

WAYNE LARUE SMITH, MBA. JD ALSO ADMITTED WASHINGTON, D.C.

BRETT TYLER SMITH

September 19, 2018

VIA HAND DELIVERY

Patrick Wright
Director of Planning
City of Key West Planning Department
1300 White Street
Key West, Florida 33040

RE: Conditional Use Amendment Application 821 Duval Street, Key West, Florida

Dear Mr. Wright:

This is an application to amend an existing conditional use permit for the property located at 821 Duval Street, Key West, Florida, 33040 ("Property"). The Property has been and is currently operated as a beer and wine bar, since 2011, named "Little Room Jazz Club." The establishment operates pursuant to Planning Board Resolution Number 2011-061, which approved the conditional use of the beer and wine bar. The Applicant seeks to incorporate a 5COP liquor license allowing the sale of spirits on the Property.

Existing development is depicted in the attached surveys and plans, including:

- Size of Site
- Buildings

- Structures
- Adjacent Buildings

Proposed development is depicted in attached plans prepared by licensed engineers, including:

- Consumption areas/floor plan
- Buildings

Key persons and entities involved:

- Owner of Property:
- Owner of Business:
- Authorized Agent:

SUBA 821, LLC

Little Room Jazz Club, LLC

Wayne LaRue Smith, Esq.

Patrick Wright
Director of Planning
City of Key West Planning Department
September 19, 2018
Page: 2

Site Data:

There will not be any changes to this site related to this conditional use amendment application.

Additional Project information:

The Applicant, Little Room Jazz Club, LLC, ("Little Room") currently operates a beer and wine bar, with live jazz music nightly, at 821 Duval Street, Key West, Florida 33040. Little Room is proposing to add a 5COP liquor license to the Property allowing it to sell spirits, in addition to beer and wine.

Specific Criterial for Conditional Use Approval:

- Characteristics of Proposed Use as differentiated from the existing Conditional Use Permit:
 - Scale and intensity of the proposed conditional use as measured by the following:
 - a) Floor Area Ratio: No Change from original conditional use application
 - b) Traffic Generation: No Change from original conditional use application.
 - c) **Square Feet of enclosed building**: No change from original conditional use application.
 - d) **Proposed employment**: No change from original conditional use application.
 - e) **Proposed number and type of service vehicles**: The applicant expects the addition of one service delivery per week from service providers who are currently serving other establishments in the Duval Street corridor.
 - f) **Off-Street Parking Needs**: No change from original conditional use application. Additionally, the site is within the historic commercial pedestrian-oriented area, pursuant to Section 108-573(c) of the City Code.
 - o On or Off Site improvement needs generated by the proposed conditional:
 - a) Utilities: No changes are required.
 - b) **Public Facilities**: This Application does not invoke the need of concurrency management pursuant to Chapter 94 of the Land Development Regulations as

Patrick Wright
Director of Planning
City of Key West Planning Department
September 19, 2018
Page: 3

this Application is only for conditional use amendment and not a development plan.

- c) Roadway or signalization improvements or other similar improvements: This Application does not require the need for any roadway signalization improvements, or other similar improvements.
- d) Accessory structures or facilities: This Application does not seek to add any accessory structures or facilities.
- e) Other unique facilities/structures proposed as part of site improvements: This Application does not seek to add any unique facilities or structures. Nothing on the site will change from its current configuration.
- On-Site Amenities proposed to enhance site and planned improvements. Amenities including mitigative techniques such as:
 - a) **Open space**: There will be no change to the open space of the Property.
 - b) **Setbacks from adjacent properties**: There are no changes to existing setbacks.
 - c) **Screening and buffers**: There will be no change to the screening and buffers on the Property.
 - d) Landscaped berms proposed to mitigate against adverse impacts to adjacent sites: There are no proposed landscape berms as part of this Application.
 - e) Mitigative techniques for abating smoke, odor, noise and other noxious impacts: No changes from the original conditional use permit.
- Criteria for conditional use review and approval:
 - a) Land Use Compatibility: The proposed use of the Property is compatible with Section 122-686 of the Land Development Regulations. The Property is located in the Duval Street Oceanside District (HRCC-3). The HRCC-3 is characterized as a center for arts, crafts, gifts, designer goods, restaurants, and tourist accommodations. The proposed use is an existing full service bar serving beer, wine and liquor that complements the surrounding uses, which include neighboring guest houses, specialty shops and sidewalk-oriented restaurants and bars such as The Duval House, Croissants de France, Vino's

Patrick Wright
Director of Planning
City of Key West Planning Department
September 19, 2018
Page: 4

on Duval, 801 Bar, Le Petit Paris and the Casablanca hotel and pub. The proposal subject to this application is permitted as a conditional use pursuant to Section 122-748(9) "Bars and lounges...".

- b) Sufficient site size, adequate site specifications, and infrastructure to accommodate the proposed use: The existing site and infrastructure are adequate to accommodate the proposed use. The site has been operated as a bar for approximately seven years and has more than enough size and infrastructure to accommodate the serving of liquor on the Property.
- c) **Proper Use of Mitigative Techniques**: The applicant is maintaining the no outdoor music condition in order to minimize noise. The addition of a 5COP liquor license will not otherwise invoke the need for additional mitigation.
- d) **Hazardous Waste:** The proposed use will not create negative impacts that require disposal of hazardous waste.
- e) Compliant with Applicable Law and Ordinances: The use will comply with all state, local and federal regulations.
- f) Additional Criteria Applicable to Specific Land Uses: The proposed conditional use does not fall within a conservation area nor does it provide for development in any of the enumerated areas pursuant to Chapter 122-62 of the Land Development Regulations.

Sincerely,

Wayne LaRue Smith

Z:\1078\25\2018-09-19 Letter for Conditional Use Amendment Application.docx

City of Key West Planning Department 1300 White Street, Key West, FL 33040 (305) 809-3720



Development Plan & Conditional Use Application

Applications will not be accepted unless complete

| | Development Plan Conditional Use Historic District Major ✓ Yes ✓ Minor No |
|-------|--|
| Pleas | se print or type: |
| 1) | Site Address 821 Duval Street |
| 2) | Name of Applicant Wayne LaRue Smith |
| 3) | Applicant is: Owner Authorized Representative (attached Authorization and Verification Forms must be completed) |
| 4) | Address of Applicant 509 Whitehead Street |
| -/- | Key West, Florida 33040 |
| 5) | Applicant's Phone # 305-296-0029 Email wsmith@thesmithlawfirm.com |
| 6) | Email Address: wsmith@thesmithlawfirm.com |
| 7) | Name of Owner, if different than above SUBA 821, LLC |
| 8) | Address of Owner 2226 Harris Avenue #2 |
| 9) | Owner Phone # 305-602-7706 Email jbeeman@subamanagement.com |
| 10) | Zoning District of Parcel HRCC-3 RE# 00016820-000000 |
| 11) | Is Subject Property located within the Historic District? Yes 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). |
| | Amend conditional use (COKW Resolution 2011-061) for beer and wine bar to add |
| | 5COP full liquor license. Please see attached. |
| | |
| | |
| | |

City of Key West Planning Department 1300 White Street, Key West, FL 33040 (305) 809-3720

| 13) | На | s subject Property received any variance(s)? Yes No | | | | | | | |
|------------------------|--|---|--|--|--|--|--|--|--|
| | lf Y | es: Date of approval Resolution # | | | | | | | |
| | | ach resolution(s). | | | | | | | |
| 14) | Are there any easements, deed restrictions or other encumbrances on the subject property? Yes No No | | | | | | | | |
| | If Y | es, describe and attach relevant documents. | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | Α. | For both <i>Conditional Uses</i> and <i>Development Plans</i> , provide the information requested from the attached Conditional Use and Development Plan sheet. | | | | | | | |
| | B. | For <i>Conditional Uses</i> 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 <i>Major Development Plans</i> 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 <i>Conditional Uses</i> and <i>Development Plans</i> , one set of plans MUST be signed & sealed by an Engineer or Architect. | | | | | | | |
| Please improphearin | oer | ote, development plan and conditional use approvals are quasi-judicial hearings and it is to speak to a Planning Board member or City Commissioner about the project outside of the | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

City of Key West Planning Department 1300 White Street, Key West, FL 33040 (305) 809-3720



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

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.

