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CITY OF KEY WEST, FLORIDA
PLANNING BOARD

OLD CITY HALL
510 GREENE STREET
KEY WEST, FLORIDA

Thursday, March 20, 2014
Commencing at 6:03 p.m.

Excerpt of Proceedings:

In Re: 00033010-000000/00033050-000000
Parking Variance 1200-1212 White Street
and 1124 Catherine Street

Board Members Present: Chairman Richard Klitenick
Member Peter Pike
Member Michael Browning
Member Christina Spottswood
Member Sam Holland, Jr.

Also Present: Larry Erskine, Assistant City Attorney
Donald Craig, Planning Director
Stacy Gibson, Administrative Assistant

Stenographically *Transcribed by:

Cathy H. Webster RPR
Courthouse Business Center
302 Southard Street, Suite 107
Key West, Florida 33040

E X C E R P T

1
2 CHAIRMAN KLITENICK: And just so that we are
3 clear, Ms. Wheeler coming up as a member of the
4 public is not a participant, is not subject to
5 cross-examination, and neither can she cross-examine
6 the Board, staff, the applicant, or anyone else.

7 Who has signed up first?

8 BOARD CLERK: Ms. Wheeler has signed up first.

9 CHAIRMAN KLITENICK: Okay. There we go.

10 Start her ten minutes right now before she gets
11 up there.

12 MS. WHEELER: Hello, Board members. Thank you
13 for being here tonight.

14 BOARD CLERK: Can you please talk into the
15 microphone?

16 MS. WHEELER: Oh, I'm sorry.

17 My name is Linda Wheeler and my husband and I
18 live at 1213 White Street, which is directly across
19 the street. That's what I look out of my bedroom
20 and living room window every day.

21 I -- we have, of course, been very, very
22 involved in this project from the beginning. We
23 have welcomed Mr. Mills, along with the rest of our
24 neighborhood. I'm also an attorney here in town,
25 and I represent 23 neighbors who are the closest in

1 vicinity, and, therefore, the most directly impacted
2 by the proposals that this -- the reincarnations
3 that this thing has gone through.

4 I'm sorry I'm so low tech. I do not have this
5 map on a DVD. I'm just going to fold and unfold it
6 and one of the materials -- some of the materials
7 that you've already been given, there is a list of
8 the neighbors who are the surrounding neighbors who
9 I have been requested to speak on their behalf.

10 Some of the other neighbors are here, too, but
11 I will just hold this up briefly, not to delay the
12 issue.

13 Mr. Mills' property is the small yellow one in
14 the center, and all the red marks, kind of in a big
15 wagon train around it, are all the people that are
16 on this list and have filed written objections to
17 the issues as they have been initially proposed. I
18 have submitted a copy of that into the record.

19 I want to start right away, because I don't
20 have very much time, addressing what Mr. Trepanier
21 said about the pie-shape analysis that he gave you.
22 We have very, very different opinions about what
23 Mr. Mills can do at that property, and I spoke again
24 today with the planning department, and I would ask
25 you after my time is up if you have any questions to

1 confirm what I'm going to tell you now.

2 Mr. Mills is entitled to use 100 percent of his
3 property: two apartments upstairs, 5,400 square
4 feet downstairs that's commercial space. He's
5 entitled to use that all for permitted purposes,
6 which is retail sales, and its professional office
7 space, doctor's offices, real estate offices.

8 And he does not have to come before you and get
9 one parking waiver. Not one. He's entitled to
10 every bit of that land, the use -- 100-percent use.
11 Not 90. Not two percent or 15 percent. One hundred
12 percent use, reasonable use of his property if he
13 sticks to permissible or permitted by right uses.

14 It is only because Mr. Mills wants to have
15 different uses, conditional uses, uses that are not
16 permitted unless they're given by special exception
17 by this panel. And because of that, then it
18 triggers a whole other analysis, and then we have to
19 start counting how many for the upstairs and how
20 many for the retail.

21 But if Mr. Mills would confine his use of that
22 property to permitted by right uses, he wouldn't
23 need to be here at all for any kind of a parking
24 variance. So Mr. Trepainer's representation that 90
25 -- 85 to 99 percent use of his building would be

1 lost and he would have this hardship, is not an
2 accurate statement, and I don't want you to be left
3 with that impression.

4 Under the variances there is a very specific
5 criteria that's required. It's a seven-part step
6 and it starts off describing that the proposed
7 conditional uses in the parking variances, the
8 protection is for exactly the people that I showed
9 you, all of the neighbors around it.

10 The zoning protection is intended to protect
11 those that are going to be the most severely and
12 most closely impacted. Section 122-61 of our codes
13 says a conditional use will only -- shall only be
14 permitted on a specific site where it may be
15 adequately accommodated, and this is the key
16 language, without generating adverse impact on the
17 properties and the land uses within the immediate
18 vicinity.

