

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



To: Chair and Planning Board Members

From: Patrick Wright, Planner II

Through: Thaddeus Cohen, Planning Director

Meeting Date: June 18, 2015

Agenda Item: **Conditional Use – 801 Eaton Street (RE # 00003340-000000; AK # 1003476)** – A request for conditional use approval for a restaurant use on property located within the Historic Neighborhood Commercial – Old Town Northeast and Southeast (HNC-2) Zoning District pursuant to Sections 122-62 and 122-838(9) of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida

Request: To allow a restaurant use within 894 sq. ft. commercial retail space.

Applicant: Damon Santelli of Eaton Street Seafood Market

Property Owner: Joyce Boynton

Location: 801 Truman Avenue (RE # 00003340-000000; AK # 1003476)

Zoning: Historic Neighborhood Commercial (HNC-2)



Background:

The property is located on the corner of Eaton and William Streets and is comprised of a single story commercial building. The proposed restaurant use would be located within the commercial retail space comprising of an existing takeout window. The building was constructed circa 1945 according to the 2011 Historic Resources Survey and is a contributing structure within the Key West Historic District. The property has six (6) existing off street parking spaces.

Request / Proposed Use:

The proposed use of the restaurant is a conditional use within the HNC-2 Zoning District pursuant to City Code Section 122-838(9). The applicant proposes serving ready to consume seafood for on-site consumption and takeout. The applicant is proposing outdoor consumption area in association with the restaurant use and off street parking requirements will be met.

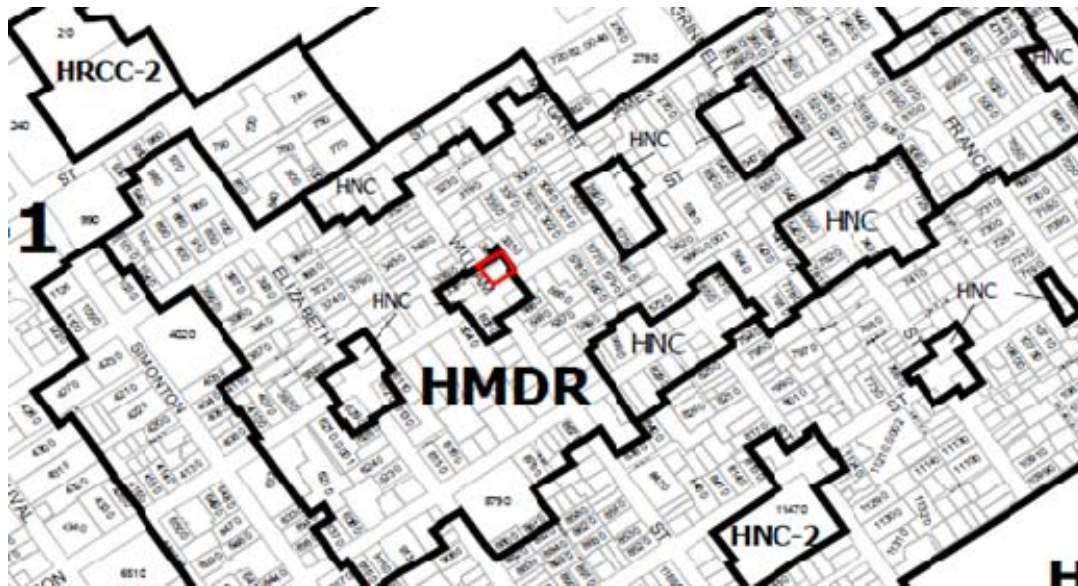
Surrounding Zoning and Uses:

North: HMDR, Residential uses

South: HNC-2, HMDR Mixed commercial/residential and Residential uses

East: HNC-2, HMDR Mixed commercial/residential and Residential uses

West: HNC-2, HMDR Mixed commercial/residential and Residential uses



Process:

Development Review Committee:

April 23, 2015

Planning Board:

June 18, 2015

Local Appeal Period:

10 days

DEO Review:

Up to 45 days

Conditional Use Review

The purpose of conditional use review, pursuant to City Code Section 122-61, is to ensure that a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity. City Code Chapter 122, Article III sets forth provisions and criteria for consideration of conditional uses on specific sites. Conditional uses shall be permitted only upon a finding that the proposed use satisfies this article.

Conditional Use Specific Criteria pursuant to Code Section 122-62

(a) Findings

Code Section 122-62(a) provides, in part, that “a conditional use shall be permitted upon a finding by the Planning Board that the proposed use, application, and, if applicable, development plan comply with the criteria specified in this section, including specific conditions established by the Planning Board and/or the City Commission during review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations.” This section also specifies that “a conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public’s interest.”

(b) Characteristics of use

The proposed conditional use would utilize an already existing commercial space in a historically commercial building. A small portion of the back of house area for the retail fish market will be used for cooking and preparation for service through a take out window. The restaurant would serve as both a 9-seat 135 sq. ft. of on-site consumption area and takeout business. The characteristics of the proposed conditional use are evaluated below.

(1) Scale and intensity of the proposed conditional use as measured by the following:

a. Floor area ratio (FAR):

No change in floor area is proposed.

b. Traffic generation:

No change anticipated.

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

The entire commercial floor area of the building is 894 sf. 740 sf of the commercial floor area is currently used for office and retail. 154 sf of the commercial floor area will be used as the kitchen space for the restaurant use.

d. Proposed employment:

4 employees

e. Proposed number and type of service vehicles:

Staff does not anticipate any adverse impacts from service vehicles.

f. Off-street parking needs:

The site currently maintains six (6) off street parking spaces. Currently the existing retail and office space have a parking requirement of one (1) space per 300 sf. The required parking for this square footage is three (3) spaces. With the remaining three (3) spaces, the proposed restaurant use could have up to 135 square feet of consumption area at one space per 45 square feet, the equivalent of nine (9) seats at one seat per 15 square feet or one space per three seats. The applicant proposes a consumption area under the existing raised canopy.

(2) On- or off-site improvement needs generated by the proposed conditional use and not identified above including the following:

a. Utilities

None expected.

b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in City Code Chapter 94

None expected. Compliance with building codes and life safety codes would be required prior to building permit issuance. Based on comments at the DRC, it does not appear the conditional use will trigger any public facility capacity issues.

c. Roadway or signalization improvements, or other similar improvements

None expected.

d. Accessory structures or facilities

None expected.

e. Other unique facilities/structures proposed as part of site improvements

None proposed.

(3) On-site amenities proposed to enhance site and planned improvements, including mitigative techniques such as:

a. Open space

No change proposed.

b. Setbacks from adjacent properties

No change proposed.

c. Screening and buffers

No change proposed.

d. Landscaping berms proposed to mitigate against adverse impacts to adjacent sites

None proposed.

- e. Mitigative techniques for abating smoke, odor, noise and other noxious impacts**
No noxious impacts expected.

(c) *Criteria for conditional use review and approval*

Pursuant to City Code Section 122-62(c), applications for a conditional use shall clearly demonstrate the following:

(1) Land use compatibility

The proposed use would be located within the existing commercial building. The proposed use is anticipated to be compatible and harmonious with adjacent uses, and would not adversely impact the immediate vicinity.

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

The size and shape of the site are adequate to accommodate the proposed scale and intensity of the conditional use requested.

(3) Proper use of mitigative techniques

No adverse impacts anticipated.

(4) Hazardous waste

None expected or proposed.

(5) Compliance with applicable laws and ordinances

Comply with all applicable laws and regulations would be required.

