

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



To: Chairman and Planning Board Members
From: Kevin Bond, AICP, LEED Green Associate, Planner II
Through: Donald Leland Craig, AICP, Planning Director
Meeting Date: January 16, 2014

Agenda Item: **Alcohol Sales Special Exception – 728 Simonton Street (RE # 00015800-000100, AK # 1016187)** – 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 Neighborhood Commercial – Truman/Simonton (HNC-1) Zoning District pursuant to Section 18-28(b) of the Code of Ordinances of the City of Key West, Florida

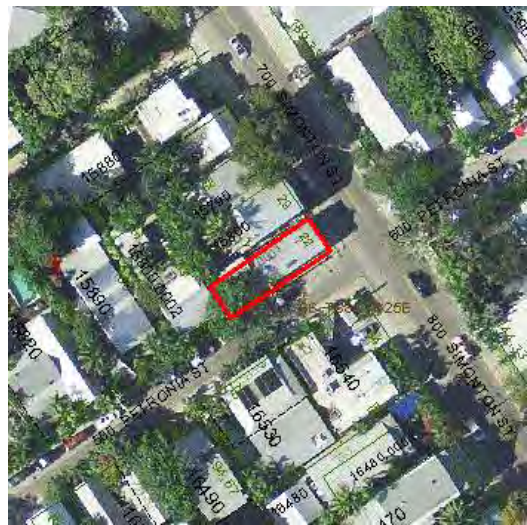
Request: To grant a special exception to sell alcoholic beverages at Deuces Off the Hook Grill restaurant within 300 feet of three churches.

Applicant: Terry G. Jones, Deuce’s Trio LLC

Property Owner: Daniel J. Calabro

Location: 728 Simonton Street (RE # 00015800-000100, AK # 1016187)

Zoning: Historic Neighborhood Commercial – Truman/Simonton (HNC-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 at the restaurant. The property, which is located at the western corner of Simonton and Petronia Streets, is within 300 feet of three churches:

- Trinity Presbyterian Church, 715-717 Simonton Street
- Trinity Wesleyan Methodist Church, 619-621 Petronia Street
- St. Peter’s Episcopal Church, 800 & 807-809 Center Street

There are no schools, cemeteries or funeral homes within 300 feet of the property. The application states that the restaurant serves breakfast, lunch and dinner from 7:00 AM to 10:00 PM.



Process:

Development Review Committee:

October 24, 2013

Planning Board Meeting:

December 19, 2013 (cancelled, no quorum)

January 16, 2014

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;

Out of the 75 parcels within 300 feet of the subject property, the Monroe County Property Appraiser classifies 48.0% as single family residential, 21.3% as multifamily residential, 6.7% as church uses and the remaining 12.0% as a mix of residential and commercial uses. Zoning districts within 300 feet include HNC-1, HRCC-1, HRCC-3 and HHDR. Despite the predominantly residential nature of the immediate vicinity, the property has had an established food service/restaurant use for at least 18 years.

The property is located one block northeast of Duval Street within the HNC-1 Zoning District, which allows restaurants as a conditional use. According to City licensing records, the property had food service uses without seats between 1995 and 2007 under various business names. During the same time period, the property had 2APS alcohol licenses, which allowed beer and wine sales in sealed containers for off-premises consumption only, according to Florida Division of Alcoholic Beverages and Tobacco records. Beginning in 2008, the property was licensed for food service with up to 15 seats for a now-defunct "Pasta in Paradise" restaurant, but apparently did not seek an alcohol license. Thus, the requested alcohol license for on-premises consumption of beer and wine would be a first on the property for the new Deuces

Off the Hook Grill restaurant, but is a continuation of an established restaurant use and 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;

According to the application, the restaurant is open for breakfast, lunch and dinner between 7:00 AM and 10:00 PM, is not a late night establishment, plays no loud music and has no live music. Services at the three nearby churches occur on Sunday mornings and evenings, Wednesday evenings and Thursday 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 overlaps between when alcohol sales and churches services would occur. However, all restaurant seating is indoors and the applicant is proffering not to sell any alcohol for off-premises consumption. Thus, there is not anticipated to be any conflict.

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 at the restaurant. The applicant has indicated that there would be no sales of alcohol "to go" and no alcohol leaving the property or allowed outside of the property. The application also states that there is no loud or live music.

D. Public input;

To date, the Planning Department has not received any public input regarding the application.

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 Terry G. Jones, Manager of Deuce's Trio LLC, 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 for the restaurant use of the property.

Draft Resolution

**PLANNING BOARD
RESOLUTION NO. 2014-**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS A SPECIAL EXCEPTION TO TERRY G. JONES OF DEUCE’S TRIO LLC 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 728 SIMONTON STREET (RE # 00015800-000100, AK # 1016187) 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 January 16, 2014; 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

_____ Chairman

_____ Planning Director

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 Terry G. Jones, manager of Deuce's Trio LLC, located at 728 Simonton Street (RE # 00015800-000100, AK # 1016187), Key West, Florida with the following conditions:

1. The Special Exception is granted exclusively to Terry G. Jones, Manager of Deuce's Trio LLC, 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 for the restaurant use of the property.

