

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



To: Chairman and Planning Board Members

From: Brendon Cunningham

Through: Donald Leland Craig, AICP, Planning Director

Meeting Date: July 21, 2011

Agenda Item: An application for Conditional Use Approval for a restaurant located at 529 United Street, in the HNC-1 zoning district per Section 122-808 (13) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida (RE # 00028790-000100).

Request: To allow an existing commercial office space formerly used as a commercial office to be converted into a restaurant with indoor and outdoor consumption area, with the remainder of the building in the rear to remain as a residence.

Applicant: Barton Smith, P.L.

Property Owner: Xavier Bellin

Location: 529 United Street (RE# 00028790-000100)

Zoning: Historic Neighborhood Commercial (HNC-1) zoning district



Background:

The property is located at 529 United Street. The structure is a one story mixed use building originally constructed as a single family home. The front portion is a commercial space and the rear portion is a non-transient residential apartment. The most recent commercial uses have been professional offices.

Request:

This request is for the conditional use of the commercial space located in the front and porch of the existing building. The applicant is proposing a restaurant with 154 square feet of indoor and 40 square feet of outdoor consumption area for a total of 194 square feet of consumption area.

Surrounding Zoning and Uses:

North: HNC-1: Guest House

South: HTC: Hotel

East: HNC-1: Retail

West: HNC-1: Guest House

Uses Permitted Per Section 122-807, Code of Ordinances:

1. Single-family and two-family residential dwellings
2. Multiple-family residential dwellings
3. Group homes with less than or equal to six residents as provided in Section 122-1246
4. Places of worship
5. Business and professional offices
6. Commercial retail low and medium intensity less than or equal to 5,000 square feet as provided in division 11 of Article V of this chapter
7. Hotels, motels, and transient lodging
8. Medical services
9. Parking lots and facilities
10. Veterinary medical services without outside kennels

Conditional Uses Per Section, 122-808 Code of Ordinances:

1. Group homes with seven to fourteen residents as provided in Section 122-1246
2. Community centers, clubs, and lodges
3. Cultural and civic activities
4. Educational institutions and day care
5. Nursing homes, rest homes, and convalescent homes
6. Parks and recreation, active and passive
7. Protective services
8. Public and private utilities
9. Commercial retail low and medium intensity greater than 2,500 square feet
10. Commercial retail high intensity
11. Funeral homes
12. Light industrial
13. Restaurants, excluding drive-through
14. Small recreational power-driven equipment rentals

Process:

Development Review Committee Meeting:

April 28, 2011

Planning Board Meeting:

July 21, 2011

Conditional Use Review:

Code Sec.122-62 (a) provides, in part, that “a conditional use shall be permitted upon a finding by the Planning Board that the proposed use, application, and, if applicable, development plan comply with the criteria specified in this section, including specific conditions established by the Planning Board and or the City Commission during review of the respective application in order to ensure compliance with the Comprehensive Plan and Land Development Regulations. The same section also specifies that “a conditional use shall be denied if the City determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public’s interest.”

Conditional Use Criteria Per Code Sec. 122-62:

- (a) **Findings:** The Planning Board may find that the application meets the Code purpose of ensuring that “a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity.” The following criteria form the basis for a finding of compliance.

The property is zoned HNC-1. The proposed change in use from a professional office to a restaurant will intensify the use of the space. Community impact concerns most likely will relate to noise, smell and hours of operation, especially since a portion of the business is located outdoors. The small consumption area proposed, as well as limits to the hours of operation, prohibition of amplified live music and amplified music outdoors, should help reduce potential impacts.

- (b) **Characteristics of Use Described:**

The applicant is proposing a restaurant use to replace professional offices within the existing structure. The proposal includes indoor and outdoor consumption area. The total size of the building is 784 square feet with a consumption area, including the front porch, of 194 square feet.

1) Scale and Intensity:

a. Floor Area Ratio:

No changes are being proposed to F.A.R with this conditional use application. The F.A.R. for this commercial unit on this mixed use site is part of a process of previously approved projects.

b. Traffic Generation:

According to the Institute of Transportation Engineers Trip Generation Manual, 7th Edition, the proposed conditional use compared to the existing use on the site should produce similar traffic generation although peak traffic trips may increase from the previous use. In reality most patrons will be pedestrians.

c. Square Feet of Enclosed Building for Each Specific Use:

The building is one story with commercial use on the front and residential use at the rear. The building is comprised of 784 square feet.

d. Proposed Employment

There will be approximately two employees working on the site at one time.

e. Proposed Number of Service Vehicles:

The applicant is expecting no additional service vehicles to be making trips to the area. Two to three weekly deliveries are expected for the proposed use. Deliveries to the establishment will likely be made by the same vehicles that currently deliver to other establishments in the vicinity.

f. Off-Street Parking:

The proposed site is within the historic commercial pedestrian-oriented area, pursuant to Section 108-573 (c) of the City Code. This section provides that no additional off-street parking shall be required within the historic commercial pedestrian-oriented area if a commercial structure is the subject of a change of commercial use, as long as additional floor area is not added. No additional floor area is being constructed on the site.

2) On or Off site Improvements Required and Not Listed in Subsection (b)(1)

a. Utilities:

No utility changes are expected as a result of the proposed conditional use. Additionally, Keys Energy Services and Florida Keys Aqueduct Authority have no objections to the proposed conditional use.

b. Public facilities:

No changes to public facilities are required to ensure compliance with concurrency management, as provided in Chapter 94 of the City Code. There are no expected changes regarding level of service for potable water, sanitary sewer, or drainage. Additionally, it is anticipated that the proposed change in use would not have an adverse impact on roadway capacity or trip generation.

c. Roadway or Signal Improvements:

No changes are required or proposed to roadway or signal improvements.

d. Accessory Structures or Facilities:

No accessory structures or facilities are generated by the proposed conditional use.

e. Other Unique Facilities/Structures Proposed as Part of On-Site Improvements:

The proposed project does not include unique facilities or structures.

3) On-Site Amenities Proposed to Enhance the Site and Planned Improvements.

The applicant is not proposing any exterior changes to the site.

a. Open Space:

The applicant is not proposing any changes to open space on the site.

b. Setbacks from Adjacent Properties:

No changes are proposed that would alter structural setbacks.

c. Screening and Buffers:

No additional screening or buffers are proposed. The site interacts directly with the streetscape along United Street. Screening and buffers would eliminate this interplay between the street, buildings and uses and detract from the existing urban fabric.

d. Landscaped Berms Proposed to Mitigate Against Adverse Impacts to Adjacent Sites:

No landscaped berms are proposed.

e. Mitigative Techniques for Abating Smoke, Odor, Noise, and Other Noxious Impacts:

To mitigate potential noise concerns the applicant is not proposing amplified live music or outdoor amplified music. The proposed hours of operation are similar to those of surrounding commercial operations. Other noxious impacts are not anticipated to be caused as a result of this proposal.

c) Criteria for Conditional Use Review and Approval. Applications for a Conditional Use review shall clearly demonstrate the following:

1) Land Use Compatibility:

The proposed location of the restaurant is surrounded by a mix of uses, including open air restaurants, retail uses, and residences. This district is characteristically a pedestrian oriented area and additional traffic or parking impacts are presumed to be minimal. A hotel is located across the street and several guest houses are located within a few blocks. The proposed restaurant may increase impacts in the area. However, the applicant has proposed to mitigate impacts by limiting the square footage of proposed consumption area. Further, the applicant has proposed to prohibit exterior music by limiting music to the interior of the structure.

2) Sufficient Site Size, Adequate Site Specifications and Infrastructure to Accommodate the Proposed Use:

The size and shape of the site are adequate to accommodate the proposed scale and intensity of the conditional use requested. No proposed changes to access or internal circulation are proposed. The applicant intends to use the existing infrastructure on the site.

