

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



**To:** Chairman and Planning Board Members

**From:** Ashley Monnier, Planner II

**Through:** Donald Leland Craig, AICP Planning Director

**Meeting Date:** June 29, 2011

**Agenda Item:** Special Exception request by Mr. Lynn Kephart, property owner for 512 Eaton Street (RE# 00006500-000000)-A request for a special exception to the prohibition of alcoholic beverage sales within 300 feet of two churches and funeral home for property located within the HNC-1 zoning district, pursuant to Section 18-28 (b) (2) of the Code of Ordinances of the City of Key West, Florida.

---

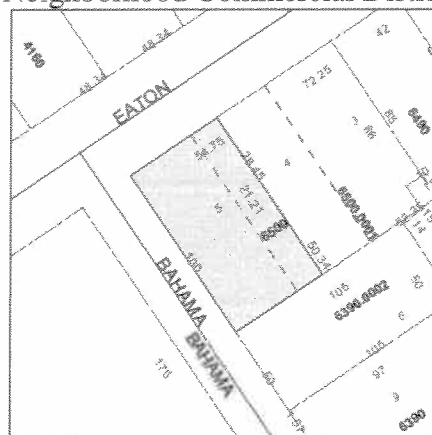
**Request:** To allow the sale of alcohol accessory to an approved dinner theatre establishment, pursuant to Planning Board Resolution 2009-043, 2007-042, and extended in accordance with Senate Bill 360 and Senate Bill 1752 for government issued development orders.

**Applicant:** Adele V. Stones

**Property Owner:** Lynn Kephart

**Location:** 512 Eaton Street  
RE# (00006500-000000)

**Zoning:** Historic Neighborhood Commercial District-Truman Simonton (HNC-1)



**Background and Request:**

In 2007 a conditional use approval was granted for property located at 512 Eaton Street. The approval allowed the conversion of a former church/theatre into a restaurant with stage and screen entertainment and an accessory bar area. The approval was granted via Planning Board Resolution 2007-042, and included 3,075 square feet of consumption area. In November of 2009 the Planning Board granted Resolution 2009-043, allowing a one-year extension of the conditional use approval. The extension was approved with conditions that required that the applicant receive alcohol sales variance approval; that the sale of food and non-alcoholic beverages constitute 51% or more of the business; and that the sale of food occurs during the time in which service is provided to the public. The conditional use extension was extended on February 16, 2011; making the approval effective until December 11, 2012, in accordance with Senate Bill 360 and Senate Bill 1752 for government issued development orders.

In general, a restaurant is where the principal business is the sale of food and where sale of alcoholic beverages is accessory to, and within, the restaurant use. Therefore, the approved conditional use, extended with conditions via Planning Board Resolution 2009-043, allows only alcohol sales accessory to the restaurant and this report is predicated on the use as so framed.

Because the subject property is located within 300 feet of two churches and a funeral home, the provisions of Section 18-28 of the City Code apply. While certain individuals may be exempt from Code Section 18-28 (a) because different Code provisions were in place when the original licensure was granted, the subject property is not exempt from this requirement because alcoholic beverage sales previously occurring on the site were not maintained on the property and therefore considered abandoned. As a result, the applicant is seeking a special exception from the Planning Board to the proximity requirement between establishments regulated in Section 18-28 of the City Code.

**Process:**

**Planning Board Meeting:**

June 29, 2011

**Evaluation for Compliance with Section 18-28 of the Code of Ordinances:**

- (a.) Pursuant to Section 18-28 of the Code of Ordinances, no person shall conduct in the City any business involving the sale of alcoholic beverages where such place of business is 300 feet of any established church, school, cemetery, or funeral home. Such distance shall be measured by following the shortest route of ordinary fare from the nearest point of the property line of the place of business to the property line of the church, school, cemetery, or funeral home facilities. However, any person licensed to conduct and legally conducting a business involving the sale of alcoholic beverages as of January 4, 1995, shall be governed by the provisions of this section which existed at the time of the original licensure of such business.
  
- (b.) The prohibition in subsection (a) above shall not apply if a property owner is granted a Special Exception to specifically sell alcoholic beverages:

- (1.) In conjunction with an approved conditional use application that includes consideration of the public welfare factors listed in subsection (2) below; or
- (2.) Pursuant to authorization granted by the Planning Board that the use will not detrimentally impact the public health, safety, or welfare after consideration of all of the following criteria:

**A. Compatibility with surrounding existing uses:**

The property is located within the HNC-1 zoning district, which is described in Section 122-806 of the Land Development Regulations as an area that “generally includes larger scale commercial uses oriented toward the motoring public.” The applicant is requesting that the Planning Board allow alcohol to be sold to dinner theatre patrons as a venue amenity. Though the subject site is located within 300 feet of a funeral home and two churches, the scope of requested alcohol sales accessory does not appear to be incompatible with the surrounding existing uses. In the application, the applicant maintained that the two churches and funeral home are located within 300 feet of other amenities which serve alcohol. To verify, the Planning Department created 300 foot radius maps for St. Paul’s Episcopal Church, Key West United Methodist Church, and the Dean Lopez Funeral Home, and conducted field review of the areas that fell within the 300 foot radius. Subsequently, staff took note of establishments which sold alcohol within 300 feet of the sensitive uses, and compared this information to the real estate parcel identification numbers assigned by the Monroe County Property Appraiser’s Office in order to confirm whether the establishments did indeed fall within the 300 foot radius. The results of this analysis are as follows (please see Attachment A):

- St. Paul’s Episcopal Church (401 Duval Street) is located within 300 ft of 11 other establishments which sell alcohol, two of which are theatre establishments.
- Key West United Methodist Church (600 Eaton Street) is located within 300 ft. of 3 other establishments which sell alcohol.
- Dean Lopez Funeral Home (418 Simonton Street) is located within 300 ft. of 6 other establishments which sell alcohol.

Because accessory bar area was approved as part of the site plan for the conditional use application in 2007, and because that approval was extended by the Planning Board in 2009, the Planning Department does consider the sale of alcohol accessory to the restaurant compatible with surrounding land uses. The dinner theatre has already been through extensive land use compatibility review by the Planning Department and the Planning Board, and at this time is still an active approval. The sale of alcohol to patrons of the theatre will not create more of an impact than the dinner theatre use that has been approved.

**B. The extent of conflict between the proposed use and the hours of operation of the facilities described in Section (a) Above:**

As of the date this report is written, the website for St. Paul's Episcopal Church (the closest of the three sensitive uses), indicates that general service times are as follows: Sunday 7:30 a.m., 9:00 a.m., and 11:00 a.m.; Tuesday 5:30 p.m.; and Wednesday 9:00 a.m.

According to the website for the Key West United Methodist Church, the general service times are as follows: Sunday 8:30 a.m., 11:00 a.m., and 6:00 p.m., Thursdays at 6:30 a.m. and 7:00 a.m., and Fridays at 7:00 p.m.

The conditional use approval obtained by the applicant included conditioning which would regulate hours of operation as follows: No later than 12:00 a.m., midnight Sunday through Thursday, and regular hours of operation for the City of Key West on Friday and Saturday. Section 18-27 currently regulates hours of operation for alcohol sales within City limits; prohibiting sales occurring from 4:00 a.m. to 7:00 a.m. each day except Sunday, in which the prohibition extends to the hours of 4:00 a.m. to 12:00 p.m. The prohibition of not selling alcohol until noon is currently a topic of legislative consideration by the City Commission, as an ordinance proposing to repeal the Sunday sales restriction has been approved at first reading (June 21, 2011 City Commission meeting). As such, should the Planning Board move to approve the proposed special exception for alcoholic beverage sales, staff would suggest conditioning the hours of operation for alcohol sales to include the existing sales prohibition from 4:00 a.m. to 12:00 p.m. on Sundays to preserve compatibility with the two churches that are located within 300 feet of 512 Eaton Street.

Based on the general service times of the church, the City's restriction on hours of alcohol sales, as well as appropriate conditioning, the Planning Department anticipates that minimal conflict would occur between the dinner theatre and the churches' service times, should the applicant be approved to serve alcohol to dinner theatre patrons.

Planning staff also spoke with a representative from the Dean Lopez Funeral Home to understand potential conflicts that might occur as a result of the requested alcohol sales. Based on this discussion, it appears that the greatest likelihood for conflict would appear in the afternoon or evening hours (from around 4:00 to 9:00 at night), as this is the average time for services to be held. These services are either held on location, or at an alternate location. Though service times may conflict, the distance between the two sites, as well as the existing development on properties located between the two sites are anticipated to intervene and mitigate conflicts.

**C. Mitigation measures agreed to be implemented by the applicant:**

In the application, it was indicated that the existing nature of the cement block structure that houses the approved conditional use, coupled with the fact that

outdoor consumption area was not granted as part of the conditional use approval would help offset impacts on the site. Window openings are not proposed as part of this request. In the application it was also indicated that the applicant would consider other mitigative factors suggested by neighboring properties in order to facilitate the good neighbor policy. The applicant has offered to install site improvements with respect to security lights and cameras (which would require subsequent City approvals) to discourage loitering, and to monitor on and off-site activity. However, the Planning Department needs further clarification as to the intent, purpose, number of lights and cameras, and proposed location should the Planning Board finds that these features would be appropriate in helping mitigate impacts incurred from alcohol sales activity on the site. If this is the case, direction can be provided by the Planning Board to the Planning Director to assist the applicant in modifying the conditional use approval, as there is presently in place a condition in the approval which limits exterior lighting to the existing approved marquee fixtures.

To summarize the scope of the existing approval, the cumulative conditions associated with the conditional use approval and associated extension are as follows:

Planning Board Resolution No. 2009-043

- The approval of the Conditional Use Extension is contingent upon the approval of the variance request for alcohol sales at 512 Eaton Street (RE# 00006500-000000).
- The sale of food, dessert, and non-alcoholic beverages must constitute 51% or more of business.
- The sale of food must occur during the time in which service is being provided to the public.

Planning Board Resolution No. 2007-042

- A grease trap shall be approved, installed, and inspected by the City.
- Placement of solid waste containers out-of-doors will be timed closely and quietly for regular commercial pickup.
- Applicant shall install sound attenuation to contain sound from entertainment activities within the building, particularly amplified sound from live performances.
- Applicant will limit exterior lighting to existing approved marquee fixtures.

- Hours of operation will be no later than 12:00 a.m., midnight Sunday through Thursday and regular hours of operation for the City of Key West on Friday and Saturday.

**D. Public input:**

As of the date of this report, the Planning Department has received public comments regarding this application, raising neighborhood impact concerns such as parking for dinner theatre patrons, adjacent residential units, waste generation, hours of operation, what will happen if the ownership is transferred to another property owner, as well as the establishment of precedence for another similar type use such as the dinner theatre.

In response to these concerns, the Planning Department provides the following:

- **Parking for dinner theatre patrons and adjacent residential units:**

As part of the conditional use approval granted for the site, pursuant to Planning Board Resolution 2007-042, no additional parking for the dinner theatre use was required, as the Planning Department determined that there was not a change in commercial floor area triggering additional parking requirements on the site. The site is located within the Historic Commercial Pedestrian-Oriented Area of the City.

With respect to the residential uses approved on the site, Planning Board Resolution 2009-041 required that as part of the major development plan approval, that a recorded deed restriction or recorded perpetual easement for the parking spaces approved to be provided on 418 Bahama Street be submitted to the City Attorney before building permit issuance. This has not occurred yet; however the major development plan approval is still active pursuant to Senate Bill 360 and 1752. Should the Planning Board approve the requested alcoholic beverage sales special exception, this document, as well as the other requirements conditioned in the previous approvals must be submitted to the City prior to certificate of occupancy being granted.

- **Waste generation:**

Planning Board Resolution 2007-042 included conditioning that the placement of solid waste containers out-of-doors will be timed closely and quietly for regular commercial pickup. Additionally, the approved site plans for the conditional use approval demonstrate trash containers being stored inside of the building.

- **Hours of operation:**

As previously mentioned in Section C of the report, Planning Board Resolution 2007-042 conditioned that hours of operation occur no later than 12:00 a.m., midnight Sunday through Thursday, and regular hours of operation for the City of Key West on Friday and Saturday. According to

Section 18-27 of the City Code, regular hours of operation for the City of Key West means that alcohol sales are prohibited from occurring from 4:00 a.m. to 7:00 a.m. each day except Sunday, and from 4:00 a.m. to 12:00 p.m. on Sundays.

- **Concerns regarding what will happen if the ownership is transferred to another property owner:**

Section 18-28 (c) requires that approvals for special exceptions to alcohol sales within 300 ft. of churches, schools, cemeteries, and funeral homes are specific to the applicant only, shall not be transferable, and shall only be effective in conjunction with the use(s) specified in the application.

