THE CITY OF KEY WEST PLANNING BOARD



To:

Chairman and Planning Board Members

From:

Brendon Cunningham, Senior Planner

Through:

Donald Leland Craig, AICP, Planning Director

Meeting Date:

February 21, 2013

Application:

Exception for Outdoor Merchandise Display - 628 Duval Street (RE# 00012480-000000) - A request to allow the display of merchandise sold in-store in the HRCC-1 zoning district per Section 106-52 of the Land Development

Regulations of the Code of Ordinances of the City of Key West.

Request:

To allow for an Exception for Outdoor Merchandise Display of queen conch

shells and maracas through a 60 month time span.

Applicant:

FMH Builders, Inc.

Property Owner:

Historic Tours of America, Inc; dba Tropical Shell & Gift

Location:

628 Duval Street - RE# 00012480-000000

Zoning:

Historic Residential Commercial Core (HRCC-1)

BACKGROUND

Tropical Shell and Gift is a retail shop that features souvenir items and other sundries.

REQUEST

The applicant is requesting that the Planning Board grant approval for the outdoor display of conch shells and maracas located in front of the open doors in two barrels and on a model-cart shelf unit. The applicant seeks the maximum time exception of 60 months.

ANALYSIS-EVALUATION- COMPLIANCE WITH CITY OF KEY WEST LAND DEVELOPMENT REGULATIONS

According to Section 106-51 of the Code, the outdoor display of merchandise in the historic zoning districts of the City is prohibited unless an Exception is granted by the Planning Board as provided in Section 106-52. Pursuant to Section 106-51 of the Code, merchandise shall mean any good or product or sample or likeness of any good or product offered for sale by a business. Granting or denying a proposed Exception on a case-by-case basis gives the Planning Board the discretion to approve or deny proposed displays based on the following criteria:

Factors favoring the Exception are as follows: (1)



a. The location of the proposed Exception, while outdoors, is an interior courtyard of a building or buildings, or is a space specifically designed and permitted for use by outdoor merchants.

The location of the proposed Exception would be in front of open shop doors and within a model cart/shelf unit. The display will be on private property approximately one foot off the public right-of-way.

b. The Exception (for either the type of merchandise or the type of display) is compatible or in visual harmony with the character of the neighborhood.

The type of merchandise and the type of display is compatible with the character of the neighborhood. The HRCC-1 Duval Street gulf-side district incorporates the city's intensely vibrant tourist commercial entertainment center which is characterized by specialty shops, sidewalk-oriented restaurants, lounges and bars with inviting live entertainment; and transient residential accommodations.

c. The Exception's visual incongruity with the historic character of the neighborhood is reduced by substantial setback from public places and rights-of-way.

The proposed Exception is visible from the public right-of-way; however it is not located in the public right-of-way. The proposed location is approximately one foot from the front property line.

- (2) Factors disfavoring the Exception are as follows:
 - a. Architecture contributing to the historical fabric or visual character of the neighborhood is obscured by the Exception.

As proposed, the Exception will not obscure the surrounding architecture contributing to the historic fabric or visual character of the neighborhood.

b. The location of the proposed Exception abuts, with minimal setback, a street of the historic district, thus the Exception is visible from heavily used public places and rights-of-way.

The proposed location of the Exception is conforming to the front yard setback requirement. The minimum front yard setback in the HRCC-1 zoning district is zero feet. The visible display will be setback from the sidewalk one foot so that the applicant will conduct business on private property.

c. The Exception presents a hazard to public safety.

The applicant has provided photos that show a clear path to the proposed location. As of the date of this report, the Department is not aware of any life safety violations.

Exceptions to Section 106-51 granted by the Planning Board shall be for a term of no more than 60 consecutive months, and may be granted subject to terms and conditions specified by the Board in order to protect the architectural heritage and visual character of the district.

The merchandise is visible from the public right-of-way. The shop is a relatively small part of the building thus limiting the extent of the visual impact to the character of the district.

Exceptions to Section 106-51 may be revoked by the Planning Board after notice and hearing on grounds that:

- a. The applicant has failed to comply with terms and conditions specified pursuant to the grant of an Exception in this section;
- b. The Exception was granted pursuant to mistaken or misleading information; or
- c. The Exception is not compatible or in visual harmony, with development of the neighborhood occurring subsequent to grant of the Exception.

If the Exception for Outdoor Display is approved by the Planning Board, and if at any time the applicant is out of compliance with any conditions of approval, the approval can be revoked by the Planning Board, under Section 106-52 (4) of the City Code.

RECOMMENDATION

The Planning Department, based on criteria in the City Code, recommends the request for Exception to Outdoor Merchandise Display be approved per the proposed plan to allow merchandise as currently displayed with the following conditions:

- 1. The Exception for the Outdoor Merchandise Display is limited to the open doors of the shop and the model cart/shelf unit, and will not be placed in the City right-of-way.
- 2. The Exception for the Outdoor Merchandise Display will only be present during hours of operation.
- 3. The Exception for the Outdoor Merchandise Display is specific to the current tenant Historic Tours of America, Inc.; dba Tropical Shell and Gift, and granted for 60 months.
- 4. The Exception will provide for clear access for ADA and fire accessibility, with a minimum pathway of thirty-sex inches around each display.
- 5. The Exception is limited to two (2) barrels in front of two (2) open doors and one (1) model cart/shelf unit.

Draft Resolution

PLANNING BOARD RESOLUTION No. 2013-

A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING AN EXCEPTION FOR OUTDOOR MERCHANDISE DISPLAY TO ALLOW THE DISPLAY OF MERCHANDISE SOLD IN-STORE IN HRCC-1 ZONING DISTRICT PER SECTION 106-52 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES FOR PROPERTY LOCATED AT 628 DUVAL STREET (RE# 00012480-000000), KEY WEST FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the subject property is located in the Historic Residential Commercial Core Zoning District (HRCC-1); and

WHEREAS, Section 106-51 of the City Code of Ordinances imposes certain conditions on the display of merchandise where visible from any public place, right-of-way, street or sidewalk; and

WHEREAS, Section 106-52 of the City Code of Ordinances provides that exceptions to the general prohibition may be granted upon application to the Planning Board; and

WHEREAS, a request was submitted for Planning Board consideration for the outdoor display of queen conch shells and maracas located in front of open doors and within a model cart/shelf unit; and

WHEREAS, the Planning Board met on February 21, 2013 to consider factors favoring and disfavoring the Exception pursuant to Chapter 106-52 of the Land Development Regulations; and

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

Page 1 of 4 Resolution Number 2013-

 Chairmar
Planning Director

West, Florida:

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

herein.

Section 2. That an Exception for Outdoor Display under the Code of Ordinances of the

City of Key West, Florida, is hereby granted as follows: allowing the outdoor display of queen

conch shells and maracas in two (2) barrels in front of two open doors and within a model

cart/shelf unit located at 628 Duval Street (RE# 00012480-00000), with the following

conditions, and per the attached site survey and site photos received October 4, 2012:

1. The Exception for the Outdoor Merchandise Display is limited to two barrels in front of

two open doors of the shop and the model cart/shelf unit, and will not be placed in the

City right-of-way.

2. The Exception for the Outdoor Merchandise Display will only be present during hours of

operation.

3. The Exception for the Outdoor Merchandise Display is specific to the current tenant,

Tropical Shell and Gift, and granted for 60 months.

