

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



To: Chairman and Planning Board Members

From: Ginny Haller

Through: Donald Leland Craig, AICP, Planning Director

Meeting Date: February 21, 2013

Agenda Item: **Modification to a Major Development Plan & Conditional Use – 512 Greene Street (RE# 00001170-000000)** – A request for Modifications to a Major Development Plan and Conditional Use approval via City Commission Resolution 11-274 to alter the layout of the commercial floor area, reduce retail space and convert retail area to mixed retail and bar/lounge consumption area for property located in the Historic Residential Commercial Core Gulf Side (HRCC-1) zoning district per Section 108-91C(3) and (4) and Section 122-688(9) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Request: Third request to modify a Major Development Plan and Conditional Use approval via City Commission Resolution 11-274 which would alter the existing use of the commercial floor area by changing the mix of bar/lounge consumption and retail floor area of the structure on Ann Street.

Applicant: Trepanier and Associates

Property Owner: Peter Brawn, Managing Member of 512 Greene Street, LLC.

Location: 512 Greene Street and 201 to 205 Ann Street
RE# 00001170-000000

Zoning: Historic Residential Commercial Core, Gulf Side (HRCC-1)



Background:

This property is located at the northeast corner of the intersection of Greene Street and Ann Street. The parcel is approximately 9,800 square feet and prior to recent redevelopment approvals it supported commercial uses (including a former restaurant and retail store), and a single family home. The request is the 3rd Modification to the Major Development Plan and Conditional Use (MDP/CU) for the property.

The original MDP/CU request was approved by the Planning Board July 30, 2009 (Res. No. 2009-030) and approved by the City Commission on September 15, 2009 (Res. No. 09-242) and the approval was to allow the existing restaurant to change to a bar and lounge with 1,045 square feet of consumption area, allow for the redevelopment of the existing parking lot and a change of use from a single family home to a commercial retail structure, and a change in use for two (2) existing small commercial structures into two (2) commercial retail structures.

The first Modification of the MDP/CU was approved by the Planning Board June 17, 2010 (Res. No. 2010-024) for the redesign of the approved parking lot to eliminate an access easement and relocate the garbage area, including the modifications of conditions and modification to required aisle width and parking stall size.

The second Modification of the MDP/CU was approved by the Planning Board July 21, 2011 (Res. No. 2011-035) for 90 square feet of outdoor consumption area.

The first and second modifications of the MDP/CU were approved by the City Commission September 20, 2011 (Res. No. 11-274) to permit the reconfiguration of the parking lot, eliminate previously required ingress and egress easement, relocation of the garbage storage and pick-up areas, and to modify conditions to permit outdoor consumption area.

Previous City Actions

**2nd Modification to Major Development Plan & Conditional Use
(Increase Consumption Area)**

DRC Meeting
HARC

December 17, 2010
December 30, 2010

Tree Commission Meeting	May 9, 2011
Planning Board	July 21, 2011, PB Resolution 2011-035
City Commission Meeting	September 20, 2011, CC Resolution 11-274

**1st Modification to Major Development Plan & Conditional Use
(Reconfigure Parking Lot)**

DRC Meeting	February 25, 2010
HARC	April 5, 2010 - H10-03-31-35
Planning Board	June 17, 2010 - PB Resolution 2010-024
City Commission Meeting	September 20, 2011, CC Resolution 11-274

Major Development Plan & Conditional Use

DRC Meeting	May 28, 2009
HARC	June 9, 2009
Tree Commission Meeting	August 10, 2009
Planning Board	August 6, 2009, PB Resolution 2009-030
City Commission Meeting	October 13, 2009, CC Resolution 09-242

Request:

This request was continued from the January 17, 2013 Planning Board meeting to the February 21, 2013 meeting to allow time for the applicant to address a neighbor’s concerns about the project. The applicant met with the neighbors and submitted a letter dated February 12, 2013 to the Planning staff with proposed revisions to conditions that are agreed to by the applicant and the neighbors (letter is attached as “Correspondence from applicant February 12, 2013”). The applicant understood after the meeting that the neighbor is concerned about the exterior noise from the property.

This is the third modification request to the MDP/CU is to change the existing use of the retail/commercial floor area of the small historic structure on Ann Street to a mix of bar/lounge consumption and retail floor area. The applicant does not propose changes to the existing approval conditions of the past modifications of the MDP/CU, or changes to any physical structures including the impervious surface ratio. The applicant states that the original design and approval of the structure on Ann Street was expected to be used as retail, but the retail use has been unsuccessful. The application was initially a minor modification of the use of the existing floor area, however, upon review, it was the position of the City that since the original conditional use went to the City Commission as part of a major development plan, making any changes requires it to go through the same process: as a modification to a MDP/CU as outlined in Sec. 122-62(a).

Current Process:

Development Review Committee Meeting:	July 26, 2012
Planning Board Meeting:	January 17, 2013
City Commission Meeting:	TBD

Surrounding Zoning and Uses:

- North: HRCC-1. Restaurant and retail
East: HRCC-1. Retail and parking lot
South: HRCC-1. Residential apartments, parking lot and Old City Hall
West: HRCC-1. Take out and Old City Hall

Uses Permitted in the HRCC-1 Duval Street Gulfside Zoning District

Per Section 122-687, Code of Ordinances:

- (1) Single-family and two-family residential dwellings
- (2) Multiple-family residential dwellings
- (3) Group homes with less than or equal to six residents as provided in section 122-1246
- (4) Places of worship
- (5) Business and professional offices
- (6) Commercial retail low and medium intensity less than or equal to 5,000 square feet as provided in division 11 of article V of this chapter
- (7) Commercial retail high intensity less than or equal to 2,500 square feet as provided in division 11 of article V of this chapter
- (8) Hotels, motels, and transient lodging
- (9) Medical services
- (10) Parking lots and facilities
- (11) Restaurants, excluding drive-through
- (12) Veterinary medical services without outside kennels
- (13) Adult entertainment establishments (see section 122-1533)

Conditional Uses Per Section 122-688, Code of Ordinances:

- (1) Group homes with seven to 14 residents as provided in section 122-1246
- (2) Cultural and civic activities
- (3) Community centers, clubs, and lodges
- (4) Educational institutions and day care
- (5) Nursing homes, rest homes and convalescent homes
- (6) Parks and recreation, active and passive
- (7) Protective services
- (8) Public and private utilities
- (9) Bars and lounges, including those associated with adult entertainment establishments
- (10) Boat sales and service
- (11) Commercial amusement, except adult entertainment establishments
- (12) Commercial low and medium intensity greater than 5,000 square feet as provided in Division 11 of article V of this chapter
- (13) Commercial retail high intensity greater than 2,500 square feet as provided in division 11 of article V of this chapter
- (14) Funeral homes
- (15) Light industrial
- (16) Marinas
- (17) Small recreational power-driven equipment rentals

Submitted Plans:

Plans by Carlos O. Rojas, AIA, date stamped October 4, 2012

1. Site Plan – Existing

2. Consumption/Retail Area Plan
3. Consumption/Retail Area Plan - Proposed

Conditional Use Review

Code Sec. 122-62 (a) provides, in part, that “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.” The same section also specifies that “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.”

Conditional Use Criteria per Code Section 122-62

- (a) **Findings:** The Planning Board may find that it meets the Code purpose of ensuring 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.”

The subject property, zoned HRCC-1, has existing mixed commercial and residential uses. This zoning district incorporates the city’s most-intensely vibrant tourist commercial entertainment center which is characterized by specialty shops, sidewalk-oriented restaurants, lounges and bars with live entertainment. Within the immediate vicinity of the proposed use are numerous similar open window bars on Duval, Greene, and Front Streets, and the Historic Seaport. High intensity land use is common in the district, and the proposed mix of bar and retail is typical of the area. Other uses in the immediate vicinity around Greene Street are commercial in character including numerous parking lots and the residential use that was on the site is proposed to be replaced by commercial use. The property has a permitted bar and lounge approved for indoor and outdoor consumption areas, retail commercial uses, and a parking area.

The proposed modification is to change the existing use of the retail floor area of the structure on Ann Street to a mix of bar/lounge consumption and retail uses. In past public meetings noise and garbage impacts (from both storage and collection) were raised, these may be aggravated by the proposed increase in consumption area.

The proposed modification to the MDP/CU shall meet the following criteria as described below:

(b) **Characteristics of use:**

The proposed modification to the approved major development plan and conditional use includes a change of use from retail/commercial to a mix of bar/lounge consumption and retail. Each key area is assessed as follows:

1) **Scale and intensity**

a. **Floor Area Ratio (F.A.R):**

Existing F.A.R is 0.33; no new floor area is proposed. The F.A.R for the HRCC-1 is 1.0. Therefore, the proposed use conforms to the requirement.

b. Traffic Generation:

According to the Institute of Transportation Engineers Trip Generation Manual, 7th Edition Trip Generation Volumes, the change in use from retail to a mix of retail and consumption area could reduce the overall trip generations (retail is a more intense trip generator, existing is 57.6 trips to proposed 22.1 trips).

Additionally there is onsite parking and because of the location of the proposed bar and lounge in the pedestrian oriented district, traffic generation is expected to be primarily pedestrian.

c. Square feet of enclosed space for each specific use:

The proposed mixed retail/consumption area is 134.5 square feet located in the small historic structure on Ann Street.

d. Proposed employment:

The applicant estimates there will be two (2) people employed at the proposed conditional use bar/lounge and retail space.

e. Proposed number of service vehicles:

The applicant expects service vehicles to be making deliveries through the parking lot at the rear of the bar. An estimated six service vehicles will deliver to the site weekly. Garbage pick up will be on Ann Street twice a week and recycling picked up once a week.

f. Off-street parking:

This property is within the parking waiver district, and the conditional use approval does not require parking as provided in Section 108-573(a); however, as part of the Major Development Plan the applicant provided a parking lot with seven spaces.

2) On or off site improvements not previously identified

a. Utilities:

No change in utilities is expected.

b. Public facilities:

No changes. The applicant provided a Concurrency Management report that incorporates improvements consistent with Chapter 94 of the Code, including site plans that incorporate stormwater drainage, garbage and recycling areas, and facilities that meet ADA standards with the prior September, 12, 2012 MDP/CU.

c. Roadway or signal improvements: N/A

d. Accessory structures or facilities:

No change is proposed.

e. Other:

As part of the prior Major Development Plan site improvements included paving the existing parking lot, new bike racks, and a sidewalk that allowed safe pedestrian passage through the parking lot at the rear of the proposed bar and a stormwater retention plan.

3) On-site amenities proposed to enhance the site:

No change is proposed.

a. Open space:

No change is proposed.

b. Setbacks:

No change is proposed.

c. Screening and buffers:

No change is proposed.

d. Landscaping berms:

No change is proposed.

e. Mitigative techniques for abating smoke, odor, noise and other noxious impacts:

The applicant hired noise experts (The Audio Bug, Inc.) to examine noise generating from the proposed bar which may affect business at Old City Hall or surrounding residential units. Code Compliance continues to monitor. No outdoor speakers are proposed.

(c) Criteria for conditional use review and approval:

Applications for a conditional use review shall clearly demonstrate the following:

1) Land use compatibility:

The proposed modification to the conditional use in conjunction with the Major Development Plan appears generally compatible with the surrounding land uses. There is no proposed increase in scale and the potential increase in intensity has been mitigated using various methods including: seven on-site parking spaces to prevent negative parking impacts on the immediate area, and bicycle parking. There are no changes to the approved neighborhood compatibility enhancements that included landscaping to beautify and buffer the site, stormwater retention to prevent run off, street lighting to increase pedestrian safety, and pedestrian friendly passages to augment flow from adjacent parking to neighboring commercial sites. Additionally, the approved Major Development Plan directs on site circulation related to parking onto Simonton Street.

The intent of the zoning district is to support “an intensely vibrant tourist commercial entertainment center” and there are numerous existing open air bars and lounges within the immediate vicinity of the proposed bar. Therefore, the use appears appropriate to the district and compatible with other uses along Greene Street.

2) Sufficient site size, adequate site specifications and infrastructure to accommodate the proposed use:

The site size is over 9,000 square feet and the building coverage of all four structures is approximately 4,000 square feet, leaving 5,000 square feet for open space and the parking lot. There are no proposed changes. None of the existing structures on site will be altered in size. The site has adequate size and site specifications to accommodate the proposed use and amenities such as parking, sidewalks and an increase in open space, which will help accommodate the increase in intensity.

3) Proper use of mitigative techniques:

The applicant has provided landscape buffering. However, the applicant has not addressed all noise related issues at the time of this report.

4) Hazardous waste:

No hazardous waste shall be generated by this conditional use.

5) Compliance with applicable laws and ordinances:

The applicant will comply with all applicable laws and regulations as a condition of approval. The applicant will comply with Sections 18-610-615 of the Code of Ordinances.

6) Additional criteria applicable to specific land uses:

Applicants shall demonstrate the proposed modification of conditional use satisfies the following criteria:

a. Land uses within a conservation area:

N/A

b. Residential development:

N/A

c. Commercial or mixed use development:

The surrounding uses are mainly commercial, and adjacent properties include commercial parking lots. However, some residential uses (Old City Hall) are proximate to the site.

d. Development within or adjacent to historic district:

N/A

e. Public facilities or institutional development:

N/A

f. Commercial structures, uses and related activities within tidal waters:

N/A

g. Adult entertainment establishments:

N/A

Major Development Plan

Analysis – Evaluation for Compliance With The Land Development Regulations:

Section 108-91 A(2)(b) of the City of Key West Land Development Regulations requires that any proposed non-residential development within the historic district greater than 2,500 square feet submit an application for a Major Development Plan. Section 108-196(a) of the Land Development Regulations states "after reviewing a major development plan or a minor development plan for a property and staff recommendations, the Planning Board shall act by resolution to approve, approve with conditions, or disapprove it based on specific development review criteria contained in the Land Development Regulations and the intent of the Land Development Regulations and Comprehensive Plan."

Section 108-198 of the Land Development Regulations states that the City Commission shall approve with or without conditions or disapprove the development plan based on specific development review criteria contained in the Land Development Regulations and based on the intent of the Land Development Regulations and Comprehensive Plan. The City Commission may attach to its approval of a development plan any reasonable conditions, limitations or requirements that are found necessary, in its judgment, to effectuate the purpose of this article and carry out the spirit and purpose of the Comprehensive Plan and the Land Development Regulations. Any condition shall be made a written record and affixed to the development plan as approved. If the City Commission disapproves a development plan, the reasons shall be stated in writing."

Planning staff, as required by Chapter 108 of the City of Key West Land Development Regulations, has reviewed the following site information for compliance with the City's LDRs and Comprehensive Plan:

Project Data			
	Existing	Permitted/Required	Proposed
Zoning	HRCC-1	Conditional Use Approval	Bar, Retail, and parking lot
Lot Area	9,827 sf	4,000 sf	No change
FAR	.31	1.0	No change
Building Coverage	33% (3,257 sf)	50%	No change
Impervious	91% (8,989.9 sf)	70%	83%(7,335.8 sf) Legally non-conforming
Building Height	15-20 feet		No change
Parking	7 spaces	4 spaces	No change
Flood Zone	AE8		
Open Space	9% (2,004 sf)	20%	No change 9% (2,004 sf)

Concurrency Facilities and Other Utilities or Service:

As required by Objective 9-1.5 of the Comprehensive Plan and Section 108-233 of the Land Development Regulations development plans shall satisfy concurrency management regulations to ensure that facilities and services needed to support the proposed development meet the City’s level of service standards.

The following concurrency analysis reflects the proposed bar of 1,045 square feet of consumption area and three proposed retail buildings of 1,255.93 square feet. Previously the property had a restaurant of approximately 780 square feet with five employees, functional retail area of roughly 400 square feet with one employee, and a single-family home of 950 square feet with one to two occupants. The proposed project is commercial in nature and will incorporate a total of ten employees on site. The parcel is 9,837.87 square feet or 0.225846 acres which is used to determine service levels.

Potable Water Supply:

Objective 9-1.6 (1.) of the Comprehensive Plan outlines specific criteria that an applicant or developer shall meet prior to achieving plan approval which ensures that land use decisions maintain adopted Level of Service standards. Section 94-68 of the City of Key West Code of Ordinances sets the Level of Service standard for potable water for residential use at 95gal/capita/day and for nonresidential uses at 650gal/acre/day.

Potable Water & Sanitary Sewer “Planned improvements in potable water and/or wastewater systems required to establish and/or maintain adopted water and wastewater levels of service. System improvements and proposed funding resources required for implementing any improvements required to establish and/or maintain adopted potable water and wastewater system level of service standards:

Potable Water Sec. 94-68 sets the level of service for residential potable water at 93 gal/ capita/ day and nonresidential at 650 gal/acre/day.

- i) The total capacity required for the current **0.225846 acre** parcel is:
650 gal/acre/day x 0.225846 acres = 146.8 gal/day
- ii) The total capacity required for the proposed project on **0.225846 acres** is:
650 gal/acre/day x 0.225846 acres = 146.8 gal/day

Based on the concurrency management calculation prescribed in the Comprehensive Plan, there is no, or minimal, increase in the proposed capacity required by Key West Comprehensive Plan LOS standards; the Florida Keys Aqueduct Authority has the capacity to supply adequate service to this property, as demonstrated below.

FKAA Supply Capacity:

The Florida Keys Aqueduct Authority (“FKAA”) has adequate supply capacity to serve the potential development. FKAA has constructed facilities on the mainland in Florida City to expand water supply for the Florida Keys. This permitted and constructed

improvement enables FKAA to provide over 23 MGD, which will provide sufficient capacity through 2022¹. Operational in 2011, the recent expansion of the R.O. plant will provide 6.0 MGD, which combined with the 17.0 MGD permitted withdrawal from the Biscayne Aquifer, increased available water supply to 23 MGD for the Florida Keys.

Expanded Florida City R.O. Plant. The Department of Health issued Permit # 150092-007-wc/04 (Exhibit I) on November 14, 2006 to allow for the construction of an expanded reverse osmosis (R.O.) water plant in Florida City. The expanded water plant is designed to treat blended Floridian Aquifer water as an alternative water source to the Biscayne Aquifer. The permit design capacity of the expanded R.O. plant is 6 MGD.

