

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



**To:** Chairman and Planning Board Members  
**From:** Brendon Cunningham, Senior Planner  
**Through:** Donald Leland Craig, AICP, Planning Director  
**Meeting Date:** September 26, 2013

**Agenda Item:** **Parking Variance - 629 Duval Street (RE# 00012440-000100, AK# 1012815)** - A request for a variance to parking requirements from 8 automobile spaces to the 11 bicycle and scooter spaces proposed in the HRCC-1 zoning district per Section 108-572 (9) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

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**Request:** To allow the substitution of 11 bicycle and scooter spaces for 8 required automobile parking spaces in order to expand commercial floor area to include new outdoor consumption area which requires parking variance approval.

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

**Property Owner:** Duval Lot, LLC

**Location:** 629 Duval Street (RE# 00012440-000100; AK#1012815)

**Zoning:** Historic Neighborhood Commercial Core (HRCC-1) zoning



**Background:**

This property is comprised of two booths and a scarified area periodically used for parking. One booth is used for the sale of cigars and the other is for the sale of tickets for sunset sail, tours and other excursions.

**Request:**

Restaurant use requires one space for every 45 square feet of consumption area. This then requires an additional 25% of the total number as bicycle spaces. The application would require 15 automobile spaces and four bicycle spaces. The applicant originally requested to waive the required automobile parking spaces and allow one ADA accessible space and five bicycle spaces. However, there was concern about the fact that the ADA space required the user to back out onto Angela Street near the intersection with Duval Street. This is further complicated as Angela is two way street, increasing the potential for an accident. After the DRC, the applicant revised their request by eliminating the ADA space and replacing it with eight bicycle and scooter spaces.

Substituting bicycle and scooter parking for automobile spaces is distinct from other variance requests. The Planning Board may grant such a variance upon a finding that such additional bicycle parking would be beneficial, and satisfy the specific conditions of Sections 90-394 and 90-395. Hardship conditions shall not be a mandatory condition of obtaining the bicycle substitution waiver.

**Process:**

**Development Review Committee Meeting:**

November 22, 2012

**Planning Board Meeting:**

May 16, 2013, postponed

June 20, 2013, postponed

July 18, 2013

**HARC Meeting:**

Pending

**Analysis – Evaluation for Compliance With The Land Development Regulations:**

The criteria for evaluating a variance are listed in Section 90-395 of the City Code. The Planning Board before granting a variance must find all of the following:

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

The property is located within the HRCC-1 zoning district, which incorporates the city's intensely vibrant tourist commercial entertainment center which is characterized by specialty shops, sidewalk-oriented restaurants, lounges and bars with inviting live entertainment; and transient residential accommodations.

The property is approximately 2,418 square feet in area and the physical land constraints of the property are not conducive for the addition of the required parking for the proposed outdoor consumption area. However, this physical limitation is not a condition

exclusively unique to this property, but is applicable to other properties within the same zoning district. Therefore, the conditions prompting the request to be varied do not demonstrate existence of special conditions.

- 2. Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.**

The demand to meet parking requirements results from the applicant's request for the outdoor consumption area.

- 3. Special privileges not conferred. That granting the variance requested will not confer upon the applicant any special privileges denied by the Land Development Regulations to other lands, buildings or structures in the same zoning district.**

With exception to the 1 space substituted with four bicycle spaces added under the City's bicycle substitution provision, granting of the variance to waive 14 parking spaces and replace 1 with 4 bicycle scooter spaces thus allowing only 8 bicycle spaces would confer upon the applicant special privileges denied by the Land Development Regulations to other lands, buildings, or structures in the same zoning district.

- 4. Hardship conditions exist. That literal interpretation of the provisions of the Land Development Regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.**

With the exception to the 1 space requested under the City's bicycle substitution provision, hardship conditions do not exist to support the granting of the variance to waive 14 parking spaces and replace 1 with 4 bicycle scooter spaces thus allowing only 8 bicycle spaces; and the applicant would not be deprived of rights commonly enjoyed by other properties in the HRCC-1 zoning district.

- 5. Only minimum variance granted. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.**

This is the minimum variance that will make possible reasonable use of the land, building, or structure as intended by the applicant. The property is currently used without the requested variance.

- 6. Not injurious to the public welfare. That the granting of the variance will be in harmony with the general intent and purpose of the Land Development Regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.**

The request to waive off-street parking spaces could be perceived as injurious to the public welfare since there will be additional competition for on-street parking spaces with

the addition of the restaurant. However, the property is located in the parking waiver district which encourages pedestrian oriented development.

- 7. Existing nonconforming uses of other property not the basis for approval. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.**

The existing nonconforming uses of other property are not the basis for approval. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

### **Summary**

This is not a small addition of floor area to an existing restaurant, but rather proposes a new restaurant where none existed. This is a use that requires parking for 12 to 14 hours a day for both customers and employees in a district already burdened by a lack of adequate parking.

The proposed request is to waive 100% of the requirements for off-street parking save for the 4 bicycle substitution spaces. Although the site is small and located in the pedestrian oriented area, waiving of all parking spaces cannot be supported without significant mitigation which is not proffered.

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

- 1. That the standards established by Section 90-395 of the City Code have been met by the applicant for a variance.**

The standards established by Section 90-395 of the City Code have not been met by the applicant for a variance to the 15 off-street parking spaces and allowing only 8 requested to be varied.

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

The department has not been notified of any neighborhood objections to date.

### **RECOMMENDATION:**

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends that the request for variance to waive the 15 off-street parking spaces be **denied**.

# **Draft Resolution**

**PLANNING BOARD  
RESOLUTION No. 2013-**

**A RESOLUTION OF THE KEY WEST  
PLANNING BOARD GRANTING A VARIANCE  
TO PARKING REQUIREMENTS OF 15  
AUTOMOBILE SPACES TO 8 BICYCLE  
SPACES FOR PROPERTY LOCATED AT 629  
DUVAL STREET (RE# 00012440-000100,  
AK#1012815), UNDER THE CODE OF  
ORDINANCES OF THE CITY OF KEY WEST,  
FLORIDA; PROVIDING FOR AN EFFECTIVE  
DATE.**

**WHEREAS**, the applicant proposes an open air restaurant within the HRCC-1 zoning district; and

**WHEREAS**, Section 108-572 of the Code of Ordinances provides for the minimum parking requirements for land-use types; and

**WHEREAS**, Code Section 90-391 allows applicants to request variances to the Land Development Regulations through the Planning Board; and

**WHEREAS**, the applicant requested a variance to parking requirements per Section 108-572 (9): one parking space per 45 square feet of consumption area; and

**WHEREAS**, 645 square feet of consumption area is proposed, requiring 15 automobile

\_\_\_\_\_Chairman

\_\_\_\_\_Planning Director

parking spaces; and

**WHEREAS**, the property is located in the Historic Commercial Pedestrian-Oriented Area;  
and

**WHEREAS**, applicant proposes providing 8 bicycle spaces in lieu of the automobile spaces;  
and

**WHEREAS**, this matter came before the Planning Board at a public hearing on June 20,  
2013; and

**WHEREAS**, the Planning Board finds that special conditions and circumstances exist  
which are peculiar to the land, structure, or building involved and which are not applicable to other  
land, structures or buildings in the same district; and

**WHEREAS**, the Planning Board finds that the special conditions do not result from the  
action or negligence of the applicant; and

**WHEREAS**, the Planning Board finds that granting a variance requested will not confer  
upon the applicant any special privileges denied by the Land Development Regulations to other  
lands, buildings or structures in the same zoning district; and

**WHEREAS**, the Planning Board finds that the literal interpretation of the provisions of the Land Development Regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

**WHEREAS**, the Planning Board finds that a variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and

**WHEREAS**, the Planning Board finds that the granting of a variance will be in harmony with the general intent and purpose of the Land Development Regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

**WHEREAS**, the Planning Board finds that no non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of any variance; and

**WHEREAS**, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or making a reasonable attempt to contact all noticed property owners who have objected to a variance application, and by addressing the objections expressed by those neighbors;



**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 variance to the 15 required number of auto parking spaces required to 8 bicycle spaces proposed associated with a Minor Development Plan request for property located at 629 Duval Street (RE# 00012440-0001, AK#1012815) per Section 108-572 (5) of the Land Development Regulations of the Code of Ordinances of the City of Key West, are approved as shown on the attached revised plan set dated October 30, 2012.

**Section 3.** It is a condition of a variance that full, complete, and final application for all permits required for any new construction for any use and occupancy for which a variance are wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of a variance, shall be submitted in its entirety within two years after the date hereof; and further, that no application or reapplication for new construction for which a variance is wholly or partly necessary shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

**Section 4.** The failure to submit a full and complete application for permits for new construction for which a variance are wholly or partly necessary, or the failure to complete new construction for use and occupancy pursuant to a variance in accordance with the terms of a City

building permit issued upon timely application as described in Section 3 hereof, shall immediately operate to terminate a variance, which variance shall be of no force or effect.

**Section 5.** These variance do 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 6.** 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 7.** 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 or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DEO can appeal the permit or development order 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 regularly scheduled meeting held this 20th day of June, 2013.

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

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Richard Klitenick, Chairman  
Key West Planning Board

Date

**Attest:**

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Donald L. Craig, AICP  
Planning Director

Date

**Filed with the Clerk:**

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Cheryl Smith, City Clerk

Date

\_\_\_\_\_Chairman

\_\_\_\_\_Planning Director

# **Application**

**RECEIVED**

APR 19 2013

**CITY OF KEY WEST  
PLANNING DEPT.**

**Variance Application**  
City of Key West Planning Department  
3140 Flagler Avenue, Key West, FL 33040  
(305) 809-3720



**Variance Application**

Please completely fill out this application and attach all necessary documents. This will help our staff to process your request quickly and obtain necessary information without delay. If you have any questions please call 305-809-3720 to schedule an appointment with a Planner.

Please print or type a response to the following:

1. Site Address 629 Duval St. Key West FL, 33040
2. Name of Applicant Trepanier & Associates on behalf of Yebo Island Grill
3. Applicant is: Owner \_\_\_\_\_ Authorized Representative X
4. Address of Applicant 402 Appelrouth Lane  
Key West FL, 33040
5. Phone # of Applicant (305)293-8983 Mobile# N/A
6. E-Mail Address patrick@owentrepanier.com
7. Name of Owner, if different than above Duval Lot, LLC
8. Address of Owner 9702 MALAGA COURT, #304  
PALM BEACH GARDENS FL 33418
9. Phone # of Owner (305)923-1796
10. Email Address keysrugby@yahoo.com
11. Zoning District of Parcel HRCC-1 RE# 00012440-000100
12. Description of Proposed Construction, Development, and Use

This application is to build a vibrant pedestrian-oriented restaurant with sidewalk-oriented seating. The project is proposed in two phases. Phase I will commence immediately upon approval and create the heart of the project with restaurant, outdoor seating and service area, ADA bathrooms, landscaping, storm water management, bike and scooter parking, along with reductions in impervious surface. Phase II will commence within four years of the approval and will demolish the existing "ticket booths" and build a historically appropriate building, in their place, that fronts Duval Street. If phase II has not commenced within four years of the effective date of this minor development plan, the approvals for phase II shall expire consistent with Sec. 108-203.

13. List and describe the specific variance(s) being requested:

Variance to Sec.108-572 from the 14.6 spaces required to 8 Bike/ Scooter spaces proposed.

**Variance Application**  
**City of Key West Planning Department**  
**3140 Flagler Avenue, Key West, FL 33040**  
**(305) 809-3720**



14. Please fill out the relevant Site Data in the table below. For Building Coverage, Impervious Surface, Open Space and F.A.R provide square footages and percentages.

<b>Site Data Table</b>				
	<b>Code Requirement</b>	<b>Existing</b>	<b>Proposed</b>	<b>Variance Request</b>
<b>Zoning</b>	HRCC-1			
<b>Flood Zone</b>	X			
<b>Size of Site</b>	2,418 sq. ft.			
<b>Height</b>	35' 0"	9' 0"	15' 10"	None Requested
<b>Front Setback</b>	0' 0"	0' 0"	0' 0"	None Requested
<b>Side Setback</b>	NA	NA	NA	None Requested
<b>Side Setback</b>	2' 5"	2' 6"	2' 6"	None Requested
<b>Street Side Setback</b>	0' 0"	0' 0"	1' 4.75"	None Requested
<b>Rear Setback</b>	10' 0"	10' 0"	17' 4"	None Requested
<b>F.A.R</b>	1.0	.06	.396	None Requested
<b>Building Coverage</b>	50%	6%	38.8%	None Requested
<b>Impervious Surface</b>	70%	100%	85.3%	None Requested
<b>Parking</b>	17.32 spaces	0 spaces	0 spaces	17.32 spaces
<b>Handicap Parking</b>	1 space	0 spaces	0 space	None Requested
<b>Bicycle Parking</b>	3.65 spaces	0 spaces	8 spaces	None Requested
<b>Open Space/ Landscaping</b>	20% Min	0%	14.7 %	None Requested
<b>Number and type of units</b>	NA	NA	NA	
<b>Consumption Area or Number of seats</b>	NA	0	43	None Requested

15. Is Subject Property located within the Historic District? Yes X No \_\_\_\_\_  
 If Yes, attach HARC approval and approved site plans

Meeting Date Pending HARC Approval # Pending

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16. Are there any easements, deed restrictions or other encumbrances attached to the subject property? Yes \_\_\_\_\_ No x If Yes, please describe and attach relevant documents

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17. Will the work be within the dripline (canopy) of any tree on or off the property?  
YES \_\_\_\_\_ NO x

If yes, provide date of landscape approval, and attach a copy of such approval.

This application is pursuant to Section 106-51 & 52 City of Key West Land Development Regulations.

If the applicant would like additional information, electronic version of the City's Code of Ordinances can be found either through [www.keywestcity.com](http://www.keywestcity.com), Planning Department archives or at [www.municode.com](http://www.municode.com). Once there, search Online Library/Florida/Key West/Chapter 122.

