

# Application

July 14, 2015

Mr. Thaddeus Cohen, Planning Director  
City of Key West  
3134 Flagler Avenue  
Key West, FL 33040

**RE: Minor Modification Request (Res No. 2011-059)  
Bahama Village Market**

802-804 Whitehead Street (RE#: 00014010-000100)  
806 Whitehead Street (RE#: 00014020-000000)  
318-324 Petronia Street (RE#: 00014010-000000)  
809-811 Terry Lane (RE#: 00014050-000100, 00014060-000000)



Dear Director Cohen:

We are requesting a Minor Modification to Res. 2011-059<sup>1</sup>. We seek to modify the existing approved site plan<sup>2</sup> to consolidate existing approved outdoor commercial square footage on Parcel A (RE No. 00014020-000000) within a 491 sq. ft. historically-appropriate one-story commercial/retail structure as depicted on the attached proposed site plan<sup>3</sup>.

Historical approvals for this site (see Land Use Approvals chart below) include Resolution 90-96<sup>4</sup> granting a special exception to allow approximately 15 (8' x 8') food and crafts booths on Parcel A<sup>5</sup> and Resolution 97-73<sup>6</sup> to allow small-scale<sup>7</sup> commercial use (retail sales/restaurant/parking) on Parcels A, B, C, D & E<sup>8</sup>.

On March 17, 2015, the City approved a minor modification to Res. 2011-059 where indoor and outdoor consumption areas were relocated on the property. The existing uses currently utilize only 765 sq. ft. of the 2,553 sq. ft. of previously approved retail space on the property.

Due to the various RE#'s attached to this property, the chart below provides the RE# and its associated address.

RE #	Address	Survey Parcel ID
00014010-000100	802-804 Whitehead St	Parcel B & E
00014010-000000	318 Petronia St. 320 Petronia St. 322 Petronia St. 324 Petronia St.	Parcel C
00014020-000000	806 Whitehead St.	Parcel A & D
00014050-000000	809 Terry Ln.	Parcel I
00014060-000000	811 Terry Ln.	Parcel H

<sup>1</sup> Attachment A

<sup>2</sup> Attachment B

<sup>3</sup> Attachment C

<sup>4</sup> Attachment D

<sup>5</sup> Attachment E

<sup>6</sup> Attachment F

<sup>7</sup> Sec. 122-1112(b) Low and medium intensity ≤ 2,500 sq. ft.

<sup>8</sup> Attachment G

Land Use Approvals						
Resolution	RE#	Address	Survey Parcel ID	Type	Sq.Ft.	Permitted
Res. 90-96	No RE# provided. (Legal description corresponds to RE# 00014020-000000 at 806 Whitehead St)	320-324 Petronia St (806 Whitehead)	Parcel A	Special Exception	960	Installation of approx. 15 food/craft booths
Res. 97-73	00014010-000000 00014010-000100 00014020-000000 00014050-000000 00014060-000000	804 Whitehead, 809, 811 Terry Lane	Parcel A & D, B & E, C & F, H, I	Special Exception	15,943	Small-scale commercial use (retail sales/ restaurant/ parking)
Res. 98-94, Res. 98-95, Res. 98-96, Res. 98-97, Res. 98-98, Res. 98-99		804 Whitehead	Parcel B & E	Special Exception	~384	Allowed for outdoor display of merchandise
Res. 2011-059	00014010-000000 00014010-000100 00014020-000000 00014050-000000 00014060-000000	802-804 Whitehead St. 806 Whitehead St. 318-324 Petronia St. 809-811 Terry Ln	Parcel A & D, B & E, C & F, H, I	Conditional Use	15,943	Restaurant with 150 seats max
Minor Modification	00014010-000000 00014010-000100 00014020-000000 00014050-000000 00014060-000000	802-804 Whitehead St. 806 Whitehead St. 318-324 Petronia St. 809-811 Terry Ln	Parcel A & D, B & E, C & F, H, I	Minor Modification	765	Relocation of existing approved consumption and commercial/retail area

Based on the above information, we respectfully request a Minor Modification to Res. 2011-059<sup>9</sup> to consolidate existing approved outdoor commercial square footage on Parcel A (RE No. 00014020-000000) within a 491 sq. ft. historically-appropriate one-story commercial/retail structure as depicted on the attached proposed site plan<sup>10</sup>.

Thank you in advance for your consideration.

Best Regards,



Lori Thompson

<sup>9</sup> Attachment A  
<sup>10</sup> Attachment C

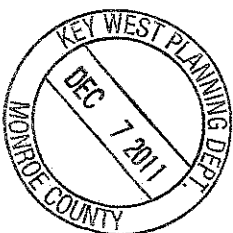
**PLANNING BOARD RESOLUTION  
NUMBER 2011-059**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A CONDITIONAL USE APPROVAL PER SECTION 122-62 AND 122-63 OF THE CODE OF ORDINANCES FOR A RESTAURANT WITH 150 SEATS MAXIMUM TO BE LOCATED AT 802 - 806 WHITEHEAD STREET (RE# 00014010-000100 AND 00014020-000000) AND 318 - 324 PETRONIA STREET (RE# 00014010-000000) AND 809 - 811 TERRY LANE (RE# 00014050-000000, 00014060-000000) IN THE HISTORIC NEIGHBORHOOD COMMERCIAL-BAHAMA VILLAGE COMMERCIAL CORE (HNC-3) ZONING DISTRICT, PURSUANT TO SECTION 122-868(9) OF THE CODE OF ORDINANCES, KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the subject property is located in the Historic Neighborhood Commercial-Bahama Village Commercial Core (HNC-3) zoning district; and

**WHEREAS**, Section 122-868(9) of the Code of Ordinances provides that restaurants are allowed as a conditional use within the Historic Neighborhood Commercial- Bahama Village Commercial Core (HNC-3) zoning district; and

**WHEREAS**, Section 122-61 of the Code of Ordinances allows applicants to request a conditional use approval; and



  
Chairman  
  
Planning Director

**WHEREAS**, the applicant filed a conditional use application for a restaurant not to exceed maximum of 150 seats, with 6,637 square feet of flexible indoor/outdoor consumption area at 802 - 806 Whitehead Street (RE# 00014010-000100 and 00014020-000000) and 318 - 324 Petronia Street (RE# 00014010-000000); and

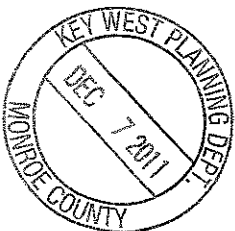
**WHEREAS**, the associated with the Conditional Use request, the applicant is required to bring the parking lot located at 809 - 811 Terry Lane (RE# 00014050-000000 and 00014060-000000) into compliance with dimensional requirements, landscaping and drainage; and



**WHEREAS**, the parking lot shall be reconfigured to include two (2) compact car spaces in order to protect the root system of large trees on the site, six (6) standard vehicular spaces, one (1) handicap space, and forty (40) scooter/bicycle spaces on the lot; and

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

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

**WHEREAS**, the Planning Board found that the proposed use complies with the criteria in Section 122-62; and



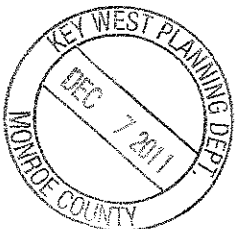
 Chairman  
 Planning Director

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


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

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

**Section 2.** That the request for a Conditional Use approval per Section 122-62 and 122-63 of the Code of Ordinances for a restaurant for up to 150 seats maximum and 6,637 square feet of flexible consumption area to be located at 802 - 806 Whitehead Street (RE# 00014010-000100 and 00014020-000000) and 318 - 324 Petronia Street (RE# 00014010-000000) and the reconfiguration of the parking lot at 809 - 811 Terry Lane (RE# 00014050-000000 and 00014060-000000) to meet Code requirements, landscaping and drainage, and to accommodate two (2) compact car spaces in order to protect the root system of large trees on the site, six (6) standard vehicular spaces, one (1) handicap space, and forty (40) scooter/bicycle parking spaces for property located in the Historic Neighborhood Commercial- Bahama Village Commercial Core (HNC-3) zoning district, pursuant to section 122-868(9) of the Code of Ordinances, Key West, Florida; providing for an effective date, as shown in the attached site plans dated November 1, 2011 with the following conditions:

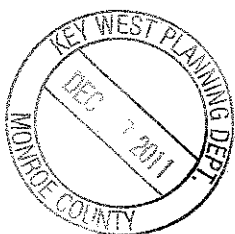


 Chairman

 Planning Director

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

1. Approval is limited to no more than 150 seats. At no time does the request for 6,637 square feet of consumption area allow the applicant to increase seating on the site without conditional use review.
2. The parking lot shall be reconfigured and maintained to include two (2) compact car spaces in order to protect the root system of large trees on the site, six (6) standard vehicular spaces, one (1) handicap space, and forty (40) bicycle/scooter spaces on the lot.
3. The waste and recycling handling shall be screened from adjacent properties and public rights-of-way by appropriate fences, walls or landscaping in accordance with Code Section 108-279, and the area shall be enclosed on all four sides with a roof and doors for access.
4. The applicant will install and maintain a programmable distributive sound system to assure compliance with the "unreasonable noise" definition of Section 26-191 of the Code of Ordinances, and shall include a computerized sound monitoring system with real time monitoring access is provided to the City. 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.



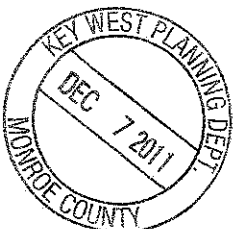
 Chairman  
 Planning Director

**Conditions required prior to the issuance of a Certificate of Occupancy:**

5. Completion of all improvements as depicted on the site plan.
6. The applicant will install and maintain a programmable distributive sound system to assure compliance with the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances, and shall include a computerized sound monitoring system with real time monitoring access is provided to the City.
7. The applicant shall revise and resubmit a signed and sealed Landscape Plan that reflects the modified site plan dated November 1, 2011 and Civil Plan Dated November 9, 2011.

**General conditions:**

8. No outdoor music of any kind is allowed after the hours of 10pm unless approved under a special event permit per Section 6-86 of the City Code or for a special city-sanctioned event within the Petronia Street Commercial Corridor. Amplified music will be regulated by the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances.
9. Recycling of applicable materials is required.
10. Hours of operation are limited from 9am to 11pm daily accept during special city sanctioned events such as Fantasy Fest and Goombay.
11. Service vehicles are prohibited from using Petronia Street and Terry Lane and the Terry Lane parking lot for deliveries.
12. All waste pickup shall be daily via Whitehead Street.



 Chairman  
 Planning Director





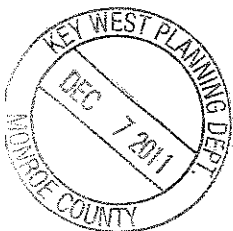
13. In an effort to increase employment opportunities for residents of the Bahama Village Community Redevelopment Area (“BVCRA”) the restaurant operator will make a good faith effort to employ a minimum of 25% of the restaurant workforce from qualified residents of the BVCRA.

“Good faith effort” means all employment opportunities will be advertised and posted in places frequented by residents of the BVCRA, such as the District 6 Commissioner's office, the Douglas Community Center, the Nutrition Center, the Martin Luther King swimming pool, neighborhood churches, neighborhood fraternal organizations, grocery stores, etc.

In the event the property owner is not the operator of the restaurant, the restaurant operator shall submit to the property owner proof of compliance with the employment requirement, on a quarterly basis. The property owner shall, in turn, provide the proof of compliance to the City of Key West, upon request. If the property owner operates the restaurant, in the event that this requirement is not complied with for any reason, the property owner shall tender to the BVCRA the amount of \$750 for each month the requirement is not met to be used to further employment programs within the Bahama Village Community.

In the event the property owner is not the operator of the restaurant, any lease, management agreement, or other document utilized to transfer operation of the restaurant shall include the provisions above along with a provision that the operator's rent will increase in the amount of \$750.00 per month for each month the

 Chairman  
 Planning Director



requirement is not met. The property owner will in turn pay this increased amount to the BVCRA to be used to further employment programs within the Bahama Village Community Redevelopment Area. The property owner's failure to insist upon, collect, and transfer the increased amount to the City of Key West shall constitute a breach of this condition.



This requirement shall run with the conditional use and remain in place from owner to owner, Lessee to Lessee and Lessor to Lessor.

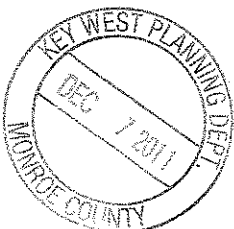
**Section 3.** Full, complete, and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.

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

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

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

 Chairman  
 Planning Director



# Exhibit A

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

Page 8 of 9  
Resolution Number 2011 - 059



RWK Chairman

de Planning Director

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

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

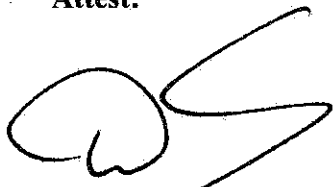


Richard Klitenick, Chairman  
Key West Planning Board

12/7/2011

Date

Attest:

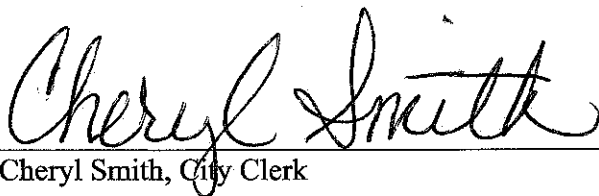


Donald Leland Craig, AICP  
Planning Director

12/7/11

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

12-7-11

Date



 Chairman  
 Planning Director

# Verification

City of Key West  
Planning Department



Verification Form

(Where Authorized Representative is an entity)

I, OWEN TREPANIER, in my capacity as RESIDENT  
(print name) (print position; president, managing member)  
of TREPANIER & 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:

BAHAMA VILLAGE MARKET  
Street Address of subject property

All of the answers to the above questions, drawings, plans and any other attached data which make up the application, are true and correct to the best of my knowledge and belief. In the event the City or the Planning Department relies on any representation herein which proves to be untrue or incorrect, any action or approval based on said representation shall be subject to revocation.

Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this 7/14/15 by  
date  
Owen J. Trepanier  
Name of Authorized Representative

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

Notary's Signature and Seal

Richard Puente  
Name of Acknowledger typed, printed or stamped



FF 067969  
Commission Number, if any

# **Authorization**

City of Key West  
Planning Department



Authorization Form  
(Where Owner is a Business Entity)

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

I, Edwin O. Swift, III as  
*Please Print Name of person with authority to execute documents on behalf of entity*

Managing Member of Historic Tours of America, Inc.  
*Name of office (President, Managing Member) Name of owner from deed*

authorize Trepanier & Associates, Inc.  
*Please Print Name of Representative*

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

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

Subscribed and sworn to (or affirmed) before me on this July 14, 2015  
*Date*

by Edwin O. Swift III  
*Name of person with authority to execute documents on behalf on entity owner*

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

Marion Hope Casas  
*Notary's Signature and Seal*

MARION HOPE CASAS  
*Name of Acknowledger typed, printed or stamped*

\_\_\_\_\_  
*Commission Number, if any*

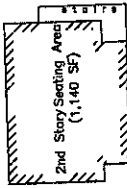
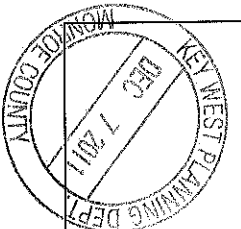




# Site Plans

# Exhibit A

*Pink R*

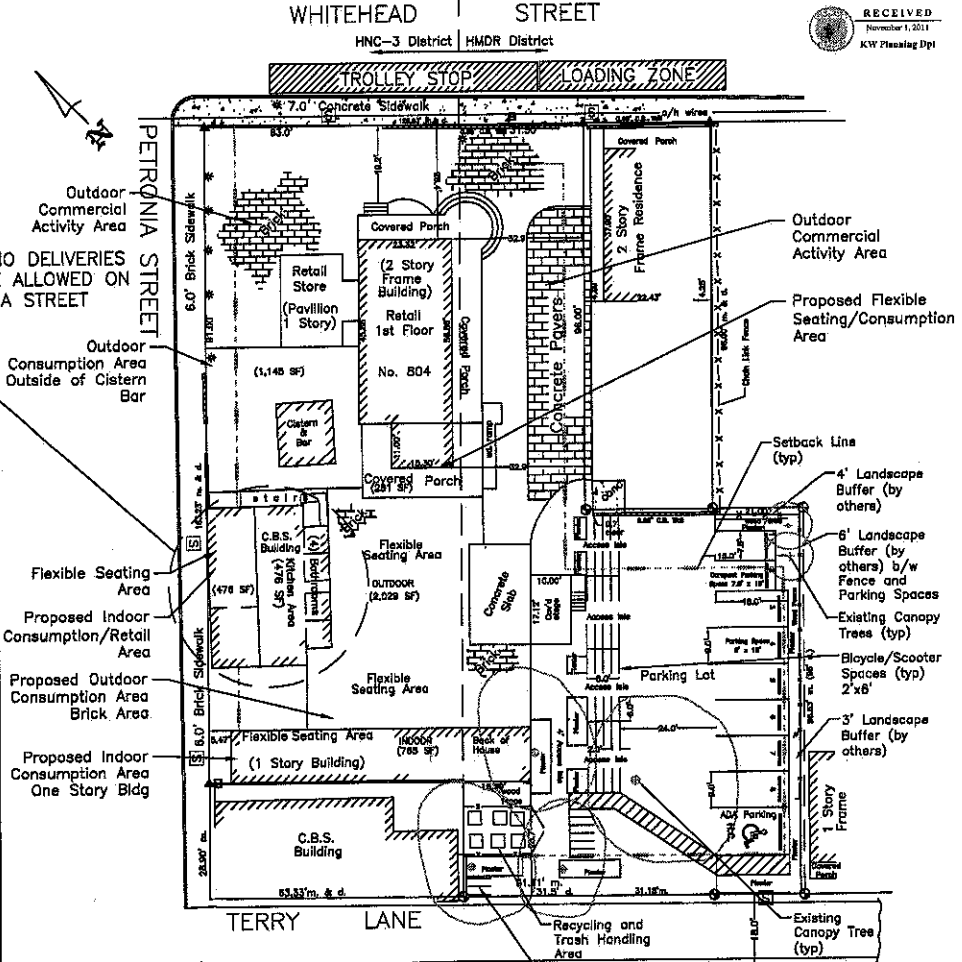


**SECOND FLOOR**  
SCALE: 1"=30'

INDEX OF DRAWINGS	
C-1.0	SITE AND FLOOR PLAN
C-1.1	PREVIOUS CONSUMPTION AREAS
C-1.2	PROPOSED AND PREVIOUS CONSUMPTION AREAS
C-1.3	PARKING LOT PLAN

SITE DATA				
RE Numbers	00014060-000000; 00014050-000000; 00014020-000000; 00014010-000000; 00014010-000100			
Zoning Designation	HMDR (11,154 sq. ft.) and HNC-3 (10,366 sq. ft.)			
Flood Zone	ZONE X MAP 12057C-1516K			
	Existing	Proposed	Required/Permitted	Complies
Zoning	HMDR and HNC-3	No Change	No Change	Complies
Site Size (sq. ft.)	21,520	No Change	4,000	Complies
Building Coverage (sq. ft.)	4,877	No Change	8,608 (40%)	Complies
Impervious Surface (sq. ft.)	20,616 (95.8%)	No Change	12,912 (60%)	Complies 1
Open Space Ratio (sq. ft.)	904 (4.2%) <sup>2</sup>	No Change	4,304 (20%)	Complies
FAR	0.26	No Change	1.0	Complies
Retail Space (sq. ft.)	5,595	2,553	15,943	Complies
Consumption Area				
Indoor (sq. ft.)		1,241		Complies
Outdoor (sq. ft.)	2,285	4,595		Complies
Restaurant Seats	45	165		Complies
Parking Spaces	17	19 <sup>3</sup>	17	Complies
Scooter/Bicycle		40		
Residential Units	3-Studios	3-Studios	10	Complies
Setbacks				
Front	18'-2 1/2'-0"	18'-2 1/2'-0"	0'-0 1/2'-0"	Complies
Side <sup>4</sup>	5'-0 7/5'-0"	16'-9 1/4'-0"	7'-6 7/5'-0"	Complies
Rear <sup>5</sup>	28'-9"	28'-9"	15'-0"	Complies

- Existing nonconformity
- Site area less building coverage, pavers, concrete and parking areas
- Proposed is based on 8 car parking spaces and 40 scooter spaces.
- The City of Key West recognizes ten RDGO-exempt dwelling units, per City Planner's Staff report dated 11/27/10.
- HNC-3 is the first number and HMDR is the second.
- HMDR Zoning only



NOTE: NO DELIVERIES WILL BE ALLOWED ON PETRONIA STREET

- Outdoor Commercial Activity Area
- Outdoor Consumption Area Outside of Cistern Bar
- Flexible Seating Area
- Proposed Indoor Consumption/Retail Area
- Proposed Outdoor Consumption Area Brick Area
- Proposed Indoor Consumption Area One Story Bldg

**SITE AND FLOOR PLAN**  
SCALE: 1"=30'

LEGEND

EXISTING SEWER CLEANOUT (TYP OF 5)

NOTE: THE SITE DOES NOT HAVE AN EXISTING STORMWATER MANAGEMENT SYSTEM OR A GREASE TRAP



Florida: Tours of America  
301 Ford Blvd., Suite 202  
Key West, Florida 34134  
REGISTERED PROFESSIONAL ARCHITECT  
STATE REGISTRATION # 15856  
EXPIRES 12/31/2011

ARCHITECT: J. MULLIGAN  
PE #88316

**BAHAMA VILLAGE MARKET**  
WHITEHEAD AND PETRONIA  
KEY WEST, FLORIDA

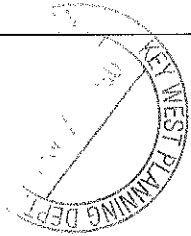
Drawn By: SCW  
Checked By: RSH  
Project No.: 15856  
Scale: AS NOTED  
Date: 11/14/11

Print Date: November 1, 2011

SITE AND FLOOR PLAN

Sheet Number: C-1.0  
Date: JANUARY 25, 2010

RUK 01



**LEGEND**

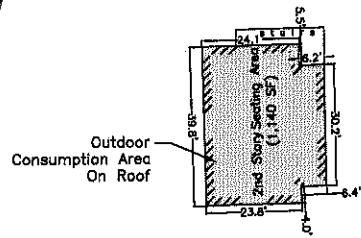
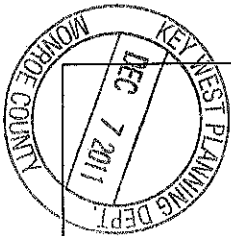
 CONSUMPTION AREA

CONSUMPTION AREAS:  
 PREVIOUS (ROOF DECK AND CISTERN BAR): 2,285 SF  
 PROPOSED:  
 COVERED PORCH: 281 SF  
 OUTDOOR BRICK AREA: 2,029 SF  
 INDOOR ONE-STORY BLDG: 765 SF  
 INDOOR TWO-STORY BLDG: 476 SF  
 TOTAL PREVIOUS AND PROPOSED: 5,836 SF

**BAHAMA VILLAGE MARKET**  
**PROPOSED CONSUMPTION AREAS**

SCALE: 1"=30' (11x17 paper)

RWK

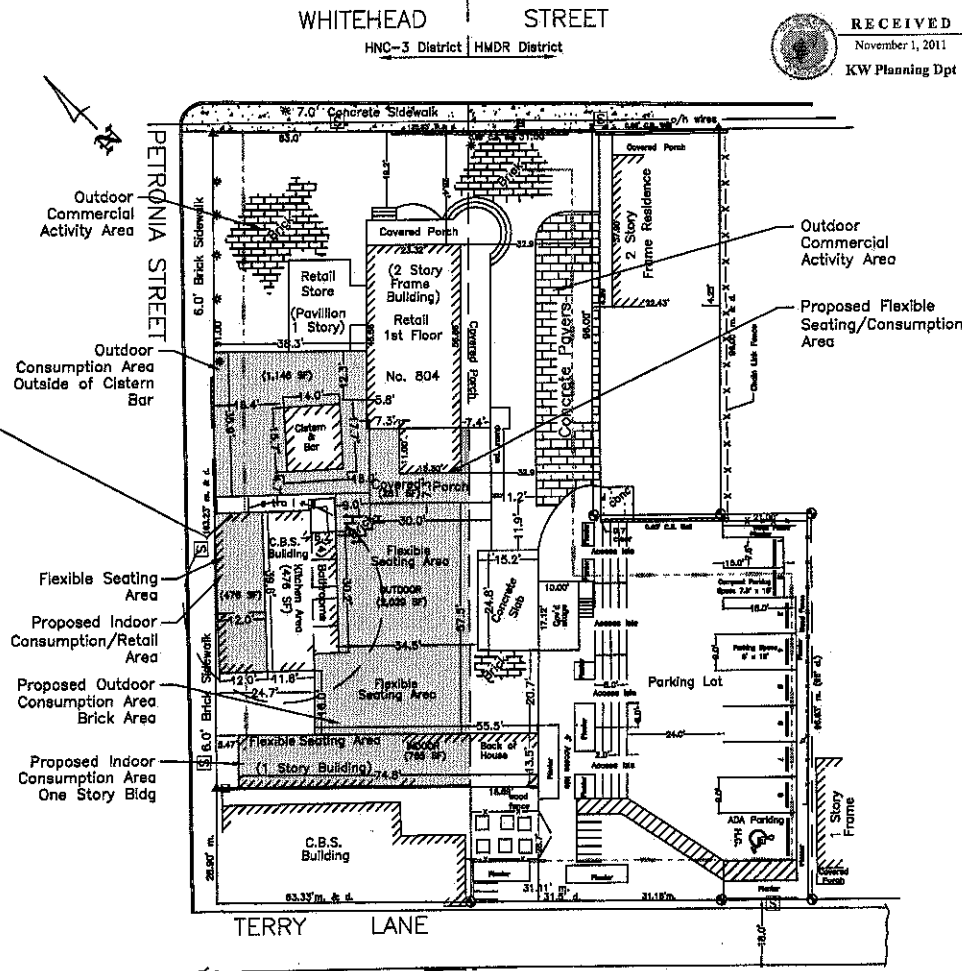


**SECOND FLOOR**  
SCALE: 1"=30'

**LEGEND**

CONSUMPTION AREA

**CONSUMPTION AREAS:**  
 PREVIOUS (ROOF DECK AND CISTERN BAR): 2,285 SF  
**PROPOSED:**  
 COVERED PORCH: 281 SF  
 OUTDOOR BRICK AREA: 2,029 SF  
 INDOOR ONE-STORY BLDG: 765 SF  
 INDOOR TWO-STORY BLDG: 476 SF  
 TOTAL PREVIOUS AND PROPOSED: 5,836 SF



**PROPOSED CONSUMPTION AREAS**  
SCALE: 1"=30'

Historic Tours of America  
201 Front Street, Suite 207  
Key West, Florida 33404  
AUTHORIZING AGENCY: 30  
ISSUED: 01/01/2011 BY: 004-007

General Notes:  
**BAHAMA VILLAGE MARKET**  
 WHITEHEAD AND PETRONIA  
 KEY WEST, FLORIDA

Drawn By: RSK  
 Project No: 100000  
 Checked By: RSK  
 Date: AS NOTED

File this: November 1, 2011

PROPOSED AND PREVIOUS CONSUMPTION AREAS  
 Sheet Number: **C-1.2**  
 Date: JANUARY 21, 2011

KEY WEST PLANNING AND ENGINEERING  
DEC 7 2011  
GRAPHIC SCALE  
48 HOURS BEFORE DIGGING  
CALL TOLL FREE  
1-800-432-4770  
FLORIDA STATE HIGHWAY  
UTILITY NOTIFICATION CENTER

RUNK & C

### DRAINAGE CALCULATIONS

**POSTDEVELOPMENT - PREDEVELOPMENT**  
 Spot - Core = 0 in.  
 Volume - GA = 0 Ac-in

NOTE: THE DRAINAGE PLAN AND CALCULATIONS ARE ONLY FOR THE PARKING LOT. THE PARKING LOT IS EXISTING AND CONSIDERED IMPERVIOUS. THEREFORE, THE POSTDEVELOPMENT AND PREDEVELOPMENT WATER QUANTITY ANGLES ARE THE SAME. WATER QUALITY GOVERNS THE DESIGN.

