

Public Comment

September 26, 2013

VIA EMAIL

bcunningham@keywestcity.com

Mr. Brendan Cunningham
City of Key West Planning Department
3128 Flagler Avenue
Key West, Florida 33040

RE: 1200 White Street – Victor Mills

Dear Brendan:

Thank you for taking the time to speak with me yesterday morning. I wish to respond to several items summarized in Linda Wheeler's letter to you dated, September 25, 2013, numbered as she numbers the same items:

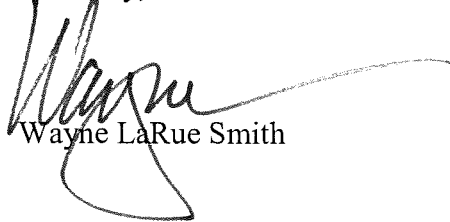
1. **Staff Reports.** We understand that the current staff report and recommendation to the Planning Commission is a denial of the variance application and a denial of the three proposed conditional uses. We note that, having obtained your Department's file through a public records request, that an earlier staff report recommended approval with conditions. This would seem to suggest that reasonable people, who are familiar with planning and the appropriate considerations for planning, can have different views on whether this application should be recommended for approval with conditions or for denial.
2. **Off-street Parking Affidavits.** It was never the intention of Mr. Mills to suggest that his parking agreements with the Chevron service station and the Glad Tidings Church conformed to the requirements of Section 108-576. Please have it clarified that Mr. Mills does not intend or request that the Planning Department or the City Attorney approve these parking agreements as satisfaction or substitution of any of applicant's off-street parking requirements. These agreements, should, in our view, be considered as the results of efforts by Mr. Mills, as a good neighbor, to ameliorate the parking concerns in any manner possible.

2. (sic) **Parking Computations for C-U Businesses.** While Mr. Mills would be inclined to agree with the view that repair services are ancillary to the Honda retail sales business, we note that Section 108-572 does not list light industrial uses in its table of requirements. The closest category is “retail sales and service establishments,” which requires one parking space for every 300 square feet. No more than 600 square feet would be utilized for repairs and this would result in an additional two parking spaces being required, at the most.

3. **Parking Computations for Permitted-by-Right Businesses.** Ms. Wheeler takes the position that any use of the building would require that the building conform to the parking requirements for that use, whether permitted or conditional. Respectfully, we believe that Ms. Wheeler misreads the City Code. Section 122-30 addresses the abandonment of a non-conforming use. No one here is debating that the prior non-conforming *uses* have been abandoned to the extent that they had ceased for a period of 24 months or longer. However, with regard to any activity for which a business tax receipt has been maintained, then such use would not be abandoned under this code section. Section 122-26 distinguishes non-conforming uses from a non-complying building or structure. We recognize that any new proposed *use* shall be in conformity with the *use* sections of the land development regulations. However, Section 122-26 provides that, unless it is to be voluntarily reconstructed, a non-complying building or structure (which includes a building or structure that does not meet off-street parking requirements) may be continued to be used as a non-complying structure. This is a very important distinction because, if the Planning Commission chooses to deny the request for conditional uses and parking variance, the literal application of Ms. Wheeler’s interpretation of the Code would render null Sections 122-26 through 122-28 and would make it impossible for Mr. Mills to put this property to any reasonable use, permitted, conditional or otherwise.

Thank you for your attention.

Sincerely,



Wayne LaRue Smith

WLS/ssu

cc: Nicole Malo
Larry Erskine, Esquire

Brenda Wilfong
P.O. Box 1134
Monticello, FL 32345
(850)545-2821

VIA FACSIMILE: 305-809-3978
VIA EMAIL: sgibson@keywestcity.com

The City of Key West Planning Dept.
P.O. Box 1409
Key West, FL 33040

RE: 1200-1212 White Street
Key West, FL

To The Key West Planning Board:

After receiving your notice I would like to comment on the above mentioned property owned by Mr. Victor Mills. I grew up at 1115 Catherine Street, my grandparents lived at 1119 Varela Street and great uncle and aunt at 1121 Catherine Street. I can honestly say this is my neighborhood---great times and friendships were made there. My brother and I inherited the property at 1121 Catherine.

I can only thank Mr. Mills for the improvements he has made to the building. There are no longer vagrants, trash or unkept sidewalks in that area. It will be nice to have a night's sleep without tenants of that building loitering and talking til all hours of the night, I can now let my granddaughters walk around the corner for ice cream in the evening!!

I thank Mr. Mills for turning the neighborhood around.

Sincerely,



Brenda Ogden Wilfong
A Concerned KW Conch



HARTUNG AND
NOBLIN, INC.,
REALTORS®

Each Office is Independently
Owned and Operated.

Barry P. Kelly

P.O. Box 522
Monticello, FL 32345

850-510-4220 cell
850-386-6160 office

barry.kelly@coldwellbanker.com

Dear Key West City Officials,

I am writing this letter to show my support for the community improvement by Victor Mills for the property located on the corner of White and Catherine. I own property across the street from the proposed improvement and I grew up in this neighborhood.

The property in question has been in steady decline and is rapidly approaching a condemnation stage. The area has become a hangout for loitering and drinking through all hours of the night. I am excited and fully support the improvements proposed by Mr. Mills. It will greatly improve the aesthetics of the neighborhood and will make the area a quieter and safer place to reside.

Respectfully Submitted,

Barry P. Kelly, *Broker Associate*

*Barry P. Kelly: 25 years of real estate experience
Coldwell Banker: over 100 years in the real estate business*

Barbara Haveland
1209 Duncan Street
Key West, Florida 33040



DATE: Friday June 7, 2013
TO: Key West Planning Board
RE: OBJECTION to 1200 White Street/Victor Mills Application

Dear Planning Board Members,

My home is located two doors down on Duncan Street from the subject project. I have owned my house and lived here for over 15 years. I strongly object to the pending applications for creation of a 14-seat restaurant and for operation of a moped rental business and engine repair shop.


The moped rental business is completely incompatible with our neighborhood. It will bring unwanted noise, increased traffic, and pollution to our neighborhood. The mid-block location on busy White Street is an unsafe spot for such activities.

The restaurant would also create unwanted traffic and pollution. We once had a quiet bakery with 2 or 3 tables which closed regularly at 1pm in the afternoon. Once the bakery closed many years ago, there was a walk-up bar (disguised as a coffee shop). Men gathered on the sidewalk of the "coffee shop" all night, drinking beer, shouting, throwing bottles, and playing loud music from their cars. It was disturbing and dangerous and the police were called regularly. After the applicant bought the property last summer, he allowed the sidewalk "coffee shop" to continue to be a nuisance to our neighborhood. We don't want a bigger or more intrusive food service business on that corner.

I also strongly object to the granting of any parking variance. The applicant needs 25 off-street parking spaces for his intended businesses and he has 3. In the 1200 block of White Street there are only 20 parking spaces on both sides of the street. Waiving these off-street parking requirements would displace every homeowner, resident and current business owner. It would make it impossible for the neighborhood to function as a mixed-use neighborhood. If the parking variance were granted, our neighborhood streets would become just a giant parking lot for Victor Mills' moped and motorcycle business.

The improvements to the building front look great, but applicant's parking lot is an eyesore and a junk yard. Even when the building was vacant and abandoned, we never had to look at overflowing dumpsters, broken down mopeds, or trash piled high all over the lot. This situation has been going on for over 1 year. All requests to have him clean up the lot have been ignored. In short, our new "neighbor" is not neighborly and we don't trust him to do what's right, or even what is required.

Thank you for your consideration of this important matter.

Sincerely,

Barbara Haveland

Barbara Haveland
1209 Duncan Street
Key West, Florida 33040



DATE: Friday June 7, 2013
TO: Key West Planning Department
RE: 1200 White Street/Victor Mills Application

Dear Planning Department:

Enclosed you will find my letter of objection to the proposed parking variance and conditional use applications. Unfortunately, I will be visiting my family in Maine at the time of the June 20th hearing. I ask that my letter of objection be furnished to the Planning Board members and made a part of the record. I also designate Linda Wheeler, Esq., as my agent and attorney, to speak on my behalf at the upcoming hearing.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Haveland".

Barbara Haveland

enc.



TO: Key West Planning Board
RE: 1200-1212 White Street/Victor Mills
SUBJECT: Objection of Neighbor to Conditional Use and Parking Variance Applications

Dear Planning Board Members,

I reside or own commercial property in the neighborhood affected by the pending conditional use and parking variance applications.

The renovation of the building is a great improvement, but applicant's parking lot remains a constant junkyard and eyesore.

The proposed conditional uses are too aggressive and high-impact for our neighborhood. I do not object to the owner using the property for his Honda sales and showroom, and for an insurance agency, and for professional offices. But I object strongly to operation of a moped rental business, an engine repair shop, and to the expansion of a no-seat coffee shop into a 15-seat restaurant.

The moped rental business and engine repair shop are completely incompatible with our neighborhood and will create unwanted noise, traffic, pollution and safety issues. The restaurant would also generate excessive traffic and parking problems. We once had a quiet bakery which closed in the early afternoons. We later had a walk-up coffee shop which was the nightly gathering spot for fights, drinking and loud music. We don't want a bigger or more intrusive food service business on that corner (especially at night).

I also strongly object to granting a parking variance for any of these conditional uses. The applicant requires 25 off-street parking spaces for his intended businesses and he has only 3. There are not 25 parking spaces on both sides of White Street in that block. Waiving his off-street parking requirements would displace every homeowner, resident and current business owner. Our neighborhood streets would become just a giant parking lot and display area for the moped and motorcycle rental business.

I ask that my letter of objection be made a part of the record and that Linda Wheeler, Esq., act as my agent and attorney to speak on my behalf at the upcoming June 20th hearing or any others I am unable to attend.

Thank you for considering the neighbors' concerns in these important matters.

Sincerely,

Cleese

Address: 1209 DUNCAN STREET.

Date: 01.15.2013.

TO: Key West Planning Board
RE: 1200-1212 White Street/Victor Mills
SUBJECT: Objection of Neighbor to Conditional Use and Parking Variance Applications



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Thank you for considering the neighbors' concerns in these important matters.

Sincerely,

Julia Sullivan Anne K Sullivan

Address: *1204-1206 Duncan Street*

Date: *June*

TO: Key West Planning Board
RE: 1200-1212 White Street/Victor Mills
SUBJECT: Objection of Neighbor to Conditional Use and Parking Variance Applications



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I ask that my letter of objection be made a part of the record and that Linda Wheeler, Esq., act as my agent and attorney to speak on my behalf at the upcoming June 20th hearing or any others I am unable to attend.

Thank you for considering the neighbors' concerns in these important matters.

Sincerely,

A handwritten signature in blue ink that reads "Cynthia U. Dean".

Address:

Date:

1327 Duncan St
6-13-13



TO: Key West Planning Board
RE: 1200-1212 White Street/Victor Mills
SUBJECT: Objection of Neighbor to Conditional Use and Parking Variance Applications

Dear Planning Board Members,

I reside or own commercial property in the neighborhood affected by the pending conditional use and parking variance applications.

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I ask that my letter of objection be made a part of the record and that Linda Wheeler, Esq., act as my agent and attorney to speak on my behalf at the upcoming June 20th hearing or any others I am unable to attend.

Thank you for considering the neighbors' concerns in these important matters.

