

**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:** **Minor Development Plan - 629 Duval Street (RE# 00012440-000100, AK# 1012815)** - A request for a minor development plan to construct a restaurant with outdoor consumption area in the HRCC-1 zoning district per Section 108-91 A.1.(b) and (c) and modify landscape requirements per Section 108-412 and 108-413 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

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**Request:** A phased development to construct an open-air restaurant, storage and ADA accessible bathrooms and locate a food preparation trailer as phase 1 and an addition to replace the booths as phase 2.

**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 by employees and patrons of the booths. 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:**

The applicant proposes a phased development. The applicant proposes that phase one consist of two ADA accessible bathrooms and a service and storage building be constructed to the north central portion of the property. Adjacent to the east would be the location of the kitchen trailer for food preparation. The remaining open areas would be graded and landscaped to accommodate the consumption area, bicycle and scooter parking and trash enclosure.

Phase two is proposed for the demolition of the booths. They would be replaced with an addition to the building from phase one. The addition would include replacement retail spaces flanking a covered entranceway to the restaurant area. The applicant, as part of discussions with staff, requests that the time frame for total completion of the project be four years from date of development plan approval. If the applicant is unable to complete the project within this time frame, the second phase will require a separate application approval process.

**Surrounding Zoning and Uses:**

- North: HRCC-1: Tourist and retail shops
- South: HRCC-1: Tourist and retail shops
- East: HRCC-1: Transient residential guest house
- West: HRCC-1: Tourist and retail shops

**Process:**

- Development Review Committee Meeting:** November 16, 2012
- Planning Board Meeting:** May 16, 2013, postponed  
June 20, 2013, postponed  
July 18, 2013
- HARC Meeting:** TBD
- City Commission Meeting:** TBD

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

Section 108-91 A(1)b of the City of Key West Land Development Regulations requires that any proposed plan within the historic district including the addition or reconstruction of 500 to 2,499 square feet of gross floor area shall require a Minor Development plan. Section 108-196(a) of the Land Development Regulations states that “after reviewing a Major Development Plan or a Minor Development Plan for a property and staff recommendations, the Planning Board shall act by resolution to approve, approve with conditions, or disapprove it based on specific development review criteria contained in the Land Development Regulations and the intent of the Land Development Regulations and Comprehensive Plan.” A Minor Development Plan in the historic district is advisory to the City Commission.

Planning staff, as required by Chapter 108 of the City Code of Ordinances, has reviewed the following for compliance with the City’s Land Development Regulations and Comprehensive Plan:

	<b>Required/Allowed</b>	<b>Existing</b>	<b>Proposed</b>
<b>Zoning</b>	HRCC-1	NA	NA
<b>Flood Zone</b>	X	NA	NA
<b>Site Size</b>	2,418	NA	NA
<b>Front Setback</b>	0’	+/- 4’	0’
<b>Street-Side Setback</b>	0’	+/- 4’	1.33’
<b>Side Setback</b>	2.5’	+/- 1’	2.5’
<b>Rear Setback</b>	10’	+/- 65’	13’
<b>Height</b>	35’	+/- 10’	17’
<b>FAR</b>	1.0	0.06	0.4
<b>Building Coverage</b>	50%	6%	40.6%
<b>Impervious Surface</b>	70%	100%	86%
<b>Parking</b>	15	0	<b>Variance*</b>
<b>Bicycle Parking</b>	4	0	8

\*A variance application is running parallel to this application

**Concurrency Facilities and Other Utilities or Services (Section 108-233)**

The City’s Comprehensive Plan Objective 9-1.5 directs the City to ensure that facilities and services needed to support development are available concurrent with the impacts of new development. The analysis considers potable water, sanitary sewer, solid waste, drainage, vehicle trip generation and recreation. Section 94-36 requires a concurrency determination to be made concerning proposed development. This portion of the report shall serve as the required written determination of compliance.

The applicant provided a concurrency analysis as part of this application. Staff has reviewed the provided concurrency analysis report and following criteria in Section 94-36 and determined that the proposed project meets the City’s requirements for concurrency management with the exception of stormwater management. The City’s General Services Department has specified improvements necessary to meet code requirements and conditions to ensure stormwater management is included.

According to the Carrying Capacity Traffic Study, 2011 (p. 45 & 56) Duval Street is at service level “F” making any additional traffic added to that corridor unwarranted. Staff has determined that peak hour traffic for this property would increase substantially with the addition of the restaurant use. This situation requires efforts toward mitigation of impacts; otherwise any net new traffic on a street with a failure level of service cannot be sustained. Further, the applicant has applied for a variance to parking requirements reducing required automobile parking from 15 spaces to zero and replacement with 8 bicycle scooter spaces.

**1. The anticipated public facility impacts of the proposed development:**

The applicant has provided a concurrency analysis that demonstrates that the proposed development can be accommodated with existing essential services with the exception of traffic generation.

**2. The ability of existing facilities to accommodate the proposed development at the adopted level of service standards:**

The existing services are expected to accommodate the proposed redevelopment project at the adopted level of service standards with the exception of traffic generation.

**3. Any existing facility deficiencies that will need to be corrected prior to the completion of the proposed development:**

There are no existing facility deficiencies which will need to be corrected prior to the completion of the proposed development with the exception of traffic generation.

**4. The facility improvements or additions necessary to accommodate the impact of the proposed development at the adopted level of service standards and the entities responsible for the design and installation of all required facility improvements or additions; and**

There are no facility improvements or additions that are necessary to accommodate the impact of the proposed development other than storm water improvements contained in the site plan package with the exception of traffic generation.

**5. The date such facility improvements or additions will need to be completed to be concurrent with the impacts on such facilities created by the proposed development:**

Not applicable: there are no known facility improvements or additions that will need to be completed other than storm water improvements that have been incorporated into the plans with the exception of traffic generation.

**Fire Protection (Section 108-233 (8))**

No new fire hydrants are proposed as part of this project. There is a hydrant directly across Duval Street. Further, the building will be required to be sprinkled.

**Reclaimed water system (Section 108-233(9))**

The applicant intends to position three rain barrels for irrigation purposes.

**Other Public Facilities (Section 108-233 (10)):**

Based on comments received at the DRC meeting and project description, and based on the information in the concurrency analysis, the proposed minor development plan is not anticipated to increase adverse effects upon public facilities.

**Appearance, Design and Compatibility (Section 108-234):**

**1. Compliance with Chapter 102; Articles 111, IV and V:**

The City's Historic Architectural Review (H.A.R.C.) Planner reviewed the plans for discussion during the DRC meeting. While the design of the building and overall site

design is in keeping with the character of the historic district, the use of a parked trailer for cooking facilities is not.

**2. Compliance with Section 108-956:**

The applicant has demonstrated that there is access to potable water and to wastewater disposal systems.

**3. Compliance with Chapter 110; Article II:**

If any archaeologically significant resources are discovered during the development of the site, the applicant will be required to comply with this article of the Land Development Regulations.

**Site Location and Character of Use (Section 108-235):**

The project site is located in the HRCC-1 zoning district. Commercial retail low and medium intensity less than or equal to 5,000 square feet, businesses and restaurants are allowed uses.

**1. Appearance of site and structures (Section 108-236 and 108-278):**

The development plan exhibits harmonious overall design characteristics for the building and is in compliance with the performance standards stipulated in Sections 108-278 of the City Code. However, review and approval is required to assure design compliance.

**2. Location and screening of mechanical equipment, utility hardware and waste storage areas (Section 108-279):**

Mechanical equipment and utility hardware will be screened from view.

**3. Utility lines (Section 108-282):**

The department has not received comments from Keys Energy regarding the development for this property. Existing electric lines will be used.

**4. Commercial and manufacturing activities conducted in enclosed buildings (Section 108-283):**

Phase 1 will include the outdoor consumption area. Any commercial retail sales activities, after build-out of phase 2, will occur inside the building.

**5. Exterior Lighting (Section 108-284):**

Exterior lighting will be attached to the building. Lighting will meet dark sky initiative requirements per the Comprehensive Plan.

**6. Signs (Section 108-285):**

No signage has been proposed as part of the Minor Development Plan. Any new signage requires a Certificate of Appropriateness from HARC.

**7. Pedestrian sidewalks (Section 108-286):**

There are existing sidewalks adjacent to the site on both Angela and Duval Streets.

**8. Loading docks (Section 108-287):**

No loading docks are proposed as part of the Minor Development Plan.

**9. Storage Areas (Section 108-288):**

A portion of the building in phase 1 will be for storage. Staff has a concern that the plan identifies the building as “service/storage”. This indicates potential expansion of seats as the “service” portion could become a bar.

**On-Site and Off-Site Parking and Vehicular, Bicycle, and Pedestrian Circulation (Section 108-244):**

The project is located within the Historic Commercial Pedestrian Oriented Area. The applicant is requesting a variance to required parking. The addition of consumption area requires 15 automobile spaces and 4 bicycle spaces. The applicant proposes the 4 required plus 4 additional as bicycle substitution for 1 automobile space. This variance is not supported.

**Housing (Section 108-245):**

No housing is proposed as part of the Minor Development Plan.

**Economic Resources (Section 108-246):**

The applicant has not provided any information as to the economic impacts to the city via ad valorem tax yields.

**Special Conditions (Section 108-247):**

The proposed development does not generally conflict with the intent of the HRCC-1 district uses. The project is not located in a special zoning district and does not trigger any of the special considerations outlined in Section 108-247 of the City Code.

**Construction Management Plan and Inspection Schedule (Section 108-248):**

The proposed development is phased. The applicant proposes phase 1 to commence upon approval of the Minor Development Plan and has requested 4 years to complete phase 2. Given the layout of the site as it exists, and proposed, completion of phase 2 is necessary to assure design compatibility and consistency with criteria contained in Section 108 and with HARC Guidelines.

**Open Space, Screening, Buffers and Landscaping (Article V and VI) of Chapter 108:**

There is minimal open space available on the site to add landscaping in addition to the consumption area, recycling and solid waste storage and bicycle and scooter parking. Further, the site is located in a dense urban area and the addition of substantial landscaping and buffers would be inconsistent with the exist streetscape.

**Request for Modification Section 108-517**

The applicant has requested a modification to Section 108-412(a) to reduce minimum landscape area from 20% to 14%. And 108-413(b) to reduce the minimum depth of landscape along the street frontage from 10’ to 3’ provided. While Staff supports the waiver of the street frontage buffer, staff cannot support the waiver to open space as the site is largely vacant and can support the open space requirement.

**Off-street Parking and Loading (Article VII) of Chapter 108:**

The proposed Minor Development is located within the City’s Historic Commercial Pedestrian-Oriented Area. The applicant has applied for a variance to the required 15 automobile spaces to be replaced with 8 bicycle and scooter spaces.

**Stormwater and Surface Water Management (Article VIII):**

Currently the site does not include stormwater management. The site lies in the X flood zone and is not normally susceptible to flooding. As part of the new site design, the applicant has proposed to gutter the structure with down spouts directed to discharge into a dry retention swale area along the left side of the structure and three 55 gallon rain barrels.

**Flood Hazard Areas (Division 4 - Sections 108-821 through 108-927):**

The property is within the FEMA X zone.

**Utilities (Article IX):**

The Department did not receive a response from FKAA. Keys Energy Services requires a set of plans at that time when the property becomes viable for its intended use. The proposed project will use existing utility mains.

