

**Previously approved
Resolution 2017-40**

**PLANNING BOARD
RESOLUTION NO. 2017-40**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD GRANTING WITH CONDITIONS A SPECIAL EXCEPTION TO ZERBY OLD TOWN, LLC ALLOWING FOR THE SALE OF BEER, WINE AND LIQUOR FOR SPECIAL EVENTS ON PROPERTY WITHIN 300 FEET OF A CHURCH FOR PROPERTY LOCATED WITHIN THE HISTORIC RESIDENTIAL COMMERCIAL CORE (HRCC-1) ZONING DISTRICT AT 511 EATON STREET (RE # 00004330-000000) PURSUANT TO SECTION 18-28(B) OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 18-28(a) of the Code of Ordinances of the City of Key West, Florida provides that no person shall conduct in the City any business involving the sale of alcoholic beverages where such place of business is within 300 feet of any established church, school, cemetery, or funeral home; and

WHEREAS, City Code Section 18-28(b) (2) provides that the prohibition in subsection (a) above shall not apply if a property owner is granted a special exception to specifically sell alcoholic beverages pursuant to authorization granted by the Planning Board that the use will not detrimentally impact the public health, safety or welfare after consideration of all of the following criteria:

- A. Compatibility with surrounding existing uses;
- B. The extent of conflict between the proposed use and the hours of operation of the facilities described above;
- C. Mitigation measures agreed to be implemented by the applicant;
- D. Public input;

E. That the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the application, and by addressing the objections expressed by these neighbors;

F. Any other factors the approving body determines relevant to the public’s health, safety, and welfare; and

WHEREAS, the applicant requested a Special Exception for sales of wine, beer and alcohol for special events within 300 feet of St. Paul’s Episcopal Church of Key West, 401 Duval Street pursuant to City Code Section 18-28(b)(2); and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on August 17, 2017; and

WHEREAS, the Planning Board finds that the applicant’s proposal to sell wine and beer is compatible with surrounding existing uses; and

WHEREAS, the Planning Board finds that the extent of conflict between the proposed use and the established church will be minimal; and

WHEREAS, the Planning Board considered the mitigation measures agreed to be implemented by the applicant; and

WHEREAS, the Planning Board considered public input; and

WHEREAS, the Planning Board has found that the applicant has demonstrated a “good neighbor policy” by contacting or attempting to contact all noticed property owners who have objected to the application, and by addressing the objections expressed by these neighbors; and

WHEREAS, the Planning Board considered other factors determined relevant to the public’s health, safety, and welfare; and

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

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

Section 2. That a Special Exception, under Section 18-28(b)(2) of the Code of Ordinances of the City of Key West, Florida, is hereby granted as follows: exclusive to Zerby Old Town, LLC, located at 511 Eaton Street (RE # 00004330-000000) Key West, Florida with the following conditions:

1. The Special Exception is granted exclusively to Zerby Old Town, LLC, and shall not be transferable.

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

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

Section 5. This resolution shall go into effect immediately upon its passage, 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).

Read and passed at a dually noticed meeting held this 17th day of August, 2017.

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

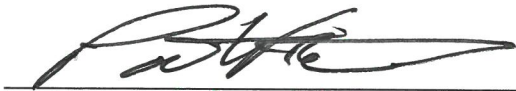


Sam Holland, Chairman
Key West Planning Board

8/23/17

Date

Attest:

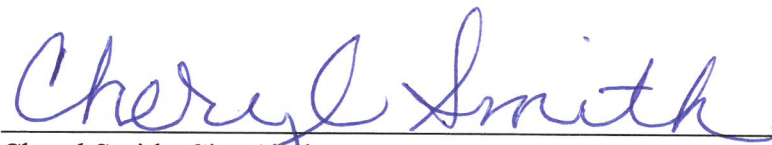


Patrick Wright,
Planning Director

8-23-17

Date

Filed with the Clerk:



Cheryl Smith, City Clerk

8-24-17

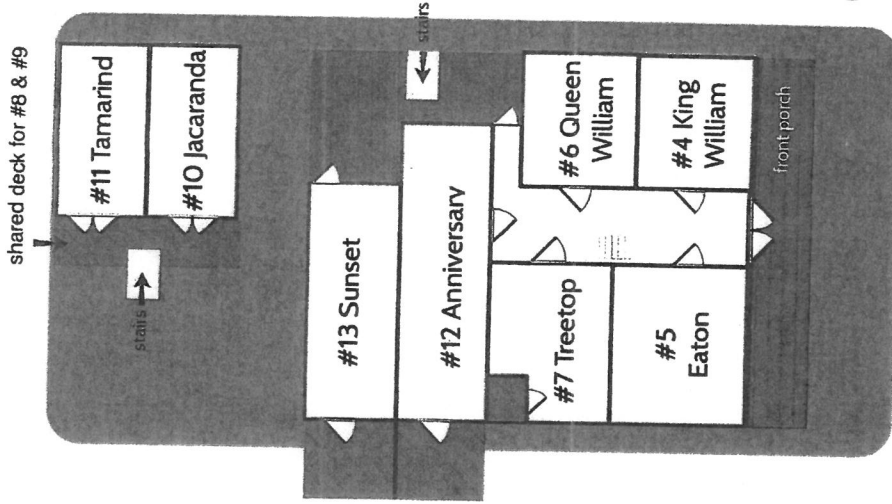
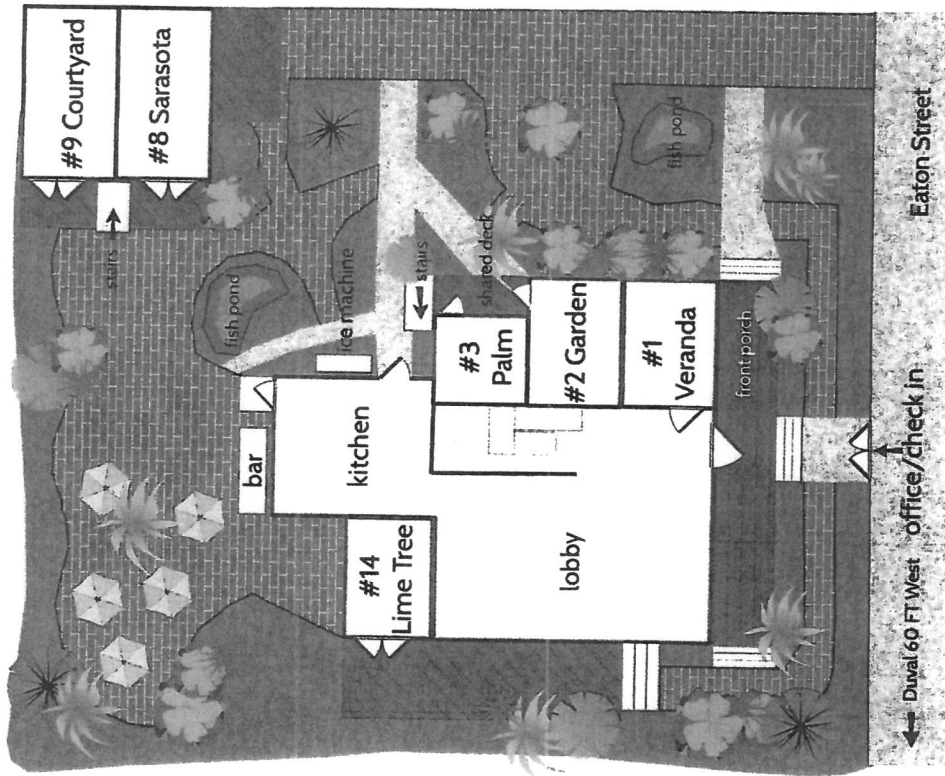
Date



Chairman



Planning Director



8/23/17

8/23/17

Application



THE CITY OF KEY WEST
Planning Department

**SPECIAL EXCEPTIONS ARE QUASI-JUDICIAL HEARINGS
AND IT IS IMPROPER TO SPEAK TO PLANNING BOARD
MEMBERS ABOUT THE REQUEST
OUTSIDE OF THE HEARING**

***Alcohol Sales Special Exception
Application***

Please print or type a response to the following:

1. Site Address 511 Eaton Street, Key West, FL 33040
2. Name of Applicant Zerby Hotel LLC joined by Zerby Old Town LLC
3. Applicant is: Owner ☒ Authorized Representative ☐
(please see the attached Verification & Authorization Forms)
4. Address of Applicant 511 Eaton Street, Key West, FL 33040
5. Phone # of Applicant (305) 292-2170 Mobile# _____ Fax# _____
6. E-Mail Address jzerby@boardwalkplaza.com
7. Name of Owner, if different than above _____
8. Address of Owner _____

9. Phone Number of Owner _____ Fax# _____
10. Email Address _____
11. Zoning District of Parcel _____ RE# _____
12. Description of Use and Exception Requested
Beer, Wine & Liquor Historic Hotel License for consumption on the premises.

Please note that any special exception granted hereunder may be approved with conditions, which conditions shall be monitored in accordance with Section 18-610. The exception shall be to the applicant only, shall not be transferable and shall only be effective in conjunction with the use(s) specified in the application. The Planning Board recognizes public input and how the applicant has demonstrated a "good neighbor policy" by contacting or attempting to contact all noticed property owners who have objected to the application, and by addressing the objections expressed by these neighbors. Further, the Planning Board can consider any other factors they determine relevant to the public's health, safety and welfare.

The Planning Board may only grant the requested alcohol sales special exception after considering the following criteria. Please provide a response as to how this proposed use and exception meet or fulfill these criteria:

13. Demonstrate compatibility with surrounding existing uses:

14. Demonstrate the extent of conflict between the proposed use and the hours of operation of the facilities:

15. What are the mitigative measures proposed to be implemented by the applicant:



*The Very Rev. Larry D. Hooper
St. Paul's Episcopal Church
401 Duval Street
Key West, FL 33040*

4 August 2017

To Whom it May Concern,

Recently we, St. Paul's Episcopal Church, by the new owners of the Old Town Manor, located at 511 Eaton Street, in Key West, about a new application for a liquor license.