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

_____ Chairman

_____ Planning Director

West Code of Ordinances (including the Land Development Regulations).

Read and passed at a dually noticed meeting held this ____ day of January, 2014.

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

Richard Klitenick, Chairman
Key West Planning Board

Date

Attest:

Donald Leland Craig, AICP
Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

_____ Chairman

_____ Planning Director

Application



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 728 SIMENTON ST
- 2. Name of Applicant TERRY G. JONES
- 3. Applicant is: Owner Authorized Representative
(please see the attached Verification & Authorization Forms)
- 4. Address of Applicant 2229 SEIDENBERG AVE REAR
KEY WEST, FL 33040
- 5. Phone # of Applicant 901-628-9042 Mobile# _____ Fax# _____
- 6. E-Mail Address tgjones22@msn.com
- 7. Name of Owner, if different than above DANIEL J. CALABRO
- 8. Address of Owner 27 CYPRESS AVE K.W. 33040
- 9. Phone Number of Owner 631-445-4163/305-294-2357 Fax# _____
- 10. Email Address 305-295-3053
- 11. Zoning District of Parcel _____ RE# 00015800-000100-06-68-25
- 12. Description of Use and Exception Requested
Small PERMANENT SEATING RESTAURANT, IS REORGSTING
FOR AUTHORIZATION TO OBTAIN A 2COP
BEER & WINE LICENSE.

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:

WITHIN 1 CITY BLOCK THERE IS A BAR (BOBBYS).
AND A RESTAURANT (SARA BETTS). PROPERTY IS ON SIMONTON
AT THE CORNER OF PETRONIA 1 BLOCK OFF DUNAL ST.

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

SMALL RESTAURANT SERVING BREAKFAST, LUNCH & DINNER.
7AM - 10PM, NOT A LATE NIGHT ESTABLISHMENT, NO LOUD
MUSIC, NO LIVE MUSIC.

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

ON PROPERTY CONSUMPTION ONLY, NO SALES OF ALCOHOL TO
GO, AND NO ALCOHOL LEAVING PROPERTY OR ALLOWED
OUTSIDE OF PROPERTY.

Verification

City of Key West
Planning Department



Verification Form

(Where Authorized Representative is an entity)

I, TERRY G. JONES, in my capacity as MANAGING MEMBER
(print name) (print position; president, managing member)
of DEUCE'S TRIO, LLC
(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:

728 SIMONTON STREET KEY WEST
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.

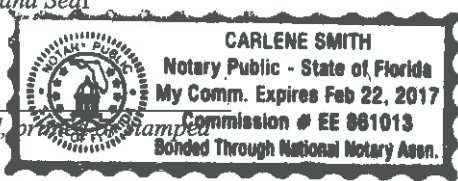
Terry G. Jones
Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this 9/27/13 by
date

Terry Glenn Jones II.
Name of Authorized Representative

He/She is personally known to me or has presented FI J520-807-23-471-0 as identification.

C. Smith
Notary's Signature and Seal

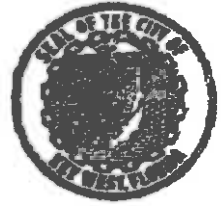


Name of Acknowledger typed, or the stamp

Commission Number, if any

Authorization

City of Key West Planning Department



Authorization Form (Individual Owner)

Please complete this form if someone other than the owner is representing the property owner in this matter.

I, DANIEL J. CALABRO authorize
Please Print Name(s) of Owner(s) (as appears on the deed)

TERRY G. JONES
Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the City of Key West. AS TENANT

[Signature]
Signature of Owner

Signature of Joint/Co-owner if applicable

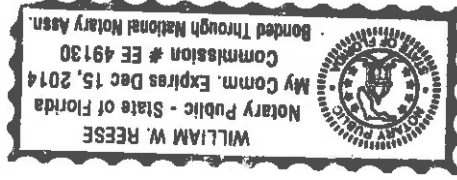
Subscribed and sworn to (or affirmed) before me on this 9/27/13 by
date

Name of Authorized Representative

He She is personally known to me or has presented _____ as identification.

William W Reese
Notary's Signature and Seal

Name of Acknowledger typed, printed or stamped



Commission Number, if any

Deed

Return to:

Name W. TED ERNST, JR. P.A.

Address 3104 FLAGLER AVENUE
KEY WEST, FL. 33040

MONROE COUNTY
OFFICIAL RECORDS

FILE #1 0 0 4 3 2 3
BK#1 4 5 7 PG#5 4 6

This Instrument Prepared by: W. TED ERNST, JR.

