

Amendment

DEVELOPMENT PLAN AND CONDITIONAL USE APPLICATION
City of Key West Planning Department
604 Simonton Street, Key West, FL 33040
(305 -809-3720)



Development Plan & Conditional Use Application

(Applications will not be accepted until they are complete)



RECEIVED
May 2, 2011
KW Planning Dpt

Development Plan

Major

Minor _____

Conditional Use

Historic District

Yes

No _____

Please print or type and call the Planning Department if you have any questions.

- 1) Site Address **512 Greene St.**
- 2) Name of Applicant **Susan M. Cardenas, Esq.**
- 3) Applicant is: Owner _____ Authorized Representative
(attached Authorization Form must be completed)
- 4) Address of Applicant **221 Simonton Street**
Key West, FL 33040
- 5) Applicant's Phone # **294-0252** Email **susan@keyslaw.net**
- 6) E-mail Address: **susan@keyslaw.net**
- 7) Name of Owner, if different than above **512 Greene Street LLC**
- 8) Address of Owner **1413 South Street, Key West FL 33040**
- 9) Owner Phone # **305-712-0070** Fax _____
- 10) Zoning District of Parcel **HRCC-1** RE# **00001170-000000**
- 11) Is Subject Property located within the Historic District? Yes No _____
If Yes: Date of approval **4/23/2009** HARC # **H09-0417407**
OR: Date of workshop _____ Date of expected approval _____
- 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)

Redesign existing approved plan to accommodate full-size automobiles and maintain 90 sq. ft. of existing consumption area on the corner of Greene and Ann Streets.

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(305 -809-3720)



Has subject Property received any variance(s)? Yes _____ No

If Yes: Date of approval _____ Resolution # _____

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

Yes ___ No If Yes, describe and attach relevant documents:

- 14) A. For *Conditional Uses and Development Plans*, provide the information requested on the attached Conditional Use and Development Plan sheet.
- B. For *Conditional Uses*, include also the Conditional Use Criteria required under Chapter 122, Article III, Sections 122.61 and 122.62 of the Land Development Regulations (copy attached).
- C. For *Major Development Plans*, provide also the additional information requested on the Development Plan Submission Materials (Sections 108.226 through 108.232 of the Land Development Regulations, copy attached) and other information as determined by the Planning Staff.

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

Verification

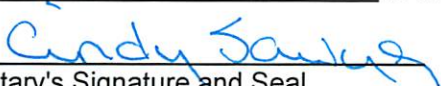
I, **Susan M. Cardenas, Esq.** (please print), being duly sworn, depose and say

Name of Applicant

that I am (check one) the owner _____ / owner(s) legal representative of the property which is the subject matter of this application. All of the answers to the above questions, drawings, plans and any other attached data to this application, are true and correct to the best of my knowledge and belief and that if not true or correct, are grounds for revocation of any action reliant on said information.

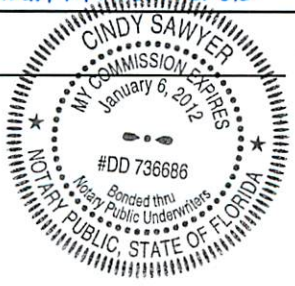
 Signature of Applicant

Subscribed and sworn to (or affirmed) before me on 05/02/11 (date) by **Susan M. Cardenas, Esq.** (name of affiant, deponent or other signer). He/She is personally known to me or has presented _____ as identification.


