

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



To: Chairman and Planning Board Members

From: Patrick Wright, Planner II

Through: Thaddeus Cohen, Planning Director

Meeting Date: April 16, 2015

Agenda Item: **Alcohol Sales Special Exception – 417 Eaton Street (RE # 00004380-000200, AK # 9102622)** – A request for special exception to the prohibition of alcoholic beverage sales within 300 feet of a church, school, cemetery or funeral home for property located within the Historic Residential Commercial Core - Duval Street Gulfside (HRCC-1) Zoning District pursuant to Section 18-28(b) of the Code of Ordinances of the City of Key West, Florida

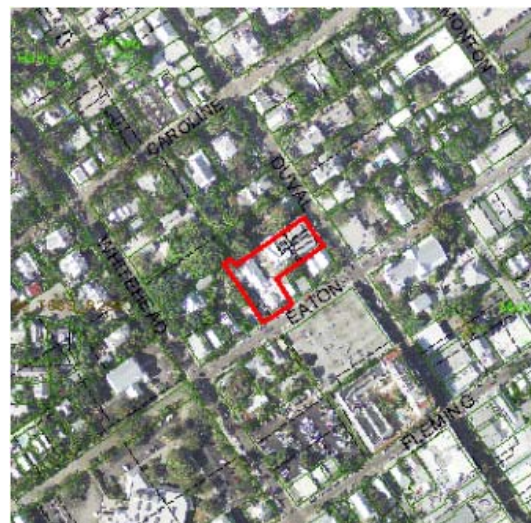
Request: To grant a special exception to sell alcoholic beverages as an accessory use to The Saint Hotel within 300 feet of a church.

Applicant: David Mark Wyant

Property Owner: Seaside Hospitality Corporation

Location: 417 Eaton Street (RE # 00004380-000200, AK # 9102622)

Zoning: Historic Residential Commercial Core – Duval Street Gulfside (HRCC-1)



Background and Request:

Section 18-28 of the Code of Ordinances of the City of Key West prohibits the sale of alcoholic beverages where such place of business is within 300 feet of an established church, school, cemetery or funeral home. However, the Planning Board may grant a special exception if the criteria in City Code Section 18-28(b)(2) are met. The applicant has requested a special exception in order to obtain a 2COP alcohol license, which would allow on-premises beer and wine consumption as an accessory use to the existing hotel. The property, is located on the 400 block of Eaton Street with a second entrance on Duval Street. There are no schools, cemeteries or funeral homes within 300 feet of the property. The property is within 300 feet of one church:

- St. Paul’s Episcopal Church, 401 Duval Street



Process:

Development Review Committee: February 26, 2015

Planning Board Meeting: April 16, 2015

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

- (a) Pursuant to Section 18-28 of the City Code of Ordinances, no person shall conduct in the City any business involving the sale of alcoholic beverages where such place of business is 300 feet of any established church, school, cemetery, or funeral home. Such distance shall be measured by following the shortest route of ordinary fare from the nearest point of the property line of the place of business to the property line of the church, school, cemetery, or funeral home facilities. However, any person licensed to conduct and legally conducting a business involving the sale of alcoholic beverages as of January 4, 1995, shall be governed by the provisions of this section which existed at the time of the original licensure of such business.
- (b) The prohibition in subsection (a) above shall not apply if a property owner is granted a special exception to specifically sell alcoholic beverages:
- (1) In conjunction with an approved conditional use application that includes consideration of the public welfare factors listed in subsection (2) below; or
- (2) Pursuant to authorization granted by the Planning Board that the use will not detrimentally impact the public health, safety, or welfare after consideration of all of the following criteria:

A. Compatibility with surrounding existing uses;

The property sits ½ a block off of Duval Street in the HRCC-1 zoning district which is primarily a commercial bar/restaurant oriented corridor. The zoning districts within 300 feet include HNC-1, HRO, HPRD and HPS.

Current use of the property as a 38 room hotel is a permitted use in the HRCC-1 zoning district. The property has undergone recent renovations that have included a lobby bar and pool deck area located in an interior courtyard. The proposed consumption would occur in these areas and be strictly limited to hotel guests only. The accessory use would not necessarily be incompatible with the surrounding existing uses.

B. The extent of conflict between the proposed use and the hours of operation of the facilities described in section (a) above;

The applicant intends on the lobby bar area being open to guests from 11:00 AM and 11:00 PM. Services at the nearby church occur on Sunday mornings, Tuesday evenings and Wednesday mornings. City Code Section 18-27(a) prohibits alcoholic beverages from being sold, served or consumed within the city limits between the hours of 4:00 AM and 7:00 AM.