Revised Water Use Permit. The SFWMD issued revised Water Use Permit (WUP) #13-00005-W (Exhibit II) on March 26, 2008, which recognizes the additional blended Floridian Aquifer capacity that will be provided by the expanded R.O. plant. Interim Water Use Allocations in the WUP permit provide FKAA with an allocation of 17.00 MGD (dry season) and 17.79 GPD (wet season) which may be withdrawn from the Biscayne Aquifer and allows FKAA to utilize the Stock Island and Marathon Reverse Osmosis plants for any demands exceeding the interim withdrawal limit, pending completion of the R.O. plant in Florida City. The Stock Island and Marathon R.O. plants have a combined capacity of 3.0 MGD providing an interim WUP water supply of 20.0 MGD during the dry season if needed. Once operational in 2010, the R.O. plant will provide an additional 6.0 MGD, which when combined with the 17.0 MGD permitted withdrawal from the Biscayne Aquifer, will increase available water supply to 23 MGD for the Florida Keys.

The interim allocation of 20 MGD (7,300 MG/year) through 2010 and 23 MGD after 2010 provides ample water supply to support the adopted amendment and allocated growth well beyond 10 years. The “Monroe County 2007 Annual Public Facilities Report” documents historic water use in the Florida Keys. Water demand has fluctuated significantly on an annual basis, however when evaluated over a ten-year period, the data shows an increase in water demand of more than 1 billion gallons over the last 10 years with an annual average increase of approximately 104 MG/year. This increase in demand can be shown in the following calculation:

$$\begin{aligned} 1996 \text{ annual water demand} &= 5,272 \text{ MG /year} \\ 2006 \text{ annual water demand} &= 6,310 \text{ MG /year} \\ \text{Average Annual Increase} &= (6,310 \text{ MG} - 5,272\text{MG}) / 10 = 103.8 \text{ MG /year} \end{aligned}$$

Based on the average annual increase of 103.8 MG per year, the interim allocation would be sufficient for an additional 9.5 years of growth beyond 2006 or through 2015 until demand reaches the interim permitted withdrawal of 20 MGD (7,300 MG/year). Since completion of the Florida City facilities, the 23 MGD allocation is available to support yet another 9.5 years of growth. Based on these findings, sufficient permitted water supply is available to meet the needs of the Florida Keys through 2024.

1.Except from Analysis by Kenneth B. Metcalf, AICP, (Greenberg Traurig, P.A.), August 22, 2008

Improvements Schedule/Status. Condition 30 of the WUP provides the R.O. plant and the associated Floridian deep wells that will provide 23 MGD of capacity through 2024:

- DEP Underground Injection and Control permit was obtained on May 21, 2008.
- Construction contracts were required within 180 days or by November 21, 2008;
- Testing is required within one year and 30 days from issuance of the permit or by June 21, 2009.
- The R.O. plant construction was completed in January, 2010.

Sanitary Sewer Sec. 94-67 sets the level of service for residential sanitary sewer at 100 gal/capita/day and nonresidential sanitary sewer at 660 gal/acre/day.

- i) the total capacity required for the current **0.225846 acre** parcel is:
 $660\text{gal/acre/day} \times 0.225846\text{ acres} = 149\text{gal/day}$
- ii) the total capacity required for the proposed project on **0.225846 acres** is:
 $660\text{ gal/acre/day} \times 0.225846\text{ acres} = 149\text{ gal/day}$

The current wastewater treatment plant has the potential treatment capacity of 10 million gallons per day. Only 4.8 million gallons per day of capacity are currently utilized². The current plant has the capacity to service this project's projected needs.

Recreation "In cases where residential development is proposed, information shall be submitted describing plans for accommodating recreational demands generated by the development, including demonstrated evidence that the City's adopted level of service for recreation shall not be adversely impacted³:" No Residential Development Proposed

Solid Waste- "Projected demand generated by the development on the solid waste disposal system and assurances that the City's adopted level of service for solid waste disposal shall not be adversely impacted⁴:"

Sec. 94-71 sets the level of service for residential solid waste disposal (1994-2010) at 2.66 lb/capita/day and nonresidential solid waste disposal at 6.37 lb/capita/day⁵.

- i) the total capacity required for the current **2 employees** is:
 $6.37\text{ lb/capita/day} \times 2\text{ employees} = 12.74\text{ lb/day}$
- ii) the total capacity required for the proposed **2 employees** is:
 $6.37\text{ lb/capita/day} \times 2\text{ employees} = 12.74\text{ lb/day}$

Waste Management has more than enough capacity to handle the increase⁶.

² Per September 3, 2010 memo from Greg Smith, project Manager for CH2M Hill OMI (Exhibit III)

³ The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues.

⁴ The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues.

⁵ For these calculations, we chose to use the number of employees to represent the "capita."

⁶ Per January 25, 2010 memo from Jay Gewin, City of Key West (Exhibit V)

Drainage - “Conceptual plan for accommodating storm water run-off and demonstrated evidence that the proposed drainage improvements shall accommodate storm water run-off without adversely impacting natural systems or the City’s adopted level of service for storm drainage⁷”

This site currently meets the minimum requirements through best management practices.

Roads/Trip Generation⁸ - “Estimated trips for the peak hour generated by the proposed land use(s) together with anticipated on- and off-site improvements necessitated to accommodate the traffic impacts generated by the development including, additional R/W, roadway improvements, additional paved laneage, traffic signalization, proposed methods for controlling access and egress, and other similar improvements⁹:”

For the purposes of calculating traffic generation we used the Institute of Transportation Engineer’s 7th Edition Trip Generation Volumes. There will be a trip reduction of at least 35.5 trips per 1,000 sq. ft. average as a result of the proposed modification as predicted by the ITE Trip Generation Manual.

Maximum Potential Trip Generation Calculations						
Trip Generator	Weekday		Saturday		Sunday	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
Bar GLA	1,135	1,208	1,135	1,208	1,135	1,208
Trips per Bar GLA (ITE #936) ¹⁰	12.9	13.7	12.9	13.7	12.9	13.7
Retail GLA	1256	236.5	1256	236.5	1256	236.5
Trips per Retail GLA (ITE# 814)	55.7	10.5	52.8	9.9	25.7	4.8
Total Trips/ 1,000 sq. ft.	68.6	24.2	65.7	23.6	38.6	18.5

As the table above explains, there is an overall reduction in trip generation predictions due to the modification of the conditional use. This project is located on Greene Street. Greene Street is not constrained according to City of Key West Code Section 94-72. There is onsite parking which is accessed by Ann Street (also not identified as constrained).

Fire Protection:

Key West Fire Department coordination shall be per DRC. No objections at this time.

Other public facilities:

⁷ The City of Key West’s Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues

⁸ See Exhibit VI - PARKING AND TRIP ANALYSIS, by Trepanier & Associates, Oct. 2012

⁹ The City of Key West’s Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues

¹⁰ No weekend ITE study for a “Drinking Place” exists. The data for the weekday was substituted in its place.

Section 108-233(10) of the City code requires that proposed development minimize adverse effects upon public facilities. The proposed project is a redevelopment plan. Educational facilities, police protection, fire protection, electric power, health care, disaster preparedness and recreational facilities will not experience a change in usage because these facilities are currently in place.

Appearance, design and compatibility (Section 108-234)

1. Compliance with Chapter 102; Articles 111, IV and V:

Articles III and V are not applicable to the proposed project. The project is in compliance with Article IV of the City Code.

Section 102-217 of the City Code requires that the Historic Architectural Review Commission (H.A.R.C.) issue a Certificate of Appropriateness for any new sign, paint, repair, alteration, remodeling, or landscaping of the exterior of any existing building, structure, fence, deck, sign, landscape, for demolition of a building or structure located in a designated historic zoning district. There are no changes from prior approvals.

2. Compliance with Section 108-956:

Section 108-956 discusses the requirements for domestic water and wastewater. These issues have been addressed in the report.

3. Chapter 110; Article II:

Should any archeologically significant resources be discovered during the development of the site, the applicant shall be required to comply with this article of the Land Development Regulations.

Site location and character of use (Section 108-235):

This site is located in the heart of the HRCC-1 zoning district which permits bars and lounges only as a conditional use. The surrounding properties are also primarily commercial in nature although there are some nearby residential units as well as Old City Hall. The conditional use proposal is compatible with the neighborhood and similar to other bars in the surrounding blocks.

1. Appearance of site and structures (Section 108-236):

No changes.

2. Appearance of site and structures (Section 108-278):

No changes. The appearance of the proposed site plan appears compatible with the overall environment and land uses in the immediate vicinity. No additions or new structures are proposed and the existing historical structures are in harmony with neighboring structures.

3. Location and screening of mechanical equipment, utility hardware and waste storage areas (Section 108-279):

Waste and recycling storage shall be kept in the interior of the property within an isolated and buffered area. All mechanical equipment and utility hardware areas will be in compliance with Section 108-279 of the Code and well-screened.

4. Utility lines (Section 108-282):

No new construction is proposed.

5. Commercial and manufacturing activities conducted in enclosed buildings (Section 108-283):

No outdoor business is proposed. All business will take place within each proposed commercial venue. Storage areas are identified on the site plans.

6. Exterior Lighting (Section 108-284)

No changes to lighting are proposed.

7. Signs (Section 108-285):

No change proposed.

8. Pedestrian sidewalks (Section 108-286):

No changes proposed.

9. Loading docks (Section 108-287):

N/A

10. Storage Areas (Section 108-288):

No changes proposed.

On-site and off-site parking and vehicular, bicycle, and pedestrian circulation (Section 108-244):

The parking impact is reduced with the change of use. The site has six parking spaces, one handicap space, bicycle parking, a new side walk through the center of the property connecting the adjoining lot, new curb cuts, and one way traffic circulation through the lot.

Housing (Section 108-245):

No proposed residential development is included in this proposal.

Economic resources (Section 108-246):

No changes are anticipated.

Special Conditions (Section 108-247):

No changes. The application as submitted complies with the intent of the Land Development Regulations and the City's Comprehensive Plan. The proposed development is not within any special zoning districts, adjacent to the airport or in proximity to waste treatment.

Construction management plan and inspection schedule (Section 108-248):

The proposal complies with the goals, objectives and policies of the Comprehensive Plan and by the submitted concurrency analysis it seems there are no conflicts with the existing public facilities. The project is within the HRCC-1 zoning district and complies with the intent of the LDRs.

Open Space, screening and buffers and landscaping (Article V and VI):

No change proposed.

Off-street parking and loading (Article VII):

No changes proposed. The approved plan included seven off-street parking spaces and one handicap space. It also included new bicycle parking, a new side walk through the center of the property connecting the adjoining lot, new curb cuts, and one way traffic circulation through the lot. The site plan was laid out in a manner that permits safe and adequate vehicular access in and out of parking spaces. The approved Major Development Plan satisfies on and off-site vehicular and bicycle circulation parking requirements as set forth in Section 108-643 of the Code.

Stormwater and surface water management (Chapter 108, Article VIII):

No changes proposed.

Flood Hazard Areas (Division 4 - Sections 108-821 - 108-927):

No changes proposed.

Utilities (Article IX):

No changes proposed.

RECOMMENDATION:

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the third modification request of the Conditional use and Major Development Plan be **approved** with the following conditions:

Conditions to be completed prior to the issuance of certificate of occupancy:

1. The applicant maintain a programmable distributive sound system consistent with that described in the document prepared by The Audio Bug and submitted on July 25, 2009, to assure compliance with the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances, and that such referenced document shall be updated to include that a computerized sound monitoring system is installed and real time monitoring access is provided to the City.
2. No landscaping be removed from the site.
3. City Staff will confirm that the sound system is maintained and functioning as provided for in Condition one (1).
4. Compliance with the plans dated October 4, 2012 is a condition of approval and specifically incorporated herein.
5. The property is fully ADA (Americans with Disabilities Act of 1990) accessible.

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

6. Outdoor speakers of any kind are prohibited on the property and on any vehicle parking at the property which is owned by the applicant or associated with events at the property, wherein the vehicle is under the control, rental or licensing by the applicant.
7. Security cameras will be provided on site and security personnel will be present during the hours of operation.
8. Waste handling shall be consistent with the Solid Waste Management plan included in Res. No. 2010-024. The applicant will recycle materials accepted by the city's waste handling contractor.
9. Compliance with the plans dated October 4, 2012 is a condition of approval and specifically incorporated herein;
10. The outdoor consumption area is limited to only the side yard area on the immediate corner of Greene and Ann Streets, this is an area of 90 square feet and shall not contain more than six (6) seats which is inclusive of the 75 total seats. Outdoor consumption is also strictly prohibited from the rear courtyard area and the front porch of the small historic structure on Ann Street.

General Conditions:

11. 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.
12. There shall be no live music, disc jockeys, or karaoke anywhere on the site unless located indoors and approved under a special event permit per Section 6-86 of the Code of Ordinances. Under no circumstances will these venues be allowed outdoors.
13. There shall be no music (amplified or vocal), entertainment, or special events of any kind permitted outdoors on this site.
14. There shall be no outdoor consumption on the front porch area of the small historic structure on Ann Street.
15. The total number of seats in the consumption area of the property shall be not more than seventy-five (75).

**Correspondence from applicant
February 12, 2013**

02/12/13

Ms. Ginny Haller, Planner
Key West Planning Department

RE: 512 Greene Street - Good Neighbor Policy

TREPANIER



& ASSOCIATES INC

LAND USE PLANNING
DEVELOPMENT CONSULTANTS

Dear Ginny:

At the January 17th Planning Board hearing the applicant was made aware of a nearby neighbor's concern. The applicant requested the item be tabled to allow time to coordinate with the neighbor in an attempt to address the concern.

On January 23rd the applicant met with neighbors in the neighbors' place of business. The group reviewed project details and discussed concerns. The applicant understands, as a result of that meeting, that the neighbor is primarily concerned about potential exterior noise. The applicant and the neighbors agreed to revise the proposed conditions in an attempt to more fully mitigate potential noise as proposed below.

The applicant requests these proposed revisions be considered by the Planning Department and the Planning Board and be included in the final conditions of approval.

Proposed Revisions to Conditions of Approval:

Conditions to be completed prior to the issuance of certificate of occupancy:

1. The applicant maintain a programmable distributive sound system consistent with that described in the document prepared by The Audio Bug and submitted on July 25, 2009, to assure compliance with the "unreasonable noise" definition of Section 26191 of the Code of Ordinances, and that such referenced document shall be updated to include that a computerized sound monitoring system is installed and real time monitoring access is provided to the City;
2. No landscaping be removed from the site;
3. City Staff will confirm that the sound system is maintained and functioning as provided for in Condition one (1);
4. Compliance with the plans dated October 4, 2012 is a condition of approval and specifically incorporated herein;
5. The property is fully ADA (Americans with Disabilities Act of 1990) accessible;

Conditions subject to a Conditional Approval Permit, per Ordinance Number 10-22:

Conditions subject to associated annual inspection:

6. Outdoor speakers **of any kind** are prohibited **on the property**;

7. Security cameras will be provided on site and security personnel will be present during the hours of operation;
8. Waste handling shall be consistent with the Solid Waste Management plan included in Res. No. 2010-024. The applicant will recycle materials accepted by the city's waste handling contractor;
9. Compliance with the plans dated October 4, 2012 is a condition of approval and specifically incorporated herein;
10. The outdoor consumption area is limited to the side yard area on the corner of Greene and Ann Streets only and is strictly prohibited from the rear courtyard area **and the front porch of the small historic structure on Ann Street;**

General Conditions:

11. 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.
12. There shall be no live music, disc jockeys, or karaoke anywhere on the site unless located indoors and approved under a special event permit per Section 6-86 of the Code of Ordinances. Under no circumstances will these venues be allowed outdoors.
13. **There shall be no music (amplified or vocal), entertainment, or special events of any kind permitted outdoors on this site.**
14. There shall be no outdoor consumption on the front porch area of the small historic structure on Ann Street."

Thank you for your kind consideration.