**WATER QUALITY**  
 PROJECT AREA = 0.142 Ac  
 PERVIOUS = 0.017 Ac  
 IMPERVIOUS = 0.125 Ac

A) ONE INCH OF TRUNOFF FROM DRAINAGE BASIN = 0.142 Ac-in  
 IMPERVIOUS AREA = 0.125 Ac.  
 X IMPERVIOUS = 88.0%  
 B) 2.5 INCHES TIMES PERCENT IMPERVIOUS = 0.31 Ac-in

**EXFILTRATION TRENCH PROVIDED**  
 TRENCH LENGTH = 27 FT  
 EXFILTRATION TRENCH VOLUME CALCULATED USING SWMM EQUATION (PO F=10 OF THE ERP INFORMATION MANUAL)  
 VARIABLES: K=0.0001; H=7; Web; D=6; D=0  
 VOLUME = 0.31 Ac-in

**LANDSCAPE BUFFER**  
 PARKING LOT AREA = 0.142 AC = 6,200 SF  
 BUFFER REQUIRED = 6,200 \* 10% = 620 SF  
 BUFFER PROVIDED = 766 SF



### LEGEND

DRAINAGE FLOW

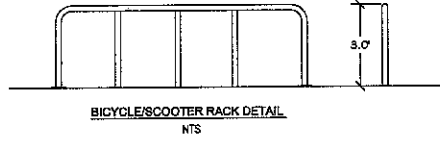
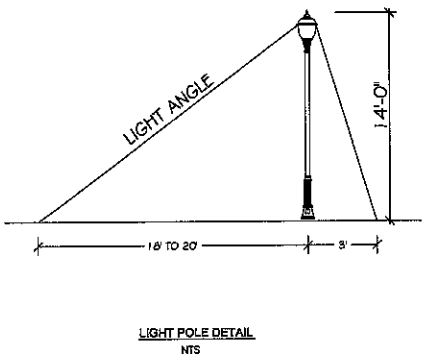
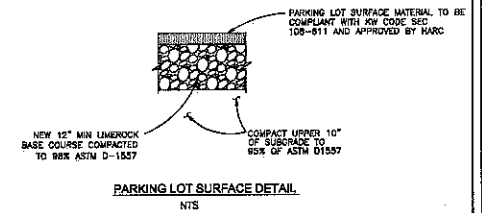
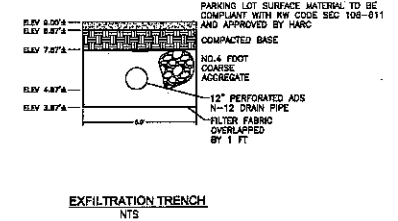
PROPOSED ELEVATION

EXISTING ELEVATION

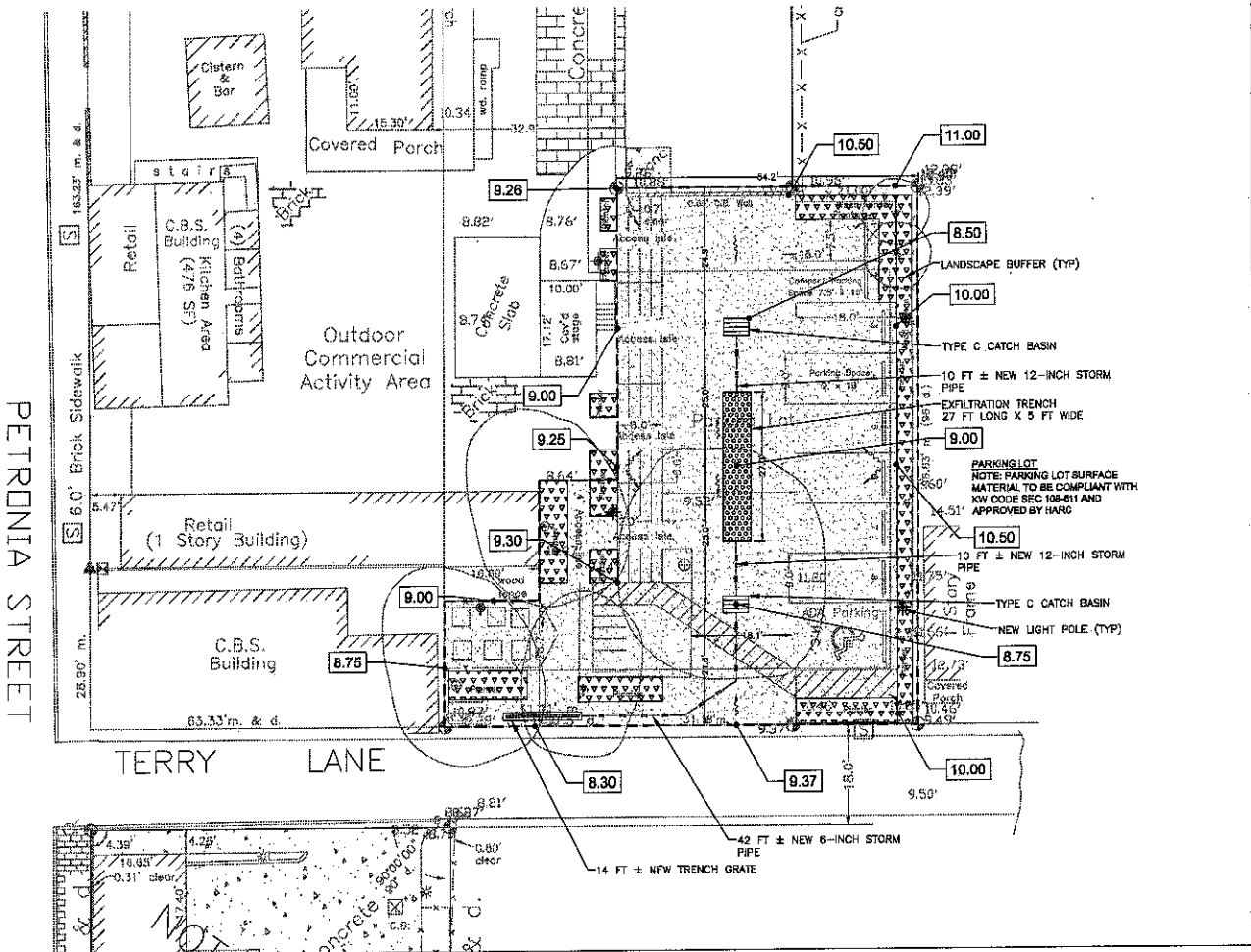
NEW LIGHT POLE

NEW PARKING LOT SURFACE MATERIAL TO BE COMPLIANT WITH KW CODE SEC 108-611 AND APPROVED BY HARC

LANDSCAPE AREA



NOTES:  
1. THE CONTRACTOR MAY ADJUST THE PROPOSED ELEVATIONS IN THE FIELD IF APPROVED BY THE ENGINEER.



Historic Tours of America  
201 Plant Street, Suite 207  
Key West, Florida 33099  
ALPHACOUNTY.COM 238.2422  
407.333.8281 ext. 407

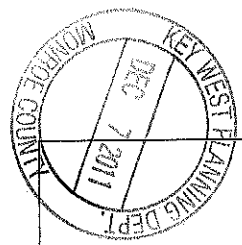
Richard J. Nobile  
PE 688315

**BAHAMA MARKET VILLAGE**  
 WHITEHOLE AND PETRONIA  
 KEY WEST, FLORIDA

Drawn By: RUM  
 Checked By: SCS  
 Project No: 1768  
 Scale: AS NOTED  
 HTA Assoc File No: 1768-C-1.0R


TITLE: PARKING LOT PLAN

Sheet Number:  
**C-1.3**  
Date: JUNE 22, 2011



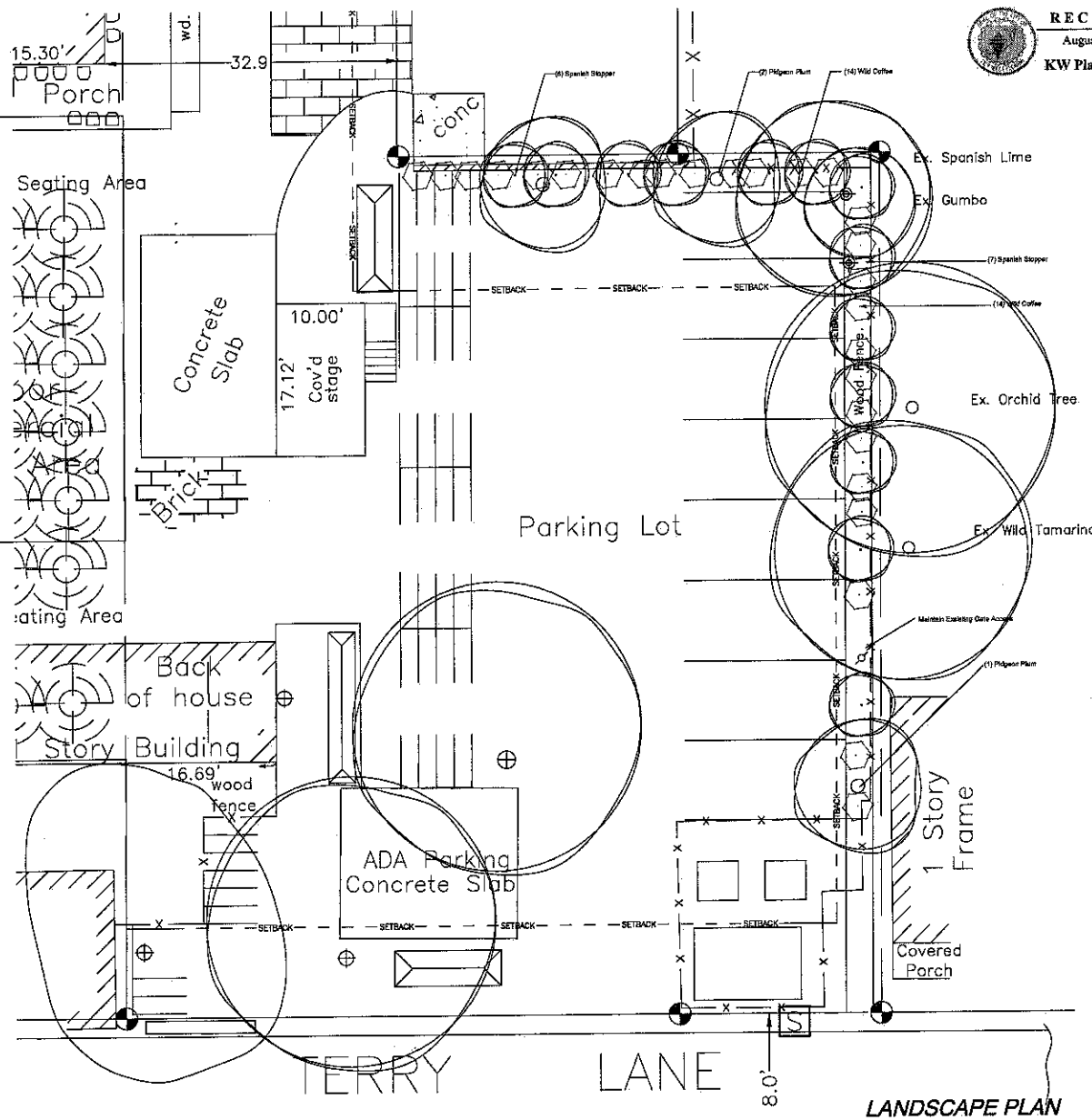
*pink dc*

RECEIVED  
August 1, 2011  
KW Planning Dpt

Architect/Engineer  
  
**Indigenous Design Group INC.**  
 License #  
 00000000  
 Bahama Village Market  
 16.69' wood fence  
 Parking Area Improvement Plan  
 Project Number: 000-0000  
 Plant Name:  
 Property Number: 000-0000  
 Sheet Title: LANDSCAPE PLAN  
 Sheet: LA1

**Bahama Village Market**  
Pensacola St.  
Key West FL 33040

City	Item	Specifications
TREES		
3	Coccoloba diversifolia	Pigeon Plum 12" ph
13	Eugenia foetida	Spanish Blopper 5' @ PH Standard
SHRUBS AND GROUNDCOVERS		
25	Psychotria nervosa	Wild Coffee 3 gal.



**PLANTING NOTES**

**GENERAL:**

- Contractor shall verify location of utilities, including trees and vegetation prior to commencement of the plant installation.
- Contractor shall verify the quality of the Landscape Designer's planting notes and trees in the field. Location of plant materials are shown on the planting plan as recommended. **DISCREPANCY:**
- All trees and shrubs shall be of the size called for in the planting notes, unless otherwise specified. Location of plant materials are shown on the planting plan as recommended. Any plant materials not as specified by the Landscape Designer shall be removed from the site.
- Site Landscape recommendations for the site and the plant materials shall be removed from the site.
- All plant materials shall be planted in or better as indicated by the Landscape Designer, Division of Plant Industry, Florida Dept. of Agriculture and Consumer Services.
- All trees required to be planted as part of the contract shall be installed as specified. All trees are to be staked and guyed as recommended in the notes. Landscaping contractor will remove staking and guying from trees within the four month guarantee period.
- Match all adjacent areas with a grade (1) with maximum slope of maximum 10% or as approved and noted as specified on the plan.
- Water all plant materials immediately after planting.
- If available after the start and schedule, based on the schedule shall govern. The contractor shall ensure that the quality of the contractor shall provide the concept as specified and report discrepancies at the time of starting to the Landscape Designer.
- All plant materials shall be planted in accordance with the planting notes and specifications on the plan.
- All plant materials shall be planted in accordance with the planting notes and specifications on the plan.
- The contractor shall provide the Landscape Designer with any drawings.
- Irregularities to be accompanied by the use of an appropriate irrigation system that shall ensure water conservation throughout by the use of a drip or subsurface irrigation system for all planting operations. Irrigate as needed.

**REMARKS:**

Contractor shall research and site to determine present location of utilities and obstructions before commencing work. Contractor shall ensure that before the construction work that all necessary permits have been obtained.

**DISCREPANCY:**

All plant materials shall be done with the same size and species of the plant that was specified. Any substitutions made for any reason must be approved by the owner.

**CONTRACTOR'S OBLIGATION:**

All landscape materials shall be healthy, vigorous, well-rooted plants, and established in the container so that the root mass will retain the shape and hold together when removed from the container.

**NOTE GRADING:**

The landscape contractor shall be responsible for the grading of the site. This means that prior to the installation of landscape material, the site shall be brought within 1" of final grade so that the landscape contractor will be able to perform the final grading. All landscape materials and plants are to be low ground.

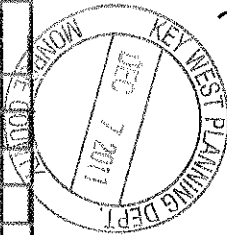
**BACKFILLING:**

Plant by trees shall include good soil complete with organic sawdust. There shall be no construction debris, rocks larger than 1" within the root zone. Soil within planting area shall be compacted. All compacted backfill shall appear to be received from all landscape areas.

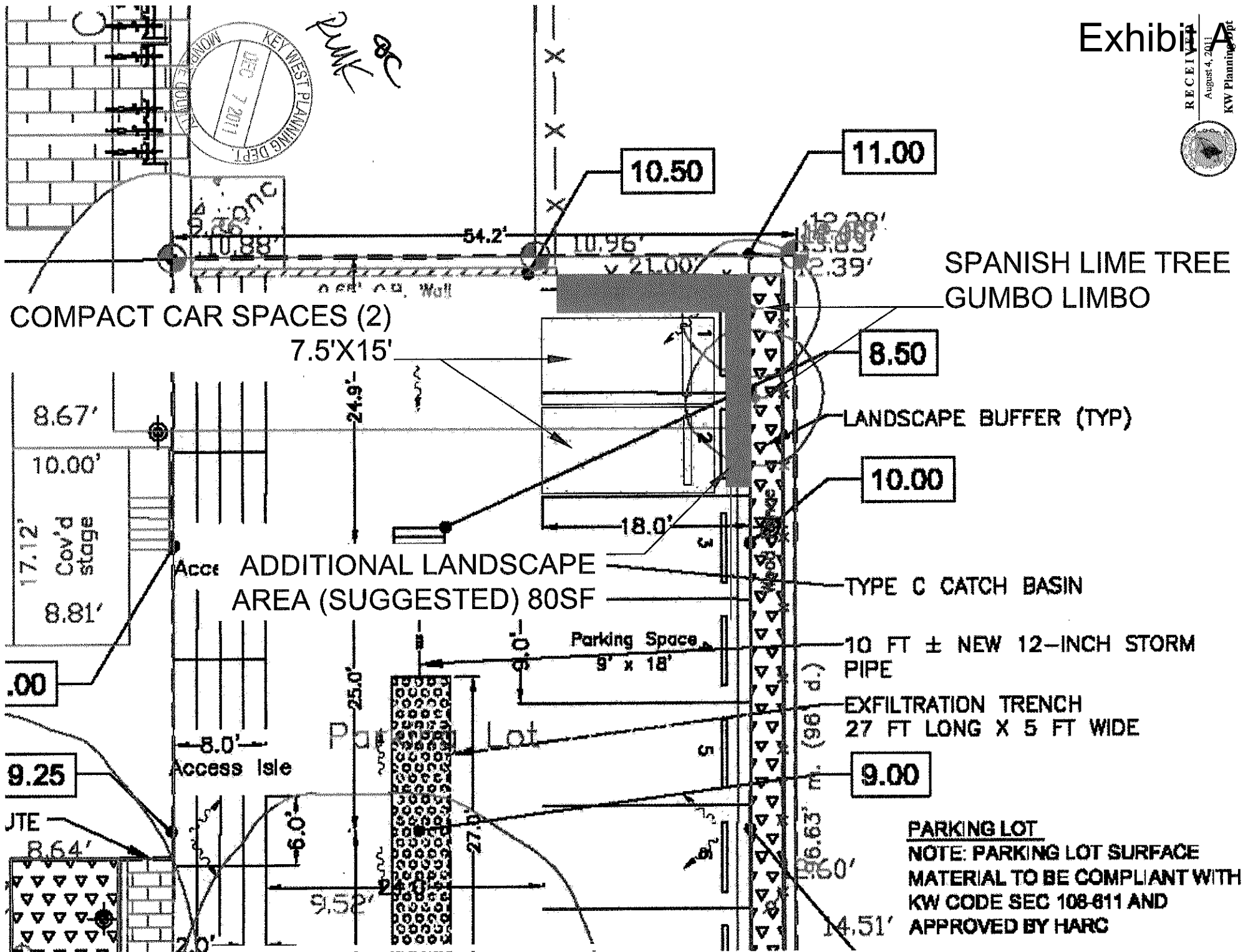
LANDSCAPE PLAN



1" = 12'-0"

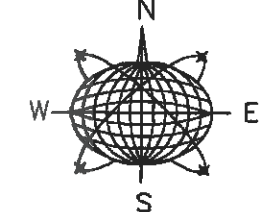


*Rmk sec*

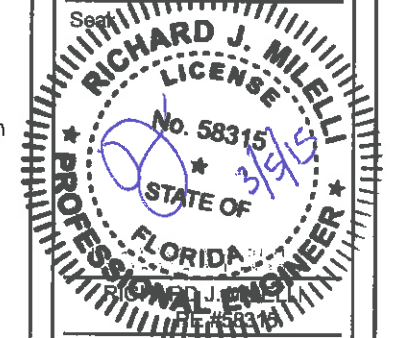




# Exhibit B



Meridian Engineering LLC  
 201 Front Street, Suite 210  
 Key West, Florida 33040  
 AUTHORIZATION # 29401  
 ph:305-293-3263 fax:293-4899



**BAHAMA VILLAGE**

**MARKET**

WHITEHEAD & PETRONIA  
 KEY WEST, FLORIDA

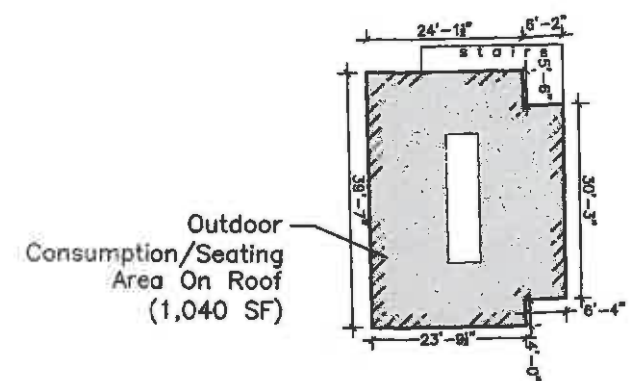
Drawn By: PCS  
 Checked By: RJM

Revisions:

Title:  
 PROPOSED AND PREVIOUS CONSUMPTION AREAS

Sheet Number:  
**C-1.4**

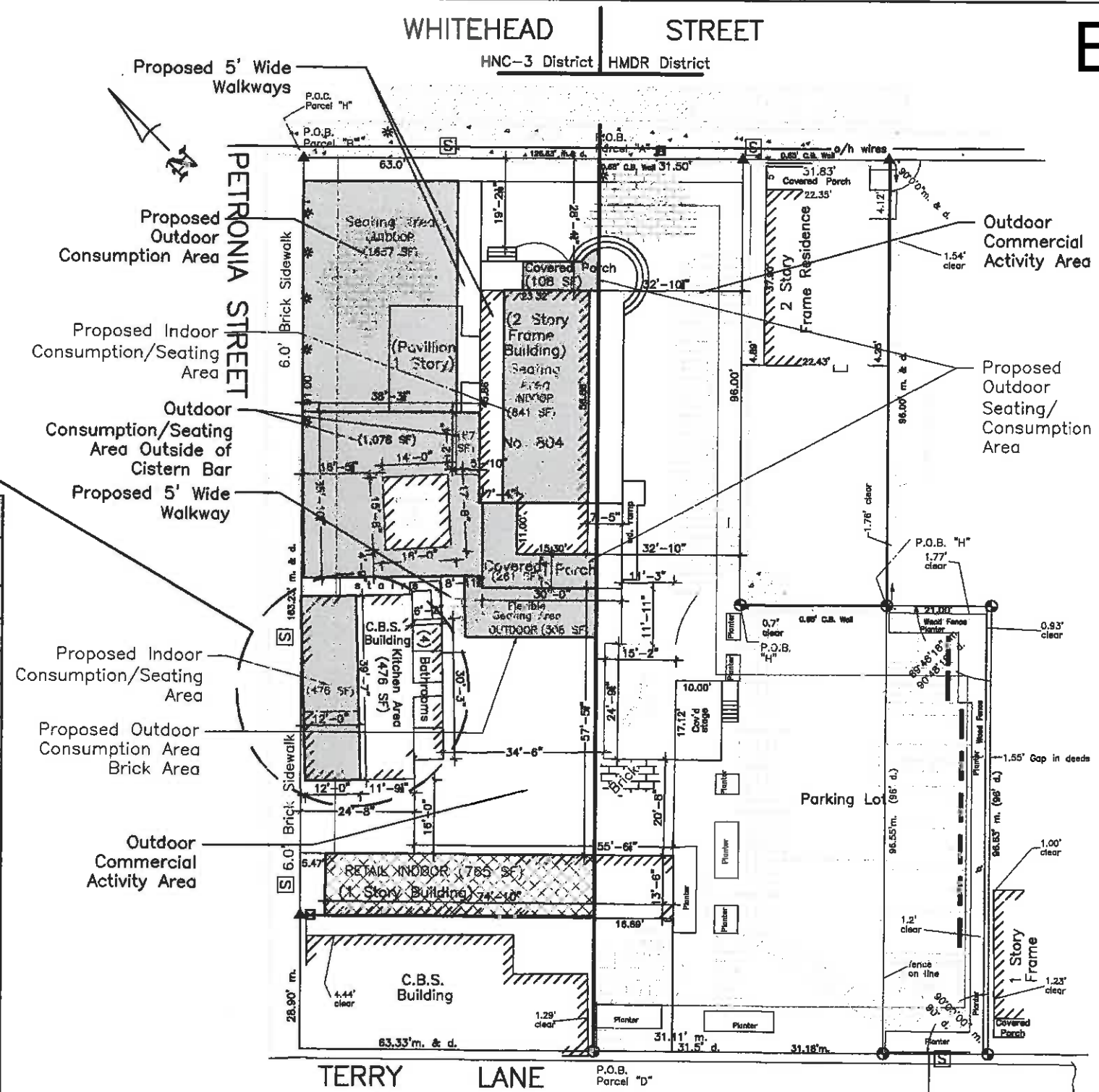
Date: MARCH 5, 2015



**SECOND FLOOR**  
 SCALE: 1"=30'

SITE DATA				
RE Numbers	00014060-000000; 00014050-000000; 00014020-000000; 00014010-000000; 00014010-000100			
Zoning Designation	HMDR (11,154 sq. ft.) and HNC-3 (10,366 sq. ft.)			
Flood Zone	ZONE X MAP 12087C-1516K			
Issue	Existing	Proposed	Required/Permitted	Complies
Zoning	HMDR and HNC-3	No Change	No Change	Complies
Site Size (sq. ft.)	21,520	No Change	4,000	Complies
Building Coverage (sq. ft.)	4,877	No Change	8,608 (40%)	Complies
Impervious Surface (sq. ft.)	20,616 (95.8%)	No Change	12,912 (60%)	Complies <sup>1</sup>
Open Space Ratio (sq. ft.)	904 (4.2%) <sup>2</sup>	No Change	4,304 (20%)	Complies
FAR	0.26	No Change	1.0	Complies
Retail Space (sq. ft.)	2,553	765	15,943	Complies
Consumption Area				
Indoor (sq. ft.)	1,241	1,317		Complies
Outdoor (sq. ft.)	4,595	4,519		Complies
Restaurant Seats	150	No Change		Complies
Parking Spaces	19 <sup>3</sup>	No Change	17	Complies
Scooter	40	No Change		
Scooter/Bicycle	23	No Change		
Residential Units	3-Studios <sup>4</sup>	No Change	10	Complies
Setbacks				
Front <sup>5</sup>	18'-2 1/2'-0"	18'-2 1/2'-0"	0'-0 1/10'-0"	Complies
Side <sup>5</sup>	5'-0 1/5'-0"	16'-9 1/4'-0"	7'-6 1/5'-0"	Complies
Rear <sup>6</sup>	28'-9"	28'-9"	15'-0"	Complies