19 When we go to the parking variances, there is
20 several criteria. One is the existence of special
21 conditions. Mr. Mills is unable to meet this
22 criteria. There are no special conditions. Every
23 property on that block in the 1200 and 1100 block
24 doesn't have off-street parking. They're all
25 subject to the same zoning code as Mr. Mills.

1 The conditions cannot be created by the
2 applicant. This is one of the criteria he simply
3 cannot meet. He has created the conditions because
4 he's attempting to use -- to have conditional uses
5 rather than permitted uses at that site.

6 The third -- it's only because he wants to put
7 a restaurant where he's entitled to put retail or
8 professional offices that we're even having to have
9 these discussions. So he has created this need for
10 a condition.

11 If you were to give it, number criteria three
12 is that you cannot give special privileges. If you
13 were to approve this, you would be giving Mr. Mills
14 special privileges that none of the other properties
15 in those blocks, or in our HNC1 district are
16 permitted. HNC1 is residential and light
17 commercial.

18 The fourth thing is hardship conditions, and
19 there's a very long log of case law on this, and I
20 didn't know any of this law until I was involved in
21 this case. And the applicant simply cannot create
22 the hardship. It can't be because he wants to do
23 things and if he doesn't get it he'll have a
24 hardship. In fact, it's the reverse. If you were
25 to grant the variance, you would be submitting a

1 hardship on all the people that have to live with 15
2 less parking spaces on a block that only has 19 to
3 begin with.

4 So for those reasons -- I'm sorry. The last
5 one, number five. The fifth criteria is that there
6 can only be minimum variances. Minimum variance
7 granted. The very least that's possible. And as I
8 said at the beginning of this, the very least that's
9 possible is zero. Mr. Mills can use 100 percent of
10 his property for reasonable use, which is what the
11 ordinance calls for. With zero.

12 And if there is an issue that he wants to have
13 a larger space for his moped sales, which, fine,
14 he's entitled to do that. It would only be the
15 difference. He wants I think it's 270 -- 2,700
16 square feet of retail space, and he's entitled to
17 have 2,500 without any problem.

18 So we're really only looking at about 295, the
19 footprint's a little bit larger. That would be one
20 space that you would have to grant in order for him
21 to have that larger retail space. Not 18. Not 18
22 whatsoever.

23 The last thing is number six, which is that it
24 would not be injurious to the public welfare, and
25 I'm sorry to say that my neighbors and I think that

1 inserting a restaurant on that corner would be
2 injurious. There are only 19 spaces on that entire
3 block. He needs 15 of them. We had a small
4 restaurant -- a bakery many years ago. It was
5 opened from about 7:00 in the morning till 3:00 in
6 afternoon. Now we're facing something at 11:00 at
7 night.

8 His parking lot is simply not large enough to
9 accommodate what's going on if you -- I like going
10 to little neighborhood restaurants, but if I lived
11 next to El Siboney and I had to have the smell of
12 garlic and roast pork in my closet and in my
13 clothes, I would be very unhappy. This nuisance is
14 trying to move into my neighborhood. I didn't move
15 to El Siboney. A restaurant is trying to come into
16 our neighborhood.

17 And for that reason, and many others,
18 pollution, inability to contain all the waste on his
19 site, a restaurant is just not a good idea at that
20 site, whereas retail sales and a professional
21 building is a really good idea at that site. We're
22 just about to get City Hall three doors down from
23 us.

24 There's going to be a huge -- there's already a
25 need and they'll be more for court reporters and

1 surveyors and many uses that Mr. Mills can use with
2 this property without trying to shoehorn in a
3 restaurant that's just not -- it can't sit on the
4 site that he has.

5 He bought a building that's a single building
6 with three parking places and he has to accept the
7 limitations of what he's purchased and not try to
8 exploit it at the expense of the rest of the
9 neighbors.

10 Last point. There are already several little
11 restaurants that are non-conforming, but they're
12 grandfathered in. Were you to say to Mr. Mills, go
13 ahead, You can get a 15-parking waiver on White
14 Street in the 1100 and 1200 block to introduce a new
15 business. What are you saying to Mo's, to
16 Matthessen's, to the other little restaurants that
17 are all struggling, have the same parking problem.

18 And you're just deciding to allow someone new
19 to come in and take a very finite portion of parking
20 places. It's just like not having -- you can't have
21 unlimited fishing boats in one small lake nobody
22 needs. You can't just keep slicing the parking pie
23 into tinier pieces, otherwise no one can survive.

24 So I would ask you to deny the parking
25 variance, or at the very most, if it becomes

1 necessary through recalculations to give Mr. Mills
2 whatever he needs in order to have permitted uses at
3 that site.

