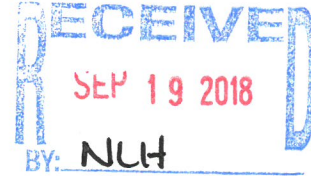


\_\_\_\_\_  
BRETT TYLER SMITH

September 19, 2018



**VIA HAND DELIVERY**

Patrick Wright  
Director of Planning  
City of Key West Planning Department  
1300 White Street  
Key West, Florida 33040

**RE: Conditional Use Amendment Application  
821 Duval Street, Key West, Florida**

Dear Mr. Wright:

This is an application to amend an existing conditional use permit for the property located at 821 Duval Street, Key West, Florida, 33040 (“Property”). The Property has been and is currently operated as a beer and wine bar, since 2011, named “Little Room Jazz Club.” The establishment operates pursuant to Planning Board Resolution Number 2011-061, which approved the conditional use of the beer and wine bar. The Applicant seeks to incorporate a 5COP liquor license allowing the sale of spirits on the Property.

**Existing development is depicted in the attached surveys and plans, including:**

- Size of Site
- Buildings
- Structures
- Adjacent Buildings

**Proposed development is depicted in attached plans prepared by licensed engineers, including:**

- Consumption areas/floor plan
- Buildings

**Key persons and entities involved:**

- Owner of Property: SUBA 821, LLC
- Owner of Business: Little Room Jazz Club, LLC
- Authorized Agent: Wayne LaRue Smith, Esq.

**Site Data:**

There will not be any changes to this site related to this conditional use amendment application.

**Additional Project information:**

The Applicant, Little Room Jazz Club, LLC, (“Little Room”) currently operates a beer and wine bar, with live jazz music nightly, at 821 Duval Street, Key West, Florida 33040. Little Room is proposing to add a 5COP liquor license to the Property allowing it to sell spirits, in addition to beer and wine.

**Specific Criterial for Conditional Use Approval:**

- **Characteristics of Proposed Use as differentiated from the existing Conditional Use Permit:**
  - **Scale and intensity of the proposed conditional use as measured by the following:**
    - a) **Floor Area Ratio:** No Change from original conditional use application
    - b) **Traffic Generation:** No Change from original conditional use application.
    - c) **Square Feet of enclosed building:** No change from original conditional use application.
    - d) **Proposed employment:** No change from original conditional use application.
    - e) **Proposed number and type of service vehicles:** The applicant expects the addition of one service delivery per week from service providers who are currently serving other establishments in the Duval Street corridor.
    - f) **Off-Street Parking Needs:** No change from original conditional use application. Additionally, the site is within the historic commercial pedestrian-oriented area, pursuant to Section 108-573(c) of the City Code.
  - **On or Off Site improvement needs generated by the proposed conditional:**
    - a) **Utilities:** No changes are required.
    - b) **Public Facilities:** This Application does not invoke the need of concurrency management pursuant to Chapter 94 of the Land Development Regulations as

this Application is only for conditional use amendment and not a development plan.

- c) **Roadway or signalization improvements or other similar improvements:** This Application does not require the need for any roadway signalization improvements, or other similar improvements.
  - d) **Accessory structures or facilities:** This Application does not seek to add any accessory structures or facilities.
  - e) **Other unique facilities/structures proposed as part of site improvements:** This Application does not seek to add any unique facilities or structures. Nothing on the site will change from its current configuration.
- o **On-Site Amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:**
    - a) **Open space:** There will be no change to the open space of the Property.
    - b) **Setbacks from adjacent properties:** There are no changes to existing setbacks.
    - c) **Screening and buffers:** There will be no change to the screening and buffers on the Property.
    - d) **Landscaped berms proposed to mitigate against adverse impacts to adjacent sites:** There are no proposed landscape berms as part of this Application.
    - e) **Mitigative techniques for abating smoke, odor, noise and other noxious impacts:** No changes from the original conditional use permit.
  - o **Criteria for conditional use review and approval:**
    - a) **Land Use Compatibility:** The proposed use of the Property is compatible with Section 122-686 of the Land Development Regulations. The Property is located in the Duval Street Oceanside District (HRCC-3). The HRCC-3 is characterized as a center for arts, crafts, gifts, designer goods, restaurants, and tourist accommodations. The proposed use is an existing full service bar serving beer, wine and liquor that complements the surrounding uses, which include neighboring guest houses, specialty shops and sidewalk-oriented restaurants and bars such as The Duval House, Croissants de France, Vino's

on Duval, 801 Bar, Le Petit Paris and the Casablanca hotel and pub. The proposal subject to this application is permitted as a conditional use pursuant to Section 122-748(9) "Bars and lounges...".

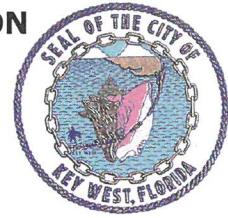
- b) **Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use:** The existing site and infrastructure are adequate to accommodate the proposed use. The site has been operated as a bar for approximately seven years and has more than enough size and infrastructure to accommodate the serving of liquor on the Property.
- c) **Proper Use of Mitigative Techniques:** The applicant is maintaining the no outdoor music condition in order to minimize noise. The addition of a 5COP liquor license will not otherwise invoke the need for additional mitigation.
- d) **Hazardous Waste:** The proposed use will not create negative impacts that require disposal of hazardous waste.
- e) **Compliant with Applicable Law and Ordinances:** The use will comply with all state, local and federal regulations.
- f) **Additional Criteria Applicable to Specific Land Uses:** The proposed conditional use does not fall within a conservation area nor does it provide for development in any of the enumerated areas pursuant to Chapter 122-62 of the Land Development Regulations.

Sincerely,



Wayne LaRue Smith

**DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION**  
City of Key West Planning Department  
1300 White Street, Key West, FL 33040  
(305) 809-3720



**Development Plan & Conditional Use Application**

**Applications will not be accepted unless complete**

Development Plan

Major   
Minor

Conditional Use

Historic District

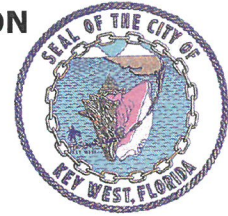
Yes   
No

Please print or type:

- 1) Site Address 821 Duval Street
- 2) Name of Applicant Wayne LaRue Smith
- 3) Applicant is: Owner  Authorized Representative   
(attached Authorization and Verification Forms must be completed)
- 4) Address of Applicant 509 Whitehead Street  
Key West, Florida 33040
- 5) Applicant's Phone # 305-296-0029 Email wsmith@thesmithlawfirm.com
- 6) **Email Address:** wsmith@thesmithlawfirm.com
- 7) Name of Owner, if different than above SUBA 821, LLC
- 8) Address of Owner 2226 Harris Avenue #2
- 9) Owner Phone # 305-602-7706 Email jbeeman@subamanagement.com
- 10) Zoning District of Parcel HRCC-3 RE# 00016820-000000
- 11) Is Subject Property located within the Historic District? Yes  No   
If Yes: Date of approval \_\_\_\_\_ HARC approval # \_\_\_\_\_  
OR: Date of meeting \_\_\_\_\_
- 12) Description of Proposed Development and Use. Please be specific, list existing and proposed buildings and uses, number of dwelling units, parking, restaurant seats, vehicles proposed, etc. If there is more than one use, describe in detail the nature of each use (Give concise description here and use a separate sheet if necessary).