Notary's Signature and Seal

Susan M. Cardenas Name of Acknowledger typed, printed or stamped

Title or Rank _____ Commission Number



Required Plans and Related Materials



- I. Existing Conditions.
 - A) Recent Survey: **Please see attached**
 - B) Existing size, type and location of trees, hedges, and other features: **Please see attached**
 - C) Existing stormwater retention areas and drainage flows: **Please see attached**
 - D) A sketch showing adjacent land uses, buildings, and driveways: **Please see attached**

- 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: **Please see attached**
 - 1) Buildings **No Changes Proposed**
 - 2) Setbacks **No Changes Proposed**
 - 3) Parking: **Please see attached**
 - 4) Driveway dimensions and material: **Please see attached**
 - 5) Location of Utility Lines (sewer, water, electric, cable, and phone) adjacent and extending into the site. **No Changes Proposed**
 - 6) Signs **No Changes Proposed at this time**
 - 7) Project Statistics:
 - a. Zoning **HRCC-1**
 - b. Size of site **No Changes Proposed**
 - c. Number of units **No Changes Proposed**
 - d. If non-residential, floor area & proposed floor area ratio **No Changes Proposed**
 - e. Consumption area of restaurants & bars:
This existing approved bar has 1,045 sq. ft. of consumption area. We propose to maintain 90 sq. ft. of outdoor consumption area located on the corner of Greene and Ann Streets.
 - f. Open space area and open space ratio:
This amendment will maintain the minimum 20% the open space.
 - g. Impermeable surface area and impermeable surface ratio:
The previous approval improved the impervious surface ratio of the site dramatically. The previous impervious surface ratio was 91%, as a result of the redevelopment the impervious surface ratio was reduced to 80%. This amendment will maintain the ISR below 80%.
 - h. Number of automobile and bicycle spaces required and proposed:
The parking requirement for this property is 3.1 auto spaces and 0.8 bicycle space. The plan proposes 4 auto spaces and 7 bicycle/scooter spaces
 - B) Building Elevations **No changes proposed**
 - 1) Drawings of the building from each direction: **Please see attached**
 - 2) Height of building: **No change proposed**
 - 3) Finished floor elevations and bottom of first horizontal structure: **No Change proposed**
 - 4) Height of existing and proposed grades: **Please see attached**
 - C) Drainage Plan: Existing & Proposed with retention areas and calculations: **Please see attached**
 - D) Landscape Plan: Size, type, location and number of plants to be removed, kept, and installed: **Please see attached**

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

As a result of these proposed plan modifications, the parking lot will comply with the minimum standards laid out in the Code and stormwater management will be enhanced.



CONDITIONAL USE CRITERIA

Sec. 122-62. Specific criteria for approval.

(a) Findings.

(b) Characteristics of use described.

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

- a. Floor area ratio; **No Changes Proposed**
- b. Traffic generation: **No Changes Proposed**
- c. Square feet of enclosed building for each specific use; **No Changes Proposed**
- d. Proposed employment; **No Changes Proposed**
- e. Proposed number and type of service vehicles; **No Changes Proposed**
- f. Off-street parking needs:

The parking requirement for this property is 3.1 auto spaces and 0.8 bicycle space. The plan proposes 4 auto spaces and 7 bicycle/scooter spaces

(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; **No Changes Proposed**
- b. Public facilities, especially any improvements required to ensure compliance with concurrency management as provided in chapter 94; **No Changes Proposed**
- c. Roadway or signalization improvements, or other similar improvements; **No Changes Proposed**
- d. Accessory structures or facilities; **No Changes Proposed**
- e. Other unique facilities/structures proposed as part of site improvements. **No Changes Proposed**

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

a. Open space:

The previous approval improved the open space ratio of the site dramatically. The previous open space was 9%, as a result of the redevelopment open space increased to 16.8%. This amendment will maintain a minimum of 20% open space.

b. Setbacks from adjacent properties; **No Changes Proposed**

c. Screening and buffers:

Screening sand buffering is proposed as depicted on the plans.

d. Landscaped berms proposed to mitigate against adverse impacts to adjacent sites:

Landscape berms are inappropriate for this site.

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

(c) Criteria for conditional use review and approval. Applications for a conditional use shall clearly demonstrate the following:

(1) Land use compatibility.

No changes proposed that will alter the original finding of compatibility.

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

As depicted on the site plan, the site has sufficient size, specifications, and infrastructure to accommodate the redesign of the parking area.

- (3) Proper use of mitigative techniques.