4 BOARD CLERK: Time.

5 MS. WHEELER: And that we ask that the
6 restaurant be denied. Thank you.

7 CHAIRMAN KLITENICK: All right. Thank you.

8 Before we get to our next speaker, Larry, I
9 have a question for you. Linda just got up here and
10 made a blanket legal statement that permitted uses
11 have no parking requirements. I mean, I open up a
12 150-seat restaurant in New Town, I don't have to
13 have any parking spaces?

14 MR. ERSKINE: In New Town?

15 CHAIRMAN KLITENICK: Wherever. Wherever it's
16 permitted as of right. I don't need parking?

17 MR. ERSKINE: I'm not exactly sure that's what
18 she --

19 CHAIRMAN KLITENICK: You're saying if their use
20 is permitted as of right there is no parking
21 requirements.

22 MR. ERSKINE: I think that's probably a
23 question for Don, but I don't think that's correct.
24 I mean, I think it doesn't hinge on whether or not
25 it is a permitted use or whether you need to get a

1 conditional use for it. Whatever parking it
2 generates I believe has to be accounted for.

3 CHAIRMAN KLITENICK: That's what I'm saying.
4 That was my question.

5 MR. ERSKINE: Right.

6 CHAIRMAN KLITENICK: Yeah. Okay. Who's next?

7 BOARD CLERK: Helen Garcia.

8 CHAIRMAN KLITENICK: Good evening.

9 MS. GARCIA: Good evening. Helen Garcia. 3310
10 Harriet Avenue.

11 A few months ago I came before the Planning
12 Board on behalf Mr. Mills and I still support his
13 goals. The property of 1200 to 1212 White Street is
14 the old location of the La Dichosa Bakery. I lived
15 at 1212 Catherine Street for over 29 years of my
16 life and I've seen good changes in the neighborhood.
17 We all know what happens to an idle building when it
18 just sits there.

19 Mr. Mills has purchased this rundown building
20 and lot. Everyone was surprised and happy with the
21 improvements he made. He cleaned up the vagrants,
22 debris, and improved the property value of all other
23 establishments in the area.

24 There was no dispute over that. And, needless
25 to say, it was not cheap. And he is still trying to

1 bring the property into code compliance and hopes to
2 regenerate income and continue his business that
3 he's had for 52 years.

4 The majority of neighbors are in favor of him
5 having the plans to bring to life, but on the flip
6 side he has been constantly harassed and intruded
7 upon and has had his tires slashed as a disagreement
8 because he wanted to continue the dream of having a
9 business at this location, which includes a bakery
10 and a restaurant.

11 I believe that White Street is a public street.
12 Locals always find a way to get along and are
13 usually courteous to one another regardless. White
14 Street has become mostly a commercial area, and even
15 businesses conducted out of homes. And I'm sure
16 that when Coldwell Banker took over the Firestone
17 Building there was doubt about that building, as
18 well as other changes have been good for White
19 Street.

20 Victor has done everything to be in compliance.
21 To accommodate the neighborhood he has withdrawn the
22 use of electric cars, reduced the number of
23 motorcycles and mopeds almost to the point that
24 there's nothing there anymore.

25 So I ask the Board to give Victor the same

1 opportunity as other establishments to complete the
2 project and help give people employment. Thank you.

3 CHAIRMAN KLITENICK: Thank you, ma'am. Who's
4 next?

5 BOARD CLERK: Bob Lieb.

6 CHAIRMAN KLITENICK: And who follows him?

7 MR. LIEB: Good evening, everyone. I'm Bob --

8 CHAIRMAN KLITENICK: One second, sir. Who's
9 following Mr. Bob here?

10 BOARD CLERK: It's Richard Fowler.

11 CHAIRMAN KLITENICK: All right. Rick, you want
12 to come up to the other one?

13 Go ahead.

14 MR. LIEB: Shall I continue? Bob Lieb. I'm a
15 neighbor. I've had a 23-year presence on White
16 Street as a business owner as well.

17 It's taken up to this moment in our lives for
18 White Street to come into its own. It's grown
19 naturally. It's grown organically. And it's done
20 so by complying with existing codes. There's no
21 reason to grant conditional rights approval.

22 Mr. Mills is not suffering. He purchased the
23 property knowing what the code was at that time.
24 I'm sure enough money can be made simply by
25 complying with code. Please don't tamper with our

1 quality of life. Thank you very much.

2 CHAIRMAN KLITENICK: Thank you, sir.

3 All right. Rick, you're representing several
4 people tonight?

5 MR. FOWLER: I'm actually here on behalf of
6 Robert Koske as well as myself. Just a couple of
7 comments or observations that --

8 CHAIRMAN KLITENICK: Would you like the five
9 minutes or three?

10 MR. FOWLER: No. I think I can do it in three.
11 I'll talk fast.

12 I've listened to staff stand here and say,
13 okay, we have 17 conditions. And I listened to
14 those conditions, and Ms. Wheeler, one of them, the
15 good news is you won't hear garbage trucks after
16 10:30 at night.