Amend conditional use (COKW Resolution 2011-061) for beer and wine bar to add  
5COP full liquor license. Please see attached.

**DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION**  
**City of Key West Planning Department**  
**1300 White Street, Key West, FL 33040**  
**(305) 809-3720**



13) Has subject Property received any variance(s)? Yes  No

If Yes: Date of approval \_\_\_\_\_ Resolution # \_\_\_\_\_

Attach resolution(s).

14) Are there any easements, deed restrictions or other encumbrances on the subject property?

Yes  No

If Yes, describe and attach relevant documents.

\_\_\_\_\_

\_\_\_\_\_

- A. For both *Conditional Uses* and *Development Plans*, provide the information requested from the attached **Conditional Use and Development Plan** sheet.
- B. For *Conditional Uses* only, also include the **Conditional Use Criteria** required under Chapter 122, Article III, Sections 122-61 and 122-62 of the Land Development Regulations (see attached copy of criteria).
- C. For *Major Development Plans* only, also provide the **Development Plan Submission Materials** required under Chapter 108, Article II, Division 7, Sections 108-226 through 108-248 of the Land Development Regulations (see attached copy of criteria) and any additional information as determined by the Planning Staff.
- D. For both *Conditional Uses* and *Development Plans*, one set of plans **MUST** be signed & sealed by an Engineer or Architect.

**Please note, development plan and conditional use approvals are quasi-judicial hearings and it is improper to speak to a Planning Board member or City Commissioner about the project outside of the hearing.**

**DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION**  
**City of Key West Planning Department**  
**1300 White Street, Key West, FL 33040**  
**(305) 809-3720**



**Required Plans and Related Materials for both a Conditional Use and  
Minor/Major Development Plan**

**I. Existing Conditions.**

- A) Recent Survey of the site by a licensed Surveyor showing all dimensions including distances from property lines, and including:
  - 1) Size of site;
  - 2) Buildings, structures, and parking;
  - 3) FEMA Flood Zone;
  - 4) Topography;
  - 5) Easements; and
  - 6) Location of Utility Lines (sewer, water, electric, cable) adjacent and extending into the site.
- B) Existing size, type and location of trees, hedges, and other features.
- C) Existing stormwater retention areas and drainage flows.
- D) A sketch showing adjacent land uses, buildings, and driveways.

**II. Proposed Development: Plans at 11" X 17" (10,000 Sq. ft. or less); 24" X 36" if site is over 10,000 sq. ft.**

- A) Site Plan to scale of with north arrow and dimensions by a licensed architect or engineer.
  - 1) Buildings
  - 2) Setbacks
  - 3) Parking:
    - a. Number, location and size of automobile and bicycle spaces
    - b. Handicapped spaces
    - c. Curbs or wheel stops around landscaping
    - d. Type of pavement
  - 4) Driveway dimensions and material
  - 5) Location of Utility Lines (sewer, water, electric, cable) adjacent and extending into the site.
  - 6) Location of garbage and recycling
  - 7) Signs
  - 8) Lighting
  - 8) Project Statistics:
    - a. Zoning
    - b. Size of site
    - c. Number of units (or units and Licenses)
    - d. If non-residential, floor area & proposed floor area ratio
    - e. Consumption area of restaurants & bars
    - f. Open space area and open space ratio
    - g. Impermeable surface area and impermeable surface ratio
    - h. Number of automobile and bicycle spaces required and proposed
- B) Building Elevations
  - 1) Drawings of all building from every direction. If the project is in the Historic District please submit HARC approved site plans.
  - 2) Height of building.
  - 3) Finished floor elevations and bottom of first horizontal structure
  - 4) Height of existing and proposed grades
- C) Drainage Plan: Existing & Proposed retention areas and calculations approved by the City Engineer. See one of the attached commercial and residential use Stormwater Retention Forms.
- D) Landscape Plan: Size, type, location and number of plants to be removed, kept, and installed. The plan must be approved by the City Landscape Coordinator through a letter of approval. If the project is a Major Development Plan a landscape design prepared by a licensed Landscape Architect is required per Section 108-511(b) of the Land Development Regulations.

**DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION**  
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III. **Solutions Statement.** Aspects of the design that address community issues including but not limited to water pollution from stormwater runoff, potable water conservation, waste disposal, recycling, energy conservation, affordable housing, and impacts on neighbors such as lighting, noise, traffic and parking.

**Development Plan Submission Materials**

**Sec. 108-226. Scope.**

A development plan, for the purposes of this division, shall include but not necessarily be limited to the requirements in this division. With the exception of sections 108-227 through 108-229, the city planner may waive or modify requirements, information and specific performance criteria for development plan review after rendering a finding in writing that such requirements:

- (1) Are not necessary prior to development plan approval in order to protect the public interest or adjacent properties;
- (2) Bear no relationship to the proposed project or its impacts; and
- (3) Are found to be impractical based on the characteristics of the use, including the proposed scale, density/intensity, and anticipated impacts on the environment, public facilities and adjacent land uses.

**Sec. 108-227. Title block.**

The development plan shall contain the following pertaining to the title block:

- (1) Name of development.
- (2) Name of owner/developer.
- (3) Scale.
- (4) North arrow.
- (5) Preparation and revision date.
- (6) Location/street address of development.

**Sec. 108-228. Identification of key persons.**

The development plan shall contain the following pertaining to identification of key persons:

- (1) Owner.
- (2) Owner's authorized agent.
- (3) Engineer and architect.
- (4) Surveyor.
- (5) Landscape architect and/or environmental consultant.
- (6) Others involved in the application.
- (7) A verified statement showing each and every individual person having a legal and/or equitable ownership interest in the subject property, except publicly held corporations whose stock is traded on a nationally recognized stock exchange, in which case the names and addresses of the corporation and principal executive officers together with any majority stockholders will be sufficient.

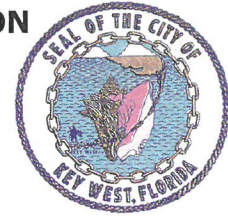
**Sec. 108-229. Project description.**

Project description should be included on the site plan sheet. The development plan shall contain the following pertaining to the project description:

- (1) Zoning (include any special districts).
- (2) Project site size (acreage and/or square footage).
- (3) Legal description.
- (4) Building size.
- (5) Floor area ratio, permitted and proposed.
- (6) Lot coverage, permitted and proposed.
- (7) Impervious surface.
- (8) Pervious surface.
- (9) Landscape areas.



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**1300 White Street, Key West, FL 33040**  
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- (10) Parking spaces, permitted and proposed.
- (11) Delineation of location of existing and proposed structures.
- (12) Existing and proposed development type denoted by land use including density/intensity.
- (13) Setbacks.

**Sec. 108-230. Other project information.**

A general outline of the proposed development shall include the following criteria where applicable:

- (1) Proposed stages or phases of development or operation and facility utilization.
- (2) Target dates for each phase.
- (3) Expected date of completion.
- (4) Proposed development plan for the site.
- (5) A written description of characteristics of the proposed development (i.e., number and type of residential units; floor area by land use; number of tourist accommodations units; seating or parking capacities; number of hospital beds; any proposed outside facilities or areas to be used for storage, display, outside sales, waste disposal or similar use; and any other proposed uses).
- (6) For planned unit developments, indicate design techniques (i.e., clustering, zero lot line, or other techniques) used to reduce public facility costs, reduce disturbance of natural resources, and preserve scenic quality of the site.
- (7) Buildings and sitting specifications which shall be utilized to reduce damage potential and to comply with federal flood insurance regulations.
- (8) Protection against encroachment together with proposed mitigation measures to be employed within environmentally sensitive areas.