4. The Exception will provide for clear access for ADA and fire accessibility, with a

minimum pathway of thirty-sex inches around each display.

5. The Exception is limited to two (2) barrels in front of two (2) open doors and one (1)

model cart/shelf unit.

Section 3. Exceptions to 106-51 may be revoked by the Planning Board after notice and

hearing on grounds:

a. The applicant has failed to comply with terms and conditions specified

Page 2 of 4 Resolution Number 2013-

Chairman
 Planning Director

pursuant to the grant of an Exception in this section.

b. The Exception was granted pursuant to mistaken or misleading information; or

c. The Exception is not compatible, or in visual harmony, with development of the neighborhood occurring subsequent to grant of the Exception.

Section 4. The City Manager or the Planning Board, upon any written petition by any city resident, may cause issuance of a notice of hearing on revocation of an Exception, which notice shall be issued by the City Clerk.

Section 5. This Exception for Outdoor Display 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 6. 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 7. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 9J-1, F.A.C., this permit is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty-five (45) day review period

Page 3 of 4 Resolution Number 2013-

 Chairman
Planning Director

the DEO can appeal the permit to the Florida Land and Water Adjudicatory Commission; an
that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement
or order.
Read and passed on first reading at a regularly scheduled meeting held this 21st day of February
2013.
Authenticated by the Chairman of the Planning Board and the Planning Director.
Richard Klitenick, Chairman Date
Richard Klitenick, Chairman Key West Planning Board Date
Attest:
Attist.
Donald Leland Craig, AICP Date
Planning Director
Filed with the Clerk:
Cheryl Smith, City Clerk Date
Page 4 of 4
Resolution Number 2013-
Chairma

Planning Director

Application



Please completely fill out this application and attach all necessary documents. This will help our staff to process your request quickly and obtain necessary information without delay. If you have any questions please call 305-809-3720 to schedule an appointment with a Planner. This application is pursuant to Section 106-51 & 52 City of Key West Land Development Regulations.

Applicant's Name FMH Builders TNC
Address of Proposed Display 628 DUUAL ST
RE# of Property
Business Name Tropical Shell & GiFT
Business Address 201 FRONT ST SUITE 224
Applicant's Mailing Address PO Box 4801 Kw; FL-33041
Telephone 879-9704 Email
Name of Property Owner His topic tours of America, INC
Mailing Address 20, Front ST Suite 310
Telephone (305) 294-4142 Email_
Located in or on: a porch, patio, or other attached portion of an adjacent permanent structure. an arcade, gazebo, or other temporary structure. a cart or movable booth. (Must have received or obtained HARC approval) a portable table, rack, or other non-permanent equipment. Describe the specific merchandise to be displayed and business conducted. Queen Conchs Maracas



Describe the structure and equipment used in the display in detail, including any seating.
HAIF CAT.
HAIF CAT. BARRALS
How far is the display from the street?
How far is the display from the street? How far is the display from the sidewalk? Length of time exception will be needed (no more than 10 months) 60 months
PLEASE PROVIDE THE FOLLOWING TO COMPLETE YOUR APPLICATION:
 Provide fee of \$100.00. There are additional fees of \$50.00 for fire department review and \$100.00 for advertising and noticing. For a total of \$250.00. Please, make check payable to the City of Key West.
2. Photographs of the existing area and proposed display
3. A site sketch showing general lay out and location of the display relative to visibility from the public right-of-way
4. Copy of the Warranty Deed
5. Completed Authorization and Verification forms as necessary.
6. Recent Property Boundary Survey
7. Property Appraisers information (www.mcpafl.org)
The information furnished above is true and accurate to the best of my knowledge.
Signature Date Post Date



Sec. 106-51. - Prohibited.

The outdoor display of merchandise in the historic zoning districts of the city is prohibited unless an exception is granted by the planning board, as provided in section 106-52. Merchandise shall mean any good or product or sample or likeness of any good or product offered for sale by a business. Outdoor display shall mean the placement of merchandise on the exterior of a business structure, including a wall, roof, overhang, entranceway or window, or within a required setback area. For a cart, booth or arcade, outdoor display shall mean the placement of merchandise, either freestanding or by draping it, on the exterior or beyond the vertical plane of the cart, booth or arcade. In no event shall outdoor display be permitted in the public right-of-way. The prohibitions of this section shall not apply to automotive, bicycle and moped rentals and sales and to plant sales and shall not apply to art festivals or other special events duly permitted by the city commission.

(Ord. No. 97-10, § 1(3-16.1(C)(1)), 7-3-1997; Ord. No. 08-04, § 16, 5-20-2008)

Sec. 106-52. - Exceptions.

Exceptions to section 106-51 may be granted by the Planning Board as follows:

- (1) Factors favoring the exception are as follows:
 - a. The location of the proposed exception, while outdoors, is an interior courtyard of a building or buildings, or is a space specifically designed and permitted for use by outdoor merchants.
 - b. The exception (for either the type of merchandise or the type of display) is compatible or in visual harmony with the character of the neighborhood.
 - c. The exception's visual incongruity with the historic character of the neighborhood is reduced by substantial setback from public places and rights-of-way.
- (2) Factors disfavoring the exception are as follows:
 - a. Architecture contributing to the historical fabric or visual character of the neighborhood is obscured by the exception.
 - b. The location of the proposed exception abuts, with minimal setback, a street of the historic district, thus the exception is visible from heavily used public places and rights-of-way.
 - c. The exception presents a hazard to public safety.
- (3) Exceptions to section 106-51 granted by the Planning Board shall be for a term of no more than 60 consecutive months and may be granted subject to terms and conditions

specified by the board in order to protect the architectural heritage and visual character of the district. Applications for exceptions shall be accompanied by a nonrefundable fee of \$100.00 to cover the costs to the city of processing the application and investigating the applicant.

- (4) Exceptions to section 106-51 may be revoked by the Planning Board after notice and hearing on grounds that:
 - a. The applicant has failed to comply with terms and conditions specified pursuant to the grant of an exception in this section;
 - b. The exception was granted pursuant to mistaken or misleading information; or
 - c. The exception is not compatible, or in visual harmony, with development of the neighborhood occurring subsequent to grant of the exception.
- (5) The city manager or the planning board, upon written petition by any city resident, may cause issuance of a notice of hearing on revocation of an exception, which notice shall be issued by the city clerk.

(Ord. No. 97-10, § 1(3-16.1(C)(2)), 7-3-1997; Ord. No. 06-09, § 1, 5-2-2006; Ord. No. 08-04, § 17, 5-20-2008)

Verification Form

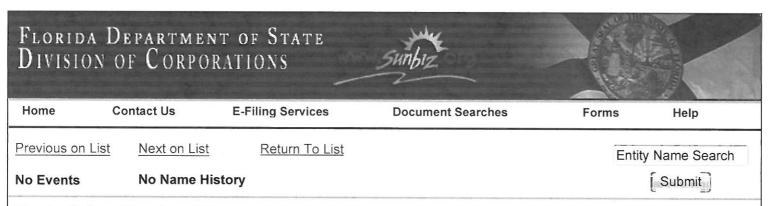
City of Key West Planning Department



Verification Form

(Where Authorized Representative is an entity)

	Section 1 and 1 an
I, FRANK Herrada, in my capacity as	President
(print name)	(print position; president, managing member)
of FMH Builders, IN	C
(print name of entity serving as Author	rized Representative)
being duly sworn, depose and say that I am the Authorithe deed), for the following property identified as the subj	
628 DOUAL ST	-
Street Address of subj	iect property
All of the answers to the above questions, drawings, plan application, are true and correct to the best of my know Planning Department relies on any representation herei action or approval based on said representation shall be surrected to the best of my know Planning Department relies on any representation herei action or approval based on said representation shall be surrected.	wledge and belief. In the event the City or the in which proves to be untrue or incorrect, an
Subscribed and sworn to (or affirmed) before me on this Name of Authorized Representative	October 4 by
He/She is personally known to me or has presented	as identification.
Notary's Signature and Seal Bennell Name of Acknowledger typed, printed or stamped	JO BENNETT Commission # EE 097995 Expires May 26, 2015 Expires May 26, 2015 Expires May 26, 2019
EEO97995 Commission Number, if any	



Detail by Entity Name

Florida Profit Corporation

F.M.H. BUILDERS, INC.