1. Existing nonconformity  
 2. Site area less building coverage, pavers, concrete and parking areas  
 3. Proposed is based on 9 car parking spaces and 40 scooter spaces.  
 4. The City of Key West recognizes ten ROGO-exempt dwelling units, per City Planner's Staff report dated 11/27/05.  
 5. HNC-3 is the first number and HMDR is the second  
 6. HMDR Zoning only



**PROPOSED CONSUMPTION AREA**  
 SCALE: 1"=30'

**LEGEND**

CONSUMPTION AREA

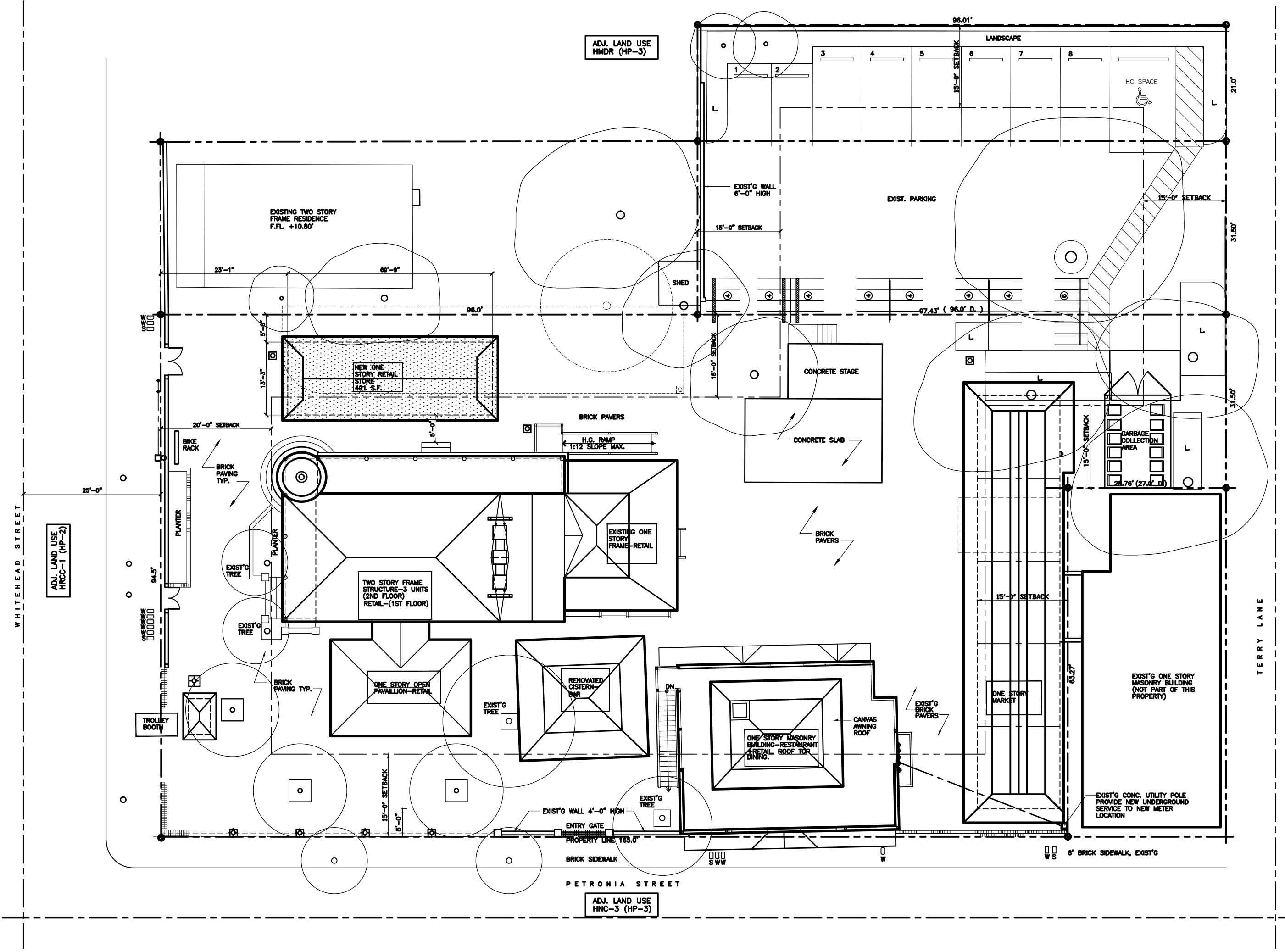
RETAIL AREA

**CONSUMPTION AREAS:**  
 PREVIOUS (FRONT OUTDOOR AREA AND CISTERN BAR): 1,078 SF  
**PROPOSED:**  
 COVERED PORCHES: 369 SF  
 OUTDOOR REAR BRICK AREA: 308 SF  
 INDOOR FIRST FLOOR 2-STORY BLDG: 841 SF  
 OUTDOOR FRONT BRICK AREA: 1,657 SF  
 OUTDOOR NEAR CISTERN BAR: 67 SF  
 OUTDOOR ROOF ONE-STORY BLDG.: 1,040 SF  
**INDOOR ONE-STORY BLDG: 476 SF**  
 TOTAL PREVIOUS AND PROPOSED: 5,836 SF



BAHAMA VILLAGE MARKET  
WHITEHEAD & PETRONIA STREET  
KEY WEST, FLORIDA

BAHAMA VILLAGE  
MARKET - NEW  
RETAIL BUILDING  
WHITEHEAD AND PETRONIA STREET  
KEY WEST, FLORIDA.



SITE DATA				
RE NUMBERS	: 00014060-000000; 00014050-000000; 00014020-000000; 00014010-000000; 00014010-000100			
ZONING DESIGNATION	: HMDR (11,154 S.F.) AND HNC-3 (10,366 S.F.)			
FLOOD ZONE	: ZONE 'X'/MAP 12087C-1516K			
ISSUE	EXISTING	PROPOSED	REQUIRED/PERMITTED	COMPLIES
ZONING	HMDR AND HNC-3	NO CHANGE	NO CHANGE	COMPLIES
SITE SIZE (S.F.)	21,520	NO CHANGE	4,000	COMPLIES
BUILDING COVERAGE (S.F.)	4,877	5,473	8,608 (40%)	COMPLIES
IMPERVIOUS SURFACE (S.F.)	20,616 (95.8%)	NO CHANGE	12,912 (60%)	COMPLIES*
OPEN SPACE RATIO (S.F.)	904 (4.2%)**	NO CHANGE	4,304 (20%)	COMPLIES
FAR	0.26	0.28	1.0	COMPLIES
RETAIL SPACE (S.F.)	765	1256	15,943	COMPLIES
CONSUMPTION AREA				
INDOOR (S.F.)	1,241	1,317		COMPLIES
OUTDOOR (S.F.)	4,595	4,519		COMPLIES
RESTAURANT SEATS	150	NO CHANGE		COMPLIES
PARKING SPACES	19***	NO CHANGE	17	COMPLIES
SCOOTER	40	NO CHANGE		
SCOOTER/BICYCLE	23	NO CHANGE		
RESIDENTIAL UNITS	3-STUDIOS****	NO CHANGE	10	COMPLIES
SETBACKS				
FRONT*****	18'-2"/0'-0"	18'-2"/0'-0"	0'-0"/10'-0"	COMPLIES
SIDE*****	5'-0"/5'-0"	16'-9"/4'-0"	7'-6"/5'-0"	COMPLIES
REAR*****	28'-9"	28'-9"	15'-0"	COMPLIES

\* EXISTING NONCONFORMITY  
 \*\* SITE AREA LESS BUILDING COVERAGE, PAVERS, CONCRETE AND PARKING AREAS  
 \*\*\* PROPOSED IS BASED ON 9 CAR PARKING SPACES AND 40 SCOOTER SPACES  
 \*\*\*\* THE CITY OF KEY WEST RECOGNIZES TEN ROO-EXEMPT DWELLING UNITS PER CITY PLANNERS STAFF REPORT DATED 11/27/05  
 \*\*\*\*\* HNC-3 IS THE FIRST NUMBER AND HMDR IS THE SECOND  
 \*\*\*\*\* HMDR ZONING ONLY

PROPOSED SITE PLAN  
SCALE: 1/16"=1'-0"

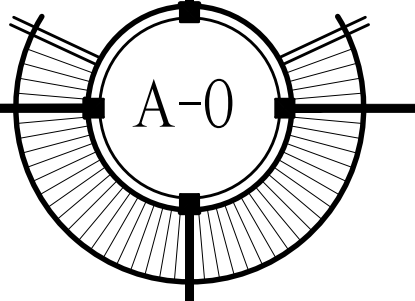
SEAL

DATE  
05-18-15

REVISIONS  
05-28-15

DRAWN BY

PROJECT NUMBER  
1510



SEAL

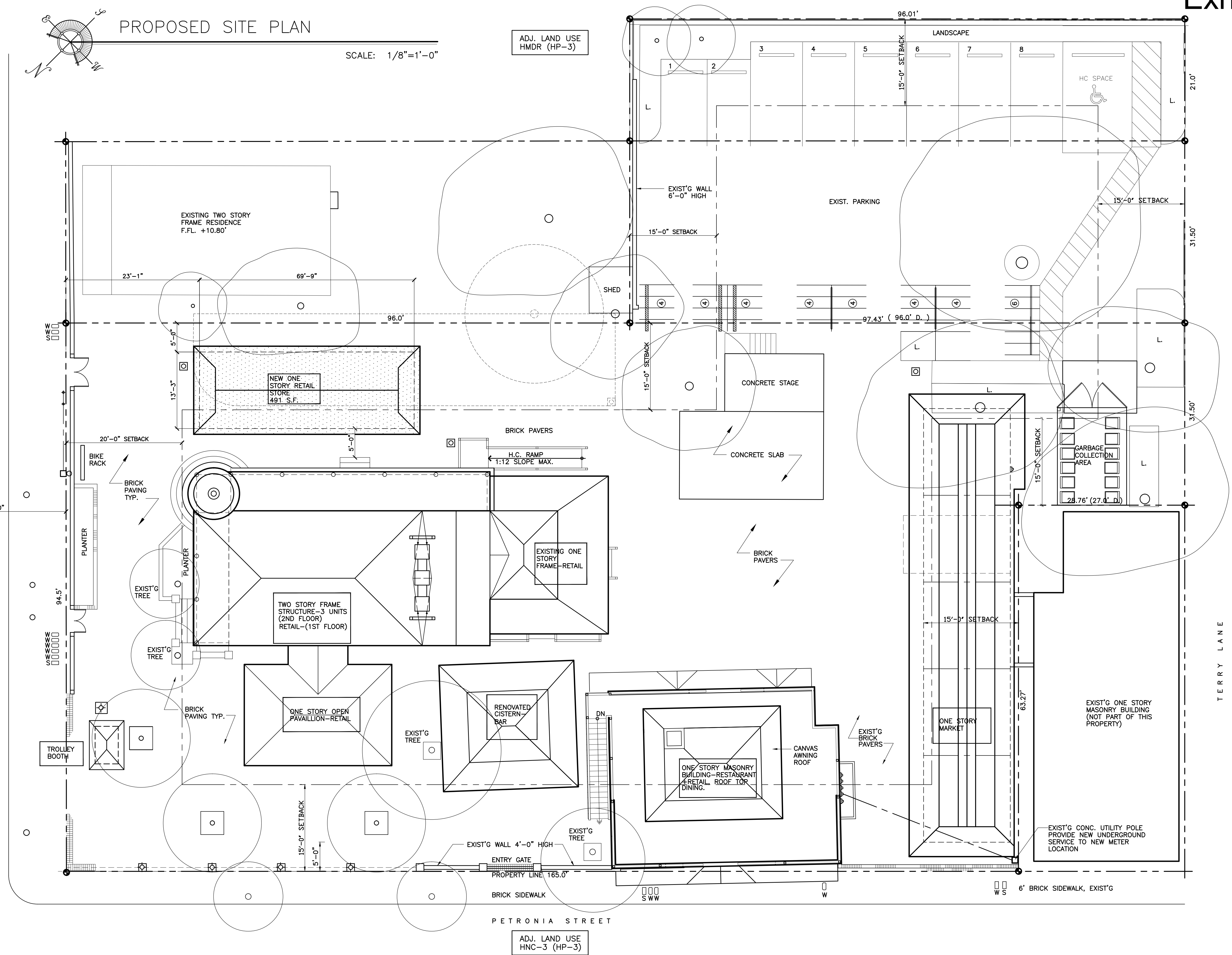
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REVISIONS  
05-28-15

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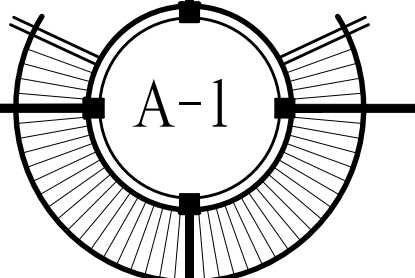
PROJECT  
NUMBER  
1510

PROPOSED SITE PLAN  
SCALE: 1/8"=1'-0"

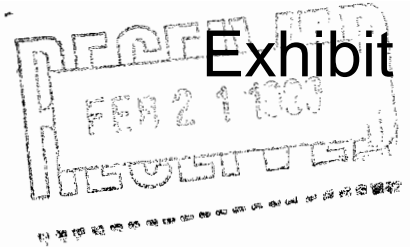


BAHAMA VILLAGE MARKET - NEW RETAIL BUILDING

WHITEHEAD & PETRONIA STREET  
KEY WEST, FLORIDA



File



RESOLUTION NO. 90-96

A RESOLUTION GRANTING A SPECIAL EXCEPTION TO HP-3, LIGHT COMMERCIAL HISTORIC PRESERVATION DISTRICT, PURSUANT TO SECTION 12.02 OF THE KEY WEST CODE OF ORDINANCES BY ALLOWING INSTALLATION OF APPROXIMATELY 15 FOOD AND CRAFTS BOOTHS ALONG PETRONIA STREET BETWEEN WHITEHEAD STREET AND TERRY LANE, ON THE FOLLOWING DESCRIBED PROPERTY: ON THE ISLAND OF KEY WEST, AND DESIGNATED ON CHARLES W. TIFT'S MAP OF SAID ISLAND AS PART OF LOT NO. 2 IN THE SUBDIVISION OF SQUARE NO. 1, IN PART OF TRACT 3 KNOWN AS SIMONTON'S ADDITION TO THE CITY OF KEY WEST; COMMENCING AT A POINT ON WHITEHEAD STREET, DISTANT 63 FEET FROM THE CORNER OF PETRONIA AND WHITEHEAD STS. AND RUN THENCE IN A S.E.'LY DIRECTION 31 FEET AND 6 INCHES; THENCE AT RIGHT ANGLES IN A S.W.'LY DIRECTION 96 FEET; THENCE AT RIGHT ANGLES N.W.'LY 31 FEET AND 6 INCHES; THENCE AT RIGHT ANGLES N.E.'LY 96 FEET TO THE PLACE OF BEGINNING; ALSO KNOWN AS 320 - 324 PETRONIA STREET, KEY WEST, MONROE COUNTY, FLORIDA.

WHEREAS, the Board of Adjustment of the City of Key West finds that, pursuant to the City zoning codes, it is empowered to grant the special exception herein described, and that such grant will not adversely affect the public interest; and

WHEREAS, satisfactory provision and arrangement has been made concerning the following, as applicable:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
2. Off-street parking or loading areas where required, with particular attention to the items in paragraph 1 (above) and the economic, noise, glare, or odor effects of the special exception on adjoining property generally in the district;
3. Refuse and service areas, with particular reference to the items in paragraphs 1 and 2 (above);
4. Utilities, with reference to locations, availability, and compatibility;
5. Screening and buffering with reference to type, dimensions, and character;
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district; and
7. Required yards and other open space; and

WHEREAS, the use will be reasonably compatible with surrounding uses in its function, its hours of operation, the type and amount of traffic to be generated, building size and setbacks, its relationship to land values, and other factors noted on the record, if any, that may be used to measure compatibility; and

WHEREAS, the use will not violate the rules and regulations of the

Historic Architectural Review Committee, as applicable; NOW THEREFORE

**BE IT RESOLVED**, by the Board of Adjustment of the City of Key West, as follows:

**Section 1.** A special exception is hereby granted to HP-3, Light Commercial Historic Preservation District, pursuant to Section 12.02 of the Key West Code of Ordinances, to install approximately 15 food and crafts booths along Petronia Street between Whitehead Street and Terry Lane, on the following described property:

On the Island of Key West, and designated on Charles W. Tift's Map of said Island as part of Lot No. 2 in the Subdivision of Square No. 1, in part of Tract 3 known as Simonton's Addition to the City of Key West; COMMENCING at a point on Whitehead Street, distant 63 feet from the corner of Petronia and Whitehead Sts. and run thence in a S.E.'ly direction 31 feet and 6 inches; thence at right angles in a S.W.'ly direction 96 feet; thence at right angles N.W.'ly 31 feet and 6 inches; thence at right angles N.E.'ly 96 feet to the place of beginning; also known as 320 - 324 Petronia Street, Key West, Monroe County, Florida.

**Section 2.** This special exception is granted subject to, and is dependent upon, the applicant's full compliance with the following terms and conditions:

1. The booths shall close at 11:00 P.M.
2. All goods must be contained within the structure of the booths.
3. Booths shall be limited in number to 15 total.
4. Booths shall be no larger than 8' x 8'.
5. This special exception shall be reviewed in one year.

**Section 3.** Applicant's failure to fully comply with each of the above-listed conditions, shall immediately operate to terminate this special exception, which special exception shall be of no force or effect.

**Section 4.** It is an essential condition of this special exception that full, complete, and final application for all permits required for any new construction for any use and occupancy for which this special exception is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of this variance, shall be submitted in its entirety within 12

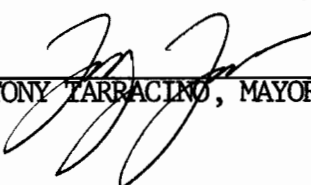
months after the date hereof. It is an essential condition of this special exception that no application or reapplication for new construction for which the special exception is wholly or partly necessary shall be made after expiration of said 12-month period.

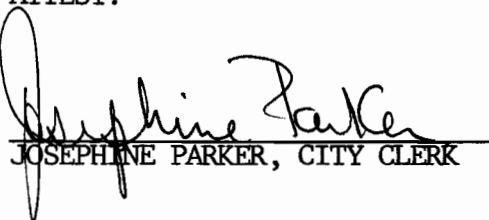
**Section 5.** Failure to submit full and complete application for permits for new construction for which this special exception is wholly or partly necessary, or failure to complete new construction for use and occupancy pursuant to this special exception in accordance with the terms of a City building permit issued upon timely application as described in Section 2 hereof, shall immediately operate to terminate this special exception, which special exception shall be of no force or effect.

**Section 6.** 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 7.** 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.

Read and passed at a regular meeting held this 12th day of February, 1990.

  
\_\_\_\_\_  
TONY TARRACINO, MAYOR

ATTEST:  
  
\_\_\_\_\_  
JOSEPHINE PARKER, CITY CLERK

Reso. 90-96

Allowing 15 food and crafts booths on Parcel "A"

- \* Max 15 booths
- \* No larger than 8' x 8'
- \* 11pm close time
- \* All goods contained within structure of booth

Exhibit E

"E" (804 Whitehead): Prt Lot 1, Sq. 1, Tract 3

"B" (802 Whitehead): Lot 1, Sq. 1, Tract 3

"F": Lot 1 in Sq. 1, Subdivision of prt Estate of John W. Simonton Tract 3

"C" (318-324 Petronia): Lot 1, Sq. 1, Tract 3

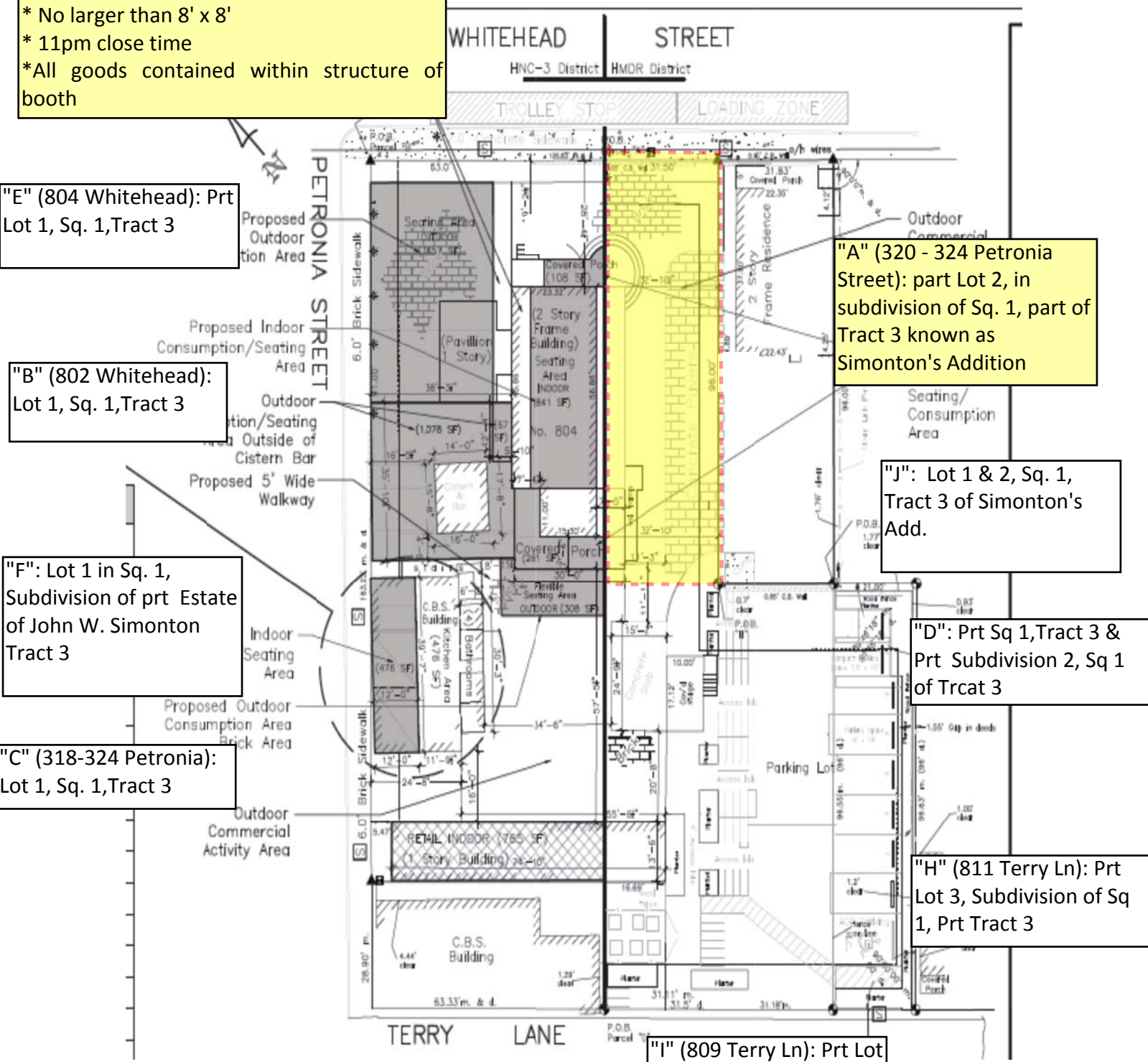
"A" (320 - 324 Petronia Street): part Lot 2, in subdivision of Sq. 1, part of Tract 3 known as Simonton's Addition

"J": Lot 1 & 2, Sq. 1, Tract 3 of Simonton's Add.