Address: 3104 FLAGLER AVENUE
KEY WEST, FL. 33040

RCD May 16 1997 09:23AM
DANNY L KOLHAGE, CLERK

Grantee name and S.S. # DANIEL J. CALABRO

DEED DOC STAMP 1260.00
05/16/1997 DEP CLK

Grantee Name and S.S.#

MTG DOC STAMP 525.00
05/16/1997 DEP CLK

This Indenture

Whenever used herein, the term "party" shall include the heirs, personal representatives, successors and/or assigns of the respective parties hereto; the use of the singular shall include the plural, and the plural the singular; the use of any gender shall include all genders; and, if used, the term "note" shall include all the notes herein described if more than one.

Made this 5th day of May A. D. 1997

Between, ANNE SWEENEY PISTORINO, a single woman, and JUDY A. LAKE, a single woman,

whose address is 2601 S. Roosevelt Blvd., #106-C, Key West, Florida 33040

of the County of Monroe, in the State of Florida, party of the first part, and DANIEL J. CALABRO,

whose address is 43 North Ferry Road, Shelter Island, New York 11964

of the County of Nassau, in the State of New York, party of the second part,

Witnesseth, that the said party of the first part, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION ----- Dollars to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part his heirs and assigns forever, the following described land, situate lying and being in the County of Monroe State of Florida, to wit:

A parcel of land in the City of Key West, Monroe County, Florida, known on William A. Whitehead's map of the Island of Key West, Florida, delineated in February A.D. 1829, as a part of Tract Four (4), but now better known as a part of Lot Three (3) in Square Two (2) of said Tract Four (4), according to Simonton and Wall's Addition to the City of Key West, Florida, and being more particularly described by metes and bounds as follows: Commencing at the Northwest corner of Simonton and Petronia Streets and running in a Northwesterly direction along the Westerly right-of-way line of Simonton Street for a distance of Twenty-two (22') feet; thence at right angles in a Southwesterly direction for a distance of Sixty-eight (68') feet; thence at right angles in a Southeasterly direction for a distance of Twenty-two (22') feet; thence at right angles along the Northerly right-of-way line of Petronia Street in a Northeasterly direction for a distance of Sixty-eight (68') feet back to the Point of Beginning.

SUBJECT TO taxes for the year 1997 and subsequent years.
SUBJECT TO easements, restrictions and reservations of record,
but this reference thereto shall not operate to reimpose same.

SUBJECT TO that certain Mortgage from Wardell, Ginnery & Bresmon, a Florida General Partnership, as tenants in partnership to Francisco E. Carpentier and Mark J. Donahue, single men over the age of 18 years, as joint tenants with rights of survivorship, in the original principal sum of \$175,000.00, dated December 18, 1989 and recorded in Official Record Book 1115, Page 224, and re-recorded in Official Record Book 1115, Page 1677; and Mortgage Modification Agreement between Francisco E. Carpentier and Mark J. Donahue; and Wardell, Ginnery & Bresmon, Trustees of the Aunt Lolly Trust, recorded September 9, 1994, in Official Record Book 1322, Page 1198, all of the Public Records of Monroe County, Florida, having a current principal balance of \$150,000.00, which the Grantor herein assumes and agrees to pay.

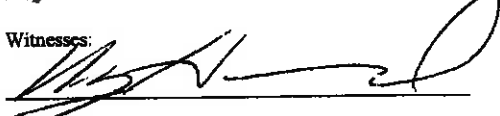
Property Appraiser's Parcel Identification Number: 00015800-000100

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

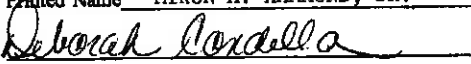
In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed, Sealed and Delivered in Our Presence:

Witnesses:




Printed Name MYRON H. HAMMOND, JR.



Printed Name DEBORAH CONDELLA

Printed Name _____

Printed Name _____


_____ L.S.


_____ L.S.

_____ L.S.

State of Florida

County of Monroe

The foregoing instrument was acknowledged before me this 5th day of May, 1997,
by ANNE SWEENEY PISTORINO and JUDY A. LAKE who is/are personally know to me or who has produced
FLORIDA DRIVER'S LICENSES as identification and who ~~did~~ (did not) take an oath.

DEBORAH A. CONDELLA
Notary Public, State of Florida
My Comm. Expires Mar 18, 1998
No. CC 953573
Bonded thru Official Notary Service


Signature

DEBORAH A. CONDELLA
Printed Name

Title

Serial #, if Any

WARRANTY DEED

MONROE COUNTY
OFFICIAL RECORDS

DRC Minutes / Comments

Minutes of the Development Review Committee

October 24, 2013

Approved on November 22, 2013

URBAN FORESTRY MANAGER:

This property has already had a tree permit processed for the relocation and removal of trees near the pool and United Street area of the property.

