

**SPOTTSWOOD, SPOTTSWOOD, SPOTTSWOOD & STERLING, PLLC**

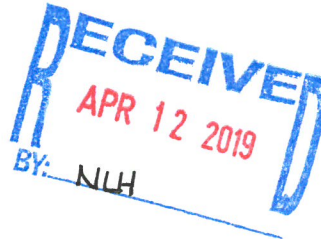
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April 12, 2019

VIA HAND DELIVERY  
AND ELECTRONIC MAIL:

Patrick Wright, Planning Director  
City of Key West Planning Department  
1300 White Street  
Key West, Florida 33040

Re: Application for Conditional Use – 1327 Duval Street, Key West, FL 33040

Mr. Wright:

Please allow this letter and supporting documentation to serve as the Santiago Family Partnership LTD., a Florida limited partnership's ("Applicant") application for Conditional Use at 1327 Duval Street, Key West, Florida 33040 (the "Property"). The Applicant proposes to construct an accessory structure which will house ADA compliant bathrooms and a bar that will be accessory to a hotel, motel or other transient facility pursuant to section 122-898 of the Land Development Regulations.

**Conditional Use and Development Plan:**

**Existing Conditions:**

- A. **Survey:** Please find a copy of the survey for the subject Property included in this application.
- B. **Existing size, type and location of trees, hedges and other features:** Please see the enclosed site plans.
- C. **Existing stormwater retention areas and drainage flows:** Please see the enclosed site plans.
- D. **A sketch showing adjacent land uses, buildings and driveways:** Please see the enclosed documents.

**Proposed Development:**

- A. **Site Plan:** Please find a copy of the site plans for the subject Property included in this application.

- B. **Building Elevations:** Please find a copy of the site plans for the subject Property including the applicable elevations and floor plans.
- C. **Drainage Plan:** The proposed use and construction will not increase the impervious surface ratio.
- D. **Landscape Plan:** Not applicable.

**Solutions Statement:** The Applicant seeks to create a bar accessory to a hotel, motel or other transient rental facility as provided in section 122-898 of the Land Development Regulations. The granting of the conditional use will be in accordance with Florida Statutes section 561.20(2)(a). The bar will be located in the new accessory structure that was approved by HARC on January 29, 2019, COA# 2019-0001. This new structure will provide ADA compliant bathrooms in addition to the portion that will house the bar. The proposed use similar and complimentary to other uses in the immediate area.

### **Conditional Use Criteria Section 122-62:**

#### **A. Findings:**

The Planning Board may find that the application meets the Code purpose of ensuring that “a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity.”

#### **B. Characteristics of use described**

##### **1. Scale and intensity of the proposed conditional use as measured by the following:**

- a. **Floor area ratio:** The site plans reflect a new interior square footage of approximately 289 square feet. The allowable building coverage on this property is 50%. The existing building coverage is 25.95% and the proposed building coverage is 28.24%.
- b. **Traffic generation:** As an accessory use to the principal use, it is unlikely that the proposed use will generate an additional vehicle traffic. The majority of patrons will be hotel guests and tourists and/or locals who are passing by on foot.
- c. **Square feet of enclosed building for each specific use:** The square footage of the new accessory structure is approximately 289 square feet.
- d. **Proposed employment:** Not applicable.
- e. **Proposed number and type of service vehicles:** Applicant is not proposing any service vehicles.
- f. **Off-street parking needs:** The property has fifteen (15) off-street parking spaces, one of which is a handicap space.

##### **2. On or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection (b)(1) of this section including the following:**

- a. **Utilities:** The property has adequate utilities to support the proposed use.
- b. **Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in chapter 94:** Not applicable.

- c. **Roadway or signalization improvements, or other similar improvements:** Not applicable.
  - d. **Accessory structures or facilities:** The proposed use will include an accessory structure that has been approved by HARC.
  - e. **Other unique facilities/structures proposed as part of site improvement:** ADA bathrooms will be installed as part of this construction.
3. **On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:**
- a. **Open space:** Applicant is providing ample open space for the proposed use.
  - b. **Setbacks from adjacent properties:** The structure will meet all setback requirements.
  - c. **Screening and buffers:** Not applicable.
  - d. **Landscaped berms proposed to mitigate against adverse impacts to adjacent sites:** No changes to the current landscaping configuration are proposed.
  - e. **Mitigative techniques for abating smoke, odor, noise, and other noxious impacts:** Smoke, odor, noise and other noxious impacts will not be triggered by this application. The Applicant will comply with garbage service to comport with the anticipated level of patronage at the site.

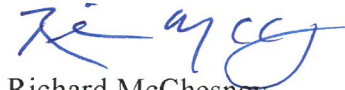
### C. Criteria for conditional use review and approval

1. **Land use compatibility:** The conditional use accessory bar is compatible with the surrounding area in that the neighborhood contains multiple hotels, motels, and other transient living facilities with similar accessory uses. The neighborhood is also made up of commercial and residential uses and is heavily tourist-oriented. The surrounding area contains public parking; however, the Applicant is able to provide fifteen off-street parking spaces.
2. **Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use:** The size and shape of the site are more than adequate to accommodate the proposed scale and intensity of the conditional use requested. As an accessory use, the Applicant feels that all infrastructure currently exists to support the proposed use.
3. **Proper use of mitigative techniques:** Applicant is providing the requisite off-street parking for the proposed use. Applicant will comply with all garbage and waste requirements to support the proposed use.
4. **Hazardous Waste:** No materials that contain hazardous waste will be used in connection with the proposed use.
5. **Compliance with applicable laws and ordinances:** The Applicant will comply with all applicable laws and regulations as a condition of approval.
6. **Additional criteria applicable to specific land uses**

- a. **Land uses within a conservation area:** Not applicable. This site is not located within a conservation area.
- b. **Residential development:** Not applicable. This application does not contemplate residential development.
- c. **Commercial or mixed use development:** The proposed accessory structure has been approved by HARC confirming its' compliance with section 102 of the Land Development Regulations.
- d. **Development within or adjacent to historic district:** This conditional use application is within the historic district. The Property owner has received HARC approval for the accessory structure
- e. **Public facilities or institutional development:** Not applicable. Public facilities or institutional development is not being proposed as part of this application.
- f. **Commercial structures, uses and related activities within tidal waters:** Not applicable. The subject property is not located within tidal waters.
- g. **Adult entertainment establishments:** Not applicable.

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

Sincerely,



Richard McChesney

Cc via email:

Natalie Hill [nhill@cityofkeywest-fl.gov](mailto:nhill@cityofkeywest-fl.gov)



**DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION**

**City of Key West Planning Department  
1300 White Street, Key West, FL 33040  
(305) 809-3720**



**RECEIVED**  
**APR 12 2019**  
BY: MCM

**Development Plan & Conditional Use Application**

**Applications will not be accepted unless complete**

Development Plan

Major   
Minor

Conditional Use

Historic District

Yes   
No

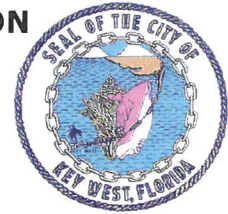
Please print or type:

- 1) Site Address 1327 Duval Street, Key West, FL 33040
- 2) Name of Applicant Richard McChesney - Spottswood, Spottswood, Spottswood & Sterling
- 3) Applicant is: Owner  Authorized Representative   
(attached Authorization and Verification Forms must be completed)
- 4) Address of Applicant 500 Fleming Street, Key West, FL 33040
- 5) Applicant's Phone # (305) 294-9556 Email richard@spottswoodlaw.com
- 6) **Email Address:** richard@spottswoodlaw.com
- 7) Name of Owner, if different than above Santiago Family Partnership LTD
- 8) Address of Owner 1301 United Street, Key West, FL 33040
- 9) Owner Phone # (305) 304-6063 Email sandynkw@aol.com
- 10) Zoning District of Parcel HCT RE# 00036190-000100
- 11) Is Subject Property located within the Historic District? Yes  No   
If Yes: Date of approval January 29, 2019 HARC approval # 2019-0001  
OR: Date of meeting \_\_\_\_\_
- 12) Description of Proposed Development and Use. Please be specific, list existing and proposed buildings and uses, number of dwelling units, parking, restaurant seats, vehicles proposed, etc. If there is more than one use, describe in detail the nature of each use (Give concise description here and use a separate sheet if necessary).