**Sec. 108-231. Residential developments.**

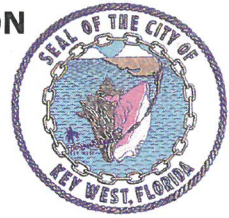
- (a) If the development includes residential units, the following characteristics shall be discussed in the written description:
  - (1) A breakdown of the proposed residential units by number of bedrooms;
  - (2) Tenure (i.e., owner-occupied or rental); and
  - (3) Structure type, such as single-family, duplex, multiple-family, mobile home.
- (b) Refer to division 10 of article V of chapter 122 for information and legal instruments needed to satisfy the city's affordable housing requirements.

**Sec. 108-232. Intergovernmental coordination.**

The development plan shall contain the following pertaining to intergovernmental coordination:

- (1) Provide proof of coordination with applicable local, regional, state and federal agencies, including but not limited to the following agencies that will be involved in the project:
  - a. South Florida Regional Planning Council (SFRPC).
  - b. City electric system (CES).
  - c. State department of environmental protection (DEP).
  - d. Army Corps of Engineers (ACOE).
  - e. South Florida Water Management District (SFWMD).
  - f. State department of transportation (DOT).
  - g. State department of community affairs (DCA).
  - h. Florida Keys Aqueduct Authority (FKAA).
  - i. State fish and wildlife conservation commission (F&GC).
  - j. The county.
- (2) Provide evidence that any necessary permit, lease or other permission from applicable local, regional, state and federal agencies has been obtained for any activity that will impact wetland communities or submerged land.
- (3) When intergovernmental coordination efforts are incomplete, the applicant shall provide evidence of good faith efforts towards resolving intergovernmental coordination issues.

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**City of Key West Planning Department**  
**1300 White Street, Key West, FL 33040**  
**(305) 809-3720**



**CONDITIONAL USE CRITERIA**

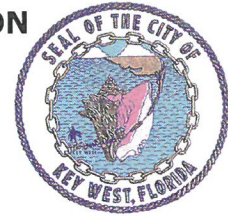
**Sec. 122-61. Purpose and intent.**

The purpose of this article is to ensure that a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity. This article sets forth provisions and criteria for consideration of conditional uses on specific sites. Conditional uses shall be permitted only upon a finding that the proposed use satisfies this article.

**Sec. 122-62. Specific criteria for approval.**

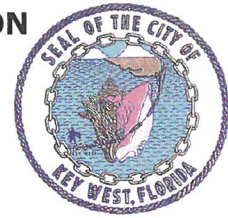
- (a) Findings. A conditional use shall be permitted upon a finding by the planning board that the proposed use, application and, if applicable, development plan comply with the criteria specified in this section, including specific conditions established by the planning board and or the city commission during review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations. If the proposed conditional use is a major development pursuant to sections 108-165 and 108-166, the city commission shall render the final determination pursuant to section 122-63. A conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public's interest. An application for a conditional use shall describe how the specific land use characteristics proposed meet the criteria described in subsection (c) of this section and shall include a description of any measures proposed to mitigate against possible adverse impacts of the proposed conditional use on properties in the immediate vicinity.
- (b) Characteristics of use described. The following characteristics of a proposed conditional use shall be clearly described as part of the conditional use application:
- (1) Scale and intensity of the proposed conditional use as measured by the following:
    - a. Floor area ratio;
    - b. Traffic generation;
    - c. Square feet of enclosed building for each specific use;
    - d. Proposed employment;
    - e. Proposed number and type of service vehicles; and
    - f. Off-street parking needs.
  - (2) On- or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection (b)(1) of this section including the following:
    - a. Utilities;
    - b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in chapter 94;
    - c. Roadway or signalization improvements, or other similar improvements;
    - d. Accessory structures or facilities; and
    - e. Other unique facilities/structures proposed as part of site improvements.
  - (3) On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:
    - a. Open space;
    - b. Setbacks from adjacent properties;
    - c. Screening and buffers;
    - d. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites; and
    - e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts.

**DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION**  
**City of Key West Planning Department**  
**1300 White Street, Key West, FL 33040**  
**(305) 809-3720**



- (c) Criteria for conditional use review and approval. Applications for a conditional use shall clearly demonstrate the following:
- (1) Land use compatibility. The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.
  - (2) Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use. The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure (i.e., refer to chapter 94 to ensure concurrency management requirements are met) and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.
  - (3) Proper use of mitigative techniques. The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.
  - (4) Hazardous waste. The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of city-approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The plan shall provide for appropriate identification of hazardous waste and hazardous material and shall regulate its use, storage and transfer consistent with best management principles and practices. No use which generates hazardous waste or uses hazardous materials shall be located in the city unless the specific location is consistent with the comprehensive plan and land development regulations and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources.
  - (5) Compliance with applicable laws and ordinances. A conditional use application shall demonstrate compliance with all applicable federal, state, county, and city laws and ordinances. Where permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The city may affix other conditions to any approval of a conditional use in order to protect the public health, safety, and welfare.
  - (6) Additional criteria applicable to specific land uses. Applicants for conditional use approval shall demonstrate that the proposed conditional use satisfies the following specific criteria designed to ensure against potential adverse impacts which may be associated with the proposed land use:
    - a. Land uses within a conservation area. Land uses in conservation areas shall be reviewed with emphasis on compliance with section 108-1 and articles III, IV, V, VII and VIII of chapter 110 pertaining to environmental protection, especially compliance with criteria, including land use compatibility and mitigative measures related to wetland preservation, coastal resource impact analysis and shoreline protection, protection of marine life and fisheries, protection of flora and fauna, and floodplain protection. The size, scale and design of structures located within a conservation area shall be restricted in order to prevent and/or minimize adverse impacts on natural resources. Similarly, public uses should only be approved within a wetland or coastal high hazard area V zone when alternative upland locations are not feasible on an upland site outside the V zone.
    - b. Residential development. Residential development proposed as a conditional use shall be reviewed for land use compatibility based on compliance with divisions 2 through 14 of article IV and divisions 2 and 3 of article V of this chapter pertaining to zoning district regulations, including size and dimension regulations impacting setbacks, lot coverage, height, mass of building, building coverage, and open space criteria. Land use compatibility also shall be measured by appearance, design, and land use compatibility criteria established in chapter 102; articles III, IV and V of chapter 108; section 108-956; and article II of chapter 110; especially protection of historic resources; subdivision of land; access, internal circulation, and off-

**DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION**  
**City of Key West Planning Department**  
**1300 White Street, Key West, FL 33040**  
**(305) 809-3720**