With this letter I speak for the Vestry of St. Paul's to not oppose this application. Our only request to the state, county, and/or municipal agencies involved with granting the liquor license is that the license be attached to the owners of the property and not to the property itself.

Old Town Manor has been a good neighbor to us in the past and I have no doubt they will continue to be so under their new ownership and management. We commend them for their hospitality and preservation of the "Old Town" flavor of their establishment. It enriches the pride and good work many of us aspire to and wish for in Key West.

We are happy to have them as neighbors and wish them continued success in their business.

Thank you for your consideration.

Sincerely yours,

The Very Rev. Larry D. Hooper+

The Very Rev. Larry D. Hooper
Rector, St. Paul's Episcopal Church
Dean of the Keys Deanery of the
Episcopal Diocese of Southeast Florida
401 Duval Street
Key West, FL 33040

Cell (305) 731-4557
Office (305) 296-5142

Warranty Deed

Prepared by and return to:

Donald E. Yates
Attorney at Law
Donald E. Yates, PA
611 Eaton Street
Key West, FL 33040
305-296-2261
File Number: 15-0002

Parcel Identification No. 00004330-000000

[Space Above This Line For Recording Data]

Warranty Deed

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

This Indenture made this 15th day of January, 2016 between Wong Song Enterprises, Inc., a Florida corporation whose post office address is 3700 Sunrise Lane, Key West, FL 33040 of the County of Monroe, State of Florida, grantor*, and Zerby Old Town LLC, a Delaware limited liability company whose post office address is 2 Olive Avenue, Rehoboth Beach, DE 19971 of the County of Sussex, State of Delaware, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof 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:

PARCEL "A" (a/k/a: 511 Eaton Street, Key West, FL 33040)

Known on William A. Whitehead's Map of said City of Key West, delineated in February, A.D. 1829, as Part of Lot Four (4) in Square Twenty Four (24): Commencing at a point on Eaton Street, on the Western dividing line between land originally owned by Jeremiah Pent and Frederick W. Johnson, One Hundred and Thirty Four (134) feet from the corner of Eaton and Duval Streets and extending along said line in a Northwesterly direction at right angles to Eaton Street, One Hundred and Thirty (130) feet; thence at right angles in a Northeasterly direction Sixty Seven (67) feet; thence at right angles in a Southeasterly direction One Hundred and Thirty (130) feet to Eaton Street; thence along Eaton Street in a Southwesterly direction Sixty Seven (67) feet to the place of beginning, being same land described in deed recorded in Book "Z", Page 246, of Monroe County, Florida.

AND

On the Island of Key West and being a part of Lot Four (4) of Square Twenty Four (24) according to William A. Whitehead's map of said Island delineated in February, A.D. 1829, being more fully described as follows: Commencing at a point on the Northwesterly side of Eaton Street distant One Hundred Thirty Four (134) feet Northeasterly from the corner of the intersection of Eaton and Duval Streets and running thence at right angles to Eaton Street in a Northwesterly direction One Hundred Thirty (130) feet, adjoining lands formerly owned by William R. Warren, deceased, and formerly occupied by him as his homestead; thence at right angles in a Southwesterly direction Fourteen (14) feet; thence at right angles in a Southeasterly direction One Hundred Thirty (130) feet to Eaton Street; thence at right angles along Eaton Street in a Northeasterly direction Fourteen (14) feet to the Point or Place of Beginning.

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property. Grantor's residence and homestead address is: 3700 Sunrise Lane, Key West, FL 33040.

Subject to taxes for 2016 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

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:

Witness Name: Yates, D E

Witness Name: Jayreen B Robles-Robson

Wong Song Enterprises, Inc., a Florida corporation

By: Walter D Price

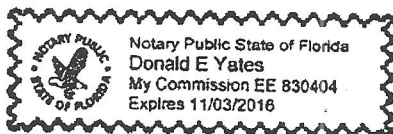
Walter D Price, Director

(Corporate Seal)

State of Florida
County of Monroe

The foregoing instrument was acknowledged before me this 15th day of January, 2016 by Walter D Price, Director of Wong Song Enterprises, Inc., a Florida corporation, on behalf of the corporation. He/she ☒ is personally known to me or ☐ has produced _____ as identification.