Please see attached letter and application.

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

**DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION**  
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13) Has subject Property received any variance(s)? Yes  No

If Yes: Date of approval \_\_\_\_\_ Resolution # \_\_\_\_\_

Attach resolution(s).

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

Yes  No

If Yes, describe and attach relevant documents.

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

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



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**Required Plans and Related Materials for both a Conditional Use and  
Minor/Major Development Plan**

**I. Existing Conditions.**

- A) Recent Survey of the site by a licensed Surveyor showing all dimensions including distances from property lines, and including:
  - 1) Size of site;
  - 2) Buildings, structures, and parking;
  - 3) FEMA Flood Zone;
  - 4) Topography;
  - 5) Easements; and
  - 6) Location of Utility Lines (sewer, water, electric, cable) adjacent and extending into the site.
- B) Existing size, type and location of trees, hedges, and other features.
- C) Existing stormwater retention areas and drainage flows.
- D) A sketch showing adjacent land uses, buildings, and driveways.

**II. Proposed Development: Plans at 11" X 17" (10,000 Sq. ft. or less); 24" X 36" if site is over 10,000 sq. ft.**

- A) Site Plan to scale of with north arrow and dimensions by a licensed architect or engineer.
  - 1) Buildings
  - 2) Setbacks
  - 3) Parking:
    - a. Number, location and size of automobile and bicycle spaces
    - b. Handicapped spaces
    - c. Curbs or wheel stops around landscaping
    - d. Type of pavement
  - 4) Driveway dimensions and material
  - 5) Location of Utility Lines (sewer, water, electric, cable) adjacent and extending into the site.
  - 6) Location of garbage and recycling
  - 7) Signs
  - 8) Lighting
  - 8) Project Statistics:
    - a. Zoning
    - b. Size of site
    - c. Number of units (or units and Licenses)
    - d. If non-residential, floor area & proposed floor area ratio
    - e. Consumption area of restaurants & bars
    - f. Open space area and open space ratio
    - g. Impermeable surface area and impermeable surface ratio
    - h. Number of automobile and bicycle spaces required and proposed
- B) Building Elevations
  - 1) Drawings of all building from every direction. If the project is in the Historic District please submit HARC approved site plans.
  - 2) Height of building.
  - 3) Finished floor elevations and bottom of first horizontal structure
  - 4) Height of existing and proposed grades
- C) Drainage Plan: Existing & Proposed retention areas and calculations approved by the City Engineer. See one of the attached commercial and residential use Stormwater Retention Forms.
- D) Landscape Plan: Size, type, location and number of plants to be removed, kept, and installed. The plan must be approved by the City Landscape Coordinator through a letter of approval. If the project is a Major Development Plan a landscape design prepared by a licensed Landscape Architect is required per Section 108-511(b) of the Land Development Regulations.

**DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION**  
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- III. **Solutions Statement.** Aspects of the design that address community issues including but not limited to water pollution from stormwater runoff, potable water conservation, waste disposal, recycling, energy conservation, affordable housing, and impacts on neighbors such as lighting, noise, traffic and parking.

**Development Plan Submission Materials**

**Sec. 108-226. Scope.**

A development plan, for the purposes of this division, shall include but not necessarily be limited to the requirements in this division. With the exception of sections 108-227 through 108-229, the city planner may waive or modify requirements, information and specific performance criteria for development plan review after rendering a finding in writing that such requirements:

- (1) Are not necessary prior to development plan approval in order to protect the public interest or adjacent properties;
- (2) Bear no relationship to the proposed project or its impacts; and
- (3) Are found to be impractical based on the characteristics of the use, including the proposed scale, density/intensity, and anticipated impacts on the environment, public facilities and adjacent land uses.

**Sec. 108-227. Title block.**

The development plan shall contain the following pertaining to the title block:

- (1) Name of development.
- (2) Name of owner/developer.
- (3) Scale.
- (4) North arrow.
- (5) Preparation and revision date.
- (6) Location/street address of development.

**Sec. 108-228. Identification of key persons.**

The development plan shall contain the following pertaining to identification of key persons:

- (1) Owner.
- (2) Owner's authorized agent.
- (3) Engineer and architect.
- (4) Surveyor.
- (5) Landscape architect and/or environmental consultant.
- (6) Others involved in the application.
- (7) A verified statement showing each and every individual person having a legal and/or equitable ownership interest in the subject property, except publicly held corporations whose stock is traded on a nationally recognized stock exchange, in which case the names and addresses of the corporation and principal executive officers together with any majority stockholders will be sufficient.

**Sec. 108-229. Project description.**

Project description should be included on the site plan sheet. The development plan shall contain the following pertaining to the project description:

- (1) Zoning (include any special districts).
- (2) Project site size (acreage and/or square footage).
- (3) Legal description.
- (4) Building size.
- (5) Floor area ratio, permitted and proposed.
- (6) Lot coverage, permitted and proposed.
- (7) Impervious surface.
- (8) Pervious surface.
- (9) Landscape areas.



**DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION**  
**City of Key West Planning Department**  
**1300 White Street, Key West, FL 33040**  
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- (10) Parking spaces, permitted and proposed.
- (11) Delineation of location of existing and proposed structures.
- (12) Existing and proposed development type denoted by land use including density/intensity.
- (13) Setbacks.

**Sec. 108-230. Other project information.**

A general outline of the proposed development shall include the following criteria where applicable:

- (1) Proposed stages or phases of development or operation and facility utilization.
- (2) Target dates for each phase.
- (3) Expected date of completion.
- (4) Proposed development plan for the site.
- (5) A written description of characteristics of the proposed development (i.e., number and type of residential units; floor area by land use; number of tourist accommodations units; seating or parking capacities; number of hospital beds; any proposed outside facilities or areas to be used for storage, display, outside sales, waste disposal or similar use; and any other proposed uses).
- (6) For planned unit developments, indicate design techniques (i.e., clustering, zero lot line, or other techniques) used to reduce public facility costs, reduce disturbance of natural resources, and preserve scenic quality of the site.
- (7) Buildings and sitting specifications which shall be utilized to reduce damage potential and to comply with federal flood insurance regulations.
- (8) Protection against encroachment together with proposed mitigation measures to be employed within environmentally sensitive areas.

**Sec. 108-231. Residential developments.**

- (a) If the development includes residential units, the following characteristics shall be discussed in the written description:
  - (1) A breakdown of the proposed residential units by number of bedrooms;
  - (2) Tenure (i.e., owner-occupied or rental); and
  - (3) Structure type, such as single-family, duplex, multiple-family, mobile home.
- (b) Refer to division 10 of article V of chapter 122 for information and legal instruments needed to satisfy the city's affordable housing requirements.

**Sec. 108-232. Intergovernmental coordination.**

The development plan shall contain the following pertaining to intergovernmental coordination:

- (1) Provide proof of coordination with applicable local, regional, state and federal agencies, including but not limited to the following agencies that will be involved in the project:
  - a. South Florida Regional Planning Council (SFRPC).
  - b. City electric system (CES).
  - c. State department of environmental protection (DEP).
  - d. Army Corps of Engineers (ACOE).
  - e. South Florida Water Management District (SFWMD).
  - f. State department of transportation (DOT).
  - g. State department of community affairs (DCA).
  - h. Florida Keys Aqueduct Authority (FKAA).
  - i. State fish and wildlife conservation commission (F&GC).
  - j. The county.
- (2) Provide evidence that any necessary permit, lease or other permission from applicable local, regional, state and federal agencies has been obtained for any activity that will impact wetland communities or submerged land.
- (3) When intergovernmental coordination efforts are incomplete, the applicant shall provide evidence of good faith efforts towards resolving intergovernmental coordination issues.



**DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION**  
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**CONDITIONAL USE CRITERIA**

**Sec. 122-61. Purpose and intent.**

The purpose of this article is to ensure that a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity. This article sets forth provisions and criteria for consideration of conditional uses on specific sites. Conditional uses shall be permitted only upon a finding that the proposed use satisfies this article.

**Sec. 122-62. Specific criteria for approval.**

- (a) Findings. A conditional use shall be permitted upon a finding by the planning board that the proposed use, application and, if applicable, development plan comply with the criteria specified in this section, including specific conditions established by the planning board and or the city commission during review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations. If the proposed conditional use is a major development pursuant to sections 108-165 and 108-166, the city commission shall render the final determination pursuant to section 122-63. A conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public's interest. An application for a conditional use shall describe how the specific land use characteristics proposed meet the criteria described in subsection (c) of this section and shall include a description of any measures proposed to mitigate against possible adverse impacts of the proposed conditional use on properties in the immediate vicinity.
- (b) Characteristics of use described. The following characteristics of a proposed conditional use shall be clearly described as part of the conditional use application:
- (1) Scale and intensity of the proposed conditional use as measured by the following:
    - a. Floor area ratio;
    - b. Traffic generation;
    - c. Square feet of enclosed building for each specific use;
    - d. Proposed employment;
    - e. Proposed number and type of service vehicles; and
    - f. Off-street parking needs.
  - (2) On- or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection (b)(1) of this section including the following:
    - a. Utilities;
    - b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in chapter 94;
    - c. Roadway or signalization improvements, or other similar improvements;
    - d. Accessory structures or facilities; and
    - e. Other unique facilities/structures proposed as part of site improvements.
  - (3) On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:
    - a. Open space;
    - b. Setbacks from adjacent properties;
    - c. Screening and buffers;
    - d. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites; and
    - e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts.



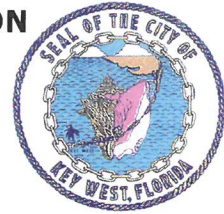
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- (c) Criteria for conditional use review and approval. Applications for a conditional use shall clearly demonstrate the following:
- (1) Land use compatibility. The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.
  - (2) Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use. The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure (i.e., refer to chapter 94 to ensure concurrency management requirements are met) and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.
  - (3) Proper use of mitigative techniques. The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.
  - (4) Hazardous waste. The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of city-approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The plan shall provide for appropriate identification of hazardous waste and hazardous material and shall regulate its use, storage and transfer consistent with best management principles and practices. No use which generates hazardous waste or uses hazardous materials shall be located in the city unless the specific location is consistent with the comprehensive plan and land development regulations and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources.
  - (5) Compliance with applicable laws and ordinances. A conditional use application shall demonstrate compliance with all applicable federal, state, county, and city laws and ordinances. Where permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The city may affix other conditions to any approval of a conditional use in order to protect the public health, safety, and welfare.
  - (6) Additional criteria applicable to specific land uses. Applicants for conditional use approval shall demonstrate that the proposed conditional use satisfies the following specific criteria designed to ensure against potential adverse impacts which may be associated with the proposed land use:
    - a. Land uses within a conservation area. Land uses in conservation areas shall be reviewed with emphasis on compliance with section 108-1 and articles III, IV, V, VII and VIII of chapter 110 pertaining to environmental protection, especially compliance with criteria, including land use compatibility and mitigative measures related to wetland preservation, coastal resource impact analysis and shoreline protection, protection of marine life and fisheries, protection of flora and fauna, and floodplain protection. The size, scale and design of structures located within a conservation area shall be restricted in order to prevent and/or minimize adverse impacts on natural resources. Similarly, public uses should only be approved within a wetland or coastal high hazard area V zone when alternative upland locations are not feasible on an upland site outside the V zone.
    - b. Residential development. Residential development proposed as a conditional use shall be reviewed for land use compatibility based on compliance with divisions 2 through 14 of article IV and divisions 2 and 3 of article V of this chapter pertaining to zoning district regulations, including size and dimension regulations impacting setbacks, lot coverage, height, mass of building, building coverage, and open space criteria. Land use compatibility also shall be measured by appearance, design, and land use compatibility criteria established in chapter 102; articles III, IV and V of chapter 108; section 108-956; and article II of chapter 110; especially protection of historic resources; subdivision of land; access, internal circulation, and off-



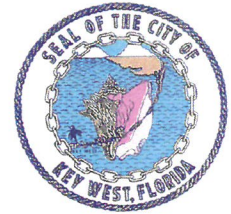
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street parking; as well as possible required mitigative measures such as landscaping and site design amenities.

- c. Commercial or mixed use development. Commercial or mixed use development proposed as a conditional use shall be reviewed for land use compatibility based on compliance with divisions 2 through 14 of article IV and divisions 2 and 3 of article V of this chapter pertaining to zoning district regulations, including size and dimension regulations impacting floor area ratio, setbacks, lot coverage, height, mass of buildings, building coverage, and open space criteria. Land use compatibility also shall be measured by appearance, design, and land use compatibility criteria established in chapter 102; articles I, II, IV and V of chapter 108; section 108-956; and article II of chapter 110; especially protection of historic resources; subdivision of land; access, pedestrian access and circulation; internal vehicular circulation together with access and egress to the site, and off-street parking; as well as possible required mitigative measures such as landscaping, buffering, and other site design amenities. Where commercial or mixed use development is proposed as a conditional use adjacent to U.S. 1, the development shall be required to provide mitigative measures to avoid potential adverse impacts to traffic flow along the U.S. 1 corridor, including but not limited to restrictions on access from and egress to U.S. 1, providing for signalization, acceleration and deceleration lanes, and/or other appropriate mitigative measures.
- d. Development within or adjacent to historic district. All development proposed as a conditional use within or adjacent to the historic district shall be reviewed based on applicable criteria stated in this section for residential, commercial, or mixed use development and shall also comply with appearance and design guidelines for historic structures and contributing structures and/or shall be required to provide special mitigative site and structural appearance and design attributes or amenities that reinforce the appearance, historic attributes, and amenities of structures within the historic district.
- e. Public facilities or institutional development. Public facilities or other institutional development proposed as a conditional use shall be reviewed based on land use compatibility and design criteria established for commercial and mixed use development. In addition, the city shall analyze the proposed site location and design attributes relative to other available sites and the comparative merits of the proposed site, considering professionally accepted principles and standards for the design and location of similar community facilities and public infrastructure. The city shall also consider compliance with relevant comprehensive plan assessments of community facility and infrastructure needs and location impacts relative to service area deficiencies or improvement needs.
- f. Commercial structures, uses and related activities within tidal waters. The criteria for commercial structures, uses and related activities within tidal waters are as provided in section 122-1186.
- g. Adult entertainment establishments. The criteria for adult entertainment establishments are as provided in division 12 of article V of this chapter.