**Summary:**

The proposed restaurant is a new, higher intensity use, in an already congested commercial corridor. Without any parking or proposed mitigation to that impact, to promote approximately 1,500 square feet of net new floor area is unjustified. The property without the restaurant retains a reasonable economic use. Any less intense use of the property, with lesser parking demands could be proposed.

**RECOMMENDATION:**

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the request for Minor Development Plan be **denied**, in its constituent parts:

1. Minor Development Plan - Section 108-91 A.1.(b)
2. Landscape Waiver – Section 108-412(a)

# **Draft Resolution**

**PLANNING BOARD  
RESOLUTION No. 2013-**

**A RESOLUTION OF THE CITY OF KEY WEST  
PLANNING BOARD DENYING APPROVAL OF  
A MINOR DEVELOPMENT PLAN FOR  
CONSTRUCTION OF A RESTAURANT FOR  
PROPERTY LOCATED AT 629 DUVAL  
STREET (RE#00012440-000100, AK#1012815)  
PERSUANT TO SECTION 108-91  
(A.)(1.(b.)&(C.), AND MODIFY LANDSCAPE  
REQUIREMENTS PER SECTION 108-412 and  
108-413 KEY WEST FLORIDA; PROVIDING  
FOR AN EFFECTIVE DATE.**

**WHEREAS**, the subject property is located in the Historic Residential Commercial Core, Gulf Side (HRCC-1), zoning district; and

**WHEREAS**, Section 108-91 A(1.(b.)&(C.) of the Code of Ordinances requires Minor Development Plans for the construction of 500 - 2,499 square feet of gross floor area; and

**WHEREAS**, Section 108-412 and 108-413 allows for the modification to landscape requirements; and

**WHEREAS**, the applicant proposed the construction of approximately 1,500 square feet of floor area to be used as a restaurant, commercial retail space, storage and ADA bathroom facilities;

\_\_\_\_\_Chairman

\_\_\_\_\_Planning Director

and

**WHEREAS**, the **denial** of a Minor Development Plan is consistent with the Land Development Regulations and the Comprehensive Plan; and

**WHEREAS**, the recommendation of **denial** of the Minor Development Plan is 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; and

**WHEREAS**, the approval is consistent with the criteria in the Code; 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 Minor Development Plan for the construction of approximately 1,500 square feet of restaurant, commercial retail, storage and ADA bathroom facilities per Section 108-91A.(1).(b.)&(c.), under the Code of Ordinances of the City of Key West, Florida, is hereby recommended for City Commission **denial** for property located at 629 Duval Street (RE#00012440-000100, AK# 1012815), as shown on the attached site plans dated October 30, 2012.

**Section 3.** This Minor Development Plan application recommended for **denial** to the City

\_\_\_\_\_Chairman

\_\_\_\_\_Planning Director

Commission, 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 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 special 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

\_\_\_\_\_ Chairman

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

**Attest:**

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Donald Leland Craig, AICP  
Planning Director

Date

**Filed with the Clerk:**

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Cheryl Smith, City Clerk

Date

*Draft*

\_\_\_\_\_Chairman

\_\_\_\_\_Planning Director

# Application

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION

RECEIVED

City of Key West Planning Department
604 Simonton Street, Key West, FL 33040
(305) 809-3720



APR 19 2013

CITY OF KEY WEST
PLANNING DEPT

Development Plan & Conditional Use Application

Applications will not be accepted unless complete

Development Plan

Major

Minor X

Conditional Use

Historic District

Yes X

No

Please print or type:

- 1) Site Address 629 Duval St.
2) Name of Applicant Trepanier & Associates on behalf of Yebo Island Grill LLC
3) Applicant is: Owner Authorized Representative X
4) Address of Applicant 402 Appelrouth Lane
5) Applicant's Phone # (305)-293-8983 Email patrick@owentrepanier.com
6) Email 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) Owner Phone # (305)-923-1796 Email keysrugby@yahoo.com
10) Zoning District of Parcel HRCC-1 RE# 00012440-000100
11) Is Subject Property located within the Historic District? Yes X No
12) Description of Proposed Development and Use. 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.

**DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION**  
**City of Key West Planning Department**  
**604 Simonton Street, Key West, FL 33040**  
**(305) 809-3720**



13) Has subject Property received any variance(s)? Yes \_\_\_\_\_ No X \_\_\_\_\_

If Yes: Date of approval NA Resolution # NA

Attach resolution(s).

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

Yes \_\_\_\_\_ No X \_\_\_\_\_

If Yes, describe and attach relevant documents.

NA

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

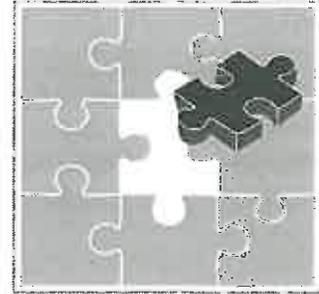
**Please note, development plan and conditional use approvals are quasi-judicial hearings and it is improper to speak to a Planning Board member or City Commissioner about the project outside of the hearing.**

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

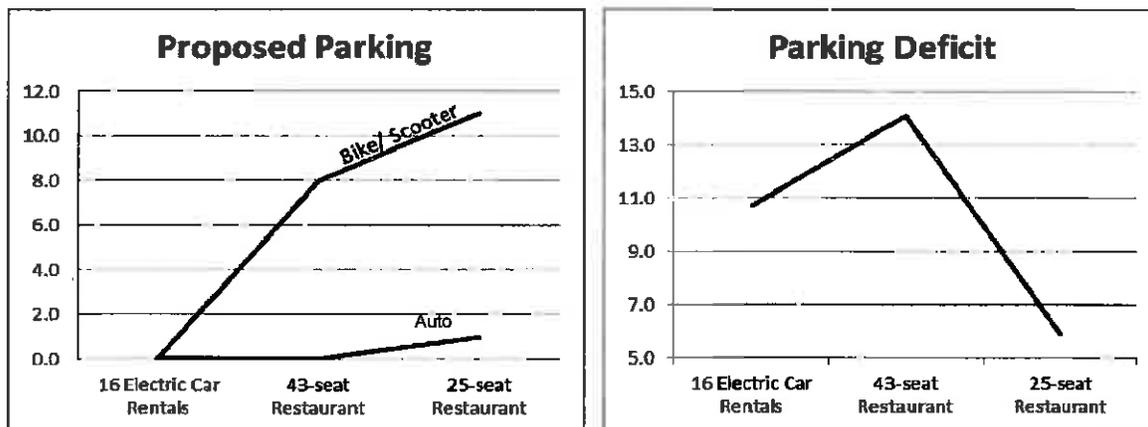
Re: **629 Duval Street**

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 Trepianier

**RECEIVED**

APR 19 013

**CITY OF KEY WEST  
PLANNING DEPT.**

TREPANIER



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

04/15/2013

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

--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 it 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."



# Project Analysis

629 Duval Street

The following is complete analysis of the proposed project including development plan review and approval criteria.

Existing development is depicted in attached surveys and plans, including:

- |                    |                       |                      |
|--------------------|-----------------------|----------------------|
| ▪ Size of site     | ▪ Topography          | ▪ Adjacent land uses |
| ▪ Buildings        | ▪ Easements           | ▪ Adjacent buildings |
| ▪ Structures       | ▪ Utility locations   | ▪ Adjacent driveways |
| ▪ Parking          | ▪ Existing vegetation |                      |
| ▪ FEMA flood zones | ▪ Existing stormwater |                      |

Proposed development is depicted in attached plans prepared by licensed engineers and architects, including:

- |                                    |                         |  |
|------------------------------------|-------------------------|--|
| ▪ Buildings                        | ▪ Garbage and recycling | ▪ Finished floor elevations              |
| ▪ Setbacks                         | ▪ Signs                 | ▪ Height of existing and proposed grades |
| ▪ Parking:                         | ▪ Lighting              | ▪ Drainage plan                          |
| ▪ Driveway dimensions and material | ▪ Project Statistics    | ▪ Landscape Plan                         |
| ▪ Utility locations                | ▪ Building Elevations   |  |
|                                    | ▪ Height of buildings   |  |

## Solutions Statement:

The current corner lot at 629 Duval Street has been an eyesore to Duval and Angela for years. The property consists of two sidewalk "ticket booths" and a scarified vacant lot that has been used as an informal, nonconforming, unimproved, unlicensed parking lot unassociated with any commercial floor area.

The applicant is proposing to develop this eyesore into a Pedestrian-oriented restaurant with outdoor seating. Improvements to the lot will includes the elimination of the existing sidewalk booths, the creation of landscaped open space, stormwater management, bike & scooter parking, and ADA restrooms.

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.

The proposed development is wholly consisted with the character and intent of the HRCC-1 future land use designation and the current zoning district.

**Key persons and entities** involved in this project are as follows:

Owner: Duval Lot, LLC  
Authorized Agent: Trepanier & Associates, Inc.  
Architect: William P. Horn Architect  
Legal and Equitable Owners: Duval Lot, LLC Managing Members Kimberly L. Blanchette and Melissa L. Cross

**Site Data:**

SITE DATA	=	2,418 S.F.		
FLOOD ZONE	=	X		
ZONING	=	HRCC-1		
FAR	=	1.0 (0.396 PROVIDED)		
HEIGHT LIMIT	=	35' (15'-10" PROVIDED)		
SETBACKS:				
	FRONT	= 0'-0" ( 0'-0" PROVIDED )		
	SIDE	= 2'-6" ( 2'-6" PROVIDED )		
	STREET SIDE	= 0'-0" ( 1'-4 1/2" PROVIDED )		
	REAR	= 10'-0" ( 17'-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 38.8% (937.7 SQ.FT)
IMPERVIOUS AREA	:	70% ALLOWABLE (1692.6 S.F.),	EXISTING 100% (2,418 SQ.FT.),	PROVIDED 85.3% (2,061.8 SQ.FT.)
LANDSCAPE	:	20% MINIMUM (483.6 S.F.),	EXISTING 0% ( 0 SQ.FT.),	PROVIDED 14.7% (256.2 SQ.FT.)
OPEN SPACE	:	20% MINIMUM (483.6 S.F.),	EXISTING 0% ( 0 SQ.FT.),	PROVIDED 14.7% (256.2 SQ.FT.)

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

**Other Project Information:**

- The target date for commencement shall follow entitlement approvals as quickly as possible.
- The proposed buildings will comply with all flood and FEMA-related requirements.

**Intergovernmental Coordination**

Required intergovernmental coordination shall be handled within the DRC process.

**Schedule and Process:**

Schedule is anticipated as follows:

1. Planning Board – May, 2013
2. City Commission – June, 2013

**Phasing:**

Phase	Construction	Commencement Date
1	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.	Upon permitting approval
2	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. <sup>1</sup>	4yrs from the commencement date of Phase 1 <sup>2</sup>

**ANALYSIS: EVALUATION FOR COMPLIANCE WITH THE LDRS**

**Concurrency Facilities and Other Utilities or Services (Section 108-233)**

**The anticipated public facility impacts of the proposed development:**

The following concurrency analysis demonstrates all anticipated development impacts to public facilities can be accommodated within current capacities.

**The ability of existing facilities to accommodate the proposed development at the adopted level of service standards:**

All necessary services exist on or are available to the site and will accommodate the proposed development at the adopted levels of service.

**Any existing facility deficiencies that will need to be corrected prior to the completion of the proposed development:**

There are no existing facility deficiencies that will need to be corrected prior to completion of the proposed development.