17 And the thought that occurred to me as I was
18 listening to the conditions is how enforceable are
19 they going to be. Once the cat's out of the bag,
20 you're there. And what occurred to me -- and I
21 don't know. I don't do this kind of stuff -- but it
22 seemed to be that a proper question might be what's
23 the history of the applicant in terms of compliance.
24 And I leave that to the board.

25 I lived at 1115 Georgia Street for almost two

1 decades. I know the neighborhood. I also know what
2 parking is like in that neighborhood. And I think
3 Ms. Wheeler raised a great point that may have been
4 missed. There's only so many spaces. To put in
5 another business competing for existing spaces --
6 and they're aren't going to be anymore -- is going
7 to damage the rest of the neighbors, Not just the
8 businesses, but the residents of that area who are
9 going to end up with cars in their front yard.

10 It occurs to me that to perpetuate a
11 non-conforming use is not to make progress.

12 And I'll just read Mr. Koske's letter to you.

13 "Dear Planning Board members: I live at 1208
14 Duncan Street, which is around the corner and three
15 doors away from the proposed project. I've lived
16 here for more than 20 years. For the last year my
17 neighbors and I have been subjected to visual
18 pollution and illegal activities at the site.

19 "The applicant has illegally rented mopeds and
20 motorcycles, operated an engine repair shop, and
21 continues without proper permits to perform
22 construction work behind his taped windows.

23 "He has transformed his three-car parking lot
24 into an unsightly junkyard. He is indifferent to
25 the visual pollutions and health hazards he has

1 created for his neighbors. In short, he is not a
2 good neighbor. He's not a worthy candidate for
3 special exemptions or for waiver of parking
4 requirements which the rest of the neighborhood must
5 abide by."

6 CHAIRMAN KLITENICK: I'll let you finish the
7 letter.

8 MR. FOWLER: "The size of his building, the
9 shape and location of his parking lot and the
10 permitted uses in our HNC1 district have not changed
11 since Mr. Mills purchased the property. He now
12 proposes to increase the value of his property, but
13 he proposes to do so by decreasing the value of his
14 neighbor's properties.

15 "His proposed conditional uses will have a
16 permanent and negative impact on the quality of life
17 of his nearby neighbors. The lack of parking is a
18 huge issue for our neighborhood, but it's not the
19 only quality of life issue. The rear of my property
20 is adjacent to the now demolished Biamante's
21 Restaurant on the corner of White and United. The
22 smell of cooking odors and fried foods, the stink of
23 rotten food in dumpsters (picked up by 10:30), the
24 sound of idling delivery trucks were a constant and
25 unpleasant reminder of what nearby neighbors

1 experience when living next to or near a food
2 service establishment.

3 "The applicant should use his property for
4 permitted by right businesses. There's several
5 retail shops and real estate and professional
6 offices in the blocks of White Street. Many more
7 will be needed when City Hall opens its doors four
8 doors away. Please deny any change of zoning which
9 would introduce a restaurant at this site, and
10 please limit any parking variances given to this
11 applicant solely for the parking spaces needed for
12 the operation of permitted by right businesses.

13 "I've attended several neighborhood meetings
14 and every previous hearing on this matter. I fully
15 intended to be present at this hearing on March
16 20th. I've been called to Miami unexpectedly. I
17 ask that my letter be read entirely into the hearing
18 minutes. Thank you for attention to this important
19 issue. Sincerely, Robert Koske."

20 CHAIRMAN KLITENICK: Thank you.

21 MR. FOWLER: Thank you.

22 BOARD CLERK: Mr. Chairman, the next two are
23 Steve Trippe and Cindy Dean.

24 CHAIRMAN KLITENICK: Okay. Pick a podium.

25 MR. TRIPPE: Who's first?

1 CHAIRMAN KLITENICK: That's you.

2 MR. TRIPPE: My name is Steve Trippe and I Live
3 at 623 William Street with my wife, Sara. We
4 consider White Street one of the few remaining
5 streets where commercial businesses haven't squeezed
6 out the livability of a mixed-use neighborhood.

7 White Street is one of the last downtown areas
8 you can ride your bike and feel you're still in a
9 small town, instead of a tourist town. I ride my
10 bike down White Street several times a week.

11 My wife goes to yoga classes. We shop at
12 Fausto's. We sip coffee at Sandy's and we bicycle
13 to the Diary Queen, at the disapproval of our
14 waistlines.

15 We also have friends who live and work in the
16 1200 block of White Street, and they've invested
17 their money and energies into making their
18 neighborhood liveable. You need to protect these
19 homeowners and existing business owners who have
20 played by the rules from commercial intrusions when
21 the profit to be gained by one property owner
22 directly injures the economic survival or the
23 quality of life of the neighboring property owners.