Sincerely,

Address:

Date:

TO: Key West Planning Board
RE: 1200-1212 White Street/Victor Mills
SUBJECT: Objection of Neighbor to Conditional Use and Parking Variance Applications



Dear Planning Board Members,

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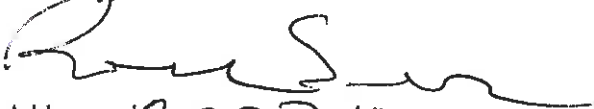
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Thank you for considering the neighbors' concerns in these important matters.

Sincerely,


Address: 1327 DUNCAN
Date: 6-15-13

TO: Key West Planning Board
RE: 1200-1212 White Street/Victor Mills
SUBJECT: Objection of Neighbor to Conditional Use and Parking Variance Applications



Dear Planning Board Members,

I reside or own commercial property in the neighborhood affected by the pending conditional use and parking variance applications.

The renovation of the building is a great improvement, but applicant's parking lot remains a constant junkyard and eyesore.

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I ask that my letter of objection be made a part of the record and that Linda Wheeler, Esq., act as my agent and attorney to speak on my behalf at the upcoming June 20th hearing or any others I am unable to attend.

Thank you for considering the neighbors' concerns in these important matters.

Sincerely,

Address: 1327 1/2 DUNCAN ST.

Date:

6-17-13

From: [Linda Wheeler](#)
To: [Ginny Haller PLANNER City of Key West](#); [Don Craig](#)
Cc: Kcool@keywestcity.com
Subject: 1200 White/Victor Mills/Revised Objections
Date: Tuesday, June 11, 2013 5:11:29 PM
Attachments: [2013 06 11 13 OBJECTION TO PARKING VARIANCE.pdf](#)
[2013 06 11 13 OBJECTION TO CONDITIONAL USE APPLICATION.pdf](#)

Tuesday June 11, 2013

Dear Ms. Haller and Mr. Craig,

Attached you will find our neighborhood's written objections to the 2nd amended conditional use application and to the parking variance. Will you please see that these are made a part of the record and furnished to the Planning Board members prior to our hearing on June 20, 2013. I am also sending it to the email address instructed by your office (in PDF form) so that it will be easier to index and disseminate the materials. We are still unable to obtain on-line the applications, or the traffic study referred to in the application. When these are available, I would appreciate having copies sent to me. I will be out of town tomorrow (06/12/13) through Sunday (6/16/13), so I will call you on Monday with some other questions (does the planning board have a projection available for use, or should we try to obtain one for the presentation?; and may we have an enlarged copy made of the proposed site plan- if so, I'd like to order two and I'll pick them up and pay for them on Monday.)

Again, thank you for your time and assistance throughout this matter.

Best, Linda Wheeler

Linda Wheeler, Esq.
1213 White Street
Key West, FL 33040
Tel. 305/ 294-0683
Fax 305/296-2155
MOBILE 305/509-2145
lwheeleraal@earthlink.net

**OBJECTION TO
SECOND AMENDED CONDITIONAL USE APPLICATION
RE: : 1200-1212 White Street and 1124 Catherine Street #101, #201, #202**

DATE: June 11, 2013

TO: City of Key West Planning Board
c/o City of Key West Planning Department
Attn: Ginny Haller and Donald Craig

Site Address: 1200-1212 White Street and 1124 Catherine Street #101, #201, #202

Site Owner: Victor and Cynthia Mills

Contact Person: Wayne LaRue Smith, Esq., 333 Fleming Street, Key West, FL 33040;
Telephone: 305/296-0029; email: tslf@thesmithlawfirm.com

Objecting Parties:

Linda Wheeler and Robert Kruse	1213 White Street
Sean and Adele Cowles	1216 White Street
Ross and Jodie Williams	1217 White Street
Tim and Anne Sullivan	1204-1206 Duncan Street
Robert Koske	1208 Duncan Street
Barbara Haveland	1209 Duncan Street
Brian Schmitt d/b/a	
Coldwell Banker Schmitt Real Estate	1201-1211 White Street
Lynn Kaufelt and David Kaufelt	1120 White Street
Dr. Ana Marie Camarotti, et. al.	1220 Georgia Street
Cynthia Vinson Dean	1327 Duncan Street
Mrs. Valter Vinson	1215 Georgia Street
David Vinson and Robert Silver	1327 Duncan Street

Contact Person: Linda Wheeler, Esq., 1213 White Street, Key West, FL 33040; Telephone:
305/294-0683; Mobile: 305/509-2145; email: lwheeleraal@earthlink.net

**OBJECTION TO
SECOND AMENDED CONDITIONAL USE APPLICATION
RE: : 1200-1212 White Street and 1124 Catherine Street #101, #201, #202**

This objection is submitted in response to Applicant's second amended development plan and conditional-use application dated May 17, 2013, seeking approval for the following conditional uses at the subject property:

Operation of a recreational-vehicle (moped, motorcycle and electric car) rental business
Expansion of a "no-seat" walk-up window coffee shop into a 15-seat restaurant
Operation of motor vehicle and engine repair shop ("light industrial use")

Said application does not meet the City's Conditional Use Criteria as provided in Sections 122-61 and 122-62 and should be denied in its entirety. Further, the proposed conditional uses cannot be adequately accommodated at this site without generating severe and adverse impacts on the neighboring properties in the immediate vicinity. Adverse impacts include:

- (1) LACK OF NECESSARY OFF-STREET PARKING (25-54 spaces required; 3 spaces exist)
- (2) DANGEROUS AND UNSAFE EGRESS FROM PARKING LOT
- (3) INABILITY TO COMPLY WITH TRAINING/EDUCATIONAL REQUIREMENTS
- (4) INABILITY TO COMPLY WITH REQUIRED ON-SITE AMENITIES
- (5) INCREASED AND ADVERSE DENSITY AND TRAFFIC CREATED BY PROPOSED USES
- (6) PROPOSED USES ARE INCOMPATIBLE AND DETRIMENTAL TO THE SURROUNDING MIXED-USE CHARACTER OF THE NEIGHBORHOOD

BACKGROUND

The subject project consists of a single building (approximately 5400 sf) located on the corner of White and Catherine Streets and an adjoining parking lot (approximately 2700 sf) located mid-block.

There are two (2) existing, non-transient residential apartments on the second floor. The ground floor of the building previously housed three (3) commercial businesses: La Dichosa Bakery at one end, a retail tile shop on the other end, and a small walk-up window coffee shop in the middle of the building.

The bakery and the tile shop have been vacant for over 4 and 10 years respectively, and have no “grandfathered” use or parking exemptions. The walk-up window coffee shop holds a current “*no seats*” occupational license.

Applicant is currently building out the ground floor interiors to operate, or offer for lease, six (6) separate and distinct commercial businesses:

- (1) Honda Key West Sales and Showroom
- (2) Insurance agency
- (3) Professional office space
- (4) Recreational motor vehicle rentals (15 mopeds, 6 motorcycle, 4 electric cars)* and 50 bicycle rentals
- (5) Repair and servicing of motor vehicles and engines (“Light Industrial Use”)*
- (6) Expansion of no-seat walk-up window coffee shop into 15-seat restaurant*

The first three businesses are permissible uses; the last three uses are not allowed in this HNC-1 zoning district without conditional-use approval. All of the business have off-street parking requirements which require parking variances.

The residential and commercial neighbors adjacent to (and most adversely impacted by) the proposed conditional uses are unanimously opposed to any expansion or creation of new businesses which include a moped rental business, an engine and motor vehicle repair business (“light industrial use”), or the expansion of a no-seat walk up window coffee shop into a 15-seat restaurant.

Each of these proposed conditional uses would greatly increase density and traffic congestion and would adversely affect the shortage of street parking already faced by existing businesses and residents. Furthermore, the moped rental business and motor vehicle and engine repair shop are entirely incompatible to the fabric of this mixed-use residential/commercial neighborhood and would create serious and dangerous traffic and safety issues as more fully described below:

1. LACK OF NECESSARY OFF-STREET PARKING:

Applicant's calculates that 25 off-street parking spaces are required for the proposed conditional-use businesses¹. Applicant has 3 off-street parking spaces available.

Applicant's parking lot (1212 White) is located mid-block. The size and shape of the parking lot do not allow for drive-through ingress and egress. The total size of the parking lot is reported to be 2,700 square feet, however a back part of the building (non-conforming rear set-back) juts out into that parking lot.

Applicant proposes to provide 3 vehicle spaces and 8 bike spaces in the parking lot. Applicant also proposes to use 450 sf of the 2,700 sf parking lot for outside storage and display of his rental vehicles². The parking lot must also accommodate the following requirements for this project:

- (1) HANDICAP ACCESS RAMP: The parking lot is 14" above grade;
- (2) STORM WATER DRAINAGE COLLECTION: 100% of the parcel is impermeable surface;
- (3) SOLID WASTE AND RECYCLING CONTAINERS: There is currently 1 front-end loaded dumpster sitting unscreened in the middle of the parking lot.
- (4) PROPANE-GAS STORAGE TANK: There is currently 1 propane tank sitting unscreened in the rear (non-conforming set-back) of the parking lot.
- (5) STORAGE AREA FOR HAZARDOUS WASTE MATERIALS. The proposed "light industrial" use (repair of motor vehicles and engines) would generate various hazardous waste, including discarded motor oil, spent batteries and discarded tires. These materials require containment and storage prior to removal from the site. The proposed 15-seat restaurant would also generate various hazardous waste materials including discarded cooking oils.

Applicant estimates that a total of 8-10 employees shall be present on the premises at all times. No proposals are offered for employee parking. The entire 1200 block of White Street does not contain 25 on-street parking spaces. To accommodate applicant's proposed uses, each and every public parking space in the 1200 block of White Street (both sides of the street between Catherine and United Streets) and on adjoining Catherine Street and in the next blocks of White

¹ Applicant has underestimated his parking requirements by failing to calculate or include in his application the parking requirements for the retail sales space of Honda Key West (2644 sf) or the 50 rental bicycles. The objecting parties calculate that Applicant's actual parking requirements are 54 off-street spaces. A copy of objecting parties' parking calculations are attached.)

² See page 6 of application: "...20 vehicles of any combination described above that will be offered for rent will be displayed in the outdoor storage portion..."

Street - would be occupied solely by employees, tenants and customers of the Applicant - to the exclusion of all other residents and business owners in the vicinity.

2. DANGEROUS AND UNSAFE EGRESS FROM PARKING LOT:

The mid-block configuration of the applicant's parking lot does not allow for easy turn-around of the 3 designated parking spaces. Further, all service and delivery vehicles will be required to back out into the ongoing traffic on White Street (or block traffic in front of the property). This backing-out onto a public thoroughfare must be conducted by:

- all mopeds, motorcycles, electric cars and jetski's on trailers sold, serviced or rented
- all trucks and trailers delivering (multi-times a day) rental motor vehicles and bikes to off-site locations
- all trucks delivering inventory, parts and supplies to the Honda Sales and Service
- all trucks removing environmentally hazardous waste materials (old tires, batteries and motor oils)
- all Waste Management front-loading trucks or other solid waste and recycling haulers
- all propane gas delivery trucks
- all food supply trucks servicing the proposed 15-seat restaurant
- all beer, wine, water and other beverage delivery trucks servicing the intended 15-seat restaurant
- all service trucks providing fan and trap cleaning services to the 15-seat restaurant

Applicant's parking plan would create continuing and dangerous safety issues for both pedestrians and the driving public and is in violation of Section 108-642 which provides that each parking space shall be accessible .. **"and designed so that no automobile shall back into a public street in order to exit a parking stall."**

3. INABILITY TO COMPLY WITH TRAINING/EDUCATIONAL REQUIREMENTS:

Section 18-381 of the city code requires the Applicant to provide training space "on the business premises or in the immediate vicinity" for the purpose of instructing rental customers in the safe operation of the recreational vehicles. Applicant proposes to use the "open space" of the parking lot for such required training, however, with 3 dedicated parking spaces, handicap access ramp, dumpster(s) and recycling bins, a propane tank, 450 sf of outside storage/display area, and hazardous waste containment and storage areas, there is simply no "open space" whatsoever available for training purposes. Additionally, Applicant's parking lot shall employ gravel or spaced pavers in order to retain storm water (parking lot is 14" above grade and currently 100% impermeable surface). Such gravel or broken surface would not provide a safe or stable surface for training purposes. Necessarily, the Applicant must impose

his training requirements upon the adjacent public right-of-ways (White Street, Catherine Street and Duncan Streets). Applicant's proposed conditional use for rental of mopeds, motorcycles and other power driven vehicles is a danger to public safety and does not comply with the letter or the spirit of the city's zoning, traffic, or safety ordinances.

