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TO: Key West Planning Board Members

DATE: January 18, 2022

RE: Objection to Special Exception for Sale of Alcohol at 1200-1212 White Street

Date of Hearing: January 20, 2022

Dear Planning Board Member:

We have lived at 1213 White Street for over 20 years. Our home is directly across the street from the subject property, which has an application pending for a special exception to sell alcohol at the site.

Introduction of a liquor store/alcohol sales at this location is prohibited by law.

Section 18-27 of our city's zoning ordinances specifically prohibits alcohol sales from any location within close proximity (defined as 300 feet) of a school or church. The proposed liquor sale site is within 2 blocks of at least 2 schools and 3 churches in our neighborhood, and it is within 150' of the Kingdom Hall of Jehovah Witness church. The applicant has obtained from that church a written consent for the sale of alcohol at the site.

We disagree with the applicant's presumption that obtaining consent from the church satisfies the Board's review in considering this special exception. Sec. 18-27 contains no language whatsoever providing for a special exception based solely on the consent of an employee or member of a particular church or affected school. Instead, Sec. 18-28-(b) (2) requires the Board to determine "that the use will not detrimentally impact the public health, safety or welfare" after consideration of criteria set forth in subsection A-F. (A copy of Sec. 18-28 is attached for your ease of reference.)

Sec. 18-28 was enacted decades ago by our elected city commissioners with the intention of protecting every resident and every property owner in the surrounding neighborhood by placing a specific geographic distance between places selling alcohol and places where our community goes to worship and where our community sends our children to learn. This geographic circle is a benefit and protection given to every resident and every property owner in the surrounding neighborhood so that business uses remain compatible with best interests of the residential neighborhood.

Approving the introduction of a liquor store/alcohol sales at this site will have lasting and adverse consequences for the surrounding neighbors - especially those of us in closest proximity.

Due to the nature of the business use, alcohol sales often bring additional noise, litter, overly bright exterior lights, vagrants and hang-arounds. It will also increase pedestrian and vehicular traffic and increase beverage truck deliveries to the site (idling refrigerated trucks already double park on White Street for delivery of butcher shop supplies). There will also be an increase of cardboard packaging waste at a site where this applicant does not currently manage its dumpster/waste bin issues. (A photograph of the lot taken last week is attached.)

All of these detrimental consequences diminish the property values of adjacent homes, harm the peace and quiet necessary to make this mixed-use neighborhood livable, and create other security issues in the surrounding neighborhood.

The applicant's property contains 2 residential apartments and 2500 sf of commercial space. Under our current zoning code, this property creates demand for 11 off-street parking spaces. The property has only 4 off-street parking places. Our block already accommodates the applicant's other 7 parking space needs. The sale of alcohol simply increases applicant's parking demands which necessarily spill over to White Street.

I mention the applicant's insufficient parking situation, because we learned from the planning department just days ago that in September 2021 the applicant petitioned the Planning Department for "build-back" approval with the intention of eliminating off-street parking entirely from the site and rebuilding additional commercial units on their parking lot (without setbacks or other current zoning requirements). Applicant's "build-back" request is based on a building that burned down more than 50 years ago. The planning department has properly denied this request, but the applicant has appealed and this issue will presumably find its way before the Planning Board in the coming months.

Maintaining a balance of low-impact light commercial businesses is essential to maintaining the mixed-use residential quality of our neighborhood.

This applicant purchased the property and opened the butcher business approximately 1 year ago, with full knowledge of the zoning limitations on its business uses. Furthermore, the applicant has not yet shown a "good neighbor" policy toward the surrounding neighbors. The four (4) existing off-street parking spaces have never been brought into ADA compliance. No landscaping has ever been installed, nor has the parking lot been reconfigured so that cars entering the lot can exit without backing directly into ongoing traffic on White Street. Furthermore, the property's HARC requirement for the screening of waste bins has never been implemented.

All of these omissions and safety issues remain at this site today, and should certainly be corrected before the Planning Board considers granting any special exceptions for other business uses at the site.

Lastly, a beer and wine store is not an unmet need in our neighborhood. For over 40 years the Weekly family has operated White Street Fausto's Grocery Store, just one block away from this site. Fausto's offers a fine selection of wines and beers. And importantly, this grocery store provides our neighborhood with a full-operation grocery store, not just a late night convenience store selling over-priced beer, wine and cigarettes.

In summary, there is no justifiable need (other than increased profit for the applicant at the expense of his surrounding neighbors) for this Board to approve this prohibited business in our neighborhood. To do so would diminish the property values and the quality of life for the surrounding residents for the benefit of the applicant who currently has the property listed for sale.

**We ask you to please deny this application for a special exception for alcohol sales in its entirety, or in the alternative, to delay hearing on this matter until the issue of their "build-back" request is resolved.**

In the event the Planning Board deems approval necessary at the scheduled hearing on Thursday, we ask that, at the very least, conditions be imposed which will help mitigate harm to the surrounding neighbors, including but not limited to each of the following conditions:

1. Sale of alcohol limited to sale of beer and wine
2. Sale of alcohol limited to square footage and location of existing butcher shop at 1206 White
3. Special exception does extend to units 1202 or 1204 White
4. All storage of alcohol shall be inside the butcher shop or in the existing exterior shed and no further sheds or storage facilities shall be constructed in the parking lot
5. Hours of sale of alcohol shall be limited to existing hours of operation of the butcher shop, that is, 9am-7pm.
6. All solid waste for the premises, including the additional cardboard packaging created by alcohol sales, shall be confined to a dumpster and/or waste bins that shall remain screened at rear of property except for scheduled pick-up days
7. Special exception is not transferable. Sale or change of majority ownership of Island City Butcher Shop LLC, **or "build-back" approval in the existing parking lot**, shall require re-application for a special exception based on the situation and facts at that time.

Thank you for your time and consideration of a matter of great importance to our neighborhood.

Sincerely, Linda Wheeler and Robert Kruse