No changes proposed that will alter the original finding of proper use of mitigative techniques.

- (4) Hazardous waste.

No change proposed. No Hazardous Waste will be generated by the conditional use.

- (5) Compliance with applicable laws and ordinances.

All laws and ordinances will be followed.

- (6) Additional criteria applicable to specific land uses.

- a. Land uses within a conservation area.

No changes proposed.

- b. Residential development.

This site contained a residential unit, as part of the conditions of approval, the ESFDU will be relinquished to the City of Key West.

- c. Commercial or mixed use development.

The proposed design will allow the site to function independently from adjacent sites and provide adequate internal vehicular circulation together with access and egress to the site and off-street parking.

- d. Development within or adjacent to historic district.

No changes proposed.

- e. Public facilities or institutional development.

N/A

- f. Commercial structures, uses and related activities within tidal waters.

N/A

- g. Adult entertainment establishments.

N/A

Deed

Doc# 1742444 05/15/2009 8:41AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

Please return this instrument to:
Susan M. Cardenas
Stones & Cardenas
221 Simonton Street
Key West, FL 33040

05/15/2009 8:41AM
DEED DOC STAMP CL: TRINA \$0.70

This Instrument Prepared By: *Ward&Meyers, LLC*
3201 Flayler Ave, Suite 306
Key West, FL 33040

Doc# 1742444
Bk# 2412 Pg# 2463

Corrective Quit Claim Deed

THIS QUIT CLAIM DEED Made this 4th day of April, A.D. 2009, by, Peter Nelson Brown, a single man, hereinafter called the grantor, to 512 Greene Street, L.L.C. whose post office address is 1413 South St., Key West, FL 33040, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantees" include all the parties to this instrument, singular and plural, the legal representatives and assigns of individuals, and the successors deed assigns of corporations, wherever the context so admits or requires.)

Witnesseth: That the grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, does hereby remise, release, and quit-claim unto the grantee forever, all the right, title, interest, claim and demand which the said grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Monroe, State of Florida, to-witt:

On the Island of Key West, known on William A. Whitehead's map delineated in February A.D. 1829, as part of Lot Three (3) in Square Thirteen (13). Commencing at the corner of Greene and Ann Streets on the Northeasterly side of Ann Street on the Southeasterly side of Greene Street and running thence along Greene Street in a Northeasterly direction Ninety-three (93) feet and Three (3) inches; thence at right angles in a Southeasterly direction One hundred and five (105) feet and Six (6) inches; thence at right angles in a Southwesterly direction Ninety-three (93) feet and three (3) inches to Ann Street; thence at right angles in a Northwesterly direction along Ann Street One hundred and five (105) feet and Six (6) inches to the point of beginning.

Reference being had to deed recorded in Deed Book "A-4", Page 571, and deeds recorded in Book "G-21", Pages 98 - 103, in the office of the Clerk of the Circuit Court, in and for Monroe County, Florida.

A/K/A 512 Green Street, Key West, FL 33040

SUBJECT TO TAXES FOR THE YEAR 2009 AND SUBSEQUENT YEARS, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.

Property Appraiser's Parcel Number: 0001170-000000

To Have and to Hold the same with all singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity to the only proper use, benefit and behoof of the said grantee forever.

And the grantor hereby covenants with said grantees that he is lawfully seized of said land in fee simple; that he has good right and lawful authority to sell and convey said land, and hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2008.

THIS CORRECTIVE DEED IS BEING RECORDED TO CORRECT THE LEGAL DESCRIPTION IN THAT CERTAIN QUIT CLAIM DEED RECORDED IN BOOK 2405 PAGE 785 PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

In Witness Whereof, the said grantor has signed and sealed these presents, the day and year first above written.

Signed, sealed and delivered in the presence of

Frederick C. Doran III
Witness Signature

Peter Nelson Brawn L.S.

