

WAYNE LARUE SMITH, MBA, JD
ALSO ADMITTED WASHINGTON, DC

BRETT TYLER SMITH

September 20, 2013



VIA HAND DELIVERY & EMAIL

dcraig@keywestcity.com

Donald Craig
City of Key West Planning Director
3128 Flagler Avenue
Key West, Florida 33040

RE: 1200 White Street – Victor Mills

Dear Don:

I write to provide some additional information to you with regard to Mr. Mills' conditional use application. I enclose here a copy of a letter I sent to Linda Wheeler on September 13, 2013, as a follow up on a previous meeting between Ms. Wheeler and myself that took place at her home/office on White Street. Mr. Mills outlines eight (8) areas of agreement that he would be willing to adopt, as part of this application, in an effort to address Ms. Wheeler's concerns. (In paragraph 5, on page two of the letter, I note that the word "medal" should be "metal" and the word "ecstatically" should be "aesthetically"). Ms. Wheeler has agreed to meet with me early next week to address neighbors' concerns.

Please also note that, attached to the letter to Ms. Wheeler, are two (2) letters of consent for parking, one from the Chevron station at the corner of Truman and White Streets, and one for the Glad Tidings Church on United Street. Thank you for making the suggestion to me that Mr. Mills approached the neighbors with regard to the use of their parking. As a result of this effort, Mr. Mills now has permission to utilize twenty-four (24) parking spaces for his customers, employees and others who visit the area for the purpose of doing business on his premises. We will continue the effort, although I believe we may have exhausted all the possibilities in the neighborhood. Sadly, the Kingdom Hall of Jehovah Witnesses stated that they will not grant permission for anyone to use their parking lot for any other use than church purposes, and they make no exceptions.

A continuing theme in the communications of Ms. Wheeler, neighbors, and Commissioner Johnson, is the concern that Victor Mills' operation on White Street will mirror their perception of Mr. Mills' history on Southard Street. For a variety of reasons, I have every

Donald Craig
September 20, 2013
Page 2

confidence that Mr. Mills is committed to fully complying with all aspects of the City Code on an ongoing business. He is willing to agree, as a continuing condition to the conditional use, to full compliance. He is willing to backup that commitment with a continuing condition that, if he is found to be in violation of the City Code in any respect, with regard to the operations on the premises, twice in any twelve (12) month period (after, of course, notice and an opportunity to be heard which is always provided for any code violation citation), he will be subject to loss of the conditional use altogether. Mr. Mills is willing to consider any other reasonable proposal that might provide the City, Ms. Wheeler, and any other concerned party, with the assurance that Mr. Mills is quite serious in his commitment to being a good neighbor with the proposed operations. This proposal, if utilized, will expose him to a significant loss, namely the potential loss of the conditional use, if he fails to live up to the stated standards.

If you have time in your schedule, I would welcome the opportunity to meet with you one more time before the hearing that is scheduled to take place on September 26, 2013.

Thank you for your attention.

Sincerely,



Wayne LaRue Smith

WLS/mc
Enclosure as stated.

September 13, 2013

SENT VIA EMAIL

lwheeleraal@earthlink.net

Linda Wheeler
1213 White Street
Key West, Florida 33040

**RE: Victor Mills
1200 White Street**

Dear Linda:

I write to you as a follow-up to our meeting on May 16, 2013. There are a variety of reasons that I have not provided this to you sooner, none of which relate to you and all of which have to do with other related issues, like the sidewalk encroachment problem. I believe we have addressed all of those other issues and we are now prepared to focus on Mr. Mills' Conditional Use Application.

From my notes of our meeting, I list the following items that we discussed as possible agreements by Mr. Mills that address your concerns with regard to this Conditional Use Application. Mr. Mills is willing to agree to all of these terms:

1. Across the front of the outdoor area of the Mills' property, a wall will be constructed similar to the wall that surrounds the home of Roger Emmons, six feet high, measured from the crown of the road, and covered with ficus ivy. In addition, there will be a gate of equal height to the fence that will be closed during the hours that the adjacent business is closed.
2. The dumpster will be concealed inside of the building and will only be removed from the building and placed on the exterior portion of the premises for the purposes of trash removal. Once the waste management company has emptied the dumpster, it will promptly be returned to the interior of the building.

3. Victor Mills will commit to a detailed list of the maximum number of scooters and electric cars that can be located on the exterior portion of the premises at any time. He will agree to this limit of the number of scooters and electric cars that are on the site at any time as a continuing condition of the conditional use. All any scooters or electric cars in excess of the detailed agreed upon numbers will be stored off site or indoors.
4. Mr. Mills agrees that all repairs and service of scooters, bicycles and electric cars will only take place indoors and these activities (service and repairs) will not, at any time, be conducted on the outdoor portion of the premises.
5. Victor Mills will demarcate the outdoor merchandise display area with varying colors of brick or painted lines around the exterior storage area, so that one can readily see at any time if the limits and confines of the outdoor display area are being respected. Mr. Mills also proposes that he construct a roof over the outdoor merchandize display area. The roof would be a shed type roof, attached to the building, and sloping downward toward White Street. The final roofing finish would be v crimp medal. Mr. Mills hopes that this would appeal to you. He is open to any other suggestions on making the exterior of the premises as ecstastically appealing as possible.
6. The propane tank will be concealed behind a barrier or will be placed indoors.
7. The storage of all tires, batteries, spare parts and other inventory utilized in connection with the repair or service of scooters or electric cars, will, at all times, be stored indoors and will not be stored in the outdoor area of the premises.
8. Mr. Mills agrees to require that any restaurant operating on the premises must close no later than 9:00 o'clock p.m. on weekdays and 10:00 p.m. Friday and Saturday. Mr. Mills will include this limitation in any lease.