POLICE DEPARTMENT:

No comments.

HARC PLANNER:

Ms. Torregrosa asked the applicant if there were any exterior renovations, the applicant said no, just interior.

ENGINEERING:

Site Plan shows off-street parking space/concrete drive. Please coordinate curb-cut design and permit application with the Engineering Department. Pursuant to Sec. 108-611, the parking area shall not be gravel.

Please be advised that a wood pole located at the proposed United Street parking area serves the adjacent property. Indicate whether this service pole will impact the parking area.

FIRE DEPARTMENT:

Mr. Barroso stated to maintain the 5ft setbacks and the smoke alarms have to be in the main residence and the detached habitable space.

BUILDING OFFICIAL:

Mr. Wampler stated that the property was in the AE7 flood zone elevation, so the change of use might change.

SUSTAINIBILITY COORDINATOR:

No comments.

KEYS ENERGY:

No comments.

- 2. Alcohol Sales Special Exception – 728 Simonton Street (RE# 00015800-000100; AK# 1016187) – 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 Neighborhood Commercial – Truman/Simonton (HNC-1) Zoning District pursuant to Section 18-28(b) of the Code of Ordinances of the City of Key West, Florida.**

Mr. Bond gave members an overview of the variance request.

DRC Member Comments:

ART IN PUBLIC PLACES:

No comments.

Minutes of the Development Review Committee

October 24, 2013

Approved on November 22, 2013

URBAN FORESTRY MANAGER:

No Comments.

POLICE DEPARTMENT:

Mr. Torrence stated that the applicant be clear on the rules and regulations of alcohol sales; no open containers leaving the property and consumption must remain on the premises.

HARC PLANNER:

Ms. Torregrosa asked the applicant if signage was going to be added and the applicant stated no.

ENGINEERING:

No comments.

FIRE DEPARTMENT:

No comments.

BUILDING OFFICIAL:

No comments.

SUSTAINABILITY COORDINATOR:

No comments.

KEYS ENERGY:

No comments.

3. **Conditional Use – 3112-3118 Flagler Avenue (RE# 00069090-000000; AK# 1072982) – A** request for conditional use approval to allow approximately 10,000 square feet of commercial retail use within an existing building on property located within the Limited Commercial (CL) Zoning District pursuant to Section 122-388 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida.

Mr. Bond gave members an overview of the variance request.

The applicant, Owen Trepanier of Owen Trepanier and Associates, gave members an overview of the request.

DRC Member Comments:

ART IN PUBLIC PLACES:

No Comments.

URBAN FORESTRY MANAGER:

No Comments.

Property Appraiser Information

Monroe County Property Record Card (001)

Alternate Key: 1016187

Roll Year 2013

Effective Date: 9/25/2013 10:45:40 AM

Run: 09/25/2013 10:48 AM

CALABRO, DANIEL J
 CARE OF: HERZOG AND LITTLE CPA
 PO BOX 1857 STE H
 BRIDGEHAMPTON NY 11932-1857

Parcel 00015800-000100-06-68-25 **Nbhd** 32080
Alt Key 1016187 **Mill Group** 10KW
Affordable Housing No **PC** 1200
FEMA Injunction
Inspect Date May 24, 2012 **Next Review**
Business Name
Physical Addr 728 SIMONTON ST, KEY WEST

Associated Names

<u>Name</u>	<u>DBA</u>	<u>Role</u>	<u>% Own</u>
CALABRO, DANIEL J		Owner	100.00000
HERZOG AND LITTLE CPA,		C/O	

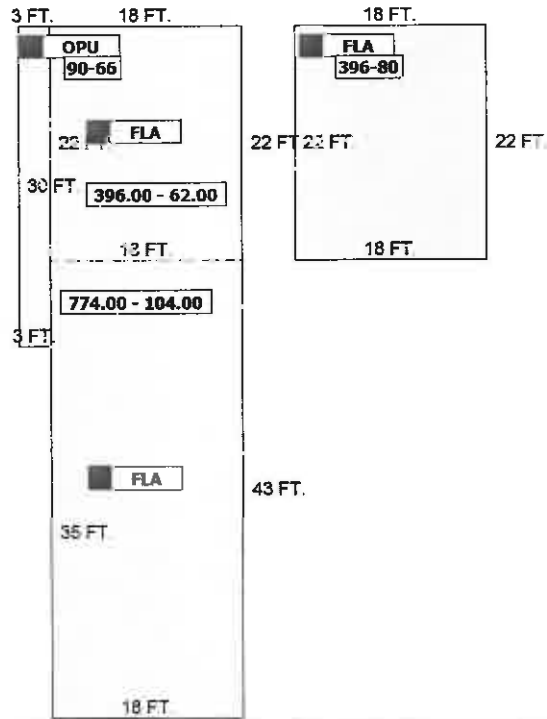
Legal Description

SQR 2 PT LT 3 KEY WESTTR 4 OR550-230 OR795-2142/43 OR979-1669R/S OR1115-223 OR1115-1676C OR1194-1558/59 OR1247-1789/91 OR1247-1792C OR1324-1125/26ORD OR1327-787/790 OR1457-546/547

Land Data 1.