4. INABILITY TO COMPLY WITH REQUIRED ON-SITE AMENITIES:

Applicant's site plan and application do not adequately address or show compliance with the minimum standards required by city code for on-site amenities. Specifically, the location and screening of hazardous waste (discarded tires, spent batteries, used motor oils and cooking oil waste); location and screening of solid waste and recycling containers; the location and manner for proposed repairs to electric cars, jet skis on boat trailers and other vehicles which cannot be driven inside the building; the location of buffers or other screening for outdoor parking and loading space; litter control issues; lighting, uniform and appropriate signage, landscaping and irrigation plans, outside display of vehicles, etc. (See Section 108-346; Section 108-347-351; Section 108-280 e.)

All recent additions to this urban, mixed-use neighborhood³ have provided off-street parking for their employees and customer, have provided screening of their solid waste and recycling containers, and have included attractive landscaping design and mature plantings into their site plan in order to comply with the city's zoning requirements and improve the features of this neighborhood. This Applicant should be held to the same standards required by all parties doing business - or seeking to introduce additional new businesses- into this zoning district.

5. INCREASED AND ADVERSE DENSITY AND TRAFFIC GENERATED BY PROPOSED USES:

The rental of mopeds (and other "power-driven recreational vehicles") and the expansion of a no-seat walk-up window coffee shop into a 15-seat restaurant will severely and adversely increase the traffic and density of this existing mixed-use neighborhood. Applicant has employed a traffic consultant who has determined that any increase of density or traffic will not adversely impact the surrounding neighborhood⁴, however, it is common sense and local knowledge that the blocks of White Street between Virginia and United are already some of the most congested in mid-town. There are not enough public parking spaces now available to meet the needs of the existing businesses and residents in these blocks. The increased density

³ See pages 6 & 7 for descriptions.

⁴ Applicant's traffic study has not yet been made available on-line to the public as of the date of filing this objection.

and traffic generated by the Applicant's proposed conditional uses will create unnecessary and unwanted hardships for the existing neighbors.

Further, "light industrial use", that is, the repair and servicing of motor vehicles, jet skis and boat engines, creates noise, supply and waste disposal issues which cannot be sufficiently mitigated at the subject property. (See Section 122-62 (c) (4).) The site plan provided by Applicant does not adequately address these hazardous waste issues. Applicant has proposed storing all used motor oil and fuel, spent batteries, and discarded tires "inside the premises"⁵ until once-a-month pick up. This is a misguided and inherently unsafe proposal, and is not consistent with existing fire codes, or where food establishments or residential units are located within the same building.

6. PROPOSED USE IS ENTIRELY INCOMPATIBLE AND DETRIMENTAL TO THE SURROUNDING MIXED-USE CHARACTER OF THE NEIGHBORHOOD

The rental of mopeds and other power-driven recreational vehicles and the servicing and repair of motor vehicles and engines is not compatible with the existing pedestrian traffic and business needs of the surrounding neighborhood. The existing businesses on White Street primarily serve the neighborhood residents and a local clientele who enjoy the mid-town location which is removed from tourist-driven businesses in the old-town district and the larger "big-box" franchises located in the new-town commercial districts.

The blocks of White Street to the immediate north and south of the subject property contain a varied mix of compatible commercial businesses. There are two real estate agencies, a florist, two law offices, a laundromat (with sidewalk coffee bar), a TV & stereo sales shop, chiropractic and wellness center, a doctor's (pediatrician) office, administrative offices for the Tourist Development Council (TDC), a car wash, a clothing shop, yoga studio, hairstylist, exercise gym, two ice cream shops, two churches, and two small restaurants. There are also several multi-family residences and single family homes in immediate proximity to the subject project. The adjacent side streets of Duncan and Catherine are entirely residential and primarily single family homes. In the next blocks further north and south of the subject property there are 2 additional churches, 2 additional schools, the National Weather Station, Fausto's neighborhood grocery store, another laundromat (with sidewalk coffee and sandwich bar), a pet supply shop, a plumbing supply shop, a tile store, a cupcake shop, and another small restaurant.

⁵ See page 15 ... "between acquisition of these material to disposal, storage of the items will be inside the premises."

There are no moped or recreational rental businesses in this HNC-1 zoning district, or in any other block of White Street. There are no vehicle and engine repair shops “light industrial” in this HNC-1 zoning district, or any block of White Street (with the exception of the long-existing Chevron gas station located at the intersection of White and Truman Avenue).

Applicant intends to display, store, rent, service, and in some cases load and deliver multiple times a day by delivery pick-up truck, **15 mopeds, 6 motorcycles, 2 electric cars, and 50 bicycles.** This rental inventory is in addition to the undisclosed number of mopeds, motorcycles, bicycles, generators, jet skis, outboard marine engines, and “other power-equipment related products” to be sold and serviced at the Honda of Key West showroom and in the outside storage area. The typical intended customers for applicant’s proposed moped rental business will not be local or neighborhood residents. The intended customers will be tourists and visitors who already have vehicle rental concessions nearer to their hotels and inns, and where the accompanying problems of parking, traffic, and noise pollution are already features of those neighborhoods. It is important to note that due to the invasive and adverse nature of their operations, there is currently a city-wide moratorium on power-driven recreational vehicle rental licenses.

The lack of a moped rental business in this busy and inappropriate location will not prejudice visitors or residents. Other facilities are located within 1- 2 miles of the subject property. Each of these existing rental businesses operates in a location with a larger parking lot, drive-through ingress and egress, less dense display and storage of vehicles, and an open area which can be realistically utilized for the proper training of operators in compliance with the city’s safety requirements. Applicant’s proposed conditional uses for the renting and repair of mopeds, motorcycles and electric cars from this location is impractical, poorly conceived and detrimental to the public’s safety and peaceful enjoyment.

Current HNC-1 Zoning District

This White Street neighborhood is finally, and deservedly, experiencing renewed and positive improvements which are a welcome sight to the surrounding neighbors. Many recent businesses have made positive and lasting contributions to the look and substance of our neighborhood. Specifically;

Coldwell Banker Schmitt Real Estate (directly across the street from the subject property) transformed an abandoned tire garage into attractive office spaces for its agents, and offices for the Tourist Development Council (TDC), and a pediatrician’s office. This project includes OFF STREET PARKING, drive-through ingress and egress, extensive landscaping, attractive

lighting and signage, handicap access, and the screening of waste storage bins at the rear of the property.

A stylish 2-story mixed-use building (on the corner of White and United Streets) has replaced the abandoned Biamonte's Restaurant. The project has 3 professional offices and a florist shop on the ground floor and residential apartments on the 2nd floor. This project includes OFF STREET PARKING, drive-through ingress and egress, mature landscaping, brick paving, attractive lighting and signage, handicap access, and the screening of waste storage bins at the rear of the property.

White Street Healing Arts center (diagonally opposite the subject property) has been tastefully renovated and improved by its owners. The four-office medical office is a conversion (by previous owners) from an historic residence. Sensitive repairs and upkeep by its owners, and the incorporation of mature palms and plantings have helped "green" the White Street landscape. This project includes OFF STREET PARKING, handicap access, attractive lighting and signage, and the screening of waste storage bins at the rear of the property.

The National Weather Station (on the corner of White and United Streets) replaces a former military housing facility. This federal building was not required to adhere to HARC guidelines, however, the building was sited a distance from White street and was designed to duplicate the scale and frontage presence of the Glynn Archer Elementary School across the street. The facility includes OFF STREET PARKING, attractive lighting, mature landscaping, canopy shade trees, and screened waste storage at the rear of the property.

Glynn Archer Elementary School was a welcome and daily reminder of the mixed-use "community" we enjoy on White Street. Our neighborhood now looks forward to the rejuvenation of this building into our new City Hall. The granting of any exceptions, conditional-uses, and parking variances not complementary to this updated, historic public-use facility should be carefully weighed and judiciously granted.

Residential Contributions: The many multi-family and single-family residences on White Street, and on the adjacent residential side streets of Catherine and Duncan, all contribute to the "mixed-use" composition of the neighborhood as contemplated by its HNC-1 designation. There is a charming single-family conch home located directly next door to the parking lot of the subject property which has recently undergone renovations. Next to this single family home are two attractive conch-style multi-family residences with well-tended facades and attractive landscaping. The owners of the single family home directly across the street from the subject property have restored their 120+ year home and have planted mature palms and hedges. Most of the homes and businesses along White, Duncan and Catherine Streets take great care in the maintenance of their homes and landscaping and do so in an effort to soften

the hard street scape in these blocks and to contribute to the residential/commercial mix of the neighborhood.

CONCLUSION

The neighborhood applauds Applicant's efforts to rehabilitate the dilapidated structure into attractive commercial and residential space. Unfortunately the Applicant has demonstrated over his first year of ownership that he is incapable or unwilling to maintain his parking lot or use it for purposes other than a junk yard and storage site. Our neighborhood and the driving public have been subjected to an entire year of overflowing dumpsters, abandoned mopeds and moped parts, and un-contained piles of construction waste and building debris. Without HARC or building department approval Applicant bulldozed a concrete retaining wall one weekend that now jeopardizes the adjacent neighbor's property with flooding

No hardship issues are applicable in the current situation. The zoning designation and city ordinances have not changed since applicant purchased the property in June 2012. The subject project is substantially smaller than Applicant's location at the corner of Whitehead and Southard Streets. Yet Applicant proposes to continue his previous business, and impose three additional and non-conforming businesses into an already high traffic and densely populated area.

Utilizing the ground floor solely for permitted uses as a Honda Sales and Showroom, an insurance agency and a professional office would still create a 12- parking space deficit. Applicant's expansion plans and the incompatibility of his proposed conditional-use businesses are simply too aggressive for the size of the subject property. Applicant's actions speak much louder than the words and promises made in his applications.

It is therefore requested that Applicant's application for conditional use allowing for the rental of mopeds and other power-driven recreational vehicles; for operation of a motor vehicle and engine repair shop "light industrial use"; and for expansion of a no-seat coffee seat into a 15 seat restaurant be denied in their entirety. The increase of density and the intensity of use caused by such conditional uses would permanently and adversely change the character of the neighborhood and would impose unnecessary and harmful burdens on the surrounding neighbors and driving public.

Lastly, it must be stated that the Applicant has a long and defiant history with our city's code enforcement department at his former location on the corner of Whitehead and Southard Streets where he was cited in excess of 36 times for continuing parking violations and illegal display of his inventory on the public right-of-way. It is fair to assume that any efforts to

accommodate the Applicant would be futile and only create on-going policing and enforcement problems for the neighbors, the police, and the city's code compliance office.

Thank you for your consideration of this matter.