3) Proper Use of Mitigative Techniques:

The applicant is not proposing outdoor music in order to minimize noise. The applicant will have access to existing waste handling and recycling services associated with the

property. Additional adverse impacts detrimental to the general public health, safety and welfare are not anticipated.

4) Hazardous Waste:

Not applicable; no hazardous waste will be generated by the proposed conditional use.

5) Compliance with Applicable Laws and Ordinances:

The applicant will comply with all applicable laws and regulations as a condition of approval. Specifically the City Noise Ordinances per Section 26-191. The applicant will also provide accessible seating with the use of a mechanical track system to be initiated by doorbell.

6) Additional Criteria Applicable to Specific Land Uses. Applicants Shall Demonstrate the Proposed Conditional Use Satisfies the Following Criteria:

a. Land Uses Within a Conservation Area:

Not applicable; the site is not located in a conservation area.

b. Residential Development:

Not applicable; the residential component is existing.

c. Commercial or Mixed Use Development:

The current use is existing mixed commercial and residential.

d. Development Within or Adjacent to Historic Districts:

The proposed site is within the City's Historic District. The applicant must apply to HARC for any further signage, paint or exterior modifications.

e. Public Facilities or Institutional Development:

Not applicable; no public facilities or institutional development are being proposed.

f. Commercial Structures, Uses and Related Activities Within Tidal Waters:

Not applicable; this site is not located within tidal waters.

g. Adult Entertainment Establishments:

Not applicable; no adult entertainment is being proposed.

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

Concurrency management has been previously addressed in this report. The proposed site is in compliance with Chapter 94 of the City Code of Ordinances.

RECOMMENDATION:

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for conditional use be **approved**.

**Draft
Resolution**

RESOLUTION NUMBER 2011-

**A RESOLUTION OF THE KEY WEST
PLANNING BOARD GRANTING A
CONDITIONAL USE APPROVAL FOR A
RESTAURANT LOCATED AT 529 UNITED
STREET (RE# 00028790-000100) IN THE
HISTORIC NEIGHBORHOOD COMMERCIAL
(HNC-1) ZONING DISTRICT, PURSUANT TO
SECTION 122-808(13) OF THE CODE OF
ORDINANCES, KEY WEST FLORIDA;
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the subject property is located in the Historic Neighborhood Commercial (HNC-1) zoning district; and

WHEREAS, Section 122-808(13) of the Code of Ordinances provides that restaurants are allowed as a conditional use within the Historic Neighborhood Commercial (HNC-1) zoning district; and

WHEREAS, Section 122-61 of the Code of Ordinances allows applicants to request a conditional use approval; and

WHEREAS, the applicant filed a conditional use application for a restaurant at 529 United Street; and

WHEREAS, Section 122-62 outlines the criteria for reviewing a conditional use application

_____ Chairman

_____ Planning Director

by the Planning Board; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on July 21, 2011; and

WHEREAS, the Planning Board found that the proposed use complies with the criteria in Section 122-62; and

WHEREAS, the approval of the conditional use application will be in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and

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 fully set forth herein.

Section 2. That a conditional use request, under the Code of Ordinances of the City of Key West, Florida, per Section 122-808(13) is hereby approved as follows: allowing for 194 square foot consumption area for a restaurant including, 40 square feet of outdoor and 154 square feet of indoor

_____ Chairman

_____ Planning Director

consumption area, for property located at 529 United Street (RE# 00028790-000100), Key West, Florida, as shown in the attached floor plan dated July 15, 2011.

Section 3. Full, complete, and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.

Section 4. This conditional use approval 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 5. 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 6. 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 Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications

_____ Chairman

_____ Planning Director

attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA 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 the appeal is resolved by agreement or order.

Section 7. The applicant shall obtain and maintain a Conditional Approval Permit from the City prior to issuance of a Certificate of Occupancy per Ordinance Number 10-22.

Read and passed on first reading at a regular meeting held this 21st day of July, 2011.

Authenticated by the Chairman of the Planning Board and the Interim Planning Director.

Richard Klitenick, Chairman
Key West Planning Board

_____ Date

Attest:

Donald Leland Craig, AICP
Planning Director

_____ Date

_____ Chairman

_____ Planning Director

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

draft

_____ Chairman

_____ Planning Director

Application

COUNSEL AT LAW

BARTON SMITH, P.L.

309 1/2 WHITEHEAD STREET
KEY WEST, FLORIDA 33040

TELEPHONE: (305) 296-7227 • FAX: (305) 296-8448
BART@BARTONSMITHPL.COM

VIA HAND DELIVERY

March 29, 2011

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

RE: Conditional Use Application – 529 United Street, Key West, Florida 33040



Dear Mr. Craig,

The owner of 529 United Street, Key West, Florida 33040, desires to renovate the current historic structure, bringing the property back to its historic beauty and operate a French cuisine sandwich establishment in the front of the building, while living in the rear. Currently, the property is divided into two residential units. One unit is tenant occupied and the other vacant. Prior to converting both units into residential occupancies, the prior owner maintained a successful and high volume mortgage brokerage business until the real estate crisis made the business economically infeasible in 2008; at which point the mortgage brokerage business was closed and the space rented as a residential tenancy.

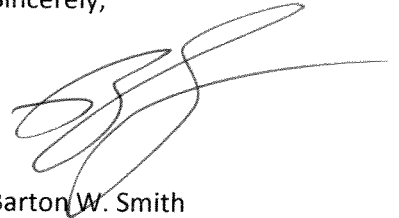
The current owner intends to renovate the inside of the building, providing for the front unit to be converted into a small sandwich shop which will serve an array of French themed Sandwiches, side dishes, wine, beer and soft drinks. The location is amidst several guest houses and hotel establishments, of which, guests would greatly benefit from the proposed use of the building. The owner of the property currently reside in France and frequents Key West throughout the year. After completion of the proposed project, the owner intends to reside on the property and operate the establishment as an owner-operator once the renovations are complete. The location is near the busy intersection of Simonton and United Streets, therefore additional traffic attributable to the location will not create an impact on the surrounding area. The area currently has other food providers such as Bad Boy Burritos, Camilles, The BottleCap and Abbondonza.

In front of the building, there are several city metered spots which will serve the patrons of the establishment. The intent and goal of the owner is to attract a walk up clientele from the surrounding guest house and hotel establishments in the immediate vicinity. The concept is very similar to that of Bad Boy Burritos operating on Simonton Street, a block from the proposed location herein. The anticipated use is not one of a high volume restaurant establishment; therefore general deliveries to the location should not exceed one to two deliveries per week. Since the proposed use is primarily walk up

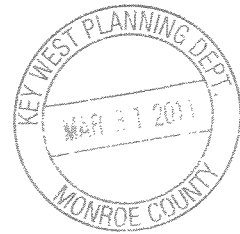
and take out, on site trash will not increase substantially over the existing conditions. Notwithstanding the foregoing, all trash shall be kept behind the fenced portion of the property and not visible from the street or any adjacent property.

The intent of the proposed project is not only to provide a service and unique niche in terms of cuisine, but to restore, maintain and manage a historic structure. The owner of the property, not only intends to work at the property, but to live as well, thereby creating a truly vested interest in the integrity of the operation.

