 55.83 feet to the said right-of-way line of Duval Street; thence at right angles in a Northwesterly direction along the said right-of-way line of Duval Street for a distance of 117.00 feet back to the Point of Beginning.

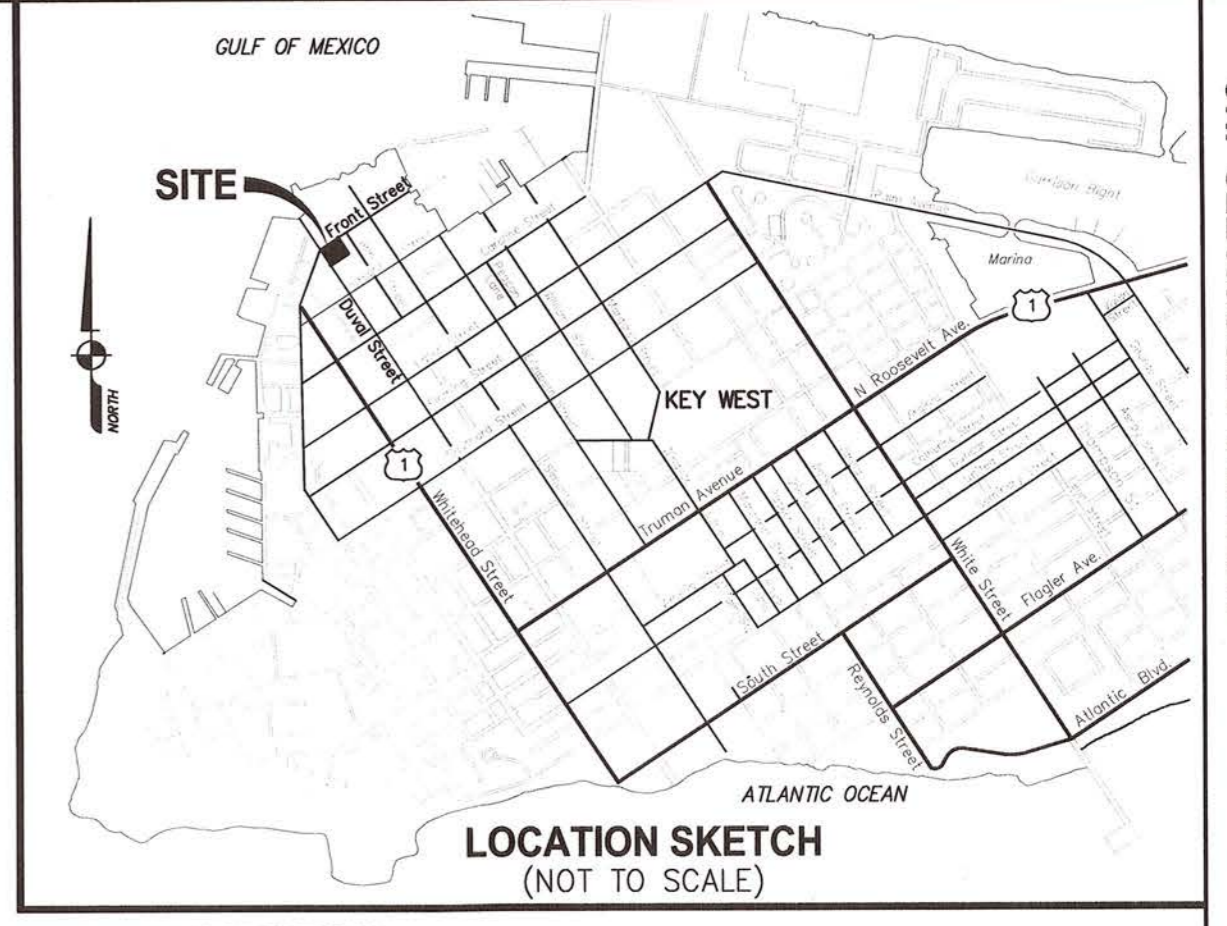
Recorded in Official Records Book  
in Monroe County, Florida  
Record Verified  
DANNY L. KOLHAGE  
Clerk Circuit Court

# Survey

# ALTA / ACSM LAND TITLE SURVEY OF: Part of Lots 2 & 3 in Square 7, Island of Key West

**SYMBOL LEGEND:**

- BENCHMARK
- BOLLARD
- CATCH BASIN
- CONCRETE UTILITY POLE
- DOUBLE DETECTOR VALVE
- DRAINAGE MANHOLE
- EXISTING ELEVATION
- LIGHT POLE
- MAILBOX
- OVERHEAD WIRES
- SANITARY CLEANOUT
- SANITARY MANHOLE
- SIGN
- TELEPHONE SERVICE BOX
- TELEPHONE STAND
- TRAFFIC SIGNAL LIGHT
- UTILITY VAULT
- VALVE
- WATER METER
- WOOD UTILITY POLE



**LEGAL DESCRIPTION:**

On the Island of Key West and known as a part of Lots Two (2) and Three (3) in Square Seven (7), according to William A. Whitehead's Map of said Island, delineated in February, A.D. 1829, said parcel being further described by metes and bounds as follows:

BEGINNING at the intersection of the Northeastly right-of-way boundary line of Duval Street with the Southeastly right-of-way boundary line of Front Street and running thence in a Northeastly direction along the said right-of-way line of Front Street for a distance of 169.0 feet to a point; thence at right angles in a Southeastly direction for a distance of 120.0 feet to a point; thence at right angles in a Southwestly direction for a distance of 22.0 feet to a point; thence at right angles in a Southeastly direction for a distance of 56.0 feet to a point; thence at right angles in a Southwestly direction for a distance of 29.5 feet to a point; thence at right angles in a Northwestly direction for a distance of 7.42 feet to a point; thence at right angles in a Northwestly direction for a distance of 25.38 feet to a point; thence at right angles in a Southwestly direction for a distance of 20.25 feet to a point; thence at right angles in a Southeastly direction for a distance of 1.13 feet to a point; thence at right angles in a Southwestly direction for a distance of 55.83 feet to the said right-of-way line of Duval Street; thence at right angles in a Northwestly direction along the said right-of-way line of Duval Street for a distance of 117.00 feet back to the Point of Beginning.

Said lands lying and situate in the City of Key West, Monroe County, Florida, containing 20,818 square feet (0.4779 acres), more or less.

**SURVEYOR'S REPORT:**

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. The property shown hereon is subject to agreements, covenants, easements, restrictions and other matters contained in the Title Commitment issued by Chicago Title Insurance Company, Title Commitment Order No. 4420962, effective date April 17, 2014 at 8:00 AM, as prepared by Holland & Knight, LLP. Where applicable, these instruments are shown on the survey (see SUMMARY TABLE). Avrom & Associates, Inc. did not research the public records for easements, rights-of-way, ownership or other instruments of record.
3. The land description shown hereon is in accord with the Title Commitment.
4. No underground improvements were located. Every effort has been made to obtain underground utilities pipe type and size, as shown. It is the responsibility of the end user to verify the invert and pipe size dimensions prior to design of new facilities.
5. Bearings shown hereon are assumed based on the northeasterly right-of-way line of Duval Street having a bearing of N 34°05'56" W.
6. The entire property described hereon lies within Flood Zone AE (EL 7), as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, Community Panel No. 120168 1516 K, dated February 18, 2005.
7. Elevations shown hereon are in feet and based on the National Geodetic Vertical Datum of 1929 (NGVD 1929).
8. Benchmark Description: National Geodetic Survey Benchmark designation 872 4580 TIDAL 25 (P.I.D. AA0004). Elevation = 5.1083 feet (NGVD 1929).
9. Symbols shown hereon and in the legend may have been enlarged for clarity. These symbols have been plotted at the center of the field location and may not represent the actual shape or size of the feature.
10. This map is intended to be displayed at a scale of 1"=10' (1:120).
11. Units of measurement are in U.S. Survey Feet and decimal parts thereof. Well identified features in this survey were field measured to a horizontal positional accuracy of 0.10'. The elevations on impervious surfaces were field measured to 0.03' and on ground surfaces to 0.1'.
12. Adjacent property owner information shown hereon was obtained from the Monroe County Property Appraiser's website.
13. Abbreviation Legend: A/C = Air Conditioner; ACSM = American Congress on Surveying and Mapping; ALTA = American Land Title Association; BLDG. = Building; B.M. = Benchmark; C. = Calculated; CL. = Centerline; C.L.F. = Chain link Fence; CONC. = Concrete; D. = Per Deed; EL. = Elevation; F.B. = Field Book; FD. = Found; F.F. = Finished Floor; ID. = Identification; INV. = Invert; I.P. = Iron Pipe; I.R. = Iron Rod; L.B. = Licensed Business; M.C.R. = Monroe County Records; Ms. = Measured; NGVD = National Geodetic Vertical Datum; NSPS = National Society of Professional Surveyors; O.R.B. = Official Records Book; O/S = Offset; OW = Overhead Wires; P. = Per Record Plat; P.B. = Plat Book; PG. = Page; P.L.S. = Professional Land Surveyor; P.O.B. = Point of Beginning; PVC = Poly-vinyl Chloride Pipe; R/W = Right-of-Way; W/CAP = With Surveyors Cap.
14. Not valid without Sheet 2 of 2 (Report of the Surveyor) to accompany this Survey.