24 When Mr. Mills bought the property on White
25 Street, he knew what it was zoned for. Victor is a

1 smart businessman and surely the real estate
2 contract clearly stated what the property was zoned
3 for. Surely he knew that there would be plenty of
4 objections to his plans by his neighbors.

5 He alone owns that risk. It is neither the
6 responsibility of this Planning Board or his
7 neighbors to make his business decision a sound one.
8 In fact, after this zoning board I would say it is
9 exactly the opposite. Your obligation is to uphold
10 the code for zoning laws as stated earlier by
11 Ms. Wheeler in Section 122-61.

12 This applicant's past practices give his
13 neighbors no confidence that he would now play by
14 the rules. The applicant is now trying to squeeze
15 in two professional offices, two apartments, 2800-
16 square feet of retail space and a 15-seat restaurant
17 into this site. It is simply too much for this
18 location and this neighborhood.

19 White Street is pretty much built out. Some of
20 the neighbors are present here tonight. They have
21 written letters and filed objections describing how
22 this proposed restaurant will be harmful to their
23 quality of life and will diminish their property
24 values.

25 It is your decision whether they will be heard

1 or ignored. The applicant is trying to adversely
2 possess certain property rights he doesn't currently
3 have at the expense of his neighbors and this should
4 not be permitted.

5 You should vote no on the parking waiver and
6 the restaurant. Mr. Mills should operate only
7 permitted by use businesses at his site. My
8 concern, beyond White Street, and that of my
9 neighborhood surrounding William Street, is what
10 will be the precedent that you set if you allow
11 this.

12 We have the Harris School for sale in our
13 neighborhood and you will set a new lax standard
14 that other applicants will now point to if you
15 approve these requests. This is surely the camel's
16 nose under the tent. Thank you.

17 CHAIRMAN KLITENICK: Thank you. That was a
18 most perfectly timed presentation.

19 Yes, ma'am.

20 MS. DEAN: Hi. My name is Cindy Dean and I
21 live at 1327 Duncan Street for my entire life, three
22 generations right there on that same property, my
23 mother included, right next door. We're just a
24 block away from that.

25 I own a restaurant and it impacts the

1 neighborhood, which is Seven Fish. So I understand
2 what the neighbors feel, and I try to do everything
3 I can to help the neighbors around there because
4 they do complain.

5 My thing is that we're impacted already with
6 Glad Tidings, with all the parking around there.
7 And what's going to happen when they can't park
8 there? When you go to El Siboney and they have
9 designated parking, where do you park after that?
10 You park in front of people's homes in the
11 surrounding neighborhoods.

12 And when you come home with groceries, you
13 can't even park. So it does impact the
14 neighborhood. And I just want you to just think
15 about before you make that decision the hardship of
16 changing that, so you're going to create another
17 restaurant in a neighborhood where it will be
18 forever, just like the one I have in El Siboney.

19 It does impact the neighbors and I just have a
20 problem with the restaurant. I think he's done a
21 great job with the building and everything. And
22 that's all I have to say. Thank you.

23 CHAIRMAN KLITENICK: Thank you. Who's our next
24 two?

25 BOARD CLERK: Tom Maxwell and Margaret Romero.

1 CHAIRMAN KLITENICK: Yes, sir.

2 MR. MAXWELL: Good evening. My name is Tom
3 Maxwell. I've been a resident of Key West for more
4 than 20 years. By way of background I have been
5 State's Attorney in another jurisdiction and also a
6 practicing attorney for 57 years.

7 As a practical matter, I've been asked to read
8 a letter from friends, Georgia and Tom Favelli, who
9 reside at 1108 White Street. Georgia is very active
10 and on the board of the SPCA and they're getting
11 ready for their big fund raiser coming up.

12 In any event, if I have time I would like offer
13 my own comments, too, after the letter.

14 CHAIRMAN KLITENICK: You have two minutes and
15 20 seconds.

16 MR. MAXWELL: Sir?

17 CHAIRMAN KLITENICK: A little over two minutes.

18 MR. MAXWELL: "We own commercial property in
19 the next block at 1108 White Street. Parking is a
20 terrible problem in these blocks. Even a small
21 change will greatly affect customer traffic
22 patterns.

23 "Giving a new business approval to introduce a
24 high traffic, high parking demand business into the
25 existing mix is unfair and dangerous to everyone.

1 "You can't keep slicing the existing parking
2 into smaller and smaller pieces. We've owned many
3 properties through the years in Old Town. Parking
4 has always been a problem. It gets worse for all
5 existing businesses every time you give some away.

6 "Victor is entitled to operate whatever
7 businesses are permitted in this neighborhood, but
8 he isn't entitled to special privileges and parking
9 waivers that makes it difficult for his neighbors to
10 survive and employ their properties.

11 "We ask that Victor be made to clean up his
12 parking lot, finish his building, and use it
13 properly only for permitted in right business. If
14 it works it always plays fairly." Then it's signed
15 by the Favellis.