City of Key West Planning Department 1300 White Street, Key West, FL 33040 (305) 809-3720

III. <u>Solutions Statement</u>. 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.

City of Key West Planning Department 1300 White Street, Key West, FL 33040 (305) 809-3720



- (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).
 - 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.

City of Key West Planning Department 1300 White Street, Key West, FL 33040 (305) 809-3720



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) <u>Characteristics of use described</u>. 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.

City of Key West Planning Department 1300 White Street, Key West, FL 33040 (305) 809-3720



- (c) <u>Criteria for conditional use review and approval</u>. Applications for a conditional use shall clearly demonstrate the following:
 - (1) <u>Land use compatibility</u>. 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) <u>Sufficient site size</u>, 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) <u>Proper use of mitigative techniques</u>. 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) <u>Hazardous waste</u>. 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) <u>Additional criteria applicable to specific land uses</u>. 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. <u>Land uses within a conservation area</u>. 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-

City of Key West Planning Department 1300 White Street, 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. <u>Development within or adjacent to historic district</u>. 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. <u>Public facilities or institutional development</u>. 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. <u>Commercial structures, uses and related activities within tidal waters</u>. The criteria for commercial structures, uses and related activities within tidal waters are as provided in section 122-1186.
- g. <u>Adult entertainment establishments</u>. The criteria for adult entertainment establishments are as provided in division 12 of article V of this chapter.

| Resolution Number 2011-061 |
|----------------------------|
| |
| |
| |
| |

RESOLUTION NUMBER 2011-061

A RESOLUTION OF THE KEY **PLANNING** BOARD **GRANTING** CONDITIONAL APPROVAL USE SPECIAL EXCEPTION FOR THE SALE OF ALCOHOL WITHIN 300 FEET OF A CHURCH PER SECTIONS 122-62 AND 122-63 AND 18-28 OF THE CODE OF ORDINANCES FOR A BAR AND LOUNGE LOCATED AT 821 DUVAL STREET (RE# 00016820-000000) IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE - DUVAL STREET/GULFSIDE (HRCC-3) ZONING DISTRICT, PURSUANT TO SECTION 122-748(9) OF THE CODE OF ORDINANCES, KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject property is located in the Historic Residential Commercial Core— Duval Street Gulfside (HRCC-3) zoning district; and

WHEREAS, Section 122-748(9) of the Code of Ordinances provides that bars and lounges are allowed as a conditional use within the Historic Residential Commercial Core- Duval Street Gulfside (HRCC-3) zoning district; and

WHEREAS, Section 18-28 (a) prohibits the sale of alcohol within 300 feet of a church; and

WHEREAS, the applicant filed a conditional use application for a bar and lounge to sell beer

Page 1 of 6 Resolution Number 2011-061

and wine at 821 Duval Street; and

WHEREAS, Section 122-62 outlines the criteria for reviewing a conditional use application

by the Planning Board; and

WHEREAS, Section 18-28 (b) allows an applicant "aggrieved by subsection (a)" to apply

for a special exception for the sale of alcohol within 300 feet of a church in conjunction with an

approved conditional use application that includes consideration for the public welfare; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on

November 17, 2011; and

WHEREAS, the Planning Board found that the proposed use complies with the criteria in

Section 122-62 18-28 (b)(1)&(2); and

WHEREAS, the approval of the conditional use and special exception application will be in

harmony with the general purpose and intent of the Land Development Regulations, and will not be

injurious to the neighborhood, or otherwise detrimental to the public welfare; and

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

Page 2 of 6 Resolution Number 2011-061

Chairman

Florida:

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

Section 2. That a conditional use and special exception request, under the Code of Ordinances of the City of Key West, Florida, per Section 122-688(9) is hereby approved as follows: allowing a 1,867 square foot consumption area for a bar and lounge including, 408 square feet of outdoor and 1,459 square feet of indoor consumption area, for property located at 821 Duval Street (RE# 00016820-000000), Key West, Florida, as shown in the attached floor plan and survey received October 28 and November 8, 2011 with the following conditions:

Condition to be completed prior to the issuance of a certificate of occupancy:

- 1. ADA access is provided and maintained.
- 2. The applicant will install and maintain a programmable distributive sound system to assure compliance with the "unreasonable noise" definition of Section 26-191 of the Code of Ordinances, and shall include a computerized sound monitoring system with real time monitoring access is provided to the City.

Conditions subject to a Conditional Approval Permit, per Ordinance 10-22. Conditions subject to an associated annual inspection:

Hours of operation are limited to Sunday through Thursday 10am to 2am and
 Friday and Saturday from 10am to 4am.

Page 3 of 6 Resolution Number 2011-061

Chairman

4. The use is approved for the sale of beer and wine only.

5. There will be no amplified outdoor music on the premises.

6. There will be no additional seats allowed without further City approvals.

7. The applicant expressly agrees to provide the City's agents unfettered access to

the computer-generated reports and full, real-time web-based access to the digital

monitoring of on-site acoustics for the purpose of assuring compliance with the

conditions contained herein.

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 conditional use approval 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

Page 4 of 6 Resolution Number 2011-061

Chairman

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 Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA 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.

Section 7. The applicant shall obtain and maintain a Conditional Approval Permit from the City prior to issuance of a Certificate of Occupancy per Ordinance Number 10-22.

Read and passed on first reading at a regular meeting held this 17th day of March, 2011.