**CERTIFICATION:**

To CVS Caremark Corporation, its affiliates and subsidiaries and their successors, nominees and assigns, Chicago Title Insurance Company and Holland & Knight, LLP:

THIS IS TO CERTIFY that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6, 7(a), 7(b)(1), 7(c), 8, 9, 10, 11(a), 13 and 14 of Table A thereof. The field work was completed on April 25, 2014.

Date of Plat or Map: \_\_\_\_\_

KEITH M. CHEE-A-TOW, P.L.S.  
Florida Registration No. 5328  
AVIROM & ASSOCIATES, INC.  
L.B. No. 3300  
EMAIL: keith@avromsurvey.com

**AVIROM & ASSOCIATES, INC.**  
SURVEYING & MAPPING  
402 APPELLOUTH LANE, SUITE 2E  
KEY WEST, FLORIDA 33045  
TEL (305) 294-7770 FAX (305) 994-7125  
WWW.AVIROM-SURVEYING.COM  
This sketch is the property of AVIROM & ASSOCIATES, INC.  
and should not be reproduced or copied without written permission.

REVISIONS	DATE	BY	DESCRIPTION

**ALTA/ACSM LAND TITLE SURVEY  
CVS 8364, KEY WEST**  
PIO LOTS 2 & 3, SQUARE 7 WILLIAM A. WHITEHEAD'S MAP OF KEY WEST  
101 DUVAL STREET  
SECTION 06-66-25  
CITY OF KEY WEST,  
MONROE COUNTY, FLORIDA

SCALE:	1" = 10'
DATE:	04-25-2014
BY:	S.A.M.
CHECKED:	K.M.C.
F.B.:	1652 PG. 66-74
SHEET:	1 OF 2
JOB #:	9559

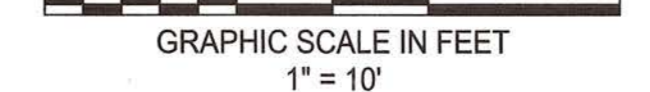
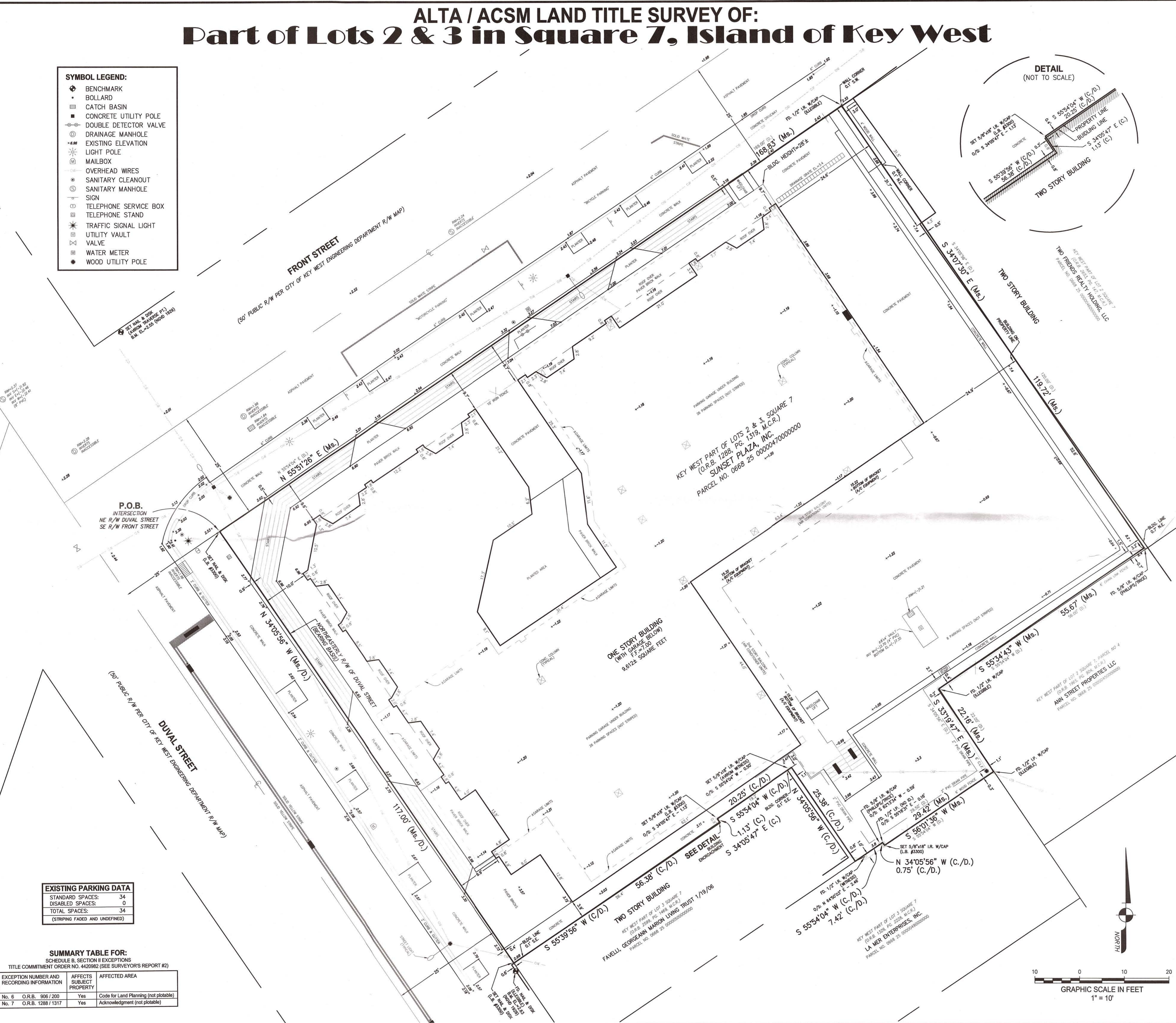
**EXISTING PARKING DATA**

STANDARD SPACES:	34
DISABLED SPACES:	0
TOTAL SPACES:	34

(STRIPING FADED AND UNDEFINED)

**SUMMARY TABLE FOR:  
SCHEDULE B, SECTION II EXCEPTIONS**

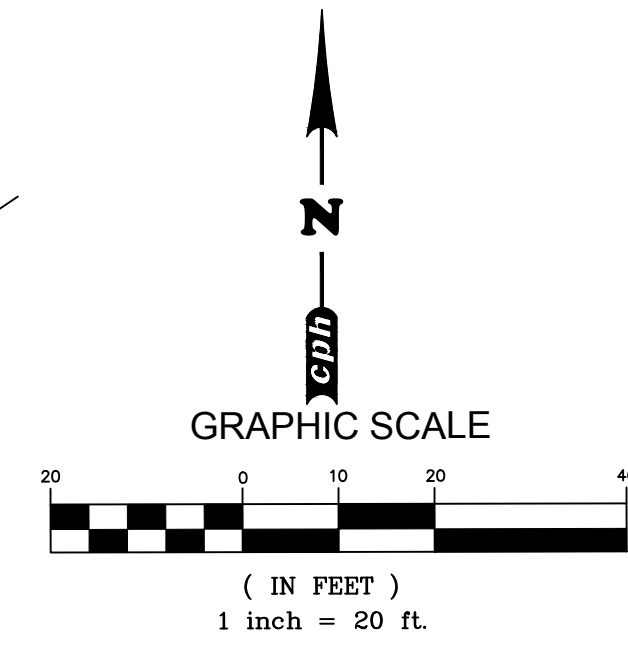
EXCEPTION NUMBER AND RECORDING INFORMATION	AFFECTS SUBJECT PROPERTY	AFFECTED AREA
No. 6 O.R.B. 906/200	Yes	Code for Land Planning (not plottable)
No. 7 O.R.B. 1288/1317	Yes	Acknowledgment (not plottable)