16 On a personal note, Mr. Mills comes before you
17 and asks you or states that if given the
18 application, the application is given, he in fact
19 will comply with the code regulations. And I think
20 one of the only ways to see whether in fact he will
21 comply with code is look at his past conduct.

22 And most of this I have been informed of this
23 information and have seen some of it myself, that
24 during the time he has been there awaiting the
25 approval of this application, he's operated a moped

1 and motorcycle rental business and an engine repair
2 shop at this site without a certificate of occupancy
3 and without any permits or licenses allowing him to
4 do so.

5 After numerous complaints and mixed efforts by
6 the code compliance department, he was finally
7 ordered to cease operation of these un permitted and
8 illegal business activities in January, 2014.

9 Since his acquisition of the property, the
10 applicant has used his, quotes, "parking lot" for
11 nothing more than a junkyard --

12 CHAIRMAN KLITENICK: Mr. Maxwell, that's your
13 time, sir.

14 MR. MAXWELL: I can go on and on and on as to
15 the violations. In any event, I hope somebody --
16 and I'll end with this -- takes notice of the past
17 violations and it goes to the credibility of the
18 occupant.

19 CHAIRMAN KLITENICK: Thank you.

20 MR. MAXWELL: Thank you, sir.

21 CHAIRMAN KLITENICK: Who is next?

22 MS. ROMERO: Thank you. I'm Margaret Romero.
23 1615 Washington Street. So I'm not that far away
24 from this proposed property. And I'm going to be
25 very candid. I am a customer of Victor's. I buy my

1 generators from him. He has serviced them in the
2 past and we laughingly say I bought my big Honda
3 Mahongagilla (phonetic) lawnmower so I can use it.
4 So I want it very clear up front I am a customer of
5 his.

6 But as I've listened and watched this thing
7 unfold over the last couple of months, I think what
8 we're hearing here is NIMBY. Not in my back yard.

9 The people who have talked about things that
10 this is an injurious public welfare, I don't see how
11 it's injurious to public welfare. You all talk
12 about the parking. You talk about the businesses.
13 Does that mean you're going to be against Glynn
14 Archer moving in with all the additional traffic and
15 all the people coming and going?

16 I keep hearing you folks talk about you don't
17 want the restaurant smell and that things have
18 changed in the neighborhood since you all have
19 bought your properties. Well, folks, how many
20 restaurants have been put down in Bahama Village
21 where people have lived, and their families, for 50,
22 60, 70 years, and they have to deal with the
23 restaurants coming in and the parking. And those
24 neighbors aren't spared anything.

25 How many of us live in neighborhoods right now

1 where things have changed just shortly and our
2 families have lived there for years? And we have to
3 deal with the lack of parking caused by these other
4 things.

5 Damaging the neighbor's property and things, I
6 don't think so. Take a look at how much better that
7 building is now than it was before. How many, shall
8 we say, unfortunate people that used to loiter the
9 sidewalk there aren't there any more since the
10 improvements.

11 And for saying that it's built out on White
12 Street? I don't get it. I mean, Firestone used to
13 be there. Dairy Queen used to be there. People
14 seem to find the time and the place to park and to
15 get where they need to go.

16 This is a businessman who's been in the
17 community a long time. And I'm just sitting back
18 there and I'm hearing 23 people are neighbors. I
19 mean, I didn't think 23 people lived that close to
20 the business that are going to be that affected.

21 So as someone who is a long time and native
22 here, I'm asking you guys: Are you going to use
23 that later on when the people at the golf course
24 come to you and say that they don't want the
25 homeless shelter in the yards, in their backyard?

1 Does that mean those 390 people at the golf course
2 are going to be able to prevent the homeless shelter
3 from being built there just because it's nearby and
4 it may devalue their property?

5 I think, if anything, Mr. Mills has benefited
6 the uplifting of the property in that neighborhood.
7 And as such I'm hoping you will grant him the
8 parking variances. Thank you.

9 CHAIRMAN KLITENICK: Thank you. Who's next?

10 BOARD CLERK: Adele Williams and Shawn Cowles.

11 CHAIRMAN KLITENICK: Ms. Adele.

12 MS. WILLIAMS: Good evening, sir.

13 CHAIRMAN KLITENICK: Before you get started,
14 would you put your name and address on the record,
15 please, into the microphone.

16 MS. WILLIAMS: My name is Adele Williams. And
17 I live at 1216 White Street, right next door to
18 Victor's property. I've got the blue property next
19 door.

20 CHAIRMAN KLITENICK: Okay.

21 MS. WILLIAMS: We've owned the property for
22 almost five years and spent a fortune upgrading the
23 property. Victor has moved in and done a sterling
24 job making it look very attractive. I question how
25 much has been done legally. I walk past the

1 property at 9:30 at night and see people doing
2 construction on the property.