- street parking; as well as possible required mitigative measures such as landscaping and site design amenities.
- c. Commercial or mixed use development. Commercial or mixed use development proposed as a conditional use shall be reviewed for land use compatibility based on compliance with divisions 2 through 14 of article IV and divisions 2 and 3 of article V of this chapter pertaining to zoning district regulations, including size and dimension regulations impacting floor area ratio, setbacks, lot coverage, height, mass of buildings, building coverage, and open space criteria. Land use compatibility also shall be measured by appearance, design, and land use compatibility criteria established in chapter 102; articles I, II, IV and V of chapter 108; section 108-956; and article II of chapter 110; especially protection of historic resources; subdivision of land; access, pedestrian access and circulation; internal vehicular circulation together with access and egress to the site, and off-street parking; as well as possible required mitigative measures such as landscaping, buffering, and other site design amenities. Where commercial or mixed use development is proposed as a conditional use adjacent to U.S. 1, the development shall be required to provide mitigative measures to avoid potential adverse impacts to traffic flow along the U.S. 1 corridor, including but not limited to restrictions on access from and egress to U.S. 1, providing for signalization, acceleration and deceleration lanes, and/or other appropriate mitigative measures.
  - d. Development within or adjacent to historic district. All development proposed as a conditional use within or adjacent to the historic district shall be reviewed based on applicable criteria stated in this section for residential, commercial, or mixed use development and shall also comply with appearance and design guidelines for historic structures and contributing structures and/or shall be required to provide special mitigative site and structural appearance and design attributes or amenities that reinforce the appearance, historic attributes, and amenities of structures within the historic district.
  - e. Public facilities or institutional development. Public facilities or other institutional development proposed as a conditional use shall be reviewed based on land use compatibility and design criteria established for commercial and mixed use development. In addition, the city shall analyze the proposed site location and design attributes relative to other available sites and the comparative merits of the proposed site, considering professionally accepted principles and standards for the design and location of similar community facilities and public infrastructure. The city shall also consider compliance with relevant comprehensive plan assessments of community facility and infrastructure needs and location impacts relative to service area deficiencies or improvement needs.
  - f. Commercial structures, uses and related activities within tidal waters. The criteria for commercial structures, uses and related activities within tidal waters are as provided in section 122-1186.
  - g. Adult entertainment establishments. The criteria for adult entertainment establishments are as provided in division 12 of article V of this chapter.

# Verification Form

City of Key West  
Planning Department



Verification Form

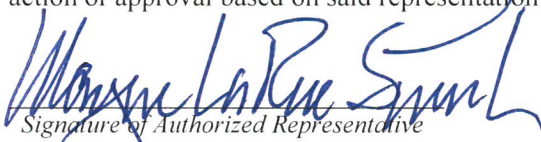
(Where Authorized Representative is an Individual)

I, Wayne LaRue Smith, Esq., 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:

**821 Duval Street, Key West, Florida**

*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.

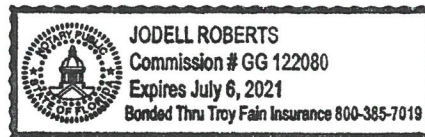
  
*Signature of Authorized Representative*

Subscribed and sworn to (or affirmed) before me on this September 19, 2018 by \_\_\_\_\_  
*date*

Wayne LaRue Smith  
*Name of Authorized Representative*

He/She is personally known to me or has presented \_\_\_\_\_ as identification.

  
*Notary's Signature and Seal*



**Jodell Roberts**  
*Name of Acknowledger typed, printed or stamped*

GG 122080  
*Commission Number, if any*

# Authorization Form

City of Key West  
Planning Department



Authorization Form  
(Where Owner is a Business Entity)

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

I, Suzanne D. Banks as  
*Please Print Name of person with authority to execute documents on behalf of entity*

Managing Member of SUBA 821, LLC  
*Name of office (President, Managing Member)* *Name of owner from deed*

authorize Wayne LaRue Smith, Esq.  
*Please Print Name of Representative*

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

*Suzanne D. Banks*  
*Signature of person with authority to execute documents on behalf on entity owner*

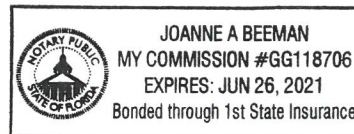
Subscribed and sworn to (or affirmed) before me on this 9-17-18  
*Date*

by Suzanne D. Banks  
*Name of person with authority to execute documents on behalf on entity owner*

He/She is personally known to me or has presented \_\_\_\_\_ as identification.

*Joanne A Beeman*  
*Notary's Signature and Seal*

Joanne A Beeman  
*Name of Acknowledger typed, printed or stamped*



GG118706  
*Commission Number, if any*



## Detail by Entity Name

Florida Limited Liability Company

SUBA 821 LLC

### Filing Information

**Document Number** L17000042019  
**FEI/EIN Number** 82-0649544  
**Date Filed** 02/22/2017  
**State** FL  
**Status** ACTIVE

### Principal Address

2226 HARRIS AVE  
UNIT 2  
KEY WEST, FL 33040

### Mailing Address

P.O. BOX 29  
KEY WEST, FL 33041

### Registered Agent Name & Address

THOMAS, DAVID J, III  
125 BUTLER STREET  
WEST PALM BEACH, FL 33407

### Authorized Person(s) Detail

#### **Name & Address**

Title AMBR

DION HOLDINGS LLC  
P.O. BOX 29  
KEY WEST, FL 33041

### Annual Reports

<b>Report Year</b>	<b>Filed Date</b>
2018	01/29/2018

### Document Images

[01/29/2018 -- ANNUAL REPORT](#) [View image in PDF format](#)

[02/22/2017 -- Florida Limited Liability](#) [View image in PDF format](#)



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

Deed

Doc# 2117021 04/03/2017 1:09PM  
Filed & Recorded in Official Records of  
MONROE COUNTY KEVIN MADOK

04/03/2017 1:09PM  
DEED DOC STAMP CL: Krys \$0.70

Record and return to:

Doc# 2117021  
Bk# 2347 Pg# 73

Paul Rampell, Esq.  
400 Royal Palm Way, Suite 410  
Palm Beach, FL 33480

Alternate Key Number:  
1017221

### WARRANTY DEED

THIS WARRANTY DEED is made this 1st day of April, 2017, between Dion Rental Properties, LLC, a Florida limited liability company, whose mailing address is 2226 Harris Avenue, Unit 2, Key West, FL 33040 ("Grantor") and Suba 821, LLC, a Florida limited liability company, whose mailing address is 2226 Harris Avenue, Unit 2, Key West, FL 33040 ("Grantee").

WITNESSETH: Grantor, for and in consideration of Ten Dollars (\$10.00) to Grantor in hand paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, and conveyed to Grantee, and Grantee's successors and assigns forever, certain real property in Monroe County, Florida, described as follows:

See Exhibit A attached hereto;

Together with all the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining;

Subject to valid conditions, covenants, limitations, restrictions, reservations and easements of record, which are not reimposed hereby; taxes for the year 2017 and subsequent years; and valid zoning restrictions imposed by any governmental or quasi-governmental authorities;

To have and to hold the same in fee simple forever.

Grantor hereby covenants with Grantee that Grantor is lawfully seized of said land in fee simple; that Grantor has good and lawful authority to sell and convey said land; and that Grantor hereby fully warrants title to said land and will defend the same against the lawful claims of all persons whomsoever.

Note to Recorder: This transfer is exempt from Florida documentary stamp tax pursuant to Florida Administrative Code, Sections 12B-4.013(28)(a) and 12B-4.014(2) and (4) as there is no consideration, no change in beneficial ownership, and the deed is the equivalent of a Personal Representative's Deed as the Grantor is solely owned by the Estate of Lawrence R. Dion and the Grantee is solely owned by the primary beneficiary of such Estate.

