

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



To: Chairman and Planning Board Members

From: Brendon Cunningham, Senior Planner

Through: Donald Leland Craig, AICP, Planning Director

Meeting Date: February 21, 2013

Agenda Item: Special Exception Request - 420 Eaton Street (RE# 00006580-000000)-A request for a special exception to the prohibition of alcoholic beverage sales within 300 feet of a church for property located within the HRCC-1 zoning district, pursuant to Section 18-28 (b)(2) of the Code of Ordinances of the City of Key West, Florida.

Request: To allow "Glazed Donuts" to sell beer and wine accessory to the existing food sales

Applicant: Alan A. Fowler, Esq., representative for Johnathan & Megan Pidgeon, Managing Members of "Glazed Donuts"

Property Owner: Kenneth Silverman

Location: 420 Eaton Street RE# 00006580-000000

Zoning: HRCC-1 Duval Street Gulfside District



Background and Request:

The applicant has requested a Special Exception to Section 18-28 of the Code of Ordinances, so that beer and wine may be sold accessory to the principle use as a restaurant, specifically, beer and wine. Glazed Donuts is located within 300 feet of St. Paul's Episcopal Church. While the applicant intends to operate 24 hours a day, the sale of alcohol is not allowed between 4 a.m. and 7 a.m. per Section 18-27 of the Code of Ordinances.

Process:

Development Review Committee: December 21, 2012

Planning Board Meeting: February 21, 2013

Evaluation for Compliance with Section 18-28 of the Code of Ordinances:

(a.) Pursuant to Section 18-28 of the Code of Ordinances, no person shall conduct in the City any business involving the sale of alcoholic beverages where such place of business is 300 feet of any established church, school, cemetery, or funeral home. Such distance shall be measured by following the shortest route of ordinary fare from the nearest point of the property line of the place of business to the property line of the church, school, cemetery, or funeral home facilities. However, any person licensed to conduct and legally conducting a business involving the sale of alcoholic beverages as of January 4, 1995, shall be governed by the provisions of this section which existed at the time of the original licensure of such business.

(b.) The prohibition in subsection (a) above shall not apply if a property owner is granted a Special Exception to specifically sell alcoholic beverages:

(1.) In conjunction with an approved conditional use application that includes consideration of the public welfare factors listed in subsection (2) below; or

(2.) Pursuant to authorization granted by the Planning Board that the use will not detrimentally impact the public health, safety, or welfare after consideration of all of the following criteria:

A. Compatibility with surrounding existing uses:

The property is located within the HRCC-1 zoning district, which is described in Section 122-868 of the Land Development Regulations as being "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." This section also describes this area as being "the most intense activity center in the historic commercial core." Though the restaurant is located within 300 feet of a church, the scope of requested alcohol sales is accessory to the sale of food and does not appear to be incompatible with the surrounding existing uses.

B. The extent of conflict between the proposed use and the hours of operation of the facilities described in Section (a) Above:

According to the website for St. Paul's Episcopal Church, general service times are as follows: Sunday 7:30 a.m., 9:00 a.m., and 11:00 a.m.; Tuesday 5:30 p.m.; and Wednesday 9:00 a.m. Section 18-27 regulates hours of operation for alcohol sales within City limits, prohibiting sales occurring from 4:00 a.m. to 7:00 a.m. each day.

Based on the established service times of the church, and the City's restriction on hours of alcohol sales, the Planning Department anticipates that very little, if any, conflict would occur on Sundays should "Glazed Donut" be approved to serve alcohol. However, there is overlap between when alcohol sales could occur on Tuesdays and Wednesdays and when the church holds service times.

C. Mitigation measures agreed to be implemented by the applicant:

The applicant met with the church to discuss the potential concerns regarding alcohol sales on-site. According to the applicant, no neighborhood impact concerns were raised by citizens.

D. Public input:

To date, the Planning Department has not received any public input regarding the request to sell alcohol accessory to food sales.

E. That the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the application, and by addressing the objections expressed by these neighbors:

Based on information provided to the Planning Department, it appears that the applicant has met the "good neighbor policy" by reaching out to the church. As mentioned previously, the Planning Department has not received any public input to date indicating that there are neighborhood impact concerns.

F. Any other factors the approving body determines relevant to the public's health, safety, and welfare:

According to Section 18-28 (c), Special Exceptions granted for alcoholic beverage sales within 300 feet of sensitive uses may be approved with conditions, which conditions shall be monitored in accordance with Code Section 18-610. Should the Planning Board approve the application, Section 18-28 (c) requires that the approval be specific to the applicant only, shall not be transferable, and shall only be effective in conjunction with the use(s) specified in the application. As a result, should the Planning Board approve the proposal, these operational controls will be embedded in the approval; however, based on public input, further conditioning may be necessary to ensure continued neighborhood compatibility.

The Planning Board shall make factual findings regarding the following:

That the standards established by Section 18-28 (b) of the City Code for Special Exception have been met by the applicant.

Based on the information provided to the Planning Department, the standards established by Section 18-28 (b) of the City Code for Special Exception have been met by the applicant.

RECOMMENDATION:

The Planning Department, based on the criteria established by the Comprehensive Plan and the City Code, recommends the request for Special Exception be approved with the following condition:

1. The exception is granted exclusively to Jonathan & Mega Pidgeon of “Glazed Donuts LLC”, and is not transferable.
2. That the sale of alcohol is accessory to the existing sale of food.

Draft Resolution

**PLANNING BOARD RESOLUTION
NUMBER 2013-**

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A SPECIAL EXCEPTION TO JONATHAN & MEGAN PIDGEON ALLOWING FOR THE SALE OF ALCOHOL TO OCCUR WITHIN 300 FEET OF A CHURCH FOR PROPERTY LOCATED WITHIN THE HRCC-1 ZONING DISTRICT, AT 420 EATON STREET (RE#00006580-000000), PURSUANT TO SECTION 18-28 (b)(2) OF THE CODE OF ORDINANCES, KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 18-28 (a) of the Code of Ordinances provides that no person shall conduct in the City any business involving the sale of alcoholic beverages where such place of business is within 300 feet of any established church, school, cemetery, or funeral home; and

WHEREAS, Section 18-28 (b)(2) provides that the prohibition in subsection (a) above shall not apply if a property owner is granted a special exception to specifically sell alcoholic beverages pursuant to authorization granted by the Planning Board that the use will not detrimentally impact the public health, safety or welfare after consideration of all of the following criteria:

- A. Compatibility with surrounding existing uses;
- B. The extent of conflict between the proposed use and the hours of operation of the facilities described above;

_____ Chairman

_____ Planning Director

- C. Mitigation measures agreed to be implemented by the applicant;
- D. Public input;
- E. That the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the application, and by addressing the objections expressed by these neighbors;
- F. Any other factors the approving body determines relevant to the public’s health, safety, and welfare; and

WHEREAS, the applicant requested a Special Exception to sell alcohol within 300 feet of an established church, pursuant to Section 18-28 (b)(2); and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on February 21, 2013; and

WHEREAS, the Planning Board finds that the applicant’s proposal to sell alcohol is compatible with surrounding existing uses; and

WHEREAS, the Planning Board finds that the extent of conflict between the proposed use, church, and funeral home will be minimal; and

_____Chairman
_____Planning Director

WHEREAS, the Planning Board considered the mitigation measures agreed to be implemented by the applicant; and

WHEREAS, the Planning Board considered public input; and

WHEREAS, the Planning Board has found that the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the application, and by addressing the objections expressed by these neighbors; and

WHEREAS, the Planning Board considered other factors determined relevant to the public’s health, safety, and welfare; and

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

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

Section 2. That a Special Exception, under Section 18-28 (b) (2) of the Code of Ordinances of the City of Key West, Florida, is hereby granted as follows: EXCLUSIVE TO JONATHAN & MEGAN PIDGEON TO BE LOCATED AT 420 EATON STREET (RE#00006580-000000), KEY

_____ Chairman

_____ Planning Director

WEST FLORIDA with the following conditions:

1. The exception is granted exclusively to Jonathan & Mega Pidgeon of “Glazed Donuts LLC”, and is not transferable.
2. That the sale of alcohol is accessory to the existing sale of food.

Section 3. Full, complete, and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.

Section 4. This Special Exception does not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

Section 5. This resolution shall go into effect immediately upon its passage, adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 6. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations).

Read and passed at a regularly scheduled meeting held this 21st day of February, 2013.

_____ Chairman

_____ Planning Director

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



November 28, 2012

Attn: Brendon Cunningham
Planning Department
City of Key West
3140 Flagler Avenue
Key West, FL

RECEIVED
DEC 03 2012
CITY OF KEY WEST
PLANNING DEPT.

Subject: Alcohol Sales Special Exception Application

Dear Mr. Cunningham,

As you know, I am representing Glazed Donuts as their attorney and Authorized Representation.

Please find enclosed an Alcohol Sales Special Exception Application for Glazed Donuts, LLC with enclosures.

Cheers,

A handwritten signature in black ink, appearing to read 'Alan A. Fowler', is written over a large, faint watermark of the 'af' logo.

Alan A. Fowler, Esq.
Florida Bar No. 30298



THE CITY OF KEY WEST
Planning Department

RECEIVED

DEC 03 2012

CITY OF KEY WEST
PLANNING DEPT.