Respectfully Submitted,

Linda B. Wheeler, Esq.
Attorney at Law
1213 White Street
Key West, Florida 33040
Telephone 305 294-0683
Facsimile 305 296-2155
Mobile 305/509-2145
email: lwheeleraal@earthlink.net

RE: 1200-1212 White Street & 1124 Catherine Units 101, 201 & 202

Off-Street Parking Space Requirements (per Section 108-572)

Pursuant to Second Amended Conditional Use Application

<u>Use:</u>	<u>Calculation:</u>	<u>Minimum Parking Spaces Required:</u>
multi-family residential 1124 Catherine # 201 & 202	2 units (1 per 1 unit =2)	2 (grandfather waiver)
office space 1124 Catherine #101	296 sf (1 per 300 sf)	1
rental concession 1206 White	75 units 15 scooters (1 per 3 units = 5) 6 motorcycles (1 per 3 units = 2) 4 electric cars (1 per 1 unit) = 4 50 bicycles (1 per 3 units= 17)	28
retail sales & showroom 1206 White	2570 sf (1 per 300sf)	9
insurance agency 1206 White	225 sf (1 per 300 sf)	1
expanded restaurant 1200-1202 White	680 sf consumption (1 per 45 sf = 15) 740 sf kitchen (1 per 300 sf = 3)	15 3 (grand father waiver?)
54 total off street parking spaces required		

RE: 1200-1212 White Street & 1124 Catherine Units 101, 201 &202

Off-Street Parking Space Requirements (per Section 108-572)

If Entire Ground Floor Used for Permitted Purposes

<u>Use:</u>	<u>Calculation:</u>		<u>Minimum Parking Spaces Required:</u>
multi-family residential (2) 1124 Catherine # 201 & 202	2 units	(1 per 1 unit =2)	2 (grandfather waiver)
Entire ground floor of Building 1200-1206White	4452 sf	(1 per 300 sf = 15)	<u>15</u>
			15 total off-street parking spaces required

TO: Key West Planning Board
RE: 1200-1212 White Street/Victor Mills
SUBJECT: Objection of Neighbor to Conditional Use and Parking Variance Applications

Dear Planning Board Members,

I reside or own commercial property in the neighborhood affected by the pending conditional use and parking variance applications.

The renovation of the building is a great improvement, but applicant's parking lot remains a constant junkyard and eyesore.

The proposed conditional uses are too aggressive and high-impact for our neighborhood. I do not object to the owner using the property for his Honda sales and showroom, and for an insurance agency, and for professional offices. But I object strongly to operation of a moped rental business, an engine repair shop, and to the expansion of a no-seat coffee shop into a 15-seat restaurant.

The moped rental business and engine repair shop are completely incompatible with our neighborhood and will create unwanted noise, traffic, pollution and safety issues. The restaurant would also generate excessive traffic and parking problems. We once had a quiet bakery which closed in the early afternoons. We later had a walk-up coffee shop which was the nightly gathering spot for fights, drinking and loud music. We don't want a bigger or more intrusive food service business on that corner (especially at night).

I also strongly object to granting a parking variance for any of these conditional uses. The applicant requires 25 off-street parking spaces for his intended businesses and he has only 2. There are not 25 parking spaces on both sides of White Street in that block. Waiving his off-street parking requirements would displace every homeowner, resident and current business owner. Our neighborhood streets would become just a giant parking lot and display area for the moped and motorcycle rental business.

I ask that my letter of objection be made a part of the record and that Linda Wheeler, Esq., act as my agent and attorney to speak on my behalf at the upcoming June 20th hearing or any others I am unable to attend.

Thank you for considering the neighbors' concerns in these important matters.

Sincerely,

Lynn + David Farnes

Address: 900 Flagler Ave

Date: Key West, FL

June 19, 2013

Own property at 1120 White Street

From: [Linda Wheeler](#)
To: [Ginny Haller PLANNER City of Key West](#); [Don Craig](#)
Cc: Kcool@keywestcity.com
Subject: 1200 White/Victor Mills/Revised Objections
Date: Tuesday, June 11, 2013 5:11:29 PM
Attachments: [2013 06 11 13 OBJECTION TO PARKING VARIANCE.pdf](#)
[2013 06 11 13 OBJECTION TO CONDITIONAL USE APPLICATION.pdf](#)

Tuesday June 11, 2013

Dear Ms. Haller and Mr. Craig,

Attached you will find our neighborhood's written objections to the 2nd amended conditional use application and to the parking variance. Will you please see that these are made a part of the record and furnished to the Planning Board members prior to our hearing on June 20, 2013. I am also sending it to the email address instructed by your office (in PDF form) so that it will be easier to index and disseminate the materials. We are still unable to obtain on-line the applications, or the traffic study referred to in the application. When these are available, I would appreciate having copies sent to me. I will be out of town tomorrow (06/12/13) through Sunday (6/16/13), so I will call you on Monday with some other questions (does the planning board have a projection available for use, or should we try to obtain one for the presentation?; and may we have an enlarged copy made of the proposed site plan- if so, I'd like to order two and I'll pick them up and pay for them on Monday.)

Again, thank you for your time and assistance throughout this matter.

Best, Linda Wheeler

Linda Wheeler, Esq.
1213 White Street
Key West, FL 33040
Tel. 305/ 294-0683
Fax 305/296-2155
MOBILE 305/509-2145
lwheeleraal@earthlink.net

**OBJECTION TO
SECOND AMENDED CONDITIONAL USE APPLICATION
RE: : 1200-1212 White Street and 1124 Catherine Street #101, #201, #202**

DATE: June 11, 2013

TO: City of Key West Planning Board
c/o City of Key West Planning Department
Attn: Ginny Haller and Donald Craig

Site Address: 1200-1212 White Street and 1124 Catherine Street #101, #201, #202

Site Owner: Victor and Cynthia Mills

Contact Person: Wayne LaRue Smith, Esq., 333 Fleming Street, Key West, FL 33040;
Telephone: 305/296-0029; email: tslf@thesmithlawfirm.com

Objecting Parties:

Linda Wheeler and Robert Kruse	1213 White Street
Sean and Adele Cowles	1216 White Street
Ross and Jodie Williams	1217 White Street
Tim and Anne Sullivan	1204-1206 Duncan Street
Robert Koske	1208 Duncan Street
Barbara Haveland	1209 Duncan Street
Brian Schmitt d/b/a	
Coldwell Banker Schmitt Real Estate	1201-1211 White Street
Lynn Kaufelt and David Kaufelt	1120 White Street
Dr. Ana Marie Camarotti, et. al.	1220 Georgia Street
Cynthia Vinson Dean	1327 Duncan Street
Mrs. Valter Vinson	1215 Georgia Street
David Vinson and Robert Silver	1327 Duncan Street

Contact Person: Linda Wheeler, Esq., 1213 White Street, Key West, FL 33040; Telephone:
305/294-0683; Mobile: 305/509-2145; email: lwheeleraal@earthlink.net

**OBJECTION TO
SECOND AMENDED CONDITIONAL USE APPLICATION
RE: : 1200-1212 White Street and 1124 Catherine Street #101, #201, #202**

This objection is submitted in response to Applicant's second amended development plan and conditional-use application dated May 17, 2013, seeking approval for the following conditional uses at the subject property:

Operation of a recreational-vehicle (moped, motorcycle and electric car) rental business
Expansion of a "no-seat" walk-up window coffee shop into a 15-seat restaurant
Operation of motor vehicle and engine repair shop ("light industrial use")

Said application does not meet the City's Conditional Use Criteria as provided in Sections 122-61 and 122-62 and should be denied in its entirety. Further, the proposed conditional uses cannot be adequately accommodated at this site without generating severe and adverse impacts on the neighboring properties in the immediate vicinity. Adverse impacts include:

- (1) LACK OF NECESSARY OFF-STREET PARKING (25-54 spaces required; 3 spaces exist)
- (2) DANGEROUS AND UNSAFE EGRESS FROM PARKING LOT
- (3) INABILITY TO COMPLY WITH TRAINING/EDUCATIONAL REQUIREMENTS
- (4) INABILITY TO COMPLY WITH REQUIRED ON-SITE AMENITIES
- (5) INCREASED AND ADVERSE DENSITY AND TRAFFIC CREATED BY PROPOSED USES
- (6) PROPOSED USES ARE INCOMPATIBLE AND DETRIMENTAL TO THE SURROUNDING MIXED-USE CHARACTER OF THE NEIGHBORHOOD

BACKGROUND

The subject project consists of a single building (approximately 5400 sf) located on the corner of White and Catherine Streets and an adjoining parking lot (approximately 2700 sf) located mid-block.

There are two (2) existing, non-transient residential apartments on the second floor. The ground floor of the building previously housed three (3) commercial businesses: La Dichosa Bakery at one end, a retail tile shop on the other end, and a small walk-up window coffee shop in the middle of the building.

The bakery and the tile shop have been vacant for over 4 and 10 years respectively, and have no “grandfathered” use or parking exemptions. The walk-up window coffee shop holds a current “*no seats*” occupational license.

Applicant is currently building out the ground floor interiors to operate, or offer for lease, six (6) separate and distinct commercial businesses:

- (1) Honda Key West Sales and Showroom
- (2) Insurance agency
- (3) Professional office space
- (4) Recreational motor vehicle rentals (15 mopeds, 6 motorcycle, 4 electric cars)* and 50 bicycle rentals
- (5) Repair and servicing of motor vehicles and engines (“Light Industrial Use”)*
- (6) Expansion of no-seat walk-up window coffee shop into 15-seat restaurant*

The first three businesses are permissible uses; the last three uses are not allowed in this HNC-1 zoning district without conditional-use approval. All of the business have off-street parking requirements which require parking variances.

The residential and commercial neighbors adjacent to (and most adversely impacted by) the proposed conditional uses are unanimously opposed to any expansion or creation of new businesses which include a moped rental business, an engine and motor vehicle repair business (“light industrial use”), or the expansion of a no-seat walk up window coffee shop into a 15-seat restaurant.

Each of these proposed conditional uses would greatly increase density and traffic congestion and would adversely affect the shortage of street parking already faced by existing businesses and residents. Furthermore, the moped rental business and motor vehicle and engine repair shop are entirely incompatible to the fabric of this mixed-use residential/commercial neighborhood and would create serious and dangerous traffic and safety issues as more fully described below:

1. LACK OF NECESSARY OFF-STREET PARKING:

Applicant's calculates that 25 off-street parking spaces are required for the proposed conditional-use businesses¹. Applicant has 3 off-street parking spaces available.

Applicant's parking lot (1212 White) is located mid-block. The size and shape of the parking lot do not allow for drive-through ingress and egress. The total size of the parking lot is reported to be 2,700 square feet, however a back part of the building (non-conforming rear set-back) juts out into that parking lot.

Applicant proposes to provide 3 vehicle spaces and 8 bike spaces in the parking lot. Applicant also proposes to use 450 sf of the 2,700 sf parking lot for outside storage and display of his rental vehicles². The parking lot must also accommodate the following requirements for this project:

- (1) HANDICAP ACCESS RAMP: The parking lot is 14" above grade;
- (2) STORM WATER DRAINAGE COLLECTION: 100% of the parcel is impermeable surface;
- (3) SOLID WASTE AND RECYCLING CONTAINERS: There is currently 1 front-end loaded dumpster sitting unscreened in the middle of the parking lot.
- (4) PROPANE-GAS STORAGE TANK: There is currently 1 propane tank sitting unscreened in the rear (non-conforming set-back) of the parking lot.
- (5) STORAGE AREA FOR HAZARDOUS WASTE MATERIALS. The proposed "light industrial" use (repair of motor vehicles and engines) would generate various hazardous waste, including discarded motor oil, spent batteries and discarded tires. These materials require containment and storage prior to removal from the site. The proposed 15-seat restaurant would also generate various hazardous waste materials including discarded cooking oils.