Sincerely,



Owen Trepanier

Additional Information
Code Compliance

1/18/13
8:50:52

SunGard CAD
CAD CALL INFORMATION

PAGE 1
130170428

Call Number: 130170428 Call Type.: 107 S13I SUSPICIOUS INCIDENT Police
Entry Day/Tm: 1/17/13 21:41:05 107 S13I SUSPICIOUS INCIDENT Police

ComN: SHOTS AND GIGGLES Agency.....: 001 KEY WEST
Location...: 201 ANN ST Apt:
City.....: KEYWEST Block#: 200 Loc ID: C Mapr: 1032XX1X0
Intersectn.: GREENE CAROLINE

Caller Name: Last: First: A8 Md: See Caller: N
Address...: KVPD Apt:
City/State: KEY WEST FL Phone#: Source:

Call Taker.: 3365 WLBURN KRI STI OPADEV000D
Dispatcher.: 2586 BLACK RACHEL OPADEV000B

NARRATIVE

PER A8 - OPERATING WITHOUT A CITY PERMIT 21:42:32
ASKED TO HAVE S33 CONTACT HIM - INFORMATION PASSED ON TO S33 21:43:57
WILL BE CALLING HIM 21:44:08
A8 ADV WANTS OFC TO RESPOND FOR DOCUMENTATION ONLY - NO 21:45:25
TICKETS TO BE ISSUED 21:45:25

PER S33 - UNITS GO T8 21:47:12

P84 Unit Status History Information

1/17/13 21:42:23	4 DISPATCHED	D	3485 ARMSTRONG, STE
1/17/13 21:42:25	11 DESIGNATED PRIMARY UP		
1/17/13 21:45:33	6 AT SCENE	97	
1/17/13 21:47:15	20 AVAILABLE	AV	

P93 Unit Status History Information

1/17/13 21:42:17	4 DISPATCHED	D	3467 VAZQUEZ, BI
1/17/13 21:42:17	11 DESIGNATED PRIMARY UP		
1/17/13 21:46:03	6 AT SCENE	97	
1/17/13 21:47:15	20 AVAILABLE	AV	

DISPOSITIONS

1 001 NO REPORT

Case# 1 - 00-000000 Unit: P84

1/18/13
8:50:52

SunGard CAD
CAD CALL INFORMATION

PAGE 1
130170446

Call Number: 130170446 SI Call Type.: 234 S63 SPECIAL CHECK Police
Entry Day/Tm 1/17/13 22:30:10 234 S63 SPECIAL CHECK Police

CrmN: SHOTS AND GIGGLES Agency.....: Agency.....: |
Location...: 201 ANN ST Apt:
City.....: KEYWEST Block#: 200 Loc ID: Mapr: 1032XX1X0
Intersectn.: GREENE CAROLINE

Caller Name: Last: First: Md: See Caller:
Address...: Apt:
City/State: Phone#: Source: SI

Call Taker.: 3196 KLINE KEITH QPADEV000H
Dispatcher.: 3196 KLINE KEITH QPADEV000H

NARRATIVE

I conducted a periodic check of 201 Anne St. on foot. The 22:37:58
front door to the bar was open so I stepped into the 22:37:58
entrance. There were two persons sitting at the bar inside 22:37:58
of Shots & Giggles and an employee behind the bar. The 22:37:58
persons sitting at the bar had wine glasses in front of 22:37:58
them on the bar. The employee said hello to me and said 22:37:58
they were having a slow night. 22:37:58

S33

Unit Status History Information

1/17/13 22:30:10 4 DISPATCHED D 2705 LARI Z, JOS
1/17/13 22:30:10 6 AT SCENE 97
1/17/13 22:30:10 11 DESIGNATED PRIMARY UP
1/17/13 22:39:37 20 AVAILABLE AV

DISPOSITIONS

1 001 NO REPORT Case# 1 - 00-000000 Unit: S33
2 131 AREA CHECK Case# 1 - 00-000000 Unit: S33



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

January 23, 2013

Certified Mail Receipt# 7003 3110 0003 4758 7663

512 Greene Street, LLC
c/o Peter Nelson Brawn
P.O. Box 1486
Key West, FL 33041-1486

Dear Mr. Brawn,

Please be advised that the attached Notice of Code Violation is currently pending against B&B Enterprises Key West, LLC c/o William Larose 1033 Sandy Way, Key West, FL 33040. This letter shall serve as notice under Florida Statute §162.09 that the resolution of this case can result in a lien being placed at the referenced subject property

Sincerely,

Code Compliance Manager
City of Key West
Office: (305) 809-3737
Fax: (305) 809-3978
jjyoung@keywestcity.com



THE CITY OF KEY WEST

Code Compliance Division

P.O. BOX 1409
KEY WEST, FL 33041
(305) 809-3740

NOTICE OF CODE VIOLATION

DATE: January 23, 2013
RE: CASE NUMBER 13-00000127

CERTIFIED MAIL RECEIPT#: 7003 3110 0003 4758 7656

To:
B&B ENTERPRISES KEY WEST, LLC
C/O WILLIAM LAROSE, R.A.
1033 SANDY WAY
KEY WEST FL 33040

Subject Address:
512 GREENE ST

Key West, Florida 33040

According to the records of The City of Key West, you are the current property owner/ representative or the business owner at the above-referenced property. You are hereby notified that your property is in violation of the City of Key West Code of Ordinances for the following reason(s):

Violation Detail

Count 1: Sec. 122-688 (9) Conditional use required to operate a bar/lounge in the HRCC-1 Zoning District.

To Wit: On 17 Jan 13 at approximately 9:41 p.m. the business known as Shots & Giggles was operating as a bar/lounge without the benefit of the required conditional use.

Florida Statutes Chapter 162 and Key West Code of Ordinances Article VI authorize code enforcement proceedings. You have ten (10) days after receipt of this notice to take corrective action on the above-described violation(s). **PLEASE CONTACT THE UNDERSIGNED CODE COMPLIANCE OFFICER** so that we can assist you in achieving compliance and scheduling a re-inspection. **If corrective action is not taken within the specified 10 days, this matter will be referred to The Special Magistrate for an administrative non-criminal hearing concerning the alleged violation(s).**

The violation listed herein does not necessarily constitute all the violations that may exist with regard to this matter/property. Lack of enforcement proceedings at this time does not constitute a waiver of the right to any future notices of violations.

IF THE VIOLATION IS CORRECTED AND THEN RECURS OR IF THE VIOLATION IS NOT CORRECTED BY THE TIME SPECIFIED BY THE CODE OFFICER, THE CASE MIGHT BE

PRESENTED TO THE SPECIAL MAGISTRATE EVEN IF THE VIOLATION HAS BEEN CORRECTED PRIOR TO THE HEARING DATE.

PER FLORIDA STATUTES SECTION 162.09, YOUR FAILURE TO CORRECT THE VIOLATION (S) MAY RESULT IN THE IMPOSITION OF A FINE OF UP TO \$250.00/DAY, AND \$500.00/DAY FOR A REPEAT VIOLATION. IF THE VIOLATION (S) IS IRREPARABLE OR IRREVERSIBLE, A FINE OF UP TO \$5000.00 MAY BE IMPOSED BY THE SPECIAL MAGISTRATE. FINES MAY BE IMPOSED ON A PER DAY/ PER VIOLATION BASIS.

FINES THAT ARE NOT PAID MAY BECOME LIENS UPON YOUR PROPERTY AND BE RECORDED IN THE PUBLIC RECORDS OF MONROE COUNTY.



Jim Young
Code Compliance Manager
City of Key West
(305) 809-3737

PREPARED 1/22/13, 15:54:46
 PROGRAM CE200L
 CITY OF KEY WEST

CASE HISTORY REPORT
 CASE NUMBER 12-00000523

CASE TYPE	DATE ESTABLISHED	STATUS	STATUS DATE
RE #/PARCEL #/TAX ID etc			
ADDRESS	INSPECTOR	TENANT NAME	TENANT NBR
CE BUILDING ORDINANCE 0000-1170-000000-	3/26/12	COMP AFTER INVESTIGATION	5/08/12
512 GREENE ST KEY WEST FL 33040	Jim Young	Scars & Tattos	

CASE DATA: District Number

NARRATIVE: March 26, 2012 3:20:05 PM keywpsc.
 Building department states that there is no certificate of
 occupancy for this location.

NOTICE NAMES: 512 GREENE STREET LLC OWNER

HISTORY:	SCHEDULED	ACTION	STATUS	RESULTED	INSPECTOR	TIME
	3/26/12	Initial Inspection	COMPLETED	3/27/12	Jim Young	
		RSLT TEXT: March 27, 2012 4:17:11 PM keywjy.				3/27/12
		This business is currently open and operating without a required certificate of occupancy for the structure.				3/27/12
	3/27/12	Notice of Code Violation	ISSUED	3/27/12		
		Respond to: Jm Young	Date: 4/09/12			
		Send to: OWNER				
		Mail tracking #: 7003 3110 0003 4757 5394				
		Name/address: 512 GREENE STREET LLC 525 CAROLINE ST KEY WEST, FL 33040				
		Telephone:				
		Fax:				
		EEmail:				
	4/06/12	Follow up Inspection	COMPLETED	5/08/12	Jim Young	
		RQST TEXT: May 8, 2012 9:52:46 AM keywjy.				5/08/12
		On 24 Apr 12 I conducted a site visit at the above property				5/08/12
		to ascertain if the conditional uses associated with the				5/08/12
		major development plan are in compliance. I met with the				5/08/12
		business representative William LaRose and went over the				5/08/12
		site plan as well as the list of conditions. There are four				5/08/12
		issues that need to be resolved.				5/08/12
		1. I need to verify the access to the distributive sound				5/08/12
		system via the company The Audio Bug, which I will do today,				5/08/12
		2. The landscaping plan needs to be inspected for				5/08/12
		compliance. Paul Williams is scheduled to conduct his				5/08/12
		inspection today at 3:00 p.m.,				5/08/12
		3. The trash/recycling area needs to be totally enclosed, as				5/08/12
		of yesterday there were three sides surrounding this area				5/08/12

CASE TYPE	DATE ESTABLISHED	STATUS	STATUS DATE
RE #/PARCEL #/TAX ID etc	INSPECTOR	TENANT NAME	TENANT NBR
ADDRESS			
CE BUILDING ORDINANCE 0000-1170-000000- 512 GREENE ST KEY WEST	3/26/12	COMP AFTER INVESTIGATION	5/08/12
FL 33040	Jim Young	Scars & Tattos	
4/06/12 Follow up Inspection	COMPLETED	5/08/12	Jim Young
RQST TEXT:			5/08/12
	4. A recycling container was not on site, this should be resolved today.		5/08/12
	Myself and Mr. LaRose had a lengthy discussion regarding the retail area on Ann Street and how this will remain retail unless other uses are approved and granted by the City.		5/08/12
	On 25 Apr 12 I received the following email from Paul Williams;		5/08/12
	I inspected the landscaping installed at 512 Greene Street this morning, April 25, 2012 and found all plant material to meet the requirements of the City Code.		5/08/12
	Attached is a copy of the as-built landscape plan. All trees and shrubs required to be planted have been placed per this approved final landscape plan.		5/08/12
	The landscape contractor is now under contract with the property owner to maintain all landscaping until establishment.		5/08/12
	I recommend approval of the parking lot C/O and any code compliance issue as it relates to landscaping and trees.		5/08/12
	Please contact me at any time if you have any questions.		5/08/12
	Paul Williams Urban Forestry Manager City of Key West Planning Department (305) 809- 3768		5/08/12
	On 7 May 12 I conducted a follow up inspection at Tattoos & Scars. The garbage area was enclosed, and there was a recycling bin in place.		5/08/12
	Lastly, I obtained the password and log on information to the Internet based distributive sound system and observed it to be operational.		5/08/12
RSLT TEXT:	May 8, 2012 10:01:38 AM keywjy.		5/08/12
	On 24 Apr 12 I conducted a site visit at the above property to ascertain if the conditional uses associated with the major development plan are in compliance. I met with the business representative William LaRose and went over the site plan as well as the list of conditions. There are four issues that need to be resolved.		5/08/12
			5/08/12

CASE TYPE	DATE ESTABLISHED	STATUS	STATUS DATE
RE #/PARCEL #/TAX ID etc	INSPECTOR	TENANT NAME	TENANT NBR
ADDRESS			
CE BUILDING ORDINANCE 0000-1170-000000- 512 GREENE ST KEY WEST	3/26/12	COMP AFTER INVESTIGATION	5/08/12
FL 33040	Jim Young	Scars & Tattos	
4/06/12 Follow up Inspection	COMPLETED	5/08/12	Jim Young
RSLT TEXT:	<p>1. I need to verify the access to the distributive sound system via the company The Audio Bug, which I will do today, 5/08/12</p> <p>2. The landscaping plan needs to be inspected for compliance. Paul Williams is scheduled to conduct his inspection today at 3:00 p.m., 5/08/12</p> <p>3. The trash/recycling area needs to be totally enclosed, as of yesterday there were three sides surrounding this area 5/08/12</p> <p>4. A recycling container was not on site, this should be resolved today. 5/08/12</p> <p>Myself and Mr. LaRose had a lengthy discussion regarding the retail area on Ann Street and how this will remain retail unless other uses are approved and granted by the City. 5/08/12</p> <p>On 25 Apr 12 I received the following email from Paul Williams; 5/08/12</p> <p>I inspected the landscaping installed at 512 Greene Street this morning, April 25, 2012 and found all plant material to meet the requirements of the City Code. 5/08/12</p> <p>Attached is a copy of the as-built landscape plan. All trees and shrubs required to be planted have been placed per this approved final landscape plan. 5/08/12</p> <p>The landscape contractor is now under contract with the property owner to maintain all landscaping until establishment. 5/08/12</p> <p>I recommend approval of the parking lot C/O and any code compliance issue as it relates to landscaping and trees. 5/08/12</p> <p>Please contact me at any time if you have any questions. 5/08/12</p> <p>Paul Williams Urban Forestry Manager City of Key West Planning Department (305) 809- 3768 5/08/12</p> <p>On 7 May 12 I conducted a follow up inspection at Tattoos & Scars. The garbage area was enclosed, and there was a recycling bin in place. 5/08/12</p> <p>Lastly, I obtained the password and log on information to the Internet based distributive sound system and observed it 5/08/12</p>		

PREPARED 1/22/13, 15:54:46
 PROGRAM CE200L
 CITY OF KEY WEST

CASE HISTORY REPORT
 CASE NUMBER 12-00000523

CASE TYPE	DATE ESTABLISHED	STATUS	STATUS DATE
RE #/PARCEL #/TAX ID etc	INSPECTOR	TENANT NAME	TENANT NBR
CE BUILDING ORDINANCE 0000-1170-000000- 512 GREENE ST KEY WEST	3/26/12 Jim Young	COMP AFTER INVESTIGATION Scars & Tattos	5/08/12
FL 33040 4/06/12	Follow up Inspection RSLT TEXT: to be operational.	COMPLETED	5/08/12 Jim Young 5/08/12

TOTAL TIME:

VIOLATIONS:	DATE	DESCRIPTION	QTY	CODE	STATUS	RESOLVED
	3/27/12	Sec. 90-363 LOCATION: 512 GREENE ST NARRATIVE: March 27, 2012 4:18:59 PM keywjy. This business is currently open and operating without a required certificate of occupancy for the structure.	1	CERTIFICATE OF OCCUPANCY	IN COMPLIANCE	5/08/12
						3/27/12
						3/27/12
						3/27/12

Additional Information

CITY OF KEY WEST
BUILDING DEPARTMENT
P.O. BOX 1409
KEY WEST FL 33041

C E R T I F I C A T E O F O C C U P A N C Y

P E R M A N E N T

Issue Date 5/16/12

Parcel Number 0000-1170-000000- -

Property Address 512 GREENE ST
KEY WEST FL 33040

Subdivision Name

Legal Description KW PT LOT 3 SQR 13 G67-
20

Property Zoning OR781-772D/C OR992-397L/E
HIGH DENSITY RES/COMM

Owner PETER NELSON BRAUN

Contractor MCKENDRY BUILDERS
305 304-7937

Application number 09-00002923 060 000

Description of Work RENOVATION, ADDITION, CONVERSION: COMMERCIAL

Construction type

Occupancy type

Flood Zone AE ZONE

Special conditions

Permanent CO for change of use from commercial/residential to commercial use only. CO issued in accordance with all approved final inspections and conditions stated in Planning Board Resolution 11-274. Structure fronting on Ann Street is approved for retail only and not permitted to contain consumption area. No exterior consumption area permitted without payment of impact fees.

Approved John P. Wood 5-16-12
Building Official

VOID UNLESS SIGNED BY BUILDING OFFICIAL

Alan Avenette
City Fire Marshall Approval

January 21, 2013
Report & Background

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



To: Chairman and Planning Board Members
From: Ginny Haller
Through: Donald Leland Craig, AICP, Planning Director
Meeting Date: January 17, 2013

Agenda Item: **Modification to a Major Development Plan & Conditional Use – 512 Greene Street (RE# 00001170-000000)** – A request for Modifications to a Major Development Plan and Conditional Use approval via City Commission Resolution 11-274 to alter the layout of the commercial floor area, reduce retail space and convert retail area to mixed retail and bar/lounge consumption area for property located in the Historic Residential Commercial Core Gulf Side (HRCC-1) zoning district per Section 108-91C(3) and (4) and Section 122-688(9) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Request: Third request to modify a Major Development Plan and Conditional Use approval via City Commission Resolution 11-274 which would alter the existing use of the commercial floor area by changing the mix of bar/lounge consumption and retail floor area of the structure on Ann Street.

Applicant: Trepanier and Associates

Property Owner: Peter Brawn, Managing Member of 512 Greene Street, LLC.

Location: 512 Greene Street and 201 to 205 Ann Street
RE# 00001170-000000

Zoning: Historic Residential Commercial Core, Gulf Side (HRCC-1)



Background:

This property is located at the northeast corner of the intersection of Greene Street and Ann Street. The parcel is approximately 9,800 square feet and prior to recent redevelopment approvals it supported commercial uses (including a former restaurant and retail store), and a single family home. The request is the 3rd Modification to the Major Development Plan and Conditional Use (MDP/CU) for the property.

The original MDP/CU request was approved by the Planning Board July 30, 2009 (Res. No. 2009-030) and approved by the City Commission on September 15, 2009 (Res. No. 09-242) and the approval was to allow the existing restaurant to change to a bar and lounge with 1,045 square feet of consumption area, allow for the redevelopment of the existing parking lot and a change of use from a single family home to a commercial retail structure, and a change in use for two (2) existing small commercial structures into two (2) commercial retail structures.

The first Modification of the MDP/CU was approved by the Planning Board June 17, 2010 (Res. No. 2010-024) for the redesign of the approved parking lot to eliminate an access easement and relocate the garbage area, including the modifications of conditions and modification to required aisle width and parking stall size.

The second Modification of the MDP/CU was approved by the Planning Board July 21, 2011 (Res. No. 2011-035) for 90 square feet of outdoor consumption area.

The first and second modifications of the MDP/CU were approved by the City Commission September 20, 2011 (Res. No. 11-274) to permit the reconfiguration of the parking lot, eliminate previously required ingress and egress easement, relocation of the garbage storage and pick-up areas, and to modify conditions to permit outdoor consumption area.

Previous City Actions

**2nd Modification to Major Development Plan & Conditional Use
(Increase Consumption Area)**

DRC Meeting
HARC

December 17, 2010
December 30, 2010

Tree Commission Meeting	May 9, 2011
Planning Board	July 21, 2011, PB Resolution 2011-035
City Commission Meeting	September 20, 2011, CC Resolution 11-274

**1st Modification to Major Development Plan & Conditional Use
(Reconfigure Parking Lot)**

DRC Meeting	February 25, 2010
HARC	April 5, 2010 - H10-03-31-35
Planning Board	June 17, 2010 - PB Resolution 2010-024
City Commission Meeting	September 20, 2011, CC Resolution 11-274

Major Development Plan & Conditional Use

DRC Meeting	May 28, 2009
HARC	June 9, 2009
Tree Commission Meeting	August 10, 2009
Planning Board	August 6, 2009, PB Resolution 2009-030
City Commission Meeting	October 13, 2009, CC Resolution 09-242

Request:

This third modification request to the MDP/CU is to change the existing use of the retail/commercial floor area of the small historic structure on Ann Street to a mix of bar/lounge consumption and retail floor area. The applicant does not propose changes to the existing approval conditions of the past modifications of the MDP/CU, or changes to any physical structures including the impervious surface ratio. The applicant states that the original design and approval of the structure on Ann Street was expected to be used as retail, but the retail use has been unsuccessful. The application was initially a minor modification of the use of the existing floor area, however, upon review, it was the position of the City that since the original conditional use went to the City Commission as part of a major development plan, making any changes requires it to go through the same process: as a modification to a MDP/CU as outlined in Sec. 122-62(a).