"D": Prt Sq 1, Tract 3 & Prt Subdivision 2, Sq 1 of Tract 3

"H" (811 Terry Ln): Prt Lot 3, Subdivision of Sq 1, Prt Tract 3

"I" (809 Terry Ln): Prt Lot 2, Sq 1, Tract 3





RESOLUTION NO. 97-73

**SPECIAL EXCEPTION:**

**804 WHITEHEAD STREET,  
809, 811 TERRY LANE**

**A RESOLUTION GRANTING A SPECIAL EXCEPTION TO HP-3, LIGHT COMMERCIAL HISTORIC DISTRICT UNDER CHAPTER 35 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA PERMITTING A SPECIAL EXCEPTION TO ALLOW: SMALL SCALE COMMERCIAL USE (RETAIL SALES/RESTAURANT/PARKING) ON THREE LOTS WITH A FUTURE LAND USE DESIGNATION OF HMDR, ON THE FOLLOWING DESCRIBED PROPERTY:**

**ON THE ISLAND OF KEY WEST, AND DESIGNATED ON CHARLES W. TIFT'S MAP OF SAID ISLAND AS PART OF LOT NO. 2 IN THE SUBDIVISION OF SQUARE NO. 1, IN PART OF TRACT 3 KNOWN AS SIMONTON'S ADDITION TO THE CITY OF KEY WEST; COMMENCING AT A POINT ON WHITEHEAD STREET, DISTANT 63 FEET FROM THE CORNER OF PETRONIA AND WHITEHEAD STS. AND RUN THENCE IN A S.E.'LY DIRECTION 31 FEET AND 6 INCHES; THENCE AT RIGHT ANGLES IN A S.W.'LY DIRECTION 96 FEET; THENCE AT RIGHT ANGLES N.W.'LY 31 FEET AND 6 INCHES; THENCE AT RIGHT ANGLES N.E.'LY 96 FEET TO THE PLACE OF BEGINNING.**

Parcel A

**AND**

**IN THE CITY OF KEY WEST, MONROE COUNTY, FLORIDA AND IS DESIGNATED ON CHARLES W. TIFT'S MAP OF SAID CITY AS PART OF LOT 1 OF SQUARE 1 IN TRACT 3 OF SIMONTON'S ADDITION TO THE CITY OF KEY WEST AND HEREIN DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE SOUTHERLY RIGHT-**

Parcel B

OF-WAY LINE OF PETRONIA ST. AND THE W'LY RIGHT-OF-WAY BOUNDARY LINE OF WHITEHEAD STREET FOR A POINT OF BEGINNING; THENCE SOUTHERLY ALONG THE SAID WESTERLY LINE OF WHITEHEAD STREET 62.25 FEET TO A POINT; THENCE WESTERLY AT RIGHT ANGLES 96 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES 23.48 FEET TO A POINT; THENCE EASTERLY AT RIGHT ANGLES 5 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES 39.77 FEET TO A POINT ON THE SAID LINE OF PETRONIA ST., 91 FEET BACK TO THE POINT OF BEGINNING

AND

PART OF LOT ONE (1) SQUARE ONE (1), TRACT THREE (3) OF SIMONTON'S ADDITION TO THE CITY OF KEY WEST, FLORIDA: COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY BOUNDARY LINE OF WHITEHEAD STREET AND THE SOUTHERLY RIGHT-OF-WAY BOUNDARY LINE OF PETRONIA STREET AND RUN THENCE WESTERLY ALONG THE SAID LINE OF PETRONIA 91 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN BEING DESCRIBED; THENCE CONTINUE ALONG THE SAID LINE OF PETRONIA STREET 74' FEET TO A POINT; THENCE SOUTHERLY AND AT RIGHT ANGLES 62.25 FEET TO A POINT; THENCE EASTERLY AND AT RIGHT ANGLES 69 FEET TO A POINT; THENCE NORTHERLY AND AT RIGHT ANGLES 23.48 FEET TO A POINT; THENCE EASTERLY AT RIGHT ANGLES 5 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES 38.77 FEET BACK TO THE POINT OF BEGINNING ON PETRONIA STREET

Parcel C

AND

ON THE ISLAND OF KEY WEST, AS KNOWN ON CHARLES W. TIFT'S MAP OF THE CITY OF KEY WEST, AS PART OF SQUARE ONE (1) IN TRACT THREE (3) AND IS PART OF SUBDIVISION TWO (2) IN SQUARE ONE (1) ACCORDING TO A DIAGRAM MADE OF PORTION OF SAID TRACT THREE (3), WHICH DIAGRAMS IS RECORDED IN BOOK



"I" DEEDS PAGE 421 OF MONROE COUNTY RECORDS: COMMENCING AT A POINT ON AN EIGHTEEN FOOT ALLEY-WAY, SIXTY THREE (63) FEET AND FOUR (4) INCHES DISTANT FROM THE CORNER OF PETRONIA STREET AND SAID ALLEY-WAY AND RUNNING THENCE ALONG SAID ALLEY-WAY IN A SOUTHEASTERLY DIRECTION THIRTY-ONE FEET AND SIX INCHES, AND EXTENDING BACK IN A NORTHEASTERLY DIRECTION ON BOTH LINES A DISTANCE OF NINETY-SIX (96) FEET

Parcel D

AND

IN THE CITY OF KEY WEST, MONROE COUNTY, FLORIDA AND IS DESIGNATED ON CHARLES W. TIFT'S MAP OF SAID CITY AS PART OF LOT 1 OF SQUARE 1 IN TRACT 3 OF SIMONTON'S ADDITION TO THE CITY OF KEY WEST AND HEREIN DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY BOUNDARY OF PETRONIA STREET AND THE WESTERLY RIGHT-OF-WAY BOUNDARY LINE OF WHITEHEAD ST. 62.25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE SAID WESTERLY LINE OF WHITEHEAD STREET 0.75 FEET TO A POINT; THENCE WESTERLY AT RIGHT ANGLES 96 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES 0.75 FEET TO A POINT, THENCE EASTERLY AT RIGHT ANGLES 96 FEET BACK TO THE POINT OF BEGINNING

Parcel E

ALSO KNOWN AS RE# 1401,1401-001, 1402, 1405, 1406 AND 804 WHITEHEAD STREET, 809, 811 TERRY LANE, KEY WEST, MONROE COUNTY, FLORIDA

WHEREAS, special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, buildings or structures in the subject district; and

**WHEREAS,** literal interpretation of the provisions of the Zoning Ordinance of the City of Key West would deprive the owner of the subject property of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance.

**WHEREAS,** the special conditions and circumstances do not result from the actions of the applicant.

**WHEREAS,** the granting of the SPECIAL EXCEPTION requested will not confer on the applicant any special privilege that is denied by the ordinance to other land, structures or buildings in the same district.

**BE IT RESOLVED** by the Board of Adjustment of the City of Key West, Florida:

**Section 1.** That a SPECIAL EXCEPTION to: **HP-3, LIGHT COMMERCIAL HISTORIC PRESERVATION DISTRICT,** under Chapter 35 of the Code of Ordinances of the City of Key West, Florida, permitting a SPECIAL EXCEPTION to allow:

SMALL SCALE COMMERCIAL USE (RETAIL SALES/RESTAURANT/PARKING) ON THREE LOTS WITH A FUTURE LAND USE DESIGNATION OF HMDR, ON THE FOLLOWING DESCRIBED PROPERTY:

ON THE ISLAND OF KEY WEST, AND DESIGNATED ON CHARLES W. TIFT'S MAP OF SAID ISLAND AS PART OF LOT NO. 2 IN THE SUBDIVISION OF SQUARE NO. 1, IN PART OF TRACT 3 KNOWN AS SIMONTON'S ADDITION TO THE CITY OF KEY WEST; COMMENCING AT A POINT ON WHITEHEAD STREET, DISTANT 63 FEET FROM THE CORNER OF PETRONIA AND WHITEHEAD STS. AND RUN THENCE IN A S.E.'LY DIRECTION 31 FEET AND 6 INCHES; THENCE AT RIGHT ANGLES IN A S.W.'LY DIRECTION 96 FEET; THENCE AT RIGHT ANGLES N.W.'LY 31 FEET AND 6 INCHES; THENCE AT RIGHT ANGLES N.E.'LY 96 FEET TO THE PLACE OF BEGINNING.

AND

IN THE CITY OF KEY WEST, MONROE COUNTY, FLORIDA AND IS DESIGNATED ON CHARLES W. TIFT'S MAP OF SAID CITY AS PART OF LOT 1 OF SQUARE 1 IN TRACT 3 OF SIMONTON'S ADDITION TO THE CITY OF KEY WEST AND HEREIN DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF PETRONIA ST. AND THE W'LY RIGHT-OF-WAY BOUNDARY LINE OF WHITEHEAD STREET FOR A POINT OF BEGINNING; THENCE SOUTHERLY ALONG THE SAID WESTERLY LINE OF WHITEHEAD STREET 62.25 FEET TO A POINT; THENCE WESTERLY AT RIGHT ANGLES 96 FEET TO A POINT; THENCE NORTHERLY AT

RIGHT ANGLES 23.48 FEET TO A POINT; THENCE EASTERLY AT RIGHT ANGLES 5 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES 39.77 FEET TO A POINT ON THE SAID LINE OF PETRONIA ST., 91 FEET BACK TO THE POINT OF BEGINNING

AND

PART OF LOT ONE (1) SQUARE ONE (1), TRACT THREE (3) OF SIMONTON'S ADDITION TO THE CITY OF KEY WEST, FLORIDA: COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY BOUNDARY LINE OF WHITEHEAD STREET AND THE SOUTHERLY RIGHT-OF-WAY BOUNDARY LINE OF PETRONIA STREET AND RUN THENCE WESTERLY ALONG THE SAID LINE OF PETRONIA 91 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN BEING DESCRIBED; THENCE CONTINUE ALONG THE SAID LINE OF PETRONIA STREET 74' FEET TO A POINT; THENCE SOUTHERLY AND AT RIGHT ANGLES 62.25 FEET TO A POINT; THENCE EASTERLY AND AT RIGHT ANGLES 69 FEET TO A POINT; THENCE NORTHERLY AND AT RIGHT ANGLES 23.48 FEET TO A POINT; THENCE EASTERLY AT RIGHT ANGLES 5 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES 38.77 FEET BACK TO THE POINT OF BEGINNING ON PETRONIA STREET

AND

ON THE ISLAND OF KEY WEST, AS KNOWN ON CHARLES W. TIFT'S MAP OF THE CITY OF KEY WEST, AS PART OF SQUARE ONE (1) IN TRACT THREE (3) AND IS PART OF SUBDIVISION TWO (2) IN SQUARE ONE (1) ACCORDING TO A

DIAGRAM MADE OF PORTION OF SAID TRACT THREE (3), WHICH DIAGRAMS IS RECORDED IN BOOK "I" DEEDS PAGE 421 OF MONROE COUNTY RECORDS: COMMENCING AT A POINT ON AN EIGHTEEN FOOT ALLEY-WAY, SIXTY THREE (63) FEET AND FOUR (4) INCHES DISTANT FROM THE CORNER OF PETRONIA STREET AND SAID ALLEY-WAY AND RUNNING THENCE ALONG SAID ALLEY-WAY IN A SOUTHEASTERLY DIRECTION THIRTY-ONE FEET AND SIX INCHES, AND EXTENDING BACK IN A NORTHEASTERLY DIRECTION ON BOTH LINES A DISTANCE OF NINETY-SIX (96) FEET

AND

IN THE CITY OF KEY WEST, MONROE COUNTY, FLORIDA AND IS DESIGNATED ON CHARLES W. TIFT'S MAP OF SAID CITY AS PART OF LOT 1 OF SQUARE 1 IN TRACT 3 OF SIMONTON'S ADDITION TO THE CITY OF KEY WEST AND HEREIN DESCRIBED MORE PARTICULARLY BY METES AND BOUNDS AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY BOUNDARY OF PETRONIA STREET AND THE WESTERLY RIGHT-OF-WAY BOUNDARY LINE OF WHITEHEAD ST. 62.25 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE SAID WESTERLY LINE OF WHITEHEAD STREET 0.75 FEET TO A POINT; THENCE WESTERLY AT RIGHT ANGLES 96 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES 0.75 FEET TO A POINT, THENCE EASTERLY AT RIGHT ANGLES 96 FEET BACK TO THE POINT OF BEGINNING

ALSO KNOWN AS RE# 1401, 1401-001, 1402, 1405, 1406 AND 804 WHITEHEAD STREET, 809, 811 TERRY LANE, KEY WEST, MONROE COUNTY, FLORIDA

**Section 2.** It is an essential condition of this SPECIAL EXCEPTION that full, complete, and final application for all permits required for any new construction for any use and occupancy for which this SPECIAL EXCEPTION is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of this SPECIAL EXCEPTION, shall be submitted in its entirety within 12 months after the date hereof. It is an essential condition of this SPECIAL EXCEPTION that no application or reapplication for new construction for which the SPECIAL EXCEPTION is wholly or partly necessary shall be made after expiration of said 12-month period.

**Section 3.** Failure to submit full and complete application for permits for new construction for which this SPECIAL EXCEPTION is wholly or partly necessary, or failure to complete new construction for use and occupancy pursuant to this SPECIAL EXCEPTION in accordance with the terms of a City building permit issued upon timely application as described in Section 2 hereof, shall immediately operate to terminate this SPECIAL EXCEPTION, which SPECIAL EXCEPTION shall be of no force or effect.

**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 and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

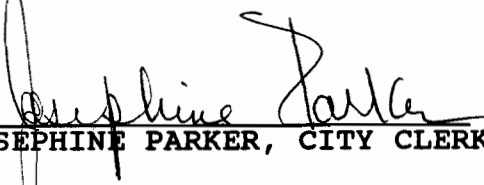
Read and passed on first reading at a regular meeting held this 5th day of February, 1997.

Authenticated by the presiding officer and Clerk of the Board on 10th day of February, 1997.

Filed with the Clerk on February 10, 1997.

  
SALLY LEWIS,  
CHAIRMAN PRO TEMPORE  
BOARD OF ADJUSTMENT

ATTEST:

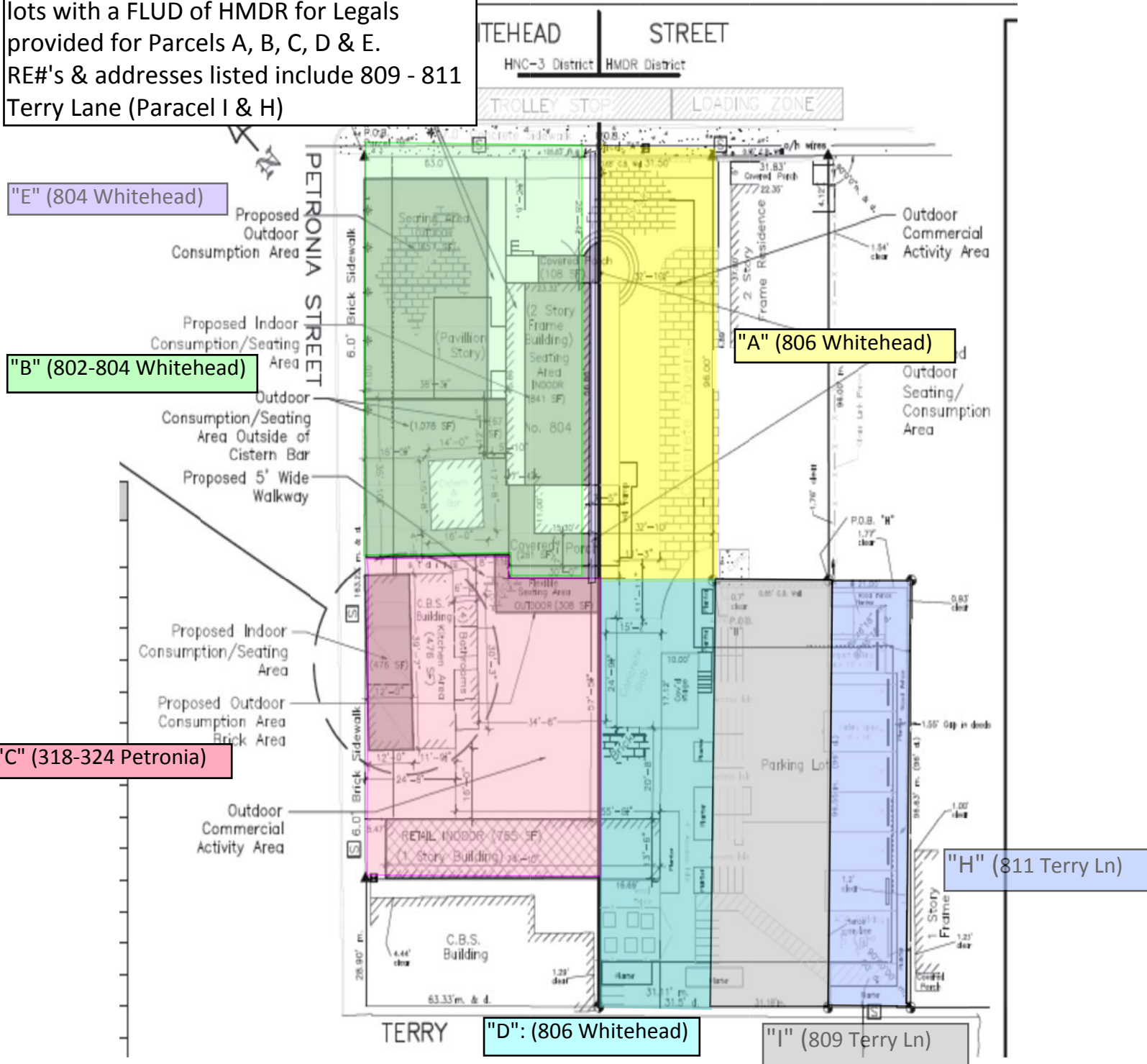
  
JOSEPHINE PARKER, CITY CLERK

**Reso. 97-73**

**Special Exception to HP-3**

To allow: Small scale commercial use (retail sales/restaurant/parking) on three lots with a FLUD of HMDR for Legals provided for Parcels A, B, C, D & E.  
RE#'s & addresses listed include 809 - 811 Terry Lane (Parcel I & H)

**Exhibit G**







# Exhibit H

## THE CITY OF KEY WEST

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

**To:** Kevin Bond, AICP, LEED Green Associate, Acting Planning Director  
Richard Klitenick, Esq., Planning Board Chairman  
James Bouquet, PE, City Engineer

**From:** Carlene Smith, LEED Green Associate, Planner II

**Date:** March 17, 2015

**RE:** Minor Modification of Conditional Use Approval PB Res No. 2011-059  
802-806 Whitehead Street (RE#: 00014010-000100, 00014020-000000)  
318-324 Petronia Street (RE#: 00014010-000000)  
809-811 Terry Lane (RE#: 00014050-000100, 00014060-000000)

### **Request**

On February 17, 2015, the applicant requested a minor modification to the conditional use approval obtained via Planning Board Resolution No. 2011-059, in order to modify the site plan layout associated with the approved restaurant use. The approved site plan positioned the indoor and outdoor consumption area at the rear of the property adjacent to the residential neighborhood. The applicant is proposing to reduce the outdoor consumption area by 76 square feet and increase the indoor consumption area by 76 square feet, maintaining the same over all consumption area of 5,836 square feet. In order to accommodate this modification, the applicant is requesting to move the majority of the consumption area forward towards the more commercialized corner of Petronia and Whitehead Street and to the interior of the existing mixed use building at 802-804 Whitehead Street.

### **Code Applicability**

The criteria for minor modifications of development plan is listed in Section 108-91.C.2 of the City Code:

Minor Modifications. The following and similar modifications must be approved by the city planner, city engineer and planning board chairperson and reported to the planning board at a regularly scheduled meeting:

- (a) Relocation of at least ten feet of pools, parking spaces, drives and driveways, or buildings from the location shown on the approved plan;
- (b) Addition of parking spaces not to exceed 25 percent (including fractions thereof) of the total number of existing parking spaces or five spaces, whichever is the lesser amount, and no such additional parking shall consume the approved landscaped area;
- (c) Attached or detached additions to buildings in the historic district that do not increase the floor area in excess of 500 square feet;
- (d) Installation of utility system improvements including buildings not exceeding 200 square feet; or

- (e) Any use, except single-family dwelling units and accessory structures thereto, or change in use resulting in less than 1,000 square feet of impervious surface area on the entire site.

The applicant is requesting review under Section 108-91.C.2(e).

## **Background**

The applicant received conditional use approval for a restaurant via Planning Board Resolution No. 2011-059 (Attachment 1). City correspondence dated October 31, 2014, acknowledged that Planning Board Resolution No. 2011-059 was extended for an additional two years for a combined total of four years until the effective date of January 1, 2016 pursuant to House Bill 503 and 7023 (Attachment 2).

The conditional use approval for the 150 seat restaurant consisted of indoor and outdoor consumption area located on a commercial property along the Petronia Street Commercial Corridor in the Historic Neighborhood Commercial - Bahama Village (HNC-3) Zoning District. The approval is associated with the reconfiguration of an on-site parking lot. Thirteen conditions are associated with the approval. The applicant is not requesting any changes to the conditions.

## **Analysis**

The applicant proposes to use the existing structures, facilities and utilities currently on the site. There are no changes to the dimensional requirements. The proposed modification would reduce the outdoor consumption area, as well as move both the indoor and outdoor consumption area further away from the adjacent residential neighborhood.

The mixed-use building at 802-804 Whitehead Street was included in the conditional use approval but only 281 square feet of outdoor consumption area was approved on a portion of the rear covered porch. This parcel is located in the HNC-3 and HMDR zoning districts. The covered porch located at the northeastern portion of two-story structure is in the HMDR Zoning District. Restaurant use is a prohibited use in the HMDR zoning district; therefore, no consumption area shall take place on the covered porch located at the northeastern portion of the two-story structure.

The applicant is proposing the following layout modification per site plan sheet C-1.4:

1. Remove the existing retail use on the first floor at 802-804 Whitehead Street and add 841 square feet of indoor consumption area on the first floor, 108 square feet of outdoor consumption area on a portion of the front porch and increase the outdoor consumption area from 281 square feet to 283 square feet. Three non-transient residential units will remain on the second floor.
2. The flexible outdoor seating area located at 318-324 Petronia Street would be reduced from 2,029 square feet to 328 square feet.
3. The outdoor consumption area located around the cistern bar would be reduced from 1,145 square feet to 1,078 square feet.
4. The applicant is proposing to move 1,591 square feet of outdoor consumption area to the existing outdoor commercial activity area located at the corner of Whitehead and Petronia Street.
5. All indoor consumption area would be removed from the one-story building located at the rear of the property.
6. Outdoor consumption area on the roof top of the one-story structure facing Petronia Street will remain the same.

## **Determination**

This letter does not grant the expansion of consumption area, restaurant seats or retail use, but rather recognizes that the proposed modification to the conditional use approval per the proposed site plan signed

and sealed March 5, 2015 by Richard J. Milelli, Professional Engineer, would reconfigure both the indoor and outdoor consumption area further away from the adjacent residential neighborhood. The total amount of consumption area of 5,836 square feet and restaurant seating of 150 seats would remain unchanged. The reconfiguration of the on-site parking lot and the 13 conditions associated with the approval would not be modified.

**Conditions of Administrative Approval**

**General condition:**

1. No consumption area shall be allowed on the covered porch located at the northeastern portion of the two story structure at 802-804 Whitehead Street zoned HMDR as depicted on site plan sheet C-1.4.

**Condition required to be completed prior to issuance of a building permit:**

2. Life safety plan shall be submitted to the Fire Marshall's office for review.

Anyone who may wish to appeal any administrative decision may do so in accordance with Section 90-431 of the Land Development Regulations. Please do not hesitate to contact me at 305-809-3722 with any questions or comments that you may have.