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

Richard Klitenick, Chairman Key West Planning Board

Attest:

Page 5 of 6 Resolution Number 2011-061

Chairman
Planning Director

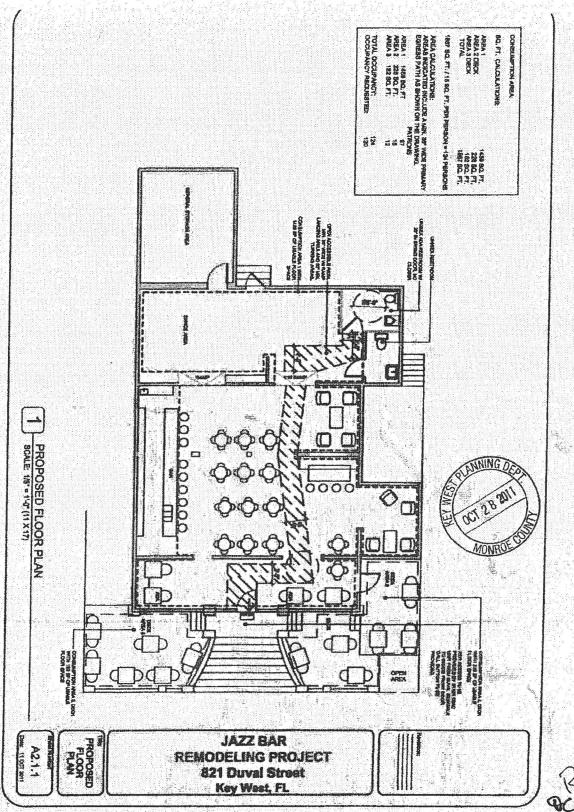
Donald Leland Craig, AICP

Planning Director

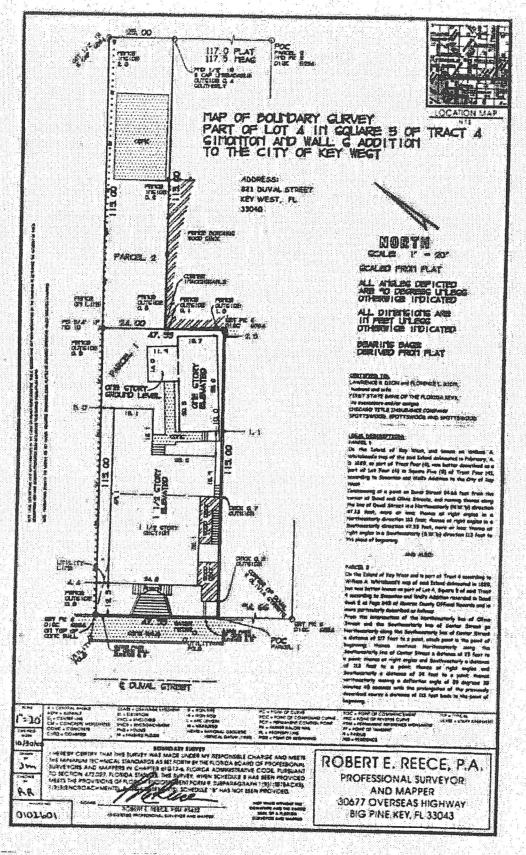
Filed with the Clerk:

Page 6 of 6 Resolution Number 2011-061

Chairman

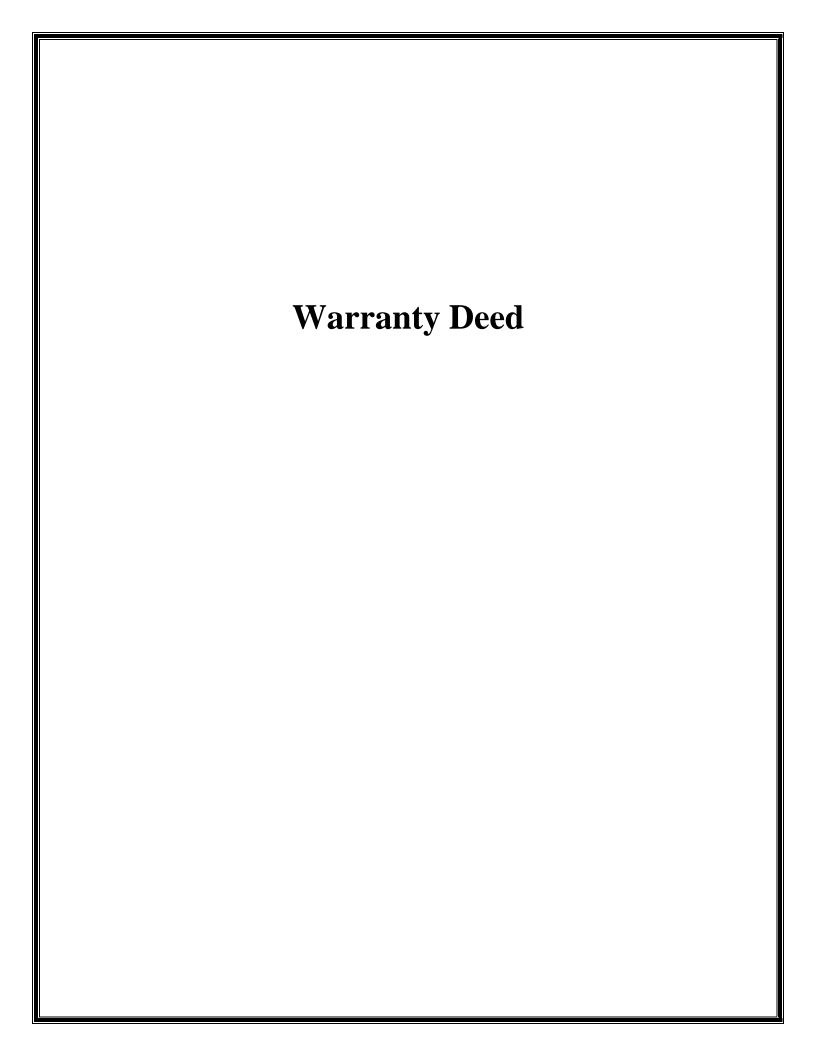


Sul





PM -



Doc# 2117021 04/03/2017 1:09PM Filed & Recorded in Official Records of MONROE COUNTY KEVIN MADOK

04/03/2017 1:09PM DEED DOC STAMP CL: Krys

\$0.70

Record and return to:

Doc# 2117021 Bk# 2047 Pg# 73

Paul Rampell, Esq. 400 Royal Palm Way, Suite 410 Palm Beach, FL 33480

Alternate Key Number: 1017221

WARRANTY DEED

THIS WARRANTY DEED is made this 15th day of 12017, between Dion Rental Properties, LLC, a Florida limited liability company, whose mailing address is 2226 Harris Avenue, Unit 2, Key West, FL 33040 ("Grantor") and Suba 821, LLC, a Florida limited liability company, whose mailing address is 2226 Harris Avenue, Unit 2, Key West, FL 33040 ("Grantee").

WITNESSETH: Grantor, for and in consideration of Ten Dollars (\$10.00) to Grantor in hand paid by Grantee, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, and conveyed to Grantee, and Grantee's successors and assigns forever, certain real property in Monroe County, Florida, described as follows:

See Exhibit A attached hereto:

Together with all the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining;

Subject to valid conditions, covenants, limitations, restrictions, reservations and easements of record, which are not reimposed hereby; taxes for the year 2017 and subsequent years; and valid zoning restrictions imposed by any governmental or quasi-governmental authorities:

To have and to hold the same in fee simple forever.

Grantor hereby covenants with Grantee that Grantor is lawfully seized of said land in fee simple; that Grantor has good and lawful authority to sell and convey said land; and that Grantor hereby fully warrants title to said land and will defend the same against the lawful claims of all persons whomsoever.

Note to Recorder: This transfer is exempt from Florida documentary stamp tax pursuant to Florida Administrative Code, Sections 12B-4.013(28)(a) and 12B-4.014(2) and (4) as there is no consideration, no change in beneficial ownership, and the deed is the equivalent of a Personal Representative's Deed as the Grantor is solely owned by the Estate of Lawrence R. Dion and the Grantee is solely owned by the primary beneficiary of such Estate.

