

May 17, 2017

City of Key West
Planning Board
1300 White Street
Key West, FL 33040

Re: 821-823 Whitehead Street
May 18, 2017 Agenda Items # 2 & 3

Dear Planning Board Members:

This law firm represents Denise Roberts, the owner of 819 Whitehead Street, a personal residence immediately adjacent to the applicant's premises. This application was continued so that the applicant and Ms. Roberts could address Ms. Roberts' concerns. Both the applicant and Ms. Roberts have been actively engaged in communications and efforts to define a set of conditions that would be acceptable to both parties. We expect these efforts will continue up until the meeting tomorrow. However, the parties have not yet arrived at an agreement. Because public comments must be submitted at least twenty-four hours in advance, Ms. Roberts wishes to inform the Planning Board that she is willing to withdraw her objections to the proposal, provided the following conditions are attached to the approval:

1. No live music permitted on the premises at any time.
2. No amplified music anywhere on the exterior of the premises.
3. All additional consumption area confined to the current interior of the premises and that the exterior consumption area be limited to the current eighteen seats and to always be confined to the exterior deck between the front of the building and Whitehead Street.
4. No patrons are to be seated in the exterior consumption area past 9 pm, and no patrons are served in the exterior consumption area past 10 pm.
5. A landscape buffer of at least six feet in height is maintained along the entire Northwest boundary of the front exterior deck.
6. That the applicant take any and all steps reasonably necessary to accommodate waiting patrons on the applicant's premises so that they do not congregate on the public sidewalk, if possible. Signage and verbal direction to patrons will be employed to encourage use of areas within the applicant's premises for patrons who are waiting to be seated.
7. The rear exterior area of the applicant's premises, currently covered with an awning, will not be open to the public for any purpose.

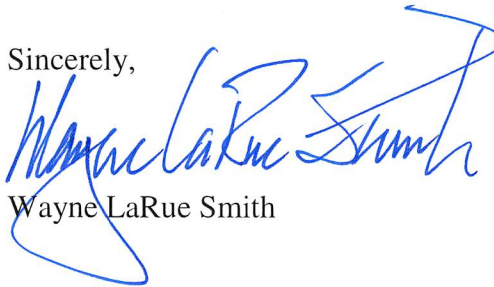
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8. The applicant will provide and update as needed a 24/7 contact person or persons who can respond to any complaints or problems.
9. City of Key West Code Compliance will be specifically empowered to enforce these conditions in the same manner as enforcement of any City Code provision. In the event that the applicant or any successor owner is found to have violated any of these conditions, in a final decision of the Special Magistrate (or any applicable appeal tribunal), the consequence shall be that this Planning Commission approval of a change in non-conforming use and parking variance will be automatically revoked and the property returned to its current status quo of the non-conforming uses as they exist today.

As mentioned above, Denise Roberts is continuing her efforts to reach a common understanding with the applicant. Ms. Roberts will be present tomorrow evening to notify the Planning Commission as to the parties' progress.

Thank you for your attention.

Sincerely,

A handwritten signature in blue ink, appearing to read "Wayne LaRue Smith". The signature is stylized and written in a cursive-like font.

Wayne LaRue Smith