Peter Nelson Brawn
Address:
1413 South St.
Key West, FL 33040

Frederick C. Doran III
Printed Name

Kelly E. Craig
Witness Signature

Doc# 1742444
BKN 2412 P#H 2454

Kelly E. Craig
Printed Name

Country of: REPUBLIC OF ARGENTINA
CITY OF BUENOS AIRES
EMBASSY OF THE UNITED STATES OF AMERICA
State/Province of: STATES OF AMERICA

I hereby certify that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, Peter Nelson Brawn, as grantor who is personally known to me to be the individual described in and who executed the foregoing deed or who produced US Passport as identification and he acknowledged before me that he executed the same freely and voluntarily for the purposes therein expressed.

Witness my hand and official seal this 9th day of May, 2009.

HEATHER M. SMITH
Vice Consul of the
United States of America
Printed name of Notary

Heather M. Smith
NOTARY PUBLIC

My Commission Expires: **INDEFINITELY**



[Previous on List](#) [Next on List](#) [Return To List](#)

Entity Na

No Events No Name History

Su

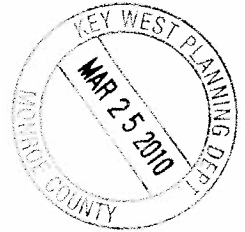
Detail by Entity Name

Florida Limited Liability Company

512 GREENE STREET L.L.C.

Filing Information

Document Number L09000022673
FEI/EIN Number NONE
Date Filed 03/09/2009
State FL
Status ACTIVE
Effective Date 03/09/2009