- **The establishment of precedence for another similar type use such as the dinner theatre:**

Restaurants are only allowed conditionally within the HNC-1 zoning district, pursuant to Section 122-808 (13) of the Land Development Regulations. The subject site went through the conditional use application process in 2007 and received conditional approval. The approval was subsequently extended in 2009. In summary, for another similar type use to occur within the HNC-1 zoning district, a conditional use application would have to be considered and approved by the Planning Board, at minimum. Regardless of the zoning district, if alcohol sales are proposed to occur within 300 ft. of an established church, school, cemetery, or funeral home, a special exception must be considered and approved by the Planning Board.

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

As of the date of this report, the applicant has indicated to the Department that a meeting is expected to occur between the applicant and church representatives prior to Planning Board consideration of the application.

**F. Any other factors the approving body determines relevant to the public’s health, safety, and welfare:**

According to Section 18-28 (c), Special Exceptions granted for alcoholic beverage sales within 300 feet of sensitive uses may be approved with conditions, which conditions shall be monitored in accordance with Code Section 18-610. Should the Planning Board approve the application, Section 18-28 (c) requires that the approval be specific to the applicant only, shall not be transferable, and shall only be effective in conjunction with the use(s) specified in the application. As a result, should the Planning Board approve the proposal, these operational controls will be embedded in the approval, however, based on public input, further conditioning may be necessary to ensure continued neighborhood compatibility.

**The Planning Board shall make factual findings regarding the following:**

**That the standards established by Section 18-28 (b) of the City Code for Special Exception have been met by the applicant.**

Based on the information provided to the Planning Department, the standards established by Section 18-28 (b) of the City Code for Special Exception have been met by the applicant.

**RECOMMENDATION:**

The Planning Department, based on the criteria established by the Comprehensive Plan and the City Code, recommends the request for Special Exception be approved with the following conditions:

1. The exception is granted exclusively to the applicant and property owner, Lynn Kephart.
2. The exception is not transferable.
3. The exception is only effective with the following uses, as specified in the application: patrons of the dinner theatre, as approved in Planning Board Resolution 2009-043, 2007-042, and extended in accordance with Senate Bill 360 and Senate Bill 1752 for government issued development orders.
4. That the sale of alcohol is accessory to the restaurant use on the site, and is subject to the terms of the conditional use approval granted through Resolution 2007-042, as well as the conditional use extension granted by Planning Board Resolution 2009-043, and extended in accordance with Senate Bill 360 and Senate Bill 1752 for government issued development orders.
5. Alcohol sales cannot occur between 4:00 a.m. and 12:00 p.m. on Sundays to preserve compatibility with the two churches that are located within 300 feet of 512 Eaton Street.

Attachments:  
Attachment A



# **Attachment A**

## Attachment A

- Establishments selling alcohol within 300 ft. of St. Paul's Episcopal Church (401 Duval)

Living Dolls (RE# 9530)

Baby Cheapees Package Store (RE# 9550)

Margaritaville (RE# 9850)

La Concha (RE# 6570)

Jack's Seafood Shack (RE# 6570)

Tropic Cinema (RE# 6580)

Faustos (RE# 9460)

Old Town Manor-recently approved, Planning Board Resolution 2011-024 (RE# 4330)

China Garden West (RE# 6440)

Red Barn Theater (RE# 4310)

The Grand Café (RE# 4420)

- Establishments selling alcohol within 300 ft. of Key West United Methodist Church (600 Eaton Street)

China Garden (RE# 6440)

Faustos (RE# 9460)

Marquesa (RE# 9170)

- Establishments selling alcohol within 300 ft. of Dean Lopez Funeral Home (418 Simonton Street)

Living Dolls (RE# 9530)

Baby Cheapees Package Store (RE# 9550)

Old Town Manor-recently approved, Planning Board Resolution 2011-024 (RE# 4330)

China Garden West (RE# 6440)

Marquesa (RE# 9170)

Faustos (RE# 9460)

# 401 Duval

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



PALMIS

Monroe County Property Appraiser  
500 Whitehead Street  
Key West, FL

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

Date Created: June 15, 2011 9:40 AM

# 600 Eaton

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



PALMIS

Monroe County Property Appraiser  
500 Whitehead Street  
Key West, FL

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

Date Created: June 23, 2011 2:54 PM

# 418 Simonton

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



PALMIS

Monroe County Property Appraiser  
500 Whitehead Street  
Key West, FL

DISCLAIMER: The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose.

Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the data is intended for *ad valorem tax purposes* only and should not be relied on for any other purpose.

Date Created: June 23, 2011 3:06 PM

# **Draft Resolution**

RESOLUTION NUMBER \_\_\_\_\_

**A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A SPECIAL EXCEPTION TO MR. LYNN KEPHART, PROPERTY OWNER FOR 512 EATON STREET, ALLOWING FOR THE SALE OF ALCOHOL TO OCCUR WITHIN 300 FEET OF A CHURCH AND FUNERAL HOME FOR PROPERTY LOCATED WITHIN THE HNC-1 ZONING DISTRICT, PURSUANT TO SECTION 18-28 (b)(2) OF THE CODE OF ORDINANCES, FOR PROPERTY LOCATED AT 512 EATON STREET (RE# 00006500-000000), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 18-28 (a) of the Code of Ordinances provides that no person shall conduct in the City any business involving the sale of alcoholic beverages where such place of business is within 300 feet of any established church, school, cemetery, or funeral home; and

**WHEREAS**, Section 18-28 (b)(2) provides that the prohibition in subsection (a) above shall not apply if a property owner is granted a special exception to specifically sell alcoholic beverages pursuant to authorization granted by the Planning Board that the use will not detrimentally impact the public health, safety or welfare after consideration of all of the following criteria:

- A. Compatibility with surrounding existing uses;
- B. The extent of conflict between the proposed use and the hours of operation of the facilities described above;
- C. Mitigation measures agreed to be implemented by the applicant;

- D. Public input;
- E. That the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the application, and by addressing the objections expressed by these neighbors;
- F. Any other factors the approving body determines relevant to the public’s health, safety, and welfare; and

**WHEREAS**, the applicant requested a Special Exception to sell alcohol within 300 feet of an established church and funeral home, pursuant to Section 18-28 (b)(2); and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on \_\_\_\_\_; and

**WHEREAS**, the Planning Board finds that the applicant’s proposal to sell alcohol is compatible with surrounding existing uses; and

**WHEREAS**, the Planning Board finds that the extent of conflict between the proposed use, church, and funeral home will be minimal; and

**WHEREAS**, the Planning Board considered the mitigation measures agreed to be



implemented by the applicant; and

**WHEREAS**, the Planning Board considered public input; and

**WHEREAS**, the Planning Board has found that the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the application, and by addressing the objections expressed by these neighbors; and

**WHEREAS**, the Planning Board considered other factors determined relevant to the public’s health, safety, and welfare; and

**NOW, THEREFORE BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

**Section 1.** That the above recitals are incorporated by reference as if fully set forth herein.

**Section 2.** That a Special Exception, under Section 18-28 (b) (2) of the Code of Ordinances of the City of Key West, Florida, is hereby granted as follows: **EXCLUSIVE TO THE APPLICANT Lynn Kephart., TO BE LOCATED AT 512 EATON STREET (RE#00006500-000000), KEY WEST FLORIDA** with the following conditions:

1. The exception is granted exclusively to the applicant and property owner, Lynn Kephart.

\_\_\_\_\_ Chairman

\_\_\_\_\_ Planning Director

2. The exception is not transferable.
3. The exception is only effective with the following uses, as specified in the application: patrons of the dinner theatre, as approved in Planning Board Resolution 2009-043, 2007-042, and extended in accordance with Senate Bill 360 and Senate Bill 1752 for government issued development orders.
4. That the sale of alcohol is accessory to the restaurant use on the site, and is subject to the terms of the conditional use approval granted through Resolution 2007-042, as well as the conditional use extension granted by Planning Board Resolution 2009-043, and extended in accordance with Senate Bill 360 and Senate Bill 1752 for government issued development orders.
5. Alcohol sales cannot occur between 4:00 a.m. and 12:00 p.m. on Sundays to preserve compatibility with the two churches that are located within 300 feet of 512 Eaton Street.

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

**Section 4.** This Special Exception does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of

legal authority respecting the property.

**Section 5.** This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

**Section 6.** This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations).

Read and passed at a special meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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

\_\_\_\_\_  
Richard Klitenick, Chairman  
Key West Planning Board

\_\_\_\_\_  
Date

**Attest:**

\_\_\_\_\_  
Donald Leland Craig, AICP  
Planning Director

\_\_\_\_\_  
Date

**Filed with the Clerk:**

\_\_\_\_\_  
Cheryl Smith, City Clerk

\_\_\_\_\_  
Date

Page 5 of 5  
Resolution Number 2011-\_\_\_\_\_

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Planning Director

# Application

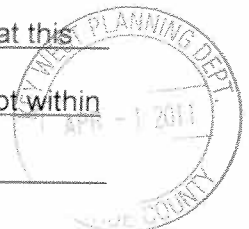


THE CITY OF KEY WEST  
Planning Department

**SPECIAL EXCEPTIONS ARE QUASI-JUDICIAL HEARINGS  
AND IT IS IMPROPER TO SPEAK TO PLANNING BOARD  
MEMBERS ABOUT THE REQUEST  
OUTSIDE OF THE HEARING**  
*Alcohol Sales Special Exception  
Application*

Please print or type a response to the following:

1. Site Address 512 Eaton Street, Key West, Florida
2. Name of Applicant Adele V. Stones
3. Applicant is: Owner \_\_\_\_\_ Authorized Representative x  
(please see the attached Verification & Authorization Forms)
4. Address of Applicant 221 Simonton Street  
Key West, FL 33040
5. Phone # of Applicant (305) 294-0252 Mobile# \_\_\_\_\_ Fax# (305) 292-5442
6. **E-Mail Address** ginny@keyslaw.net
7. Name of Owner, if different than above Lynn Kephart
8. Address of Owner 414 Simonton Street  
Key West, FL 33040
9. Phone Number of Owner (305) 509-1883 Fax# \_\_\_\_\_
10. Email Address \_\_\_\_\_
11. Zoning District of Parcel HNC-1 RE# 00006500-000000
12. Description of Use and Exception Requested  
Property owner has received all development approvals including conditional use  
approval from the Key West Planning Board to operate a restaurant and/or dinner  
theatre at this location (see Planning Board Resolution 2007-042). Alcohol beverage  
sales will be ancillary to the minimum 150 seat restaurant and/or dinner theatre use  
utilizing an SRX beverage license. No stand alone bar/lounge use is proposed at this  
location. All forms of adult entertainment are prohibited in this district and are not within  
the contemplated use of the approved theatre use.



Please note that any special exception granted hereunder may be approved with conditions, which conditions shall be monitored in accordance with Section 18-610. The exception shall be to the applicant only, shall not be transferable and shall only be effective in conjunction with the use(s) specified in the application. The Planning Board recognizes public input and how the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the application, and by addressing the objections expressed by these neighbors. Further, the Planning Board can consider any other factors they determine relevant to the public's health, safety and welfare.

The Planning Board may only grant the requested alcohol sales special exception after considering the following criteria. Please provide a response as to how this proposed use and exception meet or fulfill these criteria:

13. Demonstrate compatibility with surrounding existing uses:

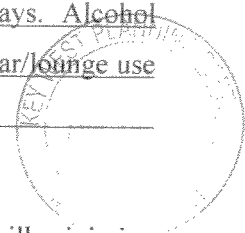
Restaurant and/or theatre use with accessory sale of alcohol is highly consistent with existing uses within 300 feet of applicant's property. There are six (6) restaurants with alcoholic beverage service located in the two-block area contiguous to applicant's property. They are Carriage Trade, China Garden West, Marquesa Café, LaConcha, Grand Café, and Hard Rock. There are two theatre venues with alcohol sales, Tropic Cinema and Red Barn Theatre. Fausto's Food Palace and Tropical Package Store offer retail (by the bottle) alcohol sales. All of these establishments are located within 300 feet of churches, funeral homes, and/or cemetery(s). Applicant's property will house five (5) transient residential condominiums and applicant owns a 14 unit guesthouse immediately adjacent to the proposed restaurant offering alcohol beverage sales. There are four (4) other transient guest facilities in the immediate proximity to applicant's property, all of which offer alcohol service complimentary or otherwise for guests. There are a handful of single family residences and multi-family residential structures in the area. The subject property and all property within the 300 foot radius of the subject property are located in Historical Commercial zoning districts.