IN WITNESS WHEREOF, Grantor has signed these presents as of the day and year first written above.

Signed and delivered in our  
Presence:

Grantor:  
Dion Rental Properties, LLC

By: Dion Partnership, Ltd.,  
Managing Member

By: Larry Dion Corporation,  
General Partner

By: *Suzanne D. Banks*  
Suzanne D. Banks, President

*Joanne Beenan*  
Signature of First Witness

Joanne Beenan  
Printed Name of First Witness

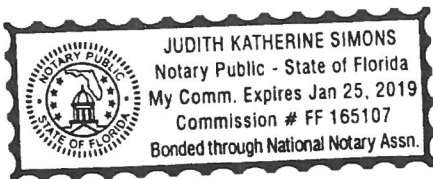
*Kristie Hernandez*  
Signature of Second Witness

Kristie Hernandez  
Printed Name of Second Witness

State of Florida

County of Monroe

The foregoing instrument was sworn to and subscribed and acknowledged before me this 1<sup>st</sup> day of April, 2017, by Suzanne D. Banks and she is personally known to me or produced reasonable proof of her identity.



*Judith Katherine Simons*  
Notary Public

SEAL:

EXHIBIT A

(Alternate Key Number 1017221)

On the Island of Key West and known as Part of Lot 4, Square 5, of Tract 4, Simonton and Well's Addition to the City of Key West, according to the Plat thereof recorded in Deed Book E, Page 245, of the Public Records of Monroe County, Florida.

Beginning at the corner of Duval and Olivia Streets and running thence in a Northwesterly direction along Duval Street 94 feet, 8 inches; thence at right angles in a Northeasterly direction 81 feet; thence at right angles in a Southeasterly direction 94 feet, 8 inches, to Olivia Street; thence at right angles in a Southwesterly direction along Olivia Street 81 feet to place of beginning.

Also known as:

821 Duval Street  
Key West, FLorida

# Property Appraiser Records

### 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.

By continuing into this site you assert that you have read and agree to the above statement.

### Summary

**Parcel ID** 00016820-000000  
**Account #** 1017221  
**Property ID** 1017221  
**Millage Group** 10KW  
**Location** 821 DUVAL St, KEY WEST  
**Address**  
**Legal** KW PT LT 4 SQR 5 TR 4 OR319-121-122 OR1913-1698/1700 OR2471-2244D/C  
**Description** OR2471-2250/54 OR2847-73/75  
 (Note: Not to be used on legal documents)  
**Neighborhood** 32050  
**Property Class** STORE COMBO (1200)  
**Subdivision**  
**Sec/Twp/Rng** 06/68/25  
**Affordable** No  
**Housing**



### Owner

SUBA 821 LLC  
 PO Box 29  
 Key West FL 33041

### Valuation

	2018	2017	2016	2015
+ Market Improvement Value	\$365,516	\$381,484	\$393,206	\$393,206
+ Market Misc Value	\$4,853	\$4,921	\$5,065	\$4,458
+ Market Land Value	\$1,011,409	\$719,224	\$717,524	\$717,524
= Just Market Value	\$1,381,778	\$1,105,629	\$1,115,795	\$1,115,188
= Total Assessed Value	\$1,381,778	\$1,105,629	\$1,115,795	\$1,115,188
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$1,381,778	\$1,105,629	\$1,115,795	\$1,115,188

### Land

Land Use	Number of Units	Unit Type	Frontage	Depth
COMMERCIAL DRY (100D)	8,173.00	Square Foot	0	0

### Commercial Buildings

**Style** NIGHT CLUBS/BARS-A- / 33A  
**Gross Sq Ft** 3,473  
**Finished Sq Ft** 2,234  
**Perimeter** 0  
**Stories** 2  
**Interior Walls**  
**Exterior Walls** AB AVE WOOD SIDING  
**Quality** 400 ()  
**Roof Type**  
**Roof Material**  
**Exterior Wall1** AB AVE WOOD SIDING  
**Exterior Wall2**  
**Foundation**  
**Interior Finish**  
**Ground Floor Area**  
**Floor Cover**  
**Full Bathrooms** 2  
**Half Bathrooms** 0  
**Heating Type**  
**Year Built** 1923  
**Year Remodeled**  
**Effective Year Built** 1993



Condition Code	Description	Sketch Area	Finished Area	Perimeter
FHS	FINISH HALF ST	840	0	0
FLA	FLOOR LIV AREA	2,234	2,234	0
OPU	OP PR UNFIN LL	336	0	0
OUU	OP PR UNFIN UL	63	0	0
<b>TOTAL</b>		<b>3,473</b>	<b>2,234</b>	<b>0</b>

Style	APTS-A / 03A
Gross Sq Ft	780
Finished Sq Ft	760
Perimeter	0
Stories	1
Interior Walls	WALL BD/WD WAL
Exterior Walls	REIN CONCRETE
Quality	400 ()
Roof Type	GABLE/HIP
Roof Material	METAL
Exterior Wall1	REIN CONCRETE
Exterior Wall2	
Foundation	CONCR FTR
Interior Finish	WALL BD/WD WAL
Ground Floor Area	
Floor Cover	CONC ABOVE GRD
Full Bathrooms	1
Half Bathrooms	0
Heating Type	FCD/AIR DUCTED with 0% NONE
Year Built	1923
Year Remodeled	
Effective Year Built	1997

Condition Code	Description	Sketch Area	Finished Area	Perimeter
FLA	FLOOR LIV AREA	760	760	0
OPF	OP PRCH FIN LL	20	0	0
<b>TOTAL</b>		<b>780</b>	<b>760</b>	<b>0</b>

**Yard Items**

Description	Year Built	Roll Year	Quantity	Units	Grade
WALL AIR COND	1995	1996	1	1 UT	1
PATIO	1995	1996	1	133 SF	2
FENCES	1995	1996	1	928 SF	2
WOOD DECK	1996	1997	1	192 SF	1
FENCES	1996	1997	1	305 SF	5