**SPECIAL EXCEPTIONS ARE QUASI-JUDICIAL HEARINGS
AND IT IS IMPROPER TO SPEAK TO PLANNING BOARD
MEMBERS ABOUT THE REQUEST
OUTSIDE OF THE HEARING**

***Alcohol Sales Special Exception
Application***

Please print or type a response to the following:

1. Site Address 420 Eaton Street, Key West, FL 33040
2. Name of Applicant Alan A. Fowler, Esq. on behalf of Glazed Donuts, LLC
3. Applicant is: Owner _____ Authorized Representative X
(please see the attached Verification & Authorization Forms)
4. Address of Applicant P.O. Box 4703
Key West, FL 33041
5. Phone # of Applicant (305) 417-9378 Mobile# (407) 221-7448 Fax# _____
6. **E-Mail Address** alan@alanfowlerlaw.com
7. Name of Owner, if different than above Attn: Claude Gardner, Jr. | 400 Duval Retail LLC, c/o Knight-Gardner, LLC,
8. Address of Owner 336 Duval St
Key West, FL 33040
9. Phone Number of Owner (305) 294-5155 (property manager) Fax# _____
10. Email Address clauder@keysrealestate.com (property manager)
11. Zoning District of Parcel HRCC-1 RE# 00006580-000000
12. Description of Use and Exception Requested
Please see attached supplement.

Please note that any special exception granted hereunder may be approved with conditions, which conditions shall be monitored in accordance with Section 18-610. The exception shall be to the applicant only, shall not be transferable and shall only be effective in conjunction with the use(s) specified in the application. The Planning Board recognizes public input and how the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the application, and by addressing the objections expressed by these neighbors. Further, the Planning Board can consider any other factors they determine relevant to the public’s health, safety and welfare.

The Planning Board may only grant the requested alcohol sales special exception after considering the following criteria. Please provide a response as to how this proposed use and exception meet or fulfill these criteria:

- 13. Demonstrate compatibility with surrounding existing uses:
Please see the attached supplement.

- 14. Demonstrate the extent of conflict between the proposed use and the hours of operation of the facilities:
Please see the attached supplement.

- 15. What are the mitigative measures proposed to be implemented by the applicant:
Please see the attached supplement.

SUPPLEMENT TO GLAZED DONUTS, LLC'S
ALCOHOL SALES SPECIAL EXCEPTION APPLICATION

12. Description of Use and Exception Requested

The above-referenced site is as a neighborhood gourmet donut shop, Glazed Donuts. Glazed Donuts seeks approval to obtain a Beer and Wine Consumption on Premises License from the State of Florida's Department of Business & Professional Regulation, Division of Alcoholic Beverages and Tobacco. Key West Ordinance Section 18-28 prompts this Alcohol Sales Special Exception Application, as Glazed Donuts is located within 300 feet to St. Paul's Episcopal Church. Currently open daily from 7:00 am - 3:00 p.m. with longterm growth plans that could extend its hours of operations to 24 hours per day, Glazed Donuts seeks to accessorize their gourmet donut menu with specialty beer and wine-based drinks, such as mimosas, bellinis, and seasonal craft beer, that accessorize the flavor profiles of their donuts, much as it does with coffee-based drinks. Glazed Donuts' intent is to continue to operate as a gourmet donut shop, not a bar, lounge, or nightclub, even if its hours of operations span into time periods commonly associated with alcohol consumption.

13. Demonstrate compatibility with surrounding existing uses:

Glazed Donuts' intended use is compatible with surrounding existing uses. While no zone grants alcohol sales as a right, the site is zoned as HRCC-1, the most liberal of the zones. Moreover, Glazed Donuts is a located in a commercial strip, where food, alcohol, and retail items are sold. Their next-door neighbor, Tropic Cinema, sells beer and wine from the early afternoon through the late evening. There is only one residential unit on the Eaton Street block, whose owners have endorsed Glazed Donuts' application. See Enclosure 1: Endorsements.

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

St. Paul's Episcopal Church holds services on the following days and times:

- Tuesday at 5:30 pm;
- Wednesday at 9:00 am; and
- Sunday at 7:30 am, 9:00 am, and 11:00 am.

Glazed Donuts' current hours of operations conflict with the church's Wednesday and Sunday services, and they would likely conflict with the Tuesday services if they were to extend their hours in the future. Notwithstanding the same, the Church has endorsed Glazed Donuts' intent to obtain a Beer and Wine Consumption on Premises License. Please see Enclosure 1: Endorsements.

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

In sum, Glazed Donuts is committed to staying true to its operation as a neighborhood gourmet donut, not a bar, nightclub, or lounge, regardless of its hours of operation, and it

has complied with the City's "Good Neighbor Policy," expressing to its neighbors that commitment to serve the community.

Current Use. Glazed Donuts is operated by two chefs, trained at the prestigious Culinary Institute of America, Jon and Megan Pidgeon. They are committed to innovating the donut and pastry experience through a donut shop that redefines the customer experience while being a good steward to the local community. Accordingly, in its seven-and-one-half months of operations, Glazed Donuts has produced nearly 34,000 donuts and pastries and 28 flavors, and it has completed over 12,600 donut sales transactions. Glazed Donuts accessorizes their donuts and pastries with coffee specialty drinks and, most recently, ice cream. In an effort to be good stewards of the community, Glazed Donuts has donated nearly 2,000 donuts to charity and 2,300 pounds of vegetable shortening to support biodiesel in the Florida Keys. In the seven-and-one-half months of Glazed Donuts operations, the Pidgeons have worked nearly 6,200 hours.

Commitment To Its Current Use. The aforementioned facts should illustrate Glazed Donuts' commitment to operating a gourmet donut shop (or, perhaps better stated, its commitment against operating a de facto bar, nightclub, or lounge). Much like its sales of coffee specialty drinks and ice cream, the sale of beer and wine-based specialty drinks will merely be an accessory to the primary intent of the business: producing and selling unrivaled, unique, homemade donuts. Glazed Donuts will not have, for example live music or other entertainment, as that would be inconsistent with its purpose. A simple visit to Glazed Donuts and observance of their layout will immediately demonstrate that they are a donut shop, nothing more. This commitment is a notable mitigative measure for purposes of this application, as Glazed Donuts has growth ambitions that could extend its hours to periods commonly associated with alcohol consumption. *

Glazed Donuts hopes to one day expand its retail and wholesale donut production, which may necessitate extending its hours, perhaps into time periods commonly associated with alcohol consumption. Should they extend their hours in the future, Glazed Donuts desires to be able to serve their specialty cocktails as an accessory to their donuts. While Glazed Donuts currently operates from 7:00 am to 3:00 pm, it has experienced market demand for evening and late night operations from consumers seeking a gourmet donut for dessert or a late night snack. While Glazed Donuts is hesitant to expend the costs of operating beyond its current hours, the knowledge of an existing market demand and the likelihood of continued revenue growth may later justify extending its hours. Likewise, Glazed Donuts' reputation for unique, high quality donuts has created a wholesale clientele. Local hospitality businesses, such as small hotels and beds & breakfasts, have reacted positively to the prospect of acquiring locally-produced donuts to serve their guests. If Glazed Donuts' wholesale clientele continues to grow, wholesale orders may require the continued production of donuts throughout the day, maybe even round-the-clock production. And, if Glazed Donuts' personnel are baking donuts, it only makes business sense for Glazed Donuts to unlock its doors and welcome guests who wish to purchase a donut, ice cream, and/or a coffee or beer/ wine specialty drink, subject, of course, to the laws against early morning alcohol sales. In light of this intended and foreseeable growth and alteration of operational hours, Glazed Donuts is committed to

ensuring its business grows in a manner that is consistent with its current vision and operation as a gourmet donut shop, not a bar, nightclub, or lounge.

Accordingly, Glazed Donuts' premises will not be an entertainment venue, nor otherwise feature live music or loud prerecorded music. Less than 50% of its revenue will come from sales of beer and wine specialty drinks. The seating, displays, and storefront marketing will primarily feature the donuts and mention its beer and wine specialty drinks as an accessory. The sum and substance of Glazed Donuts' efforts will be to maintain the look, feel, and experience of an artisan pastry restaurant, not a bar, nightclub, or lounge.

Compliance with the "Good Neighbor Policy." Much like its sales of coffee specialty drinks and ice cream, the sale of beer and wine-based specialty drinks will be an accessory to the primary intent of the business: producing and selling unrivaled, unique, homemade donuts. Accordingly, in a sincere effort to be a good neighbor and in a literal effort to comply with the "Good Neighbor Policy," Glazed Donuts sent written notice to St. Paul's Episcopal Church, of its intent to sell beer and wine-based drinks, as well as its commitment to operating a gourmet donut shop. It did the same for the following Eaton Street neighbors:

- H el ene and Stuart Gironet, residents and owners of L'Habitation Guest House;
- Sippin' Coffee;
- Subway;
- Earthbound Trading Company; and
- Tropic Cinema.

St. Paul's Episcopal Church and Sippin' Coffee have endorsed Glazed Donuts' application. Likewise, H el ene and Stuart Gironet, owners of L'Habitation Guest House and the sole residents of the Eaton Street block, have endorsed Glazed Donuts application. Please see Enclosure 1: Endorsements. The only neighbor to express concerns was Tropic Cinema. Glazed Donuts' Authorized Representative and Attorney, Alan A. Fowler, Esq., has extensively communicated with Matthew Helmerich, Executive Director of the Tropic Cinema, seeking to ascertain any reasonable concerns the theater may have and to alleviate those concerns.