Filing Information

Document Number P09000084978

FEI/EIN Number

271155741

Date Filed

10/14/2009

State

FL

Status

ACTIVE

Principal Address

G-58 MIRIAM ST KEY WEST FL 33040 US

Changed 01/09/2012

Mailing Address

PO BOX 4801 KEY WEST FL 33041 US

Registered Agent Name & Address

HERRADA, FRANK G-58 MIRIAM ST KEY WEST FL 33040 US Address Changed: 01/09/2012 Officer/Director Detail Name & Address Title P HERRADA, FRANK PO BOX 4801 KEY WEST FL 33041 US Title VP HERRADA, MERCY M PO BOX 4801 KEY WEST FL 33041 US **Annual Reports** Report Year Filed Date 2010 04/28/2010 01/14/2011 2011 2012 01/09/2012 **Document Images** 01/09/2012 -- ANNUAL REPORT | View image in PDF format 01/14/2011 -- ANNUAL REPORT View image in PDF format 04/28/2010 -- ANNUAL REPORT View image in PDF format View image in PDF format 10/14/2009 -- Domestic Profit Note: This is not official record. See documents if question or conflict. Next on List Return To List Previous on List **Entity Name Search** No Events No Name History Submit

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Copyright © and Privacy Policies State of Florida, Department of State **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, Please Print Name of person with authority to execute documents on behalf of entity
Name of office (President, Managing Member) of HISTOSIC bus of AMUICA, The Name of owner from deed
authorize
to be the representative for this application and action my/our behalf before the City of Key West.
Signature of person with authority to execute documents on behalf on entity owner
Subscribed and sworn to (or affirmed) before me on this
He/She is personally known to me or has presented as identification.
Notary's Signature and Seal S. MONSALVATGE Commission # EE 034932 Expires November 23, 2014 Bonded Thru Troy Fain Insurance 800-385-7019
Commission Number, if any

FLORIDA DEPARTMENT OF STATE Division of Corporations



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Florida Profit Corporation

HISTORIC TOURS OF AMERICA, INC.

Filing Information

Document Number G83640

FEI/EIN Number

592512154

Date Filed State

02/07/1984

Status

ACTIVE

FL

Last Event

AMENDED AND RESTATED ARTICLES

Event Date Filed

04/22/1994

Event Effective Date NONE

Principal Address

201 FRONT ST

STE 224

KEY WEST FL 33040 US

Changed 03/26/2002

Mailing Address

201 FRONT ST

STF 224

KEY WEST FL 33040 US

Changed 03/26/2002

Registered Agent Name & Address

SWIFT, EDWIN O III

201 FRONT ST

STE 224

KEY WEST FL 33040 US

Name Changed: 02/23/1998

Address Changed: 03/26/2002

Officer/Director Detail

Name & Address

Title PD

SWIFT, EDWIN O III

201 FRONT STREET SUITE 224

KEY WEST FL

Title SVPD

BELLAND, CHRISTOPHER C 201 FRONT STREET SUITE 224 KEY WEST FL

Title VPD

MOSHER, GERALD R 201 FRONT ST, STE. 310 KEY WEST FL

Title T

MCPHERSON, BENJAMIN 201 FRONT STREET SUITE 107 KEY WEST FL 33040

Title D

DOLAN-HEITLINGER, JOHN 201 FRONT STREET SUITE 224 KEY WEST FL 33040

Title D

COHEN, RONALD MD 201 FRONT STREET SUITE 224 KEY WEST FL 33040

Annual Reports

Report Year Filed Date

2010

02/10/2010

2011

02/15/2011

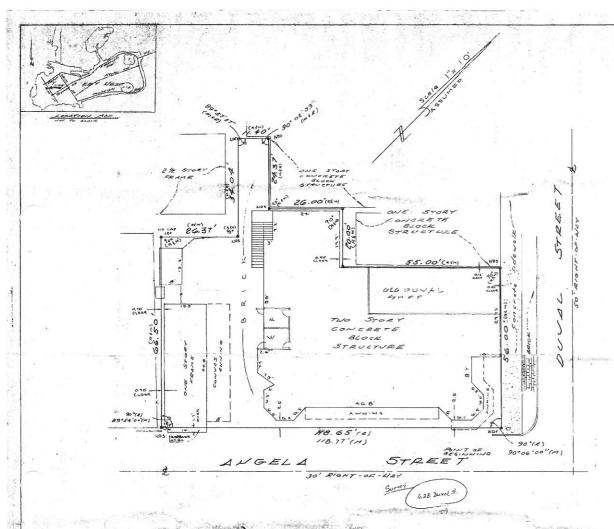
2012

02/22/2012

Document Images

02/22/2012 ANNUAL REPORT	View image in PDF format
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02/13/1996 ANNUAL REPORT	View image in PDF format
04/26/1995 - ANNUAL REPORT	View image in PDF format

Survey



Iron rod (%" in diameter) set by PS75 ON: a property corner with flow plastic cep afficed and imprinted. SHILLIPS TRICE-SUR."

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NOSX = PK had, securing a brase disc, set by PKTS NOT on a property comes, disc is imprinted "PATS LB 1587"

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REX = Iron rod _____ in dismeter, found to be NOT on a property comen pfletto day, if any imprinted as follows:

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IPSX = Iron pipe. ____ in elameter, fluid to be MOI on a property curren, please cap, if any imprinted as follows:

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NOPE - Natl and doc found NOT on a property before, die Imprist If any

SA. Surreport set is

BM = Bench Rein

BI = Elevation

County PG = Page

RD = Radius

PC = Point of Curvature

Outer

POS P Point of Begefath

D = Dent of Record

M = Measuret digitation

WS = Water Nation

C# Conc Dick

E# = Edge Palvissent

WO = Wood

CB\$ = Coto Block Struct

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Fig. = Coto Block

D# = Drift hold in Denceled

P = Open Purch.