**\*Please note, variance approvals are quasi-judicial hearings, and it is improper for the owner or signatory to speak to a Planning Board member or City Commissioner about the hearing.**

09/03/13



Mr. Donald L. Craig, AICP, Planning Director  
City of Key West  
3140 Flagler Avenue  
Key West, FL 33040

TREPANIER



& ASSOCIATES INC

LAND USE PLANNING  
DEVELOPMENT CONSULTANTS

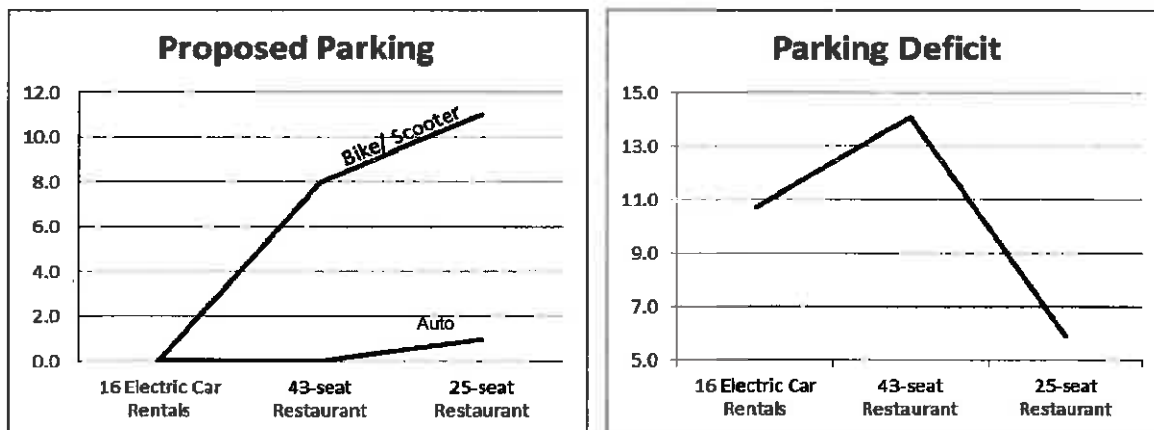
Re: **629 Duval Street**

Dear Mr. Craig:

Thank you for your time and consideration at the July 18<sup>th</sup> Planning Board hearing. As a result of the comments and suggestions made at the meeting, which primarily focused on decreasing the intensity of the site and increasing parking, we revised our plan in the following way:

- Decreased proposed seating by 18 seats from 43 to 25;
- Decreased the commercial floor area by 63 sq. ft.;
- Moved the solid waste and recycling handling area indoors;
- Added an ADA parking space; and
- Added 11 bike and scooter spaces.

The above changes reduce the parking deficit by 58% from the original application and 45% from the most recent approval (16 electric car rentals). The property's variance needs are also reduced accordingly from 15 spaces to 6. The following graphs depict the improvements resulting from the proposed revisions.



We hope the proposed revisions will allow you to support this Duval Street enhancement.

Thank you for your time and consideration in this matter.

Sincerely,

Owen Trepanier



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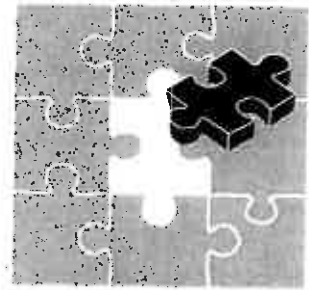
APR 19 2013

**CITY OF KEY WEST  
PLANNING DEPT.**

04/15/2013

Mr. Donald Craig, AICP, Planning Director  
City of Key West  
3140 Flagler Avenue  
Key West, FL 33040

**TREPANIER**



**& ASSOCIATES INC**  
LAND USE PLANNING  
DEVELOPMENT CONSULTANTS

--Via Email--

**Re: 629 Duval St., RE: 00012440-000100  
Minor Development Plan & Variance Applications**

Dear Mr. Craig:

Thank you for taking the time to meet with my client and me multiple times over the past several months as we reviewed the proposed minor development plan and variance applications at 629 Duval Street. As we discussed, the applicant is proposing a 43-seat pedestrian-oriented outdoor eatery with a phased schedule for construction.

We anticipate the following construction phasing plan consistent with Sec. 108-203:

Phase I will commence immediately upon approval and create the heart of the project with restaurant, outdoor seating and service area, ADA bathrooms, landscaping, storm water management, bike and scooter parking, along with reductions in impervious surface.

Phase II will commence within four years of the approval and will demolish the existing "ticket booths" and build a historically appropriate building, in their place, that fronts Duval Street. If phase II has not commenced within four years of the effective date of this minor development plan, the approvals for phase II shall expire consistent with Sec. 108-203. If the applicant chooses to move forward with Phase II after its expiration, reapplication for development plan approval will be required.

This prominent Duval corner is a general eye sore; the redevelopment of the property will greatly improve and enhance the character of this important area of the HRCC-1 zoning district. The eatery's clientele will be Duval Street pedestrians and workers in the downtown area. The property is located in the parking waiver zone and lies 204ft from the 110 space public parking lot at the former City Hall on Angela and Simonton Streets.

This historically platted, nonconforming lot existed prior to the adoption of current city code. Any historically appropriate and reasonable use of the property requires variances to the dimensional and parking regulations.

As you will see in the attached application, the hardship that necessitated the associated variance request was not created by the applicant or the property owner. You will also see that special conditions exist relative to the lot being platted prior to current code. The existing conditions do not result from the action or negligence of the applicant, but are a result of the existing nonconforming lot. The applicant seeks only to operate a use permitted by right and no

special privileges are conferred. The applicant seeks no additional uses or rights above what is permitted by right. The requested variance is the minimum necessary. The granting of this variance will in no way be injurious to the public welfare and, in fact, will provide great improvement to an eye sore on a prominent Duval St. corner. Nonconforming uses of other properties are not the basis for this variance request.

The applicant agrees to make all reasonable efforts to demo the "ticket booths" on the front portion of the property within five years of effective date of the approval consistent with Sec. 108-203<sup>1</sup>.

We look forward to a hearing by the Planning Board at the next earliest opportunity.

Thank you for your time and consideration in this matter. Please don't hesitate to call if you have any questions or need additional information.

Sincerely,



Patrick Wright

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<sup>1</sup> Excerpted from Sec. 108-203(a) "The development plan approval shall expire 12 months after final approval, if construction has not been started as evidenced by steady and continuous progress, including the pouring of footings by the termination date. Notwithstanding, if a phased schedule for construction is approved by the city as part of the development plan approval process, such schedule shall become the standard for determining development plan expiration."

Variance Application  
City of Key West Planning Department  
3140 Flagler Avenue, Key West, FL 33040  
(305) 809-3720



**Standards for Considering Variances**

**Before any variance may be granted, the Planning Board and/or Board of Adjustment must find all of the following requirements are met:**

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

This lot is a historically platted lot that does not meet minimum dimensional requirements of the modern code and was platted long before the adoption of current code. The lot is in the parking waiver district but because it is currently vacant any additional commercial or consumption area will require a parking variance. Due to lot size and location parking can not be accommodated on site. The proposed restaurant is designed in a pedestrian-oriented fashion with ingress and egress to attract "walk by" Duval St. thoroughfare Pedestrian traffic. The lot lies roughly 204ft from the new City public parking lot on Angela and Simonton Streets.

2. Conditions not created by applicant. That the special conditions and circumstances do not result from the action or negligence of the applicant.

The existing conditions (lack of ability to meet the minimum requirements of Sec.108-572) does not result of the action or negligence of the applicant. The lot was platted prior to the adoption of current city code and is non conforming in size.

3. Special privileges not conferred. That granting the variance(s) requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district.

The granting of this variance will not confer any special privileges to the applicant. The applicant seeks obly to permit a use permitted by right.

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4. Hardship conditions exist. That literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant.

Although this lot is located in the parking waiver zone, it is vacant and any commercial floor area added will require a parking Variance. Therefore in order for the applicant to make general improvements and develop the lot to its potential and its intent in the HRCC-1 zoning district a parking variance must be required. The small lot size is not capable of maintaining the required parking.

5. Only minimum variance(s) granted. That the variance(s) granted is/are the minimum variance(s) that will make possible the reasonable use of the land, building or structure.

The requested variance is the minimum variance required because the applicant seeks only to do what is permitted by right and this is the only variance required in the development and overall improvement of this vacant lot.

6. Not injurious to the public welfare. That granting of the variance(s) will be in harmony with the general intent and purpose of the land development regulations and that such variances will not be injurious to the area involved or otherwise detrimental to the public interest or welfare.

The granting of this variance will in no way be injurious to the public welfare and in fact will be beneficial to the community by developing a lot that currently is unmaintained, ungraded and is subsequently being used as an unlicensed parking area.

**Variance Application**  
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7. Existing nonconforming uses of other property shall not be considered as the basis for approval. That no other nonconforming use of neighboring lands, structures, or buildings in the same district, and that no other permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

Non conforming uses of other properties are not the basis for this variance request.

**The Planning Board and/or Board of Adjustment shall make factual findings regarding the following:**

- That the standards established in subsection (a) have been met by the applicant for a variance.
- That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by these neighbors. Please describe how you have addressed the "good neighbor policy."

# Verification

**City of Key West  
Planning Department**



**Verification Form**

*(Where Authorized Representative is an entity)*

I, Owen Trepanier, in my capacity as President  
*(print name)* *(print position; president, managing member)*

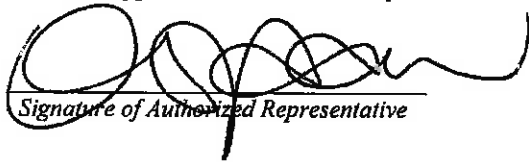
of Trepanier and Associates Inc.  
*(print name of entity serving as Authorized Representative)*

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

629 Duval Street

*Street Address of subject property*

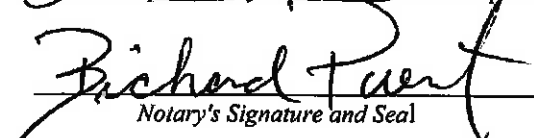
All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect,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

  
*Signature of Authorized Representative*

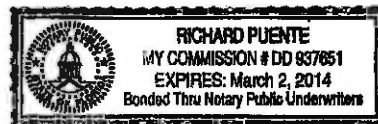
Subscribed and sworn to (or affirmed) before me on this May 9 2013 by  
*date*

Owen Trepanier  
*Name of Authorized Representative*

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

  
*Notary's Signature and Seal*

Richard Puente  
*Name of Acknowledger typed, printed or stamped*



DD937651

*Commission Number, if any*

**City of Key West  
Planning Department**



**Verification Form**

*(Where Authorized Representative is an individual)*

I, Joel Dos Santos, 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:

629 Duval Street

*Street address of subject property*

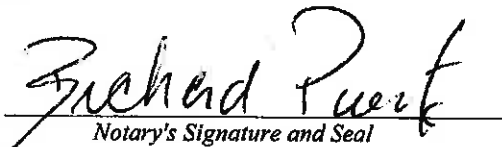
All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect,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

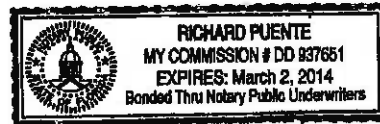
  
*Signature of Authorized Representative*

Subscribed and sworn to (or affirmed) before me on this 11/28/12 by

JOEL DOS SANTOS  
*Name of Authorized Representative*

He/She is personally known to me or has presented Florida Drivers Lic DD53-425-67-100-0 as identification.

  
*Notary's Signature and Seal*



Richard Puente  
*Name of Acknowledger typed, printed or stamped*

DD 937 651

*Commission Number, if any*



# **Authorization Form**

### City of Key West Planning Department



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

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

I, Kimberly L. Blanchette as  
*Please Print Name of person with authority to execute documents on behalf of entity*

Managing Member of Duval Lot LLC  
*Name of office (President, Managing Member)* *Name of owner from deed*

authorize Joel DosSantos, and Trepanier & Associates, Inc.  
*Please Print Name of Representative*

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

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

Subscribed and sworn to (or affirmed) before me on this 10<sup>th</sup>, September 2013 by  
*date*

Kimberly L. Blanchette  
*Name of Authorized Representative*

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

*Notary's Signature and Seal*

WILLIAM F BEGOS II  
NOTARY PUBLIC  
STATE OF RHODE ISLAND, ID #753990  
MY COMMISSION EXPIRES 04/06/2016

William Begos  
*Name of Acknowledger typed, printed or stamped*

753990  
*Commission Number, if any*



**Deed**

**PREPARED BY, & RECORD & RETURN TO:**

This instrument prepared without examination or legal opinion of title by:

Julie Ann Garber, Esq.  
Becker & Poliakoff, P.A.  
12140 Carissa Commerce Court, Suite 200  
Fort Myers, FL 33966

Doc# 1895966 08/17/2012 3:05PM  
Filed & Recorded in Official Records of  
MONROE COUNTY DANNY L. KOLHAGE

08/17/2012 3:05PM  
DEED DOC STAMP CL: DS \$0.70

Parcel No. 00012440-000100

Consideration: NONE; the conveyance of the property described herein is an additional capital contribution from Grantor to Grantee for no consideration. Grantors own one hundred percent (100%) of the membership interests in Grantee. Accordingly, pursuant to *Crescent Miami Center, LLC vs. Florida Department of Revenue*, 903 So.2d 913 (Fla. 2005), no documentary stamp taxes are due.

Doc# 1895966  
Bk# 2585 Pg# 127

**WARRANTY DEED**

THIS WARRANTY DEED is made this August 6, 2012, by and between **MELISSA L. CROSS**, a single woman; **KIMBERLY L. BLANCHETTE**, a married woman; and **KIMBERLY L. BLANCHETTE**, as Trustee of the Testamentary Trust established for the benefit of **REX E. CROSS, JR.** under the terms of the Last Will and Testament of **Paula L. Newhouse**, with said Trustee having the power to sell, assign, exchange, transfer, grant options, and convey, or otherwise dispose of, any or all of the investments and property, either real, personal, or mixed, which may be included in or may at any time become part of the trust, pursuant to the provisions of the Last Will and Testament of Paula L. Newhouse as recorded in Official Records Book 2332, page 615, of the Public Records of Monroe County, Florida, hereinafter called Grantors, whose address is c/o Kimberly L. Blanchette, 1312 Reynolds Street, Key West, Florida 33040, and **DUVAL LOT, LLC**, a limited liability company organized under the laws of the State of Florida, hereinafter called Grantee, whose address is c/o Kimberly L. Blanchette, 1312 Reynolds Street, Key West, Florida 33040.

WITNESSETH, that said Grantors, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, receipt of which is hereby acknowledged, hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee all that certain land situate in Monroe County, Florida, to wit:

Of a part of Square or Lot Four (4), Block Sixty-one (61) on the Island of Key West, Florida, according to William A. Whitehead's map or diagram of said Island and more particularly described as follows:

Commencing at the intersection of the Northeasterly property line of Duval Street and the Northwesterly property line of Angela Street as a point of beginning; thence in a Northwesterly direction along said Northeasterly property line of Duval Street a distance of 32.24 feet; thence at right angles in a Northeasterly direction a distance of 75 feet to a point; thence at right angles in a Southeasterly direction a distance of 32.24 feet to a point in the Northwesterly property line of

Angela Street; thence at right angles in a Southwesterly direction along said Northwesterly property line of Angela Street to the point of beginning.

BEING the same property described in the deed recorded in Official Records Book 2555, page 1172 of the Public Records of Monroe County, Florida.