[Notary Seal]



Notary Public Donald E Yates

Printed Name: _____

My Commission Expires: _____

Verification Form

City of Key West
Planning Department



Verification Form

(Where Authorized Representative is an entity)

I, Jeffrey E. Zerby, Jr., in my capacity as MGR
(print name) (print position; president, managing member)
of Zerby Old Town LLC
(print name of entity serving as Authorized Representative)

being duly sworn, depose and say that I am the Authorized Representative of the Owner (as appears on the deed), for the following property identified as the subject matter of this application:

511 Eaton Street, 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.

[Signature]
Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this Nov. 1, 2017 by
date
Jeffrey E. Zerby, Jr.
Name of Authorized Representative

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

[Signature]
Notary's Signature and Seal

Patricia H. Kelley
Name of Acknowledger typed, printed or stamped

Commission Number, if any

City of Key West
Planning Department



Verification Form

(Where Authorized Representative is an entity)

I, Jeffrey Zerby, Jr., in my capacity as Manager
(print name) (print position; president, managing member)

of Zerby Hotel LLC
(print name of entity serving as Authorized Representative)

being duly sworn, depose and say that I am the Authorized Representative of the Owner (as appears on the deed), for the following property identified as the subject matter of this application:

511 Eaton Street, 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.

[Signature]
Signature of Authorized Representative

Subscribed and sworn to (or affirmed) before me on this Nov. 1 2017 by
Jeffrey Zerby, Jr.
Name of Authorized Representative

He/She is personally known to me or has presented [Signature] as identification.

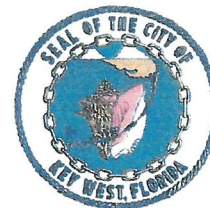
[Signature]
Notary's Signature and Seal

Patricia H. Kelley
Name of Acknowledger typed, printed or stamped

Commission Number, if any

Authorization Form

City of Key West
Planning Department



Authorization Form
(Where Owner is a Business Entity)

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

I, Jeffrey Zerby, Jr. as
Please Print Name of person with authority to execute documents on behalf of entity

Manager of Zerby Hotel LLC
Name of office (President, Managing Member) *Name of owner from deed*

authorize Alison Costello
Please Print Name of Representative

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

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

Subscribed and sworn to (or affirmed) before me on this 11/1/17
Date

by Jeffrey Zerby, Jr.
Name of person with authority to execute documents on behalf on entity owner

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

[Signature]
Notary's Signature and Seal

Patricia H Kelley
Name of Acknowledger typed, printed or stamped

Commission Number, if any

**City of Key West
Planning Department**



Authorization Form
(Where Owner is a Business Entity)

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

I, Jeffrey E. Zerby as
Please Print Name of person with authority to execute documents on behalf of entity

MGR of Zerby Old Town LLC
Name of office (President, Managing Member) *Name of owner from deed*

authorize Alison Costello
Please Print Name of Representative

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

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

Subscribed and sworn to (or affirmed) before me on this Nov. 1, 2017
Date

by Jeffrey E. Zerby
Name of person with authority to execute documents on behalf on entity owner