# Plans

PROJECT DATA TABLE	
TOWNSHIP/SEC/RANGE	T-68S, SEC-6, R-25E
PARCEL NUMBERS	00000470-000000
ZONING (INCLUDE ANY SPECIAL DISTRICTS)	HRCC-1
PROJECT SITE SIZE (ACREAGE AND/OR SQUARE FOOTAGE)	20,925 S.F. (0.48 AC.)
LEGAL DESCRIPTION	SEE SURVEY
BUILDING SIZE	EXISTING: 9,537 S.F. PROPOSED: 10,631 S.F.
FLOOR AREA RATIO, PERMITTED AND PROPOSED	0.50 PERMITTED GFA 0.508 PROPOSED GFA
LOT COVERAGE, PERMITTED AND PROPOSED	0.70 PERMITTED 0.8958 (EXISTING AND PROPOSED)
IMPERVIOUS SURFACE	90%
PERVIOUS SURFACE	10%
LANDSCAPE AREAS	EXISTING PLANTERS
PARKING SPACES, PERMITTED AND PROPOSED	SEE BELOW CALCULATIONS
EXISTING AND PROPOSED DEVELOPMENT TYPE DENOTED BY LAND USE INCLUDING DENSITY/INTENSITY	EXISTING COMMERCIAL RETAIL 9,537 S.F. (45.6%) PROPOSED COMMERCIAL RETAIL 10,631 S.F. (50.8%)
SETBACKS	10', 2.5'



CUSTOM  
NO DRIVE THRU RELO  
STORE NUMBER: # 8368  
101 DUVAL STREET  
KEY WEST, FLORIDA  
PROJECT TYPE: CUSTOM  
DEAL TYPE: FEE FOR SERVICE  
CS PROJECT NUMBER: 76746

CONSULTANT:

Architects / Engineers / Environmental Planners / Landscape Architects  
M / E / P  
Surveyors / Traffic / Transportation

Plans Prepared By:  
**CPH, Inc.**  
1992 SW 1st St. Miami, FL 33135  
Ph: 305.274.4806  
Licenses:  
Eng. C.O.A. No. 3215 Arch. Lic. No. AA2600926  
Survey L.B. No. 7143 Landscp. Lic. No. LC0000298

CONSULTANT:

DEVELOPER:

5789 NW 151st STREET,  
SUITE B  
MIAMI LAKES, FL. 33014  
PHONE: (305) 828-8284  
FAX: (305) 828-9584

**BOOS**  
DEVELOPMENT GROUP

SEAL:

TODD H. HENDRIX, P.E.  
FL. REG. NO. 66794

REVISIONS:

DRAWING BY: A.T.S.

DATE: 11-10-14

JOB NUMBER: B112111

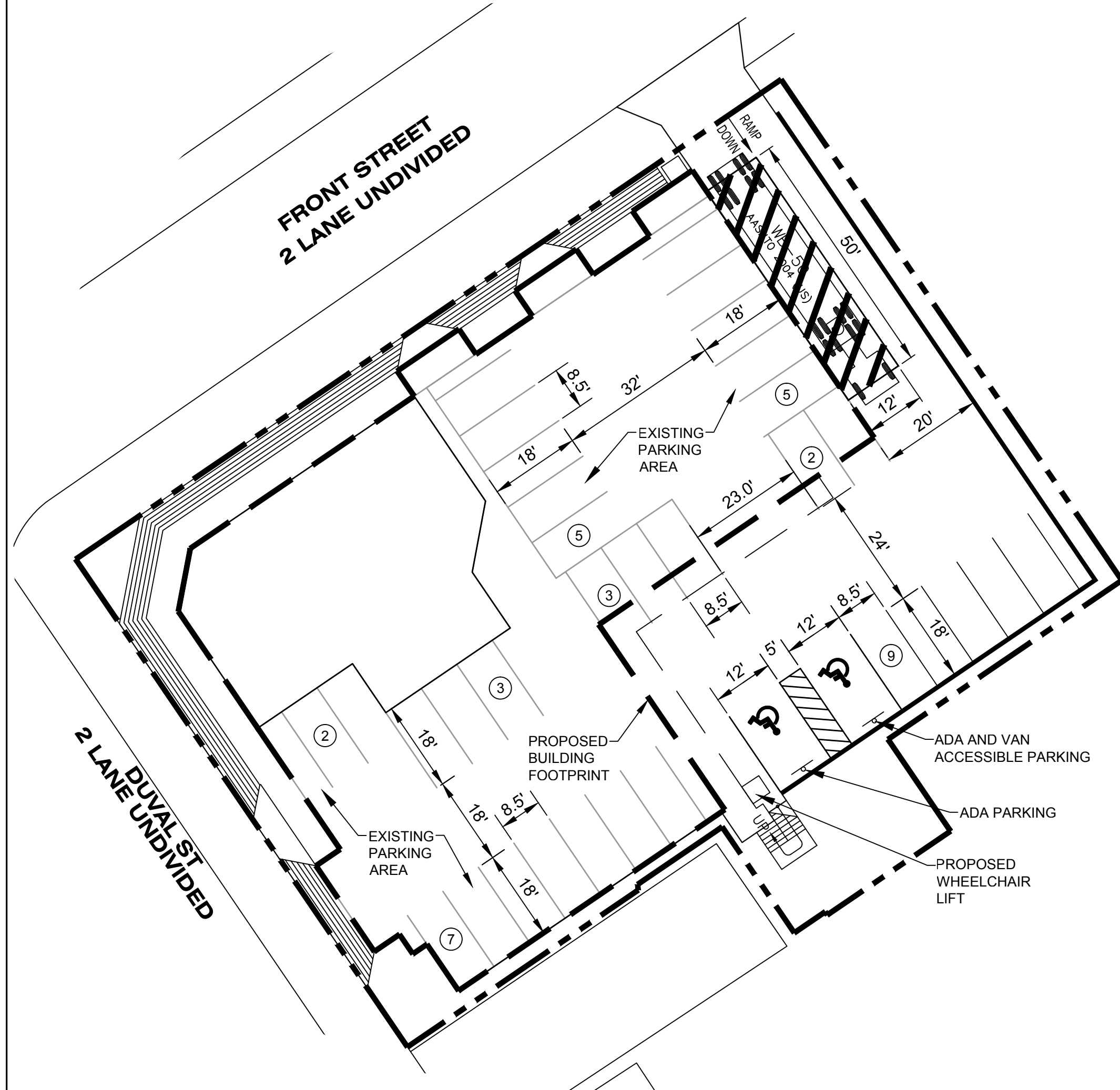
TITLE:

SITE DIMENSION PLAN

SHEET NUMBER:

C-2

COMMENTS:



**PARKING BELOW EXISTING BUILDING**

**PARKING DATA**

- 34 PROPOSED STANDARD PARKING (8.5' X 18')
- 2 PROPOSED ACCESSIBLE PARKING (12' X 18')
- 2 OFFSITE DEEDED PARKING SPACES (NOT SHOWN)
- 38 TOTAL PARKING SPACES