Current Process:

Development Review Committee Meeting:	July 26, 2012
Planning Board Meeting:	January 17, 2013
City Commission Meeting:	TBD

Surrounding Zoning and Uses:

North:	HRCC-1. Restaurant and retail
East:	HRCC-1. Retail and parking lot
South:	HRCC-1. Residential apartments, parking lot and Old City Hall
West:	HRCC-1. Take out and Old City Hall

Uses Permitted in the HRCC-1 Duval Street Gulfside Zoning District

Per Section 122-687, Code of Ordinances:

(1) Single-family and two-family residential dwellings

- (2) Multiple-family residential dwellings
- (3) Group homes with less than or equal to six residents as provided in section 122-1246
- (4) Places of worship
- (5) Business and professional offices
- (6) Commercial retail low and medium intensity less than or equal to 5,000 square feet as provided in division 11 of article V of this chapter
- (7) Commercial retail high intensity less than or equal to 2,500 square feet as provided in division 11 of article V of this chapter
- (8) Hotels, motels, and transient lodging
- (9) Medical services
- (10) Parking lots and facilities
- (11) Restaurants, excluding drive-through
- (12) Veterinary medical services without outside kennels
- (13) Adult entertainment establishments (see section 122-1533)

Conditional Uses Per Section 122-688, Code of Ordinances:

- (1) Group homes with seven to 14 residents as provided in section 122-1246
- (2) Cultural and civic activities
- (3) Community centers, clubs, and lodges
- (4) Educational institutions and day care
- (5) Nursing homes, rest homes and convalescent homes
- (6) Parks and recreation, active and passive
- (7) Protective services
- (8) Public and private utilities
- (9) Bars and lounges, including those associated with adult entertainment establishments
- (10) Boat sales and service
- (11) Commercial amusement, except adult entertainment establishments
- (12) Commercial low and medium intensity greater than 5,000 square feet as provided in Division 11 of article V of this chapter
- (13) Commercial retail high intensity greater than 2,500 square feet as provided in division 11 of article V of this chapter
- (14) Funeral homes
- (15) Light industrial
- (16) Marinas
- (17) Small recreational power-driven equipment rentals

Submitted Plans:

Plans by Carlos O. Rojas, AIA, date stamped October 4, 2012

1. Site Plan – Existing
2. Consumption/Retail Area Plan
3. Consumption/Retail Area Plan - Proposed

Conditional Use Review

Code Sec. 122-62 (a) provides, in part, that “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.” The same section also specifies that “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.”

Conditional Use Criteria per Code Section 122-62

- (a) **Findings:** The Planning Board may find that it meets the Code purpose of ensuring 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.”

The subject property, zoned HRCC-1, has existing mixed commercial and residential uses. This zoning district incorporates the city’s most-intensely vibrant tourist commercial entertainment center which is characterized by specialty shops, sidewalk-oriented restaurants, lounges and bars with live entertainment. Within the immediate vicinity of the proposed use are numerous similar open window bars on Duval, Greene, and Front Streets, and the Historic Seaport. High intensity land use is common in the district, and the proposed mix of bar and retail is typical of the area. Other uses in the immediate vicinity around Greene Street are commercial in character including numerous parking lots and the residential use that was on the site is proposed to be replaced by commercial use. The property has a permitted bar and lounge approved for indoor and outdoor consumption areas, retail commercial uses, and a parking area.

The proposed modification is to change the existing use of the retail floor area of the structure on Ann Street to a mix of bar/lounge consumption and retail uses. In past public meetings noise and garbage impacts (from both storage and collection) were raised, these may be aggravated by the proposed increase in consumption area.

The proposed modification to the MDP/CU shall meet the following criteria as described below:

- (b) **Characteristics of use:**

The proposed modification to the approved major development plan and conditional use includes a change of use from retail/commercial to a mix of bar/lounge consumption and retail. Each key area is assessed as follows:

- 1) **Scale and intensity**

- a. **Floor Area Ratio (F.A.R):**

Existing F.A.R is 0.33; no new floor area is proposed. The F.A.R for the HRCC-1 is 1.0. Therefore, the proposed use conforms to the requirement.

- b. **Traffic Generation:**

According to the Institute of Transportation Engineers Trip Generation Manual, 7th Edition Trip Generation Volumes, the change in use from retail to a mix of retail and consumption area could reduce the overall trip generations (retail is a more intense trip generator, existing is 57.6 trips to proposed 22.1 trips).

Additionally there is onsite parking and because of the location of the proposed bar and lounge in the pedestrian oriented district, traffic generation is expected to be primarily pedestrian.

c. Square feet of enclosed space for each specific use:

The proposed mixed retail/consumption area is 134.5 square feet located in the small historic structure on Ann Street.

d. Proposed employment:

The applicant estimates there will be two (2) people employed at the proposed conditional use bar/lounge and retail space.

e. Proposed number of service vehicles:

The applicant expects service vehicles to be making deliveries through the parking lot at the rear of the bar. An estimated six service vehicles will deliver to the site weekly. Garbage pick up will be on Ann Street twice a week and recycling picked up once a week.

f. Off-street parking:

This property is within the parking waiver district, and the conditional use approval does not require parking as provided in Section 108-573(a); however, as part of the Major Development Plan the applicant provided a parking lot with seven spaces.

2) On or off site improvements not previously identified

a. Utilities:

No change in utilities is expected.

b. Public facilities:

No changes. The applicant provided a Concurrency Management report that incorporates improvements consistent with Chapter 94 of the Code, including site plans that incorporate stormwater drainage, garbage and recycling areas, and facilities that meet ADA standards with the prior September, 12, 2012 MDP/CU.

c. Roadway or signal improvements: N/A

d. Accessory structures or facilities:

No change is proposed.

e. Other:

As part of the prior Major Development Plan site improvements included paving the existing parking lot, new bike racks, and a sidewalk that allowed safe pedestrian passage through the parking lot at the rear of the proposed bar and a stormwater retention plan.

3) On-site amenities proposed to enhance the site:

No change is proposed.

- a. **Open space:**
No change is proposed.
- b. **Setbacks:**
No change is proposed.
- c. **Screening and buffers:**
No change is proposed.
- d. **Landscaping berms:**
No change is proposed.
- e. **Mitigative techniques for abating smoke, odor, noise and other noxious impacts:**
The applicant hired noise experts (The Audio Bug, Inc.) to examine noise generating from the proposed bar which may affect business at Old City Hall or surrounding residential units. Code Compliance continues to monitor. No outdoor speakers are proposed.

(c) Criteria for conditional use review and approval:

Applications for a conditional use review shall clearly demonstrate the following:

1) Land use compatibility:

The proposed modification to the conditional use in conjunction with the Major Development Plan appears generally compatible with the surrounding land uses. There is no proposed increase in scale and the potential increase in intensity has been mitigated using various methods including: seven on-site parking spaces to prevent negative parking impacts on the immediate area, and bicycle parking. There are no changes to the approved neighborhood compatibility enhancements that included landscaping to beautify and buffer the site, stormwater retention to prevent run off, street lighting to increase pedestrian safety, and pedestrian friendly passages to augment flow from adjacent parking to neighboring commercial sites. Additionally, the approved Major Development Plan directs on site circulation related to parking onto Simonton Street.

The intent of the zoning district is to support “an intensely vibrant tourist commercial entertainment center” and there are numerous existing open air bars and lounges within the immediate vicinity of the proposed bar. Therefore, the use appears appropriate to the district and compatible with other uses along Greene Street.

2) Sufficient site size, adequate site specifications and infrastructure to accommodate the proposed use:

The site size is over 9,000 square feet and the building coverage of all four structures is approximately 4,000 square feet, leaving 5,000 square feet for open space and the parking lot. There are no proposed changes. None of the existing structures on site will

be altered in size. The site has adequate size and site specifications to accommodate the proposed use and amenities such as parking, sidewalks and an increase in open space, which will help accommodate the increase in intensity.

3) Proper use of mitigative techniques:

The applicant has provided landscape buffering. However, the applicant has not addressed all noise related issues at the time of this report.

4) Hazardous waste:

No hazardous waste shall be generated by this conditional use.

5) Compliance with applicable laws and ordinances:

The applicant will comply with all applicable laws and regulations as a condition of approval. The applicant will comply with Sections 18-610-615 of the Code of Ordinances.

6) Additional criteria applicable to specific land uses:

Applicants shall demonstrate the proposed modification of conditional use satisfies the following criteria:

a. Land uses within a conservation area:

N/A

b. Residential development:

N/A

c. Commercial or mixed use development:

The surrounding uses are mainly commercial, and adjacent properties include commercial parking lots. However, some residential uses (Old City Hall) are proximate to the site.

d. Development within or adjacent to historic district:

N/A

e. Public facilities or institutional development:

N/A

f. Commercial structures, uses and related activities within tidal waters:

N/A

g. Adult entertainment establishments:

N/A

Major Development Plan

Analysis – Evaluation for Compliance With The Land Development Regulations:

Section 108-91 A(2)(b) of the City of Key West Land Development Regulations requires that any proposed non-residential development within the historic district greater than 2,500 square feet submit an application for a Major Development Plan. Section 108-196(a) of the Land Development Regulations states "after reviewing a major development plan or a minor development plan for a property and staff recommendations, the Planning Board shall act by resolution to approve, approve with conditions, or disapprove it based on specific development review criteria contained in the Land Development Regulations and the intent of the Land Development Regulations and Comprehensive Plan."

Section 108-198 of the Land Development Regulations states that the City Commission shall approve with or without conditions or disapprove the development plan based on specific development review criteria contained in the Land Development Regulations and based on the intent of the Land Development Regulations and Comprehensive Plan. The City Commission may attach to its approval of a development plan any reasonable conditions, limitations or requirements that are found necessary, in its judgment, to effectuate the purpose of this article and carry out the spirit and purpose of the Comprehensive Plan and the Land Development Regulations. Any condition shall be made a written record and affixed to the development plan as approved. If the City Commission disapproves a development plan, the reasons shall be stated in writing."

Planning staff, as required by Chapter 108 of the City of Key West Land Development Regulations, has reviewed the following site information for compliance with the City's LDRs and Comprehensive Plan:

Project Data			
	Existing	Permitted/Required	Proposed
Zoning	HRCC-1	Conditional Use Approval	Bar, Retail, and parking lot
Lot Area	9,827 sf	4, 000 sf	No change
FAR	.31	1.0	No change
Building Coverage	33% (3,257 sf)	50%	No change
Impervious	91% (8,989.9 sf)	70%	83%(7,335.8 sf) Legally non-conforming
Building Height	15-20 feet		No change
Parking	7 spaces	4 spaces	No change
Flood Zone	AE8		
Open Space	9% (2,004 sf)	20%	No change 9% (2,004 sf)

Concurrency Facilities and Other Utilities or Service:

As required by Objective 9-1.5 of the Comprehensive Plan and Section 108-233 of the Land Development Regulations development plans shall satisfy concurrency management regulations

to ensure that facilities and services needed to support the proposed development meet the City's level of service standards.

The following concurrency analysis reflects the proposed bar of 1,045 square feet of consumption area and three proposed retail buildings of 1,255.93 square feet. Previously the property had a restaurant of approximately 780 square feet with five employees, functional retail area of roughly 400 square feet with one employee, and a single-family home of 950 square feet with one to two occupants. The proposed project is commercial in nature and will incorporate a total of ten employees on site. The parcel is 9,837.87 square feet or 0.225846 acres which is used to determine service levels.

Potable Water Supply:

Objective 9-1.6 (1.) of the Comprehensive Plan outlines specific criteria that an applicant or developer shall meet prior to achieving plan approval which ensures that land use decisions maintain adopted Level of Service standards. Section 94-68 of the City of Key West Code of Ordinances sets the Level of Service standard for potable water for residential use at 95gal/capita/day and for nonresidential uses at 650gal/acre/day.

Potable Water & Sanitary Sewer “Planned improvements in potable water and/or wastewater systems required to establish and/or maintain adopted water and wastewater levels of service. System improvements and proposed funding resources required for implementing any improvements required to establish and/or maintain adopted potable water and wastewater system level of service standards:

Potable Water Sec. 94-68 sets the level of service for residential potable water at 93 gal/ capita/ day and nonresidential at 650 gal/acre/day.

- i) The total capacity required for the current **0.225846 acre** parcel is:
650 gal/acre/day x 0.225846 acres = 146.8 gal/day
- ii) The total capacity required for the proposed project on **0.225846 acres** is:
650 gal/acre/day x 0.225846 acres = 146.8 gal/day

Based on the concurrency management calculation prescribed in the Comprehensive Plan, there is no, or minimal, increase in the proposed capacity required by Key West Comprehensive Plan LOS standards; the Florida Keys Aqueduct Authority has the capacity to supply adequate service to this property, as demonstrated below.

FKAA Supply Capacity:

The Florida Keys Aqueduct Authority (“FKAA”) has adequate supply capacity to serve the potential development. FKAA has constructed facilities on the mainland in Florida City to expand water supply for the Florida Keys. This permitted and constructed improvement enables FKAA to provide over 23 MGD, which will provide sufficient capacity through 2022¹. Operational in 2011, the recent expansion of the R.O. plant will

1.Except from Analysis by Kenneth B. Metcalf, AICP, (Greenberg Traurig, P.A.), August 22, 2008

provide 6.0 MGD, which combined with the 17.0 MGD permitted withdrawal from the Biscayne Aquifer, increased available water supply to 23 MGD for the Florida Keys.

Expanded Florida City R.O. Plant. The Department of Health issued Permit # 150092-007-wc/04 (Exhibit I) on November 14, 2006 to allow for the construction of an expanded reverse osmosis (R.O.) water plant in Florida City. The expanded water plant is designed to treat blended Floridian Aquifer water as an alternative water source to the Biscayne Aquifer. The permit design capacity of the expanded R.O. plant is 6 MGD.

Revised Water Use Permit. The SFWMD issued revised Water Use Permit (WUP) #13-00005-W (Exhibit II) on March 26, 2008, which recognizes the additional blended Floridian Aquifer capacity that will be provided by the expanded R.O. plant. Interim Water Use Allocations in the WUP permit provide FCAA with an allocation of 17.00 MGD (dry season) and 17.79 GPD (wet season) which may be withdrawn from the Biscayne Aquifer and allows FCAA to utilize the Stock Island and Marathon Reverse Osmosis plants for any demands exceeding the interim withdrawal limit, pending completion of the R.O. plant in Florida City. The Stock Island and Marathon R.O. plants have a combined capacity of 3.0 MGD providing an interim WUP water supply of 20.0 MGD during the dry season if needed. Once operational in 2010, the R.O. plant will provide an additional 6.0 MGD, which when combined with the 17.0 MGD permitted withdrawal from the Biscayne Aquifer, will increase available water supply to 23 MGD for the Florida Keys.

The interim allocation of 20 MGD (7,300 MG/year) through 2010 and 23 MGD after 2010 provides ample water supply to support the adopted amendment and allocated growth well beyond 10 years. The “Monroe County 2007 Annual Public Facilities Report” documents historic water use in the Florida Keys. Water demand has fluctuated significantly on an annual basis, however when evaluated over a ten-year period, the data shows an increase in water demand of more than 1 billion gallons over the last 10 years with an annual average increase of approximately 104 MG/year. This increase in demand can be shown in the following calculation:

$$\begin{aligned} 1996 \text{ annual water demand} &= 5,272 \text{ MG /year} \\ 2006 \text{ annual water demand} &= 6,310 \text{ MG /year} \\ \text{Average Annual Increase} &= (6,310 \text{ MG} - 5,272\text{MG}) / 10 = 103.8 \text{ MG /year} \end{aligned}$$

Based on the average annual increase of 103.8 MG per year, the interim allocation would be sufficient for an additional 9.5 years of growth beyond 2006 or through 2015 until demand reaches the interim permitted withdrawal of 20 MGD (7,300 MG/year). Since completion of the Florida City facilities, the 23 MGD allocation is available to support yet another 9.5 years of growth. Based on these findings, sufficient permitted water supply is available to meet the needs of the Florida Keys through 2024.

Improvements Schedule/Status. Condition 30 of the WUP provides the R.O. plant and the associated Floridian deep wells that will provide 23 MGD of capacity through 2024:

- DEP Underground Injection and Control permit was obtained on May 21, 2008.
- Construction contracts were required within 180 days or by November 21, 2008;
- Testing is required within one year and 30 days from issuance of the permit or by June 21, 2009.
- The R.O. plant construction was completed in January, 2010.

Sanitary Sewer Sec. 94-67 sets the level of service for residential sanitary sewer at 100 gal/capita/day and nonresidential sanitary sewer at 660 gal/acre/day.

- i) the total capacity required for the current **0.225846 acre** parcel is:
660gal/acre/day x 0.225846 acres = 149gal/day
- ii) the total capacity required for the proposed project on **0.225846 acres** is:
660 gal/acre/day x 0.225846 acres = 149 gal/day

The current wastewater treatment plant has the potential treatment capacity of 10 million gallons per day. Only 4.8 million gallons per day of capacity are currently utilized². The current plant has the capacity to service this project's projected needs.

Recreation "In cases where residential development is proposed, information shall be submitted describing plans for accommodating recreational demands generated by the development, including demonstrated evidence that the City's adopted level of service for recreation shall not be adversely impacted³:" No Residential Development Proposed

Solid Waste- "Projected demand generated by the development on the solid waste disposal system and assurances that the City's adopted level of service for solid waste disposal shall not be adversely impacted⁴:"

Sec. 94-71 sets the level of service for residential solid waste disposal (1994-2010) at 2.66 lb/capita/day and nonresidential solid waste disposal at 6.37 lb/capita/day⁵.

- i) the total capacity required for the current **2 employees** is:
6.37 lb/capita/day x 2 employees =12.74 lb/day
- ii) the total capacity required for the proposed **2 employees** is:
6.37 lb/capita/day x 2 employees = 12.74 lb/day

Waste Management has more than enough capacity to handle the increase⁶.

Drainage - "Conceptual plan for accommodating storm water run-off and demonstrated evidence that the proposed drainage improvements shall accommodate storm water run-off

² Per September 3, 2010 memo from Greg Smith, project Manager for CH2M Hill OMI (Exhibit III)

³ The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues.

⁴ The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues.

⁵ For these calculations, we chose to use the number of employees to represent the "capita."

⁶ Per January 25, 2010 memo from Jay Gewin, City of Key West (Exhibit V)

without adversely impacting natural systems or the City’s adopted level of service for storm drainage⁷”

This site currently meets the minimum requirements through best management practices.