Based on the proposed use, the regular church service times and the City's restriction on hours of alcohol sales, there would be some overlap between when alcohol sales and churches services would occur. Sale will be limited to hotel guests only, with access through the lobby entrance off Eaton Street.

C. Mitigation measures agreed to be implemented by the applicant;

The applicant is seeking a 2COP alcohol license, which would allow on-premises beer and wine consumption within the hotel. The applicant has indicated that the sale of alcohol would be limited to guests and consumption would remain on-site.

D. Public input;

The Planning department has received one letter from Reverend Larry Hooper of St. Paul's Episcopal Church stating that the church has no objection to the proposed 2COP license.

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

The Planning Department has not yet received any public input indicating that there are objections by the noticed property owners.

F. Any other factors the approving body determines relevant to the public's health, safety, and welfare;

According to City Code Section 18-28(c), special exceptions granted for alcoholic beverage sales within 300 feet of churches, schools, cemeteries or funeral homes may be approved with conditions, which conditions shall be monitored through a conditional approval permit in accordance with City Code Section 18-610. Should the Planning Board approve the special exception request, City Code Section 18-28(c) requires that the approval be specific to the applicant only, shall not be transferable and shall only be effective in conjunction with the use(s) specified in the application. As a result, these operational controls would be embedded as conditions of approval. However, based on public input at the public hearing, additional conditions may be necessary to ensure continued neighborhood compatibility.

The Planning Board shall make factual findings regarding the following:

That the standards established by City Code Section 18-28(b) for special exceptions have been met by the applicant.

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

RECOMMENDATION:

Based on the criteria established by the Comprehensive Plan and the City Code, the Planning Department recommends the request for special exception be **APPROVED** with the following conditions:

1. The special exception is granted exclusively to Mark David Wyant, President of Seaside Hospitality Corporation, and shall not be transferable.
2. The special exception shall only be effective in conjunction with a 2COP alcoholic beverage license for on-premises consumption of beer and wine.

3. The sale of beer and wine shall be to registered hotel guests only.
4. Pursuant to Section 18-57 an entertainment license shall be required for any live or recorded amplified music.

**PLANNING BOARD
RESOLUTION NO. 2015-**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS A SPECIAL EXCEPTION TO MARK DAVID WYANT, OF SEASIDE HOSPITALITY CORPORATION ALLOWING FOR THE SALE OF ALCOHOLIC BEVERAGES TO OCCUR WITHIN 300 FEET OF A CHURCH FOR PROPERTY LOCATED WITHIN THE HISTORIC NEIGHBORHOOD COMMERCIAL – TRUMAN/SIMONTON (HNC-1) ZONING DISTRICT AT 417 EATON STREET (RE # 00004380-000200, AK # 9102622) PURSUANT TO SECTION 18-28(B) OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

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

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

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

_____Chairman

_____Planning Director

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

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

WHEREAS, the applicant requested a Special Exception for a 2COP license to sell alcoholic beverages within 300 feet of three established churches, pursuant to City Code Section 18-28(b)(2); and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on April 16, 2015; and

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

WHEREAS, the Planning Board finds that the extent of conflict between the proposed use and established churches will be minimal; and

WHEREAS, the Planning Board considered the mitigation measures agreed to be implemented by the applicant; and

WHEREAS, the Planning Board considered public input; and

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

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

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

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

Section 2. That a Special Exception, under Section 18-28(b)(2) of the Code of Ordinances of the City of Key West, Florida, is hereby granted as follows: exclusive to Mark David Wyant, President of Seaside Hospitality Corporation, located at 417 Eaton Street (RE # 00004380-000200, AK # 9102622), Key West, Florida with the following conditions:

1. The Special Exception is granted exclusively to Mark David Wyant, President of Seaside Hospitality Corporation, and shall not be transferable.
2. The Special Exception shall only be effective in conjunction with a 2COP alcoholic beverage license for on-premises consumption of beer and wine.
3. The sale of beer and wine shall be to registered hotel guests only.
4. Pursuant to Section 18-57 an entertainment license shall be required for any live or recorded amplified music.

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

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

Section 5. This resolution shall go into effect immediately upon its passage, adoption

and authentication by the signatures of the presiding officer and the Clerk of the Commission.

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

Read and passed at a dually noticed meeting held this ____ day of April, 2015.

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

Richard Klitenick, Chairman Date
Key West Planning Board

Attest:

Thaddeus Cohen, Date
Planning Director

Filed with the Clerk:

Cheryl Smith, City Clerk Date

Application



RECEIVED

JAN 26 2015

CITY OF KEY WEST
PLANNING DEPT.