Dec# 2117021 Bk# 2847 Pg# 74

IN WITNESS WHEREOF, Grantor has signed these presents as of the day and year first written above.

Signed and delivered in our Presence:

Grantor:

Dion Rental Properties, LLC

By: Dion Partnership, Ltd.,

Managing Member
By: Larry Dion Corporation,

General Partner

By: Sy given Donk

Signature of First Witness

Printed Name of First Witness

Signature of Second Witness

Printed Name of Second Witness

State of Florida

County of Monroe

The foregoing instrument was sworn to and subscribed and acknowledged before me this $\sqrt{\frac{c}{c}}$ day of $\sqrt{\frac{2017}{c}}$, 2017, by Suzanne D. Banks and she is personally known to me or produced reasonable proof of her identity.

JUDITH KATHERINE SIMONS
Notary Public - State of Florida
My Comm. Expires Jan 25, 2019
Commission # FF 165107
Bonded through National Notary Assn.

Notary Public

SEAL:

EXHIBIT A

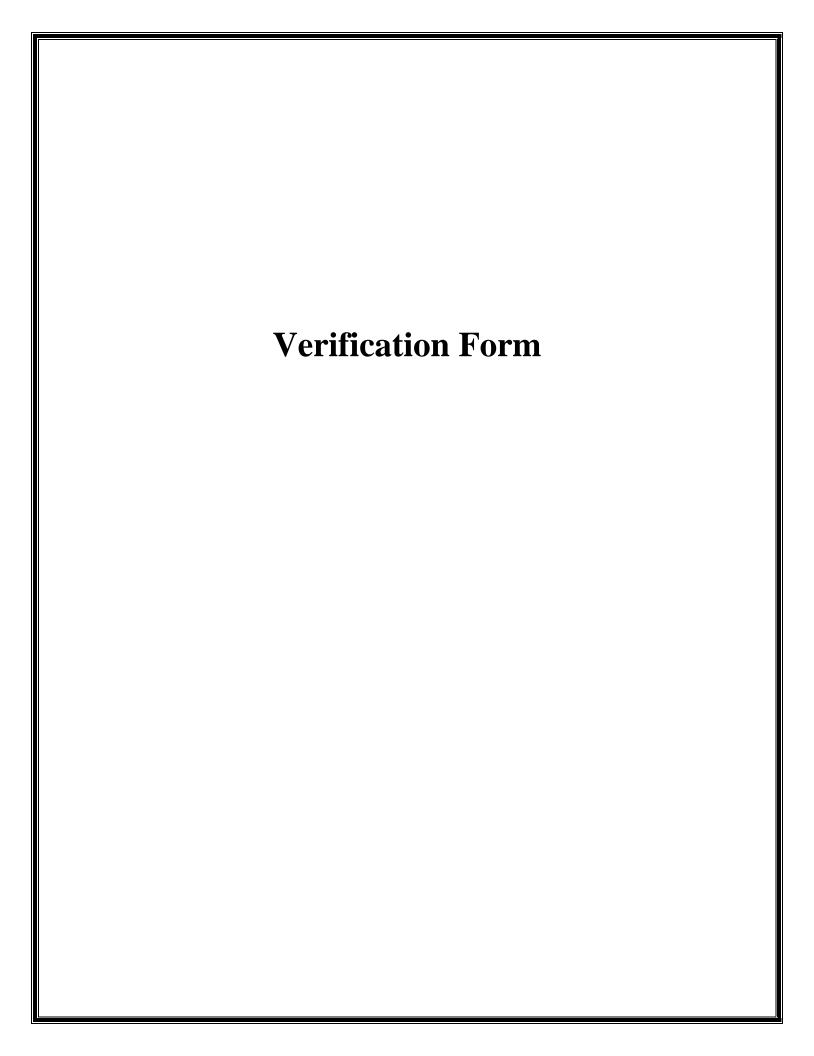
(Alternate Key Number 1017221)

On the Island of Key West and known as Part of Lot 4, Square 5, of Tract 4, Simonton and Well's Addition to the City of Key West, according to the Plat thereof recorded in Deed Book E, Page 245, of the Public Records of Monroe County, Florida.

Beginning at the corner of Duval and Olivia Streets and running thence in a Northwesterly direction along Duval Street 94 feet, 8 inches; thence at right angles in a Northeasterly direction 81 feet; thence at right angles in a Southeasterly direction 94 feet, 8 inches, to Olivia Street; thence at right angles in a Southwesterly direction along Olivia Street 81 feet to place of beginning.

Also known as:

821 Duval Street Key West, FLorida



City of Key West Planning Department



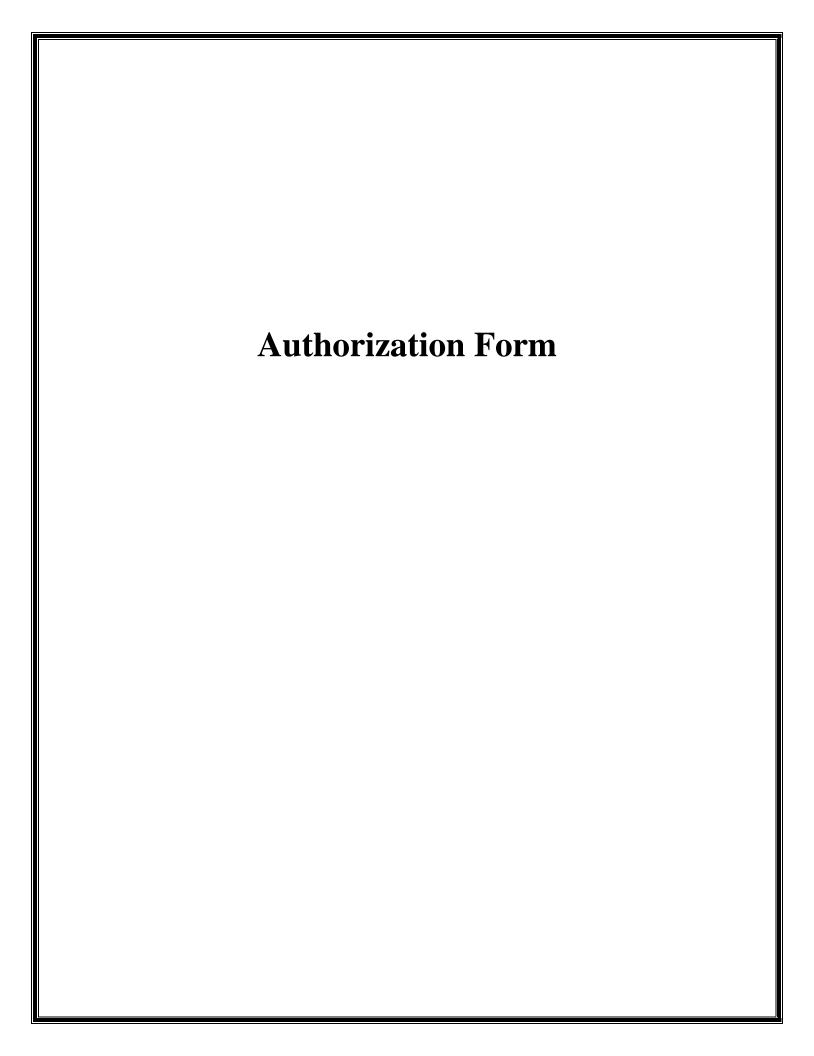
Verification Form

(Where Authorized Representative is an Individual)