Roads/Trip Generation⁸ - “Estimated trips for the peak hour generated by the proposed land use(s) together with anticipated on- and off-site improvements necessitated to accommodate the traffic impacts generated by the development including, additional R/W, roadway improvements, additional paved laneage, traffic signalization, proposed methods for controlling access and egress, and other similar improvements⁹.”

For the purposes of calculating traffic generation we used the Institute of Transportation Engineer’s 7th Edition Trip Generation Volumes. There will be a trip reduction of at least 35.5 trips per 1,000 sq. ft. average as a result of the proposed modification as predicted by the ITE Trip Generation Manual.

Maximum Potential Trip Generation Calculations						
Trip Generator	Weekday		Saturday		Sunday	
	Existing	Proposed	Existing	Proposed	Existing	Proposed
Bar GLA	1,135	1,208	1,135	1,208	1,135	1,208
Trips per Bar GLA (ITE #936) ¹⁰	12.9	13.7	12.9	13.7	12.9	13.7
Retail GLA	1256	236.5	1256	236.5	1256	236.5
Trips per Retail GLA (ITE# 814)	55.7	10.5	52.8	9.9	25.7	4.8
Total Trips/ 1,000 sq. ft.	68.6	24.2	65.7	23.6	38.6	18.5

As the table above explains, there is an overall reduction in trip generation predictions due to the modification of the conditional use. This project is located on Greene Street. Greene Street is not constrained according to City of Key West Code Section 94-72. There is onsite parking which is accessed by Ann Street (also not identified as constrained).

Fire Protection:

Key West Fire Department coordination shall be per DRC. No objections at this time.

Other public facilities:

Section 108-233(10) of the City code requires that proposed development minimize adverse effects upon public facilities. The proposed project is a redevelopment plan. Educational facilities, police protection, fire protection, electric power, health care, disaster preparedness and

⁷ The City of Key West’s Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues

⁸ See Exhibit VI - PARKING AND TRIP ANALYSIS, by Trepanier & Associates, Oct. 2012

⁹ The City of Key West’s Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues

¹⁰ No weekend ITE study for a “Drinking Place” exists. The data for the weekday was substituted in its place.

recreational facilities will not experience a change in usage because these facilities are currently in place.

Appearance, design and compatibility (Section 108-234)

1. Compliance with Chapter 102; Articles 111, IV and V:

Articles III and V are not applicable to the proposed project. The project is in compliance with Article IV of the City Code.

Section 102-217 of the City Code requires that the Historic Architectural Review Commission (H.A.R.C.) issue a Certificate of Appropriateness for any new sign, paint, repair, alteration, remodeling, or landscaping of the exterior of any existing building, structure, fence, deck, sign, landscape, for demolition of a building or structure located in a designated historic zoning district. There are no changes from prior approvals.

2. Compliance with Section 108-956:

Section 108-956 discusses the requirements for domestic water and wastewater. These issues have been addressed in the report.

3. Chapter 110; Article II:

Should any archeologically significant resources be discovered during the development of the site, the applicant shall be required to comply with this article of the Land Development Regulations.

Site location and character of use (Section 108-235):

This site is located in the heart of the HRCC-1 zoning district which permits bars and lounges only as a conditional use. The surrounding properties are also primarily commercial in nature although there are some nearby residential units as well as Old City Hall. The conditional use proposal is compatible with the neighborhood and similar to other bars in the surrounding blocks.

1. Appearance of site and structures (Section 108-236):

No changes.

2. Appearance of site and structures (Section 108-278):

No changes. The appearance of the proposed site plan appears compatible with the overall environment and land uses in the immediate vicinity. No additions or new structures are proposed and the existing historical structures are in harmony with neighboring structures.

3. Location and screening of mechanical equipment, utility hardware and waste storage areas (Section 108-279):

Waste and recycling storage shall be kept in the interior of the property within an isolated and buffered area. All mechanical equipment and utility hardware areas will be in compliance with Section 108-279 of the Code and well-screened.

4. **Utility lines (Section 108-282):**
No new construction is proposed.
5. **Commercial and manufacturing activities conducted in enclosed buildings (Section 108-283):**
No outdoor business is proposed. All business will take place within each proposed commercial venue. Storage areas are identified on the site plans.
6. **Exterior Lighting (Section 108-284)**
No changes to lighting are proposed.
7. **Signs (Section 108-285):**
No change proposed.
8. **Pedestrian sidewalks (Section 108-286):**
No changes proposed.
9. **Loading docks (Section 108-287):**
N/A
10. **Storage Areas (Section 108-288):**
No changes proposed.

On-site and off-site parking and vehicular, bicycle, and pedestrian circulation (Section 108-244):

The parking impact is reduced with the change of use. The site has six parking spaces, one handicap space, bicycle parking, a new side walk through the center of the property connecting the adjoining lot, new curb cuts, and one way traffic circulation through the lot.

Housing (Section 108-245):

No proposed residential development is included in this proposal.

Economic resources (Section 108-246):

No changes are anticipated.

Special Conditions (Section 108-247):

No changes. The application as submitted complies with the intent of the Land Development Regulations and the City's Comprehensive Plan. The proposed development is not within any special zoning districts, adjacent to the airport or in proximity to waste treatment. runoff.

Construction management plan and inspection schedule (Section 108-248):

The proposal complies with the goals, objectives and policies of the Comprehensive Plan and by the submitted concurrency analysis it seems there are no conflicts with the existing public facilities. The project is within the HRCC-1 zoning district and complies with the intent of the LDRs.

Open Space, screening and buffers and landscaping (Article V and VI):

No change proposed.

Off-street parking and loading (Article VII):

No changes proposed. The approved plan included seven off-street parking spaces and one handicap space. It also included new bicycle parking, a new side walk through the center of the property connecting the adjoining lot, new curb cuts, and one way traffic circulation through the lot. The site plan was laid out in a manner that permits safe and adequate vehicular access in and out of parking spaces. The approved Major Development Plan satisfies on and off-site vehicular and bicycle circulation parking requirements as set forth in Section 108-643 of the Code.

Stormwater and surface water management (Chapter 108, Article VIII):

No changes proposed.

Flood Hazard Areas (Division 4 - Sections 108-821 - 108-927):

No changes proposed.

Utilities (Article IX):

No changes proposed.

RECOMMENDATION:

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends the third modification request the Conditional use and Major Development Plan be **approved** with the following conditions:

Conditions to be completed prior to the issuance of certificate of occupancy:

1. The applicant maintain a programmable distributive sound system consistent with that described in the document prepared by The Audio Bug and submitted on July 25, 2009, to assure compliance with the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances, and that such referenced document shall be updated to include that a computerized sound monitoring system is installed and real time monitoring access is provided to the City;
2. No landscaping be removed from the site;
3. City Staff will confirm that the sound system is maintained and functioning as provided for in Condition one (1);
4. Compliance with the plans dated October 4, 2012 is a condition of approval and specifically incorporated herein;
5. The property is fully ADA (Americans with Disabilities Act of 1990) accessible;

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

6. Outdoor speakers are prohibited;
7. Security cameras will be provided on site and security personnel will be present during the hours of operation;
8. Waste handling shall be consistent with the Solid Waste Management plan included in Res. No. 2010-024. The applicant will recycle materials accepted by the city's waste handling contractor;
9. Compliance with the plans dated October 4, 2012 is a condition of approval and specifically incorporated herein;
10. The outdoor consumption area is limited to the side yard area on the corner of Greene and Ann Streets only and is strictly prohibited from the rear courtyard area;

General Conditions:

11. 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.
12. There shall be no live music, disc jockeys, or karaoke anywhere on the site unless located indoors and approved under a special event permit per Section 6-86 of the Code of Ordinances. Under no circumstances will these venues be allowed outdoors.
13. There shall be no outdoor consumption on the front porch area of the small historic structure on Ann Street.



THE CITY OF KEY WEST

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3700

September 11, 2012

Owen Trepanier
Trepanier & Associates, Inc.
402 Applerouth Lane
PO Box 2155
Key West, FL 33045-2155

Re: Modification to Major Development Plan and Conditional Use at 512 Greene Street

Dear Owen,

Thank you for the opportunity to respond to your letter of August 30, 2012 concerning the process and fees involved in the modification of the major development plan and conditional use for 512 Greene Street. In your letter, you state that the proposal is a minor modification of the use of the existing floor area with no changes to any physical buildings or the existing approved conditions.

Your position is that the proposed modification is minor and should be processed by Sec. 108-91(C)2(e), which says "Any use ...or changes in use resulting in less than 1,000 square feet of impervious surface area on the entire site." And further in 108-91(C)2, that minor modifications are "approved by the city planner, the city engineer and the planning board chair person and reported to the planning board at a regularly scheduled meeting."

However, upon review, it is the position of the City that since the original conditional use went to the City Commission as part of a major development plan, making any changes to that conditional use requires it to go through the same process: as an amendment to a major development and conditional use as outlined in Section 122-62(a).

If you have any questions, do not hesitate to call.

Sincerely,



Donald Leland Craig AICP
City Planner

**Draft
Resolution**

**PLANNING BOARD
RESOLUTION No. 2013-**

A RESOLUTION OF THE KEY WEST PLANNING BOARD FOR GRANTING APPROVAL TO A MODIFICATION OF A MAJOR DEVELOPMENT PLAN AND CONDITIONAL USE APPROVAL ON PROPERTY LOCATED AT 512 GREENE STREET IN THE HRCC-1 ZONING DISTRICT PER SECTIONS 108-91C(3) AND (4), AND 122-688(9); (RE# 00001170-000000), KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 108-91C(3) and (4) of the Code of Ordinances allows applicants to request modifications of Major Development Plan (MDP/CU) approval and that changes to specific conditions required by the original approval shall require approval by the administrative body that originally approved the development; and

WHEREAS, this property is located at the northeast corner of the intersection of Greene Street and Ann Street. The parcel is approximately 9,800 square feet and prior to recent redevelopment approvals it supported commercial uses (including a former restaurant and retail store), and a single family home. The request is the 3rd Modification to the Major Development Plan and Conditional Use (MDP/CU) for the property; and

WHEREAS, the original MDP/CU request was approved by the Planning Board July 30, 2009 (Res. No. 2009-030) and approved by the City Commission on September 15, 2009 (Res. No. 09-242) and the approval was to allow the existing restaurant to change to a bar and lounge with

_____ Chairman
_____ Planning Director

1,045 square feet of consumption area, allow for the redevelopment of the existing parking lot and a change of use from a single family home to a commercial retail structure, and a change in use for two (2) existing small commercial structures into two (2) commercial retail structures; and

WHEREAS, the first Modification of the MDP/CU was approved by the Planning Board June 17, 2010 (Res. No. 2010-024) for the redesign of the approved parking lot to eliminate an access easement and relocate the garbage area, including the modifications of conditions and modification to required aisle width and parking stall size; and

WHEREAS, the second Modification of the MDP/CU was approved by the Planning Board July 21, 2011 (Res. No. 2011-035) for 90 square feet of outdoor consumption area; and

WHEREAS, the first and second modifications of the MDP/CU were approved by the City Commission September 20, 2011 (Res. No. 11-274) to permit the reconfiguration of the parking lot, eliminate previously required ingress and egress easement, relocation of the garbage storage and pick-up areas, and to modify conditions to permit outdoor consumption area; and

WHEREAS, the conditions to be completed prior to the issuance of certificate of occupancy:

1. The applicant maintain a programmable distributive sound system consistent with that described in the document prepared by The Audio Bug and submitted on July 25, 2009, to assure compliance with the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances,

and that such referenced document shall be updated to include that a computerized sound monitoring system is installed and real time monitoring access is provided to the City;

2. No landscaping be removed from the site;
3. City Staff will confirm that the sound system is maintained and functioning as provided for in Condition one (1);
4. Compliance with the plans dated October 4, 2012 is a condition of approval and specifically incorporated herein;
5. The property is fully ADA (Americans with Disabilities Act of 1990) accessible;

WHEREAS, the conditions subject to a Conditional Approval Permit, per Ordinance Number 10-22: Conditions subject to associated annual inspection:

6. Outdoor speakers are prohibited;
7. Security cameras will be provided on site and security personnel will be present during the hours of operation;
8. Waste handling shall be consistent with the Solid Waste Management plan included in Res. No. 2010-024. The applicant will recycle materials accepted by the city's waste handling contractor;
9. Compliance with the plans dated October 4, 2012 is a condition of approval and specifically incorporated herein;
10. The outdoor consumption area is limited to the side yard area on the corner of Greene and Ann Streets only and is strictly prohibited from the rear courtyard area;

WHEREAS, the General Conditions:

11. 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;

12. There shall be no live music, disc jockeys, or karaoke anywhere on the site unless located indoors and approved under a special event permit per Section 6-86 of the Code of Ordinances. Under no circumstances will these venues be allowed outdoors;

13. There shall be no outdoor consumption on the front porch area of the small historic structure on Ann Street.

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on January 17, 2013; and

WHEREAS, the granting of a Modification of a combined Conditional Use and Major Development Plan is consistent with the criteria in the Code; and

WHEREAS, the recommendation of approval of the combined Modification of a Conditional Use and Major Development Plan is 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

WHEREAS, the approval is consistent with the criteria in the Code; and

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. This Modification of a Conditional Use request and Major Development Plan application recommended for approval to the City Commission, 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 3. 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 4. This resolution is subject to appeal periods as provided by the City of Key West 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 Economic Opportunity. 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 DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45)

day review period the DEO 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.

Read and passed on first reading at a regularly scheduled meeting held this 17th day of January, 2013.

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 Form

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



Development Plan & Conditional Use Application

Applications will not be accepted unless complete

<u>Development Plan</u> Major _____ Minor _____	<u>Conditional Use</u> _____ <u>x</u> _____	<u>Historic District</u> Yes <u>x</u> _____ No _____
---	--	--

Please print or type:

- 1) Site Address 512 Greene St., Key West, FL 33040
- 2) Name of Applicant Trepanier and Associates, Inc.
- 3) Applicant is: Owner _____ Authorized Representative x _____
(attached Authorization and Verification Forms must be completed)
- 4) Address of Applicant 402 Appelrouth Lane
Key West, FL 33040
- 5) Applicant's Phone # 305.293.8983 Email owen@owentrepanier.com
- 6) **Email Address:** owen@owentrepanier.com
- 7) Name of Owner, if different than above 512 Greene Street, LLC.
- 8) Address of Owner 512 Greene St., Key West, FL 33040
- 9) Owner Phone # 305.293.8983 Email owen@owentrepanier.com
- 10) Zoning District of Parcel HRCC-1 RE# 00001170-000000
- 11) Is Subject Property located within the Historic District? Yes x No _____
If Yes: Date of approval 04/23/99 HARC approval # H09-0417407
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 a conditional use approval (Res. No. 11-274) to alter the
layout of the commercial floor area, reduce retail space and
convert a 944 sq. ft. retail area to mixed retail and bar/
lounge consumption area.

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



13) Has subject Property received any variance(s)? Yes _____ No x
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 x
If Yes, describe and attach relevant documents.

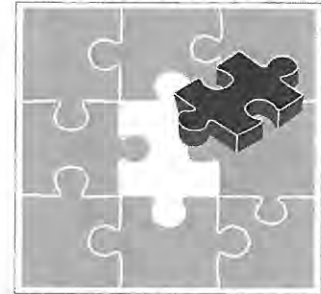
- A. For both *Conditional Uses* and *Development Plans*, provide the information requested from the attached **Conditional Use and Development Plan** sheet.
- B. For *Conditional Uses* only, also include the **Conditional Use Criteria** required under Chapter 122, Article III, Sections 122-61 and 122-62 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.

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.

09/12/12

Ms. Ginny Haller, Planner
City of Key West Planning Department
3140 Flagler Avenue
Key West, FL 33040

TREPANIER



& ASSOCIATES INC

LAND USE PLANNING
DEVELOPMENT CONSULTANTS

**Re: Modification to Conditional Use
512 Greene Street; RE No. 00001170-000000**

Dear Ms. Haller:

This is an application to modify Conditional Use Approval, Res. No. 11-274, under KW Code Sec. 108-91C.2. We seek approval to alter the existing use of the commercial floor area by altering the mix of consumption and retail floor area. We propose no changes to the existing approval conditions or any physical structures including impervious surface.

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

- Size of site
- Buildings
- Structures
- Parking
- FEMA flood zones
- Topography
- Easements
- Utility locations
- Existing vegetation
- Existing stormwater
- Adjacent land uses
- Adjacent buildings
- Adjacent driveways

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

- Buildings
- Setbacks
- Parking
- Driveway dimensions and material
- Utility locations
- Garbage and recycling
- Signs
- Lighting
- Project Statistics
- Building Elevations
- Height of buildings
- Finished floor elevations
- Height of existing and proposed grades
- Drainage plan
- Landscape Plan

Solutions Statement:

When this property was originally designed and approved it was anticipated that the small historic structure on Ann Street would be used as retail. Since operation began, retail has been unsuccessful. The space has functioned more successfully as a mix of retail and bar/lounge. No additional impact is anticipated. No additional parking is required. No physical development is proposed. No changes to approval conditions are proposed.

Key persons and entities involved in this project are as follows:

Owner: 512 Greene St, LLC.
Authorized Agent: Trepanier & Associates, Inc.
Architect: Carlos Rojas AIA, Inc.
Legal and Equitable Owners: 512 Greene St., LLC (Peter Brawn – Mgrm); Property is leased to B&B Enterprises Key West, LLC (William Larose - Mgrm & Brian Swyer - Mgrm)

Site Data: No physical changes to the site are proposed. Interior floor area changes and parking impacts are proposed as follows:

Structure/ Area	Existing			Proposed		
	Use	Sq. Ft.	Parking Impact	Use	Sq. Ft.	Parking Impact
Tattoos & Scars	Consumption Area	1,045.0	23.2	Consumption Area	822.3	18.2
Front Patio	Consumption Area	90.0	2.0	Consumption Area	90.0	2.0
Bathroom 1	Back of House	90.0	0.0	Back of House	90.0	0.0
Bathroom 2	Back of House	99.6	0.0	Back of House	99.6	0.0
Storage 1	Back of House	63.2	0.0	Back of House	63.2	0.0
Storage 2	Back of House	50.0	0.0	Back of House	50	0.0
Kiosk 1	Retail	174.2	0.6	Back of House	174.2	0.0
Kiosk 2	Retail	137.8	0.5	Back of House	137.6	0.0
Historic Outhouse	Back of House	45.0	0.0	Back of House	45.0	0.0
Retail - Ann St	Retail	944	3.1	Retail	169.3	0.5
				Consumption Area	295.4	6.5
Existing Parking Impact			29.4	Proposed Parking Impact		27.2

Other Project Information:

- There is no proposed construction.
- The target date for commencement shall follow entitlement approvals as quickly as possible.
- Expected date of completion is October 2012.
- The proposed buildings comply with flood and FEMA-related requirements – no change is proposed.