Tropic Cinema's Concerns & Glazed Donuts Response. Mr. Fowler and Mr. Helmerich have communicated, verbally and in writing, extensively regarding Glazed Donuts' Alcohol Sales Special Exception Application, their intended license, their intended use of the license, the potentiality of a change in their hours of operation, and their commitment to maintaining their business as a donut shop. Recently, Mr. Helmerich advised that the Tropic Cinema does not have any general objection to the application. Please see Enclosure 2: Tropic Cinema. Mr. Helmerich did, however, convey a few concerns on behalf of the theater, which we believe to be easily resolved by the nature of Glazed Donuts' operations and its commitment to the same. Mr. Helmerich's desires that Glazed Donuts be limited to selling its beer and wine specialty drinks to no later than 11:00 p.m. due to the following concerns:

1. The Eaton Street block is “quasi-residential,” and he is concerned that late-night alcohol sales could draw “an unwanted element;”
2. Tropic Cinema has experienced vandalism in the past;
3. Permitting beer and wine specialty drinks to leave the premises would also draw “an unwanted element;” and
4. A desire that the beer and wine specialty drink sales to be linked to Glazed Donuts’ “primary business.”

Prior to and after the Thanksgiving Holiday, Mr. Fowler attempted to schedule a meeting with Mr. Helmerich or the Tropic Cinema’s Board of Directors, or whomever possesses the authority to formally represent the theater, to alleviate the above-referenced concerns. In response to Mr. Fowler’s attempts to meet arrange such a meeting, Mr. Helmerich advised the following on November 28, 2012:

Neither my board nor I believe further conversations about the issue of a late-night wine and beer license would be productive.

Should you have definitive information about stopping wine and beer service at 11:00 PM just as Tropic Cinema does, I hope you'll communicate that to us.

See Enclosure 2: Tropic Cinema. Accordingly, since Glazed Donuts’ desires the freedom to expand their operations, including the sale of beer and wine-based specialty drinks, its attempts to address Tropic Cinema’s concerns were halted. Notwithstanding the same, for the benefit of the Planning Board, Glazed Donuts would like to address those concerns here.

1. “Quasi-residential” Block & Drawing “An Unwanted Element.” The block in question is zoned HRCC-1, which permits a number of uses, including residential. Only one unit, however, is a permanent residence, and, as stated above, those residents have endorsed Glazed Donuts application. Glazed Donuts is unsure of Mr. Helmerich’s definition of “an unwanted element,” but we presume it refers to intoxicated pedestrians. The practical reality of the block’s location makes it accessible by such individuals. Glazed Donuts’ clientele, however, are not visiting Glazed Donuts to consume large quantities of alcohol, but, rather, to experience their artisan, high quality products.
2. Previous Vandalism. It’s unfortunate that the Tropic Cinemas has experienced vandalism, but, as stated above, the theater’s location makes it accessible to individuals who formulate the criminal intent to commit such acts. Such criminality is unpredictable and cannot be linked to alcohol sales near Glazed Donuts, particularly since no late-night sales occur presently. Moreover, if Glazed Donuts is one day open in the late evening, their presence could deter vandalism, which is likely committed under the offender’s pretense that he cannot be seen. Offenders are less likely to commit criminal acts, if Glazed Donuts to be operating at the same time.
3. Consumers Leaving Glazed Donuts With Alcohol. This concern has previously been addressed. Mr. Fowler has repeatedly assured Mr. Helmerich, verbally and in writing, that Glazed Donuts’ intended license is a Beer and Wine Consumption

on Premises License, the requirements of which it intends to comply, and that Glazed Donuts intends to comply with the state and city laws regarding alcohol sales, including Key West Ordinance Section 18-81(b). ASO

4. Glazed Donuts' "Primary Business." As with the above concern, this concern has been addressed. Mr. Fowler has repeatedly assured Mr. Helmerich that Glazed Donuts plans to continue to operate as a neighborhood gourmet donut shop, merely accessorizing its products with beer and wine-based specialty drinks, and that it does not plan to fundamentally change its operations upon receipt of a beer and wine retail license.

Thus, while Glazed Donuts welcomed Tropic Cinema's concerns and would have welcomed the opportunity to discuss the same, those concerns are insufficient to limit Glazed Donuts' intent to sell beer and wine specialty drinks.

In sum, Glazed Donuts respectfully requests an Alcohol Sales Special Exception to obtain a Beer and Wine Consumption on Premises License in order to accessorize its artisan donuts with beer and wine-based specialty drinks.

Authorization Form

City of Key West
Planning Department



Authorization Form

(Where Owner is a Business Entity authorizing Owner's lessee to obtain a special exception pursuant to section 18-28(b))

Please complete this form if owner is authorizing owner's lessee to obtain a special exception to sell alcoholic beverages pursuant to section 18-28(b) in this matter.

I, Kenneth Silverman as
Please Print Name of person with authority to execute documents on behalf of entity

President of 400 DUNN RETAIL LLC
Name of office (President, Managing Member) Name of owner from deed

authorize Glazed Donuts, LLC
Owner's lessee

to be the applicant for the purpose of filing this application in order to obtain a special exception to sell alcoholic beverages on my property pursuant to section 18-28(b) of the Code of Ordinances of the City of Key West. I hereby acknowledge that, in the event the exception is granted, the exception shall be granted solely to my lessee. In the event my lessee ceases to conduct business on my property, the exception shall be void and of no further force or effect.

[Signature]
Signature of person with authority to execute documents on behalf on entity owner

Subscribed and sworn to (or affirmed) before me on this Jan. 31, 2013 by
date

KENNETH SILVERMAN
Name of person with authority to execute documents on behalf of entity

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

Maxine Greager
Notary's Signature and Seal

MAXINE GREAGER
Notary name typed, printed or stamped





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Foreign Limited Liability Company

400 DUVAL RETAIL LLC

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Principal Address

% KEN SILVERMAN
 3660 MAGUIRE BLVD STE 250
 ORLANDO FL 32803 US

Changed 09/12/2012

Mailing Address

% KEN SILVERMAN
 3660 MAGUIRE BLVD STE 250
 ORLANDO FL 32803 US

Changed 09/12/2012

Registered Agent Name & Address

NRAI SERVICES, INC.
 515 E. PARK AVE.
 TALLAHASSEE FL 32301 US

Manager/Member Detail

Name & Address

Title MGRM

 400 DUVAL MANAGER LLC
 % KEN SILVERMAN - 1119 VON PHISTER ST
 KEY WEST FL 33040 US

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Florida Limited Liability Company

GLAZED DONUTS LLC

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Document Number	L11000131091
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Effective Date	01/01/2012

Principal Address

420 EATON STREET
KEY WEST FL 33040

Mailing Address

420 EATON STREET
KEY WEST FL 33040

Registered Agent Name & Address

PIDGEON, JONATHAN W
420 EATON STREET
KEY WEST FL 33040 US

Manager/Member Detail

Name & Address

Title MGR
PIDGEON, JONATHAN W
23025 TARPON LANE
CUDJOE KEY FL 33042

Title MGR
PIDGEON, MEGAN M
23025 TARPON LANE
CUDJOE KEY FL 33042

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\$ 19,132,000

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Herrick, Feinstein LLP
2 Park Avenue
New York, New York 10016
Attn: Gina M. Mavica, Esq.

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SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made as of the 13th day of June, 2012, by and between Duval Street Retail Center, LLC, a Delaware limited liability company, whose address is c/o JBK Capital, LLC, 561 Broadway, 10th Floor, New York, NY 10012 ("Grantor"), and 400 Duval Retail LLC, a Delaware limited liability company, whose address is 1119 Von Phister Street, Key West, FL 33040 ("Grantee").

(Wherever used herein the term "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), to it in hand paid by Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, and Grantee's heirs, successors and assigns forever, the parcel of land situate, lying and being in the County of Monroe, State of Florida, and more particularly described as follows (the "Property"):

See Exhibit "A", attached hereto and made a part hereof

TO HAVE AND TO HOLD the same unto Grantee in fee simple, forever.

SUBJECT TO all exceptions, liens, easements, encumbrances and other matters appearing of record or from a physical inspection of the Property (collectively, the "Permitted Exceptions").

AND Grantor, for itself and its successors, hereby covenants with Grantee and Grantee's heirs, successors and assigns that it is lawfully seized of the Property in fee simple; that it has good right and lawful authority to sell and convey the Property; that it hereby specially warrants the title to the Property, subject to the Permitted Exceptions, and will defend the same against the lawful claims of all persons claiming by, through or under Grantor only.

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed by its duly authorized corporate officer on the date stated above.

SELLER:

Signed, sealed and delivered in the presence of:

DUVAL STREET RETAIL CENTER, LLC, a Delaware limited liability company

By: **JBK 400 Duval Street, LLC, its member**

(Witness Signature)

By: _____
**J.P. Josephson
Member**

(Witness Signature)

By: **JBK 400 Duval Street Management, LLC, its manager**

By: **JBK Capital, LLC, its sole member**

(Witness Signature)

Jeremy M. Chao

(Witness Signature)

William Palmer

By: _____
**J. Bray Kelly
President**

Doc# 1887438
Bk# 2575 Pg# 427

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ day of June, 2012, by J.P. Josephson, as a Member of JBK 400 Duval Street, LLC, said LLC being the member of Duval Street Retail Center, LLC, a Delaware limited liability company, on behalf of the company, who is personally known to me.

(SEAL)

Notary Public

Sign: _____

Print Name: _____

State and County Aforesaid

My commission expires:

STATE OF New York

COUNTY OF New York

The foregoing instrument was acknowledged before me this ___ day of June, 2012, by J. Bray Kelly, as President of JBK Capital, LLC, said LLC being the sole member of JBK 400 Duval Street Management LLC, said LLC being the Manager of JBK 400 Duval Street, LLC, said LLC being the member of Duval Street Retail Center, LLC, a Delaware limited liability company, on behalf of the company, who is personally known to me.