**Sales**

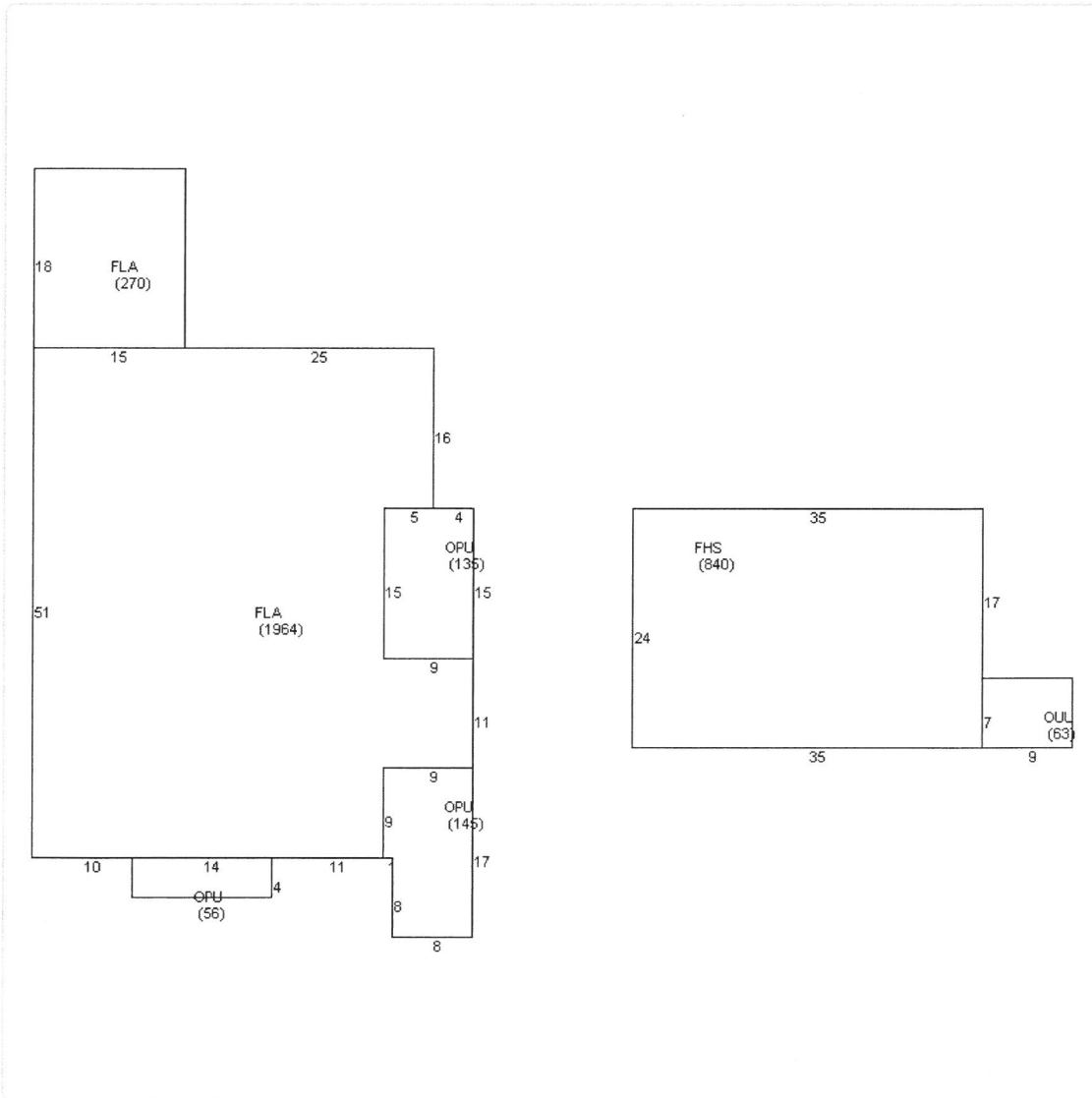
Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
4/1/2017	\$100	Warranty Deed	2117021	2847	73	11 - Unqualified	Improved
6/2/2010	\$100	Quit Claim Deed		2471	2250	11 - Unqualified	Improved

