

## Virginia Haller

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**From:** Mike <mikedowner2@yahoo.com>  
**Sent:** Wednesday, April 12, 2017 11:12 AM  
**To:** Phil Sheldon  
**Cc:** Patrick Wright; Virginia Haller; George Wallace; richard@spottswoodlaw.com; Natalie Hill  
**Subject:** Re: Alcohol Sales Special Exception - 700 Eaton Street

Dear Mr. Sheldon:

Your continuing refusal to meet with us or even speak with us as to why, after over a year, the Society inexplicably chose to reverse a position that we have been relying on in good faith in proceeding with the development of our mixed-use building at 700 Eaton and our proposed wine shop is disappointing.

This posture underscores the impediments the Society has erected in the past several months to our being a good neighbor in reaching out to you. In spite of this, we believe that we have structured the operation of our proposed wine shop in a way that would be highly sensitive to the Society's presence in the neighborhood.

As we have represented, we would be a high-end, low-volume wine shop -- not a bar. We would not be open during your Sunday morning services. We would not offer tastings during your regularly scheduled meetings. Our hours would be consistent with neighboring businesses across the street -- we would not be open late at night.

We remain willing to work with you and the other members of the Society to address concerns about our proposed wine shop.

Very truly yours,  
Mike and Jessica Downer

On Apr 5, 2017, at 6:32 PM, Phil Sheldon <[psheldon@aol.com](mailto:psheldon@aol.com)> wrote:

Dear Dr. and Mr. Downer,

I have shared the information which you passed on to us with my fellow Board members and with several members of our congregation.

By unanimous vote of our Board, we continue to oppose the application for an Alcohol Sales Special Exemption at 700 Eaton Street.

We would also like to be clear that we have no objection to the original Mixed Use Development proposal with the downstairs portion having a commercial purpose that does not require any special exemption from city ordinances.

If you would like a point-by-point response to the items in your letter, please let me know and I will be happy to send you a detailed response.

Philip Sheldon  
Chairman of the Board  
Christian Science Society, Key West

-----Original Message-----

From: Mike Downer <[mikedowner2@yahoo.com](mailto:mikedowner2@yahoo.com)>

To: Phil Sheldon <[psheldon@aol.com](mailto:psheldon@aol.com)>

Cc: pwright <[pwright@cityofkeywest-fl.gov](mailto:pwright@cityofkeywest-fl.gov)>; vhaller <[vhaller@cityofkeywest-fl.gov](mailto:vhaller@cityofkeywest-fl.gov)>; gwallace <[gwallace@cityofkeywest-fl.gov](mailto:gwallace@cityofkeywest-fl.gov)>; richard <[richard@spottswoodlaw.com](mailto:richard@spottswoodlaw.com)>; nhill <[nhill@cityofkeywest-fl.gov](mailto:nhill@cityofkeywest-fl.gov)>

Sent: Fri, Mar 24, 2017 6:37 pm

Subject: Re: Alcohol Sales Special Exception - 700 Eaton Street

Dear Mr. Sheldon,

Thank you for responding. A copy of Ms. Shaw's letter of non-opposition to our proposed wine shop is attached per your request. Ms. Shaw was responding to our discussions with her as noted in her letter. Our discussions with Ms. Shaw are consistent with what our application states. Please let us know if you need anything else.

Sincerely,

Mike and Jessica Downer

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**From:** Phil Sheldon <[psheldon@aol.com](mailto:psheldon@aol.com)>

**To:** [mikedowner2@yahoo.com](mailto:mikedowner2@yahoo.com)

**Cc:** [pwright@cityofkeywest-fl.gov](mailto:pwright@cityofkeywest-fl.gov); [vhaller@cityofkeywest-fl.gov](mailto:vhaller@cityofkeywest-fl.gov); [gwallace@cityofkeywest-fl.gov](mailto:gwallace@cityofkeywest-fl.gov); [richard@spottswoodlaw.com](mailto:richard@spottswoodlaw.com); [nhill@cityofkeywest-fl.gov](mailto:nhill@cityofkeywest-fl.gov)

**Sent:** Friday, March 24, 2017 8:59 AM

**Subject:** Re: Alcohol Sales Special Exception - 700 Eaton Street

Dear Mr. and Mrs. Downer,

Thank you for contacting us about the application for an alcohol exemption for the property at 700 Eaton Street.

First of all, my letter regarding the Planning Board should have been dated March 12, 2017, which was the date of the email to the City Attorney's office. I apologize for leaving the date off of the letter itself.

A member of our Board had to suddenly leave town this week due to a family situation. When I am able to get her input, we will send our Board's response to your letter.

Meanwhile, so that we can all look at the same information, please send us the following:

- \* The letter that you said the late Gloria Shaw wrote to you in December 2015
- \* The correspondence that Gloria was responding to when she wrote that letter

Best regards,

Philip Sheldon

Chairman of the Board, Christian Science Society, Key West, Florida

-----Original Message-----

From: Mike <[mikedowner2@yahoo.com](mailto:mikedowner2@yahoo.com)>

To: psheldon <[psheldon@aol.com](mailto:psheldon@aol.com)>

Cc: Patrick Wright <[pwright@cityofkeywest-fl.gov](mailto:pwright@cityofkeywest-fl.gov)>; vhaller <[vhaller@cityofkeywest-fl.gov](mailto:vhaller@cityofkeywest-fl.gov)>; gwallace

<[gwallace@cityofkeywest-fl.gov](mailto:gwallace@cityofkeywest-fl.gov)>; Richard McChesney <[richard@spottswoodlaw.com](mailto:richard@spottswoodlaw.com)>; nhill <[nhill@cityofkeywest-fl.gov](mailto:nhill@cityofkeywest-fl.gov)>

Sent: Tue, Mar 21, 2017 9:03 pm  
Subject: Alcohol Sales Special Exception - 700 Eaton Street

Dear Mr. Sheldon,

Please see attached letter regarding the above referenced application.