(SEAL)

Notary Public

Sign: _____

Print Name: Jeremy M Chao

State and County Aforesaid

My commission expires:

JEREMY M CHAO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01CH6245813
Qualified In New York County
My Commission Expires August 08, 2015

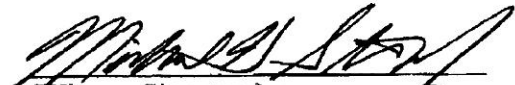
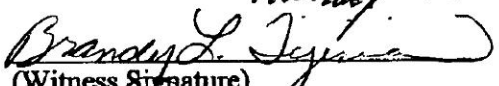
IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed by its duly authorized corporate officer on the date stated above.

SELLER:

Signed, sealed and delivered in the presence of:

DUVAL STREET RETAIL CENTER, LLC, a Delaware limited liability company

By: JBK 400 Duval Street, LLC, its member


(Witness Signature) Michael Stander, Jr.

(Witness Signature) Brandy L. Tejerine

By: 
J.P. Josephson
Member

By: JBK 400 Duval Street Management, LLC, its manager

By: JBK Capital, LLC, its sole member

By: _____
J. Bray Kelly
President

(Witness Signature)

(Witness Signature)

Doc# 1887438
Bk# 2575 Pg# 429

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 8 day of June, 2012, by J.P. Josephson, as a Member of JBK 400 Duval Street, LLC, said LLC being the member of Duval Street Retail Center, LLC, a Delaware limited liability company, on behalf of the company, who is personally known to me.

(SEAL)

Notary Public



MICHAEL H. STAUDER, JR.
MY COMMISSION # EE 105837
EXPIRES: August 20, 2015
Bonded Thru Budget Notary Services

Sign: [Signature]
Print Name: MICHAEL STAUDER JR
State and County Aforesaid
My commission expires:

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this ___ day of June, 2012, by J. Bray Kelly, as President of JBK Capital, LLC, said LLC being the sole member of JBK 400 Duval Street Management LLC, said LLC being the Manager of JBK 400 Duval Street, LLC, said LLC being the member of Duval Street Retail Center, LLC, a Delaware limited liability company, on behalf of the company, who is personally known to me.

(SEAL)

Notary Public

Sign: _____
Print Name: _____
State and County Aforesaid
My commission expires:

Exhibit A

Property Description

That piece or parcel of land in the Island of Key West, lying and being in the County of Monroe and State of Florida, described as follows:

PARCEL 1:

A portion of Lots 2 and 3, Square 38, Whitehead's map in the City of Key West, and more particularly described as follows:

Begin at a corner of Duval and Eaton Streets, thence Southwesterly along Eaton Street 200 Feet 4 inches; thence run Southeasterly parallel to Duval Street 88 feet; thence run Northeasterly parallel to Eaton Street 2 feet 7 inches; then run Southeasterly parallel to Duval Street 88 feet; thence run Northeasterly parallel to Eaton Street 47 feet 9 inches; thence run Northwesterly parallel to Duval Street 25 feet; thence run Northeasterly parallel to Eaton Street 150 feet; thence run Northwesterly along Duval Street 151 feet to the Point of Beginning; and

PARCEL 2:

Commencing at a point on Duval Street a distance of 151 feet Southeasterly from the corner of Duval and Eaton Streets, and then running in a Southeasterly direction along the line of Duval Street, for a distance of 25 feet; thence at right angles along the line of Lot 1 in said square for a distance of 150 feet; thence at right angles in a Northwesterly direction and parallel with Duval Street, for a distance of 25 feet; thence at right angles in a Northeasterly direction and parallel with Eaton Street for a distance of 150 feet to the Point of Beginning.

PARCEL 3:

Easement for the benefit of Parcel 1, recorded in Official Records Book 1971, Page 1155, in the Public Records of Monroe County, Florida.

**MONROE COUNTY
OFFICIAL RECORDS**

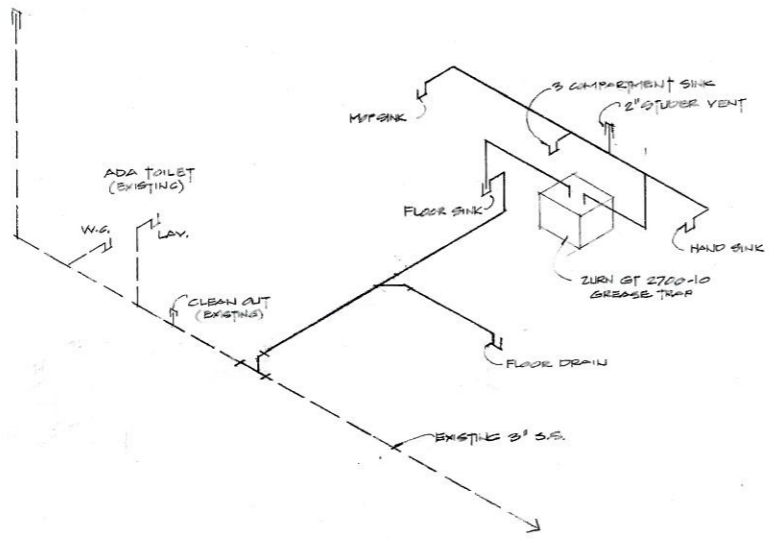
Site Plans

THE GLAZED DONUT

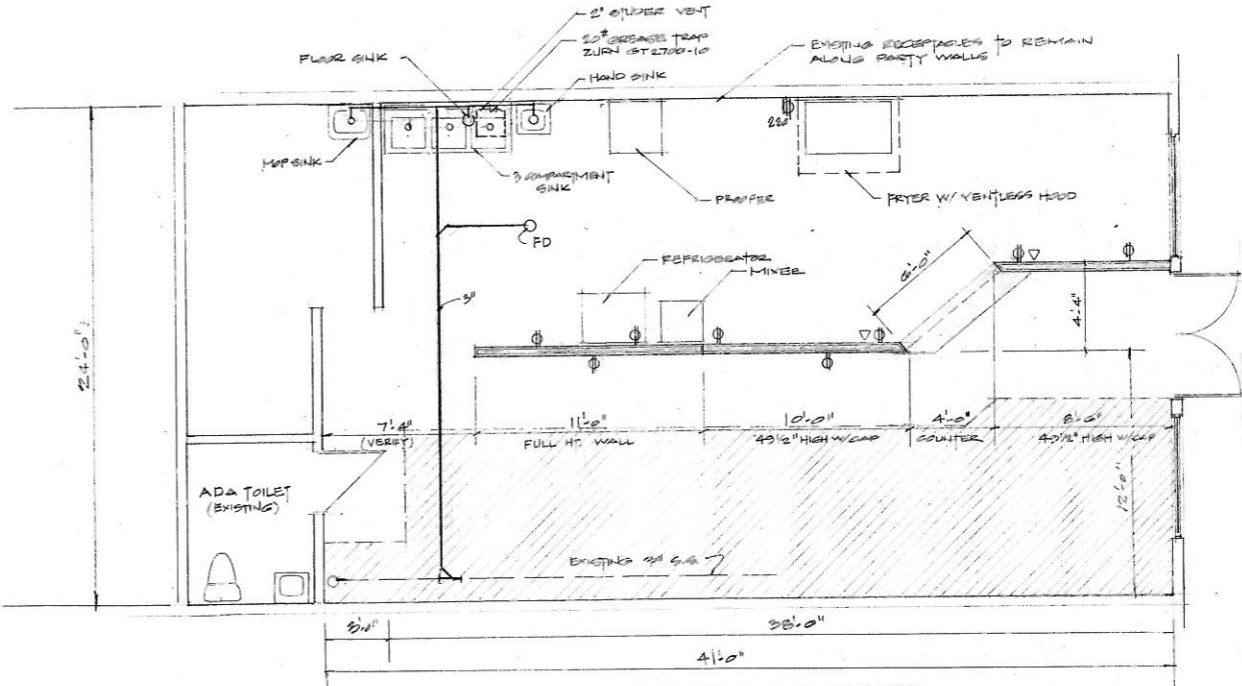
- GENERAL NOTES**
- All work shall comply with the Florida Building Code, latest edition, and all applicable laws, codes and ordinances of the City, County, and the State of Florida. In the City of Key West, applicable Codes forming the basis of this design and compliance requirements for the Contractor include:
 BUILDING: Florida Building Code, 2007 Edition.
 ELECTRICAL: National Electric Code, 2004 edition.
 PLUMBING: Florida Building Code (Plumbing), 2004 Edition.
 MECHANICAL: Florida Building Code (Mechanical), 2004 Edition.
 GAS: Liquefied Petroleum Gas Code, 2004 edition (NFPA 58).
 - This project is designed in accordance with A.S.C.E. 7-03 to resist wind loads of 150 mph (q_s). EXPOSURE C.
 - Prior to submitting a bid, verify all existing conditions and dimensions on the jobsite, and also after award, but prior to the start of construction.
 - Contours and/or existing grades shown are approximate. Verify with field conditions. Final grading shall provide gradual slopes and grades. Slope all grades away from the building. Planting areas shall be graded with soil suitable for planting. Rock and debris will not be allowed.
 - Where discrepancies between drawings, specifications, and code requirements occur, adhere to the most stringent requirement.
 - Dimensions shall take precedence over scale.
 - All new utilities shall be underground.
 - Drawings and specifications are complementary. Refer to all sheets of drawings and applicable sections of the specifications for interfaces of work with related trades.
 - After completion of construction remove all debris and construction equipment. Restore site to original condition.
 - Notify owner of any possible artifacts uncovered during site grading and throughout the course of construction.
 - Furnish a receptacle on site to contain construction debris and maintain the site in an orderly manner to ensure public safety and prevent blowing debris.