THE PROPERTY DESCRIBED HEREIN DOES NOT CONSTITUTE THE HOMESTEAD OF THE GRANTORS.

TOGETHER with all the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

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

And the Grantors hereby covenant with the said Grantee that the Grantors are lawfully seized of said land in fee simple; that the Grantors have good right and lawful authority to sell and convey said land; that the Grantors hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except current and all subsequent years' taxes, reservations, restrictions and easements of record, if any.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Heather Smith  
Witness 1 signature  
Printed name: HEATHER SMITH

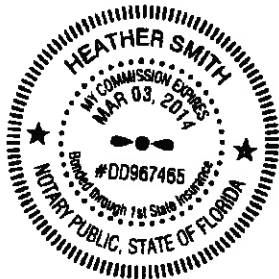
Melissa L. Cross  
MELISSA L. CROSS, Grantor

Thomas Marchand  
Witness 2 signature  
Printed name: Thomas Marchand

Doc# 1895966  
Bk# 2585 Pg# 128

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this AUGUST 6, 2012, by **MELISSA L. CROSS**, who () is personally known to me or () produced a driver's license as identification.



Heather Smith  
NOTARY PUBLIC

My Commission Expires:

Signed, sealed and delivered in our presence:

Brenda J. Pannullo  
Witness 1 signature

Printed name: Brenda Pannullo

[Signature]  
KIMBERLY L. BLANCHETTE, Grantor

Jacquelyn M. Miller  
Witness 2 signature

Printed name: Jacquelyn M. Miller



STATE OF RHODE ISLAND  
COUNTY OF Rent

The foregoing instrument was acknowledged before me this 5<sup>th</sup> of June 2012, by **KIMBERLY L. BLANCHETTE**, who ( ) is personally known to me or (X) produced a driver's license as identification.

Brenda J. Pannullo  
NOTARY PUBLIC 1/28/15

My Commission Expires:

Signed, sealed and delivered in our presence:

Brenda J. Pannullo  
Witness 1 signature

Printed name: Brenda Pannullo

[Signature]  
KIMBERLY L. BLANCHETTE, as Trustee of the Testamentary Trust established for the benefit of REX E. CROSS, JR. under the terms of the Last Will and Testament of Paula L. Newhouse, Grantor

Matthew Goulet  
Witness 2 signature

Printed name: Matthew Goulet

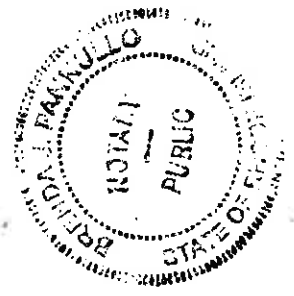
Doc# 1895966  
Bk# 2585 Pg# 129

STATE OF RHODE ISLAND  
COUNTY OF Rent

The foregoing instrument was acknowledged before me this 5<sup>th</sup> of June, 2012, by **KIMBERLY L. BLANCHETTE**, as Trustee of the Testamentary Trust established for the benefit of REX E. CROSS, JR. under the terms of the Last Will and Testament of Paula L. Newhouse, who ( ) is personally known to me or (X) produced a driver's license as identification.

Brenda J. Pannullo  
NOTARY PUBLIC

My Commission Expires: 1/28/15



Address of property:  
629 Duval Street  
Key West, Florida 33040

# Survey

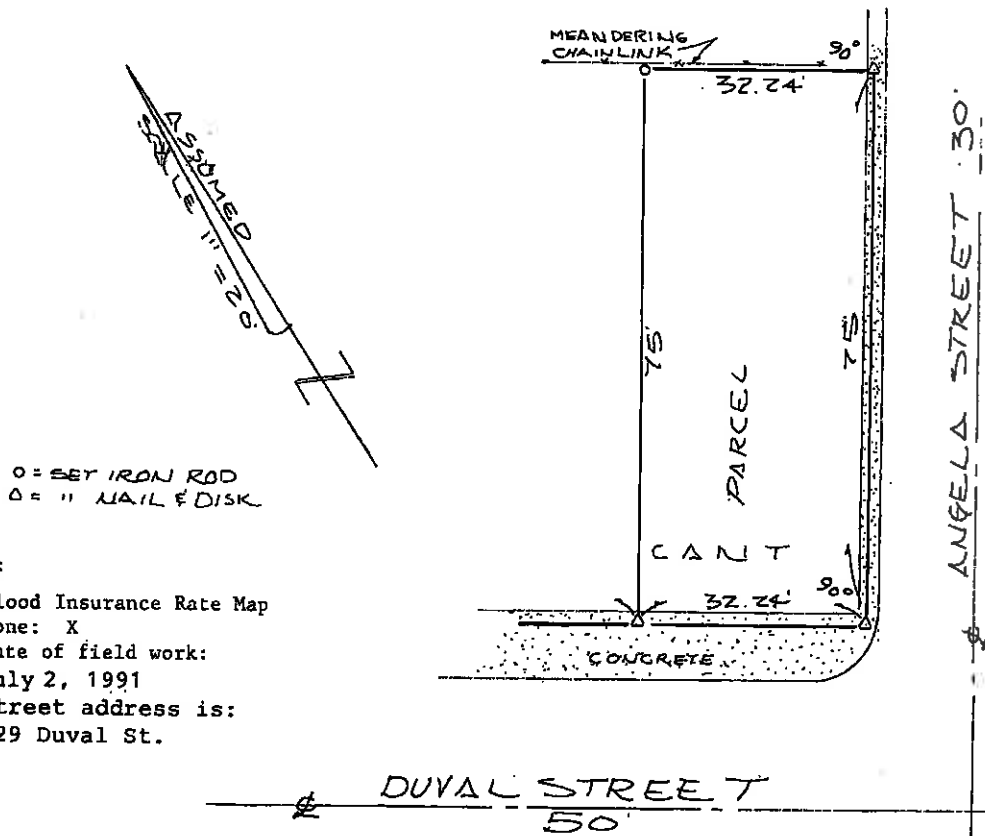


# PHILLIPS & TRICE SURVEYING, INC.

Professional Land Surveyors  
1204 Simonton Street  
Key West, Florida 33040  
(305) 294-4747

JACK M. PHILLIPS, P.L.S.  
FLORIDA CERTIFICATE NO. 1410

JOE M. TRICE, P.L.S.  
FLORIDA CERTIFICATE NO. 2110



### NOTES:

1. Flood Insurance Rate Map  
Zone: X
2. Date of field work:  
July 2, 1991
3. Street address is:  
629 Duval St.

### BOUNDARY SURVEY OF:

**PARCEL** Of a part of Square or Lot Four (4), Block Sixty-one (61) on the Island of Key West, Florida according to William A. Whitehead's map or diagram of said Island and more particularly described as follows: Commencing at the intersection of the Northeasterly property line of Duval Street and the Northwesterly property line of Angela Street as a point of beginning; thence in a Northwesterly direction along said Northeasterly property line of Duval Street a distance of 32.24 feet; thence at right angles in a Northeasterly direction a distance of 75 feet to a point; thence at right angles in a Southeasterly direction a distance of 32.24 feet to a point in the Northwesterly property line of Angela Street; thence at right angles in a Southwesterly direction along said Northwesterly property line of Angela Street to the point of beginning.

### BOUNDARY SURVEY FOR: LOUISE LEE

I HEREBY CERTIFY that the survey delineated hereon meets or exceeds the minimum technical standards as set forth by the Florida Board of Land Surveyors, pursuant to Section 472.027 of the Florida Statutes, and that there are no encroachments, above ground, other than those shown hereon.

**THIS SURVEY IS NOT  
VALID UNLESS EMBOSSED  
WITH A RAISED SEAL**

July 2, 1991

Key West, FL

PHILLIPS & TRICE SURVEYING, INC.

*Joe M. Trice*  
Joe M. Trice, P.S.  
Florida Reg. Cert. #2110



# Site Plans

### SITE DATA

SITE DATA = 2,418 S.F.  
 FLOOD ZONE = X  
 ZONING = HRCC-1  
 FAR = 1.0 (0.396 PROVIDED)  
 HEIGHT LIMIT = 35' (16'-10" PROVIDED)

SETBACKS:  
 FRONT = 0'-0" (0'-0" PROVIDED)  
 SIDE = 2'-6" (2'-6" PROVIDED)  
 STREET SIDE = 0'-0" (1'-4 1/4" PROVIDED)  
 REAR = 10'-0" (13'-0" PROVIDED)

MIN. LOT AREA = 4,000 S.F. (40'x100')  
 LOT COVERAGE : 50% ALLOWABLE (1,206 S.F.), EXISTING 6% (147 SQ.FT.), PROVIDED 40.6% (981.0 SQ.FT.)  
 IMPERVIOUS AREA : 70% ALLOWABLE (1692.6 S.F.), EXISTING 100% (2,418 SQ.FT.), PROVIDED 86.0% (2,080.6 SQ.FT.)  
 LANDSCAPE : 20% MINIMUM (483.6 S.F.), EXISTING 0% (0 SQ.FT.), PROVIDED 14.0% (337.4 SQ.FT.)  
 OPEN SPACE : 20% MINIMUM (483.6 S.F.), EXISTING 0% (0 SQ.FT.), PROVIDED 14.0% (337.4 SQ.FT.)

**NOTE:** THE 1.4 FT. FROM CITY SIDEWALK ON OUR PROPERTY IS BEING COUNTED AS OPEN SPACE, PREVIOUS AND LANDSCAPE AREA.

### PARKING

**REQUIRED PARKING (AUTO)**

RESTAURANT CONSUMPTION AREA	43 SEATS X 15 SQ.FT. / 1 SEAT X 1 SPACE / 45 SQ.FT.	=	14.33
RETAIL	224 SQ.FT. X 1 SPACE / 300 SQ.FT.	=	0.75
PARKING WAIVER	147 SQ.FT. X 1 SPACE / 300 SQ.FT.	=	(0.49)
<b>TOTAL AUTO PARKING REQUIRED</b>			<b>14.59</b>

**REQUIRED PARKING (BICYCLE AS A % OF AUTO PARKING)**

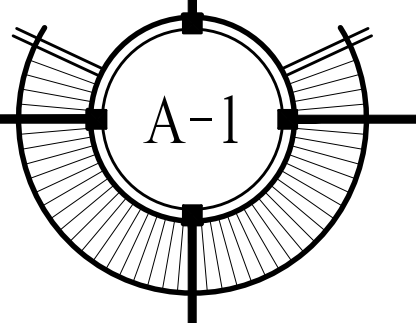
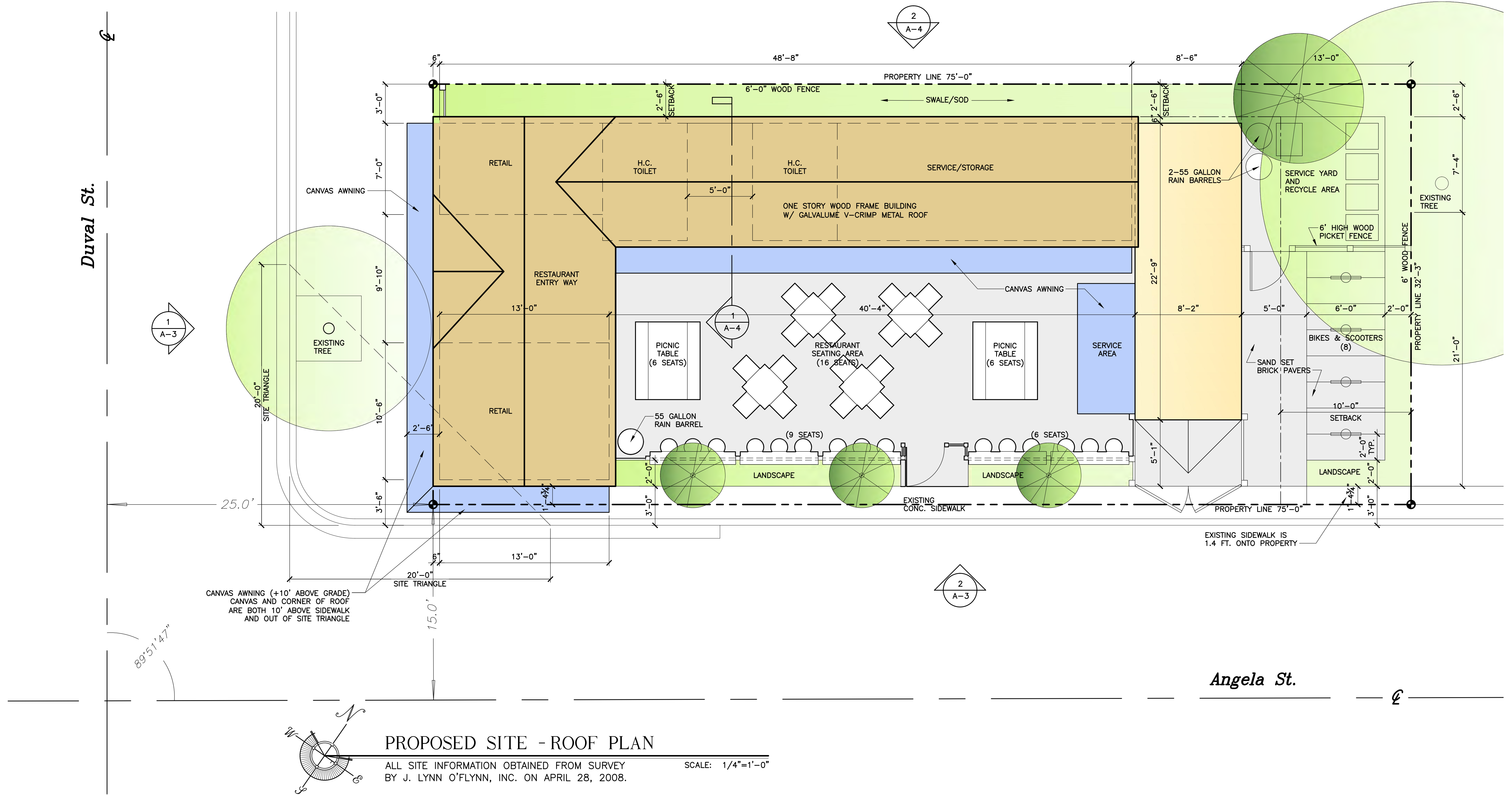
RESTAURANT CONSUMPTION AREA	25% X 14.33	=	3.58
RETAIL	25% X 0.75	=	0.19
PARKING WAIVER	25% X 0.49	=	0.12
<b>TOTAL BICYCLE PARKING REQUIRED</b>			<b>3.65</b>