14. Demonstrate the extent of conflict between the proposed use and the hours of operation of the facilities:

The hours of operating were limited as condition of the approval of the previously granted conditional use at this location for the restaurant and/or dinner theatre (PB Resolution No. 2007-0042 attached), with 12:00 a.m. closing midnight Sunday through Thursday, regular City hours of operation Friday and Saturday. No alcohol sale is permitted before noon on Sundays. Alcohol sales will be accessory to the approved restaurant and/or theatre use. This is not a bar/lounge use and will not serve alcohol outside of restaurant/theatre hours.

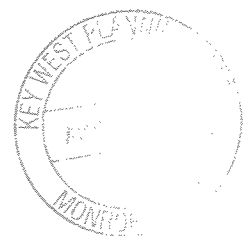
15. What are the mitigative measures proposed to be implemented by the applicant:

Existing cement block construction with no outdoor consumption or service area will minimize any impact generated by the restaurant-theatre use with accessory alcohol sales. No window



openings are proposed and the public will enter through a double entry hallway, minimizing noise impact. Security lights and cameras will be utilized to discourage loitering and to monitor on and off site activity. The applicant will consider other mitigative techniques or measures suggested by neighboring properties which facilitate the good neighbor policy.

---



# Verification Form



City of Key West  
Planning Department



Verification Form

(Where Authorized Representative is an individual)

I, Adele V. Stones, 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:

512 Eaton Street, Key West, Florida

*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.

*Adele V. Stones*

*Signature of Authorized Representative* Florida Bar No. 331880

Subscribed and sworn to (or affirmed) before me on this April 1, 2011 by

*date*

Adele V. Stones

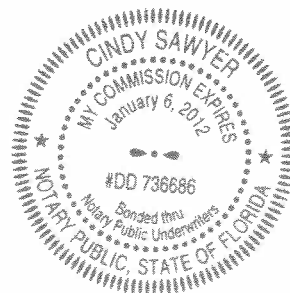
*Name of Authorized Representative*

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

*Cindy Sawyer*  
*Notary's Signature and Seal*

Cindy Sawyer  
*Name of Acknowledger typed, printed or stamped*

736686  
*Commission Number, if any*



**Deed**

**WARRANTY DEED**

**THIS INDENTURE,**

wherever used herein, the term "party" shall include the heirs, personal representatives, successors and/or assigns of the respective parties hereto; the use of the singular numbers shall include the plural, and the plural the singular, the use of any gender; and, if used, the term "note" shall include all the notes herein described if more than one.

**THIS INDENTURE,**

Made this <sup>7<sup>th</sup></sup> day of October, A.D. 1991

Between, **THE FIRST BAPTIST CHURCH OF KEY WEST INCORPORATED, A FLORIDA NOT FOR PROFIT CORPORATION a/k/a FIRST BAPTIST CHURCH OF KEY WEST, INC., a/k/a THE FIRST BAPTIST CHURCH OF KEY WEST, INC.,** which corporation is successor to **FIRST BAPTIST CHURCH OF KEY WEST,** party of the first part, and **LYNN H. REPHART, A SINGLE MAN,** whose address is 414 Simonton Street, Key West, Monroe County, Florida, party of the second part,  
Witnesseth, That the said party of the first part, for and in consideration of the sum of **TEN AND NO/100 (\$10.00)** Dollars to it in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents doth grant, bargain, sell, alien, remise, release, convey, and confirn unto the said party of the second part and his heirs and assigns forever, all that certain parcel of land lying and being in the County of Monroe and State of Florida, more particularly described as follows:

**SEE EXHIBIT "A" ATTACHED HERETO**

Property Appraiser's Parcel I.D. Number: A portion of 0000650-000100

Together with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, reversion, remainder and easement thereto belonging or in anywise appertaining:

**TO HAVE AND TO HOLD** the same in fee simple forever.

And the said party of the first part doth covenant with the said party of the second part that it is lawfully seized of the said premises; that they are free of all incumbrances, and that it has good right and lawful authority to sell the same; and the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

**IN WITNESS WHEREOF,** the said party of the first part has caused these presents to be signed in its name by its Director and its corporate seal to be affixed, the date and year above written.

Signed, Sealed and Delivered  
In Our Presence:

**THE FIRST BAPTIST CHURCH OF KEY WEST INCORPORATED, A FLORIDA NOT-FOR-PROFIT CORPORATION, a/k/a FIRST BAPTIST CHURCH OF KEY WEST, INC., a/k/a THE FIRST BAPTIST CHURCH OF KEY WEST, INC.,** WHICH CORPORATION IS SUCCESSOR TO **FIRST BAPTIST CHURCH OF KEY WEST.**

*[Signature]*  
Lynn H. Rephart  
Lynn H. Rephart

BY *[Signature]*  
**WILLIAM J. SIKES, Director**

DEED # 2160 Date 10-28-91  
MONROE COUNTY  
DANNY A. KOLHAGE, CLERK OF CT.  
*[Signature]*

NOT FOR PUBLIC  
11/11/91

1700  
250  
2/16/00

REC-188  
P2-300  
FOR RECORD

WEST PLANNING  
APR - 1 20  
MONROE CO

THE FIRST BAPTIST CHURCH OF KEY WEST

STATE OF FLORIDA :  
COUNTY OF DUVAL :

I hereby Certify that on this 7<sup>th</sup> day of October A.D. 1991, before me personally appeared WILLIAM J. SIKES, Director of THE FIRST BAPTIST CHURCH OF KEY WEST INCORPORATED, A FLORIDA NOT-FOR-PROFIT CORPORATION existing under the laws of the State of Florida, to me known to be the person described in and who executed the foregoing conveyance to LYNN H. KEPHART, A SINGLE MAN and severally acknowledged the execution thereof to be the free act and deed as such officer, for the uses and purposes therein mentioned; and that they affixed thereto the official seal of said corporation, and the said instrument is the act and deed of said corporation.

WITNESS my signature and official seal at Jacksonville, in the County DUVAL and State of FLORIDA, the day and year last aforesaid.

Tina R. Roberts  
NOTARY PUBLIC Tina R. Roberts

NOTARY PUBLIC, STATE OF FLORIDA  
My commission expires July 8, 1995

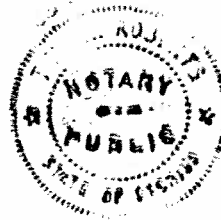


EXHIBIT "A"**PARCEL A-2**

On the Island of Key West, Monroe County, Florida and being a portion of Lot 2, Square 37 according to William A. Whitehead's Map of said Island delineated in February A.D. 1829, being more particularly described as follows:

**COMMENCE** at the Southeasterly Right-of-Way line of Eaton Street and the Southwesterly Right-of-Way line of Simonton Street; thence in a Southwesterly direction along the said Southeasterly Right-of-Way line of Eaton Street for 84.00 feet to the Point of Beginning; thence at a right angle and in a Southeasterly direction for 86.00 feet; thence at a right angle and in a Southwesterly direction for 10 feet; thence at a right angle and in a Southeasterly direction for 14 feet; thence at a right angle and in a Southwesterly direction for 117.25 feet, to the Northeastery Right-of-Way line of Bahama Street; thence at a right angle and in a Southwesterly direction along the said Northeastery Right-of-Way line of Bahama Street for 100.00 feet to the Southeasterly Right-of-Way line of Eaton Street; thence at a right angle and in a Northeastery direction along the said Southeasterly Right-of-Way line of Eaton Street for 127.25 feet to the Point of Beginning.

**LESS****LEGAL DESCRIPTION:**

All that tract or parcel of land lying and being in the City of Key West, County of Monroe and State of Florida, and more particularly described as follows:

Beginning at a point on the Southerly side of Eaton Street, 84 feet Southwesterly, measured along the Southerly side of Eaton Street from the Southwest corner of Eaton Street and Simonton Street and; running thence Southeasterly parallel with Simonton Street 86 feet; thence Southwesterly parallel with Eaton Street 10 feet; thence Southeasterly parallel with Simonton Street 14 feet; thence Southwesterly parallel with Eaton Street 62 feet, 3 inches; thence run Northwesterly parallel with Simonton Street 43 feet, 9 inches; thence run Northeastery parallel with Eaton Street 8 inches; thence run Northwesterly parallel with Simonton Street 2 feet, 4 inches; thence run Southwesterly parallel with Eaton Street 8 inches; thence run Northwesterly parallel with Simonton Street 10 feet 6 inches; thence run Northeastery parallel with Eaton Street 8 inches; thence run Northwesterly parallel with Simonton Street 2 feet 3 inches; thence run Southwesterly parallel with Eaton Street 8 inches; thence run Northwesterly parallel with Simonton Street 10 feet 6 inches; thence run Northeastery parallel with Eaton Street 8 inches; thence run Northwesterly parallel with Simonton Street 2 feet 3 inches; thence run Southwesterly parallel with Eaton Street 8 inches; thence run Northwesterly parallel with Simonton Street 28 feet, 5 inches to the Southeast Right-of-Way of said Eaton Street; thence run Northeastery along said South Right-of-Way 72 feet, 3 inches back to the point of beginning.



707604  
REC 188 HR0642

**ACTION BY UNANIMOUS WRITTEN CONSENT  
OF THE BOARD OF TRUSTEES OF  
THE FIRST BAPTIST CHURCH OF KEY WEST, INCORPORATED**

We, the undersigned, being all of the trustees of The First Baptist Church of Key West, Incorporated, hereby designate William J. Sikes as the sole Director of The First Baptist Church of Key West, Incorporated, to execute legal documents and act on behalf of The First Baptist Church of Key West, Incorporated, and to do all other acts necessary for the purposes of consummating the sale of church property in accordance with a written agreement between the church and Lynn Kephart.

Dated this 25 day of November, 1990.

Recorded in Official Records Book  
in Monroe County, Florida  
Record Verified  
**DANNY L. KOLHAGE**  
Clerk Circuit Court

*William J. Sikes*  
\_\_\_\_\_  
William J. Sikes, Director  
and Trustee

*Joan S. Sikes*  
\_\_\_\_\_  
Joan S. Sikes, Trustee

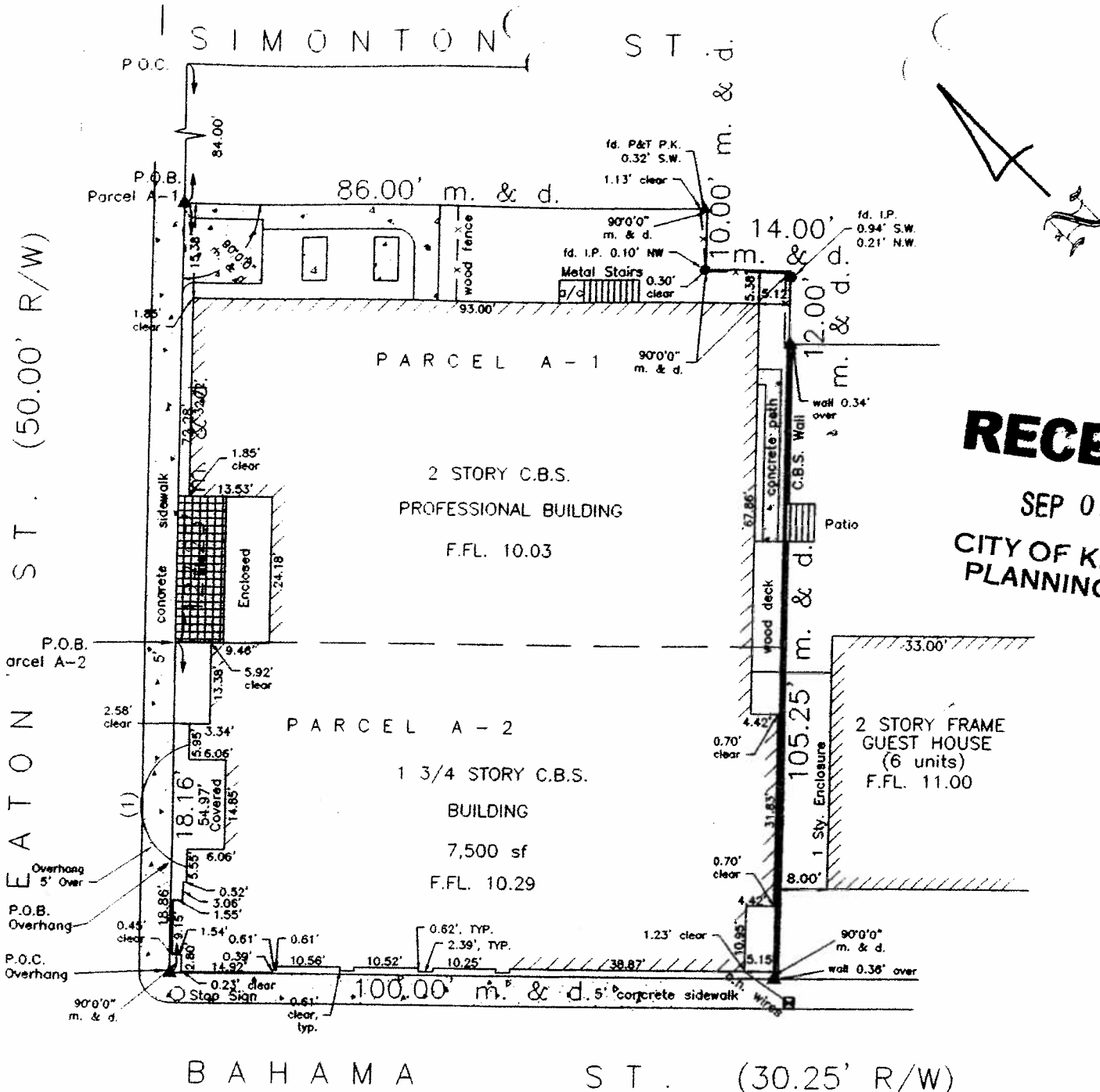
*Hastings G. Joyner*  
\_\_\_\_\_  
Hastings G. Joyner, Trustee