Applicant estimates that a total of 8-10 employees shall be present on the premises at all times. No proposals are offered for employee parking. The entire 1200 block of White Street does not contain 25 on-street parking spaces. To accommodate applicant's proposed uses, each and every public parking space in the 1200 block of White Street (both sides of the street between Catherine and United Streets) and on adjoining Catherine Street and in the next blocks of White

¹ Applicant has underestimated his parking requirements by failing to calculate or include in his application the parking requirements for the retail sales space of Honda Key West (2644 sf) or the 50 rental bicycles. The objecting parties calculate that Applicant's actual parking requirements are 54 off-street spaces. A copy of objecting parties' parking calculations are attached.)

² See page 6 of application: "...20 vehicles of any combination described above that will be offered for rent will be displayed in the outdoor storage portion..."

Street - would be occupied solely by employees, tenants and customers of the Applicant - to the exclusion of all other residents and business owners in the vicinity.

2. DANGEROUS AND UNSAFE EGRESS FROM PARKING LOT:

The mid-block configuration of the applicant's parking lot does not allow for easy turn-around of the 3 designated parking spaces. Further, all service and delivery vehicles will be required to back out into the ongoing traffic on White Street (or block traffic in front of the property). This backing-out onto a public thoroughfare must be conducted by:

- all mopeds, motorcycles, electric cars and jetski's on trailers sold, serviced or rented
- all trucks and trailers delivering (multi-times a day) rental motor vehicles and bikes to off-site locations
- all trucks delivering inventory, parts and supplies to the Honda Sales and Service
- all trucks removing environmentally hazardous waste materials (old tires, batteries and motor oils)
- all Waste Management front-loading trucks or other solid waste and recycling haulers
- all propane gas delivery trucks
- all food supply trucks servicing the proposed 15-seat restaurant
- all beer, wine, water and other beverage delivery trucks servicing the intended 15-seat restaurant
- all service trucks providing fan and trap cleaning services to the 15-seat restaurant

Applicant's parking plan would create continuing and dangerous safety issues for both pedestrians and the driving public and is in violation of Section 108-642 which provides that each parking space shall be accessible .. **"and designed so that no automobile shall back into a public street in order to exit a parking stall."**

3. INABILITY TO COMPLY WITH TRAINING/EDUCATIONAL REQUIREMENTS:

Section 18-381 of the city code requires the Applicant to provide training space "on the business premises or in the immediate vicinity" for the purpose of instructing rental customers in the safe operation of the recreational vehicles. Applicant proposes to use the "open space" of the parking lot for such required training, however, with 3 dedicated parking spaces, handicap access ramp, dumpster(s) and recycling bins, a propane tank, 450 sf of outside storage/display area, and hazardous waste containment and storage areas, there is simply no "open space" whatsoever available for training purposes. Additionally, Applicant's parking lot shall employ gravel or spaced pavers in order to retain storm water (parking lot is 14" above grade and currently 100% impermeable surface). Such gravel or broken surface would not provide a safe or stable surface for training purposes. Necessarily, the Applicant must impose

his training requirements upon the adjacent public right-of-ways (White Street, Catherine Street and Duncan Streets). Applicant's proposed conditional use for rental of mopeds, motorcycles and other power driven vehicles is a danger to public safety and does not comply with the letter or the spirit of the city's zoning, traffic, or safety ordinances.

4. INABILITY TO COMPLY WITH REQUIRED ON-SITE AMENITIES:

Applicant's site plan and application do not adequately address or show compliance with the minimum standards required by city code for on-site amenities. Specifically, the location and screening of hazardous waste (discarded tires, spent batteries, used motor oils and cooking oil waste); location and screening of solid waste and recycling containers; the location and manner for proposed repairs to electric cars, jet skis on boat trailers and other vehicles which cannot be driven inside the building; the location of buffers or other screening for outdoor parking and loading space; litter control issues; lighting, uniform and appropriate signage, landscaping and irrigation plans, outside display of vehicles, etc. (See Section 108-346; Section 108-347-351; Section 108-280 e.)

All recent additions to this urban, mixed-use neighborhood³ have provided off-street parking for their employees and customer, have provided screening of their solid waste and recycling containers, and have included attractive landscaping design and mature plantings into their site plan in order to comply with the city's zoning requirements and improve the features of this neighborhood. This Applicant should be held to the same standards required by all parties doing business - or seeking to introduce additional new businesses- into this zoning district.

5. INCREASED AND ADVERSE DENSITY AND TRAFFIC GENERATED BY PROPOSED USES:

The rental of mopeds (and other "power-driven recreational vehicles") and the expansion of a no-seat walk-up window coffee shop into a 15-seat restaurant will severely and adversely increase the traffic and density of this existing mixed-use neighborhood. Applicant has employed a traffic consultant who has determined that any increase of density or traffic will not adversely impact the surrounding neighborhood⁴, however, it is common sense and local knowledge that the blocks of White Street between Virginia and United are already some of the most congested in mid-town. There are not enough public parking spaces now available to meet the needs of the existing businesses and residents in these blocks. The increased density

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⁴ Applicant's traffic study has not yet been made available on-line to the public as of the date of filing this objection.

and traffic generated by the Applicant's proposed conditional uses will create unnecessary and unwanted hardships for the existing neighbors.

Further, "light industrial use", that is, the repair and servicing of motor vehicles, jet skis and boat engines, creates noise, supply and waste disposal issues which cannot be sufficiently mitigated at the subject property. (See Section 122-62 (c) (4).) The site plan provided by Applicant does not adequately address these hazardous waste issues. Applicant has proposed storing all used motor oil and fuel, spent batteries, and discarded tires "inside the premises"⁵ until once-a-month pick up. This is a misguided and inherently unsafe proposal, and is not consistent with existing fire codes, or where food establishments or residential units are located within the same building.

6. PROPOSED USE IS ENTIRELY INCOMPATIBLE AND DETRIMENTAL TO THE SURROUNDING MIXED-USE CHARACTER OF THE NEIGHBORHOOD

The rental of mopeds and other power-driven recreational vehicles and the servicing and repair of motor vehicles and engines is not compatible with the existing pedestrian traffic and business needs of the surrounding neighborhood. The existing businesses on White Street primarily serve the neighborhood residents and a local clientele who enjoy the mid-town location which is removed from tourist-driven businesses in the old-town district and the larger "big-box" franchises located in the new-town commercial districts.

The blocks of White Street to the immediate north and south of the subject property contain a varied mix of compatible commercial businesses. There are two real estate agencies, a florist, two law offices, a laundromat (with sidewalk coffee bar), a TV & stereo sales shop, chiropractic and wellness center, a doctor's (pediatrician) office, administrative offices for the Tourist Development Council (TDC), a car wash, a clothing shop, yoga studio, hairstylist, exercise gym, two ice cream shops, two churches, and two small restaurants. There are also several multi-family residences and single family homes in immediate proximity to the subject project. The adjacent side streets of Duncan and Catherine are entirely residential and primarily single family homes. In the next blocks further north and south of the subject property there are 2 additional churches, 2 additional schools, the National Weather Station, Fausto's neighborhood grocery store, another laundromat (with sidewalk coffee and sandwich bar), a pet supply shop, a plumbing supply shop, a tile store, a cupcake shop, and another small restaurant.

⁵ See page 15 ... "between acquisition of these material to disposal, storage of the items will be inside the premises."

There are no moped or recreational rental businesses in this HNC-1 zoning district, or in any other block of White Street. There are no vehicle and engine repair shops “light industrial” in this HNC-1 zoning district, or any block of White Street (with the exception of the long-existing Chevron gas station located at the intersection of White and Truman Avenue).

Applicant intends to display, store, rent, service, and in some cases load and deliver multiple times a day by delivery pick-up truck, **15 mopeds, 6 motorcycles, 2 electric cars, and 50 bicycles.** This rental inventory is in addition to the undisclosed number of mopeds, motorcycles, bicycles, generators, jet skis, outboard marine engines, and “other power-equipment related products” to be sold and serviced at the Honda of Key West showroom and in the outside storage area. The typical intended customers for applicant’s proposed moped rental business will not be local or neighborhood residents. The intended customers will be tourists and visitors who already have vehicle rental concessions nearer to their hotels and inns, and where the accompanying problems of parking, traffic, and noise pollution are already features of those neighborhoods. It is important to note that due to the invasive and adverse nature of their operations, there is currently a city-wide moratorium on power-driven recreational vehicle rental licenses.

The lack of a moped rental business in this busy and inappropriate location will not prejudice visitors or residents. Other facilities are located within 1- 2 miles of the subject property. Each of these existing rental businesses operates in a location with a larger parking lot, drive-through ingress and egress, less dense display and storage of vehicles, and an open area which can be realistically utilized for the proper training of operators in compliance with the city’s safety requirements. Applicant’s proposed conditional uses for the renting and repair of mopeds, motorcycles and electric cars from this location is impractical, poorly conceived and detrimental to the public’s safety and peaceful enjoyment.

Current HNC-1 Zoning District

This White Street neighborhood is finally, and deservedly, experiencing renewed and positive improvements which are a welcome sight to the surrounding neighbors. Many recent businesses have made positive and lasting contributions to the look and substance of our neighborhood. Specifically;

Coldwell Banker Schmitt Real Estate (directly across the street from the subject property) transformed an abandoned tire garage into attractive office spaces for its agents, and offices for the Tourist Development Council (TDC), and a pediatrician’s office. This project includes OFF STREET PARKING, drive-through ingress and egress, extensive landscaping, attractive

lighting and signage, handicap access, and the screening of waste storage bins at the rear of the property.

A stylish 2-story mixed-use building (on the corner of White and United Streets) has replaced the abandoned Biamonte's Restaurant. The project has 3 professional offices and a florist shop on the ground floor and residential apartments on the 2nd floor. This project includes OFF STREET PARKING, drive-through ingress and egress, mature landscaping, brick paving, attractive lighting and signage, handicap access, and the screening of waste storage bins at the rear of the property.

White Street Healing Arts center (diagonally opposite the subject property) has been tastefully renovated and improved by its owners. The four-office medical office is a conversion (by previous owners) from an historic residence. Sensitive repairs and upkeep by its owners, and the incorporation of mature palms and plantings have helped "green" the White Street landscape. This project includes OFF STREET PARKING, handicap access, attractive lighting and signage, and the screening of waste storage bins at the rear of the property.

The National Weather Station (on the corner of White and United Streets) replaces a former military housing facility. This federal building was not required to adhere to HARC guidelines, however, the building was sited a distance from White street and was designed to duplicate the scale and frontage presence of the Glynn Archer Elementary School across the street. The facility includes OFF STREET PARKING, attractive lighting, mature landscaping, canopy shade trees, and screened waste storage at the rear of the property.

Glynn Archer Elementary School was a welcome and daily reminder of the mixed-use "community" we enjoy on White Street. Our neighborhood now looks forward to the rejuvenation of this building into our new City Hall. The granting of any exceptions, conditional-uses, and parking variances not complementary to this updated, historic public-use facility should be carefully weighed and judiciously granted.