Respectfully,



Carlene Smith, LEED Green Associate, Planner II

Attachments:

- 1 Site Plan Sheet C-1.4
- 2 Planning Board Resolution No. 2011-059
- 3 House Bill 503 and 7023 Extensions
- 4 Minor Modification of Conditional Use Approval Request

cc: Ron Wampler, Building Official  
Larry Erskine, Chief Assistant City Attorney  
Carolyn Walker, Licensing Official  
Michael Turner, Utilities Collection Manager  
Diane Nicklaus, Engineering Services  
Scott Russell, C.F.A., Monroe County Property Appraiser



---

Kevin Bond, AICP, LEED Green Associate  
Acting Planning Director

3/17/2015  
Date



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Richard Klitenick, Esq.,  
Planning Board Chairman

3/17/2015  
Date

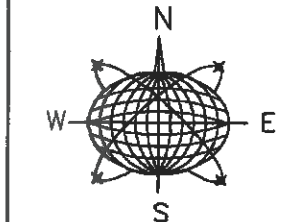


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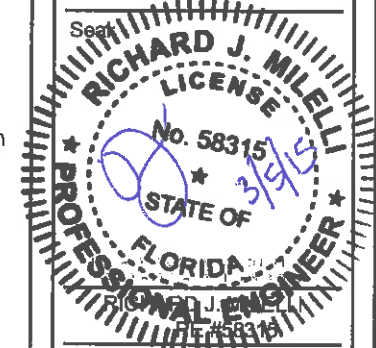
James Bouquet, PE  
City Engineer

3/17/2015  
Date

**Site Plan Sheet C-1.4**  
**Signed and Sealed March 5, 2015**



Meridian Engineering LLC  
 201 Front Street, Suite 210  
 Key West, Florida 33040  
 AUTHORIZATION # 29401  
 ph:305-293-3263 fax:293-4899



BAHAMA VILLAGE

MARKET

WHITEHEAD & PETRONIA  
 KEY WEST, FLORIDA

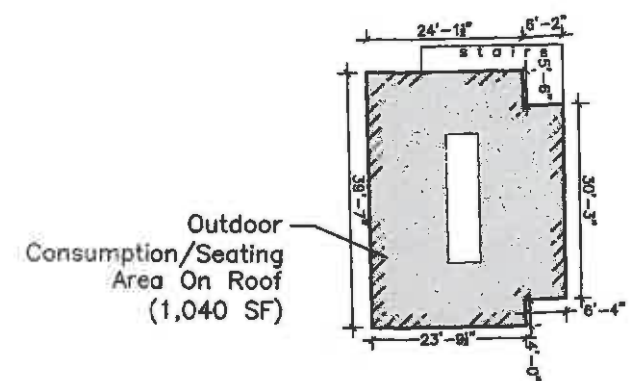
Drawn By: PCS  
 Checked By: RJM

Revisions:

Title:  
 PROPOSED AND PREVIOUS CONSUMPTION AREAS

Sheet Number:  
**C-1.4**

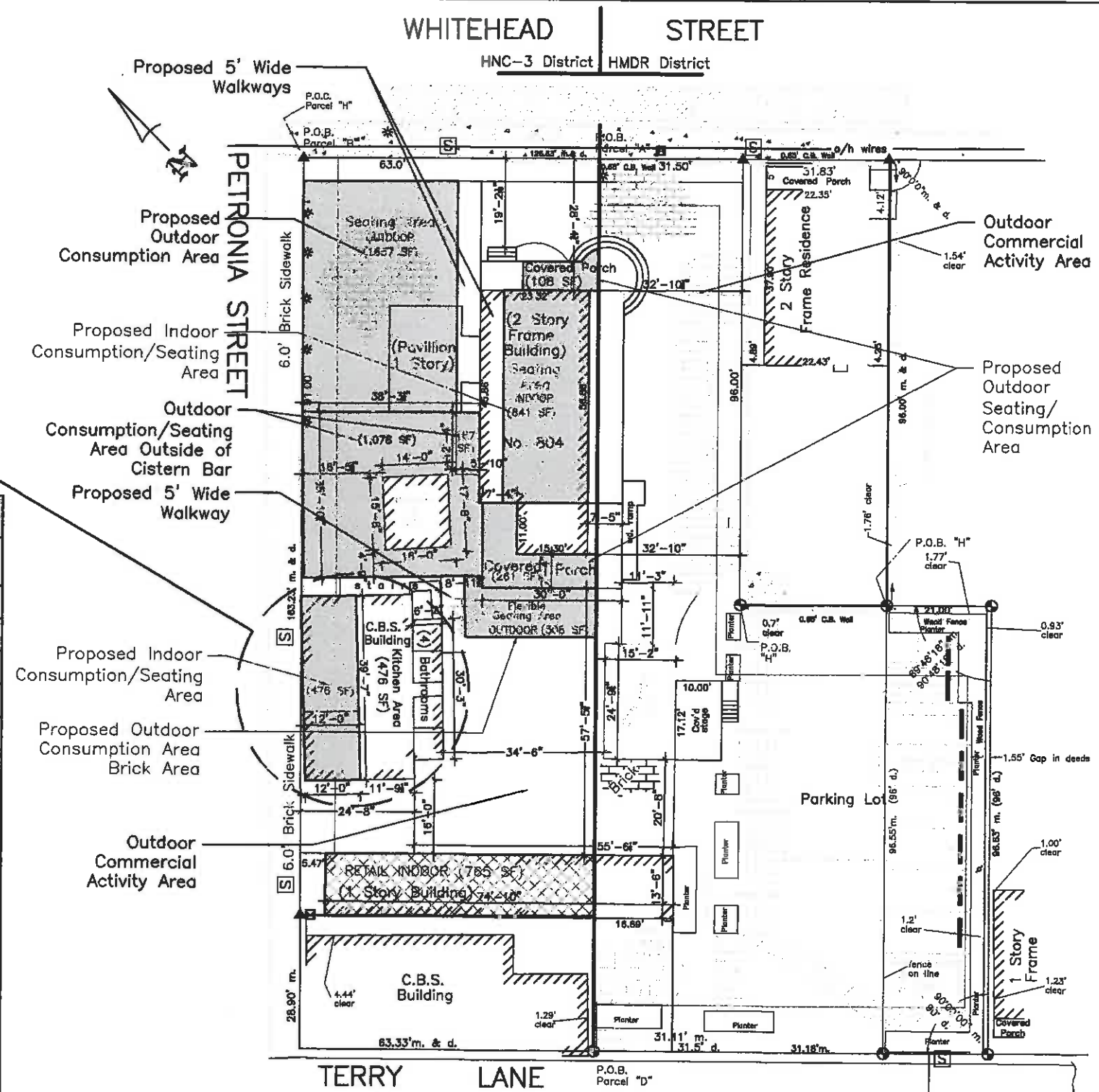
Date: MARCH 5, 2015



**SECOND FLOOR**  
 SCALE: 1"=30'

SITE DATA				
RE Numbers	00014060-000000; 00014050-000000; 00014020-000000; 00014010-000000; 00014010-000100			
Zoning Designation	HMDR (11,154 sq. ft.) and HNC-3 (10,366 sq. ft.)			
Flood Zone	ZONE X MAP 12087C-1516K			
Issue	Existing	Proposed	Required/Permitted	Complies
Zoning	HMDR and HNC-3	No Change	No Change	Complies
Site Size (sq. ft.)	21,520	No Change	4,000	Complies
Building Coverage (sq. ft.)	4,877	No Change	8,608 (40%)	Complies
Impervious Surface (sq. ft.)	20,616 (95.8%)	No Change	12,912 (60%)	Complies <sup>1</sup>
Open Space Ratio (sq. ft.)	904 (4.2%) <sup>2</sup>	No Change	4,304 (20%)	Complies
FAR	0.26	No Change	1.0	Complies
Retail Space (sq. ft.)	2,553	765	15,943	Complies
Consumption Area				
Indoor (sq. ft.)	1,241	1,317		Complies
Outdoor (sq. ft.)	4,595	4,519		Complies
Restaurant Seats	150	No Change		Complies
Parking Spaces	19 <sup>3</sup>	No Change	17	Complies
Scooter	40	No Change		
Scooter/Bicycle	23	No Change		
Residential Units	3-Studios <sup>4</sup>	No Change	10	Complies
Setbacks				
Front <sup>5</sup>	18'-2 1/2'-0"	18'-2 1/2'-0"	0'-0 1/10'-0"	Complies
Side <sup>5</sup>	5'-0 1/5'-0"	16'-9 1/4'-0"	7'-6 1/5'-0"	Complies
Rear <sup>6</sup>	28'-9"	28'-9"	15'-0"	Complies

1. Existing nonconformity  
 2. Site area less building coverage, pavers, concrete and parking areas  
 3. Proposed is based on 9 car parking spaces and 40 scooter spaces.  
 4. The City of Key West recognizes ten ROGO-exempt dwelling units, per City Planner's Staff report dated 11/27/05.  
 5. HNC-3 is the first number and HMDR is the second  
 6. HMDR Zoning only



**PROPOSED CONSUMPTION AREA**  
 SCALE: 1"=30'

**LEGEND**

CONSUMPTION AREA

RETAIL AREA

**CONSUMPTION AREAS:**  
 PREVIOUS (FRONT OUTDOOR AREA AND CISTERN BAR): 1,078 SF  
**PROPOSED:**  
 COVERED PORCHES: 369 SF  
 OUTDOOR REAR BRICK AREA: 308 SF  
 INDOOR FIRST FLOOR 2-STORY BLDG: 841 SF  
 OUTDOOR FRONT BRICK AREA: 1,657 SF  
 OUTDOOR NEAR CISTERN BAR: 67 SF  
 OUTDOOR ROOF ONE-STORY BLDG.: 1,040 SF  
**INDOOR ONE-STORY BLDG: 476 SF**  
 TOTAL PREVIOUS AND PROPOSED: 5,836 SF

**PB Resolution No. 2011-059**

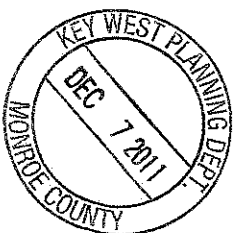
**PLANNING BOARD RESOLUTION  
NUMBER 2011-059**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A CONDITIONAL USE APPROVAL PER SECTION 122-62 AND 122-63 OF THE CODE OF ORDINANCES FOR A RESTAURANT WITH 150 SEATS MAXIMUM TO BE LOCATED AT 802 - 806 WHITEHEAD STREET (RE# 00014010-000100 AND 00014020-000000) AND 318 - 324 PETRONIA STREET (RE# 00014010-000000) AND 809 - 811 TERRY LANE (RE# 00014050-000000, 00014060-000000) IN THE HISTORIC NEIGHBORHOOD COMMERCIAL-BAHAMA VILLAGE COMMERCIAL CORE (HNC-3) ZONING DISTRICT, PURSUANT TO SECTION 122-868(9) OF THE CODE OF ORDINANCES, KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the subject property is located in the Historic Neighborhood Commercial-Bahama Village Commercial Core (HNC-3) zoning district; and

**WHEREAS**, Section 122-868(9) of the Code of Ordinances provides that restaurants are allowed as a conditional use within the Historic Neighborhood Commercial- Bahama Village Commercial Core (HNC-3) zoning district; and

**WHEREAS**, Section 122-61 of the Code of Ordinances allows applicants to request a conditional use approval; and



  
Chairman  
  
Planning Director

**WHEREAS**, the applicant filed a conditional use application for a restaurant not to exceed maximum of 150 seats, with 6,637 square feet of flexible indoor/outdoor consumption area at 802 - 806 Whitehead Street (RE# 00014010-000100 and 00014020-000000) and 318 - 324 Petronia Street (RE# 00014010-000000); and

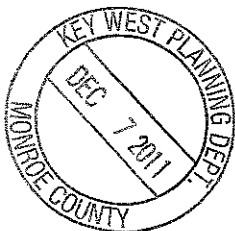
**WHEREAS**, the associated with the Conditional Use request, the applicant is required to bring the parking lot located at 809 - 811 Terry Lane (RE# 00014050-000000 and 00014060-000000) into compliance with dimensional requirements, landscaping and drainage; and



**WHEREAS**, the parking lot shall be reconfigured to include two (2) compact car spaces in order to protect the root system of large trees on the site, six (6) standard vehicular spaces, one (1) handicap space, and forty (40) scooter/bicycle spaces on the lot; and

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

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

**WHEREAS**, the Planning Board found that the proposed use complies with the criteria in Section 122-62; and



 Chairman  
 Planning Director

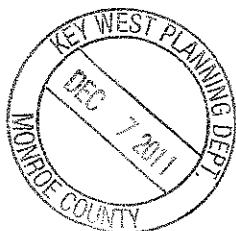


**WHEREAS**, the approval of the conditional use application will be in harmony with the general purpose and intent of the Land Development Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare; and


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

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

**Section 2.** That the request for a Conditional Use approval per Section 122-62 and 122-63 of the Code of Ordinances for a restaurant for up to 150 seats maximum and 6,637 square feet of flexible consumption area to be located at 802 - 806 Whitehead Street (RE# 00014010-000100 and 00014020-000000) and 318 - 324 Petronia Street (RE# 00014010-000000) and the reconfiguration of the parking lot at 809 - 811 Terry Lane (RE# 00014050-000000 and 00014060-000000) to meet Code requirements, landscaping and drainage, and to accommodate two (2) compact car spaces in order to protect the root system of large trees on the site, six (6) standard vehicular spaces, one (1) handicap space, and forty (40) scooter/bicycle parking spaces for property located in the Historic Neighborhood Commercial- Bahama Village Commercial Core (HNC-3) zoning district, pursuant to section 122-868(9) of the Code of Ordinances, Key West, Florida; providing for an effective date, as shown in the attached site plans dated November 1, 2011 with the following conditions:

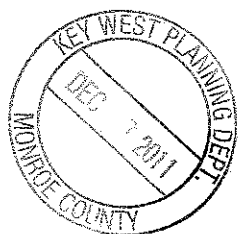




 Chairman

 Planning Director

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

1. Approval is limited to no more than 150 seats. At no time does the request for 6,637 square feet of consumption area allow the applicant to increase seating on the site without conditional use review.
2. The parking lot shall be reconfigured and maintained to include two (2) compact car spaces in order to protect the root system of large trees on the site, six (6) standard vehicular spaces, one (1) handicap space, and forty (40) bicycle/scooter spaces on the lot.
3. The waste and recycling handling shall be screened from adjacent properties and public rights-of-way by appropriate fences, walls or landscaping in accordance with Code Section 108-279, and the area shall be enclosed on all four sides with a roof and doors for access.
4. The applicant will install and maintain a programmable distributive sound system to assure compliance with the "unreasonable noise" definition of Section 26-191 of the Code of Ordinances, and shall include a computerized sound monitoring system with real time monitoring access is provided to the City. 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.



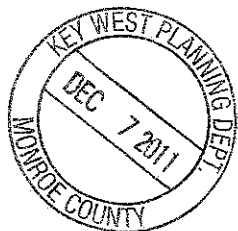
 Chairman  
 Planning Director

## Conditions required prior to the issuance of a Certificate of Occupancy:

5. Completion of all improvements as depicted on the site plan.
6. The applicant will install and maintain a programmable distributive sound system to assure compliance with the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances, and shall include a computerized sound monitoring system with real time monitoring access is provided to the City.
7. The applicant shall revise and resubmit a signed and sealed Landscape Plan that reflects the modified site plan dated November 1, 2011 and Civil Plan Dated November 9, 2011.

## General conditions:

8. No outdoor music of any kind is allowed after the hours of 10pm unless approved under a special event permit per Section 6-86 of the City Code or for a special city-sanctioned event within the Petronia Street Commercial Corridor. Amplified music will be regulated by the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances.
9. Recycling of applicable materials is required.
10. Hours of operation are limited from 9am to 11pm daily accept during special city sanctioned events such as Fantasy Fest and Goombay.
11. Service vehicles are prohibited from using Petronia Street and Terry Lane and the Terry Lane parking lot for deliveries.
12. All waste pickup shall be daily via Whitehead Street.





 Chairman  
 Planning Director

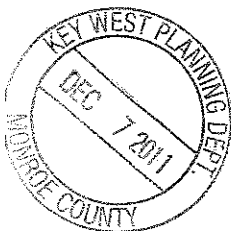
13. In an effort to increase employment opportunities for residents of the Bahama Village Community Redevelopment Area (“BVCRA”) the restaurant operator will make a good faith effort to employ a minimum of 25% of the restaurant workforce from qualified residents of the BVCRA.

“Good faith effort” means all employment opportunities will be advertised and posted in places frequented by residents of the BVCRA, such as the District 6 Commissioner's office, the Douglas Community Center, the Nutrition Center, the Martin Luther King swimming pool, neighborhood churches, neighborhood fraternal organizations, grocery stores, etc.

In the event the property owner is not the operator of the restaurant, the restaurant operator shall submit to the property owner proof of compliance with the employment requirement, on a quarterly basis. The property owner shall, in turn, provide the proof of compliance to the City of Key West, upon request. If the property owner operates the restaurant, in the event that this requirement is not complied with for any reason, the property owner shall tender to the BVCRA the amount of \$750 for each month the requirement is not met to be used to further employment programs within the Bahama Village Community.

In the event the property owner is not the operator of the restaurant, any lease, management agreement, or other document utilized to transfer operation of the restaurant shall include the provisions above along with a provision that the operator's rent will increase in the amount of \$750.00 per month for each month the

 Chairman  
 Planning Director



requirement is not met. The property owner will in turn pay this increased amount to the BVCRA to be used to further employment programs within the Bahama Village Community Redevelopment Area. The property owner's failure to insist upon, collect, and transfer the increased amount to the City of Key West shall constitute a breach of this condition.

This requirement shall run with the conditional use and remain in place from owner to owner, Lessee to Lessee and Lessor to Lessor.

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

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

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

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



RWK Chairman  
DC Planning Director

# Exhibit H

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

Page 8 of 9  
Resolution Number 2011 - 059



RWK Chairman

de Planning Director

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

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

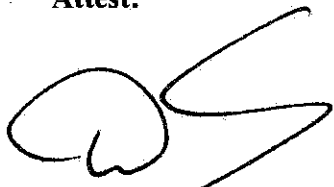


Richard Klitenick, Chairman  
Key West Planning Board

12/7/2011

Date

Attest:

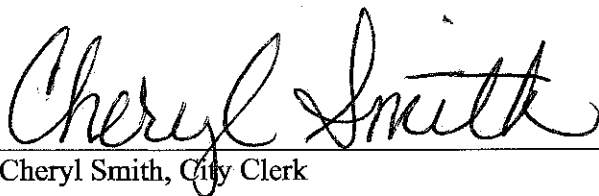


Donald Leland Craig, AICP  
Planning Director

12/7/11

Date

Filed with the Clerk:



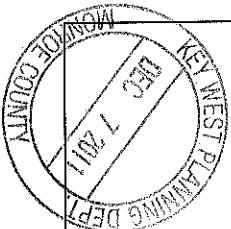
Cheryl Smith, City Clerk

12-7-11

Date

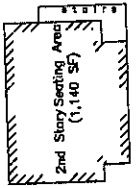


 Chairman  
 Planning Director



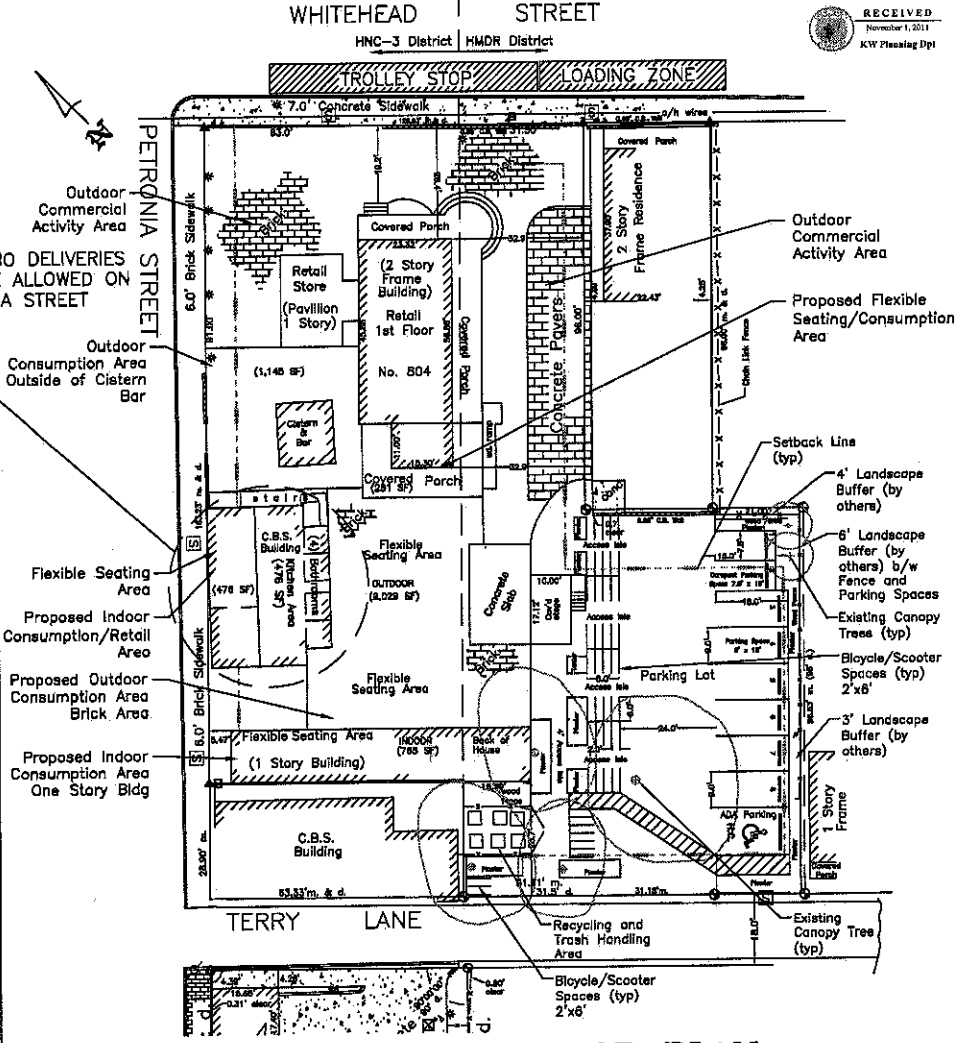
## SECOND FLOOR

SCALE: 1"=30'



INDEX OF DRAWINGS	
C-1.0	SITE AND FLOOR PLAN
C-1.1	PREVIOUS CONSUMPTION AREAS
C-1.2	PROPOSED AND PREVIOUS CONSUMPTION AREAS
C-1.3	PARKING LOT PLAN

SITE DATA				
RE Numbers	00014060-000000; 00014050-000000; 00014020-000000; 00014010-000000; 00014010-000100			
Zoning Designation	HMDR (11,154 sq. ft.) and HNC-3 (10,366 sq. ft.)			
Flood Zone	ZONE X MAP 12087C-1516K			
Issue	Existing	Proposed	Required/Permitted	Complies
Zoning	HMDR and HNC-3	No Change	No Change	Complies
Site Size (sq. ft.)	21,520	No Change	4,000	Complies
Building Coverage (sq. ft.)	4,877	No Change	8,608 (40%)	Complies
Impervious Surface (sq. ft.)	20,616 (95.8%)	No Change	12,912 (60%)	Complies 1
Open Space Ratio (sq. ft.)	904 (4.2%) <sup>2</sup>	No Change	4,304 (20%)	Complies
FAR	0.26	No Change	1.0	Complies
Retail Space (sq. ft.)	5,595	2,553	15,943	Complies
Consumption Area				
Indoor (sq. ft.)		1,241		Complies
Outdoor (sq. ft.)	2,265	4,595		Complies
Restaurant Seats	45	165		Complies
Parking Spaces	17	19 <sup>3</sup>	17	Complies
Scooter/Bicycle		40		
Residential Units	3-Studios	3-Studios	10	Complies
Setbacks				
Front	18'-2 1/2'-0"	18'-2 1/2'-0"	0'-0 1/2'-0"	Complies
Side	5'-0 7/5'-0"	16'-9 1/4'-0"	7'-6 7/5'-0"	Complies
Rear	28'-9'	28'-9'	15'-0"	Complies



## SITE AND FLOOR PLAN

SCALE: 1"=30'

**LEGEND**

S EXISTING SEWER CLEANOUT (TYP OF 5)

NOTE: THE SITE DOES NOT HAVE AN EXISTING STORMWATER MANAGEMENT SYSTEM OR A GREASE TRAP

RECEIVED  
November 1, 2011  
KW Planning Dept

---

Florida: Tours of America  
301 Ford Blvd, Suite 202  
Key West, Florida 33408  
REGISTRATION 028100  
PH 305-856-6600 FAX 305-856-6601

PROJECT: BAHAMA VILLAGE MARKET  
DESIGNER: M. NIELLI  
PE #85316

---

DATE: NOVEMBER 1, 2011

PROJECT: BAHAMA VILLAGE MARKET  
DESIGNER: M. NIELLI  
PE #85316

---

Drawn By: RSM  
Project No: 11000  
Scale: AS NOTED

Checked By: RSM  
Date: 11/1/11

Print Date: November 1, 2011

---

1. IFA Acknowledged Re: 11/1/11  
2. IFA Acknowledged Re: 11/1/11  
3. IFA Acknowledged Re: 11/1/11

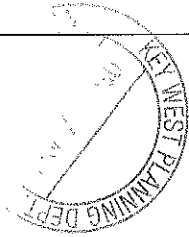
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Sheet Number:  
**C-1.0**

Date: JANUARY 26, 2012



*RWK*  
*DL*



**LEGEND**

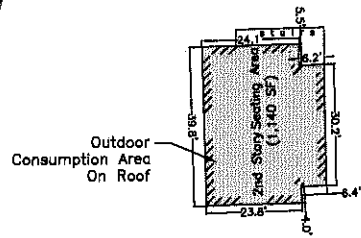
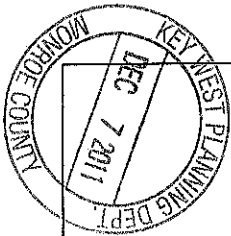
 CONSUMPTION AREA

CONSUMPTION AREAS:  
 PREVIOUS (ROOF DECK AND CISTERN BAR): 2,285 SF  
 PROPOSED:  
 COVERED PORCH: 281 SF  
 OUTDOOR BRICK AREA: 2,029 SF  
 INDOOR ONE-STORY BLDG: 765 SF  
 INDOOR TWO-STORY BLDG: 476 SF  
 TOTAL PREVIOUS AND PROPOSED: 5,836 SF

**BAHAMA VILLAGE MARKET  
 PROPOSED CONSUMPTION AREAS**

SCALE: 1"=30' (11x17 paper)