**PROPOSED PARKING**

AUTO SPACE	=	0
BICYCLE / SCOOTER	=	8

### LIST OF DRAWINGS

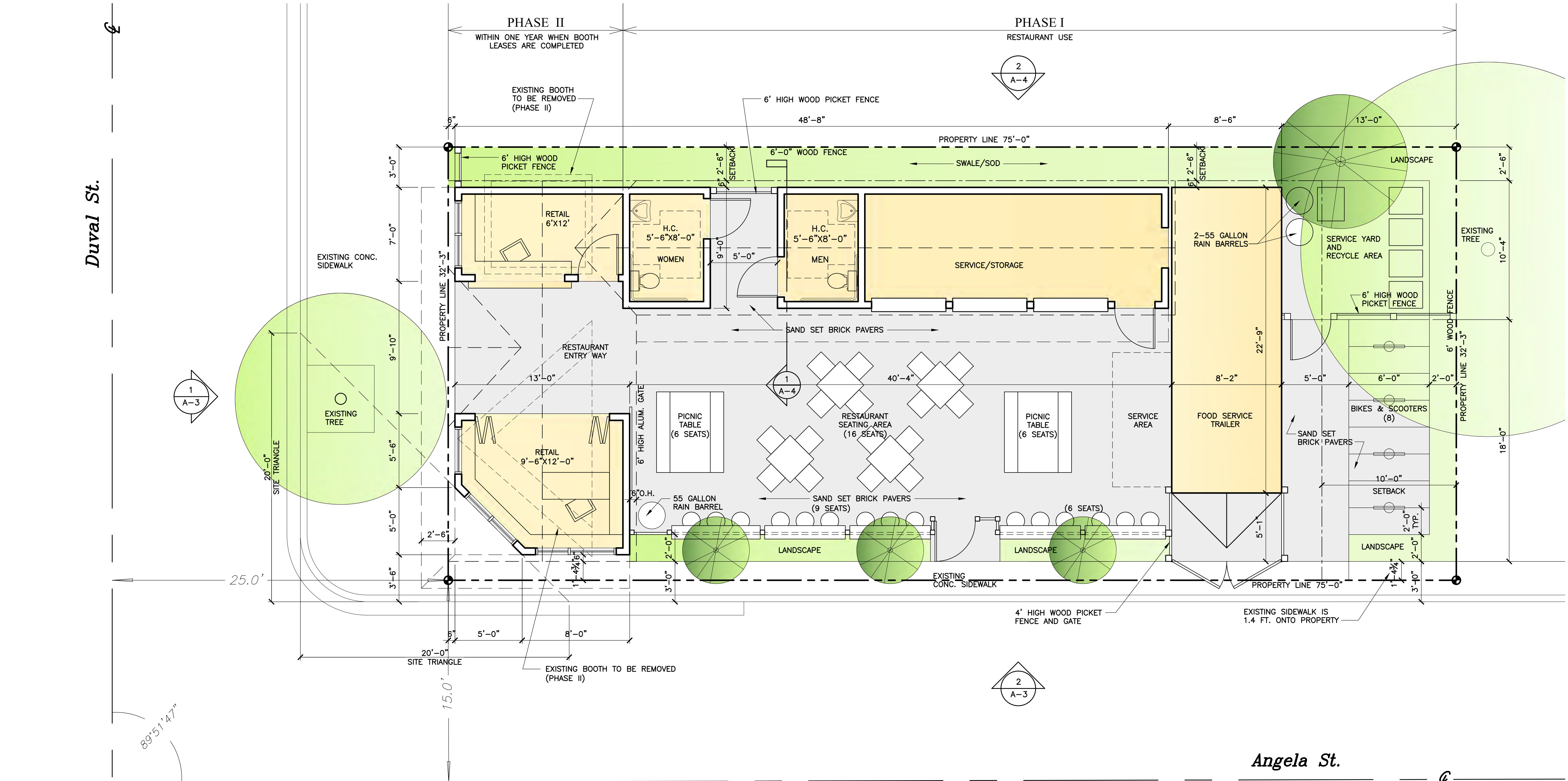
A-1	PROPOSED SITE - ROOF PLAN
A-2	PROPOSED FLOOR PLAN
A-3	ELEVATIONS
A-4	ELEVATIONS
L-1	LANDSCAPE PLAN
D-1	DRAINAGE PLAN



**BUILDING DATA**

ZONING = HRCC-1  
 FLOOD ZONE = X  
 CONSTRUCTION TYPE V

SQUARE FOOTAGE  
 ENCLOSED = 505.2 SQ.FT.  
 COVERED = 249.1 SQ.FT.  
 TOTAL = 754.3 SQ.FT.  
 FOOD TRAILER = 185.8 SQ.FT.



**PROPOSED SITE - FLOOR PLAN**

ALL SITE INFORMATION OBTAINED FROM SURVEY BY J. LYNN O'FLYNN, INC. ON APRIL 28, 2008. SCALE: 1/4"=1'-0"

WILLIAM P. HORN  
 ARCHITECT, P.A.  
 915 EATON ST.  
 KEY WEST,  
 FLORIDA  
 33040  
 TEL. (305) 296-8302  
 FAX (305) 296-1033  
 LICENSE NO.  
 AA 0003040

COMMERCIAL DEVELOPEMENT  
 629 DUVAL ST.  
 KEY WEST, FLORIDA.

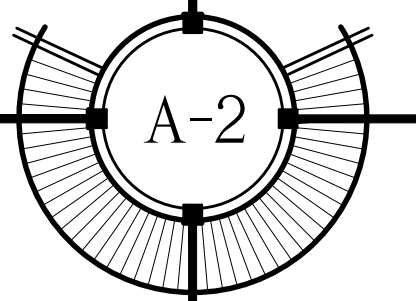
SEAL

DATE  
 10-30-12 D.R.C.

REVISIONS

DRAWN BY  
 AR

PROJECT NUMBER  
 1221

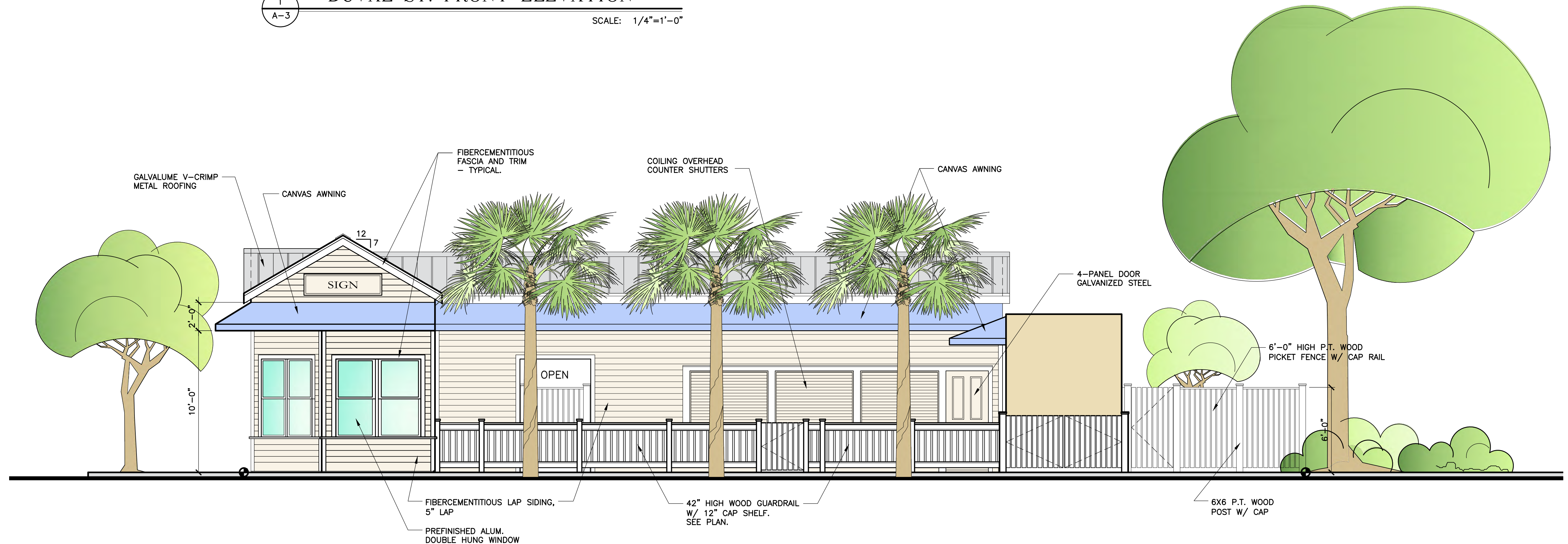


COMMERCIAL DEVELOPEMENT  
 629 DUVAL STREET  
 KEY WEST, FLORIDA





1  
A-3  
DUVAL ST. FRONT ELEVATION  
SCALE: 1/4"=1'-0"



2  
A-3  
ANGELA ST. SIDE ELEVATION  
SCALE: 1/4"=1'-0"

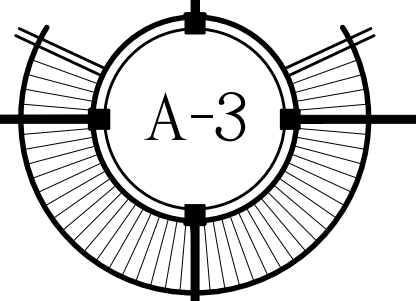
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DATE  
10-30-12 D.R.C.

REVISIONS \_\_\_\_\_

DRAWN BY  
AR

PROJECT NUMBER  
1221





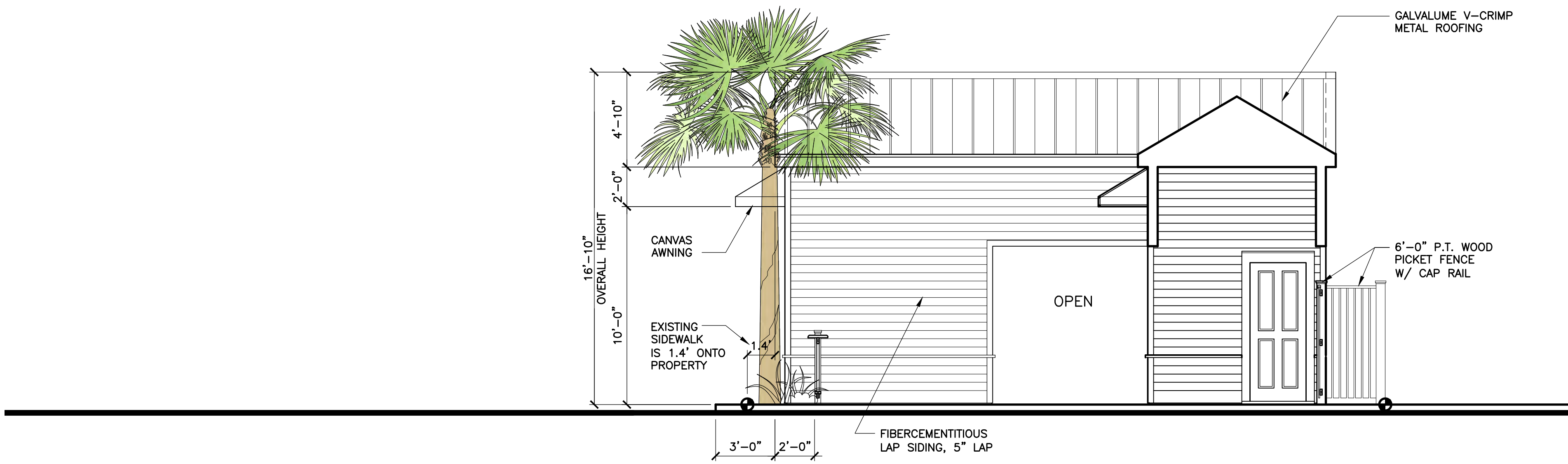
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DATE  
10-30-12 D.R.C.

REVISIONS \_\_\_\_\_

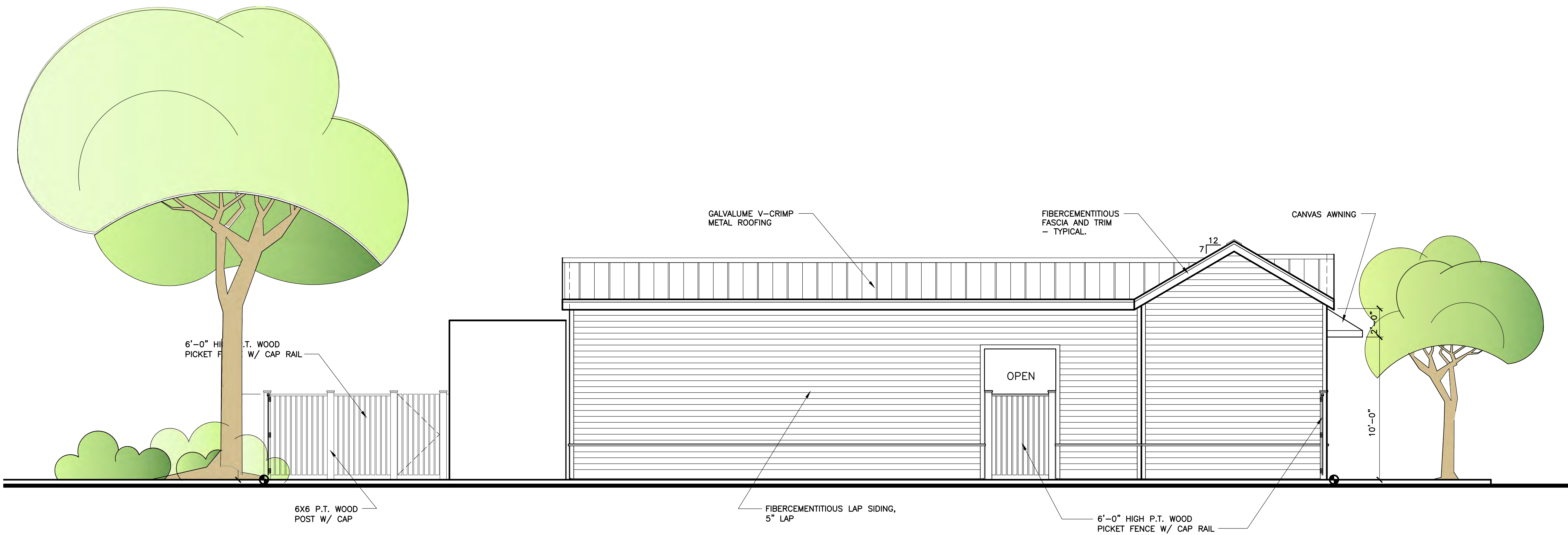
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PROJECT  
NUMBER  
1221



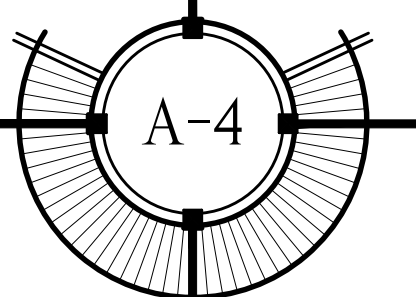
1 REAR ELEVATION

SCALE: 1/4"=1'-0"



2 SIDE ELEVATION

SCALE: 1/4"=1'-0"



**Site Plans  
Revised**

**SITE DATA**

SITE DATA	=	2,418 S.F.
FLOOD ZONE	=	X
ZONING	=	HRCC-1
FAR	=	1.0 (0.302 PROVIDED)
HEIGHT LIMIT	=	35' (16'-10" PROVIDED)
SETBACKS:		
FRONT	=	0'-0" (0'-0" PROVIDED)
SIDE	=	2'-6" (2'-6" PROVIDED)
STREET SIDE	=	0'-0" (1'-4 3/4" PROVIDED)
REAR	=	10'-0" (19'-4" PROVIDED)
MIN. LOT AREA	=	4,000 S.F. (40'X100')
LOT COVERAGE	:	50% ALLOWABLE (1,206 S.F.), EXISTING 6% (147 SQ.FT.), PROVIDED 30.2% (730.8 SQ.FT)
IMPERVIOUS AREA	:	70% ALLOWABLE (1,692.6 S.F.), EXISTING 100% (2,418 SQ.FT.), PROVIDED 82.6% (1,996.7 SQ.FT.)
LANDSCAPE	:	20% MINIMUM (483.6 S.F.), EXISTING 0% (0 SQ.FT.), PROVIDED 13.1% (316.3 SQ.FT.)
OPEN SPACE	:	20% MINIMUM (483.6 S.F.), EXISTING 0% (0 SQ.FT.), PROVIDED 17.4% (421.3 SQ.FT.)