(6) Additional criteria applicable to specific land uses

Applicants for conditional use approval shall demonstrate that the proposed conditional use satisfies the following specific criteria designed to ensure against potential adverse impacts which may be associated with the proposed land use:

a. Land uses within a conservation area: N/A

b. Residential development: N/A

c. Commercial or mixed use development:

Staff has reviewed the proposed use for land use compatibility based on compliance with the City LDRs, and considered any possible impacts on historic resources, access, pedestrian circulation, solid waste generation and site amenities. Staff's recommendation reflects this review and consideration.

d. Development within or adjacent to historic district:

The property is located within the Key West Historic District. All applicable future construction as a result of this conditional use, if approved, would be subject to

review through the Certificate of Appropriateness process for compliance with appearance and design guidelines for historic structures.

e. Public facilities or institutional development: N/A

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

g. Adult entertainment establishments: N/A

RECOMMENDATION:

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board that the request for Conditional Use be **APPROVED WITH CONDITIONS** as follows:

General conditions:

1. All required Certificates of Appropriateness shall be obtained for the proposed development prior to building permit issuance.
2. Building permits shall be obtained for the installation of the necessary kitchen equipment, ADA accessible restroom, fire suppression system, grease interceptor and any life/safety improvements to the satisfaction of the City's Building Official and Fire Marshall.
3. In order to offset the solid waste generated by the proposed use, staff recommends the owner participate in Waste Management's commercial recycling program and/or participate in a certified green business program, such as through Florida Keys Green Living & Energy Education (GLEE).

Conditions prior to issuance of a Certificate of Occupancy and/or Business Tax Receipt:

4. The owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance shall inspect the property on an annual basis upon reasonable notice to determine compliance with the conditions of the Planning Board resolution.

Conditions subject to a Conditional Approval Permit, and subject to an associated annual inspection:

5. The consumption area of the approved restaurant use shall not exceed nine (9) seats or 135 square feet, whichever is greater, unless further City approvals are obtained. Impact fees shall be paid through the City Licensing Official on all restaurant seats.

Draft Resolution

**PLANNING BOARD
RESOLUTION NO. 2015-**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS A CONDITIONAL USE APPROVAL FOR A RESTAURANT USE ON PROPERTY LOCATED WITHIN THE HISTORIC NEIGHBORHOOD COMMERCIAL – OLD TOWN NORTHEAST AND SOUTHEAST (HNC-2) ZONING DISTRICT PURSUANT TO SECTIONS 122-62 AND 122-838(9) OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the subject property is located within the Historic Neighborhood Commercial – Old Town Northeast and Southeast (HNC-2) Zoning District; and

WHEREAS, pursuant to Sections 122-62 and 122-838(9) of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”), the applicant filed a conditional use application for the proposed restaurant use within a existing commercial retail space on property located at 801 Eaton Street; and

WHEREAS, City Code 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 June 18, 2015; and

WHEREAS, the Planning Board found that the proposed use complies with the criteria in City Code Sections 122-62 and 122-63; and

WHEREAS, the approval of the conditional use application will be in harmony with the

_____ Chairman
_____ Planning Director

general purpose and intent of the LDRs, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

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 a conditional use request, pursuant to Sections 122-62 and 122-838(9) of the Code of Ordinances of the City of Key West, Florida is hereby approved as follows: allowing a restaurant use with on-site consumption for up to nine (9) seats and takeout service on property located at 801 Eaton Street (RE # 00003340-000000; AK # 1003476), with the following conditions:

General conditions:

1. All required Certificates of Appropriateness shall be obtained for the proposed development prior to building permit issuance.
2. Building permits shall be obtained for the installation of the necessary kitchen equipment, ADA accessible restroom, fire suppression system, grease interceptor and any life/safety improvements to the satisfaction of the City's Building Official and Fire Marshall.
3. In order to offset the solid waste generated by the proposed use, staff recommends the owner participate in Waste Management's commercial recycling program and/or participate in a certified green business program, such as through Florida Keys Green Living & Energy Education (GLEE).

Conditions prior to issuance of a Certificate of Occupancy and/or Business Tax

Receipt:

_____ Chairman
_____ Planning Director

4. The owner shall obtain and maintain a Conditional Approval Permit, pursuant to City Code Chapter 18, Article XII, Division 1. The City Code Compliance shall inspect the property on an annual basis upon reasonable notice to determine compliance with the above general conditions.

Conditions subject to a Conditional Approval Permit, and subject to an associated annual inspection:

5. The consumption area of the approved restaurant use shall not exceed nine (9) seats or 135 square feet, whichever is greater, unless further City approvals are obtained. Impact fees shall be paid through the City Licensing Official on all restaurant seats.

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 and construction shall commence within 12 months after the date hereof.

Section 4. This resolution 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 expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not

effective for 45 days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the 45-day review period the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regularly scheduled meeting held this ____ day of _____, 2015.

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

Richard Klitenick, Planning Board Chair

Date

Attest:

Thaddeus Cohen, Planning Director

Date

Filed with the Clerk:

Cheryl Smith, City Clerk

Date

_____ Chairman
_____ Planning Director

Application

P

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION

City of Key West Planning Department

RECEIVED

140 Flagler Avenue, Key West, FL 33040
(305) 809-3720



MAR 27 2015

CITY OF KEY WEST
PLANNING DEPT.

Development Plan & Conditional Use Application

Applications will not be accepted unless complete

Development Plan

Major _____
Minor _____

Conditional Use

X

Historic District

Yes _____
No _____

Please print or type:

1) Site Address 801 EATON ST

2) Name of Applicant DAMON SANTELLI

3) Applicant is: Owner X Authorized Representative _____
(attached Authorization and Verification Forms must be completed)

4) Address of Applicant 1512 17th terr Key West, FL 33040

5) Applicant's Phone # 305-923-0700 Email _____

6) Email Address: INFO @ KWSEAFOOD.COM

7) Name of Owner, if different than above _____

8) Address of Owner JOYCE BOYNTON 1704 LAIRD ST Key West, FL 33040

9) Owner Phone # _____ Email _____

10) Zoning District of Parcel HNC-2 RE# _____

11) Is Subject Property located within the Historic District? Yes X No _____

If Yes: Date of approval _____ HARC approval # _____

OR: Date of meeting _____

12) Description of Proposed Development and Use. Please be specific, list existing and proposed buildings and uses, number of dwelling units, parking, restaurant seats, vehicles proposed, etc. If there is more than one use, describe in detail the nature of each use (Give concise description here and use a separate sheet if necessary).

WANT TO PREPARE FOODS FOR CATERING/TO GO.
THIS HAD BEEN PREVIOUSLY APPROVED ON APRIL 14,
2005 BY TY SYMROSKI, WE DO NOT WANT TO CHANGE
ANYTHING TO EXISTING PROPERTY

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13) Has subject Property received any variance(s)? Yes _____ No _____
If Yes: Date of approval _____ Resolution # _____

Attach resolution(s).

14) Are there any easements, deed restrictions or other encumbrances on the subject property?

Yes _____ No _____

If Yes, describe and attach relevant documents.

A. For both *Conditional Uses* and *Development Plans*, provide the information requested from the attached **Conditional Use and Development Plan** sheet.

B. For *Conditional Uses* only, also include the **Conditional Use Criteria** required under Chapter 122, Article III, Sections 122-61 and 122-62 of the Land Development Regulations (see attached copy of criteria).

C. For *Major Development Plans* only, also provide the **Development Plan Submission Materials** required under Chapter 108, Article II, Division 7, Sections 108-226 through 108-248 of the Land Development Regulations (see attached copy of criteria) and any additional information as determined by the Planning Staff.