**The facility improvements or additions necessary to accommodate the impact of the proposed development at the adopted level of service standards and the entities responsible for the design and installation of all required facility improvements or additions:**

There are no facility improvements or additions necessary to accommodate the impact of the proposed development at the adopted level of service standards.

**The date such facility improvements or additions will need to be completed to be:**

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<sup>1</sup> If phase II has not commenced within four years of the effective date of this minor development plan approval, the approval for phase II shall expire consistent with Sec. 108-203.

NA – No improvements required.

**Fire Protection (Section 108-233 (8))**

No objections are known to exist at this time.

**Site Location and Character of Use (Section 108-235):**

The HRCC-1 Duval Street gulfside district 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 core of the commercial entertainment center spans generally from the Pier House south to Petronia Street as specifically referenced on the official zoning map. This segment of Duval Street is the most intense activity center in the historic commercial core. The proposed use will be significantly less intense than what is contemplated by the zoning yet will wholly conform to the character of the HRCC-1 zoning district.

**Location and screening of mechanical equipment, utility hardware and waste storage areas (Section 108-279):**

All mechanical equipment will be located appropriately and screened per HARC approval and in compliance with Section 108-279.

**Utility lines (Section 108-282):**

Utilities will be placed underground as appropriate.

**Commercial and manufacturing activities conducted in enclosed buildings (Section 108-283):**

All retail activities will take place within enclosed buildings. No outdoor storage or display has been applied for or approved.

**Exterior Lighting (Section 108-284):**

Per Section 108-284, all proposed lighting shall shield and arrange lighting sources to eliminate glare from roadways and streets and shall direct light away from properties lying outside the district. Shielding of lighting elements shall be accomplished by using directional fixtures or opaque shades. Street lighting is existing.

**Signs (Section 108-285):**

Proposed signage will be required by HARC to be harmonious with the urban design theme of the project, will be aesthetically pleasing and reinforce good principles and practices of streetscape design.

**Pedestrian sidewalks (Section 108-286):**

There is no new sidewalk proposed, pedestrian ingress and egress will be clearly marked and accessible as not to interfere with vehicular traffic or public right-of access.

**Loading docks (Section 108-287):**

N/A – None proposed/required

**Storage Areas (Section 108-288):**

N/A - No outdoor storage areas are proposed

**On-Site and Off-Site Parking and Vehicular, Bicycle, and Pedestrian Circulation (Section 108-244):**

The proposed development plan accommodates the parking impacts associated with the existing and proposed development. The proposed development plan satisfies on-and off-site vehicular and bicycle circulation, and parking requirements of Articles IV and VII of Chapter 108. This site is located within the Historic Commercial Pedestrian-Oriented Area.

**Housing (Section 108-245):**

No housing is proposed as part of this Development Plan.

**Economic resources (Section 108-246):**

We are working with the Monroe County Property Appraiser's office to estimate the potential impact on ad valorem taxes.

**Special Conditions (Section 108-247):**

The proposal complies with the goals, objectives and policies of the comprehensive plan. There are no conflicts with the existing public facilities, such as wastewater treatment and transportation.

The project is located within the HRCC-1 zoning district and furthers the character of the district and the Duval St. thoroughfare.

There is no impact on the unincorporated portion of the county.

**Construction Management Plan and Inspection Schedule (Section 108-248):**

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.

**Open Space, Screening, Buffers and Landscaping (Article V and VI) of Chapter 108:**

The proposed project will create an open space ratio of 0.14 (0.0 existing).

**Request for Modification, Sec. 108-517**

This application/ request for modification to the standards of this ordinance is hereby filed with the city planning office and shall be considered by the planning board after reviewing recommendations of the city planner or designated staff. The planning board shall render the final action.

This request is to modify:

- Sec. 108-412(a) from the requirement of 20% to 14%.

- Sec. 108-413(b) from the requirement of 10ft to the 3ft as depicted on the plans

This site currently has no open space, pervious surface or landscaping. The proposal will create dedicated areas of all three.

The waiver in is the public interest as it allows the design of the site to conform to, and enhance, the Duval Street corridor. The modification will not have an adverse impact on the public interest, or on adjacent property.

The modification is not discriminatory, considering similar situations in the general area. No properties in the Duval Street corridor are known to have been capable of complying with this section without modification due to the urban environment.

Superior alternative. The development will provide a superior alternative landscape solution which will conform to and enhance the Duval streetscape.

Protection of significant features. The waiver or modification will significantly enhance existing environmental features through the increased landscape density along the Duval streetscape.

Deprivation of reasonable use. Strict application of the requirements would effectively deprive the owner of reasonable use of the land due to its location within the urban context of the Duval Street corridor. The buffering requirements set forth in the code, can not be achieved given the development standards set forth and the urban character of Duval Street.

Technical impracticality. Strict application of the requirement is technically impractical.

**Stormwater and Surface Water Management (Article VIII):**

Stormwater management will be installed per the attached plans.

**Flood Hazard Areas (Division 4 - Sections 108-821 through 108-927):**

The proposed project is located in the X Flood Zone. All FEMA requirements will be met.

**Utilities (Article IX):**

Electrical service shall be provided by KEYS Energy. The proposed development project will use existing utility mains for potable and sewer water. Landscaping will consist of native and permitted species as shown on the proposed landscape plan.

**CONCURRENCY ANALYSIS:**

The City's Comprehensive Plan Objective 9-1.5 directs the City to ensure that facilities and services needed to support development are available concurrent with the impacts of new development.

The following specific issues are outlined:

1. Potable Water & Sanitary Sewer
2. Recreation (for residential development only)
3. Solid Waste
4. Drainage
5. Roads/Trip Generation

The following concurrency analysis reflects the anticipated impacts resulting from the proposed development at 629 Duval.

**Potable Water & Sanitary Sewer** “Planned improvements in potable water and/or wastewater systems required to establish and/or maintain adopted water and wastewater levels of service. System improvements and proposed funding resources required for implementing any improvements required to establish and/or maintain adopted potable water and wastewater system level of service standards<sup>3</sup>.”

Potable Water Sec. 94-68 sets the level of service for residential potable water at 93 gal/capita/ day and nonresidential at 650 gal/acre/day.

- i) Existing capacity required based on site size: **39 gal/day**

The total capacity required for nonresidential use on **0.06 acres** is:

$$650 \text{ gal/acres/day} \times 0.06 \text{ acres} = 39 \text{ gal/day}$$

- ii) Proposed capacity required based on site size: **39 gal/day**

The total capacity required for nonresidential use on **0.06 acres** is:

$$650 \text{ gal/acres/day} \times 0.06 \text{ acres} = 39 \text{ gal/day}$$

- iii) Existing capacity required based on floor area: **2.0 gal/day**

The total capacity required for nonresidential use on **0.003 acres** is:

$$650 \text{ gal/acres/day} \times 0.003 \text{ acres} = 2.0 \text{ gal/day}$$

- iv) Proposed capacity required based on floor area: **14.0 gal/day**

The total capacity required for nonresidential use on **0.02 acres** is:

$$650 \text{ gal/acres/day} \times 0.02 \text{ acres} = 14.0 \text{ gal/day}$$

Based on the concurrency management calculation prescribed in the Comprehensive Plan, there is no or minimal increase in the proposed capacity required by Key West Comprehensive Plan LOS standards; the Florida Keys Aqueduct Authority has the capacity to supply adequate service to this property, as demonstrated below.

FKAA Supply Capacity:

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<sup>3</sup> The City of Key West’s Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues.

The Florida Keys Aqueduct Authority ("FKAA") has adequate supply capacity to serve the potential development. FKAA has constructed facilities on the mainland in Florida City to expand water supply for the Florida Keys. This permitted and constructed improvement enables FKAA to provide over 23 MGD, which will provide sufficient capacity through 2022<sup>4</sup>. Operational in 2011, the recent expansion of the R.O. plant will provide 6.0 MGD, which combined with the 17.0 MGD permitted withdrawal from the Biscayne Aquifer, increased available water supply to 23 MGD for the Florida Keys.

*Expanded Florida City R.O. Plant.* The Department of Health issued Permit # 150092-007-wc/04 (Exhibit I) on November 14, 2006 to allow for the construction of an expanded reverse osmosis (R.O.) water plant in Florida City. The expanded water plant is designed to treat blended Floridian Aquifer water as an alternative water source to the Biscayne Aquifer. The permit design capacity of the expanded R.O. plant is 6 MGD.

*Revised Water Use Permit.* The SFWMD issued revised Water Use Permit (WUP) #13-00005-W (Exhibit II) on March 26, 2008, which recognizes the additional blended Floridian Aquifer capacity that will be provided by the expanded R.O. plant. Interim Water Use Allocations in the WUP permit provide FKAA with an allocation of 17.00 MGD (dry season) and 17.79 GPD (wet season) which may be withdrawn from the Biscayne Aquifer and allows FKAA to utilize the Stock Island and Marathon Reverse Osmosis plants for any demands exceeding the interim withdrawal limit, pending completion of the R.O. plant in Florida City. The Stock Island and Marathon R.O. plants have a combined capacity of 3.0 MGD providing an interim WUP water supply of 20.0 MGD during the dry season if needed. Once operational in 2010, the R.O. plant will provide an additional 6.0 MGD, which when combined with the 17.0 MGD permitted withdrawal from the Biscayne Aquifer, will increase available water supply to 23 MGD for the Florida Keys.

The interim allocation of 20 MGD (7,300 MG/year) through 2010 and 23 MGD after 2010 provides ample water supply to support the adopted amendment and allocated growth well beyond 10 years. The "Monroe County 2007 Annual Public Facilities Report" documents historic water use in the Florida Keys. Water demand has fluctuated significantly on an annual basis, however when evaluated over a ten-year period, the data shows an increase in water demand of more than 1 billion gallons over the last 10 years with an annual average increase of approximately 104 MG/year. This increase in demand can be shown in the following calculation:

$$\begin{aligned} 1996 \text{ annual water demand} &= 5,272 \text{ MG /year} \\ 2006 \text{ annual water demand} &= 6,310 \text{ MG /year} \\ \text{Average Annual Increase} &= (6,310 \text{ MG} - 5,272\text{MG}) / 10 = 103.8 \text{ MG /year} \end{aligned}$$

Based on the average annual increase of 103.8 MG per year, the interim allocation would be sufficient for an additional 9.5 years of growth beyond 2006 or through 2015 until demand reaches the interim permitted withdrawal of 20 MGD (7,300 MG/year). Since completion of the Florida City facilities, the 23

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<sup>4</sup> Excerpt from Analysis by Kenneth B. Metcalf, AICP, (Greenberg Traurig, P.A.), August 22, 2008.

MGD allocation is available to support yet another 9.5 years of growth. Based on these findings, sufficient permitted water supply is available to meet the needs of the Florida Keys through 2024.

*Improvements Schedule/Status.* Condition 30 of the WUP provides the R.O. plant and the associated Floridian deep wells that will provide 23 MGD of capacity through 2024:

- DEP Underground Injection and Control permit was obtained on May 21, 2008.
- Construction contracts were required within 180 days or by November 21, 2008;
- Testing is required within one year and 30 days from issuance of the permit or by June 21, 2009.
- The R.O. plant construction was completed in January, 2010.

**Sanitary Sewer** Sec. 94-67 sets the level of service for residential sanitary sewer at 100 gal/capita/day and nonresidential sanitary sewer at 660 gal/acre/day.