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

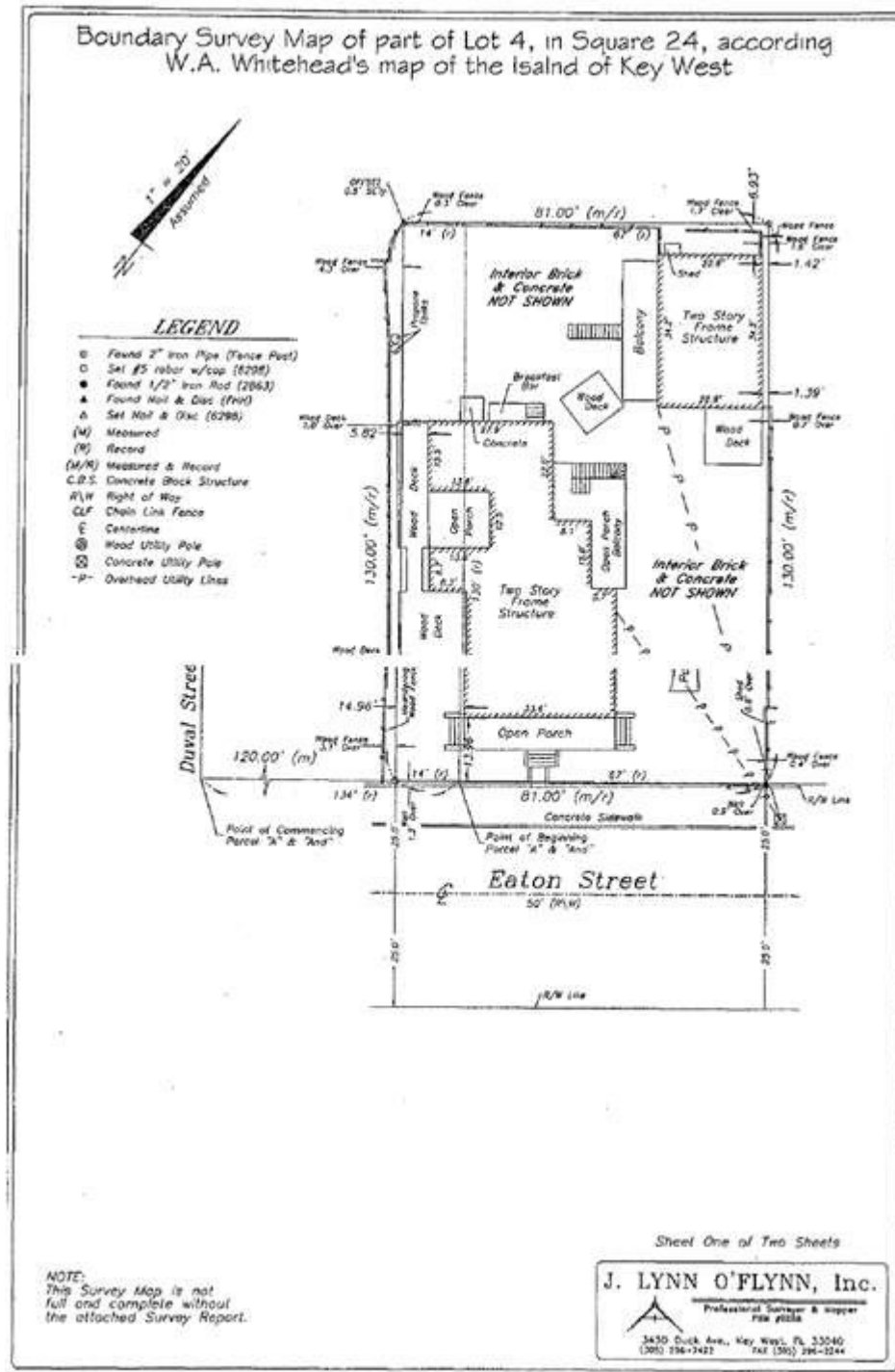
[Signature]
Notary's Signature and Seal

Patricia H Kelley
Name of Acknowledger typed, printed or stamped

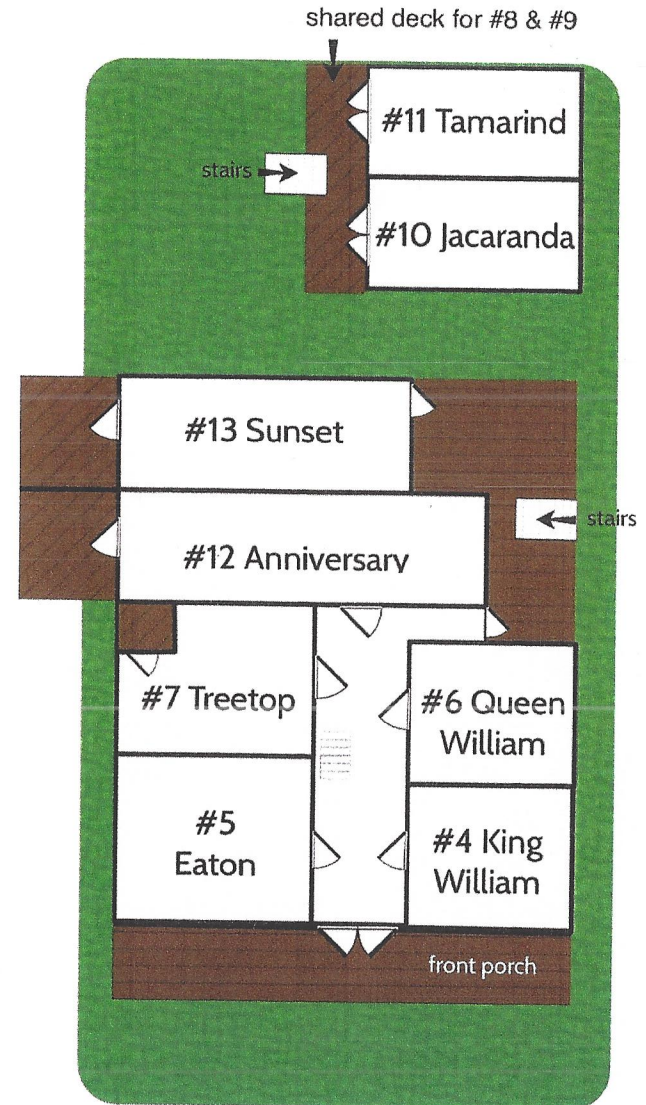
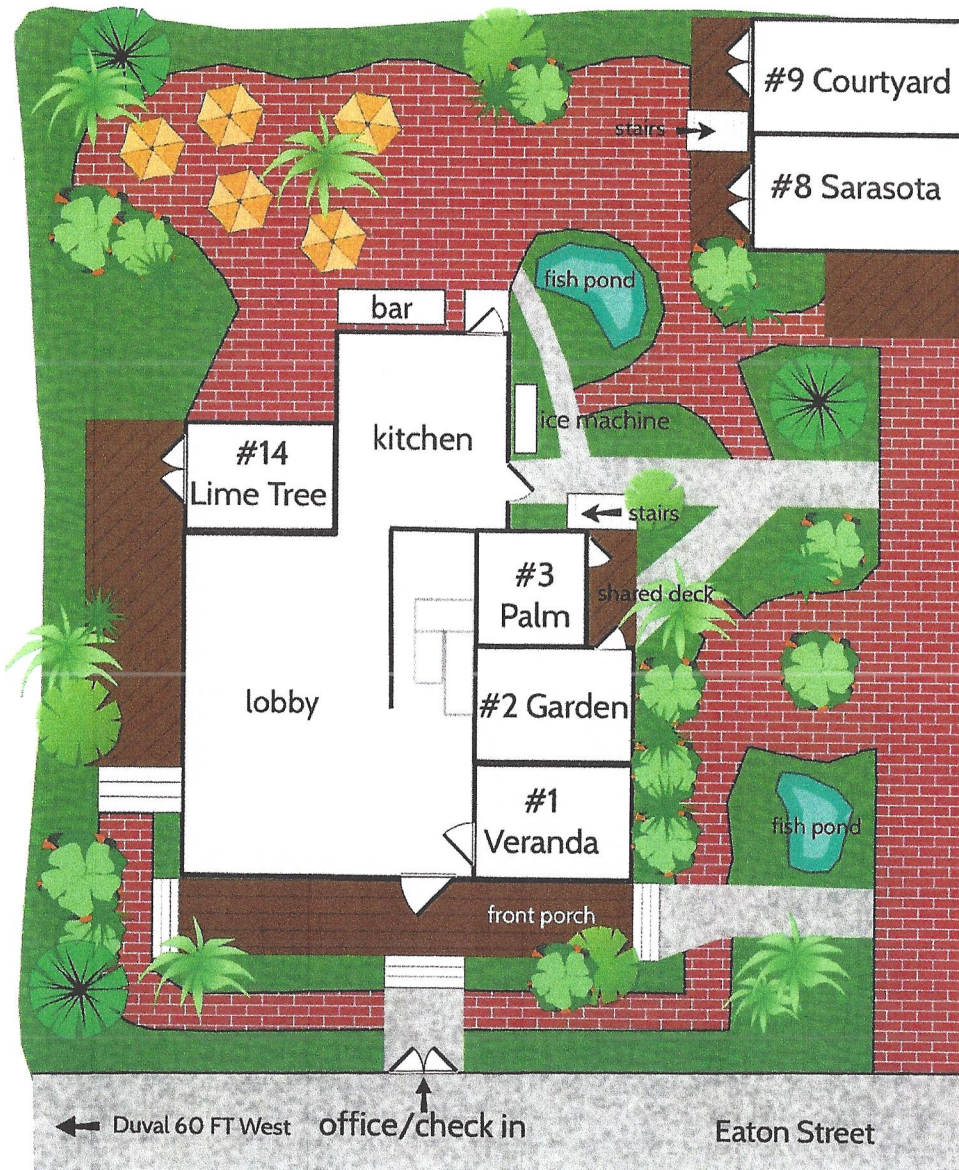
Commission Number, if any