**City of Key West  
Planning Department**



**Authorization Form**  
*(Where Owner is a Business Entity)*

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

I, Inocente O. Santiago Jr, as President of the Santiago Family Corporation, as  
*Please Print Name of person with authority to execute documents on behalf of entity*

General Partner of the Santiago Family Partnership LTD  
*Name of office (President, Managing Member) Name of owner from deed*

authorize Richard McChesney - Spottswood, Spottswood, Spottswood & Sterling PLLC  
*Please Print Name of Representative*

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

*Signature of person with authority to execute documents on behalf on entity owner*

Subscribed and sworn to (or affirmed) before me on this April 11, 2019  
*Date*

by Inocente O. Santiago, Jr.  
*Name of person with authority to execute documents on behalf on entity owner*

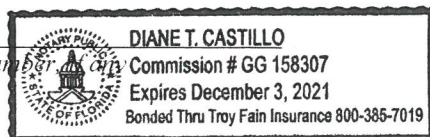
He/She is personally known to me or has presented \_\_\_\_\_ as identification.

*Notary's Signature and Seal*

**Diane T. Castillo**

*Name of Acknowledger typed, printed or stamped*

*Commission Number*



**City of Key West  
Planning Department**



**Verification Form**

*(Where Authorized Representative is an entity)*

I, Richard McChesney, in my capacity as Associate Attorney  
*(print name)* *(print position; president, managing member)*

of Spottswood, Spottswood, Spottswood & Sterling PLLC  
*(print name of entity serving as Authorized Representative)*

being duly sworn, depose and say that I am the Authorized Representative of the Owner (as appears on the deed), for the following property identified as the subject matter of this application:

1327 Duval Street, Key West, FL 33040

*Street Address of subject property*

All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect, any action or approval based on said representation shall be subject to revocation.

Handwritten signature of Richard McChesney in blue ink.

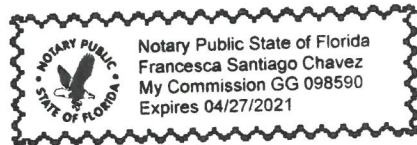
*Signature of Authorized Representative*

Subscribed and sworn to (or affirmed) before me on this 4-11-19 by  
*date*

Richard McChesney  
*Name of Authorized Representative*

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

Handwritten signature of Notary Public Francesca Santiago Chavez in blue ink.  
*Notary's Signature and Seal*



\_\_\_\_\_  
*Name of Acknowledger typed, printed or stamped*

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



This Instrument Prepared By and Return To:

Doc# 1677613 01/09/2008 3:10PM  
Filed & Recorded in Official Records of  
MONROE COUNTY DANNY L. KOLHAGE

Lynne Hankins Fielder, P.A.  
Attorney At Law  
P.O. Box 420973  
Summerland Key, FL 33042-0973  
(305) 872-5000

01/09/2008 3:10PM  
DEED DOC STAMP CL: TRINA \$1,319.50

Property Appraisers Parcel Identification (Folio) Number: 00036220-000000

Doc# 1677613  
Bk# 2340 Pg# 26

\_\_\_\_\_  
SPACE ABOVE THIS LINE FOR RECORDING DATA  
\_\_\_\_\_

**\*CORRECTED WARRANTY DEED\***

*(To correct legal description in Warranty Deed date 07-07-2001, recorded 07-13-2001, at O.R. Book 1710, Page 113, whereby entire legal description for homestead was accidentally included instead of only 26.25 foot strip; see copy of 10-19-2000 survey attached hereto to support corrective deed)*

**THIS CORRECTED WARRANTY DEED** made this 31st day of December , 2007, by RAMONA LOUISE SANTIAGO and INOCENTE SANTIAGO, her husband, whose address is 407 South Street, Key West, County of Monroe and State of Florida, 33040, herein called "the Grantors", and SANTIAGO FAMILY PARTNERSHIP, LTD, a Florida Limited Partnership, whose address is 1327 Duval Street, Key West, County of Monroe, and State of Florida, 33040, herein called "the Grantee", (wherever used herein, the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations):

**Witnesseth**, that said Grantor, for and in consideration of the sum of TEN (\$10.00) DOLLARS, and other valuable consideration, receipt of which from the Grantee is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all of the certain lot, parcel or piece of land situate in Monroe County, State of Florida, to wit: See "Schedule A."

**SUBJECT TO** limitations, covenants, easements and restrictions of record and mortgages, including but not necessarily limited to mortgages in favor of First State Bank of the Florida Keys recorded on January 14, 2002, in the Public Records of Monroe County, Florida, at O.R. Book 1752, Page 1324, and at O.R. Book 1752, Page 1343,

**TOGETHER** with all the tenements, hereditaments and appurtenances thereto belonging on in anyway appertaining,

**To Have and to Hold** the same in fee simple forever.

**AND**, the Grantor hereby covenants with said Grantee that the Grantor is/are lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to

said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

**In Witness Whereof**, the said Grantor has hereunto set his hand and seal the day and year first above written.

**Signed, Sealed and Delivered in Our Presence:**

X Oscar Lopez Jimenez  
WITNESS Oscar Lopez Jimenez

Inocente Santiago  
Grantor: INOCENTE SANTIAGO  
a/k/a INOCENTE O. SANTIAGO

L Hankins Fielder  
WITNESS Lynne Hankins Fielder

Ramona Louise Santiago  
Grantor: RAMONA LOUISE SANTIAGO  
a/k/a RAMONA L. SANTIAGO

X Oscar Lopez Jimenez  
WITNESS Oscar Lopez Jimenez

L Hankins Fielder  
WITNESS Lynne Hankins Fielder

STATE OF FLORIDA  
COUNTY OF MONROE

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of December, 2007, by INOCENTE SANTIAGO a/k/a INOCENTE O. SANTIAGO and RAMONA LOUISE SANTIAGO a/k/a RAMONA L. SANTIAGO, who are personally known to me or who have produced n/a and n/a, respectively, as identification.

(Seal)

L Hankins Fielder  
Notary Public - State of Florida  
My Commission Expires:

C:\Office\CLIENT\Santiago\Corrective Deed.wpd



L. Hankins-Fielder  
Commission # DD347129  
Expires: SEP. 15, 2008  
Atlantic Bonding Co., Inc.

A parcel of land on the Island of Key West, and known on William A. Whitehead's map of said Island, delineated in February, A.D. 1829, as a part of Tract Sixteen (16), but better known and described as a part of Lot Seven (7) in Square Three (3) in said Tract Sixteen (16), according to a diagram between Frederick Filer and John Boyle, recorded in Book "N", Page 476, of the Public Records of Monroe County, Florida; said parcel being more particularly described by metes and bounds as follows:  
COMMENCE at the NW'ly right of way line of South Street with the SW'ly right of way line of Duval Street and run thence SW'ly along the NW'ly right of way line of the said South Street for a distance of 119.50 feet to the Point of Beginning; thence continue SW'ly along the said South Street for a distance of 26.25 feet; thence NW'ly and at right angles for a distance of 100.0 feet; thence NE'ly and at right angles for a distance of 26.25 feet; thence SE'ly and at right angles for a distance of 100.0 feet back to the Point of Beginning.