- i) Existing capacity required based on site size: **39.6 gal/day**

The total capacity required for nonresidential use on acres is:

$$660 \text{ gal/acres/day} \times 0.06 \text{ acres} = 39.6 \text{ gal/day}$$

- ii) Proposed capacity required based on site size: **39.6 gal/day**

The total capacity required for nonresidential use on 0.06 acres is:

$$660 \text{ gal/acres/day} \times 0.06 \text{ acres} = 39.6 \text{ gal/day}$$

- iii) Existing capacity required based on floor area: **1.98 gal/day**

The total capacity required for nonresidential use on 0.003 acres is:

$$660 \text{ gal/acres/day} \times 0.003 \text{ acres} = 1.98 \text{ gal/day}$$

- iv) Proposed capacity required based on floor area: **1.98 gal/day**

The total capacity required for nonresidential use on acres is:

$$660 \text{ gal/acres/day} \times 0.003 \text{ acres} = 1.98 \text{ gal/day}$$

The current wastewater treatment plant has the potential treatment capacity of 10 million gallons per day. Only 4.8 million gallons per day of capacity are currently utilized<sup>5</sup>. The current plant has the capacity to service this project's projected needs.

**Recreation** "In cases where residential development is proposed, information shall be submitted describing plans for accommodating recreational demands generated by the

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<sup>5</sup> Per September 3, 2010 memo from Greg Smith, project Manager for CH2M Hill OMI (Exhibit III)

development, including demonstrated evidence that the City's adopted level of service for recreation shall not be adversely impacted<sup>6</sup>."

**No Residential Development Proposed**

**Solid Waste-** "Projected demand generated by the development on the solid waste disposal system and assurances that the City's adopted level of service for solid waste disposal shall not be adversely impacted<sup>7</sup>:"

Sec. 94-71 sets the level of service for residential solid waste disposal (1994-2010) at 2.66 lb/capita/day and nonresidential solid waste disposal at 6.37 lb/capita/day.

- i) Existing capacity required: **50.96 lbs/day**

The total capacity required for the nonresidential use of 2 employees<sup>8</sup> is:  
6.37 lb/capita/day x 8 employees = 50.96 lbs/day

- ii) Proposed capacity required: **50.96 lbs/day**

The total capacity required for the nonresidential use of 8 employees<sup>9</sup> is:  
6.37 lb/capita/day x 8 people = 50.96 lbs/day

Waste Management has more than enough capacity to handle the increase<sup>10</sup>.

**Drainage** - "Conceptual plan for accommodating storm water run-off and demonstrated evidence that the proposed drainage improvements shall accommodate storm water run-off without adversely impacting natural systems or the City's adopted level of service for storm drainage<sup>11</sup>"

This site will meet the minimum requirements through best management practices as depicted on the attached storm water management plans.

**Roads/Trip Generation-** "Estimated trips for the peak hour generated by the proposed land use(s) together with anticipated on- and off-site improvements necessitated to accommodate the traffic impacts generated by the development including, additional R/W, roadway improvements, additional paved laneage, traffic signalization, proposed methods for controlling access and egress, and other similar improvements<sup>12</sup>."

High-Turnover Restaurant (ITE Land Use Code 932)	Peak Hour Trip Generation by Day of the week		
	Weekday	Saturday	Sunday
	Proposed	Proposed	Proposed
Trips per 1,000 sq. ft. of Gross Floor Area <sup>13</sup>	29.1	31.0	28.6

<sup>6</sup> The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues.  
<sup>7</sup> The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues.  
<sup>8</sup> Based on applicant's pro forma  
<sup>9</sup> Increased number of people based on the average between the APA Estimating Guide (30) and the expectation of the retailer (10 FTEs) for and average of 20  
<sup>10</sup> Per January 25, 2010 memo from Jay Gewin, City of Key West (Exhibit V)  
<sup>11</sup> The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues  
<sup>12</sup> The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues  
<sup>13</sup> Gross Floor Area equals 1,548 ft. (floor area and consumption area)

This site is located on the corner of Duval and Angela Streets. Duval and Angela Streets are not constrained streets according to City of Key West Code Section 94-72.

**Exhibits**

***Exhibit I*** – Department of Health Permit #150092-007-wc/04

***Exhibit II*** – Water Use Permit (WUP) #13-00005-W

***Exhibit III*** – September 3, 2010 Wastewater Memo

***Exhibit IV*** – Map of the City of Key West's Existing Recreation Services

***Exhibit V*** – January 25, 2010 Solid Waste Memo

# 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)*

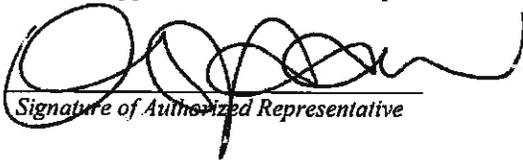
of Trepanier and Associates Inc.  
*(print name of entity serving as Authorized Representative)*

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*

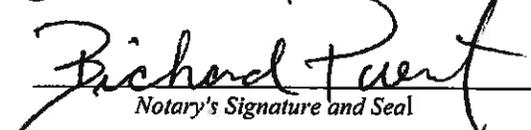
All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect,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

  
*Signature of Authorized Representative*

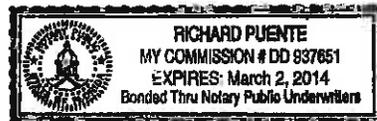
Subscribed and sworn to (or affirmed) before me on this May 9 2013 by  
*date*

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

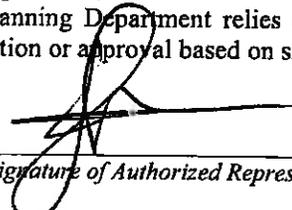
(Where Authorized Representative is an individual)

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.

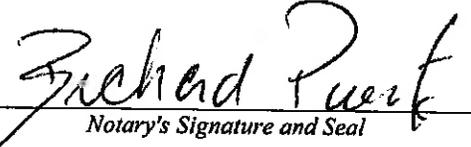
  
*Signature of Authorized Representative*

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

JOEL DOS SANTOS  
*Name of Authorized Representative*

Florida Drivers Lic

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

  
*Notary's Signature and Seal*



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

DD 937 651  
*Commission Number, if any*

# **Authorization**

# 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.

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

753990  
*Commission Number, if any*

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

**Deed**

PREPARED BY, & RECORD & RETURN TO:  
This instrument prepared without  
examination or legal opinion of title by:

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

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

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

Parcel No. 00012440-000100

Doc# 1895966  
Bk# 2585 Pg# 127

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.

### 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:

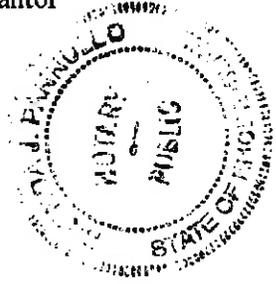
Brenda J. Pannullo  
Witness 1 signature

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 Kent

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 Kent

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

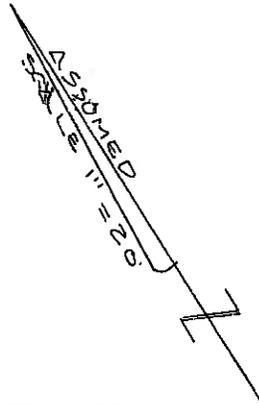


# PHILLIPS & TRICE SURVEYING, INC.

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

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

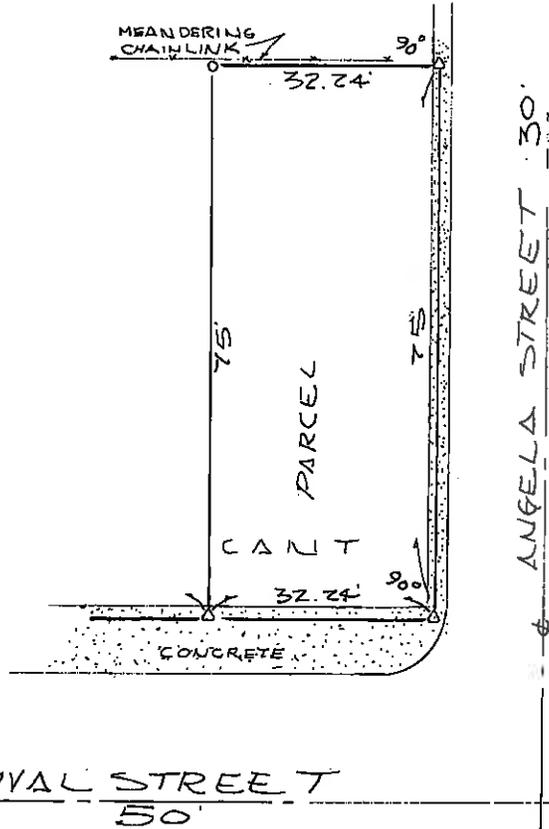
JOE M. TRICE, P.L.S.  
FLORIDA CERTIFICATE NO. 2110



O = SET IRON ROD  
Δ = " NAIL & DISK

### 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 Northwesternly property line of Angela Street as a point of beginning; thence in a Northwesternly 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 Northwesternly property line of Angela Street; thence at right angles in a Southwesterly direction along said Northwesternly 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)**

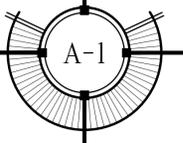
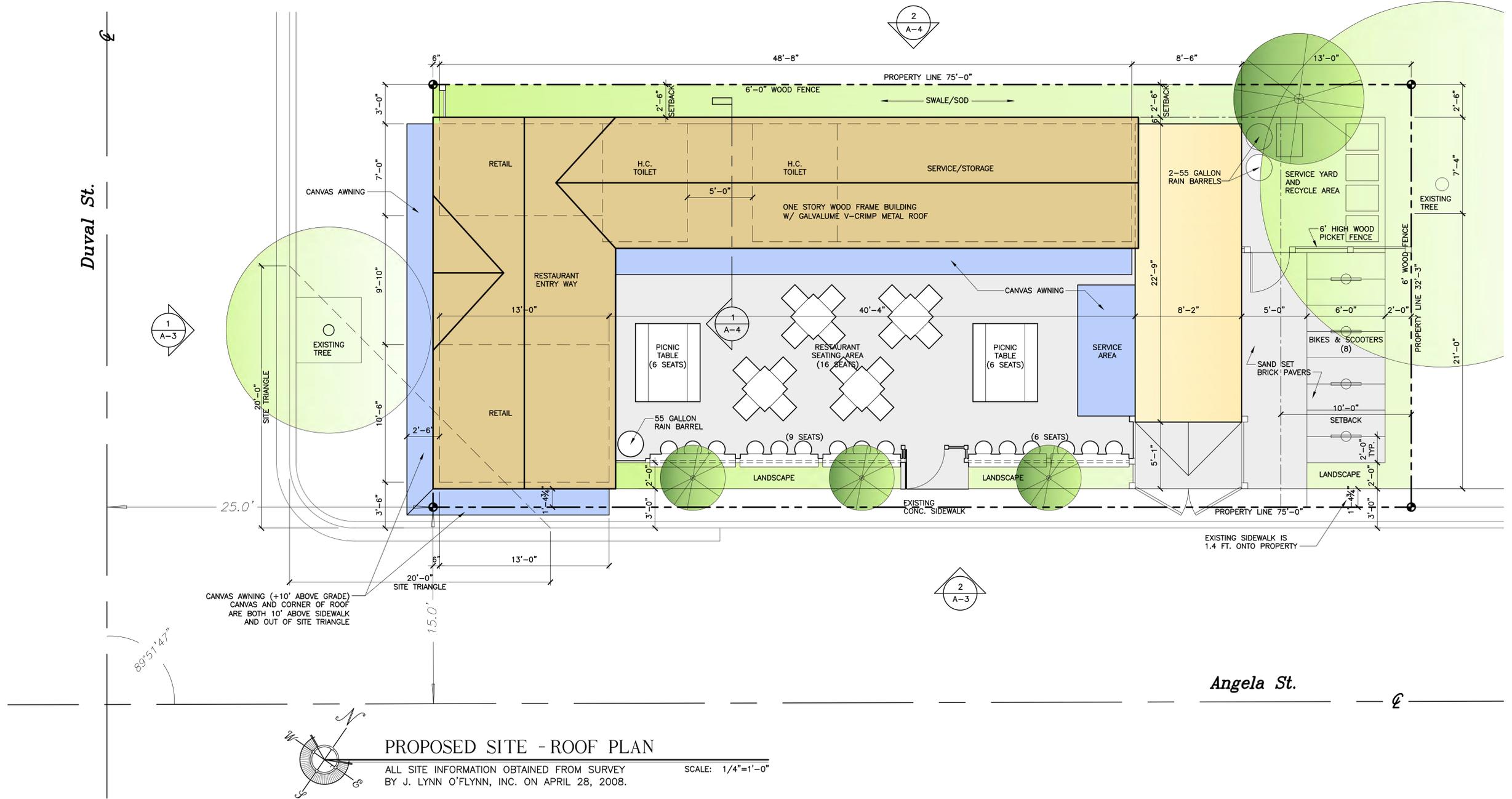
RESTAURANT CONSUMPTION AREA	25% X 14.33	=	3.58
RETAIL	25% X 0.75	=	0.19
PARKING WAIVER	25% X 0.49	=	0.12
<b>TOTAL BICYCLE PARKING REQUIRED</b>			<b>3.65</b>