THE CITY OF KEY WEST
Planning Department

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

*Alcohol Sales Special Exception
Application*

Please print or type a response to the following:

1. Site Address 417 Eaton Street
2. Name of Applicant Seaside Hospitality Corporation
3. Applicant is: Owner X Authorized Representative _____
(please see the attached Verification & Authorization Forms)
4. Address of Applicant 7151 Hill Forest Drive
Dallas, TX. 75230
5. Phone # of Applicant (214) 762-7969 Mobile# (214) 762-7969 Fax# _____
6. E-Mail Address dmark22@mac.com
7. Name of Owner, if different than above David Mark Wgant - President
8. Address of Owner Seaside Hospitality Corp.
7151 Hill Forest Dr / Dallas, TX. 75230
9. Phone Number of Owner (214) 762-7969 Fax# _____
10. Email Address dmark22@mac.com
11. Zoning District of Parcel HRCC-1 RE# AK# 9102622
12. Description of Use and Exception Requested RE# 00004380 - 0002000

Request license to serve beer and
wine to hotel patrons (only) in
a 700 s.f. enclosed bar area
and a 200 s.f. adjacent deck.
Distance from Episcopal Church is
less than 300' (225' actual) requiring
an exception/variance.

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

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

13. Demonstrate compatibility with surrounding existing uses:

Several bars and restaurants are immediately adjacent to the property: Carolina / Hard Rock / Grand Cafe / Tropic Theatre

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

None - Hotel closes desk at 11pm as will the proposed bar.

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

1) No use for public - hotel patrons only
2) No separate access to bar except thru lobby
3) Beer and wine only - no liquor application.

ALCOHOL SALES SPECIAL EXCEPTION APPLICATION INFORMATION SHEET

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



Please read the following carefully before filling out the application

Application Process

- After submittal, the application will be reviewed by the Development Review Committee (DRC).
- **When the application is determined to be complete**, it will be brought forth to the Planning Board. If the application is approved, there is a 10 day appeal period.
- After the 10 day appeal period, the application will be sent to the Department of Community Affairs (DCA) for rendering. The rendering period is 45 days.

PLEASE NOTE:

- Applicants are notified of their scheduled Planning Board hearing date.
- Attendance at the formal public hearing is mandatory.
- Notice of Public Meeting is published in the newspaper.
- Owners of property within 300 feet of the subject property or parcels are notified by mail.
- Notice of public hearing will be posted on the property and must be left up until after the hearing.

FEE SCHEDULE

Alcohol Sales Special Exception	\$2,000.00
Advertising and Noticing Fee	\$ 100.00
Fire Department Review Fee	\$ 50.00

Please include the following with this application:

1. A **copy of the most recent recorded** warranty deed with the Book and Page numbers from the office of the Clerk of Circuit Court for Monroe County containing a legal description of the subject parcel. The application forms must be signed by all owners listed on the deed. For business/corporate ownership, please attach authorization for name of executive authorized to make the application.
2. An application fee is determined according to the attached fee schedule. Make the check payable to the City of Key West and include the site address on the memo portion of the check.
3. Verification and Authorization Forms (available online at keywestcity.com under forms and applications or they can be picked up at the Planning Department)
4. PDF or compatible electronic format of entire application on compact disk.

If you have any questions, please call the Planning Department. We will be happy to assist you in the application process.

Verification

Deed

Prepared by and return to:

Spottswood, Spottswood & Spottswood
500 Fleming Street
Key West, FL 33040
305-294-9556
File Number: 14-034-EJ
Will Call No.:

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 12th day of August, 2014 between Colonial Suites, Inc. a Florida corporation whose post office address is 301 Lincoln Rd, Miami Beach, FL 33139 , grantor, and Seaside Hospitality Corporation, a Florida corporation whose post office address is 417 Eaton Street , Key West, FL 33040, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Monroe County, Florida to-wit:

HOTEL UNIT of COLONIAL SAINT CONDOMINIUM, a Commercial Condominium, according to the Declaration of Condominium thereof, recorded in Official Records Book _____, Page _____, and all subsequent amendments thereto, together with its undivided share in the common elements, of the Public Records of Monroe County, Florida.

Parcel Identification Number: A portion of 00004380-000000

Subject to taxes for 2014 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, including without limitation the aforesaid Declaration.

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 grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2013.