THE GLAZED DONUT
NEW FLOOR LAYOUT
 420 EATON STREET KEY WEST, FLORIDA

- NOTES**
- NEW NON-BEARING WALLS
 - 1/2" x 2 1/2" METAL STUDS @ 16" O.C.
 - 1/2" GIP BOARD
 - ELECTRICAL**
 - ALL LIGHTING TO REMAIN
 - ADDITION LIGHTING AS PER OWNER



PLUMBING RISER DIAGRAM
NTS



FIRST FLOOR PLAN
SCALE 1/4" = 1'-0"

CONSUMPTION AREA
350 S.F.

E
L
E
V
A
T
I
O
N
S

Handwritten signature and date
2/27/19

WILLIAM ROWAN
ARCHITECTURE
 KEY WEST, FLORIDA
 FLORIDA LICENSE AR-001751
 321 PEACOCK LANE
 303 296 3784

JOB NUMBER
1166
 DATE [1.30.1]

A1
 1 OF 1

DRC Minutes

Minutes of the Development Review Committee

December 21, 2012 DRAFT

Planning Director, Don Craig called the Development Review Committee Meeting of December 21, 2012 to order at 10:00am at Old City Hall, in the antechamber at 510 Greene Street, Key West.

ROLL CALL

Present were: Planning Director, Don Craig; Forestry Manager, Paul Williams; ADA Coordinator, Diane Nicklaus; Sustainability Coordinator, Alison Higgins; Engineering, Karen Olson; Fire Department, Jason Barroso.

HARC Planner, Enid Torregrosa; General Services, Elizabeth Ignaffo; Building Official, John Woodson arrived at 10:14am.

Also in attendance were: Planning Department staff: Brendon Cunningham and Ginny Haller.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

October 25, 2012

November 16, 2012

A motion to approve the October 25, 2012 and November 16, 2012 minutes were made by Mr. Paul Williams, seconded by Mr. Jason Barroso.

DISCUSSION ITEMS

New Business

- 1. Easement - 226 Julia Street (RE# 00026710-000000) - Request for an easement of 56 square feet, more or less, to address the encroachment of a roof overhang for a gate house located on Julia Street as per Section 90-587 of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Postponed.

- 2. Variances – 226 Julia Street (RE# 00026710-000000) – Request for building coverage, front and street-side setback in the HMDR zoning district per Section 90-391, Section 122-600(4)a. and 122-600(6)a.&d of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

Postponed.

- 3. Special Exception Request - 420 Eaton Street (also known as 400 Duval Street) - (RE# 00006580-000000) - Request for a special exception to the prohibition of alcoholic beverage sales within 300 feet of a church for property located within the HRCC-1 zoning district, pursuant to Section 18-28(b)(2) of the Land Development Regulations of the Code of Ordinances of the City of Key West.**

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

The applicant's representative, Mr. Allan Fowler, gave members an overview of the Special Exception request.

Minutes of the Development Review Committee December 21, 2012 DRAFT

The applicant's legal representative, Ginny Stones with Stones & Cardenas, was available for questions.

Ms. Nicklaus confirmed that the rest rooms are ADA compliant.

Mr. Craig requested the application show the seating layout and location of the serving area. He noted that there is to be no live music, if recorded music, there will be a condition from the Planning Board that there be a distributed sound system computerized with live monitoring by code enforcement. Also, with reference to the application, section of code # 18-81(b) that is on the 4th page of the application, this is a type-o. Mr. Craig requested revised authorization forms be submitted and notarized. He mentioned to the applicant that when this item goes to the Planning Board, there may be a public response and the applicant should be available to respond to those comments.

Remaining staff had no comments.

Keys Energy had no objections.

4. Variances – 1222 Grinnell Street (RE# 00032040-000000) – Request for front and side yard setbacks and building coverage in the HMDR zoning district per Section 90-391, Section 122-600(6)a, 122-600(6)b, and 122-600(4)a of the Land Development Regulations of the Code of Ordinances of the City of Key West.

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

The applicant, Patrick Wright, Trepanier & Associates gave members an overview of the request.

Mr. Barroso informed the applicant that a five foot space along the side of the fence is required.

Mr. Woodson agreed with Mr. Barroso.

Mr. Williams confirmed that there is no tree or landscaping issues.

Mrs. Ignaffo requested to direct roof downspouts back onto property, but not onto ingress/egress easement walkway.

Ms. Nicklaus had no comment.

Mr. Craig stated that adding an additional structure at 7-10 inches from the property line does not seem to be consistent with providing enough light and air as well as safety for fire purposes. Due to these issues, he stated that the applicant may wish to amend the application before proceeding to the Planning Board.

Keys Energy had no objections.

5. Special Exception Request – 512 Eaton Street (RE# 00006500-000000) – Request for a special exception to the prohibition of alcoholic beverage sales within 300 feet of a church, cemetery, and/or funeral home for property located within the HNC-1 zoning district, pursuant to Section 18-28(b)(2) of the Code of Ordinances of the City of Key West.

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

The applicant's legal representative, Ginny Stones with Stones & Cardenas, was available for questions

Property Appraiser Information

**Scott P. Russell, CFA
Property Appraiser
Monroe County, Florida**

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

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

Website tested on IE8,
IE9, & Firefox.
Requires Adobe Flash
10.3 or higher

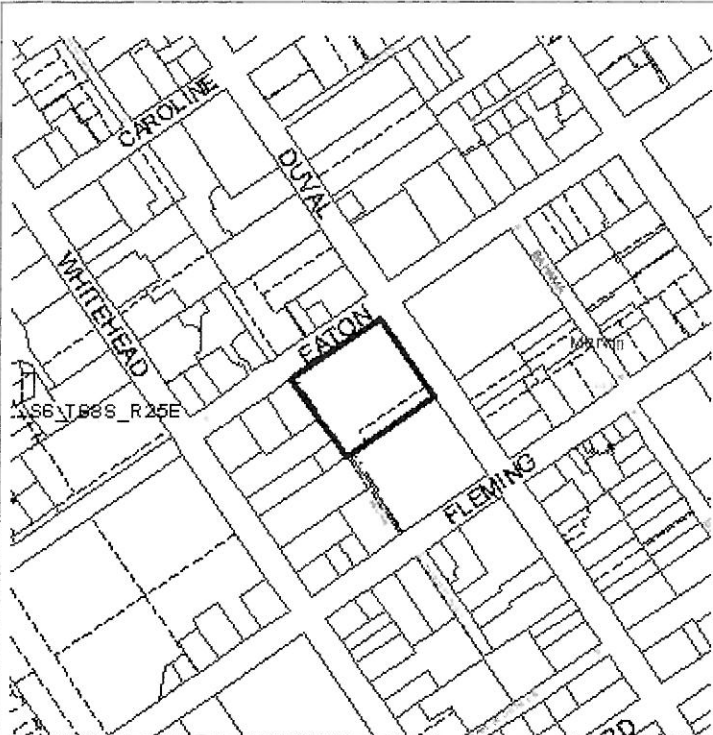
Alternate Key: 1006815 Parcel ID: 00006580-000000

Ownership Details

Mailing Address:
400 DUVAL RETAIL LLC
1119 VONPHISTER ST
KEY WEST, FL 33040-4831

Property Details

PC Code: 16 - COMMUNITY SHOPPING CENTERS
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range: 06-68-25
Property Location: 400 DUVAL ST UNIT: A KEY WEST
400 DUVAL ST UNIT: B KEY WEST
400 DUVAL ST UNIT: C KEY WEST
402 DUVAL ST KEY WEST
404 DUVAL ST KEY WEST
406 DUVAL ST KEY WEST
408 DUVAL ST KEY WEST
416 EATON ST KEY WEST
418 EATON ST KEY WEST
424 EATON ST KEY WEST
Legal Description: KW PT LOTS 2 AND 3 SQR 38 G62-344/46 G66-277 OR10-415/16 OR84-389/90 OR328-360/63 OR328-560/61 OR632-772 OR1076-381/382 OR1467-821/823R/S OR1506-1866AFFD OR1506-1867AFFD OR1506-1868/69C OR1971-1155/61E OR2314-1679/80 OR2575-426/31



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	176	200	35,032.00 SF

Building Summary

Number of Buildings: 1

Number of Commercial Buildings: 1
 Total Living Area: 33297
 Year Built: 1928

Building 1 Details

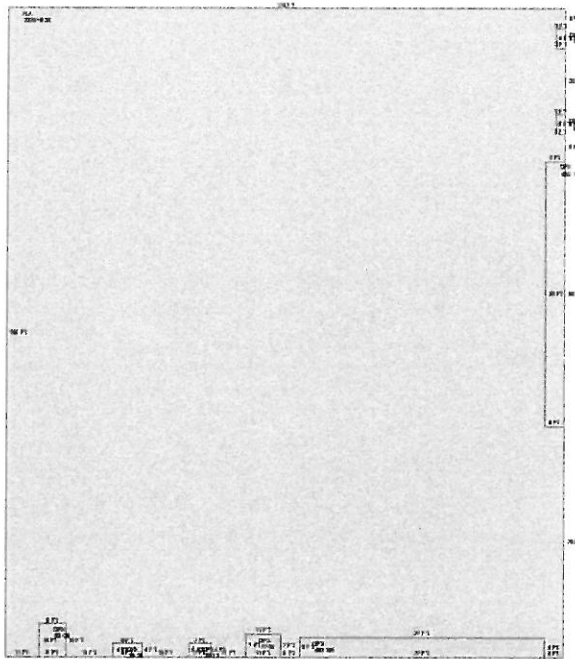
Building Type	Condition E	Quality Grade 450
Effective Age 17	Perimeter 830	Depreciation % 23
Year Built 1928	Special Arch 0	Grnd Floor Area 33,297
Functional Obs 0	Economic Obs 0	