DAND DESCRIPTION On the Jordan of Kapyle and described on Sect 19 Let. 1. In Sectionary 12 July 20 Jul

SURVEYORS CERTIFICATE

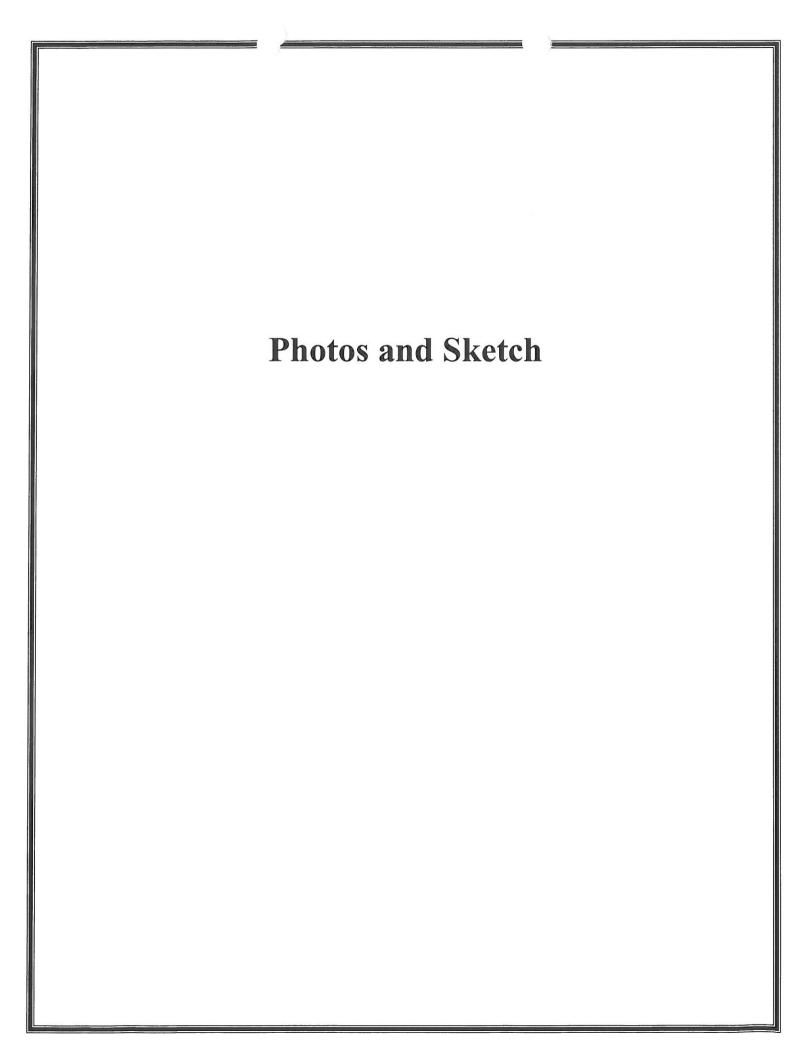
This auroly is made for the benefit of REPUBLIC BANK, a Florida banking corporation, HISTORICE TOURS OF AMERICA, INC., a Florida corporation, JOHNSON, BLAKELY, POPE, BOKOR, RUMPEL & BURNS, P.A., FIRST AMERICAN TITLE INSURANCE COMPANY.

- I hereby certify that this survey.

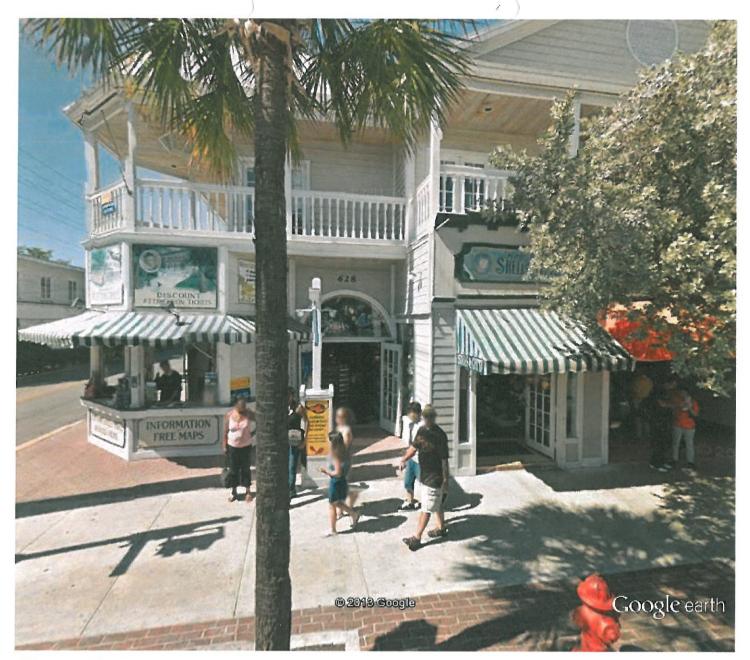
 (1) was made in the ground as per the field notes, shown fereon, and correctly shows the boundary lines and dimensions, area of the property indicated fereon and each individual parcel indicated hereon.
 - defineates all lot lines, shows the location and dimension of all buildings, structures, improvements, parking areas, and any other matters on the Property.
 - cornectly shows the location and dimension all alleys, streets, roads, right-of-way, easements, and other matters of record, or assements, and other matters of record, or which are yuishe, of which the understigned has blees advised or as indigested in that cortain Title insulations. Commitment Bushess, and the second of the property according to the legal description in such assements and other matters, and except as above, these are officers and there are no encoexchannels on officers and there are no encoexchannels on sight-of-way, party walls, or conflicts, and there are no encoexchannels on sight-of-ways party walls, or conflicts, and there are no encroachments on adjoining prentiess, streets, or alleys by any of said buildings, structures, or other improvements, and there are no encroachments on the Property by buildings, structures, or other improvements situated on adjoining premises; and the gitterance of title nearest intersecting street and road is an elsewin before.
 - shows the means of access and location of all adjoining streets; and that fingress and egress to the Property's provided by Dural & Angela streets upon which the Property fromts, the same being peved and dedicated public rights of way maintained by The City of Key West.
 - The zoning and land use designation of the Property: HRCC-1 High Density Residential Commercial Core-1
 - The flood zone designation of the Property and the boundaries of each, and the conductify name and parcel number where the information was obtained them that pated March 3, 1897; Community # 120168; Panel 1716; (6)
 - shows the location of the coastal construction comic! line and seasons high-water line, as defined in Florida Statutes 161.053 (1985), if applicable; N/A.
 - shows the location of any wetlands by which the Department of Environmental Regulation of the State of Plorida and/or the Anyy Gorps of Engineers has or may exercise jurisdiction pursuant to the Warren S. Hendlaron Wetlands Protection Act of 1864, the Federal Water Poliution Corrical Act Amendments of 1972 and the Clean Water Act. N/A

- the Property does not serve any adjoining property for drainage, Ingress, and egress, or any other purpose;
- the street address of the property is: 626 & 628 Duval St.
- the Property and all improvement leaved then direction by selfs all dimensional and other requestions to the applicable cooling district, and the use upon the Property is permitted by the zoning and land use designations;
- 7,956 sc. ft.
- that the survey represented hereon meets the requirements of the Floride Statutes 472.027 and the minimum requirements under Florida Administrative Code, Rule No. 21HH-6.