Recorded in Official Records Book  
in Monroe County, Florida  
Record Verified  
**DANNY L. KOLHAGE**  
Clerk Circuit Court

L/

# Survey



**RECEIVED**  
 SEP 05 2007  
 CITY OF KEY WEST  
 PLANNING DEPT.

B A H A M A S T . (30.25' R/W)

**SURVEYOR'S NOTES:**  
 North arrow based on assumed median  
 Elevation based on N.G.V.D. 1929 Datum  
 B.M. No. Basic; Elev. 11.124  
 ▲ = set P.K. Nail, P.L.S. No. 2749  
 Sty. = Story  
 F.F.L. = Finish Floor Elevation  
 B.M. = Bench Mark  
 N.T.S. = Not to Scale  
 C.B.S. = Concrete Block Stucco  
 R/W = Right of Way

Curve number 1  
 Radius = 10.50'  
 Delta = 119°45'20"  
 Arc = 21.95'  
 Tangent = 18.10'  
 Chord = 18.16'

Field work performed on 6/5/03

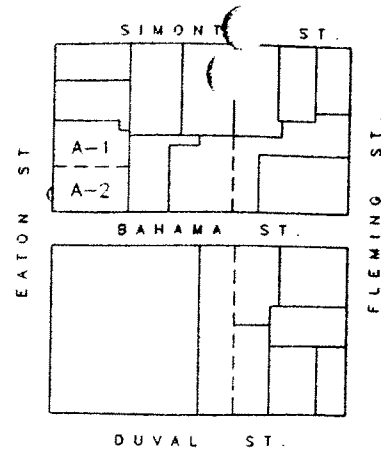
Block 32

Lynn Kephart 512 & 525 Eaton Street, Key West, FL 33040			
BOUNDARY SURVEY			Dwn No.: 04-351
Scale: 1" = 20'	Ref. 70-60 FILE	Flood panel No. 1716 H	Dwn. By: F.H.H.
Date: 6/11/04		Flood Zone: X	Flood Elev. -
REVISIONS AND/OR ADDITIONS			

FREDERICK H. HILDEBRANDT  
 ENGINEER PLANNER SURVEYOR

3152 Northside Drive  
 Suite 201  
 Key West, FL 33040  
 (305) 293-0466  
 Fax: (305) 293-0237





LOCATION MAP

LEGAL DESCRIPTION:

Square 37, City of Key West, FL

PARCEL A-2

On the Island of Key West, Monroe County, Florida, and being a portion of Lot 2, Square 3 according to William A. Whitehead's Map of said Island delineated in February A.D. 1829, but being more particularly described as follows:

COMMENCE at the Southeastery right of way line of Eaton Street and the southwesterly right way line of Simonton Street; thence in a Southwesterly direction along the said Southeastery right of way line on Eaton Street for 156.18 feet to the Point of Beginning; thence at a right angle and in a Southeastery direction for 100.00 feet; thence at a right angle and in a Southwesterly direction for 55.07 feet the Northeastery right of way line of Bahama Street; thence at right angles and in a Southwesterly direction along the said Northeastery right of line of Bahama Street for 100.00 feet to the said Southeastery right of way line of Eaton Street; thence at a right angle and in a Northeastery direction along the said Southeastery of way line of Eaton Street for 55.07 feet. Containing 5,507 Square Feet.

PARCEL A-1

On the Island of Key West, Monroe County, Florida, and being a portion of Lot 2, Square 3 according to William A. Whitehead's Map of said Island delineated in February A.D. 1829, but being more particularly described as follows:

COMMENCE at the Southeastery right of line of Eaton Street and the Southwesterly right of line of Simonton Street; thence in a Southwesterly direction along the said Southeastery right way on Eaton Street for 84.00 feet to the Point of Beginning; thence at right angle and in Southwesterly direction for 10 feet; thence at a right angle and in a Southeastery direction 12 feet; thence at right angle and in a Southwesterly direction for 62.18 feet; thence at right angle and in a Northwesterly direction for 100.00 feet to the said Southeastery right of way line of Eaton Street; thence at a right angle and in a Northeastery direction along the said Southeastery right of way line of Eaton Street for 72.18 feet back to the Point of Beginning. Containing 7,078 square feet.

LEGAL DESCRIPTION Overhang:

On the Island of Key West, Monroe County, Florida, and being a portion of Lot 2, Square 3 according to William A. Whitehead's Map of said Island delineated in February A.D. 1829, but being more particularly described as follows:

COMMENCE at the intersection of the Northeastery Right-of-Way Line of Bahama street and Southeastery Right-of-Way Line of Eaton Street; thence in a Northeastery direction along the said Southeastery Right-of-Way Line of Eaton Street for 18.86 feet to the Point of Beginning; thence continue in a Northeastery direction along the said Southeastery Right-of-Way line Eaton Street for 18.16 feet to a point on a curve to the left, having a radius of 10.50 feet, a central angle of 119°45'20", a cord bearing Southwesterly along the said Northeastery Right-of-Way Line of Eaton Street, and a cord length of 18.16 feet; thence along the arc of the said curve, an arc length of 21.95 feet to the said Southeastery Right-of-Way Line of Eaton Street and the Point of Beginning. Containing 67 square feet, more or less.

CERTIFICATION:

I HEREBY CERTIFY that the attached BOUNDARY SURVEY is true and correct to the best of my knowledge and belief; that it meets the minimum technical standards adopted by the Florida Board of Land Surveyors, Chapter 61G17-6, Florida Statute Section 472.027, and the American Land Title Association, and that there are no visible encroachments unless shown hereon.

FREDERICK H. HILDEBRANDT  
Professional Land Surveyor & Mapper No. 2749  
Professional Engineer No. 36810  
State of Florida

# **Active Conditional Use Approval**



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

February 16, 2011

VIA ELECTRONIC MAIL AND U.S. MAIL

Adele V. Stones  
221 Simonton Street  
Key West, Fl. 33040

**RE: Senate Bill 360 and Senate Bill 1752 Development Order Extension Notification  
512 Eaton Street, Planning Board Resolution 2009-043**

Dear Ms. Stones,

This letter is in response to the notification of your intent to extend Planning Board Resolution 2009-043, in accordance with Senate Bill 360 and Senate Bill 1752 for government issued development orders. Your request was received by the Planning Department on July 28, 2010, in a timely manner and the expiration of the development order falls within the given timeframe provided by the Senate Bills and therefore appears to be eligible for the extension.

For your records, this letter recognizes that notification to the city has been made and received and that the date of expiration for Planning Board Resolution 2009-043 is understood to be extended until the effective date of December 11, 2012 pursuant to SB 360 and SB 1752.

Please contact me if you have any questions.

Respectfully,

Nicole Malo  
Planner

A handwritten signature in black ink, appearing to read "NM", is placed over the typed name "Nicole Malo".

Attachments:

Applicant Extension Notification, July 28, 2010  
DCA Determination of Consistency, December 11, 2009  
Planning Board Resolution Number 2009-043, November 23, 2009  
Planning Board Resolution Number 2007-042, December 31, 2007

Xc: Donald L. Craig, AICP, Interim Planning Director  
Larry Erskine, Chief Assistant City Attorney



512 Eaton Street

~~Major Dev. Plan~~  
~~Conditional Use~~

STONES & CARDENAS  
ATTORNEYS AT LAW

221 SIMONTON STREET, KEY WEST, FL 33040  
TELEPHONE (305) 294-0252 FAX (305) 292-5442

ADELE VIRGINIA STONES, P.A.

SUSAN M. CARDENAS, P.A.

July 27, 2010

Amy Kimball-Murley, AICP, Planning Director  
City of Key West  
PO Box 1409  
Key West, FL 33040

Re: Development Order Extension Notification per SB 360 & SB 1752

Dear Mrs. Kimball-Murley:

In November, 2009 my client, Lynn Kephart, received an extension (attached) of Resolution No. 2007-042 according to Section 108-203 of the Key West Code. Senate Bill 360 along with Senate Bill 1752 extends and renews "any local government-issued development order or building permit" with an expiration date of September 1, 2008 through January 1, 2012. The expiration date of Resolution No. 2007-042 is currently November 10, 2010 (1 year from the effective date).

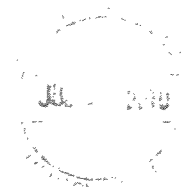
Due to the current economic and other difficulties delaying implementation of the development approvals, we hereby notify the City of Key West we intend to use the extensions authorized in SB 360 and SB 1752 for a two year extension (to November 10, 2012) of the development approved in Resolution No. 2007-042 (including all associated permits and approvals). We anticipate acting on the authorization granted in Resolution No. 2007-042 and 2009-043 as soon as possible, but no later than prior to the final expiration.

Thank you for your kind assistance.

Sincerely,



Adele V. Stones  
AVS/cms  
c: Lynn Kephart  
Enclosure as stated





STATE OF FLORIDA

**DEPARTMENT OF COMMUNITY AFFAIRS**

*"Dedicated to making Florida a better place to call home"*

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

December 11, 2009

Mrs. Amy Kimball-Murley, AICP  
[akimball@keywestcity.com](mailto:akimball@keywestcity.com)  
City of Key West Planning Director  
P.O. Box 1409  
Key West, Florida 33041

**Re: Res# 2009-043 512 Eaton St.**

The Area of Critical State Concern program has received and reviewed the above referenced permit in accordance with Section 380.07, Florida Statutes. The permit would authorize one year extension. The Department will not appeal the proposed development or development order as issued.

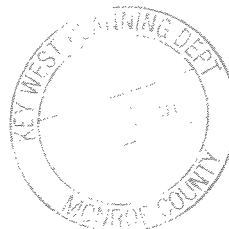
This letter is not intended to constitute, and shall not be construed as constituting, a verification of compliance with the Comprehensive Plan and Land Development Regulations, and shall not be relied upon as a precedent or a waiver of rights regarding any other development order or other growth management laws or statutes.

If additional information is needed, please call Rebecca Jetton @ (850) 922-1766.

Sincerely,

Rebecca Jetton, Administrator  
Florida Keys Area of Critical State Concern

RJ/kj



2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-2100  
850-488-8466 (p) • 850-921-0781 (f) • Website: [www.dca.state.fl.us](http://www.dca.state.fl.us)

• COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) • FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) •  
• HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) •

**RESOLUTION NUMBER 2009-043**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD TO ALLOW A ONE-YEAR EXTENSION FROM THE EFFECTIVE DATE OF THE ORIGINAL CONDITIONAL USE APPROVAL GRANTED IN RESOLUTION NUMBER 07-042 FOR PROPERTY LOCATED AT 512 EATON STREET (RE#00006500-000000), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 122-63(e) provides that a conditional use may be extended only one time for 12 months by a favorable vote of the Planning Board or City Commission, when the project is a major development; and

**WHEREAS**, the Planning Board approved Resolution 07-042 in December of 2007 allowing a conditional use for the conversion of a former church/theater into a restaurant with stage and screen entertainment, and 3,075 square feet of consumption, stage, and accessory bar waiting area; and

**WHEREAS**, a delay in the City's rendering process caused the approval to not be valid until November of 2008; and

**WHEREAS**, the applicant requested a 12 month extension from the effective date of the conditional use approval; and

  
Chairman  
  
Planning Director

**WHEREAS**, the applicant submitted a timely request for extension and demonstrated that there are no changes to circumstances regarding the original conditional use approval; and

**WHEREAS**, the granting of the conditional use extension will be in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

**Section 1.** That the conditional use approval and associated conditions granted by the Planning Board in Resolution No. 07-042, allowing for the conversion of a former church/theater into a restaurant with stage and screen entertainment, and 3,075 square feet of consumption, stage, and accessory bar waiting area in the HNC-1, Historic Neighborhood Commercial Truman/Simonton Zoning District, under the Code of Ordinances of the City of Key West, Florida, are hereby extended for one-year until November, 2010 for the property located at 512 Eaton Street (RE# 00006500-000000), see attached plans dated 10/29/09, with the following conditions:

1. 1. The approval of the Conditional Use Extension is contingent upon the approval of the variance request for alcohol sales at 512 Eaton Street (RE# 00006500-000000).
2. The sale of food, dessert, and non-alcoholic beverages must constitute 51% or more of business.
3. The sale of food must occur during the time in which service is being provided to the public.