EXHIBIT "A"

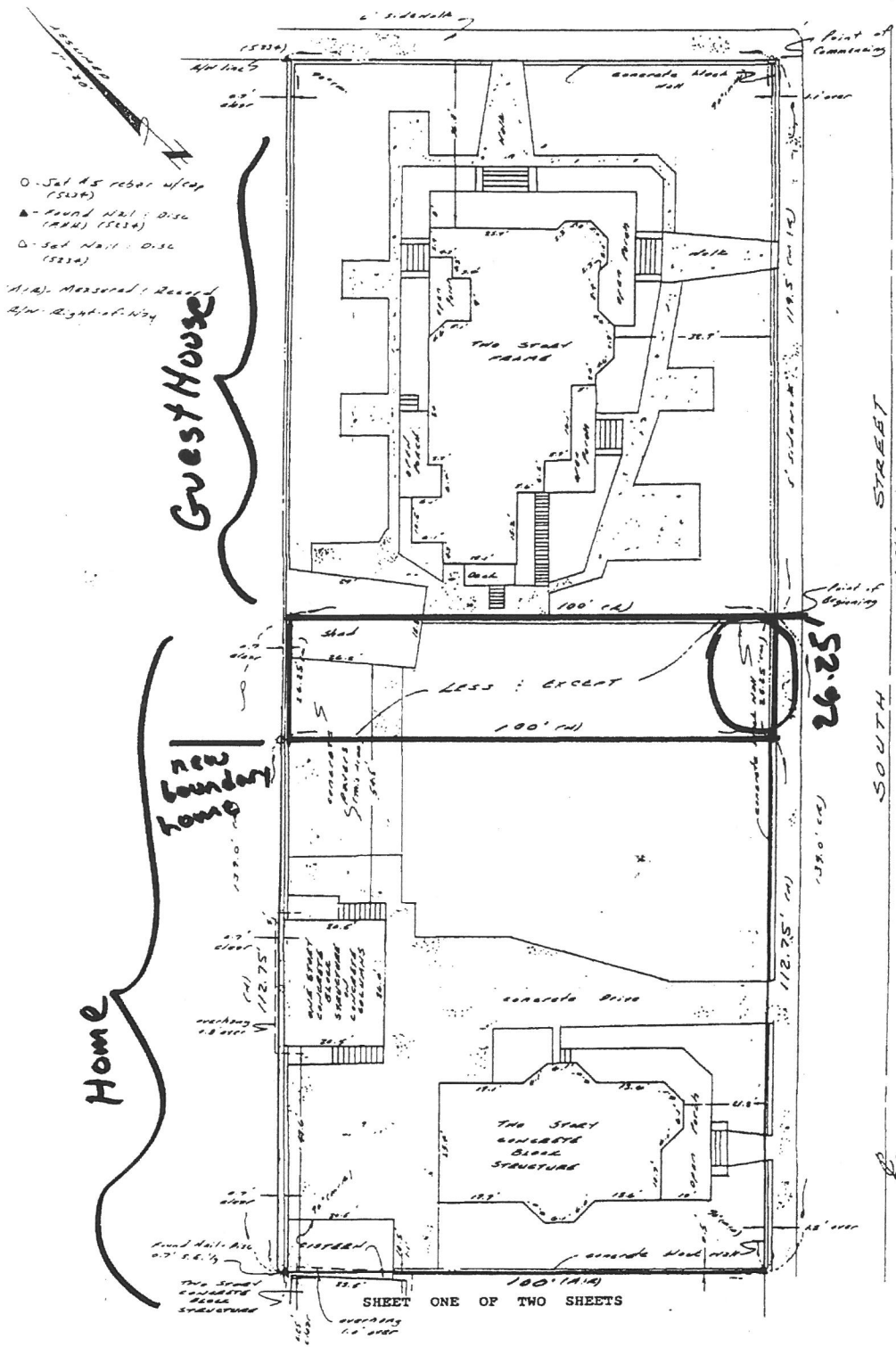
NORBY



**& Associates, Inc.**  
Professional Land Surveyors  
3104 Flagler Avenue Key West, FL 33040

Thomas A. Norby, PLS  
Reg. No. 5234  
(305) 296-7422 FAX (305) 293-9924

DUVAL STREET



Guest House

Home

new boundary home

SOUTH STREET

SHEET ONE OF TWO SHEETS

Doc# 1677613  
BK# 2340 P# 29



Doc# 1677613  
BKN 2340 Pgn 30

NOTES:

1. The legal description shown hereon was furnished by the client or their agent or authored by the undersigned.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
5. Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
6. Street address is: 407 & 411 South Street, Key West, FL.
7. Date of field work: October 18, 2000.

BOUNDARY SURVEY OF: A parcel of land on the Island of Key West, and known on William A. Whitehead's map of said Island, delineated in February, A.D. 1829, as a part of Tract Sixteen (16), but better known and described as a part of Lots Seven (7) and Eight (8) in Square Three (3) in said Tract Sixteen (16), according to a diagram between Frederick Filer and John Boyle, recorded in Book "N", Page 476, of the Public Records of Monroe County, Florida; said parcel being more particularly described by metes and bounds as follows:

COMMENCE at the NW'ly right of way line of South Street with the SW'ly right of way line of Duval Street and run thence SW'ly along the NW'ly right of way line of the said South Street for a distance of 119.50 feet to the Point of Beginning; thence continue SW'ly along the said South Street for a distance of 139.0 feet; thence NW'ly and at right angles for a distance of 100.0 feet; thence NE'ly and at right angles for a distance of 139.0 feet; thence SE'ly and at right angles for a distance of 100.0 feet back to the Point of Beginning.

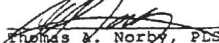
LESS AND EXCEPT; (Authored by the undersigned)

A parcel of land on the Island of Key West, and known on William A. Whitehead's map of said Island, delineated in February, A.D. 1829, as a part of Tract Sixteen (16), but better known and described as a part of Lot Seven (7) in Square Three (3) in said Tract Sixteen (16), according to a diagram between Frederick Filer and John Boyle, recorded in Book "N", Page 476, of the Public Records of Monroe County, Florida; said parcel being more particularly described by metes and bounds as follows:

COMMENCE at the NW'ly right of way line of South Street with the SW'ly right of way line of Duval Street and run thence SW'ly along the NW'ly right of way line of the said South Street for a distance of 119.50 feet to the Point of Beginning; thence continue SW'ly along the said South Street for a distance of 26.25 feet; thence NW'ly and at right angles for a distance of 100.0 feet; thence NE'ly and at right angles for a distance of 26.25 feet; thence SE'ly and at right angles for a distance of 100.0 feet back to the Point of Beginning.

BOUNDARY SURVEY FOR: Inocente Santiago & Ramona Louise Santiago; HomeSide Lending, Inc., its successors and/or assigns, as their interest may appear; Lynne Hankins Fielder, P.A.; Attorneys' Title Insurance Fund, Inc.;

NORBY & ASSOCIATES, INC.

  
Thomas A. Norby, PLS  
Florida Reg. #5234

October 19, 2000

MONROE COUNTY  
OFFICIAL RECORDS



applicable in  
purposes

By continuing into this site you assert that you have read and agree to the above statement.

**Summary**

Parcel ID 00036190-000100  
 Account# 8712456  
 Property ID 8712456  
 Millage Group 10KW  
 Location 1327 DUVAL St, KEY WEST  
 Address  
 Legal Description KW FILER BOYLE SUB N-476 PT LOT 7 SQR 3 TR 16 G56-497/502 OR1013-656 OR1257-874/88EST-PROBATE #93-105-CP-10 OR1258-2083/2100EST-PROBATE #93-111-CP-08 OR1345-723/5(ORDER) OR1335-3372/73 OR1345-727/9P/R OR1345-730/2Q/C OR1490-2392/94 OR1522-1973/75 OR1710-113 OR2340-26/30C  
*(Note: Not to be used on legal documents.)*  
 Neighborhood 32110  
 Property Class HOTEL/MOTEL (3900)  
 Subdivision  
 Sec/Twp/Rng 06/68/25  
 Affordable No  
 Housing

**Valuation**

|                               | 2018               | 2017               | 2016               | 2015               |
|-------------------------------|--------------------|--------------------|--------------------|--------------------|
| Market Improvement Value      | \$1,584,347        | \$1,572,934        | \$0                | \$0                |
| Market Misc Value             | \$176,039          | \$174,770          | \$0                | \$0                |
| + Market Land Value           | \$1,760,385        | \$1,747,705        | \$3,338,342        | \$3,338,342        |
| = <b>Just Market Value</b>    | <b>\$3,520,771</b> | <b>\$3,495,409</b> | <b>\$3,338,342</b> | <b>\$3,338,342</b> |
| = <b>Total Assessed Value</b> | <b>\$3,520,771</b> | <b>\$3,495,409</b> | <b>\$3,338,342</b> | <b>\$3,338,342</b> |
| - School Exempt Value         | \$0                | \$0                | \$0                | \$0                |
| = <b>School Taxable Value</b> | <b>\$3,520,771</b> | <b>\$3,495,409</b> | <b>\$3,338,342</b> | <b>\$3,338,342</b> |