Sincerely,



Barton W. Smith
For the Firm



DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION

City of Key West Planning Department
604 Simonton Street, Key West, FL 33040
(305) 809-3720



Development Plan & Conditional Use Application

Applications will not be accepted unless complete

Development Plan

Major _____

Minor _____

Conditional Use

X

Historic District

Yes

No _____



Please print or type:

- 1) Site Address 529 United Street
- 2) Name of Applicant Barton Smith, P.L., Barton Smith, Esq.
- 3) Applicant is: Owner _____ Authorized Representative X
(attached Authorization and Verification Forms must be completed)
- 4) Address of Applicant 309 1/2 Whitehead Street.
Key West, FL. 33040
- 5) Applicant's Phone # 296-7227 Email bart@bartonsmithpl.com
- 6) Email Address: bart@bartonsmithpl.com
- 7) Name of Owner, if different than above Xavier Bellin
- 8) Address of Owner 529 United Street, Key West, FL. 33040
- 9) Owner Phone # _____ Email _____
- 10) Zoning District of Parcel HNC-1 RE# 00028790-000100
- 11) Is Subject Property located within the Historic District? Yes X No _____
If Yes: Date of approval _____ HARC approval # H-11-01 4-17-11
OR: Date of meeting 3/22/2011
- 12) Description of Proposed Development and Use. Please be specific, list existing and proposed buildings and uses, number of dwelling units, parking, restaurant seats, vehicles proposed, etc. If there is more than one use, describe in detail the nature of each use (Give concise description here and use a separate sheet if necessary).

SEE Attached.

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION
City of Key West Planning Department
604 Simonton Street, Key West, FL 33040
(305) 809-3720



13) Has subject Property received any variance(s)? Yes _____ No

If Yes: Date of approval _____ Resolution # _____

Attach resolution(s).

14) Are there any easements, deed restrictions or other encumbrances on the subject property?

Yes _____ No

If Yes, describe and attach relevant documents.

- A. For both *Conditional Uses* and *Development Plans*, provide the information requested from the attached **Conditional Use and Development Plan** sheet.
- B. For *Conditional Uses* only, also include the **Conditional Use Criteria** required under Chapter 122, Article III, Sections 122-61 and 122-62 of the Land Development Regulations (see attached copy of criteria).
- C. For *Major Development Plans* only, also provide the **Development Plan Submission Materials** required under Chapter 108, Article II, Division 7, Sections 108-226 through 108-248 of the Land Development Regulations (see attached copy of criteria) and any additional information as determined by the Planning Staff.

Please note, development plan and conditional use approvals are quasi-judicial hearings and it is improper to speak to a Planning Board member or City Commissioner about the project outside of the hearing.



COUNSEL AT LAW

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BART@BARTONSMITHPL.COM

VIA HAND DELIVERY

April 7, 2011

Brendon Cunningham, Senior Planner
City of Key West Planning Department
3140 Flagler Avenue
Key West, Florida 33040

RE: Conditional Use Application – 529 United Street, Key West, Florida 33040

Dear Brendon,

Pursuant to your email to me dated April 5, 2011, please find herein supplemental information pertaining to the conditional use application for 529 United Street.

1. Scale and intensity of the proposed conditional use as measured by the following:
 - a. Floor area ration:
 - i. No changes are being proposed to F.A.R. with this conditional use application.
 - b. Traffic generation:
 - i. According to the Institute of Transportation Trip Generation Manual, 7th Edition, the proposed conditional use compared to the existing and previous uses on the site should produce similar traffic generation. The majority of patrons to the site will be walk up or bicycle related patrons.
 - c. Square feet of enclosed building for each specific use:
 - i. 784 Square Feet.
 - d. Proposed employment:
 - i. There will be one to two employees working on site at any one given time.
 - e. Proposed number and type of service vehicles:
 - i. Deliveries should not exceed two deliveries per week. The current service vehicles servicing the surrounding commercial hotel properties as well as boutique restaurants located on Simonton Street near the proposed location will be used for the location subject to this application.
 - f. Off-street parking needs
 - i. The fronting United Street has several city managed metered parking. In addition, there is no change to the existing floor area; therefore under Section 108-573(c) of the City Code, no additional off-street parking shall be required.
2. On or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection (b)(1) of this section including this following:
 - a. Utilities;

- i. No utility changes are expected as a result of the proposed conditional use. The Applicant will use the existing utility service in place.
 - b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in chapter 94;
 - i. The proposed use will not give rise to an increase in the level of service for sewer or drainage. There may be a slight increase in potable water as a result of the kitchen needs associated with a small restaurant. Solid waste needs are anticipated to stay the same as the current level as the applicant will not be renting two residential units as the previous owner did. The current use of a small sandwich shop should be equivalent to the solid waste needs of a residential occupant as the sandwich shop is anticipated to be frequented by a walk up and take out clientele. Additionally, the remaining residential component will only be occupied for roughly six (6) months out of the year.
 - c. Roadway or signaling improvements, or other similar improvements;
 - i. The proposed use will not require additional signage or signals.
 - d. Accessory structures or facilities;
 - i. The proposed use does not create or generate any accessory structure or facility.
 - e. Other unique facilities/structures proposed as part of site improvements.
 - i. The proposed project does not create or generate any unique facilities or structures.
3. On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as: The applicant is proposing to renovate the exterior but not to change any of the design features.
- a. Open space;
 - i. No change to open space is proposed.
 - b. Setbacks from adjacent proportion;
 - i. No change to the set back is proposed.
 - c. Screening and buffers;
 - i. No change to screening and or buffering is proposed.
 - d. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites;
 - i. The proposed use does will not create any adverse impacts to adjacent sites therefore no mitigative measures will be taken. The proposed renovations to the exterior will enhance the neighboring properties.
 - e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts.
 - i. To mitigate any potential impacts with respect to noise, the Applicant is willing to maintain hours of operation similar to those of the nearby restaurants in this corridor of Key West.
4. Criteria for Conditional Use:
- a. Land Use Compatibility:
 - i. The proposed location of the sandwich and residential mix of uses is surrounded by commercial restaurants as well as retail and lodging facilities. Directly across the street and on either side of the property are intense commercial lodging and hotel facilities. In addition, there are two high volume banking institutions in the immediate vicinity which maintain a high level of vehicular and pedestrian traffic.
 - b. Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use.

- i. The size and shape of the property will be adequate to support the needs of a small sandwich shop which intends to be take out with only a minor number of stools for patrons to enjoy a sandwich and beverage.
- c. Mitigative Techniques:
 - i. The applicant is willing to keep hours of operation in line with all surrounding restaurant facilities. Additionally, the applicant does not intend to have any music or amplified noise outside the confines of the property.
- d. Hazardous Waste:
 - i. No hazardous waste will be produced by the applicant.
- e. Compliance with Applicable Laws and Ordinances:
 - i. The applicant will comply with all applicable laws and regulations. The Applicant to ensure compliance with the American with Disabilities Act (“ADA”) will maintain a mechanical track system which will be initiated through a bell system on the front porch. Additionally, the applicant will maintain an ADA compliant restroom for patrons.
- f. Additional Criteria:
 - i. Land Use within a Conservation Area:
 - 1. Not applicable.
 - ii. Residential Development:
 - 1. No residential development is proposed. Residential renovations within the confines of the building will be made to the rear portion of the structure to include a small living facility.
 - iii. Commercial or Mixed Use Development:
 - 1. No commercial or mixed use development is proposed. The applicant will make renovations to the front portion of the structure to accommodate a sandwich shop which will include a residential component in the rear of the building.
 - iv. Public Facilities:
 - 1. Not Applicable.
 - v. Commercial Structure Within Tidal Waters:
 - 1. Not Applicable.
 - vi. Adult Entertainment Establishments:
 - 1. Not Applicable.

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

Sincerely,



Barton W. Smith, Esq.
For the Firm

Verification Form

Verification Form

Please note, Conditional Use requests are quasi-judicial hearings and it is improper to speak to a Planning Board or Board of Adjustment Member about the request outside of the hearing.

This form should be completed by the applicant. Where appropriate, please indicate whether applicant is the owner or a legal representative. If a legal representative, please have the owner(s) complete the following page, "Authorization Form."