D. For both *Conditional Uses* and *Development Plans*, one set of plans **MUST** be signed & sealed by an Engineer or Architect.

Please note, development plan and conditional use approvals are quasi-judicial hearings and it is improper to speak to a Planning Board member or City Commissioner about the project outside of the hearing.

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**Required Plans and Related Materials for both a Conditional Use and
Minor/Major Development Plan**

I. Existing Conditions.

- A) Recent Survey of the site by a licensed Surveyor showing all dimensions including distances from property lines, and including:
 - 1) Size of site;
 - 2) Buildings, structures, and parking;
 - 3) FEMA Flood Zone;
 - 4) Topography;
 - 5) Easements; and
 - 6) Location of Utility Lines (sewer, water, electric, cable) adjacent and extending into the site.
- B) Existing size, type and location of trees, hedges, and other features.
- C) Existing stormwater retention areas and drainage flows.
- D) A sketch showing adjacent land uses, buildings, and driveways.

II. Proposed Development: Plans at 11" X 17" (10,000 Sq. ft. or less); 24" X 36" if site is over 10,000 sq. ft.

- A) Site Plan to scale of with north arrow and dimensions by a licensed architect or engineer.
 - 1) Buildings
 - 2) Setbacks
 - 3) Parking:
 - a. Number, location and size of automobile and bicycle spaces
 - b. Handicapped spaces
 - c. Curbs or wheel stops around landscaping
 - d. Type of pavement
 - 4) Driveway dimensions and material
 - 5) Location of Utility Lines (sewer, water, electric, cable) adjacent and extending into the site.
 - 6) Location of garbage and recycling
 - 7) Signs
 - 8) Lighting
 - 8) Project Statistics:
 - a. Zoning
 - b. Size of site
 - c. Number of units (or units and Licenses)
 - d. If non-residential, floor area & proposed floor area ratio
 - e. Consumption area of restaurants & bars
 - f. Open space area and open space ratio
 - g. Impermeable surface area and impermeable surface ratio
 - h. Number of automobile and bicycle spaces required and proposed
- B) Building Elevations
 - 1) Drawings of all building from every direction. If the project is in the Historic District please submit HARC approved site plans.
 - 2) Height of building.
 - 3) Finished floor elevations and bottom of first horizontal structure
 - 4) Height of existing and proposed grades
- C) Drainage Plan: Existing & Proposed retention areas and calculations approved by the City Engineer. See one of the attached commercial and residential use Stormwater Retention Forms.
- D) Landscape Plan: Size, type, location and number of plants to be removed, kept, and installed. The plan must be approved by the City Landscape Coordinator through a letter of approval. If the project is a Major Development Plan a landscape design prepared by a licensed Landscape Architect is required per Section 108-511(b) of the Land Development Regulations.

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- III. **Solutions Statement.** Aspects of the design that address community issues including but not limited to water pollution from stormwater runoff, potable water conservation, waste disposal, recycling, energy conservation, affordable housing, and impacts on neighbors such as lighting, noise, traffic and parking.

Development Plan Submission Materials

Sec. 108-226. Scope.

A development plan, for the purposes of this division, shall include but not necessarily be limited to the requirements in this division. With the exception of sections 108-227 through 108-229, the city planner may waive or modify requirements, information and specific performance criteria for development plan review after rendering a finding in writing that such requirements:

- (1) Are not necessary prior to development plan approval in order to protect the public interest or adjacent properties;
- (2) Bear no relationship to the proposed project or its impacts; and
- (3) Are found to be impractical based on the characteristics of the use, including the proposed scale, density/intensity, and anticipated impacts on the environment, public facilities and adjacent land uses.

Sec. 108-227. Title block.

The development plan shall contain the following pertaining to the title block:

- (1) Name of development.
- (2) Name of owner/developer.
- (3) Scale.
- (4) North arrow.
- (5) Preparation and revision date.
- (6) Location/street address of development.

Sec. 108-228. Identification of key persons.

The development plan shall contain the following pertaining to identification of key persons:

- (1) Owner.
- (2) Owner's authorized agent.
- (3) Engineer and architect.
- (4) Surveyor.
- (5) Landscape architect and/or environmental consultant.
- (6) Others involved in the application.
- (7) A verified statement showing each and every individual person having a legal and/or equitable ownership interest in the subject property, except publicly held corporations whose stock is traded on a nationally recognized stock exchange, in which case the names and addresses of the corporation and principal executive officers together with any majority stockholders will be sufficient.

Sec. 108-229. Project description.

Project description should be included on the site plan sheet. The development plan shall contain the following pertaining to the project description:

- (1) Zoning (include any special districts).
- (2) Project site size (acreage and/or square footage).
- (3) Legal description.
- (4) Building size.
- (5) Floor area ratio, permitted and proposed.
- (6) Lot coverage, permitted and proposed.
- (7) Impervious surface.
- (8) Pervious surface.
- (9) Landscape areas.

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- (10) Parking spaces, permitted and proposed.
- (11) Delineation of location of existing and proposed structures.
- (12) Existing and proposed development type denoted by land use including density/intensity.
- (13) Setbacks.

Sec. 108-230. Other project information.

A general outline of the proposed development shall include the following criteria where applicable:

- (1) Proposed stages or phases of development or operation and facility utilization.
- (2) Target dates for each phase.
- (3) Expected date of completion.
- (4) Proposed development plan for the site.
- (5) A written description of characteristics of the proposed development (i.e., number and type of residential units; floor area by land use; number of tourist accommodations units; seating or parking capacities; number of hospital beds; any proposed outside facilities or areas to be used for storage, display, outside sales, waste disposal or similar use; and any other proposed uses).
- (6) For planned unit developments, indicate design techniques (i.e., clustering, zero lot line, or other techniques) used to reduce public facility costs, reduce disturbance of natural resources, and preserve scenic quality of the site.
- (7) Buildings and sitting specifications which shall be utilized to reduce damage potential and to comply with federal flood insurance regulations.
- (8) Protection against encroachment together with proposed mitigation measures to be employed within environmentally sensitive areas.

Sec. 108-231. Residential developments.

- (a) If the development includes residential units, the following characteristics shall be discussed in the written description:
 - (1) A breakdown of the proposed residential units by number of bedrooms;
 - (2) Tenure (i.e., owner-occupied or rental); and
 - (3) Structure type, such as single-family, duplex, multiple-family, mobile home.
- (b) Refer to division 10 of article V of chapter 122 for information and legal instruments needed to satisfy the city's affordable housing requirements.

Sec. 108-232. Intergovernmental coordination.

The development plan shall contain the following pertaining to intergovernmental coordination:

- (1) Provide proof of coordination with applicable local, regional, state and federal agencies, including but not limited to the following agencies that will be involved in the project:
 - a. South Florida Regional Planning Council (SFRPC).
 - b. City electric system (CES).
 - c. State department of environmental protection (DEP).
 - d. Army Corps of Engineers (ACOE).
 - e. South Florida Water Management District (SFWMD).
 - f. State department of transportation (DOT).
 - g. State department of community affairs (DCA).
 - h. Florida Keys Aqueduct Authority (FKAA).
 - i. State fish and wildlife conservation commission (F&GC).
 - j. The county.
- (2) Provide evidence that any necessary permit, lease or other permission from applicable local, regional, state and federal agencies has been obtained for any activity that will impact wetland communities or submerged land.
- (3) When intergovernmental coordination efforts are incomplete, the applicant shall provide evidence of good faith efforts towards resolving intergovernmental coordination issues.

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CONDITIONAL USE CRITERIA

Sec. 122-61. Purpose and intent.