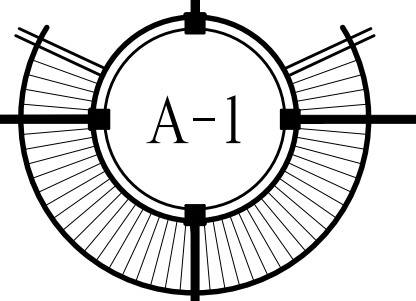
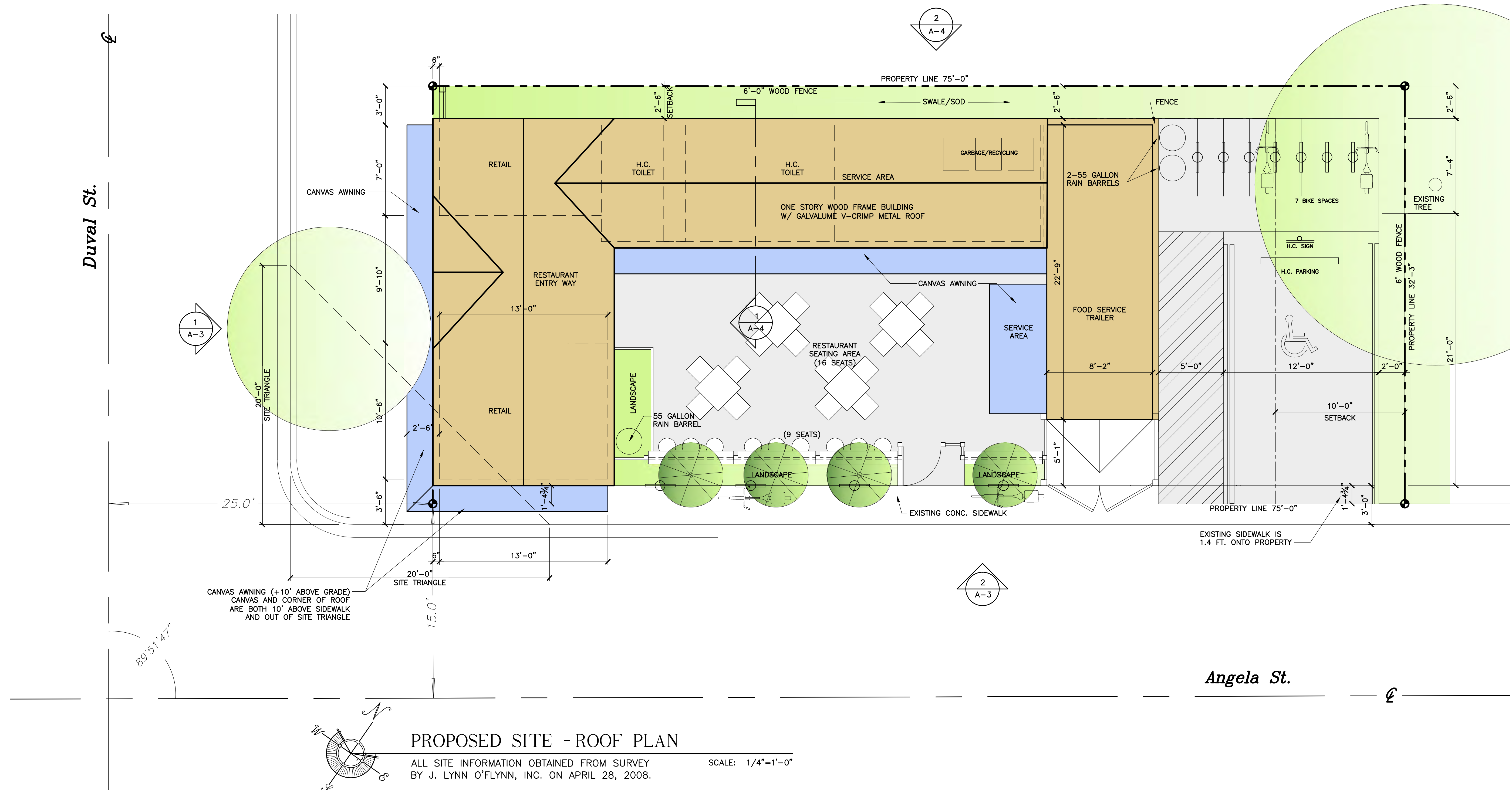
**NOTE:** THE 1.4 FT. FROM CITY SIDEWALK ON OUR PROPERTY IS BEING COUNTED AS OPEN SPACE, PREVIOUS AND LANDSCAPE AREA.

**PARKING**

<b>REQUIRED PARKING (AUTO)</b>			
RESTAURANT CONSUMPTION AREA	25 SEATS X 15 SQ.FT. = 375 SQ.FT. + 45 SQ.FT.	=	8.33
RETAIL	224 SQ.FT. X 1 SPACE / 300 SQ.FT.	=	0.75
PARKING WAIVER	147 SQ.FT. X 1 SPACE / 300 SQ.FT.	=	(0.49)
TOTAL AUTO PARKING REQUIRED		=	8.6
<b>REQUIRED PARKING (BICYCLE AS A % OF AUTO PARKING)</b>			
RESTAURANT CONSUMPTION AREA	25% X 8.33	=	2.08
RETAIL	25% X 0.75	=	0.19
PARKING WAIVER	25% X 0.49	=	(0.12)
TOTAL BICYCLE PARKING REQUIRED		=	2.15
<b>PROPOSED PARKING</b>			
AUTO SPACE (ADDED ONE HANDICAP SPACE)		=	1
BICYCLE / SCOOTER SPACES (ADDED 11 BIKE/SCOOTER SPACES)		=	11

**LIST OF DRAWINGS**

A-1	PROPOSED SITE - ROOF PLAN
A-2	PROPOSED FLOOR PLAN
A-3	ELEVATIONS
A-4	ELEVATIONS
L-1	LANDSCAPE PLAN
D-1	DRAINAGE PLAN





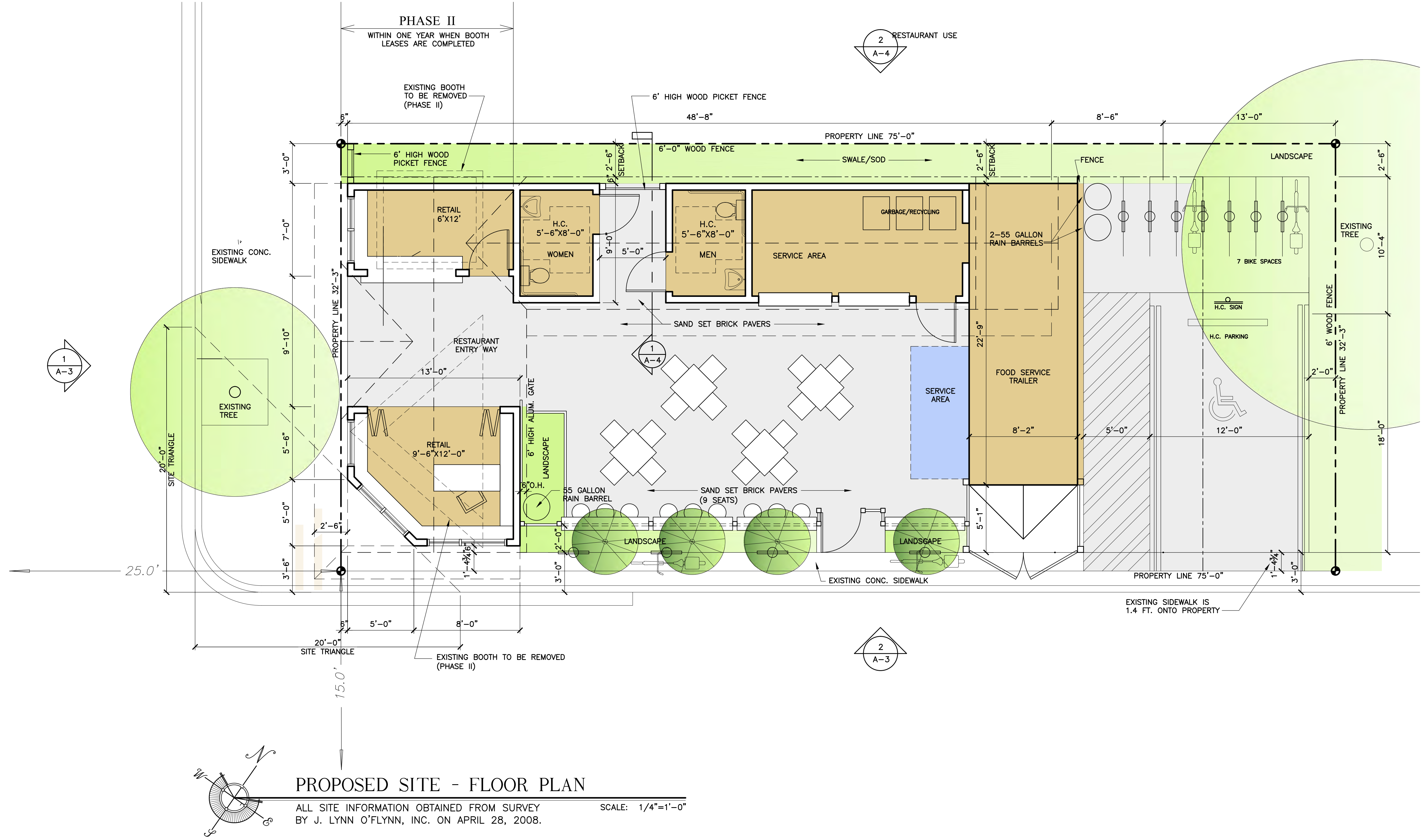
BUILDING DATA			
ZONING	=	HRCC-1	
FLOOD ZONE	=	X	
CONSTRUCTION		TYPE V	
SQUARE FOOTAGE			
ENCLOSED	=	475.9	SQ.FT.
COVERED	=	170.2	SQ.FT.
TOTAL	=	754.3	SQ.FT.
FOOD TRAILER	=	185.8	SQ.FT.

WILLIAM P. HORN  
ARCHITECT, P.A.

915 EATON ST.  
KEY WEST,  
FLORIDA  
33040

TEL. (305) 296-8302  
FAX (305) 296-1033

LICENSE NO.  
AA 0003040



**PROPOSED SITE - FLOOR PLAN**

ALL SITE INFORMATION OBTAINED FROM SURVEY  
BY J. LYNN O'FLYNN, INC. ON APRIL 28, 2008. SCALE: 1/4"=1'-0"

COMMERCIAL DEVELOPEMENT  
629 DUVAL ST.  
KEY WEST, FLORIDA.

SEAL \_\_\_\_\_

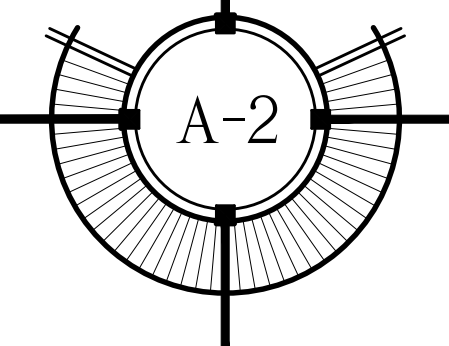
DATE  
10-30-12 D.R.C.  
12-12-12 PLBD.

REVISIONS  
9-4-13 REV.