Intergovernmental Coordination is not required for minor modifications under Sec. 108-91.C.2. Otherwise, coordination will occur through the DRC process.

Schedule and Process:

The review process for minor modifications under section Sec. 108-91C.2 is for review and approval by the city planner, the city engineer and the planning board chairperson and reported to the planning board at a regularly scheduled meeting. However according to the 09/11/12 letter by the city planner determines that this project requires major development plan and conditional use review. Given that determination, the schedule and process would be as follows:

512 Greene Street Approval Schedule	Jul	Aug	Sep	Oct	Nov	Dec
Submit Application	■					
DRC Meeting		■				
Planning Board		16	■			
City Commission				18	7	20
KW Appeal Period	10 days after Resolution is signed by the Chair					
DCA Appeal Period	45 days after KW appeal period runs out and the resolution is rendered to the DCA					

■ – Hard Dates
Lt Red – Alternative Dates

SPECIFIC CRITERIA FOR CONDITIONAL USE APPROVAL

Characteristics of proposed use:

Scale & Intensity	Existing	Proposed
Floor area ratio	0.33	No Change
Traffic generation ¹	57.6 trips	22.1 trips
Parking Impact	29.4 spaces	27.4 spaces

Land use compatibility:

The attached analysis and plans demonstrate that the conditional use, including its proposed scale and intensity are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity. The site is in the HRCC-1 the *"Duval Street gulfside district incorporates the city's intensely vibrant tourist commercial entertainment center which is characterized by specialty shops, sidewalk-oriented restaurants, lounges and bars with inviting live entertainment; and transient residential accommodations."* We are proposing no physical development, we seek only to alter the layout of the commercial floor area, reduce retail space and convert a 944 sq. ft. of retail area to mixed retail and bar/ lounge consumption area.

Site Size:

The site size at 512 Greene is sufficient, and has adequate infrastructure to accommodate the proposed use. There are no proposed changes that will affect the site size.

Mitigative techniques:

The proposed use will not create negative impacts that require mitigation, therefore, no mitigative techniques are proposed.

Hazardous waste:

The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation.

Compliance with applicable laws and ordinances:

This conditional use shall comply 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.

Additional criteria applicable to specific land uses:

- Land uses within a conservation area. The proposed project is not located in a conservation area.
- Residential development. No residential development is proposed.

¹ Average Trips per 1k sq. ft. (see Concurrency Analysis)

ANALYSIS: EVALUATION FOR COMPLIANCE WITH THE LDRS

Concurrency Facilities and Other Utilities or Services (Section 108-233)

The anticipated public facility impacts of the proposed development:

The following concurrency analysis demonstrates that all anticipated development impacts to public facilities can be accommodated within current capacities.

The ability of existing facilities to accommodate the proposed development at the adopted level of service standards:

The following concurrency analysis demonstrates that all anticipated development impacts to existing facilities can be accommodated within current capacities and adopted levels of service.

Any existing facility deficiencies that will need to be corrected prior to the completion of the proposed development:

There are no existing facility deficiencies that will need to be corrected prior to completion of the proposed development.

The facility improvements or additions necessary to accommodate the impact of the proposed development at the adopted level of service standards and the entities responsible for the design and installation of all required facility improvements or additions:

There are no facility improvements or additions necessary to accommodate the impact of the proposed development at the adopted level of service standards.

The date such facility improvements or additions will need to be completed to be:

NA – No improvements required.

Fire Protection (Section 108-233 (8))

Key West Fire Department coordination shall be per DRC. No objections are known to exist at this time.

Site Location and Character of Use (Section 108-235):

The project site is located in the HRCC-1 zoning district. HRCC-1 is the Historic Residential Commercial Core. The district is characterized as the city's intensely vibrant tourist commercial entertainment center which is characterized by specialty shops, sidewalk-oriented restaurants, lounges and bars with inviting live entertainment; and transient residential accommodations. Based on the surrounding zoning and land uses, the proposed conditional use is compatible with neighboring properties.

Location and screening of mechanical equipment, utility hardware and waste storage areas (Section 108-279):

No changes are proposed.

Utility lines (Section 108-282):

No changes are proposed.

Commercial and manufacturing activities conducted in enclosed buildings (Section 108-283):

No changes proposed.

Exterior Lighting (Section 108-284):

No changes to lighting are proposed.

Signs (Section 108-285):

No changes proposed.

Pedestrian sidewalks (Section 108-286):

No changes proposed.

Loading docks (Section 108-287):

No changes proposed.

Storage Areas (Section 108-288):

No changes are proposed.

On-Site and Off-Site Parking and Vehicular, Bicycle, and Pedestrian Circulation (Section 108-244):

No changes are proposed.

Housing (Section 108-245):

No housing is proposed as part of this project.

Economic resources (Section 108-246):

No significant changes are anticipated.

Special Conditions (Section 108-247):

The proposal complies with the goals, objectives and policies of the comprehensive plan and as demonstrated by the concurrency analysis there are no conflicts with the existing public facilities, such as wastewater treatment and transportation.

The project is located within the HRCC-1 and complies with the intent of the plan.

There is no impact on the unincorporated portion of the county.

Construction Management Plan and Inspection Schedule (Section 108-248):

No construction proposed.

Open Space, Screening, Buffers and Landscaping (Article V and VI) of Chapter 108:

No changes proposed.

Stormwater and Surface Water Management (Article VIII):

No changes proposed.

Flood Hazard Areas (Division 4 - Sections 108-821 through 108-927):

No changes proposed.

Utilities (Article IX):

No changes proposed.

CONCURRENCY ANALYSIS:

The City's Comprehensive Plan Objective 9-1.5 directs the City to ensure that facilities and services needed to support development are available concurrent with the impacts of new development.

The following specific issues are outlined:

1. Potable Water & Sanitary Sewer
2. Recreation (for residential development only)
3. Solid Waste
4. Drainage
5. Roads/Trip Generation

The following concurrency analysis reflects the anticipated impacts resulting from the proposed addition to the Conch Harbor building to house the new West Marine.

Potable Water & Sanitary Sewer "Planned improvements in potable water and/or wastewater systems required to establish and/or maintain adopted water and wastewater levels of service. System improvements and proposed funding resources required for implementing any improvements required to establish and/or maintain adopted potable water and wastewater system level of service standards²."

Potable Water Sec. 94-68 sets the level of service for residential potable water at 93 gal/capita/ day and nonresidential at 650 gal/acre/day.

- i) The total capacity required for the current **0.225846 acre** parcel is:

$$650 \text{ gal/acre/day} \times 0.225846 \text{ acres} = 146.8 \text{ gal/day}$$

- ii) The total capacity required for the proposed project on **0.225846 acres** is:

$$650 \text{ gal/acre/day} \times 0.225846 \text{ acres} = 146.8 \text{ gal/day}$$

Based on the concurrency management calculation prescribed in the Comprehensive Plan, there is no or minimal increase in the proposed capacity required by Key West Comprehensive Plan LOS standards; the Florida Keys Aqueduct Authority has the capacity to supply adequate service to this property, as demonstrated below.

FKAA Supply Capacity:

The Florida Keys Aqueduct Authority ("FKAA") has adequate supply capacity to serve the potential development. FKAA has constructed facilities on the mainland in Florida City to expand water supply for the Florida Keys. This permitted and

² The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues.

constructed improvement enables FCAA to provide over 23 MGD, which will provide sufficient capacity through 2022³. Operational in 2011, the recent expansion of the R.O. plant will provide 6.0 MGD, which combined with the 17.0 MGD permitted withdrawal from the Biscayne Aquifer, increased available water supply to 23 MGD for the Florida Keys.

Expanded Florida City R.O. Plant. The Department of Health issued Permit # 150092-007-wc/04 (Exhibit I) on November 14, 2006 to allow for the construction of an expanded reverse osmosis (R.O.) water plant in Florida City. The expanded water plant is designed to treat blended Floridian Aquifer water as an alternative water source to the Biscayne Aquifer. The permit design capacity of the expanded R.O. plant is 6 MGD.

Revised Water Use Permit. The SFWMD issued revised Water Use Permit (WUP) #13-00005-W (Exhibit II) on March 26, 2008, which recognizes the additional blended Floridian Aquifer capacity that will be provided by the expanded R.O. plant. Interim Water Use Allocations in the WUP permit provide FCAA with an allocation of 17.00 MGD (dry season) and 17.79 GPD (wet season) which may be withdrawn from the Biscayne Aquifer and allows FCAA to utilize the Stock Island and Marathon Reverse Osmosis plants for any demands exceeding the interim withdrawal limit, pending completion of the R.O. plant in Florida City. The Stock Island and Marathon R.O. plants have a combined capacity of 3.0 MGD providing an interim WUP water supply of 20.0 MGD during the dry season if needed. Once operational in 2010, the R.O. plant will provide an additional 6.0 MGD, which when combined with the 17.0 MGD permitted withdrawal from the Biscayne Aquifer, will increase available water supply to 23 MGD for the Florida Keys.

The interim allocation of 20 MGD (7,300 MG/year) through 2010 and 23 MGD after 2010 provides ample water supply to support the adopted amendment and allocated growth well beyond 10 years. The "Monroe County 2007 Annual Public Facilities Report" documents historic water use in the Florida Keys. Water demand has fluctuated significantly on an annual basis, however when evaluated over a ten-year period, the data shows an increase in water demand of more than 1 billion gallons over the last 10 years with an annual average increase of approximately 104 MG/year. This increase in demand can be shown in the following calculation:

$$\begin{aligned} 1996 \text{ annual water demand} &= 5,272 \text{ MG /year} \\ 2006 \text{ annual water demand} &= 6,310 \text{ MG /year} \\ \text{Average Annual Increase} &= (6,310 \text{ MG} - 5,272\text{MG}) / 10 = 103.8 \text{ MG /year} \end{aligned}$$

Based on the average annual increase of 103.8 MG per year, the interim allocation would be sufficient for an additional 9.5 years of growth beyond 2006 or through 2015 until demand reaches the interim permitted withdrawal of 20 MGD (7,300 MG/year). Since completion of the Florida City facilities, the 23 MGD allocation is available to support yet another 9.5 years of growth. Based on these findings, sufficient permitted water supply is available to meet the needs of the Florida Keys through 2024.

³ Excerpt from Analysis by Kenneth B. Metcalf, AICP, (Greenberg Traurig, P.A.), August 22, 2008.

Improvements Schedule/Status. Condition 30 of the WUP provides the R.O. plant and the associated Floridian deep wells that will provide 23 MGD of capacity through 2024:

- DEP Underground Injection and Control permit was obtained on May 21, 2008.
- Construction contracts were required within 180 days or by November 21, 2008;
- Testing is required within one year and 30 days from issuance of the permit or by June 21, 2009.
- The R.O. plant construction was completed in January, 2010.

Sanitary Sewer Sec. 94-67 sets the level of service for residential sanitary sewer at 100 gal/capita/day and nonresidential sanitary sewer at 660 gal/acre/day.

- i) the total capacity required for the current **0.225846 acre** parcel is:

$$660\text{gal/acre/day} \times 0.225846 \text{ acres} = 149\text{gal/day}$$

- ii) the total capacity required for the proposed project on **0.225846 acres** is:

$$660 \text{ gal/acre/day} \times 0.225846 \text{ acres} = 149 \text{ gal/day}$$

The current wastewater treatment plant has the potential treatment capacity of 10 million gallons per day. Only 4.8 million gallons per day of capacity are currently utilized⁴. The current plant has the capacity to service this project's projected needs.

Recreation "In cases where residential development is proposed, information shall be submitted describing plans for accommodating recreational demands generated by the development, including demonstrated evidence that the City's adopted level of service for recreation shall not be adversely impacted⁵."

No Residential Development Proposed

Solid Waste- "Projected demand generated by the development on the solid waste disposal system and assurances that the City's adopted level of service for solid waste disposal shall not be adversely impacted⁶."

Sec. 94-71 sets the level of service for residential solid waste disposal (1994-2010) at 2.66 lb/capita/day and nonresidential solid waste disposal at 6.37 lb/capita/day⁷.

- i) the total capacity required for the current **2 employees** is:

$$6.37 \text{ lb/capita/day} \times 2 \text{ employees} = 12.74 \text{ lb/day}$$

- ii) the total capacity required for the proposed **2 employees** is:

⁴ Per September 3, 2010 memo from Greg Smith, project Manager for CH2M Hill OMI (Exhibit III)

⁵ The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues.

⁶ The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues.

⁷ For these calculations, we chose to use the number of employees to represent the "capita."

$$6.37 \text{ lb/capita/day} \times 2 \text{ employees} = 12.74 \text{ lb/day}$$

Waste Management has more than enough capacity to handle the increase⁸.

Drainage - "Conceptual plan for accommodating storm water run-off and demonstrated evidence that the proposed drainage improvements shall accommodate storm water run-off without adversely impacting natural systems or the City's adopted level of service for storm drainage⁹"

This site currently meets the minimum requirements through best management practices.

Roads/Trip Generation¹⁰ - "Estimated trips for the peak hour generated by the proposed land use(s) together with anticipated on- and off-site improvements necessitated to accommodate the traffic impacts generated by the development including, additional R/W, roadway improvements, additional paved laneage, traffic signalization, proposed methods for controlling access and egress, and other similar improvements¹¹."

For the purposes of calculating traffic generation we used the Institute of Transportation Engineer's 7th Edition Trip Generation Volumes. There will be a trip reduction of at least 35.5 trips per 1,000 sq. ft. average as a result of the proposed modification as predicted by the ITE Trip Generation Manual.

Maximum Potential Trip Generation Calculations							
Trip Generator	Weekday		Saturday		Sunday		
	Existing	Proposed	Existing	Proposed	Existing	Proposed	
Bar GLA	1,135	1,208	1,135	1,208	1,135	1,208	
Trips per Bar GLA (ITE #936) ¹²	12.9	13.7	12.9	13.7	12.9	13.7	
Retail GLA	1256	236.5	1256	236.5	1256	236.5	
Trips per Retail GLA (ITE# 814)	55.7	10.5	52.8	9.9	25.7	4.8	
Total Trips/ 1,000 sq. ft.	68.6	24.2	65.7	23.6	38.6	18.5	

As the table above explains, there is an overall reduction in trip generation predictions due to the modification of the conditional use. This project is located on Greene Street. Greene Street is no constrained according to City of Key West Code Section 94-72. There is onsite parking which is accessed by Ann Street (also not identified as constrained).

Exhibits

Exhibit I – Department of Health Permit #150092-007-wc/04

Exhibit II – Water Use Permit (WUP) #13-00005-W

Exhibit III – September 3, 2010 Wastewater Memo

Exhibit IV – Map of the City of Key West's Existing Recreation Services

Exhibit V – January 25, 2010 Solid Waste Memo

Exhibit VI – Parking & trip Analysis, by Trepanier & Associates, Oct. 2012

⁸ Per January 25, 2010 memo from Jay Gewin, City of Key West (Exhibit V)

⁹ The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues

¹⁰ See Exhibit VI - PARKING AND TRIP ANALYSIS, by Trepanier & Associates, Oct. 2012

¹¹ The City of Key West's Comprehensive Plan Policy 9-1.5.1: Resolving Concurrency Issues

¹² No weekend ITE study for a "Drinking Place" exists. The data for the weekday was substituted in its place.

Verification Form

City of Key West
Planning Department



Verification Form

(Where Authorized Representative is an entity)

I, Owen Trepanier, in my capacity as Principal
(print name) *(print position; president, managing member)*

of Trepanier and Associates, Inc.
(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:

512 Greene Street

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.

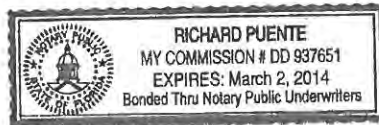
Owen Trepanier for Trepanier & Associates.
Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this 6-28-2012 by
date

Owen Trepanier
Name of Authorized Representative

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

Richard Puente
Notary's Signature and Seal



Richard Puente
Name of Acknowledger typed, printed or stamped

DD 937651
Commission Number, if any

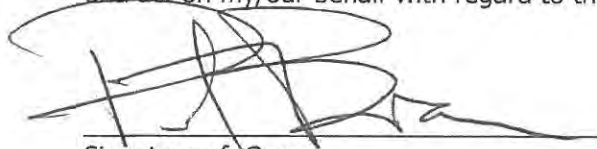
Authorization Form

Authorization Form

I, 512 Greene Street, LLC authorize
Please Print Name(s) of Owner(s)

Trepanier & Associates, Inc. to be the representative for 512 Greene St, Key West, FL 33040
Address/ Project Name

and act on my/our behalf with regard to this issue.



Signature of Owner
Peter N. Brawn
MGR, 512 Greene Street, LLC

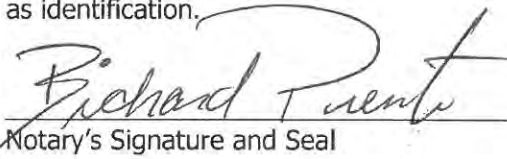
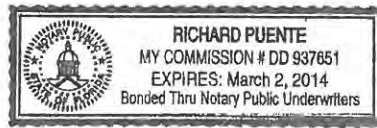
Signature of Joint/Co-owner if applicable

Subscribed and sworn to (or affirmed) before me on 06/29/12 (date) by

PETER BRAUN

Please Print Name of Affiant

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


Notary's Signature and Seal

Richard Puente Name of Acknowledger printed or stamped

Notary Title or Rank

DD 937651 Commission Number, if any

Warranty Deed



Deed 1742444 05/15/2009 8:41AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

Please return this instrument to:
Susan M. Cardenas
Stones & Cardenas
221 Simonton Street
Key West, FL 33040

05/15/2009 8:41AM
DEED DOC STAMP CL: TRINA \$0.70

This Instrument Prepared By: *Ward&Meyers, LLC*
3201 Flagler Ave. Suite 306
Key West, FL 33040

Deed 1742444
BkN 2412 Pgh 2463

Corrective Quit Claim Deed

THIS QUIT CLAIM DEED Made this 4th day of ~~April~~ ^{May}, A.D. 2009, by, Peter Nelson Brown, a single man, hereinafter called the grantor, to 512 Greene Street, L.L.C. whose post office address is 1413 South St., Key West, FL 33040, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantees" include all the parties to this instrument, singular and plural, the legal representatives and assigns of individuals, and the successors deed assigns of corporations, wherever the context so admits or requires.)

