



GREGORY S. OROPEZA | ADELE VIRGINIA STONES | SUSAN M. CARDENAS

June 16, 2020

VIA E-mail to: [khalloran@cityofkeywest-fl.gov](mailto:khalloran@cityofkeywest-fl.gov)

Katie Halloran, Planning Director  
City of Key West Planning Department  
PO Box 1409  
Key West, FL 33040

Re: Objection to 1218 Duval Street Variance Application (RE# 00028950-000000)

Dear Director Halloran:

This firm represents Peter Wagner who has lived at 1207 Duval Street for nearly 40 years. Mr. Wagner owns 6 commercial properties which contain a total of 11 residential units in the 1200 block of Duval, and just off Duval in the 500 block of Louisa Street.

Mr. Wagner appreciates the thoughtful renovation of the structures currently located on 1218 Duval, and he has no objection to the residential and commercial use of the property as it presently exists. Mr. Wagner does, however, object to the expansion of the consumption area at 1218 Duval to a size sufficient to accommodate outdoor seating in the front yard as depicted on the site plan. He also objects to the waiver of the required 26 off-street parking spaces.

It is clear that this application does not comply with the stringent evaluation criteria and standards applicable to support the grant of a variance in the City.

By way of background, in or around 2008, this former residential property began operating as a take-out coffee shop with limited porch seating for its coffee drinking customers. The Coffee and Tea House closed in 2013, and it was replaced by the current business: Cork & Stogie. Cork & Stogie started out as a shop selling cigars - advertised as the "closest cigar shop to Cuba"- and bottled wine. At some point, the wine sales became wine tastings, with live music and seating inside and outside the building.

Mr. Wagner would like to ensure that what was originally permitted as a small take-out coffee and baked goods shop is not now expanded into a bar/restaurant with the potential for 78 seats - 46 currently licensed and 32 new seats placed around 8 tables located in the front yard of the property.

As depicted on the proposed site plan, the expanded consumption area, would place Cork & Stogie patrons directly across from Mr. Wagner's residence and next door to the residences of

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his tenants. If permitted, such an expansion would generate noise, waste, and an increase in commercial traffic which is not compatible with the neighboring residential uses. The waiver of 26 required off-street parking spaces will create issues for all residents who live in and around the subject property, as well as the employees and customers of the galleries, retail shops, and restaurant which are already in existence in the 1200 block of Duval.

Mr. Wagner has been a tireless advocate for preserving the HRCC-3 zoning district of Upper Duval Street as a respite from the intense noise, crowds, and bar centric activities of lower Duval. This area of Duval is part of the specially designated "Duval Street Corridor Cultural District" (Section 6.1, City Code). The special designation was enacted to preserve the character of this section of Duval.

We note that the Cork & Stogie, LLC holds a Florida Division of Alcoholic Beverages 2COP liquor license tied to 1218 Duval Street, and that the City has issued an entertainment license for music at this location. Interior photographs of Cork & Stogie (which is #23 of 63 "nightlife" destinations in Key West on TripAdvisor) depict a bar scene more typical of lower Duval. Cork & Stogie social media advertisements include references to "#happyhour every day all day" and "all day beer BOGO."

A bar/restaurant with 78 seats, including 32-45 seats outside and in the small front yard, and which offers "happy hour all day every day" is better suited for HRCC-1 than HRCC-3, and is the antithesis of the type of use contemplated by the City when it designated this block of Duval a part of the Duval Street Corridor Cultural District.

For all of the above reasons, Peter Wagner respectfully objects to the grant of both proposed variances for 1218 Duval Street. Thank you for your kind consideration.

Sincerely,



Susan M. Cardenas

Oropeza, Stones & Cardenas

Counsel for Peter F. Wagner, 1207 Duval Street, Key West, FL

SMC/st

c: Daniel Sobczak, via e-mail to: [dsobczak@cityofkeywest-fl.gov](mailto:dsobczak@cityofkeywest-fl.gov)

Owen Trepanier, via e-mail to: [owen@owentrepanier.com](mailto:owen@owentrepanier.com)


Peter Wagner

Meeting: Planning Board

Date: July 16, 2020

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated in it are true.

Signature:



A large rectangular box with a green border containing a handwritten signature in blue ink. The signature is written over a horizontal line and appears to read "Susan M. Cardenas".

Print Name: Susan M. Cardenas / Oropeza Stokes & Cardenas

Address or Organization: 221 Simonon Street

Date: 7/6/2020

Please provide this form, along with your written statement, to the City of Key West Clerk's Office by 3:00 PM of the date of the meeting. Please contact 305-809-3832 with any questions. Thank you.



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