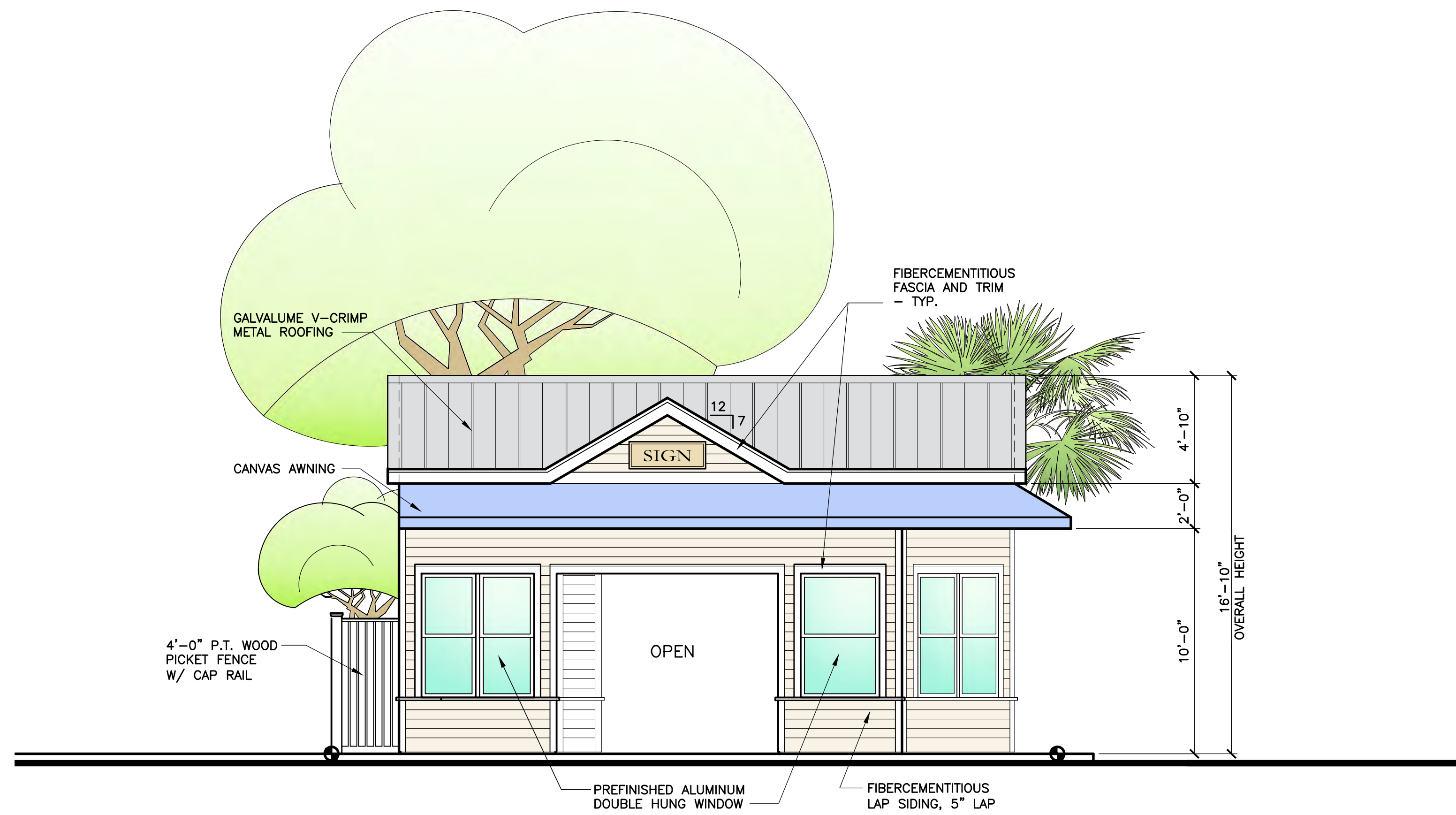
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PROJECT NUMBER  
1221

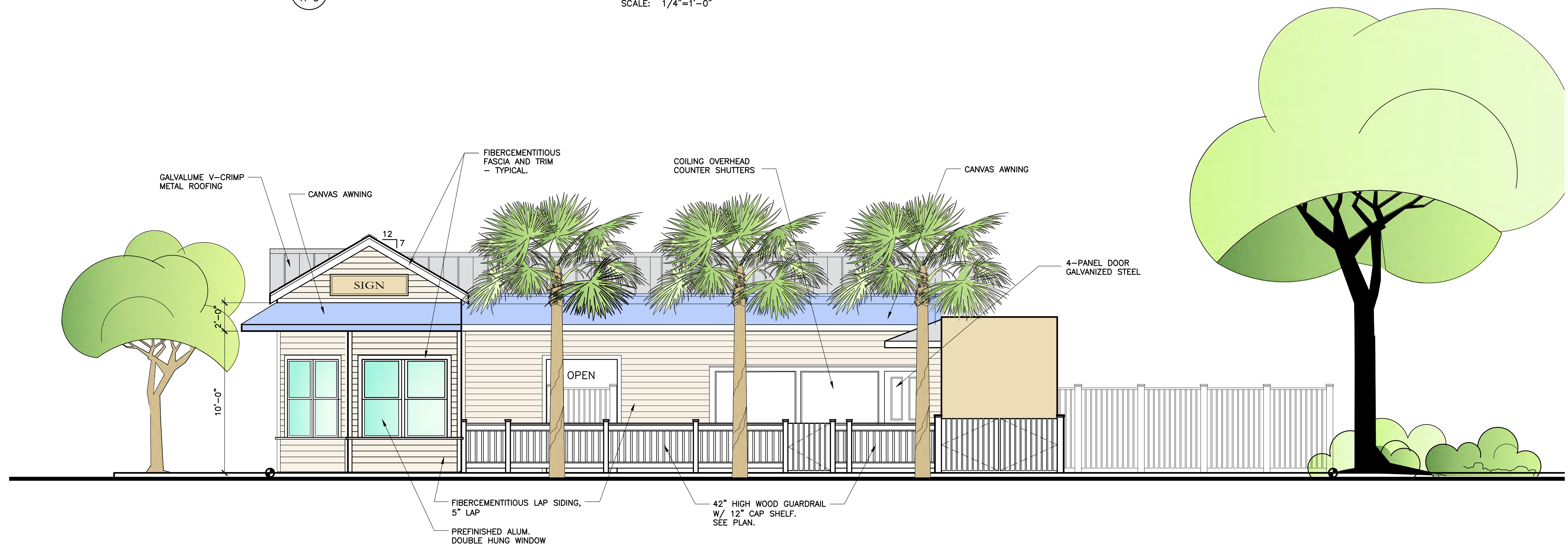
COMMERCIAL DEVELOPEMENT  
629 DUVAL STREET  
KEY WEST, FLORIDA







1  
A-3  
DUVAL ST. FRONT ELEVATION  
SCALE: 1/4"=1'-0"



2  
A-3  
ANGELA ST. SIDE ELEVATION  
SCALE: 1/4"=1'-0"

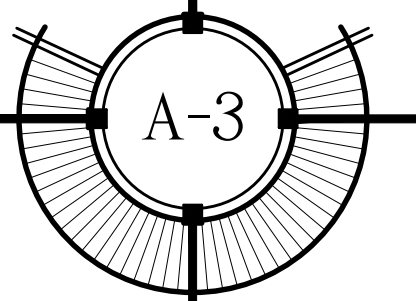
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DATE  
10-30-12 D.R.C.  
12-12-12 PLBD.

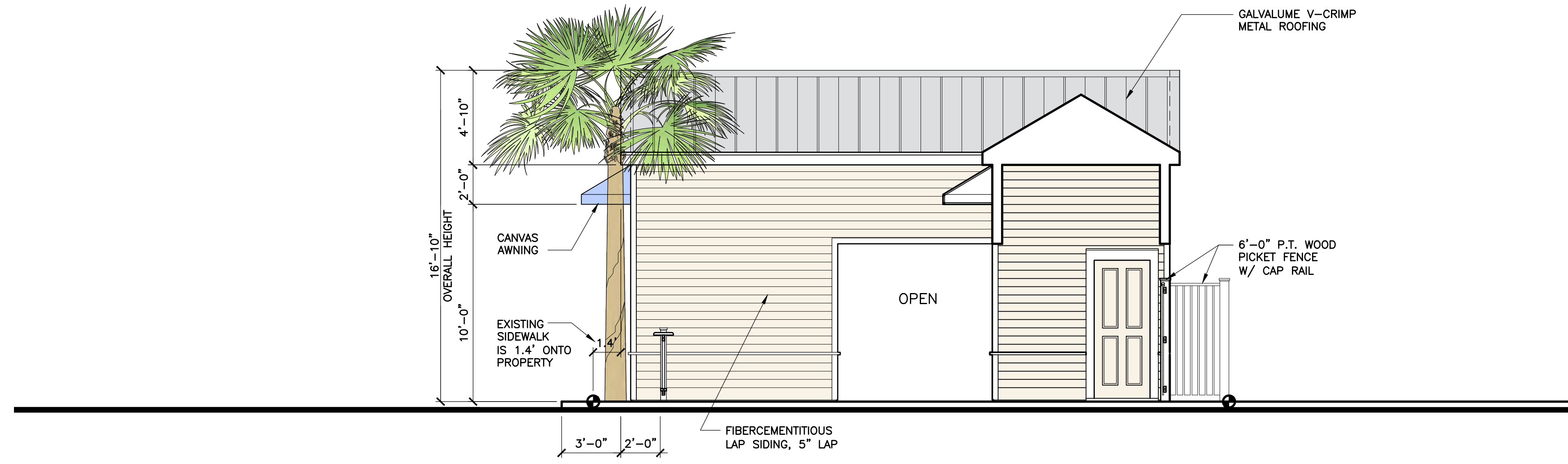
REVISIONS  
9-4-13 REV.

DRAWN BY  
AR

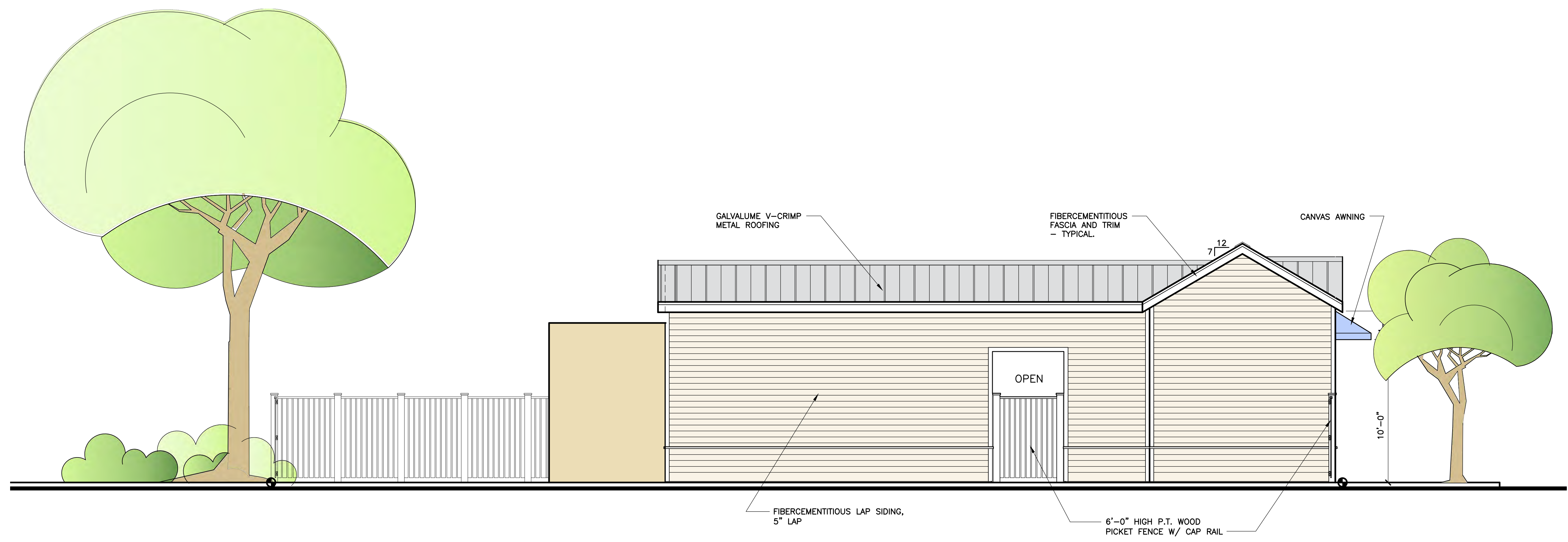
PROJECT NUMBER  
1221







1  
A-4  
**REAR ELEVATION**  
SCALE: 1/4"=1'-0"



2  
A-4  
**SIDE ELEVATION**  
SCALE: 1/4"=1'-0"

915 EATON ST.  
KEY WEST,  
FLORIDA  
33040  
  
TEL (305) 296-8302  
FAX (305) 296-1033  
  
LICENSE NO.  
AA 0003040

**COMMERCIAL DEVELOPEMENT**  
629 DUVAL ST.  
KEY WEST, FLORIDA.

SEAL \_\_\_\_\_

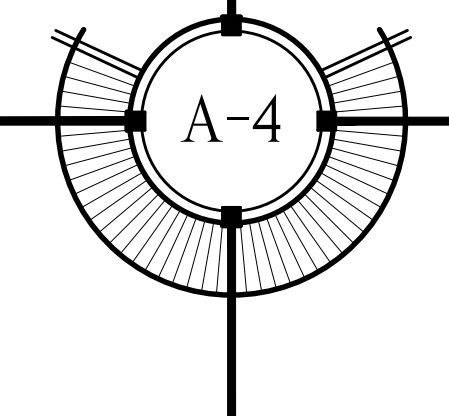
DATE  
10-30-12 D.R.C.  
12-12-12 PLBD.

REVISIONS  
9-4-13 REV.

DRAWN BY  
AR

PROJECT NUMBER  
1221

**COMMERCIAL DEVELOPEMENT**  
629 DUVAL STREET  
KEY WEST, FLORIDA



**PLANT SCHEDULE**

(4) SABAL PALM FIELD GROWN	-	SABAL PALMETTO 16-18"
(5) SPANISH STOPPER 7 GALLON	-	EUGENIA FOETIDA ±5'
(6) FLORIDA BOXWOOD 7 GALLON	-	SCHAEFFERIA FRUSTESCENS ±5'
(1) SIMPSON'S STOPPER 7 GALLON	-	MYRCIANTHES FRAGANS 4-5'
(19) BAHAMA COFFEE 3 GALLON	-	PSYCHOTRIA LIGUSTRIFOLIA 2'
(4) COONTIE 3 GALLON	-	ZAMIA PUMIVA 18"