| Wayne LaRue Smith, Esq. | sworn, depose and say that I am the Authorized |
|---|---|
| Representative of the Owner (as appears on the deematter of this application: | ed), for the following property identified as the subjec |
| 821 Duval Street, Key We | est, Florida |
| Street address of | of subject property |
| application, are true and correct to the best of my | October 31, 2018 |
| Wayne LaRue Smith | date |
| Name of Authorized Representative | |
| He/She is personally known to me or has presented | as identification. |
| Notary's Signature and Seal Jodell Roberts | JODELL ROBERTS Commission # GG 122080 Expires July 6, 2021 Bonded Thru Troy Fain Insurance 800-385-7019 |
| | |
| Name of Acknowledger typed, printed or stamped | |

#66122680

Commission Number, if any



City of Key West Planning Department

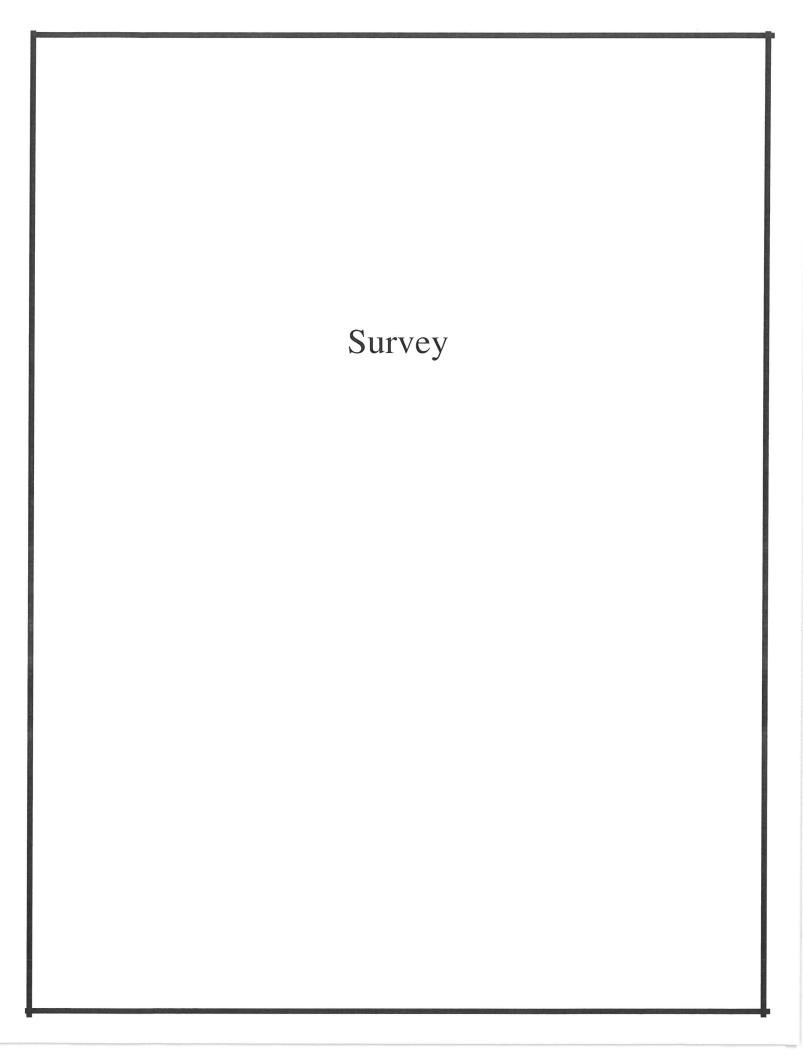


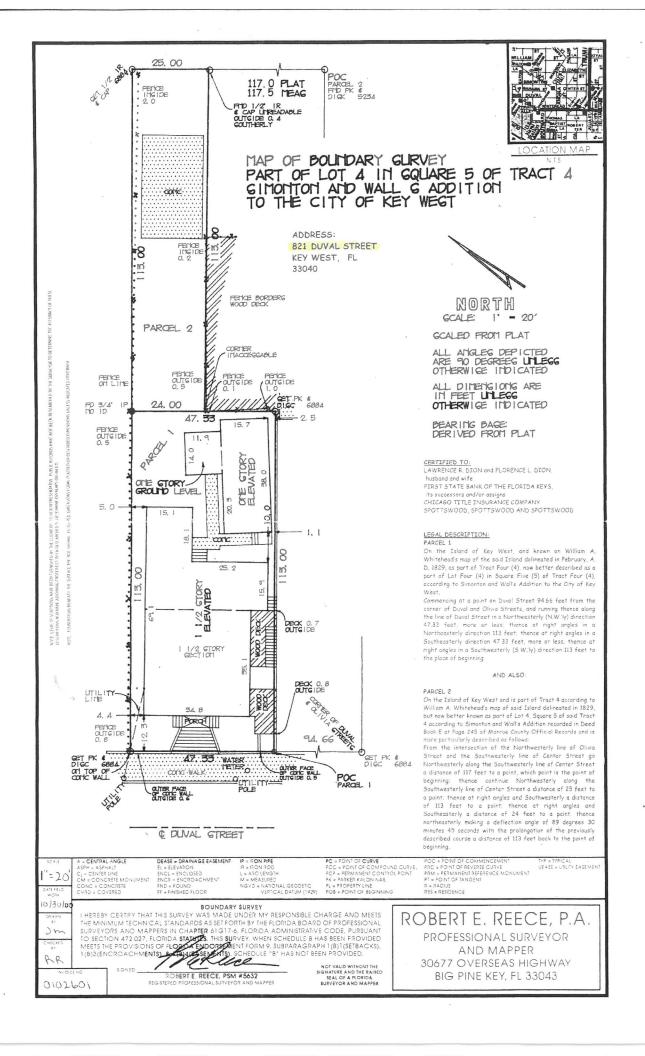
Authorization Form

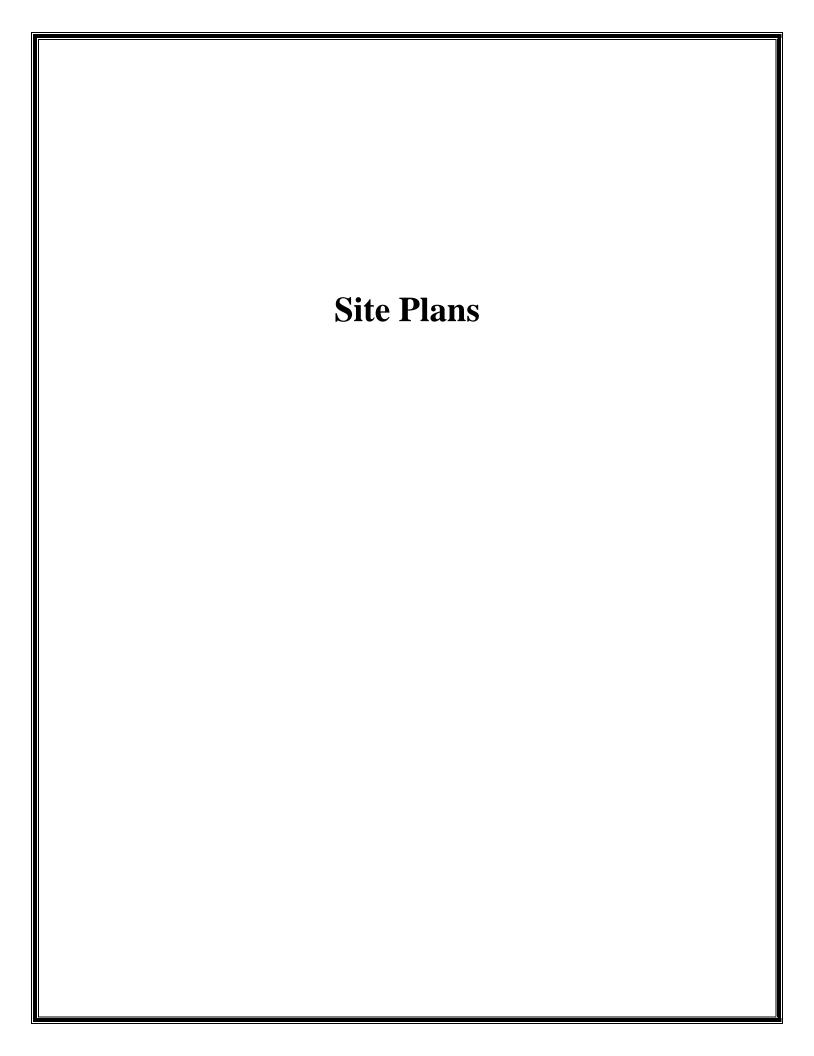
(Where Owner is a Business Entity)

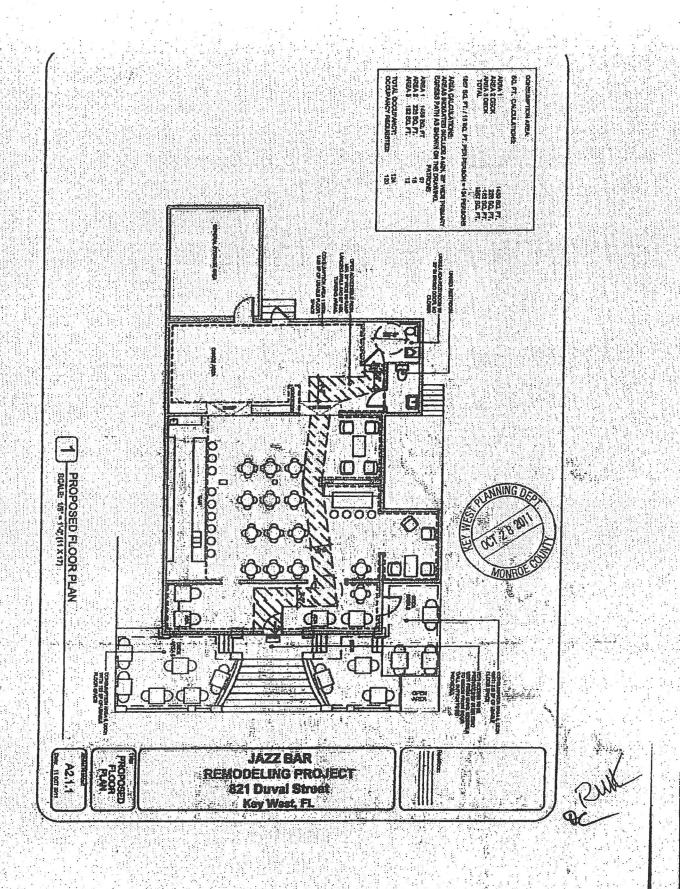
Please complete this form if someone other than the owner is representing the property owner in this matter.

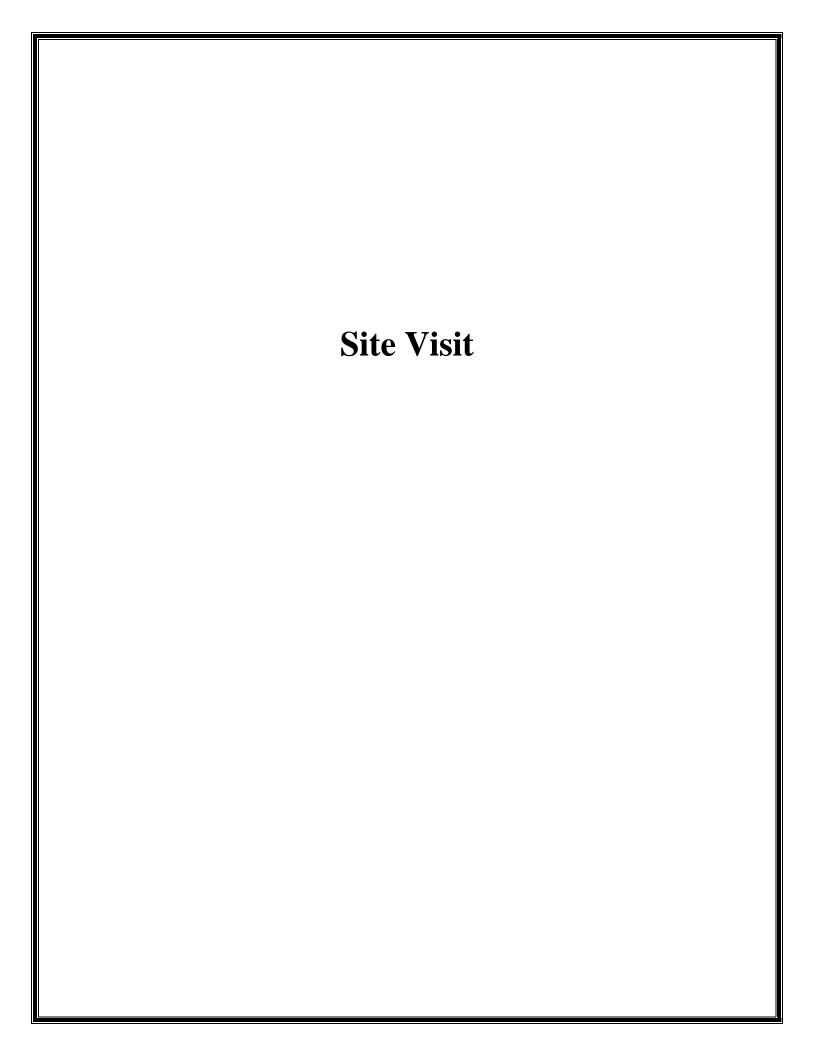
| Managing Member Name of office (President, Managing Member) Wayne LaRue Smith, Esq. Please Print Name of Representative to be the representative for this application and act on my/our behalf before the City of Key West. |
|---|
| Name of office (President, Managing Member) Name of owner from deed authorize Wayne LaRue Smith, Esq. Please Print Name of Representative to be the representative for this application and act on my/our behalf before the City of Key West. |
| Name of office (President, Managing Member) Name of owner from deed authorize Wayne LaRue Smith, Esq. Please Print Name of Representative to be the representative for this application and act on my/our behalf before the City of Key West. |
| Please Print Name of Representative to be the representative for this application and act on my/our behalf before the City of Key West. |
| Please Print Name of Representative to be the representative for this application and act on my/our behalf before the City of Key West. |
| |
| Signal Donks |
| |
| Signature of person with authority to execute documents on behalf on entity owner |
| Subscribed and sworn to (or affirmed) before me on this 10-29-2018 Date |
| |
| by Suzanne D. Banks |
| Name of person with authority to execute documents on behalf on entity owner |
| He/She is personally known to me or has presented as identification. |
| Notary's Signature and Seal JOANNE A BEEMAN MY COMMISSION #GG118706 |
| Name of Acknowledger typed, printed or stamped EXPIRES: JUN 26, 2021 Bonded through 1st State Insurance |
| GG 118 706 Commission Number, if any |