<u>Line ID</u>	<u>Use</u>	<u>Front</u>	<u>Depth</u>	<u>Notes</u>	<u># Units</u>	<u>Type</u>	<u>SOH %</u>	<u>Rate</u>	<u>Depth</u>	<u>Loc</u>	<u>Shp</u>	<u>Phys</u>	<u>Class</u>	<u>ROGO</u>	<u>Class Value</u>	<u>Just Value</u>
1735	100D	22	68	No	1,496.00	SF	0.00	60.00	1.00	1.00	1.00	1.35		N	0	121,203
Total Just Value															121,203	

Building Sketch 39670



Building Characteristics

Building Nbr	1	Building Type	0	Perimeter	246	Functional Obs	0.00
Effective Age	26	Condition	A	Depreciation %	0.33	Economic Obs	0.00
Grnd Floor Area	1566	Quality Grade	400	Year Built	1943		
Fireplaces	0	3 Fix Bath	0	5 Fix Bath	0	7 Fix Bath	0
2 Fix Bath	1	4 Fix Bath	0	6 Fix Bath	0	Extra Fix	15

Sections

Type	Number	Wall Height	# Stories	Year Built	% Finished	Area	Sketch ID	SOH %
FLA	1	10	1	1942		396	000	0.00
FLA	2	8	1	1942		774	001	0.00
OPU	3	0	1	1999		90	002	0.00
FLA	4	8	1	1942		396	003	0.00

Interior Finish

Exterior Finish

Sec Nbr	Int Nbr	Description	Area %	Sprinkler	A/C	Total RCN	Ext Nbr	Wall Type	Area %	Wall Rate	RCN
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Monroe County Property Record Card (001)

Alternate Key: 1016187

Roll Year 2013

Effective Date: 9/25/2013 10:45:40 AM

Run: 09/25/2013 10:48 AM

1	2802	APTS-A	100.00	N	Y	741	C.B.S.	75.00	16	0
2	2803	REST/CAFET-A-	100.00	N	Y	740	AVE WOOD SIDING	25.00	11	0
4	2804	APTS-A	100.00	N	Y					

Miscellaneous Improvements

Nbr	Impr Type	# Units	Type	SOH %	Length	Width	Year Built	Roll Year	Grade	Life	RCN	Depr Value
2	AC2:WALL AIR COND	1	UT	0.00	0	0	1991	1992	2	20	500	200
1	FN2:FENCES	222	SF	0.00	0	0	1975	1976	4	30	2,109	844
Total Depreciated Value											1,044	

Appraiser Notes

TPP8943166-RENTAL 8536798-DOROTHY'S DELI

Building Permits

Bldg	Number	Date issued	Date Completed	Amount	Description	Notes
	B943538	Oct 1 1994 12:00AM	Aug 1 1995 12:00AM	1,200		PAINT EXTERIOR OF BLDG
	9801100	Apr 8 1998 12:00AM	Jan 1 1999 12:00AM	1,500	Commercial	INTERIOR DEMOLITION
	9802551	Sep 1 1998 12:00AM	Jan 1 1998 12:00AM	1,500	Commercial	SIGN
	9802551	Aug 28 1998 12:00AM	Jan 1 1999 12:00AM	1,500	Commercial	PAINT FRONT BLDG
	0103840	Dec 3 2001 12:00AM	Oct 3 2002 12:00AM	600		INSTALL GREASE TRAP
	04-1795	Jun 20 2004 12:00AM	Sep 21 2004 12:00AM	62,150		RENOVATIONS

Just Value

Bldg ID	Building Value	Land	Value
39670	188,631		121,203
		Bldg	188,631
		Misc	1,044
		Just	310,878