Witnesseth: That the grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, does hereby remise, release, and quit-claim unto the grantee forever, all the right, title, interest, claim and demand which the said grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Monroe, State of Florida, to-wit:

On the Island of Key West, known on William A. Whitehead's map delineated in February A.D. 1829, as part of Lot Three (3) in Square Thirteen (13). Commencing at the corner of Greene and Ann Streets on the Northeasterly side of Ann Street on the Southeasterly side of Greene Street and running thence along Greene Street in a Northeasterly direction Ninety-three (93) feet and Three (3) inches; thence at right angles in a Southeasterly direction One hundred and five (105) feet and Six (6) inches; thence at right angles in a Southwesterly direction Ninety-three (93) feet and three (3) inches to Ann Street; thence at right angles in a Northwesterly direction along Ann Street One hundred and five (105) feet and Six (6) inches to the point of beginning.

Reference being had to deed recorded in Deed Book "A-4", Page 571, and deeds recorded in Book "G-21", Pages 98 - 103, in the office of the Clerk of the Circuit Court, in and for Monroe County, Florida.

A/K/A 512 Green Street, Key West, FL 33040

SUBJECT TO TAXES FOR THE YEAR 2009 AND SUBSEQUENT YEARS, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.

Property Appraiser's Parcel Number: 0001170-000000

To Have and to Hold the same with all singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity to the only proper use, benefit and behoof of the said grantee forever.

And the grantor hereby covenants with said grantees that he is lawfully seized of said land in fee simple; that he has good right and lawful authority to sell and convey said land, and hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2008.

THIS CORRECTIVE DEED IS BEING RECORDED TO CORRECT THE LEGAL DESCRIPTION IN THAT CERTAIN QUIT CLAIM DEED RECORDED IN BOOK 2405 PAGE 785 PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

In Witness Whereof, the said grantor has signed and sealed these presents, the day and year first above written.

Signed, sealed and delivered in the presence of:

Frederick C. Doran III
Witness Signature

Peter Nelson Brown L.S.
Peter Nelson Brown
Address:
1413 South St.
Key West, FL 33040

Frederick C. Doran III
Printed Name

Kelly E. Craig
Witness Signature

Doc# 1742444
BK# 2412 Pg# 2454

Kelly E. Craig
Printed Name

Country of: REPUBLIC OF ARGENTINA
CITY OF BUENOS AIRES
EMBASSY OF THE UNITED STATES
State/Providence of: STATES OF AMERICA

I hereby certify that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Peter Nelson Brown, as grantor who is personally known to me to be the individual described in and who executed the foregoing deed or who produced US Passport as identification and he acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed.

Witness my hand and official seal this 9th day of May 2009.

HEATHER M. SMITH
Vice Consul of the
United States of America
Printed name of Notary

Heather M. Smith
NOTARY PUBLIC

My Commission Expires: INDEFINITELY

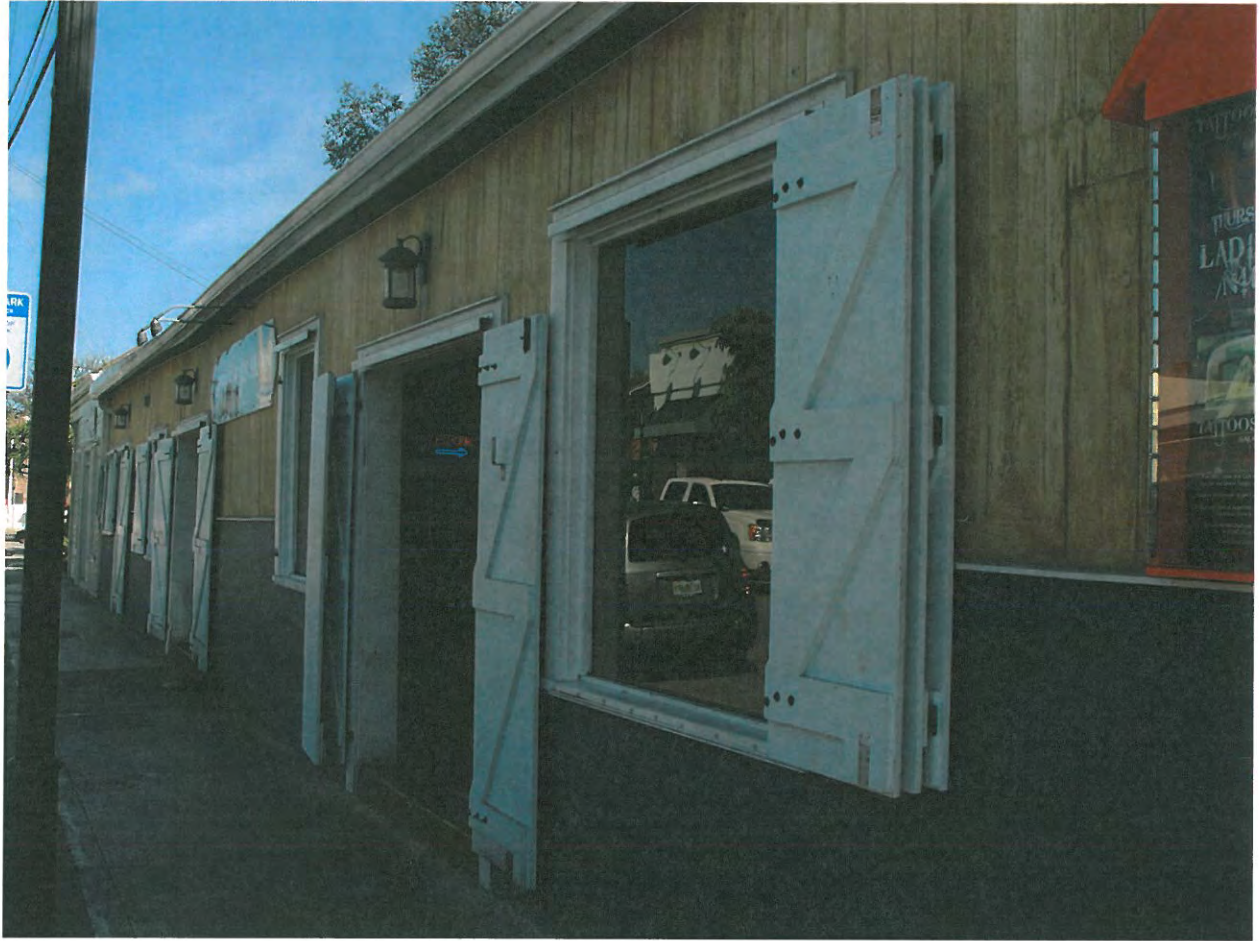
Photographs

















DRC Minutes

Minutes of the Development Review Committee

July 26, 2012

Approved August 23, 2012

Planning Director, Don Craig called the Development Review Committee Meeting of July 26, 2012 to order at 10:00 am at Old City Hall, in the antechamber at 510 Greene Street, Key West.

ROLL CALL

Present were: Planning Director, Don Craig; HARC Planner, Enid Torregrosa; General Services, Elizabeth Ignaffo; Urban Forestry Manager, Paul Williams; ADA Coordinator, Diane Nicklaus and Steve Torrence, KWPD (arrived at 10:18 am).

Comments Received By: Fire Department and Keys Aqueduct.

Also in attendance were: Planning Department staff: Brendon Cunningham, Carlene Smith, Ginny Haller and Karen de Berjeois.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

June 28, 2012

A motion to approve the June 28, 2012 minutes was made by Ms. Ignaffo and seconded by Mrs. Nicklaus.

DISCUSSION ITEMS

- 1. Conditional Use – 512 Greene Street (RE# 00001170-000000) – A request to amend a conditional use approval (CC Res. 11-274) to alter the layout of the commercial floor area, reduce retail space and convert a 944 square foot retail area to mixed retail and bar/lounge consumption area for property in the HRCC-1 zoning district per Section 122-688(9) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Mr. Craig requested that the application clarify the square footage on the site plan.

Ms. Haller gave members an overview of the conditional use request.

The applicant's representative, Owen Trepanier, gave members an overview of the project. Mr. Trepanier informed members that they are currently working on the parking impact study.

Mr. Williams inquired if the project will require any tree removals. Mr. Trepanier stated that there will be no tree removals.

Mrs. Torregrosa informed the applicant that there is a pending HARC application to install an exhaust at the back of their building. She then stated that the counter over the railing never received HARC approval. Mrs. Torregrosa requested the status of the temporary air conditioning unit.

Ms. Ignaffo stated that the applicant utilize the existing recycling area.

Mrs. Nicklaus stated that the site plans show steps on Ann Street and at the rear of the property, she inquired if there is ADA access on the site.

Minutes of the Development Review Committee

July 26, 2012

Approved August 23, 2012

Fire Department had no comments.

FKAA provided the following comments prior to the meeting: The site is presently being served by a couple FKAA Location #s. There is a 8" water main located on Greene Street. A complete set of plans will be required for review to determine meter requirements and any System Development Charges

- 2. Easement - 812 Caroline Street (RE# 0003150-000000) - A request for an easement of 74.1 square feet, more or less, to address the encroachment a roof overhang for a commercial structure located on Caroline Street as per Section 90-587 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

(Items 2 & 3 were heard concurrently).

Ms. Haller gave members an overview of the easement request.

Mr. Williams inquired if the project will require any tree removals. The applicant, Mr. Blais stated that there will be no tree removals.

Mrs. Torregrosa requested that the overhang on Robert's alley needs to be added to the easement request. She then informed the applicant that the free standing structure encroaching on the right away is not allowed in the Historic District. The applicant will need to seek HARC approval regarding the free standing structure.

Police, General Services, ADA, Fire Department and FKAA had no comments.

- 3. Easement - 812 Caroline Street (RE# 0003150-000000) - A request for an easement of 168 square feet, more or less, to address the encroachment of a fence and concrete slabs that run along Robert's Alley for a commercial structure located at the corner of Caroline Street and Robert's Alley as per Section 90-587 of the Land Development Regulations of the Code of Ordinances of the City of Key West .**

See notes above

- 4. Transient License Transfer - 1209 Georgia Street (RE# 00035220-000000) to 421 Virginia Street (RE# 00027160-000100) – A request for a Transient License Transfer from property in the HMDR zoning district to property in the HRCC-3 zoning district per Section 122-1339 (b) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Mr. Cunningham gave members an overview of the transient license transfer request.

The applicant's attorney, Ginny Stones with Stones and Cardenas, gave an overview of the request.

Mr. Williams requested if the sender site had any landscape changes. Mrs. Stones stated there were no landscape changes in the sender/receiver sites.

Mrs. Torregrosa informed the applicant that any signage will require HARC approval.

Police, General Services, ADA, Fire Department and FKAA had no comments.

- 5. Major Development Plan - 951 Caroline Street (RE# 0002970-000000) – A request to amend a Major Development Plan and Conditional Use (CC Res. 99-225) approval in the HRCC-2 zoning district per Section 108-91(A)(2)(b) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Property Appraiser Information

Karl D. Borglum
Property Appraiser
Monroe County, Florida

Key West (305) 292-3420
 Marathon (305) 289-2550
 Plantation Key (305) 852-7130

The offices of the Property Appraiser will be closed Monday the 31st and Tuesday, the 1st for the New Year's Holiday.

Website tested on IE9, & Firefox.
 Requires Adobe Flash 10.3 or higher

**Property Record Card -
 Map portion under construction.**

Alternate Key: 1001198 Parcel ID: 00001170-000000

Ownership Details

Mailing Address:
 512 GREENE STREET LLC
 C/O BRAWN PETER NELSON
 PO BOX 1486
 KEY WEST, FL 33041-1486

Property Details

PC Code: 33 - NIGHTCLUBS, LOUNGES, BARS
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range: 06-68-25
Property Location: 512 GREENE ST KEY WEST
 201/205 ANN ST KEY WEST
Legal Description: KW PT LOT 3 SQR 13 G67-20 OR781-772D/C OR992-397L/E OR1496-911D/C OR2093-1382/83P/R OR2218-2069/71 OR2391-642/45 OR2391-646/47 OR2405-785/86 OR2412-2463/64C-Q/C



Show Parcel Map that can launch map - Must have Adobe Flash Player 10.3 or higher

Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	0	0	9,838.00 SF

Building Summary

Number of Buildings: 2

Number of Commercial Buildings: 2
 Total Living Area: 2382
 Year Built: 1928

Building 1 Details

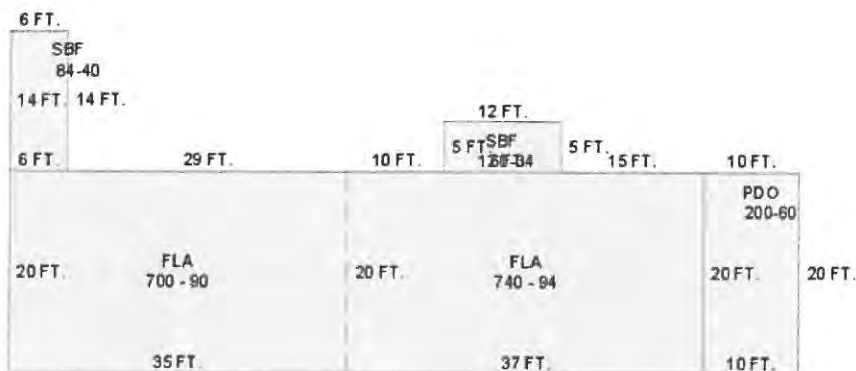
Building Type	Condition P	Quality Grade 400
Effective Age 2	Perimeter 184	Depreciation % 3
Year Built 1928	Special Arch 0	Grnd Floor Area 1,440
Functional Obs 0	Economic Obs 0	

Inclusions:

Roof Type	Roof Cover	Foundation
Heat 1	Heat 2	Bedrooms 0
Heat Src 1	Heat Src 2	

Extra Features:

2 Fix Bath	0	Vacuum	0
3 Fix Bath	0	Garbage Disposal	0
4 Fix Bath	0	Compactor	0
5 Fix Bath	0	Security	1
6 Fix Bath	0	Intercom	0
7 Fix Bath	0	Fireplaces	0
Extra Fix	10	Dishwasher	0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	1984					740
2	SBF		1	1984					60
3	FLA		1	1984					700
4	SBF		1	1984					84
5	PDO		1	1999					200

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	430	NIGHT CLUBS/BARS-A-	100	Y	Y
	431	SBF	100	N	N
	432	NIGHT CLUBS/BARS-A-	100	Y	Y
	433	SBF	100	N	N

Exterior Wall:

Interior Finish Nbr	Type	Area %
147	AVE WOOD SIDING	100

Building 2 Details

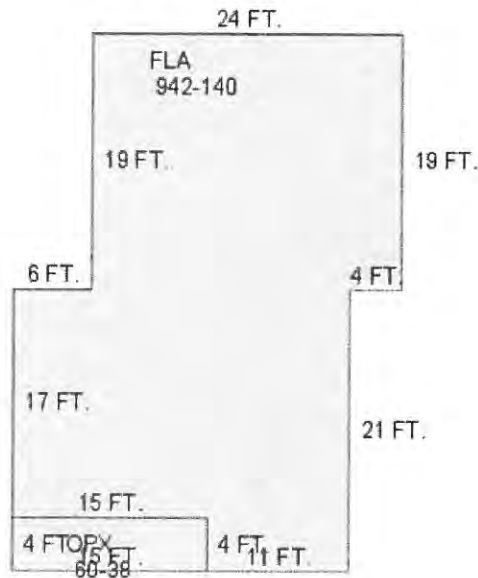
Building Type	Condition A	Quality Grade 400
Effective Age 2	Perimeter 140	Depreciation % 3
Year Built 1933	Special Arch 0	Grnd Floor Area 942
Functional Obs 0	Economic Obs 0	

Inclusions:

Roof Type GABLE/HIP	Roof Cover METAL	Foundation WD CONC PADS
Heat 1 CONVECTION	Heat 2 NONE	Bedrooms 0
Heat Src 1 ELECTRIC	Heat Src 2 NONE	

Extra Features:

2 Fix Bath 0	Vacuum 0
3 Fix Bath 0	Garbage Disposal 0
4 Fix Bath 0	Compactor 0
5 Fix Bath 0	Security 1
6 Fix Bath 0	Intercom 0
7 Fix Bath 0	Fireplaces 0
Extra Fix 0	Dishwasher 0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA	12:ABOVE AVERAGE WOOD	1	1932	N	N	0.00	0.00	942
2	OPX		1	1932	N	N	0.00	0.00	60

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
		NIGHT CLUBS/BARS-A-	100	Y	Y

Exterior Wall:

Interior Finish Nbr	Type	Area %
	AB AVE WOOD SIDING	100

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	PT2:BRICK PATIO	200 SF	0	0	1975	1976	2	50
2	CL2:CH LINK FENCE	912 SF	152	6	1975	1976	1	30
3	CL2:CH LINK FENCE	318 SF	53	6	1975	1976	2	30
4	FN2:FENCES	147 SF	0	0	1975	1976	2	30
5	UB2:UTILITY BLDG	459 SF	27	17	1979	1980	3	50
6	AC2:WALL AIR COND	1 UT	0	0	1993	1994	2	20
7	PT3:PATIO	72 SF	0	0	1987	1988	1	50

8	FN2:FENCES	90 SF	30	3	1996	1997	2	30
---	------------	-------	----	---	------	------	---	----

Appraiser Notes

2002-12-20 - 5 TRANSIENT RENTAL UNITS. BCS KOZUCHI/CONCH REP CIGAR TPP 8886438 - CONCH REPUBLIC CIGAR FACTORY.