Residential Contributions: The many multi-family and single-family residences on White Street, and on the adjacent residential side streets of Catherine and Duncan, all contribute to the "mixed-use" composition of the neighborhood as contemplated by its HNC-1 designation. There is a charming single-family conch home located directly next door to the parking lot of the subject property which has recently undergone renovations. Next to this single family home are two attractive conch-style multi-family residences with well-tended facades and attractive landscaping. The owners of the single family home directly across the street from the subject property have restored their 120+ year home and have planted mature palms and hedges. Most of the homes and businesses along White, Duncan and Catherine Streets take great care in the maintenance of their homes and landscaping and do so in an effort to soften

the hard street scape in these blocks and to contribute to the residential/commercial mix of the neighborhood.

CONCLUSION

The neighborhood applauds Applicant's efforts to rehabilitate the dilapidated structure into attractive commercial and residential space. Unfortunately the Applicant has demonstrated over his first year of ownership that he is incapable or unwilling to maintain his parking lot or use it for purposes other than a junk yard and storage site. Our neighborhood and the driving public have been subjected to an entire year of overflowing dumpsters, abandoned mopeds and moped parts, and un-contained piles of construction waste and building debris. Without HARC or building department approval Applicant bulldozed a concrete retaining wall one weekend that now jeopardizes the adjacent neighbor's property with flooding

No hardship issues are applicable in the current situation. The zoning designation and city ordinances have not changed since applicant purchased the property in June 2012. The subject project is substantially smaller than Applicant's location at the corner of Whitehead and Southard Streets. Yet Applicant proposes to continue his previous business, and impose three additional and non-conforming businesses into an already high traffic and densely populated area.

Utilizing the ground floor solely for permitted uses as a Honda Sales and Showroom, an insurance agency and a professional office would still create a 12- parking space deficit. Applicant's expansion plans and the incompatibility of his proposed conditional-use businesses are simply too aggressive for the size of the subject property. Applicant's actions speak much louder than the words and promises made in his applications.

It is therefore requested that Applicant's application for conditional use allowing for the rental of mopeds and other power-driven recreational vehicles; for operation of a motor vehicle and engine repair shop "light industrial use"; and for expansion of a no-seat coffee seat into a 15 seat restaurant be denied in their entirety. The increase of density and the intensity of use caused by such conditional uses would permanently and adversely change the character of the neighborhood and would impose unnecessary and harmful burdens on the surrounding neighbors and driving public.

Lastly, it must be stated that the Applicant has a long and defiant history with our city's code enforcement department at his former location on the corner of Whitehead and Southard Streets where he was cited in excess of 36 times for continuing parking violations and illegal display of his inventory on the public right-of-way. It is fair to assume that any efforts to

accommodate the Applicant would be futile and only create on-going policing and enforcement problems for the neighbors, the police, and the city's code compliance office.

Thank you for your consideration of this matter.

Respectfully Submitted,

Linda B. Wheeler, Esq.
Attorney at Law
1213 White Street
Key West, Florida 33040
Telephone 305 294-0683
Facsimile 305 296-2155
Mobile 305/509-2145
email: lwheeleraal@earthlink.net

RE: 1200-1212 White Street & 1124 Catherine Units 101, 201 & 202

Off-Street Parking Space Requirements (per Section 108-572)

Pursuant to Second Amended Conditional Use Application

<u>Use:</u>	<u>Calculation:</u>	<u>Minimum Parking Spaces Required:</u>
multi-family residential 1124 Catherine # 201 & 202	2 units (1 per 1 unit =2)	2 (grandfather waiver)
office space 1124 Catherine #101	296 sf (1 per 300 sf)	1
rental concession 1206 White	75 units 15 scooters (1 per 3 units = 5) 6 motorcycles (1 per 3 units = 2) 4 electric cars (1 per 1 unit) = 4 50 bicycles (1 per 3 units= 17)	28
retail sales & showroom 1206 White	2570 sf (1 per 300sf)	9
insurance agency 1206 White	225 sf (1 per 300 sf)	1
expanded restaurant 1200-1202 White	680 sf consumption (1 per 45 sf = 15) 740 sf kitchen (1 per 300 sf = 3)	15 3 (grand father waiver?)
54 total off street parking spaces required		

RE: 1200-1212 White Street & 1124 Catherine Units 101, 201 &202

Off-Street Parking Space Requirements (per Section 108-572)

If Entire Ground Floor Used for Permitted Purposes

<u>Use:</u>	<u>Calculation:</u>		<u>Minimum Parking Spaces Required:</u>
multi-family residential (2) 1124 Catherine # 201 & 202	2 units	(1 per 1 unit =2)	2 (grandfather waiver)
Entire ground floor of Building 1200-1206White	4452 sf	(1 per 300 sf = 15)	<u>15</u>
			15 total off-street parking spaces required

Barbara Haveland
1209 Duncan Street
Key West, Florida 33040



DATE: Friday June 7, 2013
TO: Key West Planning Board
RE: OBJECTION to 1200 White Street/Victor Mills Application

Dear Planning Board Members,

My home is located two doors down on Duncan Street from the subject project. I have owned my house and lived here for over 15 years. I strongly object to the pending applications for creation of a 14-seat restaurant and for operation of a moped rental business and engine repair shop.


The moped rental business is completely incompatible with our neighborhood. It will bring unwanted noise, increased traffic, and pollution to our neighborhood. The mid-block location on busy White Street is an unsafe spot for such activities.

The restaurant would also create unwanted traffic and pollution. We once had a quiet bakery with 2 or 3 tables which closed regularly at 1pm in the afternoon. Once the bakery closed many years ago, there was a walk-up bar (disguised as a coffee shop). Men gathered on the sidewalk of the "coffee shop" all night, drinking beer, shouting, throwing bottles, and playing loud music from their cars. It was disturbing and dangerous and the police were called regularly. After the applicant bought the property last summer, he allowed the sidewalk "coffee shop" to continue to be a nuisance to our neighborhood. We don't want a bigger or more intrusive food service business on that corner.

I also strongly object to the granting of any parking variance. The applicant needs 25 off-street parking spaces for his intended businesses and he has 3. In the 1200 block of White Street there are only 20 parking spaces on both sides of the street. Waiving these off-street parking requirements would displace every homeowner, resident and current business owner. It would make it impossible for the neighborhood to function as a mixed-use neighborhood. If the parking variance were granted, our neighborhood streets would become just a giant parking lot for Victor Mills' moped and motorcycle business.

The improvements to the building front look great, but applicant's parking lot is an eyesore and a junk yard. Even when the building was vacant and abandoned, we never had to look at overflowing dumpsters, broken down mopeds, or trash piled high all over the lot. This situation has been going on for over 1 year. All requests to have him clean up the lot have been ignored. In short, our new "neighbor" is not neighborly and we don't trust him to do what's right, or even what is required.

Thank you for your consideration of this important matter.

Sincerely,

Barbara Haveland

Barbara Haveland
1209 Duncan Street
Key West, Florida 33040



DATE: Friday June 7, 2013
TO: Key West Planning Department
RE: 1200 White Street/Victor Mills Application

Dear Planning Department:

Enclosed you will find my letter of objection to the proposed parking variance and conditional use applications. Unfortunately, I will be visiting my family in Maine at the time of the June 20th hearing. I ask that my letter of objection be furnished to the Planning Board members and made a part of the record. I also designate Linda Wheeler, Esq., as my agent and attorney, to speak on my behalf at the upcoming hearing.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads 'Barbara Haveland'.

Barbara Haveland

enc.



TO: Key West Planning Board
RE: 1200-1212 White Street/Victor Mills
SUBJECT: Objection of Neighbor to Conditional Use and Parking Variance Applications

Dear Planning Board Members,

I reside or own commercial property in the neighborhood affected by the pending conditional use and parking variance applications.

The renovation of the building is a great improvement, but applicant's parking lot remains a constant junkyard and eyesore.

The proposed conditional uses are too aggressive and high-impact for our neighborhood. I do not object to the owner using the property for his Honda sales and showroom, and for an insurance agency, and for professional offices. But I object strongly to operation of a moped rental business, an engine repair shop, and to the expansion of a no-seat coffee shop into a 15-seat restaurant.

The moped rental business and engine repair shop are completely incompatible with our neighborhood and will create unwanted noise, traffic, pollution and safety issues. The restaurant would also generate excessive traffic and parking problems. We once had a quiet bakery which closed in the early afternoons. We later had a walk-up coffee shop which was the nightly gathering spot for fights, drinking and loud music. We don't want a bigger or more intrusive food service business on that corner (especially at night).

I also strongly object to granting a parking variance for any of these conditional uses. The applicant requires 25 off-street parking spaces for his intended businesses and he has only 3. There are not 25 parking spaces on both sides of White Street in that block. Waiving his off-street parking requirements would displace every homeowner, resident and current business owner. Our neighborhood streets would become just a giant parking lot and display area for the moped and motorcycle rental business.

I ask that my letter of objection be made a part of the record and that Linda Wheeler, Esq., act as my agent and attorney to speak on my behalf at the upcoming June 20th hearing or any others I am unable to attend.

Thank you for considering the neighbors' concerns in these important matters.

Sincerely,

Cleese

Address: 1209 DUNCAN STREET.

Date: 6/15/2013.

TO: Key West Planning Board
RE: 1200-1212 White Street/Victor Mills
SUBJECT: Objection of Neighbor to Conditional Use and Parking Variance Applications



Dear Planning Board Members,

I reside or own commercial property in the neighborhood affected by the pending conditional use and parking variance applications.

The renovation of the building is a great improvement, but applicant's parking lot remains a constant junkyard and eyesore.

The proposed conditional uses are too aggressive and high-impact for our neighborhood. I do not object to the owner using the property for his Honda sales and showroom, and for an insurance agency, and for professional offices. But I object strongly to operation of a moped rental business, an engine repair shop, and to the expansion of a no-seat coffee shop into a 15-seat restaurant.

The moped rental business and engine repair shop are completely incompatible with our neighborhood and will create unwanted noise, traffic, pollution and safety issues. The restaurant would also generate excessive traffic and parking problems. We once had a quiet bakery which closed in the early afternoons. We later had a walk-up coffee shop which was the nightly gathering spot for fights, drinking and loud music. We don't want a bigger or more intrusive food service business on that corner (especially at night).

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I ask that my letter of objection be made a part of the record and that Linda Wheeler, Esq., act as my agent and attorney to speak on my behalf at the upcoming June 20th hearing or any others I am unable to attend.

Thank you for considering the neighbors' concerns in these important matters.

Sincerely,

Julia Sullivan Anne K Sullivan

Address: *1204-1206 Duncan Street*

Date: *June*

TO: Key West Planning Board
RE: 1200-1212 White Street/Victor Mills
SUBJECT: Objection of Neighbor to Conditional Use and Parking Variance Applications



Dear Planning Board Members,

I reside or own commercial property in the neighborhood affected by the pending conditional use and parking variance applications.

The renovation of the building is a great improvement, but applicant's parking lot remains a constant junkyard and eyesore.

The proposed conditional uses are too aggressive and high-impact for our neighborhood. I do not object to the owner using the property for his Honda sales and showroom, and for an insurance agency, and for professional offices. But I object strongly to operation of a moped rental business, an engine repair shop, and to the expansion of a no-seat coffee shop into a 15-seat restaurant.

The moped rental business and engine repair shop are completely incompatible with our neighborhood and will create unwanted noise, traffic, pollution and safety issues. The restaurant would also generate excessive traffic and parking problems. We once had a quiet bakery which closed in the early afternoons. We later had a walk-up coffee shop which was the nightly gathering spot for fights, drinking and loud music. We don't want a bigger or more intrusive food service business on that corner (especially at night).

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I ask that my letter of objection be made a part of the record and that Linda Wheeler, Esq., act as my agent and attorney to speak on my behalf at the upcoming June 20th hearing or any others I am unable to attend.