I, Barton Smith, ESQ., being duly sworn, depose and say
Name(s) of Applicant(s)

that: I am (check one) the _____ Owner Owner's Legal Representative
for the property identified as the subject matter of this application:

529 United Street, Key West, FL. 33040

Street Address and Commonly Used Name (if any)

All of the answers to the above questions, drawings, plans and any other attached data which make up this application, are true and correct to the best of my knowledge and belief and that if not true or correct, are grounds for revocation of any action reliant on said information.

[Signature]
Signature of Owner/Legal Representative

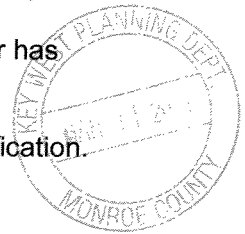
Signature of Joint/Co-owner

Subscribed and sworn to (or affirmed) before me on 3/31/11 (date) by

Barton Smith (name). He/She is personally known to me or has

presented _____ as identification.

[Signature]
Notary's Signature and Seal



Name of Acknowledger typed, printed or stamped

Title or Rank _____ Commission Number (if any)

Authorization Form

Authorization Form

Please note, Conditional Use requests are quasi-judicial hearings and it is improper to speak to a Planning Board or Board of Adjustment Member about the request outside of the hearing.

Please complete this form if someone other than the owner is representing the property owner in this matter.

I, Xavier Bellin authorize
Please Print Name(s) of Owner(s)

Barton Smith, P.L.
Please Print Name of Representative

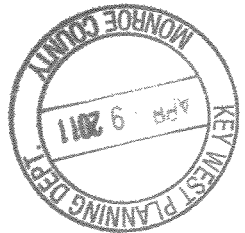
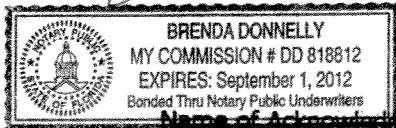
to be the representative for this application and act on my/our behalf before the Planning Board.

[Signature] Signature of Owner
N/A Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on 4/11 (date) by
Xavier Bellin
Please Print Name of Affiant

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

[Signature]
Notary's Signature and Seal



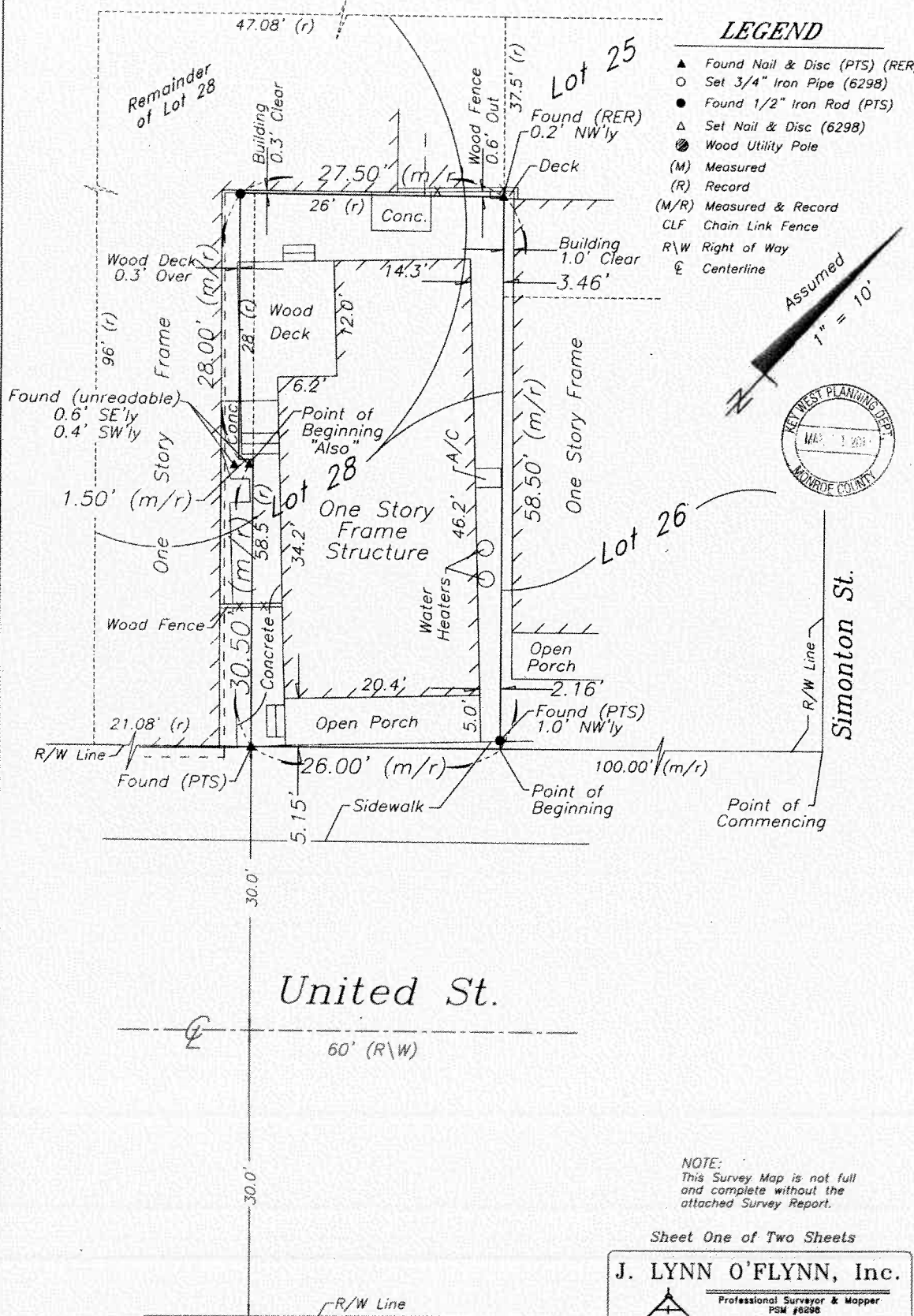
Brenda Donnelly Name of Acknowledger printed or stamped

_____ Title or Rank

DD 818812 Commission Number (if any)

Survey

Boundary Survey Map of part of Lot 28, Square 8, Tract 11,
D.T. Sweeney's Subdivision, Island of Key West



LEGEND

- ▲ Found Nail & Disc (PTS) (RER)
- Set 3/4" Iron Pipe (6298)
- Found 1/2" Iron Rod (PTS)
- △ Set Nail & Disc (6298)
- ⊙ Wood Utility Pole
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- CLF Chain Link Fence
- R\W Right of Way
- ⊕ Centerline



NOTE:
This Survey Map is not full
and complete without the
attached Survey Report.

Sheet One of Two Sheets

J. LYNN O'FLYNN, Inc.

Professional Surveyor & Mapper
PSM #6298

3430 Duck Ave., Key West, FL 33040
(305) 296-7422 Fax (305) 296-2244

Boundary Survey Report of part of Lot 28, Square 8, Tract 11,
D.T. Sweeney's Subdivision, Island of Key West

NOTES:

1. The legal descriptions shown hereon were furnished by the client or their agent.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. Street address: 529 United Street, Key West, FL.
5. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
6. Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
7. North Arrow is assumed and based on the legal description.
8. Adjoiners are not furnished.
9. Date of field work: February 7, 2011.
10. This Survey Report is not full and complete without the attached Survey Map.
11. The ownership of fences is undeterminable unless otherwise noted.

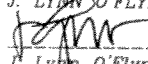
BOUNDARY SURVEY OF: Part of Lot 28 D.T. Sweeney's Subdivision, of Lot 1 and 2 of Square 8, recorded in Deed Book "L", Page 215, Monroe County, Records. COMMENCING at a point on United Street 100 feet from the corner of Simonton Street and runs Southwesterly on United Street 26 feet; thence at right angles in a Northwesterly direction 58.5 feet; thence runs Northeasterly 26 feet; thence runs at right angles Southwesterly 58.5 feet out to United Street to Point of Beginning.