PHILLIPS & TRICE SURVEYING, INC. DE When

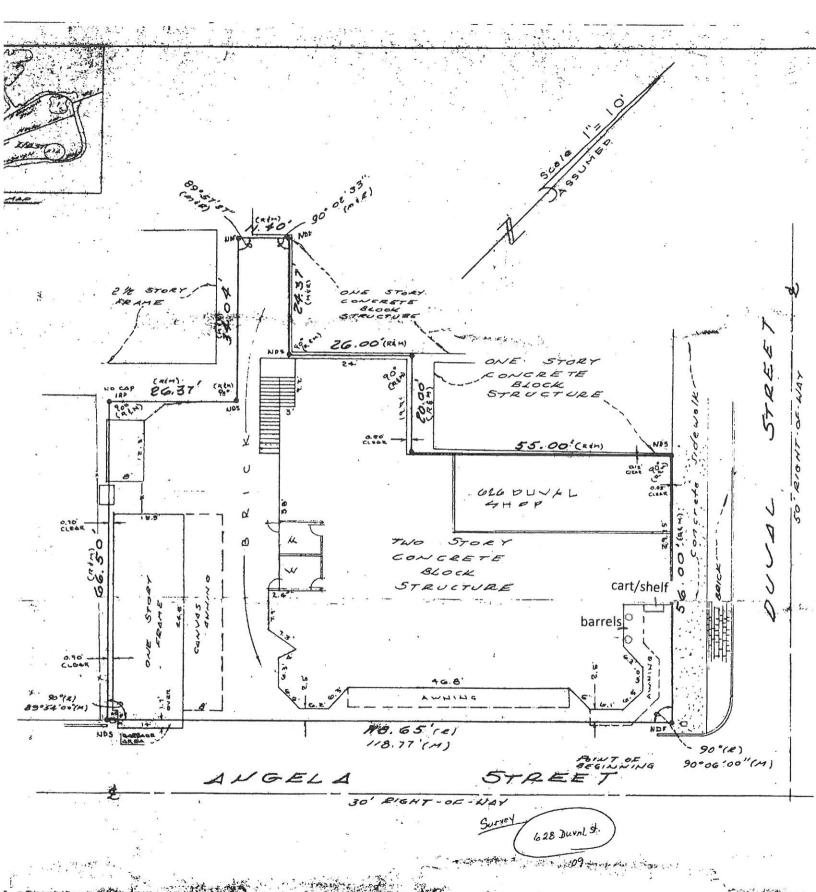






Google earth

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BM = Peach State

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LAND DESCRIPTION

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DRC Minutes & Comments

Minutes of the Development Review Committee November 16, 2012

Approved December 21, 2012

space, which meets ADA Accessibility Guidelines for Buildings and Facilities (ADAAG) Sec. 4.6 parking requirements for standard vehicle ADA accessible parking space.

Ms. Nicklaus stated she would reserve her comments until the Building permit process. She noted that the parking space that has always been adjacent to the Sexton's office is being converted and widened enough to be ADA accessible.

Mr. Craig asked Ms. Olson the construction schedule once it is approved. Ms. Olson anticipates construction in late Spring.

Ms. Olson stated that a provision has been made for temporary Sexton activity while the building is under construction and that community services will handle. She stated that parking is limited due to the nature of the site.

Keys Energy had no objections. The applicant will need to provide a full set of plans and a project review form. This will ensure the applicant and the surrounding customer have adequate power.

4. Variances – 701 Passover Lane (RE# 00020620-000000) – Request for front yard setback and street side setback, landscape buffer, landscape waiver, and parking waiver in the HPS zoning district as per Sections 122-960(6) a, 122-960(6) d, 108-346(b), 108-413, and 108-572(15) of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Item heard with item 3, please see comments above.

5. Exception for Outdoor Merchandise Display – 628 Duval Street (RE# 00012480-000000) – A request to allow the display of merchandise sold in-store, for Tropical Shell and Gift, in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Brendon Cunningham gave members an overview of the Outdoor Merchandise Display request.

The applicant's representative, Frank Herrada, was available for questions.

Mr. Craig requested the applicant submit a sketch to show barrel and display for the record.

Mrs. Torregrosa stated that if the display is attached to the property, it will require HARC approval

Remaining DRC members had no comments.

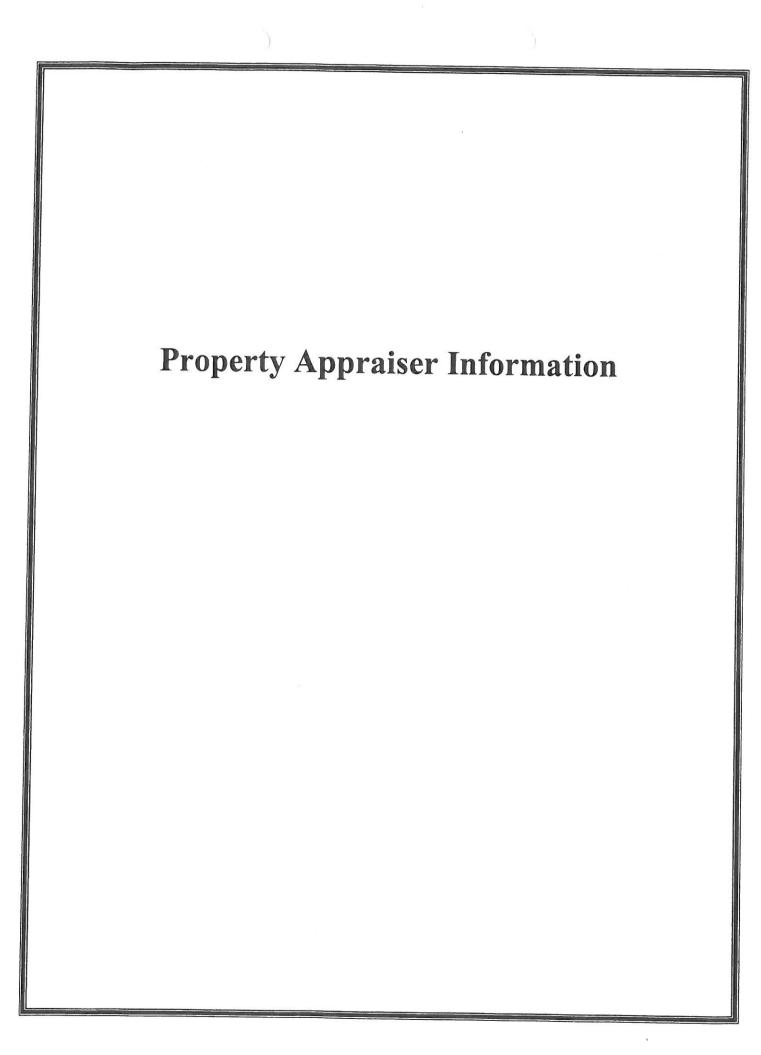
Keys Energy had no objections.

6. Easement – 1114 Watson Street (RE# 00031790-000000) – Easement request for approximately 20 square feet of City right of way abutting the front lot line for property in the HMDR zoning district per Section 2-938 of the Code of Ordinances of the City of Key West.

Brendon Cunningham gave members an overview of the Easement request. He requested the application be modified to include the eaves and that they are within or over the city's right of way.

Ms. Nicklaus requested the wording in the easement be adjusted for the right of way steps.

Remaining DRC members had no comments.



Karl D. Borglum Property Appraiser Monroe County, Florida

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

The offices of the Property Appraiser will be closed Monday, Oct Website testset romantiage of Columbus Day.

IE9, & Firefox.

Requires Adobe Flash

10.3 or higher

Property Record Card - Map portion under construction.