The purpose of this article is to ensure that a conditional use shall only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity. This article sets forth provisions and criteria for consideration of conditional uses on specific sites. Conditional uses shall be permitted only upon a finding that the proposed use satisfies this article.

Sec. 122-62. Specific criteria for approval.

- (a) Findings. A conditional use shall be permitted upon a finding by the planning board that the proposed use, application and, if applicable, development plan comply with the criteria specified in this section, including specific conditions established by the planning board and or the city commission during review of the respective application in order to ensure compliance with the comprehensive plan and land development regulations. If the proposed conditional use is a major development pursuant to sections 108-165 and 108-166, the city commission shall render the final determination pursuant to section 122-63. A conditional use shall be denied if the city determines that the proposed use does not meet the criteria provided in this section and, further, that the proposed conditional use is adverse to the public's interest. An application for a conditional use shall describe how the specific land use characteristics proposed meet the criteria described in subsection (c) of this section and shall include a description of any measures proposed to mitigate against possible adverse impacts of the proposed conditional use on properties in the immediate vicinity.
- (b) Characteristics of use described. The following characteristics of a proposed conditional use shall be clearly described as part of the conditional use application:
- (1) Scale and intensity of the proposed conditional use as measured by the following:
 - a. Floor area ratio;
 - b. Traffic generation;
 - c. Square feet of enclosed building for each specific use;
 - d. Proposed employment;
 - e. Proposed number and type of service vehicles; and
 - f. Off-street parking needs.
 - (2) On- or off-site improvement needs generated by the proposed conditional use and not identified on the list in subsection (b)(1) of this section including the following:
 - a. Utilities;
 - b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in chapter 94;
 - c. Roadway or signalization improvements, or other similar improvements;
 - d. Accessory structures or facilities; and
 - e. Other unique facilities/structures proposed as part of site improvements.
 - (3) On-site amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:
 - a. Open space;
 - b. Setbacks from adjacent properties;
 - c. Screening and buffers;
 - d. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites; and
 - e. Mitigative techniques for abating smoke, odor, noise, and other noxious impacts.

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- (c) Criteria for conditional use review and approval. Applications for a conditional use shall clearly demonstrate the following:
- (1) Land use compatibility. The applicant shall demonstrate that the conditional use, including its proposed scale and intensity, traffic-generating characteristics, and off-site impacts are compatible and harmonious with adjacent land use and will not adversely impact land use activities in the immediate vicinity.
 - (2) Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use. The size and shape of the site, the proposed access and internal circulation, and the urban design enhancements must be adequate to accommodate the proposed scale and intensity of the conditional use requested. The site shall be of sufficient size to accommodate urban design amenities such as screening, buffers, landscaping, open space, off-street parking, efficient internal traffic circulation, infrastructure (i.e., refer to chapter 94 to ensure concurrency management requirements are met) and similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.
 - (3) Proper use of mitigative techniques. The applicant shall demonstrate that the conditional use and site plan have been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land uses. In addition, the design scheme shall appropriately address off-site impacts to ensure that land use activities in the immediate vicinity, including community infrastructure, are not burdened with adverse impacts detrimental to the general public health, safety and welfare.
 - (4) Hazardous waste. The proposed use shall not generate hazardous waste or require use of hazardous materials in its operation without use of city-approved mitigative techniques designed to prevent any adverse impact to the general health, safety and welfare. The plan shall provide for appropriate identification of hazardous waste and hazardous material and shall regulate its use, storage and transfer consistent with best management principles and practices. No use which generates hazardous waste or uses hazardous materials shall be located in the city unless the specific location is consistent with the comprehensive plan and land development regulations and does not adversely impact wellfields, aquifer recharge areas, or other conservation resources.
 - (5) Compliance with applicable laws and ordinances. A conditional use application shall demonstrate compliance with all applicable federal, state, county, and city laws and ordinances. Where permits are required from governmental agencies other than the city, these permits shall be obtained as a condition of approval. The city may affix other conditions to any approval of a conditional use in order to protect the public health, safety, and welfare.
 - (6) Additional criteria applicable to specific land uses. Applicants for conditional use approval shall demonstrate that the proposed conditional use satisfies the following specific criteria designed to ensure against potential adverse impacts which may be associated with the proposed land use:
 - a. Land uses within a conservation area. Land uses in conservation areas shall be reviewed with emphasis on compliance with section 108-1 and articles III, IV, V, VII and VIII of chapter 110 pertaining to environmental protection, especially compliance with criteria, including land use compatibility and mitigative measures related to wetland preservation, coastal resource impact analysis and shoreline protection, protection of marine life and fisheries, protection of flora and fauna, and floodplain protection. The size, scale and design of structures located within a conservation area shall be restricted in order to prevent and/or minimize adverse impacts on natural resources. Similarly, public uses should only be approved within a wetland or coastal high hazard area V zone when alternative upland locations are not feasible on an upland site outside the V zone.
 - b. Residential development. Residential development proposed as a conditional use shall be reviewed for land use compatibility based on compliance with divisions 2 through 14 of article IV and divisions 2 and 3 of article V of this chapter pertaining to zoning district regulations, including size and dimension regulations impacting setbacks, lot coverage, height, mass of building, building coverage, and open space criteria. Land use compatibility also shall be measured by appearance, design, and land use compatibility criteria established in chapter 102; articles III, IV and V of chapter 108; section 108-956; and article II of chapter 110; especially protection of historic resources; subdivision of land; access, internal circulation, and off-

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION
City of Key West Planning Department
3140 Flagler Avenue, Key West, FL 33040
(305) 809-3720



street parking; as well as possible required mitigative measures such as landscaping and site design amenities.

- c. Commercial or mixed use development. Commercial or mixed use development proposed as a conditional use shall be reviewed for land use compatibility based on compliance with divisions 2 through 14 of article IV and divisions 2 and 3 of article V of this chapter pertaining to zoning district regulations, including size and dimension regulations impacting floor area ratio, setbacks, lot coverage, height, mass of buildings, building coverage, and open space criteria. Land use compatibility also shall be measured by appearance, design, and land use compatibility criteria established in chapter 102; articles I, II, IV and V of chapter 108; section 108-956; and article II of chapter 110; especially protection of historic resources; subdivision of land; access, pedestrian access and circulation; internal vehicular circulation together with access and egress to the site, and off-street parking; as well as possible required mitigative measures such as landscaping, buffering, and other site design amenities. Where commercial or mixed use development is proposed as a conditional use adjacent to U.S. 1, the development shall be required to provide mitigative measures to avoid potential adverse impacts to traffic flow along the U.S. 1 corridor, including but not limited to restrictions on access from and egress to U.S. 1, providing for signalization, acceleration and deceleration lanes, and/or other appropriate mitigative measures.
- d. Development within or adjacent to historic district. All development proposed as a conditional use within or adjacent to the historic district shall be reviewed based on applicable criteria stated in this section for residential, commercial, or mixed use development and shall also comply with appearance and design guidelines for historic structures and contributing structures and/or shall be required to provide special mitigative site and structural appearance and design attributes or amenities that reinforce the appearance, historic attributes, and amenities of structures within the historic district.
- e. Public facilities or institutional development. Public facilities or other institutional development proposed as a conditional use shall be reviewed based on land use compatibility and design criteria established for commercial and mixed use development. In addition, the city shall analyze the proposed site location and design attributes relative to other available sites and the comparative merits of the proposed site, considering professionally accepted principles and standards for the design and location of similar community facilities and public infrastructure. The city shall also consider compliance with relevant comprehensive plan assessments of community facility and infrastructure needs and location impacts relative to service area deficiencies or improvement needs.
- f. Commercial structures, uses and related activities within tidal waters. The criteria for commercial structures, uses and related activities within tidal waters are as provided in section 122-1186.
- g. Adult entertainment establishments. The criteria for adult entertainment establishments are as provided in division 12 of article V of this chapter.