ALSO:

On the Island of Key West, and known on Wm. A. Whitehead's Map delineated in February A.D. 1829, as a part of Tract 11, but now better known as Subdivision 28 of Square 8 in said Tract 11, according to D.T. Sweeney's diagram recorded in Deed Book "L", Page 215, Monroe County, Florida Records. COMMENCING at a point on United Street distant 126 feet from the corner of Simonton and United Street; thence at right angles in a Northwesterly direction 30.5 feet to the Point of Beginning; thence continue Northwesterly on the previously described course 28 feet to a point; thence at right angles in a Southwesterly direction 1.5 feet to a point; thence at right angles in a Southeasterly direction 28 feet to a point; thence at right angles in a Northeasterly direction, 1.5 feet back to the Point of Beginning.

BOUNDARY SURVEY FOR: Xavier Bellin;
Feldman Koenig Highsmith & Van Loon, P.A.;
Chicago Title Insurance Company;

J. LYNN O'FLYNN, INC.


J. Lynn O'Flynn, PSM
Florida Reg. #8298

February 8, 2011

Sheet Two of Two Sheets

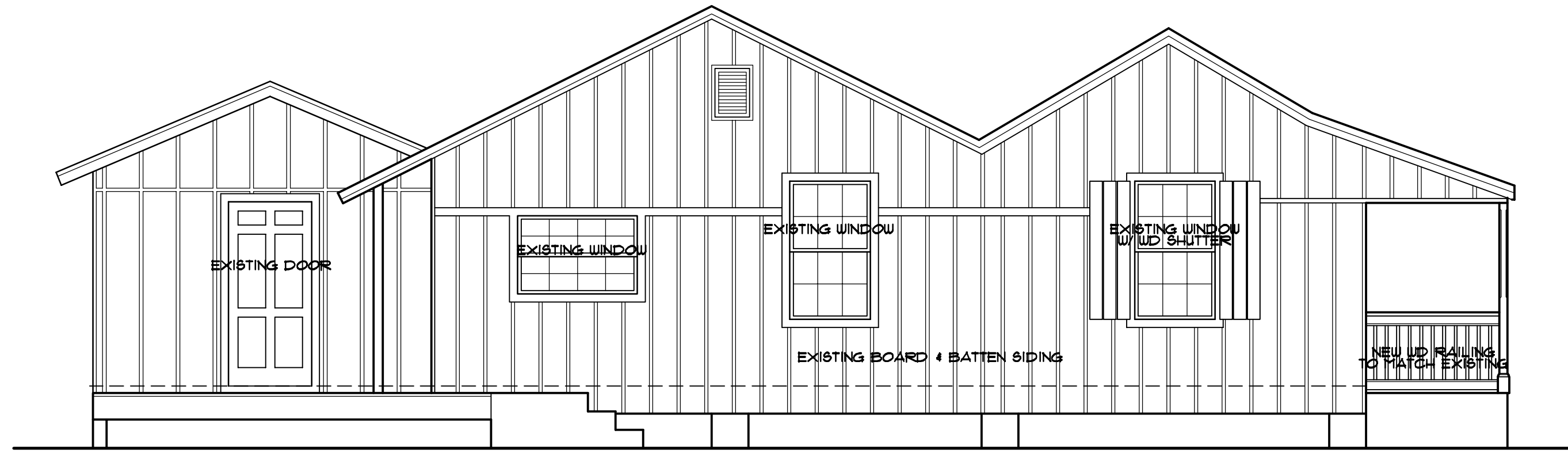
J. LYNN O'FLYNN, Inc.



Professional Surveyor & Mapper
PSM #8298

3430 Duck Ave., Key West, FL 33040
(305) 296-7422 FAX (305) 296-2244

Site Plans



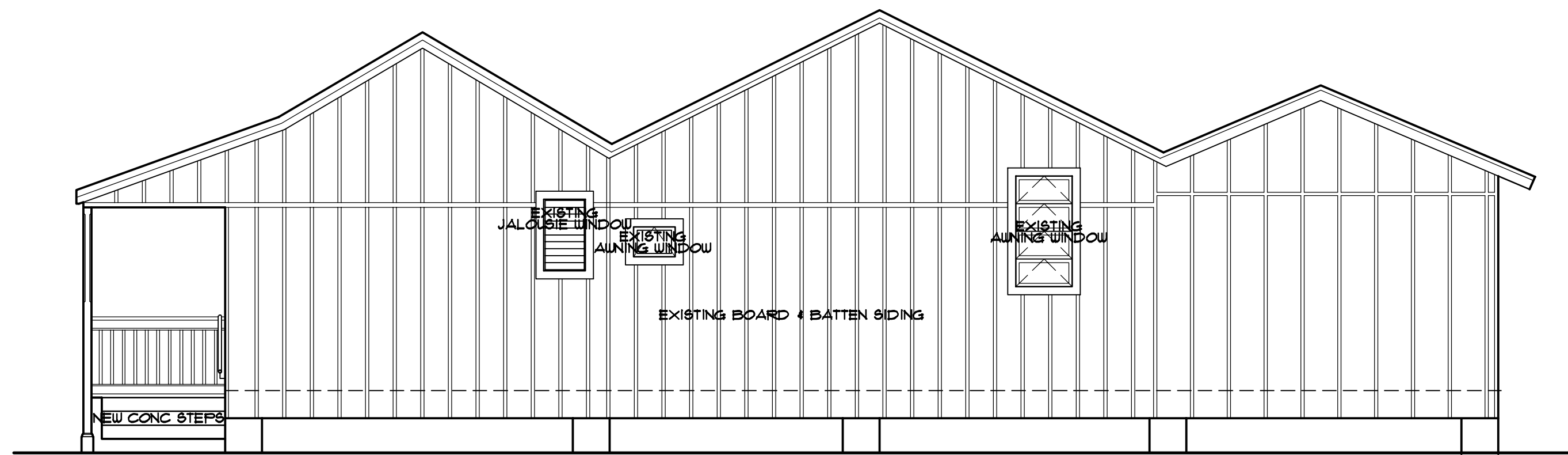
Left Side Elevation

1/4" = 1' - 0"