Principal Address

512 GREENE ST.
KEY WEST FL 33040 US

Mailing Address

525 CAROLINE ST
KEY WEST FL 33040 US

Registered Agent Name & Address

KELLY, ROBERT E JR
525 CAROLINE ST
KEY WEST FL 33040 US

Manager/Member Detail

Name & Address

Title MGRM

BRAWN, PETER
525 CAROLINE ST
KEY WEST FL 33040 US

Annual Reports

No Annual Reports Filed

Document Images

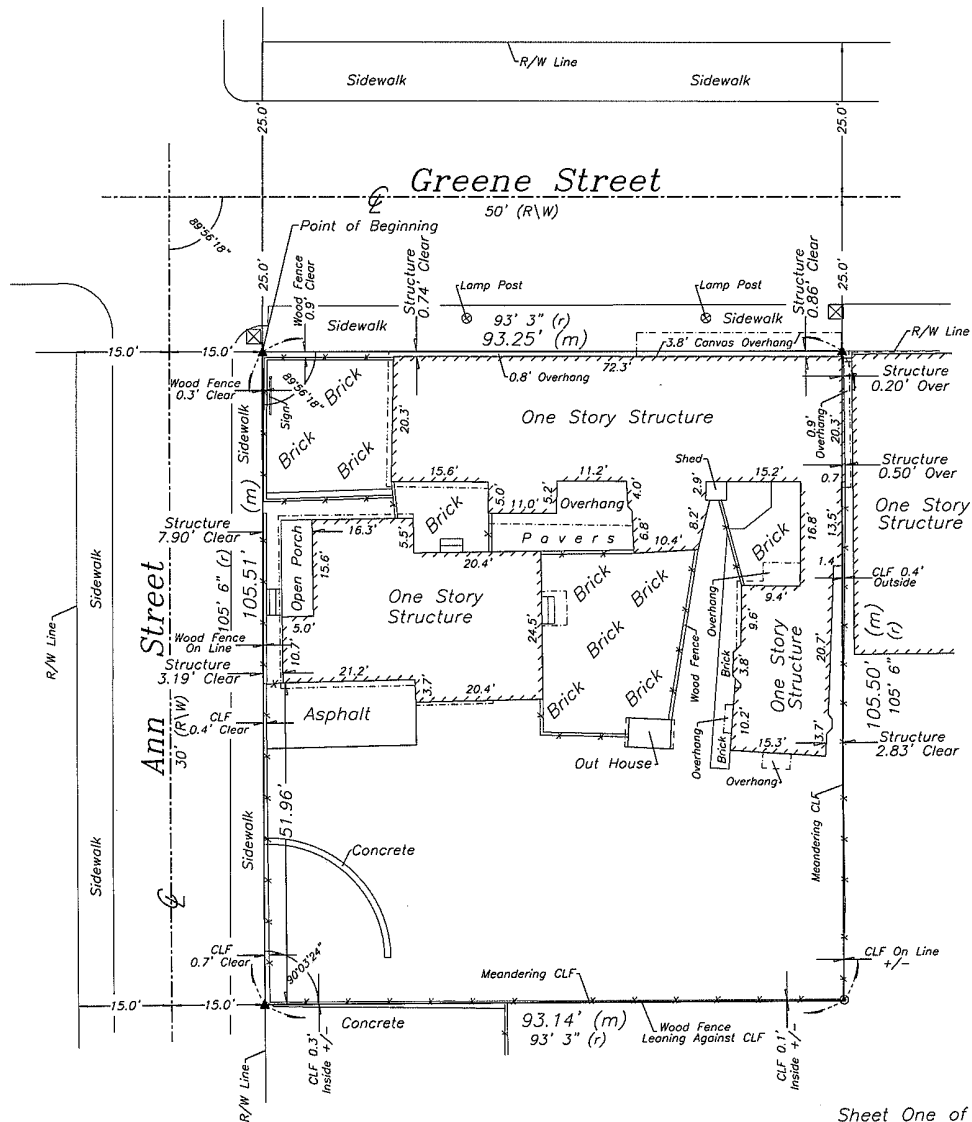
Survey



Boundary Survey Map of part of Lot 3, Square 13, of WM A. Whitehead's map of the Island of Key West

LEGEND

- ⊙ Found Permanent Reference Monument (FHH)
- Set #5 rebar w/cap (6298)
- Found 1/2" Iron Rod (2863)
- ▲ Found Nail & Disc (FHH)
- △ Set Nail & Disc (6298)
- (M) Measured
- (R) Record
- (M/R) Measured & Record
- C.B.S. Concrete Block Structure
- R\W Right of Way
- CLF Chain Link Fence
- ⊕ Centerline
- ⊗ Wood Utility Pole
- ⊠ Concrete Utility Pole
- P- Overhead Utility Lines



Sheet One of Two Sheets

NOTE:
This Survey Map is not full and complete without the attached Survey Report.

J. LYNN O'FLYNN, Inc.



Professional Surveyor & Mapper
PSM #6298

3430 Duck Ave., Key West, FL 33040
(305) 296-7422 FAX (305) 296-2244

Boundary Survey Report of part of Lot 3, Square 13, of WM A.
Whitehead's map of the Island of Key West

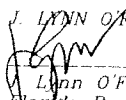
NOTES:

1. The legal description shown hereon was furnished by the client or their agent.
2. Underground foundations and utilities were not located.
3. All angles are 90° (Measured & Record) unless otherwise noted.
4. Street address: 512 Greene Street, Key West, FL.
5. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
6. Lands shown hereon were not abstracted for rights-of-way, easements, ownership, or other instruments of record.
7. North Arrow is assumed and based on the legal description.
8. This survey is not assignable.
9. Date of field work: April 22, 2009
10. Ownership of fences is undeterminable, unless otherwise noted.
11. Adjoiners are not furnished.
12. The Survey Report is not full and complete without the attached Survey Map.

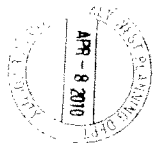
BOUNDARY SURVEY OF: On the Island of Key West, known on William A. Whitehead's map delineated in February A.D. 1829, as part of Lot Three (3) in Square Thirteen (13) Commencing at the corner of Greene and Ann Streets on the Northeasterly side of Ann Street on the Southeasterly side of Greene Street and running thence along Greene Street in a Northeasterly direction Ninety-three (93) feet and Three (3) inches; thence at right angles in a Southeasterly direction One hundred and five (105) feet and Six (6) inches; thence at right angles in a Southwesterly direction Ninety-three (93) feet and three (3) inches to Ann Street; thence at right angles in a Northwesterly direction along Ann Street One-hundred and five (105) feet and Six (6) inches to the point of beginning