**Section 2.** It is a condition of this conditional use extension that full, complete, and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within one year of the effective date of the approval.

**Section 3.** This conditional use extension does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

**Section 4.** This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.


**Section 5.** This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA can appeal the permit to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regular meeting held this 10th day of November, 2009.

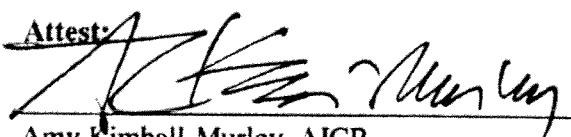
Authenticated by the Chairman of the Planning Board and the Planning Director.

  
Chairman  
  
Planning Director

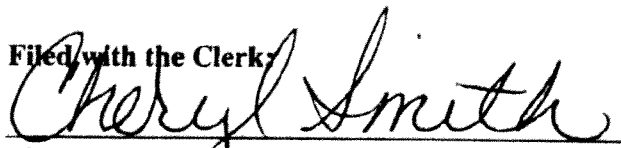


  
Rickard Klifenick, Chairman  
Key West Planning Board

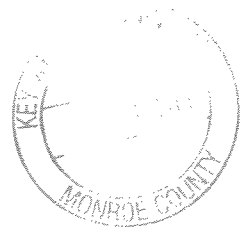
NOV 23, 2009  
Date

Attest:  
  
Amy Kimball-Murley, AICP,  
Planning Director

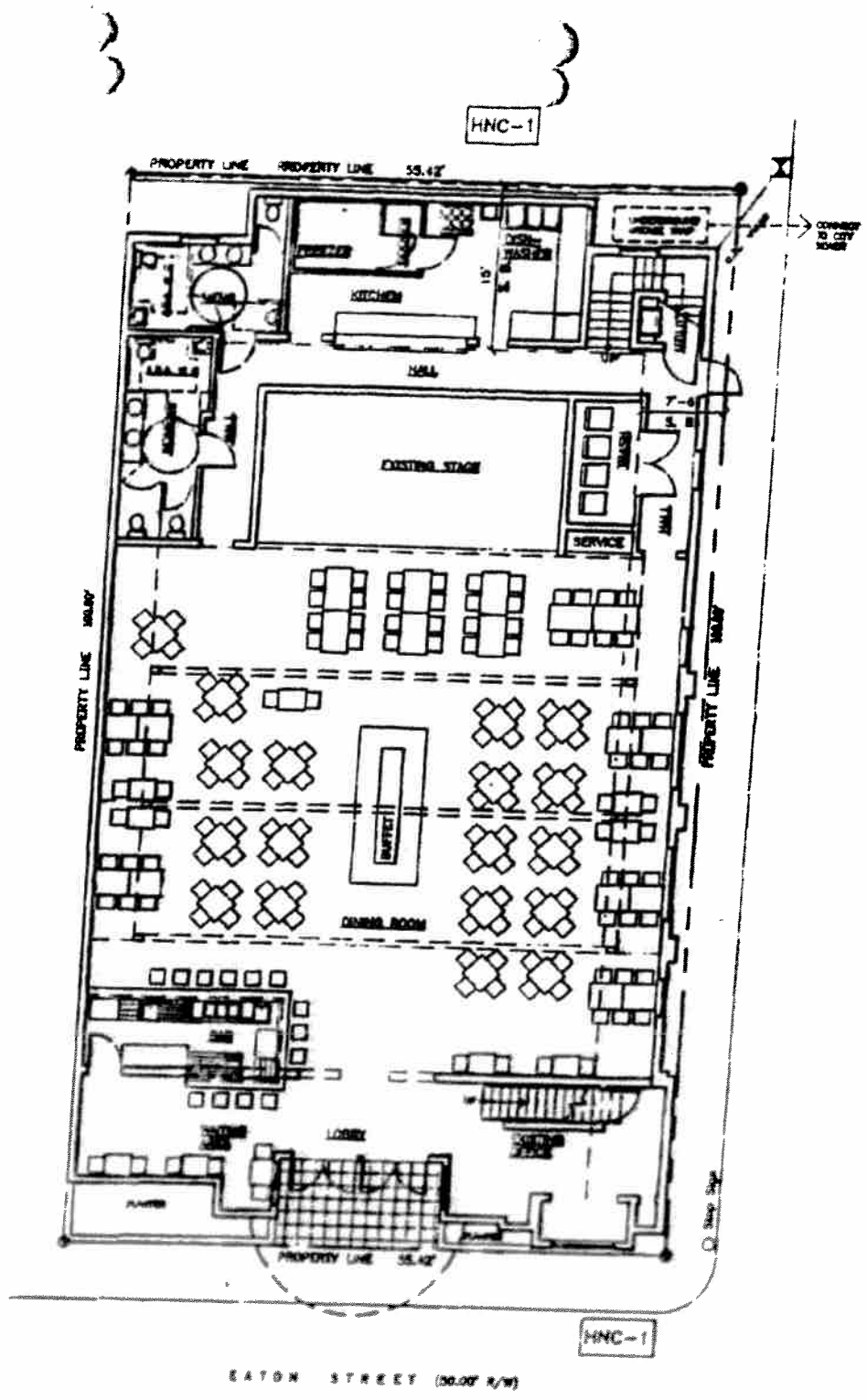
NOV 23, 2009  
Date

Filed with the Clerk:  
  
Cheryl Smith, City Clerk

11-23-09  
Date

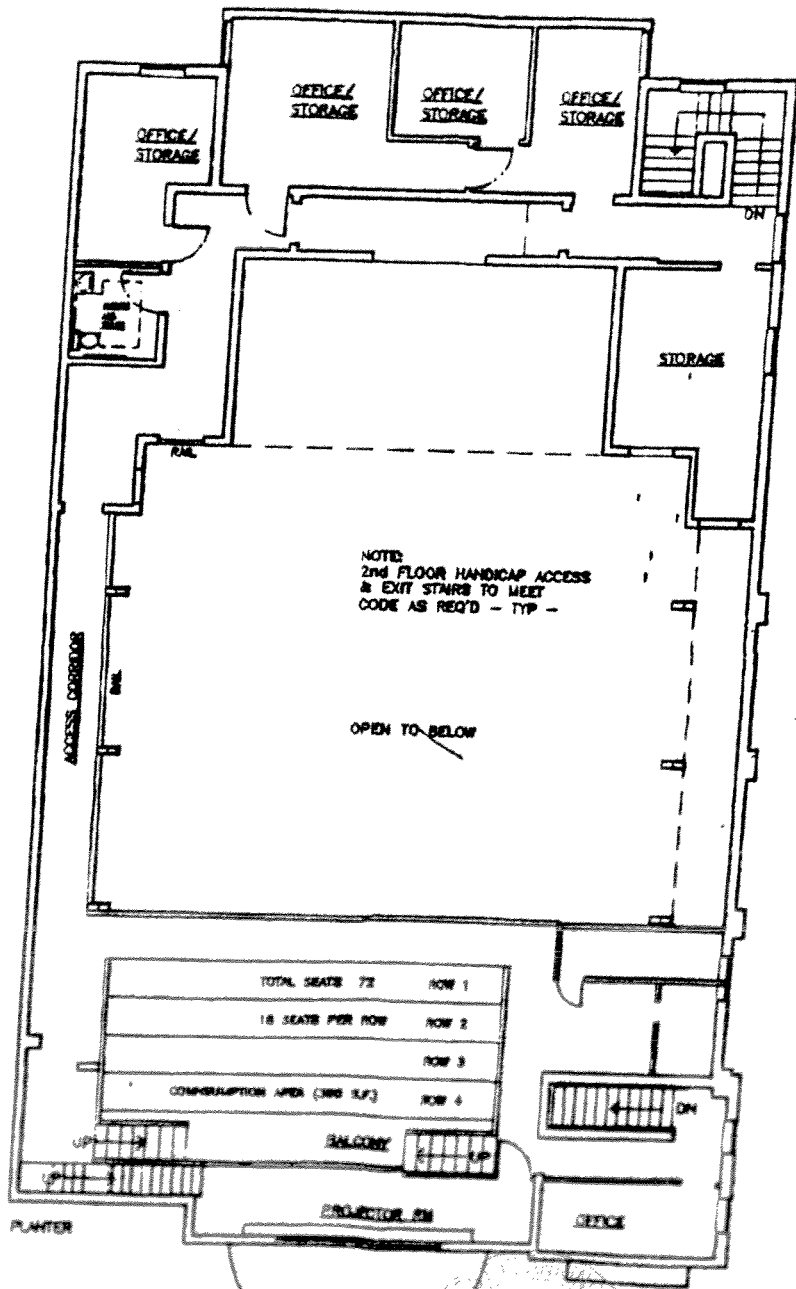


 Chairman  
\_\_\_\_ Planning Director



PROPOSED FIRST FLOOR PLAN  
SCALE 1/8"=1'-0"

RUK



PROPOSED SECOND FLOOR PLAN

*Rust*



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

November 13, 2008

**E-Mailed**

Mrs. Amy Kimball-Murley, AICP  
akimball@keywestcity.com  
City of Key West Planning Director  
P.O. Box 1409  
Key West, Florida 33041

**Re: Resolution #      2008-014      606 Grinnell Street**  
**07-042      512 Eaton Street**

Dear Mrs. Kimball-Murley:

The Department of Community Affairs Area of Critical State Concern Program has received your request for a letter stating whether we will appeal the above resolution. The Department will not appeal this resolution pursuant to Section 380.07, Florida Statutes.

This letter is not intended to constitute, and shall not be construed as constituting, a verification of compliance with the Comprehensive Plan and Land Development Regulations, and shall not be relied upon as a precedent or a waiver of rights regarding any other development order.

Sincerely,

Rebecca Jetton, Administrator  
Florida Keys Area of Critical State Concern



RJ/kj

PLANNING BOARD RESOLUTION  
No. 2007-042

A RESOLUTION OF THE CITY OF KEY WEST  
PLANNING BOARD PURSUANT TO SECTION 122-63,  
LAND DEVELOPMENT REGULATIONS, OF THE CODE  
OF ORDINANCES OF THE CITY OF KEY WEST,  
APPROVING A PROPOSAL FOR A CONDITIONAL USE  
ON THE PARCEL AT 512 EATON STREET, LEGALLY  
DESCRIBED AS, RE# 00006500-000000; PROVIDING FOR  
AN EFFECTIVE DATE.

WHEREAS, an Application for a Conditional Use approval was filed on 5 September 2007, by Trepanier & Associates, Inc., for Lynn H. Kephardt, owner, to allow conversion of a former church/former theater into a restaurant with stage/screen entertainment in 4,690 square feet of consumption, stage, and accessory bar/seated waiting area, located in the HNC-1 (Historic Neighborhood Commercial district-Truman/Simonton) zoning district; and

WHEREAS, on October 24, 2007, an additional plan was filed showing proposed utilization of a total of 3,075 square feet of consumption area—2,685 s.f. on the first floor, and 390 s.f. on a second floor interior balcony of the existing building interior; and

WHEREAS, sit down restaurants are a Conditional Uses in the HNC-1 zoning district; and

WHEREAS, the applicant's proposal was submitted on 5 September 2007; and

WHEREAS, plans received 05 September 2007 were considered at the 13 September 2007 Development Review Committee meeting; and

WHEREAS, after public notice, the application for a Conditional Use approval, including supplementary information filed 24 October 2007, was considered by the Key West Planning Board at its Regular Meeting of 20 December 2007; and

WHEREAS, at the 20 December 2007 meeting, Gail Kenson, AICP, Planning Director, read into the record that for this project 48 notices were sent and received 10 responses; 4 Objections, 6 Do Not Object and 6 comments

WHEREAS, at that meeting staff presented the report, dated 20 December 2007; and

WHEREAS, the Board heard staff recommend conditional approval; and

WHEREAS, a motion was made at the 20 December 2007 meeting to approve the application based on the recommendation by the Planning Department. The motion to approve the application 4-0 by roll call vote;

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida.