**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.

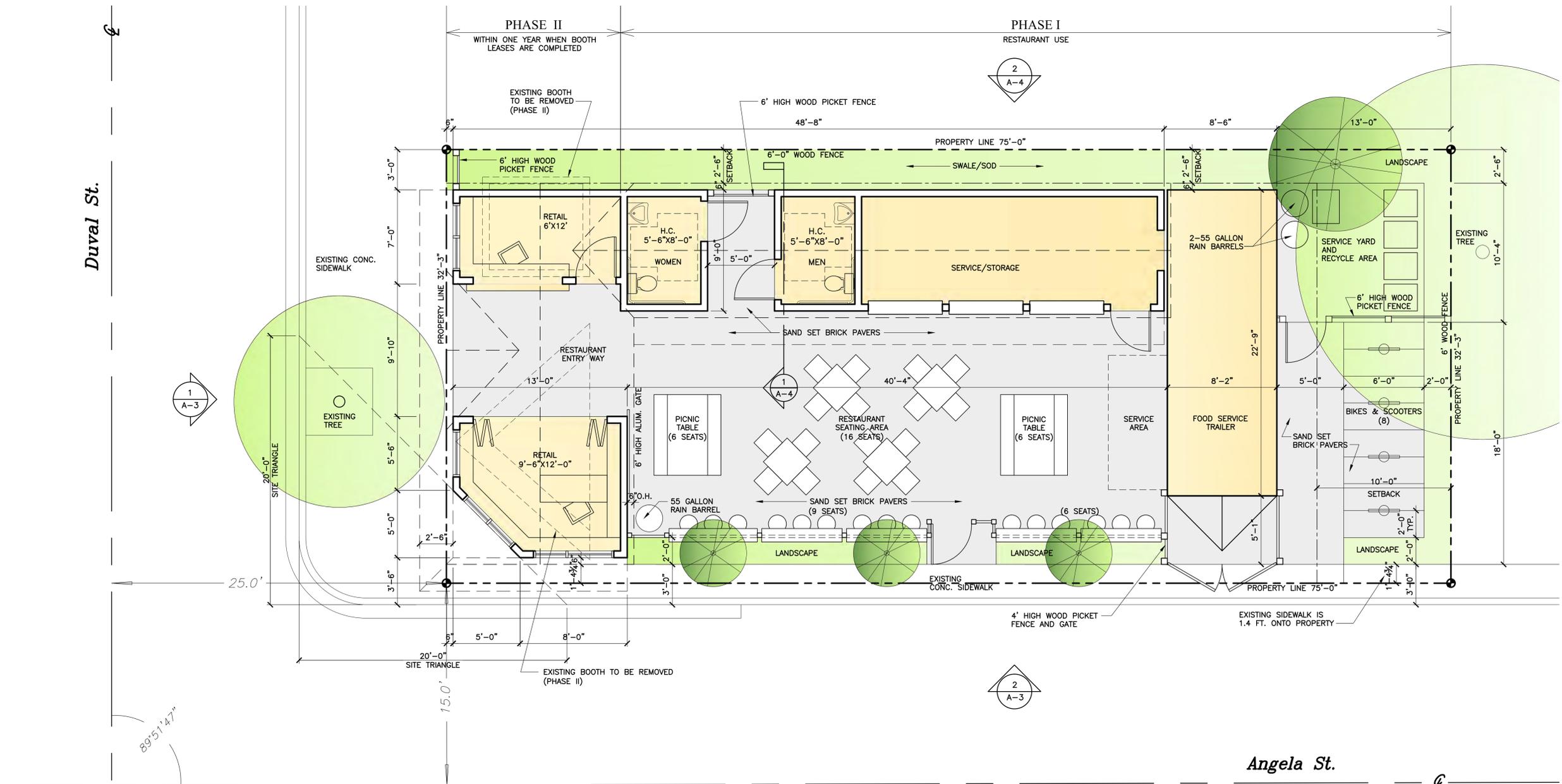
WILLIAM P. HORN  
 ARCHITECT, P.A.

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

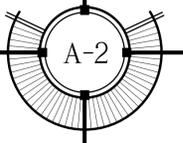
DRAWN BY  
 AR

PROJECT NUMBER  
 1221

**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"

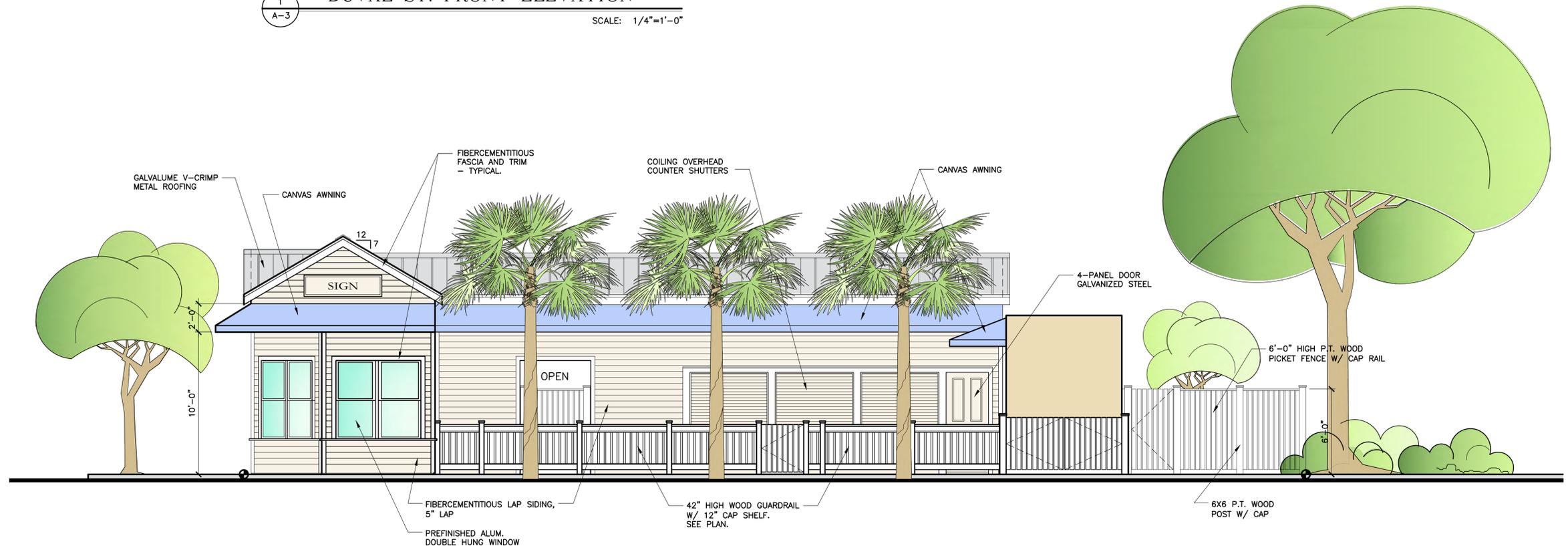
*Angela St.*

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"

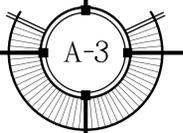
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DATE  
10-30-12 D.R.C.

REVISIONS \_\_\_\_\_

DRAWN BY  
AR

PROJECT NUMBER  
1221



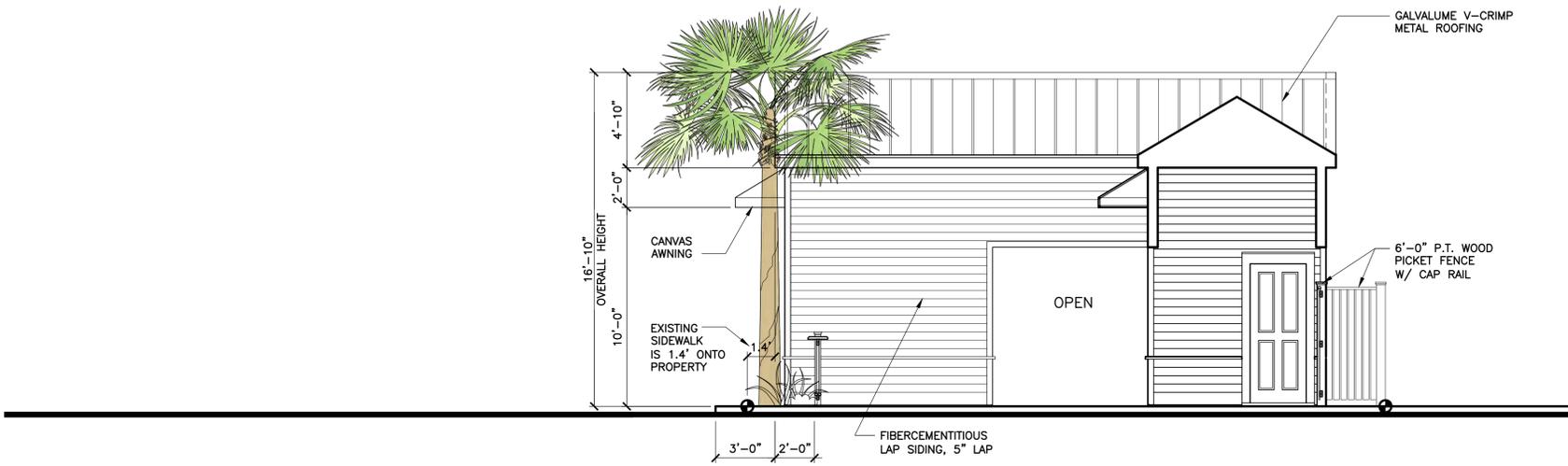
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DATE  
10-30-12 D.R.C.