Alternate Key: 1012858 Parcel ID: 00012480-000000

Ownership Details

Mailing Address: HISTORIC TOURS OF AMERICA INC 201 FRONT ST STE 310 KEY WEST, FL 33040

Property Details

PC Code: 12 - STORE/OFF/RES OR COMBINATION

Millage Group: 10KW Affordable Housing: No Section-Township-Range: 06-68-25

Property Location: 626 DUVAL ST KEY WEST 628 DUVAL ST KEY WEST

Legal Description: KW PT LOT 1 SQR 62 YY-25 OR552-68/69 OR552-72/73 OR552-71 OR582-473/74 OR638-640/641

OR638-645/646 OR1291-1603/04



Land Details

Land Use Code	Frontage	Depth	Land Area
100D - COMMERCIAL DRY	58	119	7,829.00 SF

Building Summary

Number of Buildings: 2

Number of Commercial Buildings: 2 Total Living Area: 8457 Year Built: 1976

Building 1 Details

Building Type
Effective Age 16
Year Built 1976
Functional Obs 0

Condition E Perimeter 907 Special Arch 0 Economic Obs 0 Quality Grade 450 Depreciation % 19 Grnd Floor Area 7,721

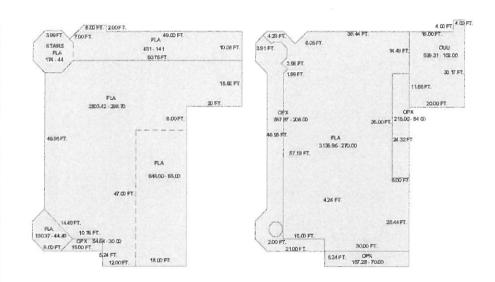
Inclusions:

Roof Type Heat 1 Heat Src 1 Roof Cover Heat 2 Heat Src 2

Foundation Bedrooms 0

Extra Features:

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



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic A/C	Basement %	Finished Basement %	Area
1	FLA		1	1990				846
2	FLA	33.00	1	1995	Υ	300000		2,803
3	OPX		1	1995				55
4	FLA		1	1995		-30-20-20-20-20-20-20-20-20-20-20-20-20-20		130
5	FLA		1	1995				3,137

6	OPX	1	1995		588
7	OUU	1	1995		539
8	OPX	1	1995		216
9	OPX	1	1995		157
10	FLA	1	1995	Υ	631
11	FLA	1	1995		174

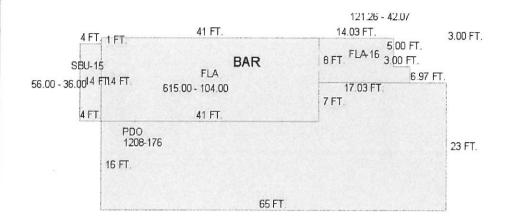
Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
		OPEN STORAGE-A-	100	Υ	Υ
		1 STY STORE-A	100	Υ	Υ
		1 STY STORE-B	100	N	Ν
		APTS-A	100	N	N
- 200	2425	1 STY STORE-A	100	Υ	Υ
	2429	APTS-A	100	N	Υ

Exterior Wall:

Interior Finish Nbr	Туре	Area %
	AVE WOOD SIDING	5
629	CUSTOM	95

		_	· ·	
Building Type		Condition A	Quality Grade 400	
Effective Age 20		Perimeter 162	Depreciation % 23	
Year Built 1976		Special Arch 0	Grnd Floor Area 736	
Functional Obs 0		Economic Obs 0		
nclusions:				
Roof Type		Roof Cover	Foundation	
Heat 1		Heat 2	Bedrooms 0	
Heat Src 1		Heat Src 2		
Extra Features:				
2 Fix Bath	0		Vacuum	0
3 Fix Bath	0		Garbage Disposal	0
4 Fix Bath	0		Compactor	0
5 Fix Bath	0		Security	0
6 Fix Bath	0		Intercom	0
7 Fix Bath	0		Fireplaces	0
Extra Fix	4		Dishwasher	0



Sections:

Nbr	Type	Ext Wall	# Stories	Year Built	Attic A/C	Basement %	Finished Basement %	Area
1	FLA		1	1990				615
2	PDO		1	1996		700		1,208
3	SBU		1	1990				56
4	FLA		1	1990				121

Interior Finish:

Section Nbr	Interior Finish Nbr	Type	Area %	Sprinkler	A/C
		1 STORY STORES	100	N	Ν
	2434	NIGHT CLUB, BARS B	100	N	Ν

Exterior Wall:

Interior Finish Nbr	Туре	Area %
1	NO VALUE	70
2	MIN WOOD SIDING	30

Misc Improvement Details

Nbr	Туре	# Units	Length	Width	Year Built	Roll Year	Grade	Life
1	UB3:LC UTIL BLDG	36 SF	0	0	1975	1976	1	30
2	AC2:WALL AIR COND	1 UT	0	0	1994	1995	1	20
3	PT4:PATIO	770 SF	0	0	1994	1995	4	50
4	FN2:FENCES	98 SF	14	7	1995	1996	2	30

5	UB2:UTILITY BLDG	32 SF	8	4	1995	1996	1	50

Appraiser Notes

2002-09-16 - BLDG #1 = HISTORIC TOUR BLDG & 4 RESIDENTIAL UNITS. BLDG #2 = RESTAURANT BEHIND TOUR BLDG. BLDG #3 = BESIDE RESTAURANT USED FOR STORAGE.

Building Permits

Bldg	Number	Date Issued	Date Completed	Amount	Description	Notes
10	07-5191	11/27/2007	12/13/2007	2,225	Commercial	INSTALL TWO SMOKE DETECTORS, 2 EXIT LIGHTS, 1 EXIT LIGHT
11	10- 00000144	01/26/2010		678	Commercial	STOREFRONT AWNING
12	09- 00004452	01/06/2010		400	Commercial	INSTALLATION OF SIGN POST
9	99-1918	06/08/1999	11/03/1999	6,800	Commercial	ROOF REPAIRS
8	00-0519	03/01/2000	11/01/2000	1,200	Commercial	ATM RENOVATION
6	01-3089	09/11/2001	11/16/2001	2,000	Commercial	NEW AWNINGS
7	01-3433	10/16/2001	11/16/2001	300	Commercial	ELECTRICAL
4	04-0414	02/12/2004	10/10/2004	750	Commercial	NEW AWNING
5	04-0484	02/20/2004	10/10/2004	1,300	Commercial	GREASE TRAP
2	06-4787	08/11/2006	09/18/2006	4,000	Commercial	REPLACE DAMAGED ROOF
3	06-5041	09/05/2006	09/18/2006	4,000	Commercial	REMOVE & REINSTALL PLUMBING
1	06-5092	10/11/2006	03/08/2007	4,500	Commercial	EXTEND FRAME AND AWNING 60FT TO CONNECT BLDG ON OTHER SIDE

Parcel Value History

Certified Roll Values.

View Taxes for this Parcel.