BOUNDARY SURVEY FOR: Matthew McCarthy;
Recuerda Lel Alamo I, Inc;

J. LYNN O'FLYNN, INC.


Lynn O'Flynn, PSM
Florida Reg. #6298

April 28, 2009



Sheet Two of Two Sheets

J. LYNN O'FLYNN, Inc.



Professional Surveyor & Mapper
PSM #6298

3430 Duck Ave., Key West, FL 33040
(305) 296-7422 FAX (305) 296-2244

Release of Building Permit Allocation

WAIVER AND RELEASE OF BUILDING PERMIT ALLOCATION

This Waiver and Release of Building Permit Allocation is hereby made by 512 Greene Street, LLC (hereinafter "Owner"), in favor of The City of Key West, Florida, a municipal corporation (hereinafter "City"), this 13 day of January, 2010, as follows:

- A. The building permit allocation system (hereinafter "BPAS") for the City is contained in Sections 108-1056 through 1062 of the Code of Ordinances of the City of Key West (hereinafter the "Code"). The BPAS was established in order to limit the number of permits issued for permanent and transient units to 1,093 new permanent and transient units during the period beginning April 1, 1990, and ending April 1, 2002.
- B. Owner is the only owner of real property located at 512 Greene Street, Key West, Florida, (hereinafter "the Property") and more particularly described as:

Please see attached.

- C. The Property referred to in paragraph B above is currently allocated a total of 1 allocations, 1 of which are non-transient and 0 of which are transient.
- D. Owner herein expressly desires to reduce the number of allocations existing on the Property by surrendering to the City 1 allocations, 1 of which are non-transient, and 0 of which are transient.
- E. As a result of the reduction of allocations referred to in paragraph D above, Owner expressly agrees that the property shall possess a total of 0 allocations, 0 of which are non-transient, and 0 of which are transient.
- F. Owner herein expressly acknowledges that this Waiver and Release is irrevocable and made for the purpose permanently reducing the number of allocation existing on the Property. Further, Owner herein expressly acknowledges that the allocations surrendered herein shall revert to the City, and shall be subject to allocation pursuant to the BPAS.
- G. This action fulfills the associated condition as required by the City Commission on 09/15/09.

OWNER:

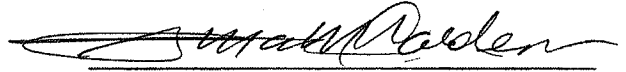
512 Greene Street, LLC, a Florida limited liability company,

PETER N. BRAUN, MANAGING MEMBER OF 512 GREEN STREET, LLC, BY AND THROUGH DAVID FLOERKE, HIS ATTORNEY IN FACT

Peter N. Braun, Managing Member of 512 Greene Street, LLC, by and through David Floerke, his attorney in fact.

STATE OF FLORIDA
COUNTY OF MONROE 2010

The foregoing instrument was sworn to and acknowledged before me this 13th day of January, 200, by David Floerke, who is personally known to me or who has produced _____ as identification and who did did not take an oath. NOTE: If a type of identification is not inserted in the blank provided, then the person executing this instrument is personally known to me. If the words "did not" are not marked, then the person executing this instrument did take an oath.



Notary Public

Susan M. Cardenas

Notary Printed Name

My Commission Expires:
(SEAL)



LEGAL DESCRIPTION

512 Greene Street, 201-205 Ann Street, Key West, FL

On the Island of Key West, known on William A. Whitehead's map delineated in February A.D. 1829, as part of Lot Three (3) in Square Thirteen (13). Commencing at the corner of Greene and Ann Streets on the Northeasterly side of Ann Street on the Southeasterly side of Greene Street and running thence along Greene Street in a Northeasterly direction Ninety-three (93) feet and Three (3) inches; thence at right angles in a Southeasterly direction One hundred and five (105) feet and Six (6) inches; thence at right angles in a Southwesterly direction Ninety-three (93) feet and three (3) inches to Ann Street; thence at right angles in a Northwesterly direction along Ann Street One-hundred and five (105) feet and Six (6) inches to the point of beginning.