Thank you for considering the neighbors' concerns in these important matters.

Sincerely,

Cynthia U. Dean

Address:

Date:

1327 Duncan St
6-13-13

TO: Key West Planning Board
RE: 1200-1212 White Street/Victor Mills
SUBJECT: Objection of Neighbor to Conditional Use and Parking Variance Applications



Dear Planning Board Members,

I reside or own commercial property in the neighborhood affected by the pending conditional use and parking variance applications.

The renovation of the building is a great improvement, but applicant's parking lot remains a constant junkyard and eyesore.

The proposed conditional uses are too aggressive and high-impact for our neighborhood. I do not object to the owner using the property for his Honda sales and showroom, and for an insurance agency, and for professional offices. But I object strongly to operation of a moped rental business, an engine repair shop, and to the expansion of a no-seat coffee shop into a 15-seat restaurant.

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I ask that my letter of objection be made a part of the record and that Linda Wheeler, Esq., act as my agent and attorney to speak on my behalf at the upcoming June 20th hearing or any others I am unable to attend.

Thank you for considering the neighbors' concerns in these important matters.

Sincerely,

Address:

Date:

TO: Key West Planning Board
RE: 1200-1212 White Street/Victor Mills
SUBJECT: Objection of Neighbor to Conditional Use and Parking Variance Applications



Dear Planning Board Members,

I reside or own commercial property in the neighborhood affected by the pending conditional use and parking variance applications.

The renovation of the building is a great improvement, but applicant's parking lot remains a constant junkyard and eyesore.

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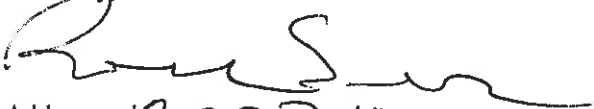
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I ask that my letter of objection be made a part of the record and that Linda Wheeler, Esq., act as my agent and attorney to speak on my behalf at the upcoming June 20th hearing or any others I am unable to attend.

Thank you for considering the neighbors' concerns in these important matters.

Sincerely,


Address: 1327 DUNCAN
Date: 6-15-13

TO: Key West Planning Board
RE: 1200-1212 White Street/Victor Mills
SUBJECT: Objection of Neighbor to Conditional Use and Parking Variance Applications



Dear Planning Board Members,

I reside or own commercial property in the neighborhood affected by the pending conditional use and parking variance applications.

The renovation of the building is a great improvement, but applicant's parking lot remains a constant junkyard and eyesore.

The proposed conditional uses are too aggressive and high-impact for our neighborhood. I do not object to the owner using the property for his Honda sales and showroom, and for an insurance agency, and for professional offices. But I object strongly to operation of a moped rental business, an engine repair shop, and to the expansion of a no-seat coffee shop into a 15-seat restaurant.

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I ask that my letter of objection be made a part of the record and that Linda Wheeler, Esq., act as my agent and attorney to speak on my behalf at the upcoming June 20th hearing or any others I am unable to attend.

Thank you for considering the neighbors' concerns in these important matters.

Sincerely,

Address: 1327 1/2 DUNCAN ST.

Date:

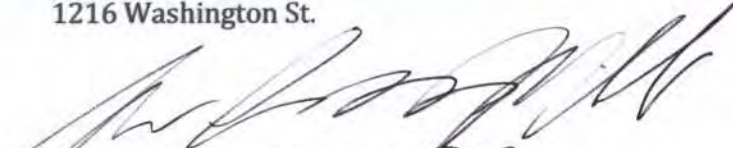
6-17-13

Key West Honda plans to open a new show room and shop in the building on the corner of White and Catharine Streets. It is good to see the renovation that the building has undergone. It adds to the revitalization this old commercial area has been experiencing in recent years.

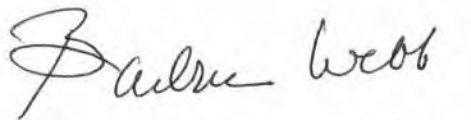
The portion of White Street between Truman and Flagler is a natural high traffic, cross island corridor. Although this gives us cause to sympathize with other residents in this neighborhood, it is hard to imagine that the businesses proposed by Honda will make any significant change in that traffic pattern. It is what it is, and has been for a very long time.

It is hard to argue that the building in question should be anything other than a business location of some sort... and the current proposal would seem to be better than others one might imagine. It is a step up from what has been, in both utilization and much needed tax revenue for the city. For this reason we will make no objection to the plan as it stands.

1216 Washington St.



CREIGHTON WEBB



BARBARA WEBB

From: [key west](#)
To: [Carlene Smith](#)
Subject: RE: White Street scooter rental business
Date: Monday, April 01, 2013 11:03:11 PM

Thank you so much for your reply to my comments about the application for the scooter rental business on White Street.....yes, please do send it to the Planning Board when appropriate to do so. Thanks again.

Virginia Altobello, 721 Georgia St.

--- On **Mon, 4/1/13, Carlene Smith <cesmith@keywestcity.com>** wrote:

From: Carlene Smith <cesmith@keywestcity.com>
Subject: RE: White Street scooter rental business
To: "key west" <kwseashell@att.net>
Cc: "Jimmy Weekley" <jweekley@keywestcity.com>, "Don Craig" <dcraig@keywestcity.com>, "Virginia Haller" <vhaller@keywestcity.com>
Date: Monday, April 1, 2013, 1:09 PM

Good morning. Thank you for your email. The project for 1200 White has not been set for Planning Board hearing. Therefore, the members have not received or reviewed such application. If you would like, I can forward your email at such time the item is set for hearing. If you would prefer that it be sent immediately please let me know.

Thank you.

Carlene Smith

Development Review Administrator

City of Key West Planning Department

3140 Flagler Avenue | Key West, FL 33040

Ph 305.809.3722 | Fax 305.809.3978

cesmith@keywestcity.com | www.keywestcity.com

Under Florida law, e-mail addresses are public record. If you do not want your email address released in response to a public-records request, do not send electronic mail to this entity. Instead, you may contact this office by phone or in writing.

From: [key west](#)
To: cesmith@keywestcity.com
Cc: jweekley@keywestcity.com
Subject: White Street scooter rental business
Date: Sunday, March 31, 2013 9:24:42 AM

Dear Ms. Smith,

The emails of the Planning Board members are hidden in the city directory so that they are not findable, if they have any.....so please pass this on to them.

Has any member of the Planning Staff ever seen the former scooter rental business on Southard Street, the one that took up half the block with rental scooters in parking spaces? In other words, we residents had to give up parking that we are paying for with our taxes in order for Mr. Mills to advertise his business for free.

How can you even THINK of allowing him to put this business on White Street WITH THREE PARKING SPACES FOR THE ENTIRE PROJECT!!!

Who is he related to or paying off in order to get this project approved, because it is certainly NOT going to benefit anyone else in the area. The lot next to it already looks like a junkyard. We who live in the area would much prefer it staying a historic, art, local district instead of a dumping ground for tourists' scooters that will take up the parking available on that part of the block.

**OBJECTION TO PARKING VARIANCE
City of Key West Planning Department**

DATE: March 18, 2013

TO: City of Key West Planning Board
c/o City of Key West Planning Department
Attn: Ginny Haller and Donald Craig,

RE: OBJECTION to Parking Variance Application

Site Address: 1200-1212 White Street and 1124 Catherine Street #101, #201, #202

Site Owner: Victor and Cynthia Mills

Contact Person: Wayne LaRue Smith, Esq., 333 Fleming Street, Key West, FL 33040; Telephone: 305/296-0029; email: tslf@thesmithlawfirm.com

Objecting Parties:

Surrounding Neighbors, including but not limited to: Linda Wheeler, Robert Kruse, Sean Cowles, Adele Cowles, Tim Sullivan, Anne Sullivan, Robert Koske, Barbara Haveland, Brian Schmitt d/b/a Coldwell Banker Schmitt Real Estate, Lynn Kaufelt, David Kaufelt, Dr. Ana Marie Camarotti, et. al.

Contact Person: Linda Wheeler, Esq., 1213 White Street, Key West, FL 33040; Telephone: 305/294-0683; Mobile: 305/509-2145; email: lwheeleraal@earthlink.net

RE: 1200-1212 White Street and 1124 Catherine Street 101, 201 & 202
Objection to Parking Variance Application

OBJECTION TO PARKING VARIANCE APPLICATION

Simultaneous with this parking variance application, the applicant has filed an amended development plan and conditional use application seeking approval to expand the uses of the subject property to include operation of a recreational-vehicle rental business and a 14-seat restaurant. Applicant calculates the parking requirements for these additional uses at 25 off-street spaces, of which the subject property can accommodate 3 off-street spaces.

The applicant may have underestimated the parking requirements of the various proposed uses at the subject property by as many as 12 spaces (the parking requirements of Honda Key West sales and service, an added insurance agency, an added professional office, and the two residential apartments on the second floor were not included in applicant's parking requirement calculations¹). Regardless of whether the waiver application is properly for waiver of 22 or 34 required spaces, applicant's variance application should be denied because the applicant has failed to meet the standards required for considering such a variance.

STANDARDS FOR CONSIDERING VARIANCES

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

There are no special conditions or circumstances peculiar to the land, structure or building which are not applicable to other land, structures or buildings in the same zoning district.

The subject project consists of a single building (approximately 5400 sf) located on the corner of White and Catherine Streets and an adjoining parking lot (approximately 2700 sf) located mid-block.

The building previously housed three (3) commercial businesses: La Dichosa Bakery occupied one end, a retail tile shop at the other end, and a small walk-up coffee shop ("no seats" occupational license) in the middle of the building. The bakery and the tile shop have been vacant for so many years prior to the Applicant's acquisition of the property that there are no

¹The Planning Department has been asked to confirm the actual square footage of the spaces and the accuracy of the parking requirement calculations pursuant to Section 108-572. (An addendum to these calculations shall be filed upon receipt of that data from the Planning Department.)

“grandfathered” use or parking exemptions. The coffee shop (referred to in the application as “lunchette”) has been temporarily closed during applicant’s renovations. There are also two (2) existing, non-transient residential apartments on the second floor, which have been vacant for such time that “grandfathered” parking exemptions for those units is questionable.

In addition to the 2 residential units, the applicant is currently building-out the interiors on the ground floor to operate (or offer for lease) five (5) commercial spaces:

- (1) Honda Key West (sales and repair services for motorcycles, mopeds, generators, jetskis, outboard marine engines, bicycles, etc.)
- (2) insurance agency
- (3) professional office space
- (4) existing no-seat coffee shop expanded into 14-seat restaurant
- (5) rentals of recreational vehicles (mopeds, motorcycle, electric car and bicycles)

The residential and commercial neighbors adjacent (and most adversely impacted) by the proposed additional uses are unanimously opposed to any expansion which adds a moped rental business. Additionally, the surrounding neighbors object to operation of a 14-seat restaurant or a moped rental business without adequate off-street parking provided by the applicant. The applicant has no off-street parking available for these additional uses and each of these additional proposed uses would greatly increase density and traffic congestion and would adversely affect the available off-street parking already faced by existing businesses and residents.

2. Conditions not created by applicant:

The conditions sought to be waived by applicant were created by applicant: Applicant’s parking needs and requirements are a direct result of applicant’s efforts to expand the number of businesses and to increase the intensity of the activities at the subject property. Applicant has made concurrent application for conditional use approval to expand a “no-seat” coffee shop into a 14-seat restaurant, and to create a recreational vehicle rental business not otherwise permitted in this HNC-1 zoning district.