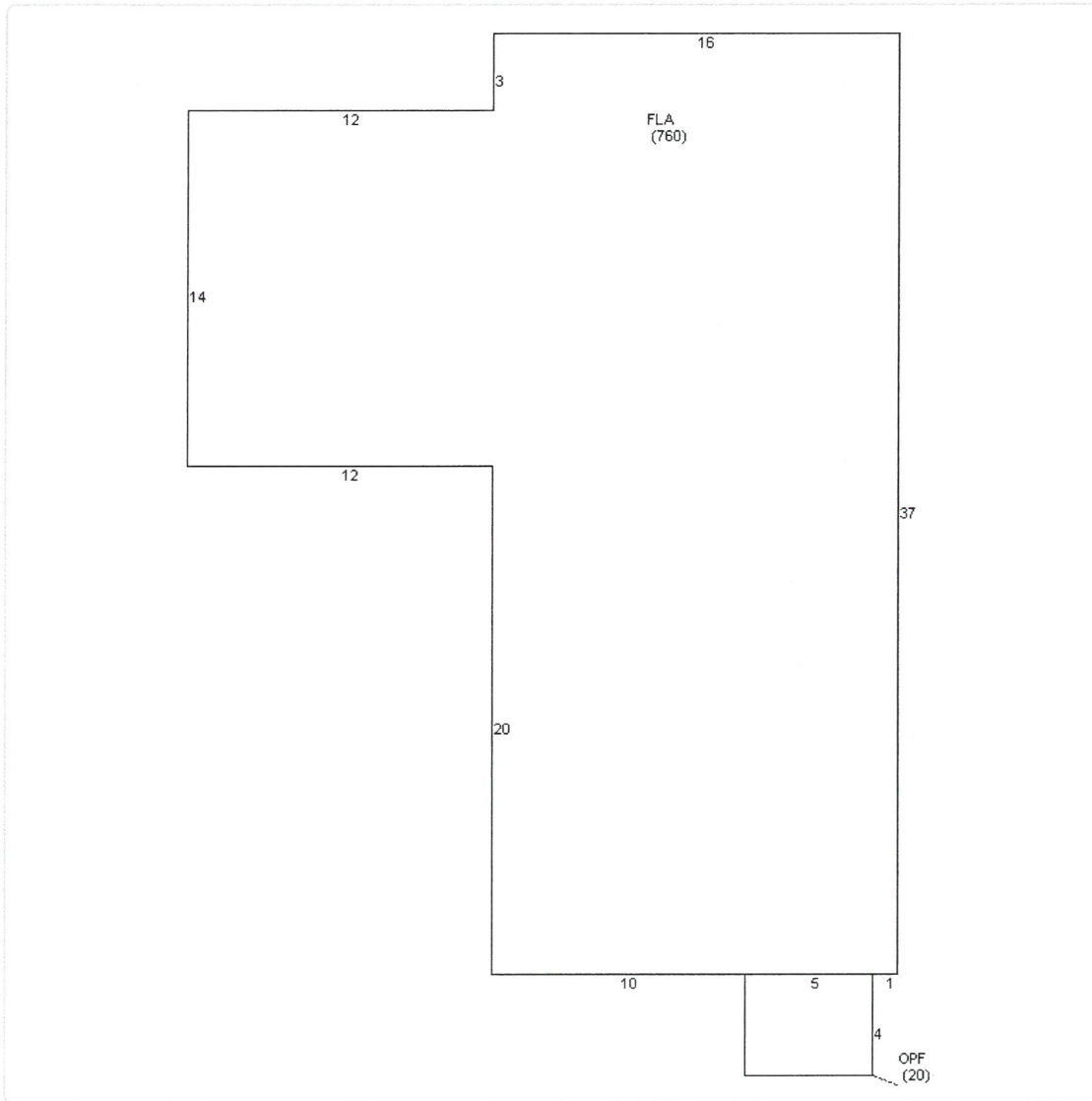
**Permits**

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
17-3982	12/4/2017		\$500	Commercial	APPROX 20 FT OF 6FT HIGH INTERIOR WOOD FENCE TO CREATE PRIVACY
17-1040	4/13/2017		\$7,500	Commercial	REBUILD FRONT STEPS IN FRONT OF BUILDING. REPLACE APPROX 100 SF ROOTEN SIDING IN FRONT OF BUILDING
12-3556	9/28/2012		\$1,000	Commercial	10 NEW HARD WIRED FIXTURES.
12-3443	9/19/2012		\$0	Commercial	CHANGE USE OF STRUCTURE FROM RETAIL TO MIXED USE. BEER AND WINE BAR (50 SEATS) WITH ACCESSORY RETAIL USE.
12-1729	5/17/2012		\$2,400	Commercial	PITCHED REMEX V-CRIMP INSTALL TITANIUM, 26 GA GALVALUME EAVES, FLASHING, V-CRIMP & RIDGE CAP FLAT ROOF REMEX FLAT ROOFING. INSTALL GLASS BASE 26 GA GAL. EAVES DRIP FLASHING MOD. RUBBER.
10-3825	12/3/2010		\$6,800	Commercial	REMOVE AND REPLACE 400SF OF 5/4 X 6 DECKING PT WITH 2.5" CERAMIC COAT GRABBERS
05-4481	10/11/2005	12/31/2005	\$800	Commercial	EMERGENCY METER ENCLOSURE REPLACEMENT
0201309	5/17/2002	8/16/2002	\$1,600		REPLACE AC
0200243	1/31/2002	8/16/2002	\$10,000		INSTALL CARPET
0103986	1/15/2002	8/16/2002	\$5,500		INTERIOR MODIFICATIONS
0104017	12/21/2001	8/16/2002	\$8,000	Commercial	PAINT INTERIOR
0002520	8/25/2000	11/2/2000	\$1,500	Commercial	PLUMBING
9802536	9/3/1998	12/4/1998	\$24,000	Commercial	ONE STORY ADDITION,A/C
9802334	7/24/1998	12/4/1998	\$800	Commercial	ELECTRICAL

Number	Date Issued	Date Completed	Amount	Permit Type	Notes
9702482	8/1/1997	10/1/1997	\$3,200	Commercial	FRONT ENTRY STAIRS
9600498	1/1/1996	2/1/1996	\$1,000	Commercial	SIGN
M954037	11/1/1995	2/1/1996	\$3,800	Commercial	MECHANICAL
P954128	11/1/1995	2/1/1996	\$1,200	Commercial	PLUMBING
B953563	10/1/1995	2/1/1996	\$2,500		DEMO/REPAIR FRONT
B953568	10/1/1995	2/1/1996	\$10,000	Commercial	RENOVATIONS
E953618	10/1/1995	2/1/1996	\$2,500	Commercial	ELECTRICAL
B952657	8/1/1995	2/1/1996	\$10,000	Commercial	DEMOLITION INTERIOR
A951737	5/1/1995	2/1/1996	\$9,000		ROOF

Sketches (click to enlarge)





Photos



Map



TRIM Notice

Trim Notice

2018 Notices Only

No data available for the following modules: Buildings, Mobile Home Buildings, Exemptions.

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

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 Schneider  
GEO SPATIAL

Resolution Number 2011-061

**RESOLUTION NUMBER 2011-061**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A CONDITIONAL USE APPROVAL AND SPECIAL EXCEPTION FOR THE SALE OF ALCOHOL WITHIN 300 FEET OF A CHURCH PER SECTIONS 122-62 AND 122-63 AND 18-28 OF THE CODE OF ORDINANCES FOR A BAR AND LOUNGE LOCATED AT 821 DUVAL STREET (RE# 00016820-000000) IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE - DUVAL STREET/GULFSIDE (HRCC-3) ZONING DISTRICT, PURSUANT TO SECTION 122-748(9) OF THE CODE OF ORDINANCES, KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**


**WHEREAS**, the subject property is located in the Historic Residential Commercial Core -- Duval Street Gulfside (HRCC-3) zoning district; and

**WHEREAS**, Section 122-748(9) of the Code of Ordinances provides that bars and lounges are allowed as a conditional use within the Historic Residential Commercial Core- Duval Street Gulfside (HRCC-3) zoning district; and

**WHEREAS**, Section 18-28 (a) prohibits the sale of alcohol within 300 feet of a church; and

**WHEREAS**, the applicant filed a conditional use application for a bar and lounge to sell beer

  
Chairman

  
Planning Director

and wine at 821 Duval Street; and

**WHEREAS**, Section 122-62 outlines the criteria for reviewing a conditional use application by the Planning Board; and

**WHEREAS**, Section 18-28 (b) allows an applicant "aggrieved by subsection (a)" to apply for a special exception for the sale of alcohol within 300 feet of a church in conjunction with an approved conditional use application that includes consideration for the public welfare; and

**WHEREAS**, this matter came before the Planning Board at a duly noticed public hearing on November 17, 2011; and

**WHEREAS**, the Planning Board found that the proposed use complies with the criteria in Section 122-62 18-28 (b)(1)&(2); and

**WHEREAS**, the approval of the conditional use and special exception application will be in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and

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

Page 2 of 6  
Resolution Number 2011-061

  
Chairman  
  
Planning Director

Florida:

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

**Section 2.** That a conditional use and special exception request, under the Code of Ordinances of the City of Key West, Florida, per Section 122-688(9) is hereby approved as follows: allowing a 1,867 square foot consumption area for a bar and lounge including, 408 square feet of outdoor and 1,459 square feet of indoor consumption area, for property located at 821 Duval Street (RE# 00016820-000000), Key West, Florida, as shown in the attached floor plan and survey received October 28 and November 8, 2011 with the following conditions:

**Condition to be completed prior to the issuance of a certificate of occupancy:**

1. ADA access is provided and maintained.
2. The applicant will install and maintain a programmable distributive sound system to assure compliance with the "unreasonable noise" definition of Section 26-191 of the Code of Ordinances, and shall include a computerized sound monitoring system with real time monitoring access is provided to the City.

**Conditions subject to a Conditional Approval Permit, per Ordinance 10-22. Conditions subject to an associated annual inspection:**

3. Hours of operation are limited to Sunday through Thursday 10am to 2am and Friday and Saturday from 10am to 4am.

  
Chairman  
  
Planning Director



4. The use is approved for the sale of beer and wine only.
5. There will be no amplified outdoor music on the premises.
6. There will be no additional seats allowed without further City approvals.
7. The applicant expressly agrees to provide the City's agents unfettered access to the computer-generated reports and full, real-time web-based access to the digital monitoring of on-site acoustics for the purpose of assuring compliance with the conditions contained herein.

**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 conditional use approval 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 and 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

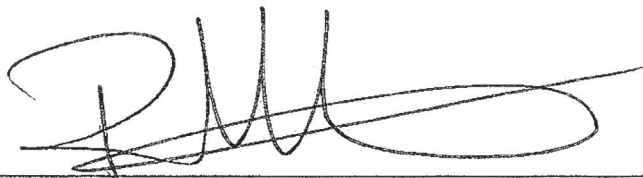
  
Chairman  
  
Planning Director

Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

**Section 7.** The applicant shall obtain and maintain a Conditional Approval Permit from the City prior to issuance of a Certificate of Occupancy per Ordinance Number 10-22.

Read and passed on first reading at a regular meeting held this 17th day of March, 2011.