REVISIONS \_\_\_\_\_

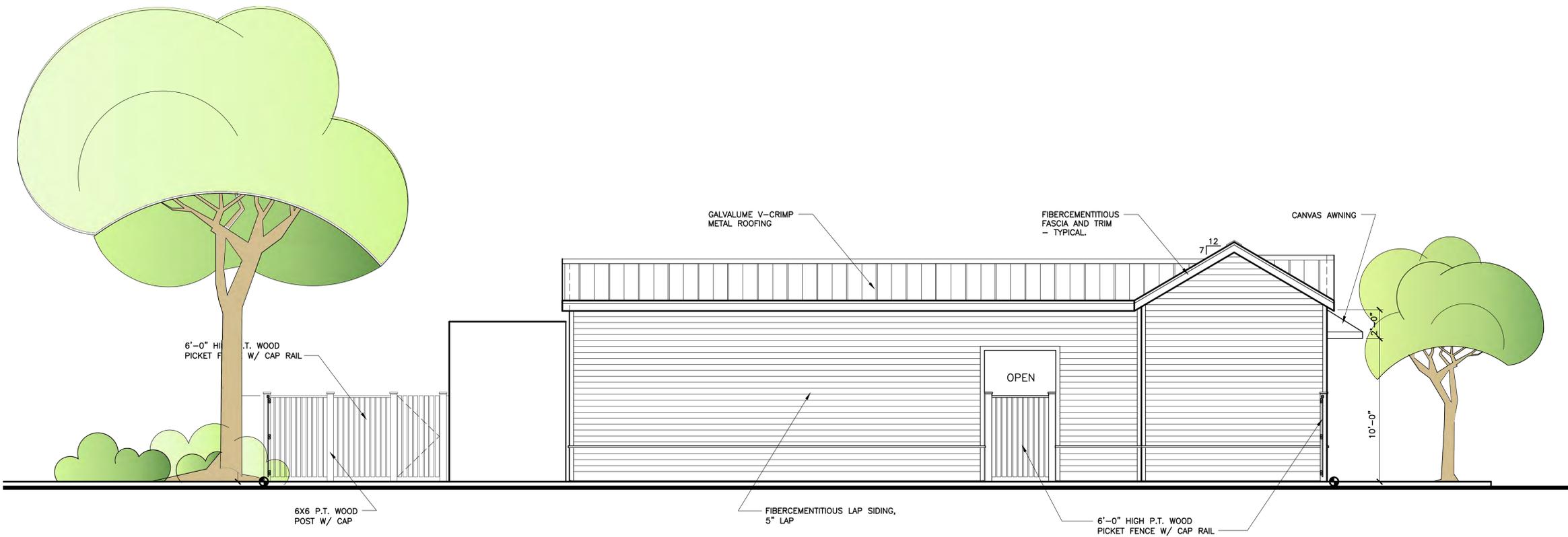
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AR

PROJECT  
NUMBER  
1221



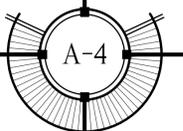
1  
A-4 REAR ELEVATION

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



2  
A-4 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.)

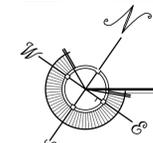
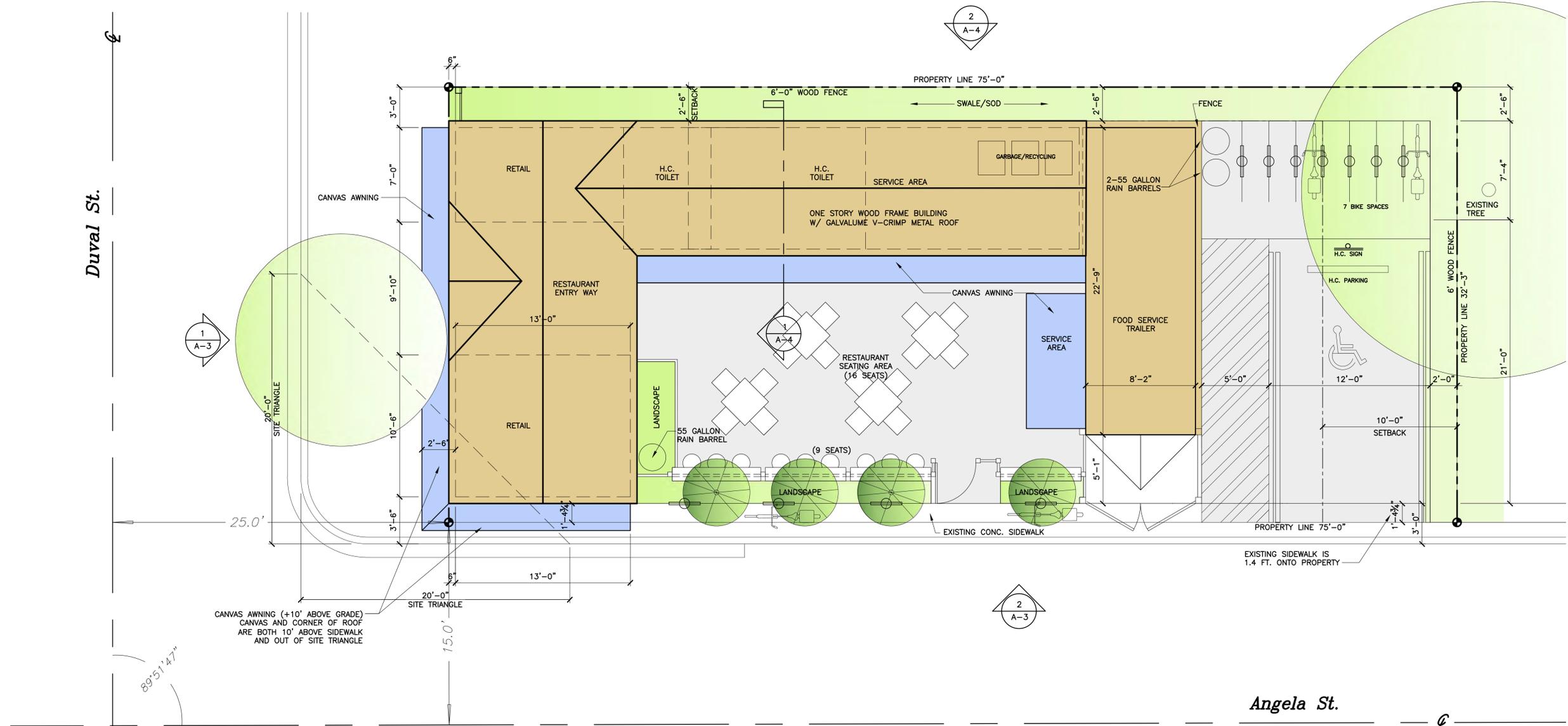
**NOTE:** THE 1.4 FT. FROM CITY SIDEWALK ON OUR PROPERTY IS BEING COUNTED AS OPEN SPACE, PREVIOUS AND LANDSCAPE AREA.

**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

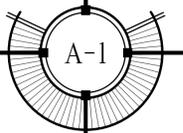
**LIST OF DRAWINGS**

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



**PROPOSED SITE - ROOF PLAN**

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



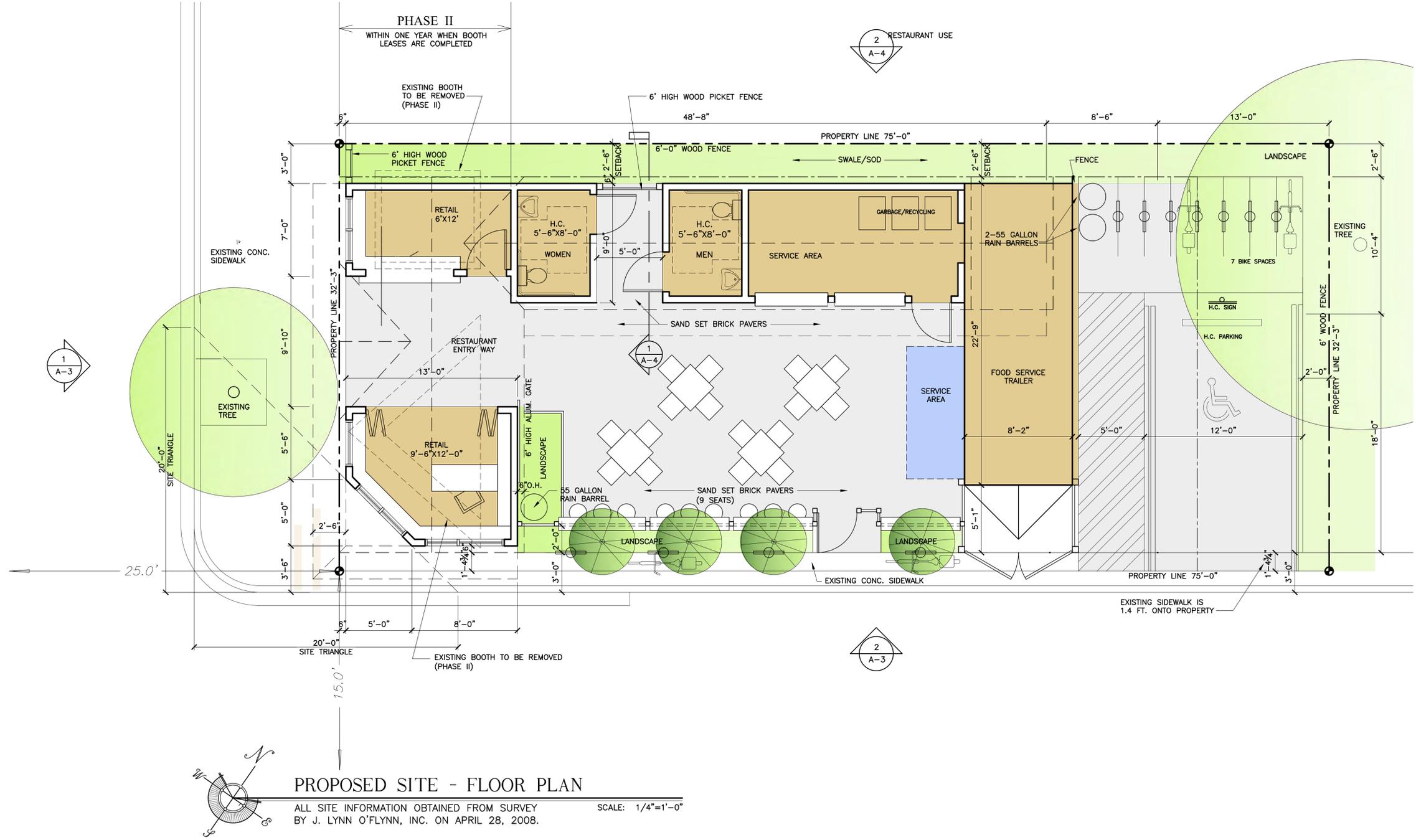
BUILDING DATA			
ZONING	=	HRCC-1	
FLOOD ZONE	=	X	
CONSTRUCTION		TYPE V	
SQUARE FOOTAGE			
ENCLOSED	=	475.9	SQ.FT.
COVERED	=	170.2	SQ.FT.
TOTAL	=	754.3	SQ.FT.
FOOD TRAILER	=	185.8	SQ.FT.

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.