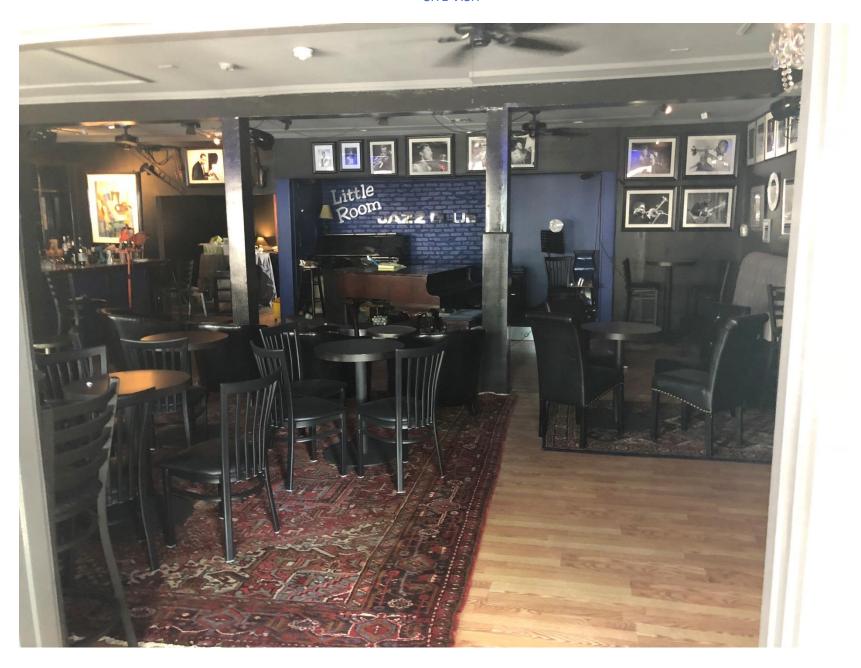


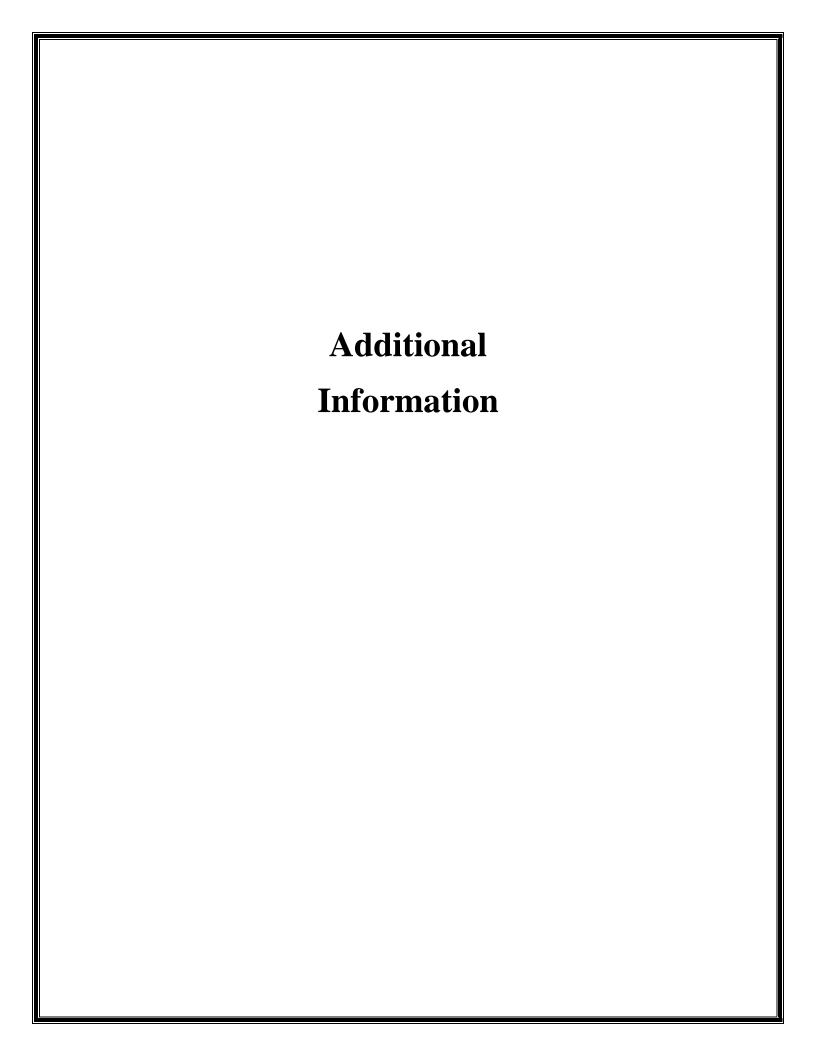


821 Duval Street, Key West, Florida 33040 SITE VISIT



821 Duval Street, Key West, Florida 33040 SITE VISIT





♠ qPublic.net™ Monroe County, FL

Disclaimer

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 data is intended for ad valorem tax purposes only and should not be relied on for any other purpose.

By continuing into this site you assert that you have read and agree to the above statement.

Summary

Parcel ID Account # 00016820-000000 1017221

Property ID

1017221

Millage Group

Location Address

821 DUVAL St, KEY WEST

Legal Description KW PT LT 4 SQR 5 TR 4 OR319-121-122 OR1913-1698/1700 OR2471-2244D/C OR2471-2250/54 OR2847

73/75

(Note: Not to be used on legal documents) 32050

Neighborhood

STORE COMBO (1200) **Property Class**

Subdivision Sec/Twp/Rng

06/68/25

Affordable

Housing



Owner

SUBA 821 LLC PO Box 29 Key West FL 33041

Valuation

| | 2018 | 2017 | 2016 | 2015 |
|----------------------------|-------------|-------------|-------------|-------------|
| + Market Improvement Value | \$365,516 | \$381,484 | \$393,206 | \$393,206 |
| + Market Misc Value | \$4,853 | \$4,921 | \$5,065 | \$4,458 |
| + Market Land Value | \$1,011,409 | \$719,224 | \$717,524 | \$717,524 |
| = Just Market Value | \$1,381,778 | \$1,105,629 | \$1,115,795 | \$1,115,188 |
| = Total Assessed Value | \$1,381,778 | \$1,105,629 | \$1,115,795 | \$1,115,188 |
| - School Exempt Value | \$0 | \$0 | \$0 | \$0 |
| = School Taxable Value | \$1,381,778 | \$1,105,629 | \$1,115,795 | \$1,115,188 |