3 I'm really aware of what goes on at that
4 property 24 hours a day. I'm raising a family right
5 next door. When the wall between the two properties
6 was taken down, I question was there a permit. When
7 the asbestos tiles were taken off the building, I
8 question was there a permit for that. Was anybody
9 watching that?

10 I've talked to Victor at great length about
11 what he wants to do with the property, and I am in
12 support of a business. You with the board have a
13 tremendous opportunity here. You have this
14 multimillion-dollar project going on down the road.
15 White Street could really be something to be
16 reckoned with.

17 I'm concerned about a motorcycle rental or a
18 motorcycle business sale business there. I'm
19 concerned about flammables. I have children next
20 door. I'm concerned about the runoff of all the
21 fuel into my lot. Now that the wall has been taken
22 down, every time there's rainfall, the rain just
23 trickles down into my lot because his lot is
24 actually elevated compared to my lot.

25 I have a family, too. We're asked to consider

1 Victor's family. I have a family and my family
2 lives next door to Victor. If you look at that
3 photo, it shows my property and the improvements
4 that I've made on my property, our property, the big
5 U-shaped building, the tin roof. And you can see
6 Victor's car park speckled with motorbikes and
7 scooters.

8 And you can say, okay, Victor, you can have a
9 property that is just going to be motorcycle sales
10 inside the property, but look at how the property
11 was downtown. Is it going to look like that again?
12 Is it going to look like the property down opposite
13 the Green Parrot? I'm worried about that. I'm
14 worried about what I'm going to see every time I
15 wake up in the morning.

16 What was my last point? Let me look at my
17 notes here. I'm sorry.

18 I want you to take into consideration how much
19 we all in the area have spent on our properties, not
20 just what Victor has spent on his property. I want
21 you to consider a motorcycle business moving in next
22 to you after you've spent hundreds of thousands of
23 dollars on your property.

24 It's a residential area. It's not just a
25 commercial area. We're really restricted with what

1 we can do with our property. We have building
2 inspectors, code enforcement breathing down our neck
3 24/7. I don't know how Victor's gotten away with as
4 much as he's gotten away with.

5 I don't want to quote bad blood. As a matter
6 of fact, he's really done wonderful things to that
7 corner of the street. It was an atrocity before he
8 moved in there. So please consider us, and please
9 consider the dynamic of the neighborhood. You've
10 got a powerful position. That you.

11 CHAIRMAN KLITENICK: Thank you.

12 MR. COWLES: Hello. My name is Shawn Cowles.
13 I live at 1216 White Street, and, yeah, I've been in
14 Key West 22 years as well, as most people up here
15 have said. So I'm very aware of all that goes on in
16 Key West, and being neighborly.

17 And I've known Victor for a lot of those years.
18 Always been good friends with Victor and had a great
19 relationship with him. I think he's done great
20 things with the outside of the building, but again,
21 as we're all saying here, I think it doesn't seem
22 like we have to get all these variances.

23 It seems like there's plenty that he could do
24 legally inside that property without asking for
25 these variances and everybody would be copacetic.

1 Everybody would be happy. I don't really see why we
2 have to have all of these different things that he
3 needs in there and why he needs to get all those
4 variances. Why can't we just go with what's legal.

5 I know that's what we're doing on our property.
6 I mean, I have to be bound by doing everything
7 that's legal on my property. Why doesn't everybody
8 else around me?

9 I will reiterate about some of the things. The
10 big issue for me health wise is the property at 1216
11 White Street shares the property line with Victor.
12 And the first thing -- one of the first things that
13 Victor did was take down the retaining wall.

14 My property is lower than that property. So
15 all the runoff now doesn't have a retaining wall to
16 push it to the street. It goes right into my
17 property.

18 That's a bad situation. I understand the
19 plans. I've talked with Victor and he showed me the
20 plans as to how that will all be changed. It's been
21 a few years, so, or a couple of years at least.

22 I'd like to see all those things happen, but,
23 again, I think the parking issue is an issue. I
24 come home at 5:00 with groceries and I got nowhere
25 to park, that's going to be a problem. I've got to

1 park on another street and then walk home with my
2 groceries? I don't have any off-street parking. I
3 live on White Street. So, again, I hope that it
4 will work out well. I love what Victor's done with
5 the outside of the property.

6 Seems to me that we should be able to do
7 everything that's legal and everybody get along
8 great, and that's what I'm hoping will happen. So,
9 in my opinion, I think giving that many parking
10 spaces is just going to be a big problem for the
11 neighborhood.