Thank you,  
Mike and Jessica Downer

Sent from my iPhone

## Virginia Haller

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**From:** Mike <mikedowner2@yahoo.com>  
**Sent:** Tuesday, March 21, 2017 9:03 PM  
**To:** psheldon@aol.com  
**Cc:** Patrick Wright; Virginia Haller; George Wallace; Richard McChesney; Natalie Hill  
**Subject:** Alcohol Sales Special Exception - 700 Eaton Street  
**Attachments:** letter to Society.pdf

Dear Mr. Sheldon,

Please see attached letter regarding the above referenced application.

Thank you,  
Mike and Jessica Downer

Christian Science Society and Reading Room  
327 Elizabeth Street  
Key West, FL 33040  
December 1, 2015

Re: 700 Eaton Street, Key West, FL 33040

To Whom it May Concern,

I discussed the proposed plans for 700 Eaton Street with Mike and Jessica Downer and I'm not opposed to the concept of a wine shop operating at that address.

Sincerely,

A handwritten signature in cursive script that reads "Gloria Shaw". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Gloria Shaw  
Director, Christian Science Society and Reading Room

Mike and Jessica Downer  
411 Elizabeth Street  
Key West, FL 33040

March 21, 2017

Mr. Philip Sheldon  
Chairman of the Board  
Christian Science Society, Key West, FL  
327 Elizabeth Street, Key West, FL 33040

Re: Alcohol Sales Special Exception Application - 700 Eaton Street

Dear Mr. Sheldon:

We are the owners of 700 Eaton Street and applicants for the above referenced exception. Before we finalized our building plans with regard to this property, we consulted with Gloria Shaw, the long-time Director of the Christian Science Society, Key West. She told us that she had the authority to make decisions on its behalf and confirmed in a letter dated December 1, 2015 that she was "not opposed" to our proposed wine shop at 700 Eaton. On this understanding, we commenced construction and hired an attorney to assist us with the above referenced application.

Over a year after receiving Ms. Shaw's letter and well into construction, we were shocked to read Vanessa McCaffrey's e-mail dated December 13, 2016 to the City regarding our application. This unexpected communication from a member of the Society, just two days prior to the Planning Board hearing on December 15, 2016, forced us to postpone the hearing.

Ms. McCaffrey's e-mail provided no rationale for reversing a position that we, in good faith, have relied on. No one from the Society consulted us about its change in position. Our calls to the Society went unanswered, and there was no way to leave a message. The Society's signage was removed and no one answered the door when we tried to visit. Our attorney tried to contact Ms. McCaffrey multiple times, but she was either unresponsive or unwilling to discuss this matter.

Jessica's mother attended two meetings at the Society in January 2017, in which members discussed that the Society is not a "Church" because it only has 12 members. This is consistent with the Society's designation on [www.ChristianScience.com](http://www.ChristianScience.com). Because the Society did not respond to requests for clarification, we contacted the Christian Science Mother Church who informed us that the Society does not have enough members or a "practitioner" required to be designated a Church. We shared this information with our attorney who shared it with the City to opine on the matter since our attempts to discuss this with the Society were unsuccessful.

We were also surprised to read your undated letter that was made public just two days prior to the March 16, 2017 Planning Board hearing. This unexpected communication from the Society forced us to postpone the hearing again. Your letter asserts that we made misrepresentations to Ms. Shaw, which is not true. Our discussions with Ms. Shaw outlined exactly what our application states and what we are stating now. We have consistently presented one project seeking to do one thing.

We are disappointed that your letter referenced our e-mail to neighbors, which included our contact information, yet no one from the Society has ever contacted us about our application. If the Society was considering reversing a decision that we have, in good faith, relied on -- expending significant time, money and effort on this project -- at a minimum the Society should have afforded us an opportunity to address member's concerns first.

Our mixed-use building and landscape plans have been thoroughly reviewed and permitted as discussed in public meetings. These plans meet or exceed all City requirements, including parking. The small, less than 900 square foot, retail portion is consistent with past and present zoning. Wine sales do not change the nature of the retail use.

Wine and beer is currently sold within a block from the Society at Caroline Street Market and Eaton Street Seafood. Wine tastings and other alcohol related events are hosted a half block away from the Society at the Marker's Harbor House event space at corner of Caroline and Elizabeth. We are unaware of the Society publicly opposing these businesses, so we are puzzled as to the circumstances and basis on which the Society reversed its original position of non-opposition to our proposed shop.

Had the Society responded to our attempts to discuss member's concerns, we could have attempted to address them. For example, we could have assured members that our proposed shop would be closed during Sunday morning services. While we would like to occasionally offer small complimentary wine samples or tastings, this would not occur during regularly scheduled religious services at the Society.

Please contact us to discuss how we can address this serious situation. We could meet with you in person in Key West if you are available on March 31, April 1 or April 2 or we could set up a call with you if it is more convenient.

Very truly yours,

Michael Downer 

Mike Downer, 310-699-9668, mikedowner2@yahoo.com  
Jessica Downer, 310-770-4793, jessicabjohnson@yahoo.com