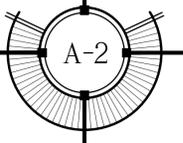
SEAL \_\_\_\_\_

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

REVISIONS  
9-4-13 REV.

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"

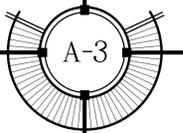
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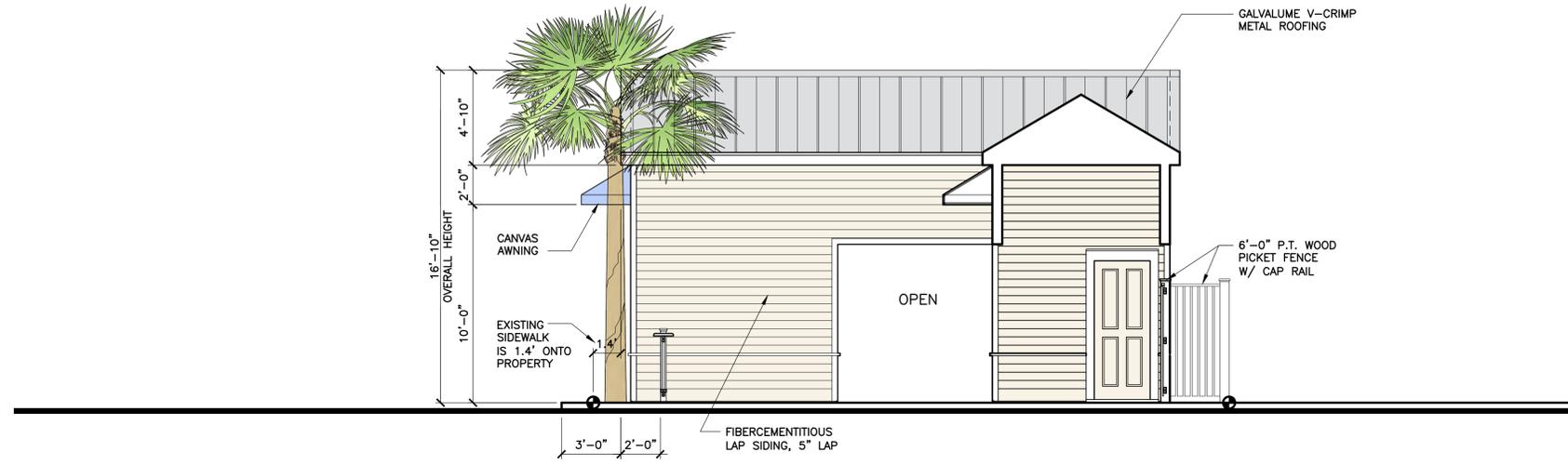
DATE  
10-30-12 D.R.C.  
12-12-12 PLBD.

REVISIONS  
9-4-13 REV.

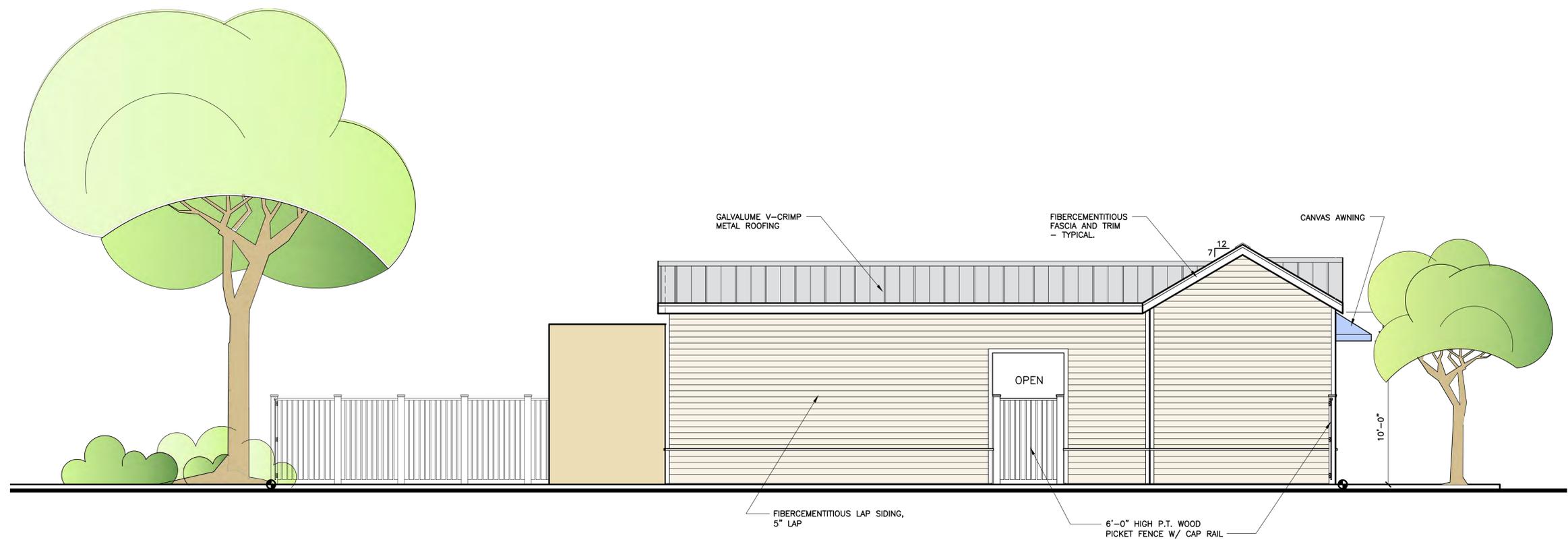
DRAWN BY  
AR

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 \_\_\_\_\_

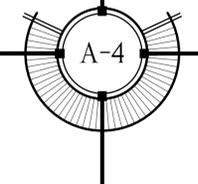
DATE  
10-30-12 D.R.C.  
12-12-12 PLBD.

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**

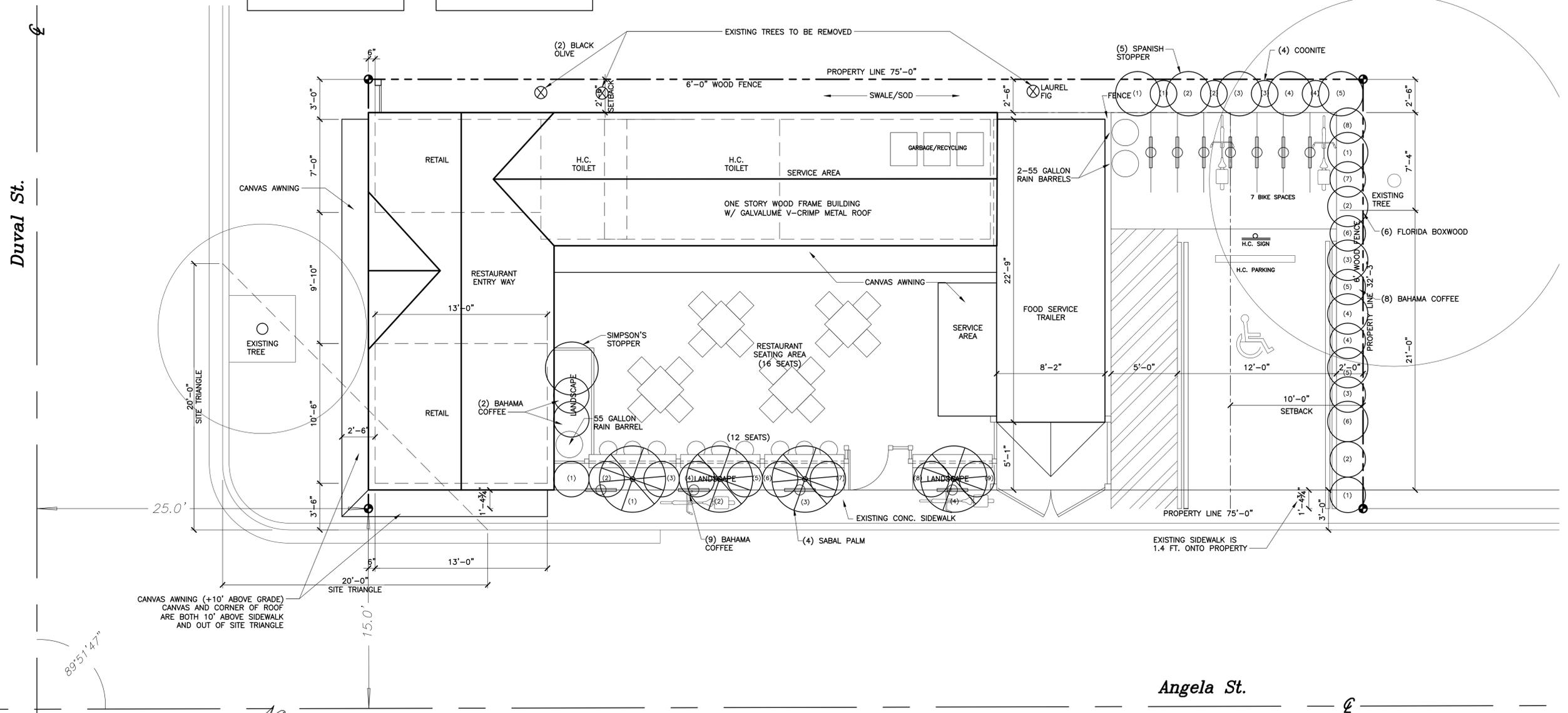
*** MINIMUM LANDSCAPE AREA SEC. 108-412	=	20% (483.6 SQ.FT.)
PROVIDED	=	13.1% (316.3 SQ.FT.)
*** R.O.W. - 40 PLANT UNITS PER 100 L.F. SEC. 108-413	=	40 p.u. REQUIRED
PROVIDED	=	23 p.u.
*** BUFFERYARD / SCREENING SEC. 108-347	=	HIGH IMPACT = NONE REQUIRED
PROPOSED USE	=	HIGH IMPACT = 44 p.u. PROVIDED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

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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**

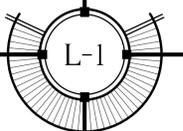
9-4-13 REV.