12 Thank you for your time.

13 CHAIRMAN KLITENICK: Thank you. Who's next?

14 BOARD CLERK: Tim Sullivan, Anne Sullivan.

15 CHAIRMAN KLITENICK: Just Mr. Sullivan?

16 MR. SULLIVAN: Yes.

17 CHAIRMAN KLITENICK: Only one of them.

18 MR. SULLIVAN: I think Anne will pass --

19 CHAIRMAN KLITENICK: Ok.

20 BOARD CLERK: The next one then is Ken Higgins.

21 MR. SULLIVAN: My name is Tim Sullivan. My
22 wife, Anne, and I live at 1204-1206 Duncan Street,
23 which is within 300 feet of Mr. Mills' property.
24 The points that have been made by others I simply
25 want to reiterate, but two in particular.

1 The first is that there is no reason why
2 Mr. Mills cannot live with the rules and the
3 regulations which apply to his property in its
4 present situation. He's entitled to a fair return
5 on a considerable investment, and there is no reason
6 I can imagine that that cannot be accomplished
7 without operating a business in the context of the
8 current code provisions of the City of Key West.

9 The second point I would like to make is that
10 Mr. Mills is asking for special privileges.
11 Entitled to ask. The question is: Should he be
12 given special privileges. And my answer is, no, and
13 I have a number of reasons for saying that, but it
14 boils down to this.

15 He does not come before you with clean hands.
16 His record of ignoring the requirements of the City
17 in the conduct of his businesses in a prior
18 location, and in the present one, is clear and vivid
19 for all to see.

20 To reward that kind of conduct by acceding to
21 his request for privileges not available to others
22 would send a message to our neighborhood and to the
23 rest of the citizens of Key West that I don't think
24 you really want to send.

25 So I would ask you to please consider that in

1 the context of the decision you're about to make.
2 Thank you.

3 CHAIRMAN KLITENICK: Thank you.

4 MR. HIGGINS: Ladies and gentlemen, I'm Ken
5 Higgins, 401 Margaret Street. I concur with this
6 gentlemen, as well as Mr. Maxwell and Mr. Fowler.

7 This guy has -- what was he thinking when he
8 bought the property? Apparently he's just gone and
9 done whatever he wanted and in an inconsiderate
10 manner. I understand that when he owned a
11 motorcycle shop on Southard Street, all the parking
12 spots on the north side of the street were totally
13 occupied by his vehicles. I please hope you guys
14 will deny any requests that he has. Thank you.

15 CHAIRMAN KLITENICK: Thank you.

16 BOARD CLERK: The next two is George Korn and
17 Ross Williams.

18 MR. KORN: My name is George Korn. I have
19 properties at 1313 and 1315 Eliza Street. I have
20 nothing else to add to the comments, but I want to
21 reiterate that I think to grant variance for the
22 parking and the other things that are here should
23 not be done.

24 CHAIRMAN KLITENICK: Thank you, sir.

25 MR. WILLIAMS: Ross Williams, 1217 White

1 Street. My wife and I own the building directly
2 across the street from the subject property on the
3 south side of Duncan.

4 And I personally would like to see this project
5 move forward. I would like to see the construction
6 completed, but I also share the concerns of my
7 neighbors. So I just hope that you'll take those
8 concerns seriously before expanding the use of this
9 property. Thank you.

10 CHAIRMAN KLITENICK: Thank you, Ross.

11 BOARD CLERK: The last speaker is John Starew.

12 MR. STAREW: My name is John Starew and I live
13 at 919 White Street. And I will say I used to work
14 for Victor Mills and he is a friend.

15 There's been a lot of things said here and a
16 lot of them are misleading. He wouldn't have bought
17 that building -- he's a smart man -- if he couldn't
18 have the permit to be there when the City issued him
19 his licenses to be there.

20 As to regard to Southard Street, that was like
21 that way before he even owned the property or bought
22 the business. You're judging a man on things that
23 don't matter. He took a building that was rundown
24 and turned it into something that I don't think
25 anybody ever thought it could be. Thank you.

1 CHAIRMAN KLITENICK: Thanks very much, sir.

2 Any one else -- no one else signed up?

3 BOARD CLERK: No, Mr. Chairman.

4 CHAIRMAN KLITENICK: Anyone else not signed up
5 like to speak?

6 Okay. We'll close the public discussion and
7 let the applicants have some rebuttal.

8 (Excerpt concluded.)

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1 COURT REPORTER'S CERTIFICATE

2
3 STATE OF FLORIDA)4 COUNTY OF MONROE)
5

6 I, Cathy H. Webster, Registered Professional
7 Reporter, certify that I was authorized to and did
8 stenographically transcribe the foregoing excerpt of
9 proceedings and that the transcript, pages 2 through
10 36, is a true and complete record of my stenographic
11 notes.

12 I FURTHER CERTIFY that I am not a relative,
13 employee, or attorney, or counsel of any of the parties,
14 nor am I a relative or employee of any of the parties'
15 attorney or counsel connected with the action, nor am I
16 financially interested in the action.

17 DATED this 15th day of April, 2014.
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19
20
21

22 _____
Cathy H. Webster, RPR
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