Verification

**City of Key West
Planning Department**



Verification Form

(Where Authorized Representative is an individual)

① DAMON SANTELLI

I, Damon Santelli 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:

801 EATON ST Key West, FL 33040

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.

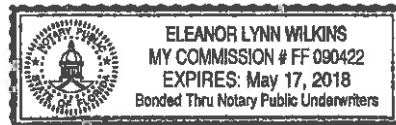
Damon Santelli
Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this April 2, 2015 by
date

Damon Santelli
Name of Authorized Representative

He/She is personally known to me or has presented FL Driver's Lic as identification.

Eleanor Lynn Wilkins
Notary's Signature and Seal



Eleanor Lynn Wilkins
Name of Acknowledger typed, printed or stamped

Commission Number, if any

Authorization

City of Key West
Planning Department



Authorization Form
(Individual or Joint Owner)

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

I, Joyce Boynton authorize
Please Print Name(s) of Owner(s) as appears on the deed

DAMON SANTELLI
Please Print Name of Representative

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

Joyce M. Boynton
Signature of Owner

Signature of Joint/Co-owner if applicable

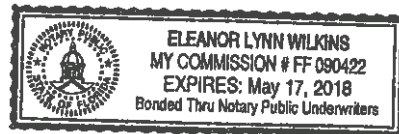
Subscribed and sworn to (or affirmed) before me on this April 2, 2015
Date

by Joyce M. Boynton
Name of Owner

He/She is personally known to me or has presented FL Driver's License as identification.

Eleanor Lynn Wilkins
Notary's Signature and Seal

Eleanor Lynn Wilkins
Name of Acknowledger typed, printed or stamped



Commission Number, if any

Deed

Prepared by and return to:

Wayne LaRue Smith
Attorney at Law
The Smith Law Firm
333 Fleming Street
Key West, FL 33040
305-296-0029

Doc# 1958034 11/19/2013 1:37PM
Filed & Recorded in Official Records of
MONROE COUNTY AMY HEAVILIN

11/19/2013 1:37PM
DEED DOC STAMP CL: Krys \$0.70

Parcel Identification No. 00038950-000000

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

Doc# 1958034
Bk# 2658 Pg# 2459

This Indenture made this 13 day of **November, 2013** between **Michael S. Chodzin**, a single man, whose post office address is 1704 Laird Street, Key West, Florida, 33040, grantor*, and **Michael S. Chodzin**, a single man and **Joyce Boynton**, a single woman, as Joint Tenants With Rights of Survivorship, whose post office address is 1704 Laird Street, Key West, Florida 33040, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Monroe County, Florida**, to-wit:

On the Island of Key West, Monroe County, Florida, and known on William A. Whitehead's map of said City of Key West, delineated in February, 1829, as part of Lot 4, Square 21, and being more particularly described as follows:

BEGIN at the intersection of the Northwesterly Right of Way Line of Eaton Street and the Northeasterly Right of Way line of William Street; thence in a Northeasterly direction along the said Northwesterly Right of Way Line of Eaton Street for 128.00 feet; thence at a right angle and in a Northwesterly direction for 125.00 feet; thence at a right angle and in a Southwesterly direction for thirty feet; thence at a right angle and in a Northwesterly direction for 14.00 feet; thence at a right angle and in a Southwesterly direction for 33.28 feet; thence at an angle of 89°53'00" to the right and in a Southeasterly direction for 22.87 feet; thence at a right angle and in a Northeasterly direction for 5.00 feet; thence at a right angle and in a Southeasterly direction for 76.00 feet; thence at a right angle and in a Southwesterly direction for 70 feet to the said Northeasterly Right-of-Way Line of William Street; thence at a right angle and in a Southeasterly direction along the said Northeasterly Right-of-Way Line of William Street for forty feet to the Point of Beginning.

Containing 10,581 Square Feet, more or less.

SUBJECT TO: Conditions and Restrictions of Record, if any.

SUBJECT TO: Taxes for the year 2013 and subsequent years.

This deed was prepared without benefit of title search.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]
Witness Name: JANE A. SHERIDAN
[Signature]
Witness Name: MARTNA E. BAAS

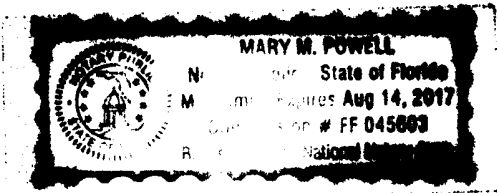
[Signature]
Michael S. Chodzin
[Signature]

State of Florida

County of PINEALLAS

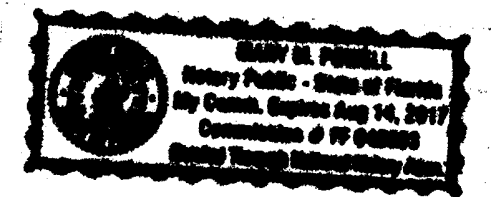
The foregoing instrument was acknowledged before me this 13 day of November, 2013 by Michael S. Chodzin, who is personally known or has produced a driver's license as identification.

[Notary Seal]

