

## Keri O'Brien

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**From:** Owen Trepanier <owen@owentrepanier.com>  
**Sent:** Tuesday, July 14, 2020 4:37 PM  
**To:** Keri O'Brien  
**Cc:** Lauren Mongelli  
**Subject:** FW: Objection to Variance Application for 1218 Duval Street (RE# 00028950-000000)

Hi Keri,  
Here is another good neighbor response for the public comment please.

Owen

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**Trepanier & Associates, Inc.**  
Land Planners & Development Consultants  
305-293-8983

**From:** Owen Trepanier  
**Sent:** Tuesday, July 14, 2020 4:32 PM  
**To:** Susan Cardenas <susan@keyslaw.net>  
**Cc:** Lauren Mongelli <lauren@owentrepanier.com>  
**Subject:** RE: Objection to Variance Application for 1218 Duval Street (RE# 00028950-000000)

Hi Susan,  
Thank you for the email expressing your client's concerns. To be clear, we understood 1224 Duval to be a transient rental not an individual's residence, is that correct?

Could you please relay to your client that we are seeking approval to add 32 seats to the restaurant (formally the Cork & Stogie). I think this is the second of your clients to refer to this property as a bar/lounge. The code is crystal clear regarding the differences between bars, lounges and restaurants. This is not a bar. We are not proposing a bar. This is a restaurant. Restaurants are a permitted use in the HRCC-3. Restaurants have certain restrictions imposed by the City and the State to ensure they do not operate as bars, and the property owner is committed to maintaining the status as a restaurant. He does not seek any approval to operate this property as a bar. Additionally, the prior restaurant, the Cork and Stogie, has not receive any code complaints since 2015, so as evidenced by that alone, this property is not, and had not been, a nuisance to the neighborhood. Given that the past is the key to the future, there is no reason to anticipate the property will be anything but an asset to the environment which your client's customers come to Key West to experience. The new operation will also have additional scrutiny by the City as a result of the variance.

We are seeking to add 32 seats, which has an associated parking impact of 10.6 spaces, not 26 as stated in the staff report and apparently misunderstood by both of your clients.

This property, like most on Duval Street, has always attracted bikes, scooters, pedestrians, and taxis. This business, again, like most on Duval, does not require significant automobile parking to operate successfully. To meet the actual demand we intend to add 24 bike/scooter spaces on site. We will eliminate the two private driveways, which will allow the creation of 3 new on-street public-access parking spaces. The proposal is consistent with the City's Comprehensive Plan. It is the outdated and conflicting Land Development Regulations to which we seek the variance. The City's adopted policy is to encourage businesses to move away from the traditional suburban automobile-oriented development and move in the direction of multi-modal transportation, i.e. bike rack, bike paths, scooter parking, Duval Loop, etc.

We also understand the concern for potential noise. Even though restaurants are a permitted use in the HRCC-3 zoning district the owners would like to offer the following day-to-day limitation on the restaurant operation (with the

reasonable exceptions for City-sanctioned special events). They propose including this as a condition of approval, which, if not followed would result in the revocation of the approval.

Operating Condition for the Proposed Additional Seating Area:

Last Outdoor Seating: 10pm, Sunday thru Thursday  
11pm, Friday & Saturday

I hope this email helps to clarify what we are proposing. If you have the time to discuss your concerns further with me, I would appreciate the opportunity.

Owen

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**Trepanier & Associates, Inc.**  
Land Planners & Development Consultants  
305-293-8983

**From:** Susan Cardenas <[susan@keyslaw.net](mailto:susan@keyslaw.net)>  
**Sent:** Tuesday, July 14, 2020 12:10 PM  
**To:** [Katie.Halloran@cityofkeywest-fl.gov](mailto:Katie.Halloran@cityofkeywest-fl.gov)  
**Cc:** [Daniel.Sobczak@cityofkeywest-fl.gov](mailto:Daniel.Sobczak@cityofkeywest-fl.gov); Donna Phillips <[donna.phillips@cityofkeywest-fl.gov](mailto:donna.phillips@cityofkeywest-fl.gov)>; [bmineroff@aol.com](mailto:bmineroff@aol.com);  
Owen Trepanier <[owen@owentrepanier.com](mailto:owen@owentrepanier.com)>  
**Subject:** Objection to Variance Application for 1218 Duval Street (RE# 00028950-000000)

Good afternoon,

Our firm represents the owner of 1224 Duval Street, **Minkids Realty, LLC**. Please see attached, an objection from Minkids Realty, LLC to the variance application for property at **1218 Duval Street** which adjoins 1224 Duval. Also attached is a signed sworn statement form for this objection.

Please advise if you require anything more in connection with this objection.

Thank you,

*Susan M. Cardenas, Esq.*



Partner  
221 Simonton Street  
Key West, Florida 33040  
Tel: 305.294.0252  
Fax: 305.294.5788  
[Susan@OropezaStonesCardenas.com](mailto:Susan@OropezaStonesCardenas.com)  
[www.OropezaStonesCardenas.com](http://www.OropezaStonesCardenas.com)

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FOR AN ITEM**

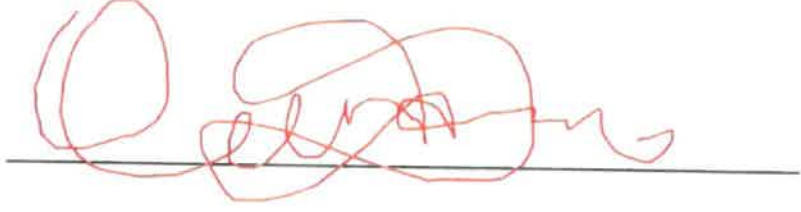
Meeting: 07/16/20

Item Reference: Item 6 - 1218 Duval Street

Date: 07/14/20

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

Signature:

A handwritten signature in red ink is written over a solid black horizontal line. The signature is enclosed within a thin green rectangular border. The signature appears to be "Owen Trepanier" written in a cursive style.

Print Name: Owen Trepanier

Address or Organization: 1421 First Street

Date: 07/14/20

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