RWK



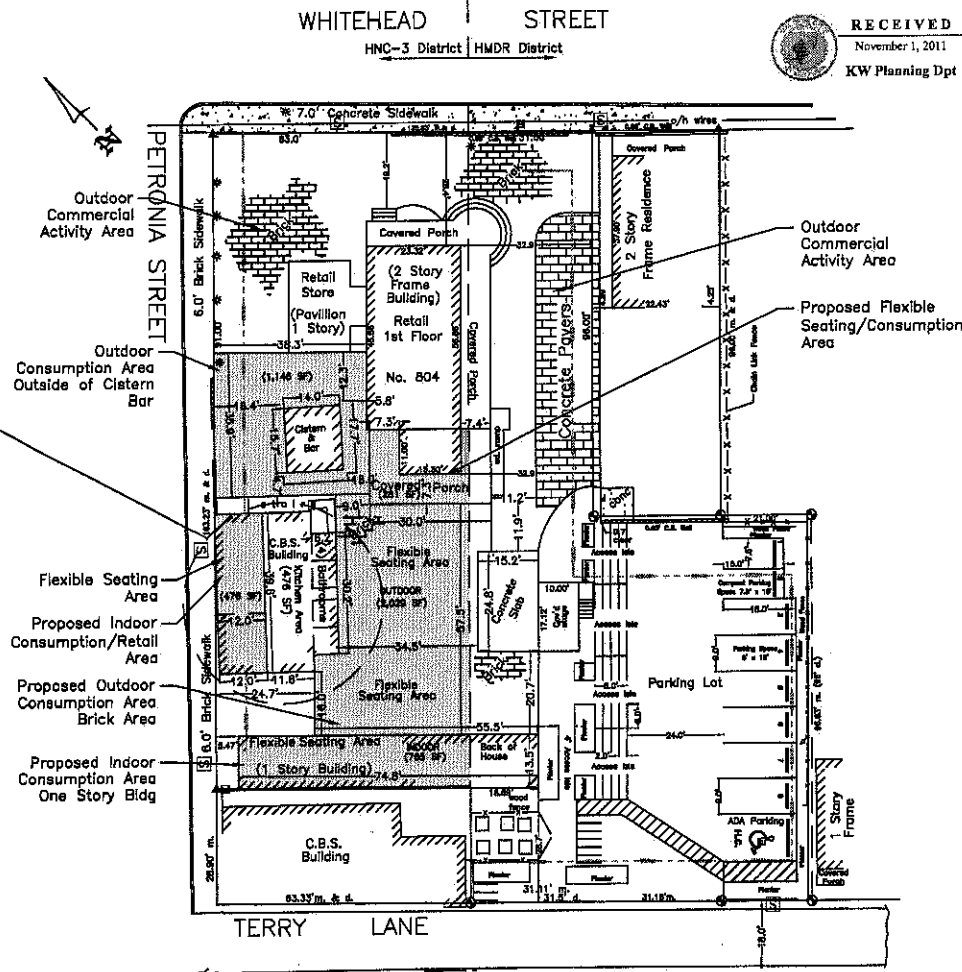
## SECOND FLOOR

SCALE: 1"=30'

### LEGEND

CONSUMPTION AREA

**CONSUMPTION AREAS:**  
 PREVIOUS (ROOF DECK AND CISTERN BAR): 2,285 SF  
**PROPOSED:**  
 COVERED PORCH: 281 SF  
 OUTDOOR BRICK AREA: 2,029 SF  
 INDOOR ONE-STORY BLDG: 765 SF  
 INDOOR TWO-STORY BLDG: 476 SF  
 TOTAL PREVIOUS AND PROPOSED: 5,836 SF



## PROPOSED CONSUMPTION AREAS

SCALE: 1"=30'

RECEIVED  
 November 1, 2011  
 KW Planning Dpt

Historic Tours of America  
 201 Front Street, Suite 207  
 Key West, Florida 33404  
 AUTHORIZED BY PERM-50  
 01-200-001-001 for 004-007

Seal:

General Notes:

**BAHAMA VILLAGE MARKET**  
 WHITEHEAD AND PETRONIA  
 KEY WEST, FLORIDA

Drawn By: RSK  
 Project No: 100000  
 Date: 11/1/11

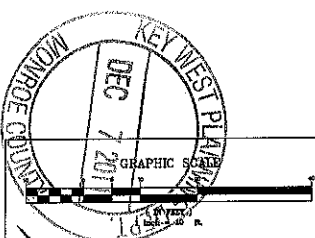
Checked By: RSK  
 Sheet: AS NOTED  
 Date: 11/1/11

File No: November 1, 2011

Title: PROPOSED AND PREVIOUS CONSUMPTION AREAS

Sheet Number: **C-1.2**

Date: JANUARY 01, 2010



*Runk &*

# Exhibit H

## DRAINAGE CALCULATIONS

### POSTDEVELOPMENT - PREDEVELOPMENT

Q<sub>post</sub> - Q<sub>pre</sub> = 0 in.  
 VOLUME = Q<sub>A</sub> - Q<sub>B</sub> = 0 Ac-in

NOTE: THE DRAINAGE PLAN AND CALCULATIONS ARE ONLY FOR THE PARKING LOT; THE PARKING LOT IS EXISTING AND CONSIDERED IMPERVIOUS. THEREFORE, THE POSTDEVELOPMENT AND PREDEVELOPMENT WATER QUANTITY AMOUNTS ARE THE SAME. WATER QUALITY GOVERNS THE DESIGN.

### WATER QUALITY

PROJECT AREA = 0.142 Ac  
 PERVIOUS = 0.017 Ac  
 IMPERVIOUS = 0.125 Ac

A) ONE INCH OF TRUNOFF FROM DRAINAGE BASIN = 0.142 Ac-in  
 IMPERVIOUS AREA = 0.125 Ac.  
 X IMPERVIOUS = 88.0%

B) 2.5 INCHES TIMES PERCENT IMPERVIOUS = 0.31 Ac-in

### EXFILTRATION TRENCH PROVIDED

TRENCH LENGTH = 27 FT  
 EXFILTRATION TRENCH VOLUME CALCULATED USING SPWM EQUATION (PG 7-10 OF THE ERP INFORMATION MANUAL)  
 VARIABLES: K=0.0001, H=7, Web; D=6, S=0  
 VOLUME = 0.31 Ac-in

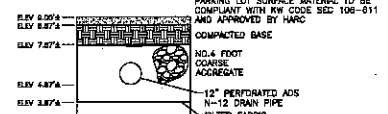
### LANDSCAPE BUFFER

PARKING LOT AREA = 0.142 AC = 6,200 SF  
 BUFFER REQUIRED = 6,200 \* 10% = 620 SF  
 BUFFER PROVIDED = 766 SF



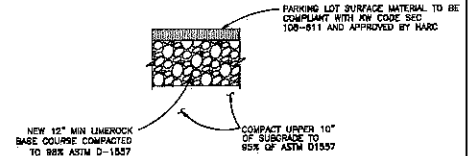
## LEGEND

- DRAINAGE FLOW
- PROPOSED ELEVATION
- 8.82' EXISTING ELEVATION
- NEW LIGHT POLE
- NEW PARKING LOT SURFACE MATERIAL TO BE COMPLIANT WITH KW CODE SEC 108-611 AND APPROVED BY HARC
- LANDSCAPE AREA

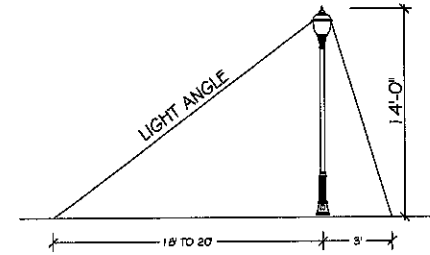


EXFILTRATION TRENCH  
NTS

NOTES:  
 1. FILTER FABRIC SHALL BE MANAFI FILTERMESH 300 OR ENGINEER APPROVED EQUIVALENT. FILTER FABRIC SHALL BE INSTALLED PER MANUFACTURER'S INSTRUCTIONS.

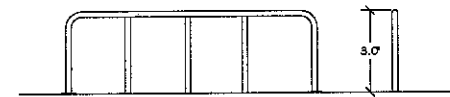


PARKING LOT SURFACE DETAIL  
NTS

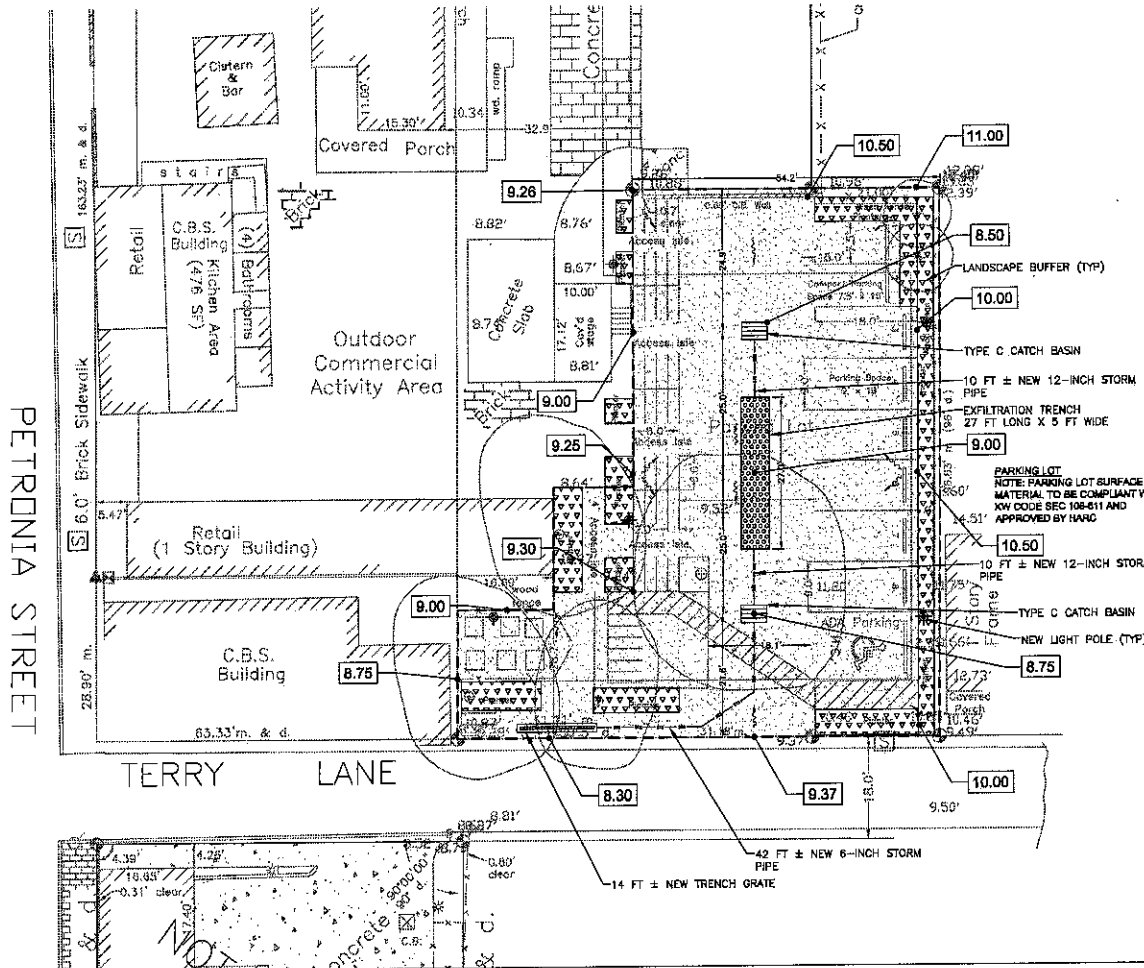


LIGHT POLE DETAIL  
NTS

NOTES:  
 1. CONTRACTOR SHALL INSTALL A HAND HOLE AT THE BASE OF EACH LIGHT POLE NOT LESS THAN 2-IN x 4-IN WITH A COVER SUITABLE FOR USE IN WET LOCATIONS.  
 2. LIGHTS SHALL BE EQUIPPED WITH FLEURIS SHIELDS.  
 3. ELECTRICAL SHALL PROVIDE THE ENGINEER WITH A SUBMITTAL FOR THE LIGHT POLE AND FIXTURES. THE LIGHT FIXTURE SHALL BE A METAL HALIDE 150 W.  
 4. LIGHTS SHALL BE CONTROLLED BY A PHOTOCELL.  
 5. LIGHTS AND LIGHT BASES SHALL BE INSTALLED ACCORDING TO MANUFACTURER'S INSTRUCTIONS.



BICYCLE/SCOOTER RACK DETAIL  
NTS



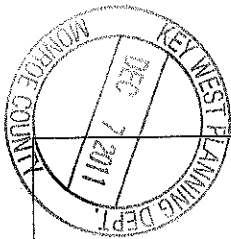
Historic Tours of Ancon  
 201 Main Street, Suite 207  
 Key West, Florida 33099  
 ALPHACAD 11/27/11 12:42:12  
 11/28/11 11:59:49 AM

Richard J. Nobile  
 PE 688315

**BAHAMA MARKET VILLAGE**  
 WHITEHEAD AND PETRONIA  
 KEY WEST, FLORIDA

Drawn By: RJK  
 Checked By: EOC  
 Project No: 1768  
 Sheet: AS NOTED  
 HTA Assoc File No: 1768-C-1.0R


TITLE: **PARKING LOT PLAN**  
 Sheet Number: **C-1.3**  
 Date: JUNE 22, 2011

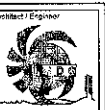


*pink DC*

# Exhibit H



**RECEIVED**  
August 1, 2011  
KW Planning Dpt



**Indigenous Design Group INC.**  
License #



Description  
**Bahama Village Market**  
Project Sheet  
KEY WEST, FL 34090

**Parking Area Improvement Plan**


Project Number  
002-0080

Plant Name

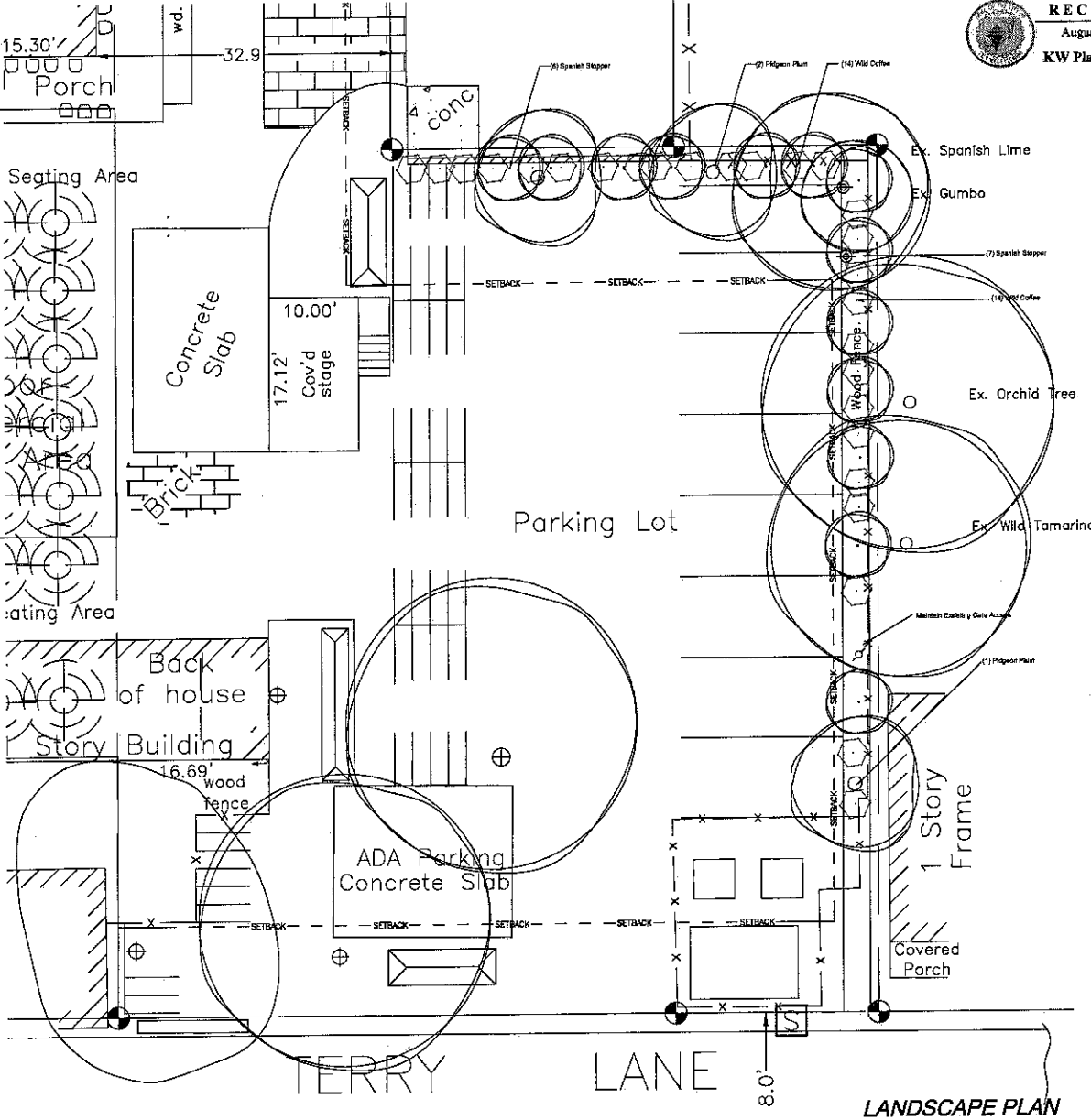
Property Number  
002-0080

Sheet Title  
LANDSCAPE PLAN

Sheet  
**LA1**

**Bahama Village Market**  
Pennis St.  
Key West FL 33040

City	Item	Specifications
TREES		
3	Coccoloba diversifolia	Pigeon Plum 12' ph
13	Eugenia foetida	Spanish Blipper 5' @ PH Standard
SHRUBS AND GROUNDCOVERS		
25	Psychotria nervosa	Wild Coffee 3 gal



**PLANTING NOTES**

**GENERAL:**

- Contractor shall verify location of utilities, including trees and vegetation prior to commencement of the plant installation.
- Contractor shall verify the quantity of the Landscape Designer locating certain plants and trees in the bill. Location of plants includes an arrow on the planting plan and quantity. **DISCREPANCY:**
- All trees and shrubs shall be of the size called for in the plant schedule, unless otherwise specified. Any plant materials not indicated by the Landscape Designer shall be removed from the site and replaced as called for by the Landscape Designer.
- Site Landscape specifications for the trees and shrubs shall be as specified in the plant schedule.
- All trees and shrubs shall be planted in or better as indicated by the Landscape Designer, Division of Plant Industry, Florida Dept. of Agriculture and Consumer Services.
- All trees required in the planting schedule shall be planted as specified. All trees are to be staked and guyed as indicated in the schedule. Stakeholders shall be removed from the site within the first month of planting.
- Stakeholders shall be removed from the site within 30 days of planting.
- Water all plant materials immediately after planting.
- If available after the date and schedule, the contractor shall provide the schedule shall govern. The contractor shall provide the schedule shall provide the contractor and report discrepancies of the site of planting to the Landscape Designer.
- All plant materials shall be delivered to the site within 14 days of the date of the contract.
- All plant materials shall be delivered to the site within 14 days of the date of the contract.
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- All plant materials shall be delivered to the site within 14 days of the date of the contract.

**REMARKS:**

Contractor shall research and verify the location of utilities and obstructions before beginning work. Contractor shall ensure that before the construction work that all necessary permits have been obtained.

**DISCREPANCY:**

Any discrepancy between the drawings and specifications shall be brought to the attention of the owner at the time of bid.

**INSTALLATION:**

All plant materials shall be done with the same size and species of the plant that was specified. Any substitutions made for any reason shall be approved by the owner.

**CONTRACTOR'S OBLIGATION:**

All materials shall be healthy, vigorous, well rooted plants, and established in the container so that the root mass will retain the shape and hold together when removed from the container.

**WATER DRAINAGE:**

The contractor shall be responsible for the grading of the site. This means that prior to the installation of landscape material, the site shall be brought within 1" of final grade so that the landscape contractor will be able to perform the final grading. All landscape plants and shrubs are to be low ground.

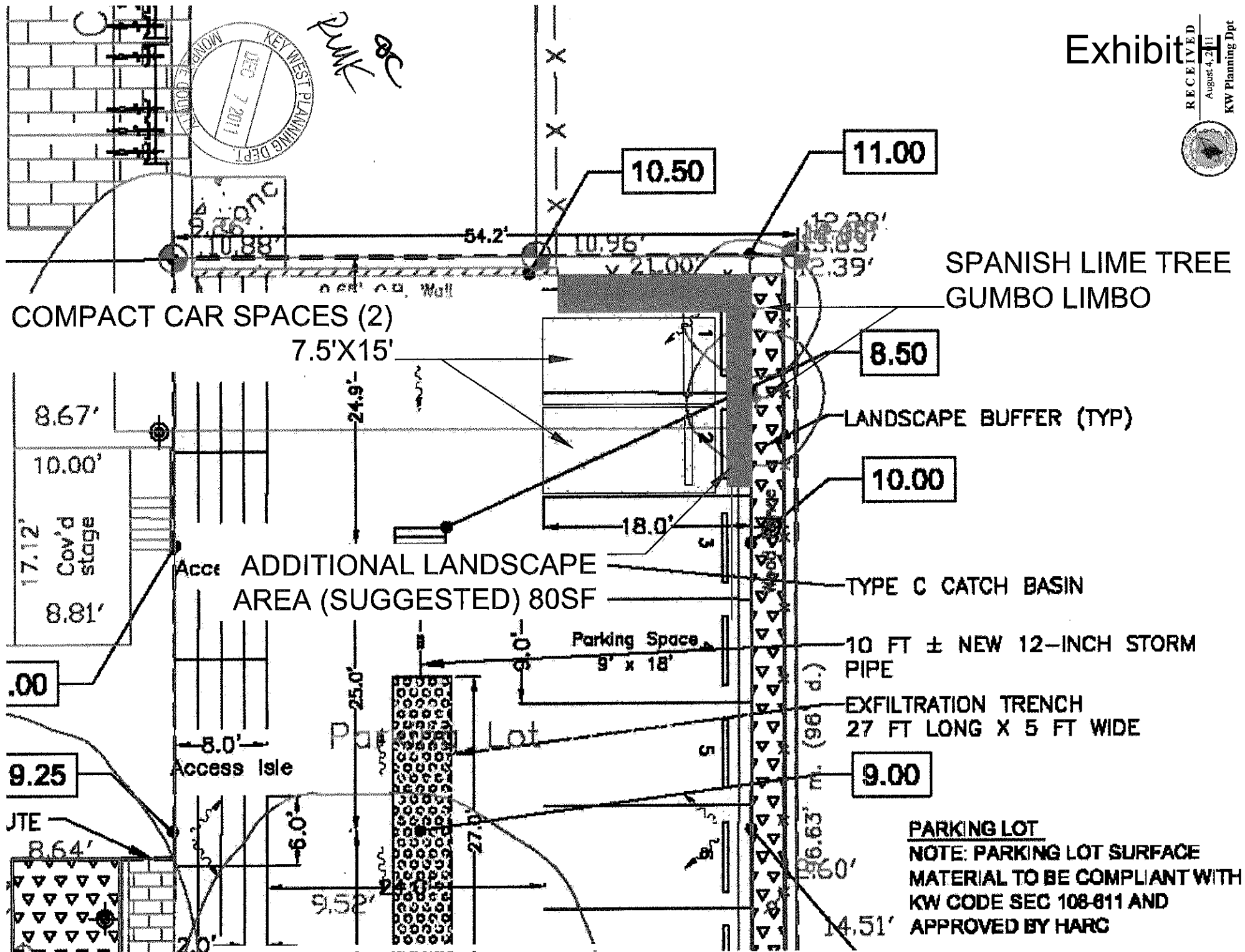
**BACKFILLING:**

Plant beds shall contain good soil, complete with organic matter. There shall be no construction debris, rocks larger than 1" within the root zone. Soil within planting areas shall be compacted. All compacted backfill shall appear to be as received from all landscape sources.

**LANDSCAPE PLAN**



1" = 12'-0"



COMPACT CAR SPACES (2)

7.5'X15'

ADDITIONAL LANDSCAPE AREA (SUGGESTED) 80SF

Parking Space 9' x 18'

Lot

SPANISH LIME TREE  
GUMBO LIMBO

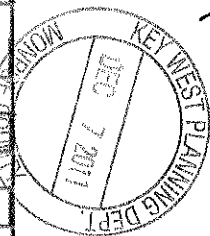
LANDSCAPE BUFFER (TYP)

TYPE C CATCH BASIN

10 FT ± NEW 12-INCH STORM PIPE

EXFILTRATION TRENCH  
27 FT LONG X 5 FT WIDE

**PARKING LOT**  
NOTE: PARKING LOT SURFACE MATERIAL TO BE COMPLIANT WITH KW CODE SEC 108-811 AND APPROVED BY HARC



Rmk oc

**House Bill 503 and 7023 Extensions**



# Exhibit H

## THE CITY OF KEY WEST

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

---

October 31, 2014

Owen Trepanier  
Trepanier & Associates  
PO Box 2155  
Key West, FL 33045

**RE: House Bill 7023 / Development Order Extension Notification  
Bahama Village Market, 802-806 Whitehead Street (RE# 00014010-000100, AK# 1014401)  
Planning Board Resolution 2011-059**

Dear Mr. Trepanier,

This letter is in response to the notification of your intent to extend Planning Board Resolution 2011-059 that was previously extended for two years in accordance with House Bill 503 on November 30, 2012. Your request for development order extension for an additional two years per House Bill 7023 was received by the Planning Department on September 15, 2014, in a timely manner and therefore appears to be eligible for the extension.

For your records, this letter recognizes that notification to the city has been made and received and that the date of expiration for Planning Board Resolution 2011-059 is understood to be extended for an additional two years for a combined total of four years until the effective date of January 1, 2016 pursuant to House Bill 7023.

Please contact me directly should you have any questions. Thank you.

Respectfully,

A handwritten signature in black ink, appearing to read "Carlene Smith", is written over a light blue horizontal line.

Carlene Smith, LEED Green Associate  
Planner II

Enclosures: Applicant Request  
Extension Documentation  
HB 7023

cc: Donald Leland Craig, AICP, Planning Director  
Larry Erskine, Chief Assistant City Attorney  
Ron Wampler, Building Official  
Carolyn Walker, Licensing Official



THE CITY OF KEY WEST

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

---

February 12, 2013

VIA ELECTRONIC MAIL

Owen Trepanier  
Trepanier & Associates  
402 Appelrouth Lane  
Key West 33040

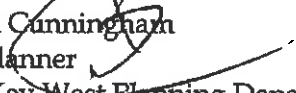
Dear Mr. Trepanier,

This letter is sent in reply to your request for recognition of your outstanding development orders. Your requests for extending the following approvals were received in a timely manner and are thus extended according to House Bill 503 to the appropriate dates:

1. Resolution 2006-212
2. Resolution 2006-295
3. Resolution 2008-131
4. Resolution 2011-059

These approvals have been the subject of previous extensions, please see attached. If there are any questions or concerns, please contact me directly.