3. Special privileges not conferred.

The granting of the variance would confer upon the applicant special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district:

To allow applicant a parking waiver of 22 (or 34) spaces would prejudice all existing businesses and residents already relying upon the available on-street parking for their personal, employee and customer parking needs and it would confer upon applicant privileges not conferred on other business owners, or prospective business owners, in this zoning district.

4. Hardship conditions exist.

No hardship conditions exist that would deprive applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance.

No hardship conditions exist for this applicant. The square footage of the building and the parking capacity of applicant's vacant lot have not changed since applicant purchased the property in June 2012. The HNC-1 zoning designation and the city ordinances concerning parking requirements for various activities conducted upon the site have not changed since applicant purchased the property in June 2012. The building and lot are smaller in size than applicant's previous location at the corner of Whitehead and Southard Streets. In addition to moving his existing Honda Key West sales and repair service business to the White Street location, applicant now proposes to add an insurance agency, add a professional office space, expand a "no-seat" coffee shop into a 14-seat restaurant, and create an additional recreational-vehicle rental business (50 bicycles and 23 power-driven vehicles. These additional activities were not permitted or conducted by the applicant at his previous, larger location. Applicant should not be permitted to impose these additional activities and the resulting parking burdens into this already highly trafficked and densely populated mixed-use neighborhood.

5. Only minium variance(s) granted to make possible the reasonable use of the land, building or structure.

The variance sought is not the minimum variance to make possible the reasonable use of the land, building or structure.

Some of the uses permitted under the existing HNC-1 zoning designation are single-family and two-family residential dwellings, business and professional offices, commercial retail low and medium intensity (less than 2500 sf), medical and veterinary services. The subject property already houses 2 residential rental units, the Honda Key West retail sales showroom and service department and a no-seat coffee shop. Those uses and the additional professional office and insurance agency require approximately 12 off-street parking spaces, calculated as follows:

- 8.8 spaces for Honda Key West business (2644 sf = 8.8 spaces @ 1 space per 300 sf)
- 1 space for proposed insurance agency (225 sf = 1 space @1 per 300 sf)
- 1 space for proposed professional office (approx 200 sf = 1 space per 300sf)
- 2 spaces for residential units (2 units = 2 spaces @ 1 space per unit)
- 12.8 additional off-street parking spaces required of applicant

Said existing uses should be considered generous reasonable uses of the existing structure and available land. It is only because the Applicant is attempting to squeeze two additional and high intensity uses (moped rentals and a 14-seat restaurant) into the same building that the parking demands (and code requirements) double -or nearly triple.

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6. Not injurious to the public welfare.

The granting of the variance is not in harmony with the general intent and purpose of the land development regulations and would be injurious to the area involved and would be detrimental to the public interest and welfare.

The waiver of 22 (or 34) required parking spaces and the approval of a conditional use to permit the rental of mopeds and other power-driven recreational vehicles is not compatible with the intent and purpose of the land development regulations and it is harmful to the existing pedestrian traffic and business parking needs of the surrounding neighborhood.

The blocks of White Street to the immediate north and south of the subject property contain a varied and compatible mix of commercial businesses. There are two real estate agencies, a florist, two law offices, a laundromat (with sidewalk coffee bar), a TV & stereo sales shop, chiropractic and wellness center, a doctor's (pediatrician) office, administrative offices for the Tourist Development Council (TDC), a car wash, a clothing shop, yoga studio, hairstylist, exercise gym, two ice cream shops, two churches, and two small restaurants. There are also several multi-family residences and single family homes in immediate proximity to the subject project. The adjacent side streets (Duncan and Catherine) are entirely residential and primarily single family homes. In the next blocks further north and south of the subject property there are 2 additional churches, 2 additional schools, the National Weather Station, Fausto's neighborhood grocery store, another laundromat (with sidewalk coffee and sandwich bar), a pet supply shop, a plumbing supply shop, a tile store, a cupcake shop, and another small restaurant.

The waiver of parking requirements and the approval of a conditional use to allow for the rental of mopeds (and other "power-driven recreational vehicles") will adversely increase the traffic and density of this existing mixed-use neighborhood. Applicant states that a study has been commissioned to estimate the increased traffic impact generated by the many proposed uses at the subject property. Such study has not yet been provided to the concerned neighbors or filed with the planning department. Even without applicant's expert report, it is local knowledge that the blocks of White Street between Virginia and United are already some of the most congested in mid-town. There are not enough public parking spaces now available to accommodate the needs of the existing businesses and residents in these blocks.

Furthermore, the repair and servicing of motor vehicles and boat engines, as intended by the applicant, necessarily creates certain supply and waste disposal issues which create additional hardship and dangers to the surrounding neighbors. The site plan provided by applicant does not show the placement of the front-end loaded dumpsters currently on-site; it does not address the storage and removal of used motor oil and fuel; it does not show the location or screening of the used batteries and used tires stored prior to monthly removal; it does not explain where and in what manner the repair work shall be performed (inside the showroom or in the parking

area). In addition to a woeful lack of adequate parking for the new intended uses, the applicant has not provided the planning board with complete details for even the minimum standards regarding open spaces; buffers or landscaping screens for outdoor parking and loading space; density and intensity of use; litter control issues; lighting; signage, recycling, exterior storage; handicap access for the 14-seat restaurant or new professional office space; the screening of front-end loaded refuse containers. (See Section 108-346; Section 108-347-351; Section 108-280 e.)

Applicant's architect/engineer has determined that the lot will accommodate only three (3) off-street parking places (one of which to be designated handicap accessible). However, the applicant has stated his intention to use 450 sf of the remaining lot for exterior storage and display of his rental inventory. The lot must also accommodate the following additional uses:

- (1) HANDICAP RAMP for access to the Honda Shop and insurance agency (the property is 14" above grade);
- (2) STORM WATER DRAINAGE COLLECTION (100% of the parcel is impervious surface);
- (3) SOLID WASTE CONTAINERS for all of the proposed businesses and residences at the site. (There was previously 1 front-end loaded dumpster on the lot which served the bakery and the coffee shop, however since applicant's ownership there have been 2 large front-end loaded dumpsters sitting unscreened in the parking lot);
- (4) PROPANE-GAS STORAGE TANK (also non-conforming to rear set-back) for the use of the "lunchette" and proposed 14-seat restaurant;
- (5) STORAGE TANK FOR DISCARDED MOTOR OIL;
- (6) STORAGE AREA AND/OR PROTECTED ENCLOSURE FOR DISCARDED TIRES AND USED BATTERIES PRIOR TO MONTHLY TRANSFER BY HAZARDOUS WASTE CARRIER(S)

Considering these other intended uses of the existing parking lot by the applicant, it is highly unlikely that the existing 3 parking off-street spaces will ever be consistently available for use by applicant or his employees/tenants/customers. (In fact, applicant has failed to clear the lot or use it for his own customer or employee parking needs since applicant took possession of the property in July of 2012.)

Lastly, the 1200 block of White Street does not contain 25 on-street parking spaces. To accommodate applicant's proposed uses if a parking variance were granted, each and every public parking space in the 1200 block of White Street (both sides of the street between Catherine and United Streets) and on adjoining Catherine Street and in the next blocks of White Street - would be occupied by employees, tenants and customers of the applicant - to the exclusion of all other residents and business owners in the vicinity.

7. Existing nonconforming uses of other property shall not be considered as the basis for approval.

This White Street neighborhood is deservedly experiencing renewed and positive improvements which are a welcome sight to the surrounding neighbors. Many recent businesses have made

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positive and lasting contributions to the look and substance of our neighborhood in compliance with the existing zoning requirements for this HNC-1 zoning district. Specifically;

Coldwell Banker Schmitt Real Estate (directly across the street from the subject property) transformed an abandoned tire garage into attractive office spaces for its agents, the Tourist Development Council (TDC) offices, and a pediatrician's office. The project includes OFF STREET PARKING, drive-through ingress and egress, extensive landscaping, attractive lighting and signage, handicap access, and the screening of waste storage bins at the rear of the property.

A stylish 2-story mixed-use building (on the corner of White and United Streets) has replaced the abandoned Biamonte's Restaurant. The project has 3 professional offices and a florist shop on the ground floor and residential apartments on the 2nd floor. It includes OFF STREET PARKING, drive-through ingress and egress, mature landscaping, brick paving, attractive lighting and signage, handicap access, and the screening of waste storage bins at the rear of the property.

White Street Healing Arts center (diagonally opposite the subject property) has been tastefully renovated and improved by its owners. The four-office medical office is a conversion (by previous owners) from an historic residence. Sensitive repairs and upkeep by its owners, and the incorporation of mature palms and plantings have helped "green" the White Street landscape. This project also includes OFF STREET PARKING, handicap access, attractive lighting and signage, and the screening of waste storage bins at the rear of the property.

The National Weather Station (on the corner of White and United Streets) replaces a former military housing facility. This federal building was not required to adhere to HARC guidelines, however the building was sited back from White street and was designed to offer a similar scale and frontage presence as the Glynn Archer Elementary School across the street. It includes OFF STREET PARKING, attractive lighting, mature landscaping, canopy shade trees, and screened waste storage at the rear of the property.

Glynn Archer Elementary School and the comings and goings of its students, teachers and staff have long been a visible daily reminder of the mixed-use "community" we enjoy on White Street. Glynn Archer school is now slated to become our new Key West City Hall. Our neighborhood looks forward to the rejuvenation of this building complex into an updated, public-use facility we will all be proud of. The granting of exceptions, conditional-uses, and parking variances which will not complement this new public-use building should be carefully considered.

Residential Contributions: Many multi-family and single-family residences on White Street, and on the adjacent residential side streets of Catherine and Duncan, also contribute to the "mixed-use" composition of the neighborhood as contemplated by its HNC-1 designation. There is a charming single-family conch home located directly next door to the parking lot of the subject property. (The applicant recently removed -without a building permit or HARC approval- the concrete wall dividing their properties.) The family living next door to the subject property is just completing the remodeling of their handsome conch house which is landscape-friendly for pedestrians and the driving public. Next to this single family home are two attractive conch-style multi-family residences with well-tended facades and attractive landscaping. The owners of the single family home directly across the street from the subject property have restored their 120+ year old conch house, maintaining all exterior features of the historic structure. They have planted mature palms and hedges along White and Duncan Streets in an effort to soften the street scape and to contribute to the residential/commercial mix of the neighborhood.

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There are still many existing non-conforming uses within the HNC-1 district. However, all recent additions to the business community in this urban, mixed-use neighborhood have provided off-street parking for their employees and customers, landscaping and mature plantings, and the screening of solid waste containers in order to comply with the city's zoning requirements. This applicant should be held to the same standards required by all parties doing business - or seeking to introduce additional new businesses- into this zoning district.

CONCLUSION

The neighborhood welcomes applicant Victor Mills, and applauds his efforts to rehabilitate the dilapidated structure into attractive commercial and residential space. However, the incompatibility of the proposed moped rental business to this mixed use neighborhood, and the density and traffic which would be created by a 14-seat restaurant are simply too ambitious and intense for the size and available parking on his property. For the reasons set forth herein, the surrounding neighbors request that applicant's application for a parking variance be denied as it relates to a moped (recreational-vehicle) rental business and to any expansion of the existing "no-seat" coffee-shop into a 14-seat restaurant. The increase of density, intensity of use, and parking shortages created by those proposed uses would permanently and adversely change the character of the mixed-use neighborhood and would impose unnecessary and harmful burdens on the surrounding neighbors and driving public.

Thank you for your consideration of this matter.

Respectfully Submitted,



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