Reference being had to deed recorded in Deed Book "A-4", Page 571, and deeds recorded in Book "G-21", Pages 98 - 103, in the office of the Clerk of the Circuit Court, in and for Monroe County, Florida.

Property Appraiser's Parcel Identification Number: 00001170-000000

Previous Licensing

CITY OF KEY WEST, FLORIDA

OFFICE MEMORANDUM

DATE 3/16/90

TO: TED STRADER, CITY PLANNER

FROM: CAROLYN WALKER, CHIEF LICENSING OFFICIAL *W*

SUBJECT: RESTAURANT SEATING COUNTS

As we discussed this morning, the City's history of charging impact fees for other than new developments is as follows:

About a year ago we started looking at net impact fee costs for changes of use and increased use, such as additional restaurant seating. The City had not previously calculated impact for any other than new developments. So, if a unit changed from residential to commercial, or from retail to a cafe, or from an office to a doctor's office, the City Planner began working up impact fees (net) and these would be paid before the CO was issued, or if a CO was not required, before the new occupational license was issued.

We came into a problem with restaurants. Since the highest license taxing category is 61+ seats, at \$200 a year, most of our licensing records for restaurants did not accurately reflect the exact number of seats. The assistant licensing official, Tany McCloskey, embarked on a 4 month project to count the number and type of seats in all the restaurants in town. After counting, we sent a completed form to the restaurants, confirming the seating. However, we were unable to gain access to about 15 establishments. We sent letters to these places in May, asking for an appointment, but got no response from 8, (including #1 Saloon and La Trattoria) which still remain uncounted.

The City Planner, Assistant City Attorney, City Manager, and myself met at the beginning of this project to discuss whether we could charge restaurants impact fees for increased seats, or change of type of seats (outside seating now covered, for example). The City Manager, Rick Witker, made the decision that we had no solid basis to go from, therefore, we would use this project to establish a baseline for seat counts, and charge impact fees in the future for increases or change. The project lasted from January to May. Therefore, within this period, and certainly prior to this period, existing restaurants increased seating and covered seating without paying impact fees.

Of course, we now charge impact fees for any change of use or increase of use, which has brought in much extra impact fee revenue in the past year. This is just another example of a new improved policy, and stricter compliance with the Code.

c: Bob Gray
Ron Herron

4/1/94

FOOD ESTABLISHMENT	INSIDE		OUTSIDE COVERED		OUTSIDE		ADDRESS
	TABLE	BARSTOOL	TABLE	BARSTOOL	TABLE	BARSTOOL	
Amy's Phillipino 42			* 4/2				#5 KEY TIME 50 Rest. closed - All chairs
Lotsa Pasta 48	48				* 1/6		* says for waiting only
LA Cubanita 39	15 + 19	6					601 Duval
George's Arthur's 86	16			16	54		525 Duval
Gringo's 105	75	14	16				509 1/2 Duval
Bo's -					* 4		* temporary 429 Duval
I Can't Believe I got					(419-C Duval St.)		NO TABLES - (benches only)
Florini							NOT open
Don. Ciuranni's House 225	78 + 13	BAR 9	12		113		227 Duval
Shirley's 21	27 →	27					215 Duval
Two Pools 38	28	counter 10					211-E Duval
Cuban Coffee 31	17	counter 8			6		512 Greene
El Cacique 74	57	counter 17					125 Duval
Hot Dog Wagon -					Fold up 12x		* temporary seating
Bagatelle 174	26	6	220W	54 up			115 Duval
La Crepe							closed
Yakitori 30					* 5x6		* 310 Duval Five picnic benches
Harley Hot Dog	0						432 Greene Rear

CARD FILE