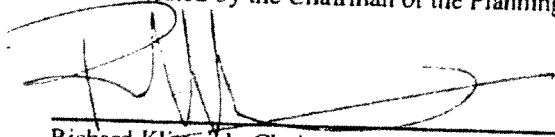
Section 1. That the Planning Board APPROVES the Application for Conditional Use for the parcel at 512 Eaton Street, (RE#00006500-000000) with the following conditions:

1. A grease trap shall be approved, installed, and inspected by the city.
2. Placement of solid waste containers out-of-doors will be timed closely and quietly for regular commercial pickup.
3. Applicant shall install sound attenuation to contain sound from entertainment activities within the building, particularly amplified sound from live performances;
4. Applicant will limit exterior lighting to existing approved marquee fixtures;
5. Hours of operation will be no later than 12:00 am, midnight Sunday through Thursday and regular hours of operation for the City of Key West on Friday and Saturday.

Section 2. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the Chairman of the Planning Board and the Planning Director.

Passed at a meeting held this 20th day of December 2007.

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



Richard Khrtenick, Chairman  
Key West Planning Board

12/31/2007  
Date

Attest:



Gail E. Kenson, AICP  
Planning Director

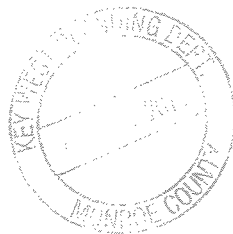
31 Dec 07  
Date

Filed with the Clerk

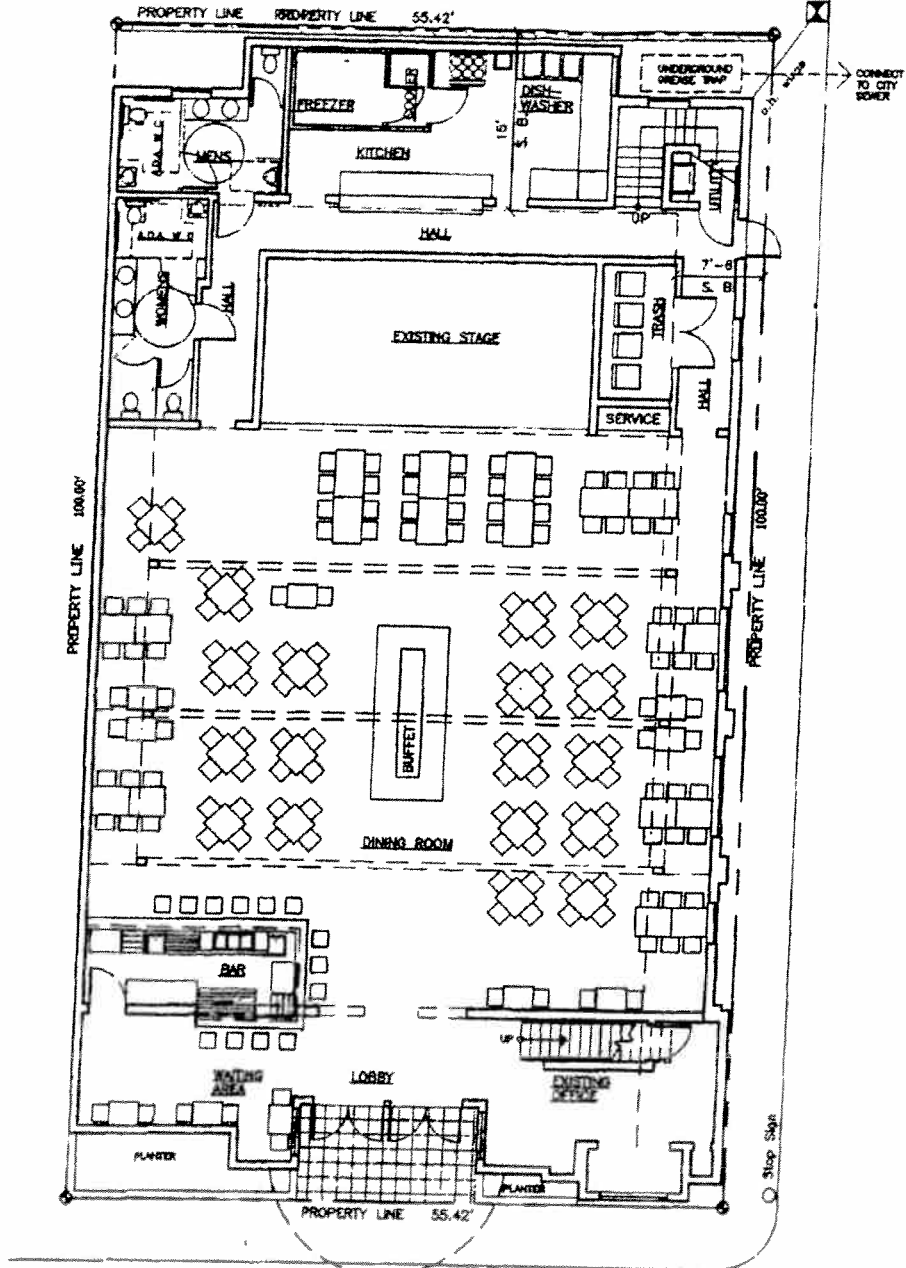


Cheryl Smith,  
City Clerk

12-31-07  
Date

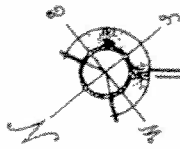


HNC-1



HNC-1

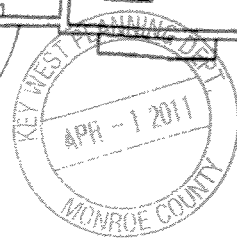
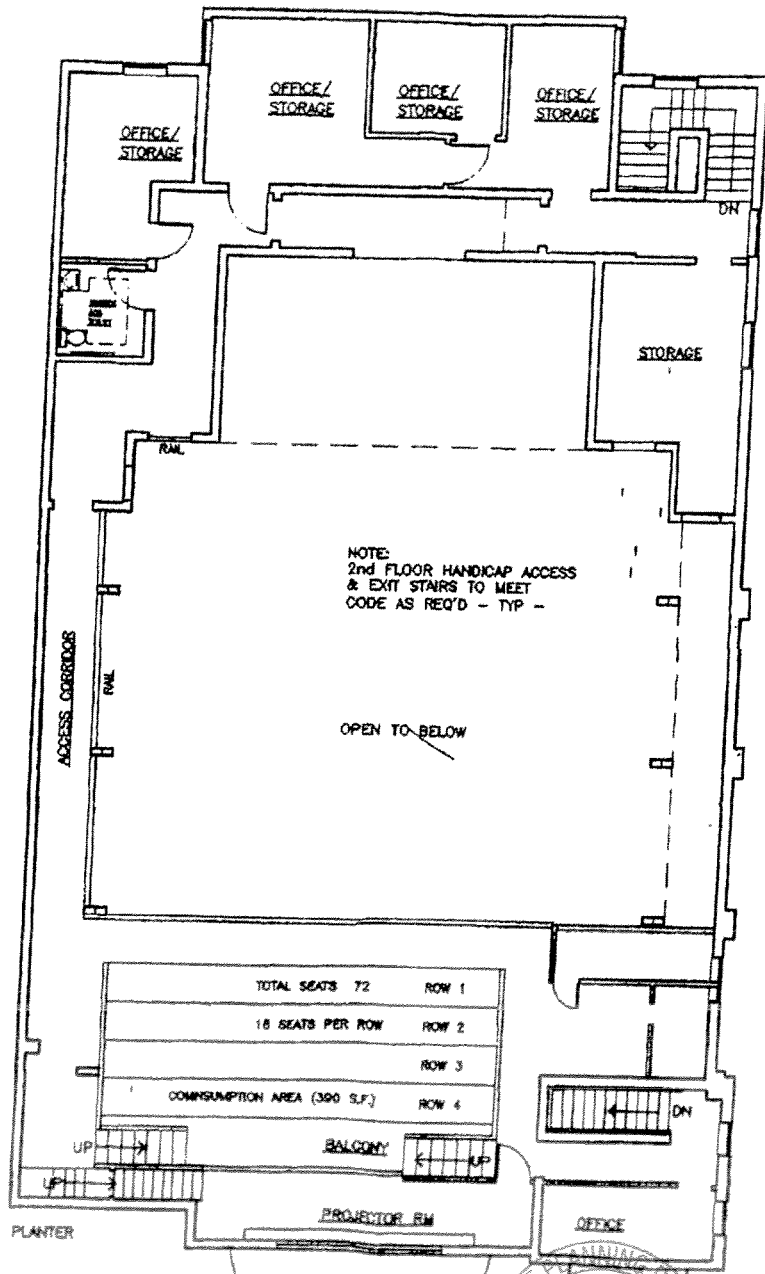
EATON STREET (50.00' R/W)



PROPOSED FIRST FLOOR PLAN

SCALE: 1/8"=1'-0"





PROPOSED SECOND FLOOR PLAN





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

**To:** Chairman and Planning Board members  
**From:** Wendy Tucker, Development Review Administrator  
**Through:** Gail Kenson, AICP, Planning Director

**Meeting Date:** 20 December 2007

**Agenda Item:** **A Conditional Use Application for 512 Eaton Street (RE# 00006500-000000).** A conditional use application to operate a restaurant/theater in the existing building.

---

**Request:** To convert a former church/former theater into a restaurant with stage/screen entertainment in 4,690 square feet of consumption, stage, and accessory bar/ seated waiting area.

**Applicant:** Trepanier & Associates, Inc.

**Property Owner:** Lynn H. Kephardt

**Location:** 512 Eaton Street, RE# 00006500-000000.

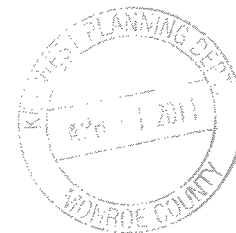
**Zoning:** Historic Neighborhood Commercial District-Truman/Simonton (HNC-1)

Uses permitted in HNC-1

- (1) Single-family and two-family residential dwellings.
- (2) Multiple-family residential dwellings.
- (3) Group homes with less than or equal to six residents as provided in section 122-1246.
- (4) Places of worship.
- (5) Business and professional offices.
- (6) Commercial retail low and medium intensity less than or equal to 2,500 square feet.
- (7) Hotels, motels and transient lodging.
- (8) Medical services.
- (9) Parking lots and facilities.
- (10) Veterinary medical services, without outside kennels.

Conditional uses allowed in HNC-1

- (1) Group homes with seven to 14 residents as provided in section 122-1246.
- (2) Community centers, clubs and lodges
- (3) Cultural and civic activities.
- (4) Educational institutions and day care.
- (5) Nursing homes, rest homes and convalescent homes.
- (6) Parks and recreation, active and passive.
- (7) Protective services.



- (8) Public and private utilities.
- (9) Commercial retail low and medium intensity greater than 2,500 square feet.
- (10) Commercial retail high intensity.
- (11) Funeral homes.
- (12) Light industrial.
- (13) Restaurants, excluding drive-through.
- (14) Small recreational power-driven equipment rentals.

### **Existing Conditions**

The existing building is currently vacant. There were many previous uses, including a church and a theater. These uses ceased several years ago. Since that time the property owner has received various development approvals and has maintained a city business licenses for a theater, even though this non-conforming use is no longer in existence and has expired.

Planning board, city commission and board of adjustment resolutions for previous actions are attached to this report along with active city and county business licenses.

### **Proposed Development**

The applicant is proposing to operate a dinner theater/restaurant in the existing building. The floor plans submitted as part of the application show a proposal for 148 restaurant seats, 19 bar seats on the first floor and 72 seats in the balcony for a total of 237 seats. The total consumption area is 3075 square feet.

### **Previous City Actions**

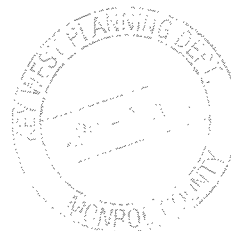
- Easement - Approved by City Commission Resolution 05-204, June 7, 2005.
- Variances - Approved by Board of Adjustment Resolution 04-361, November 4, 2005.
- Minor Development Plan - Approved by City Commission Resolution 05-226, June 21, 2005
- Transfer of Transient Units - Approved by Planning Board Resolution 2005-033, November 17, 2005
- Transfer of Transient Unit - Approved by Planning Board Resolution 2005-034, November 17, 2005

(All resolutions are attached to this report)

### **Process**

Development Review Committee Meeting: 13 September 2007

- The Fire Marshal stated a field verification will be necessary, and fire protection plans are to be submitted. A fire alarm is to be provided, and sprinkling is a possibility. The Fire Department will have to do measurements for occupancy limits, and details of cooking facilities must also be provided.
- Keys Energy Services does not object to the use, but requires full plans for project review.
- Florida Keys Aqueduct Authority also requires plans.
- Also at the DRC meeting, comments and suggestions included parking concerns and directing customer drivers to what is available in the area, compliance issues including the stage and accessibility.