Survey

Boundary Survey



Site Plans



Site Visit

511 Eaton Street, Key West, Florida
SITE VISIT



511 Eaton Street, Key West, Florida
SITE VISIT



Subject property is across the street from St. Paul's Episcopal Church.



Bar located in the rear of the building.

511 Eaton Street, Key West, Florida
SITE VISIT



Rear yard, location for special events to serve alcohol.

Additional Information

**Summary**

Parcel ID 00004330-000000
 Account # 1004502
 Property ID 1004502
 Millage Group 10KW
 Location 511 EATON ST, KEY WEST
 Address
 Legal KW PT LOT 4 SQR 24 Z-263/4 OR511-822 OR766-174/75 OR782-902/04 OR815-1449/50 OR1110-824/25 OR1267-796/98MAR/D OR1283-399/400 OR1351-1439/40 OR2247-470 OR2778-786/89
 Description (Note: Not to be used on legal documents)
 Neighborhood 32040
 Property Class HOTEL/MOTEL (3900)
 Subdivision
 Sec/Twp/Rng 06/68/25
 Affordable No
 Housing

**Owner**

ZERBY OLD TOWN LLC
 2 OLIVE AVE
 REHOBOTH BEACH DE 19971

Valuation

	2016	2015	2014	2013
+ Market Improvement Value	\$0	\$0	\$0	\$0
+ Market Misc Value	\$0	\$0	\$0	\$0
+ Market Land Value	\$3,934,980	\$3,406,612	\$2,895,220	\$1,897,414
= Just Market Value	\$3,934,980	\$3,406,612	\$2,895,220	\$1,897,414
= Total Assessed Value	\$2,526,219	\$2,296,563	\$2,087,155	\$1,897,414
- School Exempt Value	\$0	\$0	\$0	\$0
= School Taxable Value	\$3,934,980	\$3,406,612	\$2,895,220	\$1,897,414

Land

Land Use	Number of Units	Unit Type	Frontage	Depth
COMMERCIAL DRY (100D)	10,530.00	Square Foot	81	130

Commercial Buildings

Style HOTEL/MOTEL B / 39B
 Gross Sq Ft 6,726
 Finished Sq Ft 3,658
 Perimeter 0
 Stories 4
 Interior Walls
 Exterior Walls AB AVE WOOD SIDING
 Quality 450 (450)
 Roof Type
 Roof Material
 Exterior Wall1 AB AVE WOOD SIDING
 Exterior Wall2
 Foundation
 Interior Finish
 Ground Floor Area
 Floor Cover
 Full Bathrooms 0
 Half Bathrooms 0
 Heating Type
 Year Built 1948
 Year Remodeled 0
 Effective Year Built 1999
 Condition GOOD