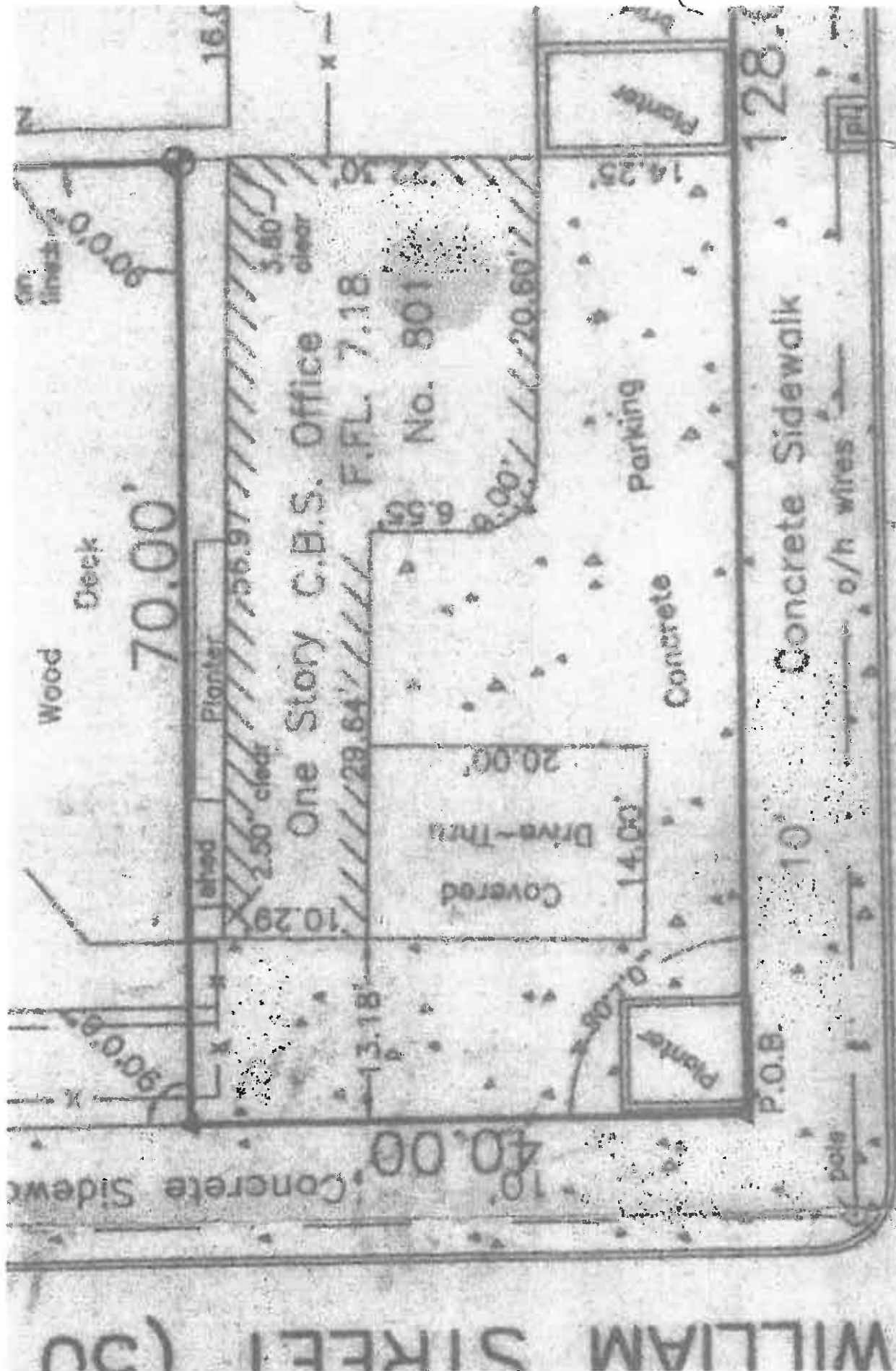


[Signature]
Notary Public, State of Florida
Printed Name: MARY M. POWELL
My Commission Expires: 8/14/2017

Z:\1776\01\2013-11-04 Warranty Deed - 801 Eaton Street..docx



Survey

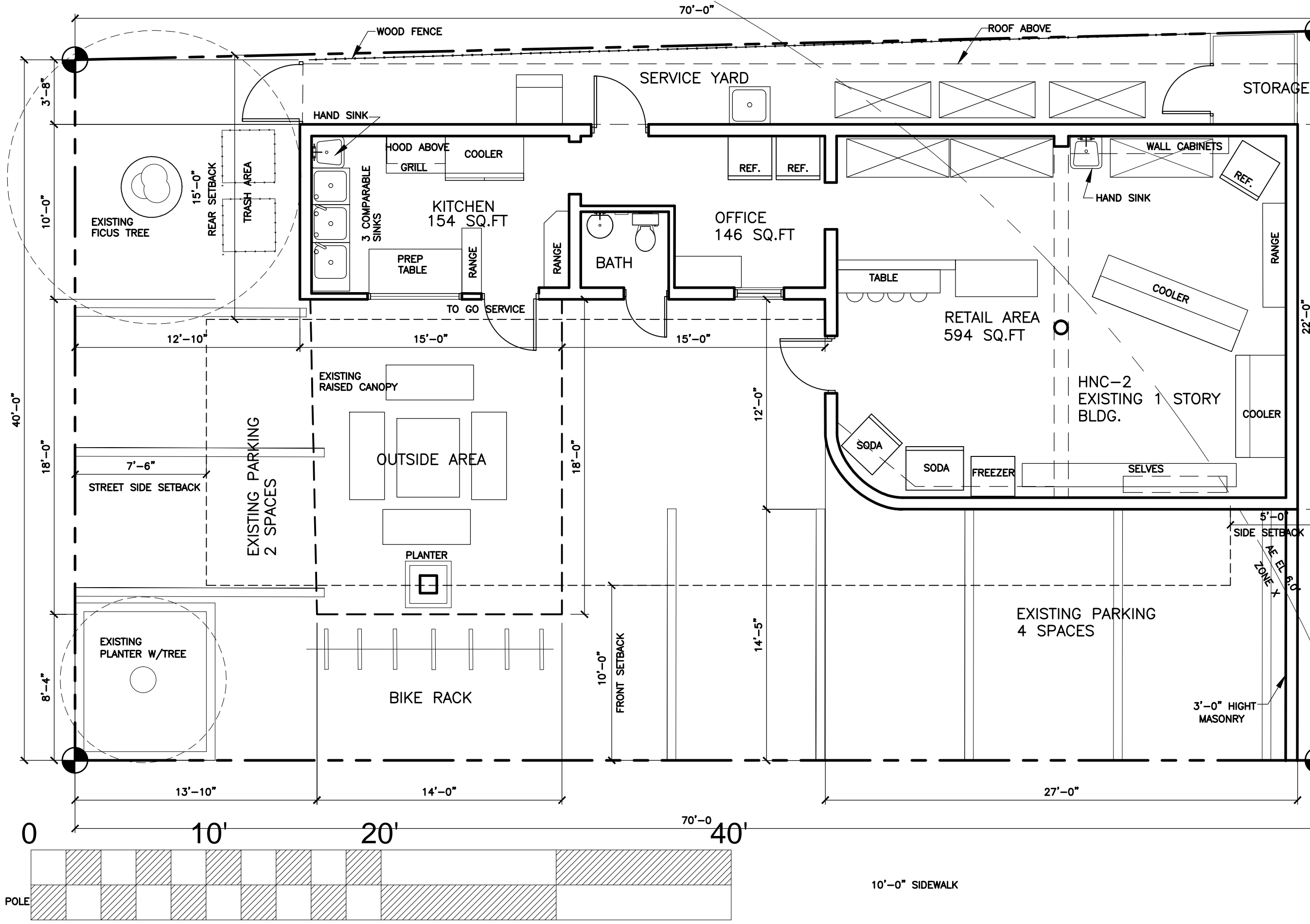


FATON STREET

WILLIAM STREET (SU)

Site Plans

WILLIAM STREET
10'-0" SIDEWALK
40'-0"



SITE DATA	
SITE AREA USE :	2,840 SF
GENERAL BUILDING FLOOR AREA:	894 SF EXIST'G
ENCLOSE BLDG COVERAGE	31% EXIST'G COVERAGE
FLOOD ZONE :	AE +6.0'
PANEL	1208761516K
EFFECTIVE	02/18/05
SETBACKS :	
FRONT SETBACK (EATON)	REQUIRED : 10'-0"
EXIST'G	: 8'-4"
REAR SETBACK	REQUIRED : 15'-0"
EXIST'G	: ±4'-6"
SIDE SETBACK	REQUIRED : 5'-0"
EXIST'G	: ±1'-4"
STREET SIDE	REQUIRED : 7.5'-0"
EXIST'G	: 13'-4"
TOTAL PARKING SPACES EXISTING:	6
BIKE PARKING SPACES EXISTING:	10

SITE PLAN AND FLOOR PLAN

No.	Date

Firm Name and Address
Elena Khranovskaya

Project Name and Address
930 EATON VENTURES D.B.A. EATON STREET SEAFOOD MARKET
801 eaton street key west

Project	Sheet
6-10-15	A 1
Date	
Scale	
3/16" = 1'-0"	

