



09/09/25

Mr Jim Singelyn, Acting City Planner
Mr. Ryan Waterhouse, Assistant City Attorney
City of Key West
1300 White Street
Key West FL 33040



Subject: Appeal Resolution Effort – Business Tax Receipt Application

Dear Jim and Ryan,

Thank you for meeting with us following the BOA's direction to pursue a collaborative resolution to our BTR appeal. We appreciate your openness and the constructive dialogue last week.

As requested, we are providing additional details to address the issues that were identified as key components to operating in a safe and complaint manner:

1. Outdoor Commercial Activity Area:
 - Historic and proposed: approximately 6,337 sq. ft. used as event space.
2. Frequency of Use:
 - Previously, events did not exceed
 - 25 per year, though there has been no formal restriction.
 - Going forward, we believe no limitations are necessary as exemplified by a similar nearby operation - the Audubon House. However, we are open to discussion regarding reasonable event frequency if the city wishes to formalize this.
3. Solid Waste Handling:
 - Previously: 10 individual 32-gallon toters, serviced twice weekly, placed along the street.
 - Future: Two 1-cubic-yard dumpsters, contained within a HARC-approved enclosure, serviced twice weekly (or more as needed). This provides improved containment and a more aesthetic and sanitary solution.
4. Life-Safety Considerations:
 - Previously: None formalized.
 - Future: Installation of three lighted exit signs and two exterior fire extinguishers (location per KWFD direction), as reflected on the attached Future site plan, supporting a maximum occupancy of 288 per KWFD determination.

Attachments:

- "Historic" and "Future" site plans
- KWFD Occupancy Load determination

We believe these improvements demonstrate good-faith efforts to address the city's primary concerns and bring the property's use fully into compliance with all applicable requirements. We remain committed to resolving this matter as outlined by the BOA and respectfully request the city's support for issuance of a BTR consistent with these terms.

Please advise if any further clarification or documentation is needed. We look forward to your feedback and to finalizing this solution together.

Thank you again for your professionalism and partnership.

Best regards,

Owen Trepanier

[illegible][illegible]



THE CITY OF KEY WEST

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

To: Kino Plaza
Address: 413 Greene St. Key West, Fl. 33040
From: The City of Key West Fire Dept. Fire Prevention Bureau
Date: 09/05/2025

Reference: Occupancy Load

This is to advise you that based on our inspection of your property your occupancy load is as follows:

TOTAL FOOD TRUCK AREA OCCUPANCY LOAD: 15
TOTAL UNCOVERED WALKWAY OCCUPANCY LOAD: 43
TOTAL U-SHAPED COURTYARD OCCUPANCY LOAD: 230
TOTAL MAXIMUM OCCUPANCY LOAD: 288

A sign must be posted in plain view within the establishment stating this maximum allowable occupancy load. The sign shall have dimensions of not less than six inches in height and eighteen inches in length. The statement "Occupancy Load" followed by the number assigned above shall be printed clearly in red letters and numerals upon a white background.

Your cooperation in this matter of public safety is greatly appreciated. If you have any questions regarding this occupancy load, please contact our office.

Jason Barroso, Fire Marshal
Key West Fire Department
1600 N. Roosevelt Boulevard
Key West, Florida 33040
305-809-3933 Office
jbarroso@cityofkeywest-fl.gov
Serving the Southernmost City

Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.

36E LSN 143X
KEY WEST 79RE

From: Benjamin Gagnon <benjamin.gagnon@cityofkeywest-fl.gov>
Sent: Wednesday, May 21, 2025 2:00 PM
To: Katie P. Halloran <katie.halloran@cityofkeywest-fl.gov>
Subject: FW: [EXTERNAL] Re: [EXTERNAL] 107 Fitzpatrick

Hi Katie,

This would be up there on my priority list to get through with the get it off my back.

Let me know when we can chat.

107 Fitzpatrick Kino Plaza

Wants to use it as Event space, has in the past but wants it recognized now by a BTR.

Do they need an MDP? Parking Variance?

I am leaning towards yes if they want to officially call this commercial space, as right now I don't know what its considered, but if its considered a commercial lot/space/ property now then maybe then can get by without it?

Ben Gagnon

Planner

City of Key West

1300 White Street

Key West, FL 33040

305-809-3723 | benjamin.gagnon@cityofkeywest-fl.gov



Conditional Uses – HRCC-1

Sec. 122-688. - Conditional uses.

Conditional uses in the HRCC-1 Duval Street Gulfside district are as follows:

- (1) Group homes with seven to 14 residents as provided in section 122-1246.
- (2) Cultural and civic activities.
- (3) Community centers, clubs, and lodges.
- (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) Bars and lounges, including those associated with adult entertainment establishments.
- (10) Boat sales and service.
- (11) Commercial amusement, except adult entertainment establishments.
- (12) Commercial low and medium intensity greater than 5,000 square feet as provided in division 11 of article V of this chapter.
- (13) Commercial retail high intensity greater than 2,500 square feet as provided in division 11 of article V of this chapter.
- (14) Funeral homes.
- (15) Light industrial.
- (16) Marinas.
- (17) Small recreational power-driven equipment rentals.

Permitted Uses – HRCC-1

Sec. 122-687. - Uses permitted.

Uses permitted in the HRCC-1 Duval Street Gulfside district are as follows:

- (1) Single-family and two-family residential dwellings.
- (2) Multiple-family residential dwellings.
- (3) Group homes with less than or equal to six residents as provided in section 122-1246.
- (4) Places of worship.
- (5) Business and professional offices.
- (6) Commercial retail low and medium intensity less than or equal to 5,000 square feet as provided in division 11 of article V of this chapter.
- (7) Commercial retail high intensity less than or equal to 2,500 square feet as provided in division 11 of article V of this chapter.
- (8) Hotels, motels, and transient lodging.
- (9) Medical services.
- (10) Parking lots and facilities.
- (11) Personal service establishments including barber shops, hair salons, and tattoo parlors.
- (12) Restaurants, excluding drive-through.
- (13) Veterinary medical services without outside kennels.
- (14) Adult entertainment establishments (see section 122-1533).

Sec. 122-27. Intent

The intent of this article is to permit a nonconforming use and a noncomplying structure or building to be continued, to be reconstructed or replaced, or to be repaired or maintained under certain conditions, but not to encourage their expansion.

Sec. 122-689. - Prohibited uses.

In the HRCC-1 Duval Street Gulfside district, all uses not specifically or provisionally provided for in this subdivision are prohibited.