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	0
6 Fix Bath	0	Intercom	0
7 Fix Bath	0	Fireplaces	0
Extra Fix	35	Dishwasher	0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	FLA		1	1990					33,297
3	OPX		1	1990					480
4	OPX		1	1990					462
5	OPX		1	1990					77
6	OPX		1	1990					28

7	OPX	1	1990	36
8	OPX	1	2000	80
9	OPF	1	2002	18
10	OPF	1	2002	18

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	1653	1 STY STORE-B	100	N	Y
	1654	OPX	100	N	N
	1655	OPX	100	N	N
	1656	OPX	100	N	N

Exterior Wall:

Interior Finish Nbr	Type	Area %
452	C.B.S.	100

Appraiser Notes

400-408 DUVAL ST & 416-428 EATON ST PETITION KW 156-1997 FRESH PRODUCE/CHICO'S/EARTHBOUND, LITTLE SWITZERLAND. GIFT/BITON TPP 8981039 - FRESH PRODUCE RETAIL (400-A DUVAL) TPP 8799209 - CHICO'S #71 (400-B DUVAL) TPP 8798768 - EARTHBOUND TRADINGCO (400-C DUVAL) TPP 9014919 - LITTLE SWITZERLAND (402 DUVAL) TPP 8978806 - BITON (404-408 DUVAL)

Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes	
51	05-0497	02/14/2005	11/02/2005	1,800	Commercial	ELECTRICAL PERMIT
46	03-3225	09/10/2003	10/04/2004	2,000	Commercial	PAINT EXTERIOR
47	03-3227	09/10/2003	10/04/2004	38,000	Commercial	ENLARGE WALKWAY
48	03-3330	10/21/2003	10/04/2004	995	Commercial	AWNINGS
49	04-0263	02/10/2004	10/04/2004	150,000	Commercial	BUILD OUT FOR KW FILM SOC
50	04-3584	11/19/2004	10/04/2004	3,000	Commercial	REPLACE A/C
52	05-1413	05/02/2005	12/31/2005	1,400	Commercial	REPLACE REAR STOREROOM A/C
56	05-4214	09/26/2005	12/31/2005	11,000	Commercial	REMODEL EXISTING SIDEWALK&ENANCE AREA
57	05-4410	10/04/2005	10/07/2005	4,000	Commercial	CHANGE OUT THE EXISTING 5-TON A/C ON TOP OF ROOF.
53	05-2534	06/24/2005	11/02/2005	2,000	Commercial	STORM PANELS ON STORE FRONT
54	05-2530	06/24/2005	11/02/2005	1,990	Commercial	COVER ALL FRONT WITH STORM PANELS
55	05-2533	06/24/2005	11/02/2005	2,000	Commercial	INSTALL STORM PANELS FRONT OPENINGS
58	06-1177	03/09/2006	07/25/2006	4,000	Commercial	DEMO INTERIOR WALLS NEW HEADER & SUPPORT BEAMS
66	06-6529	12/20/2006	03/08/2007	6,475	Commercial	INSTALL FIRE ARLARM; 17 DEVICES AND CONTOL PANEL
67	07-0218	02/20/2007	03/08/2007	25,000	Commercial	INTERIOR RENOVATIONS ONLY STEP FLOORS
59	06-5452	09/29/2006	12/19/2006	3,500	Commercial	REPLACE 7.5 TON CONDENSING UNIT

60	06-4836	10/10/2006	12/19/2006	48,500	Commercial	INTERIOR RENOVATION NEW SHELVING/ COUNTERS
61	06-5954	11/02/2006	12/19/2006	9,000	Commercial	INSTALL NEW LIGHTS, EMERGENCY LIGHTING SMOKE DETECTORS
62	06-6043	11/08/2006	12/19/2006	0	Commercial	REVISE ADA BATHROOM LOCATION
63	06-6179	11/15/2006	12/19/2006	2,800	Commercial	ADD ADA BATHROOM
64	06-6369	11/29/2006	12/19/2006	4,000	Commercial	REPLACE 15 REGISTERS
65	06-6342	11/28/2006	03/08/2007	4,500	Commercial	CHANGE OUT 10 TON CONDENSOR
66	07-1435	03/23/2007	03/23/2007	2,488	Commercial	CHANGE OUT A 3-TON A/C
67	06-6676	05/25/2007		234,537	Commercial	MOVE & INSTALL NEW STORE FRONT, AND INTERIOR RENOVATIONS
68	07-4953	11/02/2007		4,800	Commercial	REPLACE A 5 TON CONDENSER.
	09-0653	03/04/2009		150	Commercial	REMOVE ONE TOILET AND LAVATORY, CAP PIPES
	09-0657	04/23/2009		38,000	Commercial	INSTALL ONE 3.5 TON PACKAGE UNIT, ONE 5 TON PACKAGE, RTU WITH CURB 8 DUCTWORK OPENINGS & 9000 BTU DUCTLESS SYSTEM
	09-0652	03/04/2009		500	Commercial	DEMO EXISTING ELECTRICAL PRIOR TO RENOVATION
	09-1249	05/04/2009		0	Commercial	ROOFING
69	09-00004192	12/10/2009		4,390	Commercial	STOP LEAKS AND PATCH ALONG PARAPET WALL, ROOF TIE-IN TO STOP LEAKS AND PATCH TWO WEAK SPOTS ALONG THIS AREA
	09-00004276	12/16/2009		2,600		STUCCO ROOF PARAPET
	11-1091	07/21/2011	07/21/2011	0	Commercial	RENOVATION, ADDITION, CONVERSION
	11-4669	04/05/2012	04/05/2012	0	Commercial	C.O. DATED 4/5/12. CHANGE USE FROM RETAIL TO 10 SEAT RESTAURANT, INCLUDING PLUMBING AND MECHANICAL. 420 EATON ST GLAZED DONUTS.
1	97-01890	06/16/1998	07/23/1998	9,000	Commercial	9 WATER METERS
2	97-02376	07/16/1997	07/23/1998	5,000	Commercial	10 NEW FIXTURES
3	97-02377	07/16/1997	07/23/1998	9,550	Commercial	FIRE PREVENTION BACKFLOW
4	97-02508	07/29/1997	07/23/1998	700	Commercial	PAINT OUTSIDE WALLS
5	97-02965	09/03/1997	07/23/1998	4,400	Commercial	FIRE ALARM SYSTEM
6	97-03002	10/03/1998	07/23/1998	5,000	Commercial	INSTALL ATM
7	97-03372	10/08/1997	07/23/1998	4,000	Commercial	DEMO INTERIOR
8	97-03482	10/10/1997	07/23/1998	5,000	Commercial	ELECTRICAL
9	97-03548	10/17/1997	07/23/1998	2,000	Commercial	DEMO INTERIOR
10	97-03769	11/14/1997	07/23/1998	10,000	Commercial	INTERIOR BUILDOUT
11	97-03982	11/21/1997	07/23/1998	3,500	Commercial	ELECTRICAL
12	97-04039	12/01/1997	07/23/1998	500	Commercial	PLUMBING
13	97-04173	02/20/1998	07/23/1998	600	Commercial	SIGN
14	98-00345	02/25/1998	07/23/1998	850	Commercial	AWNING
15	98-00383	05/29/1998	07/23/1998	300	Commercial	ELECTRICAL
16	98-01713	06/23/1998	07/23/1998	185	Commercial	SIGN
17	98-02065	07/02/1998	07/23/1998	400	Commercial	ROOF REPAIRS
18	99-00553	02/16/1999	11/03/1999	1,000	Commercial	ELECTRICAL
19	99-00382	02/02/1999	11/03/1999	8,000	Commercial	DEMO INTERIOR
20	99-01368	04/23/1999	11/03/1999	1,500	Commercial	CHANGE OUT AC
21	99-00066	01/08/1999	11/03/1999	52,023	Commercial	REPLACE ROOFING

22	99-00150	01/19/1999	11/03/1999	2,000	Commercial	RENOVATIONS
22	99-00962	03/18/1999	11/03/1999	185	Commercial	SEC ALARM
23	99-01253	04/13/1999	11/03/1999	600	Commercial	ELECTRICAL
24	99-01757	05/27/1999	11/03/1999	7,000	Commercial	INTERIOR RENOVATIONS
25	99-03632	10/26/1999	11/03/1999	5,400	Commercial	CHANGEOUT AC
26	0002369	09/08/2000	11/01/2000	100,000	Commercial	BUILD OUT
27	00-01948	07/13/2000	11/01/2000	3,000	Commercial	A/C DUCT RELOCATION
28	00-01183	07/17/2000	11/01/2000	330,000	Commercial	ROOF
29	00-02316	08/21/2000	11/01/2000	1,700	Commercial	INTERIOR DEMOLITION
30	00--02369	10/25/2000	11/01/2000	115,000	Commercial	BUILD OUT
31	00-00305	02/03/2000	11/01/2000	4,000	Commercial	ELECTRICAL
32	0000913	04/10/2000	11/01/2000	5,000	Commercial	A/C
33	00-00952	04/25/2000	11/01/2000	5,100	Commercial	HANDICAPP BATHROOM
34	00-01354	05/17/2000	11/01/2000	454,000	Commercial	BUILD OUT
35	01-03970	12/01/2000	11/16/2001	30,000	Commercial	INTERIOR RENOVATIONS
36	00-04546	10/02/2001	11/16/2001	3,200	Commercial	INTERIOR WORK
37	02-0080	12/02/2002	02/20/2003	24,500	Commercial	INSTALL 5-TON A/C
38	01-3819	11/30/2001	02/20/2003	20,000	Commercial	REPLACE A/C
39	01-3847	11/30/2001	02/20/2003	1,500	Commercial	AWING
40	01-3878	12/07/2001	02/20/2003	1,100	Commercial	EX. PAINT
41	01-3780	12/13/2001	02/20/2003	56,000	Commercial	RENOVATION
43	02-0820	04/11/2002	02/20/2003	2,600	Commercial	AWINGS AFTER THE FACT
45	03-1385	04/22/2003	10/04/2004	304,000	Commercial	INT RENOVATION