Value

Value Method	Market Oriented Cost	Special Use Code

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Value History

Tax Year	Val Meth	Just Land	Class Land	Building	Misc	Just	Assessed Value	Exempt	Sr Ex	Tax Value
2013F	C	121,203	0	188,631	1,044	310,878	310,878	0	N	310,878
2012F	C	121,203	0	188,631	1,044	310,878	310,878	0	N	310,878
2011F	C	121,203	0	197,077	1,044	319,324	319,324	0	N	319,324
2010F	C	112,575	0	197,077	1,044	310,696	310,696	0	N	310,696
2009F	C	246,250	0	208,338	1,044	455,632	444,248	0	N	455,632
2008F	C	194,480	0	208,338	1,044	403,862	403,862	0	N	403,862
2007F	C	224,400	0	146,586	1,044	372,030	372,030	0	N	372,030
2006F	C	142,120	0	146,586	1,044	289,750	289,750	0	N	289,750
2005F	C	127,160	0	146,586	1,044	274,790	274,790	0	N	274,790
2004F	O	104,720		126,562	1,044	204,429	204,429	0	N	204,429
2003F	O	37,400		126,562	1,069	204,429	204,429	0		204,429
2002F	O	37,400		125,595	1,094	194,694	194,694	0		194,694
2001F	O	37,400		125,595	1,119	194,694	194,694	0		194,694
2000F	I	32,912		125,595	478	168,655	168,655	0		168,655
1999F	I	32,912		125,595	503	168,655	168,655	0		168,655
1998F	I	32,912		83,926	528	168,655	168,655	0		168,655
1997F	I	29,920		83,905	553	168,655	168,655	0		168,655
1996F	I	29,920		76,277	578	168,655	168,655	0		168,655
1995F	I	29,920		76,277	603	168,655	168,655	0		168,655
1994F	I	29,920		76,277	628	129,087	129,087	25,000		104,087
1993F	I	29,920		76,277	247	129,087	129,087	25,000		104,087
1992F	I	29,920		76,277	247	129,087	129,087	25,000		104,087
1991F	I	29,920		76,277	247	129,087	129,087	0		129,087
1990F	I	22,814		76,494	247	129,087	129,087	0		129,087
1989F	C	22,440		65,428	247	88,115	88,115	25,000		63,115
1988F	C	19,448		62,014	247	81,709	81,709	25,000		56,709
1987F	C	13,090		60,706	247	74,043	74,043	25,000		49,043
1986F	C	12,566		41,546	247	54,359	54,359	0		54,359
1985F	C	12,566		38,671	247	51,484	51,484	0		51,484
1984F	C	12,566		38,042	247	50,855	50,855	0		50,855
1983F	C	6,358		38,042	247	44,647	44,647	0		44,647

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1982F	C	4,967	32,043	247	37,257	37,257	0	37,257
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Sales History

Book	Page	Sale Date	Instrument	Transfer Code	Q/ U	Vacant	Sale Price
795	2142	8/1/1979	Conversion Code	0	Q		58,300
979	1669	6/1/1986	Warranty Deed	0	Q		100,000
1115	223	12/1/1989	Warranty Deed	0	U		325,000
1327	0787	10/1/1994	Warranty Deed	0	Q		230,000
1457	0546	5/1/1997	Warranty Deed	0	Q		180,000

Total Values

		(Classified Value + Non-Ag Land Just Value)							
Bldg Value	188,631	Misc Value	1,044	Land Value	121,203	Classified Value	121,203	New Const Value	0
Total Just Value	310,878	Total Expt Value	0	Taxable Value	310,878	Prev Tax Value	310,878	Previous Just	310,878

Public Notices
(radius map & mailing list)

Public Meeting Notice

The Key West Planning Board will hold a public hearing at 6:00 p.m., January 16, 2014 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:

Alcohol Sales Special Exception – 728 Simonton Street (RE# 00015800-000100; AK# 1016187) – 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 Neighborhood Commercial – Truman/Simonton (HNC-1) Zoning District pursuant to Section 18-28(b) of the Code of Ordinances of the City of Key West, Florida.

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.

THIS NOTICE CAN NOT BE REMOVED FROM THE SITE UNTIL AFTER PLANNING BOARD DETERMINATION

YOU ARE WITHIN 300 FEET OF THE SUBJECT PROPERTY

The City of Key West Planning Board will be holding a Public Hearing:

Request: **Alcohol Sales Special Exception – 728 Simonton Street (RE# 00015800-000100; AK# 1016187)** – 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 Neighborhood Commercial – Truman/Simonton (HNC-1) Zoning District pursuant to Section 18-28(b) of the Code of Ordinances of the City of Key West, Florida.