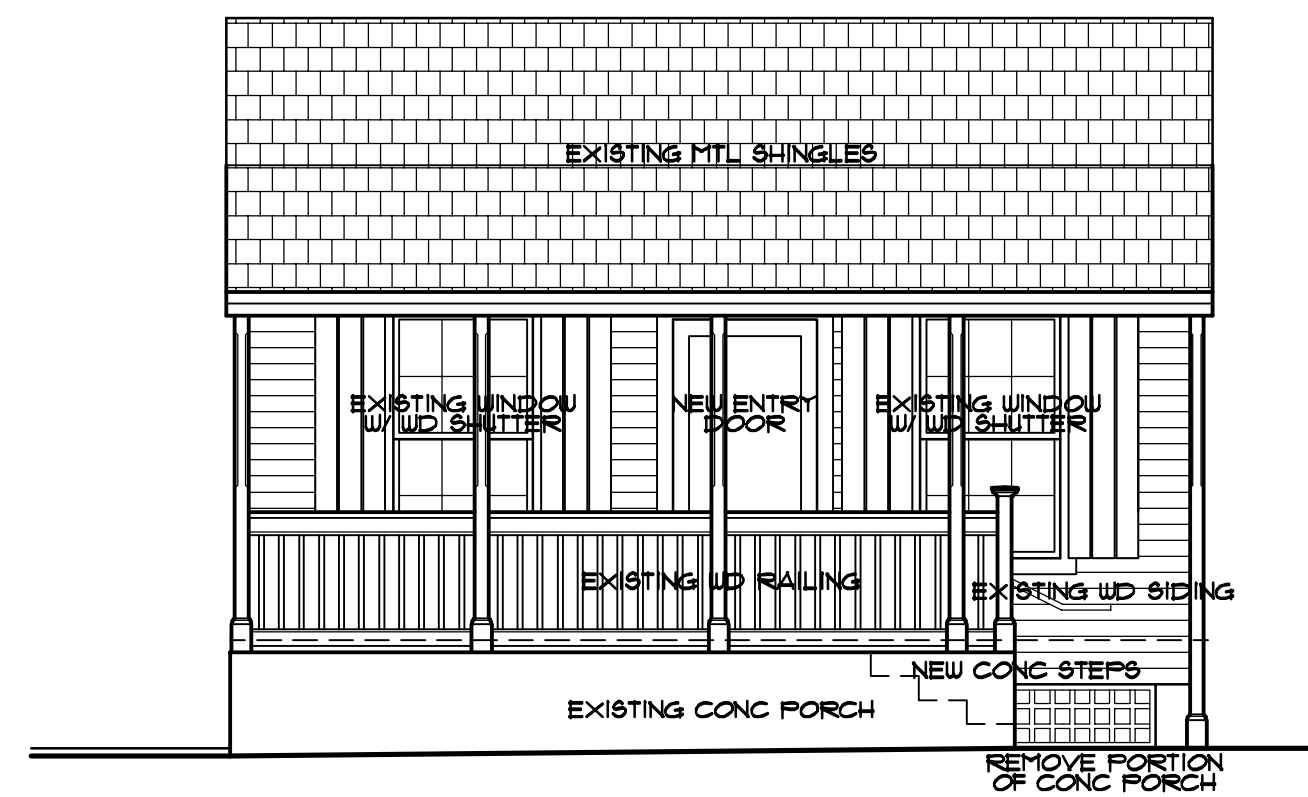
Rear Elevation

1/4" = 1' - 0"



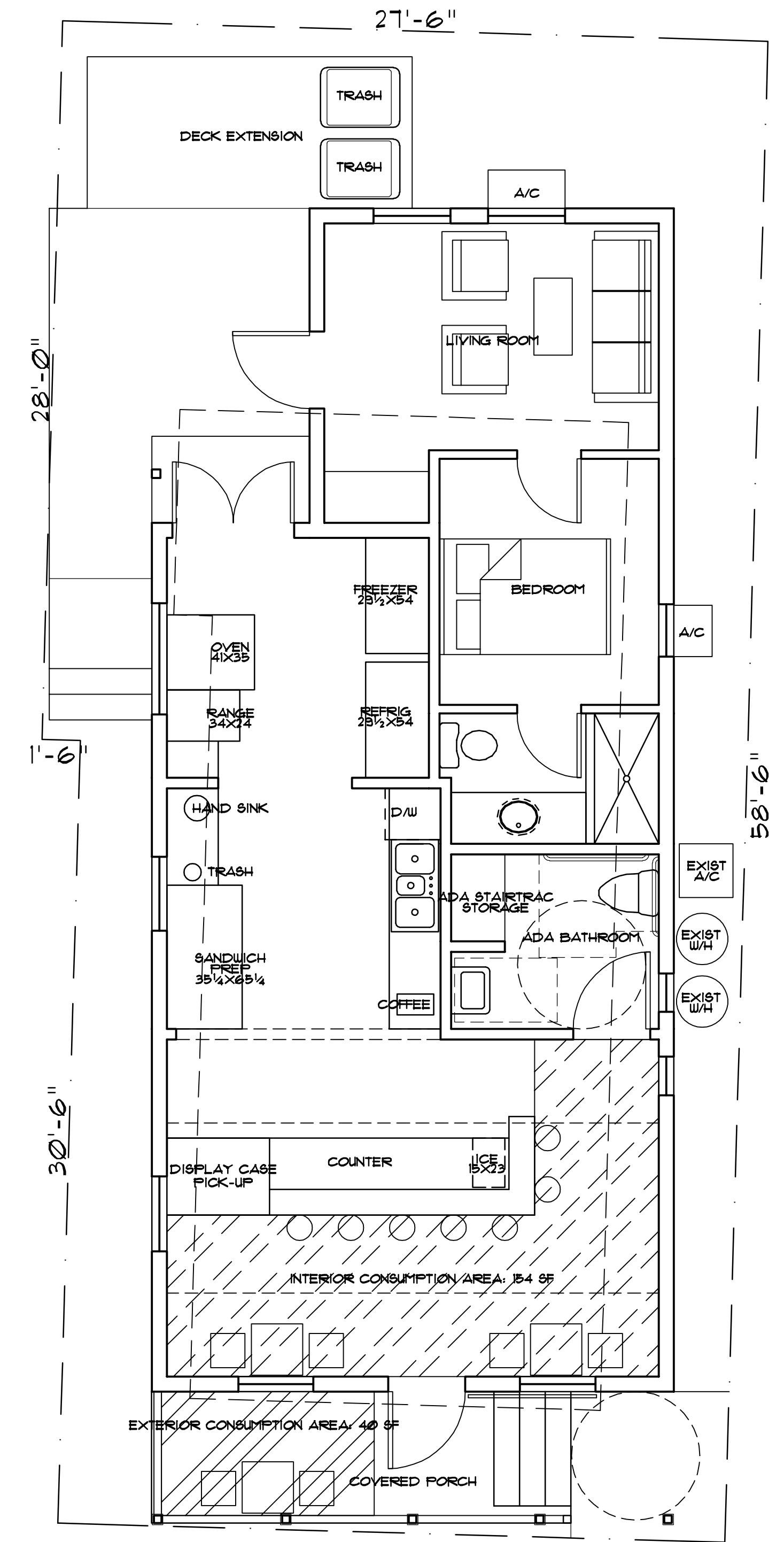
Right Side Elevation

1/4" = 1' - 0"



Front Elevation

1/4" = 1' - 0"



Proposed Floor Plan

1/4" = 1' - 0"

INTERIOR CONSUMPTION AREA: 154 SF
 EXTERIOR CONSUMPTION AREA: 40 SF
 PROPOSED CONSUMPTION AREA: 194 SF

529 United Street
 Key West, FL

THOMAS E. POPE, P.A. ARCHITECT
 7009 Shrimp Road #4, Key West FL
 (305) 296 3611
 TEPopePA@aol.com

date:
 3/24/11
 revision:
 5/6/11
 7/15/11

sheet:

A1



Property Appraiser Information

Karl D. Borglum Property Appraiser Monroe County, Florida

office (305) 292-3420
fax (305) 292-3501

Property Record View

Alternate Key: 8660774 Parcel ID: 00028790-000100

Ownership Details

Mailing Address:
BELLIN XAVIER
529 UNITED ST
KEY WEST, FL 33040-3144

Property Details

PC Code: 17 - OFFICE BUILDINGS 1 STORY
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range: 06-68-25
Property Location: 529 UNITED ST KEY WEST
Legal Description: KW PT LOT 28 SQR 8 TR 11 OR902-1281 OR994-1494/1495 OR1613-528/529 OR1738-588 OR1751-1623/24-C OR2326-1025 OR2508-1273

Parcel Map





Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	26	58	1,563.00 SF

Building Summary

Number of Buildings: 1
 Number of Commercial Buildings: 1
 Total Living Area: 784
 Year Built: 1928

Building 1 Details

Building Type	Condition <u>E</u>	Quality Grade 350
Effective Age 15	Perimeter 128	Depreciation % 20
Year Built 1928	Special Arch 0	Grnd Floor Area 784
Functional Obs 0	Economic Obs 0	

Inclusions:

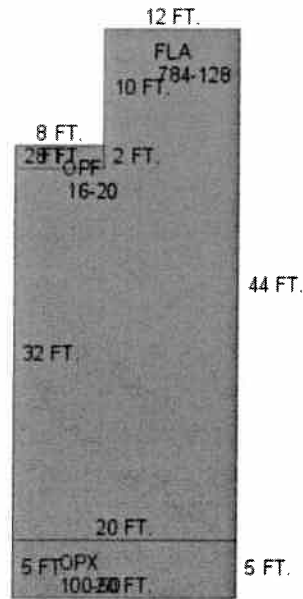
Roof Type	Roof Cover	Foundation
Heat 1	Heat 2	Bedrooms 0
Heat Src 1	Heat Src 2	

Extra Features:

2 Fix Bath 0	Vacuum 0
3 Fix Bath 2	Garbage Disposal 0
4 Fix Bath 0	Compactor 0
5 Fix Bath 0	Security 0
6 Fix Bath 0	Intercom 0

7 Fix Bath 0
 Extra Fix 3

Fireplaces 0
 Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	1928					784
2	OPX		1	1993					100
3	OPF		1	1928					16

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	15310	OFF BLDG 1 STY-A	100	N	Y

Exterior Wall:

Interior Finish Nbr	Type	Area %
5279	AB AVE WOOD SIDING	100

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	PT3:PATIO	93 SF	3	31	1949	1950	2	50
2	WD2:WOOD DECK	120 SF	10	12	1979	1980	2	40
3	WD2:WOOD DECK	6 SF	3	2	1979	1980	2	40

4	UB3:LC UTIL BLDG	24 SF	6	4	1979	1980	1	30
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Appraiser Notes

1997 DOR INDEPTH

Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
05-2967	07/19/2005	08/18/2006	700	Commercial	REPAIR EXISTING PORCH RAILS
B940850	03/01/1994	12/01/1994	500	Commercial	REPAIR WINDOWS
9904135	12/21/1999	08/11/2000	1,000	Commercial	REPLACE SHOWER/SINK

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
2010	88,393	996	115,709	205,098	205,098	0	205,098
2009	91,627	996	252,559	345,182	325,394	0	345,182
2008	91,627	996	203,190	295,813	295,813	0	295,813
2007	76,526	996	189,875	267,397	267,397	0	267,397
2006	82,605	996	129,115	346,060	346,060	0	346,060
2005	118,414	996	106,330	225,740	225,740	0	225,740
2004	118,410	996	83,545	202,951	202,951	0	202,951
2003	118,410	1,046	44,051	163,507	163,507	0	163,507
2002	118,410	1,078	44,051	163,539	163,539	0	163,539
2001	127,715	1,127	46,330	175,172	175,172	0	175,172
2000	99,860	369	25,823	126,052	126,052	0	126,052
1999	63,080	384	25,823	89,287	89,287	0	89,287
1998	63,070	394	25,823	89,287	89,287	0	89,287
1997	66,091	411	22,785	89,287	89,287	0	89,287
1996	33,058	0	22,785	55,843	55,843	0	55,843
1995	33,058	0	22,785	55,843	55,843	25,000	30,843
1994	33,058	0	22,785	55,843	55,843	25,000	30,843
1993	33,058	0	22,785	55,843	55,843	25,000	30,843
1992	33,058	0	22,785	55,843	55,843	25,000	30,843
1991	29,905	0	31,899	61,804	61,804	25,000	36,804

1990	35,230	0	23,165	58,395	58,395	25,000	33,395
1989	33,427	0	22,785	56,212	56,212	25,000	31,212
1988	33,361	0	19,747	53,108	53,108	25,000	28,108
1987	32,906	0	11,165	44,071	44,071	25,000	19,071
1986	21,759	0	10,937	32,696	32,696	0	32,696
1985	21,433	0	8,213	29,646	29,646	0	29,646
1984	10,424	0	8,213	18,637	18,637	0	18,637

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
3/10/2011	2508 / 1273	305,000	<u>WD</u>	<u>01</u>
8/31/2007	2326 / 1025	300,000	<u>WD</u>	<u>K</u>
11/9/2001	1738 / 0588	260,000	<u>WD</u>	<u>Q</u>
1/10/2000	1613 / 0528	225,000	<u>WD</u>	<u>Q</u>
11/1/1986	994 / 1494	110,000	<u>WD</u>	<u>U</u>
2/1/1984	902 / 1281	38,000	<u>WD</u>	<u>U</u>

This page has been visited 15,743 times.

Monroe County Property Appraiser
Karl Borglum
P.O. Box 1176
Key West, FL 33041-1176

Public Notices
(radius map & mailing list)

Public Meeting Notice

The Key West Planning Board will hold a public hearing at 6:00 p.m., July 21, 2011 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:

Conditional Use - 529 United Street (RE# 00028790-000100) - A conditional use request for 201 square feet of consumption area for a restaurant, a combination of which are proposed indoors and outdoors in the HNC-1 zoning district per Section 122-808 (13) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

If you wish to see the application or have any questions, you may visit the Planning Department during regular office hours at 3140 Flagler Avenue call 809-3720 or visit our website at www.keywestcity.com.

YOU ARE WITHIN 300 FEET OF THE SUBJECT PROPERTY

The City of Key West Planning Board will be holding a Public Hearing:

Request: Conditional Use - 529 United Street (RE# 00028790-000100) - A conditional use request for 201 square feet of consumption area for a restaurant, a combination of which are proposed indoors and outdoors in the HNC-1 zoning district per Section 122-808 (13) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Applicant: Barton Smith, P.L.

Owner: Xavier Bellin

Project Location: 529 United

Date of Hearing: Thursday, July 21, 2011

Time of Hearing: 6:00 PM

Location of Hearing: Old City Hall, City Commission Chambers
510 Greene St

Interested parties may appear at the public hearing(s) and be heard with respect to the applications. 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. **Packets can be viewed online at www.keywestcity.com. Click on City Board & Committee Agendas.**

Please provide written comments to the Planning Department, PO Box 1409, Key West, FL 33041-1409 , by FAX (305) 809-3978 or by email ccowart@keywestcity.com .

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: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the ADA Coordinator at 305-809-3951 between the hours of 8:00 a.m. and 5:00 p.m., or information on access available to individuals with disabilities. To request materials in accessible format, a sign language interpreter or other assistance (5 days advance notice required), please call 305-809-1000 for assistance.

