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April 19, 2017

SENT VIA ELECTRONIC MAIL

Re: Alcohol Sales Exception – 700 Eaton Street

Dear Planning Board Members,

This letter is being sent to provide you with our position as it relates to the above-referenced application for an Alcohol Sales Exception at 700 Eaton Street, Key West, Florida 33040 (the “Property”). As you know, the applicant is proposing to open and operate a boutique wine store that will sell high-end packaged wine, craft beer, and gourmet foods such as cheese and caviar (the “Store”).

It is important to analyze this application against the standard enumerated in the City of Key West Code of Ordinances (“Code”) section 18-28. This request is being submitted in accordance with subsection (b)(2) of 18-28, which states as follows:

*(2) Pursuant to authorization granted by the planning board that the use will not detrimentally impact the public health, safety or welfare after consideration of all the following criteria:*

- (a) Compatibility with surrounding existing uses;*
- (b) The extent of conflict between the proposed use and the hours of operation of the facilities described in section (a) above;*
- (c) Mitigation measures agreed to be implemented by the applicant;*
- (d) Public input;*
- (e) That the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all the noticed property owners who have objected to the application, and by addressing the objections expressed by these neighbors;*
- (f) Any other factors the approving body determines relevant to the public’s health, safety and welfare.*

Following is a brief summary of the applicable facts relating to each of the criteria enumerated above:

**A) “Compatibility with surrounding existing uses”**

700 Eaton Street is located in the HNC-2 zoning district, which provides that commercial retail sales **are permitted as a matter of right**. The proposed use of the property as a boutique wine store is a permitted use in this zoning district. The applicant has demonstrated that the proposed use of the Property as a boutique wine store is compatible with the surrounding uses. The surrounding neighborhood contains a mix of residential with commercial uses on the corners of the Eaton Street corridor. Specifically, the neighborhood currently contains a fish market/restaurant (which currently serves alcohol), laundromat, offices, pole fitness dance studio, along with single family residential homes, condominiums, apartment buildings, and transient residential uses. As such, we believe the proposed use at this location would be a positive addition to the vibrant mix of existing uses and would certainly not have a detrimental impact on the public health, safety and welfare.

**B) “The extent of conflict between the proposed use and the hours of operation of the facilities described in section (a) above”**

The proposed Store will not be open during the regularly scheduled church services on Sundays, and will otherwise maintain hours of operation similar to the surrounding businesses in the area.

**C) “Mitigation measures agreed to be implemented by the applicant”**

The Applicant is proposing to provide the following measures in an effort to mitigate any potential impact on the surrounding property owners:

- The Store shall not be open during regularly scheduled church services on Sundays;
- The Store shall provide parking on a first come, first serve basis in the rear of the Property;
- Bicycle parking shall be provided;
- The Applicant has reached out to potential distributors and requested the use of smaller delivery trucks and vans as opposed to larger truck delivery vehicles;
- Applicant will make the on-site parking available for use by patrons of the Key West United Methodist Church patrons on Sundays during their church services.

While not necessary, the Applicant feels these measures will further enhance the Store’s positive impact on the neighborhood.

**D) “Public input”**

To date, the applicant has received 76 letters of support for this project. There have also been 19 letters objecting to the proposed use. The significant amount of support joins with our view that the Store will have a positive impact on the neighborhood.

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

Prior to moving forward with this project and starting construction of the building located at 700 Eaton Street, the Applicant reached out to both the Christian Science Reading Room and Key West United Methodist Church to discuss their plans for the property. After doing so, both churches agreed and did provide a letter of no-objection. Relying on their support, the Applicant moved forward with construction and the process of obtaining approval. The Applicant also spoke with many of the neighbors and obtained letters of support prior to this application being submitted. This Application was submitted with 38 letters of support.

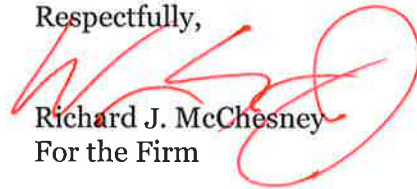
After receiving last minute objections in December, prior to the December planning board hearing, the Applicant decided to postpone the application and reach out to those objecting. Since that time the Applicant has made numerous efforts to discuss this project with the objectors and to address concerns. Unfortunately, the majority of people who objected would not meet or discuss this with the Applicant.

Within the last two weeks, the Applicant has attempted to reach out and discuss this project with people who have objected. The Applicant sent out a letter to all neighbors within three hundred feet of the property outlining exactly what it is that is being proposed and dispelling false and negative rumors about the project. The Applicant feels as though they have exhausted every avenue in reaching out to the neighbors who have objected.

Based on the aforementioned concessions by the applicant, we believe that the Applicant has met and exceeded the good neighbor policy.

In conclusion, the Applicant feels as though they have demonstrated overwhelmingly that the proposed use (i) will not detrimentally impact the public health, safety and welfare based on the factors to be considered, (ii) will have a positive impact on the neighborhood and larger community, and (iii) should be approved by the Planning Board.

Respectfully,



Richard J. McChesney  
For the Firm

CC:  
Planning Board Members