2012-04-03 BUILDING ONE IS NOW TATOOS & SCARS BAR, BUILDING TWO IS SHOTS & GIGGLES BAR.DKRAUSE

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
	09-1405	05/14/2009	03/29/2010	125		REMOVE CHAIN LINK FENCE ONLY
	09-00004199	12/10/2009	03/29/2010	4,400		SIGNAGE
	09-00004244	12/16/2009	03/29/2010	500	Commercial	SWALE DRAINS
	09-00004291	12/18/2009	03/29/2010	2,000		HURRICANE SHUTTERS
	09-4104	11/30/2009	03/29/2010	5,935	Commercial	INSTALL ALARM SYSTEM AND SECURITY CAMERAS
	09-00002154	01/11/2010	02/27/2010	2,300		REMOVE 93 LF OF CHN LNK FENCE AND REPLACE WITH 83 LF OF 6' PICKET AND 10 LF OF 4' PICKET
	10-00000047	01/11/2010	03/29/2010	100	Commercial	ENCLOSE HVAC EQUIPMENT IN 42" W PICKET RAILING ON ROOF* ENCLOSE COOLING EQUIPMENT W/LOUVERED FENCE BEHIND BUILDING
	09-00003482	10/20/2009	03/29/2010	1,300	Commercial	ADD SET OF DOORS AND ONE WINDOW OPENING WITH DECORATIVE SHUTTERS BOARD & BATTEN ON WALLS
	09-00003833	11/12/2009	03/29/2010	6,300	Commercial	REMOVE EXISTING V-CRIMP AND REPLACE. INSTALL MOD RUBBER AND REPAIR DAMAMGED V-CRIMP AND FLASHING
	09-00003363	10/15/2009	03/29/2010	18,900	Commercial	ADA PARKING SPACE. PAVERS IN OPEN SPACE ADJACENT TO PARKING LOT.
	09-00004467	01/15/2010	03/29/2010	700	Commercial	HOOK UP REFRIGERATION EQUIPMENT
1	09-00004047	11/25/2009	03/29/2010	12,000	Commercial	INSTALLATION OF 7.5 TON AHV AND TWO 3.0 TON CONDENSORS. SINGLE TRUNK LINE OF DUCTWORK WITH RUN DOWN THE RIGHT SIDE OF CONDITIONED SPACE
	09-4103	11/30/2009	03/29/2010	1,000		WIRE 8 SPEAKERS AND 3 DATA LINES FOR CASH REGISTERS
	11-3559	09/23/2011	04/04/2012	500	Commercial	RESURFACE EXISTING SIGNS AT 512 GREEN STREET. CHANGE FROM EXISTING TO "TATTOO & SCARS SALOON" DIGITAL PRINT ON 1/2 " SIGNBOARD.
	11-3269	09/02/2011	04/04/2012	2,000	Commercial	INSTALL TEMPERED SAFETY GLASS IN EXISTING OPENINGS, 1X2 TRIM AROUND PERIMETER OF OPENING, CAULK BOTH SIDES, IN AND OUT. AFFIDAVID ATTACHED. WOOD SHUTTERS ALREADY INPLACE. NOISE BUFFER.
	09-2923	09/23/2011	10/08/2009	0		TEMPORARY CO FOR CHANGE OF USE FROM MIXED US (ONE RES/REST) TO COMMERCIAL ONLY (RETAIL & RESTAURANT) INCLUDING ELECTRIC, PLUMBING, MECHANICAL, ROOFING, COMPLIANCE MUST BE MET ON FOLLOWING ITEMS: ALL FINAL INSPECTIONS, ELEVATION CERTIFICATE, LANDSCAPING, REMOVAL OF AC UNITS, ALL ELEMENTS ORIGINAL PLANS. ON 03/23/12 THIS CO IS VOID PERMANENT CO FOR CHANGE OF USE FROM COMMERCIAL/RESIDENTIAL TO COMMERCIAL ONLY. CO

ISSUED IN ACCORDANCE WITH ALL APPROVED FINAL INSPECTIONS AND CONDITIONS STATED IN PLANNING BOARD RESOLUTION 11-274. STRUCTURE FRONTING ANN STREET IS APPROVED FOR RETAIL ONLY AND NOT PERMITTED TO CONTAIN CONSUMPTION AREA. NO EXTERIOR CONSUMPTION AREA PERMITTED WITHOUT PAYMENT OF IMPACT FEES.

B932839	10/01/1993	12/01/1994	3,000	REPAIRS
B932840	10/01/1993	12/01/1994	3,000	RENOVATIONS
9601157	03/01/1996	06/01/1996	550	RENOVATIONS
9701973	06/01/1997	07/01/1997	700	REMOVE DRYWALL/DEBRIS
9702200	07/01/1997	07/01/1997	1,800	ALTERATIONS
9800440	02/18/1998	01/01/1999	350	INSTALL NEW BAR SINK
9703831	12/11/1997	01/01/1999	1,800	REPLACE 1001 SF FT ROOF
9800366	03/03/1998	01/01/1999	700	INSTALL WINDOW OPENING
9801137	04/24/1998	01/01/1999	1,200	INSTALL OVAL AWNING
0000664	03/15/2000	11/29/2001	10,000	16 SQS V-CRIMP
0102604	07/20/2001	11/29/2001	200	PAINT BUILDING
02-1545	06/11/2002	09/05/2002	1,780	FIRE ALARM SYSTEM
03-2097	06/18/2003	12/02/2003	200	ELECTRICAL
03-2719	08/12/2003	12/02/2003	400	REPLACED EXISTING AWEINGS
03-3013	08/28/2003	12/02/2003	10,000	REPLACED V CRIMP ROOFING
03-2101	06/17/2003	12/02/2003	1,500	INTERIOR PLUMBING
03-2097	06/18/2003	12/02/2003	200	ELECTRIC

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2012	394,097	5,953	841,941	1,241,991	1,129,627	0	1,241,991
2011	179,469	5,970	935,491	1,120,930	1,026,934	0	1,120,930
2010	187,321	5,992	740,264	933,577	933,577	0	933,577
2009	188,579	6,194	787,383	982,156	982,156	0	982,156
2008	189,838	6,394	2,216,010	2,412,242	2,412,242	0	2,412,242
2007	166,476	5,677	2,216,010	2,388,163	2,388,163	0	2,388,163
2006	171,705	5,842	836,230	1,013,777	1,013,777	0	1,013,777
2005	165,144	6,062	794,419	965,625	965,625	0	965,625
2004	145,672	6,287	590,280	337,064	337,064	0	337,064
2003	145,672	6,506	609,956	337,064	337,064	0	337,064
2002	99,145	6,726	609,956	321,013	321,013	0	321,013
2001	96,228	7,700	609,956	321,013	321,013	0	321,013
2000	96,228	4,924	413,196	291,804	291,804	0	291,804
1999	82,789	5,085	413,196	291,804	291,804	0	291,804

1998	64,269	5,245	413,196	291,804	291,804	0	291,804
1997	62,985	5,290	393,520	291,804	291,804	0	291,804
1996	59,594	5,446	393,520	291,804	291,804	0	291,804
1995	64,247	5,051	393,520	355,880	355,880	0	355,880
1994	64,247	4,706	393,520	355,880	355,880	0	355,880
1993	64,488	4,844	393,520	221,308	221,308	0	221,308
1992	64,488	4,986	393,520	221,308	221,308	0	221,308
1991	64,488	5,123	393,520	221,308	221,308	0	221,308
1990	53,567	854	346,790	221,308	221,308	0	221,308
1989	53,504	885	344,330	221,308	221,308	0	221,308
1988	46,449	543	238,572	214,089	214,089	0	214,089
1987	45,691	561	150,644	196,896	196,896	0	196,896
1986	45,897	582	147,570	194,049	194,049	0	194,049
1985	62,539	600	106,250	169,389	169,389	0	169,389
1984	48,338	926	106,250	155,514	155,514	0	155,514
1983	48,338	926	64,077	113,341	113,341	0	113,341
1982	43,231	926	56,782	100,939	100,939	0	100,939

Parcel Sales History

NOTE: Sales do not generally show up in our computer system until about two to three months after the date of sale. If a recent sale does not show up in this list, please allow more time for the sale record to be processed. Thank you for your patience and understanding.

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
5/4/2009	2412 / 2463	100	QC	11
3/9/2009	2405 / 785	100	QC	11
12/5/2008	2391 / 642	1,300,000	WD	Q

This page has been visited 1,486 times.

Monroe County Property Appraiser
Karl D. Borglum
P.O. Box 1176
Key West, FL 33041-1176

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 17, 2013 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:

Modification to a Major Development Plan & Conditional Use – 512 Greene Street (RE# 00001170-000000) – A request for Modifications to a Major Development Plan and Conditional Use approval via City Commission Resolution 11-274 to alter the layout of the commercial floor area, reduce retail space and convert retail area to mixed retail and bar/lounge consumption area for property located in the Historic Residential Commercial Core Gulf Side (HRCC-1) zoning district per Section 108-91C(3) and (4) and Section 122-688(9) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

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.

YOU ARE WITHIN 300 FEET OF THE SUBJECT PROPERTY

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

Modification to a Major Development Plan & Conditional Use – 512 Greene Street (RE# 00001170-000000) – A request for Modifications to a Major Development Plan and Conditional Use approval via City Commission Resolution 11-274 to alter the layout of the commercial floor area, reduce retail space and convert retail area to mixed retail and bar/lounge consumption area for property located in the Historic Residential Commercial Core Gulf Side (HRCC-1) zoning district per Section 108-91C(3) and (4) and Section 122-688(9) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Applicant	Trepanier & Associates, Inc.	Owner:	512 Greene Street, LLC
Project Location:	512 Greene Street	Date of Hearing:	Thursday, January 17, 2013
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 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 Karen de Berjeois at kdeberje@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.

YOU ARE WITHIN 300 FEET OF THE SUBJECT PROPERTY

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

Modification to a Major Development Plan & Conditional Use – 512 Greene Street (RE# 00001170-000000) – A request for Modifications to a Major Development Plan and Conditional Use approval via City Commission Resolution 11-274 to alter the layout of the commercial floor area, reduce retail space and convert retail area to mixed retail and bar/lounge consumption area for property located in the Historic Residential Commercial Core Gulf Side (HRCC-1) zoning district per Section 108-91C(3) and (4) and Section 122-688(9) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

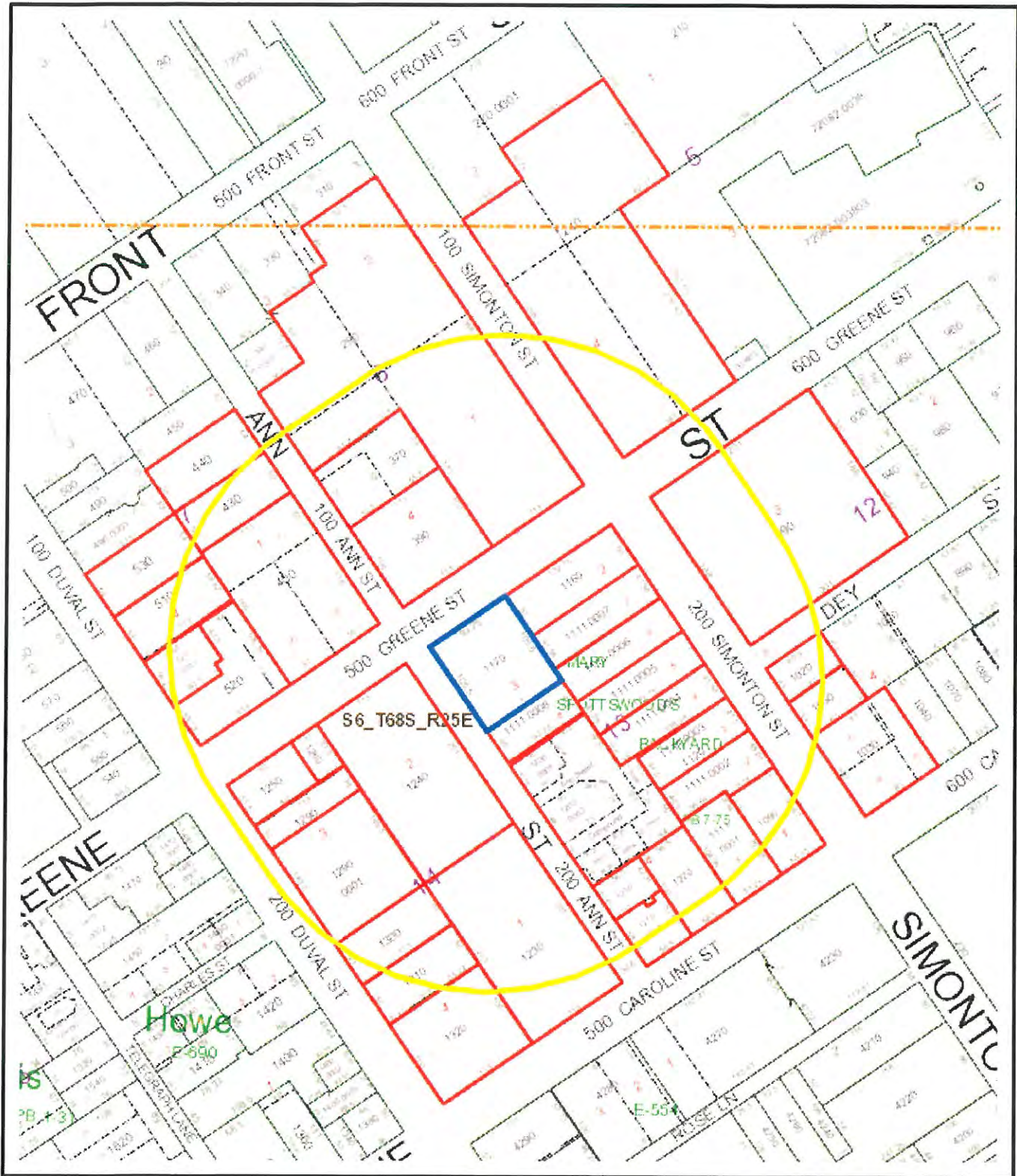
Applicant	Trepanier & Associates, Inc.	Owner:	512 Greene Street, LLC
Project Location:	512 Greene Street	Date of Hearing:	Thursday, January 17, 2013
Time of Hearing:	6:00 PM	Location of Hearing:	Old City Hall, 510 Greene City Commission Chambers

Interested parties may appear at the public hearing 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 Karen de Berjeois at kdeberje@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.



Monroe County, Florida

512 Greene

Printed: Dec 17, 2012



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
1 ANN STREET LLC	4750 CAMP ROOSEVELT DR		CHESAPEAKE BE	MD	20732	
2 221 SIMONTON LLC	221 SIMONTON STREET		KEY WEST	FL	33040	
3 SPOTTSWOOD PARTNERS LTD	506 FLEMING ST		KEY WEST	FL	33040	
4 SK LAND COMPANY	500 FLEMING STREET		KEY WEST	FL	33040	
5 HAYES PAUL N	1075 DUVAL ST	STE C-11	KEY WEST	FL	33040	
6 CARLSON 1989 TRUST DTD 10/26/89 TRUST A	219 ANN ST	REAR	KEY WEST	FL	33040	
7 RAMLO CONSTRUCTION CORPORATION	209 DUVAL STREET		KEY WEST	FL	33040	
8 TEMECULA ENTERPRISES LLC	3624 SUNRISE DR		KEY WEST	FL	33040	
9 HUNTER BRUCE	1075 DUVAL ST	UNIT C-11	KEY WEST	FL	33040	
10 SPOTTSWOOD PARTNER II LTD	506 FLEMING ST		KEY WEST	FL	33040	
11 220 SIMONTON STREET LLC	1413 SOUTH ST		KEY WEST	FL	33040	
12 AMSTERDAM EDITH REV TR 3/14/94	511 CAROLINE ST		KEY WEST	FL	33040	
13 SLOPPY JOE'S ENTERPRISES INC	101 ANN STREET		KEY WEST	FL	33040	
14 220 SIMONTON STREET LLC	1413 SOUTH ST		KEY WEST	FL	33040	
15 SLOPPY JOE'S ENTERPRISES INC	201 DUVAL ST		KEY WEST	FL	33040	
16 KEY WEST MJM INVESTMENTS INC	P O BOX 403353		MIAMI BEACH	FL	33140	
17 FOSTER WILLIAM AND BARBARA	504 S LAKE DRIVE		LANTANA	FL	33462	
18 TIITF	3900 COMMONWEALTH BLVD	MLSTN 11	TALLAHASSEE	FL	32399-3000	
19 GROSSCUP WILLIAM R CAPT	13 HILTON HAVEN RD		KEY WEST	FL	33040-3833	
20 MAJOR PATRICIA T	44 PALMETTO DR		KEY WEST	FL	33040-5641	
21 G AND S KEY WEST LLC	20 AZALEA DR		KEY WEST	FL	33040-6206	
22 CYPRESS HOUSE KEY WEST LLC	725 TRUMAN AVE		KEY WEST	FL	33040-6423	
23 CARLSON 1989 TRUST	219 ANN ST		KEY WEST	FL	33040-6602	
24 ANN STREET PROPERTIES LLC	512 FRONT ST		KEY WEST	FL	33040-6619	
25 135 DUVAL COMPANY	423 FRONT ST STE 2		KEY WEST	FL	33040-6638	
26 121 DUVAL COMPANY	423 FRONT ST STE 2		KEY WEST	FL	33040-6638	
27 511 GREENE STREET LLC	219 SIMONTON ST		KEY WEST	FL	33040-6653	
28 KEY WEST HAND PRINT FABRICS LTD	201 FRONT ST STE 310		KEY WEST	FL	33040-8346	
29 HISTORIC TOURS OF AMERICA INC	201 FRONT ST STE 224		KEY WEST	FL	33040-8348	
30 512 GREENE STREET LLC	PO BOX 1486		KEY WEST	FL	33041-1486	
31 SPOTTSWOOD PARTNER II LTD	PO BOX 1486		KEY WEST	FL	33041-1486	
32 220 SIMONTON STREET LLC	PO BOX 1486		KEY WEST	FL	33041-1486	
33 KEY WEST MJM INVESTMENTS INC	PO BOX 403353		MIAMI BEACH	FL	33140-1353	
34 KEY WEST 07 LLC	508 SW 12TH AVE		DEERFIELD BEAC	FL	33442-3110	

NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
35 GAGEL MICHAEL T	1327 PUERTO DR		APOLLO BEACH	FL	33572-2923	
36 221 DUVAL STREET LLC	7705 SE 34TH ST		MERCER ISLAND	WA	98040-3426	