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	3,531,576	0	3,177,893	6,953,564	6,953,564	0	6,953,564
2011	3,531,576	0	3,177,893	6,953,564	6,953,564	0	6,953,564
2010	3,705,974	0	5,802,720	6,953,564	6,953,564	0	6,953,564
2009	3,705,974	0	4,620,845	6,953,564	6,953,564	0	6,953,564
2008	3,705,974	0	9,108,320	6,953,564	6,953,564	0	6,953,564
2007	2,435,222	0	9,108,320	6,953,564	6,953,564	0	6,953,564
2006	2,435,222	0	3,161,430	7,247,832	7,247,832	0	7,247,832
2005	2,303,652	0	2,634,525	8,415,000	8,415,000	0	8,415,000
2004	2,355,995	0	2,213,001	7,808,471	7,808,471	0	7,808,471
2003	2,355,995	0	2,177,874	7,808,471	7,808,471	0	7,808,471
2002	2,294,380	0	2,177,874	7,808,471	7,808,471	0	7,808,471
2001	2,241,703	0	2,177,874	6,822,646	6,822,646	0	6,822,646
2000	2,234,810	0	1,826,604	6,646,478	6,646,478	0	6,646,478

1999	2,231,305	0	1,826,604	6,646,478	6,646,478	0	6,646,478
1998	1,482,045	0	1,826,604	4,885,866	4,885,866	0	4,885,866
1997	1,482,045	0	1,756,350	4,885,866	4,885,866	0	4,885,866
1996	1,248,698	0	1,756,350	3,366,776	3,366,776	0	3,366,776
1995	1,248,698	0	1,756,350	3,366,776	3,366,776	0	3,366,776
1994	1,248,698	0	1,756,350	3,189,578	3,189,578	0	3,189,578
1993	1,248,698	0	1,756,350	2,774,779	2,774,779	0	2,774,779
1992	1,248,698	0	1,756,350	2,774,779	2,774,779	0	2,774,779
1991	1,248,698	0	1,756,350	2,774,779	2,774,779	0	2,774,779
1990	1,226,843	0	1,413,862	2,774,779	2,774,779	0	2,774,779
1989	1,256,876	0	1,405,080	2,507,271	2,507,271	0	2,507,271
1988	1,151,194	0	1,124,064	2,275,258	2,275,258	0	2,275,258
1987	1,094,372	0	537,882	1,898,711	1,898,711	0	1,898,711
1986	826,097	0	526,905	1,520,451	1,520,451	0	1,520,451
1985	796,254	0	379,372	1,494,842	1,494,842	0	1,494,842
1984	785,541	0	379,372	1,345,315	1,345,315	0	1,345,315
1983	786,883	0	243,936	1,030,819	1,030,819	0	1,030,819
1982	645,360	0	209,785	855,145	855,145	0	855,145

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
6/8/2012	2575 / 426	19,132,000	WD	01
8/9/2007	2314 / 1679	18,000,000	WD	U
2/1/1975	632 / 772	182,000	00	Q

This page has been visited 131,595 times.

Monroe County Monroe County Property Appraiser
 Scott P. Russell, CFA
 P.O. Box 1176 Key West, FL 33041-1176

Public Comment



Alan Fowler <alan.fowler.esq@gmail.com>

Glazed Donut Beer and Wine Exemption

Father Hooper <frhooper@stpaulskeywest.org>
Reply-To: frhooper@stpaulskeywest.org
To: alan.fowler.esq@gmail.com
Cc: Amy Gage <amy@stpaulskeywest.org>

Tue, Oct 23, 2012 at 11:15 AM

Dear Mr. Fowler,

Last night the Vestry of St. Paul's Episcopal Church met and I presented the information related to the Alcohol Sales Special Exemption for the Glazed Donuts to sell beer and wine. I am happy to report that there is no objection from any of us on the vestry to you to proceed with your application. We know you want to be good neighbors with us and we hope to be the same for you. Please convey our best wishes to the Donut Shop as they proceed with this new venture in their business.

Sincerely,

Fr. Larry D. Hooper+

The Rev. Larry D. Hooper
Rector, St. Paul's Episcopal Church
Key West, FL

(305) 296-5142

Enclosure 1: Endorsements
Page 1 of 3

November 16, 2012

Alan A. Fowler, Esq.
Alan Fowler Law, PLLC
P.O. Box 4703
Key West, FL 33041

Subject: Glazed Donuts & Alcohol Sales Special Exception Application

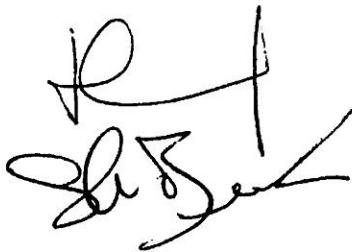
To Whom It May Concern:

Our names are Stuart and H el ene, owners of L'habitation Guest House, 408 Eaton Street and residents of 421 Eaton Street. Jon and Megan Pidgeon, owners of Glazed Donuts, and their attorney, Alan Fowler, have notified me of their intent to seek an Alcohol Sales Special Exception in order to obtain a Beer and Wine Consumption on Premises License from the State of Florida.

I have no objection to Glazed Donuts' receiving an Alcohol Sales Special Exception or a Beer and Wine Consumption on Premises License.

Sincerely,

Stuart and H el ene

Handwritten signature in black ink, appearing to be "Stuart and H el ene".

November 16, 2012

Alan A. Fowler, Esq.
Alan Fowler Law, PLLC
P.O. Box 4703
Key West, FL 33041

Subject: Glazed Donuts & Alcohol Sales Special Exception Application

To Whom It May Concern:

My name is Onett Johnson, owner of Sippin' Internet Café, 424 Eaton Street. Jon and Megan Pidgeon, owners of Glazed Donuts, and their attorney, Alan Fowler, have notified me of their intent to seek an Alcohol Sales Special Exception in order to obtain a Beer and Wine Consumption on Premises License from the State of Florida.

I have no objection to Glazed Donuts' receiving an Alcohol Sales Special Exception or a Beer and Wine Consumption on Premises License.

Sincerely,

Onett Johnson

A handwritten signature in black ink that reads "Onett Johnson". The signature is written in a cursive style with a large initial "O".



TROPIC CINEMA

Owned and Operated by the Key West Film Society, A Cultural Not-For-Profit Corporation

Board of Directors

Jon Allen, Chair
Kenneth Domanski, Vice Chair
Wagne Krueer, Counsel
George Cooper, Treasurer
Runi Gogal, Secretary
Judith Daykin
Terence George
Kirkaton C. Irick
Holly Merrill
Mike Marrero
Linda Mewshaw
Karen Shivelbein
Piper Smith

Executive Director

Matthew Helmerich
Theater Manager
Lori Reid
Programming Director
Scot Hoard

November, 16, 2012

Alan A. Fowler, Esq.
Alan Fowler Law
Post Office Box 4703
Key West, Florida 33041

Re: Glazed Donuts

Dear Alan:

Thank you for having reached out to us about Glazed Donuts' prospective application for a beer and wine license. We certainly wish your client well, and do not want to raise any general objection. But we do have a few concerns:

- The street is currently quiet at night, which suits its quasi-residential character. We are worried that any late-night sales of alcohol may change that and draw possible unwanted elements. There have already been instances of people defacing our Marilyn statue and damaging our street-front poster cases. Our alcohol sales end with our movie shows, about 11:00 PM, and we would hope that Glazed Donuts would do the same.
- Off-premises sales, even earlier, would also draw a questionable element. We have agreed to refrain from this.
- Our sales of beer and wine are linked to our primary business purpose. We see no problem if Glazed Donuts sales were similarly limited to its existing business. Possible changes of purpose, for example a wine bar with music adjacent to a movie screen, could have dramatically different implications.

I would be happy to discuss any of these. I expect we will be voicing these concerns in connection with the public hearing on the license.

Sincerely,


Matthew Helmerich

Tropic Cinema, 416 Eaton Street, Key West, Florida 33040

Post Office Box 1283, Key West, Florida 33041

Phone 877-761-FILM (3436) ~ Fax 305-768-0463 ~ info@TropicCinema.com

TropicCinema.com

Enclosure 2: Tropic Cinema
Page 1 of 2



Alan Fowler <alan.fowler.esq@gmail.com>

GD: Alcohol Sales Exemption

Matthew Helmerich <matthew@tropiccinema.com>
To: Alan Fowler <alan@alanfowlerlaw.com>

Tue, Nov 27, 2012 at 10:55 PM

Hey Alan,

In an effort not to waste time for anybody, let me refer you to my letter to you of November 16, a PDF of which is attached to this e-mail. The letter clearly states the position of my board of directors. We will not object to your application for a beer and wine license provided it includes the stipulations that Glazed Donuts will not serve wine or beer after 11:00 PM and that it will confine consumption of wine and beer to its premises.


I hope this clears up any questions you or your clients may have without having to meet with my directors.