EATON STREET

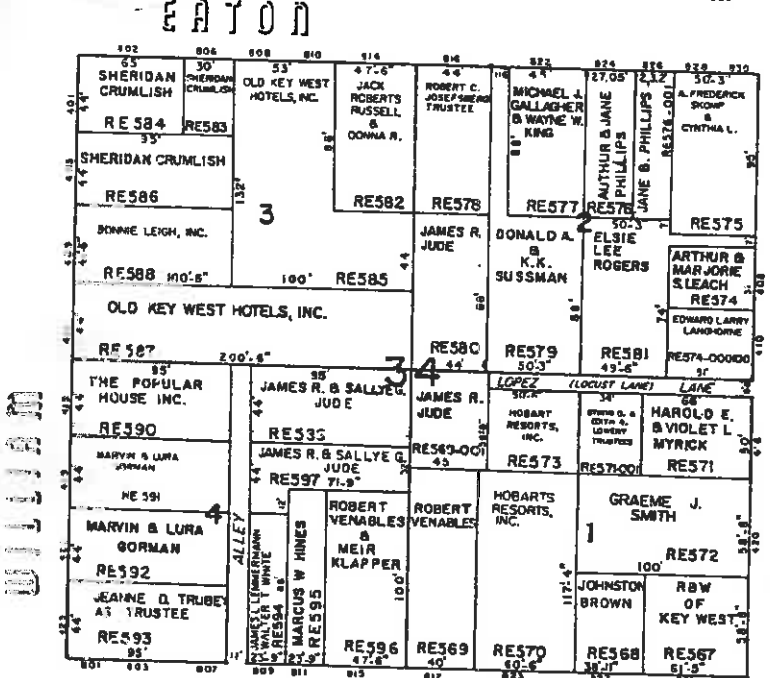
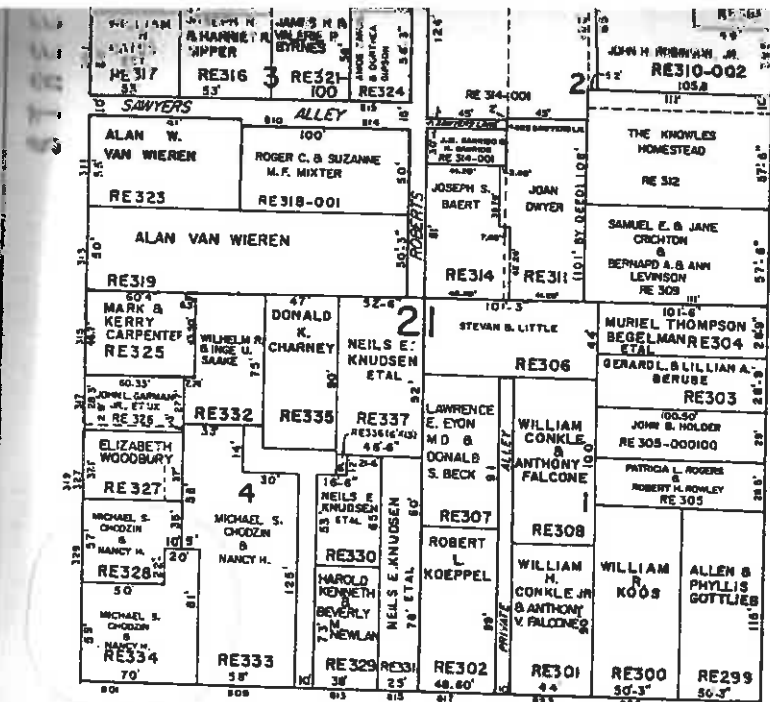
Site Photos



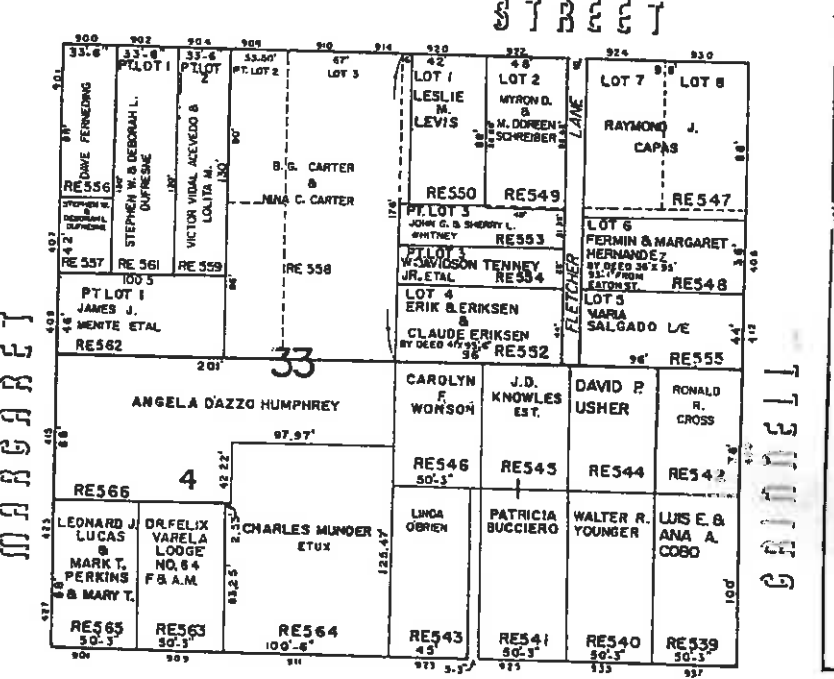
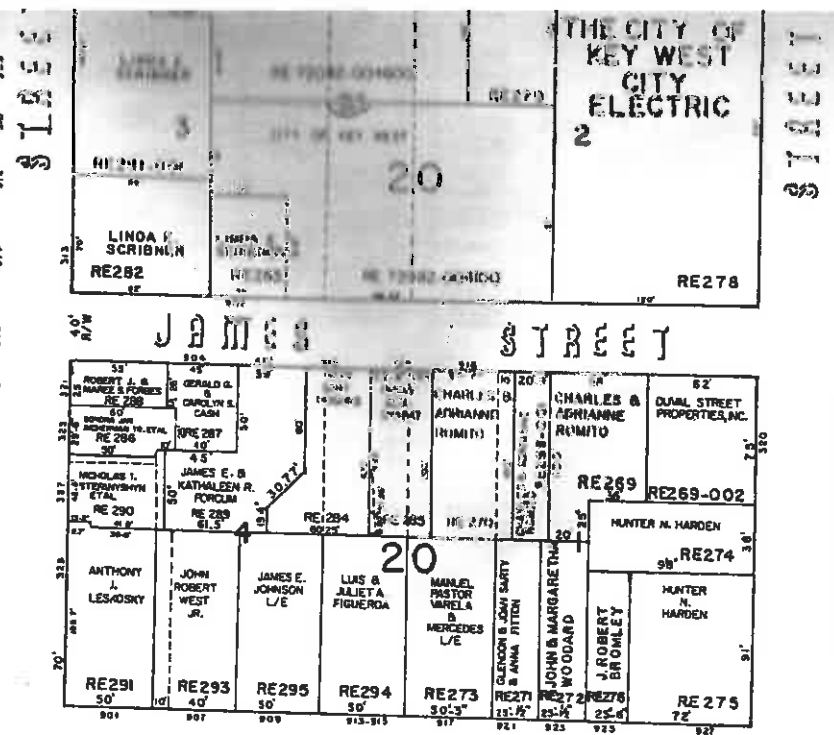


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SCALE 1"=50'