**Land**

| Land Use              | Number of Units | Unit Type   | Frontage | Depth |
|-----------------------|-----------------|-------------|----------|-------|
| COMMERCIAL DRY (100D) | 14,575.00       | Square Foot | 0        | 0     |

**Commercial Buildings**

Style HOTEL/MOTEL B / 39B  
 Gross Sq Ft 8,296  
 Finished Sq Ft 4,328  
 Perimeter 0  
 Stories 4  
 Interior Walls  
 Exterior Walls AB AVE WOOD SIDING  
 Quality 500 ()  
 Roof Type  
 Roof Material  
 Exterior Wall1 AB AVE WOOD SIDING  
 Exterior Wall2  
 Foundation  
 Interior Finish  
 Ground Floor Area  
 Floor Cover  
 Full Bathrooms 7  
 Half Bathrooms 0  
 Heating Type  
 Year Built 1938  
 Year Remodeled  
 Effective Year Built 1991

| Code         | Description    | Sketch Area  | Finished Area | Perimeter |
|--------------|----------------|--------------|---------------|-----------|
| OPX          | EXC OPEN PORCH | 1.395        | 0             | 0         |
| FAT          | FINISHED ATTIC | 1.913        | 0             | 0         |
| FLA          | FLOOR LIV AREA | 4.328        | 4.328         | 0         |
| OPU          | OP PR UNFIN LL | 133          | 0             | 0         |
| OOU          | OP PR UNFIN UL | 85           | 0             | 0         |
| OUF          | OP PRCH FIN UL | 85           | 0             | 0         |
| SBF          | UTIL FIN BLK   | 357          | 0             | 0         |
| <b>TOTAL</b> |                | <b>8,296</b> | <b>4,328</b>  | <b>0</b>  |

**Yard Items**

| Description   | Year Built | Roll Year | Quantity | Units   | Grade |
|---------------|------------|-----------|----------|---------|-------|
| RW2           | 1937       | 1938      | 1        | 440 SF  | 1     |
| FENCES        | 1975       | 1976      | 1        | 290 SF  | 3     |
| TIKI          | 1991       | 1992      | 1        | 15 SF   | 1     |
| COMM POOL     | 1991       | 1992      | 1        | 200 SF  | 2     |
| TIKI          | 1991       | 1992      | 1        | 36 SF   | 2     |
| FENCES        | 1991       | 1992      | 1        | 480 SF  | 3     |
| WALL AIR COND | 2001       | 2002      | 1        | 1 UT    | 2     |
| FENCES        | 1975       | 1976      | 1        | 240 SF  | 3     |
| FENCES        | 1975       | 1976      | 1        | 316 SF  | 4     |
| FENCES        | 1975       | 1976      | 1        | 40 SF   | 2     |
| CONC PATIO    | 1991       | 1992      | 1        | 1175 SF | 2     |
| BRICK PATIO   | 1991       | 1992      | 1        | 1275 SF | 2     |
| BRICK PATIO   | 1991       | 1992      | 1        | 416 SF  | 2     |

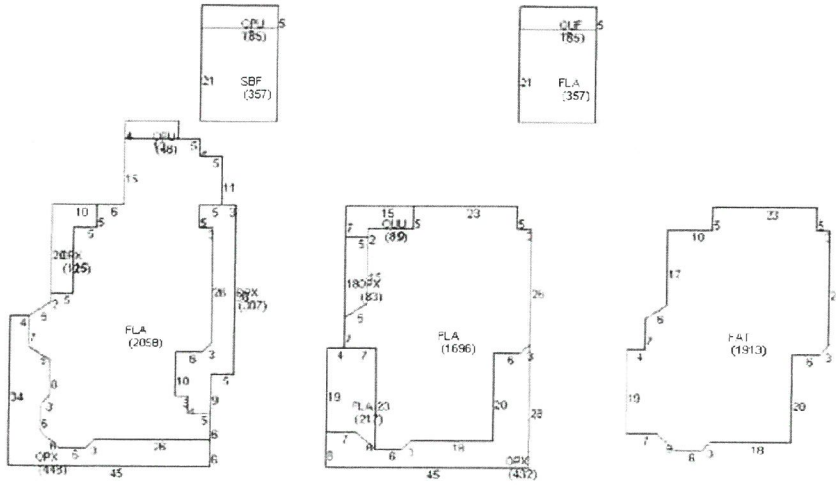
**Sales**

| Sale Date  | Sale Price | Instrument    | Instrument Number | Deed Book | Deed Page | Sale Qualification | Vacant or Improved |
|------------|------------|---------------|-------------------|-----------|-----------|--------------------|--------------------|
| 12/31/2007 | \$188,500  | Warranty Deed |                   | 2340      | 26        | K - Unqualified    | Improved           |
| 5/1/1998   | \$540,000  | Warranty Deed |                   | 1522      | 1973      | K - Unqualified    | Improved           |
| 5/1/1987   | \$550,000  | Warranty Deed |                   | 1013      | 656       | Q - Qualified      | Improved           |

**Permits**

| Number ↕ | Date Issued ↕ | Date Completed ↕ | Amount ↕ | Permit Type ↕ | Notes ↕  |
|----------|---------------|------------------|----------|---------------|--|
| 15-3649  | 9/16/2015     |                  | \$7,000  | Commercial    | R/R PORCH DECKING, PAINT.                                  |
| 13-4887  | 11/15/2013    |                  | \$2,500  | Commercial    | REPLACE FRONT PORCH DECKING APPROX 300SF DOWNSTAIRS.       |
| 13-4278  | 10/11/2013    |                  | \$2,800  | Commercial    | REMOVE TWO METAL SHINGLES AND INSTALL SHINGLES.            |
| 12-4241  | 12/4/2012     | 12/31/2012       | \$300    | Commercial    | 3' X 3' X 12 CONCRETE FOOTING FOR POOL LIFT W/FOUR ANCHORS |
| 12-2335  | 6/28/2012     | 12/31/2012       | \$1,600  | Commercial    | PLYWOOD SUBFLOOR AND TILE APPROX 289SF (INTERIOR WORK)     |
| 05-4322  | 10/6/2005     | 7/26/2006        | \$3,500  | Commercial    | REPLACE DRYWALL & INSULATION FOR NOISE CONTROL             |
| 00-1812  | 11/29/2000    | 7/30/2001        | \$48,000 | Commercial    | EMPLOYEE LIVING UNIT                                       |
| 0003241  | 11/15/2000    | 11/6/2001        | \$22,500 | Commercial    | POOL/DECKING   |
| B952439  | 7/1/1995      | 9/1/1995         | \$2,000  | Commercial    | PAINT HOUSE  |

Sketches (click to enlarge)



Photos



Map



**TRIM Notice**

Trim Notice

2018 Notices Only

No data available for the following modules: Buildings, Mobile Home Buildings, Exemptions.