Grantee, by acceptance and recordation of this deed, expressly and specifically accepts, covenants and agrees to be bound by and to assume performance of all applicable provisions and requirements set forth in the Declaration, if and when applicable, which provisions and requirements are acknowledged to be reasonable and all of which are incorporated herein by reference.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Erica H. Sterling
Witness Name: **ERICA H. STERLING**
Jenny S. Perry
Witness Name: **JENNY S. PERRY**

Colonial Suites, Inc., a Florida corporation
By: *Joseph Cohen*
Joseph Cohen, Director / President

State of Florida
County of Monroe

The foregoing instrument was acknowledged before me this 12th day of August, 2014 by Joseph Cohen, Director / President of Colonial Suites, Inc., a Florida corporation, on behalf of said corporation. He is personally known or has produced a driver's license as identification.

[Notary Seal]



Jenny S. Perry
Notary Public

Printed Name: _____

My Commission Expires: _____

Site Photos









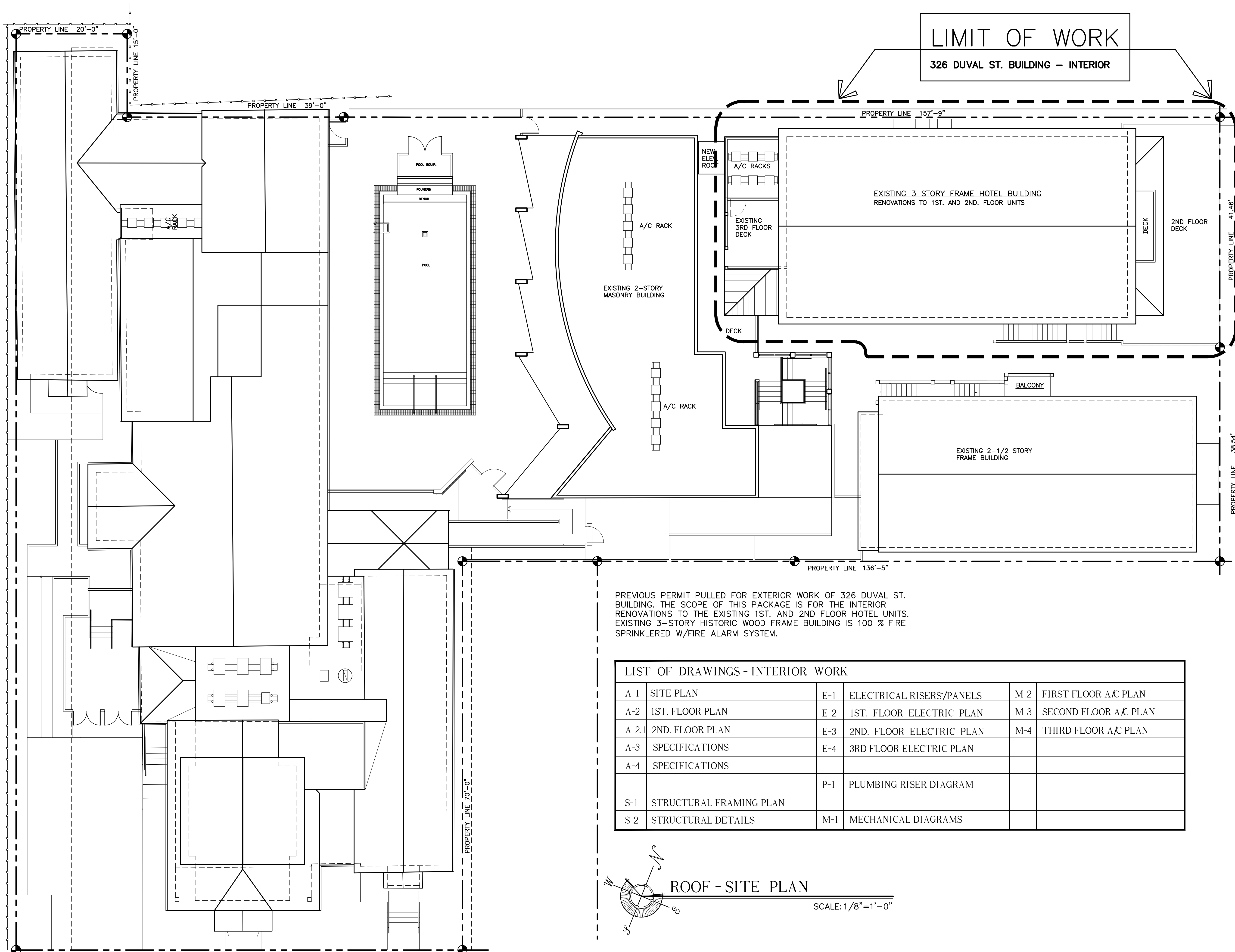
LAY NAUGHTY
SLEEP SAINTE







Site Plans



LIMIT OF WORK
326 DUVAL ST. BUILDING - INTERIOR

PREVIOUS PERMIT PULLED FOR EXTERIOR WORK OF 326 DUVAL ST. BUILDING. THE SCOPE OF THIS PACKAGE IS FOR THE INTERIOR RENOVATIONS TO THE EXISTING 1ST. AND 2ND FLOOR HOTEL UNITS. EXISTING 3-STORY HISTORIC WOOD FRAME BUILDING IS 100 % FIRE SPRINKLERED W/FIRE ALARM SYSTEM.