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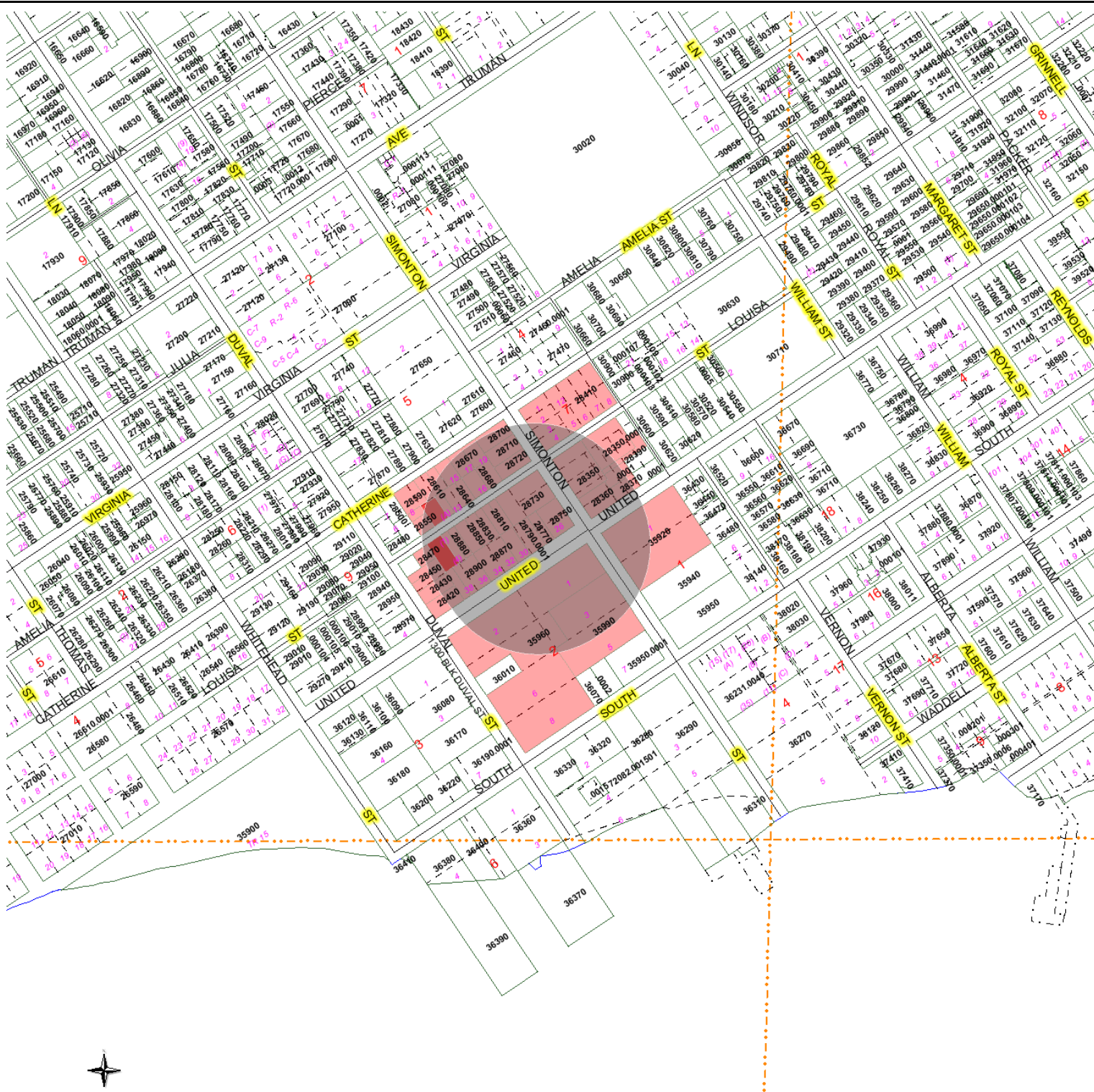
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529 United

- Legend
- theBuffer
 - theBufferTarget
 - Real Estate Number
 - Parcel Lot Text
 - Block Text
 - Hooks/Leads
 - Lot Lines
 - Easements
 - Road Centerlines
 - Water Names
 - Parcels
 - Shoreline
 - Section Lines



PALMIS

Monroe County Property Appraiser
500 Whitehead Street
Key West, FL

DISCLAIMER: The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for *ad valorem tax purposes* only and should not be relied on for any other purpose.

Date Created: July 11, 2011 2:34 PM

NAME	ADDRESS	CITY	STATE	ZIP	COUNTRY
ABBONDANZA INC	1007 SIMONTON ST	KEY WEST	FL	33040	
GUEST SERVICES INC	1007 SIMONTON ST	KEY WEST	FL	33040	
SHIREY EDMA I	1007 WILLOWOOD AVE	GOOSE CREEK	SC	29445	
ALEA DAVID AND ELAINE	1025 JOHNSON ST	KEY WEST	FL	33040	
CENTENNIAL BANK	11290 OVERSEAS HWY	MARATHON	FL	33050	
KEY WEST STATE BANK	1201 SIMONTON ST	KEY WEST	FL	33040	
MARIGOLD INC	1202 SIMONTON ST	KEY WEST	FL	33040	
KEY HUGH	1204 SIMONTON ST	KEY WEST	FL	33040	
BENAVIDES JAMIE M REV TRUST	1205 CALAIS LN	KEY WEST	FL	33040	
HIBISCUS MOTEL INC	121 U S HIGHWAY 1	KEY WEST	FL	33040	
BLUE MARLIN MOTEL INC	121 US HWY 1	KEY WEST	FL	33040	
TAY BIN INC	1215 SIMONTON ST	KEY WEST	FL	33040	
DEMIER CAL T AND MILAGROS	1219 DUVAL ST	KEY WEST	FL	33040	
SOUTHERNMOST BEACH MOTELS LIMITED PARTNERSHIP	1319 DUVAL ST	KEY WEST	FL	33040	
IRWIN JOSEPH H AND CAROL D	132 HAWS LN	FLOURTOWN	PA	19031	
KEAR REBECCA L	169 PLATT ST	MILFORD	CT	06460	
RIVET ENTERPRISES INC	17188 FLYING FISH LN WEST	SUMMERLAND KEY	FL	33042	
ROGERS MICHAEL L AND MADELINE J	1932 OAK KNOLL DR	BELMONT	CA	94002	
GROBAREK JOSEPH V AND LORRAINE D	2 CYPRESS TER	KEY WEST	FL	33040	
KLEINMAN LAWRENCE C AND DANIELLE F	237 RAVENSCLIFF RD	ST DAVIDS	PA	19087	
VALDEZ JOSEPH A JR	2604 SEIDENBERG AVE	KEY WEST	FL	33045	
WEBB WILLIAM AND LINDA	2995 FRIENDS RD	ANNAPOLIS	MD	21401	
POU E LYNNE	302 SOUTHARD ST	KEY WEST	FL	33040	
MOLANDER DOUGLAS R TRUSTEE	3200 NE 36TH ST #1215	FORT LAUDERDALE	FL	33308	
MORGAN HUGH J	404 SOUTH ST	KEY WEST	FL	33040	
515 LOUISA STREET LLC	4412 HICKORY LAKE CT	GLEN ALLEN	VA	23059	
CATALFOMO ANTHONY J	506 LOUISA ST	KEY WEST	FL	33040	
ELWELL CHRISTOPHER R	508 LOUISA ST	KEY WEST	FL	33040	
DOUCETTE PAUL H	508 LOUISA ST APT 1	KEY WEST	FL	33040	
MARTINEZ AMPARO L	509 LOUISA ST	KEY WEST	FL	33040	
SANCHEZ PEDRO ESTATE	509 LOUISA ST	KEY WEST	FL	33040	
LARSEN VICTOR O JR	514 LOUISA ST	KEY WEST	FL	33040	
MATHYS STEPHEN AND NANCY	516 CATHERINE ST	KEY WEST	FL	33040	
NICKEL ROBERT P AND MARYANNE	516 LOUISA ST	KEY WEST	FL	33040	
KIRKMAN C G JR	521 LOUISA ST	KEY WEST	FL	33040	
522 CATHERINE ST LLC	522 CATHERINE ST	KEY WEST	FL	33040	
HAYES PAUL N &	523 LOUISA ST	KEY WEST	FL	33040	
PEARLS LLC	525 UNITED ST	KEY WEST	FL	33040	
HILLS AMY L	526 LOUSIA ST	KEY WEST	FL	33040	
BELLIN XAVIER	529 UNITED ST	KEY WEST	FL	33040	

NAME	ADDRESS	CITY	STATE	ZIP	COUNTRY
DEUTSCH DANIEL AND JUDITH	8023 FENWAY RD	BETHESDA	MD	20817	
ANDREWS JERRY AND YULIYA	901 TOWN CENTRE BLVD	CLAYTON	NC	27520	
HARBORSIDE MOTEL AND MARINA INC	903 EISENHOWER DR	KEY WEST	FL	33040	
517 LOUISA TRUST	PO BOX 6448	ALEXANDRIA	VA	22306	