Land

| Land Use | Number of Units | Unit Type | Frontage | Depth |
|-----------------------|-----------------|-------------|----------|-------|
| COMMERCIAL DRY (100D) | 8,173.00 | Square Foot | 0 | 0 |

Commercial Buildings

Style

NIGHT CLUBS/BARS-A- / 33A

Gross Sq Ft Finished Sq Ft Perimiter

3,473 2,234

Stories

Interior Walls

AB AVE WOOD SIDING Exterior Walls 400 ()

Ouality

Roof Type

Roof Material Exterior Wall1

AB 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 1993

Condition

Code FHS

Description FINISH HALF ST Sketch Area

Finished Area

Perimeter

https://qpublic.schneidercorp.com/Application.aspx?AppID=605&LayerID=9946&PageT... 10/31/2018

| Code | Description | Sketch Area | Finished Area | Perimeter |
|-------|----------------|-------------|---------------|-----------|
| FLA | FLOOR LIV AREA | 2,234 | 2,234 | 0 |
| OPU | OP PR UNFIN LL | 336 | 0 | 0 |
| OUU | OP PR UNFIN UL | 63 | 0 | 0 |
| TOTAL | | 3,473 | 2,234 | 0 |

APTS-A / 03A Style Gross Sq Ft 780 Finished Sq Ft 760 Perimiter

WALL BD/WD WAL Interior Walls Exterior Walls REIN CONCRETE

Quality Roof Type Roof Material 400 () GABLE/HIP METAL Exterior Wall1 REIN CONCRETE Exterior Wall2 Foundation CONCR FTR

Interior Finish **Ground Floor Area**

WALL BD/WD WAL CONC ABOVE GRD

Floor Cover **Full Bathrooms**

0

Half Bathrooms Heating Type

FCD/AIR DUCTED with 0% NONE

Year Built

Year Remodeled Effective Year Built 1997

Condition

Code Description Sketch Area Finished Area Perimeter FLA FLOOR LIV AREA 760 760 0 OPF OP PRCH FIN LL 20 0 TOTAL 780 760 0

Yard Items

| Description | Year Built | Roll Year | Quantity | Units | Grade |
|---------------|------------|-----------|----------|--------|-------|
| WALL AIR COND | 1995 | 1996 | 1 | 1 UT | 1 |
| CONC PATIO | 1995 | 1996 | 1 | 133 SF | 2 |
| FENCES | 1995 | 1996 | 1 | 928 SF | 2 |
| WOOD DECK | 1996 | 1997 | 1 | 192 SF | 1 |
| FENCES | 1996 | 1997 | 1 | 305 SF | 5 |

Sales

| Sale Date | Sale Price | Instrument | Instrument Number | Deed Book | Deed Page | Sale Qualification | Vacant or Improved |
|-----------|------------|-----------------|-------------------|-----------|-----------|--------------------|--------------------|
| 4/1/2017 | \$100 | Warranty Deed | 2117021 | 2847 | 73 | 11 - Unqualified | Improved |
| 6/2/2010 | \$100 | Quit Claim Deed | | 2471 | 2250 | 11 - Unqualified | Improved |

Permits

| Number ‡ | Date Issued | Date Completed \$ | Amount \$ | Permit Type | Notes ≑ |
|--------------------|-------------|-----------------------------|-----------|-------------|---|
| 17-3982 | 12/4/2017 | | \$500 | Commercial | APPROX 20 FT OF 6FT HIGH INTERIOR WOOD FENCE TO CREATE PRIVACY |
| 17-1040 | 4/13/2017 | | \$7,500 | Commercial | REBUILD FRONT STEPS IN FRONT OF BUILDING. REPLACE APPROX 100 SF ROOTEN SIDING IN FRONT OF BUILDING |
| 12-3556 | 9/28/2012 | | \$1,000 | Commercial | 10 NEW HARD WIRED FIXTURES. |
| 12-3443 | 9/19/2012 | | \$0 | Commercial | CHANGE USE OF STRUCTURE FROM RETAIL TO MIXED USE. BEER AND WINE BAR (50 SEATS) WITH ACCESSORY RETAIL USE. |
| 12-1729 | 5/17/2012 | | \$2,400 | Commercial | PITCHED REMEX V-CRIMP INSTALL TITANIUM, 26 GA GALVALUME EAVES, FLASHING, V-CRIMP & RIDGE CAP FLAT ROOF REMEX FLAT ROOFING. INSTALL GLASS BASE 26 GA GAL. EAVES DRIP FLASHING MOD. RUBBER. |
| 10-3825 | 12/3/2010 | | \$6,800 | Commercial | REMOVE AND REPLACE 400SF OF 5/4 X 6 DECKING PT WITH 2.5" CERAMIC COAT GRABBERS |
| 05-4481 | 10/11/2005 | 12/31/2005 | \$800 | Commercial | EMERGENCY METER ENCLOSURE REPLACEMENT |
| 0201309 | 5/17/2002 | 8/16/2002 | \$1,600 | | REPLACE AC |
| 0200243 | 1/31/2002 | 8/16/2002 | \$10,000 | | INSTALL CARPET |
| 0103986 | 1/15/2002 | 8/16/2002 | \$5,500 | | INTERIOR MODIFICATIONS |
| 0104017 | 12/21/2001 | 8/16/2002 | \$8,000 | Commercial | PAINTINTERIOR |
| 0002520 | 8/25/2000 | 11/2/2000 | \$1,500 | Commercial | PLUMBING |
| 9802536 | 9/3/1998 | 12/4/1998 | \$24,000 | Commercial | ONE STORY ADDITION,A/C |
| 9802334 | 7/24/1998 | 12/4/1998 | \$800 | Commercial | ELECTRICAL |
| 9702482 | 8/1/1997 | 10/1/1997 | \$3,200 | Commercial | FRONT ENTRY STAIRS |
| 9600498 | 1/1/1996 | 2/1/1996 | \$1,000 | Commercial | SIGN |
| M954037 | 11/1/1995 | 2/1/1996 | \$3,800 | Commercial | MECHANICAL |

| Number | Date Issued | Date Completed ‡ | Amount | Permit Type | Notes ♦ |
|---------|-------------|----------------------------|----------|-------------|---------------------|
| P954128 | 11/1/1995 | 2/1/1996 | \$1,200 | Commercial | PLUMBING |
| B953563 | 10/1/1995 | 2/1/1996 | \$2,500 | | DEMO/REPAIR FRONT |
| B953568 | 10/1/1995 | 2/1/1996 | \$10,000 | Commercial | RENOVATIONS |
| E953618 | 10/1/1995 | 2/1/1996 | \$2,500 | Commercial | ELECTRICAL |
| B952657 | 8/1/1995 | 2/1/1996 | \$10,000 | Commercial | DEMOLITION INTERIOR |
| A951737 | 5/1/1995 | 2/1/1996 | \$9,000 | | ROOF |

Мар



TRIM Notice

Trim Notice

2018 Notices Only

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

Schneid GEOSPAT

Last Data Upload: 10/31/2018 1:55:13 AM