Planning Board Meeting:

20 December 2007

**Evaluation for Compliance with the Land Development Regulations (LDRs)**

The proposed restaurant use is considered a conditional use under the City of Key West Land Development Regulations. The criteria for evaluating a conditional use are listed in Section 122-62 of the Code. Pursuant to the Code, the Planning Board shall give due consideration to the evaluation criteria addressed within this report when rendering a decision to grant approval, conditional approval or deny the requested permit.

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

**Traffic generation**

The applicant has submitted trip generation data from the *ITE Trip Generation, 7<sup>th</sup> Edition* to show that the proposed restaurant and dinner theater use will significantly reduce trip generation from the prior uses of the property. The previous uses have not been in operation as the building has been vacant for several years. The *ITE Trip Generation, 7<sup>th</sup> Edition* states a quality restaurant will generate approximately 90 average daily trips (ADT) per 1000 square feet of floor area or approximately 277 ADT for the total consumption area of the proposed uses. The ITE manual states the ADT for a theater use is approximately 86 trips per day. The two proposed uses generate similar amounts of traffic.

**Proposed employment**

The applicant did not provide any employment information. Staff is unable to determine the number of employees required to operate the proposed business.

**Proposed number and type of service vehicles**

The applicant states there will be approximately 3 to 4 service vehicles per week on Bahama Street. The location is in the City's busy Historic District, one block off Duval Street. Because the existing building covers most of the property, there is no room for off-street parking or an off-street loading zone. Service deliveries will be on-street. The applicant has stated the deliveries will be on Bahama Street, which is 30 feet wide. Traffic may be impeded due to the narrow right-of-way on Bahama Street.

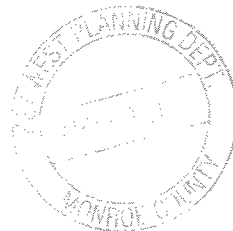
**Off-street parking needs**

The site is unable to accommodate off-street parking or off-street loading spaces. However, the site is in the Historic Pedestrian Oriented Parking Waiver District, and no change in commercial floor area is proposed that would require provision of additional parking under Section 108-573 of the LDRs.

As mitigation for the absence of on-site parking, the applicant at the DRC meeting agreed to establish website maps to direct patrons to area parking lots and garages, and describe available transportation alternatives.

**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:**

**Utilities**



The applicant will install a grease trap as required by the city prior to connecting to the existing sewer on Bahama Street. Solid waste handling on-site would be accomplished with all-interior, air-conditioned trash handling. The floor plan shows trash containers stored inside the building. The intended regular outdoor placement for pickup should be indicated. Also possible hours could be established for outdoor trash handling to coincide with commercial pickup and minimize impact on neighbors. Noise containment should also be demonstrated. Hours of operation may be restricted in respect for neighboring non-transient residential and transient guesthouse uses, and in respect for the neighboring church/cemetery uses.

Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in chapter 94

The existing and proposed uses are currently serviced by existing infrastructure. No additional infrastructure is required to meet concurrency requirements.

Roadway or signalization improvements or other similar improvements

No other improvements to roadways, signalization or other infrastructure are required.

Accessory structures or facilities

N/A

Other unique facilities/structures proposed as part of site improvements

N/A

**3. On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:**

Open space

Based upon the applicant materials submitted, there is very little existing open space. The applicant has stated that the restaurant will utilize only the existing structure, but would work with the City Landscape staff to determine appropriate plantings for the available space.

Setbacks from adjacent properties

This is an existing structure. There are no changes in the existing setbacks.

Screening and buffers

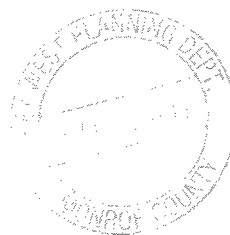
There is little area available for buffer/screen plantings, but the applicant will work with City landscape staff on appropriate plantings at the front of the structure.

Landscaped berms proposed to mitigate against adverse impacts to adjacent sites

N/A

Evaluation for Compliance with the Land Development Regulations (LDRs)

The proposed changes are considered a Conditional Use under the City of Key West Land Development Regulations. The criteria for evaluating a conditional use are listed in Section 122-61 of the Code. The purpose of the related provisions are 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."



Pursuant to the Code, the Planning Board shall give due consideration to the evaluation criteria addressed within this report when rendering a decision to grant approval, conditional approval or deny the request. Applications for a Conditional Use shall clearly demonstrate the following:

1. Land use compatibility

The applicant has stated the proposed restaurant/dinner theater is compatible with the surrounding land uses. The Section 122-776 of the LDRs state, in part, the intent of the HNC zoning districts is "the HNC districts shall accommodate both residential and neighborhood commercial uses typically located along major thoroughfares which lead into or are adjacent to the central core commercial area of the city. Retail sales and services, excluding automotive sales and services as well as drive-through restaurants, theaters or other drive-through facilities which potentially generate similar traffic flow problems". The proposed restaurant use meets the intent of the HNC zoning district. While the theater is not a permitted use and the former theater has lost its non-conforming status, the property owner has maintained a license for a theater use.

In order to maintain land use compatibility and a compliance with the intent of the HNC zoning districts, a condition of approval is that the theater use shall be restricted to a dinner theater and if the dinner theater ceases to operate for more than twenty-four months, the theater use shall lose its non-conforming status in compliance with Section 122-30.

Therefore, it is staff's opinion that the request is in compliance with the requirements of these sections provided the conditions of approval are met.

2. Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use

The site is a fully developed site that is located in the Historic Pedestrian Oriented Parking Waiver District, and no change in commercial floor area is proposed that would require provision of additional parking under Section 108-573 of the LDRs.

Therefore, it is staff's opinion that the request is in compliance with the requirements of these sections.

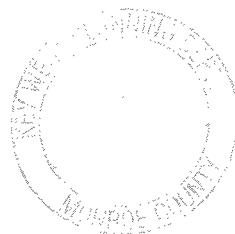
3. Proper use of mitigative techniques

As mitigation for the absence of on-site parking, the applicant agrees to establish website maps to direct patrons to area parking lots and garages, and describe available transportation alternatives. Additionally, the applicant will work with City landscape staff on appropriate plantings at the front of the structure.

Therefore, it is staff's opinion that the request is in compliance with the requirements of these sections.

4. Hazardous waste

The existing and proposed uses do not and will not generate hazardous waste materials.



Therefore, it is staff's opinion that the request is in compliance with the requirements of these sections.

5. Compliance with applicable laws

The applicant has agreed to comply with requirements and obtain all required building permits and other permits and licenses required by federal, state, county, and city agencies.

Therefore, it is staff's opinion that the request would be in compliance with the requirements of these sections if the conditions met.

6. Additional criteria applicable to specific land uses

a. *Land uses within a conservation area*

N/A

b. *Residential*

N/A

c. *Commercial or mixed use*

The property is located in the HNC-1 zoning district. Section 122-748(13) conditionally allows small recreational power-driven equipment rentals.

d. *Development within or adjacent to historic district*

The scope of the request does not require HARC approval.

e. *Public facilities or institutional*

N/A

f. *Commercial structures, uses and related activities within tidal waters*

N/A

g. *Adult entertainment establishments.*

N/A

**RECOMMENDATION**

This is an application for a conditional use. The Planning Department recommends the Planning Board **approve** the conditional use application with the following conditions:

1. ~~The theater use shall be restricted to a dinner theater and if the dinner theater ceases to operate for more than twenty-four months, the theater use shall lose its non-conforming status in compliance with Section 122-30 regardless of the status of the theater business license associated with the property.~~ *Should the theater cease*
2. A grease trap shall be approved, installed, and inspected by the city.
3. Placement of solid waste containers out-of-doors will be timed closely and quietly for regular commercial pickup.



# **Property Appraiser Information**

**Ervin A. Higgs, CFA**  
**Property Appraiser**  
**Monroe County, Florida**

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

**Property Record View**

Alternate Key: 1006734 Parcel ID: 00006500-000000

**Ownership Details**

**Mailing Address:**  
 KEPHART LYNN H  
 414 SIMONTON ST  
 KEY WEST, FL 33040

**Property Details**

PC Code: 32 - ENCLOSED THEATERS/AUDITORIUMS  
 Millage Group: 10KW  
 Affordable Housing: No  
 Section-Township-Range: 06-68-25  
 Property Location: 512 EATON ST KEY WEST  
 Legal Description: KW PT LOT 2 SQR 37 T-532 G36-106-108 OR1188-639/641 OR2124-1877/83(RES NO 05-204)

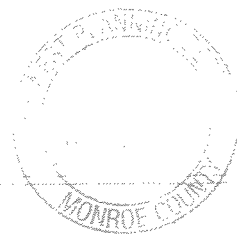
[Show Parcel Map](#)

**Land Details**

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	55	100	5,504.00 SF

**Building Summary**

Number of Buildings: 1  
 Number of Commercial Buildings: 1  
 Total Living Area: 6348  
 Year Built: 1968



**Building 1 Details**

Building Type	Condition A	Quality Grade 450
Effective Age 9	Perimeter 646	Depreciation % 12
Year Built 1968	Special Arch 0	Grnd Floor Area 6,348
Functional Obs 0	Economic Obs 0	

**Inclusions:**

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

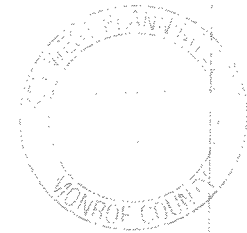
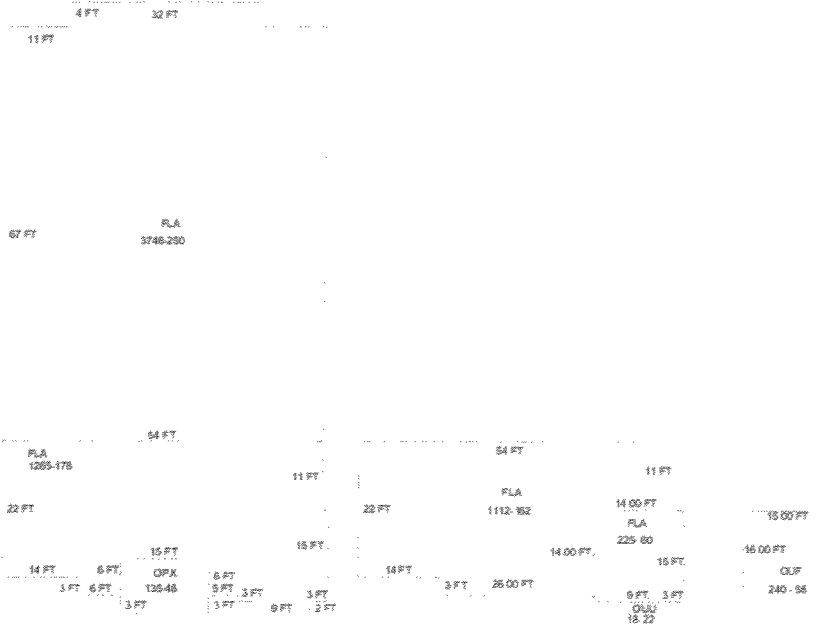
**Extra Features:**

2 Fix Bath 0	Vacuum 0
--------------	----------



3 Fix Bath 0  
 4 Fix Bath 0  
 5 Fix Bath 0  
 6 Fix Bath 0  
 7 Fix Bath 0  
 Extra Fix 10

Garbage Disposal 0  
 Compactor 0  
 Security 0  
 Intercom 0  
 Fireplaces 0  
 Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	1990					1,265
2	OPX		1	1994					135
3	FLA		1	1994					1,112
5	OUU		1	1994					18
6	OUF		1	1994					240
7	FLA		1	1988					3,746
8	FLA		1	1988					225

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
		STAGE THEATERS	100	N	N
	1613	STAGE THEATERS	100	N	Y
	1615	STAGE THEATERS	100	N	Y
	1619	STAGE THEATERS	100	N	Y

Exterior Wall:

Interior Finish Nbr	Type	Area %
444	C.B.S.	100

### Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	PT2:BRICK PATIO	30 SF	0	0	1993	1994	4	50

### Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes	
11	M941617	05/01/1994	10/01/1994	5,200	Commercial	1 10TON A/C
12	B941839	06/01/1994	10/01/1994	10,000	Commercial	2 DRS,TICKET BOOTH,TOWER
16	B942150	06/01/1994	10/01/1994	850	Commercial	70 THEATER SEATS INSULATI
1	B943420	10/01/1994	11/01/1994	900	Commercial	INTERIOR PAINTING
2	P944108	12/01/1994	10/01/1995	2,000		5 PLUMBING FIXTURES
3	P944183	12/01/1994	10/01/1995	2,500		5 ADDITIONAL FIXTURES
4	A950224	01/01/1995	10/01/1995	2,000	Commercial	5 SQS METAL V CRIMP ROOF
5	B954085	11/01/1995	12/01/1995	450	Commercial	AWNING OVER TICKET BOOTH
6	9702883	08/01/1997	10/01/1997	1,000	Commercial	REPAIRS AT SEWER LINE
13	9802475	08/10/1998	11/03/1998	8,600	Commercial	REPL ROOF
14	9901278	04/20/1999	08/16/1999	9,000	Commercial	V-CRIMP ROOF
15	06-2862	05/10/2006	07/24/2006	3,850	Commercial	INTERIOR WORK ONLY,DYWALL
	06-3376	06/24/2006	07/24/2006	57,500		DEMO & DBRIS REMOVAL OF 3000SF OF CONCRETE FLOORS AND INTERIOR WALLS
7	99-4178	02/28/1999	08/16/1999	3,000	Commercial	RUBBER ROOF
8	01-2830	08/10/2001	10/31/2005	170,000	Commercial	RENOVATE THEATER
9	04-1322	04/26/2004	10/31/2005	22,500	Commercial	LANDING AND SIDE BALCONY IN TOWER
10	05-2251	06/09/2005	10/31/2005	900	Commercial	REPLACE TWO WC'S & ONE LAV.

### Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2010	1,224,991	214	545,314	1,770,519	1,770,519	0	1,770,519
2009	1,252,213	221	587,416	1,839,850	1,839,850	0	1,839,850
2008	1,252,213	227	715,520	1,967,960	1,967,960	0	1,967,960
2007	845,818	233	715,520	1,561,571	1,561,571	0	1,561,571
2006	782,831	239	550,400	1,733,470	1,733,470	0	1,733,470
2005	782,831	246	495,360	1,278,437	1,278,437	0	1,278,437

2004	701,208	252	330,240	1,031,700	1,031,700	0	1,031,700
2003	701,208	258	220,160	921,626	921,626	0	921,626
2002	701,208	265	220,160	921,633	921,633	0	921,633
2001	701,208	39	220,160	921,407	921,407	0	921,407
2000	701,208	94	148,608	849,910	849,910	0	849,910
1999	763,947	96	148,608	912,651	912,651	0	912,651
1998	509,298	98	148,608	658,004	658,004	0	658,004
1997	509,298	101	137,600	646,999	646,999	0	646,999
1996	462,998	103	137,600	600,701	600,701	0	600,701
1995	458,898	105	137,600	596,603	596,603	0	596,603
1994	295,600	0	137,600	433,200	433,200	0	433,200
1993	295,600	0	137,600	433,200	433,200	0	433,200
1992	295,600	0	137,600	433,200	433,200	433,200	0
1991	295,600	0	137,600	433,200	433,200	433,200	0
1990	546,906	0	267,431	814,337	814,337	814,337	0
1989	546,906	0	264,285	811,191	811,191	811,191	0
1988	501,208	0	239,115	740,323	740,323	740,323	0
1987	493,438	0	137,806	631,244	631,244	631,244	0
1986	494,462	0	135,918	630,380	630,380	630,380	0
1985	485,716	0	113,265	598,981	598,981	598,981	0
1984	0	296,810	113,265	410,075	410,075	410,075	0
1983	0	296,810	56,896	353,706	353,706	353,706	0
1982	0	296,810	56,896	353,706	353,706	353,706	0

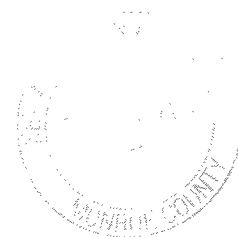
## Parcel Sales History

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
10/1/1991	1188 / 639	360,000	WD	U

This page has been visited 253 times.

Monroe County Property Appraiser  
Ervin A. Higgs, CFA  
P.O. Box 1176  
Key West, FL 33041-1176



**Public Notices**  
**(radius map & mailing list)**

# Public Meeting Notice

The Key West Planning Board will hold a public hearing at 6:00 p.m., June 29, 2011 at Old City Hall, 510 Greene Street, Key West, Florida, (Behind Sloppy Joe's Bar). The purpose of the hearing will be to consider a request for:

**Special Exception request by Mr. Lynn Kephart, property owner for 512 Eaton Street (RE# 00006500-000000) - A request for a special exception to the prohibition of alcoholic beverage sales within 300 feet of two churches and funeral home for property located within the HNC-1 zoning district, pursuant to Section 18-28 (b)(2) of the Code of Ordinances of the City of Key West.**

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

**YOU ARE WITHIN 300 FEET OF THE SUBJECT PROPERTY**

The City of Key West Planning Board will be holding a Public Hearing on the following requests:

**Request:** Special Exception request by Mr. Lynn Kephart, property owner for 512 Eaton Street (RE# 00006500-000000) - A request for a special exception to the prohibition of alcoholic beverage sales within 300 feet of two churches and funeral home for property located within the HNC-1 zoning district, pursuant to Section 18-28 (b)(2) of the Code of Ordinances of the City of Key West.

<b>Applicant:</b>	GINNY STONES, STONES & CARDENAS	<b>Owner:</b>	LYNN KEPHART
<b>Project Location:</b>	512 Eaton Street	<b>Date of Hearing:</b>	Wednesday, June 29, 2011
<b>Time of Hearing:</b>	6:00 PM	<b>Location of Hearing:</b>	Old City Hall, City Commission Chambers 510 Greene St

Interested parties may appear at the public hearing(s) and be heard with respect to the applications. A copy of the corresponding application is available from the City of Key West Planning Department located at 3140 Flagler Avenue, Key West, Florida, Monday through Friday between the hours of 8:00 am and 5:00 pm. **Packets can be viewed online at [www.keywestcity.com](http://www.keywestcity.com). Click on City Board & Committee Agendas.** Please provide written comments to the Planning Department, PO Box 1409, Key West, FL 33041-1409, by FAX (305) 809-3978 or by email [ccowart@keywestcity.com](mailto:ccowart@keywestcity.com).

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission or the City Commission with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

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

**YOU ARE WITHIN 300 FEET OF THE SUBJECT PROPERTY**

The City of Key West Planning Board will be holding a Public Hearing on the following requests:

**Request:** Special Exception request by Mr. Lynn Kephart, property owner for 512 Eaton Street (RE# 00006500-000000) - A request for a special exception to the prohibition of alcoholic beverage sales within 300 feet of two churches and funeral home for property located within the HNC-1 zoning district, pursuant to Section 18-28 (b)(2) of the Code of Ordinances of the City of Key West.

<b>Applicant:</b>	GINNY STONES, STONES & CARDENAS	<b>Owner:</b>	LYNN KEPHART
<b>Project Location:</b>	512 Eaton Street	<b>Date of Hearing:</b>	Wednesday, June 29, 2011
<b>Time of Hearing:</b>	6:00 PM	<b>Location of Hearing:</b>	Old City Hall, City Commission Chambers 510 Greene St

Interested parties may appear at the public hearing(s) and be heard with respect to the applications. A copy of the corresponding application is available from the City of Key West Planning Department located at 3140 Flagler Avenue, Key West, Florida, Monday through Friday between the hours of 8:00 am and 5:00 pm. **Packets can be viewed online at [www.keywestcity.com](http://www.keywestcity.com). Click on City Board & Committee Agendas.** Please provide written comments to the Planning Department, PO Box 1409, Key West, FL 33041-1409, by FAX (305) 809-3978 or by email [ccowart@keywestcity.com](mailto:ccowart@keywestcity.com).

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission or the City Commission with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

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

# 512 Eaton

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



PALMIS

Monroe County Property Appraiser  
500 Whitehead Street  
Key West, FL

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

Date Created: June 17, 2011 2:40 PM

328 SIMONTON STREET LLC  
328 SIMONTON ST  
KEY WEST, FL 33040

329 DUVAL ASSOCIATES LLC  
1210 STIRLING RD  
DANIA, FL 33004

333 SIMONTON ST LLC  
46 SOUTH BEACH DR  
NORWALK, CT 06853

ARTIST HOUSE LLC  
534 EATON ST  
KEY WEST, FL 33040

BCP LLC  
1409 SUN TER  
KEY WEST, FL 33040

BLACKWELL CAROLYN A  
PO BOX 4125  
KEY WEST, FL 33041

BREDIN JONATHAN B AND JULIA M  
1700 NE TUDOR RD  
LEES SUMMIT, MO 64086

CARLOUGH WILLIAM ARTHUR REV  
TR AGREE 9/26/03  
417 SIMONTON ST  
KEY WEST, FL 33040

CARRIAGE TRADE LIVING TRUST  
10/22/2009  
529 EATON ST  
KEY WEST, FL 33040

COOPER LAND TRUST 12/26/1990  
7705 NW 48TH ST  
MIAMI, FL 33166

CORLEY LUCY CLAY MOLONEY  
66 WESTWIND RD  
LOUISVILLE, KY 40207

DADE LODGE NO 14 FREE AND  
ACCEPTED MASONS  
PO BOX 608  
KEY WEST, FL 33040

DAVIDSON JUDITH H  
PO BOX 4210  
KEY WEST, FL 33041

DEAN DONNA LOUISE REV TRUST  
14 W CYPRESS TER  
KEY WEST, FL 33040

FAVELLI GEORGEANN M  
1523 PATRICIA ST  
KEY WEST, FL 33040

FELLING MICHAEL  
11199 OVERSEAS HWY  
MARATHON, FL 33050

FIRST UNITED METHODIST CHURCH  
411 SIMONTON STREET PO BOX 669  
KEY WEST, FL 33040

FLORIDA KEYS FUNERAL SERVICES  
LLC  
418 SIMONTON ST  
KEY WEST, FL 33040

FULTON K AND E LLC  
35 CROSBY ST  
NEW YORK, NY 10013

HAWKINS RICHARD J  
P O BOX 106  
KEY WEST, FL 33040

KAVOURA DIMITRI  
P O BOX 308  
KEY WEST, FL 33040

KEPHART LYNN H  
414 SIMONTON ST  
KEY WEST, FL 33040

KEY WEST WOMANS CLUB  
319 DUVAL STREET  
KEY WEST, FL 33040

MCCLLOUD STEVEN W  
PO BOX 1642  
KEY WEST, FL 33041

MOLONEY SUE CLAY  
320 SIMONTON ST  
KEY WEST, FL 33040

MOLONEY SUE CLAY  
PO BOX 50  
KEY WEST, FL 33041

MOLONEY SUSAN  
326 SIMONTON ST  
KEY WEST, FL 33040

MORTIMER RAYMOND MICHAEL  
419 SIMONTON ST  
KEY WEST, FL 33040

NILES FAMILY LIVING TRUST  
10/28/2002  
4768 CAPE MAY AVE  
SAN DIEGO, CA 92107

ONDERDONK GARY R AND DIANE M  
513 FLEMING ST  
KEY WEST, FL 33040



PILOT HOUSE LLC  
524 EATON ST  
KEY WEST, FL 33040

PISCHKE RICHARD AND JULIA L  
527 FLEMING ST  
KEY WEST, FL 33040

RAPPAPORT ROBERT  
5 EVERGREEN AVE  
KEY WEST, FL 33040

SCOTTISH RITE TEMPLE  
ASSOCIATION  
PO BOX 1247  
KEY WEST, FL 33040

SIMONTON COURT MANAGEMENT  
CO  
324 SIMONTON ST  
KEY WEST, FL 33040

SPOTTSWOOD PARTNERS II LTD  
500 FLEMING ST  
KEY WEST, FL 33040

ST PAULS CHURCH  
PO BOX 1014  
KEY WEST, FL 33041

THORESEN ERLING T  
3235 MARY ST  
MIAMI, FL 33133

TOMITA GERALDINE  
531 FLEMING ST  
KEY WEST, FL 33040

WEAVER W TIMOTHY  
526 ROSE LN  
KEY WEST, FL 33040

WHITE J LARRY  
685 EAST LONG LAKE  
BLOOMFIELD HILLS, MI 48304

WONG SONG ENTERPRISES INC  
P O BOX 4870  
KEY WEST, FL 33040