Style HOTEL/MOTEL B / 39B
 Gross Sq Ft 2,076
 Finished Sq Ft 1,564
 Perimeter 0
 Stories 2
 Interior Walls
 Exterior Walls AVE WOOD SIDING
 Quality 450 (450)
 Roof Type
 Roof Material
 Exterior Wall1 AVE WOOD SIDING
 Exterior Wall2

Foundation
Interior Finish
Ground Floor Area
Floor Cover
Full Bathrooms
Half Bathrooms
Heating Type
Year Built
Year Remodeled
Effective Year Built
Condition
AVERAGE

Yard Items

Description	Year Built	Roll Year	Quantity	Units	Grade
FENCES	1972	1973	1	261 SF	5
BRICK PATIO	1975	1976	1	1595 SF	2
HOT TUB	1978	1979	1	1 UT	3
WALL AIR COND	1985	1986	1	4 UT	2
WATER FEATURE	2003	2004	1	1 UT	2
FENCES	2014	2015	1	180 SF	2

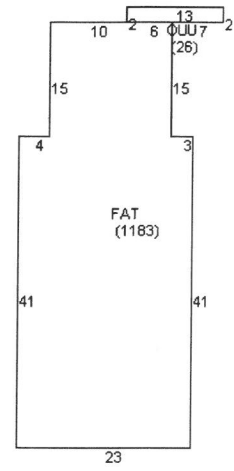
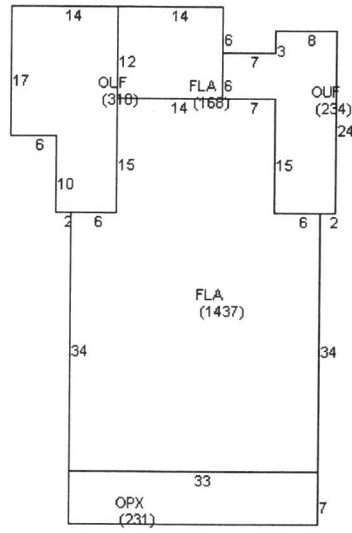
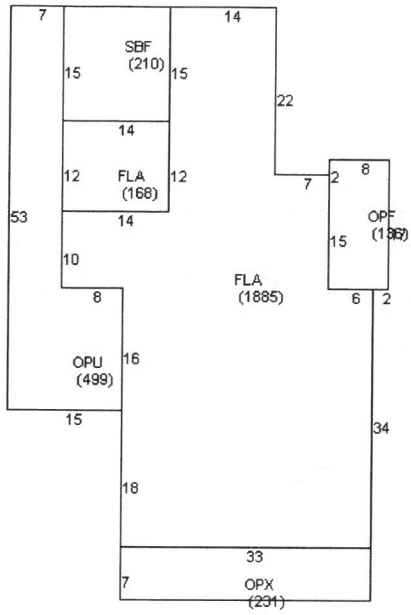
Sales