Roll Year	Total Bldg Value	Total Misc Improvement Value	Total Land Value	Total Just (Market) Value	Total Assessed Value	School Exempt Value	School Taxable Value
2012	1,220,967	5,631	659,867	1,886,465	1,886,465	0	1,886,465
2011	1,220,967	5,801	659,867	1,886,635	1,886,635	0	1,886,635
2010	1,276,547	5,970	659,045	1,941,562	1,941,562	0	1,941,562
2009	1,276,547	6,143	1,158,495	2,441,185	2,441,185	0	2,441,185
2008	1,280,266	6,311	1,495,126	2,781,703	2,781,703	0	2,781,703
2007	900,772	6,480	1,996,395	2,614,108	2,614,108	0	2,614,108
2006	902,651	6,673	704,610	2,614,108	2,614,108	0	2,614,108
2005	911,666	6,862	587,175	2,241,339	2,241,339	0	2,241,339
2004	906,636	7,051	414,937	2,241,339	2,241,339	0	2,241,339
2003	906,636	7,243	407,108	2,241,339	2,241,339	0	2,241,339
2002	906,636	7,432	407,108	2,241,339	2,241,339	0	2,241,339
2001	964,903	7,622	407,108	1,730,276	1,730,276	0	1,730,276

2000	964,903	4,896	360,134	1,685,599	1,685,599	0	1,685,599
1999	1,167,864	5,018	360,134	1,685,599	1,685,599	0	1,685,599
1998	778,585	5,141	360,134	1,060,314	1,060,314	0	1,060,314
1997	778,585	5,264	344,476	1,060,314	1,060,314	0	1,060,314
1996	692,025	12,532	344,476	918,675	918,675	0	918,675
1995	162,955	2,927	344,476	464,365	464,365	0	464,365
1994	162,955	3,010	344,476	439,924	439,924	0	439,924
1993	162,955	1,652	390,940	326,891	326,891	0	326,891
1992	162,955	1,699	390,940	326,891	326,891	0	326,891
1991	162,955	1,745	390,940	326,891	326,891	0	326,891
1990	100,225	9,129	322,081	326,891	326,891	0	326,891
1989	83,521	9,129	319,860	326,891	326,891	0	326,891
1988	76,924	9,129	220,348	306,401	306,401	0	306,401
1987	75,328	9,129	136,052	220,509	220,509	0	220,509
1986	75,473	9,129	133,275	225,926	225,926	0	225,926
1985	72,608	9,129	84,078	222,180	222,180	0	222,180
1984	84,927	9,129	95,958	190,014	190,014	0	190,014
1983	84,927	9,129	63,617	157,673	157,673	0	157,673
1982	70,310	9,129	63,617	143,056	143,056	0	143,056

Parcel Sales History

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

Sale Date	Official Records Book/Page	Price	Instrument	Qualification
1/1/1994	1291 / 1603	1,195,000	WD	M
2/1/1975	638 / 645	44,300	00	Q

This page has been visited 93,952 times.

Monroe County Property Appraiser Karl D. Borglum P.O. Box 1176 Key West, FL 33041-1176 Public Notices (radius map & mailing list)

The Key West Planning Board will hold a public hearing <u>at 6:00 p.m., February 21, 2013 at Old City Hall, 510 Greene Street</u>, Key West, Florida, (Behind Sloppy Joe's Bar). The purpose of the hearing will be to consider a request for:

Exception for Outdoor Merchandise Display – 628 Duval Street (aka 626 Duval Street RE# 00012480-000000) - A request to allow the display of merchandise sold in-store in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

If you wish to see the application or have any questions, you may visit the Planning Department during regular office hours at 3140 Flagler Avenue call 809-3720 or visit our website at www.keywestcity.com.

YOU ARE WITHIN 300 FEET OF THE SUBJECT PROPERTY

The City of Key West Planning Board will be holding a Public Hearing:

Exception for Outdoor Merchandise Display – 628 Duval Street (aka 626 Duval Street RE# 00012480-000000) - A request to allow the display of merchandise sold in-store in the HRCC-1 zoning district per Section 106-52 of the Land Development Regulations of the Code of Ordinances of the City of Key West.

Applicant FMH Builders Owner: Historic Tours of America, Inc.

On behalf of Tropical Shell & Gift

Project Location:628 Duval StreetDate of Hearing:Thursday, February 21, 2013Time of Hearing:6:00 PMLocation of Hearing:Old City Hall, 510 Greene

City Commission Chambers

Interested parties may appear at the public hearing and be heard with respect to the applications. Packets can be viewed online at www.keywestcity.com. Click on City Board & Committee Agendas. A copy of the corresponding application is available from the City of Key West Planning Department located at 3140 Flagler Avenue, Key West, Florida, Monday through Friday between the hours of 8:00 am and 5:00 pm.

Please provide written comments to the Planning Department, PO Box 1409, Key West, FL 33041-1409, by FAX (305) 809-3978 or by email to Karen de Berjeois at kdeberje@keywestcity.com.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission or the City Commission with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number at 305-809-1000 or the ADA Coordinator at 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

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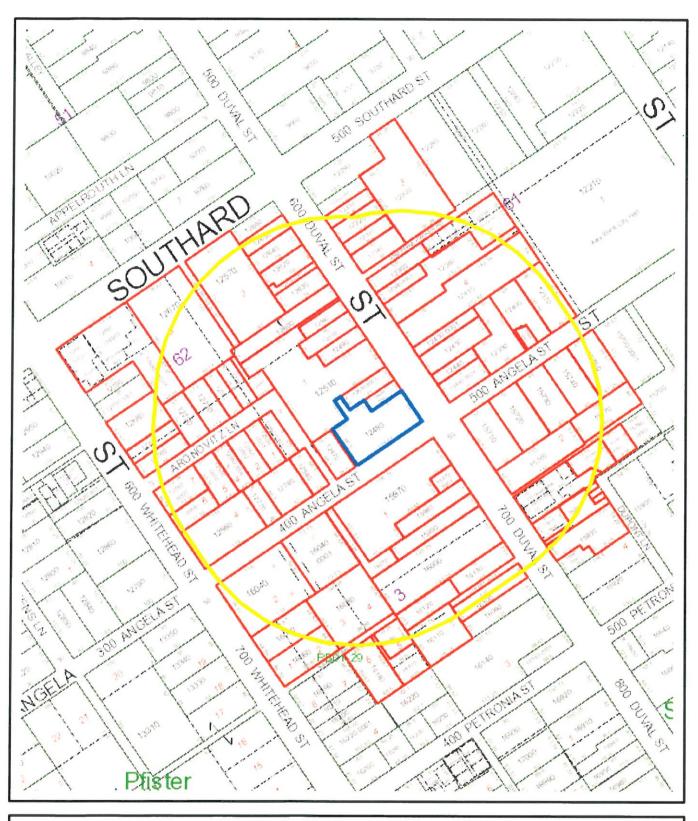
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Monroe County, Florida 628 Duval

2

Printed:Feb 08, 2013

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 guarante 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.