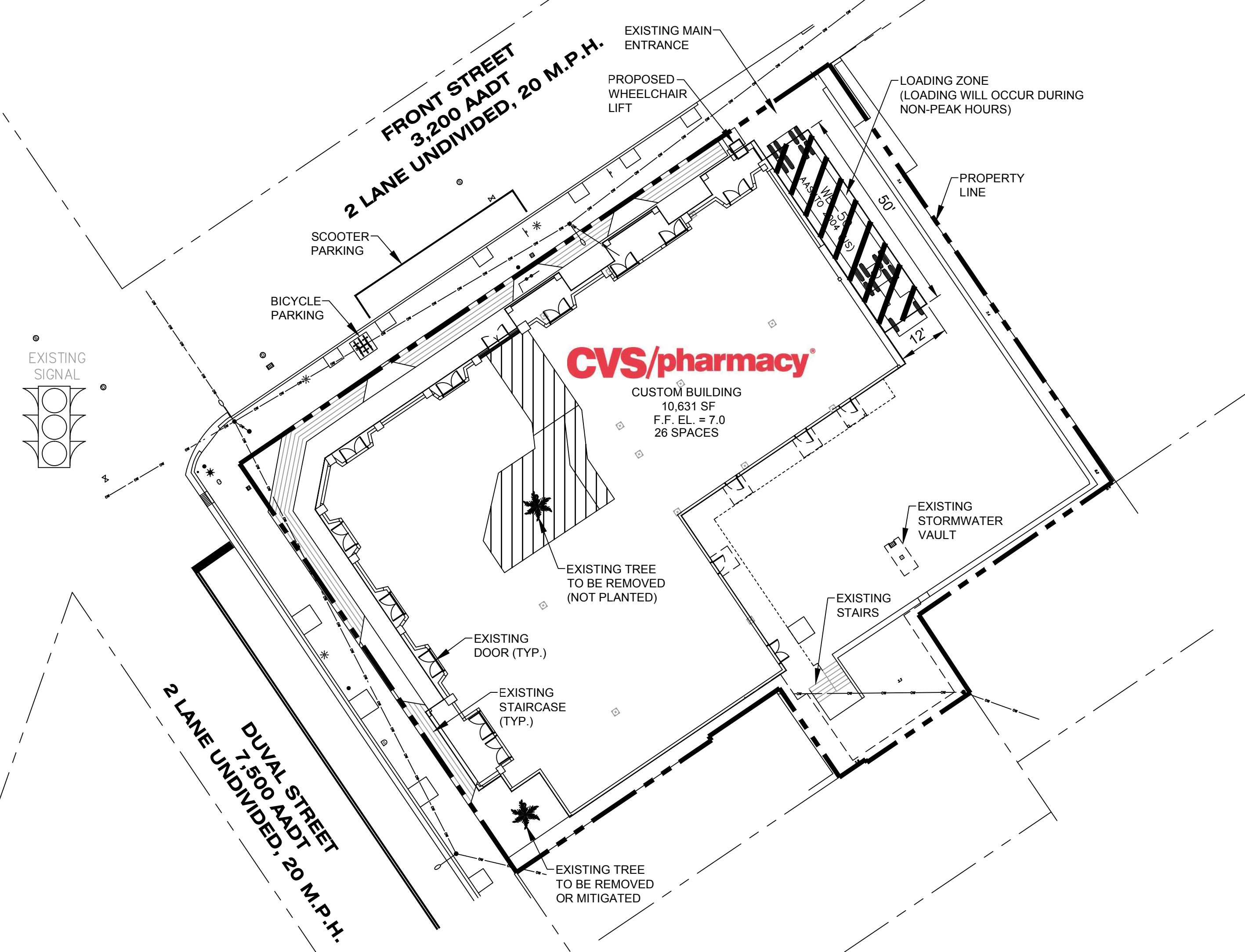
**LEGEND**

EXISTING COURTYARD TO BE CLOSED (1,094 S.F.)

HANDICAP PARKING SPACE (VAN-ACCESSIBLE)

WB-50 AASHTO 2004 (US) WB-50 DELIVERY TRUCK

**NOTE:**  
ALL TRASH GENERATED TO THE STORE WILL BE BROUGHT TO EXISTING OFF-SITE LOCATIONS (SIMILAR TO EXISTING STORE ACROSS THE STREET).



Always call 811 two full business days before you dig





STORE NUMBER: 8368

101 DUVAL STREET  
KEY WEST FL 33040

CS PROJECT NUMBER: 76746

ARCHITECT OF RECORD



Robert Reid Wedding  
Architects & Planners, AIA, Inc.

4112 Cypress Street - Tampa, Florida 33607 - 813-879-6996  
612 South Military Trail - Deerfield Beach, Florida 33442 - 954-428-9361  
Florida License #s: Architecture/Interior Design: AA-C001123

OWNER:

SUNSET PLAZA  
BENJAMIN HAMUD

LEGAL:

BARTON W. SMITH, ESQ.  
SMITH OROPEZA, P.L.

DEVELOPER:



5789 NW 151 Street - SUITE B  
MIAMI LAKES, FL 33014  
TEL (305) 828-8284  
FAX (561) 578-5301  
CONTACT: DANILYS HERNANDEZ

SEAL:

Jose A. Gordillo  
AR0013760

REVISIONS:

8-24-14 MINOR DEV. SUBMITTAL

DRAWING BY: RM/GCJ/JD

DATE: 28 AUG 2014

JOB NUMBER: 13100

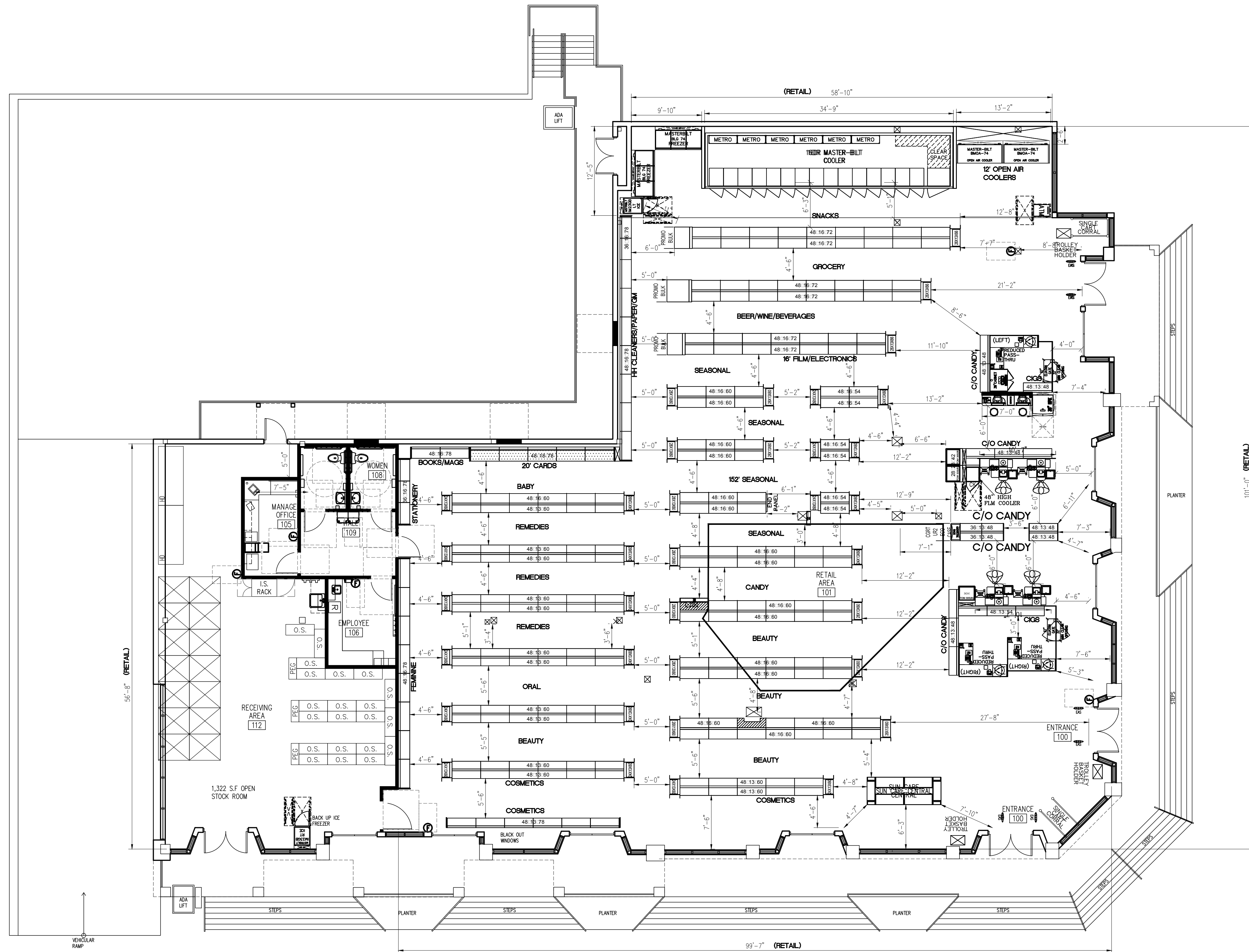
TITLE:

COMMERCIAL RETAIL PLAN

SHEET NUMBER:

F-1

COMMENTS:



1 COMMERCIAL RETAIL PLAN  
F-1 SCALE: 1/8"=1'-0"

# **Site Photos**





# **DRC Minutes/Comments**

# Development Review Committee Minutes

## September 25, 2014 **DRAFT**

Senior Planner, Kevin Bond called the Development Review Committee meeting of September 25, 2014 to order at 10:08 AM at Old City Hall in the antechamber at 510 Greene Street, Key West.

### PLEDGE OF ALLEGIANCE

### ROLL CALL

Present were: Senior Planner, Kevin Bond (designated staff of Planning Director, Don Craig); Recreation Director, Rod Delostrinos; Fire Department, Jason Barroso; Engineering Services, Elizabeth Ignaffo; Building Official, Ron Wampler; Urban Forestry Manager, Karen DeMaria; HARC Assistant Planner, Kelly Perkins; Director of Transportation, Norman Whitaker; Sustainability Coordinator, Allison Higgins; Solid Waste/Recycling Coordinator, Will Thompson and Art in Public Places, Dick Moody.