With regard to the parking concerns, Mr. Mills has approached the owners of all properties in the area that have parking space which is underutilized. As a result of those efforts, Mr. Mills now has agreements with the Glad Tidings Church and with the Chevron station, at the corner of Truman Avenue and White Street for parking for a total of twenty-four (24) vehicles. We approached the Kingdom Hall of Jehovah Witnesses and requested permission to rent a portion of their parking lot. That request was denied, with the explanation that the church does not allow anyone to utilize the parking lot other than to attend church meetings and events.

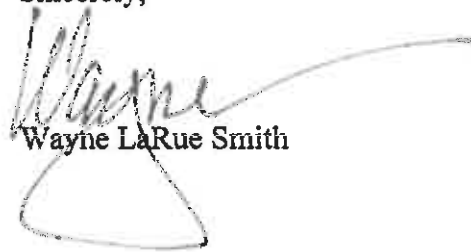
If it is possible, I would very much like to meet with you again to review this list and to discuss any other areas of concern that are not addressed here. As I stated to you in the course of our meeting, it is my objective, if at all possible, to address and alleviate

Linda Wheeler
September 13, 2013
Page 3

the concerns that you have raised with regard to this proposed conditional use. Ideally, we can reach agreement on terms that will inspire you to withdraw your objections to this Conditional Use Application.

I very much appreciate your attention, and I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne", with a long horizontal flourish extending to the right and a large loop at the bottom.

Wayne LaRue Smith

WLS/mc



GLAD TIDINGS
Equipping, Encouraging & Empowering

1209 UNITED STREET • KEY WEST • FLORIDA 33040

September 11, 2013

VIA U.S. MAIL

Victor Mills
1200 White Street
Key West, Florida 33040

RE: 1200 White Street Parking Agreement

To whom it may concern:

The purpose of this letter is to memorialize the terms of the agreement between the property owner of 1200 White Street, Key West, Florida, and Glad Tidings Community Church, Inc, property owner of 1209 United Street, Key West, Florida. Mr. Mills has sought out the use of twelve (12) off-street parking spaces, and we have agreed to accommodate Mr. Mills' request. The patrons of 1200 White Street shall be permitted to utilize up to twelve (12) parking spaces located at 1209 United Street between the hours of 9:00 a.m. to 9:00 p.m. Monday through Saturday.

**GLAD TIDINGS TABERNACLE ASSEMBLY
OF GOD KEY WEST, FLORIDA, INC**

By: Jonathan Carey
Its: President

WITNESSES:

Print Name MICHELE T CASTILLO

Print Name Victor Mills



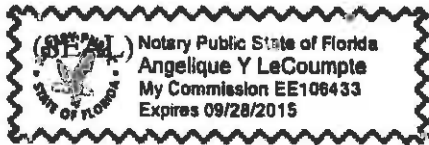
GLAD TIDINGS

Equipping, Encouraging & Empowering

1209 UNITED STREET • KEY WEST • FLORIDA 33040

STATE OF FLORIDA)
) SS.:
COUNTY OF MONROE)

The foregoing instrument was acknowledged before me this 11 day of September, 2013, by Jonathan Carey as President of the Glad Tidings Tabernacle Assembly Of God Key West, Florida, Inc, who is personally known to me [] or who produced _____ as identification.



Angelique Y LeCoumpte
Notary Public - State of Florida



TRUMAN & WHITE CHEVRON, INC.

1027 TRUMAN AVENUE • KEY WEST • FLORIDA 33040

September 11, 2013

VIA U.S. MAIL

Victor Mills
1200 White Street
Key West, Florida 33040

RE: 1200 White Street Parking Agreement

To whom it may concern:

The purpose of this letter is to memorialize the terms of the agreement between the property owner of 1200 White Street, Key West, Florida, and Truman & White Chevron, Inc, property owner of 1127 Truman Avenue, Key West, Florida. Mr. Mills has sought out the use of twelve (12) off-street parking spaces, and we have agreed to accommodate Mr. Mills' request. The patrons of 1200 White Street shall be permitted to utilize up to twelve (12) parking spaces located at 1127 Truman Avenue between the hours of 9:00 a.m. to 9:00 p.m. Monday through Saturday.

TRUMAN & WHITE CHEVRON, INC.,
a Florida corporation

By: Richard D. Maun
Its: President

WITNESSES:

Print Name Victor Mills
Print Name MICHELE T. CAST. 110



TRUMAN & WHITE CHEVRON, INC.

1027 TRUMAN AVENUE • KEY WEST • FLORIDA 33040

STATE OF FLORIDA)
) SS.:
COUNTY OF MONROE)

The foregoing instrument was acknowledged before me this 11 day of September, 2013, by Richard D. Maun as President of the Truman & White Chevron, Inc, who is personally known to me [] or who produced _____ as identification.

(SEAL)

Angela J. Hochcock

Notary Public – State of Florida