NAME	ADDRESS	UNIT	CITY	STATE	E ZIP	COUNTRY
1 715 DUVAL ST REALTY LLC	18 LORRAIN TER	MARBLEHEAD		MA 01945		
2 SEPTEMBER PROPERTIES LLC			PA	19041		
3 MCALHANY JAMES G AND PAMELA D	177 10		32967			
4 HISTORIC TOURS OF AMERICA INC			33040			
5 EMANUEL EYAL	4040 40711 750		FL	33040		
6 NASET INC	612 DUVAL ST		KEY WEST	FL	33040	
7 619 DUVAL COMPANY	423 FRONT ST	FL 2ND	KEY WEST	FL	33040	
8 WESCHLER KENNETH	915 VON PHISTER ST			FL	33040	
9 WHITE GRACE NAOMI	709 WHITEHEAD ST			FL	33040	
10 GLASER TIMOTHY	615 WHITEHEAD ST		KEY WEST	FL	33040	
11 MARMOE LLC	1701 ASHBY ST		KEY WEST	FL	33040	
12 MARELY LLC	46 KEY HAVEN RD		KEY WEST	FL	33040	
13 OLD TOWN KEY WEST DEVELOPMENT LTD	PO BOX 1237		KEY WEST	FL	33040	
14 715 DUVAL CONDOMINIUM	715 DUVAL ST		KEY WEST	FL	33040	
15 DEEGAN MICHAEL R REVOCABLE TRUST 4/20/2010	729 OLIVIA ST		KEY WEST	FL	33040	
16 FJ INVESTORS LLC	2318 ROOSEVELT BLVD		KEY WEST	FL	33040	
17 717 DUVAL ST LLC	717 DUVAL ST		KEY WEST	FL	33040	
18 GARCIA ANITA MARIA	2 ARONOVITZ LN		KEY WEST	FL	33040	
19 WOLKOWSKY DAVID W LIVING TRUST	P O BOX 1429		KEY WEST	FL	33040	
20 4SIBS INC	1616 ATLANTIC BLVD	UNIT 2	KEY WEST	FL	33040	
21 615 DUVAL STREET CONDOMINIUM	620 JOSEPHINE PARKER RD		KEY WEST	FL	33040	
22 KEY WEST OFFICE MANAGEMENT INC	501 SOUTHARD ST		KEY WEST	FL	33040	
23 JLC DUVAL LLC	1501 FLORIDA ST		KEY WEST	FL	33040	
24 OLD TOWN KEY WEST DEVELOPMENT LTD	201 FRONT ST	STE 310	KEY WEST	FL	33040	
25 GUILD HALL ARTISTS INC	614 DUVAL ST		KEY WEST	FL	33040	
26 TODD DOROTHY A	P O BOX 4706		KEY WEST	FL	33041	
27 GILL DANIEL K JR	PO BOX 5205		KEY WEST	FL	33045	
28 LEESFIELD CYNTHIA W	2350 SOUTH DIXIE HWY		MIAMI	FL	33133	
29 610 DUVAL STREET LLC	7301 SW 57TH COURT	STE 560	MIAMI	FL	33143	
30 ROBERTS DANIEL K AND MARIA M	17902 SW 88 PL		PALMETTO BAY	FL	33157	
31 LITTMAN DARREN AND MICHELLE	22197 MARTELLA AVE		BOCA RATON	FL	33433	
32 BACON ROBERT S JR	P O BOX 423		POINT CLEAR	AL	36564	
33 WHITE COMMUNICATIONS CORP INC	685 EAST LONG LAKE		BLOOMFIELD HIL	. MI	48304	
34 WHITE J LARRY	685 EAST LONG LAKE		BLOOMFIELD HIL	. MI	48304	

NAME	ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
35 700 DUVAL ST LLC	100 PARK ST	Oldi	TRAVERSE CITY		49684	COUNTRY
36 623 DUVAL STREET LLC	100 PARK ST		TRAVERSE CITY		49684	
37 SKURDAL DAVID N AND CARMELITA P	4828 HWY 85		WILLISTON	ND	58801	
38 KO LILY SHEN	7705 SE 34TH ST		MERCER ISLAND		98040	
39 SAMARITAN LANE LAND VENTURES LLC	105 KEYES RD		SUNAPEE	NH	03782-3304	
40 AUSTIN TERRY J	6514 NIGHTINGALE CT		NEW MARKET	MD	21774-6620	
41 GAMBLE RONALD ANDREW TRUST	1101 FAIRVIEW RD		SYLVA	NC	28779-8696	
42 NEWHOUSE GREGORY LEE	4208 SUNNY BROOK WAY APT	100	WINTER SPRING		32708-6602	
43 MANCUSI JOSEPH A	214 NE 2ND PL	1.5.5	DANIA	FL	33004-4816	
44 MARINO VICKI L	1075 DUVAL ST STE C21		KEY WEST	FL	33040-3188	
45 HAMMOND WAYNE D AND KRISTINE R	1124 GRINNELL ST		KEY WEST	FL	33040-3206	
46 ALONZO GRACE L/E	1519 UNITED ST		KEY WEST	FL	33040-3519	
47 BUDAKIAN ROBERT	1815 SEIDENBERG AVE		KEY WEST	FL	33040-3621	
48 PEREZ ROSA LEE DEC OF TRUST 12/8/1997	3746 PAULA AVE		KEY WEST	FL	33040-4417	
49 DUVAL LOT LLC	1312 REYNOLDS ST		KEY WEST	FL	33040-4709	
50 C C RYDER'S PIANO BAR INC	1409 REYNOLDS ST		KEY WEST	FL	33040-4710	
51 MENDOLA CHARLES	2601 S ROOSEVELT BLVD APT	210A	KEY WEST	FL	33040-5115	
52 ANA KINO LLC	107 FITZPATRICK ST		KEY WEST	FL	33040-6514	
53 POLKINGHORN JAMES C	406 ARONOVITZ LN		KEY WEST	FL	33040-6525	
54 701 WHITEHEAD STREET INC	410 ANGELA ST		KEY WEST	FL	33040-6535	
55 SOUTHARD VENTURES LLC	404 SOUTHARD ST		KEY WEST	FL	33040-6539	
56 WHITEHEAD VENTURES LLC	601 WHITEHEAD ST		KEY WEST	FL	33040-6548	
57 HEGARTY PATRICK	615 DUVAL ST		KEY WEST	FL	33040-6554	
58 KUTNER MURIEL	617 DUVAL ST		KEY WEST	FL	33040-6554	
59 HARPER JONATHAN A	625 WHITEHEAD ST		KEY WEST	FL	33040-6570	
60 SM DUVAL INC	704 DUVAL ST		KEY WEST	FL	33040-7404	
61 DAVIS GEORGE P	720 SAMARITAN LN		KEY WEST	FL	33040-7414	
62 516 ANGELA LLC	512 ANGELA ST		KEY WEST	FL	33040-7433	
63 512 ANGELA LLC	512 ANGELA ST		KEY WEST	FL	33040-7433	
64 DAVIDSON JUDITH H	P O BOX 4210		KEY WEST	FL	33041-4210	
65 GLENN JOSEPH P RESTATED DEC TR 12/12/2008	PO BOX 4333		KEY WEST	FL	33041-4333	
66 604 BUILDING LLC	999 PONCE DE LEON BLVD ST	E 625	CORAL GABLES	FL	33134-3054	
67 PERKINS WILLIAM A III	811 VENETIA AVE		CORAL GABLES	FL	33134-3625	
68 C AND K PROPERTY INC	9150 S DADELAND BLVD STE 1	400	MIAMI	FL	33156-7855	

300' Radius Noticing List Genereated 02/08/13

628 Duval Page 3 of 3

NAME
69 FONDA GEORGE A REV TR 5/1/2000
70 BERNDT-HANSON REBECCA

71 CENTENNIAL BANK

72 ROSSI PAULETTE K IRREV TR 9/16/2002

ADDRESS	UNIT	CITY	STATE	ZIP	COUNTRY
1690 ORLEANS CT		MARCO ISLAND	FL	34145-5123	
4404 N TAMIAMI TRL		SARASOTA	FL	34234-3864	
719 HARKRIDER ST		CONWAY	AR	72032-5606	
1380 GREEN MEADOW RD		CARBONDALE	CO	81623-9593	