**LANDSCAPE REQUIREMENTS**

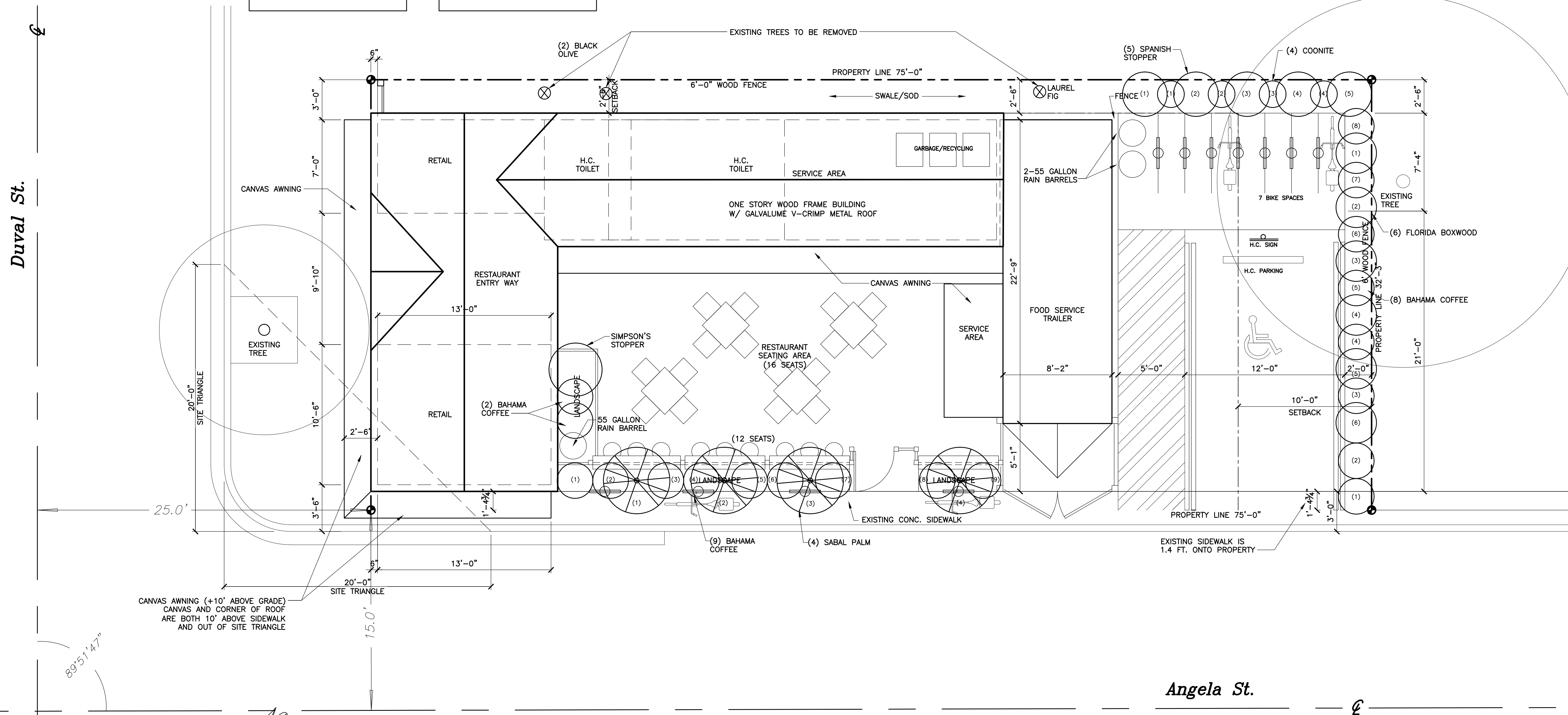
*** MINIMUM LANDSCAPE AREA SEC. 108-412	=	20% (483.6 SQ.FT.)
PROVIDED	=	13.1% (316.3 SQ.FT.)
*** R.O.W. - 40 PLANT UNITS PER 100 L.F. SEC. 108-413	=	40 p.u. REQUIRED
PROVIDED	=	23 p.u.
*** BUFFERYARD / SCREENING SEC. 108-347	=	HIGH IMPACT = NONE REQUIRED
PROPOSED USE	=	HIGH IMPACT = 44 p.u. PROVIDED
ADJOINING USE	=	HIGH IMPACT = 44 p.u. PROVIDED
*** 70% NATIVE SPECIES REQUIRED SEC. 108-412	=	100% PROVIDED

**TREE REMOVAL**

- (2) BLACK OLIVE
  - (1) LAUREL FIG
- NO PERMIT REQUIRED  
SEC. 110-322 "EXCEPTIONS"

**NOTES**

1. ALL PLANTS "FLORIDA #1"
2. IRRIGATION PROVIDED
3. DECORATIVE STONE (RIVER ROCK) USED AS MULCH IN ROW PLANTINGS.



**LANDSCAPE PLAN**

ALL SITE INFORMATION OBTAINED FROM SURVEY  
BY J. LYNN O'FLYNN, INC. ON APRIL 28, 2008. SCALE: 1/4"=1'-0"

WILLIAM P. HORN  
ARCHITECT, P.A.

915 EATON ST.  
KEY WEST,  
FLORIDA  
33040

TEL. (305) 296-8302  
FAX (305) 296-1033

LICENSE NO.  
AA 0003040

NATIVE LANDSCAPE  
DESIGN  
SCOTT MONTGOMERY  
LANDSCAPE DESIGNER

P.O. BOX 2847  
KEY WEST, FL. 33045  
(305) 303-5025

**COMMERCIAL DEVELOPEMENT**

629 DUVAL ST.  
KEY WEST, FLORIDA.

SEAL

DATE

10-30-12 D.R.C.  
12-12-12 PLBD.

REVISIONS

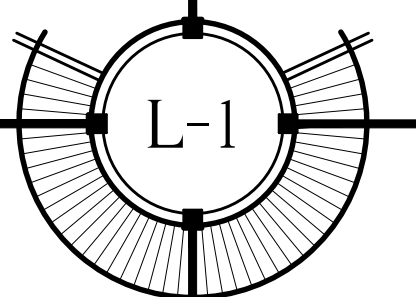
9-4-13 REV.

DRAWN BY

AR

PROJECT NUMBER

1221



COMMERCIAL DEVELOPEMENT  
629 DUVAL STREET  
KEY WEST, FLORIDA

**DRC**  
**Minutes & Comments**

## **Minutes of the Development Review Committee**

**November 16, 2012**

**Approved December 21, 2012**

meets ADA Accessibility Guidelines for Buildings and Facilities (ADAAG) Sec. 4.6 parking requirements for standard vehicle ADA accessible parking space.

Mr. Williams inquired if any trees or landscaping would be impacted and if so, that the applicant contact him to make sure no permits are required by the Tree Commission. He suggested using a cistern to utilize rain water.

Mrs. Torregrosa stated that project will be on the HARC agenda on November 27<sup>th</sup>.

Mr. Craig stated that what is proposed is a new structure as the principal structure on site and a detached habitable area which is not another unit.

Remaining DRC members had no comments.

Keys Energy had no objections. The applicant will need to provide a full set of plans and a project review form. This will ensure the applicant and the surrounding customer have adequate power.

### **10. Minor Development Plan - 629 Duval Street (RE# 00012440-000100) - Request for a minor development plan to construct an outdoor restaurant per Section 108-91 A.1.(b) and (c) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Items 10 and 11 were heard concurrently.

Mr. Cunningham gave members an overview of the Minor Development and Parking requests.

The applicant's Architect, Bill Horn, gave members an overview of the request.

Ms. Higgins had no comment.

Mr. Williams requested a licensed landscape architect for the plan. He suggested using a cistern.

Mrs. Torregrosa stated that the authorization form says Helena Dos Santos but deed is under Kimberly Blanchette. Mr. Cunningham stated that the applicant is the representative trustee for the trust that is associated with the owner. Mrs. Torregrosa requested this information to be shown on the packet for proper representation. She stated her concern about the trailer that is proposed. The project will require HARC approval.

Ms. Ignaffo stated that pursuant to Sec. 74-171 grease interceptor, sized in accordance with the number of dining establishment seats, hours of operation, and type of utensils used at the restaurant shall be required. The interceptor shall conform to the requirements of the Florida Building Code: Plumbing Section 1003. Please coordinate utility infrastructure plan review with General Services Department. The site plan shows a fenced storage area for trash and recycling receptacles. Sec. 58-31 limits the size of trash receptacles to 32 gallons, weight not exceeding 50 pounds. Please indicate the quantity of trash to be generated by this project, on a daily basis. The city would like to reduce the amount of solid waste and increase the recycling rate. Please consider the use of bio-degradable paper goods that are recyclable.

Ms. Ignaffo stated that the site plan shows one ADA accessible standard vehicle parking space. The parking space is designed to create vehicle backing onto the public right-of-way. Access route width dimensions for the sidewalk and entrance gate are not indicated on the plans.

## **Minutes of the Development Review Committee**

**November 16, 2012**

**Approved December 21, 2012**

Ms. Nicklaus stated that she reserves her comments for the permit processing plan review. She requested the dimensions must be included for construction drawings.

Mr. Craig requested Owen Trepanier submit a copy of the leases and sub leases of the booths currently on the property. He stated concern that we move a portable facility onto the site and still have other information booths there before and it is another way of accomplishing what was originally proposed without meeting the requirements of the Planning Board as we have expressed to them before. He requested the number of seats and parking variance. The trailer will apply to the building code requirements as a structure and will not be approved as a permanent facility as a trailer. He stated his concern of the sight distance onto the Duval heavily traveled sidewalk and a structure on corner of Angela and Duval. He requested a clear sight triangle on the south west of plan.

Keys Energy had no objections. The applicant will need to provide a full set of plans and a project review form. This will ensure the applicant and the surrounding customer have adequate power.

**11. Parking Variance - 629 Duval Street (RE# 00012440-000100) - Request for a variance to parking requirements in the HRCC-1 zoning district per Section 108-572 (9) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

This item was heard concurrently with item 10 (see comments above).

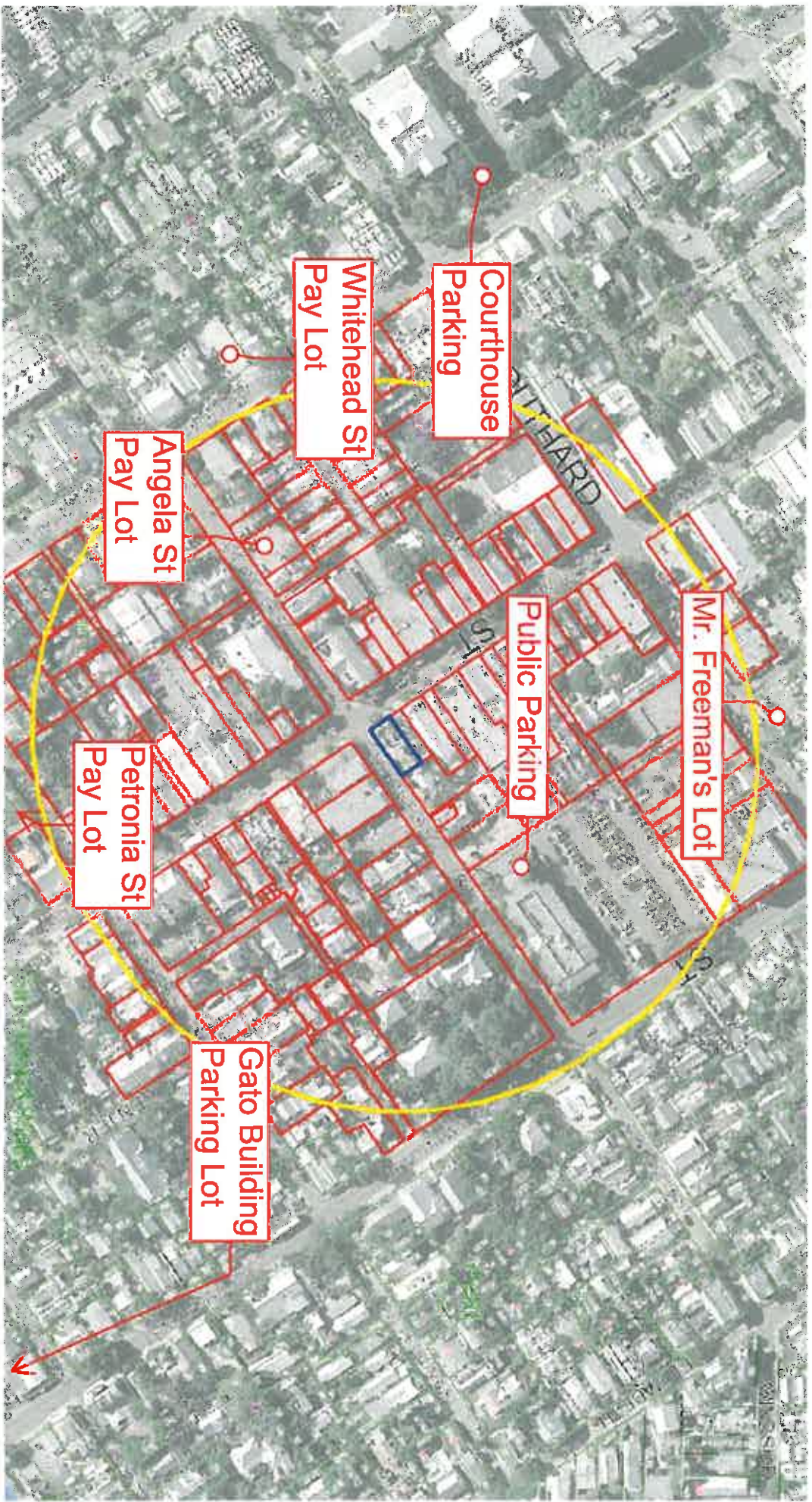
### **ADJOURNMENT**

Meeting adjourned at 11:17am.

**Respectfully submitted by,  
Karen de Berjeois  
Administrative Assistant II  
Planning Department**

# **Additional Information**





# Monroe County, Florida

## MCPA GIS Public Portal

Printed: Aug 19, 2013

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.





# **Property Appraiser Information**

**Scott P. Russell, CFA**  
**Property Appraiser**  
**Monroe County, Florida**

Key West (305) 292-3420  
Marathon (305) 289-2550  
Plantation Key (305) 852-7130

**Property Record Card -**  
**Maps are now launching the new map application version.**

Website tested on IE8,  
IE9, & Firefox.  
Requires Adobe Flash  
10.3 or higher

**Alternate Key: 1012815 Parcel ID: 00012440-000100**

**Ownership Details**

**Mailing Address:**  
DUVAL LOT LLC  
C/O BLANCHETTE KIMBERLY L  
1312 REYNOLDS ST  
KEY WEST, FL 33040-4709

**Property Details**

**PC Code:** 10 - VACANT COMMERCIAL  
**Millage Group:** 10KW  
**Affordable Housing:** No  
**Section-Township-Range:** 06-68-25  
**Property Location:** 629 DUVAL ST KEY WEST  
**Legal Description:** KW PT LOT 4 SQR 61 G6-2 OR437-623/24 OR2555-1172/73 OR2585-127/29

Click Map Image to open interactive viewer



**Land Details**

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	32	75	2,418.00 SF

**Misc Improvement Details**

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	TK2:TIKI	64 SF	0	0	2001	2002	1	40

2	TK2:TIKI	70 SF	0	0	1993	1994	1	40
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### Appraiser Notes

OVERRIDE PER 002

### Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
B943462	10/01/1994	10/01/1995	1,500		RENO/RELOC BOOTH
0202833	01/15/2002	10/30/2002	600		REPLACE FIRE DAMAGED TK2

### 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
2012	0	804	365,747	366,551	366,551	0	366,551
2011	0	842	365,747	366,589	366,589	0	366,589
2010	0	867	365,529	366,396	366,396	0	366,396
2009	0	904	532,682	533,586	533,586	0	533,586
2008	0	929	1,083,937	1,084,866	1,084,866	0	1,084,866
2007	0	967	616,590	617,557	617,557	0	617,557
2006	0	992	217,620	290,993	290,993	0	290,993
2005	0	1,029	181,350	290,993	290,993	0	290,993
2004	0	1,053	128,154	290,993	290,993	0	290,993
2003	0	1,091	125,736	290,993	290,993	0	290,993
2002	0	599	125,736	290,993	290,993	0	290,993
2001	0	614	125,736	178,412	178,412	0	178,412
2000	0	334	111,228	178,412	178,412	0	178,412
1999	0	342	111,228	178,412	178,412	0	178,412
1998	0	350	111,228	111,578	111,578	0	111,578
1997	0	357	106,392	106,749	106,749	0	106,749
1996	0	365	106,392	106,757	106,757	0	106,757
1995	0	0	106,392	106,392	106,392	0	106,392
1994	0	0	106,392	106,392	106,392	0	106,392
1993	0	0	106,392	106,392	106,392	0	106,392
1992	0	0	106,392	106,392	106,392	0	106,392
1991	0	0	106,392	106,392	106,392	0	106,392
1990	0	0	87,653	87,653	87,653	0	87,653
1989	0	0	87,048	87,048	87,048	0	87,048
1988	0	0	74,958	74,958	74,958	0	74,958

1987	0	0	37,026	37,026	37,026	0	37,026
1986	0	0	36,270	36,270	36,270	0	36,270
1985	0	0	26,114	26,114	26,114	0	26,114
1984	0	0	26,114	26,114	26,114	0	26,114
1983	0	0	16,008	16,008	16,008	0	16,008
1982	0	0	16,008	16,008	16,008	0	16,008

### 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
8/6/2012	2585 / 127	100	WD	11
2/7/2012	2555 / 1172	100	ORDER	19
2/1/1969	0437 / 0623	3,500	00	Q

This page has been visited 290,870 times.