Not present were: Police Department, Steve Torrence; Floodplain Manager, Scott Fraser; ADA Coordinator, Peg Corbett.

Additional comments provided by: Keys Energy Supervisor of Engineering Matthew Alfonso

Also in attendance was Planning Department staff: Carlene Smith and Venetia Flowers.

### APPROVAL OF AGENDA

Motion to approve the agenda was made by Ms. Karen DeMaria and seconded by Mr. Norman Whitaker.

### APPROVAL OF MINUTES

Motion to approve the July 24, 2014 minutes was made by Ms. Elizabeth Ignaffo and seconded by Ms. Karen DeMaria.

Motion to approve the August 28, 2014 minutes was made by Ms. Ms. Elizabeth Ignaffo and seconded by Mrs. Karen DeMaria.

### DISCUSSION ITEMS

#### New Business

1. **Variance – 708 Whitmarsh Lane (RE # 00015500-000000; AK # 1015873)** – A request for variances to side and rear yard setbacks in order to construct a second story addition on a portion of an existing structure on property located within the Historic High Density Residential (HHDR) zoning district pursuant to Sections 90-395 and 122-630(6)b. & c. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Ms. Smith gave members an overview of the variance request and reminded the applicant that she still needed a survey or existing site plan, and due to the existing setback the building may need to be sprinkled.



## Development Review Committee Minutes September 25, 2014 **DRAFT**

call him at 809-3776 to develop a recycling program that would include the vast amount of cardboard. He told the applicant that they need to meet with Waste Management to determine where the dumpsters can go.

**KEYS ENERGY:** Mr. Alfonso requested a full set of plans and a project review form to ensure the applicant and surrounding customers have adequate power.

4. **Variance – 101 Duval Street (RE # 00000470-000000; AK # 1000469)** – A request for a variance approval to maximum building coverage in order to cover and enclose an existing courtyard on property located within the Historic Residential Commercial Core – Duval Street Gulfside (HRCC-1) Zoning District pursuant to Sections 90-395 and 122-690(4)a. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mr. Bond gave members an overview of the variance request.

The applicant, Bart Smith, Attorney and Jose Gordillo, Robert Reid Wedding Architects gave members an overview of the variance request.

**PLANNING DIRECTOR:** Mr. Bond stated that the variance application was straight forward.

**FIRE:** Please see comments for Item 3.

**ENGINEERING:** Ms. Ignaffo asked for clarification regarding the stormwater vault or well, and provide a stormwater management plan for the property, indicating how the roof drains will be connected, and showing pretreatment for the parking lot.

**BUILDING:** Mr. Wampler asked for clarification regarding the sprinkler system of the building. He stated that since the square footage of the building is increasing they would need to consider sprinkling and fire separations.

**TREE:** No comment

**HARC:** No Comments

**ART IN PUBLIC PLACES:** No comments

**SUSTAINABILITY:** Ms. Higgins offered the following comments as per COMP PLAN:

- **Policy 1-1.1.3: “Intensity Defined.** The maximum FARs are further restricted by quantitative and qualitative criteria included in the Land Development Regulations, including but not limited to, such factors as minimum open space; concurrency management and level of service standards for traffic circulation; storm water management and other public facilities and services; off-street parking and internal circulation; height restrictions; landscaping; other required on-site improvements and design amenities required to achieve land use compatibility.”

## Development Review Committee Minutes September 25, 2014 **DRAFT**

- The variance is for Floor Area, but the existing factors of open space and impervious surfaces are already grossly exceeded. I would suggest we look at the original development conditions before decisions are made.
- Because the area is in the lowest spot of the watershed, I would be interested in having you work with the Urban Forester and Stormwater Utility on finding an appropriate off site project or in lieu of payment to help with open space and stormwater retention needs within the City as a condition of approval.

Other Related Stormwater / Opens Space Policies to help off-site/in lieu of options:

- **Policy 6-1.14 Carbon Sequestration Through Plants.** As part of an overall landscaping plan to increase beautification and walkability, the City shall incorporate greenhouse gas sequestration goals and priorities to meet the City's Climate Action Plan goals. *Monitoring Measure: Inclusion of greenhouse gas sequestration goals in landscaping and urban design plans.*
- **Policy 1-1.1.14: Prepare for Future Sea Level Rise.** The City, together with the private sector, shall consider proactive steps and pilot programs to adapt for sea level rise and storm surges, including but not limited to preserving transportation options, increasing residential building resiliency and indoor air quality, preserving landscaping and residential building aesthetics, and preserving water quality.
- **Policy 1-1.3.2: Designate Various Types of Mixed Use Commercial Nodes to Accommodate Diverse Commercial Uses.** The Land Development Regulations shall address issues surrounding:
  3. Perimeter and internal landscaping
  7. The Land Development Regulations shall include a regulatory framework for public and private partnership in providing strategically located parking facilities in order to restrict and/or minimize vehicular traffic in the Historic Preservation District.
  8. Open space preservation and maximum impervious surface
  11. Urban design amenities, including, but not limited to, signage controls, pedestrian amenities, landscaping improvements, building height limitations, architectural controls in the Historic Preservation District, and other similar design features.
  12. Efficiency in natural resource use.

**TRANSPORTATION:** No Comments

**RECREATION:** No Comments

**SOLID WASTE:** No Comments

**KEYS ENERGY:** No objections

5. **Major Development Plan – 111 Olivia Street (RE # 00014720-000000; AK # 1015091)** – A request for major development plan approval for the reconstruction of greater than 2,500 square feet of nonresidential floor area as part of the renovation and repair of the Frederick Douglass Community Center on property located within the HNC-3 and HMDR Zoning Districts pursuant to Section 108-91.A.2.(b) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

# **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: 1000469 Parcel ID: 00000470-000000**

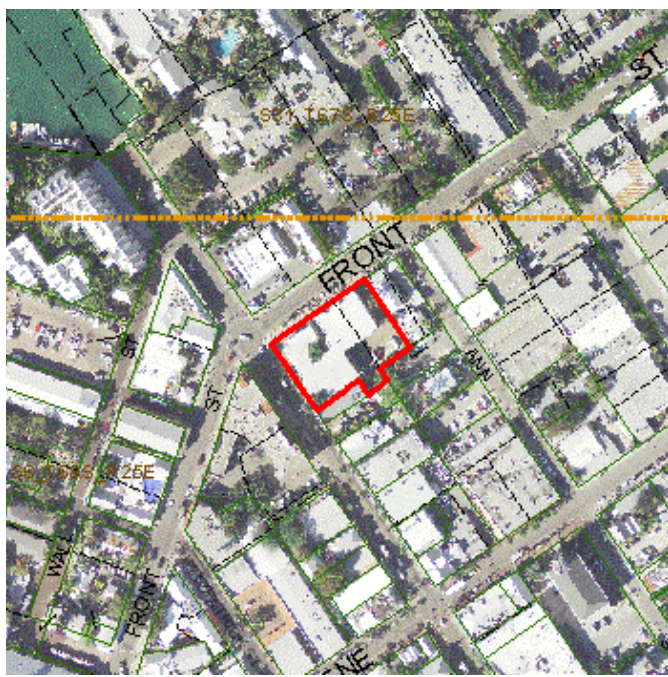
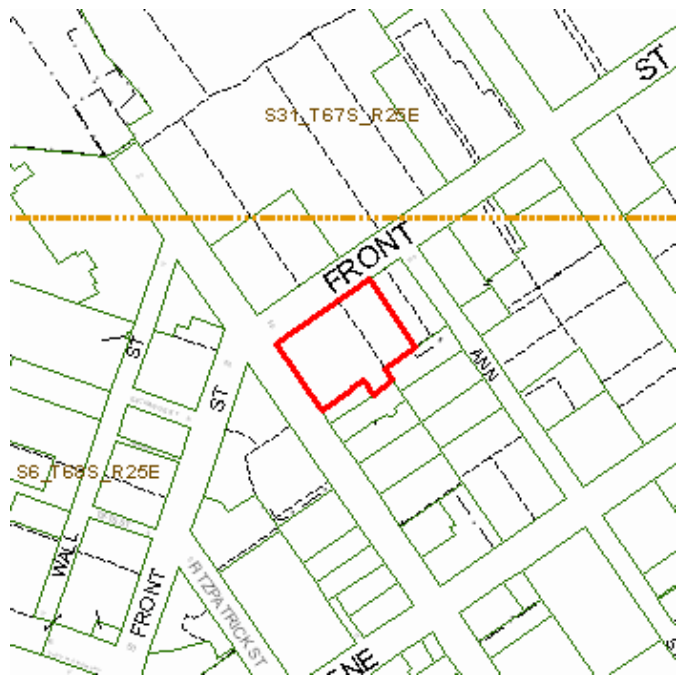
### Ownership Details