Respectfully,

  
Brendon Cunningham  
Senior Planner  
City of Key West Planning Department  
3140 Flagler Avenue  
Key West 33040

Direct 305.809.3724  
Main 305.809.3720  
Fax 305.809.3978



**Minor Modification of  
Conditional Use Request**

2/17/15

Ms. Carlene Smith, Planner II  
 City of Key West  
 Via Email - cesmith@cityofkeywest-fl.gov



**RE: Res. No. 2011-059 – Minor Modification**  
 802-806 Whitehead St. (RE No. 00014010-000100 & 00014020-000000)  
 318-324 Petronia St. (RE No. 00014010-000000)  
 809-811 Terry Ln. (RE No. 00014050-000100 & 00014060-000000)

Dear Carlene:

Thank you for meeting with us to discuss this project.

We are attempting to modify the site plan layout associated with the approved restaurant use in Res. No. 2011-059<sup>1</sup>.

The approved site plan<sup>2</sup> concentrated the restaurant seating in the outdoor rear of the property closest to the residential neighborhood. We propose to move the majority of that area forward towards the more commercialized corner of Petronia and Whitehead<sup>3</sup> and to the interior of the existing mixed use building at 804 Whitehead. The result is a small reduction in outdoor consumption area and what remains will be moved away from the adjacent residential neighborhood. We propose no changes to any conditions of approval.

Changes to consumption area are proposed as follows:

Consumption Area	Indoor	Outdoor	Total
Existing	1,241 sq. ft.	4,595 sq. ft.	5,836 sq. ft.
Proposed	1,317 sq. ft.	4,519 sq. ft.	5,836 sq. ft.
Change	+76 sq. ft.	- 76 sq. ft.	No Change

According to Sec. 108-91.C.2(e)<sup>4</sup> Minor Modifications. “change in use resulting in less than 1,000 square feet of impervious surface area on the entire site” is a minor modification. We are proposing to change the use as described above with no change to impervious surface.

Sec. 108-91 requires such modifications to be “approved by the city planner, city engineer and planning board chairperson and reported to the planning board at a regularly scheduled meeting”.

Based on the above information and the attached exhibits, we respectfully request a minor modification to the site plan associated with Res. 2011-059 as depicted in Exhibit B.

<sup>1</sup> Exhibit A

<sup>2</sup> Exhibit A

<sup>3</sup> Exhibit B

<sup>4</sup> **108-91.C.2. Minor Modifications.** The following and similar modifications must be approved by the city planner, city engineer and planning board chairperson and reported to the planning board at a regularly scheduled meeting:

(e) Any use, except single-family dwelling units and accessory structures thereto, or change in use resulting in less than 1,000 square feet of impervious surface area on the entire site.

February 17, 2015  
Page 2 of 2

Exhibit H

Sincerely,

A handwritten signature in cursive script, appearing to read "Lori Thompson", written in black ink.

Lori Thompson

Cc: Kevin Bond, AICP, Acting City Planner  
James Bouquet, PE, City Engineer  
Richard Klitenick, Esq., Planning Board Chair

# Exhibit A of Exhibit H

## PLANNING BOARD RESOLUTION NUMBER 2011-059

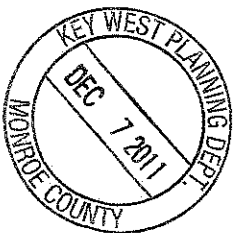
A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING A CONDITIONAL USE APPROVAL PER SECTION 122-62 AND 122-63 OF THE CODE OF ORDINANCES FOR A RESTAURANT WITH 150 SEATS MAXIMUM TO BE LOCATED AT 802 - 806 WHITEHEAD STREET (RE# 00014010-000100 AND 00014020-000000) AND 318 - 324 PETRONIA STREET (RE# 00014010-000000) AND 809 - 811 TERRY LANE (RE# 00014050-000000, 00014060-000000) IN THE HISTORIC NEIGHBORHOOD COMMERCIAL-BAHAMA VILLAGE COMMERCIAL CORE (HNC-3) ZONING DISTRICT, PURSUANT TO SECTION 122-868(9) OF THE CODE OF ORDINANCES, KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject property is located in the Historic Neighborhood Commercial-Bahama Village Commercial Core (HNC-3) zoning district; and

WHEREAS, Section 122-868(9) of the Code of Ordinances provides that restaurants are allowed as a conditional use within the Historic Neighborhood Commercial- Bahama Village Commercial Core (HNC-3) zoning district; and

WHEREAS, Section 122-61 of the Code of Ordinances allows applicants to request a conditional use approval; and

Page 1 of 9  
Resolution Number 2011 - 059



 Chairman  
 Planning Director

# Exhibit A of Exhibit H

**WHEREAS**, the applicant filed a conditional use application for a restaurant not to exceed maximum of 150 seats, with 6,637 square feet of flexible indoor/outdoor consumption area at 802 - 806 Whitehead Street (RE# 00014010-000100 and 00014020-000000) and 318 - 324 Petronia Street (RE# 00014010-000000); and

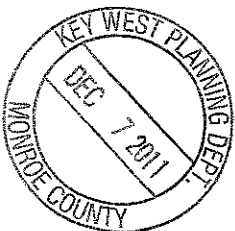
**WHEREAS**, the associated with the Conditional Use request, the applicant is required to bring the parking lot located at 809 - 811 Terry Lane (RE# 00014050-000000 and 00014060-000000) into compliance with dimensional requirements, landscaping and drainage; and



**WHEREAS**, the parking lot shall be reconfigured to include two (2) compact car spaces in order to protect the root system of large trees on the site, six (6) standard vehicular spaces, one (1) handicap space, and forty (40) scooter/bicycle spaces on the lot; and

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

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

**WHEREAS**, the Planning Board found that the proposed use complies with the criteria in Section 122-62; and



 Chairman  
 Planning Director

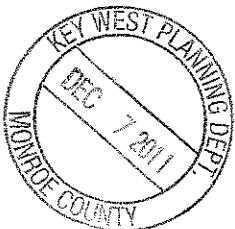
# Exhibit A of Exhibit H

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


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

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

**Section 2.** That the request for a Conditional Use approval per Section 122-62 and 122-63 of the Code of Ordinances for a restaurant for up to 150 seats maximum and 6,637 square feet of flexible consumption area to be located at 802 - 806 Whitehead Street (RE# 00014010-000100 and 00014020-000000) and 318 - 324 Petronia Street (RE# 00014010-000000) and the reconfiguration of the parking lot at 809 - 811 Terry Lane (RE# 00014050-000000 and 00014060-000000) to meet Code requirements, landscaping and drainage, and to accommodate two (2) compact car spaces in order to protect the root system of large trees on the site, six (6) standard vehicular spaces, one (1) handicap space, and forty (40) scooter/bicycle parking spaces for property located in the Historic Neighborhood Commercial- Bahama Village Commercial Core (HNC-3) zoning district, pursuant to section 122-868(9) of the Code of Ordinances, Key West, Florida; providing for an effective date, as shown in the attached site plans dated November 1, 2011 with the following conditions:



 Chairman

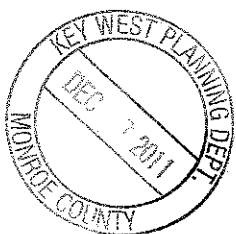
 Planning Director

# Exhibit A of Exhibit H

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

1. Approval is limited to no more than 150 seats. At no time does the request for 6,637 square feet of consumption area allow the applicant to increase seating on the site without conditional use review.
2. The parking lot shall be reconfigured and maintained to include two (2) compact car spaces in order to protect the root system of large trees on the site, six (6) standard vehicular spaces, one (1) handicap space, and forty (40) bicycle/scooter spaces on the lot.
3. The waste and recycling handling shall be screened from adjacent properties and public rights-of-way by appropriate fences, walls or landscaping in accordance with Code Section 108-279, and the area shall be enclosed on all four sides with a roof and doors for access.
4. The applicant will install and maintain a programmable distributive sound system to assure compliance with the "unreasonable noise" definition of Section 26-191 of the Code of Ordinances, and shall include a computerized sound monitoring system with real time monitoring access is provided to the City. 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.

Page 4 of 9  
Resolution Number 2011 - 059



 Chairman  
 Planning Director

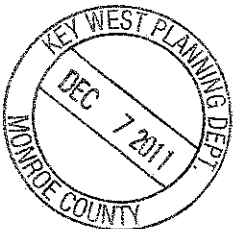
# Exhibit A of Exhibit H

## Conditions required prior to the issuance of a Certificate of Occupancy:

5. Completion of all improvements as depicted on the site plan.
6. The applicant will install and maintain a programmable distributive sound system to assure compliance with the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances, and shall include a computerized sound monitoring system with real time monitoring access is provided to the City.
7. The applicant shall revise and resubmit a signed and sealed Landscape Plan that reflects the modified site plan dated November 1, 2011 and Civil Plan Dated November 9, 2011.

## General conditions:

8. No outdoor music of any kind is allowed after the hours of 10pm unless approved under a special event permit per Section 6-86 of the City Code or for a special city-sanctioned event within the Petronia Street Commercial Corridor. Amplified music will be regulated by the “unreasonable noise” definition of Section 26-191 of the Code of Ordinances.
9. Recycling of applicable materials is required.
10. Hours of operation are limited from 9am to 11pm daily accept during special city sanctioned events such as Fantasy Fest and Goombay.
11. Service vehicles are prohibited from using Petronia Street and Terry Lane and the Terry Lane parking lot for deliveries.
12. All waste pickup shall be daily via Whitehead Street.



 Chairman  
 Planning Director





# Exhibit A of Exhibit H

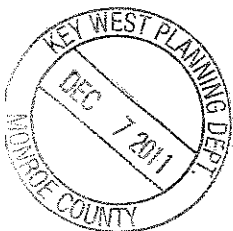
13. In an effort to increase employment opportunities for residents of the Bahama Village Community Redevelopment Area (“BVCRA”) the restaurant operator will make a good faith effort to employ a minimum of 25% of the restaurant workforce from qualified residents of the BVCRA.

“Good faith effort” means all employment opportunities will be advertised and posted in places frequented by residents of the BVCRA, such as the District 6 Commissioner's office, the Douglas Community Center, the Nutrition Center, the Martin Luther King swimming pool, neighborhood churches, neighborhood fraternal organizations, grocery stores, etc.

In the event the property owner is not the operator of the restaurant, the restaurant operator shall submit to the property owner proof of compliance with the employment requirement, on a quarterly basis. The property owner shall, in turn, provide the proof of compliance to the City of Key West, upon request. If the property owner operates the restaurant, in the event that this requirement is not complied with for any reason, the property owner shall tender to the BVCRA the amount of \$750 for each month the requirement is not met to be used to further employment programs within the Bahama Village Community.

In the event the property owner is not the operator of the restaurant, any lease, management agreement, or other document utilized to transfer operation of the restaurant shall include the provisions above along with a provision that the operator's rent will increase in the amount of \$750.00 per month for each month the

 Chairman  
 Planning Director



# Exhibit A of Exhibit H

requirement is not met. The property owner will in turn pay this increased amount to the BVCRA to be used to further employment programs within the Bahama Village Community Redevelopment Area. The property owner's failure to insist upon, collect, and transfer the increased amount to the City of Key West shall constitute a breach of this condition.

This requirement shall run with the conditional use and remain in place from owner to owner, Lessee to Lessee and Lessor to Lessor.

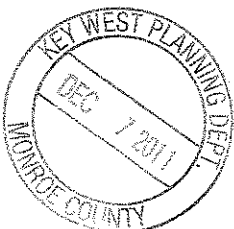
**Section 3.** Full, complete, and final application for all permits required for which this resolution is wholly or partly necessary, shall be submitted in its entirety within 12 months after the date hereof.

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

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

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


 Chairman  
 Planning Director



# Exhibit A of Exhibit H

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

  
Chairman

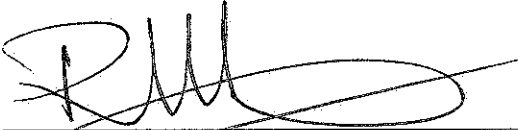
  
Planning Director



# Exhibit A of Exhibit H

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

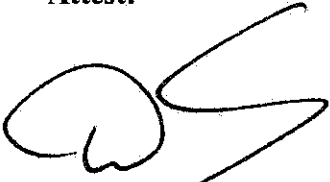
Authenticated by the Chairman of the Planning Board and the Planning Director.



Richard Klitenick, Chairman  
Key West Planning Board

12/7/2011  
Date

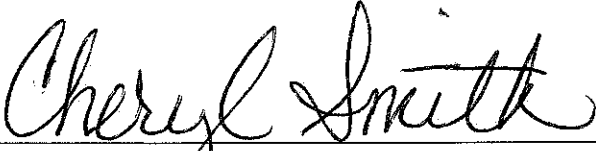
Attest:



Donald Leland Craig, AICP  
Planning Director

12/7/11  
Date



Filed with the Clerk:



Cheryl Smith, City Clerk

12-7-11  
Date

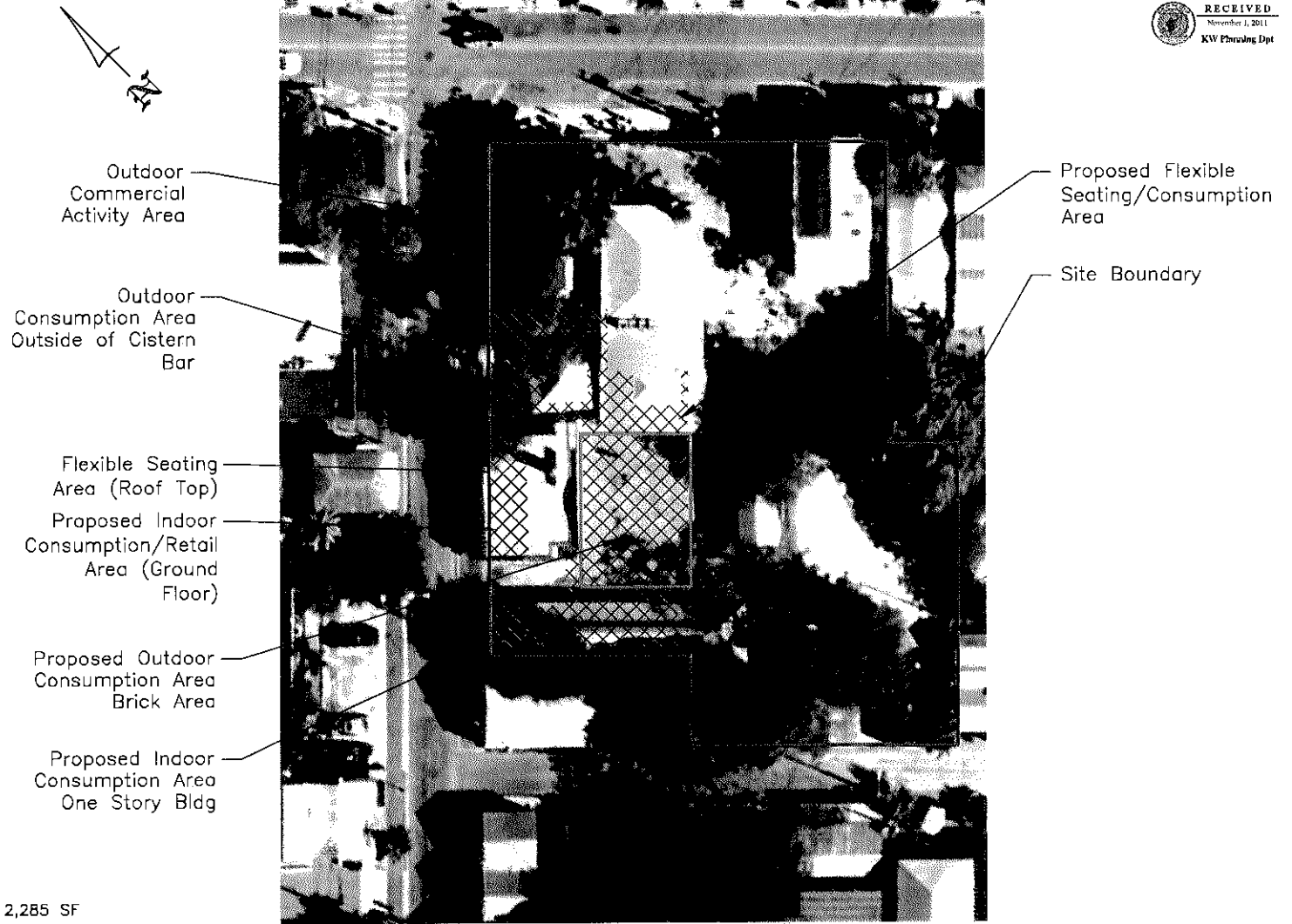
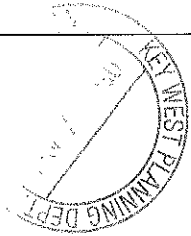


 Chairman  
 Planning Director



# Exhibit A of Exhibit H

*RWK*  
*DL*



## LEGEND

 CONSUMPTION AREA

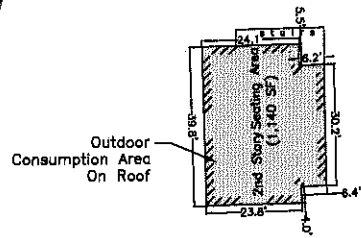
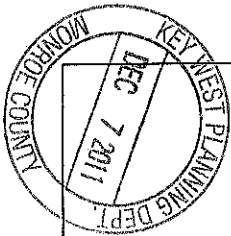
CONSUMPTION AREAS:  
 PREVIOUS (ROOF DECK AND CISTERN BAR): 2,285 SF  
 PROPOSED:  
 COVERED PORCH: 281 SF  
 OUTDOOR BRICK AREA: 2,029 SF  
 INDOOR ONE-STORY BLDG: 765 SF  
 INDOOR TWO-STORY BLDG: 476 SF  
 TOTAL PREVIOUS AND PROPOSED: 5,836 SF

## BAHAMA VILLAGE MARKET PROPOSED CONSUMPTION AREAS

SCALE: 1"=30' (11x17 paper)

# Exhibit A of Exhibit H

RWK

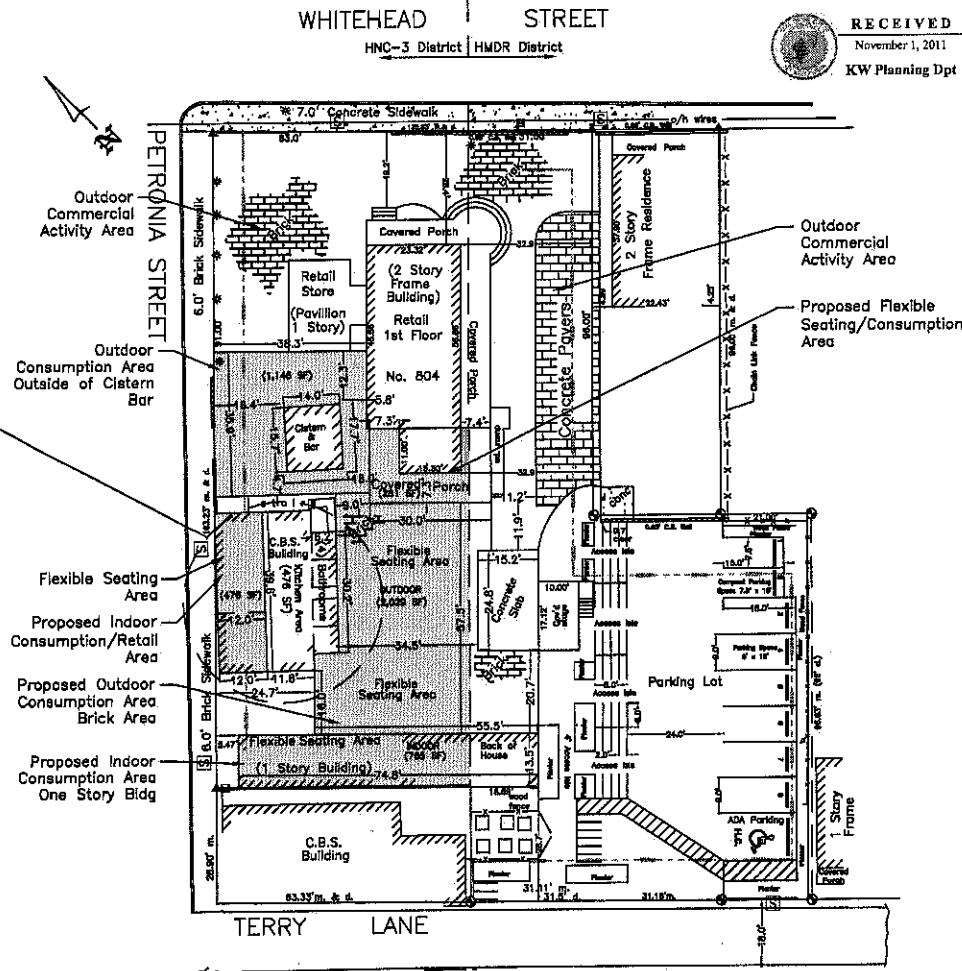


**SECOND FLOOR**  
SCALE: 1"=30'

**LEGEND**

CONSUMPTION AREA

**CONSUMPTION AREAS:**  
 PREVIOUS (ROOF DECK AND CISTERN BAR): 2,285 SF  
**PROPOSED:**  
 COVERED PORCH: 281 SF  
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 INDOOR ONE-STORY BLDG: 765 SF  
 INDOOR TWO-STORY BLDG: 476 SF  
 TOTAL PREVIOUS AND PROPOSED: 5,836 SF



**PROPOSED CONSUMPTION AREAS**  
SCALE: 1"=30'

RECEIVED  
November 1, 2011  
KW Planning Dpt

Historic Tours of America  
201 Front Street, Suite 207  
Key West, Florida 33040  
AUTHORIZING AGENCY: 30  
305-850-3000 FAX: 305-850-3007

RECEIVED  
PERMISS

**BAHAMA VILLAGE MARKET**  
WHITEHEAD AND PETRONIA  
KEY WEST, FLORIDA

Drawn By: RSK  
Project No: 100000  
Checked By: RSK  
Sheet: AS NOTED

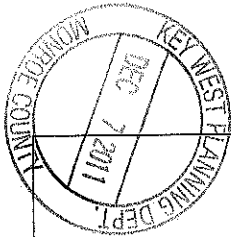
File Date: November 1, 2011

PROPOSED AND PREVIOUS CONSUMPTION AREAS  
Sheet Number:  
**C-1.2**  
Date: JANUARY 21, 2010





# Exhibit A of Exhibit H



Punk DC



RECEIVED  
August 1, 2011  
KW Planning Dpt



Indigenous Design Group INC.  
License #

Blank area for license information.