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



Last Data Upload: 3/27/2019, 2:05:15 AM

Version 2.2.7



Multi-unit Residential

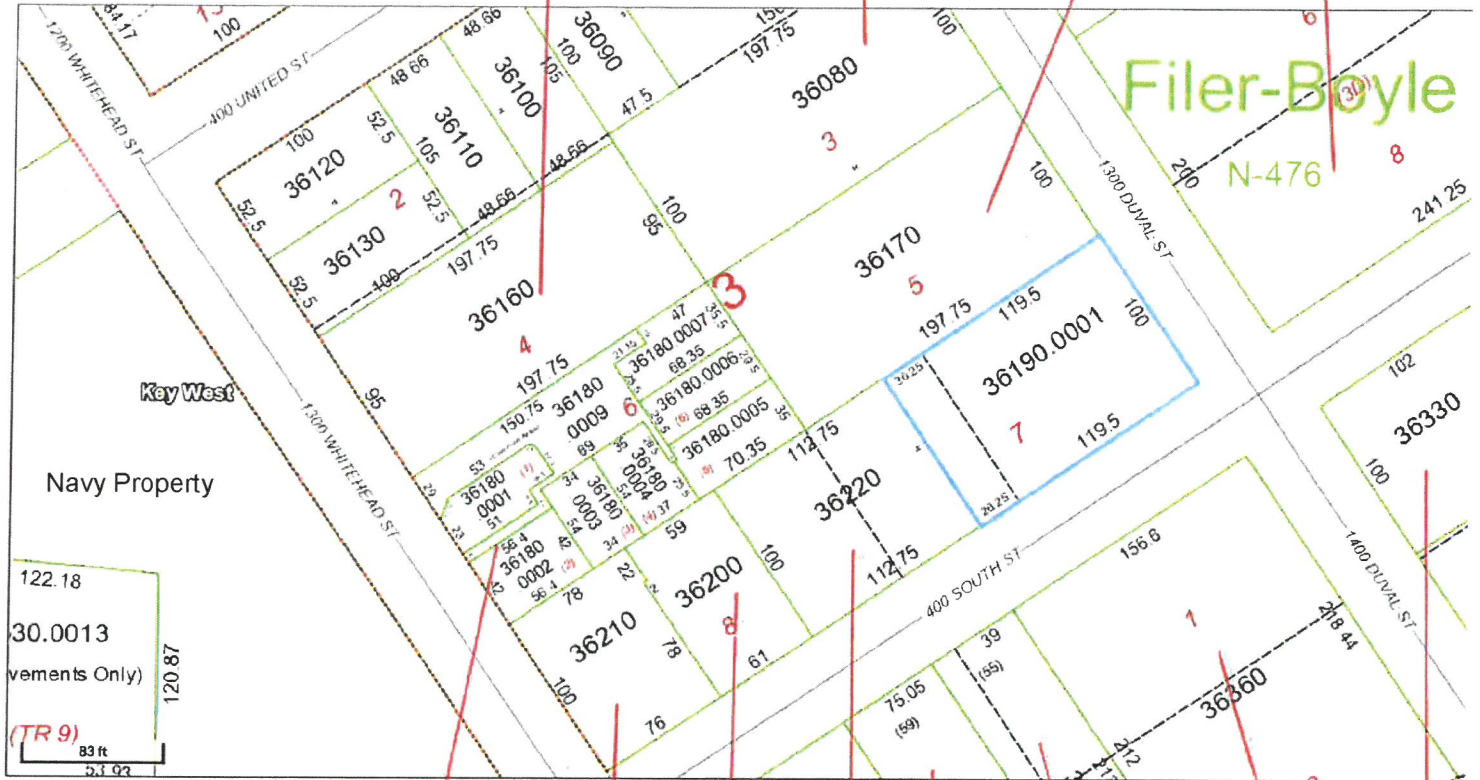
Commercial

Commercial

Hotel

Filer-Boyle

N-476



Parcel ID 00036190-000100  
 Sec/Twp/Rng 06/68/25  
 Property Address 1327 DUVAL St

Alternate ID 8712456  
 Class HOTEL/MOTEL

Owner Address SANTI/  
 1301 U  
 Key W

District PT of Key West  
 Brief Tax KW FILER BOYLE SUB N-476 PT LOT 7 SQR 3 TR 16 G56-497/502 OR 1013-656 OR 1257-874/88 EST-PROBATE #93-105-CP-10 OR 1258-2083/2100 EST-PROBATE #93-111-CP-06  
 Description OR 1710-113 OR 2340-26/30C  
 (Note: Not to be used on legal documents)

Date created: 4/12/2019  
 Last Data Uploaded: 4/12/2019 5:32:25 AM

Developed by Schneider  
 GEOSPATIAL

Residential

Residential

Hotel/Guesthouse

Multi-unit Residential

Residential

Hotel/Guesthouse

Residential

Residential



**Richard McChesney**

---

**From:** George Wallace <gwallace@cityofkeywest-fl.gov>  
**Sent:** Thursday, September 27, 2018 9:25 AM  
**To:** Richard McChesney  
**Cc:** Patrick Wright  
**Subject:** RE: 1327 Duval Street

Richard,

I am pretty thin on the specifics but as a general rule , provided all other statutory requirements are met, I agree that an applicable state statute would preempt a local ordinance.

---

**From:** Richard McChesney <richard@spottswoodlaw.com>  
**Sent:** Wednesday, September 26, 2018 4:07 PM  
**To:** Ronald Ramsingh <rramsingh@cityofkeywest-fl.gov>; George Wallace <gwallace@cityofkeywest-fl.gov>  
**Cc:** Patrick Wright <pwright@cityofkeywest-fl.gov>  
**Subject:** Fw: 1327 Duval Street

Good Afternoon Ron and George,

I am emailing about a property in the HCT zoning district. Patrick and I met about this but the issue at hand seems to be more of a legal matter. The HCT zoning district places a 20 room minimum on any hotel, motel, or guest house applying for a conditional use to have a bar. The attached Florida statute appears to be on point in superseding any local law or ordinance that attempts to require a greater number of rooms than this statute requires.

This statute provides that a historic guest house can obtain a specialty liquor license so long as it has a minimum of 10 rooms.

I believe this statute would invalidate the 20 room requirement, thus allowing this property owner to apply for a conditional use to have a bar on his property. We are not saying the property owner has a right to have the bar, we are saying he has the right to apply to have one.

Please feel free to contact me with any questions. I'm happy to set up a meeting if that is helpful.

Thank you,

Richard J. McChesney, Esq.

Spottswood, Spottswood, Spottswood & Sterling

500 Fleming Street

Key West, FL 33040

(305) 294-9556 - Office

(305) 504-2696 - Fax

[richard@spottswoodlaw.com](mailto:richard@spottswoodlaw.com)

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Please note: This law firm may be deemed a "debt collector" under the Fair Debt Collection Practices Act. Any and all information obtained during and from communications may be used for the purpose of collecting debt.

---

**From:** Richard McChesney  
**Sent:** Wednesday, August 29, 2018 12:09 PM  
**To:** Patrick Wright  
**Subject:** 1327 Duval Street

Good Afternoon Patrick,

I am writing in regards to our discussion yesterday about 1327 Duval Street and the permitted/conditional uses. As discussed, we determined that alcohol sales to the guests of the guesthouse would be considered a permitted accessory use. To that end, I will forward the State alcohol sales application to Ron Wampler for city sign-off. We further discussed alcohol sales to non-guests and how that would fall under the conditional uses in the HCT district. However, the HCT district limits this to hotels, motels, and other transient lodging with a minimum of 20 units. I have attached the Florida Statutes that control the liquor license that 1327 Duval St qualifies for. It is the historic hotel/motel/guest house license and the statute is F.S. 561.20(2)(a)(1). This statute indicates that local law cannot require a higher number of rooms than this statute requires, which is 10. What we want to confirm is that this property owner can, at some point, submit a conditional use application for a bar that would serve non-guests of the guesthouse.

Please feel free to contact me with any questions.