**Mailing Address:**  
 SUNSET PLAZA INC  
 C/O HAMUY  
 PO BOX 1268  
 HALLANDALE, FL 33008-1268

### Property Details

**PC Code:** 16 - COMMUNITY SHOPPING CENTERS  
**Millage Group:** 10KW  
**Affordable Housing:** No  
**Section-Township-Range:** 06-68-25  
**Property Location:** 101 DUVAL ST KEY WEST  
**Legal Description:** KW PT LOTS 2 AND 3 SQR 7 G61-81/85 OR294-104/06 OR658-276/77E OR1228-1546/48 OR1288-1319/21C

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



### Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	119	172	20,952.00 SF

## Building Summary

Number of Buildings: 1  
 Number of Commercial Buildings: 1  
 Total Living Area: 10242  
 Year Built: 1994

## Building 1 Details

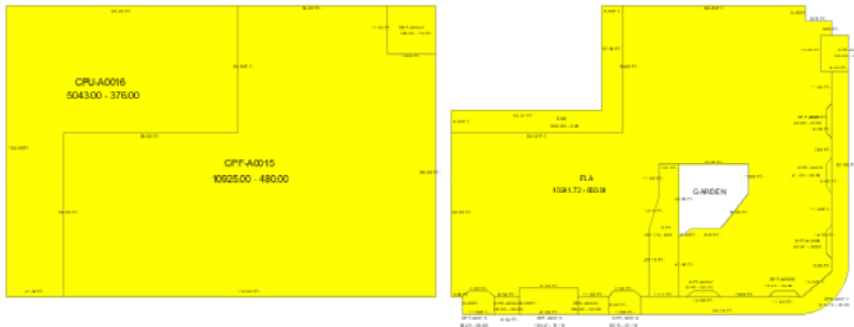
<b>Building Type</b>	<b>Condition</b> G	<b>Quality Grade</b> 500
<b>Effective Age</b> 13	<b>Perimeter</b> 661	<b>Depreciation %</b> 15
<b>Year Built</b> 1994	<b>Special Arch</b> 0	<b>Grnd Floor Area</b> 10,242
<b>Functional Obs</b> 0	<b>Economic Obs</b> 0	

**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	20	Vacuum	0
3 Fix Bath	0	Garbage Disposal	0
4 Fix Bath	0	Compactor	0
5 Fix Bath	0	Security	1
6 Fix Bath	0	Intercom	0
7 Fix Bath	0	Fireplaces	0
Extra Fix	24	Dishwasher	0



**Sections:**

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	OPF		1	1994					131
2	OPF		1	1994					19
3	FLA		1	1994		Y			10,242
4	OPX		1	1994					458
5	OUU		1	1994					803
6	OPF		1	1994					19

7	OPF	1	1994	21
8	OPF	1	1994	21
9	OPF	1	1994	21
10	OPF	1	1994	90
11	OPF	1	1994	194
12	OPF	1	1994	89
13	CPU	1	1994	5,043
14	OPU	1	1994	916
19	CPF	1	1994	10,925
20	OPU	1	1994	66
21	OPU	1	1994	57
22	SBF	1	1994	306

**Interior Finish:**

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
		REST/CAFET-A-	20	Y	Y
	206	1 STY STORE-A	80	Y	Y
	207	OPX	100	N	N
	208	OOU	100	N	N

**Exterior Wall:**

Interior Finish Nbr	Type	Area %
75	CUSTOM	100

**Misc Improvement Details**

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	RW2:RETAINING WALL	1,261 SF	0	0	1993	1994	4	50
2	PT2:BRICK PATIO	95 SF	0	0	1993	1994	2	50
3	FN3:WROUGHT IRON	104 SF	26	4	1993	1994	2	60
4	CL2:CH LINK FENCE	396 SF	66	6	1975	1976	1	30
5	PT2:BRICK PATIO	150 SF	0	0	1999	2000	4	50

**Appraiser Notes**

2002 & 2003 CUT OUT DONE FOR SUNSET PLAZA INC)
RE 48 COMBINED W/THIS RE FOR ASSMT PURPOSES 5-16-95 LG)
TPP 8943265 - HENNA BODY ART TATTOO (BOOTH IN FRONT) TPP 8950910 - SUNSET SPORT CORP (UNIT 101) TPP 8950921 - KEY WEST SYTLE INC (UNIT 105) TPP 8950932 - DUVAL CENTER INC (UNIT 109) TPP 8865091 - SUNGLASS HUT TRADING HUT #681 (UNIT 103)

**Building Permits**

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes	
1	08-0084	01/15/2008	19,200	Commercial	INSTALL WHEELCHAIR LIFT	
1	12-1687	05/10/2012	12/31/2012	62,000	Commercial	INSTALL 12000 SF OF 60 MIL TPO SINGLE PLY
1	11-4610	12/21/2011	1,200	Commercial	REPLACE 3 PHASE - 4 WIRES METER BANK.	
10-0481	06/11/2010	3,000	Commercial	AFTER THE FACT: REOPEN PREVIOUSLY CLOSED INTERIOR DOORWAY WITH NEW WOOD AND GLASS POCKET DOORS.		

	11-0242	02/28/2011		100	Commercial	INSTALL THREE SIGNS.
	08-2701	07/24/2008		2,200	Commercial	REPLACE ONE 100AMP 3 PHASE METER CAN.
	09-3689	10/27/2009		1,500	Commercial	EMERGENCY REPAIRS: CHANGE A PHASE FROM MAIN DISCONNECT 600 AMP SERVICE.
	10-2281	07/19/2010		450	Commercial	INSTALL TWO WEATHER PROFF RECEPTACLE OUTLETS IN FRONT OF BUILDING.
	13-4102	09/25/2013		300	Commercial	CHANGE FUSES IN MAIN DISCONNECT 3-PHASE
1	B923242	12/01/1992	10/01/1994	700,000	Commercial	BLDG,PAVING,LANDSCAPING
1	M943005	09/01/1994	11/01/1994	27,000	Commercial	9-5TON A/C W/35 DROPS
1	B943395	10/01/1994	11/01/1994	500	Commercial	PAINT,TILE,WALL PANELING
1	B943396	10/01/1994	11/01/1994	6,000	Commercial	PAINT,TILE,WALL PANELING
1	B943397	10/01/1994	11/01/1994	5,000	Commercial	PAINT,TILE
1	B943512	10/01/1994	12/01/1994	13,368	Commercial	CUSTOM CANVAS AWNINGS
1	B943526	10/01/1994	12/01/1994	12,000	Commercial	INTERIOR BUILD OUT
1	P943628	11/01/1994	12/01/1994	1,200	Commercial	3/LAV,3/W.CLOSET,2 H.BIBB
1	P943629	11/01/1994	12/01/1994	3,800	Commercial	1/S.POT,1/S.HAND,1/S.SLOP
1	P943629	11/01/1994	12/01/1994	3,800	Commercial	1/HEATER
1	B943785	11/01/1994	12/01/1994	25,000	Commercial	INTER ALTERATIONS
1	P943864	11/01/1994	12/01/1994	2,100	Commercial	1/LAB,1W/CLOSET
1	B943921	11/01/1994	12/01/1994	38,000	Commercial	1050SF RETAIL SPACE
1	A944017	12/01/1994	10/01/1995	2,000	Commercial	INSTALL SIGNS
1	P944043	12/01/1994	10/01/1995	5,400	Commercial	PLUMBING ADDITIONS
1	E944064	12/01/1994	10/01/1995	2,000	Commercial	ELECTRICAL ADDITIONS
1	E944099	12/01/1994	10/01/1995	1,800	Commercial	ELECTRICAL ADDITIONS
1	A950032	01/01/1995	10/01/1995	4,000	Commercial	SIGNS
1	M950108	01/01/1995	10/01/1995	5,000	Commercial	5 TON AC
1	E950481	02/01/1995	10/01/1995	400	Commercial	ELECTRICAL
1	E951120	04/01/1995	10/01/1995	785	Commercial	BURGLAR ALARM
1	E951125	04/01/1995	10/01/1995	585	Commercial	BURGLAR ALARM
1	E952728	08/01/1995	11/01/1995	2,200	Commercial	ELECTRICAL
1	M953302	10/01/1995	11/01/1995	2,850	Commercial	HOOD & INSPECTION
1	A953982	11/01/1995	11/01/1995	100	Commercial	SIGN
1	9703093	09/01/1997	10/01/1997	700	Commercial	INSTALL 4 LIGHTS
1	9800177	01/16/1998	12/07/1998	1,200	Commercial	ELECTRICAL
1	9801123	04/07/1998	12/07/1998	1,709	Commercial	MECHANICAL
1	9900541	05/11/1999	11/03/1999	2,000	Commercial	IRON GATES FOR SECURITY
1	9902941	09/03/1999	11/03/1999	2,000	Commercial	RENOVATIONS/REPAIRS
1	9903302	11/03/1999	12/07/1999	500	Commercial	SIGN
1	0001188	05/05/2000	07/14/2000	4,000	Commercial	DEMO WALL/CREATE 1 STORE
1	0001814	07/21/2000	12/14/2000	1,000	Commercial	SIGNS
1	0001993	07/20/2000	12/14/2000	1,200	Commercial	SIGNS
1	05-4384	11/02/2005	12/22/2005	50,000	Commercial	19 SEAT COFFEE SHOP BUILDOUT
1	05-5145	01/22/2005	12/22/2005	20,000	Commercial	ROUGH DRAIN VENT
1	06-1660	03/13/2006	07/26/2006	1,950	Commercial	FILL VOID (INLANDING WITH CONCRETE)
1	05-3278	08/03/2005	12/22/2005	6,500	Commercial	DEMO PEMI (UNIT 103) DISPOSAL OF DEMOLTIION
1	05-4374	10/11/2005	12/22/2005	15,000	Commercial	INSTALL ELECTRICAL SYSTEM 1120 SF
1	06-2895	10/12/2006	12/28/2006	13,100	Commercial	INSTALLATION OF ADA LIFT
1	07-2270	05/11/2007	05/11/2007	3,300	Commercial	REPLACE EXISTING 5-TON A/C