LIST OF DRAWINGS - INTERIOR WORK					
A-1	SITE PLAN	E-1	ELECTRICAL RISERS/PANELS	M-2	FIRST FLOOR A/C PLAN
A-2	1ST. FLOOR PLAN	E-2	1ST. FLOOR ELECTRIC PLAN	M-3	SECOND FLOOR A/C PLAN
A-2.1	2ND. FLOOR PLAN	E-3	2ND. FLOOR ELECTRIC PLAN	M-4	THIRD FLOOR A/C PLAN
A-3	SPECIFICATIONS	E-4	3RD FLOOR ELECTRIC PLAN		
A-4	SPECIFICATIONS				
		P-1	PLUMBING RISER DIAGRAM		
S-1	STRUCTURAL FRAMING PLAN				
S-2	STRUCTURAL DETAILS	M-1	MECHANICAL DIAGRAMS		



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

**THE SAINT HOTEL
 KEY WEST**
 326 DUVAL STREET
 KEY WEST, FLORIDA.

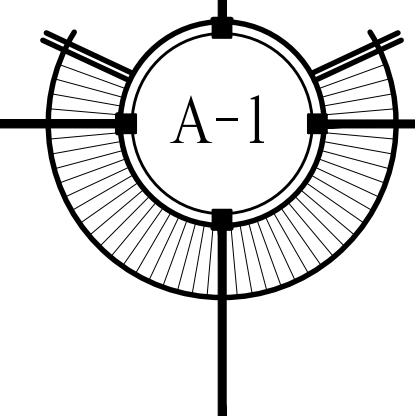
SEAL

THESE DRAWINGS MAY NOT BE REPRODUCED WITHOUT WRITTEN AUTHORIZATION BY WILLIAM P. HORN

DATE
 08-21-14 DEMO
 08-28-14 HARC
 09-09-14 LOBBY CD'S
 09-22-14 326 DUVAL EXT. CD'S
 10-21-14 326 DUVAL INT. CD'S
 REVISIONS

DRAWN BY
 EMA

PROJECT NUMBER
 1406



EATON STREET

THE SAINT HOTEL KEY WEST
 326 DUVAL STREET
 KEY WEST, FLORIDA.

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: 9102622 Parcel ID: 00004380-000200

Ownership Details

Mailing Address:
 SEASIDE HOSPITALITY CORPORATION
 417 EATON ST
 KEY WEST, FL 33040-6511

Property Details

PC Code: 39 - HOTELS,MOTELS
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range: 06-68-25
Property Location: 417 EATON ST KEY WEST
Legal Description: HOTEL UNIT COLONIAL SAINT CONDOMINIUM, A COMMERCIAL CONDOMINIUM OR2698-1310/1406DEC OR2698-1416/1417

Click Map Image to open interactive viewer



Condominium Details

Condo Name: COLONIAL SAINT CONDO
Footage: 0 **Year Built:** 0

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
0	CON:CONDOMINIUM	1 UT	0	0	0	2014	1	60

Appraiser Notes

Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
14-5595	12/08/2014		2,400		INSTALL DISCONNECT TO LEFT SIDE OF BUILDING APPROX.40 FT
14-5408	12/09/2014		1,000		POUR SLAB TO ELAVATOR
14-5406	12/09/2014		1,000		WIRE ELOVATOR
15-0245	01/28/2015		2,000		ADD METAL LOUVER FENCING ON DUVAL ENTRY
15-0210	02/19/2015		19,900		INSTALL 4" MAIN FOR FIRE LINE CONNECT TO BACKFLOW, INSTALL FIRE SPRINKLER SYSTEM WITH 32- HEADS

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
2014	0	3,530,937	0	3,530,937	2,852,444	0	3,530,937

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
8/12/2014	2698 / 1416	11,900,000	WD	05

This page has been visited 122,713 times.

Monroe County Property Appraiser
 Scott P. Russell, CFA
 P.O. Box 1176 Key West, FL 33041-1176