**DRAWN BY**

AR

**PROJECT NUMBER**

1221



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

## **Site Photos**



Google earth

feet  
meters





Google earth

feet 10  
meters 3





**Vacant Lot C. 1975**

**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.**

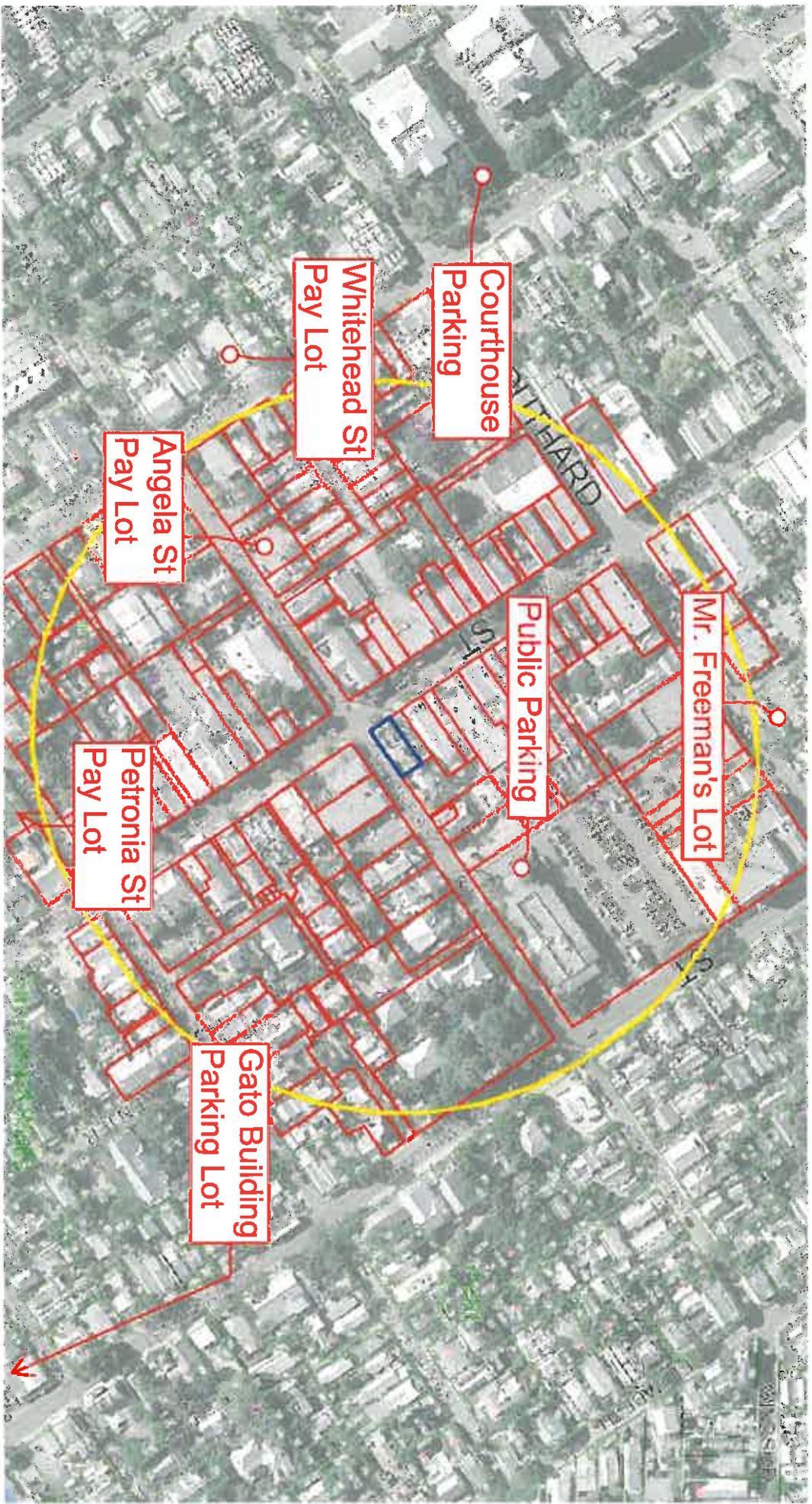
This item was heard concurrently with item 10 (see comments above).

## **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

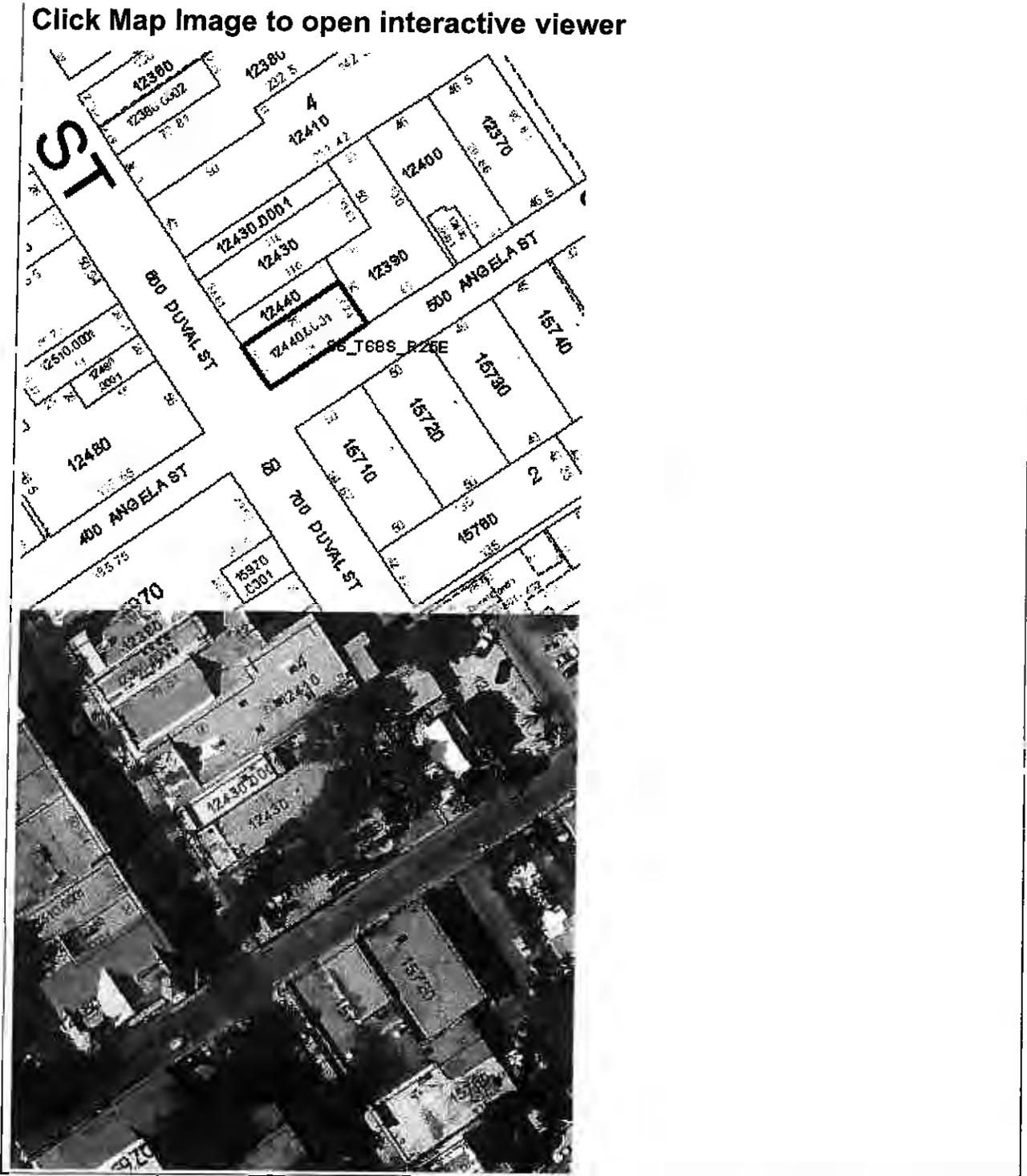
**Ownership Details**

**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	†	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., June 20, 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:

**Minor Development Plan - 629 Duval Street (RE# 00012440-000100, AK#1012815) - A request for a minor development plan to construct a restaurant with outdoor consumption area in the HRCC-1 zoning district per Section 108-91 A.1.(b) and (c) and modify landscape requirements per Section 108-412 and 108-413 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).

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**Parking Variance - 629 Duval Street (RE# 00012440-000100, AK# 1012815) - A request for a variance to parking requirements from 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 - 629 Duval Street – A request for a minor development plan to construct a restaurant with outdoor consumption area in the HRCC-1 zoning district per Section 108-91 A.1.(b) and (c) and modify landscape requirements per Section 108-412 and 108-413 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

**Parking Variance - A request for conditional use approval to operate a tattoo parlor at property located in the CG zoning district per Section 122-418 (20) 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, June 20, 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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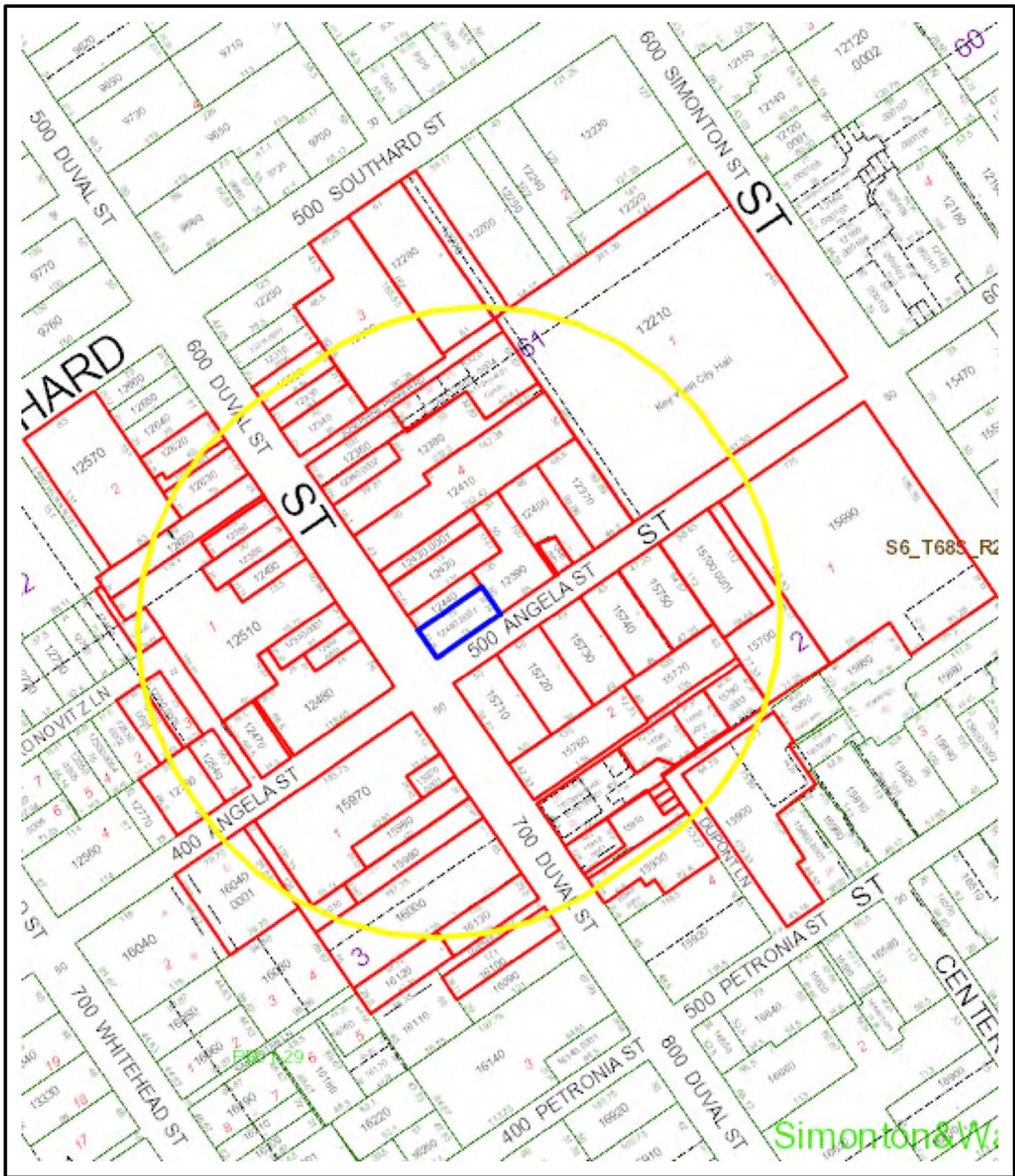
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# Monroe County, Florida

Printed: May 02, 2013

**629 Duval**

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.



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 GOLDSCH 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	