## 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
2014	2,201,386	12,038	4,996,633	5,600,000	5,600,000	0	5,600,000
2013	2,253,184	12,410	4,201,714	5,600,000	5,212,324	0	5,600,000
2012	2,253,184	12,793	4,201,714	5,600,000	4,738,477	0	5,600,000
2011	2,279,082	13,176	4,201,714	5,600,000	4,307,707	0	5,600,000
2010	2,330,880	13,549	4,728,822	3,916,098	3,916,098	0	3,916,098
2009	2,382,677	13,932	6,097,018	3,916,098	3,916,098	0	3,916,098
2008	2,382,677	14,314	3,886,597	3,916,098	3,916,098	0	3,916,098
2007	1,795,363	14,656	3,886,597	3,916,098	3,916,098	0	3,916,098
2006	1,707,515	15,040	2,933,280	3,466,067	3,466,067	0	3,466,067
2005	1,248,103	15,423	2,304,720	4,738,000	4,738,000	0	4,738,000
2004	1,276,460	15,795	2,095,200	4,600,000	4,600,000	0	4,600,000
2003	1,276,460	16,180	1,718,064	4,600,000	4,600,000	0	4,600,000
2002	1,276,460	16,562	1,718,064	4,685,609	4,685,609	0	4,685,609
2001	1,276,460	15,611	1,718,064	4,629,130	4,629,130	0	4,629,130
2000	1,364,313	4,770	1,299,024	4,509,601	4,509,601	0	4,509,601
1999	1,485,585	4,326	1,355,921	4,509,601	4,509,601	0	4,509,601
1998	990,390	4,411	1,355,921	2,926,817	2,926,817	0	2,926,817
1997	1,089,120	4,505	1,312,182	2,926,817	2,926,817	0	2,926,817
1996	990,109	4,597	1,312,182	2,926,817	2,926,817	0	2,926,817
1995	986,195	4,684	1,312,182	2,926,817	2,926,817	0	2,926,817
1994	0	2,665	589,086	591,751	591,751	0	591,751
1993	0	2,665	589,086	591,751	591,751	0	591,751
1992	0	2,665	589,086	591,751	591,751	0	591,751
1991	0	2,665	589,086	591,751	591,751	0	591,751
1990	0	2,665	512,996	515,661	515,661	0	515,661
1989	0	2,665	510,541	513,206	513,206	0	513,206
1988	0	2,665	449,178	451,843	451,843	0	451,843
1987	0	2,665	327,270	329,935	329,935	0	329,935
1986	0	2,665	327,270	329,935	329,935	0	329,935
1985	0	2,665	273,037	275,702	275,702	0	275,702
1984	0	2,665	131,268	133,933	133,933	0	133,933
1983	0	2,665	109,895	112,560	112,560	0	112,560
1982	0	2,665	109,895	112,560	112,560	0	112,560

## 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
9/1/1992	1228 / 1546	1,760,000	QC	M



This page has been visited 134,153 times.

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

# **Public Notice**

OWNER1	OWNER2	ADDRESS	CITY	ST	ZIP
117 DUVAL LLC	C/O DUVAL COMPANY	423 FRONT ST	KEY WEST	FL	33040-6638
OLD HARBOR HOUSE INC					
121 DUVAL COMPANY	C/O ITTAH CHARLIE	423 FRONT ST STE 2	KEY WEST	FL	33040-6638
126 DUVAL COMPANY					
135 DUVAL COMPANY					
123 125 ANN STREET LLC		123 ANN ST	KEY WEST	FL	33040-6601
130 DUVAL STREET INC		19707 TURNBERRY WAY APT 5J	MIAMI	FL	33180-2502
511 GREENE STREET LLC	C/O RE-MAX SOUTHERNMOST	219 SIMONTON ST	KEY WEST	FL	33040-6653
ALLF CECIL E IRREVOCABLE TRUST 10/15/94		111 VIA DUOMO	NEW SMYRNA BEACH	FL	32169-5108
ASHFORD PIER HOUSE LP		14185 DALLAS PKWY STE 1100	DALLAS	TX	75254-4308
BAHAMA MAMA OF KEY WEST LLC		18381 LONG LAKE DR	BOCA RATON	FL	33496-1932
CONCH TOUR TRAIN INC		PO BOX 1237	KEY WEST	FL	33041-1237
FAVELLI GEORGEANN MARION LIVING TRUST 1/19/06		1523 PATRICIA ST	KEY WEST	FL	33040-5034
G AND S KEY WEST LLC		20 AZALEA DR	KEY WEST	FL	33040-6206
HILARIO RAMOS CORP		209 DUVAL ST	KEY WEST	FL	33040-6507
HISTORIC TOURS OF AMERICA INC		201 FRONT ST STE 224	KEY WEST	FL	33040-8348
HUGHES KEY WEST HOLDINGS LLC		512 FRONT ST	KEY WEST	FL	33040-6619
KEYS ISLAND PROPERTIES LLC		1201 SIMONTON ST	KEY WEST	FL	33040-3162
LA MER ENTERPRISES INC		20201 E COUNTRY CLUB DR APT 605	MIAMI	FL	33180-3277
LOVE IN KEY WEST LLC		PO BOX 28	WHITE PLAINS	NY	10605-0028
LOVE MILE MARKER I LLC	C/O LOVE REALTY	PO BOX 2528	PALM BEACH	FL	33480-2528
LOVE QUAY WEST LLC	C/O CVS INC NO 08368-01	1 CVS DR	WOONSOCKET	RI	02895-6184
NEW IDEAS INC		1512 S ROOSEVELT BLVD	KEY WEST	FL	33040-4514
R N J KEY WEST LLC		9629 PARKVIEW AVE	BOCA RATON	FL	33428-2919
REFLECTIONS ON KEY WEST CONDOMINIUM ASSOC INC	C/O NOBLE HOUSE HOTELS & RESORTS ATTN JANETTE AMENT	600 6TH ST S	KIRKLAND	WA	98033-6716
SEABOARD ASSOCIATES LIMITED PARTNERSHIP					
SLOPPY JOE'S ENTERPRISES INC		101 ANN ST	KEY WEST	FL	33040
SUNSET PLAZA INC	C/O HAMUY	PO BOX 1268	HALLANDALE	FL	33008-1268
SUNSET VENTURES LLC		PO BOX 520A	VILLANOVA	PA	19085-0320
TIKAL REAL ESTATE HOLDING I LLC		PO BOX 1778	KEY WEST	FL	33041-1778
TWO FRIENDS REALTY HOLDING LLC	C/O DIVERSIFIED GROUP	5801 CITRUS BLVD	NEW ORLEANS	LA	70123-1680
US FOODS INC		12178 4TH ST	RANCHO CUCAMONGA	CA	91730-6127