Property Appraiser Information



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

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

Property Record Card -
Maps are now launching the new map application version

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

Alternate Key: 1003476 Parcel ID: 00003340-000000

Ownership Details

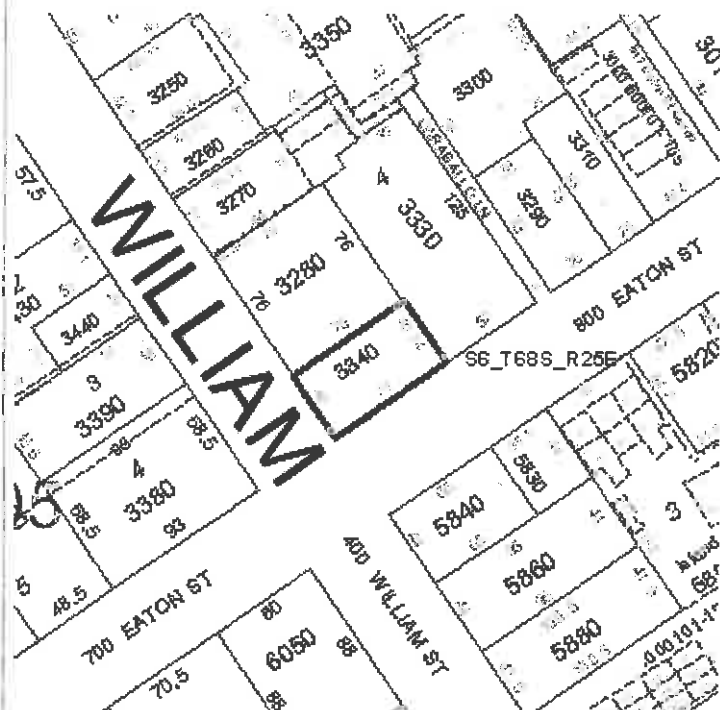
Mailing Address:
CHODZIN MICHAEL S
1704 LAIRD ST
KEY WEST, FL 33040-5314

All Owners:
BOYNTON JOYCE R/S, CHODZIN MICHAEL S

Property Details

PC Code: 11 - STORES ONE STORY
Millage Group: 10KW
Affordable Housing: No
Section-Township-Range: 06-68-25
Property Location: 801 EATON ST KEY WEST
Legal Description: KW PT LOT 4 SQR 21 PARCEL 1 XX-387 OR546-717 OR744-691/92 OR782-1493/94 OR956-2421/22 OR1291-354/55 OR1650-441/44 OR2658-2459/60

Click Map Image to open interactive viewer



Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	70	40	2,847.00 SF

Building Summary

Number of Buildings: 1
 Number of Commercial Buildings: 1

Total Living Area: 893
Year Built: 1945

Building 1 Details

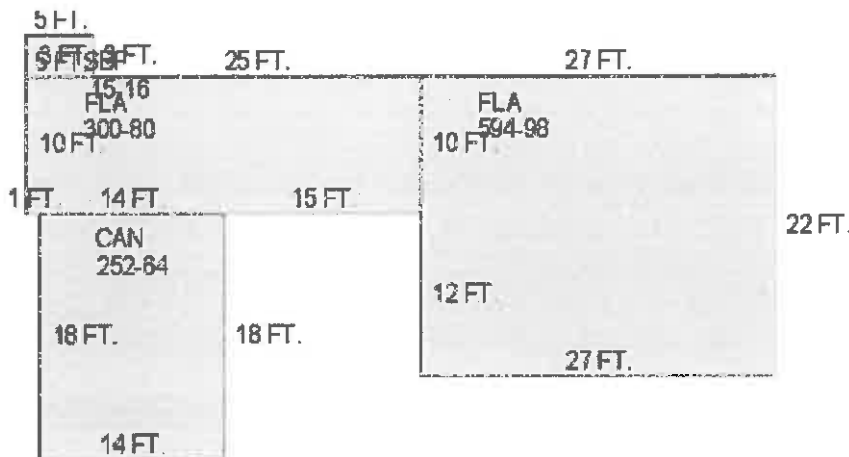
Building Type	Condition A	Quality Grade 350
Effective Age 20	Perimeter 178	Depreciation % 23
Year Built 1945	Special Arch 0	Grnd Floor Area 893
Functional Obs 0	Economic Obs 0	

Inclusions:

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

Extra Features:

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



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic	A/C	Basement %	Finished Basement %	Area
1	SBF		1	1990					15
2	FLA		1	1990					300
3	CAN		1	1990					252
4	FLA		1	1990					593

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
	1029	1 STY STORE-D	100	N	Y
	1031	1 STY STORE-D	100	N	N

Exterior Wall:

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

Misc Improvement Details

Nbr	Type	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	PT3:PATIO	1,114 SF	0	0	1947	1948	2	50
2	PT2:BRICK PATIO	70 SF	14	5	1947	1948	2	50
3	FN2:FENCES	126 SF	18	7	1981	1982	2	30

Building Permits

Bldg Number	Date Issued	Date Completed	Amount	Description	Notes
	04/20/2010	07/19/2010	16,340	Commercial	REMOVE AND INSTALL ROOF COVERING
10-1171	04/20/2010		16,340	Commercial	REMOVE AND INSTALL NEW ROOFING, REMOVE DOWN TO WOOD DECK PEEL AND STICK 1/4" DECK, INSULATION SINGLE PLY ROOF SYSTEM
M932037	07/01/1993	12/01/1993	1,600		INSTALL 1.5 TON AC
B952804	08/01/1995	11/01/1995	700		INSTALL STORM PANELS

Parcel Value History

Certified Roll Values.

[View Taxes for this Parcel.](#)

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2014	108,415	3,951	288,451	400,817	374,099	0	400,817
2013	108,415	3,951	227,724	340,090	340,090	0	340,090
2012	108,415	3,951	227,724	340,090	340,090	0	340,090
2011	100,823	3,951	392,445	497,219	497,219	0	497,219
2010	100,823	3,951	390,863	495,637	495,637	0	495,637
2009	105,802	3,951	410,586	520,339	520,339	0	520,339
2008	105,802	3,951	427,050	536,803	536,803	0	536,803
2007	70,965	3,951	427,050	501,966	501,966	0	501,966
2006	72,634	3,951	270,465	347,050	347,050	0	347,050
2005	72,634	3,951	227,760	304,345	304,345	0	304,345
2004	73,464	3,951	170,820	248,235	248,235	0	248,235
2003	73,464	3,951	98,000	175,415	175,415	0	175,415
2002	73,464	3,951	98,000	175,415	175,415	0	175,415

2001	61,797	3,951	56,000	121,748	121,748	0	121,748
2000	61,797	1,114	91,700	154,611	154,611	0	154,611
1999	61,797	1,114	97,431	160,342	160,342	0	160,342
1998	41,294	1,114	97,431	139,839	139,839	0	139,839
1997	41,294	1,114	88,261	130,669	130,669	0	130,669
1996	37,540	1,114	88,261	126,915	126,915	0	126,915
1995	37,540	1,114	88,261	126,915	126,915	0	126,915
1994	37,044	1,114	88,261	126,419	126,419	0	126,419
1993	37,044	0	88,261	125,305	125,305	0	125,305
1992	37,044	0	88,261	125,305	125,305	0	125,305
1991	37,044	0	88,261	125,305	125,305	0	125,305
1990	33,258	0	88,261	121,519	121,519	0	121,519
1989	33,258	0	87,115	120,373	120,373	0	120,373
1988	32,034	0	87,115	119,149	119,149	0	119,149
1987	34,989	0	39,624	74,613	74,613	0	74,613
1986	11,741	0	38,294	50,035	50,035	0	50,035
1985	11,504	0	19,370	30,874	30,874	0	30,874
1984	10,850	0	19,370	30,220	30,220	0	30,220
1983	10,850	0	19,370	30,220	30,220	0	30,220
1982	10,922	0	19,370	30,292	30,292	0	30,292

Parcel Sales History

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

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
11/13/2013	2658 / 2459	0	WD	11
10/1/1985	956 / 2421	252,000	WD	M

This page has been visited 590,288 times.

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