Thank you,

Richard J. McChesney, Esq.  
Spottswood, Spottswood, Spottswood & Sterling  
500 Fleming Street  
Key West, FL 33040  
(305) 294-9556 - Office  
(305) 504-2696 - Fax  
[richard@spottswoodlaw.com](mailto:richard@spottswoodlaw.com)

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## Richard McChesney

---

**From:** Cahill, Desiree <Desiree.Cahill@myfloridalicense.com>  
**Sent:** Thursday, April 11, 2019 11:17 AM  
**To:** Richard McChesney  
**Subject:** RE: License Question

Hi Richard,

If the license is currently designated as a 5COP-**SH**, then it meets FS for historic, meaning they have provided the required documentation as proof they met for the location.

Any entity applying, is required to provide the proof of which one they fall under as designated historic. As you can see below for FS 561.20(2)(a)1- there are parameters the location must meet, according to when it was built and when the city or the establishment was designated as history and that document is registered with the municipality or historic registration society.

561.20

(2)(a) The limitation of the number of licenses as provided in this section does not prohibit the issuance of a special license to: 1. Any bona fide hotel, motel, or motor court of not fewer than 80 guest rooms in any county having a population of less than 50,000 residents, and of not fewer than 100 guest rooms in any county having a population of 50,000 residents or greater; or any bona fide hotel or motel located in a historic structure, as defined in s. 561.01(21), with fewer than 100 guest rooms which derives at least 51 percent of its gross revenue from the rental of hotel or motel rooms, which is licensed as a public lodging establishment by the Division of Hotels and Restaurants; provided, however, that a bona fide hotel or motel with no fewer than 10 and no more than 25 guest rooms which is a historic structure, as defined in s. 561.01(21), in a municipality that on the *effective date of this act has a population*, according to the University of Florida's Bureau of Economic and Business Research Estimates of Population for 1998, of no fewer than 25,000 and no more than 35,000 residents and that is within a constitutionally chartered county may be issued a special license. This special license shall allow the sale and consumption of alcoholic beverages only on the licensed premises of the hotel or motel. In addition, the hotel or motel must derive at least 60 percent of its gross revenue from the rental of hotel or motel rooms and the sale of food and nonalcoholic beverages; provided that this subparagraph shall supersede local laws requiring a greater number of hotel rooms;



### Desiree Cahill

Senior Management Analyst II, Bureau of Licensing  
Division of Alcoholic Beverages and Tobacco  
Florida Department of Business and Professional  
Regulation  
Phone: 954.917.1350 Fax: 954-917-1357



The State of Florida has a very broad public records law pursuant to Chapter 119, Florida Statutes. Most written communications to and from state officials regarding state business are public records, available to the public and media upon request. Therefore, your e-mail communications may be subject to public disclosure.



---

**From:** Richard McChesney [mailto:richard@spottswoodlaw.com]  
**Sent:** Thursday, April 11, 2019 9:12 AM  
**To:** Cahill, Desiree  
**Subject:** RE: License Question

Ok great. Thank you. And the licenses that come up on that search will be ones that were approved pursuant to the 561.20(2)(a)1?

Richard J. McChesney, Esq.  
Spottswood, Spottswood, Spottswood & Sterling  
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(305) 504-2696 - Fax  
[richard@spottswoodlaw.com](mailto:richard@spottswoodlaw.com)



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**From:** Cahill, Desiree <Desiree.Cahill@myfloridalicense.com>  
**Sent:** Tuesday, April 09, 2019 10:06 AM  
**To:** Richard McChesney <richard@spottswoodlaw.com>  
**Subject:** RE: License Question

Hello Richard

You can search on our license portal at the below web-link:  
<https://www.myfloridalicense.com/wl11.asp?mode=0&SID=>

you can search by city name, county, corporate name or 5cop-sh type.

The below is a search by Type:

License category is **Alcoholic Beverages & tobacco**

License type is **Retail Beverage**

County is **Monroe**

Special qualifications would be **Hotel/Motel- History COP&Package** and also click on “**include Historic license**”

And click on **Search**

Your results should produce a list of license and you would click on the name to view what they have-  
example:

#### License Information

|                 |                        |
|-----------------|------------------------|
| License Type:   | <b>Retail Beverage</b> |
| Rank:           | <b>5COP</b>            |
| License Number: | <b>BEV5403763</b>      |
| Status:         | <b>Current,Active</b>  |
| Licensure Date: | <b>07/16/2018</b>      |
| Expires:        | <b>03/31/2020</b>      |

#### Special Qualifications

#### Qualification Effective

|   |                   |
|---|-------------------|
| <b>Invoice Sent</b>                               | <b>08/02/2018</b> |
| <b>Hotel/Motel - Historic - COP &amp; Package</b> | <b>07/16/2018</b> |

this is Historic



#### Desiree Cahill

Senior Management Analyst II, Bureau of Licensing  
Division of Alcoholic Beverages and Tobacco  
Florida Department of Business and Professional  
Regulation  
Phone: 954.917.1350 Fax: 954-917-1357



The State of Florida has a very broad public records law pursuant to Chapter 119, Florida Statutes. Most written communications to and from state officials regarding state business are public records, available to the public and media upon request. Therefore, your e-mail communications may be subject to public disclosure.

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**From:** Richard McChesney [<mailto:richard@spottswoodlaw.com>]

**Sent:** Tuesday, April 09, 2019 8:44 AM

**To:** Cahill, Desiree

**Subject:** License Question

Good Morning Desiree,

Can you confirm that the Florida DABT has issued SH licenses to historic hotel/motels located in the City of Key West pursuant to Florida Statutes section 561.20(2)(a)1?

Thank you,

Richard J. McChesney, Esq.  
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500 Fleming Street  
Key West, FL 33040  
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## Richard McChesney

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**From:** Cahill, Desiree <Desiree.Cahill@myfloridalicense.com >  
**Sent:** Friday, April 12, 2019 2:29 PM  
**To:** Richard McChesney  
**Subject:** FW: Question 5403797  
**Attachments:** ABT\_TEMP2 (1).pdf; Alcohol license payment Apr 07, 2019, .pdf

Hello Richard

The temporary license does not reflect the special designation.

The second attachment is an invoice for the permanent license fee on a 5cop. The SH is not an additional fee, the invoice will not reflect this either.

The permanent license will state 5cop and then have a designation on it.

When you go out onto the "verify a license" portal- (previous instructions provided to you) you can search by license number and see that the designation is listed. See both screen shots below.

<https://www.myfloridalicense.com/wl11.asp?mode=1&SID=&brd=&typ=>

Log On

Search for a Licensee  
Apply for a License  
View Application Status  
Find Exam Information  
File a Complaint  
AB&T Delinquent  
Invoice & Activity  
List Search

Search License by License Number ?

License Information

License Number: 5403797

Additional Search Criteria

License Category:

License Type:

Special Qualification:

Include Historic Licenses

As you can see the designation ("special qualification" has been listed on the license since 03/08/2019.

## Licensee Details

### Licensee Information

Name: **SANTIAGO OF KEY WEST, INC. (Primary Name  
SOUTHERNMOST POINT GUEST HOUSE (DBA**

Main Address: **1327 DUVAL STREET  
KEY WEST Florida 33040**

County: **MONROE**

License Mailing:

LicenseLocation: **1327 DUVAL STREET  
KEY WEST FL 33040**

County: **MONROE**

### License Information

License Type: **Retail Beverage**

Rank: **5COP**

License Number: **BEV5403797**

Status: **Current,Active**

Licensure Date: **03/04/2019**

Expires: **03/31/2020**

### Special Qualifications

### Qualification Effective

**Invoice Sent** **04/02/2019**

**Hotel/Motel - Historic - COP &  
Package** **03/08/2019**



#### Desiree Cahill

Senior Management Analyst II, Bureau of Licensing  
Division of Alcoholic Beverages and Tobacco  
Florida Department of Business and Professional  
Regulation  
Phone: 954.917.1350 Fax: 954-917-1357



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**From:** Richard McChesney [mailto:richard@spottswoodlaw.com]  
**Sent:** Friday, April 12, 2019 1:51 PM