Applicant/Owner: **Terry G. Jones**

Project Location: 728 Simonton

Date of Hearing: Thursday, January 16, 2014

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(s) and be heard with respect to the applications. Packets can be viewed online at 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 Stacy L. Gibson at sgibson@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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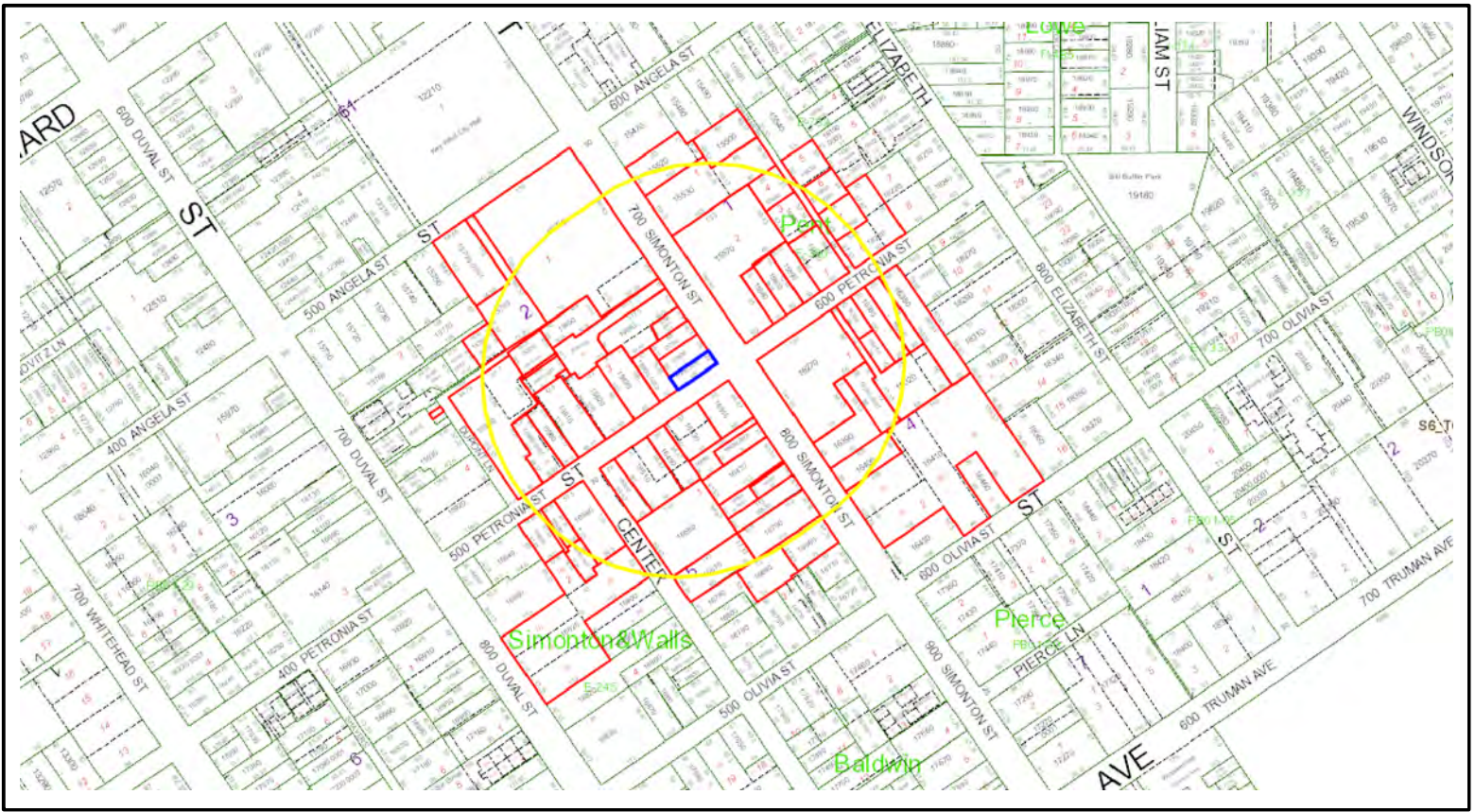
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Monroe County, Florida

728 Simonton

Printed: Dec 27, 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.



NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
THE GARDENS ANNEX LLC	526 ANGELA ST		KEY WEST	FL	33040-7433	
SAINT PETER'S EPISCOPAL CHURCH OF KW FL INC	800 CENTER ST		KEY WEST	FL	33040-7435	
ANGELA PETRONIA LLC	609 PETRONIA ST		KEY WEST	FL	33040-7428	
MARTINEZ ROSALIA	612 PETRONIA ST REAR		KEY WEST	FL	33040-7482	
GARCIA ISABEL HERNANDEZ	820 SIMONTON ST		KEY WEST	FL	33040-7446	
KEY WEST CONCH HOUSE INC	2101 CHELSEA DR NW		WILSON	NC	27896-1476	
WHITMARSH LANE LLC	720 WHITMARSH LN		KEY WEST	FL	33040-7431	
CALABRO DANIEL J	PO BOX 1857 STE H		BRIDGEHAMPTON	NY	11932-1857	
OTTO ROGER A	1444 KENNEDY DR		KEY WEST	FL	33040-4008	
MERLINN INN INC	811 SIMONTON ST		KEY WEST	FL	33040-7445	
MCCHESNEY RICHARD J	618 PETRONIA ST		KEY WEST	FL	33040-7483	
KAMRADT RICHARD	2049 CENTURY PARK E STE 3600		LOS ANGELES	CA	90067-3210	
THOMAS TROY D	30064 ADAMS LN		WESTLAKE	OH	44145-6425	
MYAING RAMON T AND MARTHA E	20315 ROSETHORN AVE		GAITHERSBURG	MD	20882	
HETTINGER BETTY	323 QUAKER HILL RD		PAWLING	NY	12564-3339	
KW 535 LLC	512 WOODLAND RD		PITTSBURGH	PA	15237	
WHYMS ROBERT JR AND THELMA L	612 PETRONIA ST		KEY WEST	FL	33040-7482	
NATHAN ANN L REV TR 07/13/2005	26115 CLARKSBURG RD		CLARKSBURG	MD	20871-9409	
WARE LUCIE A L/E	720 SIMONTON ST		KEY WEST	FL	33040-7475	
AKERS ROGER W	HC 62 BOX 42		RATON	NM	87740-9702	
MALSIN ELAINE 2006 REV TRUST 09/18/2006	522 PETRONIA ST		KEY WEST	FL	33040-7466	
SEA SHELL COTTAGE LLC	620 SW RIVERLAND CT		FT WHITE	FL	32038	
CALDERWOOD STEVEN G	812 SIMONTON ST (REAR)		KEY WEST	FL	33040	
FORD KATHLEEN	2801 STAPLES AVE		KEY WEST	FL	33040-4040	
MCMILLIN KAY ANN	1007 VONPHISTER ST		KEY WEST	FL	33040-4829	
ETSHMAN BRUCE ALAN	3713 CINDY AVE		KEY WEST	FL	33040-4407	
MAY AASE B	6421 COLONY WAY APT 2B		MINNEAPOLIS	MN	55435-2230	
GRABOWSKI CHESTER TRUST 10/12/2011	533 PETRONIA ST		KEY WEST	FL	33040-7440	
FOOTE AMY L	1660 SILVERADO DR		ROCKLEDGE	FL	32955-6130	
LANCASTER JAMES R LIVING TRUST 5/28/2010	515 PETRONIA ST		KEY WEST	FL	33040-7440	
SHAGENA LINDA L LIVING TRUST 09/28/1989	726 SIMONTON ST		KEY WEST	FL	33040-7475	
800 SIMONTON LLC	121 US HIGHWAY 1 STE 103		KEY WEST	FL	33040-5456	
HOPPA SCOTT J AND KAREN I	4316 PEBBLE SHORE DR		OPELIKA	AL	36804-4212	
SOBELMAN WALTER AND HILDA	526 PETRONIA ST		KEY WEST	FL	33040-7466	

NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
TRINITY WESLEYAN METHODIST CHURCH	808 ELIZABETH ST		KEY WEST	FL	33040-6404	
FRANSE TED H 2011 LIV TR 9/22/2011	4500 MARTSMITH WAY		FAIR OAKS	CA	95628-6332	
FILASKI VINCENT AND FLORENCE	131 SAINT JOHNS RD		RIDGEFIELD	CT	06877-5524	
DOUP ROSE AHRENS REVO INTERVIVOS TRUST 1/29/2002	869 LIMPET DR		SANIBEL	FL	33957-3805	
ALCALA ADOLPH JR	614 PETRONIA ST		KEY WEST	FL	33040-7482	
REILLY EDWARD T AND ANN MARIE	21 STATE RD		BREEZY POINT	NY	11697-2203	
GARDENS OF KEY WEST LLC THE	526 ANGELA ST		KEY WEST	FL	33040-7433	
FLETCHER JAMES C	1038 QUARRIER ST		CHARLESTON	WV	25301-2307	
FRANSE TED LIVING TRUST 9/22/11	4500 MARTSMITH WAY		FAIR OAKS	CA	95628-6332	
GARCIA GREGORIO AND ISABEL	820 SIMONTON ST		KEY WEST	FL	33040-7446	
FOOTE AMY	1660 SILVERADO DR		ROCKLEDGE	FL	32955-6130	
DISGDIERTT SHEILA	616 PETRONIA ST		KEY WEST	FL	33040-7482	
LAWSON LESTER AND HERTISCINE FAMILY TR	2731 WRIGHT AVE		PINOLE	CA	94564-1075	
BRAY JOHN AND ELIZABETH	3 MILLER'S COURT		CHISWICK MALL	LOND	W4 2PF	ENGLAND
WALTERS CHARLES D AND STEPHANIE A	525 DU PONT LN		KEY WEST	FL	33040-7458	
TRINITY PRESBYTERIAN CHURCH OF KEY WEST INC	PO BOX 6471		KEY WEST	FL	33041-6471	
PARADISE INN HOSTEL LLC	307 NE 1ST ST		MIAMI	FL	33132-2505	
HECHT BERNARD R	913 WHITE ST		KEY WEST	FL	33040-3355	
DEMESSIANOS PAUL	708 WHITMARSH LN		KEY WEST	FL	33040-7431	
VERGIL ENTERPRISES LLC	438 N CANAL ST		CHICAGO	IL	60654-8873	
GARCIA MANUEL E AND ANITA	30 EVERGREEN AVE		KEY WEST	FL	33040-6244	
BENNER MICHAEL E	517 PETRONIA ST		KEY WEST	FL	33040-7440	