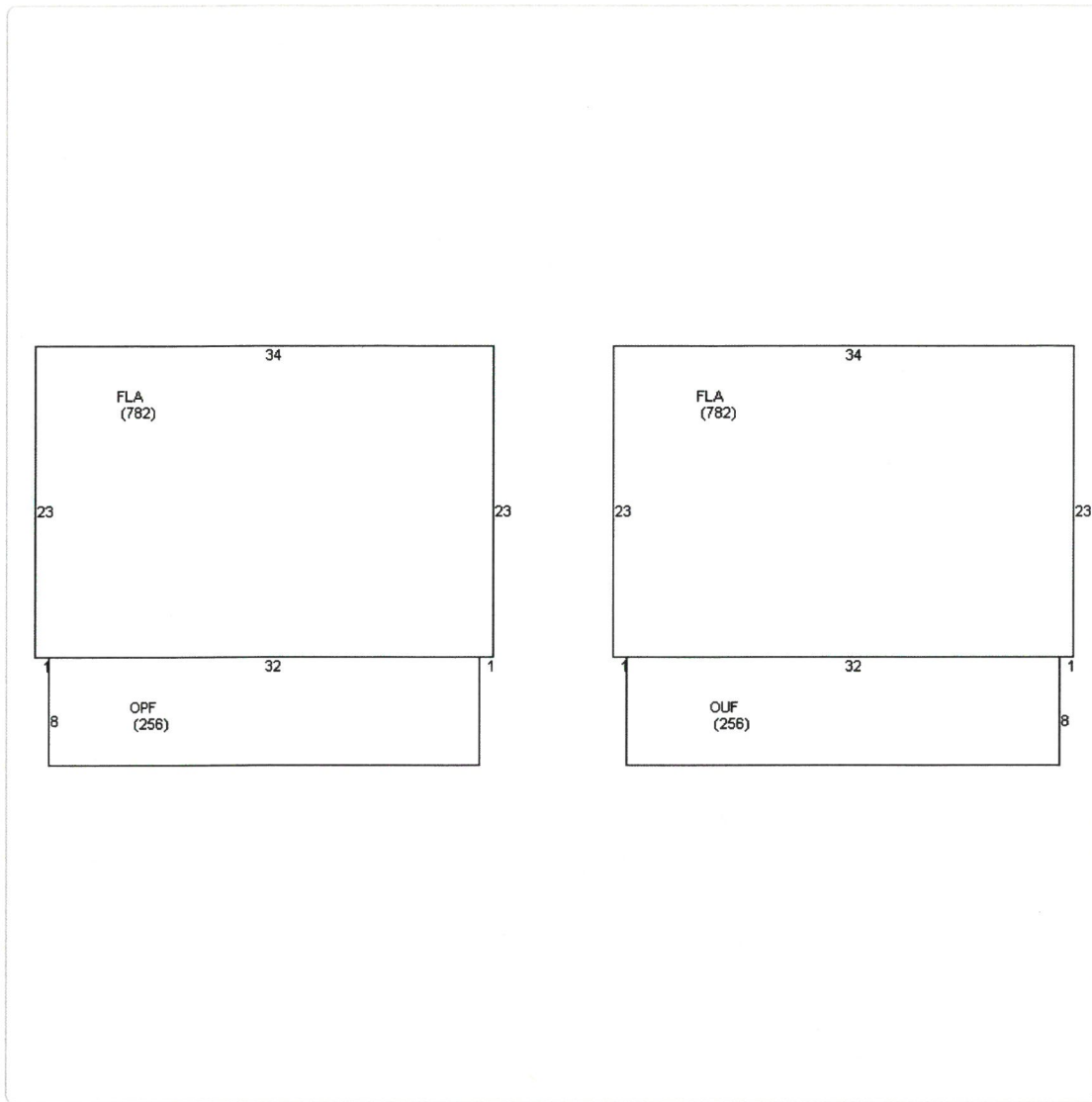
Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved
1/15/2016	\$5,994,000	Warranty Deed	2778	2778	786	43 - Unqualified	Improved
10/19/2006	\$3,200,000	Warranty Deed	2247	1351	470	Q - Qualified	Improved
5/1/1995	\$1,300,000	Warranty Deed	1283	1439	796	Q - Qualified	Improved
11/1/1993	\$500,000	Warranty Deed	1267	0399	796	G - Unqualified	Improved
7/1/1993	\$400,000	Warranty Deed	1110	824	796	U - Unqualified	Improved
10/1/1989	\$900,000	Warranty Deed	815	824	796	Q - Qualified	Improved
8/1/1980	\$250,000	Warranty Deed		1449		Q - Qualified	Improved

Permits

Number	Date Issued	Completed	Amount	Permit Type	Notes
13-3195	8/10/2013		\$1,587	Commercial	BUILD APPROX. 30' WHITE PICKET FENCE ON SW SIDE OF PROPERTY. 8' HIGH FROM HT OF SIDEWALK BACK TO BEGINNING OF BUILDING STRUCTURE. 6' HIGH PICKETS TO CORNER OF EXISTING WOOD DECK INDICATED.
11-3560	9/23/2011		\$2,000	Commercial	RE-LOCATE SERVICE TWO GANG METER CAN TO PROVIDE BETTER SPOT FOR KEYS ENERGY SERVICE
07-5008	2/21/2008		\$55,000	Commercial	13 NEW SPRINKLERS, PLUMBING FOR 3RD FLOOR ATTIC, ELECTRICAL FOR 3RD FLOOR ATTIC
05-3009	7/20/2005		\$800	Commercial	REPLACE EXISTING RISER
03-1699	5/14/2003		\$9,500	Commercial	INSTALL A/C
03-1748	5/14/2003		\$850	Commercial	SOFFIT
02-1614	6/25/2002		\$2,350	Commercial	RED TAG FRONT PORCH
02-0972	4/29/2002		\$2,000	Commercial	PAINT & SHUTTERS
00-1422	5/24/2000		\$1,200	Commercial	ROOF
98-1541	8/12/1998		\$1,000	Commercial	REPAIR/REPLACE FLOOR/RAIL
96-4698	12/1/1996		\$250	Commercial	ELECTRICAL
A952138	6/1/1995		\$450	Commercial	1 SQ VICTORIAN SHINGLES
B951792	6/1/1995		\$200	Commercial	PAINTING
E944130	12/1/1994		\$1,000	Commercial	FIRE ALARM SYSTEM
A940664	2/1/1994		\$100	Commercial	PAINT FRONT WHITE
B940481	2/1/1994		\$500	Commercial	DEMO CLOSETS ON 2ND FLOOR

Sketches (click to enlarge)





Photos



Map



No data available for the following modules: Buildings, Mobile Home Buildings, Exemptions.

The Monroe County Property Appraiser's office maintains data on property within the County solely for the purpose of fulfilling its responsibility to secure a just valuation for ad valorem tax purposes of all property within the County. The Monroe County Property Appraiser's office cannot guarantee its accuracy for any other purpose. Likewise, data provided regarding one tax year may not be applicable in prior or subsequent years. By requesting such data, you hereby understand and agree that the

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Developed by
The Schneider
Corporation