City of Key West, Florida  
Planning Department  
PO Box 1409  
Key West, Florida 33041-1409

«OWNER1»  
«OWNER2»  
«ADDRESS»  
«CITY» «ST» «ZIP»  
«Next Record»

## PUBLIC MEETING NOTICE



City of Key West, Florida  
Planning Department  
PO Box 1409  
Key West, Florida 33041-1409

«OWNER1»  
«OWNER2»  
«ADDRESS»  
«CITY» «ST» «ZIP»

## PUBLIC MEETING NOTICE

**YOU ARE A PROPERTY OWNER WITHIN 300 FEET OF THE SUBJECT PROPERTY**

The City of Key West Planning Board will hold a Public Hearing to consider the following request:

**Variance – 101 Duval Street (RE # 00000470-000000; AK # 1000469)** – A request for a variance approval to maximum building coverage in order to cover and enclose an existing courtyard on property located within the Historic Residential Commercial Core – Duval Street Gulfside (HRCC-1) Zoning District pursuant to Sections 90-395 and 122-690(4)a. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

**Applicant:** Smith | Oropeza, P.L. **Owner:** Sunset Plaza Inc  
**Location:** 101 Duval Street (RE # 00000470-000000; AK # 1000469)  
**Date of Hearing:** January 15, 2015 **Time of Hearing:** 6:00 PM  
**Location of Hearing:** Old City Hall, 510 Greene Street, City Commission Chambers

Interested parties may appear at the public hearing and be heard with respect to the application. Packets can be viewed online, the Friday before the meeting at [www.cityofkeywest-fl.gov](http://www.cityofkeywest-fl.gov). Click on City Board & Committee Agendas. A copy of the corresponding application is available from the City of Key West Planning Department located at 3140 Flagler Avenue, Key West, Florida, Monday through Friday between the hours of 8:00 am and 5:00 pm.

**Please provide written comments to:** Kevin Bond, Acting Planning Director / Senior Planner; **E-mail:** [kbond@cityofkeywest-fl.gov](mailto:kbond@cityofkeywest-fl.gov); Phone: 305-809-3725; Fax 305-809-3978; Mail: PO Box 1409, Key West FL 33041-1409

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission or the City Commission with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

**ADA Assistance:** It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number at 305-809-1000 or the ADA Coordinator at 305-809-3731 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

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# Public Meeting Notice

The Key West Planning Board will hold a public hearing **at 6:00 PM on January 15, 2015 at Old City Hall, 510 Greene Street**, Key West, Florida, (behind Sloppy Joe's Bar). The purpose of the hearing will be to consider a request for:

**Variance – 101 Duval Street (RE # 00000470-000000; AK # 1000469)** – A request for a variance approval to maximum building coverage in order to cover and enclose an existing courtyard on property located within the Historic Residential Commercial Core – Duval Street Gulfside (HRCC-1) Zoning District pursuant to Sections 90-395 and 122-690(4)a. of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

The public may examine the application during regular office hours, Monday through Friday between 8:00 AM and 5:00 PM, at the City of Key West Planning Department, located in Habana Plaza at 3140 Flagler Avenue. The application may also be examined online at [www.cityofkeywest-fl.gov](http://www.cityofkeywest-fl.gov). Written responses must be submitted before the hearing to the contact person below.

**Contact:** Kevin Bond, Acting Planning Director / Senior Planner, [kbond@cityofkeywest-fl.gov](mailto:kbond@cityofkeywest-fl.gov); 305-809-3725  
Planning Department: Fax: 305-809-3978; Mail: PO Box 1409, Key West FL 33041-1409

**THIS NOTICE CANNOT BE REMOVED FROM THE SITE UNTIL AFTER  
PLANNING BOARD DETERMINATION.**

**PLANNING BOARD  
RESOLUTION NO. 2015-**

**A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS A REQUEST FOR VARIANCES TO MAXIMUM BUILDING COVERAGE IN ORDER TO COVER AND ENCLOSE AN EXISTING COURTYARD AND MINIMUM PARKING SPACE REQUIREMENT AND MINIMUM AISLE AND STALL WIDTH REQUIREMENTS ON PROPERTY LOCATED AT 101 DUVAL STREET (RE # 00000470-000000; AK # 1000469) IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE – DUVAL STREET GULFSIDE (HRCC-1) ZONING DISTRICT PURSUANT TO SECTIONS 90-395 ,122-690(4)A. ,108-572 AND 108-641 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA**

**WHEREAS**, the applicant proposes to increase the maximum building coverage from 45.5% to 50.8%, minimum parking space requirement and minimum aisle and stall width requirements in order to renovate and enlarge the building for a single retail tenant on property located at 101 Duval Street (RE # 00000470-000000; AK # 1000469);

**WHEREAS**, Section 122-690(4)a. of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provides that the maximum building coverage is 50%; and

**WHEREAS**, Section 108-572 and 108-641. of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) provides that minimum required parking for retail use is 1 space per 300 square feet; and required parking stall width is 9 feet and required aisle width is 24 feet.

**WHEREAS**, the proposed building coverage is 50.8%;

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



**WHEREAS**, the site currently maintains 34 off-street parking spaces, the total required spaces considering the proposed new commercial floor area is 36 spaces;

**WHEREAS**, currently 32 of the 34 existing spaces are slightly undersized at an 8.5 foot width rather than the 9 foot width required per Section 108-641;

**WHEREAS**, six (6) of the existing spaces have undersized aisle width at 18 feet rather than the 24 foot width required per Section 108-641;

**WHEREAS**, the applicant is requesting that 30 of the existing spaces continue to be used in conjunction with the existing commercial parking business. Section 108-577 states that “the required spaces assigned to one use may not be assigned to another use at the same time”. In effect, this would require the applicant to seek a variance to minimum parking requirements for a total 32 spaces including the two (2) mentioned above. The overall parking requirement on-site would be 66 spaces.

**WHEREAS**, the applicant requests a variances to the maximum building coverage and minimum parking space requirement and minimum aisle and stall width requirements; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on March 19, 2015; and

**WHEREAS**, the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and

**WHEREAS**, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

**WHEREAS**, the Planning Board finds that granting the variance requested will not confer

upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

**WHEREAS**, the Planning Board finds that literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

**WHEREAS**, the Planning Board finds that the variance granted is the minimum variances that will make possible the reasonable use of the land, building or structure; and

**WHEREAS**, the Planning Board finds that the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

**WHEREAS**, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts are grounds for the issuance of the requested variance; and

**WHEREAS**, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors.

**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 if fully set forth herein.

**Section 2.** An approval by Resolution of the Key West Planning Board for variance to maximum building coverage to allow an existing courtyard to be enclosed in order to renovate and enlarge the building for a single retail tenant per the attached signed and sealed plans dated August 29, 2014 by Christopher Patrick Collins, Professional Engineer, on property located at 101 Duval Street (RE # 00000470-000000; AK # 1000469) in the HRCC-1 Zoning District pursuant to Sections 90-395 and 122-690(4)a. of the City of Key West Land Development Regulations with the following conditions:

**General Conditions:**

1. The proposed development shall be consistent with the plans dated November 10, 2014 by Todd Harland Hendrix, Professional Engineer and plans dated August 28, 2014 by Jose A. Gordillo, Professional Architect.
2. Remaining existing trees shall be protected during construction. Tree permits shall be obtained as required.
3. The four (4) spaces that will be dedicated to the commercial retail space be clearly identified as such, and not be used as part of the commercial parking business.

**Conditions required to be completed prior to issuance of a building permit:**

4. The owner shall obtain Certificates of Appropriateness for the proposed development.

**Section 3.** It is a condition of this variance that full, complete and final application for all conditions of this approval for any use and occupancy for which this variance is wholly or partly

necessary, shall be submitted in their entirety within two years after the date hereof; and further, that no application shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

**Section 4.** The failure to fully and completely apply the conditions of approval for permits for use and occupancy pursuant to this variance in accordance with the terms of the approval as described in Section 3 hereof, shall immediately operate to terminate this variance, which variance shall be of no force or effect.

**Section 5.** This variance 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 6.** 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 7.** 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 forty five (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 forty five (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

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

the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this 19th day of March, 2015.

Authenticated by the Chairman of the Planning Board and the Acting Planning Director;

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Richard Klitenick, Planning Board Chairman

Date

**Attest:**

---

Kevin Bond, AICP, Acting Planning Director

Date

**Filed with the Clerk:**

---

Cheryl Smith, City Clerk

Date

\_\_\_\_\_ Chairman

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