Thanks,

Matthew

Matthew Helmerich Executive Director | **Tropic Cinema** 416 Eaton Street, Key West, Florida 33040
877-761-FILM (3456) telephone | 305-768-0465 fax | matthew@tropiccinema.com
South Florida's only nonprofit, independent multiplex | Named "BEST FLORIDA CINEMA" by *Florida Monthly* magazine

[Quoted text hidden]

 **GD 11-16-12 response.pdf**
516K

Enclosure 2: Tropic Cinema Page 2 of 2

Public Notices
(mailings & radius map)

Public Meeting Notice

The Key West Planning Board will hold a public hearing at 6:00 p.m., February 21, 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:

Special Exception Request- 420 Eaton Street (aka 400 Duval Street RE# 00006580-000000) - A request for a special exception to the prohibition of alcoholic beverage sales within 300 feet of a church for property located within the HRCC-1 zoning district, pursuant to Section 18-28 (b)(2) 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:

Special Exception Request- 420 Eaton Street (aka 400 Duval Street RE# 00006580-000000) - A request for a special exception to the prohibition of alcoholic beverage sales within 300 feet of a church for property located within the HRCC-1 zoning district, pursuant to Section 18-28 (b)(2) of the Code of Ordinances of the City of Key West.

Applicant	Alan A. Fowler, Esq. on behalf of Glazed Donuts, LLC	Owner:	400 Duval Retail LLC
Project Location:	420 Eaton Street	Date of Hearing:	Thursday, February 21, 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:

Special Exception Request- 420 Eaton Street (aka 400 Duval Street RE# 00006580-000000) - A request for a special exception to the prohibition of alcoholic beverage sales within 300 feet of a church for property located within the HRCC-1 zoning district, pursuant to Section 18-28 (b)(2) of the Code of Ordinances of the City of Key West.

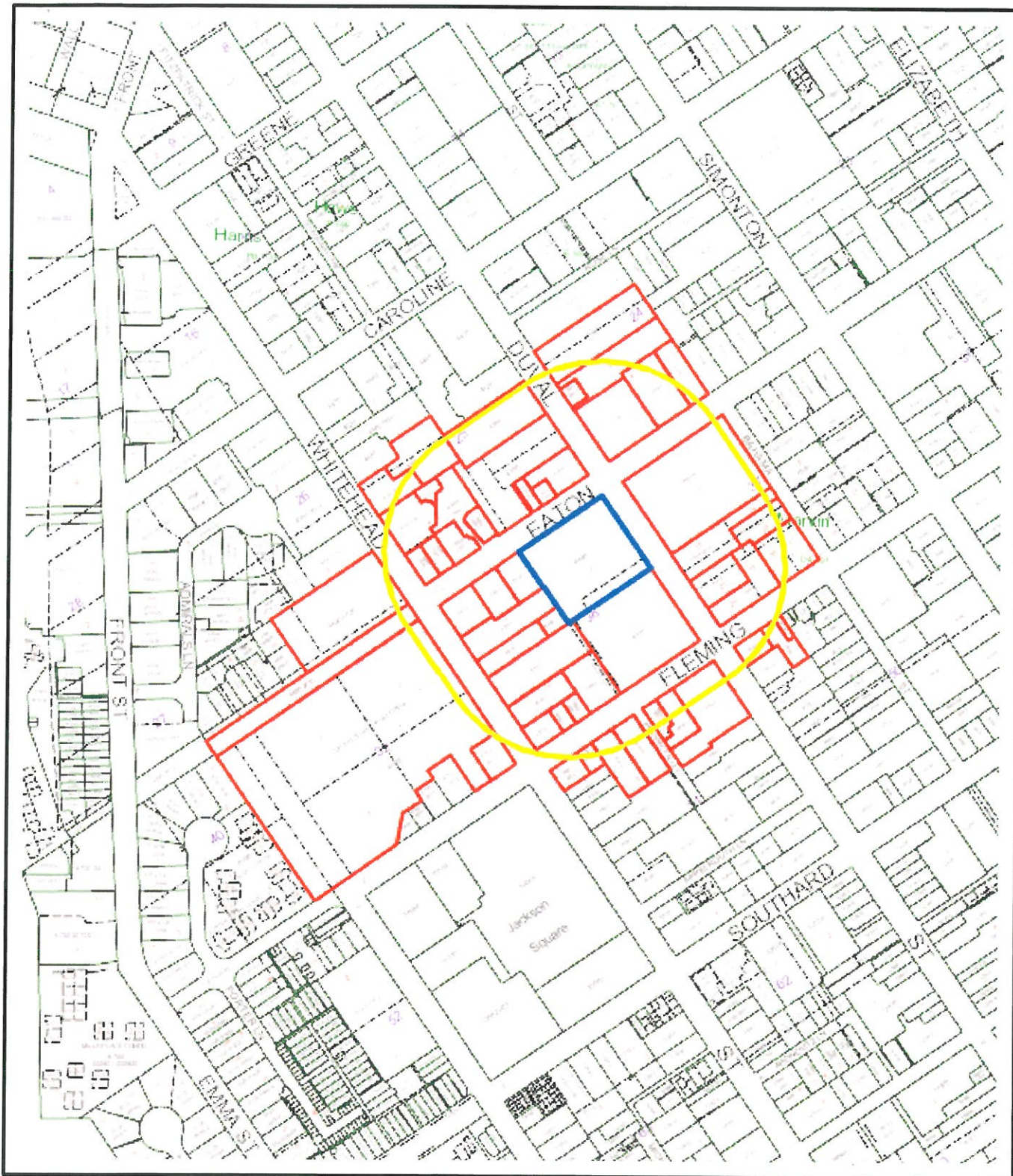
Applicant	Alan A. Fowler, Esq. on behalf of Glazed Donuts, LLC	Owner:	400 Duval Retail LLC
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Monroe County, Florida

Printed: Feb 08, 2013

420 Eaton

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 WIDENER ROBERT L	409 FLEMING ST		KEY WEST	FL	33040	
2 WONG SONG ENTERPRISES INC	P O BOX 4870		KEY WEST	FL	33040	
3 KNIGHT EDWARD B LIVING TRUST	336 DUVAL ST		KEY WEST	FL	33040	
4 UNITED STATES OF AMERICA	400 WHITEHEAD ST		KEY WEST	FL	33040	
5 SPOTTSWOOD PARTNERS II LTD	500 FLEMING ST		KEY WEST	FL	33040	
7 SPOTTSWOOD PARTNERS LTD	500 FLEMING ST		KEY WEST	FL	33040	
8 KEY WEST PROFESSIONAL OFFICES INC	422 FLEMING ST		KEY WEST	FL	33040	
9 SPOTTSWOOD PARTNERS LTD	500 FLEMING ST		KEY WEST	FL	33040	
10 SPOTTSWOOD PARTNERS II LTD	500 FLEMING ST		KEY WEST	FL	33040	
12 KEY WEST WOMANS CLUB	319 DUVAL STREET		KEY WEST	FL	33040	
13 RAPPAPORT ROBERT	5 EVERGREEN AVE		KEY WEST	FL	33040	
14 TRUMAN ANNEX MASTER PROPERTY OWNERS ASSOCAT	201 FRONT ST	STE 103	KEY WEST	FL	33040	
15 FIRST STATE BANK OF THE FLORIDA KEYS	1201 SIMONTON ST		KEY WEST	FL	33040	
16 STROMBUS CORPORATION	1073 BUTTONWOOD DR		SUGARLOAF KEY	FL	33042	
17 COOPER LAND TRUST 12/26/1990	7705 NW 48TH ST	STE 110	MIAMI	FL	33166	
18 WHITE J LARRY	685 EAST LONG LAKE		BLOOMFIELD HIL	MI	48304	
19 CARRRELLO ANTHONY G	PO BOX 588		MERRICK	NY	11566-0588	
20 TIITF	3900 COMMONWEALTH BLVD	MLSTN 11	TALLAHASSEE	FL	32399-3000	
21 329 DUVAL ASSOCIATES LLC	1210 STIRLING RD	STE 7B	DANIA	FL	33004-3536	
22 WHITEHEAD PROPERTIES I LLC	1312 REYNOLDS ST		KEY WEST	FL	33040-4709	
23 WHITEHEAD PROPERTIES II LLC	1312 REYNOLDS ST		KEY WEST	FL	33040-4709	
24 400 DUVAL RETAIL LLC	1119 VONPHISTER ST		KEY WEST	FL	33040-4831	
25 KNIGHT EDWARD B LIVING TRUST	336 DUVAL ST		KEY WEST	FL	33040-6500	
26 JJJJ INC	410 FLEMING ST		KEY WEST	FL	33040-6529	
27 BANYAN TREE OF KW CODNO AND OWNER ASSOC IN PH	323 WHITEHEAD ST		KEY WEST	FL	33040-6590	
35 ONDERDONK GARY R AND DIANE M	513 FLEMING ST	STE 1	KEY WEST	FL	33040-6861	
36 BABY CHEAPEES LLC	820 WHITE ST		KEY WEST	FL	33040-7157	
37 ROSE MARCI L	810 THOMAS ST		KEY WEST	FL	33040-7337	
38 ST PAULS CHURCH	PO BOX 1014		KEY WEST	FL	33041-1014	
39 RODEL CHARITABLE FOUNDATION - FLORIDA LLC	PO BOX 4014		KEY WEST	FL	33041-4014	
40 C & D PROPERTIES OF KEY WEST I LLC	PO BOX 4125		KEY WEST	FL	33041-4125	
41 MITCHELL PAUL J	PO BOX 4930		KEY WEST	FL	33041-4930	
42 COLONIAL SUITES INC	301 LINCOLN RD		MIAMI BEACH	FL	33139-3102	
43 CAPITAL BANK NA	599 9TH ST N STE 101		NAPLES	FL	34102-5624	

NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
44 420 FLEMING LLC	2650 AIRPORT RD S STE H		NAPLES	FL	34112-4886	