Monroe County Monroe County Property Appraiser  
 Scott P. Russell, 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., May 16, 2013 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:

**Parking Variance - 629 Duval Street (RE# 00012440-000100, AK# 1012815) - Request for a variance to parking requirements for 15 automobile spaces to the 8 bicycle and scooter proposed in the HRCC-1 zoning district per Section 108-572 (9) of the Land Development Regulations 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:

**Minor Development Plan - Request for a minor development plan to construct a restaurant with outdoor consumption area per Section 108-91 A.1.(b) and (c) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

**Parking Variance - Request for a variance to parking requirements for 15 automobile spaces to the 8 bicycle and scooter proposed in the HRCC-1 zoning district per Section 108-572 (9) of the Land Development Regulations of the Code of Ordinances of the City of Key West**

**Applicant:** Trepanier & Associates, Inc. on behalf of Yebo Island Grill LLC      **Owner:** Duval Lot LLC

**Project Location:** 629 Duval Street (RE# 00012440-000100, AK# 1012815)

**Date of Hearing:** Thursday, May 16, 2013      **Time of Hearing:** 6:00 PM

**Location of Hearing:** Old City Hall, 510 Greene, City Commission Chambers

Interested parties may appear at the public hearing and be heard with respect to the applications. Packets can be viewed online at [www.keywestcity.com](http://www.keywestcity.com). Click on City Board & Committee Agendas. 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.

**Please provide written comments to the Planning Department, PO Box 1409, Key West, FL 33041-1409 , by FAX (305) 809-3978 or by email to Katrina Cool at [kcool@keywestcity.com](mailto:kcool@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: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number at 305-809-1000 or the ADA Coordinator at 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

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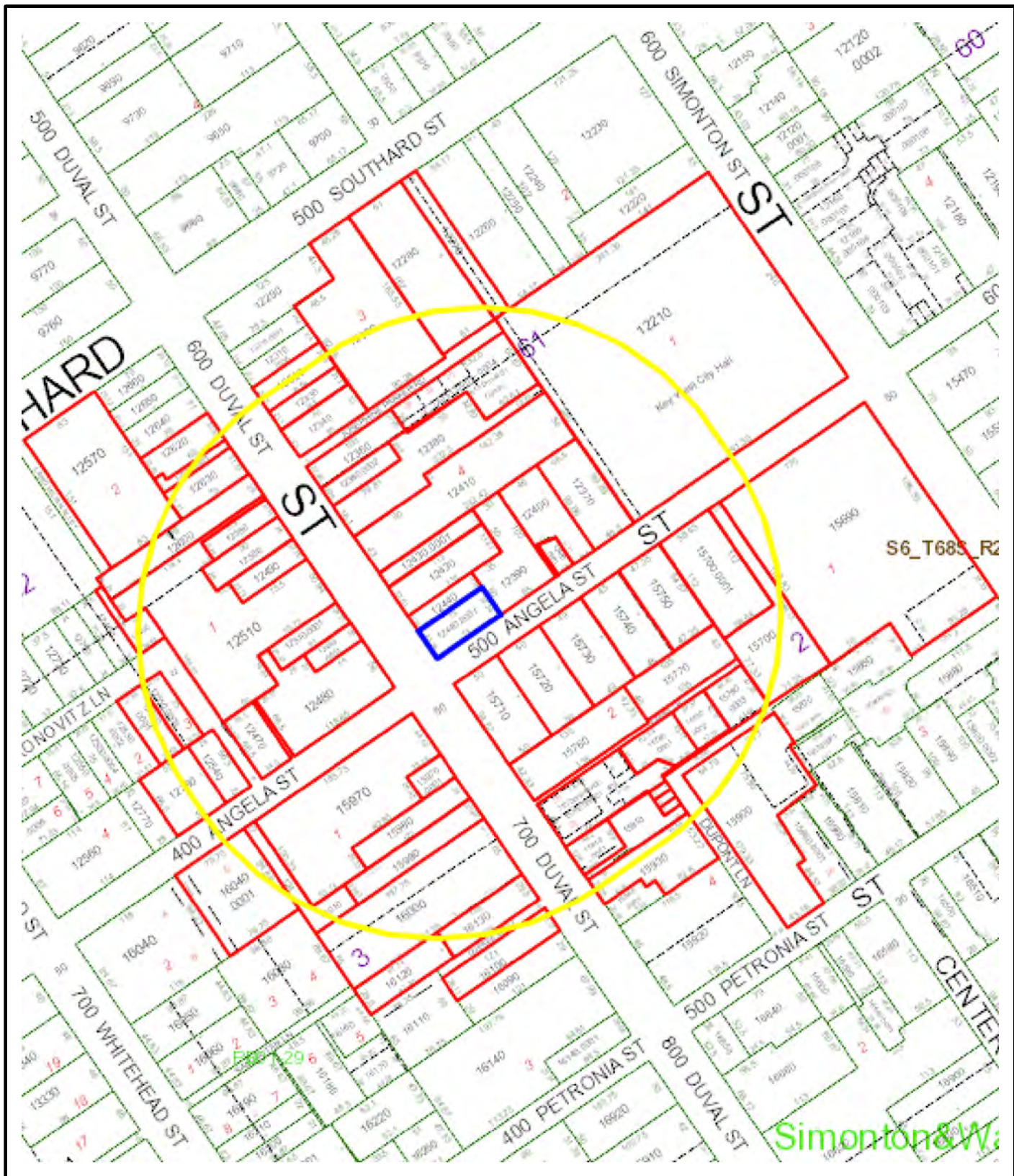
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# Monroe County, Florida

Printed: May 02, 2013

**629 Duval**

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NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
1 NEWHOUSE GREGORY LEE	4208 SUNNY BROOK WAY APT 100		WINTER SPRING	FL	32708-6602	
2 PEREZ ROSA LEE DEC OF TRUST 12/8/1997	3746 PAULA AVE		KEY WEST	FL	33040-4417	
3 623 DUVAL STREET LLC	100 PARK ST		TRAVERSE CITY	MI	49684	
4 WOLKOWSKY DAVID W LIVING TRUST	P O BOX 1429		KEY WEST	FL	33040	
5 HEGARTY PATRICK	615 DUVAL ST		KEY WEST	FL	33040-6554	
6 619 DUVAL COMPANY	423 FRONT ST	FL 2ND	KEY WEST	FL	33040	
7 OLD TOWN KEY WEST DEVELOPMENT LTD	PO BOX 1237		KEY WEST	FL	33040	
8 C C RYDER'S PIANO BAR INC	1409 REYNOLDS ST		KEY WEST	FL	33040-4710	
9 NASET INC	612 DUVAL ST		KEY WEST	FL	33040	
10 ROBERTS DANIEL K AND MARIA M	17902 SW 88 PL		PALMETTO BAY	FL	33157	
11 DAVIDSON JUDITH H	P O BOX 4210		KEY WEST	FL	33041-4210	
12 622 DUVAL LLC	7705 SE 34TH ST		MERCER ISLAND	WA	98040-3426	
13 701 WHITEHEAD STREET INC	410 ANGELA ST		KEY WEST	FL	33040-6535	
14 4SIBS INC	1616 ATLANTIC BLVD	UNIT 2	KEY WEST	FL	33040	
15 DOUP ROSE AHRENS REVO INTERVIVOS TRUST 1/29/2002	869 LIMPET DR		SANIBEL	FL	33957-3805	
16 LITTMAN DARREN AND MICHELLE	22197 MARTELLA AVE		BOCA RATON	FL	33433	
17 POLKINGHORN JAMES C	406 ARONOVITZ LN		KEY WEST	FL	33040-6525	
18 BUDAKIAN ROBERT	1815 SEIDENBERG AVE		KEY WEST	FL	33040-3621	
19 KUTNER MURIEL	617 DUVAL ST		KEY WEST	FL	33040-6554	
20 GAMBLE RONALD ANDREW TRUST	1101 FAIRVIEW RD		SYLVA	NC	28779-8696	
21 JLC DUVAL LLC	1501 FLORIDA ST		KEY WEST	FL	33040	
22 HAMMOND WAYNE D AND KRISTINE R	1124 GRINNELL ST		KEY WEST	FL	33040-3206	
23 715 DUVAL CONDOMINIUM	715 DUVAL ST		KEY WEST	FL	33040	
24 TODD DOROTHY A	P O BOX 4706		KEY WEST	FL	33041	
25 CERVANTES ROSALINA L/E	510 ANGELA ST		KEY WEST	FL	33040-7433	
26 HISTORIC TOURS OF AMERICA INC	201 FRONT ST	STE 310	KEY WEST	FL	33040	
27 FJ INVESTORS LLC	2318 ROOSEVELT BLVD		KEY WEST	FL	33040	
28 715 DUVAL ST REALTY LLC	18 LORRAIN TER		MARBLEHEAD	MA	1945	
29 DUVAL LOT LLC	1312 REYNOLDS ST		KEY WEST	FL	33040-4709	
30 615 DUVAL STREET CONDOMINIUM	620 JOSEPHINE PARKER RD		KEY WEST	FL	33040	
31 GOLSCH JUDITH	17236 POSSUM RIDGE RD		AURORA	IN	47001	
32 DILLY GROVE LIMITED PARTNERSHIP	610 SOUTHARD ST		KEY WEST	FL	33040	
33 WOLKOWSKY DAVID W	PO BOX 1429		KEY WEST	FL	33041	
34 700 DUVAL ST LLC	100 PARK ST		TRAVERSE CITY	MI	49684	
35 BERNDT-HANSON REBECCA	4404 N TAMiami TRL		SARASOTA	FL	34234-3864	
36 MENDOLA CHARLES	2601 S ROOSEVELT BLVD APT 210A		KEY WEST	FL	33040-5115	
37 GUILD HALL ARTISTS INC	614 DUVAL ST		KEY WEST	FL	33040	

NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
38 SEPTEMBER PROPERTIES LLC	212 ROSE LANE		HAVERFORD	PA	19041	
39 MANCUSI JOSEPH A	214 NE 2ND PL		DANIA	FL	33004-4816	
40 KEY WEST TREASURE EXHIBIT INC	200 GREENE ST		KEY WEST	FL	33040	
41 MCALHANY JAMES G AND PAMELA D	8120 US HIGHWAY 1		VERO BEACH	FL	32967	
42 CENTENNIAL BANK	719 HARKRIDER ST		CONWAY	AR	72032-5606	
43 NAVY KWEST FEDERAL CREDIT UNION	PO BOX 1898		KEY WEST	FL	33041-1898	
44 ANA KINO LLC	107 FITZPATRICK ST		KEY WEST	FL	33040-6514	
45 MARELY LLC	46 KEY HAVEN RD		KEY WEST	FL	33040	
46 WALTERS CHARLES D AND STEPHANIE A	525 DUPONT LN		KEY WEST	FL	33040	
47 GILL DANIEL K JR	PO BOX 5205		KEY WEST	FL	33045	
48 516 ANGELA LLC	512 ANGELA ST		KEY WEST	FL	33040-7433	
49 WESCHLER KENNETH	915 VON PHISTER ST		KEY WEST	FL	33040	
50 BARNETT BANK OF JACKSONVILLE N A	101 N TRYON ST		CHARLOTTE	NC	28255	
51 GLENN JOSEPH P RESTATED DEC TR 12/12/2008	PO BOX 4333		KEY WEST	FL	33041-4333	
52 GARDENS ANNEX LLC (THE)	526 ANGELA ST		KEY WEST	FL	33040	
53 SM DUVAL INC	704 DUVAL ST		KEY WEST	FL	33040-7404	
54 717 DUVAL ST LLC	717 DUVAL ST		KEY WEST	FL	33040	
55 ROSSI PAULETTE K IRREV TR 9/16/2002	1380 GREEN MEADOW RD		CARBONDALE	CO	81623-9593	
56 DEEGAN MICHAEL R REVOCABLE TRUST 4/20/2010	729 OLIVIA ST		KEY WEST	FL	33040	
57 EMANUEL EYAL	1016 18TH TER		KEY WEST	FL	33040	
58 610 DUVAL STREET LLC	7301 SW 57TH COURT	STE 560	MIAMI	FL	33143	
59 512 ANGELA LLC	512 ANGELA ST		KEY WEST	FL	33040-7433	
60 GARDENS OF KEY WEST LLC THE	526 ANGELA ST		KEY WEST	FL	33040	
61 BACON ROBERT S JR	P O BOX 423		POINT CLEAR	AL	36564	

# **Public Comment**

**From:** [Bender & Associates](#)  
**To:** [cesmith@keywestcity.com](mailto:cesmith@keywestcity.com); [kcool@keywestcity.com](mailto:kcool@keywestcity.com)  
**Cc:** "Owen Trepanier"; [Bill Horn](#)  
**Subject:** 629 Duval Street Variance:  
**Date:** Friday, May 10, 2013 9:48:57 AM

---

To Whom It may Concern:

I am writing as the property owner of 410 Angela Street, which is located one half block from the corner of Duval and Angela. I have reviewed the application and plans on file for the referenced project, and discussed the application with Owen Trepanier.

It is unlikely that this venue will serve as a major draw to the Duval Sreet corridor. Since this project will service people who are already in the downtown area, or live within walking or biking distance, the lack of parking will have minimal, if any, impact on traffic. In fact, by substituting bicycle parking for automobile parking, the project will encourage the use of alternative transportation options.

Based on my review, I have no objections to the project or the request for a parking waiver.

Thank you.

Bert Bender, President  
701 Whitehead Inc.

**Bert L. Bender, Architect, LEED AP**  
**Bender & Associates Architects, P.A.**  
410 Angela Street  
Key West, FL 33040  
305-296-1347  
305-296-2727 fax  
[blbender@bellsouth.net](mailto:blbender@bellsouth.net)  
[www.benderarchitects.com](http://www.benderarchitects.com)