Description  
Bahama Village Market  
Project Name  
KEY WEST, FL 33040

Parking Area Improvement Plan


Project Number  
000-0000  
Plant Name

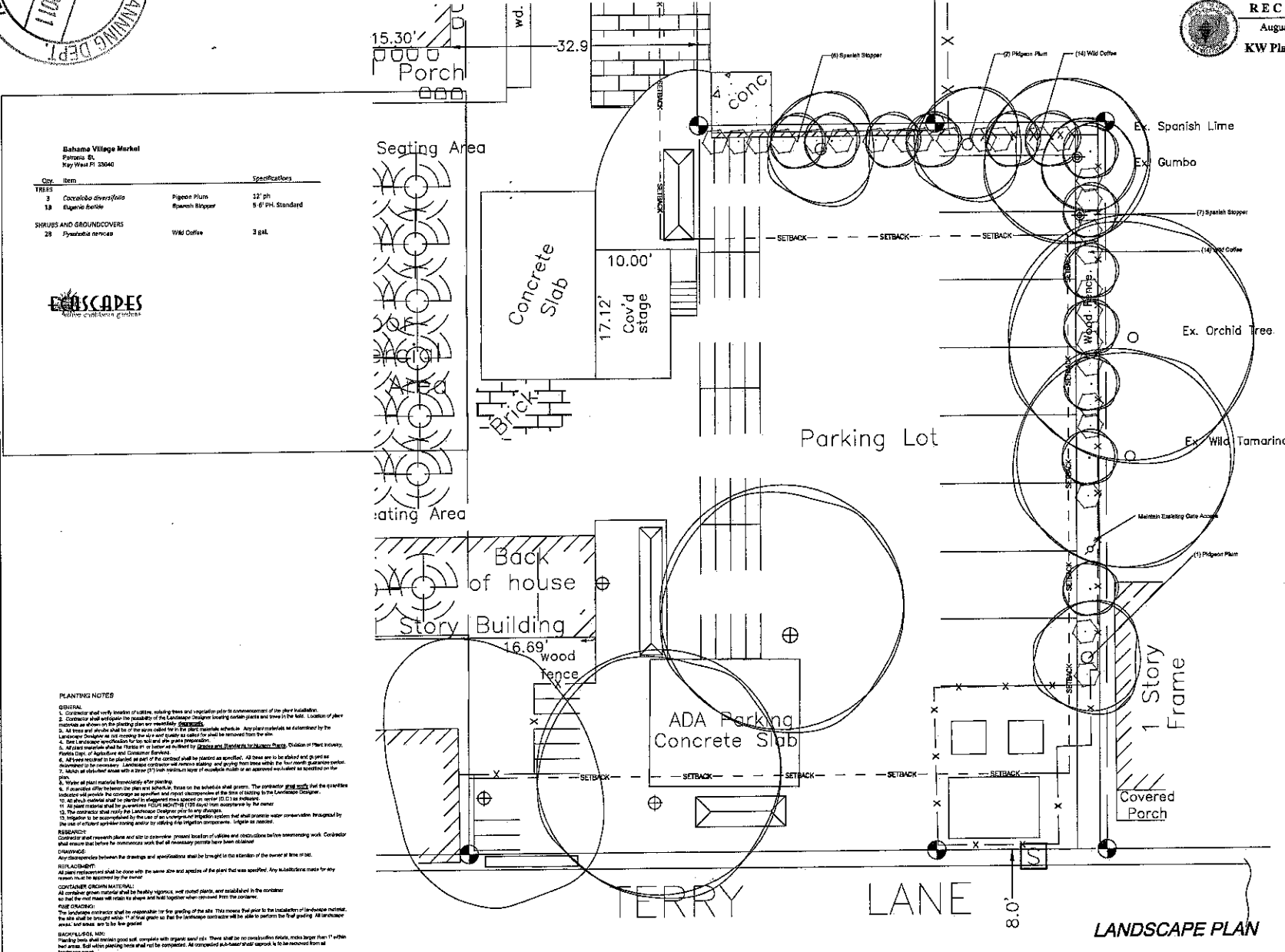
Property Number  
000-0000  
Sheet Title

LANDSCAPE PLAN

Sheet  
LA1



1" = 12'-0"



Bahama Village Market  
Pensacola St.  
Key West FL 33040

Qty	Item	Specifications
3	Coccoloba diversifolia	Pigeon Plum 12' ph
13	Eugenia foetida	Spanish Blipper 5' @ PH. Standard

SHRUBS AND GROUNDCOVERS

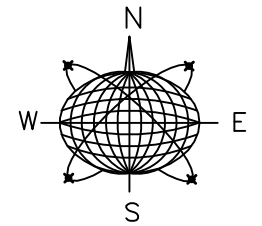
25	Pycnanthus nervosa	Wild Coffee 3 gal.
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PLANTING NOTES

- GENERAL
- Contractor shall verify location of utilities, including trees and vegetation prior to commencement of the plant installation.
  - Contractor shall verify the quality of the Landscape Designer locating certain plants and trees in the field. Location of plants includes an arrow on the planting plan and a note. (See notes)
  - All trees and shrubs shall be of the size called for in the plant schedule, unless otherwise specified. Any plant material, as indicated by the Landscape Designer, not meeting the size and quality as called for shall be removed from the site.
  - Site Landscape specifications for the site and the plant schedule.
  - All plant material shall be installed in the field as indicated by the Landscape Designer, Division of Plant Industry, Florida Dept. of Agriculture and Consumer Services.
  - All trees required to be planted as part of the contract shall be installed as specified. All trees are to be staked and guyed as indicated on the drawings. Stakeholders shall be removed during and after from the site within the four month guarantee period.
  - Match all adjacent areas with a grade (2) with maximum slope of maximum health or as approved and marked as specified on the drawings.
  - Water all plant material thoroughly after planting.
  - If available after the start and schedule, those on the schedule shall govern. The contractor shall ensure that the quality indicator will provide the concept as specified and report discrepancies at the time of starting to the Landscape Designer.
  - All plant material shall be delivered to the site as specified in the contract documents.
  - All plant material shall be purchased from a nursery or grower who is licensed by the state of Florida.
  - The contractor shall provide the Landscape Designer with any drawings.
  - Irregularity to be accomplished by the use of an appropriate irrigation system that shall include water conservation (irrigation) by the use of a drip or subsurface irrigation system or other suitable system. (Specify as required)
- REMARKS:
- Contractor shall research plant and site to determine present location of utilities and obstructions before beginning work. Contractor shall ensure that before the construction work that all necessary permits have been obtained.
- DISCLAIMER:
- Any discrepancies between the drawings and specifications shall be brought to the attention of the owner at the time of bid.
- INSTALLATION:
- All plant installations shall be done with the same size and species of the plant that was specified. Any substitutions made for any reason must be approved by the owner.
- CONTAINER OR OTHER MATERIALS:
- All container grown material shall be healthy vigorous, well rooted plants, and established in the container so that the root mass will retain its shape and hold together when removed from the container.
- FIELD CONDITIONS:
- The contractor shall ensure that the material is free of grading of the site. This covers the prior to the installation of landscape material. The site shall be brought within 1" of final grade so that the landscape contractor will be able to perform the final grading. All landscape plants and shrubs are to be free ground.
- BACKFILLING/REGRADE:
- Plant by trees shall include good soil complete with organic soil mix. There shall be no construction debris, rocks larger than 1" within the root zone. Soil within planting area shall be compacted. All compacted backfill shall appear to be as received from all landscape sources.





Meridian Engineering LLC  
 201 Front Street, Suite 210  
 Key West, Florida 33040  
 AUTHORIZATION # 29401  
 ph:305-293-3263 fax:293-4899

Seal:

NOT VALID FOR CONSTRUCTION UNLESS  
 SIGNED AND SEALED IN THIS BLOCK

RICHARD J. MILELLI  
 PE #58315

**BAHAMA VILLAGE**

**MARKET**  
 WHITEHEAD & PETRONIA  
 KEY WEST, FLORIDA

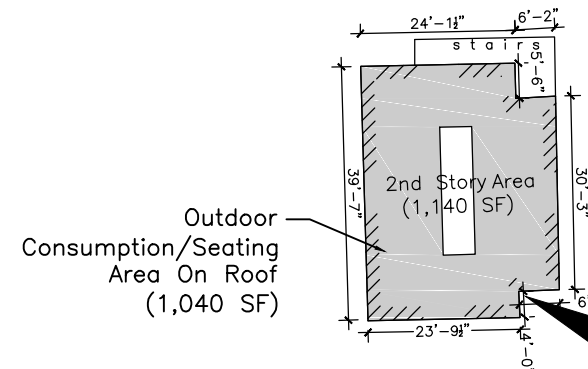
Drawn By: PCS      Checked By: RJM

Revisions:

Title:  
 PROPOSED AND PREVIOUS CONSUMPTION AREAS

Sheet Number:  
**C-1.3**

Date: FEBRUARY 9, 2015

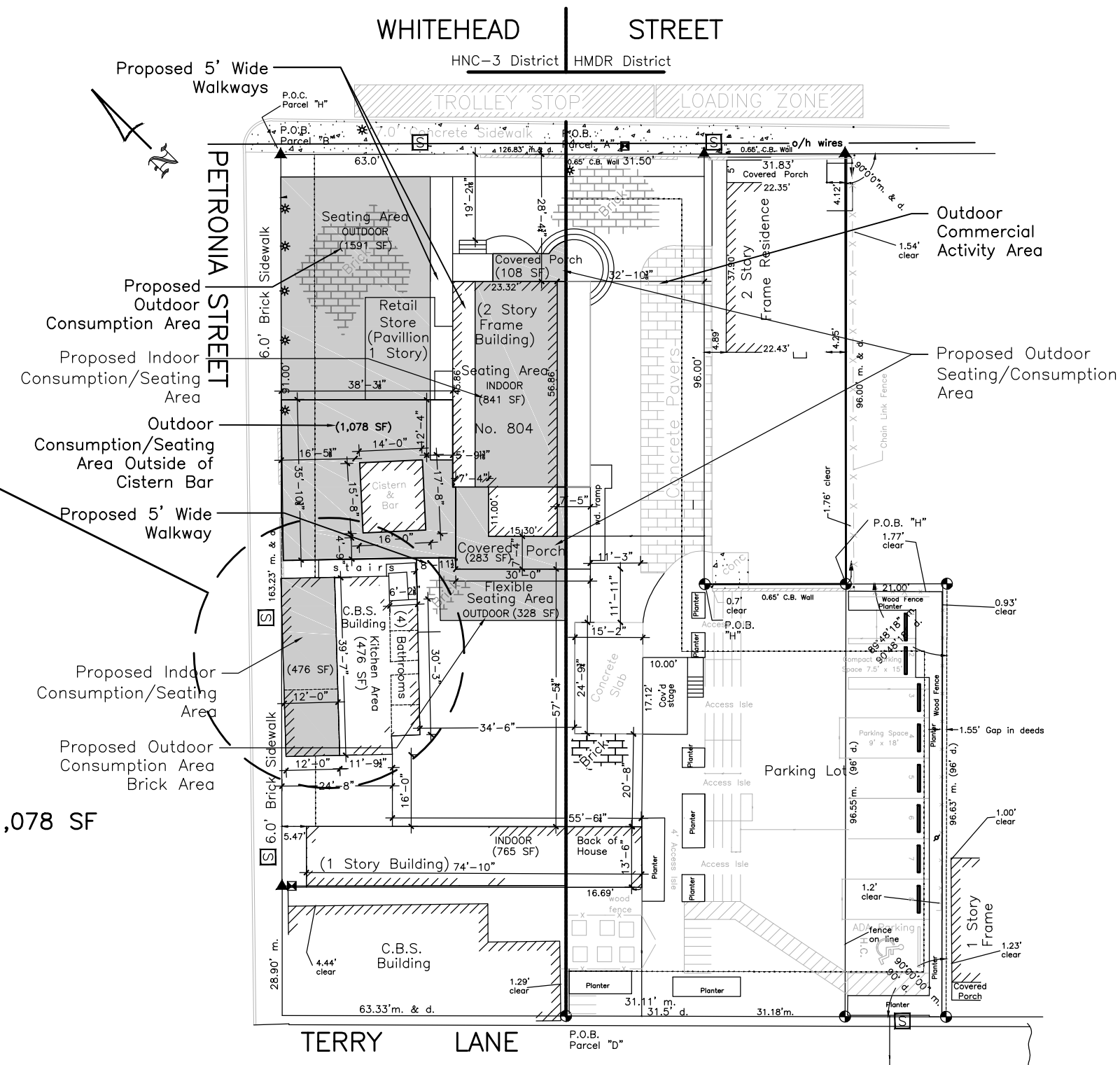


**SECOND FLOOR**  
 SCALE: 1"=30'

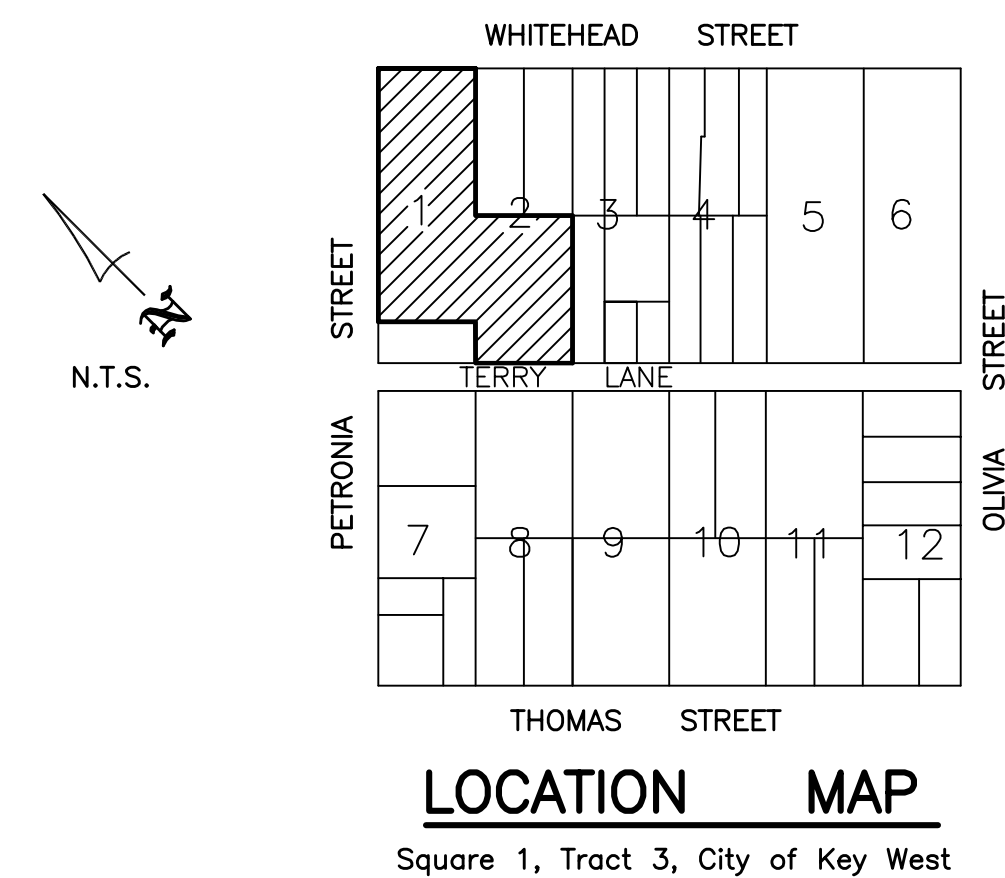
**LEGEND**



**CONSUMPTION AREAS:**  
 PREVIOUS (FRONT OUTDOOR AREA AND CISTERN BAR): 1,078 SF  
**PROPOSED:**  
 COVERED PORCHES: 482 SF  
 OUTDOOR REAR BRICK AREA: 328 SF  
 INDOOR FIRST FLOOR 2-STORY BLDG: 841 SF  
 OUTDOOR FRONT BRICK AREA: 1,591 SF  
 OUTDOOR TWO-STORY BLDG.: 1,040 SF  
 INDOOR TWO-STORY BLDG: 476 SF  
 TOTAL PREVIOUS AND PROPOSED: 5,836 SF



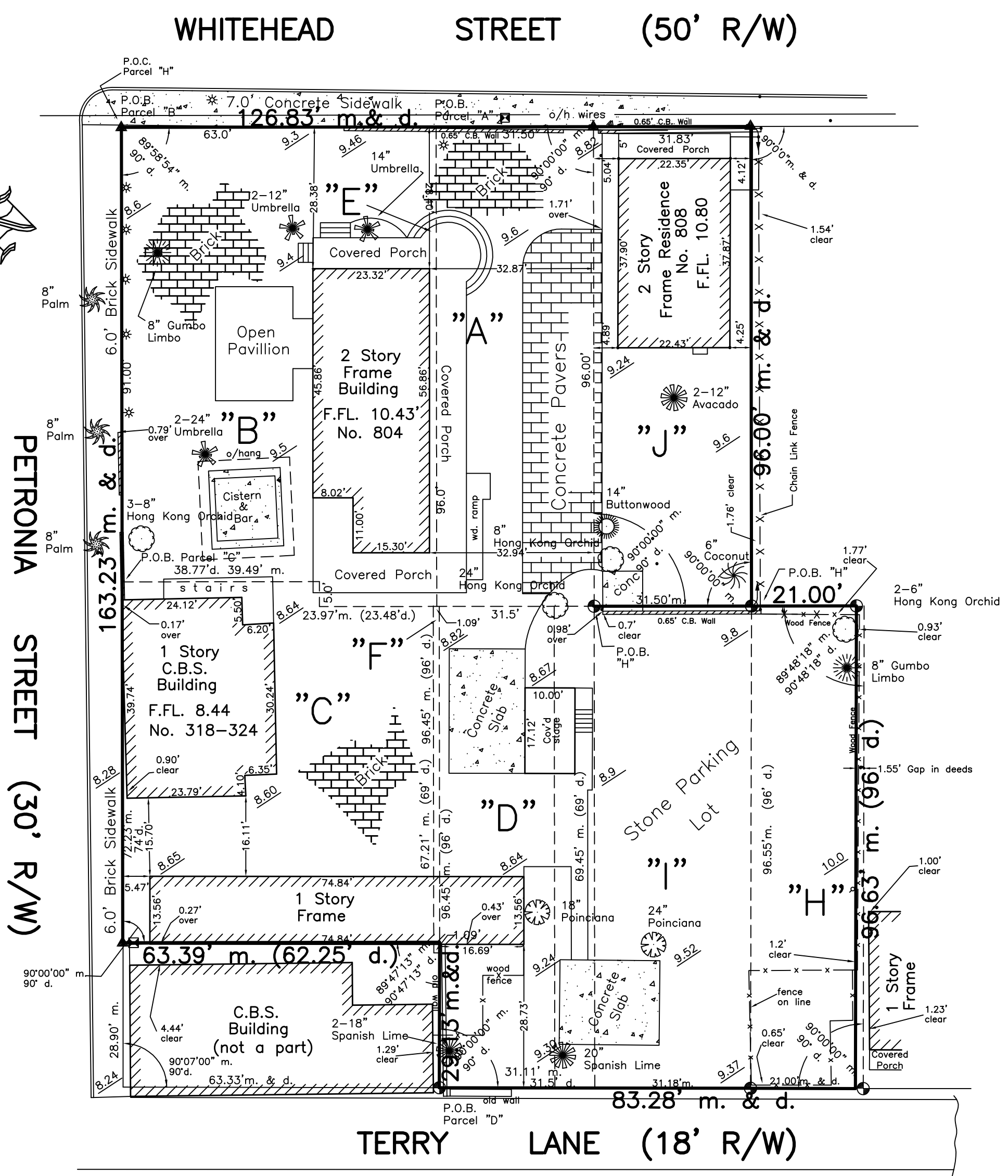
**PROPOSED CONSUMPTION AREA**  
 SCALE: 1"=30'



**LEGAL DESCRIPTION:**  
 Parcel "A": (Parcel 1) 806 Whitehead Street  
 On the Island of Key West, and designated on Charles W. Tift's map of said Island as part of Lot No. 2 in the Subdivision of Square No. 1, in part of Tract 3 known as Simonton's Addition to the City of Key West; COMMENCING at a point on Whitehead Street, distant 63 feet from the corner of Petronia and Whitehead Sts. And run thence in a S.E.'ly direction 31 feet and 6 inches; thence at right angles in a S.W.'ly direction 96 feet; thence at right angles N.W.'ly 31 feet and 6 inches; thence at right angles N.E.'ly 96 feet to the place of beginning.  
 ALSO  
 Parcel "B" (Parcel 2) 802 Whitehead  
 In the City of Key West, Monroe County, Florida and is designated on Charles W. Tift's Map of said City as part of Lot 1 of Square 1 in Tract 3 of Simonton's Addition to the City of Key West and herein described more particularly by metes and bounds as follows: BEGIN at the intersection of the Southerly right of Way line of Petronia Street and the W'ly right of way boundary line of Whitehead Street for a Point of Beginning; thence Southerly along the said Westerly line of Whitehead Street 62.25 feet to a point; thence Westerly at right angles 96 feet to a point; thence Northerly at right angles 23.48 feet to a point; thence Easterly at right angles 5 feet to a point; thence Northerly at right angles 38.77 feet to a point on the said line of Petronia St.; thence at right angles in a Northeasterly direction 91 feet back to the Place of Beginning.  
 ALSO  
 Parcel "C": (Parcel 3) 318-324 Petronia Street  
 Part of Lot One (1) of Square One (1), Tract Three (3) of Simonton's addition to the City of Key West, Florida: COMMENCING at the intersection of the Westerly right of way boundary line of Whitehead Street and the Southerly right of way boundary line of Petronia Street and run thence Westerly along the said line of Petronia 91 feet to the Point of Beginning of the Parcel herein being described; thence continue along the said line of Petronia Street 74 feet to a point; thence Southerly and at right angles 62.25 feet to a point; thence Easterly and at right angles 69 feet to a point; thence Northerly and at right angles 23.48 feet to a point; thence Easterly at right angles 5 feet to a point; thence Northerly at right angles 38.77 feet back to the Point of Beginning.  
 ALSO  
 Parcel "D" (Parcel 4):  
 On the Island of Key West, as known on Charles W. Tift's map of the City of Key West, as Part of Square One (1) in Tract Three (3) and is part of Subdivision Two (2) in Square One (1), according to a diagram made of Portion of said Tract Three (3), which diagram is recorded in book "1" deeds page 421 Monroe County Records: COMMENCING AT A POINT ON AN Eighteen foot alley way, Sixty three (63) feet and four (4) inches distant from the corner of Petronia Street and said alley way and running thence along said alley way in a Southeasterly direction thirty-one feet and six inches, and extending back in a Northeasterly direction on both lines a distance of ninety-six (96) feet.  
 ALSO  
 Parcel "E" (Parcel 5): 804 Whitehead  
 In the City of Key West, Monroe County, Florida and is designated on Charles W. Tift's Map of said City as Part of Lot 1 of Square 1 in Tract 3 of Simonton's addition to the City of Key West and herein described more particularly by metes and bonds as follows: COMMENCE AT THE INTERSECTION OF THE Southerly right of way boundary of Petronia Street and the Westerly right of way boundary line of Whitehead St. 62.25 feet to the Point of Beginning; thence continue along the said Westerly line of Whitehead Street 0.75 feet to a point; thence Westerly at right angles 96 feet to a point; thence Northerly at right angles 0.75 feet to a point; thence Easterly at right angles 96 feet back to the Point of Beginning.

AND  
 Parcel "H" 811 Terry Lane:  
 On the Island of Key West is known as Part of Lot Three (3), in the Subdivision of Square One (1), in part of Tract Three (3), Commencing at a point on Whitehead Street One hundred Twenty six feet Four and One-half inches (126' 4"), in a South East direction from the corner of Whitehead and Petronia Streets; running thence at right angles in a SouthWest direction Ninety-six feet (96') to a point of beginning of Lot to be conveyed; running thence at right angles in a South East direction Twenty-one, (21'); then at right angles in a South West direction Ninety-six feet (96') to an alley known as Terry's Lane; thence in a North West direction along said alley Twenty-one feet (21'); thence at right angles in a North East direction Ninety-six feet (96') to the point of beginning.  
 AND  
 Parcel "I" 809 Terry Lane  
 Part of Lot Two (2), in Square One (1) of Tract Three and also known as 809 Terry Lane, in the City of Key West, County of Monroe, State of Florida.

Parcel J:  
 In the City of Key West and known and designated on Charles W. Tift's Map of said City part of Lots One (1) and Two (2) is Square One (1), of Tract Three of Simonton's Addition to the City of Key West, better described by metes and bounds as follows:  
 COMMENCING at the intersection of Petronia and Whitehead Streets and run in a Southeasterly direction along Whitehead Street a distance of Ninety-four feet and Ten inches (94' 10") for a point of beginning from this point of beginning continue in a Southeasterly direction a distance of Thirty-one (31) feet and six (6) inches; thence, at right angles, run in a Southwesterly direction a distance of Ninety six (96) feet; thence at right angles, run in a Northwesterly direction a distance of Thirty-one (31) feet and Six (6) inches; thence, at right angles, run in a Northeasterly direction, a distance of Ninety six (96) feet back to the Point of Beginning.



AND  
 Parcel "F" (Parcel 6):  
 On the Island of Key West, Monroe County, Florida and being a part of Lot 1 in Square 1 of a Subdivision of a part of the Estate of John W. Simonton Tract 3, Key West, Florida" as recorded in Deed Book 1 at Page 421 Public Records of Monroe County, Florida and being described more particularly as follows: Commence at the point of intersection of the Southerly line of Petronia Street with the Easterly line of Terry Lane; thence Southeasterly along the said line of Terry Lane 63.34 feet to a point; thence Northeasterly at a right angle 27 feet to the Point of Beginning of the parcel of land herein described; thence Northwesterly at a right angle 1.09 feet to a point; thence Northeasterly at a right angle 69 feet to a point; thence Southeasterly at a right angle 1.09 feet to a point; thence Southwesterly at a right angle 69 feet back to the Point of Beginning.

**SURVEYOR'S NOTES:**  
 North arrow based on plot assumed median  
 Reference Bearing: R/W Whitehead Street  
 3.4 denotes existing elevation  
 Elevations based on N.G.V.D. 1929 Datum  
 Bench Mark No.: Basic Elevation: 14.324

**Monumentation:**  
 ● = set 1/2" Iron Pipe, P.L.S. No. 2749  
 ▲ = Set P.K. Nail, P.L.S. No. 2749  
 △ = Found P.K. Nail  
 ● = Found 1/2" Iron Bar

**Abbreviations:**  
 Sty. = Story  
 R/W = Right-of-Way  
 fd. = Found  
 p. = Plat  
 m. = Measured  
 d. = Deed  
 N.T.S. = Not to Scale  
 o/h = Overhead  
 u/g = Underground  
 F.F.L. = Finish Floor Elevation  
 conc. = concrete  
 I.P. = Iron Pipe  
 I.B. = Iron Bar  
 C.B.S. = Concrete Block Stucco

**Legend:**  
 @ = Centerline  
 Elev. = Elevation  
 B.M. = Bench Mark  
 P.O.C. = Point of Commence  
 P.O.B. = Point of Beginning  
 P.B. = Plat Book  
 pg. = page  
 Elec. = Electric  
 Tel. = Telephone  
 Ench. = Encroachment  
 O.L. = On Line  
 C.L.F. = Chain Link Fence  
 ◯ = Water Meter  
 ◀ = Water Valve

Field Work performed on: 5/4/10

**CERTIFICATION:**  
 I HEREBY CERTIFY that the attached BOUNDARY SURVEY is true and correct to the best of my knowledge and belief; that it meets the minimum technical standards adopted by the Florida Board of Land Surveyors, Chapter 61G17-6, Florida Statute Section 472.027, and the American Land Title Association, and that there are no visible encroachments unless shown hereon.

FREDERICK H. HILDEBRANDT  
 Professional Land Surveyor & Mapper No. 2749  
 Professional Engineer No. 36810  
 State of Florida

NOT VALID UNLESS EMBOSSED WITH RAISED SEAL & SIGNATURE

4/4/11: Owner change		5/11/10: Updated, owner	
3/29/05: updated, Trees		3/6/05: updated, lights Parcel J	
3/17/04: Cert., Correct Legal Description			
Historic Tours of America 802-806 Whitehead St., Key West, FL 33040 318-324 Petronia Street			
BOUNDARY SURVEY		Dwn No.: 10-224	
Scale: 1"=20'	Ref. 169-39-53	Flood panel No. 1516K	Dwn. By: F.H.H.
Date: 9/23/02	File	Flood Zone: X	Flood Elev. -
REVISIONS AND/OR ADDITIONS			
9/26/02: Street Address on Legal Descriptions			
11/26/02: Cert.			
3/13/04: Cert., Minor Changes			
c/dwg/kw/blk61			

**ISLAND SURVEYING INC.**  
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