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



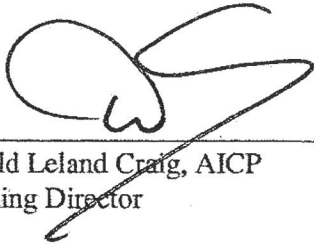
Richard Klitenick, Chairman  
Key West Planning Board

11/23/2011  
Date

**Attest:**

**Page 5 of 6**  
**Resolution Number 2011-061**

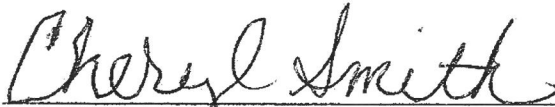
 Chairman  
 Planning Director



Donald Leland Craig, AICP  
Planning Director

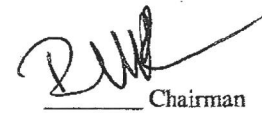
11/23/2011  
Date

**Filed with the Clerk:**

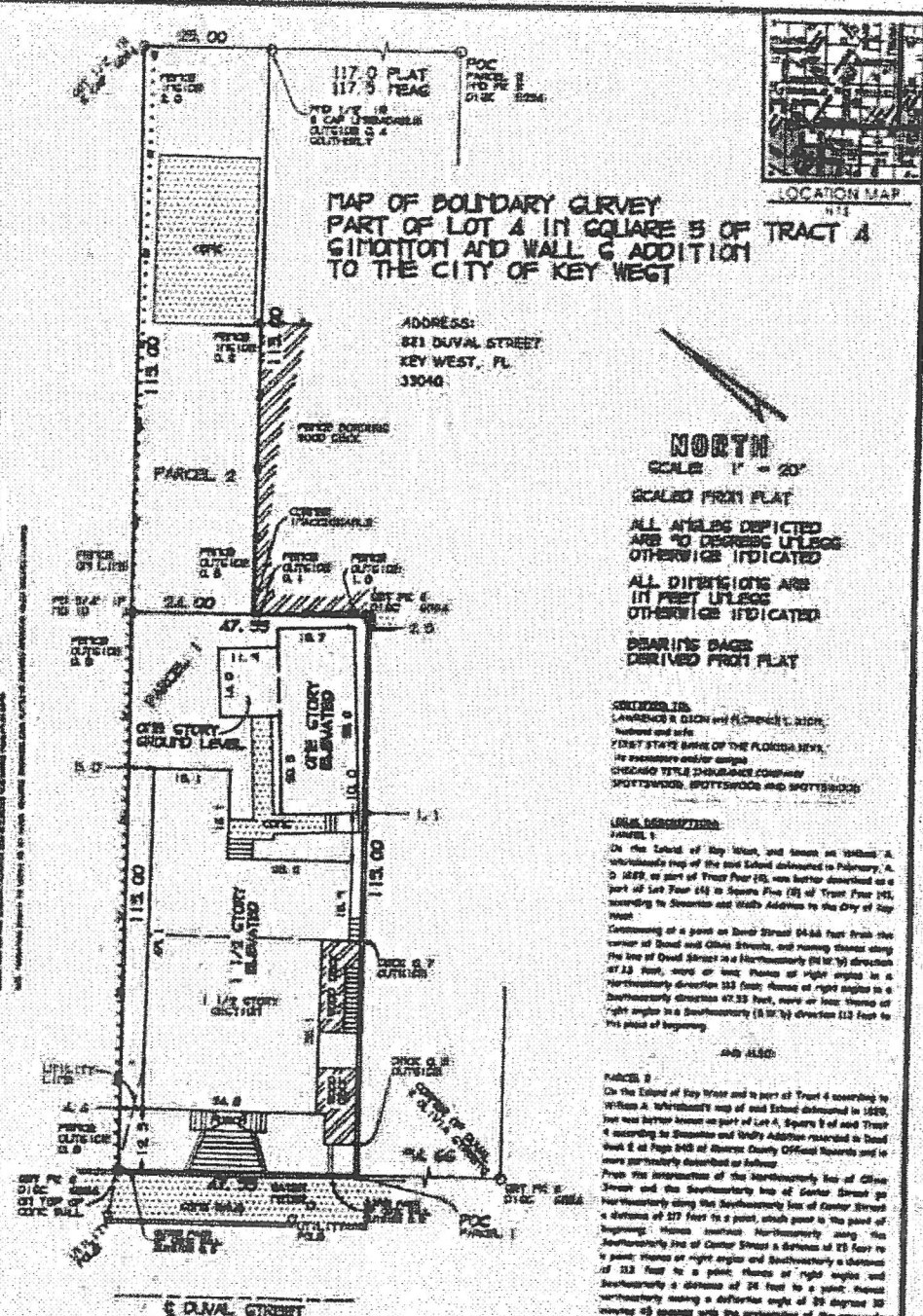


Cheryl Smith, City Clerk

11-29-11  
Date

  
Chairman  
Planning Director





**CONTINUED TO:**  
 A. ANDREWS & SON and (LORRAINE) S. ANDREWS  
 and wife  
 FIRST STORY HOME OF THE FLORIDA SEAS,  
 IN ACCORDANCE WITH THE  
 CHICAGO TITLE INSURANCE COMPANY  
 SPOTSWOOD, SPOTSWOOD AND SPOTSWOOD

**LEGAL DESCRIPTION:**  
**PARCEL 1**  
 On the Island of Key West and town of William A. Whitcomb's map of said Island delineated in February, A. D. 1899, as part of Tract Four (4), was further delineated as a part of Lot Four (4) in Square Five (5) of Tract Four (4), according to Simonson and Wall's Addition to the City of Key West.

Commencing at a point on Duval Street 84.88 feet from the corner of Duval and Olive Streets, and running thence along the line of Duval Street in a Northwesterly (N 107° 17' 30" W) direction 87.33 feet, more or less, thence at right angles in a Northwesterly direction 33.33 feet, thence at right angles in a Northwesterly direction 47.33 feet, more or less, thence at right angles in a Southwesterly (S 107° 17' 30" W) direction 113 feet to the point of beginning.

**AND ALSO:**

**PARCEL 2**  
 On the Island of Key West and is part of Tract 4 according to William A. Whitcomb's map of said Island delineated in 1899, the west corner corner on part of Lot A, Square 8 of said Tract 4 according to Simonson and Wall's Addition recorded in Deed Book 6 at Page 242 of Monroe County Official Records and is more particularly described as follows:

From the intersection of the Northwesterly line of Olive Street and the Southwesterly line of Center Street go Northwesterly along the Northwesterly line of Center Street a distance of 27 feet to a point, thence go to the point of beginning, thence Southwesterly along the Northwesterly line of Center Street a distance of 25 feet to a point, thence at right angles and Southwesterly a distance of 33 feet to a point, thence at right angles and Southwesterly a distance of 24 feet to a point, thence at right angles and Southwesterly a distance of 24 feet to a point, thence at right angles and Southwesterly a distance of 24 feet to a point, thence at right angles and Southwesterly a distance of 24 feet to the point of beginning.



*RECE*

DATE 11/20/64	BY R.R.	SCALE 1" = 20'	PROJECT 01011601
------------------	------------	-------------------	---------------------

**BOUNDARY SURVEY**

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE HIGHEST TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 4612, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 471.027, FLORIDA STATUTES. THIS SURVEY, WHEN SCHEDULE B HAS BEEN PROVIDED, MEETS THE PROVISIONS OF FLORIDA STATUTES, SUBSECTION 471.027(1)(b), FLORIDA STATUTES, AND SUBSECTION 471.027(1)(c), FLORIDA STATUTES, SCHEDULE "B" HAS NOT BEEN PROVIDED.

ROBERT E. REECE, P.A.  
 PROFESSIONAL SURVEYOR  
 AND MAPPER  
 30677 OVERSEAS HIGHWAY  
 BIG PINE KEY, FL 33043

# Plans



# Survey



